

Akua Kuenyehia

Ghanaian

Ghana

List B

1. (b) Before my election to the ICC in 2003, I was a Professor of law and taught Public International Law, International Human Rights Law, Criminal Law and Gender and the Law in the University of Ghana. In addition I worked extensively on international human rights issues in relation to women. I also have a good grasp of Criminal Procedure in Ghana.

2. The qualification required for appointment to the Supreme Court of Ghana under article 128(4) of the 1992 Constitution is 15 years distinguished service as a lawyer and a high moral character and proven integrity. I was called to the bar in 1971 and started work in October 1972. I have since had an outstanding career as an academic, practising lawyer and a gender specialist as well as women's rights activist and I more than qualify for appointment to the Supreme Court of Ghana.

3. My nomination was similar to the national nomination to serve on the Supreme Court of Ghana. A number of candidates were proposed by the Chief Justice in consultation with the Attorney- General & Minister for Justice and the Judicial Council. Please note that the Judicial council is composed of the bar, bench and all relevant stakeholders. These candidates were then evaluated after which there was a consultation by the Attorney-general with the bi partisan Parliamentary Committee on Legal and constitutional Issues where the candidate was selected based on their qualifications e.t.c. The final candidate was then presented to the President for endorsement.

4. Yes

5. I am very fluent in English because I was educated in English and it is my working language and now I have a working knowledge of French since my chamber is a bi lingual one and I therefore have been working in both English and French.

6. Before I was elected to the Court in 2003. I was a Professor of law. I taught human rights and gender and also taught criminal law. As a women's rights activist I worked and published on legal issues of concern to women such as property rights, reproductive rights and violence against women at the national as well as regional and international levels. I believe that over the years I gained considerable expertise on these as well as other human rights issues, which stood me in a good stead in undertaking an assignment as a judge of the International Criminal Court.

I have legal expertise that goes far beyond violence against women and children.

Since the Rome Statute places a heavy emphasis on gender crimes as well as insists on a fair gender representation at all levels of the Court, the Second Vice President and I took the opportunity of our combined background and experiences in gender issues to organize gender training for the judges during the plenary sessions held in March and May, 2004. We invited distinguished scholars from Africa Latin America and Europe to provide the training in order to help the judges appreciate their gender responsibilities under the Rome Statute

7. a

a) Economic and Social Rights of Women: A West African Perspective. In Common Ground or Mutual Exclusion? Women's Movements & International Relations. Eds Marriane Braig and Sonja Wolte pp 160-170. Zed Books 2002.

b) Improving the Reform Process through Legal Training. In Comprehensive Legal and Judicial Development. Towards an Agenda for a Just and Equitable Society in the 21<sup>st</sup> Century. Ed Rudolf V Van Puymbroeck. The World Bank, 2001 pp 299 - 306

c) Legal Literacy and the process of Empowerment- A Personal Experience in Experiences in Capacity-Building for Ghanaian Women Editors Florence Dolphyne and Esther Ofei-Aboagye, 2001 pp 9 – 13

d) Family Law in Ghana And its Implications for Women - With Esther Ofei-Aboagye in Situational Analysis of Some Key Issues Affecting Women pp.23 – 61

e) Violence against women in Ghana - With Ellen Bortei-Doku Aryeetey in Situational Analysis of Some Key Issues Affecting Women pp.272 – 299

f) Organizing at the Regional Level - The Case of WiLDAF Published in "From Basic Needs to Basic Rights" - ed. M. Schuler Chapter 32.

g) The Impact of Structural Adjustment Programmes on Women's International Human Rights: The Example of Ghana Chap. 18 pp. 422 - 436, Human Rights of Women National Perspectives: Ed: Rebecca J. Cook. University of Pennsylvania Press, Philadelphia, 1994.

h) Legal Literacy and Law Enforcement Agencies in Ghana: Legal Literacy - A Tool for Women's Empowerment, pp 301 - 311 ed. Margaret Schuler and another. Published by OEF International 1992

i) Regional Enforcement of Human Rights: The African System: Claiming Our Place - Working the Human Rights System to Women's Advantage. Pp 95 - 99. Ed: Margaret Schuler. Published by Institute For Women Law and Development.

j) The Role of Social and Economic Rights of Women in Africa Published in "WiLDAF NEWS" - Issue Number 1, 1998 pp.4-9.

- k) 50 Years of the Universal Declaration of Human Rights and The Rights of Women in Africa - Africa Legal Aid Quarterly-July -September 1998 pp 7 - 9.
- l) Distribution of Property between Spouses or Divorce in Ghana - Vol. 18, University of Ghana Law Journal pp 94 - 108.
- m) Women and Family Law in Ghana - An Appraisal of the Property Rights of Married Women in Ghana. Vol. 17, University of Ghana Law Journal pp 72 - 99.
- m) Legal Services and Education to Grassroots Women in Ghana - Women, Law and Development in Africa Origins and Issues - pp. 117-125 - Published by OEF International, Washington, 1990.
- n) Legal Aid Services to Women in Ghana - Women, Law and Development - Action for Change; Pp. 53 – 60; Published by OEF International, Washington D.C. 1990.
- o) Alternatives to Custodial Sentences in Ghana - Proceedings of Seminar on the Treatment of Offenders in Ghana. 1989; Accra. pp. 70 - 75.
- p) The Problem of the Persistent Offender in the Ghanaian Penal System. - Vol. 15, University of Ghana Law Journal, pp. 84 - 96.

7(b) Attached

8. I believe that I possess the necessary qualifications and that with my experience of women and human rights activism within the Continent of Africa; I will be able to bring my unique perspectives to bear on the development of the jurisprudence of the Court for the benefit of all. I have already had the opportunity to work with my colleagues of Pre trial Chamber one on a number of judicial issues where together we have started the process of developing the jurisprudence of the Court. One must bear in mind that all the current situations before the Court are from Africa.

I think that my experiences as an administrator (I was Dean of the Faculty of Law, University of Ghana for 6 years) have been very helpful to me as a member of the Presidency where I am the focal point for administrative issues. My work in the past with grassroots women on legal literacy has also proved relevant to the work in the ICC especially in making inputs into the crafting of various forms and allied documents to be used by victims.

Since all of us have had to do outreach in order to enhance the image of the Court and making the Court known and understood by the outside world, my considerable speaking experience as an academic and an advocate has been very relevant in all the outreach that I have had to do since taking up my appointment.

9. Having been an ICC judge since March 2003, and having been an active participant in the process of building up such a unique institution as the ICC, I am sure that I would like to continue in my position so that I have fuller

opportunity to help stabilise the institution that will help break the cycle of impunity that is destroying so many people especially children and women, that we have all worked so hard to build.

10. The biggest challenge that I will face as an ICC judge will be to maintain my objectivity and impartiality so as to be able to discharge my responsibilities to the best of my abilities.

11. Some of the challenges that will confront the Court in its first years will be to establish its integrity, credibility and acceptability in the face of the misgivings on the part of some of the comity of states. The Court also has to be able to undertake its work in investigating and trying cases in a timely as well as cost effective manner, both of which are huge challenges considering the nature of international criminal trials. These will continue to be challenges facing the Court in the next few years.

12 (a) I do not expect any difficulties in taking an independent position. My experience of my government is that they will expect me to work according to my conscience alone and there will be no pressure or interference from them.

12(b) I will be able to make an impartial judgement as to the genuineness of an investigation by my government if the occasion were to arise.

13. I have since joining the Court had the opportunity to work extensively on victims issues ranging from participating in various working groups of Chambers and the Registry on designing participation forms and other related issues as well confronting the participation of victims in a judicial manner in my Pre Trial Chamber.

14. I have in the past done research on gender violence and have done analysis of how gender violence impacts men and women but not in a judicial context.

15(a) As a member of the Board of Directors of Women in Law and Development in Africa in 1993, I was actively involved with other NGOs at the UN World Conference on Human Rights in Vienna, Austria, in ensuring that the Final document adopted recognised women's rights as human rights. This was a major step forward for the women's' rights movement.

Again as a member of the Board of WILDAF I participated in the meetings of the African Commission on Human and People's Rights and helped advocate for the drafting of the Additional Protocol to the African Charter on Human and People's Rights on the Rights of women. I also participated in national meetings to discuss the additional Protocol on the Rights of women to make various inputs in order to ensure that the document is responsive to the

needs of African women. This document has since been adopted by the African Union.

In March 1998 I was part of a team of resource persons invited by the UN Division on the Advancement of Women to observe and report on the negotiations by State Parties on the adoption of the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)

In May 1992, I was invited by the UN Division on the Advancement of Women as one of 10 experts to deliberate on the issue of Increased Awareness of Women of their Rights including Legal Literacy in Bratislava. I had the honour of being elected to chair that week long meeting. I believe that the outcome of the deliberations at that meeting was part of the input in the Beijing Platform for Action on the achievement of legal literacy by women.

15(b) I was a member of the Board of WILDAF from 1991 to 1998. During that period I served as the Chair of the Board from 1995 to 1997 and I have described my experiences there in my answer to questions 8 and 15(a) above. I am still a member and Chair of the National Executive Committee of WILDAF and in that capacity I continue to work on various human rights issues of concern to women.

From June 1993 to October 1997, I served on the Board of the International Centre for Human Rights and Democratic Development in Montreal, Canada. This is a Non Governmental Organisation set up by the Canadian government and it has three non- Canadians on its Board representing Africa, Latin America and Asia. During my term of Office I worked with the Staff of the Africa section on various human rights issues including impunity and violence against women as well as other human rights issues. I attended the meeting of OAU in Yaoundé, Cameroon to lobby for the adoption of a strong stance against impunity by the Heads of States and Governments.

I have been a member of the Board of Directors of Women Law and Development International an International NGO based in Washington DC working on women's human rights issues since 1993 and I have participated in various activities of the Institute some of which have resulted in publications on women's rights issues noted in my CV. 16. No

17. No

18. No.

I think that by maintaining an objective approach and focusing on the task of the Statute I shall be able to meet the expectation of fairness and impartiality.

19. Yes. I have been doing just this in the almost three years that I have been at the Court and by God's grace I expect to continue to do so.

20. No