



MAJORITY CAUCUS

PARLIAMENT OF GHANA

Parliament House - Accra (Ghana)

Press Statement by the Majority Leader and Leader of Government Business in Parliament, Alexander Afenyo-Markin, in Response to the Press Conference by the Minority Leader, Hon. Cassiel Ato Forson, Dated 20th October, 2024

Tuesday, 22nd October 2024

1. Ladies and gentlemen of the press, fellow citizens of Ghana,
2. Thank you for your presence today. We gather to address critical issues following Sunday's press conference held by the Minority Leader, Hon. Cassiel Ato Forson, regarding the Minority NDC's intentions following the Speaker of Parliament's declaration of certain parliamentary seats as vacant.

The Supreme Court's Ruling and the Need for Compliance

3. On October 18, 2024, the Supreme Court issued a stay of execution on the Speaker's decision to declare four Members of Parliament's seats vacant. The Court explicitly directed that the execution of the Speaker's ruling be held in abeyance pending the final determination of the legal suit I had filed as the Majority Leader days before last Thursday's ruling. In the wisdom of our Lordships, they stated:

"The Parliament of Ghana is hereby directed to recognize and allow the 4 affected Members of Parliament herein named to duly represent their constituents and conduct the full scope of the duties of their offices as Members of Parliament pending the determination of this suit."

“In view of the gravity of the issues raised in this instant suit and the urgency of this matter, this Court hereby directs that, pursuant to article 129(4) of the 1992 Constitution and Rule 5 of CI 16, the Defendants — Speaker of Parliament and the Attorney General — are to file their statements of case within 7 days of service of this ruling.

“The parties are further ordered to file their joint Memorandum of Issues within seven days of filing their statement of case for the due hearing of this suit.”

4. Ladies and Gentlemen of the media, this judicial directive is unequivocal: these four MPs are to continue their parliamentary duties and represent their constituents until the Court's final ruling.
5. Let me be clear: any action by the Minority that defies this stay of execution will be contemptuous of the Supreme Court. The punishment for that level of lawlessness can attract up to ten years in jail. This is not a matter of debate or interpretation; it is the law.

The Rule of Law: The Bedrock of Our Democracy

6. While we understand the Minority's desire to protect what they wrongly perceive as their newly earned “Majority” status, we must emphasize that the rule of law remains the cornerstone of our democracy. Parliament operates within a legal framework governed not only by the Constitution but also by respect for judicial processes, particularly rulings by the Supreme Court, which is the final arbiter on constitutional interpretation.
7. As a courtroom practitioner of over 12 years at the Ghana Bar, I've intimately experienced the weight of court rulings. I've litigated cases from lower courts to the Supreme Court, experiencing both the sweetness of victory and the bitterness of defeat. Ladies and gentlemen of the media, losing is undoubtedly painful. However, when I believe the law is on my side, I pursue appeals up to the Supreme Court. I have won many such appeals and have also lost a number. Be it victory or defeat, it's the law that prevails and our Constitution that rules.

8. If the NDC Minority believes they have compelling arguments to present to the Supreme Court to alter its decision, they are free to find competent lawyers to make their case for them. However, they cannot cherry-pick which court rulings to respect. That's not how democracy functions.

Contempt of Court: A Grave Offense

9. Ladies and Gentlemen of the media, I am the first to admit that as political leaders we can and must constructively criticize court decisions — it's our democratic right. However, we must never signal to Ghanaians that they can disrespect or disregard court decisions, especially through the conduct of those of us in leadership. That will be a recipe for chaos. No reasonably competent Ghanaian holding a public office created by and subject to the 1992 Constitution is entitled to such gross indiscipline. This principle underpins the rule of law, and our actions, as leaders, must uphold it.

Maintaining the Integrity of Parliamentary Processes

10. Hon. Forson's assertion that parliamentary proceedings "shall not be impeached or questioned in any court" grossly misconstrues the legal parameters of parliamentary immunity. He is not a lawyer, and so I do not blame him for misstating the law. The law, as I understand it as a practitioner, is that while Parliament enjoys certain privileges, including freedom of speech during its proceedings, it does not operate above the law. Judicial oversight exists precisely to prevent any misuse or overreach of parliamentary powers, particularly when constitutional violations are at stake.
11. Any suggestion that Parliament is immune from judicial review, especially in matters concerning the constitutional rights of citizens or duly elected MPs, must be rejected. Indeed, the impugned ruling of the Speaker, while respected, is subject to judicial scrutiny, and we await the final judgment from the Supreme Court on this matter.

Respecting the Democratic Will of the People

12. Let's not forget the gravity of this situation. The MPs whose seats were declared vacant — Hon. Peter Yaw Kwakye Ackah of the NDC representing Amenfi Central in the Western Region, Hon. Andrew Asiamah Amoako of Fomena in the Ashanti Region, Hon. Kwadjo Asante of the NPP representing Suhum in the Eastern Region, and Hon.

Cynthia Mamle Morrison of the NPP representing Agona West constituency — were all duly elected by their constituents to represent them in Parliament. The will of the electorate is sacred in any democracy, and until the Supreme Court makes its determination, these MPs retain their mandate to serve. To act otherwise would trample on the rights of voters in Amenfi Central, Suhum, Fomena, and Agona West constituencies.

The Path to Majority: Democracy, Not Force

13. Let us be clear: the path to the Majority bench is not carved through brute force or "patapaa" in the hope that the seats on the Speaker's right will be surrendered. If the NDC believes it has the electoral appeal to win the Majority, they know where to go. They should go on the campaign trail, to persuade Ghanaians to vote for them. That's how we secured the Majority benches in 2017 and 2021. That's how it's done elsewhere, not through threats or intimidation.

14. That having been said, if the NDC chooses violence and swears to use the sacred floor of the House as a gladiatorial arena, we in the Majority won't descend to that level of savagery. If they insist on entering the chamber with advertised thuggery, we will quietly leave and stay away from the House. We won't engage in their theatrics. Instead, we'll make our case before the Supreme Court, where the rule of law prevails. We'll return to our constituencies to explain why such lawless individuals shouldn't be elected to power. To quote from our statement of last Thursday:

"We fully recognize that this decision will, to some extent, negatively affect the prosecution of the legislative agenda of the government of His Excellency President Nana Addo Dankwa Akufo-Addo for the remainder of his tenure. However, we firmly believe this is a necessary price to pay in mounting a formidable defense of our Constitution and safeguarding the will of the people of Ghana. The preservation of our democratic principles and the integrity of our constitutional order must take precedence over short-term legislative goals."



15. Civilization has long passed the days when men settled arguments with fisticuffs. If the NDC chooses to remain in those dark ages, so be it. We will not join them there.

Conclusion

16. My fellow Ghanaians, as we conclude this address, I call upon you to see the Minority for who they have truly become. We stand at a crossroads in our nation's history, facing a group that has shown itself to be increasingly lawless, with a disrespect for our state institutions that knows no bounds.

17. As citizens, let us stand united against the forces that would tear down our institutions. Let us reaffirm our commitment to the rule of law, to respect for our courts, and to the democratic principles that have been the bedrock of our nation. This is the age of the rule of law, where the force of intellect soars far above sheer thuggery and bravado.

18. The eyes of history are upon us. Let it be said that in this crucial moment, we chose the path of righteousness, of law and order, of respect for our institutions. Let us show the world that Ghana remains a beacon of democracy in Africa, a nation where the rule of law prevails over the rule of lawless men and women.

19. In good faith, we call on Hon. Ato Forson and the Minority to exercise restraint and respect the legal process. The Supreme Court is the appropriate forum for resolving this matter. Any attempt to undermine its authority will not only be unconstitutional but will also set a dangerous precedent for our democracy.

20. The Majority remains committed to upholding the Constitution, respecting the rule of law, and working in the interest of all Ghanaians. We urge all parties involved in this matter to do the same, and we stand ready to protect the integrity of Parliament and our democratic institutions.

21. May God bless our motherland Ghana and make her greater and stronger. Thank you all for your attention.



Prayer and Call to Action: Let us pray:

- 22. Almighty God, guardian of justice and protector of our nation, we come before you today with heavy hearts. We ask for your divine intervention in these tumultuous times. Grant us the wisdom to discern right from wrong, the courage to stand firm in the face of lawlessness, and the strength to uphold the pillars of our democracy.**
- 23. Lord, open the eyes of all Ghanaians to see the true nature of those who would subvert our institutions for their own gain. Help us to recognize that the path of disorder and disrespect leads only to chaos and the erosion of the very foundations upon which our great nation stands.**
- 24. We pray for our leaders, especially those who have lost their way. Touch their hearts, O God, and guide them back to the path of righteousness and respect for the rule of law. Remind them of their sacred duty to serve the people and uphold the Constitution.**
- 25. Heavenly Father, we understand that the orders of the Court have been dutifully served on the Speaker through the Legal Department of this House. It is the fervent hope of all law-abiding Ghanaians, and indeed the civilized world, that the Speaker will respect these orders as served upon him. We pray for his wisdom and courage to do what is right in the eyes of the law and in your sight.**
- 26. Father, may your light shine upon our nation, exposing the darkness of lawlessness and illuminating the path of justice and order. Grant us unity in our diversity, strength in our convictions, and unwavering faith in the democratic principles that have brought us this far.**
- 27. We ask all this in your name, trusting in your infinite wisdom and mercy. Amen.**

