

3558



REPUBLIC OF GHANA

(Order 16 rule 1(1))

WRIT ISSUED FROM: ACCRA 21/08/2024 20.74 SUIT NO. G21/09915/2024

IN THE SUPERIOR COURT OF JUDICATURE
IN THE HIGH COURT OF JUSTICE
(GENERAL JURISIDCITION)

ACCRA - GREATER ACCRA REGION

MR. KWAME BAFFOE ALIAS ABRONYE 3000048506
BONO REGIONAL CHAIRMAN OF THE NEW PATRIOTIC PARTY, SUNYANI
VRS ----- PLAINTIFF

YAYRA KOKU,
DEPUTY DIRECTOR OF .I.T,
NATIONAL DEMOCRATIC CONGRESS
HEADQUATERS, ADABRAKA, ACCRA ----- DEFENDANT

The Plaintiff shall direct service

AN ACTION having been commenced against you the issue of this writ by the
above-named Plaintiff MR. KWAME BAFFOE ALIAS ABRONYE
YOU ARE HEREBY COMMAND that within EIGHT DAYS after service of this Writ on you inclusive of
the day of service you do cause an appearance to be entered for you.

YAYRA KOKU

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

Dated this 21/08 day of

AUG.

20.74

Chief Justice of Ghana

G. SACKY TOBKORNOO (MRS)

NB: 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 that renewal

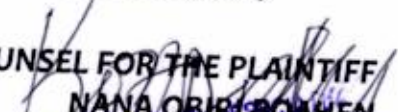
The defendant may appear hereto by filing a notice of appearance either personally or by lawyer at Form 5
at the Registry of the Court of issue of the writ at A defendant appearing personally may, if he
desires, give notice of appearance by post.

- ❖ State name, place of residence or business address of plaintiff if known (not P. O. Box number).
❖ State name place of residence or business address of defendant (not P. O. Box number)

The plaintiff claims against the defendant is for;

- a. A declaration that, Defendant's statement published on his "X" social media page on 14th day of August, 2024 and same published to the general public the following words; "I assumed Abronye and Wontumi were the only reckless and ignorant members of the NPP, but I had no idea this one, who aspires to be an MP, is worse than Abronye and Wontumi combined..." as libelous and defamatory of Plaintiff.
- b. General Damages against Defendant for defaming Plaintiff by reason of the libelous and defamatory statements made of and concerning Plaintiff on 14th day of August, 2024 on the defendant's "X" social media page and same quoted in relief "a" supra.
- c. Exemplary damages of GHS 2,000,000 (TWO MILLION GHANA CEDIS) against the defendant.
- d. An order of the Court compelling the defendant to publish an apology to the Plaintiff in the "Daily Graphic Newspaper", "Ghanaweb" and also on the Defendant's "X" social media page
- e. Cost inclusive of counsel's fees.
- f. Any further or other orders as this Honourable Court may deem fit to make.

DATED AT "ENSO NYAME YE CHAMBERS", SUNYANI, THIS 17TH DAY OF AUGUST, 2024


 COUNSEL FOR THE PLAINTIFF
 NANA OBIRI BOAHEN
 LICENCE NO. 18486/199/24
 ENSO NYAME YE CHAMBERS
 PRIVATE LEGAL PRACTITIONERS
 SOLICITORS & BARRISTERS
 P.O. BOX 2131, SUNYANI

THE REGISTRAR,
HIGH COURT,
ACCRA

AND COPY FOR SERVICE ON THE DEFENDANT HEREIN.

This writ was issued by: NANA OBIRI BOAHEN

Whose address for service is: "ENSO NYAME YE CHAMBERS",
H/NO: D 14/2, SUNYANI.

Agent for PLAINTIFFS
Lawyer for Plaintiff NANA OBIRI BOAHEN who resides at SUNYANI

Indorsement to be made within 3 days after service

This writ was served by me at

On the defendant

on the day of

endorsed the day of

Signed.....

Address:.....

NOTE: If the Plaintiffs' claim is the liquidated demand only, further proceedings will be stayed if within the time limited for appearance the defendant pays the amount claimed to the Plaintiffs, his lawyer or his agent on 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 – AD 2024.

21-8-24
12:20
[Signature]
HIGH COURT
ACCRA

MR. KWAME BAFFOE ALIAS
ABRONYE
BONO REGIONAL CHAIRMAN OF THE NEW
PATRIOTIC PARTY, SUNYANI
VRS

}===== PLAINTIFF

YAYRA KOKU,
DEPUTY DIRECTOR OF .I.T,
NATIONAL DEMOCRATIC CONGRESS
HEADQUATERS, ADABRAKA, ACCRA

}===== DEFENDANT

STATEMENT OF CLAIM

1. The plaintiff is a Ghanaian politician and the Bono Regional Chairman of the New Patriotic Party.
2. The Defendant is a resident of Accra and a staunch member of the opposition Party – NATIONAL DEMOCRATIC CONGRESS (N.D.C).
3. The defendant is the Deputy Director of I.T at the National Democratic Congress, Head office, Accra.
4. Plaintiff is a member of the New Patriotic Party and has been the Bono Regional Chairman of the New Patriotic Party for six years now.

5. The plaintiff previously served as the Regional Youth Organiser and 1st Vice Regional Chairman in the then Brong Ahafo Region.
6. The plaintiff is popularly known in the Ghanaian politics as "Abronye".
7. Plaintiff contends that, aside his strong political background, he has a solid academic credentials or record. Plaintiff is equally qualified professionally with a bachelor's degree in Law.
8. The plaintiff avers that, he holds a Masters in Law from the University of Ghana. In addition to his Masters in Law, plaintiff also holds an MBA in Petroleum, Economics and Finance with merit from the Coventry University, UK.
9. The plaintiff also holds a degree in Chartered Energy Economics from the Global Academy of Finance and Management, USA. The plaintiff further holds an Msc in Energy Economics from the Ghana Institute of Management and Public Administration (Gimpa).
10. The plaintiff has also completed a Graduate diploma in law from the College of Legal Practice, United Kingdom and Certificate in Infrastructure, Public-Private Partnership and Fiscal Management from the World Bank Institute.
11. The plaintiff is currently pursuing an Advanced LLM in Energy Law at North Sea Partnership, Netherlands.
12. Plaintiff avers that by reason of his role as the Bono Regional Chairman of the ruling party - New Patriotic Party - he has contributed immensely to the development of his Region, and

the development of the nation as a whole for which reason he has gained the respect and admiration of his peers, his party members and the society as a whole.

13. Plaintiff further avers that, as a result of his hard work and dedication to the society and the nation as a whole, he was appointed by the President of the Republic of Ghana as a board-member of the state-owned Tema Oil Refinery (TOR) in March, 2024.
14. Plaintiff states that, for reasons unknown to Plaintiff, Defendant has taken an adversarial position against the plaintiff writing, publishing via social media platforms to his followers, readers and the whole world a statement of and concerning Plaintiff which statements are particularly defamatory of Plaintiff and an affront to Plaintiff's well-earned reputation.
15. Plaintiff avers that, Defendant's adversarial posture towards Plaintiff stems from the fact, both the plaintiff and the defendant support different political parties, thereby, leading to Defendant's abuse of Plaintiff and uttering of unfitting comments and statements of and concerning Plaintiff.
16. Plaintiff avers that, Defendant's uncouth conduct towards Plaintiff reached its zenith when Defendant made derogatory statements of and concerning Plaintiff on the 14th day of August, 2024, on a popular social media platform known as "X" formerly called "Twitter" which statements were aimed at denting and indeed, has dented the Plaintiff's reputation to the entire world particularly the plaintiff's followers, all the readers and various users of the said media platform.

17. The defendant who holds a verified account on "X" social media platform bears the username; @YayraKoku. Defendant also has garnered almost eighty thousand (80,000) followers on the "X" Social media platform.
18. Plaintiff avers that Defendant on, August 14th 2024, took to his "X" social media page and with the sole aim of degrading and tarnishing Plaintiff's reputation wrote statements of and concerning Plaintiff to the reading of public followers and the general public the following words;

"I assumed Abronye and Wontumi were the only reckless and ignorant members of the NPP, but I had no idea this one, who aspires to be an MP, is worse than Abronye and Wontumi combined..."

PARTICULARS AND MEANING OF DEFAMATORY AND LIBELLOUS PUBLICATION

- i. *In its ordinary and natural meaning; Defendant labeling the plaintiff as "reckless" was understood to mean and did indeed mean that, Plaintiff acts without thinking or caring about the consequences of his actions.*
- ii. *The defendant was also understood to mean that, the plaintiff is careless or irresponsible and such behavior could harm others.*
- iii. *The defendant also labeling the plaintiff as "ignorant" was understood to mean and did indeed mean that, "the plaintiff lacks knowledge, awareness, understanding and incompetent in his field of work where knowledge is critical or required."*

19. Plaintiff avers that, in a traditional society such as Ghana, where premium is placed on a man's conduct in society, a man ascribed with ignorance and reckless is deemed unfit, dangerous, untrustworthy, harmful and as such undeserving to be part of society generally.
20. The plaintiff says that, the defendant's statement concerning the plaintiff was subsequently published by "*Ghanaweb*" which has wide coverage both in Ghana and abroad.
21. Plaintiff further avers that by the peculiar nature of the platform upon which the statement pleaded in paragraph 17 above were made, and the fact that the statements were published by a popular electronic media (GHANAWEB), Defendant's words have a character of permanency and as such libellous in nature.
22. Plaintiff avers that, not only is the said statement by Defendant false, but maliciously made with the intent of degrading and tarnishing any respect Plaintiff holds in the community and Defendant made the said statements knowingly and with full knowledge of same being false aimed primarily to tarnish Plaintiff's reputation and has indeed tarnished Plaintiff's reputation in his Region, the whole country and afar.
23. Plaintiff says that, the defendant has subjected him to public ridicule and humiliation on various media platforms without any justifiable cause.
24. Plaintiff says that, the defendant's publications, comments, messages, etc. published or posted for the consumption of the public on the 14th day of August, 2024 have lowered him in the estimation and in the eyes of right-thinking persons in the

community that he lives, and that same have subjected plaintiff to public ridicule and contempt.

25. Plaintiff says that, friends, supporters, sympathizers, well-wishers of Plaintiff both home and abroad have called and enquired about the fate of the Plaintiff in the face of such numerous defamatory publications on the various networks.
26. The plaintiff contends that, the words published by the defendant has damaged the plaintiff's reputation to the extent that, people have started questioning the plaintiff's competency, knowledge and skills in the various positions he holds in the country.
27. Plaintiff avers that, the net effect is that, as the Bono Regional Chairman of the New Patriotic Party and as a board-member of Tema Oil Refinery (TOR), the said publication, cumulatively, have exposed the Plaintiff to public ridicule and contempt in the eyes of right thinking persons within the entire world the said publications; in their natural and ordinary meanings, portray the Plaintiff as incompetent, irresponsible, impulsive, careless, uneducated, uninformed, naïve, which said words are not only untrue but same incorrect, unfair and unacceptable but have gone a long way to mar the plaintiff's hard-won reputation.
28. The plaintiff contends that, the defendant has the penchant and knack of defaming political figures on his social media platforms and he will not desist from same unless an express Order by this Honourable Court.

29. WHEREFORE, Plaintiff claims against Defendant as follows;
- a. A declaration that, Defendant's statement published on his "X" social media page on 14th day of August, 2024 and same published to the general public the following words; *"I assumed Abronye and Wontumi were the only reckless and ignorant members of the NPP, but I had no idea this one, who aspires to be an MP, is worse than Abronye and Wontumi combined..."* as libellous and defamatory of Plaintiff.
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 - f. Any further or other orders as this Honourable Court may deem fit to make.

DATED AT "ENSO NYAME YE CHAMBERS", SUNYANI, THIS 17TH DAY
OF AUGUST, 2024

NANA OBI BOAHEN
COUNSELLOR FOR THE PLAINTIFF
ENSO NYAME YE CHAMBERS
SOLICITORS & PRACTITIONERS
LICENCE NO. EBAR/01890/24
P.O. BOX 2191, SUNYANI

THE REGISTRAR,
HIGH COURT,
ACCRA

AND COPY FOR SERVICE ON THE DEFENDANT HEREIN