



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

WRIT ISSUED FROM... ACCRA 02/07/2021 SUIT NO. GJ/1106/2021

IN THE HIGH COURT OF JUSTICE
GENERAL JURISDICTION
ACCRA – A.D. 2021

BETWEEN
DAVID ASANTE-APEATU
Anima Villa, R226
Amanokrom, Akuapem
(Suing *per* lawful attorney,
NKUM ASMAH of
AD 14 Ajumako)

Plaintiff *

AND

JUSTICE KWEKU ANNAN
Hollywood Building
Madina Zongo Junction, Accra

Defendant *

TO JUSTICE KWEKU ANNAN

AN ACTION having been commenced against you by the issue of this Writ by the above-named Plaintiff. DAVID ASANTE-APEATU

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.
JUSTICE KWEKU ANNAN

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

Dated this 2nd day of

JULY,

2021

ANIN YEBOAH



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 Accra. A defendant appearing personally may, if he desires give notice of appearance by post.

SEAL: *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).

FORM 1

HIGH COURT ACCRA

STATEMENT OF CLAIM

The Plaintiff's claim is for:

- a) General damages for libel contained in the defendant's publication of the plaintiff indorsed on the writ of summons by way of an attachment and set out in paragraph 7 above.
- b) Aggravated damages arising from libel published by the defendant of the plaintiff indorsed on the writ of summons by way of an attachment and set out in paragraph 7 above.
- c) Costs, including lawyers' fees.

This writ was issued by
whose address for service is

**SAMUEL APPIAH DARKO, ESQ
CROMWELL GRAY LLP
6B DUCHESSVILLE
SECOND CIRCULAR ROAD
CANTONMENTS, ACCRA**



Number and date of
lawyer's current licence.

**GAR 01229/21
PP00079/21**

Lawyer for the plaintiff

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

IN THE SUPERIOR COURT OF JUDICATURE
IN THE HIGH COURT OF JUSTICE
GENERAL JURISDICTION
GREATER ACCRA REGION
ACCRA – A.D. 2021

SUIT NO.

BETWEEN

DAVID ASANTE-APEATU
(Suing *per* his lawful attorney,
SAM
Anima Villa, R226
Amanokrom, Akuapem

PLAINTIFF

AND

JUSTICE KWEKU ANNAN
Hollywood Building
Madina Zongo Junction, Accra

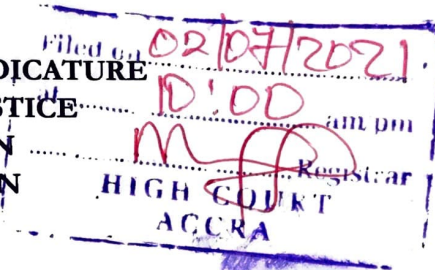
DEFENDANT

INDORSEMENT ON WRIT OF SUMMONS:
WORDS DEFAMATORY OF THE PLAINTIFF
PUBLISHED BY THE DEFENDANT

16 June 2021 – Net2 TV

The Police Service should come and tell me they do not know these notorious armed robbers. But they are here. Ghana Police Service, you know them. And I am going to mention their names, you know them. Why haven't you arrested them? And I am going to tell you how Police Officers including some I.G.Ps have treated these persons with kid gloves because some top Police Officers are on their payrolls. Yes. It is I Kwaku Annan who is saying this and not just anyone. I.G.P if you want to battle this, come and Net 2 TV "The Seat" will assist you. But I cannot trust most of your men. These guys pay a lot of Police Officers in Ghana Police every month. Yes. I.G.P I am telling you this. I say that these notorious criminals pay certain top Police Officers in your administration every month. Some of them receive Ten Thousand Ghana Cedis. You won't believe this I am telling you this. Aside that, these notorious armed robbers produce a calendar in this country. A calendar in this country; this calendar they produce they use pictures of presidents of this country on the calendar right from Rawlings to when. So far, the only person they haven't been able to use his picture for the calendar is the current president His Excellency Akufo-Addo and the reasons I will tell you one day. Now look, I am asking this question. Former

IN THE SUPERIOR COURT OF JUDICATURE
IN THE HIGH COURT OF JUSTICE
GENERAL JURISDICTION
GREATER ACCRA REGION
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SUIT NO.

BETWEEN

DAVID ASANTE-APEATU
Anima Villa, R226
Amanokrom, Akuapem
(Suing *per* his lawful attorney,
NKUM ASMAH of
AD 14 Ajumako)

PLAINTIFF

AND

JUSTICE KWEKU ANNAN
Hollywood Building
Madina Zongo Junction, Accra

DEFENDANT

Plaintiff will direct service.

STATEMENT OF CLAIM

- 1 The plaintiff is a well-known retired Inspector-General of Police (IGP) of the Republic of Ghana and a forensic specialist.
- 2 The plaintiff, prior to becoming the IGP, had served in various departments of the Ghana Police Service, including as Director General of the Criminal Investigation Division (CID), Director General, Research and Planning, Director General for Information Communication Technology (ICT) Department, and Head of the Marine Police.

- 3 The plaintiff has maintained a global accolade as a former Director of Specialised Crime and Analysis at Interpol Headquarters, Lyon, France and as a United Nations Task Force instructor at the Sarajevo Police Academy in Bosnia and Herzegovina.
- 4 The plaintiff has won several domestic and international awards as an ICT and forensic specialist and he is presently the president of the United States Federal Bureau of Investigation (FBI) alumni for Africa and the Middle East.
- 5 The plaintiff sues *per* his lawful attorney [Nkum Asmah], who has been given a power of attorney by the plaintiff to prosecute the cause and to testify on behalf of the plaintiff.
- 6 The defendant is a talk show host of a programme broadcast in Twi and English entitled "*The Seat*" on Net 2 Television – a TV station based in Accra.
- 7 *Circa* 16 June 2021, during the course of a live TV and online programme entitled "*The Seat*" on Net 2 Television – a TV station based in Accra, the defendant broadcasted and published the following words defamatory of the plaintiff:

The Police Service should come and tell me they do not know these notorious armed robbers. But they are here. Ghana Police Service, you know them. And I am going to mention their names, you know them. Why haven't you arrested them? And I am going to tell you how Police Officers including some I.G.Ps have treated these persons with kid gloves because some top Police Officers are on their payrolls. Yes. It is I Kwaku Annan who is saying this and not just anyone. I.G.P if you want to battle this, come and Net 2 TV "The Seat" will assist you. But I cannot trust most of your men. These guys pay a lot of Police Officers in Ghana Police every month. Yes. I.G.P I am telling you this. I say that these notorious criminals pay certain top Police Officers in your administration every month. Some of them receive Ten Thousand Ghana Cedis. You won't believe this I am telling you this. Aside that, these notorious armed robbers produce a calendar in this country. A calendar in this country; this calendar they produce they use pictures of presidents of this country on the calendar right from Rawlings to when. So far, the only person they haven't been able to use his picture for the calendar is the current president His Excellency Akufo-Addo and the reasons I will tell you one day. Now look, I am asking this question. Former I.G.P Mr. David Apeatu's [meaning thereby the plaintiff] administration you know these men whose names I am about to mention. Mr. Apeatu [meaning thereby the plaintiff] former I.G.P I say that you know these notorious armed robbers whose names I am about to mention. You [meaning thereby the plaintiff] know them. What did he do? What did you do? And these armed robbers still hide in the confines of our Republic. Now, Ghana Police tell me you do not know that every weekend when you go to some places in Kwabenya these Nigerians are there very late at night from 12 am you find these guys having a competition in Mercedes Benz. Mercedes Benz that sometime ago buying it wasn't an easy, these guys are there having competition on it. And competition in Mercedes Benz is not just a competition, displaying guns, open guns, fire range in Kwabenya every Saturday. Ghana Police are you saying you haven't heard this? Why haven't you been able to arrest them? Former I.G.P [meaning thereby the plaintiff] you know this. What have you done, what did you do? Your predecessor,

you gave him information. Mr. Apeatu [meaning thereby the plaintiff] I say you know these people. See, those Nigerian top criminals here in Ghana have defrauded so many people including the use of the name of the Republic of Ghana to dupe foreign companies and foreign multinational companies taken monies from them in the name of Ghana making it look like those monies they took were secured by the Government of Ghana. No. Those notorious criminals after that use people to withdraw the monies from the banks. They are here. Now let me mention their names to you. Ghana Police Service tomorrow issue a statement, tell me you don't know them if they are not on the Police wanted list. One, this is the ring-leader Odugba Benson. Odugba Benson, the Police knows him. Have you arrested him? If not, why? He is a Nigerian national, one of the notorious criminal and he is wanted in Nigeria. He is in Ghana now he finds Ghana as a safe haven and you have welcomed him here. And Officers of the Ghana Police Service you know this criminal and are treating him as a friend because he pays some of the officers. We are not joking here. We know. The next person is called Efe Odugba and the third person is called Innocent but the ring-leader is Odugba Benson. You know him. There is a group by these same Nigerians called Greatmen Progressive Club. Ghana Police Service do you know this group or not? I know you know them. Now all they do in this country is that they hack bank accounts, corporate organisations, individuals bank accounts and at the same time breaching data systems and a whole lot more. Now I want to ask the current I.G.P Mr. Oppong Boanu to find out this, who built the 3rd Avenue Police Post? The 3rd Avenue Police Post at Greda Estate go and find out who built it. It was built by these criminals. Yes! Odugba Benson. 3rd Avenue Police Post at 3rd Avenue Greda Estate anyone at Greda Estate go and find out, they are there. Who built it? It was this man, these criminals who built it and it begs the question 'what due diligence did Ghana Police do on these criminals? Do you know? Did you know that they are criminals and you allowed them to build it? I have just mentioned the name of the one who built it. And they are notorious criminals who are here in Ghana now. Every day they bring about hundreds of Nigerians into this country and when they bring them here, they have those they use to operate hard-core criminal operation works. When they are done, they leave and you won't find them again. Most of them when they come, they usually use ostensibly three (3) tribes that they use for their operations. I do not want to mention the names of the tribes because they find them very easy to convince and they indulge in these bad practices with them in Ghana. Nigerians you are our neighbours but the rate at which some of you when you come to Ghana use it as a safe haven to commit crimes in Ghana, I think it is alarming. This man I am talking about, the crimes they are committing in Ghana I am scared. It is just scary. That estate was constructed by them and after that right at the Greda Estate they carried out a heavy robbery there. Teshie- Nungua Police you are aware. You know all those guys I have mentioned and there are top top Police Officers who know these guys. I want to keep your names for now. But come and tell me I am lying. This same group have operated ostensibly with a lot of hospitals in Ghana and do you know what they do? They operated with these hospitals by collecting aborted babies the fetus they put into ice-chests, fridges and take to Nigeria to sell. These criminals they have operated with hospitals, secret hospitals in this country, they have taken carried aborted babies whether to be used for rituals I do not know. We have a lot of intelligence which I know the Ghana Police Service you know but decided to turn a blind eye to and innocent Ghanaians are suffering. Police Officers sitting at the Headquarters who are being paid monthly by these guys, why? Do you think you are doing us? The antelope will suffer but so will the hunter. The rate at which crime is swallowing all of us, Ghana Police Service. If I had my own way, the Commander in chief of the Security Services, President Akufo-Addo let the police go to bed and let the military step in. we need the fire power of the Army. We are not done with 'Ghana Speaks', family (viewers) have patience. Now all we are saying is that all these on-going crimes Mr. President if you are not careful, they will use it to disgrace your administration. But I.G.P there are a lot of deep intelligence that you need to know about your men.

(sic)

- 8 In their natural and ordinary meaning, the words published by the defendant of the plaintiff and reproduced in paragraph 7 above meant and were understood to mean that:
- i. The plaintiff was and is a fence for notorious criminals both in Ghana and Nigeria.
 - ii. The plaintiff harbours criminals.
 - iii. The plaintiff is a criminal who has been working in cahoots with hardened international criminals to unleash terror on Ghanaians.
 - iv. The plaintiff is/was on the payroll of top criminals in Ghana and as such slept on his duty as IGP and he refused/neglected to cause the arrest and prosecution of the criminals.

9 The plaintiff avers that the words complained of are utterly false, products of the defendant's imagination and were mischievously calculated by the defendant to disparage the plaintiff and to create disaffection for him and to bring him into odium in the eyes of right thinking members of the Republic and the global community.

10 In consequence, the plaintiff's reputation has been egregiously damaged and he has suffered debilitating distress and embarrassment. Further, he has been inundated with numerous calls from professional associates, journalists, social relations and friends and outright strangers, and he has had to answer very mortifying questions.

11 The plaintiff will rely on the following facts and matters to support a claim for aggravated damages:

Particulars

- i. The defendant published the words complained of knowing they were false, or recklessly as to their truth or falsity – having calculated that the benefit to the defendant in his vocation as a TV presenter – by way of popularity and increased viewership-base and following as a result of the sensational publication – would outweigh any compensation payable to the plaintiff.
- ii. The defendant knew that once he made the publication, it would be reproduced on the websites of the various media platforms including social media and accessible to countless numbers of persons worldwide.

- iii. The defendant knew and intended that his publication of the words complained of should be so published and/or such publication was the natural and probable consequence of his publication.
- iv. The defendant transmitted and/or caused the publication to be published on Net2 TV's You Tube and Facebook accounts, which the defendant has left to open access to an unquantifiable number of users globally of the Internet on the World Wide Web.
- v. Consequently, it can be inferred that a large but unquantifiable number of users have watched and are watching the defendant's publication of the plaintiff.
- vi. The defendant was malicious in his publication of the words complained of.


Particulars

- a. The defendant was persistent and emphatic as to the purported criminality of the plaintiff.
- b. The defendant insisted that the falsehood he was knowingly peddling was the truth.

12 Wherefore the plaintiff claims against the defendant for:

- a) General damages for libel contained in the defendant's publication of the plaintiff indorsed on the writ of summons by way of an attachment and set out in paragraph 7 above.
- b) Aggravated damages arising from libel published by the defendant of the plaintiff indorsed on the writ of summons by way of an attachment and set out in paragraph 7 above.
- c) Costs, including lawyers' fees.

Dated in Accra this Second day of July 2021.



Lawyers for the Plaintiff
Cromwell Gray LLP

The Registrar
High Court
General Jurisdiction
Accra

And for service on the Defendant.

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Practicing Certificate: GAR 01229/21
Firm Registration: PP00079/21