



**WRIT OF SUMMONS**

*(Order 2 rule 3(1))*

WRIT ISSUED FROM... **ACCRA** *17/10/2022*.....2022

SUIT No. *CJ/0046/2022*

**IN THE HIGH COURT OF JUSTICE**

GENERAL JURISDICTION, ACCRA-A.D.2022

**BETWEEN**

**HONOURABLE GEORGE MIREKU DUKER**

Ministry of Lands and Natural Resources  
Ministries Enclave  
Accra

**Plaintiff**

v.

**AND**

1. **NATHANIEL DEKYI**  
A.K.A Nana Nyonwah Payin IV  
Dompim Pepesa  
Tarkwa

**Defendant**

2. **THE MULTIMEDIA GROUP**  
No.1 Farrar Avenue  
Adabraka-Accra

3. **CLASS MEDIA GROUP**  
Accra Fm, Third Dade Walk  
Labone, Accra

**(Plaintiff to direct service)**

To

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

**HONOURABLE GEORGE MIREKU DUKER**

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. **NATHANIEL DEKYI**      2. **THE MULTIMEDIA GROUP**      3. **CLASS MEDIA GROUP**

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

Dated this *17th* day of *October* 20...*22*

Chief Justice of Ghana



**ANIN YERBOAH**

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

\*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

IN THE SUPERIOR COURT OF JUDICATURE  
IN THE HIGH COURT OF JUSTICE  
GENERAL JURISDICTION  
ACCRA- A.D. 2022



SUIT NO:

**HONOURABLE GEORGE MIREKU DUKER** ...  
Ministry of Lands and Natural Resources  
Ministries Enclave  
Accra

**PLAINTIFF**

v.

- 1. NATHANIEL DEKYI** ...  
Dompim Pepesa  
Tarkwa Nsuem
- 2. THE MULTIMEDIA GROUP**  
No. 1 Farrar Avenue, Adabraka  
Accra, Ghana
- 3. CLASS MEDIA GROUP**  
Accra FM, Third Dade Walk  
Accra, Ghana

**DEFENDANTS**

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

**Interview on Joy Fm's super morning show and Joy News on 10<sup>th</sup> October, 2022.**

Interviewer: We are about to speak to the Chief of Dompim Pepesa in Tarkwa Nsuem, he is the Chief of one of the areas highlighted in the documentary by Erastus. One of his subjects happen to be the Deputy Minister for Lands and Natural Resources, Mr. George Mireku Duker. We are talking to Nana Nyonwah Payin IV in just a moment. Actually we have him on the line right now. Your majesty, Nana Good Morning.

1<sup>st</sup> Defendant: Good Morning.

Interviewer: Thank you very much for joining us

1<sup>st</sup> Defendant: You most welcome

Interviewer: So maybe we will start with an update; can you tell us now what the state of Galamsay is since Erastus highlighted these matters in your area.

1<sup>st</sup> Defendant: urrm... let me take the opportunity to greet your cherished listeners. Excuse me, what's your name and whom am I talking to.

Interviewer: You can call me Kojo.

1<sup>st</sup> Defendant: Kojo, the situation here now is worst, more than the time that Erastus visited this place. If you come down to Dompim Pepesa to visit the various places Erastus visited, you will say Erastus did nothing. What is happening here is very disastrous. That is what I can say now.

Interviewer: Describe some of the operations, some of the things which has happened since Erastus came. What else has happened

1<sup>st</sup> Defendant: First and foremost, you see Erastus has been showing some of the colours of the samples that he took. It is serious than before. Two (2), what is happening to my forest now is serious than before, my heart is bleeding. Kojo my heart is bleeding.

Interviewer: Nana, is it that there are more people, more companies now joining to do more galamsey in the forest and to pollute the rivers? Or is it that the existing people have ramped up their operations?

1<sup>st</sup> Defendant: Exactly what you are saying, more people are joining and in fact I want you people to send your men down, apart from Erastus project... I want you people to come and see things for yourself. It is worst than before.

Interviewer: So Nana, do you know the companies and the individuals behind these operations?

1<sup>st</sup> Defendant: I know not of any companies, but I know of the very people who are doing it, who are behind the operations of galamsey in my area.

Interviewer: Who are these people Nana?

1<sup>st</sup> Defendant: First and foremost the Regional Minister, Kwabena

Interviewer: The Western Regional Minister?

1<sup>st</sup> Defendant: I made mention of these names earlier when I was interviewed on a sister station or a media in Ghana here. The Regional Minister; Kwabena Okyere Darko is involved.

Interviewer: Nana, do you have evidence of this because this is a serious accusation.

1<sup>st</sup> Defendant: You need not to tell me if I have the evidence. I am the owner and custodian of the land. You wait, when it is time I will show you. I will let you have the evidence.

Interviewer: So wait, tell us, did he come to you for land to do illegal mining?

1<sup>st</sup> Defendant: No.

Interviewer: So how do you know he is involved?

1<sup>st</sup> Defendant: How do I Know?

Interviewer: Yes

1<sup>st</sup> Defendant: I will tell you when we get there. I don't want to disclose what I have or my arsenals to you now. I am told the very people I mentioned the first time I was interviewed, they said they will sue me, I am not worried

Interviewer: Nana that is what we want to avoid, so until you are able to provide the evidence we would have to say that we have not independently verified your claims and so we would have to disassociate ourselves from that particular accusation, but as soon as you have evidence, Nana, we want to see it. Ummm.. Tell us, so as a Chief...

1<sup>st</sup> Defendant: You mentioned the very people who have... I have mentioned one. The MP for the area, Tarkwa Nsueam, Honorable George Mireku Duker, is also involved.

Interviewer: In what way?

1<sup>st</sup> Defendant: The MCE is also involved.

Interviewer: In what way is he involved?

1<sup>st</sup> Defendant: I have told you I am not going to let out my arsenals to you now. They say they want to sue, let them sue, I will let out my arsenals at the right time.

Interviewer: So what exactly is he doing? Is he mining illegally? What is he doing specifically? Is he funding it or what are you accusing him of specifically?

1<sup>st</sup> Defendant: Do you know Mireku Duker is an indigene of Dompim Pepesa

Interviewer: Yes.

1<sup>st</sup> Defendant: Mireku Duker and the MCE, Benjamin Kessie, they are all indegenes of Dompim Pepesa.

Interviewer: Yes.

1<sup>st</sup> Defendant: I have sat down with them, we discussed a lot about this situation. Do you know what answer they gave me?

Interviewer: Tell us.

1<sup>st</sup> Defendant: If I think I can't fight them, I have to join them.

Interviewer: Who said this to you?

1<sup>st</sup> Defendant: Benjamin Kessie. If I think I can't fight them I have to join them, but I will never join them. I need to protect the forest of Dompim Pepesa, the very life of Dompim Pepesa. This is what our ancestors handed down to me, and if I should sit down and join them to destroy the forest? No! Let me tell you one thing, let me carry the interview to you. The last time I met Kessie, who is the MCE, spoke to Kessie on this situation and Kessie was very bold enough to text me that I should be very careful, I should be mindful that I am living with wolves I have texted this or I have forwarded this message to the Divisional Commander, The Regional Commander and nothing has been done about it. Kessie has not been questioned. As we speak, my life is threatened, but I am not worried. If I should fight galamsay and die today, I am not worried. I need to protect the forest of Dompim and that of Wasa piase. I know a lot of Divisional Chiefs here have the same problem. They are

affected and they've not gotten the opportunity to air their views. I thank God I have you to tell my story.

Interviewer: Right, Nana, we certainly want to support you in your fight against galamsay. We will have to reiterate that you made some very serious accusations, we are yet to independently verify these accusations, until then we will have to dissociate ourselves from them, however, we are interested in what the way forward must be. You are the Chief of the area what power do you have? Urrm what are you able to do to combat this onslaught which you say its getting worse.

1<sup>st</sup> Defendant: Kojo, what exactly I want urrm to do now is, I want complete backing from the government. A complete backing from the Regional Minister, if they say they are not doing it, they should come to me as the Chief, the custodian of the land. I want a complete backing from the Regional Minister, from the MP; Mireku Duker who doubles as the Deputy Minister in charge of Lands and Natural Resources, an indigene from Dompim and then the MCE, who is also an indigene from Dompim and all of these people that I am mentioning, they are the various heads of the Security Council here. Look let me tell you, there is an adage, let me put it in twi that (1<sup>st</sup> Defendant speaks in twi language)... if you want to get mad, you start if from your home. The Deputy Minister in charge of Lands and Natural Resources, what has he done? This thing has existed from 1990, urrrm I was enstooled in 2019. I have complained about these things, I have petitioned the various agencies; Parliament, the Presidency, The Regional Minister. You see the reason why I am telling you, if they say I don't have evidence, the number of time I have met with them, the number of petitions I have sent to them. The very people who are supposed to defend or protect the forest, they are all sitting aloof.

Interviewer: Nana, tell us, have you had conversations with Mr. George Duker?

1<sup>st</sup> Defendant: Duker is my brother

Interviewer: What have you talked about with him, what has he said to you?

1<sup>st</sup> Defendant: That is the more reason I have earlier told you that I have sat down with them and that particular day Kessie told me if I think I can't fight them, I should join them.

Interviewer: Right, that's what the District Chief Executive said to you?

1<sup>st</sup> Defendant: Exactly, I will not say anything to tarnish their image. I want the betterment of my people, I want the betterment of Wassa Fiase, I want the betterment of my family, the custodians of the land which Mireku Duker is part, of which the MCE is part.

Interviewer: Yes Nana we are interested in that because of the position he holds as the Deputy Minister for Lands and Natural Resources and being a citizen of your community

1<sup>st</sup> Defendant: First of all he is not just a Citizen. Duker is a Royal, Mireku Duker.

Interviewer: So his position is even more significant, that is why we are interested in the conversation or correspondence or communication that you have had with him specifically. So we are asking what has he specifically said to you.

1<sup>st</sup> Defendant: Ever since these things started, I called Mireku Duker. Not that I called him, I called on him at the Parliament, the Parliament House, Job 600 or something, Duker told me I

should sit back and look and watch whatever will happen and look at him, but I have realized nothing is coming up from the meeting we held at his office.

Interviewer: When was the meeting?

1<sup>st</sup> Defendant: mmmmm, somewhere three years back. Three to four years back, that is 2019.

Interviewer: Right! And you are saying he has taken no action in your area.

1<sup>st</sup> Defendant: Nothing! Nothing! Nothing! Even the family has planned to meet Duker to tell Duker what actually is happening to our forest. They have invited Duker on many occasions, countless occasions, he is not showing up. So is he in the position to protect, what pains me most is that you are protecting other peoples forest.

Interviewer: Nana tell us about the effect of this devastation on your people, the pollution of the water, the destruction of your forest, how is it affecting your people directly.

1<sup>st</sup> Defendant: Kojo, as we speak, the very people, the Bonsar river is such contaminated that, it is the only source of water for Bonsar, Wassa Agona and parts of Tarkwa Dompim, where Mireku Duker is coming from... lives in the rivers or streams... i am telling you come and see it yourself. There are no fishes in the streams and rivers they are talking of. And you and I know very well that when the water is contaminated exactly or there wouldn't be any life in these waters or rivers or the streams. This is what I am fighting for. Two, because of the activities at the forest, there are some species of trees we are going to loose them. The unborn people when we talk of wawa, mahogany and name them, they would not get to know of it. Kojo, I need to protect Dompim, I need to protect the forest. I know the government is doing much, but his agents here are retarding his efforts. His agents here are retarding his efforts! I have made mention of the agents here.

Interviewer: Nana, do they have licenses, have they been given concessions in these forests?

1<sup>st</sup> Defendant: Kojo (sighs) you have also poses another question, another vital question. If when you have license and you want to mine, who is the first point of call you have to fall on? Is it not the Chief? Is it not the Chief? None of them, I can tell you on authority, none of them have the license! None of them have the license. If they have license, they should bring it to me the Chief, let me verify. Afterall when you are entering the forest there are certain places you need to enter, other places, there are forbidden place that you ought not to. I have nothing of that sort. I have not been notified. Meanwhile, they have placed some sign post that this place is meant for what what urm urm mining, they have a name for it; community mining. Get into the forest and see, those people mining in the forest, are they the indigenes of Dompim, are they the indigenes of Dompim and armed men numbering about fifty to sixty, all of them with guns. Farmers can't go to farm. Visitors in the forest preventing indigenes of Dompim not to enter not to go. There are so many barriers, before you enter the forest, the very existent place that they are working or they are destroying, you need to cross three barriers before you get there, how? And you the Regional Minister, the Regsec boss, the MCE, the Disec boss, you are telling me you have no knowledge of this? What are you telling me? You are telling me you have no knowledge of this! Kojo I am also telling you, these people with guns, you see, we say we are fighting against terrorist or terrorism, after these operations, they have guns with them, where are they taking them to? Where are they taking the guns to? Are they teaching people to be terrorist?

Interviewer: Hmm, Nana I want to thank you for speaking candidly to us on this matter, we certainly appreciate it. Final word just before we wrap up Nana, Whats that one message that you want to give to the president who no doubt will be listening to this.

1<sup>st</sup> Defendant: Kojo, the President earlier on I told you the President is doing much but his appointees are disappointing him down here. My only request, Kojo is that, I want them to give me security, I want them to give me the assurance. They should give me security let me put it that way or guarantee. Kessie says he will kill me if I want to involve myself into this he will kill me, the MCE, I am not worried. If I die today I am not worried. They should give me security. I want them; the Regional Minister, the MP -Mireku Ducker and then the MCE- Benjamin Kessie, all of us if really want to fight it or if we really want to fight the menace, we all should put our hands on deck. We will go there and see to ourselves who gave them the urm they the security agents or the security people, the MCE and the Regional Minister, who gave these people the authority to come and mine illegally. So they should give me the security. I will own up, I will own up and the move with them in to the forest I need to protect the forest, I need to protect the people, because if the forest is not there my people are not there, I am not there too. That is my word to the President.

#### **Interview on Accra Fm on 10<sup>th</sup> October, 2022**

Interviewer: Did you have a press conference with Erastus Donkor?

1<sup>st</sup> Defendant: He interviewed me just like you are doing

Interviewer: Oh ok. Please in which year?

1<sup>st</sup> Defendant: oh, somewhere four months back

Interviewer: ok. But before 2020 these issues were pending?

1<sup>st</sup> Defendant: Exactly

Interviewer: And after 2020 they were still pending in the area?

1<sup>st</sup> Defendant: Exactly

Interviewer: Iis it true that you raised certain issues about politicians being involved?

1<sup>st</sup> Defendant: yeah

Interviewer: Who were these politicians

1<sup>st</sup> Defendant: The Regional Minister is part. The MP and the MCE

Interviewer: Who is the Regional Minister?

1<sup>st</sup> Defendant: urrm Okyere Darko

Interviewer: And Who is the MP?

1<sup>st</sup> Defendant: The MP is Mireku Duker

Interviewer: And who else?

1<sup>st</sup> Defendant: The MCE, Benjamin Kessie

Interviewer: They were involved at that time with the galamsey issue?

1<sup>st</sup> Defendant: As we speak, they are involved in the Galamsey activities in this area

Interviewer: Please was it then or now

1<sup>st</sup> Defendant: Now! Now!

Interviewer: Sir!

1<sup>st</sup> Defendant: I am listening to you

Interviewer: if Mireku Duker decides to take you on, can you prove it?

1<sup>st</sup> Defendant: I can do that.

Interviewer: Are you sure?

1<sup>st</sup> Defendant: I have a message. I raised this issue somewhere and someone told Kessie, MCE. He sent me a text; the MCE sent me a text saying that he feels for me. Don't I know that I am with wolves? I have sent the message to the Divisional Commander.

Interviewer: You mean the DCE sent you a message that don't you know you are dealing with wolves?

1<sup>st</sup> Defendant: Exactly. Just because I am raising concerns about the forest they are destroying

Interviewer: Was it the DCE that sent this text to you?

1<sup>st</sup> Defendant: Yes, I have it on my phone.

Interviewer: Can you send it to me?

1<sup>st</sup> Defendant: I will do that

Interviewer: Wow! Wow!



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**PLAINTIFF**

Ministry of Lands and Natural Resources  
Ministries Enclave  
Accra

v.

**1. NATHANIEL DEKYI** ...

**DEFENDANTS**

Dompim Pepesa  
Tarkwa Nsuem

**2. THE MULTIMEDIA GROUP**

No. 1 Farrar Avenue, Adabraka  
Accra, Ghana

**3. CLASS MEDIA GROUP**

Accra FM, Third Dade Walk  
Accra, Ghana

**(Plaintiff shall direct service)**

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**STATEMENT OF CLAIM**

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1. Plaintiff is a responsible citizen of the Republic of Ghana, a native of Dompim in the Tarkwa Municipal area and the Member of the Seventh Parliament of the fourth Republic of Ghana representing the Tarkwa-Nsueam Constituency.
2. Plaintiff serves as a member of the Public Accounts and Youth, Sports and Culture committees of this seventh Parliament of the Republic of Ghana
3. Plaintiff is also the current Deputy Minister of Lands and Natural Resources appointed into office by the President in 2021. As the Deputy Minister for the Ministry of Lands and Natural Resources, Plaintiff is one of the main key actors leading the national fight against illegal mining (popularly known as 'galamsey' in local parlance) in the Republic of Ghana.
4. 1<sup>st</sup> Defendant is a self-styled chief of the Dompim Pepesa in the Western Region of the Republic of Ghana who has persistently been propagating lies and concocting stories aimed at defaming the Plaintiff with the latest being the use of the medium provided by the 2<sup>nd</sup> and 3<sup>rd</sup> Defendants to achieve his contrived objective of defaming the Plaintiff.

5. 2<sup>nd</sup> and 3<sup>rd</sup> Defendants are media companies with wide coverage in Accra and other regions of Ghana through affiliate radio stations. 2<sup>nd</sup> and 3<sup>rd</sup> Defendants also hold a strong presence on the worldwide web and other social media platforms where they publish their stories for the consumption of the masses. 2<sup>nd</sup> and 3<sup>rd</sup> Defendants allegedly pride themselves in providing their viewers and listeners with truth and claim to back their allegations with facts.
6. On or about 10<sup>th</sup> October, 2022, on the morning show of Joy fm one of the radio stations owned and run by the 2<sup>nd</sup> Defendant, the 1<sup>st</sup> Defendant during an interview was given the platform to broadcast and publish certain words defamatory of Plaintiff. In the said interview the 1<sup>st</sup> Defendant published the following defamatory words.

Interviewer: We are about to speak to the Chief of Dompim Pepesa in Tarkwa Nsueam, he is the Chief of one of the areas highlighted in the documentary by Erastus. One of his subjects happen to be the Deputy Minister for Lands and Natural Resources, Mr. George Mireku Duker. We are talking to Nana Nyonwah Payin IV in just a moment. Actually we have him on the line right now. Your majesty, Nana Good Morning.

1<sup>st</sup> Defendant: Good Morning.

Interviewer: Thank you very much for joining us

1<sup>st</sup> Defendant: You most welcome

Interviewer: So maybe we will start with an update; can you tell us now what the state of Galamsay is since Erastus highlighted these matters in your area.

1<sup>st</sup> Defendant: urrm... let me take the opportunity to greet your cherished listeners. Excuse me, what's your name and whom am I talking to.

Interviewer: You can call me Kojo.

1<sup>st</sup> Defendant: Kojo, the situation here now is worst, more than the time that Erastus visited this place. If you come down to Dompim Pepesa to visit the various places Erastus visited, you will say Erastus did nothing. What is happening here is very disastrous. That is what I can say now.

Interviewer: Describe some of the operations, some of the things which has happened since Erastus came. What else has happened

1<sup>st</sup> Defendant: First and foremost, you see Erastus has been showing some of the colours of the samples that he took. It is serious than before. Two (2), what is happening to my forest now is serious than before, my heart is bleeding. Kojo my heart is bleeding.

Interviewer: Nana, is it that there are more people, more companies now joining to do more galamsey in the forest and to pollute the rivers? Or is it that the existing people have ramped up their operations?

1<sup>st</sup> Defendant: Exactly what you are saying, more people are joining and in fact I want you people to send your men down, apart from Erastus project... I want you people to come and see things for yourself. It is worst than before.

Interviewer: So Nana, do you know the companies and the individuals behind these operations?

1<sup>st</sup> Defendant: I know not of any companies, but I know of the very people who are doing it, who are behind the operations of galamsey in my area.

Interviewer: Who are these people Nana?

1<sup>st</sup> Defendant: First and foremost the Regional Minister, Kwabena

Interviewer: The Western Regional Minister?

1<sup>st</sup> Defendant: I made mention of these names earlier when I was interviewed on a sister station or a media in Ghana here. The Regional Minister; Kwabena Okyere Darko is involved.

Interviewer: Nana, do you have evidence of this because this is a serious accusation.

1<sup>st</sup> Defendant: You need not to tell me if I have the evidence. I am the owner and custodian of the land. You wait, when it is time I will show you. I will let you have the evidence.

Interviewer: So wait, tell us, did he come to you for land to do illegal mining?

1<sup>st</sup> Defendant: No.

Interviewer: So how do you know he is involved?

1<sup>st</sup> Defendant: How do I Know?

Interviewer: Yes

1<sup>st</sup> Defendant: I will tell you when we get there. I don't want to disclose what I have or my arsenals to you now. I am told the very people I mentioned the first time I was interviewed, they said they will sue me, I am not worried

Interviewer: Nana that is what we want to avoid, so until you are able to provide the evidence we would have to say that we have not independently verified your claims and so we would have to disassociate ourselves from that particular accusation, but as soon as you have evidence, Nana, we want to see it. Ummm.. Tell us, so as a Chief...

1<sup>st</sup> Defendant: You mentioned the very people who have... I have mentioned one. The MP for the area, Tarkwa Nsueam, Honorable George Mireku Duker, is also involved.

Interviewer: In what way?

1<sup>st</sup> Defendant: The MCE is also involved.

Interviewer: In what way is he involved?

1<sup>st</sup> Defendant: I have told you I am not going to let out my arsenals to you now. They say they want to sue, let them sue, I will let out my arsenals at the right time.

Interviewer: So what exactly is he doing? Is he mining illegally? What is he doing specifically? Is he funding it or what are you accusing him of specifically?

1<sup>st</sup> Defendant: Do you know Mireku Duker is an indigene of Dompim Pepesa

Interviewer: Yes.

1<sup>st</sup> Defendant: Mireku Duker and the MCE, Benjamin Kessie, they are all indigenes of Dompim Pepesa.

Interviewer: Yes.

1<sup>st</sup> Defendant: I have sat down with them, we discussed a lot about this situation. Do you know what answer they gave me?

Interviewer: Tell us.

1<sup>st</sup> Defendant: If I think I can't fight them, I have to join them.

Interviewer: Who said this to you?

1<sup>st</sup> Defendant: Benjamin Kessie. If I think I can't fight them I have to join them, but I will never join them. I need to protect the forest of Dompim Pepesa, the very life of Dompim Pepesa. This is what our ancestors handed down to me, and if I should sit down and join them to destroy the forest? No! Let me tell you one thing, let me carry the interview to you. The last time I met Kessie, who is the MCE, spoke to Kessie on this situation and Kessie was very bold enough to text me that I should be very careful, I should be mindful that I am living with wolves I have texted this or I have forwarded this message to the Divisional Commander, The Regional Commander and nothing has been done about it. Kessie has not been questioned. As we speak, my life is threatened, but I am not worried. If I should fight galamsay and die today, I am not worried. I need to protect the forest of Dompim and that of Wasa piase. I know a lot of Divisional Chiefs here have the same problem. They are affected and they've not gotten the opportunity to air their views. I thank God I have you to tell my story.

Interviewer: Right, Nana, we certainly want to support you in your fight against galamsay. We will have to reiterate that you made some very serious accusations, we are yet to independently verify these accusations, until then we will have to dissociate ourselves from them, however, we are interested in what the way forward must be. You are the Chief of the area what power do you have? Urrm what are you able to do to combat this onslaught which you say its getting worse.

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Interviewer: Nana, tell us, have you had conversations with Mr. George Duker?

1<sup>st</sup> Defendant: Duker is my brother

Interviewer: What have you talked about with him, what has he said to you?

1<sup>st</sup> Defendant: That is the more reason I have earlier told you that I have sat down with them and that particular day Kessie told me if I think I can't fight them, I should join them.

Interviewer: Right, that's what the District Chief Executive said to you?

1<sup>st</sup> Defendant: Exactly, I will not say anything to tarnish their image. I want the betterment of my people, I want the betterment of Wassa Fiase, I want the betterment of my family, the custodians of the land which Mireku Duker is part, of which the MCE is part.

Interviewer: Yes Nana we are interested in that because of the position he holds as the Deputy Minister for Lands and Natural Resources and being a citizen of your community

1<sup>st</sup> Defendant: First of all he is not just a Citizen. Duker is a Royal, Mireku Duker.

Interviewer: So his position is even more significant, that is why we are interested in the conversation or correspondence or communication that you have had with him specifically. So we are asking what has he specifically said to you.

1<sup>st</sup> Defendant: Ever since these things started, I called Mireku Duker. Not that I called him, I called on him at the Parliament, the Parliament House, Job 600 or something, Duker told me I should sit back and look and watch whatever will happen and look at him, but I have realized nothing is coming up from the meeting we held at his office.

Interviewer: When was the meeting?

1<sup>st</sup> Defendant: mmmmm, somewhere three years back. Three to four years back, that is 2019.

Interviewer: Right! And you are saying he has taken no action in your area.

1<sup>st</sup> Defendant: Nothing! Nothing! Nothing! Even the family has planned to meet Duker to tell Duker what actually is happening to our forest. They have invited Duker on many occasions, countless occasions, he is not showing up. So is he in the position to protect, what pains me most is that you are protecting other peoples forest.

Interviewer: Nana tell us about the effect of this devastation on your people, the pollution of the water, the destruction of your forest, how is it affecting your people directly.

1<sup>st</sup> Defendant: Kojo, as we speak, the very people, the Bonsar river is such contaminated that, it is the only source of water for Bonsar, Wassa Agona and parts of Tarkwa Dompim, where Mireku Duker is coming from... lives in the rivers or streams... i am telling you come and see it yourself. There are no fishes in the streams and rivers they are talking of. And you and I know very well that when the water is contaminated exactly or there wouldn't be any life in these waters or rivers or the streams. This is what I am fighting for. Two, because of the activities at the forest, there are some species of trees we are going to loose them. The unborn people when we talk of wawa, mahogany and name them, they would not get to know of it. Kojo, I need to protect Dompim, I need to protect the forest. I know the government is doing much, but his agents here are retarding his efforts. His agents here are retarding his efforts! I have made mention of the agents here.

Interviewer: Nana, do they have licenses, have they been given concessions in these forests?

1<sup>st</sup> Defendant: Kojo (sighs) you have also poses another question, another vital question. If when you have license and you want to mine, who is the first point of call you have to fall on? Is it not the Chief? Is it not the Chief? None of them, I can tell you on authority, none of them have the license! None of them have the license. If they have license, they should bring it to me the Chief, let me verify. Afterall when you are entering the forest there are certain

places you need to enter, other places, there are forbidden place that you ought not to. I have nothing of that sort. I have not been notified. Meanwhile, they have placed some sign post that this place is meant for what what urm urm mining, they have a name for it; community mining. Get into the forest and see, those people mining in the forest, are they the indigenes of Dompim, are they the indigenes of Dompim and armed men numbering about fifty to sixty, all of them with guns. Farmers can't go to farm. Visitors in the forest preventing indigenes of Dompim not to enter not to go. There are so many barriers, before you enter the forest, the very existent place that they are working or they are destroying, you need to cross three barriers before you get there, how? And you the Regional Minister, the Regsec boss, the MCE, the Disec boss, you are telling me you have no knowledge of this? What are you telling me? You are telling me you have no knowledge of this! Kojo I am also telling you, these people with guns, you see, we say we are fighting against terrorist or terrorism, after these operations, they have guns with them, where are they taking them to? Where are they taking the guns to? Are they teaching people to be terrorist?

Interviewer: Hmm, Nana I want to thank you for speaking candidly to us on this matter, we certainly appreciate it. Final word just before we wrap up Nana, Whats that one message that you want to give to the president who no doubt will be listening to this.

1<sup>st</sup> Defendant: Kojo, the President earlier on I told you the President is doing much but his appointees are disappointing him down here. My only request, Kojo is that, I want them to give me security, I want them to give me the assurance. They should give me security let me put it that way or guarantee. Kessie says he will kill me if I want to involve myself into this he will kill me, the MCE, I am not worried. If I die today I am not worried. They should give me security. I want them; the Regional Minister, the MP -Mireku Ducker and then the MCE- Benjamin Kessie, all of us if really want to fight it or if we really want to fight the menace, we all should put our hands on deck. We will go there and see to ourselves who gave them the urm they the security agents or the security people, the MCE and the Regional Minister, who gave these people the authority to come and mine illegally. So they should give me the security. I will own up, I will own up and the move with them in to the forest I need to protect the forest, I need to protect the people, because if the forest is not there my people are not there, I am not there too. That is my word to the President.

7. On or about the same day, 10th October, 2022, the 1st Defendant published defamatory words of Plaintiff on the 3rd Defendants citizens' show on Accra FM that Plaintiff was involved in and was a beneficiary of illegal mining ('galamsey').

Interview was in a mixture of twi and English languages.

Interviewer: Did you have a press conference with Erastus Donkor?

1<sup>st</sup> Defendant: He interviewed me just like you are doing

Interviewer: Oh ok. Please in which year?

1<sup>st</sup> Defendant: oh, somewhere four months back

Interviewer: ok. But before 2020 these issues were pending?

1<sup>st</sup> Defendant: Exactly

Interviewer: And after 2020 they were still pending in the area?

1<sup>st</sup> Defendant: Exactly

Interviewer: Is it true that you raised certain issues about politicians being involved?

1<sup>st</sup> Defendant: yeah

Interviewer: Who were these politicians

1<sup>st</sup> Defendant: The Regional Minister is part. The MP and the MCE

Interviewer: Who is the Regional Minister?

1<sup>st</sup> Defendant: urrm Okyere Darko

Interviewer: And Who is the MP?

1<sup>st</sup> Defendant: The MP is Mireku Duker

Interviewer: And who else?

1<sup>st</sup> Defendant: The MCE, Benjamin Kessie

Interviewer: They were involved at that time with the galamsey issue?

1<sup>st</sup> Defendant: As we speak, they are involved in the Galamsey activities in this area

Interviewer: Please was it then or now

1<sup>st</sup> Defendant: Now! Now!

Interviewer: Sir!

1<sup>st</sup> Defendant: I am listening to you

Interviewer: if Mireku Duker decides to take you on, can you prove it?

1<sup>st</sup> Defendant: I can do that.

Interviewer: Are you sure?

1<sup>st</sup> Defendant: I have a message. I raised this issue somewhere and someone told Kessie, MCE. He sent me a text; the MCE sent me a text saying that he feels for me. Don't I know that I am with wolves? I have sent the message to the Divisional Commander.

Interviewer: You mean the DCE sent you a message that don't you know you are dealing with wolves?

1<sup>st</sup> Defendant: Exactly. Just because I am raising concerns about the forest they are destroying

Interviewer: Was it the DCE that sent this text to you?

1<sup>st</sup> Defendant: Yes, I have it on my phone.

Interviewer: Can you send it to me?

1<sup>st</sup> Defendant: I will do that

Interviewer: Wow! Wow!

8. In their natural and ordinary meaning, the words published by the Defendants and reproduced in paragraph 6 and 7 above referred to and were understood to refer to Plaintiff and they meant and understood to mean that:
  - i.i. Plaintiff notwithstanding his position as Deputy Minister of Lands and Natural Resources is involved in illegal and criminal conduct called “galamsey”.
  - ii.
  - iii.ii. This meant that the Plaintiff was a criminal although not convicted by any court.
  - iv.iii. Plaintiff is a bad example and a treacherous member of the country and community he hails from and leads as a Member of Parliament.
  - v.iv. Plaintiff cannot be trusted with the dignified position as a Deputy Minister for Lands and Natural Resources because instead of leading the war against illegal Mining, he is himself involved in illegal Mining.
  - vi.v. Plaintiff is responsible for the degradation of the land and forest of his community.
  - vii.vi. Plaintiff is abusing the power vested in him by the state.
  - viii.vii. Generally, Plaintiff is an evil person.
9. The plaintiff states that the words complained of are absolutely false, products of the defendants’ imagination and were mischievously designed by the Defendants to disparage him, stain his reputation, court public disaffection for him, and to bring him into abhorrence in the eyes of right-thinking members of the public and the global community.
10. In the said Interviews the 1<sup>st</sup> Defendants without any shred of evidence repeatedly accused the Plaintiff of his involvement in ‘galamsey’ when he knew same were false, denigrating and defamatory of Plaintiff both explicitly and by implication.
11. Plaintiff avers that the alleged defamatory publication has gone viral on the World Wide Web throughout the world and broadcasted on other media platforms and many social media users who have watched the video have made disparaging comments about him.
12. As a consequence of the publication, the Plaintiffs reputation has been violently damaged and he has suffered debilitating distress and embarrassment in the eyes of right thinking members of the international community, in the Republic of Ghana and in the community where he hails from and leads as a Member of Parliament.



13. Again his chances of winning the seat in the next elections as Member of Parliament have been badly jeopardized.
14. Further, he has been inundated with numerous calls from friends and family and outright strangers and has had to answer very mortifying questions.
15. The plaintiff will rely on the following facts and matters to support a claim for aggravated damages against Defendants:

#### PARTICULARS

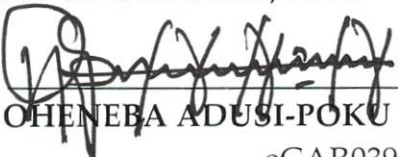
- i. The Defendants published the words complained of knowing they were false, or reckless as to their truth.
- ii. The Defendants published the words complained of on live radio and live television to their knowledge, to an unquantifiable number of listeners and on the Internet on the World Wide Web.
- iii. The Defendants knew or ought reasonably to have known that once the words complained of were published on the Internet, it could and would be accessed by an unquantifiable number of subscribers to the Internet around the world.
- iv. The Defendants knew or ought reasonably to have known that once the publication was made it would be culled and reproduced on the websites of other media houses, bloggers and accessible to countless numbers of persons worldwide. Indeed, within hours of the publication a great number of viewers had commented on same and most of the comments were pejorative and deprecatory of the plaintiff.
- v. The Defendants knew and intended that their publication of the words complained of should be so published and republished and/ or such publication and republication was the natural and probable consequence of his publication.
- vi. Accordingly, it can be reasonably inferred that a large but unquantifiable number of users viewed the publication worldwide, including in the Republic of Ghana.
- vii. The Defendants were malicious in their publication of the words complained of.
- viii. The Defendants, especially the 2<sup>nd</sup> and 3<sup>rd</sup> Defendant failed, neglected or refused to give Plaintiff a hearing or to interview Plaintiff to hear his side of the allegations before the publications were made.

16. As Defendants are aware, Plaintiff is not into illegal mining: Plaintiff has never been the prime suspect of any illegal mining investigation, he has never been charged or been before any court for illegal mining, nor has he been convicted of engaging illegal mining in any jurisdiction.
17. The 1<sup>st</sup> Defendant through the medium provided by the 2<sup>nd</sup> and 3<sup>rd</sup> Defendants published the false statements about Plaintiff maliciously and without regard to the truth or falsity of the statements made. 2<sup>nd</sup> and 3<sup>rd</sup> Defendants either knew or ought to have known the falsity of those statements or acted in reckless disregard of the truth and chose to allow the 1<sup>st</sup> defendant peddle falsehood that Plaintiff is engaged in illegal mining.
18. Plaintiff ardently believes in the freedom of speech and recognizes its importance in every society. However, Plaintiff also believes that freedom of speech is not a license to spread false and defamatory information about others knowing very well that the information is false.
19. Plaintiff avers that Defendants published the defamatory statements with the intent of harming Plaintiff's reputation politically and with malice, both in law and in fact.
20. As a direct, foreseeable, and proximate cause of Defendants' unlawful conduct, Plaintiff has suffered, and will continue to suffer, generally physical, mental, and psychological damage in the form of extreme and enduring worry, suffering, pain, humiliation, embarrassment, mental anguish, and emotional distress, all to his damage, in amounts within the jurisdictional limits of this Court, to be proved at trial.
21. Defendants' false publications against Plaintiff in his capacity as a Deputy Minister and a Member of Parliament impute Plaintiff's unfitness to perform his duties as a Deputy Minister of Lands and Natural Resources and want of integrity in the discharge of his duties, and thus, are defamatory *per se*.
22. Unless the Honourable Court restrains the Defendants and compels them to retract, remove and apologize to Plaintiff, the Defendants shall continue to publish and spread the said defamatory statements to destroy the reputation of Plaintiff.

**WHEREFORE PLAINTIFF CLAIMS** jointly and severally against defendants as follows:

- i. A Declaration that the alleged publications of the Defendants against Plaintiff are defamatory.
- ii. An order for interim and perpetual injunction restraining the Defendants their agents, assigns, workmen, privies, allies, friends, servants, associates any other person(s), howsoever described or whomsoever claims through them from sharing, spreading, disseminating, transmitting, parting with or in any other way or manner the offensive and defamatory publication and other media platforms and a further order compelling the Defendants to remove the said video from its page.
- iii. An order directed at the defendants to unreservedly apologize for the said statements seven times in the Daily Graphic and on the same Platform where those defamatory comments were published.
- iv. Damages in the sum of ten million Ghana cedis (GHS 10 Million Cedis).
- v. Aggravated damages arising from the libel published by the Defendants of Plaintiff and set out in paragraph 6 and 7 above.
- vi. Cost on full indemnity basis including counsel's fees pursuant to the requisite scale of fees as for the time being prescribed by the Ghana bar Association.
- vii. Any further order(s) as this Court seems meet.

**DATED IN THE CITADEL, ACCRA, THIS 14<sup>TH</sup> DAY OF OCTOBER, 2022.**

  
OHENEBA ADUSI-POKU ESQ.  
eGAR03911/22

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Accra

AND FOR SERVICE ON THE ABOVE-NAMED DEFENDANT(S) ON WHOM PLAINTIFF WOULD DIRECT SERVICE.