

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

**REPORT
OF THE
COMMITTEE OF PRIVILEGES**

ON



**ALLEGED CONTEMPTUOUS REMARKS MADE
AGAINST HON. MEMBERS OF PARLIAMENT BY
PROF. ALEX DODOO IN THE MEDIA FOLLOWING
COMMENTS BY MEMBERS ON THE SUSPENDED
PHASE I EBOLA VACCINE TRIAL EXERCISE IN
THE HOHOE MUNICIPALITY OF THE VOLTA
REGION**

JULY 2015

REPORT OF THE COMMITTEE OF PRIVILEGES ON ALLEGED CONTEMPTUOUS REMARKS
MADE AGAINST HON. MEMBERS OF PARLIAMENT BY PROF. ALEX DODOO FOLLOWING
COMMENTS BY MEMBERS ON THE SUSPENDED PHASE I EBOLA VACCINE TRIAL
EXERCISE IN THE HOHOE MUNICIPALITY OF THE VOLTA REGION.

1.0 INTRODUCTION

The Hon. Member for Ho West, Mr. Emmanuel Kwasi Bedzrah pursuant to Standing Order 73 drew the attention of the Rt. Hon. Speaker and the House on Tuesday, 16th June 2015 to some alleged contemptuous remarks made against Hon. Members by Prof. Nii Otoo Alex Dodoo on TV3 Network and subsequently reported in other print and electronic media to the effect that Hon. Members were commenting on issues out of ignorance and that if Hon. Members had no knowledge on the subject matter, they should "shut up." The alleged contemptuous remarks related to the Hon. Member's statement and contributions made thereon by Members on the floor of the House calling for the suspension of a Phase I Ebola Vaccine Trial exercise in the country. The Hon. Member indicated that in his view, the alleged contemptuous remarks did not just seek to interfere with the right of Members to speak to matters affecting the interest and wellbeing of their constituents but also sought to denigrate the House. He therefore prayed the Rt. Hon. Speaker to refer the conduct of Prof. Dodoo to the Committee of Privileges for investigation and report

The Rt. Hon. Speaker having regard to the complaint and the sentiments expressed by Hon. Members on same, referred the conduct Prof. Alex Dodoo to the Committee of Privileges for investigation and report pursuant to Standing Order 31.

2.0 REFERENCE DOCUMENTS

The Committee in considering the referral had recourse to the under-listed documents and materials

- i. The 1992 Constitution
- ii. The Parliament Act, 1965 (Act 300)
- iii. Public Health Act, 2012 (Act 851)
- iv. The Interpretation Act, 2009 (Act 792)
- v. The Standing Orders of Parliament
- vi. Erskine May, Parliamentary Practice, (the Twenty Fourth Edition)
- vii. The Official Report of Proceedings of the House for Tuesday, 16th June, 2015
- 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
 - audio and video 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 Four (4) sittings to consider the referral. Even though the Media houses 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 the members of a number of press houses who were in attendance to cover the proceedings. Both the Complainant and Witnesses mentioned below, who had been summoned by the Committee, took turns to subscribe to the oaths administered by the Committee prior to giving their respective evidence.

- i. Mr. Emmanuel Kwasi Bedzrah – Complainant and MP, Ho West
- ii. Prof. Alex Dodo – Principal Witness and Lecturer, University of Ghana Medical School.
- iii. Ms. Helen Adjoa Ntoso – Witness, MP (Krachi West) & Volta Regional Minister
- iv. Mrs. Bernice Heloo Adiku (Dr) – Witness, MP (Hohoe) & Deputy Minister for Environment, Science, Technology and Innovation.
- v. Mr. Hudu Mogtari – Witness & CEO, Food & Drugs Authority
- vi. Mr. Francis Ankrah – Representative of Ghana Academy of Arts and Sciences
- vii. Mr. Gabriel Bosompem – Witness & Representative of TV 3 Network

5.0 DOCUMENTS AND MATERIALS TENDERED IN EVIDENCE

The following documents and materials were tendered in evidence:

- i. Invitation Letter from the School of Public Health of the University of Health and Allied Sciences to Paramount Chiefs and Queen Mothers of the Hohoe Traditional Area (Exhibit A)
- ii. Press Statement by the Ghana Academy of Arts and Sciences on the Proposed Phase II Clinical Trial on a Vaccine for Ebola Virus Disease in Ghana Tendered in by Hon. Emmanuel Kwasi Bedzrah (Exhibit B)
- iii. Press Statement by the Ghana Academy of Arts and Sciences on the Proposed Phase II Clinical Trial on a Vaccine for Ebola Virus Disease in Ghana Tendered in by Mr. Francis Ankrah (Exhibit C).
- iv. Press Statement in Response to Issues raised by the Ghana Academy of Arts and Sciences on the Proposed Vaccine against Ebola Virus Phase II Clinical Trials in Ghana and Questions by the general public issued by Prof. Fred Binka, Prof. Kwadwo Koram, Dr. Kwaku Poku and the Investigating Team (Exhibit D).
- v. Comments by the Ghana Academy of Arts and Sciences on Response by the Principal Investigators to the Academy's Press Statement on the Proposed Phase II Clinical Trial of Ebola Vaccine (Exhibit E).
- vi. Report of a Technical Sub-Committee Proposed By the Sciences Section to Advise Council on News of an Impending Ebola Vaccine Trial in Ghana (Exhibit F).
- vii. Video Recording of TV 3 Network on the Interview Prof. Alex Dodoo granted (Exhibit G)

6.0 EVIDENCE OF COMPLAINANT

In his evidence, Hon. Member for Ho West, Mr. Emmanuel Kwasi Bedzrah, informed the Committee that he watched TV 3 prime time News dubbed News 360 in which Prof. Alex Dodoo granted an interview on the Network on the Ebola vaccine trial and in the process made some contemptuous remarks against Hon. Members to the effect that Hon. Members were commenting on issues out of ignorance and that if Hon Members had no knowledge on the subject matter, they should "shut up".

He indicated that, the alleged contemptuous remarks related to his statement on the matter and contributions made thereon by Members on the floor of the House calling for the suspension of the Ebola Vaccine Trial exercise in the country. The Hon. Member again indicated that in his view, the alleged contemptuous remarks did not only seek to interfere with the right of Members to speak to matters affecting the interest and wellbeing of their constituents but also sought to denigrate the House.

According to Hon. Bedzrah, Prof. Dodoo, in the said interview on TV 3 Network, described Hon. Members as being ignorant about the vaccine trial and should therefore "shut up".

He further indicated that the contemptuous remarks made by Prof. Alex Dodoo sought to bring the name of Parliament into disrepute and to restrain Members from freely expressing themselves on the floor of Parliament on matters affecting the interest and wellbeing of the people they represent in the House.

He drew attention of the Committee to article 115 of the Constitution and Standing Order 20 which provides that "There shall be freedom of Speech, debate and proceedings in Parliament shall not be impeached or questioned in any court or place out of Parliament" He therefore submitted that the Principal Witness was in contempt of Parliament since in his view, Prof. Dodoo's comments tended to restrain Members from speaking to issues affecting their constituents whom they legitimately represent as well as denigrate Parliament. He therefore called for Prof. Dodoo's punishment in accordance with the rules of the House.

6.1 Cross examination of the Complainant by the Counsel of the Principal Witness

Counsel for the Principal Witness, Mr. Yonny Kulendi, at the invitation of the Committee cross examined the Complainant. Counsel asked the Complainant whether he knew the state institution that was responsible for such scientific trials; to which the Complainant affirmed as the Food and Drugs Authority.

On Counsel's question of whether the Complainant made his checks with the Food and Drugs Authority on the purported vaccine trial prior to making the statement, he responded in the negative and reiterated the urgency of the matter as the basis for proceeding on that path. He stressed that the rules of the Parliament permitted matters of urgent public importance to be raised for attention and action. He further informed the Committee that the statement yielded the desired results as the Hon. Minister for Health halted the trial test and subsequently apprised the House on the matter. Counsel asked Hon. Bedzrah whether he stated in his statement that organizers of the vaccine trials had started recruiting participants for the exercise to which question the Complainant answered in the affirmative.

On the question of whether the Complainant was aware that the Hon. Minister for Health in apprising the House did not make mention of any recruitment of participants by organisers of the test trial; he affirmed in the positive.

6.2 Cross examination of the Complainant by the Committee

Responding to the question of what motivated him to make that statement calling for the suspension of Ebola Vaccine Trial in the Hohoe Municipality, Hon. Bedzrah informed the Committee that he received many calls from fear stricken people of the Region regarding an Ebola vaccine trial to be undertaken in the Region. He indicated that, upon receipt of a number of such

desperate calls from constituents, he was left with no other option but to contact stakeholders particularly from the Hohoe area to confirm the truthfulness or otherwise of the story.

According to the Complainant, he, in the process, chanced upon a letter signed by the Acting Dean of the School of Public Health of the University of Health and Allied Sciences, Dr. Margaret Kweku inviting Paramount Chiefs and Queen Mothers within the Hohoe Municipality to a meeting at the Hohoe Traditional Council on Wednesday, 22nd April, 2015 on the impending Phase I Ebola Vaccine Trial in the Hohoe Municipality.

The Complainant informed the Committee that, agitations in the Region started mounting and that compelled the NDC Party in the Volta Region to meet to consider the matter after which the NDC Caucus in the Region decided that a statement be made to bring the matter to the urgent attention of Parliament.

On the question regarding the objective of the Statement, he informed the Committee that the statement was intended to bring to the notice of the House the seriousness of the matter and to pray the House to suspend the trial test and to also invite the Hon. Minister for Health to apprise the House on the matter before any further action.

On the issue of whether or not he had contacted relevant stakeholders before making the statement, Hon. Bedzrah responded in the negative and indicated that his inability to do the checks was due to the urgent nature of the matter vis-à-vis the fears expressed by constituents. He referred to a Press Statement issued by the Ghana Academy of Arts and Science on the Ebola Vaccine Trial in the country advocating caution on the matter and that to him, that caution statement of the Ghana Academy of Arts and Science was sufficient enough for him to proceed on that path.

He informed the Committee that information he gathered from the Region was that the organisers of the trial had even started recruiting participants for the exercise and that each participant was promised GH¢200.00 and a mobile phone. He noted that he received this information from people from the Volta Region. He indicated further that Prof. Fred Binka of the University of Health and Allied Sciences was one of the Principal Investigators for the trial test.

Hon. Bedzrah accordingly tendered in a letter signed by the Acting Dean of the School of Public Health of the University of Health and Allied Sciences and the Press Statement issued by the Ghana Academy of Arts and Sciences on the Ebola vaccine trial. The Committee accordingly labeled the two documents as Exhibits A and B respectively.

7.0 EVIDENCE OF WITNESSES

7.1 Evidence of Principal Witness

The Chairman, before proceeding to receive the evidence of the Principal Witness drew attention of Members that, on Tuesday, 30th June, 2015 the Committee received a letter from Counsel for the Principal Witness informing the Committee of his client's inability to attend upon the Committee on Thursday, 2nd July, 2015 due to long standing international commitments the Principal Witness

had to honour and accordingly sought permission of the Committee to enable Prof. Doodoo travel outside the jurisdiction to discharge that obligation. The letter indicated that Prof. Alex Doodoo would want to appear before the Committee at a future date and time after the 4th July, 2015 subject to the convenience of the Committee. The Chairman noted that the Committee accordingly granted his request.

7.2 Evidence of Principal Witness - Preliminary Comments by Counsel of the Principal Witness

Counsel for the Principal Witness in his preliminary remarks sought leave for clarification on whether the Committee would adopt a full-fledged trial procedure or an investigative approach in its proceedings.

The Chairman informed counsel for the Principal Witness that the mandate of the Committee was to enquire into a complaint of contempt of Parliament. To allay the fears of Counsel, the Clerk at the request of the Chairman read out the relevant provisions of the Standing Orders regarding the mandate of the Committee of Privileges including in particular the following:

Standing Order 164 (2)

"It shall be the duty of the Committee of Privileges, by the order of the House, to enquire into any complaint of contempt of Parliament or breach of privilege or any matter of privilege which may be referred to it and to recommend to the House such action as the Committee may consider appropriate".

7.3 Apology by Counsel on Behalf of the Principal Witness to the House

Counsel for the the Principal Witness having concluded his preliminary remarks sought further leave of the Chairman to apologise to the Committee and the House on behalf of his client, the Principal Witness.

Counsel stated that: *"Prof. Doodoo held Parliament in high esteem and could not have insulted and would not insult the House. It is not even compatible with his status, his character, his enlightenment and even the kind of work he does to bring himself to the point that he can say something which is a direct affront or that is demeaning of this House and therefore to the extent that this House, whether directly or indirectly, takes the slightest view that his comments were an affront to the dignity of this House, he profusely apologises.*

He described Prof. Doodoo as a drug and vaccine safety vigilante and suggested that as happens often when speaking, Prof. Doodoo might have, in the heat of the debate and discourse on the Ebola vaccine trial "overrun the runaway" without realising he had done so. The Prof. takes ashes and sackcloth and says that he could not have meant to disrespect the House, let alone this august institution, he said, adding that since speech was fluid, Prof. Doodoo could have been " a victim of the speech of the tongue"

7.4 Evidence of other Witnesses

i. Ms. Helen Adjoa Ntoso – Witness, MP (Krachi West) & Volta Regional Minister

The Regional Minister in her evidence denied knowledge in terms of any formal notification on the vaccine trial in the Volta Region. She informed the Committee that, her attention was drawn to the vaccine trial in the region when she started receiving incessant desperate calls from citizens of the region particularly from Hohoe and its environs on the impending vaccine trial.

According to the Regional Minister, mounting agitations from people from the region compelled her to summon the Hohoe Municipal Chief Executive (MCE), Mrs. Margaret Kweku who doubled as Acting Dean of the School of Public Health, University of Health and Allied Science as well as a focal person to the vaccine trial to be apprised on the matter. The Regional Minister informed the Committee that, the MCE denied any knowledge about Ebola vaccine trial; but rather informed her of plans towards sensitization of people on the disease within the Municipality.

After summoning the MCE for the area, she also invited other DCE's from the Region to further deliberate on the matter at which forum the MCE for Hohoe again was made to apprise them on the vaccine and it was at this point that it came to their notice that processes were being initiated by the organizers to screen healthy people to participate in the vaccine trial.

According to the Regional Minister, when the Hon. Minister for Health made his statement on the floor of Parliament on the matter, she had the opportunity to contribute to the statement and submitted that she was not aware of any vaccine trial in the region.

ii. Mrs. Bernice Adiku Heloo (Dr.) – Witness, MP (Hohoe) & Deputy Minister for Environment, Science, Technology and Innovation

The Hon. Member for Hohoe in her evidence also denied knowledge of the purported Ebola vaccine trial in her constituency and informed the Committee that her attention was drawn to the intended vaccine trial through rumors and incessant desperate phone calls from some constituents. The Member again informed the Committee that she only knew of general awareness creation on the Ebola disease by a non-Governmental Organisations and the M.C.E. of the Hohoe Municipal Assembly.

Pursuant to those phone calls, she called many people from the constituency to confirm the truthfulness or otherwise of the story but could not receive the right information. She indicated that considering the seriousness of the matter, she contacted the MCE for Hohoe who informed her that, there was no Ebola vaccine trial exercise in the area but rather general awareness creation on the Ebola disease was being conducted.

Dr. Heloo further informed the Committee that through her interaction with some of her constituents, it came to her notice that Prof. Fred Binka of the University Health and Allied Sciences was the Principal Investigator for the vaccine trial and accordingly made several unsuccessful attempts to contact him for appropriate responses. Having been unsuccessful in that regard, she contacted Mrs. Binka who happened to be her friend to complain to her about her frustration in getting in touch with the husband.

The Member for Hohoe informed the Committee that in the course of interactions with people on the matter her attention was drawn to an equally disturbing publication on Starronline.com to the effect that organisers of the vaccine trial had started recruiting students from the Hohoe Midwifery School to participate in the exercise and promised them GH¢200.00 and mobile phone each.

She stated further that she was dissatisfied with the state-of-affairs, and therefore contacted Hon. George Loh and informed him about the disturbing developments of increased agitation among citizens which events culminated in a decision by colleague MP's to refer the matter to the Volta Region NDC Caucus in Parliament for appropriate action.

Hon. Heloo further informed the Committee that, indeed the issue was not about awareness creation on the disease as being peddled around by the MCE, but rather actual vaccine trial was about to commence in her constituency and that one youth group from the constituency called to inform her that they saw the MCE making appeals to some church members to register for the vaccine trial.

Having been informed of the activities of the MCE in this matter, she approached her and the MCE directed her to Prof. Binka, who she claimed was the Principal Investigator for appropriate responses.

The Hon. Member recounted that at a point in time she was even accused by some constituents that she was the one responsible for vaccine trial as they erroneously took "M.C.E". to be "MP".

iii. **Mr. Francis Ankrah - Witness & Secretary Sciences Section of the Ghana Academy of Arts and Sciences**

Mr. Ankrah informed the Committee that, he was the Secretary to the Sciences Section of the Ghana Academy of Sciences and as such performed clerical and administrative duties as well as produced minutes and reports of the Sciences Section of the Academy. He further informed the Committee, that he was the Secretary to the Technical Taskforce the Academy established to investigate an impending Ebola vaccine trial in the country following media reports in January 2015.

Responding to what he knew about the vaccine trial he informed the Committee that somewhere in January 2015, members of the Academy met and discussed the purported Ebola vaccine trials in the country following media reports. The Academy subsequently proceeded to establish an Ebola Taskforce Technical Committee to investigate the matter for which a Report was issued and a press statement subsequently released having met the Ministry of Health and interested bodies on the matter.

On the issue of the substance of the statement, Mr. Ankrah indicated that, the Academy's press statement sought to caution the country and organisers of the vaccine trial to be circumspect about the whole exercise because of some very critical issues the Academy had observed.

To the question of whether the Academy was apprehensive about the vaccine trial, Mr. Ankrah declined to use the word "apprehensive" but restated the Academy's position in its press statement released to the public as follows: "In conclusion, the Ghana Academy of Arts and Science wishes to state its firm position that, subject to satisfactory answers to the issues it has

raised, and considering the gaps in our knowledge and the state of preparedness, it would be unsafe to undertake the proposed EVD vaccine clinical trial”

In his response to the question whether after the Academy had issued their press statement, the Principal Investigators responded to the Academy's statement, Mr. Ankrah affirmed in the positive and cited the June 25th Edition of the Daily Graphic containing the response from the Principal Investigators. According to Mr. Ankrah the Academy also commented on the Principal Investigators Press Statement and concluded as follows: “In the light of the above comments, the Academy still recommends caution in embarking on the Ebola Vaccine trials in Ghana.”

At the request of the Committee Mr. Ankrah tendered the documents cited in evidence and also made available copies of same to Counsel for the Principal Witness for study.

iv. Cross Examination of Mr. Ankrah by the Counsel of the Principal Witness

Responding to a question by Counsel for the Principal Witness on whether he was a scientist, Mr. Ankrah answered in the negative. He indicated that he holds an MPhil. in Geography and Resource Development from the University of Ghana and Master of Public Administration from the Kwame Nkrumah University of Science and Technology.

In his response to the question whether or not he is a Member of the Academy; he indicated that he is an employee of the Academy and not a Member of the Academy.

Counsel for the Principal Witness put it to Mr. Ankrah that being a non-scientist, he was not competent to speak to the scientific conversation between the Academy and the Principal Investigators as contained in the documents he tendered in evidence. He partly agreed with Counsel that being a non-scientist, he could not speak his own mind on the matter but on the other hand, he could to some extent, speak to the matter on the basis of the facts as contained in the documents tendered in evidence.

v. Mr. Hudu Mogtari - Witness & CEO, Food & Drugs Authority

Mr. Hudu Mogtari who appeared before the Committee as a witness identified himself as the Chief Executive Officer of the Food and Drugs Authority. Responding to a question on the Authority's involvement in the purported Ebola vaccine trial in the country, the C.E.O., indicated that the Authority, in January 2015 received two applications from two companies to conduct clinical trials for Ebola vaccines in the country. The two applications were taken through the rigorous processes spelt out in the Public Health Act, 2012 (Act 851), the Guidelines published in the official website of the Authority as well as standard procedures developed by the Authority.

Responding to whether public sensitization was part of the processes spelt out in the law concerning vaccine trials, the C.E.O. stated that the sensitisation was only limited to the participants who would take part in the vaccine trial and not the general populace. He quoted section 159 of the Public Health Act in support of his response.

On whether the Authority had given approval for the trial to commence, he answered in the affirmative and indicated that prior to the Authority's press conference to announce the approval there was huge public cry against the purported vaccine trial.

Responding to whether at the time the Authority announced the approval for the trial to commence; there had been any sensitisation, he affirmed in the negative. According to him when public outcry against the vaccine trial reached records levels, the Authority received a directive from the Minister for Health for the intensification of public sensitization on the matter and that the FDA played an active role in this regard.

On the issue of whether or not he was aware that the Minister for Health in a Statement before Parliament announced the suspension of the vaccine trial, he indicated that he had not received any official communication to that effect and that he only got to know of the suspension from the Daily Post newspaper.

The CEO was asked whether the Public Health Act 851 had been breached in the light of the fact that organisers of the vaccine trial had started recruiting people for the exercise. He responded that the Authority gave conditional approval for preparatory works pending actual approval and that if indeed organisers had started recruiting people for the exercise then it amounted to a breach of the law. He indicated that recruitment of participants is actually the beginning of the trial and should not take place when final approval had not been given.

He was asked whether or not he would consider the invitation from the Dean of the School of Public Health of the University of Health and Allied Sciences requesting Traditional Leaders of the Hohoe Traditional Area to meet on the purported vaccine trial amounted to sensitization and therefore a breach of the law. Mr. Mogtari said that he could not describe the action by the University as sensitising the people but a way of securing their buy-in into the exercise prior to the final approval by the Authority.

Again it was put to him that, if evidence of students being recruited for the exercise and to be given GH¢200 cedis and a mobile phone by the investigators in the vaccine trial was adduced, would he also consider that as a breach of the law. Mr. Mogtari again indicated that he was not aware that such a thing was being done by the investigators and could therefore not respond to such an allegation.

On the issue of whether or not the Principal Investigators for the vaccine trial had indemnified the whole exercise as required by law; he affirmed in the positive but could not provide the Committee with evidence to that effect.

Providing elucidation on the approval process by the Authority, he stated as follows:

- a. Applications are received from companies who wish to conduct drugs or vaccine trials in the country.
- b. The application is reviewed by the Clinical Trial Department of the Authority who ensure that such applications comply with the law.
- c. Successful applications are forwarded to the Technical Advisory Committee of the FDA for thorough examination and recommendations

- d. Grant of approval by the Authority upon recommendations by the Technical Advisory Committee.

He stated that the Advisory Committee was made up of experts who are not employees of the Authority. He mentioned Prof. Ofori Adjei, Prof. Gyapong, Prof. Nyarko and Prof. Britwum as some notable academicians who are members of the Technical Committee.

Mr. Mogtari submitted that if these experts are not satisfied with any application, they draw the attention of the Authority who forwards their concerns to the applicant. When the applicant addresses the concerns raised by the Experts, the Authority forwards same to the Experts for validation and that final approval by the Authority is based on the recommendations of the Technical Committee.

He was asked whether or not the Ebola vaccine trial had gone through the same process he had outlined. He affirmed that the experts recommended the application and the authority granted approval of same on the 8th June 2015 for the trial to commence.

Mr. Mogtari's attention was subsequently drawn to a Report of a Technical Sub-committee of the Ghana Academy of Arts and Sciences (Exhibit F) in which one Prof. Ofori Adjei signed. The Committee wanted Mr. Mogtari to confirm whether he is the same Prof. Ofori Adjei whom he had earlier cited as a member of Authority's Technical Advisory Committee.

Having been confronted with Exhibit F, he was asked whether he could reconcile Prof. Ofori Adjei's position as a Member of the Ebola Task Force of the Ghana Academy of Arts and Science which called for circumspection and caution regarding the whole vaccine trial and the position of the same personality on the Technical Advisory Committee of the FDA that recommended the approval of the vaccine. Mr. Mogtari could not respond to this issue.

He was asked whether Members of Parliament were right to comment on such a sensitive matter which even Scientist could not agree on. He responded by indicating that on the basis of the concerns raised by even eminent scientist, in their own right, to that extent, Members had the right to comment on the issue.

On the issue of whether or not the current Public Health Act should be reviewed in the light of the current development on the Ebola vaccine trial which had generated huge public outcry in the country he indicated that if it is in the wisdom of Experts that the law be amended to accommodate concerns raised in respect of the Ebola vaccine trial, he will welcome such a review.

vi. Mr. Gabriel Kwaku Asante Bosompem, Witness & Representative of TV 3 Network

Mr. Bosompem informed the Committee that when the Ebola vaccine trial in the country became a topical issue, they invited Prof. Dodoo to speak on the matter because of his in-depth knowledge about drugs and vaccines.

He tendered in a video recording of the interview Prof. Dodoo granted TV 3 network on the matter (Exhibit G).

The video recording was played back to the hearing of all present to ascertain the truthfulness or otherwise of the claim against the Principal Witness.

The Committee having viewed the video recording played back, asked Mr. Bosompem to confirm whether or not TV 3 Network was not equally liable since the interviewer never asked Prof. Dodoo to retract those comments he had made on the same platform at that material moment. He admitted the failure of the Network to do so and accordingly apologised to the Committee for the editorial indiscretion on the part of the Network.

Mr. Bosompem again was asked whether or not Parliament was given the opportunity to react to the comments by Prof. Dodoo on that same platform, and he indicated that the station phoned one Honorable Member of the House to comment on Prof. Dodoo's remark's in their "News at 10" programme.

The Committee suggested to him that TV3 was unfair to the legislature having regards to their failure to immediately offer Parliament the same platform to react to Prof. Dodoo's comment for a fair balance to which suggestion he agreed and apologised.

vii. Cross Examination of the Mr. Gabriel Bosompem of TV3 Network by Counsel for Principal Witness.

Counsel for Principal Witness, prior to cross examining Mr. Bosompem again rendered an unqualified apology on behalf of his client.

Counsel asked Mr. Bosompem whether the interview that Prof. Dodoo granted TV3 was a live interview or a news item that was inserted in their prime time news dubbed "News 360"; He stated that it was a news item that was inserted in their prime time news.

On a further question of whether in the station's editorial opinion it was right to have aired the interview Prof. Dodoo granted TV3. Mr. Bosompem stated that, the news team met to discuss the day's news content and agreed to air that interview because in their view it would advance the discourse on the Ebola vaccine trial that has generated heated debate in the country. To their utter surprise the interview ignited the wrath of Parliament and for that, the Network apologises to the Committee and the House for their editorial indiscretion.

Counsel after cross examining Mr. Bosompem again rendered an unqualified apology on behalf of TV3 Network and his client.

7.6 Comments by Principal Witness to the Committee

The Committee granted audience to the principal witness who appeared remorseful and unreservedly apologised for his comments against the August House.

8.0 OBSERVATIONS AND FINDINGS

8.1 The Case against the 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 profuse apology to the Committee and the entire House directly, and on countless occasions through his Counsel was indicative of his admission of liability. The Committee from the foregoing, concluded that indeed

- i. A case of contempt of Parliament has been established beyond doubt against Prof. Alex Nii Otoo Dodoo
- ii. Prof. Alex Dodoo indeed made those contemptuous remarks against Parliament in an interview he granted on TV 3 news.
- iii. Some form of sensitisation on the Ebola vaccine trial took place in the Hohoe Municipality which the CEO of FDA described as preparation towards sensitisation.
- iv. The so called preparation by the organizers of the vaccine trial was in contravention of the Public Health Act, 2012 Act 851 which spells out conditions precedent to the conduct of any vaccine trial.
- v. There were disagreements among the Ghana Academy of Arts and Sciences, the Principal Investigators and the Food and Drugs Authority regarding the scientific conversation that ensued in relation to the Ebola Vaccine Trial exercise to be carried out
- vi. The Committee further observed that the disagreements among the scientific community on the matter generated much debate, which compelled Parliament as the legitimate representatives of the people to comment on the concerns and to call for its immediate suspension.
- vii. The remarks were contemptuous to the extent that it sought, not only to denigrate the House, but to also interfere with the right of Members to speak to issues on the floor of the House affecting the interest and wellbeing of their constituents which have given rise to grave concerns and disagreements among even the scientific community.
- viii. The overt admittance by the Chief Executive of the FDA to the apparent disagreements among the Ghana Academy of Arts and Sciences, the Principal Investigators and the FDA on the Phase I Ebola Vaccine Trial exercise to be carried out raise grave concerns for which the legitimate representatives of the people had every justification to comment on in the august House.
- ix. Failure by TV 3 Network to provide an equal platform to Parliament to also be heard at the said material time when the contemptuous remarks were made by Prof Alex Doodoo did not only amount to editorial indiscretion but an im balanced reportage which worked gross injustice against Parliament, since the interviewer never asked Prof. Dodoo to retract those comments.

SANCTIONS REGIME FOR CONTEMPT OF PARLIAMENT

The Committee, having established a case of contempt of Parliament against Prof. Alex Dodoo 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 provides 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. 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) Proceeding 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."

16.0 Conclusion and Recommendation

The Committee having carefully considered the matter in the light of the totality of the evidence gathered concluded that Prof Alex Dodoo was indeed in contempt of Parliament for the remarks he made that, Hon Members were commenting on issues out of ignorance and that if Hon Members had no knowledge on the subject matter, they should shut up.

The Committee however took note of the fact that, Prof. Alex Dodoo had taken steps to purge himself of the contempt by profusely apologising on a number of occasions on different platforms including the Committee's platform and the media.

Accordingly, the Committee recommends that, the House accepts his unqualified apology and discharge him.

Meanwhile the Committee calls on the TV 3 Network 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.

In conclusion the Committee urges all media houses to be circumspect and balanced in their reportage on Parliament and indeed all state institutions in our quest to grow and sustain our democracy.

Respectfully Submitted.

MR. EBO BARTON-ODRO

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CHAIRMAN, COMMITTEE OF PRIVELEGES

EBENEZER AHUMAH DJIETROR

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CLERK, COMMITTEE OF PRIVELEGES

23RD JULY, 2015