



THE REPUBLIC OF GHANA

WRIT OF SUMMONS

WRIT ISSUED FROM

Accra 06/09/2022

SUIT NO.:

GT/1200/2022

IN THE HIGH COURT OF JUSTICE
GENERAL JURISDICTION
GREATER ACCRA
ACCRA - A.D. 2022

BETWEEN

FRANCIS ASENSO BOAKYE
Ministry of Works and Housing
Ministries, Accra

PLAINTIFF

VRS

1. BLESSED GODSBRAIN SMART
Onua FM/Television
Kanda, Accra

DEFENDANTS

2. MEDIA GENERAL LIMITED
Kanda
Accra

AN ACTION having been commenced against you by the issue of this Writ by the above-named Plaintiffs

FRANCIS ASENSO BOAKYE

YOU ARE HEREBY COMMANDED that within eight days after the service of this Writ on you inclusive of the day of service you do cause an appearance to be entered for you.

- 1. BLESSED GODSBRAIN SMART
- 2. MEDIA GENERAL LIMITED

AND TAKE NOTICE that in default of your so doing, Judgment may be given in your absence without further notice to you.

Dated this 06 day of Sept, 2022

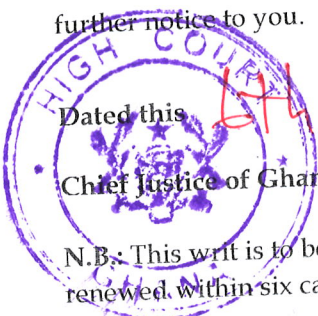
06/09/2022

Chief Justice of Ghana,

ANIN YEBOAH

N.B.: This writ is to be served within twelve calendar months from the date of issue unless it is renewed within six calendar months from the date of last renewal.

The Defendant may appear hereto by filing a notice of appearance either personally or by a lawyer in Form 5 at the Registry of the Court of issue of the Writ at Accra, or by a Defendant appearing personally may, if he desires give notice of appearance by post.



Stamp: 06/09/2022

STATEMENT OF CLAIM

The Plaintiffs' claim is for:

- a) A declaration that the words complained of, in paragraph 9 herein, and published by the 1st Defendant on the 2nd Defendant's platforms are defamatory of the Plaintiff's character;
- b) An order of the honourable Court directed at the Defendants to publish an unqualified retraction and an apology to the Plaintiff with the same prominence the defamatory words received, within 7 days after the judgment;
- c) An order of the honourable Court for a perpetual injunction restraining the 1st Defendant, his agents, assigns, servants and any person claiming authority through him from making and/or publishing any defamatory words against the Plaintiff;
- d) An order of the honourable Court for a perpetual injunction restraining the 2nd Defendant, its agents, assigns, servants and any person claiming authority through it from utilizing its platforms for the propagation of false and malicious statements about the Plaintiff;
- e) The sum of Ten Million Ghana Cedis (GHC 10,000,000.00) in damages for defamation;
- f) Costs including Lawyer's fees; and
- g) Any other order or orders as this honourable Court may deem fit in the circumstances

This Writ is issued by

Whose address for service is

Agent for

Solicitor License No.

NANA AGYEI BAFFOUR AWUAD, ESQUIRE
Managing Partner
Sarkodie Baffour Awuad & Partners
Legal Consultants
No. 9 Wawa Drive
North Dzorwulu, Accra
Tel: 0203005254

NANA AGYEI BAFFOUR AWUAD, ESQUIRE
SARKODIE BAFFOUR AWUAD & PARTNERS
NO. 9 WAWA DRIVE, NORTH DZORWULU,
ACCRA
PLAINTIFFS

eGAR 01633/22

.....
Indorsement to be made within 3 days after service

This Writ was served by me at

On the Defendant

On the _____ day of _____ 20____

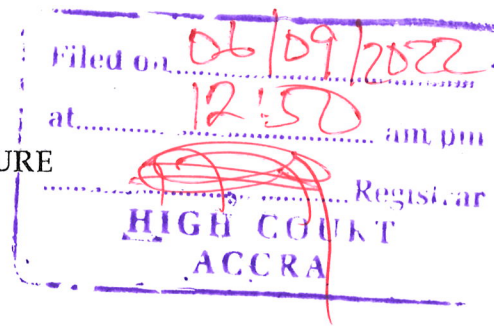
Endorsed the _____ day of _____ 20____

Signed _____

Address _____

Note: - If the plaintiff's claim is for liquidated demand only, further proceedings will be stayed if within the time limited for appearance the defendant pays the amount claimed to the plaintiff, his lawyer or his agent or into court as provided for in Order 2 rule 3(2).

IN THE SUPERIOR COURT OF JUDICATURE
IN THE HIGH COURT OF JUSTICE
GENERAL JURISDICTION
ACCRA - A.D. 2022



SUIT NO.:

FRANCIS ASENSO BOAKYE
Ministry of Works and Housing Accra

PLAINTIFF

And

1. **BLESSED GODSBRAIN SMART** 1ST DEFENDANT
Onua FM/ Television
Kanda
Accra
2. **MEDIA GENERAL LIMITED** 2ND DEFENDANT
Kanda
Accra

STATEMENT OF CLAIM

1. The Plaintiff is a citizen of the Republic of Ghana and a Development Planner, Project Manager and Policy Specialist by profession.
2. The Plaintiff is also a Member of Parliament for Bantama Constituency in the Ashanti Region of the Republic of Ghana, having been elected by the said constituency in 2020.
3. The Plaintiff is also the Minister for Works and Housing of the Republic of Ghana.
4. The Plaintiff was appointed as the political assistant and deputy Chief of Staff at the Office of the President of the Republic of Ghana in 2017 and held that position until he was elected the Member of Parliament for the aforesaid Bantama Constituency and appointed the Minister for Works and Housing in 2021.
5. The 1st Defendant is a Presenter of a weekday morning show, titled "Onua Maakye", broadcast predominantly in the *Twi* language, on Onua FM and Television between 5:40 am and 9:00am.

6. The 2nd Defendant owns and operates the aforementioned *Onua* FM and Television, based in Accra.
7. The 2nd Defendant, through the aforementioned *Onua* FM and Television, runs and broadcasts the aforementioned weekday morning show, "*Onua Maakye*"
8. The Plaintiff avers that on or around 23rd August 2022, the 1st Defendant, during the aforementioned morning show, made several false statements about him including that while in office as deputy Chief of Staff, the Plaintiff placed a call to the Ghana Revenue Authority (GRA) to have a certain Mr. Adubofuor, (a public servant with the GRA), who had been transferred pursuant to disciplinary proceedings instituted against him by the GRA, to be reinstated.
9. The Plaintiff avers that the 1st Defendant made the said statements predominantly in the *Twi* language, interspersed with English, which said statements are fully translated in English as follows:

PARTICULARS OF DEFAMATION

So the Committee's report and all the evidence we submitted to the committee have all gone missing? Including the report on all the cars Adubofuor stole? And personally, I called the former Deputy Chief of Staff. Me! I used my own phone to call him. I called the former Deputy Chief of Staff. He is now a cabinet minister, Asenso-Boakye, to ask him that "He (Adubofuor) is a thief and the Ghana Revenue Authority transferred him so that they can investigate him. But you used your office as the Deputy Chief of Staff to reinstate him." Ask Asenso-Boakye. I called him and Asenso-Boakye told me that Adubofuor is one of his constituents, listen well, and that he has helped him and some others greatly. So some party gurus, listen to this well, came to him to tell him to do something to help Adubofuor in his predicament. He admitted on the phone, saying "my brother, I did not think of this well, and I just placed a call to tell them to reinstate him.

10. The Plaintiff accordingly contends that the 1st Defendant made the statement complained of within a context, which ascribed to him the following inappropriate conduct:
 - a) That the Plaintiff abused his office as the deputy Chief of Staff
 - b) That the Plaintiff interfered and/or obstructed investigations or disciplinary proceedings against a public servant who the 1st Defendant accuses of being involved in acts of stealing at the GRA.
 - c) That the Plaintiff subscribes to such acts of stealing to the extent that he used his office of deputy Chief of Staff to reverse lawful decisions of a state agency such as the GRA

- d) That the Plaintiff uses his office to shield a public servant who uses his office to engage in acts of stealing;
 - e) That the Plaintiff is not a law-abiding citizen of Ghana.
11. The Plaintiff avers that the aforementioned statement is not only false but malicious.
 12. The Plaintiff avers that the aforementioned false and malicious statement was given extensive coverage via the 2nd Defendant's *Onua* FM and Television as well as on various social media platforms.
 13. The Plaintiff avers that as a result of the aforesaid false, malicious and defamatory statements, the Plaintiff's character and reputation have been damaged.

PARTICULARS OF DAMAGE

- a) That the Plaintiff has suffered damage to his character and reputation by being portrayed to right-thinking members of society as a public officer and a person who shields and protects a public servant engaged in acts of stealing;
 - b) That the Plaintiff has suffered damage to his character and reputation by being portrayed to right-thinking members of society as an irresponsible public officer, with no regard for the laws of Ghana;
 - c) That the Plaintiff has suffered damage to his character and reputation by being portrayed to right-thinking members of society as one who abuses his office by interfering in the operations of a state agency (GRA) to prevent the agency from sanctioning a deviant staff member;
14. The Plaintiff avers that he caused his Lawyers to write to the Defendant to request an unqualified apology and retraction of the aforementioned statement complained of.
 15. The Plaintiff avers that his Lawyers, by a letter dated 29th August 2022, wrote to the 1st Defendant and copied the 2nd Defendant, and accordingly demanded an unqualified apology and retraction.
 16. The Plaintiff further avers that notwithstanding the letter of 29th August 2022, which was delivered to the Defendants on the same day, the 1st Defendant continued in his unlawful act on around 30th August 2022, when he repeated the aforementioned false and malicious statement, on the 2nd Defendant's aforementioned platforms of *Onua* FM and Television, insisting that the

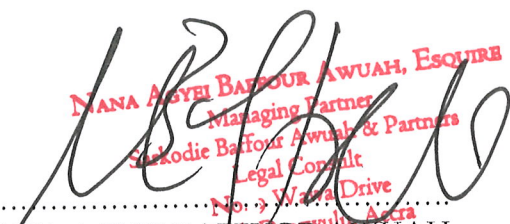
statement complained of is true and factual and thus, refused to retract same and apologise to the Plaintiff.

17. The Plaintiff contends that the Defendants have no reasonable and maintainable defence to this action.
18. The Plaintiff further contends that the Defendants have jointly and severally injured his character and reputation.

WHEREFORE the Plaintiff claims against the Defendants jointly and severally as follows:

- a) A declaration that the words complained of, in paragraph 9 herein, and published by the 1st Defendant on the 2nd Defendant's platforms are defamatory of the Plaintiff's character;
- b) An order of the honourable Court directed at the 1st Defendant to publish an unqualified retraction and an apology with the same prominence the defamatory words received, within 7 days after the judgment;
- c) An order of the honourable Court for a perpetual injunction restraining the 1st Defendant, his agents, assigns, servants and any person claiming authority through him from making and/or publishing any defamatory words against the Plaintiff;
- d) An order of the honourable Court for a perpetual injunction restraining the 2nd Defendant, its agents, assigns, servants and any person claiming authority through it from utilizing its platforms for the propagation of false and malicious statements about the Plaintiff;
- e) The sum of Ten Million Ghana Cedis (GHC 10,000,000.00) in damages for defamation;
- f) Costs including Lawyer's fees; and
- g) Any other order or orders as this honourable Court may deem fit in the circumstances.

DATED AT SARKODIE BAFFUOR AWUAH AND PARTNERS, ACCRA, THIS 1ST
DAY OF SEPTEMBER, 2022.


NANA AGYEI BAFFOUR AWUAH, ESQUIRE
Managing Partner
Sikodje Baffour Awuah & Partners
Legal Consult
No. 11 Wazal Drive
Accra
Tel: 0203005234
NANA AGYEI BAFFOUR AWUAH
SOLICITOR NO. eGAR 01633/22
SOLICITOR FOR THE PLAINTIFF

THE REGISTRAR
HIGH COURT
GENERAL JURISDICTION
ACCRA.

AND TO THE ABOVE-NAMED DEFENDANTS