

WRIT OF SUMMONS

WRIT ISSUED FROM

22-07-24

(Order 2 rule 3(1))

SUIT No

NR/IL/HC/FB/43/24

IN THE HIGH COURT OF JUSTICE

TAMALE - A.D 2024

SUIT NO:

BETWEEN

ALHAJI ABDUL RAHAMAN MADAHA ..... PLAINTIFF

TAMALE

VRS

1. MR. BABA

TAMALE, 0247023446

2. WULANA OF KAKPAG YILI

3. SAANI MOHAMMED LUKMAN

ZAA TV, TAMALE

4. ZAA TV, TAMALE

5. CHRISTOPHER AMOAKU

3NEWS.COM/TV3

NORTHERN REGION'S CORRESPONDENT ..... DEFENDANTS

6. MEDIA GENERAL GHANA LTD

59 PRESIDENTIAL DRIVE, ADESA WE, KANDA AVENUE.

(PLAINTIFF SHALL DIRECT SERVICE).

1.To MR. BABA & 5 OTHERS

AN ACTION having been commenced against you by the issue of this Writ by the

Above named Plaintiff ALHAJI ABDUL RAHAMAN MADAHA.

YOU ARE HEREBY COMMANDED that within EIGHT DAYS after the service of this Writ on you inclusive of the day of service you do cause an appearance to be entered for you.

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

Dated this

22<sup>nd</sup> JULY

20.....

24

Ⓢ 10:30 am

Chief Justice of Ghana.

N.B. 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 lawyer, at form 5 at the Registry of the Court of issue of the writ at Tamale. 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)

\*State name, place of residence or business address of defendant (not P.O Box number)

STATEMENT OF CLAIM

The Plaintiff claims against the Defendants as follows:

1. A declaration that the publication of the statement by the 1<sup>st</sup> Defendant on his Facebook Page to wit: **"This is Afa Madaha. He is the man who kidnapped all the children (7) and slice them into pieces at Kakpayili"** is defamatory of the Plaintiff and brought his image and reputation into disrepute.
2. A declaration that the publication of the statement by the 2<sup>nd</sup> Defendant in his interview with the media in the aftermath of the allegations leveled against the Plaintiff and the burning of Plaintiff's houses to wit: **"Madaha is a family man, why did he not use his children for the rituals but rather other's children"** is defamatory of the Plaintiff and brought his image and reputation into disrepute.
3. A declaration that the publication of the statements by the 3<sup>rd</sup> Defendant on the Facebook page and Live Programme of the 4<sup>th</sup> Defendant in his course of duty as an employee of the 4<sup>th</sup> Defendant to wit: **Update: The Imam Afa Madaha who killed the children and mutilated their bodies (sliced into pieces) has had his house burned to ashes by the youth in Kapkag Yill and that Plaintiff killed the children and hid their bodies into the vehicle parked in the yard of a house under his care"** are defamatory of the Plaintiff and brought his image and reputation into disrepute.
4. A declaration that the publication of the statements by the 5<sup>th</sup> and 6<sup>th</sup> Defendant in the 1<sup>st</sup> July 2024 edition of the online news on the online news portal <https://3news.com/> to wit: Two children both aged three, have been murdered in a suspected ritual killing at Kakpayili, a suburb of Tamale in the Northern Region. Their decomposed bodies chopped into pieces were abandoned in a vehicle behind one Mallam Madaha's house. He earlier denied but later admitted to killing the two and other six children bringing the total number he killed to eight are defamatory of the Plaintiff and brought his image and reputation into disrepute.
5. An order of the Court compelling the Defendants to immediately cause to be retracted the said defamatory statements via the same media used in making same.
6. An order of the Court compelling the Defendants to write a letter personally addressed to the Plaintiff admitting that their statements were actuated by malice and falsehood and give their express commitment never again to spew such falsehoods, libelous and slanderous defamatory remarks on the person of the Plaintiff.
7. An order of the court compelling the Defendants to pay as damages for the defamation of Plaintiff:
  - i. 1<sup>st</sup> and 2<sup>nd</sup> Defendants an amount of FIVE HUNDRED THOUSAND GHANA CEDIS (GHS 500,000.00)
  - ii. Jointly and Severally an amount of GHS 2000,000.00 against the 3<sup>rd</sup> and 4<sup>th</sup> Defendants
  - iii. Jointly and Severally an amount of GHS 2000,000.00 against the 5<sup>th</sup> and 6<sup>th</sup> Defendants
  - iv. Costs

*[Handwritten Signature]*

SYLVESTER ISANG ESQ.  
SOLICITOR FOR PLAINTIFF  
LC/ eNOR00763/24  
TIN: P0005817617

*[Vertical Stamp: Sylvester Isang Esq. Solicitor and Barrister of the Supreme Court Gbewaa Chambers Tamale P.O. No. P0005817617]*

This Writ was issued by SYLVESTER ISANG ESQ.

Whose address for service is GBEWAA CHAMBERS, POST OFFICE STREET, RABITO CLINIC BUILDING, ADJACENT MELCOM, TAMALE.

Agent for : Plaintiff

Solicitor for the Plaintiff. SYLVESTER ISANG ESQ Who resides at TAMALE

TAMALE.....

Indorsement to be made within 3 days after service

This Writ was served by me at

On the defendant at

On the	day of	20
Endorsed the	day of	20

Signed .....

Address.....

NOTE: If the Plaintiff's claim is for 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).



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6. MEDIA GENERAL GHANA LTD

59 PRESIDENTIAL DRIVE, ADESA WE, KANDA AVENUE.

(PLAINTIFF SHALL DIRECT SERVICE).

DEFENDANTS

FILED ON 22/07/24  
10:30 AM  
REGISTRAR  
HIGH COURT TAMALE

STATEMENT OF CLAIM

1. Plaintiff is a businessman and resides in Tamale.
2. Plaintiff is a responsible married man, and an astute and distinguished Mallam who has earned an enviable reputation for himself through hard work and sacrifices.
3. The 1<sup>st</sup> Defendant claims he is an actor and is resident in Tamale.
4. 2<sup>nd</sup> Defendant is the Wulana (Lindquist) of Kakpagyili, a suburb of Tamale.
5. The 3<sup>rd</sup> Defendant is an employee of the 4<sup>th</sup> Defendant and is the host of the morning programme of the 4<sup>th</sup> Defendant dubbed "**DASIBA TAMALE**".
6. The 4<sup>th</sup> Defendant is a company incorporated under the laws of Ghana with its registered office in Tamale and carries out its business as a media company.
7. The 5<sup>th</sup> Defendant is the Northern Regional correspondent of the 6<sup>th</sup> Defendant.
8. The 6<sup>th</sup> Defendant is company incorporated under the laws of Ghana with its registered office in Accra but carries out its business as a media company throughout the sixteen regions of Ghana including the Northern region with 5<sup>th</sup> Defendant as its Northern Regional Correspondent or Reporter
9. The 6<sup>th</sup> Defendant operates a number of media networks including TV3 the network that the 5<sup>th</sup> Defendant directly reports for.
10. The Plaintiff avers that the 1<sup>st</sup> Defendant on his Facebook Page published the following state about the Plaintiff "***This is Afa Madaha. He is the man who kidnapped all the children (7) and slice them into pieces at Kakpayili***" which said statement is defamatory of the Plaintiff and brought his image and reputation into disrepute.
11. The Plaintiff avers that the 2<sup>nd</sup> Defendant in an interview with the media in the aftermath of the allegations leveled against the Plaintiff and the burning of Plaintiff's houses regards some missing two children at Kakpagyili made the following statement about the plaintiff to wit: "***Madaha is a family man, why did he not use his children for the rituals but rather other's children***".
12. Plaintiff says that the above statement made about him by the 2<sup>nd</sup> Defendant is defamatory of the Plaintiff and brought his image and reputation into disrepute.

3. Plaintiff avers that the 3<sup>rd</sup> Defendant on the Facebook page and Live Programme of the 4<sup>th</sup> Defendant in his course of duty as an employee of the 4<sup>th</sup> Defendant published the following statements to wit: **Update: The Imam Afa Madaha who killed the children and mutilated their bodies (sliced into pieces) has had his house burned to ashes by the youth in Kapkag Yili and that Plaintiff killed the children and hid their bodies into the vehicle parked in the yard of a house under his care”.**

14. Plaintiff avers that the above statements made of him by the 3<sup>rd</sup> and 4<sup>th</sup> Defendants are defamatory of the Plaintiff and brought his image and reputation into disrepute.

15. Plaintiff avers that the 5<sup>th</sup> and 6<sup>th</sup> Defendant in the 1<sup>st</sup> July 2024 edition of the online news portal <https://3news.com/> of one of the networks of the 6<sup>th</sup> Defendant published the following statements to wit: “Two children both aged three, have been murdered in a suspected ritual killing at Kakpayili, a suburb of Tamale in the Northern Region. Their decomposed bodies chopped into pieces were abandoned in a vehicle behind one Mallam Madaha’s house. He earlier denied but later admitted to killing the two and other six children bringing the total number he killed to eight”.

16. Plaintiff avers that the above-states published by the 5<sup>th</sup> and 6<sup>th</sup> Defendants are defamatory of the Plaintiff and brought his image and reputation into disrepute.

17. **Plaintiff avers that the respective statements made by the Defendants of the plaintiff were published to the whole wide world and portrayed the plaintiff as a ritualist and the one who killed the two children.**

18. Plaintiff avers that the Defendants failed, neglected and or refused to reach out to him before the publication of the various statements to ascertain from the Plaintiff the veracity or otherwise of the statements churned out by the Defendants as standard journalism practice, etiquettes and code of conduct require especially of the 3<sup>rd</sup> to 6<sup>th</sup> Defendants.

19. Plaintiff says that as a result of the publication of the false and libelous information, his reputation has been lowered drastically among his peers and all those other persons who read or heard of the falsehood perpetuated against him by the Defendants and as a result right thinking members of society look at him with disdain and as someone who is a ritualist or a murderer.

20. Plaintiff says the said defamatory statements were falsely and deliberately uttered by the Defendants knowing very well that same were broadcast live or published to the whole wide world and calculated to defame, slander and destroy his hard earned reputation, cause people to ridicule and shun his business fortunes and status as a renowned Mallam and tendering to lower the plaintiff in the eyes of the estimated right thinking members of society.

21. The Plaintiff avers that the Defendants in their respective publications defamed the Plaintiff which has lowered the respect that right thinking members of society have for the Plaintiff.

### **PARTICULARS OF DEFAMATION**

i. **Date and Time of Defamation:** various dates and time in May and July, 2024.

ii. **Mode of defamation:** Facebook and Online publication, live radio and TV discussions.

iii. **Defamatory statements as stated supra.**

iv. **Form:** the defamatory statements were made in writing/ recorded live and published online to the whole wide world.



- v. **Publication:** The defamatory statements were made live/published online to the thousands of listeners and readers of the various media networks and outlets.
- vi. The statements were made recklessly with knowledge that same were false and with no justification whatsoever.
- vii. The Defendants have shown no remorse for the statements which they diabolically and recklessly made.
- viii. To the mind of the Plaintiff and right thinking members of the society, the statements made by the Defendants portray the plaintiff as someone who is a ritualist and a murderer.

22. The Plaintiff avers that the defamatory statements made have grossly affected his reputation.

**PARTICULARS OF EFFECT OF DEFAMATORY STATEMENTS ON  
PLAINTIFF**

- i. Plaintiff says that he now lives with ridicule as a ritualist and a murderer.
- ii. That the defamatory statements have affected his fortunes as a businessman and a renowned Mallam.
- iii. The Plaintiff avers that as a result of the publication of the false and libelous information, his reputation has been lowered drastically among his peers, friends, the Islamic Religious community and family members and all those other persons who listened to or read the falsehood perpetuated against him by the Defendants and as a result right thinking members of society look at him with disdain and as someone who was behind the death of the two children at Kakpagyili a suburb of Tamale.

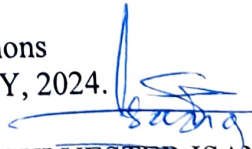
23. Plaintiff says that his religious career, business fortunes and family role have been gravely affected by the unfortunate statements spewed by the Defendants; which statements are palpable falsehoods geared towards tarnishing his hard earned reputation and has so tarnished his public image as no reasonable person would want to deal with a person considered as a ritualist and murderer which has been the sense of the statements made by the Defendants.

24. The Plaintiff avers that he suffers general damages as a result of the defamatory statements made about him by the Defendants and that his hard earned reputation has been lowered among right thinking members of society and as a result he is suffering from emotional and psychological stress.

25. Plaintiff shall seek leave of the court to tender in evidence the various statements published by the Defendants at the trial in print and video form.

26. The Plaintiff avers that the Defendants would not stop with peddling of falsehood against the Plaintiff if not restrained by this Court and would not also offer adequate compensation to the Plaintiff if not compelled to do so by this Court.

27. Wherefore the Plaintiff claim as endorsed on the Writ of Summons  
DATED AT GBEWAA CHAMBERS THIS 22<sup>nd</sup> DAY OF JULY, 2024.

  
SYLVESTER ISANG ESQ.  
SOLICITOR FOR PLAINTIFF  
LC/ eNOR00763/24  
TIN: P0005817617

Sylvester Isang Esq.  
Solicitor and Barrister of the Supreme Court  
Gbewaa Chambers Tamale  
Tin. P0005817617

THE REGISTRAR  
HIGH COURT  
TAMALE

AND FOR SERVICE ON THE DEFENDANTS HEREIN.