



REGISTRAR
HIGH COURT

WRIT OF SUMMONS

Order 2 rule 3(1)

WRIT ISSUED FROM ACCRA 21/07 20...24 SUIT No: GJ/0835/2024

**IN THE HIGH COURT OF JUSTICE
GENERAL JURISDICTION
ACCRA- A.D 2024**

BETWEEN

SAMUEL GYAMFI
(Popularly known as "Sammy Gyamfi")
7 Mango LK GL-05104872
Tse-Addo - Accra

Plaintiff*

AND

1. WILBERFORCE ASARE
2. ASAASE BROADCASTING COMPANY LTD
3. MICHAEL AFRIYIE
4. ABC NEWS
(ALL OF ACCRA)

Defendants*

To

(Plaintiff will direct service)

AN ACTION having been commenced against you by the issue of this writ by the above-named Plaintiff. **SAMUEL GYAMFI (POPULARLY KNOWN AS "SAMMY GYAMFI")**

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. WILBERFORCE ASARE 2. ASAASE BROADCASTING COMPANY LTD 3. MICHAEL AFRIYIE 4. ABC NEWS

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 day of JULY 20...24

HIGH COURT ACCRA

D. SACKY TORKORNOO (MRS)

Chief Justice of Ghana

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 desire 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).

STATEMENT OF CLAIM

The Plaintiff's claim jointly and severally is for:

- a. A declaration that the news report/story authored, published/republished, circulated, distributed and/or otherwise caused to be published/republished, circulated, and/or distributed by the Defendants herein and on various media platforms with the heading "NDC's Sammy Gyamfi allegedly blows party cash on lavish trip to Miami with wife" which contained the following statements about the Plaintiff:

"...Sammy Gyamfi, according to information from the Betsy Hotel in Miami, Sammy Gyamfi and the wife are staying there for two weeks. The couple are paying US\$3000 a day, totalling US\$42,000. This is the reason for the angry outbursts of some NDC social media activists..."The funds meant for the communications outfit, for those who go on radio and television to defend President Mahama and the policies of the party going into the elections, Sammy Gyamfi is spending on himself and his wife!...Those of us who defend the party on social media networks, what do we get? We don't get anything from the party not knowing that Sammy Gyamfi has hijacked our monies and spending it on himself as well as his unemployed wife" another NDC activist said, fuming...

...Sammy Gyamfi and his wife lodged at the famous Betsy Hotel, South Beach, a 5-star hotel, located on the vibrant Miami Beach. This luxurious property offers a range of top-notch facilities including a fitness centre, a snack bar, a sun terrace, and a concierge service. Guests travelling with children can enjoy board games or puzzles, while those seeking relaxation can unwind at the rooftop pool or indulge in the spa facilities. The hotel also boasts a beachfront location, evening entertainment, and a restaurant offering a variety of cuisines.

The units at The Betsy Hotel, South Beach, are designed to provide comfort and convenience. All units come equipped with air-conditioning, a hairdryer, a fridge, a work desk, a seating area, a fan, and a flat-screen TV. Some units also offer tea and coffee making facilities, and a baby cot. The hotel ensures a pleasant stay with services such as housekeeping, room service, and a 24-hour front desk. Guests can also enjoy the convenience of free WiFi throughout the property.

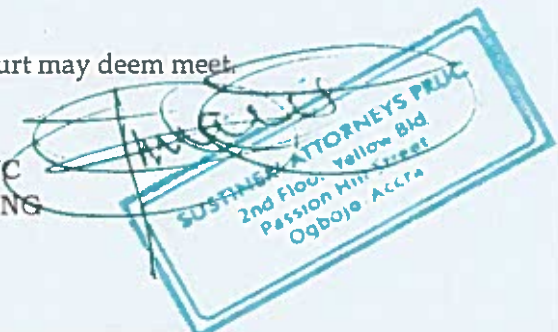
The Betsy Hotel offers a range of activities including yoga classes, walking tours, and cycling. The hotel is within close proximity to several points of interest such as Lummus Park Beach (200 metres), Miami Beach (300 metres), South Pointe Park Beach (1.4 km), and the Art Deco Historic District (700 metres). The Miami International Airport is conveniently located just 18 km away, making it an ideal choice for international guests.

Scores of NDC footsoldiers have questioned Sammy Gyamfi on the source of the funds he is wasting on himself and wife. "This is an extreme form of extravagance at our expense. It is nothing short of a vulgar display of opulence. Our Communications Officer must explain to us where he got this money to blow on himself and unemployed wife" one NDC social media activist wrote on his Facebook timeline." is defamatory of the Plaintiff.

- b. A retraction and an unqualified apology by each of the Defendants to Plaintiff using the same medium they used in publishing the defamatory statements complained of.

- c. A retraction and an unqualified apology by each of the Defendants to be published on the front page of the Daily Graphic Newspaper for three (3) consecutive days.
- 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 printed, 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 against the Defendants for defamation per paragraph 20 above.
- f. Exemplary damages of GHS 10,000,000.00 (Ten Million Ghana Cedis) against the Defendants.
- g. Costs inclusive of Counsel's fees.
- h. Any further or other orders as this Honourable Court may deem meet.

This writ was issued by **RICHARD NUNEKPEKU**
 whose address for service is **SUSTINERI ATTORNEYS PRUC**
2ND FLOOR, YELLOW BUILDING
PASSION HILL STREET
OGBOJO - ACCRA



Agent for
 Address Number and date of lawyer's current licence. Lic. No: eGAR01354/24

Lawyer for the plaintiff **RICHARD NUNEKPEKU** who resides at **SUSTINERI ATTORNEYS PRUC, 2ND FLOOR, YELLOW BUILDING, PASSION HILL STREET, OGBOJO - 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)

Filed at 01/02/2024
at 2:40
[Signature]
[Stamp]

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

SUIT NO.:.....

BETWEEN:

SAMUEL GYAMFI]
(Popularly known as Sammy Gyamfi)] **PLAINTIFF**
7 Mango LK GL-05104872]
Tse-Addo - Accra]

-AND-

- 1. WILBERFORCE ASARE**] **1ST DEFENDANT**
ACCRA]
- 2. ASAASE BROADCASTING COMPANY LTD}** **2ND DEFENDANT**
CANTONMENT]
ACCRA]
- 3. MICHAEL AFRIYIE**] **3RD DEFENDANT**
ACCRA]
- 4. ABC NEWS**] **4TH DEFENDANT**
ACCRA]

(Plaintiff Shall Direct Service)

STATEMENT OF CLAIM

1. Plaintiff is a Ghanaian, a legal practitioner, and the National Communications Officer of the National Democratic Congress (NDC).
2. 1st Defendant is a journalist in the employment of the 2nd Defendant and the author and publisher of the impugned defamatory story about Plaintiff.
3. 2nd Defendant is a media organization operating "Asaase Radio 99.5FM Accra", "Asaase 98.5 Kumasi", "Asaase 99.7 Tamale", "Asaase 100.3 Cape Coast" and "AsaasePa 107.3 Accra" with more than eight (8) affiliate radio stations across the country.

4. Plaintiff repeats paragraph 3 above and says further that the 2nd Defendant apart from operating radio stations across the country maintains online presence via the following media channels which media channels were used to publish the impugned defamatory story about the Plaintiff:
 - a. Website: www.asaasradio.com
 - b. X @asaaseradio995
 - c. Facebook: Asaaseradio99.5
5. 3rd Defendant is also a journalist in the employment of the 4th Defendant and the author and publisher of the impugned defamatory story about Plaintiff.
6. 4th Defendant is also a media organization in Ghana and is accessible worldwide on the website www.myabclive.com as well as on various social media platforms including X and Facebook, where its stories, including the impugned defamatory story concerning the Plaintiff was published.
7. Plaintiff avers that the 1st and 2nd Defendants published the impugned defamatory story on the widely accessible website - www.asaaseradio.com which story was republished on the 2nd Defendant's Social Media handles listed in paragraph 4 above.
8. Plaintiff avers that the 3rd and 4th Defendants published the impugned defamatory story on 4th Defendant's widely accessible website - www.myabclive.com
9. Plaintiff avers that thousands of people access 2nd Defendant's website - www.asaaseradio.com on a regular basis. 2nd Defendant also has more than 565,000 followers on Facebook and 45,000 followers on X (@Asaase 99.5).
10. Plaintiff avers that the 4th Defendant has thousands of people from across the world accessing its website - www.myabclive.com also on regular basis.
11. Plaintiff avers that in addition to his current role as the National Communications Officer of the National Democratic Congress (NDC), he has served as the President of the Student Representative Council of the Ghana School of Law, the Communications Director of Exton Cubic, the Spokesperson of the Former Mayor of Kumasi and has held various roles in social and political leadership in Ghana. Plaintiff was also the sole proprietor of Plush Lounge which operated a restaurant business in Kumasi with several persons in its employ.

12. Plaintiff avers that apart from his various academic pursuits in Ghana, he is also an alumnus of the Harvard Kennedy School having undergone Executive Education Training in various Public Leadership modules at the school.
13. Plaintiff avers that due to his distinguished service to the National Democratic Congress and his role in public advocacy, he has a huge following and is regarded as an inspiring young leader of integrity. Plaintiff is a leading voice in public advocacy within the Ghanaian political space with over 141,000 and 250,000 followers on Facebook and X respectively.
14. Plaintiff avers that he is neither a government official nor public officer by way of appointment or election or employment or any means whatsoever.
15. Plaintiff avers that he has over the years taken part in several discussions on national issues on various media platforms in Ghana for and on behalf of the National Democratic Congress and has built his reputation in and outside of Ghana as an inspiring young leader and an effective communicator, committed to the cause of his political party, the National Democratic Congress.
16. Plaintiff avers that on 30th June 2024, the Defendants published an online news story which touched upon and/or materially concerned him.
17. Plaintiff avers that the 1st and 2nd Defendants published, distributed, circulated and/or otherwise caused to be published, distributed and circulated, the impugned defamatory story on <https://www.asaaseradio.com> and on the Facebook and X accounts of 2nd Defendant.
18. Plaintiff avers that 3rd and 4th Defendants also published the impugned defamatory story on the 4th Defendant's website www.myabclive.com.
19. Plaintiff repeats paragraphs 16, 17 and 18 above and says further that the Defendants caused and/or actively permitted the said defamatory story to be published, distributed and/or circulated on many social media platforms in the honest belief and reasonable expectation that same would be so published, distributed and/or circulated by others on such or similar media platforms.
20. Plaintiff says that the impugned publication of the Defendants contained defamatory statements about him including the following:

"NDC's Sammy Gyamfi allegedly blows party cash on lavish trip to Miami with wife"

"...Sammy Gyamfi, according to information from the Betsy Hotel in Miami, Sammy Gyamfi and the wife are staying there for two weeks. The couple are paying US\$3000 a day, totaling US\$42,000. This is the reason for the angry outbursts of some NDC social media activists..."The funds meant for the communications outfit, for those who go on radio and television to defend President Mahama and the policies of the party going into the elections, Sammy Gyamfi is spending on himself and his wife!...Those of us who defend the party on social media networks, what do we get? We don't get anything from the party not knowing that Sammy Gyamfi has hijacked our monies and spending it on himself as well as his unemployed wife" another NDC activist said, fuming..."

"...Sammy Gyamfi and his wife lodged at the famous Betsy Hotel, South Beach, a 5-star hotel, located on the vibrant Miami Beach. This luxurious property offers a range of top-notch facilities including a fitness centre, a snack bar, a sun terrace, and a concierge service. Guests travelling with children can enjoy board games or puzzles, while those seeking relaxation can unwind at the rooftop pool or indulge in the spa facilities. The hotel also boasts a beachfront location, evening entertainment, and a restaurant offering a variety of cuisines.

The units at The Betsy Hotel, South Beach, are designed to provide comfort and convenience. All units come equipped with air-conditioning, a hairdryer, a fridge, a work desk, a seating area, a fan, and a flat-screen TV. Some units also offer tea and coffee making facilities, and a baby cot. The hotel ensures a pleasant stay with services such as housekeeping, room service, and a 24-hour front desk. Guests can also enjoy the convenience of free WIFI throughout the property.

The Betsy Hotel offers a range of activities including yoga classes, walking tours, and cycling. The hotel is within close proximity to several points of interest such as Lummus Park Beach (200 metres), Miami Beach (300 metres), South Pointe Park Beach (1.4 km), and the Art Deco Historic District (700 metres). The Miami International Airport is conveniently located just 18 km away, making it an ideal choice for international guests.

Scores of NDC footsoldiers have questioned Sammy Gyamfi on the source of the funds he is wasting on himself and wife. "This is an extreme form of extravagance at our expense. It is nothing short of a vulgar display of opulence. Our Communications Officer must explain to us where he got this money to blow on himself and unemployed wife" one NDC social media activist wrote on his Facebook timeline."

21. 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 on their media platforms without taking any reasonable steps to verify same.

22. Plaintiff avers that the words complained of and particularized in paragraph 20 above were meant to be and were actually understood by the Ghanaian public to mean that the Plaintiff is a corrupt person, who is disloyal to his party, dishonourable, unscrupulous and has the habit of misappropriating monies meant for the activities of his political party for his private use and benefit.
23. Plaintiff avers that the words complained of and particularized in paragraph 20 above were meant to and were in fact understood to mean that he stayed at the Betsy Hotel in Miami with his wife for two weeks and spent US\$3000 a day, totaling US\$42,000 over a period of two weeks on hotel accommodation from misappropriated funds belonging to the NDC.
24. Plaintiff avers further that the words complained of and particularized in paragraph 20 above were meant to and were in fact understood to mean that monies meant for the Communications Bureau of the National Democratic Congress (NDC) that he has the honour of leading, has been misappropriated and used by him on a lavish personal trip with his wife.
25. Plaintiff repeats paragraphs 16, 17, 18, 19, 20, 21, 22, 23 and 24 above and says further that the publications complained of are not only false but are also malicious and deliberately contrived to damage his hard-earned reputation and cause members of his political party and the wider Ghanaian public to shun him.
26. Plaintiff avers that the words in paragraph 20 above meant and were in fact understood to mean that:
 - a. *The Plaintiff is a corrupt person and has misappropriated monies meant for his office and/or the 2024 Presidential and Parliamentary Elections campaign of his party, for his private use and benefit.*
 - b. *The Plaintiff is a rogue, disloyal, untrustworthy and a disreputable person without any scruples whatsoever and that he has been working against the interest of his own political party, the National Democratic Congress, by embezzling and/or misappropriating funds allocated to his office for official duties and using same for his private use and benefit.*
 - c. *The Plaintiff is an incompetent person and unfit to hold the office he currently occupies as the National Communications Officer of the National Democratic Congress (NDC).*

27. Plaintiff further avers and maintains that the words complained of in paragraph 20 above meant and were in fact understood to mean that Plaintiff is corrupt, an incompetent person, and unfit to occupy the position of National Communications Officer of the National Democratic Congress (NDC).
28. Plaintiff avers that anyone who hears or reads the defamatory statements referred to and particularized above in paragraph 20, would come to the conclusion that Plaintiff is indeed corrupt, disloyal, reckless and unfit to speak for his party.
29. Plaintiff avers that he has NEVER been to the said Betsy Hotel in Miami, Florida in the United States of America and has never paid or misappropriated US\$3000 a day on hotel accommodation or US\$42,000 on hotel accommodation over a two-week period from monies allocated to him by his party, as falsely claimed by the Defendants.
30. Plaintiff avers that by reason of the publications complained of and the matters particularized in paragraph 20 above, his reputation has seriously been sullied and he has been made a subject of public ridicule, opprobrium, derision, and contempt particularly within his own political party where he works diligently as the National Communications Officer and a member of its 2024 National Campaign Team.
31. Plaintiff avers that since the impugned publications were made by the defendants, he has been inundated with numerous calls and has had to answer very embarrassing and difficult questions and inquiries from different persons, including very distinguished members of the National Democratic Congress (NDC), colleagues from the National Communications Bureau of the NDC, associates, friends, and concerned family members and many others both in Ghana and abroad as to the contents of the defamatory statements referred to in paragraph 20 above.
32. Plaintiff avers that the Defendants 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 abroad.
33. Plaintiff avers that the Defendants were highly malicious in their conduct because any serious and thoughtful investigation and/or inquiry by the Defendants as required by basic journalistic standards would have revealed that there was no basis for the impugned stories they published/republished and/or caused to be published/republished about the Plaintiff.
34. 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 public sentiments against the Plaintiff.*
- b. *The Defendants deliberately, maliciously, and/or recklessly published the said impugned publications on their platforms without taking steps to verify their accuracy. Defendants actually lied that the information contained in the impugned defamatory story was acquired from the said Betsy Hotel, South Beach, Miami, USA in order to achieve their objective of defaming the Plaintiff.*
- c. *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 to contact the Plaintiff to cross-check the claims contained in the impugned publications.*

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

- a. *1st Defendant knew or ought to have known that the allegations contained in paragraph 20 above and authored by him were false, malicious, and consequently defamatory.*
- b. *The Defendants published the said defamatory statements and by that, permitted other persons and media organizations to republish and/or circulate in order to achieve their desired maximum impact of defaming the Plaintiff.*
- c. *1st Defendant as a trained journalist and a law student with considerable knowledge and understanding of the Ghanaian media and political landscape knew and/or ought to have known that the defamatory publications he authored and published concerning the Plaintiff could potentially sully Plaintiff's reputation.*
- d. *3rd Defendant as a trained journalist with considerable knowledge and understanding of the Ghanaian media and political landscape knew and/or ought to have known that the defamatory publications he authored concerning the Plaintiff could potentially sully Plaintiff's reputation.*
- e. *The 2nd and 4th Defendants gave willing hands to the 1st and 3rd Defendants and helped them to publish and republish the said defamatory materials with the full knowledge of the falsity of the publication and/or with a deliberate and reckless*

disregard for the fact that same was unproven, false, and without any justification whatsoever.

- f. The Defendants actually lied that the information contained in the impugned defamatory story was acquired from the said Betsy Hotel, South Beach, Miami, USA in order to achieve their objective of defaming the Plaintiff.*

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

37. Plaintiff avers that he has been injured in his reputation and has lost his goodwill among the Ghanaian society and the world by reason of the false and defamatory statements of the Defendants which have since been shared across the country and around the world through various online and social media platforms.

38. 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.

39. **WHEREFORE** Plaintiff claims against Defendants jointly and severally as follows:

- a. A declaration that the news report/story authored, published/republished, circulated, distributed and/or otherwise caused to be published/republished, circulated, and/or distributed by the Defendants herein and on various media platforms with the heading "**NDC's Sammy Gyamfi allegedly blows party cash on lavish trip to Miami with wife**" which contained the following statements about the Plaintiff:

"...Sammy Gyamfi, according to information from the Betsy Hotel in Miami, Sammy Gyamfi and the wife are staying there for two weeks. The couple are paying US\$3000 a day, totalling US\$42,000. This is the reason for the angry outbursts of some NDC social media activists... "The funds meant for the communications outfit, for those who go on radio and television to defend President Mahama and the policies of the party going into the elections, Sammy Gyamfi is spending on himself and his wife!... Those of us who defend the party on social media networks, what do we get? We don't get anything from the party not knowing that Sammy Gyamfi has hijacked our monies and spending it on himself as well as his unemployed wife" another NDC activist said, fuming...

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- b. A retraction and an unqualified apology by each of the Defendants to Plaintiff using the same medium they used in publishing the defamatory statements complained of.
- c. A retraction and an unqualified apology by each of the Defendants to be published on the front page of the Daily Graphic Newspaper for three (3) consecutive days.
- 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 printed, 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 against the Defendants for defamation per paragraph 20 above.
- f. Exemplary damages of GHS 10,000,000.00 (Ten Million Ghana Cedis) 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 SUSTINERI ATTORNEYS PRUC, 2ND FLOOR, YELLOW BUILDING,
PASSION HILL STREET, OGBOJO, ACCRA, THIS 1ST DAY OF JULY 2024**



A handwritten signature in blue ink, enclosed within a blue oval. The signature appears to be "Richard Nunekpeku".

RICHARD NUNEKPEKU
LAWYER FOR PLAINTIFF
LICENSE NO.: eGAR01354/24
BP No. 300000034337

THE REGISTRAR
THE HIGH COURT
GENERAL JURISDICTION
ACCRA

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