

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

**REPORT OF THE COMMITTEE ON CONSTITUTIONAL,
LEGAL AND PARLIAMENTARY AFFAIRS**

ON THE

**DETERMINATION OF WHETHER THE OFFICE OF THE
SPECIAL PROSECUTOR BILL, 2017 IS OF URGENT
NATURE**

JULY, 2017

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SPECIAL PROSECUTOR BILL, 2017 IS OF URGENT NATURE**

1.0 INTRODUCTION

- 1.1 The Office of the Special Prosecutor Bill, 2017 was laid in Parliament under a certificate of urgency on Tuesday, 17th July, 2017 by the Deputy Attorney-General and Deputy Minister for Justice, Hon. Joseph Dindiok Kpemka on behalf of the Attorney-General and Minister for Justice in accordance with Article 106 of the Constitution. The Bill was referred by the Rt. Hon. Speaker to the Committee on Constitutional, Legal and Parliamentary Affairs for consideration and report pursuant to Article 106 of the Constitution and Order 179 of the Standing Orders of the House.
- 1.2 Following the debate as to whether the Bill should be treated under a certificate of urgency, the Rt. Hon. Speaker directed the Committee to determine the urgency or otherwise of the Bill in accordance with Article 106(13) of the Constitution and Order 119 of the Standing Orders of the House.

2.0 DELIBERATIONS

The Committee, during its deliberations, referred to the following:

- i. The 1992 Constitution of the Republic;
- ii. The Standing Orders of Parliament; and
- iii. The Office of the Special Prosecutor Bill, 2017.

3.0 OBSERVATIONS

- 3.1 The Committee notes that the establishment of the proposed Office of the Special Prosecutor is in line with the policy of the Government. The Committee was however mindful of the sensitive nature of the Bill and the interest that it has already generated in the public domain. However,

the Office of the Special Prosecutor as envisaged in the Bill will transcend different political regimes. Hence, the need for the Committee to engage in broader consultations with Civil Society Groups and other key Stakeholders to solicit their inputs.

- 3.2 The Committee acknowledges that the Attorney-General's Office is overburdened in the discharge of its duties and therefore the need to carve out some of its investigative and prosecutorial duties to the proposed Office of the Special Prosecutor. The Committee however does not see any vacuum created by the absence of the Office of a Special Prosecutor to warrant the Bill to be treated as urgent.

4.0 RECOMMENDATION AND CONCLUSION

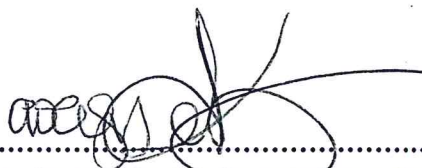
The Committee, having examined the Memorandum to the Bill and the provisions of the Bill, has come to the determination that, more time would be needed to allow for broader consultation before its passage.

The Committee therefore recommends to the House to adopt this Report and to pass the Office of the Special Prosecutor Bill, 2017 through the usual legislative procedure and not in accordance with Article 106(13) of the Constitution.

Respectfully submitted.



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HON. BEN ABDALLAH BANDA
(CHAIRMAN)



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AKUA DUROWAA OWUSU AGYEKUM (MRS)
(CLERK TO THE COMMITTEE)