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PRESS RELEASE ON THE ATTEMPTS BY THE GHANA POLICE SERVICE TO ARREST HON. FRANCIS-XAVIER KOJO SOSU, MEMBER OF PARLIAMENT FOR MADINA CONSTITUENCY

1. The Rt. Hon. Speaker of Parliament has noted with grave concern the recent attempts by the Police Service to arrest the Hon. Member of Parliament for the Madina Constituency, Hon. Francis-Xavier Kojo Sosu in a manner and fashion that offend not just the letter but the very spirit that underpins our 1992 Constitution.
2. The Rt. Hon. Speaker has also taken note of the press releases and posture of the Police Service including the interdiction of Inspector Daniel Agbavor, the Police Officer providing personal protection to the Hon. Member.
3. The Rt. Hon. Speaker has directed that the following should be brought to the attention of the public as are available to him;
 - a. That the Hon. Member for Madina Constituency in an attempt to lawfully discharge his mandate as a Member of Parliament, led his constituents to exercise their freedom of assembly to demonstrate against the state of roads in the Madina Constituency. From the facts provided by the Hon. Member, the Member complied with all the provisions of the Public Order Act, 1994 (Act 491) and engaged the Police Service till the event took place. It must be made known that, the Police Service proposed the new date for the demonstration after disagreeing with the initial date proposed by the Constituents.
 - b. That it is difficult to comprehend the fact that the Hon. Member of Parliament, who had engaged the Police Service prior to the demonstration would be the subject of attempted arrest by the police in the company of the police contingent deployed to assist in the demonstration.
 - c. That the Hon. Member was said to have been whisked from the scene by the bodyguard assigned to him by the Parliamentary Protection Unit as was expected of a bodyguard, especially in the mixed up of events that posed environment

threats on the safety of his Principal under discussion. That such a bodyguard should be commended for discharging his duties dutifully and not condemned.

- d. The Hon. Member, believing that he was undertaking a lawful duty, felt he had been distracted from the discharge of his functions, and in compliance with **Article 122** of the **1992 Constitution**, legitimately claimed the abuse of privilege of not only a Member but of Parliament as a whole. The said Article 122 of the Constitution provides as follows:

“An act or omission which obstructs or impedes parliament in the performance of its functions or which obstructs or impedes a member or officer of parliament in the discharge of his duties, or affronts the dignity of Parliament or which tends either directly or indirectly to produce that result, is contempt of Parliament”

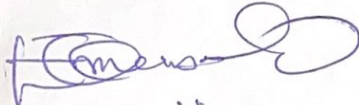
- e. It is instructive to note that, although a member may allege contempt of Parliament, the ultimate decision of a contempt or otherwise is based on the recommendation of a Committee of Parliament, the Committee of Privileges, and duly debated by the House before a decision is taken.
- f. The referral to the Committee of Privileges was made on the 27th day of October, 2021. Despite the pendency of this referral, the Police Service wrote to Mr Speaker to release the Hon. Member to report to the Police Headquarters to assist in investigations on Thursday 28th of October, 2021, at 10 am, the very next day after the referral had been made at a plenary sitting of Parliament.
- g. Mr. Speaker caused a response to be written noting that, the House was sitting and a Member of Parliament could not be released to assist in investigations when the Member was attending proceedings or performing any duty of a Member of Parliament.
- h. It is important to note that, despite the pendency of the Contempt complaint by the Member and the referral to the Committee of Privileges by the Rt. Hon. Speaker, the Police Service decided to proceed with their decision to attempt to arrest the Member.
- i. This is a clear violation of the provisions of the 1992 Constitution and gross disrespect to the Rt. Hon. Speaker and Parliament.

- j. The response to the request of the Police Service was duly received by the Police Service on Friday, 29th October, 2021. It is thus disingenuous and a blatant affront to the Parliament of Ghana for the Police Service to ignore the aforementioned letter.
 - k. The Police Service, instead of engaging the Rt. Hon. Speaker and the Leadership of the House, surreptitiously attempted to arrest the Member of Parliament on Sunday 1st November, 2021 in church, where he fellowships.
4. The Rt. Hon. Speaker acknowledges that Members of Parliament are not above the law. The issue is not that a Member of Parliament cannot be investigated or arrested. The issue is the procedure to follow to investigate or arrest a Member of Parliament. It is worthy to note that, several Members of Parliament from both sides of the House have been investigated, arraigned before court and tried since 1993. Some Members are presently before various Courts of law and investigative bodies.
 5. Indeed, the Police Service and other security agencies have investigated and continue to investigate Members of Parliament from both sides, and in all instances, the Office of the Speaker has engaged and facilitated the work of the Police Service. Let it not be suggested per these happenings that Members of Parliament and Parliament are not subject to the Law.
 6. The Police Service is a vassal of the Constitution and a Statute passed by Parliament. It forms part of the Public Services of Ghana and equally, must not uphold itself to be above the law.
 7. The privileges and immunities of Parliament, the Speaker, Members of Parliament and the Clerk, exist to guarantee the independence of the House and ensure that the Legislature is able to undertake its constitutional duties without unnecessary encumbrances and constraints. This is to create a conducive political polity to enable the Legislature respond appropriately and timeously to the needs and aspirations of the People.
 8. These privileges are part of rules and systems intended to strengthen Parliament to effectively and efficiently deliver on its mandate. The privileges and immunities do not exist only for the protection of Members but for the protection of the House as one of the cardinal bastions of democracy.

9. These recent events should not be understood as an attack on a single Member of Parliament but an attack on Parliament as an institution and the democracy of Ghana as a whole.
10. The provisions on Parliamentary immunities and privileges are borne out of the experiences of various democracies the world over. These privileges and immunities were first introduced in Ghana under the 1969 Constitution for a good reason. The 1968 Constitutional Commission Report of Justice Edward Akufo-Addo justified the need for parliamentary immunity from arrest and the service of court processes by maintaining that, such immunity ensured that Members of Parliament were not distracted by arrest and detention while attending Parliamentary Business.
11. Parliaments are the bedrock of any strong and vibrant democracy; hence, all efforts must be made to protect our Parliament. There is enough evidence that an effective and strong Parliament deepens democracy and the reverse that, an ineffective and weak Parliament portends doom for any democracy and the rule of law.
12. Mr. Speaker considers these recent happenings as an attempt by some persons in the security services to change the nature of Parliamentary Business and cow Members of Parliament and the House into subservience. This potentially has a long term effect on our democracy. Mr Speaker remains resolute to lead Members and Officers of Parliament in the collective determination to defend the constitution and its provisions as is a constitutional duty.
13. Mr. Speaker acknowledges that the Police Service requires the support of everyone to conduct their affairs and that support will be granted, provided their services are within the boundaries of the law and rules established by the provisions of the 1992 Constitution and other laws governing democracy and all civilised societies.
14. The Police Service should also not be allowed to use threats of administrative sanctions to make ineffective the Parliamentary Protection Unit by interdicting officers who are lawfully protecting their Principals and whose only crime, if any, is to be assigned to protect a Member of Parliament. The Rt. Hon. Speaker believes that the action taken by the Police Service to interdict the bodyguard of the Hon. Member of Parliament for Madina could potentially affect the morale of all bodyguards of Members of Parliament and weaken the ability of the guards to provide the needed protection for Members and Parliament in general.
15. This undoubtedly, will defeat the very purpose for which Members of Parliament are provided with bodyguards in the first place. The instructions to the Commander of the

Parliamentary Protection Unit to replace the interdicted Police Officer with another officer for the Hon. Member is to say the least, dangerous and unacceptable.

16. Mr Speaker reiterates that the immunities and privileges of Members of Parliament are not absolute. The procedure for causing the arrest of a sitting Member of Parliament or serving a court process must be in accordance with the Constitution.
17. The appropriate procedure is to secure from the Speaker, a certificate that the Member in question is not attending to Parliamentary Business. Anything short of this should not be entertained by the House.
18. Mr. Speaker would want to reassure the people of Ghana that, he takes seriously the oath he swore on the 7th of January, 2021, by his solemn pledge to *"faithfully and conscientiously discharge his duties" as the elected Speaker for all, as well as "to uphold, preserve, protect and defend the Constitution of the Republic of Ghana."*



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