

REPORT OF THE COMMITTEE OF PRIVILEGES ON THE CONTEMPTUOUS PUBLICATIONS IN THE 14TH & 15TH JULY, 2016 EDITIONS OF THE DAILY GRAPHIC BY MARK-ANTHONY VINOKOR ON THE PUBLIC ELECTIONS REGULATIONS, 2016 AND REPRESENTATION OF THE PEOPLE (PARLIAMENTARY CONSTITUENCIES) INSTRUMENT, 2016.

1.0 INTRODUCTION

The Hon. Member for Bimbilla and Deputy Minority Leader, Mr. Dominic B.A. Nitiwul on Friday, 15th July, 2016, made a complaint, in which he drew the attention of the House to two publications in the 14th and 15th July, 2016 editions of the Daily Graphic on the Public Elections Regulations, 2016 (C.I. 94) and Representation of the People (Parliamentary Constituencies) Instruments, 2016 (C.I. 95) by Mr. Mark-Anthony Vinokor which sought to accuse Parliament of smuggling provisions on punishment into the C.I. 94 contrary to article 11 (7) of the Constitution after laying the C.I. in the House.

The Hon. Member maintained that in his view, the said publications were in contempt of Parliament and therefore prayed the Rt. Hon. Speaker to refer the conduct of Mr. Vinokor to the Committee of Privileges for investigation and report.

Having regard to the complaint and the sentiments expressed by Hon. Members on same, the Rt. Hon. Speaker, pursuant to Standing Order 31 referred the conduct of Mr. Vinokor to the Committee of Privileges for investigation and report.

2.0 REFERENCE DOCUMENTS/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. Interpretation Act, 2009 (Act 792);
- iv. The Standing Orders of Parliament;
- v. Erskine May, Parliamentary Practice, The Twenty Fourth Edition;
- vi. The 14th, 15th and the 21st July, 2016 editions of the Daily Graphic among other Documents and materials; and
- vii. Text Message by Mark-Anthony Vinokor to the Dean of Parliamentary Press Corps.

3.0 METHODOLOGY

The Committee adopted the under-listed as the methodology for enquiry

- i. Study and examination of Material evidence in relevant newspapers and a text message; and
- ii. Summoning and examination of evidence of the principal witness and other witnesses relating to the publications.

4.0 PROCEEDINGS OF THE COMMITTEE

The Committee held one sitting to consider the referral. The underlisted witnesses among those summoned took turns to subscribe to the oaths administered by the Committee prior to giving their respective evidence.

- i. Mr. Mark-Anthony Vinokor - Principal Witness (Reporter Daily Graphic)
- ii. Mr. Ken Ashigbey - Managing Director, Graphic Communications Group Ltd
- iii. Mr. Yaw Boadu Ayebofo - Director of News Paper, Graphic Communications Group Ltd
- iv. Mr. Ransford Tetteh - Editor, Daily Graphic

5.0 EVIDENCE SESSION

5.1 Principal witness

The Chairman, before reading out to the principal witness the charge preferred against him drew his attention to the subject matter of the investigation – the two contemptuous stories he authored and published in the Daily Graphic and subsequently sought his response on the publications.

The principal witness in response to the Committee rendered an unqualified apology to Rt. Hon. Speaker and the House for the two stories he authored which were published in the Daily Graphic admitting same to be inaccurate and misleading. He accepted responsibility for the reportage and indicated that his lack of knowledge of parliamentary practices and procedures as demonstrated by the reportage could have caused a constitutional crisis.

He therefore apologised profusely to the House for authoring those unfortunate stories and pleaded for forgiveness.

5.2 Other witnesses

Mr. Ken Ashigbey, Managing Director, Graphic Group Communications Ltd.

At the invitation of the Chairman, the Managing Director of Graphic Group Communications Ltd, Mr. Ken Ashigbey also responded to the publications by apologising unreservedly to the Rt. Hon. Speaker and the House for the inaccurate reportage in the Newspaper. He indicated that after their attention was drawn to the publications they took immediate steps to render an unqualified apology in the Thursday, 21st July, 2016 edition of the Daily Graphic under the caption “Graphic apologises to Parliament”. He further indicated that, in that publication the Graphic did not only apologise to Parliament but also explained to the public the correct procedures Parliament undertook to lay the C.I 94.

The Director of News Papers, Mr. Yaw Boadu-Ayeboafu and the Editor of the Daily Graphic, Mr. Ransford Tetteh also took turns to render unqualified apologies to the Rt. Hon. Speaker and the House for the publications.

The Principal Witness and the top management of the Graphic Communications Group Ltd. having accepted liability for the inaccurate publications in respect of C.I. 94 which sought to indict Parliament were discharged pending final determination of the matter by the House.

6.0 COMPLAINANT BEFORE THE COMMITTEE

The Complainant at the behest of the Chairman also attended upon the Committee and was briefed on the outcome of the meeting with the Principal Witness and the management of the Graphic Communications Group Ltd. He welcomed the profuse apology rendered by the principal witness and the management of the Graphic Communications Group Ltd. and hoped such a reportage on proceedings of Parliament would not recur in the future.

7.0 FINDINGS

a. Consequence of the Reportage

The Committee took a serious view of the publications in a sub-captioned “**The punishment is clearly spelt out** as quoted below and observed that,

- i. they undoubtedly constituted contempt of Parliament under Standing Orders 28 to 31;

- ii. they had the potential of triggering a constitutional crisis in the country with regard to reckoning of time under article 11(7) of the Constitution as regards date of implementation of the Instrument;
- iii. they maliciously accused Parliament.

“The punishment is clearly spelt out:

What the insertion of this new clause also means is that the CI is now deemed to have been laid on Monday, July, 11 and not Friday, July 8. This is because with the new clause, the two documents, that is the one which was in the possession of Mr. Amoah and the one which was distributed to members last Monday, are two separate documents and therefore, the one with the new punishment clause cannot to be said to have been laid last Friday. It takes effect from Monday when it was distributed to Members”

b. Opportunity for Mr. Vinokor to purge himself of the contemptuous publications

The Committee noted that prior to the referral of Mr. Vinokor’s conduct to the Committee of Privileges, he was offered the opportunity to purge himself of the contemptuous publications, when the Rt. Hon. Speaker invited him to his Chamber in the presence of some Members of Leadership, the Clerk to Parliament, Deputy Director of Public Affairs and the Dean of the Parliamentary Press Corps to draw his attention to the false publication he authored. He honoured the invitation and apologised for his unethical conduct.

The Committee however noted with indignation the intransigence of Mr. Vinorkor in further publishing false and misleading facts on the C.I. 94 in the Friday 15th July, 2016 edition of the Daily Graphic after the earlier opportunity offered him to purge himself of the potentially contemptuous publication he authored in the Thursday, 14th July, 2016 edition of the Daily Graphic.

c. Text Message by Mr. Vinorkor

The Committee again noted with outrage the contemptible text message sent by Mr. Vinorkor to the Dean of the Parliament Press Corps on the matter. The Text Message further sought to denigrate the House after his attention had been drawn to the false and misleading stories he authored on the C.I. 94. The text message reads as follows:

“I want to state it loud and clear that from today I will not honour any invitation to any member of the leadership in Parliament through you or the Public Affairs Department where I am asked to plead even when I do not feel sorry. Pls note that I am an employee of the Daily Graphic and any story I write ceases to be mine once it is published. Therefore any mistakes, omissions and commissions become the mistakes of the newspaper. Next time, that is if there ever is a next time, I’ll rather face my accusers with representatives of my employers than with you. And if, as a result, I am accused of disrespecting leadership I don’t or wouldn’t care. Nobody goes to journalism school to study parliamentary reporting. I studied journalism. So threats of I’ll have you removed from Parliament is, simply put, laughable. My salary does not come from Parliament. It comes from Graphic. And if I’m asked not to set foot here again I will willingly leave. So my dear brother, get that straight. Don’t be surprised if you get snub from me next time. That is if there is ever a next time”

d. Editorial Indiscretion

The Committee observed that failure by the Daily Graphic to provide an equal platform to Parliament to rebut the misleading and false stories written by the contemnor did not only amount to editorial indiscretion but unbalanced reportage which worked gross injustice against Parliament at the initial stages until management of the Graphic Group took steps to apologise to Parliament on the matter. It was also instructive to note that, the Graphic Communications Group Ltd in its Friday, 21st July, 2016 edition unreservedly apologised to Speaker, Leadership and Members for the inconvenience caused by the two publications.

8.0 SANCTIONS REGIME

The Committee, having established a case of contempt of Parliament against Mr. Mark-Anthony Vinorkor also examined the available options in terms of sanctions which the House could impose for the conduct of the contemnor. In this regard, the Committee had recourse to the provisions of the Constitution and the Parliament Act, 1965 (Act 300) and the Standing Orders which provide for the case of contempt of Parliament and the requisite sanctions regime as applicable to Members, Officers and strangers.

Articles 122 and 123 of the Constitution provide as follows:

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

“123. *Where an act or omission which constitutes contempt of Parliament is an offence under the criminal law, the exercise by Parliament of the power to punish for contempt shall not be a bar to the institution of proceedings under the criminal law.*

In relation to the Parliament Act, 1965 (Act 300)

- a. Section 26 of Act 300 provides generally for contempt as follows:

“An act which impedes or tends to impede Parliament in the performance of its functions, or affronts the dignity of Parliament, is a contempt of Parliament, and the setting forth in this Act of particular contempts shall not be taken to affect the generality of this section.”

- b. Section 41 of Act 300 relates specifically to sanctions applicable to strangers found to be in contempt of Parliament and states that:

“When a stranger is found by Parliament to be guilty of contempt of Parliament, Parliament may order the stranger to appear at the bar of Parliament at a time specified in the order to be reprimanded by the Speaker.”

- c. Order 7 of the Standing Orders of Parliament defines a “stranger”

as “any person other than the President, Vice-President, Mr. Speaker, Ministers and Deputy Ministers who are not Members of the House, a Member, or an officer of the House.”

- d. Section 43 of Act 300 provides for the criminal prosecution of strangers in contempt of Parliament as follows:

“(1) A stranger who is guilty of contempt of Parliament is liable to a fine not exceeding two hundred and fifty

penalty units or a term of imprisonment for one year or both the fine and the imprisonment.

(2) Proceeding taken in respect of an act under one or more of sections 34 to 42 of this Act shall not affect the liability of a person to prosecution and punishment in respect of that act under this section or any other enactment.

(3) Subject to article 88 of the Constitution, Parliament may order the Attorney-General to prosecute a person whom it suspects to have committed a contempt of Parliament which constitutes an offence under this section or any other enactment.”

9.0 RECOMMENDATIONS AND CONCLUSION

The Committee having carefully considered the totality of the evidence and especially the honest admission made by, Mr. Mark-Anthony Vinorkor concluded that he was indeed in contempt of Parliament for the stories he authored on the C.I.94 and subsequently published in the Daily Graphic.

The Committee, pursuant to sections 41 and 43(1) and (2) of the Parliament Act, 1965 (Act 300) as stated above, recommends for the consideration of the House, the following sanctions to be administered against Mr. Mark-Anthony Vinorkor and the Graphic Group Communications Ltd:

- a. That Mr. Vinorkor be ordered to appear at the Bar of the House for reprimand.
- b. That Mr. Vinorkor, whilst at the bar of the House, renders an unqualified apology to the House, purging himself of the contempt.
- c. That Mr. Vinorkor's accreditation as a member of the Parliamentary Press Corps be withdrawn forthwith until further notice.
- d. That Mr. Vinorkor be made to undertake a bond to be of good behavior in his professional practice and that failure on his part to do so in the future should attract very punitive sanctions by the House.
- e. That the Graphic Communications Group Ltd. be made again to render an unqualified apology to the House and publish same on

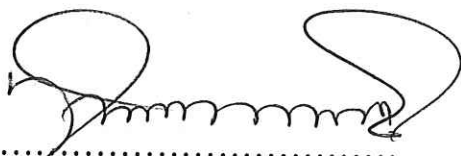
three separate occasions in the print and electronic media at their own expense.

The Committee also recommends that all Media Houses covering proceedings in Parliament as well as those intending to do so endeavour to undertake pre-qualification screening of their prospective reporters.

Subsequently, the Clerk to Parliament should ensure that the Public Affairs Department of Parliament strictly adheres to a final pre-qualification screening of all journalist recommended by their respective Media Houses and submit same to the Speaker prior to the issuance of accreditation. This in the view of the Committee will help sanitise the system of accreditation as well as promote and enhance the dignity of Parliament.

In conclusion the Committee urges all media houses to be circumspect and balanced in their reportage on Parliament and also use their respective media platforms to educate the citizenry of the work of Parliament in furtherance of democracy and good governance.

EBENEZER A. DJIETROR



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CLERK, COMMITTEE OF
PRIVILEGES

EBO BARTON-ODRO



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CHAIRMAN, COMMITTEE OF
PRIVILEGES

JULY, 2016