

IN THE SUPERIOR COURT OF JUDICATURE
IN THE HIGH COURT OF JUSTICE
GENERAL JURISDICTION
ACCRA – A.D. 2017

SUIT NO. . GJ/ /2017

BETWEEN

SENYO HOSI
H/No. 3 Gloville lane
East Legon Hills - Accra

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PLAINTIFF

-VRS-

1. KENNEDY AGYAPONG
Member of Parliament
Assin Central Constituency
& Chief Executive Officer
Kencity Group of Companies
Accra

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DEFENDANTS

2. KENCITY MEDIA LIMITED
Operators of OMAN 107.1 FM
& NET 2 TELEVISION
Hollywood Building
Madina Zongo - Accra

3. AFIA AKOTO
Deputy Executive Secretary
Microfinance & Small Loans Centre (MASLOC)
Third Circular Road
Cantonments - Accra

PLAINTIFF TO DIRECT SERVICE

STATEMENT OF CLAIM

1. Plaintiff is the Chief Executive Officer of the Ghana Chamber of Bulk Oil Distributors, a high office he has held since 2013 and discharged his functions creditably to stakeholders in the oil industry both home and abroad and service of the nation.
2. Plaintiff has built a good reputation, knowledge and skills overtime which earned him the position in paragraph 1 above, and presently a member of several boards including the Ghana Highways Authority Board, the Ministerial Energy Advisory Board and the Legacy Bonds Limited Board.
3. Plaintiff's various offices and expertise and work in the critical and sensitive oil industry has meant active interaction with stakeholders and businesses at the highest levels both locally and internationally, and for which he earned the *Most Outstanding Oil and Gas Personality (downstream)* at the Oil and Gas Ghana Industry awards (OGGA 2016).
4. Plaintiff is respected by right-thinking members of society, and also as a responsible husband and father of school-going children.
5. 1st Defendant is the Honourable Member of Parliament for the Assin Central Constituency, owner and the Chief Executive Officer of the Kencity Group of

Companies, a company incorporated under the laws of Ghana and serving as parent company for several subsidiaries.

6. 1st Defendant is outspoken and by virtue of his membership of a mass political party, membership of parliament and ownership of a private business conglomerate and philanthropy is very well known and believed by many of his audiences to speak to facts in his almost daily public engagements in the media.
7. 2nd Defendant is a company incorporated under the laws of Ghana operating the Oman 107.1 Fm radio and the Net 2 Television station both widely listened/watched by a section of the public in Accra and in most parts of Ghana and in abroad through affiliate broadcast networks and through the internet.
8. 3rd Defendant is the Deputy Executive Secretary of the Microfinance and Small Loans Centre (MASLOC), a microfinance apex body responsible for implementing the Government of Ghana's microfinance programmes targeted at reducing poverty.
9. 3rd Defendant by virtue of her membership of a mass political party and high office in the MASLOC interacts with multitudes of people including through her facebook account, and is believed by many of her audiences to speak to facts in her regular engagements with the public including on social media platform facebook where she refers to herself as *MadamAfia Akoto*.
10. Plaintiff avers that by virtue of his current office and said expertise, he became aware of and was on Thursday the 22nd and Friday the 23rd days of June 2017 invited to and was part of two brief meetings with key stakeholders in the oil industry and the Chief Executive Officer of the Bulk Oil Storage and Transportation Company Limited (BOST) to seek solutions that serve the best interest of the BOST, the state and the public regarding some issue involving alleged sale of contaminated fuel, and that Plaintiff's professional opinion proffered at said meeting was for immediate recourse to corrective measures in tandem with due process and best practice.
11. Plaintiff avers, further to paragraph 10 above, that his said professional opinion, for good reason, became a matter of public record as measures were being resorted to by various state agencies and stakeholders to correct the alleged fuel contamination and to preempt potential problems including especially to the motoring public.
12. Plaintiff avers that he was stunned to hear that 1st Defendant had uttered and confirmed said outright falsehoods i.e defamatory comments on said Oman Fm and Net2 Tv and Plaintiff heard 1st Defendant repeat said claims accusing Plaintiff of engaging in the criminal offence of bribery and corruption of a public officer.

13. Further to paragraph 12 above, 1st Defendant persisted in spreading said defamatory comments on other broadcast networks disregarding Plaintiff's denial of his said defamatory comments.
14. 3rd Defendant joined 2nd Defendant in continuing to spread and circulate said defamatory comments by taking particularly to facebook to repeat and republish said/similar defamatory comments and more in absolute disregard to/and with a mission to cause maximum damage to the reputation of Plaintiff.
15. The defamatory comments complained of referred and were understood to refer to the Plaintiff, and the particulars include essentially the following:

PARTICULARS

- (a) Paragraphs 1-4 above are repeated.
- (b) The said defamatory statements are as follows:

- (i) 1st Defendant speaking 2nd Defendant's on Oman 107.1 FM National Agenda primetime morning programme simulcast on 2nd Defendant's Net2 Tv, uttered among other slanderous words on or about the 29th of June 2017 in Twi thus:

"...The man was promised one million dollars, he didn't take it...It is rather the one million dollars people who were going to do the contamination thing...I don't know that Hosi whoever Senyo but I have all this evidence against them...If that guy is on it [the committee], if they bring any report nobody will accept it because for someone who has gone to offer one million dollars...How can Boakye Agyarko the minister involve him....that guy should be thrown out completely...He should question the guy and let him face me."

- (ii) 1st Defendant again speaking on Asempa FM's Ekosii Sen primetime afternoon programme repeated and uttered among other slanderous words on or about the 29th of June 2017 in Twi thus:

"...Again, the bombshell in it is that this guy, his name is in my thing, he is called Yoosi something something, I have a difficulty pronouncing his name."

He together with another guy by name Kwame Bediako on learning that he [the CEO of BOST, Alfred Obeng] had given the contaminated thing [fuel] to a certain company that was buying it, they went there [BOST CEO's office] and offered him one million dollars and asked him to reverse the decision and promised to give him one million dollars, but he declined and told them he couldn't do that. Now I am asking you a question, that one million dollars that, the guy I am unable to correctly pronounce his name, he is the head of the BDCs, he is the one who has been made part of a committee to investigate Alfred Obeng. Someone who offered a bribe of one million dollars, how can you use such a person to go investigate such a person..." Question: "You are referring to DBC Chamber of Bulk Distributors CEO Senyo Hosi? [Response] Good, good, Senyo Hosi..."

(iii) 3rd Defendant writing on social media platform facebook repeated and authored said/similar libelous words on or about the 29th of June 2017 in English thus:

"\$ 1M dollar bribe to the BOST CEO from #NDC Senyo Hosi no wonder he [Plaintiff] is so loud and rude..."

- (c) That Defendants alleged and their said defamatory statements meant and were naturally and ordinarily understood by right-thinking members of society to mean Plaintiff was a dishonest person and a criminally-minded individual who had engaged in or colluded with another and some others of said character to commit the criminal offences of bribery and corruption of a public officer.
- (d) That Defendants alleged and their said defamatory statements meant and were naturally and ordinarily understood by right-thinking members of society to mean Plaintiff was a criminally-minded individual who had been caught committing the criminal offence of bribing or attempting to bribe a public officer.
- (e) That Defendants alleged and their said defamatory statements meant and were naturally and ordinarily understood by right-thinking members of society to mean Plaintiff was a criminally-minded individual who had been caught committing the criminal offence of corrupting or attempting to corrupt a public officer.

- (f) That Defendants alleged and their said defamatory statements meant and were naturally and ordinarily understood by right-thinking members of society to mean Plaintiff was involved in criminal or improper acts, isn't a responsible, or law-abiding citizen and would have made money by selling contaminated fuel to unsuspecting.

16. The said defamatory statements were disseminated to a substantial number of unquantifiable persons through radio, television, internet streaming, video and audio uploaded online and online publications including facebook, and Defendants, their agents, assigns, privies or however described succeeding I in cloning/faking an email correspondence to further propagation of the defamatory comments.

17. Plaintiff will rely on the following facts and matters in support of a claim for damages, including aggravated damages for malicious defamation:

PARTICULARS

- (i) The defamatory comments which were broadcast/publicized variously were made by Defendants recklessly and not caring to verify the truth or accuracy therein.
- (ii) The defamatory comments which were broadcast/publicized variously subsequently even upon caution were made by Defendants maliciously in a manner that was calculated to cause maximum damage and hurt to Plaintiff's reputation as same have achieved.
- (iii) The defamatory comments which were broadcast/publicized variously originally and subsequently even caution and demand to retract and apologise unconditionally to Plaintiff, were actuated by malice aforethought and intended to cause maximum damage and hurt to Plaintiff's reputation as same have achieved.
- (iv) Defendants have caused grave damage to Plaintiff's reputation, as right-thinking people have, in spite of Plaintiff's denial, continued to rely on same comments pour scorn on him among others holding him as a criminal/criminally-minded individual and not-trustworthy among the meanings in paragraph 15 (c)-(f) above.

WHEREFORE Plaintiff claims against Defendants jointly and severally:

- (i) A declaration that the complained comments by Defendants are defamatory of Plaintiff and same have gravely injured Plaintiff's reputation.

- (ii) An order for an unconditional retraction and an unqualified apology for the said defamatory comments/broadcast/publication, doing so separately and in the Daily Graphic newspaper, and for same to be given equal prominence as the complained comments/broadcast/publication within 14 days from the day of judgment.
- (iii) An order that the contents of relief (i) above be subject to the prior approval of Plaintiff, and for Defendants to personally and separately read out same on all media networks mentioned in paragraphs 7 and 15 above, and doing so within 14 days from the day of judgment.
- (iv) An order of perpetual injunction restraining Defendants from any further comments of said complained defamation.
- (v) General damages for defamation.
- (vi) Aggravated or Exemplary damages for the malicious defamation.
- (vii) Compensatory damages of GHC 5,000,000.00 for injury to character and integrity against 1st Defendant.
- (viii) Compensatory damages of GHC 3,000,000.00 for injury to character and integrity against 2nd Defendant.
- (ix) Compensatory damages of GHC 1,000,000.00 for injury to character and integrity against 3rd Defendant.
- (x) Costs, including legal fees.
- (xi) Further or other reliefs.

DATED AT A-PARTNERS @ LAW, H/NO. 4, EASMON ST., OPP. THE TRUST CLINIC, NEAR CLUB 250, OFF THE MAIN ROUNDABOUT, DANSOMAN, ACCRA, THIS 4TH DAY OF JULY, 2017. Email: lawclerk@a-partners@law.com.

EVELYN GAWU, ESQ.
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SOLICITORS FOR PLAINTIFF

**THE REGISTRAR
HIGH COURT OF JUSTICE
GENERAL JURISDICTIONS
ACCRA**

AND TO THE ABOVE-NAMED DEFENDANTS. PLAINTIFF WILL DIRECT SERVICE.