

**IN THE FIRST SESSION OF THE SEVENTH PARLIAMENT
OF THE FOURTH REPUBLIC OF GHANA**

**REPORT OF THE SPECIAL COMMITTEE
TO INVESTIGATE**

**THE BRIBERY ALLEGATION MADE
AGAINST THE CHAIRMAN AND SOME
MEMBERS OF THE APPOINTMENTS
COMMITTEE**

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**REPORT OF THE SPECIAL COMMITTEE ON THE ALLEGATION OF
BRIBERY AGAINST THE CHAIRMAN AND SOME MEMBERS OF
THE APPOINTMENTS COMMITTEE**

INTRODUCTION

1. This Special Committee was established on Tuesday 31st January, 2017, pursuant to Order 191 of the Standing Orders of the Parliament of Ghana (Revised 1st November 2000) to investigate an allegation of bribery against the Chairman and some Members of the Appointments Committee of the Seventh Parliament. The Committee, having completed its investigations submits to the House its Report.

BACKGROUND

2. On 31st January 2017, the First Deputy Speaker, Member of Parliament for Bekwai and Chairman of the Appointments Committee, Mr. Joseph Osei-Owusu made a Statement on the Floor of the House.¹ In his Statement, he drew the attention of the Rt. Hon. Speaker and the House, to an allegation of bribery made against him and some Members of the Appointments Committee of the Seventh Parliament. In the Statement, Mr. Joseph Osei-Owusu stated, inter alia, as follows:

*“On Friday 27th January 2017 at about 3:13 p.m., while I was in this Chamber waiting for the Sitting of the House to resume following suspension of Sitting earlier in the day, I received a WhatsApp message from a friend in the media, which showed that one Sammy Ablordepey, purporting to report from Parliament reported that Mr. Boakye Agyarko was alleged to have given to Hon. Osei-Owusu, an amount of GHC100, 000 to be doled out to Members to pass him as Minister for Energy. The message further said each Member was given GHC3, 000. The Minority had since returned the money to Hon. Osei-Owusu who had in turn given it back to Mr. Agyarko who was spotted coming to Parliament to collect it from Mr. Osei-Owusu. A very shameful act. And this Mr. Agyarko, criminal calls President Mahama corrupt”.*²

¹Parliamentary Debates: Official Report, Tuesday 31st January 2017, Fourth Series, Vol. 97, No. 8, Col. 657-661.

²Ibid

The Hon. Member stated that upon receipt of the *WhatsApp* message he showed it to the Hon. Minority Leader and his deputy and both dismissed it as frivolous. However, information available to him from various media sources pointed to the Hon. Member for Bawku Central, Mr. Mahama Ayariga as the one who had confirmed the allegation on Radio Gold.

3. In the Statement, Mr. Osei-Owusu maintained, inter alia, as follows:

I have never discussed, requested, demanded or received money of whatever quantum for myself or Committee Members from Mr. Boakye Agyarko or any other person for that matter. Neither have I discussed, offered nor given any money to Hon. Muntaka Mubarak for himself or for Members of the Minority on the Appointments Committee. The allegation by Hon Mahama Ayariga therefore is a colossal untruth which has done grievous damage to my reputation and hard-earned integrity."³

4. Mr. Joseph Osei-Owusu by the Statement sought permission from the Rt. Hon. Speaker and the House to serve court processes on Mr. Mahama Ayariga, the Member of Parliament for Bawku Central, as he intended to proceed to court to regain his integrity.
5. In a second Statement on the same matter, made on the same day, the Hon. Member for Effiduase-Asokere, Dr. Nana Ayew Afriye, drew the attention of the House to the allegation attributed to the Hon. Member for Bawku Central that; "*Minority Members of the Appointments Committee were bribed to approve of the nomination of the then Minister-designate for Energy.*"⁴ As a friend of the Appointments Committee, the Hon Member indicated that he had witnessed the deliberations of the Committee and was impressed by their diligence.⁵ He stated further that; "*an allegation of such severity and sensitivity is not only an embarrassment to the Hon. Chairman and Hon. Members of the Appointments*

³ Parliamentary Debates: Official Report, Tuesday 31st January 2017, Fourth Series, Vol. 97, No. 8, Col. 657-661

Ibid

⁴ Parliamentary Debates: Official Report, Tuesday 31st January 2017, Fourth Series, Vol. 97, No. 8, Col. 661-663

⁵ Ibid

Committee, but by extension, the whole House.”⁶ He maintained that, “*this allegation when unsubstantiated, would be an affront to the dignity of Parliament and further fuel the perception of corruption of Parliament, and Members of Parliament in the discharge of parliamentary duties.*”⁷ The Member implored the House to refer the conduct of Mr. Mahama Ayariga, to the Privileges Committee for investigation pursuant to Order 30 (2) of the Standing Orders of the House.⁸

ESTABLISHMENT OF THE SPECIAL COMMITTEE

6. After the House had deliberated on the two Statements, the Speaker ruled that a Special Committee be constituted. The Rt. Hon. Speaker, Prof. Aaron Mike Oquaye, inter-alia stated as follows:

“Hon Members, in the circumstances, I would first agree that there should be such a committee established... Hon Members, with regard to this request, which is an appeal to the House, and with regard to what we all know is a matter of concern today, I am of the opinion that this is not just a matter of privilege of Hon Members of the House and allied matters under Standing Order 31. I am also of the view that the chairmanship of a committee may not necessarily affect such a situation. In other words, a chairman may be asked to recuse himself in certain circumstances as it is done in any corporate or other situation — it is doable. I am more inclined towards Standing Order 191 which says that:

The House may at any time by motion appoint a Special or Ad hoc Committee to investigate any matter of public importance...

This is where the inherent inquisitorial power of Parliament is captured in our rules. This should also put to rest whether Parliament can inquire into matter “a” or “b”, anytime in the history of this Republic. Parliament as the representative of the people, is empowered inherently and it is recognised in this particular part of our Standing Orders, to inquire into any matter from archaeology to zoology within the Republic of Ghana. It may affect

⁶ Parliamentary Debates: Official Report, Tuesday 31st January 2017, Fourth Series, Vol. 97, No. 8, Col. 661-663

⁷ Ibid

⁸ Ibid

*Hon Members of Parliament, Hon Ministers; it may concern some cattle rearers or "galamseyers". [Laughter]But one thing is that Parliament has that power to set up a special committee to investigate a matter that is of public interest. Hon Members, under that Order, I rule that it is fit and proper for such a special committee to be set up accordingly to investigate into this matter of public interest"*⁹

After the ruling by the Speaker, a Motion was moved for the establishment of the Special Committee and the Membership was also communicated to the House. This was the basis and the circumstances which led to the establishment of this Special Committee.

MEMBERSHIP OF THE COMMITTEE

7. The Committee comprised the following Hon. Members:

i.	Mr. Joe Ghartey (Essikadu/Ketan)	-	Chairman
ii.	Mr. Ben Abdallah Banda (Offinso South)	-	Member
iii.	Ms. Ama Pomaa Boateng (Juaben)	-	Member
iv.	Mr. Magnus Kofi Amoatey (Yilo Krobo)	-	Member
v.	Mr. Benson Tongo Baba (Talensi)	-	Member

In addition to the Members, the Committee was privileged to have the Hon. Member for Assin North, Ms Abena Durowaa Mensah, in attendance at all its meetings. The Committee also acknowledges all the other Members who found time to attend its public sittings.

8. In accordance with Order 191 (1), the Clerk-to-Parliament appointed Alhaji Ibrahim Gombilla and Dr. Ernest Darfour to serve as Clerk and Assistant Clerk, respectively, to the Committee. The Secretariat provided essential administrative, logistical and research assistance to the Committee in arranging and managing hearing sessions; and prepared materials for consideration by the Committee.

⁹ Parliamentary Debates: Official Report, Tuesday 31st January 2017, Fourth Series, Vol. 97, No. 8, Col. 661-663

TERMS OF REFERENCE (TOR)

9. The terms of reference of the Special Committee are to:

- i. Establish whether the First Deputy Speaker, Mr. Joseph Osei-Owusu took money from the Energy Minister designate, Mr. Boakye Agyarko and gave it to the Minority Chief Whip, Alhaji Mohammed-Mubarak Muntaka to be distributed to Members of the Appointments Committee;
- ii. Establish whether there were attempts to bribe Members of Appointments Committee, and
- iii. Look into the remit of complaints and assertions made by First Deputy Speaker about the matter.

REFERENCE DOCUMENTS/MATERIALS

10. In discharging its mandate, the Committee referred to various documents and materials, including:

- i. The 1992 Constitution
- ii. The Parliament Act, 1965 (Act 300)
- iii. The Evidence Act, 1975 (NRCD 323)
- iv. The Standing Orders of Parliament (Revised 1st November, 2000)
- v. Erskine May's Treatise on The Law, Privileges, Proceedings and Usage of Parliament, Twenty-Fourth Edition, 2011
- vi. Parliamentary Debates of Friday 27th January 2017
- vii. Parliamentary Debates of Tuesday 31st January 2017
- viii. Audio recordings and transcripts of an interview granted to Radio Gold by Hon. Mahama Ayariga on Friday 27th January 2017
- ix. Audio recordings and transcripts of an interview granted to Joy FM by Hon. Mahama Ayariga on Saturday 28th January 2017
- x. Audio recordings and transcripts of an interview granted to Joy FM by Hon. Joseph Osei-Owusu on Saturday 28th January 2017

- xi. Audio recordings and transcripts of an interview granted to Joy FM by Hon. Mohammed-Mubarak Muntaka on Saturday 28th January 2017
- xii. Documents and Materials tendered in evidence

METHODOLOGY

11. The Committee at its first sitting took decisions as to the procedure to use to regulate its deliberations. The Committee was mindful of the fact that it is a Committee of Parliament and so it was bound by the provisions of the Standing Orders.

12. The Committee was also mindful of Order 197, which states, inter alia, as follows:

The deliberations of the Committee shall be confined to the matter referred to it by the House and any extension or limitations to it made by the House...

13. Order 197 of the Standing Orders also recognises public proceedings of Committees and private sittings. The Committee at its meeting on 10th February 2017 decided to hold some sittings in public since the matter was a matter of public importance. The Committee identified four key witnesses for this purpose. Namely; Hon Joseph Osei-Owusu, Hon Alhaji Mohammed-Mubarak Muntaka, Hon Mahama Ayariga, and Hon Boakye Agyarko. All these witnesses, were witnesses of the Committee. None of them was considered as an accused person, plaintiff or defendant.

14. At the first public sitting of the Committee held on 15th February 2017, the Committee appealed to all Members of the Appointments Committee with information relevant to its Terms of Reference to submit memoranda. In this regard, the Chairman of the Committee stated as follows:

“any other member of the Appointments Committee who has any information that would be useful to the Committee should submit a memorandum to us by Friday. Upon receipt of the memorandum, we would decide whether it is necessary to call that person as a witness or we shall just examine the memorandum that the person has submitted and prepare our report.”

15. The methodology that the Committee chose, in the conduct of its work, are well known and accepted methods of conducting the hearings of Committees of Parliament. Namely; through public sittings, invitation to submit Memoranda or appear in person before the Committee. The Committee reserved the right, if it was of the opinion that it was in the interest of the State so to do, to take evidence in camera when the need arose.

16. Thus in investigating this matter the Committee:

- i. Examined audio recordings and transcripts of interviews granted by the Witnesses;
- ii. Examined the work and procedures of the Appointments Committee of the Seventh Parliament;
- iii. Examined material evidence in relevant newspaper publications;
- iv. Summoned Witnesses to give evidence in relation to the allegation; and
- v. Examined written and oral evidence adduced by the Witnesses.

PROCEEDINGS OF THE COMMITTEE

17. The Committee took evidence from eight witnesses. All the Witnesses were examined on oath and were offered the opportunity to be legally represented. In accordance with Standing Order 202 (1), the transcripts of the evidence of all the Witnesses were sent to them for corrections.

18. Five of these witnesses were examined in public and three were examined in private sittings (in-camera). About the second batch who were examined in camera *more anon*.

19. On 15th February, 2017, the Committee wrote to all Members of the Appointments Committee with information relevant to its TOR to submit Written Memoranda (Appendix 1). In response, the Committee received one Memorandum from Mr. Samuel Okudzeto Ablakwa who submitted his Memorandum on 28th February 2017.

MATERIALS/EVIDENCE TENDERED BEFORE THE COMMITTEE

The under-listed materials were tendered in evidence by Witnesses who appeared before the Committee:

- i. WhatsApp Audio Recording of Pampaso FM tendered by Hon. Joseph Osei-Owusu (Exhibit CW1/1)
- ii. Witness Statement of Mohammed-Mubarak Muntaka/MP for Asawase and Minority Chief Whip (Exhibit CW3/1)
- iii. 'Ayariga made bribery allegation up-Joseph Osei-Owusu', www.myjoyonline.com, 27th January 2017 tendered by Mr. Samuel Okudzeto Ablakwa (Exhibit CW5/1)

PUBLIC EVIDENCE SESSIONS

20. The public evidence sessions of the Committee were held on 10th, 15th and 20th February 2017 during which the public and the media were invited. The Committee took oral evidence from five (5) Witnesses during these sessions; namely:

- | | | | |
|------|--------------------------------------|---|----------------------|
| i. | Hon. Joseph Osei-Owusu | - | MP for Bekwai |
| ii. | Hon. Mahama Ayariga | - | MP for Bawku Central |
| iii. | Hon. Alhaji Mohammed-Mubarak Muntaka | - | MP for Asawase |
| iv. | Hon. Boakye Agyarko | - | Minister for Energy |
| v. | Hon. Samuel Okudzeto Ablakwa | - | MP for North Tongu |

Furthermore, the Committee took evidence in-camera from the following witnesses:

- | | | | |
|------|-------------------------------------|---|-----------------|
| i. | Major (Rtd.) Bachawany Chaka Asigri | - | Acting Marshal |
| ii. | Mrs Shirley-Ann Fiagome | - | Director of ICT |
| iii. | Mr. Ernest Berrick | - | ICT Officer |

This was evidence of CCTV footage of the 8th Floor, Job 600 Office Building between the hours of 11:00 am and 1pm of Friday 7th January 2017, as requested in the Memorandum of

Hon Samuel Okudzeto Ablakwa. The Committee took this evidence in camera to safeguard the integrity of the CCTV cameras in Parliament. This is because the evidence revealed the nature of security surveillance by cameras in and around the precincts of Parliament.

SUMMARY OF EVIDENCE

First Committee Witness (CW1): First Deputy Speaker and Chairman of the Appointments Committee, Hon Joseph Osei-Owusu¹⁰

21. In his evidence, Mr. Joseph Osei-Owusu, who was the first Committee Witness (CW1), informed the Committee that on the 27th of January 2017, at about 4.00 pm, he was in the Chamber after the House had suspended sitting, awaiting the consideration of the Second Report of the Appointments Committee, when a friend sent him a *WhatsApp* message, in which one Ablorddepey purported to be reporting from Parliament had suggested that the then nominee designate for the Energy Ministry, Mr. Boakye Agyarko, had brought him a hundred thousand Ghana Cedis (Gh¢100, 000.00) to be distributed to Members of the Minority on the Appointments Committee to influence the approval of the Energy Minister designate by Parliament.
22. He stated that upon further enquiry about the status of the said reporter from the Parliamentary Press Corp, he was informed that the said reporter was not part of the Parliamentary Press Corps. He however showed the *WhatsApp* post to the Hon. Minority Leader and his Deputy who both dismissed the allegation, thinking that it was one of those journalists engaged in partisan reportage.
23. He informed the Committee that within an hour of receiving the *WhatsApp* post, other Members of Parliament showed him publications from, www.myjoyonline.com and www.peacefionline.com which publications had attributed the allegation to Mr. Mahama Ayariga, the Member of Parliament for Bawku Central. The Witness indicated that although, Mr. Mahama Ayariga was in the Chamber at the time the allegation was made, he could not confront him since the House had resumed sitting to consider the Second Report of the Appointments Committee covering five nominees.

¹⁰ See Transcript of Oral Evidence of Mr. Joseph Osei-Owusu, Friday 10th February 2017.

24. The Witness indicated that before the Second Report of the Appointments Committee could be taken on Friday 27th January 2017, the Minority Leader sought leave of the Speaker for the Leadership and some Members of the Appointments Committee to go into 'Conclave' to resolve matters that the Minority Members on the Appointments Committee had raised concerning Messrs. Boakye Agyarko and Yaw Osafo-Maafo, the Energy Minister Designate and the Senior Minister Designate respectively.
25. When he was asked who attended the Conclave, the Witness mentioned that the meeting was attended by the Majority Leader, Hon. Osei Kyei Mensah-Bonsu, the Minority Leader, Hon. Haruna Iddrissu, the Minority Chief Whip, Hon. Mohammed Mubarak Muntaka; Hon Mahama Ayariga, Hon Sampson Ahi, Hon Samuel Okudzeto Ablakwa, Hon Eric Opoku, Hon Yieleh Chireh, Hon. John Jinapor, Hon. Yaw Osafo-Maafo, Senior Minister designate and Mr. Boakye Agyarko, Energy Minister designate. As to what matters were discussed in the Conclave, the Witness stated that the meeting was called at the instance of the Minority Leader to discuss what Mr. Boakye Agyarko and Mr. Yaw Osafo-Maafo had said at the public hearing of the Appointments Committee which the Minority found offensive.
26. As to what transpired at the Conclave, the Witness informed the Committee that Messrs. Yaw Osafo-Maafo and Boakye Agyarko provided evidence to substantiate claims made during the hearing before the Appointments Committee. Where they could not provide evidence, they retracted the statements made to the satisfaction of the Minority Members. As a result, the Minority withdrew their objection and agreed for the Report to be amended so that the two nominees would be approved by consensus.
27. As to why the majority decision in respect of the two were later changed to consensus after the Conclave, the Witness stated that the reason for the Minority Members objecting to or not supporting their nomination had been resolved to the satisfaction of the Minority Members. As to whether the bribery allegation was already in the public domain prior to the Conclave, the Witness answered in the affirmative and maintained that the allegation was already in the news, when they went for the Conclave.
28. When asked whether he raised the allegation at the Conclave, he stated that just after the Conclave had concluded discussions on the two nominees, he informed them about the

allegation he had read on social media. He said *“All the Minority Members said, ‘oh, Mr. Speaker, take your time. Cool down. Cool down’. And I said how could I cool down? This allegation is made. It is already in the public domain. Here we are, the person who made the allegation is here. It was at that point that Hon Okudzeto Ablakwa said, oh, because Agyarko said our president was corrupt, referring to President John Mahama; we were spreading the corruption allegation. So, then, the mood in the room changed. We all laughed to it. So, this was all that was to it.”*

29. According to the Witness, although he insisted that the allegation should be investigated by the Conclave, he later backtracked since in his opinion the allegation was just created to *“spread the corruption”* as indicated by Mr. Samuel Okudzeto Ablakwa. The Witness further stated that *“later that evening Mr. Okudzeto Ablakwa confessed in the presence of Hon K. T. Hammond that the ‘bribery allegation was created to level up the allegation against John Mahama’”*.
30. The Committee was informed by the Witness that none of the participants at the Conclave raised any issue relating to the bribery allegation. As to whether the meeting provided an opportunity to raise the issue, the Witness indicated that, although the meeting was specifically called to substantiate claims made by the nominees that the Minority found offensive, since the meeting was a friendly and an informal one, nothing could have prevented anyone from raising the issue when they so desire. As to whether at the meeting any of the Hon Members confirmed that they have received money from Mr. Mohammed-Mubarak Muntaka, the Witness, indicated that no such issue was discussed.
31. When asked whether he raised the allegation on the floor of Parliament, he responded in the affirmative. When he reported to Parliament on the outcome of the Conclave, Mr. Osei-Owusu said, *“indeed, the meeting had shown that the allegation of corruption — The people who created that confessed that they created that for equalisation because the President Mahama had been accused of corruption.”* He maintained that no one raised an objection, when he raised the allegation on the floor, even though all the people who were connected with it were present in the Chamber that evening since of the Report of their Committee was being discussed and they had just come out of the Conclave.

32. The Witness informed the Committee that as no one rebutted his statement on the Floor, he thought that the matter had died. He indicated that he was surprised when Mr. Mahama Ayariga repeated the allegation on social media and on various private radio stations including Joy FM and Citi FM, the next day (Saturday 28th January 2017) suggesting that he was *"the conduit for distributing bribes"*. The Witness stated that he refuted the allegation when he was called by Joy FM stating that he had *"never discussed anything to do with money, neither has he taken any money from Hon Agyarko for myself or for anybody"*.
33. As to what procedures the Appointments Committee had adopted in its work, the Witness stated that decisions on nominees were taken on the same day the nominees appeared before the Committee. He stated that as soon as the day's proceedings were over, the public gallery was cleared of all strangers. The Committee then took its decision by voting on each nominee who had appeared before the Committee for the day. The nominee's name was mentioned and after deliberation, a vote was taken. The decision was reached either by consensus or by majority voting in favour or against the nominee. Regarding Messrs. Osafo-Maafa and Boakye Agyarko, the Witness informed the Committee that decisions were taken on them on the same day they appeared before the Committee. He stated that the Appointments Committee's recommendation in respect of Messrs. Boakye Agyarko and Yaw Osafo-Maafa, was to approve them by majority decision since the Minority could not support their nominations.
34. When the Witness was asked whether it is a normal procedure for the leadership of the Committee, *i.e.* the Chairman and the Ranking Member to have discussions after the Committee had taken a decision on a nominee, he indicated that the Leadership confer regularly and that *"no decision regarding the management or administration of the Committee is taken in isolation. It is always in consultation with your Ranking Member"*.
35. As to whether the decision on the two nominees delayed the presentation of the First Report of the Appointments Committee, the Witness answered in the negative and indicated that the Appointments Committee agreed to present its First Report on the nominees that consensus had been reached, while the Minority Leader continued with consultations on Messrs. Boakye Agyarko and Yaw Osafo-Maafa. He said it was agreed that the two nominees would then be included in the Second Report. However, the Second Report of

the Appointments Committee delayed because, the Minority Leader had requested for time to do further consultations as to whether the Minority should continue to withhold their approval of the two nominees.

36. As to whether there were any attempts by anybody to bribe him and Members of the Appointments Committee, the Witness stated that as far as he is aware nobody had attempted to bribe the Appointments Committee. As Chairman too, he indicated that no one had attempted to bribe him.

37. As to whether Members of the Appointments Committee expect consideration from nominees that appear before them, the Witness responded no.

Second Committee Witness (CW2): Hon. Member for Bawku Central and Member of the Appointments Committee, Mr. Mahama Ayariga¹¹

38. The Committee drew the attention of the Witness to transcripts of interviews he granted to Radio Gold and Joy FM on Friday 27th January, 2017 and Saturday 28th January, 2017. In response, the Witness acknowledged the transcripts and indicated that he was familiar with the content of the documents.

39. In his evidence before the Committee, Mr. Mahama Ayariga stated that he got to know about the allegation in the afternoon of Friday the 27th of January, 2017 when Radio Gold reported that *“Hon. Boakye Agyarko had brought money to the Appointments Committee and that money had been rejected by Hon Members of the Minority”*.

40. He stated that at about 5 o'clock pm on that Friday, he granted an interview to Radio Gold in which he confirmed the allegation and indicated that as a member of the Appointments Committee from the Minority, he had taken money from the office of the Minority Chief Whip, Mr. Mohammed-Mubarak Muntaka. The Witness stated that after he had taken the money, he heard rumours that the money he had received came from Mr. Boakye Agyarko, the Energy Minister Designate. The Minority Members then asked the Minority Chief Whip to institute an investigation into the matter. He stated that Mr. Muntaka later confirmed to

¹¹ See Transcript of Oral Evidence of Mr. Mahama Ayariga on 20th February, 2017

him that Mr. Joseph Osei-Owusu, had told him that the money they received came from Mr. Boakye Agyarko. The Witness said that *"We had assumed that the money was the normal Committee allowance and so, if it was not the normal Committee allowance, the funds should be sent back"*. The Witness maintained that Mr. Muntaka told him that the Chairman of the Appointments Committee brought the money that was given to them. When he was asked whether he stood by a statement he made on Radio Gold to the effect that *"We started hearing some rumours that it was not the allowances that should be given to us from Parliament"*, the Witness responded in the affirmative.

41. When he was asked whether he spoke to Mr. Boakye Agyarko on the telephone about the money, the Witness responded in the negative and stated that he had never spoken with him. He indicated that although he had seen Mr. Agyarko as a politician on television and heard him on radio, the first time he saw Mr. Agyarko physically, was when he appeared before the Appointments Committee. As to whether the money he received was meant to bribe him, the Witness indicated that he had not done any business with Mr. Boakye Agyarko, for him to be paid dividends.
42. On whether he had any dealings with Mr. Joseph Osei-Owusu, the Witness responded in the negative and stated that he had never dealt with the Chairman of the Appointments Committee on the money issue. He maintained that the Minority Chief Whip was the one he had dealt with, stating that; *"the Minority Whip is the one who asked us to come and take it; he was the one we asked to find out the source and he was the one who told us the things I said on air"*.
43. When he was asked whether the purpose of the alleged money was explained to him before he took it, the Witness indicated that as a member of the Appointments Committee, he thought that the money was the normal Committee allowance that had been paid. He explained that at the last sitting of the Appointments Committee, Members raised issues about their allowances since the Committee had been sitting for long hours and on weekends. The Chairman of the Appointments Committee at that meeting assured Members that he had raised a memorandum to the Speaker's Office for allowances to be paid. He informed the Committee that since the Whips normally deal with welfare issues of Hon. Members, when the Minority Whip called him to come for money in his office, he

immediately assumed that it was the allowance that the Hon. Chairman of the Appointments Committee had promised the Members.

44. When the Witness was asked about the procedure the Appointments Committee had adopted for vetting of nominees, he informed the Committee that it depended on the programme for the day. He explained after a nominee appeared before the Appointments Committee finishes, a decision on the nominee was deferred until the Committee finished with all the nominees for the day. On whether a decision on Mr. Boakye Agyarko was taken on the day he was vetted, the Witness stated that the Committee did not take any decision on him. He said that there was a division on Messrs. Yaw Osafo-Mafo and Boakye Agyarko regarding whether the Committee should recommend them for approval by consensus or by majority decision, because the Minority objected to their approval by consensus. The Witness stated that the Committee agreed that the two nominees should furnish the Committee with further information and particulars, regarding the issues that the Minority had raised, before a decision was taken on them. He maintained that since the Minority was not willing to support their approval, the Committee deferred the decision in respect of the two nominees. Regarding Mr. Boakye Agyarko, the issues had to do with the number of Floating Storage and Regasification Units (FSRUs) that were purchased under the National Democratic Congress (NDC) Government and also the question on whether the World Bank was 'breathing on the neck of the former President'.

45. On whether the Appointments Committee achieved consensus on the two nominees, the Witness responded in the negative. He explained that until the Report of the Committee was written, the Leadership kept meeting over the matter because they requested for additional information from Messrs. Boakye Agyarko and Yaw Osafo-Mafo. He maintained that at the time the Motion on the Report was moved by the Chairman, there was no consensus. The Witness informed the Committee that as the debate of the Second Report was on-going, Leadership had some discussions and Mr. Speaker directed that the Leadership on both sides of the Appointments Committee should go into a Conclave with the aim of reaching a consensus on the matter to prevent the House taking a decision by vote.

46. As to what transpired at the Conclave, the Witness stated that they were able to come to some consensus because substantial portions of the information they had requested from

the nominees had been provided by the nominees and on the basis of that there was an agreement that they should approve them by consensus.

47. As to whether the Minority was influenced before they changed their position in respect of Mr. Boakye Agyarko, the Witness answered no. As to why the Minority changed its earlier position to approve the two nominees by majority decision, the Witness stated that Mr. Boakye Agyarko had changed his view substantially to the satisfaction of the Minority. He explained that Mr. Boakye Agyarko actually brought evidence to substantiate some of the things he had said. He indicated that at the Conclave, the Minority was satisfied with the evidence Mr. Boakye Agyarko brought to substantiate his claims regarding the purchase of the three FSRUs and his evidence was confirmed by Mr. John Jinapor, the former Deputy Minister for Power, who was present at the Conclave. On the issue of the World Bank breathing on the neck of the ex-President, which Statement had been made by Mr. Agyarko when he appeared before the Committee, the Witness stated that Mr. Boakye Agyarko withdrew that statement and rendered an apology. On that basis, the Witness stated that the Minority changed its position and agreed that he be approved by consensus.¹²

48. On being asked whether at the time they went into the Conclave, the bribery allegation was in the public domain and he had already granted the interview confirming it on Radio Gold; the Witness responded in the affirmative. He explained that the bribery allegation was aired on *Radio Gold* at about 2 o'clock pm in the afternoon and he granted the interview at about 5 o'clock pm, while the Conclave took place at about 7 o'clock pm. When he was asked whether what he confirmed on Radio Gold was based on rumour, the Witness stated that it was based on the information he had received from Mr. Mohammed-Mubarak Muntaka. As to whether he raised the bribery allegation in the Conclave, the Witness answered no.

49. As to whether during the Conclave he asked Mr. Boakye Agyarko whether he brought money through Mr. Joseph Osei-Owusu to be given to Mr. Mohammed Mubarak Muntaka to be distributed to the Minority Members of the Appointments Committee, he responded in the negative. He explained that at the time the matter was raised by the Chairman, Mr. Boakye Agyarko had left. The Witness further stated that there was no time to discuss the

¹² See Verbatim Report of Mr. Mahama Ayariga, 20th February 2017, p.17.

issues that the Chairman of the Appointments Committee had raised but when he raised it everybody laughed about it and he remarked “*so, it is equalisation*” and then everybody laughed and walked out of the room.

50. As to whether Mr. Mohammed-Mubarak Muntaka who was also present at the Conclave admitted that he received money from Mr. Joseph Osei-Owusu to be distributed to the Minority side of the Appointments Committee, the Witness stated that at that time, nobody apart from the Chairman of the Committee raised the issue.

Third Committee Witness (CW3): Hon. Minority Chief Whip and Deputy Ranking Member of the Appointments Committee, Mr. Mohammed-Mubarak Muntaka¹³

51. In his evidence before the Committee, Mr. Mohammed-Mubarak Muntaka informed the Committee that on Friday, the 27th day of January 2017, at about 5pm, the Hon. Minority Leader, Mr. Haruna Iddrisu, drew his attention to social media publications alleging that Members of the Minority on the Appointments Committee had been bribed to recommend to the House the approval of the nomination of Mr. Boakye Agyarko, the Minister for Energy Designate. He stated the Minority Leader who was visibly angry about the said news publication asked him to immediately investigate the allegation to enable the Caucus take a decision.

52. The Witness informed the Committee that he could not conduct the investigation before leadership of the Appointments Committee went into the Conclave. He stated soon after the Conclave had concluded deliberations, the Hon. Chairman of Appointments Committee raised the matter of the alleged bribery allegation. According to the Witness, the Chairman of the Appointments Committee after the Conclave expressed surprise about the allegation and denied same on the Floor of the house without any challenge from any member of the Appointments Committee.

¹³ See Transcript of Oral Evidence Of Mr. Mohammed-Mubarak Muntaka on 20th February, 2017.

53. He indicated that he was completely taken aback when on Saturday, 28th January 2017, a day after the allegation had been made, he received phone calls from various media houses seeking his response to the allegation and his role in the matter. He indicated that he declined all such media interviews, while making frantic efforts to no avail to reach Mr. Ayariga who he learnt had alleged that he had distributed money to Minority Members of the Appointments Committee to influence them as a bribe.
54. The Witness informed the Committee that later he heard a tape recording of the interview granted by Mr. Mahama Ayariga to Radio Gold being played on Joy.99.7 FM's News File programme, as well as Mr. Ayariga's interview on the show confirming the contents of the recording. The Witness stated that he was compelled to call into the show and deny the allegation as far as his alleged role was concerned. He told Joy FM that he had neither received any bribe money from the Chairman of the Appointments Committee nor distributed same to anybody. He stated that he had never been involved in or played any role whatsoever connected to the allegation of bribery of Minority Members nor anyone on the Appointments Committee.
55. As to whether Mr. Joseph Osei-Owusu used him as a conduit to influence the Minority Members of the Appointments Committee to change their views on Mr. Agyarko, the Witness responded in the negative. He stated that Mr. Osei-Owusu had never discussed any money issues with him. When asked if he knows Mr. Boakye Agyarko, the Witness indicated that the first time he met him was when he appeared before the Appointments Committee. He maintained that he had neither met him nor received any call from him nor sent anybody to see him concerning any money issue.
56. On whether he was present at the Conclave when Mr. Joseph Osei-Owusu raised the issue of the allegation, the Witness responded in the affirmative and indicated that although the matter was raised, his name had not been mentioned so he did not find the need to respond to the allegation. He stated that he was not aware that Mr. Mahama Ayariga had granted an interview to Radio Gold where he had alleged that he was the conduit for the alleged bribe at the time they went into Conclave. He stated that he became aware of his alleged role in the matter the next morning, 28th January 2017, when he was called by Joy FM and Mr. Ayariga's interview with Radio Gold was played to his hearing.

57. On whether allowances are paid to Members of the Appointments Committee and if so who was responsible for paying it, the Witness responded in the affirmative and stated that in Parliament, Committees' allowances are paid by the Accounts Department. When asked whether the Appointments Committee had discussed the payment of allowances to its Members, the Witness responded in the affirmative and stated that there have been some discussions on the payment of allowances.
58. When asked about his role as a Minority Chief Whip, the Witness indicated that the Whip is responsible for ensuring discipline and the welfare of Members as it relates to sittings, office accommodation, and the work of Committees' generally. On whether it was out of place for Members of the Appointments Committee to suggest to him issues regarding allowances, the Witness mentioned that such complaints must first be reported to the Leaders, who would normally ask the Whips to follow up.
59. On whether he had a conversation with Mr. Ayariga in which he confirmed that the alleged bribe money came from the Chairman of the Appointments Committee, the Witness stated that he had never had such a conversation with Hon. Mahama Ayariga.
60. On whether Mr. Ayariga returned moneys to him upon hearing that that money had come from Mr. Agyarko with the intent of influencing the Minority Members of the Appointments Committee, the Witness indicated that no such money was given to anybody, so there would not be any need to return same.
61. When the Witness was asked what he did when he heard the allegation that he had received money from Mr. Joseph Osei-Owusu and distributed it to the Minority Members of the Appointments Committee, he indicated that he informed the Hon Minority Leader and other Members about the allegation. He informed the Committee that because of lack of trust, he could not speak to any of the persons making the allegation.

Fourth Committee Witness (CW4): Hon. Minister for Energy, Mr. Boakye Agyarko¹⁴

62. On whether the Witness gave money to Mr. Joseph Osei-Owusu, who is the First Deputy Speaker and Chairman of the Appointments Committee to be given to the Minority Chief Whip, Mr. Mohammed-Mubarak Muntaka to be distributed to Minority Members of the Appointments Committee, Hon. Boakye Agyarko stated that he had never contrived, discussed nor given any money to the First Deputy Speaker for the purposes of influencing Members of the Appointments Committee.
63. As to whether the Witness was informed about the decision of the Appointments Committee regarding the approval of his nomination, he indicated that the first time he was told that the Committee was holding up his approval was the morning of Friday 27th January 2017. He stated that the Rt. Hon. Speaker called him and informed him that the Appointments Committee was short of the documentation he had presented as requested, and therefore, directed him to go to the office of the First Deputy Speaker to make up for the documents that were in short. According to the Witness, that was when he realised that the decision on him was on hold. As to whether the Appointments Committee asked him to provide the additional documentation, the Witness answered in the affirmative. He added that as at Friday 27th February 2017, he had provided all the documentation the Committee had requested.
64. As to what transpired at the First Deputy Speaker's office when he went there, the Witness stated that he went there with the set of the documentation that the Committee had requested at about ten o'clock in the morning. He added that at the time he got there, the First Deputy Speaker was not in his office, and as he was waiting for him he marked the specific pages of the documents that the Committee had requested with the help of a Director of the Ministry of Energy. He added that when Mr. Joseph Osei-Owusu arrived in his office, he showed him the relevant pages and all the reports as they had been marked. On whether he heard from the Chairman or any member of the Committee after he had submitted the documentation, the Witness responded in the negative.

¹⁴ See Transcript of Oral Evidence by Mr. Boakye Agyarko on 20th February, 2017

65. When the Witness was asked what brought him to the Speaker's Lobby in the evening of Friday 27th January 2017, he stated that while he was at the Jubilee House waiting to be sworn-in, a call came that requested him and the Senior Minister-designate to present themselves again to clarify some matters that had arisen. Upon being asked what transpired when he got to the Speaker's Lobby (the Conclave), he stated that upon their arrival, some Members of the Appointments Committee joined them and raised some matters with them. The Witness recalled that three issues were raised, in respect to his nomination. He explained that one had to do with the debt status of the State-owned Enterprises (SOEs) in the energy sector. The second had to do with the number of Floating Storage Regasification Units (FSRUs). The third had to do with the figurative language he had used in respect of the ex-President John Mahama, suggesting that "the World Bank was breathing on his neck."
66. He informed the Committee that on the first matter, he gave them an explanation that he believed was satisfactory. On the second matter, he provided them with three contracts relating to three different FSRUs. On the final matter, it was a matter of language, which he withdrew. As to whether after the clarifications, the Witness was given any assurance, he stated that the Members at the meeting agreed that he had acquitted himself of the matter and agreed to recommend him to the House for approval by consensus.
67. On whether he knew that his nomination was in limbo prior to that, the Witness responded in the negative. The Witness maintained that at no point from his vetting did he feel that his confirmation by Parliament was at risk. He therefore had no motive whatsoever to influence anybody. He explained that on the matter of the Constitutional requirement, he believes that he was qualified. On the second matter of performance at the vetting, the Witness indicated that he performed well. He stated that since his party has majority in Parliament he could still go through when it came to voting.
68. As to what the Witness did when he heard allegations in the media that he attempted to bribe the Appointments Committee, or that he had given money to the Hon Joseph Osei-Owusu to be given to Hon Members of the Appointments Committee, the Witness stated that he heard about it when he left the Speaker's Lobby to the Jubilee House. As to whether he considered it as an option to issue a rejoinder to any of the media houses that peddled this allegation, the Witness indicated that he had been interviewed by about ten or eleven

media houses and he felt that he had sufficiently responded to the matter. He added that he thought that the matter was so outlandish that it would fall on its own face. He believed that his point had been made through the interviews he granted on the matter. He however admitted that he misjudged the situation.

Fifth Committee Witness (CW5): Hon. Member for North Tongu and Member of the Appointments Committee, Mr. Samuel Okudzeto Ablakwa¹⁵

69. The Committee granted a request by Mr. Samuel Okudzeto Ablakwa to respond to statements attributed to him by Mr. Joseph Osei-Owusu in his evidence to the Committee.¹⁶ In his evidence in rebuttal, Mr. Samuel Okudzeto Ablakwa quoted sections of Mr. Joseph Osei-Owusu's evidence as follows:

"All the Minority Members said, 'oh, Mr. Speaker, take your time. Cool down. Cool down'. And I said how could I cool down? This allegation is made. It is already in the public domain. Here we are, the person who made the allegation is here. It was at that point that Hon Okudzeto Ablakwa said, oh, because Agyarko said our president was corrupt, referring to President John Mahama; we were spreading the corruption allegation. So, then, the mood in the room changed. We all laughed to it. So, this was all that was to it."

"Fortunately, Hon Okudzeto Ablakwa walked to us and I am saying here, he is the one who said it. Then Hon K.T. Hammond asked him; 'did you say that?' And he said; 'yes, we wanted you to feel the same heat as John Mahama is feeling'"

70. The Witness denied having made the above statements attributed to him by Mr. Joseph Osei-Owusu. He stated that he *"would never go into conspiracy...to bear false Witness against a Ministerial nominee just because, we would want to spread corruption around or because that the nominee has alleged that our President or somebody is corrupt. I would not be part of any such conspiracy. So when the Hon. Joseph Osei-Owusu, who is the*

¹⁵ See Transcript of Oral Evidence of Mr. Samuel Okudzeto Ablakwa on 20th February, 2017

¹⁶ Appendix 2: Letter from Ayine & Felli, Solicitors of Hon. Samuel Okudzeto Ablakwa, "Request to Attend Upon the Committee as a Witness-Hon. Samuel Okudzeto Ablakwa" dated 16th February 2016

Chairman of our Committee, made these statements before you, I thought I should seek the opportunity to come before you to be heard also and to state unequivocally that, that cannot be true”.

He informed the Committee that at the Conclave, he never spoke nor made any statement.

The Committee accepts Mr. Okudzeto Ablakwa’s account especially since Hon. Mahama Ayariga had admitted before the Committee that he made that point about equalisation.

Written Memorandum from Fifth Committee Witness (CW5): Mr. Samuel Okudzeto Ablakwa¹⁷

71. Mr. Samuel Okudzeto Ablakwa informed the Committee that on 20th January 2017, the Appointments Committee began the vetting of the President’s Nominees for Ministerial appointments. He stated that the decision on Messrs. Yaw Osafo-Maafo and Boakye Agyarko who were part of the first batch of nominees were deferred, because the Minority took issues with certain claims and allegations, the two nominees made during the Appointments Committee hearings.
72. He stated that at a closed sitting of the Appointments Committee, the Chairman informed the Members that he had made a request for the payment of allowances, since the Committee had been sitting late and during weekends.
73. He informed the Committee that few days after receiving the information from the Chairman of the Committee about the payment of allowances, the Minority side of the Committee was called by the Minority Chief Whip, Mr. Mohammed-Mubarak Muntaka to collect some allowances from his office.
74. He stated that on the morning of Friday 27th January, 2017 after he had collected his envelope, and was in the Chamber of Parliament, it became evident from information gleaned from other Members of the House that the envelopes they had picked up which they thought contained their allowances were actually from another source.

¹⁷ Appendix 4: Memorandum from Hon Samuel Okudzeto Ablakwa dated 24th February 2017.

75. He averred that, two Members of their side on the Appointments Committee then decided to verify from the Chairman of the Appointments Committee, Hon. Joseph Osei-Owusu, if there was any substance in what was making the rounds. These two Members according to him received confirmation from the Chairman that the money they had received was not their allowances as they had thought and that the envelopes containing Three Thousand Cedis (GHC3, 000) each were from Mr. Boakye Agyarko.
76. He informed the Committee that the Minority side of the Appointments Committee, in the Chamber, quickly conferred with their Leaders and an emergency meeting was held in the office of the Minority Chief Whip, Hon. Mohammed-Muntaka Mubarak. At the said meeting, it was resolved that the alleged money be returned after further checks confirmed the source.
77. He requested the Committee to examine the CCTV footage of Friday 27th January 2017 between the hours of 11am and 1pm on the 8th Floor of the Parliamentary Office Complex (Job 600) which will show him and others returning the envelopes to the Minority Chief Whip's (Hon. Mohammed-Muntaka Mubarak) office. He further requested the Committee to invite Hon. Nii Lantey Vanderpuye who was in Hon. Mohammed-Muntaka Mubarak's office when he returned his envelope.

Evidence In-Camera

78. The Committee also took evidence in-camera from three witnesses. These were Major (Rtd.) Asigri Bachawany Chaka, Acting Marshal; Mrs. Shirley-Ann Fiagome, Director of ICT; Mr. Ernest Taanu Berick, ICT Officer. The Committee also paid an on-site visit to the CCTV Control Room. In the process the Committee was given a detailed briefing on the workings of the surveillance cameras in Parliament.
79. Parliament recognises that it is not all matters that should be discussed in the public domain. Order 44 of the Standing Orders of Parliament, prescribes the procedure to be followed where it is in the interest of the public not to discuss specific matters in public. Order 44 states as follows:

“(1) Mr. Speaker may in consultation with the House and having regard to the public interest order the House to move into Close Sitting to discuss a particular subject or for the remainder of the Sitting.

(2) When the House is in Close Sitting no stranger shall be permitted to be present in the Chamber, side lobbies or galleries.

(3) Mr. Speaker may cause the proceedings and decisions of a Close Sitting to be recorded or issued in such manner as he thinks proper.

(4) No person other than a Member or a person acting under the authority of Mr. Speaker shall keep a record or note of any proceedings or decision of a Close Sitting whether in part or in full.

(5) No person other than a person acting under the authority of Mr. Speaker shall issue any report of, or purport to describe the proceedings or any decision of a Close Sitting”.

80. The Committee decided to hear the evidence of the three witnesses in camera. Having listened to their evidence, the Committee is of the view that it is in the nature of the evidence envisaged under Order 44. The evidence if made public shall compromise the security of Parliament. We are submitting the transcripts of the evidence taken in camera to the Speaker. Suffice it to say that the Committee did not find the evidence helpful for its purposes.

STANDARD OF PROOF

81. Parliament plays a very important role in the democratic governance of our Nation. Apart from its legislative role, Parliament has an equally important oversight role over the Executive. Parliament thus plays a central role in preventing public corruption. To effectively carry out their roles, Members of Parliament and indeed Parliament itself, like Caesar's wife should be above reproach. It is important to note that as far back as 18th October 2002, the Parliament of Ghana ratified the United Nations Convention Against Corruption and the African Union Convention on Prevention and Combating Corruption.

82. It is against this background that Parliament established this Special Committee to inquire into the allegations of bribery.

83. The Committee is a fact-finding Committee and even though the Standing Orders of Parliament give Committees of Parliament, including Special Committees, powers of a High Court in certain circumstances; this Committee did not conduct a trial in the nature of a court trial. There were no accused persons before us, neither were there plaintiffs nor defendants. All the persons who appeared before the Committee or submitted Memoranda were Witnesses assisting the Committee to ascertain the truth or otherwise of the allegation.

84. On the basis of the above and the Terms of Reference (TOR) given to the Committee, we evaluate the evidence available to us bearing in the mind the admonition contained in the Standing Orders restraining Committees of Parliament from straying out of their mandate. In this regard, Order 197 among other things provides as follows:

“The deliberations of the Committee shall be confined to the matter referred to it by the House and any extension or limitations to it made by the House...”

85. In evaluating the evidence, it is important that the Committee sets out the standard of proof it is adopting to evaluate the evidence. Our laws recognise one standard for civil actions and another for criminal actions. Even though we have said that we did not conduct a trial; the Committee is of the view that it is improper for it to arrive at any conclusion without indicating the basis for it or in other words the standard of proof that the Committee relied on to evaluate the evidence.

86. The question is whether to use the criminal standard of proof, that is to say proof beyond reasonable doubt or the civil standard of proof which is based on the preponderance of probabilities. The Committee was not at a meeting of minds as to what standard to use, if any at all.

87. There were Members of the Committee who argued that the Committee should use the criminal standard of proof, proof beyond reasonable doubt, to evaluate the evidence. They argue that if a Member accuses another Member of being unfair or lying, they have no doubt that any Committee of Parliament investigating the matter will use the standard of the balance of probabilities used in civil trials. On the other hand, if a Member accuses another Member of stealing or murder, they are of the considered view that it would be

unreasonable in investigating whether the matter is true or not, to use any standard other than proof beyond reasonable doubt, because of the nature of the accusation.

88. They conclude that it is the nature of the matter being investigated that will determine the standard of proof to be used. In arriving at this conclusion, the Members of the Committee in favour of using this standard of proof, find solace in section 13 (1) of the Evidence Act, 1975 (NRCD 323), which provides as follows:

13 (1) In a civil or criminal action, the burden of persuasion as to the commission by a party of a crime which is directly in issue requires proof beyond a reasonable doubt.

Thus even in civil matters, where the standard of proof is ordinarily on the preponderance or balance of probabilities, where an issue involving a crime arises, such as fraud, the standard of proof is proof beyond reasonable doubt. The nature of the proceedings does not change. For example, in a land matter if the question of fraud arises, the plaintiff or defendant does not suddenly become an accused person and the procedure and the proceedings do not change. What changes is the standard of proof.

89. For the advocates of such a view, what puts the issue beyond any reasonable doubt is the fact that bribery and attempted bribery is a crime under Ghanaian law. The matter being investigated by this Special Committee is bribery or attempted bribery. Therefore, for them the primary or perhaps the only consideration in deciding what standard of proof to use in evaluating the evidence, is the nature of the issue or matter being investigated.

90. Another view argued forcefully at the meetings of the Committee was that this was not a criminal trial so the standard should be the balance or preponderance of probabilities.

91. After detailed discussions, the Committee decided to test the evidence on the basis of both standards of proof, that is to say the criminal standard as well as the civil standard. The Committee decided that when the test using the different standards led to different conclusions it would state this in its Report.

92. The Committee wishes to report that when it used both standards of proof it arrived at the same conclusion. Even when the Committee asked itself simply what a reasonable man sitting in a Trotro to Madina would conclude based on the available facts; the Committee arrived at the same conclusion. On this basis we proceed to evaluate the evidence.

EVALUATION OF EVIDENCE

93. The first Term of Reference is to establish whether the First Deputy Speaker, Mr. Joseph Osei-Owusu took money from the Energy Minister Designate, Mr. Boakye Agyarko and gave it to the Minority Chief Whip, Alhaji Mohammed-Mubarak Muntaka to be distributed to Members of the Appointments Committee.

In his evidence before the Committee, Hon Joseph Osei-Owusu maintained that he had never received any money from Mr. Boakye Agyarko. He said, inter alia, as follows:

I have never discussed, requested, demanded or received money of whatever quantum for myself or Committee from Mr. Boakye Agyarko or any other person for that matter. Neither have I discussed, offered or given any money to Hon. Muntaka Mubarak for himself or for Members of the Minority on the Appointments Committee. The allegation by Hon Mahama Ayariga is therefore a colossal untruth which has done grievous damage to my reputation, my hard-earned integrity.¹⁸

94. Earlier, the Hon Joseph Osei-Owusu had reacted to the same allegation of being involved in bribery, in an interview he granted to Joy FM on their Newsfile programme on 28th January 2017. He unequivocally denied the allegation of having received money from Hon Boakye Agyarko and having given same to Hon Mohammed-Mubarak Muntaka.

95. When he appeared before this Committee on 15th February 2017, he also said:

"...let me put it on record again that the allegation that I have taken money from Hon Agyarko, whether for myself or for any member of my Committee is false. And that, I have never done any such thing, neither have I discussed anything to do with the money with Hon Ayariga or any member, for that matter, the Hon Minority Chief Whip or Hon Mubarak Muntaka."

96. There can be nothing more emphatic than that. Hon Joseph Osei-Owusu has at all times been consistent in his denial of any involvement in any matter as alleged. However, a mere denial of an allegation, no matter how vigorous it is, does not by itself exonerate a person from what the person is alleged to have done. We must go a step further and determine

¹⁸ See Verbatim Record of Proceeding of Hon. Boakye Agyarko on 15th February 2017.

whether or not, there is any other evidence that may support what Hon. Joseph Osei-Owusu is asserting or points to the contrary.

97. Hon Mahama Ayariga in his evidence stated that there were rumours that the money he had allegedly collected from Hon Mohammed-Muntaka Mubarak had come from Hon Boakye Agyarko. Hon Mahama Ayariga insisted in his evidence that he had never dealt with Hon Joseph Osei-Owusu nor Hon. Boakye Agyarko on the issue of money.

98. On Joy FM Newsfile of 28th January 2017, Mr. Mahama Ayariga stated *“Now, if you would recall, there were rumours first in the House that we had taken money from Agyarko. That was what prompted us to ask about where the money was coming from and that led us to that conclusion. ... Radio Gold put out a story that the Committee Members had taken money and then when I was called, I recounted what I knew.”*

99. Again, when he appeared before this Committee on 20th February 2017, he said:

“Mr. Chairman, this started on Friday, the 27th of January, 2017. I think Radio Gold, online, and also during their news put out some breaking news and indicated in that news publication that it is alleged that Hon Boakye Agyarko had brought money to the Appointments Committee and that money had been rejected by Hon Members of the Minority. This was in the news in the afternoon, and it was circulating on social media.”

100. He was asked:

Mr. Chairman: I think it is also a fact that you said you did not receive money directly from Mr. Joseph Osei-Owusu.

Mr. Ayariga: Mr. Chairman, yes. I also said as a fact that I never received money directly from Hon Agyarko and then also I never received money directly from the Hon Joseph Osei-Owusu. Those are also facts.¹⁹

101. Hon. Mohammed-Mubarak Muntaka, the Minority Chief Whip also denied ever receiving money from Mr. Boakye Agyarko or Mr. Joseph Osei-Owusu. He also denied having any conversation with anyone, including Hon. Ayariga concerning the matter in issue. He said *“I say that I have never had the alleged conversation with Hon. Ayariga or*

¹⁹ Verbatim Report of Hon. Mahama Ayariga on 20th February 2017

anybody whosoever, and that the said Hon Chairman has never had the alleged conversation with me, and that I have never reported any said non-existent conversation with anybody.”²⁰

102. He also maintained that he had not given money to anyone or received money from anyone for the purpose of influencing the decision relating to the approval of Hon Boagye Agyarko and consequently since he had given no money, no money could have been returned to him.

103. In his Memorandum to the Committee, Hon Samuel Okudzeto Ablakwa stated, amongst other things, as follows:

“The morning after I picked up my envelope, and in the Chamber of Parliament, it became evident from information gleaned from other Members of the House that the envelopes we picked up which we thought contained our allowances were actually from another source. This was the morning of Friday 27th January 2017.

At this point, two Members of our side on the Appointments Committee then decided to verify from the Chairman of the Appointments Committee, Hon. Joseph Osei-Owusu if there was any substance in what was making the rounds. These two Members received confirmation from the Chairman that the money we had received was not our allowance as we had thought and that the envelopes containing Three Thousand Cedis each were from Mr. Boakye Agyarko. At this moment, those of us on the Minority side of the Appointments Committee in the Chamber quickly conferred with our leaders and we decided to hold an emergency meeting in the office of our Chief Whip, Hon. Mohammed Mubarak Muntaka. At the said meeting, we resolved to return the money after further checks confirmed the source.

I hold the view that these two Members of the Appointments Committee, referred to in the previous paragraph who confronted the Chairman Hon. Joseph Osei-Owusu are very critical to unravelling the truth in this matter. Subject to the Committee’s willingness to offer them a hearing, I will provide their names. May I add that the two Hon. Members

²⁰ Verbatim Report of Hon. Mohammed Muntaka on 20th February 2017

have expressed their desire and determination to fully cooperate with your esteemed Committee.”

104. This unfortunately also does not lead this Committee to the conclusion that Hon Joseph Osei-Owusu gave money to Hon Mohammed-Mubarak Muntaka, which money was given to him by Hon Boakye Agyarko. In the Memorandum of Hon Ablakwa, the two Members of the Appointments Committee who allegedly told the Hon Okudzeto Ablakwa that the Hon Joseph Osei-Owusu had said that he gave money to Hon Mohammed-Mubarak Muntaka, were not named. In any event, the person tendering that evidence, Hon Ablakwa, himself, had no direct evidence. He simply said some two Members of the Appointments Committee told him.

105. It is clear that Hon Ablakwa himself was not even relying on the evidence of these two mystery Members of the Appointments Committee. He was providing a lead. He said in this regard:

“Subject to the Committee’s willingness to offer them a hearing, I will provide their names. May I add that the two Hon. Members have expressed their desire and determination to fully cooperate with your esteemed Committee.”

106. It is on record that the Committee had previously written to all the Members of the Appointments Committee indicating how the Members could be of assistance to the Special Committee. This had also been stated by the Chairman of the Committee in its public sitting of 15th February, 2017 when he said:

“any other member of the Appointments Committee who has any information that would be useful to the Committee should submit a Memorandum to us by Friday. Upon receipt of the Memorandum, we would decide whether it is necessary to call that person as a witness or we shall just examine the Memorandum that the person has submitted and prepare our Report.”

107. The Honourable Members of the Appointments Committee who did not appear before the Committee or submit Memorandum, including the two mystery Members, had decided

to hold their horses. All the Members of the Appointments Committee knew how to attend upon the Special Committee if they so desired.

108. It is also worthy of note that in his evidence, Hon Boakye Agyarko, made the point that he did not seek to influence anyone by the payment of bribe to Hon. Joseph Osei-Owusu or any other person.

109. In the circumstances with regard to the first issue or term of reference which is to:

Establish whether the First Deputy Speaker, Mr. Joseph Osei-Owusu took money from the Energy Minister, Mr. Boakye Agyarko and gave it to the Minority Chief Whip, Hon. Alhaji Mohammed-Mubarak Muntaka to be distributed to Members of the Appointments Committee,

This Committee is unanimous that there is no evidence that Hon Boakye Agyarko gave money to Hon Joseph Osei-Owusu to bribe Members of the Appointment Committee. Furthermore, there is no evidence that the Committee can rely on, in the view of the Committee, to lead it to the conclusion that Hon Joseph Osei-Owusu gave money to Hon. Mohammed-Mubarak Muntaka for the purpose of bribing the Members of the Appointments Committee.

110. The Committee is of the considered view that there is no evidence which leads it to the conclusion that the First Deputy Speaker, Mr. Joseph Osei-Owusu took money from the Energy Minister, Mr. Boakye Agyarko and gave it to the Minority Chief Whip, Alhaji Mohammed-Mubarak Muntaka to be distributed to Members of the Appointments Committee. All there is, with regard to this term of reference, is a multiplicity of rumours and this does not metamorphose into a fact.

111. The Committee wishes to reiterate that in making the above finding of fact it has used all the tests referred to above, relating to standard of proof and has arrived at the same conclusion; which is, there is no evidence before the Committee which leads it to the conclusion that the First Deputy Speaker, Mr. Joseph Osei-Owusu took money from the Energy Minister, Mr. Boakye Agyarko and gave it to the Minority Chief Whip, Alhaji

Mohammed-Mubarak Muntaka to be distributed to Members of the Appointments Committee.

110. **The second Term of Reference to be determined by the Committee is to establish whether there were attempts to bribe Members of the Appointments Committee.**

Section 239 of the Criminal Offences Act, 1960 (Act 29) is on corruption of and by public officer or juror and makes it a crime. Section 241 is an explanation as to what constitutes the corruption of a public officer. It provides as follows:

241. Explanation as to corruption of public officer

A person commits the criminal offence of corrupting a public officer, juror, or voter in respect of the duties of office or in respect of the vote, if that person endeavours, directly or indirectly, to influence the conduct of the public officer, juror or voter in respect of the duties of office or in respect of the vote, by the gift, promise or prospect of a valuable consideration to be received by that person, or by any other person, from any person.

111. Thus for there to be bribery, there must have been a gift, promise or prospect of a valuable consideration, to a public officer to influence the conduct of the public office. The conduct of the public office in this case, is the decision of the Appointments Committee to approve or not to approve the nomination of Hon Boakye Agyarko as Energy Minister. The gift or bribe is the alleged GH¢3000.00 supposedly given to each Minority member of the Appointments Committee.

112. In his evidence, Hon Boakye Agyarko stated, among other things, as follows:

Mr. Chairman, what I would add is only to state for the record that at no point from my vetting did I feel that the confirmation of my nomination was at risk. I therefore had no motive whatsoever to engage in influencing anybody.

On the matter of the constitutional requirement, I believe myself to be qualified. On the second matter of my vetting, respectfully, I do not think I performed poorly. On the third matter of committee decision, I was convinced that with the ratio of 16:10 majority, my Party had the numbers to pass me. And even if it came to the plenary and push came to shove, we could ride roughshod over everybody else to confirm my nomination. So, I

had no motive whatsoever to influence or attempt to influence anybody with regard to my confirmation.

113. This Committee accepts this evidence from Hon Boakye Agyarko. What is his motive for paying a bribe? What evidence is there to establish a motive? No reasonable person will seek to induce people to achieve an end he will achieve in any event without the inducement.
114. According to the evidence before the Committee, agreed to by all the witnesses of the Committee, Hon Boagye Agyarko came to the Speaker's Lobby, to the Conclave, and resolved the differences with the Minority, who then agreed to support his nomination.
115. Indeed, Hon Mahama Ayariga as well as other witnesses made the point that the only matter that influenced their mind in changing their decision regarding the nomination of Hon Boakye Agyarko, was the fact that he answered the queries they had raised to their satisfaction.
116. In any event, if the Minority had refused to support the Majority to approve the Nominee, it would not have impeded the Nominee from receiving approval. There are several examples of nominees for Ministerial appointment who have not received unanimous support, but rather support from the majority.
117. Furthermore, the Committee is at a loss as to why when the opportunity arose to confront this matter of alleged bribery forcefully; it was turned into a laughing matter at the Conclave.
118. Also when the matter was raised by the Hon Joseph Osei-Owusu, when he was presenting the Report of the Committee, none of the Committee Members found it fit or necessary to comment on the matter. Even if they did not catch the Speaker's Eye, they could have communicated it through the Minority Leader who is also a Member of the Appointments Committee.
119. Related to this issue or term of reference is the question, whether or not GHC3000 was paid by the Minority Chief Whip, to Minority Members on the Appointments Committee. The evidence as to whether or not money was paid at all by Hon. Mohammed-Mubarak Muntaka is not clear. Whilst Hon Mohammed-Mubarak

Muntaka swears by the Holy Quran that he did not pay any money, Hon Mahama Ayariga also swears by the Holy Quran that he received money.

120. There is also no evidence as stated earlier that even if the money was given to the Members as a bribe, this bribe came from Hon Boakye Agyarko or Hon Joseph Osei-Owusu. We regret that the existence or not of the GHC3000 remains a mystery and so does the question of who gave it to who, to be given to who, or if there was any money at all. We cannot make a finding of fact based on rumours. The multiplicity of rumours does not and cannot by itself crystallise into a fact. The fact that it is a fact that there is a rumour does not by itself transform the rumour into a fact.

Examination of CCTV Footage of Friday 27th January 2017.

- 121 The Committee considered the request by Mr. Samuel Okudzeto Ablakwa in his Memorandum to examine the footage of the CCTV footage of Friday 27th January 2017 on the 8th Floor of the Job 600 building between the hours of 11am and 1pm. According to Mr. Ablakwa, an examination of the footage would show him returning the envelope containing the money he had received to the Office of the Minority Chief Whip, located on the 8th Floor of the Job 600 Building.
122. The Committee examined the footage and called three witnesses; the acting Marshall; the Director of ICT and an ICT Officer. The evidence of the three witnesses was taken in private sittings. This is because their evidence included the workings of CCTV surveillance in Parliament. Their evidence did not influence the Committee to change its decision relating to the second term of reference.
123. The Committee has given the transcript of the evidence to the Speaker. This is because this evidence in the public domain will compromise the security of Parliament since it relates to and will reveal the workings of the CCTV surveillance in Parliament.

124. Regarding the request to invite Hon. Nii Lantey Vanderpuye who allegedly had evidence relating to the matter, the Committee believes that if Hon. Nii Lantey Vanderpuye, who is a member of the Appointments Committee, had any information to assist the Committee he could have submitted a Written Memorandum.

125. Indeed the Committee also observed that the Appointments Committee do not have the authority to approve the nomination of persons to be appointed as Ministers. The approval of nominees to be Ministers is the sole preserve of Parliament at plenary, albeit on the recommendation of the Appointments Committee. However, it is trite knowledge that the Plenary is not bound by the recommendation of any Committee of Parliament, including the Appointments Committee.

126. On the basis of the above, the Committee finds that there was no evidence of an attempt to bribe Members of the Appointments Committee. Once again the Committee uses all the tests relating to standard of proof but arrives at the same conclusion.

127. The last Term of Reference for the Committee is to:

Look into the remit of complaints and assertions made by First Deputy Speaker about the matter.

The First Deputy Speaker, Hon Joseph Osei-Owusu in his Statement to Parliament on 31st January, 2017 concluded as follows;

Mr. Speaker, I have a dilemma. My fervent heart's desire is to go to Civil Court to reclaim my integrity. I am, however aware of the challenges one has to battle with in any litigation involving a Sitting Member of Parliament. But Mr. Speaker, you have the power to permit service of court processes on a Sitting Member of Parliament through your Office. I crave your indulgence to assist me to ventilate my grievance in court.

128. After dealing with the first two Terms of Reference, this is the only outstanding matter. The frustration he expresses with regards to commencing civil proceedings is based on article 117 and 118 of the 1992 Constitution. Article 117 provides as follows:

Civil or criminal process coming from any court or place out of Parliament shall not be served on, or executed in relation to, the Speaker or a Member or the Clerk while he is on his way to, attending at or returning from any proceedings of Parliament.

129. Article 118 (2) also provides that the certificate of the Speaker that a Member or Clerk is attending the proceedings of Parliament is conclusive evidence of attendance at Parliament. It is because of these constitutional injunctions that the First Deputy Speaker is seeking leave of the Speaker to serve processes on a Sitting Member of Parliament.
130. The powers and privileges of Parliament emanate from the historical conflict between the Crown and the representatives of the people in the formative years of Parliament in the United Kingdom. The privileges that were developed was to protect the Commons from the excesses of the Crown
131. Thus, at the commencement of every Parliament in the United Kingdom it has been the custom for the Speaker, in the name, and on behalf of the Commons, to lay claim by humble petition to their ancient and undoubted rights and privileges, particularly, to freedom of speech in debate, freedom from arrest, freedom of access to Her Majesty whenever the occasion shall require; and that the most favourable construction should be placed upon their proceedings.²¹
132. Even though the allegations made are defamatory without proof, since the matters that were raised have been addressed by processes within Parliament, we do not recommend that the Speaker gives the First Deputy Speaker leave to serve a process on a Sitting Member of Parliament. After this process by Parliament of setting up a Special Committee to investigate this matter, we are of the view that to take this matter to Court will be to undermine the dignity of Parliament. The Courts have not hesitated to say that Parliament is master of its own procedures and arguably proceedings.

²¹ Erskine May Parliamentary Practice, Twenty-fourth edition, 2011, p. 206

133. We therefore resist the temptation to look into the remit of complaints and assertions made by the First Deputy Speaker about the matter any further than has been done above subject to the recommendations below we urge the House to join as to say like the Hymnist that the distant scene one step enough for us.

CONTEMPT OF PARLIAMENT

134. According to Erskine May *“The acceptance by a Member ... of a bribe to influence him in his conduct as a Member, or of any fee, compensation or reward in connection with the promotion of or opposition to any bill, resolution, matter or thing submitted or intended to be submitted to either House, or to a committee, is contempt. Any person who is found to have offered such a corrupt consideration is also in contempt.”*²² Erskine May further states that *“A transaction of this character is both a gross affront to the dignity of the House concerned and an attempt to pervert the parliamentary process implicit in Members’ free discharge of their duties to the House and to the electorate.”*²³

135. Article 122 of the 1992 Constitution provides as follows:

“An act or omission which obstructs or impedes Parliament in the performance of its functions or which obstructs or impedes 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.”

136. Section 33 of the Parliament Act, 1965(Act 300) also provides as follows:

33. Defamation of Assembly

It is a contempt of Parliament for a person to make a statement or otherwise publish a matter which falsely or scandalously defames Parliament or the Speaker, a Member or an officer in that capacity, or which contains a gross or scandalous misrepresentation of any proceedings of Parliament.

136. In Ghana, among the many acts that constitute breach of privilege or contempt of Parliament are Orders 30 (g) and (k) of the Standing Orders of the Parliament of Ghana which states that *“misconduct or corruption in the execution of official duties by Members or officers of*

²² Erskine May Parliamentary Practice, Twenty-fourth edition, 2011

²³ Ibid

Parliament” and “attempts by improper or corrupt means to influence Members or officers in their parliamentary duties” respectively constitute contempt of Parliament.

SANCTIONS FOR CONTEMPT OF PARLIAMENT

137. Punishment for Members found guilty of contempt of Parliament and breach of privilege has been recognised as a way the House can purge its Members of misconduct and abuse of privilege as well as restore the image and sanctity of Parliament. Various sanction regimes exist to punish Members whose conduct have been found to be contemptuous of the very institution which grants them the privileges they enjoy. In this regard, the Committee had recourse to the provisions of the Constitution, the Parliament Act 1965 (Act 300) and the Standing Orders of the House, which provide for the requisite sanctions as applicable to Members as follows:

i. Apology

Standing Orders 102 (2) and (3) provide as follows:

102(2) Where the Committee of Privileges reports to the House that the statement made by a member is defamatory of any person, the Member who made the statement shall, within seven days after that report, render an apology at the bar of the House, the terms of which shall be approved by the Committee of Privileges and communicated to the person who has been defamed.

(3) Where a Member refuses to render an apology in accordance with the provisions of paragraph (2) this Order, Mr. Speaker shall suspend that Member for the duration of the Session and a Member so suspended shall lose his parliamentary privileges, immunities and remunerations which shall be restored to him if at any time before the end of the Session when he renders the apology as required under paragraph (2) of this Order.

ii. Reprimand or Admonition

Section 35 of the Parliament Act, 1965 (Act 300) states that

“Where a Member is found by Parliament to be guilty of contempt of Parliament, Parliament may direct that the member be reprimanded in the Member’s place by the Speaker”.

iii. Suspension from the Service of the House

Section 36 of the Parliament Act, 1965 (Act 300) also provides as follows:

“(1) Where a member is found by Parliament to be guilty of contempt of Parliament, Parliament may suspend the member from the service of Parliament for a period not exceeding nine months, whether or not that period extends beyond the end of the session.

(2) Where a member is suspended from the service of Parliament, the Member

(a) shall forthwith leave the precincts of Parliament and shall not enter them again while the suspension continues;

(b) shall forfeit the allowances to which the Member would otherwise be entitled as a Member in respect of the period of suspension;

(c) If entitled to a salary and allowances as a Minister or as a Deputy Speaker there shall be deducted therefrom an amount equal to the amount which would be forfeited by the Member under paragraph

(b) of this subsection if the person were not so entitled”.

Standing Order 103 further provides that *“A Member who is ordered to withdraw under paragraph (1) Order 100 or who is suspended from the service of the House by virtue of paragraph (3) of Order 100 or paragraph (3) of Order 102 shall immediately withdraw”.*

Article 116(5) and (6) of the 1992 Constitution further state that *“A person who has made a contemporaneous report of the proceedings in Parliament, including a statement which has been the subject of an inquiry under clause (2) of this article, shall publish the apology referred to in clause (3) of this article or the suspension or the apology referred to in clause (4) of this article with the same prominence as he published the first report.*

(6) If a person fails to publish the apology as required by clause (5) of this article, he shall not be protected by privilege”.

iv. Expulsion of Member

Section 35 of the Parliament Act, 1965 (Act 300) states among others as follows:

“(1) Where a Member is found by Parliament to have been guilty of conduct which, whether or not it amount to contempt of Parliament, is so grossly improper as to indicate that the Member is unfit to remain a Member, the Member may be expelled by Parliament.

(2) A resolution for the expulsion of a Member under subsection (1) shall be of no effect unless

- (a) at least seven days' notice that it was to be moved was given in the manner required by Standing Order for the giving of notices of motions, and*
- (b) it is supported by the votes of at least two-thirds of the total number of Members.”*

OBSERVATIONS

138. After a critical evaluation of the evidence adduced, the Committee makes the following observations.

- i. Mr Mahama Ayariga was the person who gave credence to what was circulating on social and other media platforms as rumour. He was the Member of Parliament who in a Radio Gold interview at 5 p.m. on Friday 27th January repeated the rumour that the Appointments Committee had been bribed by the Minister of Energy Designate, Honourable Boakye Agyarko.

- ii. This we find to be unfortunate as the Hon Ayariga failed to ascertain the veracity of the rumour prior to publishing same. The Committee further observed that as a result of the publication trust and confidence amongst members and inter-party cohesion needed for consensus building at the Appointments Committee has broken down considerably. Individual members of the Appointments Committee had become suspicious of each other. The Chairman of the Appointments Committee indicated his distrust for Mr. Mahama Ayariga while Alhaji Mohammed-Mubarak Muntaka stressed that it would be difficult to deal with his accusers.
- iii. The reputation and image of the institution of Parliament has been greatly injured by the allegation.
- iv. The reputation and dignity of the First Deputy Speaker, other members of the Appointments Committee and that of the Minister for Energy, equally suffered considerable damage.

FINDING

139. As a result of these observations, the Committee came to the firm conclusion that Mr. Mahama Ayariga is in Contempt of Parliament on the strength of Article 122 of the 1992 Constitution, Section 32 of the Parliament Act, 1965 (Act 300) and Orders 28 and 30 (2) of the Standing Orders of Parliament.

140. The Committee came to this conclusion because Mr. Mahama Ayariga failed to prove that indeed Hon. Boakye Agyarko gave money to Hon. Joseph Osei-Owusu to be distributed to Members of the Appointments Committee with a view to bribe them.

RECOMMENDATIONS

141. The Committee having established a case of contempt against Mr. Mahama Ayariga as well as having examined the sanctions regime available, recommends to the House the following:

- i. That the Hon. Member for Bawku Central, Mr. Mahama Ayariga, be reprimanded by the Rt. Hon. Speaker in accordance with Section 35 of the Parliament Act, 1965 (Act 300).
- ii. That Mr. Mahama Ayariga, renders an unqualified apology to the House, purging himself of contempt.

142. The Committee took notice of the fact that the Hon. Mahama Ayariga is not known to have engaged in acts that tend to disrupt the smooth proceedings of Parliament. Neither does he have a penchant nor reputation of engaging in activity which can bring the image and dignity of Parliament into disrepute. Accordingly, we view the recommendation relating to the sanctions adequate in the circumstances.

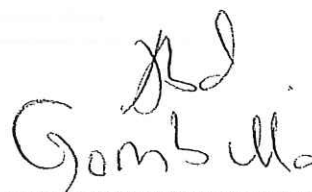
ACKNOWLEDGEMENTS

143. The Committee wishes to express its gratitude to the House for the opportunity to serve in this capacity and to all persons who assisted it in this task.

Respectfully Submitted.


.....

MR. JOE GHARTEY
CHAIRMAN, SPECIAL COMMITTEE


.....

ALHAJI IBRAHIM GOMBILLA
CLERK TO THE COMMITTEE

APPENDIXES

APPENDIX 1: REQUEST FOR WRITTEN MEMORANDA FROM MEMBERS OF THE APPOINTMENTS COMMITTEE

MEMBER, APPOINTMENTS COMMITTEE
PARLIAMENT HOUSE
OSU-ACCRA

Dear Sir,

REQUEST TO SUBMIT WRITTEN MEMORANDA

As you are already aware, Parliament at its Eight Sitting held on 31st January, 2017, established a Special Committee in accordance with Order 191 to investigate allegation of bribery made against the Chairman and some Members of the Appointments Committee of the Seventh Parliament.

The terms of reference of the Committee are:

- i. To establish whether the First Deputy Speaker, Mr. Joseph Osei-Owusu took money from the Energy Minister, Mr. Boakye Agyarko and gave it to the Minority Chief Whip, Alhaji Mubarak Mohammed Muntaka to be distributed to Members of the Appointments Committee.
- ii. To establish whether there were attempts to bribe Members of Appointments Committee
- iii. To look into the remit of complaints and assertions made by the First Deputy Speaker, Mr. Joseph Osei-Owusu about the matter.

The Committee has commenced its evidence-taking sessions and would encourage individual Members of the Appointments Committee who have any evidence that would assist the Committee in its investigations to submit a written Memorandum to the Committee not later than **5:00 pm on Friday 17th February 2017.**

The Committee wishes to assure Hon. Members that the evidence that would be adduced in the Memoranda will be treated with the importance it deserves.

The Committee counts on your co-operation in this regard.

Yours faithfully,

ALHAJI IBRAHIM GOMBILLA
(DEPUTY CLERK AND CLERK TO THE SPECIAL COMMITTEE)

APPENDIX: 2



February 16, 2017

The Chairman
Special Committee on Bribery
Allegations Against the Chairman
And Members of the Appointments Committee
Parliament House
Osu, Accra

Dear Sir,

**REQUEST TO ATTEND UPON THE COMMITTEE AS A WITNESS- HON. SAMUEL OKUDZETO
ABLAKWA**

We act as lawyers for Hon. Samuel Okudzeto Ablakwa and have the firm instructions of our client to write to you in respect of the above matter.

Our instructions are that our client was served with a letter dated 4th February, 2017 with reference number **PG/SC/005** by the Clerk to your Committee inviting him to attend upon the Committee as a witness on a date and at a time to be communicated to him.

Our client further instructs us that it has come to his attention that your Committee has decided to limit the number of witnesses to be called to give evidence and that he has not been named as one of such witnesses. However, in his testimony which was beamed live on national television and which has been widely reported in the national print media, the Chairman of the Appointments Committee of Parliament and First Deputy Speaker of Parliament, Honourable Joseph Osei-Owusu, mentioned our client as having told him that the bribery allegation was made up. Since our client was not given an opportunity to cross-examine Hon. Joseph Osei-Owusu on this unsubstantiated piece of evidence, it would surely be in accord with the rules of natural justice that our client be heard in his own defence before your Committee.

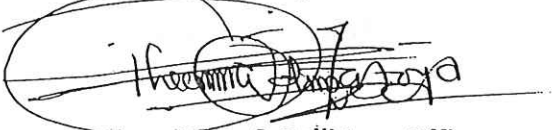
APPENDIX 2

We have been instructed by our client to convey to you, which we hereby do, his desire to appear before your Committee to be heard on above allegation and to provide evidence that would assist your Committee to reach a fair and true conclusion on this substantially important matter of public interest.

Please note, Honourable Chairman, that we have also advised our client on all the legal and constitutional options available to him should he be refused the opportunity to be heard in his own defence before your Committee.

Please accept, Honourable Chairman, the assurances of our highest consideration.

Yours sincerely,



For: Ayine & Felli Law Offices



REPUBLIC OF GHANA

APPENDIX \$
Hon. Samuel Okudzeto Ablakwa

Member Of Parliament For North Tongu Constituency



Received
28-2-17
DEPUTY CLERK OF PARLIAMENT
C. TEE/ICT
Gombale

Your Ref. No:.....

My Ref. No:.....

MEMORANDUM

TO: THE CHAIRMAN, SPECIAL COMMITTEE ON BRIBERY ALLEGATIONS AGAINST THE CHAIRMAN AND MEMBERS OF THE APPOINTMENTS COMMITTEE

FROM: HON. SAMUEL OKUDZETO ABLAKWA, MEMBER OF PARLIAMENT FOR NORTH TONGU AND MEMBER OF THE APPOINTMENTS COMMITTEE OF THE 7TH PARLIAMENT.

DATE: FEBRUARY 24, 2017

RE: SPECIAL COMMITTEE ON BRIBERY ALLEGATIONS AGAINST THE CHAIRMAN AND MEMBERS OF THE APPOINTMENTS COMMITTEE

1. I appeared before this Honourable Committee on Monday the 20th day of February, 2017 upon a request I made to attend before this Committee through my Solicitors in a letter dated the 16th day of February, 2017. At the said appearance on 20th February, 2017, I was given the opportunity to respond to specific allegations that were made against me by the Honourable Chairman of the Appointments Committee and First Deputy Speaker of Parliament, Joseph Osei-Owusu who had earlier appeared as a Witness before this Committee. While I was desirous to give oral evidence and to assist this Committee in the investigation of the matter, the Committee decided that I submit my evidence by way of a memorandum to the Committee. This memorandum is therefore submitted pursuant to the said decision of the Committee at its sitting on the 20th day of February, 2017.
2. On the 20th day of January, 2017 the Appointments Committee of the 7th Parliament which was reconstituted and approved by the plenary on the 10th day of January, 2017 began vetting of the President's ministerial nominees.
3. The Committee deferred the approval of two nominees amongst the first batch of ministerial nominees to be vetted namely Hon. Yaw Osafo-Maafa and Mr. Boakye Kyeremateng Agyarko because we on the minority side took issue with certain claims and allegations the two nominees had made during their vetting.
4. At some point during the deliberations of the Appointments Committee and at close sittings, the Chairman of the Appointments Committee informed members that he had raised a memo for Members' allowances especially as Members had been sitting till late sometimes after 11pm and on weekends.



REPUBLIC OF GHANA

APPENDIX 3
Hon. Samuel Okudzeto Ablakwa

Member Of Parliament For North Tongu Constituency



Your Ref. No:.....

My Ref. No:.....

5. The Minority side of the Committee few days after receiving this information from the Chairman of the Committee were called by our Chief Whip Hon. Mohammed Muntaka Mubarak to pick up our allowances from his office.
6. The morning after I picked up my envelope, and in the Chamber of Parliament, it became evident from information gleaned from other members of the house that the envelopes we picked up which we thought contained our allowances were actually from another source. This was the morning of Friday 27th January, 2017.
7. At this point, two members of our side on the Appointments Committee then decided to verify from the Chairman of the Appointments Committee Hon. Joseph Osei-Owusu if there was any substance in what was making the rounds. These two members received confirmation from the Chairman that the money we had received was not our allowance as we had thought and that the envelopes containing Three Thousand Cedis (GHC3,000) each were from Mr. Boakye Agyarko. At this moment, those of us on the minority side of the Appointments committee in the Chamber quickly conferred with our leaders and we decided to hold an emergency meeting in the office of our Chief Whip, Hon. Mohammed Muntaka Mubarak. At the said meeting, we resolved to return the money after further checks confirmed the source.
8. I hold the view that these two members of the Appointments Committee, referred to in the previous paragraph who confronted the Chairman Hon. Joseph Osei-Owusu are very critical to unraveling the truth in this matter. Subject to the Committee's willingness to offer them a hearing, I will provide their names. May I add that the two Honourable Members have expressed their desire and determination to fully cooperate with your esteemed Committee.
9. In addition, I humbly request of your Special Committee to examine the CCTV footage of Friday 27th January, 2017 between the hours of 11am and 1pm on the 8th Floor of the Parliamentary Office Complex (Job 600) which will show my humble self and others returning our envelopes to the Chief Whip's (Hon. Mohammed Muntaka Mubarak) office.
10. I also further respectfully request that you invite the Hon. Nii Lantey Vanderpuije who was in Hon. Mohammed Muntaka Mubarak's office when I returned my envelope containing the money and therefore can bear witness that I indeed returned the envelope in issue to the Chief Whip (Hon. Mohammed Muntaka Mubarak).

APPENDIX 3



REPUBLIC OF GHANA

Hon. Samuel Okudzeto Ablakwa

Member Of Parliament For North Tongu Constituency

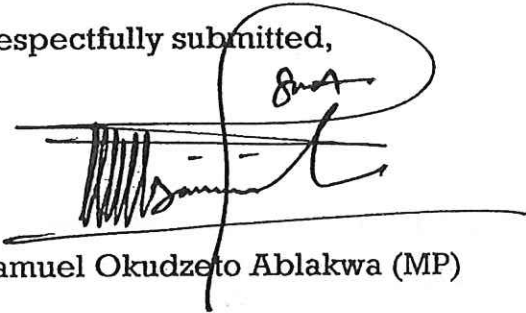


Your Ref. No:.....

My Ref. No:.....

I am exceedingly grateful for the opportunity to assist your Special Committee in this matter.

Respectfully submitted,



Samuel Okudzeto Ablakwa (MP)

71
(Exhibit CW 3/1)

IN THE SPECIAL COMMITTEE PURSUANT TO THE DECISION OF PARLIAMENT DATED
31ST JANUARY 2017

AND

IN THE MATTER OF BRIBERY ALLEGATIONS BEING INQUIRED INTO BY THE HON
JOE GHARTEY –LED COMMITTEE

WITNESS STATEMENT OF MOHAMMED-MUBARAK MUNTAKA/MP FOR ASAWASE &
MINORITY CHIEF WHIP

NAME: MOHAMMED-MUBARAK MUNTAKA

OCCUPATION: MP – ASAWASE AND MINORITY CHIEF WHIP

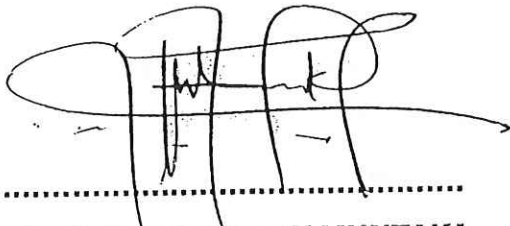
ADDRESS: PARLIAMENT HOUSE, ACCRA

1. My name is **MOHAMMED-MUBARAK MUNTAKA** of Parliament House; Accra, Member of Parliament for the ASAWASE Constituency in the ASHANTI Region of Ghana, and MINORITY CHIEF WHIP OF 7TH PARLIAMENT OF THE FOURTH REPUBLIC OF GHANA.
2. That I submit this statement pursuant to the committee's formal invitation to me to testify as a witness in the matter before it, and that the statement I make herein is a statement of the true facts within my personal knowledge, information and belief as regards the matter in controversy.
3. That on Friday the 27th day of January 2017 at about 5pm my attention was drawn, by the Minority Leader, to media publications alleging that members of the minority on the Appointments Committee had been bribed to pass the nomination of Hon. BOAKYE AGYARKO, the Minister for Energy.
4. That the Minority Leader was visibly angry about said news publication and required of me to immediately cross check the allegation and revert to him so the caucus may take the needed steps and measures.
5. That before I could embark upon the requested investigation, members had to move into conclave where the Hon. Chairman of said Committee who also broached the subject soon after we had concluded deliberations on the said nominee and the Hon. Senior Minister designate to have both approved by consensus.
6. That the Hon. Chairman of said Committee mentioned that he had heard said news was in the media and that the Hon. Ayariga was quoted in said publications to have asserted that he Hon. Joseph Osei Owusu had handed said bribe money to members.

7. That I also witnessed the Hon. Joseph Osei Owusu soon after said conclave meeting express disbelief about the allegation denying same on the floor of the house without any response from any member. See column 646 of Friday the 27th of January 2017 - the official report of the debate.
8. That I was completely taken aback when the next morning, i.e Saturday the 28th day of January 2017, I would be rudely woken from my sleep by numerous phone calls especially from the media seeking my response to the allegation and a comment attributed to the Hon. Ayariga that I had told him that the Hon. Joe Osei Wusu handed said bribe money to me which I in turn handed to them.
9. That I declined all such media interviews while making frantic efforts to reach the Hon. Ayariga to confirm the claims. I was however not lucky as I couldn't get him on the phone.
10. That I would later hear a tape recording of said assertions attributed to the Hon. Ayariga played on Joy.99.7 fm's NewsFile prorgamme, and Hon. Ayariga also speak on said show confirming the contents of said recording, and that this compelled me to call into the show and deny the allegation as far as my alleged role was concerned as I indeed had neither received any bribe money from said Chairman nor distributed same to anybody.
11. That I say that I never had the alleged conversation with Hon. Ayariga or anybody whatsoever, and that the said Hon Chairman has never had the alleged conversation with me, and that I have never reported any said nonexistent conversation with anybody.
12. That I have never received from anybody any said money intended to be used to influence my said colleague members as alleged.
13. That, for the avoidance of any doubts, I state that I have never been involved in or played any role whatsoever connected to said allegations of bribery of Minority Members or anyone on the Appointments Committee or any other.
14. That as an MP and a member of the leadership of this Hon. Parliament, I am fully aware of the implications of getting involved in any such act, attempted or actual

bribery and would never condone same as same is also criminal and against my belief as a committed Muslim.

15. I am exceedingly thankful to this honorable committee for the opportunity to testify to the matter in question.

A handwritten signature in black ink, consisting of several loops and vertical strokes, positioned above a horizontal dotted line.

MOHAMMED-MUBARAK MUNTAKA



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Ayariga made bribery allegation up - Joseph Osei Owusu

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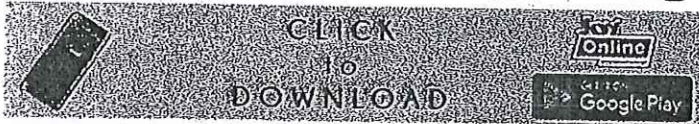
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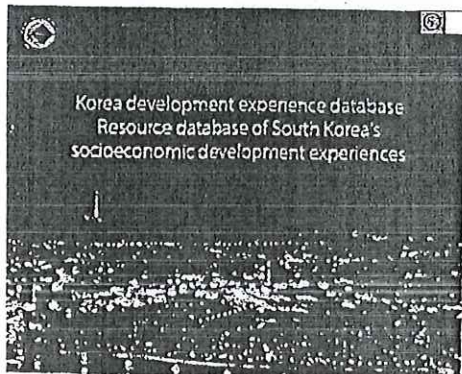
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Chairman of Parliament's Appointments Committee, Joseph Osei Owusu says Bawku Central Member of Parliament (MP), Mahama Ayariga has withdrawn bribery allegation he made against the Energy Minister-designate.

He disclosed this to Joy News' Parliamentary Correspondent, Joseph Gakpo Friday minutes after the allegation made the headline.



The First Deputy Speaker of Parliament said the former Science and Technology Minister said he made the claim up to "level the playing field" because the nominee has impugned the reputation of former President John Mahama.

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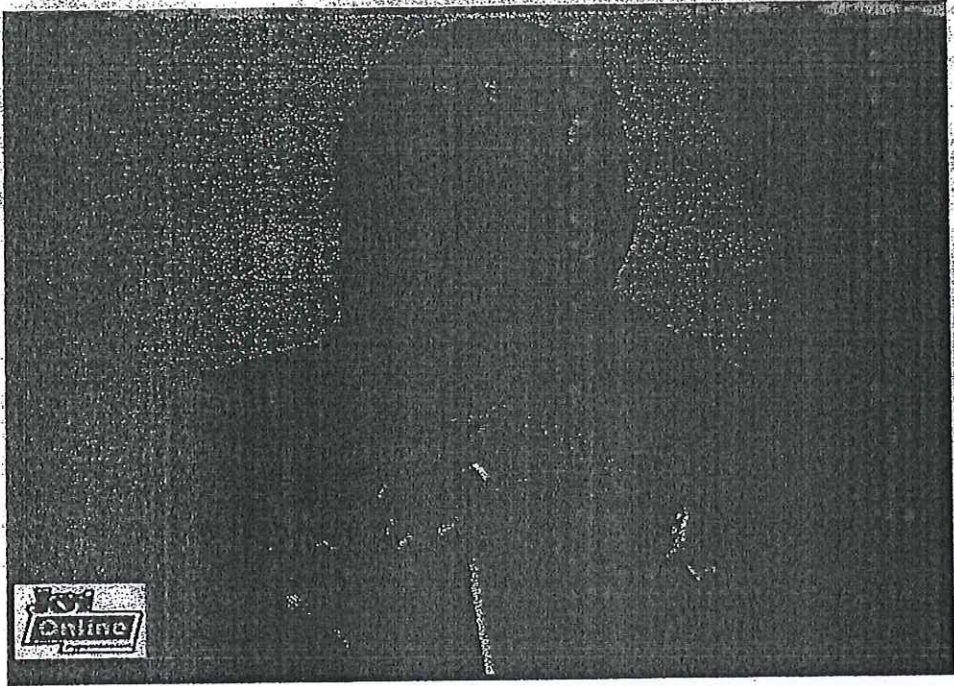
EXHIBIT OMB/1
Ayariga made bribery allegation up - Joseph Osei Owusu - MyJoyOnline

Mr Ayariga has alleged on an Accra-based Radio Gold that Boakye Agyarko gifted the Committee the sum of GHC100,000 to be shared to members.

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Chairman of Appointments Committee, Joseph Osei Owusu

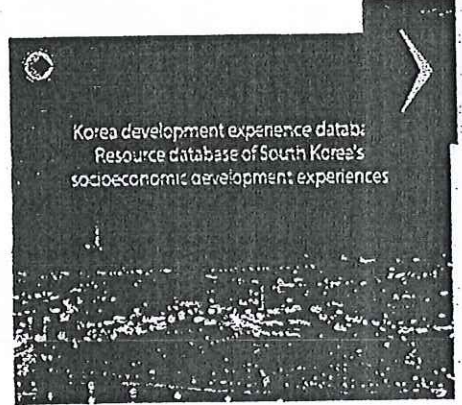
Claimed National Democratic Congress (NDC) MPs on the Committee were offered GHC3,000 each, but they rejected it after they were told of the giver.

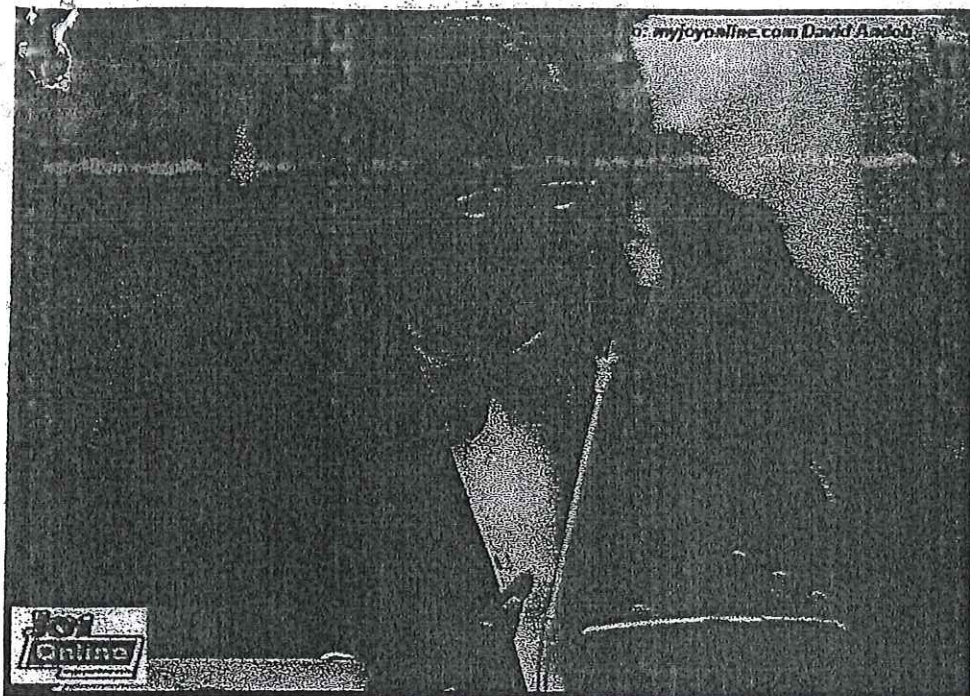
Mr Agyarko's approval together with Senior Minister-designate, Yaw Osafo Maafo has been scuttled by the NDC after some "inaccurate" information they provided the Committee.

Minority members of the Committee have requested the former Vice President of the Bank of New York to produce evidence to back some corruption allegations he made against former President John Mahama.

Related Article: Produce evidence, NPP MPs challenge Ayariga's bribery allegation

Mr Agyarko has also claimed World Bank had 'breathed fire' down the neck of the former Ghanaian leader to take a particular course of action.





Energy Minister-designate Boakye Agyarko

quizzed to substantiate the claim his explanation NDC members on the committee found it unsatisfactory, triggering attempts to torpedo his approval.

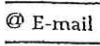


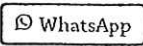


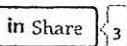

alleged money donated to the Committee was construed by NDC legislators as an attempt to buy their cooperation and bribe them to support his approval.

The Majority had challenged Mr Ayariga to produce evidence, but few minutes the claim, Mr Osei Owusu said the MP has withdrawn his statement and apologised.

The MP has, however, denied withdrawing his allegation. He told Joy News that he still stands by his allegation.



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