

REC
HIGH COURT
ACCRA



WRIT OF SUMMONS

(Order 2 rule 3(1))

WRIT ISSUED FROM... ACCRA 21/1/2025 2024

GT/0843/2025

SUIT NO.

**IN THE SUPERIOR COURT OF JUDICATURE
IN THE HIGH COURT OF JUSTICE
ACCRA-AD 2024**

BETWEEN

TETTEY YOHUNU
HOUSE NO. 32, CANTONMENTS, ACCRA

Plaintiff*

VRS

1. BLESSED GODSBRAIN SMART YIRENKYI, Alias CAPTAIN SMART
12TH KANDA AVENUE, JOHN HAMMOND STREET, ACCRA.

Defendants*

2. MEDIA GENERAL LIMITED
12TH KANDA AVENUE, JOHN HAMMOND STREET, ACCRA

To

AN ACTION has been commenced against you by the issue of this writ by the above-named Plaintiff. **TETTEY YOHUNU**

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. **BLESSED GODSBRAIN SMART YIRENKYI, Alias CAPTAIN SMART**
- 2. **MEDIA GENERAL LIMITED**

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

SEALED

JANUARY 2025

Dated this 21ST day of DECEMBER 2024

G. 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. A defendant appearing personally may, if he desires 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).*

FORM 1

STATEMENT OF CLAIM

The Plaintiff's claim is for:

- i. **A declaration that the statements made by the first Defendant of and concerning the Plaintiff and published by the Second Defendant and pleaded in paragraphs 12 to 15 of the statement of claim are defamatory of the Plaintiff.**
- ii. **General damages for defamation against the Defendants**
- iii. **An injunction restraining the Defendants whether by themselves, their servants, or agents or otherwise from authorizing, permitting and or causing to be published the same or similar words defamatory of the Plaintiff.**
- iv. **An order directed at the Defendants to retract the defamatory words and to render an unqualified apology to the Plaintiff in three publications not only on the Onua TV platform but in three radio announcements on Onua FM.**
- v. **Cost including legal cost.**
- vi. **Any other order(s) that this Honourable Court may deem fit in the circumstances.**

This writ was issued by **EDDIE MACCARTHY ESQ.**

whose address for service is **MACCARTHY AND ASSOCIATES, FOMAH HEIGHT, ATOMIC-HAATSO ROAD GE-299-6256.**

Agent for

PLAINTIFF

Address Number and date of lawyer's current license:

MACCARTHY & ASSOCIATES
LEGAL PRACTITIONERS & CONSULTANTS
P. O. BOX 15563, ACCRA - NORTH
☎ 0266415151/0500101020
www.mccarthyeandassociates.com

LICENCE NO. eGAR/01669/25

CHAMBERS LICENCE NO: ePP0002/25

Lawyer for the plaintiff who resides at ACCRA

TIN: P-0009990151

.....
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

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

filed on 2/1/25
9:15 am
W
Register at
HIGH COURT
ACCRA
SUIT NO:

BETWEEN

TETTEY YOHUNU
HOUSE NO. 32, CANTONMENTS, ACCRA

PLAINTIFF

AND

3. **BLESSED GODSBRAIN SMART YIRENKYI, Alias CAPTAIN SMART**
12TH KANDA AVENUE, JOHN HAMMOND STREET, ACCRA.

DEFENDANTS

4. **MEDIA GENERAL LIMITED,**
12TH KANDA AVENUE, JOHN HAMMOND STREET, ACCRA

STATEMENT OF CLAIM.
ORDER 11 RULE 1 OF C.I. 47.

1. The Plaintiff is a Ghanaian citizen and is the Deputy Inspector General of Police in charge of operations.
2. The first Defendant is a well-known host of a radio and television programme on the second Defendant's Onua FM and Onua TV respectively.
3. The second Defendant is a limited liability company registered under the laws of the Republic of Ghana and operates the radio and television stations known as Onua FM and Onua TV respectively.
4. The first Defendant's programme hosted on Onua FM and Onua TV platforms is known as Onua Maakye which are broadcast on various social media platforms including Facebook.
5. As police officer, the Plaintiff has by dint of hard work and dedication risen through the ranks and at the very moment is almost the highest ranked official of the Ghana Police Service.
6. As proof of his reputation, the Plaintiff has been entrusted with various local and international responsibilities which the Plaintiff has executed to the satisfaction of all.
7. Internationally, the Plaintiff was the Team Leader in a United Nations Peace Keeping Mission in the Los Palos District of East Timor and the Deputy Station Commander in another United Nations Mission at the Dervanta IPTF Station in Bosnia Herzegovina.
8. Locally, the Plaintiff was the Director-General for Operations in the Ghana Police Service, Director-General responsible for the Police Intelligence Service, and a Deputy Regional Police Commander for the Greater Accra Region, among others.
9. The Plaintiff repeats paragraphs 5 to 8 of the statement of claim and says that as a result of the Plaintiff's excellent service in the Ghana Police Service and the people of the Republic of Ghana the Plaintiff in the year 2011 was awarded the the Grand Medal which is the

presidential State Honour in recognition for meritorious service in combatting armed robbery and other criminal activities.

10. At about 9:28 pm on 27th December 2024, the first Defendant on his *Onua Maakyee* programme made statements to the effect that some elements within the Ghana Armed Forces and some officials of the Ghana Police Service had intended to destabilize Ghana's constitutional order by causing a coup d'état.
11. The first Defendant stated that the Chief of Defence Staff [CDS], like the Inspector General of Police [IGP] did not like the coup d'état idea which is the reason why the IGP has been quiet.
12. The first Defendant added that it is because the IGP did not favour the coup d'état idea that **the Plaintiff was appointed Deputy IGP for political reasons and that before his appointment to the position of Deputy IGP the Plaintiff was involved in some meetings** ostensibly held with a view to making the appointment.
13. The first Defendant stated further that the Plaintiff is now visiting the homes of some officials of the National Democratic Congress [NDC] party claiming to be a member of the said party when in fact the Plaintiff possessed a New Patriotic Party [NPP] card and paid dues to the said party.
14. The first Defendant also suggested that the Plaintiff had been paying monies to influence his [the Plaintiff] appointment to the position of IGP which payments the first Defendant said, will be to no avail.
15. The first Defendant also said of and concerning the Plaintiff that the Plaintiff had procured the services of some boys [the list of which the first Defendant says he has] of a certain Jalil to destabilize twenty-seven (27) constituencies, and that he [the first Defendant] had mentioned the names of some of the boys on the list the previous Friday.
16. The Plaintiff says that the statements pleaded in paragraphs 12 to 15 of and concerning the Plaintiff were made on the second Defendant's *Onua FM* and *Onua TV* and published in its respective social media platforms including facebook.
17. The Plaintiff says that the statements pleaded in paragraphs 12 to 15 of and concerning the Plaintiff are false, malicious and defamatory of the Plaintiff.
18. The Plaintiff says that at all times the Plaintiff's appointment as Deputy IGP has no political basis and that the Plaintiff did not participate in or was informed of any meeting at which his [Plaintiff's] appointment as Deputy IGP was ever discussed and was not in any way involved in the process leading to his appointment as Deputy IGP.
19. The Plaintiff says that by saying of and concerning the Plaintiff:
 - i. as pleaded in paragraph 12 above that the Plaintiff is involved in meetings leading to his appointment as Deputy IGP, the first Defendant meant and was understood to mean that the Plaintiff has been engaged in subtle and *undercover* endeavors *contrived* to achieve his appointment as Deputy IGP.
 - ii. as pleaded in paragraph 13 that the Plaintiff is acting now visiting homes of NDC officials and claiming to be a member of the NDC when the Plaintiff is actually a card bearing and

dues-paying member of the NPP, the first Defendant meant and was understood to mean that the Plaintiff earns his promotions in the Ghana Police Service by maneuvering and manipulating politicians and officialdom but not on merit.

- iii. as pleaded in paragraph 14 above that the Plaintiff is paying monies with a view to achieving his [the Plaintiff's] appointment as IGP the first Defendant meant and was understood to mean that the Plaintiff is engaged in the criminal acts of bribery and corruption to obtain promotion in the Ghana Police Service.
 - iv. as pleaded in paragraph 15 of the statement of claim that the Plaintiff procured the services of some boys to destabilize twenty-seven (27) constituencies the first Defendant meant and was understood to mean that the Plaintiff mobilized the said boys to engage in unlawful activity.
20. The Plaintiff says that the statements pleaded in paragraphs 12 to 15 herein and which were made of and concerning the Plaintiff are entirely false and baseless.
21. The Plaintiff shall rely on the facts pleaded in paragraphs 16 to 19 herein in support of the Plaintiff's claim for aggravated damages against the Defendants as the statements published of and concerning the Plaintiff were published with the sole object of creating public disaffection for the Plaintiff and exposing the Plaintiff to public ridicule, odium, and contempt.
22. The Plaintiff says that the false and malicious publications made by the Defendants of and concerning the Plaintiff have injured Plaintiff's image and have brought his hard-won reputation as a consummate professional policeman, philanthropist and businessman within the country into ridicule and contempt.
23. Since the publications the subject of the instant suit, the Plaintiff has received several calls and messages from professional colleagues, relatives and who have expressed concern and fear for the Plaintiff as a result of the defamatory statements made of and concerning the Plaintiff by the Defendants.
24. Plaintiff avers that the Defendants will continue to make false statements of and concerning the Plaintiff unless Defendants are restrained and compelled by this Court not to do so.
25. **WHEREFORE** Plaintiff claim against the Defendants as follows:
- i. A declaration that the statements made by the first Defendant of and concerning the Plaintiff and published by the second Defendant and pleaded in paragraphs 12 to 15 of the statement of claim are defamatory of the Plaintiff
 - ii. General damages for defamation against the Defendants
 - iii. An injunction restraining the Defendants whether by themselves, their servants, or agents or otherwise from authorizing, permitting and or causing to be published the same or similar words defamatory of the Plaintiff.

- iv. An order directed at the Defendants to retract the defamatory words and to render an unqualified apology to the Plaintiff in three publications not only on the Upper West media platform but in three radio announcements on radio Upper West.
- v. Cost including legal cost.
- vi. Any other Order(s) that this Honourable Court may deem fit under the circumstances.

DATED AT ACCRA THIS 30TH DAY OF DECEMBER 2024

MACCARTHY & ASSOCIATES
LEGAL PRACTITIONERS & CONSULTANTS
P. O. BOX 1858 ACCRA NORTH
0266415151/0500101020
www.mccarthyandassociates.com

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SOLICITOR FOR PLAINTIFF

THE REGISTRAR,
HIGH COURT (GENERAL JURISDICTION DIVISION)
ACCRA.

AND FOR SERVICE on the above-named Defendants:

- 1. BLESSED GODSBRAIN SMART YIRENKYI.
Alias CAPTAIN SMART,
12TH KANDA AVENUE,
JOHN HAMMOND STREET,
ACCRA.
- 2. MEDIA GENERAL LIMITED,
Alias CAPTAIN SMART,
12TH KANDA AVENUE,
JOHN HAMMOND STREET.