

ANBOH



REGISTRAR
HIGH COURT
ACCRA

WRIT OF SUMMONS

WRIT ISSUED FROM ACCRA (Order 2 rule 3(1)) 2024 SUIT No.....

IN THE HIGH COURT OF JUSTICE GENERAL JURISDICTION

BETWEEN

G104312024

STRATEGIC MOBILISATION GHANA LTD.
9TH LANE, MASTER BANOR STREET
OSU, ACCRA

PLAINTIFF

VRS

1. THE FOURTH ESTATE
AAR-BAKOR STREET
OGBOJO, ACCRA

DEFENDANTS

2. MANASSEH AZURE AWUNI
AAR-BAKOR STREET
OGBOJO, ACCRA

AN ACTION having been commenced against you by the issue of this writ by the above named Plaintiff. **STRATEGIC MOBILISATION GHANA LTD**

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. **THE FOURTH ESTATE and MANASSEH AZURE AWUNI.**

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

Dated this 15 day of feb 2024

R. SAGKEY TORBORNOO (MRSF)

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).

HIGH COURT ACCRA

STATEMENT OF CLAIM

WHEREFORE Plaintiff claims against the Defendants jointly and severally as follows:

- a) General damages of GHC1,000,000.00 for defamation.
- b) Exemplary damages of GHC9,000,000.00 for the reckless and malicious report by the Defendants.
- c) Perpetual injunction restraining the Defendants from publishing any further defamatory material about the Plaintiff.
- d) A retraction and apology by the Defendants with the same coverage, means and prominence with which the false information was published.
- e) Any other orders that this Honourable Court may deem fit.

This writ was issued by



SOLICITOR FOR THE PLAINTIFF
SOLICITOR'S LICENSE NO: eGAR 05124/24
CHAMBERS REGISTRATION: ePP08874/24

whose address for service is **STRATEGIC MOBILISATION GHANA LTD**

Agent for **STRATEGIC MOBILISATION GHANA LTD**

Address Number and date of lawyer's current licence. NO **eGAR 05124/24**

Lawyer for the plaintiff **VICTORIA BARTH** who resides at **SAM OKUDZETO & ASSOCIATES, N0.1 OSTWE STREET OSU AKO ADJEL, ACCRA.**

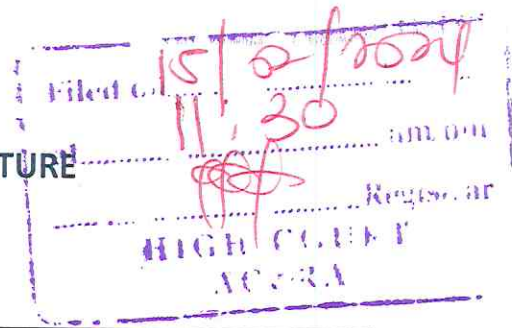
.....
Indorsement to be made within 3 days after service

This writ was served by me at _____ on the defendant on the _____ day of _____
endorsed the _____ day of _____

Signed.....

Address.....

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



SUIT NO.

BETWEEN

STRATEGIC MOBILISATION GHANA LTD. - **PLAINTIFF**
9TH LANE, MASTER BANOR STREET
OSU, ACCRA

AND

1. THE FOURTH ESTATE - **DEFENDANTS**
AAR-BAKOR STREET
OGBOJO, ACCRA

2. MANASSEH AZURE AWUNI
AAR-BAKOR STREET
OGBOJO, ACCRA

STATEMENT OF CLAIM

1. The Plaintiff is a limited liability company registered under the laws of Ghana and in the business of providing revenue assurance services such as transaction audit services and external price verification services, through the deployment of high-end digital and electronic systems.
2. The 1st Defendant is a non-profit organization registered under the laws of Ghana, whose object is stated on its website as public interest and accountability investigative journalism and promoting independent and critical research-based journalism.
3. The 2nd Defendant is a journalist working with the 1st Defendant.

4. The Plaintiff says that by a contract dated 1st January 2019, Ghana Revenue Authority (GRA) entered into an agreement with the Plaintiff for the provision of Transaction Audit Services and External Price Verification Services within its customs operations.
5. The Plaintiff says that subsequently the Ghana Revenue Authority (GRA) extended the Plaintiff's audit services to cover operations within the petroleum downstream sector pursuant to contracts dated 1st April 2019 and 3rd October 2019
6. The Plaintiff says that this was by virtue of the GRA's efforts to improve revenue mobilization in the country by eliminating revenue leakages within the downstream petroleum sector at the Bulk Distribution Depots.
7. The Plaintiff says that the said contract was for a duration of five (5) years.
8. The Plaintiff avers that since the commencement of its contracts with the Ghana Revenue Authority, revenue from downstream petroleum sector has significantly increased because of the Plaintiff, and that at all material times, the Plaintiff has carried out its obligations under the contracts with utmost integrity, accountability and transparency.
9. Plaintiff further avers that following its proven integrity, capability and capacity to improve revenue mobilization in the downstream petroleum sector using high-end technological and digital solutions, the Ghana Revenue Authority in 2023 extended the scope of the existing contracts between the parties, to include the upstream petroleum and minerals revenue audit. This new agreement is known as the Contract for the Consolidation of Revenue Assurance Services and is for a term of five (5) years.
10. The parties to this contract are the Ministry of Finance, the Ghana Revenue Authority, and the Plaintiff.
11. The Plaintiff says that per the terms of the contract, the services to be rendered by the Plaintiff are to be on a Risk-Reward basis.

12. The Plaintiff avers that on 18th December 2023, the Defendants published a documentary about the Plaintiff on YouTube with the defamatory title: *"The GHS 3 Billion Lie & The Billion-dollar contract"*.
13. The Plaintiff avers that YouTube is a famous international video sharing application ("the App") accessible not only to the Ghanaian public, but to billions of people all around the world, and the documentary posted on the app by the Defendants has as of 9th February 2024, garnered *57,000 views* by users of the app.
14. The Plaintiff further avers that the 1st Defendant has approximately *9,300* subscribers on the app, who typically receive notifications every time the 1st Defendant posts a video.
15. The Plaintiff says that the contents of this publication was to the effect that the Plaintiff had lied about saving the country GH¢3 billion which it would have lost to the downstream petroleum sector.
16. The Plaintiff further avers that the Defendants have since publishing the documentary on YouTube, also published several articles attacking the Plaintiff regarding its contract with the Ghana Revenue Authority and for that matter the Government of Ghana.
17. The Plaintiff says that the first of these articles was published on the 1st Defendant's website on 18th December 2023, which article was titled *"OSP receives petition to investigate Finance Ministry, GRA and SML"*.
18. Plaintiff further avers that in the body of the above-mentioned article published by the Defendants, the Defendants referred to the plaintiff's contract with the Government of Ghana as *"shady"*, stating that *"the producers (the Defendants) of the investigative documentary that exposed the shadiness of the contract want the Special Prosecutor to investigate the parties to the contract for corruption and breach of the procurement law"*.

19. The Plaintiff says that on the same 18th December 2023 the Defendants published another article about the Plaintiff with the title: ***"The GHS 3 Billion Lie: Government Pays Hundreds of Millions to Company in a Shady Deal"***.
20. The Plaintiff says that the Defendants published in the said article that *"in a control room in Tema in the Greater Accra Region, officials of Strategic Mobilisation Ghana Limited (SML) tried to convince The Fourth Estate of its **wild claims** that it had helped to save Ghana billions of cedis that would have been lost in the downstream petroleum sector but for its intervention."*
21. The Plaintiff says that the use of these words and expressions by the Defendants in their said publication connotes to the public and right-thinking members of society worldwide that Plaintiff lied about its claims.
22. The Plaintiff says that the Defendants further published in the said article about the Plaintiff that *"The company also tried to justify why it receives up to GH¢24 million monthly payments from the government of Ghana in a **questionable contract** it signed with the Ministry of Finance and the Ghana Revenue Authority (GRA)."*
23. The Plaintiff says that it has not, as of this date, received any payment in respect of the said contract and will put the Defendants to strict proof thereof.
24. Plaintiff says that in another article published by the Defendants on 18th December 2023, the Defendants called the contract between the Plaintiff and the Government of Ghana ***"questionable"***. The Title of the Article reads *"10-year **questionable contract** by Finance Minister gives SML over \$100 million annually despite false claims."*
25. Plaintiff says that the use of these words and expressions by the Defendants is to the effect that the contracts lack validity or legality and were tainted with fraud.

26. The Plaintiff says that as a matter of fact, after the Defendants' YouTube documentary of 18th December 2023 was brought to Plaintiff's attention, Plaintiff issued two rejoinders dated 20th December 2023, setting the record straight for the public as part of its dedication to truth, transparency, accountability and integrity in its operations and dealings.
27. Plaintiff says that despite its rebuttal of Defendants' claims in its rejoinders, which were published by the Defendants on their website on 20th December 2023, the Defendants again on 22nd December 2023 and on 26th December 2023 published articles attacking the Plaintiff by continuing to label the Plaintiff's contract with the Ghana Revenue Authority as "**Shady**" and "**Questionable**" without providing to its audience any justification or bases whatsoever for those labels.
28. Plaintiff says that the consistent reportage and peddling of falsehoods by the Defendants against the Plaintiff has evoked feelings of hatred and outrage towards the Plaintiff in the eyes of the public and right-thinking members of society worldwide.
29. Plaintiff says that the Defendants' false reportage on Plaintiff's contract with the Ghana Revenue Authority has also resulted in public reactions and backlash, which has further hurt, marred and damaged the reputation of the Plaintiff in the eyes of Ghanaians, causing distrust and a lack of confidence in the Plaintiff's operations in the petroleum sector.
30. Plaintiff says that an instance of such public backlash and hatred towards the Plaintiff is when former President John Dramani Mahama stated sometime in January 2024 that he will terminate the Plaintiff's contract with the Ghana Revenue Authority if he is re-elected as President of Ghana because the said contract was shady as published by the Defendants.
31. Plaintiff says that the said statement made by former President Dramani John Mahama was published on media outlets like GhanaWeb.com, MyJoyOnline.com and the Herald Ghana.

32. Plaintiff says that the onslaught of backlash from the public which has arisen from the Defendants' false reportage has adversely impacted Plaintiff's operations.
33. Plaintiff says that although it published rejoinders to the Defendants' false reportage, the Defendants have failed and/or refused to retract and apologize to the Plaintiff for the false information they have consistently peddled.
34. Plaintiff says that from the foregoing, the Defendants have defamed the Plaintiff.
35. WHEREFORE Plaintiff claims against the Defendants jointly and severally as follows:
- a) General damages of GH¢1,000,000.00 for defamation.
 - b) Exemplary damages of GH¢9,000,000.00 for the reckless and malicious report by the Defendants.
 - c) Perpetual injunction restraining the Defendants from publishing any further defamatory material about the Plaintiff.
 - d) A retraction and apology by the Defendants with the same coverage, means and prominence with which the false information was published.
 - e) Any other orders that this Honourable Court may deem fit.

DATED AT SAM OKUDZETO & ASSOCIATES, SENA CHAMBERS, 4 OTSWE STREET, OSU AKO ADJEI, ACCRA THIS 14TH DAY OF FEBRUARY 2024.



VICTORIA BARTH

LICENCE NO. eGAR 05124/24
CHAMBERS REGISTRATION: ePP08874/24
SAM OKUDZETO & ASSOCIATES
SOLICITOR FOR THE PLAINTIFF

THE REGISTRAR
HIGH COURT
GENERAL JURISDICTION
ACCRA

AND FOR SERVICE ON THE ABOVE-NAMED DEFENDANTS