



WRIT OF SUMMONS

(Order 2 rule 3(1))

WRIT ISSUED FROM... ACCRA, 16/012025: SUIT No. HR/0050/2025

IN THE HIGH COURT OF JUSTICE HUMAN RIGHTS DIVISION, ACCRA

BETWEEN

**KOBINA TAHIR HAMMOND
ANUM TESA AVENUE
EAST LEGON, ACCRA**

Plaintiff*

To

- AND
1. **BLESSED GODSBRIAN SMART
@ CAPTAIN SMART**
 2. **MEDIA GENERAL (GH.) LTD
ACCRA**

Defendants*

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

KOBINA TAHIR HAMMOND

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.

BLESSED GODSBRIAN SMART & ANOR

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

Dated this 16TH day of JANUARY

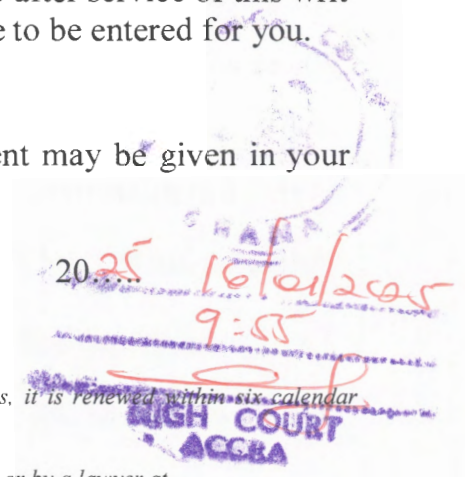
Chief Justice of Ghana **E. SACKY TORKORNOO (MRS).**

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

- i. Damages, including special, aggravated and exemplary damages for libel published by the Defendants herein and republished by many local and international media;
- ii. An injunction restraining the Defendants and each of them, whether by themselves, their servants, or agents or otherwise, from further publishing or causing to be published the said words or similar words defamatory of the Plaintiff;
- iii. An order directed to the Defendants to publish with equivalent prominence to the same medium a suitable apology and retract the said defamatory words in terms to be agreed by the parties or approved by the Plaintiff and for the same to be archived on Defendants' media space so as to remain searchable to users of the said TV, radio, Facebook, YouTube, and X accounts;
- iv. An order directed to the Defendants to ensure the removal of the defamatory videos as well as their re-publication on other media sites from the internet;
- v. Costs involved in the prosecution of this suit; and
- vi. Any other relief(s) that this Honorable Court may deem fit to grant in the circumstances.

DATED AT PAINTSIL, PAINTSIL & CO., GOSHEN CHAMBERS, HOUSE NO. 26, FARRAR AVENUE, BETWEEN HOTEL PRECEDENT AND TATTERS BOUTIQUE, ADABRAKA, ACCRA. THIS 14TH DAY OF JANUARY, 2025.

This writ was issued by:  **KWEKU Y. PAINTSIL, ESQ.**

Whose address for service is: **PAINTSIL, PAINTSIL & CO., GOSHEN CHAMBERS, HOUSE NO. 26, GPSFARRAR AVENUE, BETWEEN HOTEL PRESIDENT AND TATTERS BOUTIQUE, ADABRAKA, ACCRA.**

Agent for: **PLAINTIFF**

Address Number and date of lawyer's current licence. **eGAR 00633/2025**

Lawyer for the plaintiff: **KWEKU Y. PAINTSIL, ESQ.** who resides at: **ADABRAKA - 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).

IN THE SUPERIOR COURT OF JUDICATURE
THE HIGH COURT OF JUSTICE
HUMAN RIGHTS DIVISION
ACCRA - A.D. 2025

Filed on 16/01/2025
9:25 am/pm
Registrar
ACCRA

BETWEEN:

SUIT NO.

KOBINA TAHIR HAMMOND
ANUM TESA AVE,
EAST LEGON, ACCRA

PLAINTIFF

AND

1. BLESSED GODSBRAIN SMART
@ CAPTAIN SMART

2. MEDIA GENERAL GH LTD,
ACCRA

DEFENDANTS

STATEMENT OF CLAIM

1. The Plaintiff is a Ghanaian citizen and was until recently the Minister of Trade and Industries and also as a Member of Parliament for the Adansi-Asokwa Constituency in the Ashanti Region of the Republic of Ghana since 2001. The Plaintiff was also between 2001 and 2009, the Deputy Minister of Energy and also of the Interior. He also served as a member of several Parliamentary Committees, including Defence and Interior, subsidiary legislation, the Finance Committee, Mines and Energy Committee as well as the Local Government and Rural Development Committee. He attended several international fora including leading a parliamentary delegation to Azerbaijan on Ukraine and have, as a result, gained revered reputation both in Ghana and abroad.
2. The 1st Defendant is a broadcast journalist at the 2nd Defendant's organization, a media group or organization engaged in television, radio and digital media broadcast. The 2nd Defendant's portfolio include being a broadcast journalist at two TV stations, namely, TV3 and Onua TV, four radio stations, namely, 3FM and Onua FM in Accra and Connect FM in Takoradi and Akoma FM in Kumasi, and two online news portals, namely, 3News.com and 3Xtratv.
3. The Defendants tout themselves as Ghana's leading media group which operate a highly competitive television, radio, and digital media in Ghana. At all material times, the 2nd Defendant's platforms are open to general access by any other user with hundreds of thousands of viewers, readers and followers on all their said platforms, including Facebook, YouTube and X.
4. On 7th December, 2024, Presidential and Parliamentary elections were held in Ghana in which the Plaintiff participated as a parliamentary candidate on the ticket of the New Patriotic Party (NPP) for the Adansi-Asokwa Constituency. In the aftermath of the declaration of results, on or about the 9th December, 2024, the Defendants broadcast and published or caused to be broadcast and published in the Akan language on Onua TV show programme entitled "Ghana Decides 2024-Election Command Center- Abato)

Asode3” the following words alleged by the 1st Defendant to have been spoken by the Plaintiff in reaction to the win of the parliamentary election by Godwin Animli Dorgbadzi Dorani of the National Democratic Congress, as follows:

“osee osee 3y3 d3n na ayigbe ni na ebe tumi eh, eh? Osee ad3n te na ayigbe ni na ebeba abetumi ew) asante man mu, ayigbe ni?”

To wit,

“He said, he said: ah! How can an Ewe person unseat me eh, eh? He said: why would an Ewe person be the one to take the seat from me in an Ashanti township?”

5. The said words published by the 1st Defendant, both in their natural and ordinary meaning, as well as its innuendo meaning, meant and were understood to mean that the Plaintiff is so tribalistic or so close-minded as to consider it inconceivable for a Ghanaian of Ewe descent to win an election in the Ashanti Region of Ghana.
6. By reason of the publication and republication of the said words, the Plaintiff has been gravely damaged in his character and reputation, and has suffered considerable distress and embarrassment and has also suffered special and aggravated damage

Particulars


- i. In the immediate aftermath of the publication, the Plaintiff has received a lot of distressful calls from friends, family and colleagues of repute.
- ii. The Plaintiff is presently unable to quantify and/or particularize the loss he has suffered or sustained.
- iii. The Plaintiff will rely on the following facts and matters to support a claim for exemplary damages:
- iv. The Plaintiff repeats paragraph 3, 4, 5, and 6 above;
- v. The Defendants operate within a media space of fierce competition for attention in which the more sensational a story is, the more the viewership, readership and consequent financial gain. Consequently, by publishing these defamatory statements which was sensational in the extreme, the Defendants had calculated that the benefit to them of increased viewership and readership, coupled with the revenue generated therefrom, would far outweigh an award of damages against them;
- vi. By reason of the social matrix of Ghana being constituted by various tribes or ethnicities, with all of them vying for prominence within a highly competitive space in all aspects of national development, it is expressly frowned upon or prohibited by the 1992 Constitution for any Ghanaian whip up tribal sentiments against another tribe for any purpose;
- vii. The Plaintiff in a letter dated 16th December, 2024 caused his solicitor to write to the 1st Defendant to retract the publication and render an unqualified apology to the Plaintiff, but the Defendants, acting individually and together, has or have refused, failed or neglected to do so; and

- viii. In the premises the Defendants and each of them, acting alone and together, published or caused to be published the words complained of knowing them to be false, or reckless, not caring whether they were true or false and/or with no honest belief that they were true. In so doing, the Defendants were actuated by the dominant motive of increased viewership, readership and related increased revenue.
7. The Defendants' act and conduct have lowered and dented the Plaintiff's image in the eyes and minds of right-thinking members of the public in general.
8. Unless restrained by the Honorable Court, the Defendants and each of them will continue to publish or cause to be published the said or similar words which are defamatory of the Plaintiff.

Wherefore and in the circumstances, the Plaintiff claims against the Defendants, jointly and severally, the following:

- i. Damages, including special, aggravated and exemplary damages for libel published by the Defendants herein and republished by many local and international media;
- ii. An injunction restraining the Defendants and each of them, whether by themselves, their servants, or agents or otherwise, from further publishing or causing to be published the said words or similar words defamatory of the Plaintiff;
- iii. An order directed to the Defendants to publish with equivalent prominence to the same medium a suitable apology and retract the said defamatory words in terms to be agreed by the parties or approved by the Plaintiff and for the same to be archived on Defendants' media space so as to remain searchable to users of the said TV, radio, Facebook, YouTube, and X accounts;
- iv. An order directed to the Defendants to ensure the removal of the defamatory videos as well as their re-publication on other media sites from the internet;
- v. Costs involved in the prosecution of this suit; and
- vi. Any other relief(s) that this Honorable Court may deem fit to grant in the circumstances.

DATED AT PAINTSIL, PAINTSIL & CO., GOSHEN CHAMBERS, HOUSE NO. 26, FARRAR AVENUE, BETWEEN HOTEL PRESIDENT AND TATTERS BOUTIQUE, ADABRAKA, ACCRA. THIS 14TH DAY OF JANUARY, 2025.


KWEKU Y. PAINTSIL, ESQ.
SOLICITOR FOR PLAINTIFF
LICENCE NO. eGAR 00633/2025

THE REGISTRAR
HIGH COURT
HUMAN RIGHT DIVISION
ACCRA

AND FOR SERVICE ON THE ABOVE-NAMED DEFENDANTS.