

**IN THE SECOND MEETING OF THE
SECOND SESSION OF THE
SEVENTH PARLIAMENT OF THE FOURTH
REPUBLIC OF GHANA**

REPORT OF THE

COMMITTEE OF PRIVILEGES

ON THE

**BREACH OF PRIVILEGE AND
CONTEMPTUOUS COMMENTS ALLEGEDLY
MADE BY THE HON. MEMBER FOR ASSIN
CENTRAL CONSTITUENCY, MR. KEN
OHENE AGYAPONG**

JULY 2018

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1.0 INTRODUCTION

- 1.1 At the Thirteenth Sitting of the Second Meeting of the Second Session of the Seventh Parliament held on Wednesday, 6th June, 2018, the Hon. Member for Asawase, Alhaji Muntaka Mohammed-Mubarak drew the attention of the House to an alleged disparaging comments made by the Hon. Member for Assin Central, Mr. Ken Ohene Agyapong on social media to the effect that “the House is useless and cheap and if the House was not useless, it would not have Hon. Osei Kyei-Mensah Bonsu as its Majority Leader”.
- 1.2 The Hon. Member for Asawase indicated in the complaint that the alleged comments were in contempt of Parliament under Standing Order 28 of the House. He therefore prayed the Chair to refer the conduct of Hon. Ken Ohene Agyapong to the Committee of Privileges for investigation and report.
- 1.3 In accordance with Standing Order 164(2) of the House, the complaint was referred to the Committee of Privileges for investigation and report.

2.0 REFERENCE DOCUMENTS AND MATERIALS

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

- i. The 1992 Constitution
- ii. The Parliament Act, 1965 (Act 300)
- iii. The Evidence Act, 1975 (NRCD 323)
- iv. The Standing Orders of Parliament
- v. The Code of Conduct for the Members of the Republic of Ghana, First Edition, 2016
- vi. The Official Report of Proceedings of the House for Wednesday, 6th June, 2018

- vii. Printed extracts from *owassfmonline.com* dated Wednesday, 6th June, 2018
- viii. Printed extracts from *HyperCitiGH* dated Wednesday, 6th June, 2018
- ix. Printed extracts from *MyNewsGH.com* dated Wednesday, 6th June, 2018
- x. Video recording from NET 2 TV and Adom TV on the alleged contemptuous remarks on Wednesday, 6th June, 2018

3.0 PROCEEDINGS OF THE COMMITTEE

- 3.1 The Committee held series of meetings including two public hearings. Evidence was taken from Hon. Muntaka Mohammed-Mubarak (Complainant). He also submitted to the Committee the relevant documents on the alleged contemptuous comments by Hon. Ken Ohene Agyapong (Respondent). Copies of all the documents were also made available to the Respondent.
- 3.2 By his letter dated 20th June, 2018, the Complainant submitted a documentary and video evidence to the Committee. The documentary evidence comprised a publication on *owassfmonline.com* and *Hypercitigh.com*. The Video evidence captures the Respondent and what he allegedly said about Parliament on NET 2 TV and Adom FM.
- 3.3 Although Committee sittings are generally held in camera, the Committee, having regard to the nature of the allegation and the concerns it had generated, permitted the press to cover the proceedings, which were telecast live on Ghana Television. The Respondent subscribed to the Oath of a Witness before the Committee. Mr. Kobina Tahir Hammond and Mr. Alexander Afenyo Markin represented him at the hearing.
- 3.4 At the first public hearing held on Tuesday, 3rd July, 2018, Mr. Alexander Afenyo Markin raised a preliminary legal objection. He brought to the attention of the Committee a letter dated 3rd July, 2018 in which three Hon. Members of the Committee namely, Hon. Cynthia Morrison, Hon. Naana Eyiah and Hon. Samuel Nsowa-Djan had applied to recuse themselves from further proceedings on the matter pursuant to Order 164(4) of the Standing Orders of the House. In

the light of this, the Committee ended the public hearing and met in camera to deliberate on whether or not the request by the three Members be accepted in accordance with Order 164 (4). The Committee after deliberations accepted the request by the three Members to disqualify themselves from any further proceedings by the Committee on the issue.

3.5 By a Memorandum dated 3rd July 2018, the Committee communicated its decision to the Rt. Hon. Speaker. Accordingly, three Hon. Members namely, Hon. Yaw Buaben Asamoah, Hon. Yaw Afful and Hon. Nana Akua Owusu Afriyie were designated to act as Members of the Committee for the purpose of the proceedings with respect to the investigations before the Committee.

3.6 Consequently, the Committee held a second public hearing on Monday, 23rd July, 2018. The video in which the alleged contemptuous comments were made was played to the Respondent. The Chairman informed the Respondent that the Committee wanted him to address the issue of **“Parliament is cheap”** and **“Useless Parliament”**.

4.0 RESPONSE BY THE RESPONDENT

The Respondent admitted that he was the person in the video. He also admitted that he uttered the words **“Parliament ayɛ fo”** in Twi meaning **“Parliament is cheap”** but denied he said **“Parliament foo”** meaning **“Useless Parliament”**. He explained that he made the statement **“Parliament is cheap”** out of extreme anger. He therefore apologised for describing Parliament as cheap.

5.0 FINDINGS

5.1 Having carefully watched the video evidence submitted by the Complainant, the Committee was convinced that contrary to the denial by the Respondent, he indeed made those disparaging comments that **“Parliament ayɛ fo”** meaning **“Parliament is cheap”** and **“Parliament foo”** meaning **“Useless Parliament”**.

5.2 The Committee determined that the comments by the Hon. Member affront the dignity of Parliament and he is therefore guilty of contempt of Parliament in terms of Article 122 of the Constitution and Order 28 of the Standing Orders of Parliament.

6.0 SANCTIONS REGIME FOR CONTEMPT OF PARLIAMENT

6.1 The Committee, having found the conduct of Hon. Ken Ohene Agyapong to be in contempt of Parliament, examined the available options in terms of sanctions to be recommended to the House. The Committee had recourse to the provisions of the Parliament Act, 1965 (Act 300) in respect of a Member in contempt of Parliament. Section 35 of the Act provides:

“Reprimand of Member in contempt

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.”

Section 36 (1), (2) (a) and (b) of the Act provide that:

“Suspension of Member in contempt

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;”*

Section 37 (1), (2) (a) and (b) of the Act also provide that:

“Expulsion of Member

1. *Where a Member is found by Parliament to have been guilty of conduct which, whether or not it amounts 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 Orders 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.”

6.2. The Committee noted the apology rendered by the Member and therefore did not consider expulsion as a sanction to be imposed. The Committee was however in favour of either a reprimand or a suspension. After extensive deliberations, the Committee put the two options to a vote. Out of a total membership of thirty-one (31), twenty (20) Members were present at the time of the voting. Ten (10) Members voted in favour of reprimand as a sanction and ten (10) Members voted in favour of suspension as a sanction. In view of the split ballot, the Committee recommends to the House to determine which of the two sanctions to be imposed on the Hon. Ken Ohene Agyapong.

7.0 RECOMMENDATION AND CONCLUSION

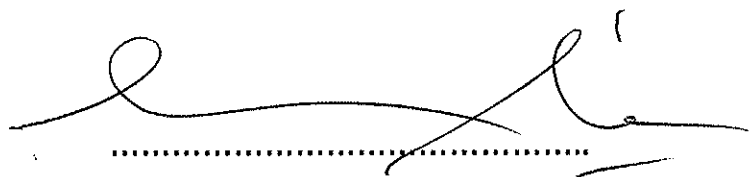
7.1 The Committee has carefully considered the matter in the light of the totality of the evidence gathered and in accordance with the provisions of the Constitution, the Standing Orders and other relevant enactments and concluded that the Hon. Member for Assin Central Constituency, Mr. Ken Ohene Agyapong is indeed in contempt of Parliament for the remarks he made that **“Parliament is cheap”** and **“Parliament is useless”**.

7.2 Accordingly, the Committee recommends to the House to adopt its Report and sanction Hon. Ken Ohene Agyapong by suspending him for the rest of this Session or reprimand him.

Respectfully submitted.



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ERIC OWUSU-MENSAH
CLERK TO THE COMMITTEE



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JOSEPH OSEI-OWUSU (HON.)
CHAIRMAN,
COMMITTEE OF PRIVILEGES

JULY 2018.

