

Anohor / Chris



REGISTRY
HIGH COURT
ACCRA

WRIT OF SUMMONS

(Order 2 rule 3(1))

WRIT ISSUED FROM Accra 5/6/23 200.....23 SUIT No.

IN THE HIGH COURT OF JUSTICE

GENERAL JURISDICTION, ACCRA – A.D. 2023

W/0906/2023

BETWEEN

EDMUND KOJO KODA (A.K.A CAPTAIN KODA)

Plaintiff *

2 ANOHOR ROAD
LA-NKWANTANANG
MADINA, ACCRA

AND

PROF. KWABENA FRIMPONG-BOATENG

Defendant *

ACCRA

To: *Plaintiff will direct service*

AN ACTION having been commenced against you by the issue of this writ by the above-named Plaintiff.

EDMUND KOJO KODA (A.K.A CAPTAIN KODA)

YOU ARE HEREBY COMMANDED 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.

PROF. KWABENA FRIMPONG-BOATENG

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

Dated this 5TH day of JUNE 200.....23

Chief Justice of Ghana

Ag. J. Dotse

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 a 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.

SEALED

*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).

HIGH COURT ACCRA

IN THE SUPERIOR COURT OF JUDICATURE
IN THE HIGH COURT OF JUSTICE
GENERAL JURISDICTION
ACCRA - A.D.2023



BETWEEN:

EDMUND KOJO KODA (A.K.A CAPTAIN KODA) ...
2 ANOHOR ROAD
LA-NKWANTANANG
MADINA, ACCRA.

PLAINTIFF

AND

PROF. KWABENA FRIMPONG-BOATENG ...
ACCRA

DEFENDANT

(Plaintiff will direct service)

STATEMENT OF CLAIM

1. Plaintiff is a dignified Ghanaian, widely respected ex-military man, a very experienced security person and the current head of security at the Presidency of Ghana.
2. Plaintiff is well known by the general public to be a close associate and loyalist of the current President of Ghana, and his association with him dates back to many years even before the President assumed office.
3. Plaintiff is distinctly esteemed among the general public and officials of the current government owing to the meritorious security services he renders to the current President and the Republic of Ghana among others.
4. The Defendant is a Physician Surgeon with specialty in heart surgeries, a former Minister for Environment, Science, Technology, and Innovation from March 2017 to 6th January 2021 and doubled as the Chairperson of the defunct Inter-Ministerial Committee on Illegal Mining (IMCIM) established by the current President of Ghana sometime in March 2017.
5. The mandate of the defunct Inter-Ministerial Committee on Illegal Mining (IMCIM) among others were:

- i. To strengthen the existing regulatory agencies: Minerals Commission, Environmental Protection Agency, Water Commission and Forestry Commission,
 - ii. To ensure that these agencies enforce the existing laws that are related to the small-scale mining sector,
 - iii. To set-up ad hoc district mining committees whose function are to coordinate the various activities of Ministries that constitute the IMCIM,
 - iv. To sanitize and regularize small-scale mining activities in the various mining districts to ensure that miners work within the legal framework,
6. The Defendant in his relatively out of time report dated 19th March 2021 solely written by the Defendant at the time the Defendant had left office as a Minister and Chairperson of the defunct IMCIM, authored of and concerning Plaintiff defamatory statements on pages 29 and 31 respectively of the said report calculated to lower Plaintiff's estimation in the eyes of right-thinking members of society as follows:

"... About two years ago the attention of the IMCIM's task force was drawn to a site that had been degraded and the tailings from there were directed in the Birim River near Anyinam. The task force impounded two excavators and deposited them at the police station in Anyinam. Frantic telephone calls were received from Capt. Koda of the Presidential Security detail, who asked for the excavators to be released. He informed the taskforce that the owner of the concessions, Hon George Kwame Aboagye, the MP for Asene Akroso is his brother..."

"...I was expecting people such as... Captain Koda and others like them, who knew the President better and certainly had his interest and success at heart, to support the fight against illegal mining..."

7. The Defendant alleged that the said report, which contains defamatory words against the Plaintiff, was presented to the Presidency sometime in March 2021, and same was received by the Chief of Staff.
8. Plaintiff further avers that the Defendant's report has been published in an almost infinite variety of ways which include both social and print media and has attracted humongous public attention.
9. The following is the full reproduction of the impugned parts of the report authored by the Defendant as attributed to the Plaintiff and same as contained in pages 29 and 31 of the said report:

“...About two years ago the attention of the IMCIM’s task force was drawn to a site that had been degraded and the tailings from there were directed in the Birim River near Anyinam. The task force impounded two excavators and deposited them at the police station in Anyinam frantic telephone calls were received from Capt. Koda of the Presidential Security detail, who asked for the excavators to be released. He informed the taskforce that the owner of the concessions, Hon George Kwame Aboagye, the MP for Asene Akroso is his brother...”

“...I was expecting people such as... Capt. Koda and others like them, who knew the President better and certainly had his interests and success at heart, to support the fight against illegal mining...”

10. In their natural and ordinary meaning, the words complained of meant and were understood to mean that:
 - a. Plaintiff is a saboteur of the President's initiatives and policies especially the President's fight directed at illegal mining,
 - b. Plaintiff is disloyal to the President and only pretends to have his interests at heart,
 - c. Plaintiff is against the current government's fight to combat illegal mining,
 - d. Plaintiff is an obstruction to the fight against illegal mining,
 - e. That Plaintiff acts with impunity without recourse to law and authority,
 - f. That Plaintiff obstructs the discharge of justice in general and particularly in the fight against illegal mining,
 - g. That Plaintiff is unpatriotic and a traitor.
11. Plaintiff says that the ordinary meanings of the statements authored by the Defendant as contained in the said report and published by many media outlets and platforms impute abuse of office on his person and depict him as someone who acts with impunity and such attributions are perceived dishonourable.
12. Plaintiff says that the words complained of are roundly false and a figment of the Defendants' malicious imagination and were calculated solely to disparage him and bring his name into opprobrium.
13. Plaintiff says that on 9th May 2023, he caused his lawyers to write to the Defendant to retract his vicious, malicious, false, and defamatory statements attributed to the Plaintiff as

contained in the Defendant's report, and to render an unqualified apology to the Plaintiff thereof, which the Defendant failed, or refused and/or neglected to do same.

14. Plaintiff avers that contrary to the Defendant's false claim, he has always supported the President's effort in combating illegal mining. And in one of such instances, Plaintiff sent the Defendant a private message on 16th May 2019 to notify and provide the Defendant with all the details of the perpetrators of some illegal mining activity that was on-going at Old Ayaase, Adansi, in the Fomena Constituency, of which the Defendant acknowledged receipt of the said information.
15. Plaintiff avers further that apart from the above, the Plaintiff has effectively and efficiently used his good office to make other interventions to curb the illegal mining menace which is unbeknownst to the Defendant.
16. By reason of the Defendant's impugned report and infinite publications of the said report on many media platforms, Plaintiff's reputation and character has been severely injured, and he has suffered considerable embarrassment, emotional torment, and distress. The Plaintiff has been brought into public odium and contempt.
17. Plaintiff says that the damage caused to his reputation by Defendant's report and its subsequent publication has adversely affected Plaintiff's several years of unflinching services he had rendered to the current President and the Republic of Ghana.
18. Plaintiff says that the impugned publication by Defendant has received huge circulation on social media platforms including worldwide platforms such as Youtube and is now available to the whole world. These publications have caused Plaintiff to receive several calls from concerned friends and family members in the country and abroad.
19. Plaintiff avers that owing to the false and/or impugned part of the report attributed to his person, the Plaintiff has lost out on the hospitality of friends, work colleagues and the said report has significantly diminished the trust the general public has/had in him.
20. In seeking aggravated and/or exemplary damages, the Plaintiff shall contend and so prove that the Defendant in authoring the statements complained of, was actuated by malice. This is because Defendant knew that at all times material, the Plaintiff never interfered in the Defendant's defunct IMCIM's work or requested for the release of seized excavators to the person named in his report, yet he authored the impugned part of the report calculated to bring the hard-earned image of the Plaintiff into disrepute.
21. Plaintiff says that unless otherwise restrained by this Honourable Court, Defendant will continue to maintain these false claims contained in his report and author further defamatory statements about the Plaintiff.

Wherefore, Plaintiff claims against the Defendant as follows:

- a) Five Million Ghana Cedis (GH¢ 5,000,000. 00) being damages for defamation contained in the report authored by the Defendant dated 19/03/2021 and more particularized in paragraphs 6 and 9 of this statement of claim.
- b) An apology and retraction of the statements complained of particularly as stated in paragraph paragraphs 6 and 9 of the Statement of Claim with the same prominence as the impugned report and its subsequent publications.
- c) An order directed at Defendant to cause to be removed from the said report and on all electronic platforms and archives records of the impugned publication against Plaintiff.
- d) Perpetual injunction restraining the Defendant whether by himself, his servants, agents or assigns from repeating and/or writing similar or other malicious statements against the Plaintiff in any form or medium.
- e) Cost inclusive of legal fees.

**DATED AT KWAKWADUAM CHAMBERS, ACCRA,
THIS 2ND DAY OF JUNE 2023.**


AKWASI B. BOAMAH
LEGAL PRACTITIONERS,
IN THE REPUBLIC
OF GHANA
AKUFO-ADDO, PREMPEH & CO.
LAWYERS FOR THE PLAINTIFF
ACCRA

License No. GAR- eGAR-02332/23

The Registrar,
High Court,
General Jurisdiction
Accra.

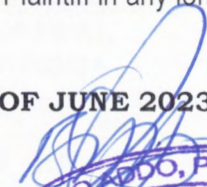
AND FOR SERVICE ON THE ABOVE -NAMED DEFENDANT

STATEMENT OF CLAIM

The Plaintiff claims against the Defendant the following reliefs:

- a) Five Million Ghana Cedis (GHS 5,000,000.00) being damages for defamation contained in the report authored by the Defendant dated 19th March, 2023 and more particularized in paragraphs 6 and 9 of this statement of claim.
- b) An apology and retraction of the statements complained of particularly as stated in paragraph paragraphs 6 and 9 of the Statement of Claim with the same prominence as the impugned report and its subsequent publications.
- c) An order directed at Defendant to cause to be removed from the said report and on all electronic platforms and archives records of the impugned publication against Plaintiff.
- d) Perpetual injunction restraining the Defendant whether by himself, his servants, agents or assigns from repeating and/or writing similar or other malicious statements against the Plaintiff in any form or medium.
- e) Cost inclusive of legal fees.

DATED AT KWAKWADUAM CHAMBERS, ACCRA, THIS 2ND DAY OF JUNE 2023.


AKWASI B. BOAMAH, ESQ
Akwo-Addo, Prempeh & Co.
Lawyers for the Plaintiff
License No. eGAR-02332/23
NOTARIES PUBLIC
BOX GP 207, ACCRA

This writ was issued by **AKWASI B. BOAMAH, ESQ**

whose address for service is **MESSRS AKUFO-ADDO, PREMPEH & CO.**
67 KOJO THOMPSON ROAD, ADABRAKA, ACCRA

Agent for **PLAINTIFF**

Address Number and date of lawyer's current licence. **eGAR-02332/23**

Lawyer for the plaintiff **EDMUND KOJO KODA (A.K.A CAPT. KODA)** who resides at **ACCRA**

.....
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 plaintiff's claim is for a 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).