

REGISTRAR
HIGH COURT
ACCRA



Filed on: 26/11/24
at: 12:15 am/pm
Registrar
HIGH COURT
ACCRA

REPUBLIC OF GHANA
WRIT OF SUMMONS
(Order 2 rule 3 (1))

WRIT ISSUED FROM: Accra 26/11/2024 SUIT NO. GA 10218/2025

IN THE SUPERIOR COURT OF JUDICATURE
IN THE HIGH COURT OF JUSTICE
ACCRA-A.D.2024

SUIT NO.:

BETWEEN:

DR ANTHONY AUBYNN @ TONY AUBYNN

] PLAINTIFF

RESIDENTIAL ADDRESS:
C33/22 ABOFU CRESCENT
OKUJA STREET
ACHIMOTA FOREST AREA-ACCRA

OCCUPATIONAL ADDRESS:
STRASOL GLOBAL LIMITED
NO. 6 WAWA DRIVE, LARDZEH CLOSE
NORTH DWORWULU-ACCRA

-AND-

1. PAUL ADOM OTCHERE

METRO TV
ACCRA

] DEFENDANTS

2. IGNITE MEDIA GROUP

LABONE
ACCRA

TO: 1. PAUL ADOM OTCHERE 2. IGNITE MEDIA GROUP

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

DR ANTHONY AUBYNN @ TONY AUBYNN

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.

- 1. PAUL ADOM OTCHERE
- 2. IGNITE MEDIA GROUP

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

Dated this 26th day of Nov. 2024

Chief Justice of Ghana

G. SACKY TOBKORMOO (MRS)

NE: This writ is to be served within twelve calendar months from date of issue, it is renewed within six calendar months from the date 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 ACCRA 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 (P.O. Box number).

STATEMENT OF CLAIM

1. WHEREFORE Plaintiff claims against Defendants as follows:

- a. A declaration that the video on or about the 10th of September, 2024 on the said "Good Evening Ghana" show with its accompanying commentary which the Defendants, published, republished, circulated, distributed and caused to be published, republished, circulated, and distributed therein and on various communication channels (Facebook, Youtube, X (formerly twitter), and Metro Television) which contained the following statements about the Plaintiff:

"...Tony Aubynn was directly urging the people to go and do galamsey. Civil society say they have not heard it because he is a member of the opposition...

And somehow because of hatred for Akufo Addo they don't want to mention Tony Aubynn. Is that how to develop a country? Is that how to build a country? We can't build a country like that, lets build the country with honesty...

If you look at the thesis, the antithesis and the synthesis of galamsey, this man should be called out by everybody who is looking at the analysis correctly. How can a man like this, a very important person in the mining sector, a lawyer, go and stand and tell galamsey people that if we win the election, you can come and continue your galamsey...

Tony Aubynn! that is what he told them. Play the video again. And Tony Aubynn is the second speaker. Play the video again... (Plays video)

Tony Aubynn, you heard him viewers, you heard him. A very decent man, very knowledgeable, very intellectual, that is what he said on the altar of politics. That is why I said politics can destroy...

On the altar of politics wanting to show that he is the largest person under the umbrella, he told the galamseyers that "when we win the elections you are going to do your galamsey"; and this was to gain votes in 2020....

That is why Mireku Duker nearly lost, because the NPP lost all the galamsey areas because the galamsey people were aware that Tony Aubynn told them that if the NDC were to win they will continue with their galamsey, so they voted for NDC,

you can't blame them for that. They are doing their work and their work is illegal but that is how they survive...

First deal with Tony Aubynn because if you take the soldiers there now Tony Aubynn would go and tell them that "vote for NDC, when you vote for NDC you will do galamsey"...

Tony Aubynn, let's start with him, if you jump Tony Aubynn then you have not done any service to Ghana, because that is what he said. He said it, that the people should do the galamsey and they should vote for NDC and that if they vote for the NDC and they do the galamsey, NDC will come and allow them do their work. 'Obiara nkoy3 n'adwuma, obiara nkoy3 n'adwuma', that is what an intelligent man told galamseyers so that they will get votes...

That is what they have started again, government should take the soldiers there, clamp down on galamsey makers. Tony Aubynn will go there in the night, he will wear his beautiful expensive lacoste like you saw him weaingr, and his very nice spectacles, a very nice man he will go there and go and speak Fante with them....and tell them that 'wontsei, hw3 adze no, y3ba a galamsey no wob3y3, ntsi wontow aba no ma' John Dramani Mahama". You heard him say it...

Vote for John Dramani Mahama and then Tony Aubynn will come and help them do the galamsey because John Dramani Mahama is President. This is how he wants to benefit from galamsey. He wants to benefit from galamsey by NDC being elected. Show me another politician who has said that, you won't find. You will find Tony Aubynn and civil society say that they haven't seen it and they haven't heard it...

No government has prosecuted more than Akuffo Addo's government, you can't take that away from him. What you can take away from him is Tony Aubynn. Tony Aubynn is the one you can take. Tony Aubynn! Tony Aubynn is the one you should be dealing with...

Galamsey is a very complicated situation, but you have people like Tony Aubynn who are festering it underneath and hiding in the bush to go and talk to galamseyers and telling them that they should come and do the galamsey because when they do the galamsey they will not do anything to them if John Dramani Mahama is President...

He should be arrested. He should be arrested and questioned by the police, that what did you say?... They are chasing Akonta Mining. Akonta Mining, Akonta Mining now what about Tony Aubynn what did he say, have you heard it? Please this hypocrisy we should stop"

is defamatory to the Plaintiff.

- b. A declaration that the video on or about the 24th of September, 2024 on the said "Good Evening Ghana" show with its accompanying commentary which the Defendants, published, republished, circulated, distributed and caused to be published, republished, circulated, and distributed therein and on various communication channels (Facebook, Youtube, X (formerly twitter), and Metro Television) which contained the following statements about the Plaintiff:

"...Otherwise, when you talk of Galamsey, you remember Toni Aubynn and you pray for him. Remember the NDC Campaign in 2020 when the Government sent security forces to stop the galamseyers...

NDC went with a political message to the people that look, they are bringing soldiers to kill you, we, we won't kill you. We will allow you to do your work...These kinds of politicians must be uprooted from our society...they must be emasculated completely from our society"

is defamatory to the Plaintiff.

- c. A retraction and an unqualified apology by the Defendants to Plaintiff using the same media platforms used in publishing the defamatory statements complained of.
- d. An order of the Honourable Court in the nature of a perpetual injunction restraining the Defendants herein and their assigns from making any further publication/republishing and/or causing to be published/republished, distributed, and/or circulated any other similar defamatory words touching and/or otherwise concerning the Plaintiff herein.
- e. An award of general damages of Thirty Million Ghana Cedis (GHS 30,000,000.00) against the Defendants for the defamatory statements published against the Plaintiff portraying the Plaintiff as a dishonest, selfish, hypocritical, unpatriotic, corrupt, dishonourable, unscrupulous member of society who has the habit of inciting illegal miners to act in a manner as to destroy the environment which words in

their true and natural sense have exposed the Plaintiff to public ridicule and contempt in the eyes of right-thinking members of society.

- f. Punitive and Exemplary damages of Ten Million Ghana Cedis (GHS 10,000,000.00) against the Defendants.
- g. Costs inclusive of Counsel's fees.
- h. Any further or other orders as this Honourable Court may deem meet.

DATED AT ECAM LAW CONSULT, ACCRA THIS 20TH DAY OF NOVEMBER 2024.

This writ was issued by **ESINAM KPORKU, ESQ.**

Whose address for service

Agent for

Lawyer for the Plaintiff **ESINAM KPORKU, ESQ.** who resides at

ACCRA

Indorsement to be made within 3 days after service

This writ was served by me at

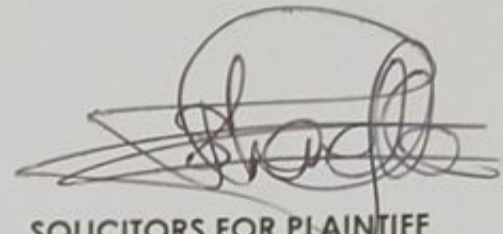
On the defendant

On the _____ day of _____

endorsed the _____ day of _____

Signed

Address.....



SOLICITORS FOR PLAINTIFF
(PRACTICING CERT NO. eGAR 01769/24)
(CHAMBER REG. NO. ePP00313/24)

ECAM LAW CONSULT PRUC.
3RD FLOOR COCOSHE/LETSHEGO HOUSE
B.28A AGOSTINO NETO CLOSE
OPPOSITE CITY ESCAPE HOTEL
AIRPORT RESIDENTIAL AREA
GPS ADDRESS:GA-057-0980
ACCRA - GHANA

NOTICE: 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

IN THE SUPERIOR COURT OF JUDICATURE
IN THE HIGH COURT OF JUSTICE
ACCRA-A.D.2024

Filed on: 26-11-24
at: 12:15 am/pm
[Signature]
Registrar
HIGH COURT
ACCRA

SUIT NO.:.....

BETWEEN:

DR ANTHONY AUBYNN @ TONY AUBYNN] PLAINTIFF
RESIDENTIAL ADDRESS:
C33/22 ABOFU CRESCENT
OKUJA STREET
ACHIMOTA FOREST AREA-ACCRA

OCCUPATIONAL ADDRESS:
STRASOL GLOBAL LIMITED
NO. 6 WAWA DRIVE, LARDZEH CLOSE
NORTH DWORWULU-ACCRA

-AND-

1. PAUL ADOM OTCHERE
METRO TV
ACCRA

] DEFENDANTS

2. IGNITE MEDIA GROUP
LABONE
ACCRA

(Plaintiff Shall Direct Service)

STATEMENT OF CLAIM

1. The Plaintiff is a Ghanaian Traditional ruler who doubles as a Mining, Sustainability and Management Consultant with extensive experience across the mining, metals, energy and banking industries.
2. The Plaintiff has been an active contributor in mining regulations and sustainability research over the last 30 years.

3. The Plaintiff says he is a lawyer and a member of the Ghana Bar Association in good standing.
4. The Plaintiff avers that he is currently the Abakoma-Akyempimhene of the Damang-Wassa Division of the Wassas Division of the Western Region of the Republic of Ghana.
5. The Plaintiff adds that he previously served as the Chief Executive Officer of the Minerals Commission, the regulatory body responsible for the oversight and management of Ghana's mineral resources.
6. The Plaintiff further adds that he also served as the Chief Executive Officer of the Ghana Chamber of Mines, contributing to the advocacy and thought leadership for development and regulation of the mining sector in the Republic of Ghana.
7. The Plaintiff avers that he was the Head of Corporate Affairs and Sustainability at Gold Fields Ghana Ltd., one of the largest private sector companies in Ghana operating in the mining sector.
8. The Plaintiff says further that he also headed the same department at Tullow Ghana Ltd., where he was instrumental in managing the Company's public relations and sustainability initiatives.
9. The Plaintiff avers that he is currently the Board Chairman of the ARB Apex Bank, the apex institution for the Rural and Community Banking (RCB) industry in Ghana.
10. The Plaintiff says further that he chairs the Board of the Amenfiman Rural Bank, where he has led transformational efforts which have propelled the bank to sustainable growth and leadership within Ghana's rural banking sector.
11. The Plaintiff says that he also serves on the Equal Opportunities Board of the University of Ghana after retiring as an advisory board member of the Centre for Gender Studies and Advocacy (CEGENSA), University of Ghana.
12. The Plaintiff says that he ever served as member of the Advisory Board of the University of Ghana Business School (UGBS) and the office of Research, Innovation and Development (ORID), University of Ghana.

13. The Plaintiff says further that he served as member of the governing council of the University of Mines of Mines and Technology (UMAT), Tarkwa.
14. The Plaintiff avers that due to his distinguished service to Ghana, and experience gathered over the decades, he founded and presides over the Africa Institute of Extractive Industry (AIEI) where he drives research and contributes immensely to policy development in the extractive industry across Africa since 2017 to date.
15. The Plaintiff says he has previously served on the Advisory Board of the International Financial Corporation (IFC) Programme on Local Content in Africa.
16. The Plaintiff avers further that he once chaired the Artisanal and Small-Scale Mining Working Group as well as the Associations and Commodities Group (ACG) of the International Council on Mining and Metal (ICMM).
17. The Plaintiff adds further that he was for several years a member of the Strategic Management Advisory Group (SMAG) of the DFID and World Bank sponsored communities, Artisanal and Small-scale mining working (CASM) Group.
18. The Plaintiff says until recently he was the United Nations Institute of Training and Research (UNITAR) expert on Small-scale Mining in West Africa.
19. The Plaintiff avers that the Pinnacle of Excellence Leadership Award was conferred on him consecutively in 2022 and 2023 by the world acclaimed World Confederation of Business (WODCOB) based in the United States of America.
20. The Plaintiff further says that he was accorded Ghana's Public Relations Personality of the year in 2022.
21. The Plaintiff says further that in the same year of 2022, he was inducted into the Ghana Business Hall of Fame.
22. The Plaintiff states that he has been recognized for being an outstanding Citizen of Wassa, with the title of Okyerekwan (Pathfinder) being conferred on him by the Wassa Fiase Traditional Council and the Apinto Division.

23. The Plaintiff says further that the title of "Noble" has been conferred on him by the West African Nobles Foundation for Plaintiff's honesty, commitment and dedication to his country.
24. The Plaintiff says that the *Lifetime Achievement Award* by the Pillars of Modern Ghana has been conferred on him recognizing the Plaintiff's immense contribution to the development of society.
25. The Plaintiff avers that due to his outstanding impact and the indelible mark he left wherever he was engaged, he received the much-coveted award by Stellar as an Iconic Legacy of Leadership.
26. The Plaintiff says again that he was adorned at the recent event of Ghana Institute of Credit Management (GICM) as the Corporate Governance Personality of the year reiterating his attribute of being a very diligent person of integrity in the work space.
27. The Plaintiff states that during the just held Ghana Entrepreneurs and Corporate Executive Award held in 2024, he was awarded the Outstanding Board Chairman of the Year (Private Sector) for the year 2023.
28. The Plaintiff avers further that his contributions to the national space have not gone unrecognized on the international front for which reason he was adjudged the Top Influential Finance Board Governance Personality of Africa in 2023 during the most recent Africa Finance Leadership Awards.
29. The Plaintiff says that he is regarded as an inspiring voice of integrity and a leading voice in public advocacy within the Ghanaian extractive and sustainable mining space with an unblemished reputation.
30. The Plaintiff says that the 1st Defendant is a journalist and presenter at Metropolitan Television (Metro TV), the 2nd largest television station in Ghana.
31. The Plaintiff further says that the 1st Defendant is also the host and the Producer of "Good Evening Ghana", a socio-political, news analysis show aired both on social media (Good Evening Ghana Page on Facebook, on Youtube and other streaming platforms) and on Metro TV.

32. The Plaintiff says the 1st Defendant is the chairman of the Board of Directors of the Ghana Airports Company Limited (GACL).
33. The Plaintiff says further that the 1st Defendant was a former member of the Board of the Ghana Communications Authority.
34. The Plaintiff avers further that 2nd Defendant is a Ghanaian company and the owner of Metropolitan Television (Metro TV) a Ghanaian television company which touts itself as the 2nd biggest Television station in Ghana.
35. The Plaintiff says that the 2nd Defendant allows the 1st Defendant to host and produce the "Good Evening Ghana" programme on its Metropolitan Television (Metro TV) portal.
36. The Plaintiff says further that the notorious "Good Evening Ghana" programme is viewed all over the continent by millions of people and has gained notoriety in the Ghanaian socio-political space and the world at large.
37. The Plaintiff avers that on or about 10th September, 2024, during the "Good Evening Ghana" programme, the Defendants showed a picture of the Plaintiff for several minutes and described him as a promoter of illegal mining also known as 'galamsey'.
38. The Plaintiff says further that the Defendants went further to show a video in which they deliberately, and for malicious purposes referred to a certain gentleman speaking at a small-scale mining site, as the Plaintiff knowing very well that this assertion was wrong.
39. The Plaintiff adds that, contrary to the assertions made by the Defendants, he (the Plaintiff) was not the said 'second speaker' as portrayed by the Defendants in the said video.
40. The Plaintiff avers that the Defendants by their actions published, distributed, circulated and otherwise caused to be published, distributed and circulated, the defamatory video and subsequent malicious commentary against the Plaintiff, knowing very well the allegations were false and the Plaintiff never uttered the words ascribed to him.
41. The Plaintiff repeats paragraph 37 above and says further that the Defendants caused and/or actively permitted the said defamatory story to be published,

distributed and/or circulated on the above-mentioned communication channels in the honest belief and reasonable expectation that same would be so published, distributed and/or circulated by others.

42. The Plaintiff says again that, to further aggravate the damage caused to his reputation, the 1st Defendant subsequently published the said video on his personal youtube platform garnering over Eleven Thousand views and attracting vituperative language against the Plaintiff by viewers.

43. The Plaintiff says that the impugned publication of the Defendants contained defamatory statements about him including the following:

PARTICULARS OF PUBLICATION

"...Tony Aubynn was directly urging the people to go and do galamsey. Civil society say they have not heard it because he is a member of the opposition...

And somehow because of hatred for Akufo Addo they don't want to mention Tony Aubynn. Is that how to develop a country? Is that how to build a country? We can't build a country like that, lets build the country with honesty...

If you look at the thesis, the antithesis and the synthesis of galamsey, this man should be called out by everybody who is looking at the analysis correctly. How can a man like this, a very important person in the mining sector, a lawyer, go and stand and tell galamsey people that if we win the election, you can come and continue your galamsey...

Tony Aubynn! that is what he told them. Play the video again. And Tony Aubynn is the second speaker. Play the video again. (Plays video)

Tony Aubynn, you heard him viewers, you heard him. A very decent man, very knowledgeable, very intellectual, that is what he said on the altar of politics. That is why I said politics can destroy...

On the altar of politics wanting to show that he is the largest person under the umbrella, he told the galamseyers that "when we win the elections you are going to do your galamsey"; and this was to gain votes in 2020....

That is why Mireku Duker nearly lost, because the NPP lost all the galamsey areas because the galamsey people were aware that Tony Aubynn told them that if the NDC were to win they will continue with their galamsey, so they voted for NDC, you can't blame them for that. They are doing their work and their work is illegal but that is how they survive...

First deal with Tony Aubynn because if you take the soldiers there now Tony Aubynn would go and tell them that "vote for NDC, when you vote for NDC you will do galamsey"...

Tony Aubynn, let's start with him, if you jump Tony Aubynn then you have not done any service to Ghana, because that is what he said. He said it, that the people should do the galamsey and they should vote for NDC and that if they vote for the NDC and they do the galamsey, NDC will come and allow them do their work. 'Obiara nkoy3 n'adwuma, obiara nkoy3 n'adwuma', that is what an intelligent man told galamseyers so that they will get votes...

That is what they have started again, government should take the soldiers there, clamp down on galamsey makers. Tony Aubynn will go there in the night, he will wear his beautiful expensive lacoste like you saw him wearing, and his very nice spectacles, a very nice man he will go there and go and speak Fante with them....and tell them that 'wontsei, hw3 adze no, y3ba a galamsey no wob3y3, ntsi wontow aba no ma' John Dramani Mahama". You heard him say it...

Vote for John Dramani Mahama and then Tony Aubynn will come and help them do the galamsey because John Dramani Mahama is President. This is how he wants to benefit from galamsey. He wants to benefit from galamsey by NDC being

elected. Show me another politician who has said that, you won't find. You will find Tony Aubynn and civil society say that they haven't seen it and they haven't heard it...

No government has prosecuted more than Akuffo Addo's government, you can't take that away from him. What you can take away from him is Tony Aubynn. Tony Aubynn is the one you can take. Tony Aubynn! Tony Aubynn is the one you should be dealing with...

Galamsey is a very complicated situation, but you have people like Tony Aubynn who are festering it underneath and hiding in the bush to go and talk to galamseyers and telling them that they should come and do the galamsey because when they do the galamsey they will not do anything to them if John Dramani Mahama is President...

He should be arrested. He should be arrested and questioned by the police, that what did you say?... They are chasing Akonta Mining. Akonta Mining, Akonta Mining now what about Tony Aubynn what did he say, have you heard it? Please this hypocrisy we should stop"

44. The Plaintiff avers that the Defendants, with full knowledge that the above statements were false, published and republished and/or caused same to be published and republished, circulated and/or distributed intentionally to lower the Plaintiff in the estimation of right-thinking members of society generally and to cause him to be shunned, avoided and exposed to hatred by the Ghanaian society.

45. The Plaintiff says further that the Defendants made the said false publications at a time when the general Ghanaian public, human rights organisations, organised labor and the world at large had expressed grave dissatisfaction, resentment and angst towards the Galamsey menace and its adverse effect on water bodies and the general ecosystem.

46. The Plaintiff says further that the Defendants' false publications imputed criminality to the Plaintiff and suggested that the Plaintiff is a wayward person engaged in the instigation and encouragement of others to undertake mining operation without a licence granted under the laws of Ghana.
47. The Plaintiff avers that the words complained of and particularized in paragraph 43 above were meant to be and were actually understood by the innumerable viewers of "the Good Evening Ghana" programme, to mean that the Plaintiff is a dishonest, selfish, hypocritical, unpatriotic, corrupt, dishonourable, unscrupulous and has the habit of inciting illegal miners to act in a manner as to destroy the environment which act has been gravely condemned and discouraged by majority of the Ghanaian populace.
48. The Plaintiff avers that the words complained of and particularized in paragraph 43 above were meant to and were in fact understood that the Plaintiff was a roguish politician without a conscience who was perpetuating an illegality; a phenomenon that has garnered social retribution and derision for its perpetrators.
49. The Plaintiff repeats paragraphs 33 above and says further that the publications complained of are not only false but are also malicious and deliberately contrived to damage the Plaintiff's hard-earned reputation and cause the wider Ghanaian public and his international affiliates to shun, resent, ridicule and begrudge him.
50. The Plaintiff further avers and maintains that the statement purported to have been made by a certain second speaker, were not made by the Plaintiff as published by the defendants during the said "Good Evening Ghana" programme and further that the alleged second speaker is unknown to the Plaintiff.
51. The Plaintiff says that the publication was carefully presented by the Defendants to mean and were in fact understood to mean that Plaintiff is unpatriotic, hypocritical, irresponsible and unfit to occupy the various positions he currently occupies and further that was a hypocrite who does not have the interest of society at heart as he portrays.
52. The Plaintiff avers that anyone who hears or reads the defamatory statements referred to and particularized above in paragraph 43, would come to the

conclusion that Plaintiff is indeed corrupt, disloyal, reckless, unpatriotic, traitorous, two-faced, undutiful and unfit to be a member of the Ghana Bar Association and all other local and international bodies he currently serves on.

53. The Plaintiff avers that he has **NEVER** encouraged illegal mining known as galamsey in any shape or form, and has never had any reason to do so.
54. The Plaintiff avers that by reason of the publications complained of and the matters particularized in paragraph 43 above, his reputation has seriously been sullied and he has been made a subject of public resentment, ridicule, opprobrium, derision, disdain, and contempt particularly within the mining community, his traditional area, amongst the legal fraternity, the general Ghanaian public and his international affiliates.
55. The Plaintiff avers that since the impugned publications were made by the defendants, he has been inundated with numerous calls, messages and threats; and has had to answer very embarrassing and difficult questions and inquiries from different persons, including very distinguished members of the mining and banking industries, friends, and concerned family members and many others both in Ghana and abroad expressing their disappointment in the Plaintiff against the backdrop of the defamatory statements published by the Defendants.
56. The Plaintiff says that he issued a letter dated the 17th of September 2024 to the 1st Defendant in respect of the unfounded allegations published against him demanding the 1st Defendant to retract the said allegations and issue a public apology on the same media platforms and with the same prominence with which the 1st defendant made the said false allegations.
57. The Plaintiff says that the said letter to the 1st Defendant was copied to, the Managing Director of Metro TV, Ignite Media Group and All Media Houses.
58. The Plaintiff says that the Defendants did not honour the demand of the Plaintiff in the said letter to retract and apologise, but instead the 1st Defendant, with the aid of airtime provided by the 2nd Defendant, on another episode of the said "Good Evening Ghana" show expressed no remorse, reiterated their untruths about the Plaintiff as previously published and dared the Plaintiff to proceed to court.

59. The Plaintiff says further that the Defendants again published a picture of the Plaintiff with the caption "***The Canker of Galamsey. The case of Tony Aubin***" on another episode of the "Good Evening Ghana" show which again was viewed and re-published by millions of viewers across social media and Television.

60. The Plaintiff says further that in the subsequent episode of the "Good Evening Ghana" show, the Defendants again published;

PARTICULARS OF PUBLICATION

"...Otherwise, when you talk of Galamsey, you remember Toni Aubynn and you pray for him. Remember the NDC Campaign in 2020 when the Government sent security forces to stop the galamseyers...

NDC went with a political message to the people that look, they are bringing soldiers to kill you, we, we won't kill you. We will allow you to do your work...These kinds of politicians must be uprooted from our society...they must be emasculated completely from our society"

61. The Plaintiff avers that the Defendant acted maliciously in publishing the said defamatory words which were designed to cause and did in fact cause him profound distress, anxiety, embarrassment, hatred, ridicule, derision, and public odium in Ghana and internationally.

62. The Plaintiff avers that the Defendants were highly malicious in their conduct because any serious, thoughtful and honest person ought to have known that there was no basis for the false allegations made, published/republished and/or caused to be published/republished about the Plaintiff.

63. The Plaintiff avers further that the Defendants acted maliciously and without any justification whatsoever.

PARTICULARS OF MALICE

a. *The Defendants deliberately published the said defamatory statements and caused same to be widely circulated and distributed, knowing very well that same were false and/or with no honest belief in the truthfulness of the claims, in order to whip up negative public sentiments against the Plaintiff.*

- b. *The Defendants deliberately, maliciously, and/or recklessly published the said impugned publications on the said show without considering the extent to which making such untruths can go to harm the reputation of the Plaintiff.*
- c. *The 1st Defendant actually lied confidently and repeatedly that the statements made by the said 'second speaker' were made by the Plaintiff, in order to achieve his objective of defaming the Plaintiff.*
- d. *The Defendants with full knowledge of the Plaintiff's contact details and/or with the means of obtaining same, failed, neglected and/or deliberately refused or failed to contact the Plaintiff directly to clear all or any doubts about whether or not the Plaintiff was in fact the second speaker or made the statements ascribed to him and to cross-check the claims contained in the impugned publications.*

64. *The Plaintiff will rely on the following facts and matters in support of his claim for exemplary damages:*

- a. *The Defendants knew or ought to have known that the allegations contained in paragraph 43 and 59 above and authored by them were false, malicious, and consequently defamatory.*
- b. *The Defendants published the said defamatory statements and by that, permitted other persons to republish and/or circulate same in order to achieve their desired maximum impact of defaming the Plaintiff.*
- c. *The 1st Defendant, a journalist of many years, and the 2nd Defendant from their background knew and/or ought to have known that the defamatory publications they put out concerning the Plaintiff could potentially sully Plaintiff's reputation.*

65. *The Plaintiff further avers that the Defendants published the defamatory statements with the full knowledge that the said statements were false and defamatory and/or with a reckless disregard for the truth.*

66. *The Plaintiff avers that he has been injured in his reputation and has lost his goodwill among the Ghanaian society, the mining industry, the various boards he sits on and chairs, the academic community, International Organisations and the world by reason of the false and defamatory statements of the*

Defendants which have since been shared widely by millions of viewers across various social media networks and Television stations.

67. Plaintiff avers that unless restrained by this Honourable Court in the terms set out in Plaintiff's reliefs, the Defendants will continue to publish and/or cause to be published the said words complained of and/or words of similar tenor, nature and effect to defame him.

68. **WHEREFORE** Plaintiff claims against Defendants as follows:

a. A declaration that the video on or about the 10th of September, 2024 on the said "Good Evening Ghana" show with its accompanying commentary which the Defendants, published, republished, circulated, distributed and caused to be published, republished, circulated, and distributed therein and on various communication channels (Facebook, Youtube, X (formerly twitter), and Metro Television) which contained the following statements about the Plaintiff:

"...Tony Aubynn was directly urging the people to go and do galamsey. Civil society say they have not heard it because he is a member of the opposition...

And somehow because of hatred for Akufo Addo they don't want to mention Tony Aubynn. Is that how to develop a country? Is that how to build a country? We can't build a country like that, lets build the country with honesty...

If you look at the thesis, the antithesis and the synthesis of galamsey, this man should be called out by everybody who is looking at the analysis correctly. How can a man like this, a very important person in the mining sector, a lawyer, go and stand and tell galamsey people that if we win the election, you can come and continue your galamsey...

Tony Aubynn! that is what he told them. Play the video again. And Tony Aubynn is the second speaker. Play the video again... (Plays video)

Tony Aubynn, you heard him viewers, you heard him. A very decent man, very knowledgeable, very intellectual, that is what he said on the altar of politics. That is why I said politics can destroy...

On the altar of politics wanting to show that he is the largest person under the umbrella, he told the galamseyers that "when we win the elections you are going to do your galamsey"; and this was to gain votes in 2020....

That is why Mireku Duker nearly lost, because the NPP lost all the galamsey areas because the galamsey people were aware that Tony Aubynn told them that if the NDC were to win they will continue with their galamsey, so they voted for NDC, you can't blame them for that. They are doing their work and their work is illegal but that is how they survive...

First deal with Tony Aubynn because if you take the soldiers there now Tony Aubynn would go and tell them that "vote for NDC, when you vote for NDC you will do galamsey"...

Tony Aubynn, let's start with him, if you jump Tony Aubynn then you have not done any service to Ghana, because that is what he said. He said it, that the people should do the galamsey and they should vote for NDC and that if they vote for the NDC and they do the galamsey, NDC will come and allow them do their work. 'Obiara nkoy3 n'adwuma, obiara nkoy3 n'adwuma', that is what an intelligent man told galamseyers so that they will get votes...

That is what they have started again, government should take the soldiers there, clamp down on galamsey makers. Tony Aubynn will go there in the night, he will wear his beautiful expensive lacoste like you saw him weaingr, and his very nice spectacles, a very nice man he will go there and go and speak Fante with them....and tell them that 'wontsei, hw3 adze no, y3ba a galamsey no wob3y3, ntsi wontow aba no ma' John Dramani Mahama". You heard him say it...

Vote for John Dramani Mahama and then Tony Aubynn will come and help them do the galamsey because John Dramani Mahama is President. This is how he wants to benefit from galamsey. He wants to benefit from galamsey by NDC being elected. Show me another politician who has said that, you won't find. You will find Tony Aubynn and civil society say that they haven't seen it and they haven't heard it...

No government has prosecuted more than Akuffo Addo's government, you can't take that away from him. What you can take away from him is Tony Aubynn. Tony Aubynn is the one you can take. Tony Aubynn! Tony Aubynn is the one you should be dealing with...

Galamsey is a very complicated situation, but you have people like Tony Aubynn who are festering it underneath and hiding in the bush to go and talk to galamseyers and telling them that they should come and do the galamsey because when they do the galamsey they will not do anything to them if John Dramani Mahama is President...

He should be arrested. He should be arrested and questioned by the police, that what did you say?... They are chasing Akonta Mining. Akonta Mining, Akonta Mining now what about Tony Aubynn what did he say, have you heard it? Please this hypocrisy we should stop"

is defamatory to the Plaintiff.

b. A declaration that the video on or about the 24th of September, 2024 on the said "Good Evening Ghana" show with its accompanying commentary which the Defendants, published, republished, circulated, distributed and caused to be published, republished, circulated, and distributed therein and on various communication channels (Facebook, Youtube, X (formerly twitter), and Metro Television) which contained the following statements about the Plaintiff:

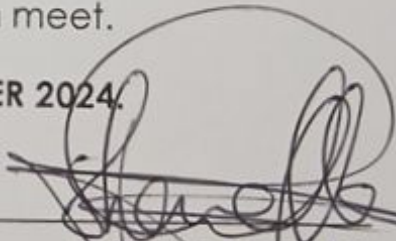
"...Otherwise, when you talk of Galamsey, you remember Toni Aubynn and you pray for him. Remember the NDC Campaign in 2020 when the Government sent security forces to stop the galamseyers...

NDC went with a political message to the people that look, they are bringing soldiers to kill you, we, we won't kill you. We will allow you to do your work...These kinds of politicians must be uprooted from our society...they must be emasculated completely from our society"

is defamatory to the Plaintiff.

- c. A retraction and an unqualified apology by the Defendants to Plaintiff using the same media platforms used in publishing the defamatory statements complained of.
- d. An order of the Honourable Court in the nature of a perpetual injunction restraining the Defendants herein and their assigns from making any further publication/republication and/or causing to be published/republished, distributed, and/or circulated any other similar defamatory words touching and/or otherwise concerning the Plaintiff herein.
- e. An award of general damages of Thirty Million Ghana Cedis (GHS 30,000,000.00) against the Defendants for the defamatory statements published against the Plaintiff portraying the Plaintiff as a dishonest, selfish, hypocritical, unpatriotic, corrupt, dishonourable, unscrupulous member of society who has the habit of inciting illegal miners to act in a manner as to destroy the environment which words in their true and natural sense have exposed the Plaintiff to public ridicule and contempt in the eyes of right-thinking members of society.
- f. Punitive and Exemplary damages of Ten Million Ghana Cedis (GHS 10,000,000.00) against the Defendants.
- g. Costs inclusive of Counsel's fees.
- h. Any further or other orders as this Honourable Court may deem meet.

DATED AT ECAM LAW CONSULT, ACCRA THIS 20TH DAY OF NOVEMBER 2024.


ESINAM KPORKU
LAWYER FOR PLAINTIFF
LICENSE NO.: eGAR01769/24

ECAM LAW CONSULT PRUC.
3RD FLOOR COCOSHE/LETSHEGO HOUSE
B.28A AGOSTINO NETO CLOSE
OPPOSITE CITY ESCAPE HOTEL
AIRPORT RESIDENTIAL AREA
GPS ADDRESS:GA-057-0980
ACCRA - GHANA

THE REGISTRAR
THE HIGH COURT
ACCRA

AND FOR SERVICE ON THE ABOVE-NAMED DEFENDANTS AT THE DIRECTION OF THE
PLAINTIFF