

IN THE SECOND MEETING OF THE THIRD SESSION OF THE SIXTH PARLIAMENT
OF THE FOURTH REPUBLIC OF GHANA

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REPORT
OF THE
COMMITTEE OF PRIVILEGES

ON

ALLEGED CONTEMPTUOUS REMARKS MADE BY
MR. ABUBAKAR AHMED, a.k.a. BLAKK RASTA
ON HITZ FM ENTERTAINMENT NEWS THAT
'EIGHTY PERCENT (80%) OF MEMBERS OF
PARLIAMENT SMOKE "WEE"'

JULY 2015

REPORT OF THE COMMITTEE OF PRIVILEGES ON ALLEGED CONTEMPTUOUS REMARKS
MADE BY MR. ABUBAKAR AHMED, a.k.a. BLAKK RASTA ON HITZ FM ENTERTAINMENT
NEWS THAT 'EIGHTY PERCENT (80%) OF MEMBERS OF PARLIAMENT SMOKE "WEE"'

1.0 INTRODUCTION

The Hon. Member for Afigya-Sekyere East, Mr. David Henric Yeboah made a complaint on Thursday, 18th June 2015, in which he drew the attention of the Rt. Hon. Speaker and the House to some remarks allegedly made by Mr. Abubakar Ahmed, a.k.a. Blakk Rasta, on "Hitz FM Entertainment News" programme which was reported in the Wednesday, 17th June, 2015 Edition of the Daily Searchlight Newspaper with adomonline.com as its source that "80% of Parliamentarians smoke 'wee'" (Indian hemp).

The Hon. Member maintained that in his view, the alleged remarks were in contempt of Parliament, as to the best of his knowledge, the statement was untrue. He therefore prayed the Rt. Hon. Speaker to refer the conduct of Mr. Abubakar Ahmed to the Committee of Privileges for investigation and report.

Having regard to the complaint and the sentiments expressed by Hon. Members including the fact that 'wee' smoking constitutes an offence under the laws of the Republic, the Rt. Hon. Speaker, pursuant to Standing Order 31 referred the conduct of Mr. Abubakar Ahmed to the Committee of Privileges for investigation and report.

2.0 REFERENCE DOCUMENTS/MATERIALS

The Committee in discharging its mandate referred to the following documents and materials:

- i. The 1992 Constitution
- ii. The Parliament Act, 1965 (Act 300)
- iii. Interpretation Act, 2009 (Act 792)
- iv. The Standing Orders of Parliament
- v. Erskine May, Parliamentary Practice, The Twenty Fourth Edition
- vi. The Official Report of Proceedings of the House for Thursday, 18th June, 2015
- vii. The Wednesday, 17th June, 2015 Edition of the Daily Searchlight Newspaper
- viii. Documents and Materials tendered in evidence

3.0 METHODOLOGY

The Committee adopted the under-listed as methodology for the enquiry:

- i. Study and examination of
 - material evidence in relevant newspaper publication

- o audio recordings on the alleged contemptuous remarks
- ii. Summoning of and attendance by the principal witness and other witnesses to give evidence in relation to the alleged contemptuous remarks;
- iii. Examination of written and oral evidence led by witnesses;
- iv. Cross examination of witnesses on account of evidence led;
- v. Cross examination of witnesses by the principal witness and vice versa on evidence led; and
- vi. Re-examination of principal witness on account of summary of evidence from entire proceedings.

4.0 PROCEEDINGS OF THE COMMITTEE

The Committee held a total of three (3) sittings to consider the referral. Even though members of the Press were not invited to cover the evidence session, the Committee, having regard to the nature of the allegation and the concerns it had generated, permitted members of the Press who were in attendance to cover the proceedings. The Witnesses who took turns to subscribe to the oaths administered by the Committee prior to giving their respective evidence were as follows:

- i. Hon. David Hennric Yeboah – Complainant (Member for Afigya-Sekyere East)
- ii. Abubakar Ahmed, a.k.a. Blakk Rasta – Principal Witness
- iii. Mr. George Mbea – Witness (Corporate Human Resource Manager, Multi-Media Group)
- iv. Mr. Ken Kuranchie – Witness (Editor-in-Chief of the Daily Searchlight Newspaper)
- v. Mr. Mark Okraku Mante – Witness (Programmes Coordinator, Hitz FM)

5.0 MATERIALS / EVIDENCE TENDERED BEFORE COMMITTEE

The under-listed materials were tendered in evidence by witnesses summoned before the Committee:

- i. Daily Searchlight Newspaper (Wednesday, 17th June, 2015 Edition) (Exhibit A)
- ii. Audio Recording of Hitz FM Entertainment News (Exhibit B)

6.0 EVIDENCE

The evidence session of the Committee was held on Thursday 25th June, 2015 during which session the Complainant, the Principal Witness and the other witnesses at the request of the Committee took turns to lead evidence and were cross examined as considered appropriate.

6.1 Evidence of Complainant

In his evidence, Hon. David Hennric Yeboah informed the Committee that he read from the Wednesday, 17th June, 2015 Edition of the Daily Searchlight Newspaper in which Mr. Abubakar Ahmed, a.k.a. Blakk Rasta, was reported to have said that eighty percent (80%) of Members of Parliament smoke "wee" (Indian hemp). Hon. David Hennric Yeboah indicated that the remarks, in his view, constituted contempt of Parliament.

He indicated further that the contemptuous remarks by Mr. Abubakar Ahmed sought to bring the name of Parliament into disrepute and also thwart Ghana's efforts at fighting narcotics in the global community.

He drew attention of the Committee to Standing Order 30(2) relating to conduct constituting breach of privilege or contempt of Parliament to include "any act or omission which affronts the dignity of Parliament or which tends either directly or indirectly to bring the name of Parliament into disrepute". He therefore submitted that the Principal Witness was in contempt of Parliament since in his view, Mr. Abubakar Ahmed's comment was an *'affront to the dignity of Parliament and sought to bring the name of Parliament into disrepute.'* He therefore called for Mr. Ahmed's punishment in accordance with the rules of the House.

He finally tendered in evidence the Wednesday, 17th June, 2015 Edition of the Daily Searchlight Newspaper to substantiate his case against the Principal Witness.

6.2 Cross examination of the Complainant by Counsel for Principal Witness

Counsel for the Principal Witness, Mr. Thaddeaus Sory at the invitation of the Committee cross examined the Complainant. Counsel asked the Complainant whether he did his checks from the publishers of the Daily Searchlight Newspaper and adomonline.com before lodging his complaint on the floor of the House and the Complainant answered in the negative.

Following up on the response of the Complainant, Counsel sought initially to refute the entire publication referred to by the Complainant and emphatically stated that the publication could not be attributed to his client.

Counsel subsequently back-tracked from his initial stance by confirming that *some* portions of the publication were indeed attributable to his client. Counsel however did not specifically state the portions he believed were attributable to his client. Neither did he indicate the aspects of the publication not attributable to his client.

6.3 Evidence of Principal Witness

The Principal Witness, Mr. Abubakar Ahmed was apologetic in his testimony. He stated that he did not intend to denigrate Members of Parliament nor impugn the integrity of the House. He was only alluding to the fact that legalising Indian Hemp could be a very profitable venture which could earn the country enough resources. He stated further that he did not actually accuse MPs of smoking "Indian Hemp". The Committee deferred further hearing of his testimony until the Audio Recording of Hitz Entertainment News was played to the hearing of all for the substantiation or otherwise of the claim for or against the Principal witness.

7.0 Evidence of other Witnesses

i. Editor-in-Chief, Daily Searchlight Newspaper

Mr. Ken Kuranchie, a Journalist and Editor-in-Chief of the Daily Searchlight Newspaper in his evidence confirmed that his newspaper published the alleged contemptuous remarks attributed to Mr. Abubakar Ahmed and cited adomonline.com as his source.

Responding during cross examination on whether he cross checked from the principal witness about the factual accuracy of the alleged contemptuous remarks prior to publishing same in his newspaper, he responded in the negative. He explained that he did not cross check his source prior to publishing because he relied on the mutual credibility between his outfit and other partners such as adomonline.com. He accordingly apologised to the Committee and the principal witness about his inability to cross check his sources.

Mr. Kuranchie also drew the attention of the Committee to an editorial he published on the matter in the same edition of the paper containing the alleged contemptuous remarks. He indicated that in his editorial on the alleged remarks, he chastised Mr. Abubakar Ahmed for those comments even though he had not contacted him to confirm or deny.

ii. C.E.O. Multi-Media Group

Mr. George Mbeah, Corporate Human Resources Manager of the Multi-Media Group, also appeared before the Committee on behalf of the C.E.O. of the Group who had then travelled out of the jurisdiction.

He accordingly tendered in evidence an audio recording (Exhibit B) containing the alleged contemptuous remarks made by the Principal Witness as his evidence.

In his response to cross examination on whether he had read the publication of the Daily Searchlight Newspaper on the alleged contemptuous remarks made by the Principal Witness, Mr. Mbeah responded in the negative. On a further question about whether he had listened to the tape he tendered in evidence to the Committee; he again replied in the negative. He explained that he did not listen to the tape because he was attending upon the Committee together with the Programmes Coordinator of Hitz FM who was in a better position to speak to the contents of the audio recording.

Regarding the question of whether the Multi-Media Group had laid down rules to regulate the conduct of its staff particularly, their show hosts, he indicated that the Group had comprehensive rules to that effect.

On the issue of ensuring that the right content is put on the air waves, Mr. Mbeah indicated that every programme on the Group's platform had a Programmes Coordinator and a Producer who ensure that all the programmes complied with the ethics of broadcasting.

Mr. Mbeah also drew the attention of the Committee to an apology rendered by the Programmes Coordinator of Hitz FM on Adom FM for the alleged contemptuous remarks.

Responding to a question by Counsel for the Principal Witness on whether he was aware that his client, the Principal Witness had contacted the Editor of Adom FM to cause the Editor of adomonline.com to "drop the news story", Mr. Mbeah responded in the negative.

iii. Programmes Coordinator, Hitz FM

The evidence of Mr. Mark Okraku Mantey, the Programmes Coordinator of Hitz FM confirmed that the contemptuous remarks were made on the Hitz FM Entertainment News and not the Taxi Driver show, and were indeed attributable to Mr. Abubakar Ahmed, a.k.a. Blakk Rasta.

He confirmed to the Committee during cross examination his role in Hitz FM as the Programmes Coordinator. He also confirmed that it was his duty to ensure the broadcasting of right content for all the programmes aired on Hitz FM.

Mr. Mantey again during cross examination intimated that, Mr. Abubakar Ahmed was indeed the Host of Hitz FM programme dubbed "TAXI DRIVER" which the Daily Searchlight Newspaper cited as the platform on which Mr. Abubakar Ahmed made those contemptuous remarks against Parliament. He however categorically denied that the said contemptuous remarks were made during the Hitz FM programme dubbed "TAXI DRIVER".

According to Mr. Mantey the contemptuous remarks were indeed made by Mr. Abubakar Ahmed rather in an interview Mr. Abubakar Ahmed granted as a reggae musician and not as a member of staff of Hitz FM.

Mr. Mantey informed the Committee about the audio recording which was tendered in evidence by the Corporate Human Resources Manager of the Multi-Media Group containing the "Taxi Driver" programme and the interview the Principal Witness granted on Hitz FM Entertainment News for the information of the Committee.

Accordingly, the audio recording was played back to the hearing of all present to ascertain the truthfulness or otherwise of the claim against the Principal Witness.

8.0 THE CASE AGAINST THE PRINCIPAL WITNESS

The Committee after playing back the audio recordings to the hearing of all present confirmed that:

- a. the testimony of the Programmes Coordinator that the alleged contemptuous comments made by the Principal Witness were not made on the "Taxi Driver" Programme" on Hitz FM, but rather in an interview he granted on Hitz FM Entertainment News.
- b. Mr. Abubakar Ahmed indeed made the alleged contemptuous remarks against Parliament that 80% of Members of Parliament "smoke 'wee'" (Indian hemp).

Although the Principal Witness was offered the opportunity to cross examine the Programmes Coordinator and the Corporate Human Resources Manager of the Multi-Media Group on the content of the audio recordings, neither he nor his counsel did so.

9.0 CROSS EXAMINATION OF PRINCIPAL WITNESS BY THE COMMITTEE

Counsel for the Principal Witness, having listened to the content of the audio recording admitted that the remarks made by his client were indeed contemptuous and at that point rendered an unqualified apology on behalf of his client to the House.

The Committee also granted audience to the Principal Witness; who broke down and unreservedly apologised for his comments against the august House.

Before he was discharged, the Committee drew the attention of Mr. Abubakar Ahmed to the following contemptuous statements he had allegedly made on other social media platform against Parliament following the complaint against him on the floor of Parliament.

- "Ghana should get wiser like other countries that have legalised the use of "marijuana"
- "I am not afraid of Parliament"
- "Ghana's Parliament is too small for me"
- "the work I currently do is bigger than the work of an MP"

The Principal witness however denied making the above statements.

10.0 FINDINGS

10.1 Principal Witness

The Committee, considering the totality of evidence adduced by the Complainant, the other witnesses and having regard to the content of the exhibits as well as the Principal Witness's own subsequent admission of liability for the contemptuous remarks, concluded that indeed a case of contempt of Parliament has been established beyond doubt against Mr. Abubakar Ahmed, a.k.a. Blakk Rasta.

10.2 Hitz FM Radio and Multi Media Group

The Committee found that the conduct of Hitz FM Radio and the Multi-Media Group, on whose platform the contemptuous remarks were made against Parliament, amounted to editorial

indiscretion. The Committee held the view that, basic ethics and standards in journalism require that when an allegation is made on a particular media platform against another person, especially where that person is not present to raise a defence or provide explanation, the person making the allegation is immediately requested to retract; failing which a journalist "worth his or her salt" would distance himself or herself from such remarks by officially making a pronouncement to that effect.

In the particular case in point, the Committee was reliably informed that the Principal Witness, on noticing that his response to the interviews on Hitz FM Entertainment News on 'legalisation of Marijuana' had raised concerns in the public domain immediately called for his responses to the interview to be "pulled down" from the adomonline.com website.

There was however no indication that the Multi-Media Group ever publicly cautioned the Principal Witness vis-à-vis the wide publicity the contemptuous comments of Mr. Abubakar Ahmed against Parliament had gained.

11.0 SANCTIONS REGIME FOR CONTEMPT OF PARLIAMENT

The Committee, having established a prima facie case of contempt of Parliament against Mr. Abubakar Ahmed also examined the available options in terms of sanctions which the House could impose as punishment for the conduct. In this regard, the Committee had recourse to the provisions of the Constitution and the Parliament Act, 1965 (Act 300) which provide for the case of contempt of Parliament and the requisite sanctions regime as applicable to Members, Officers and strangers.

Articles 122 and 123 of the Constitution provide as follows:

- "122. *An act or omission which obstructs or impedes Parliament in the performance of its functions or which obstructs or impedes a member or officer of Parliament in the discharge of his duties, or affronts the dignity of Parliament or which tends either directly or indirectly to produce that result, is contempt of Parliament.*
- "123. *Where an act or omission which constitutes contempt of Parliament is an offence under the criminal law, the exercise by Parliament of the power to punish for contempt shall not be a bar to the institution of proceedings under the criminal law.*

The Parliament Act, 1965 (Act 300) also provides as follows.

- a. Section 26 of Act 300 provides generally for contempt as follows:

"An act which impedes or tends to impede Parliament in the performance of its functions, or affronts the dignity of Parliament, is a contempt of Parliament, and the setting forth in this Act of particular contempts shall not be taken to affect the generality of this section."

- b. Section 41 of Act 300 relates specifically to sanctions applicable to strangers found to be in contempt of Parliament and states that:

"When a stranger is found by Parliament to be guilty of contempt of Parliament, Parliament may order the stranger to appear at the bar of Parliament at a time specified in the order to be reprimanded by the Speaker."

- c. Order 7 of the Standing of Orders of Parliament defines a "stranger" as *"any person other than the President, Vice-President, Mr. Speaker, Ministers and Deputy Ministers who are not Members of the House, a Member, or an officer of the House."*

- d. Section 43 of Act 300 also provides for the criminal prosecution of strangers in contempt of Parliament as follows:

"(1) A stranger who is guilty of contempt of Parliament is liable to a fine not exceeding two hundred and fifty penalty units or a term of imprisonment for one year or both the fine and the imprisonment."

"(2) Proceedings taken in respect of an act under one or more of sections 34 to 42 of this Act shall not affect the liability of a person to prosecution and punishment in respect of that act under this section or any other enactment."

"(3) Subject to article 88 of the Constitution, Parliament may order the Attorney-General to prosecute a person whom it suspects to have committed a contempt of Parliament which constitutes an offence under this section or any other enactment."

12.0 Recommendation and Conclusion

The Committee having carefully considered the totality of the evidence gathered concluded that Mr. Abubakar Ahmed was indeed in contempt of Parliament for the remarks he made that "Eighty percent (80%) of Members of Parliament smoke wee" (Indian hemp).

The Committee, pursuant to sections 41 and 43(1) and (2) of the Parliament Act, 1965 (Act 300) as stated above, recommends for the consideration of the House, the following sanctions to be administered against Mr. Abubakar Ahmed:

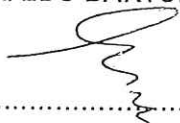
- a. That Mr. Abubakar Ahmed be ordered to appear at the Bar of the House for reprimand.
- b. That Mr. Abubakar Ahmed, whilst at the bar of the House, render an unqualified apology to the House, purging himself of the contempt.

The Committee calls on the Multi-Media Group and indeed all media houses both print and electronic to ensure that their respective platforms are not used to denigrate Parliament as such conduct would be made to attract appropriate sanctions.

Furthermore Media Practitioners are admonished to be very responsible in their coverage and reportage and should take reasonable steps to maintain sanity on their respective platforms and adhere to the ethics and standards of good journalistic practice.

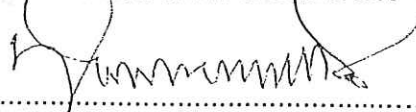
Respectfully Submitted.

MR. EBO BARTON-ODRO



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CHAIRMAN, COMMITTEE OF PRIVILEGES

EBENEZER AHUMAH DJETTOR



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CLERK, COMMITTEE OF PRIVILEGES

23RD JULY, 2015