



WRIT OF SUMMONS

WRIT ISSUED FROM

Accra, 28-05-2025

(Order 2 rule 3(1))

SUIT No. GJ/0882/2025

WRIT OF

IN THE HIGH COURT OF JUSTICE

BETWEEN

IBRAHIM MAHAMA
C11/21 ALAJO LINK ROAD
ABELENKPE, ACCRA

1ST PLAINTIFF

ENGINEERS & PLANNERS COMPANY LTD.
C11/21 ALAJO LINK ROAD
ABELENKPE, ACCRA

2ND PLAINTIFF

AND

BRIGHT SIMONS
PPV3+32G, KOANS ESTATE
AMASAMAN, ACCRA

DEFENDANT

(Plaintiff shall direct service)

PPV3+32G, Koans Estate, Amasaman

To

AN ACTION having been commenced against you by the issue of this Writ by the above-named Plaintiff: **IBRAHIM MAHAMA & ENGINEERS & PLANNERS COMPANY 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: **BRIGHT SIMONS.**

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

Dated this 28th day of May 2025

2025

Chief Justice of Ghana

P. BAFFOE-BONNIE
(AG. CHIEF JUSTICE)

*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)

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.

STATEMENT OF CLAIM

The Plaintiffs claim against the Defendant as follows:

- a. A declaration that the statements made by the Defendant, which have been particularized in paragraphs 14(a) and (b) of the statement of claim, are defamatory of the Plaintiffs;
- b. An order directed at the Defendant to publish on the same platforms that he published the defamatory words as well as a full page of the Daily Graphic Newspaper, on six consecutive occasions over a 3-month period, an unqualified retraction and an apology to the Plaintiffs;
- c. An order for perpetual injunction restraining the Defendant, his agents, assigns, and servants from further publishing any defamatory words against the Plaintiffs;
- d. General Damages of Ten Million Ghana Cedis (GHS10,000,000.00) for defamation;
- e. Costs, including legal fees; and
- f. Any other order(s) as this Honourable Court may deem fit.

DATED IN ACCRA THIS DAY OF MAY 2025

ROBERT SMITH LAW GROUP
UNIT A602 OCTAGON BUILDING
ACCRA
SOLICITORS FOR PLAINTIFFS

This writ was issued by: **BOBBY BANSON, ESQ**

Whose address for service is: **ROBERT SMITH LAW GROUP**
UNIT A602
THE OCTAGON
ACCRA

Agent for PLAINTIFF:

Lawyer for the Plaintiff: **BOBBY BANSON, ESQ. who resides at ACCRA.**
And whose Licence No. is eGAR00297/25

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 2025.

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
IN THE HIGH COURT OF JUSTICE
GENERAL JURISDICTION
ACCRA AD 2025

SUIT NO.:

BETWEEN

IBRAHIM MAHAMA
C11/21 ALAJO LINK ROAD
ABELENKPE, ACCRA

1ST PLAINTIFF

ENGINEERS & PLANNERS COMPANY LTD.
C11/21 ALAJO LINK ROAD
ABELENKPE, ACCRA

2ND PLAINTIFF

AND

BRIGHT SIMONS
PPV3+32G, KOANS ESTATE
AMASAMAN, ACCRA

DEFENDANT

STATEMENT OF CLAIM

1. The 1st Plaintiff is a Ghanaian businessman of high repute and a resident of Accra.
2. The 1st Plaintiff is the founder and Chief Executive Officer of the 2nd Plaintiff, a wholly Ghanaian-owned mining and civil engineering contracting company duly incorporated under the laws of Ghana.
3. The 1st Plaintiff also holds significant business interests in various sectors of the Ghanaian economy, including Asutsuare Poultry Farms Limited- a leading producer of poultry products in Ghana, as well as Dzata Cement Limited- a fully Ghanaian-owned cement processing company located in Tema.
4. The 1st Plaintiff is also well known in Ghana's corporate, industrial, and socio-political landscape and has built a solid reputation over several decades as a distinguished entrepreneur.

5. The 2nd Plaintiff is a well-established mining and construction services company that operates in Ghana and in the West Africa sub-region, with an impeccable track record of successfully executing major mining and infrastructure projects.
6. The 2nd Plaintiff states that as a leading mining contractor in Ghana, it is notably engaged as the primary contractor for Abosso Goldfields Limited's Damang Gold Mine, with a proven track record of exceeding production targets and maintaining exemplary safety standards.
7. The 2nd Plaintiff has cultivated strong relationships with key stakeholders, including equipment suppliers, the Damang local community, mining regulators, and financiers, as evidenced by its support from the ECOWAS Bank for Investment and Development and other Banks of international repute.
8. The Plaintiffs have, since the 1990s, conducted their operations lawfully and diligently across multiple jurisdictions, contributing significantly to employment opportunities and socioeconomic development in the communities where they operate.
9. The Defendant is a Ghanaian who is the vice president for Imani Ghana.
10. The Plaintiffs state that on or about the 19th day of April 2025, the Defendant authored and published on his personal website, "**brightsimons.com**", an article titled "*Ghana Provides a Lesson in How Not to Nationalise a Gold Mine*".
11. The Plaintiffs repeat the averments contained in the immediately preceding paragraph and states that in the said publication, the Defendant made several false, malicious, and defamatory statements concerning the Plaintiffs.
12. The Plaintiffs state that on the same day, the Defendant shared a link to the said article via his official handle on X (formerly Twitter), identified as @BBSimons.
13. The Plaintiffs repeat the averments contained in the immediately preceding paragraph and states that as at the 8th day of May 2025, the said post had generated no less than 93,000 views, 250 reactions, 98 reposts, 26 comments, and 109 bookmarks, thereby causing widespread dissemination of the defamatory statements.
14. The Plaintiffs state that the said article contained, among others, the following defamatory words:

"The main mining contractor at Damang is E&P, a powerful operator owned by the brother of Ghana's President, which is reportedly trying to raise billions of dollars to buy 'marginal' mines like Damang. Everybody in the industry is fully aware that E&P has been hit very hard by Gold Fields' decision to temporarily halt active mining since it gets paid only when it delivers fresh ore. In fact, E&P's own creditors have been up in arms. The concern is that should the President's brother's interests rather than commercial considerations start to drive decision-making at Damang, now under government control, the country would need to brace for heavy commercial losses. Furthermore, one of the deputies to the top boss at MinComm is a former employee of E&P. Another top MinComm official is a former executive of Gold Fields nurturing grudges against the company. It is not clear that MinComm can be trusted to make strategic decisions for the country without very careful scrutiny in light of these tensions and conflicts."

15. The Plaintiffs further state that the said article also contains the following:

"MinComm has recently raised eyebrows in the industry for pushing a policy that will force all large mines to use contractors for the actual mining simply because, it would appear, E&P prefers it that way. It is not clear that national interest would always coincide cleanly with the wishes of powerful local business bosses just because they have influence across the political spectrum and can sustain their lobbying from one administration to another. We have seen that in the sanitation industry and the jury is still out on how well Ghana has been served."

PARTICULARS OF DEFAMATION

16. The Plaintiffs state that the following specific assertions made by the Defendant are entirely false and wholly without factual basis:

- a. That *"Everybody in the industry is fully aware that E&P has been hit very hard by Gold Fields' decision to temporarily halt active mining since it gets paid only when it delivers fresh ore."*
- b. That *"E&P's own creditors have been up in arms because of Gold Field's decision to temporarily halt mining."*

17. The Plaintiffs further state that such false statements as published by the Defendant have the tendency to present the 2nd Plaintiff as a company suffering dire financial challenges, thereby lowering the financial status of the 2nd Plaintiff

in the eyes of existing and potential partners and diminishing the creditworthiness of the 2nd Plaintiff.

18. The Plaintiffs state that the statements made by the Defendant as reproduced in paragraphs 12, 13, and 14, were by way of innuendo, false and malicious publications that were naturally and ordinarily understood by right-thinking members of society to mean that:
 - i. The Plaintiffs are responsible for the Government of Ghana's decision not to renew Gold Fields' mining lease for the Damang mine;
 - ii. The Plaintiffs undermined Gold Fields' ability to secure a renewal for its lease; and
 - iii. The 1st Plaintiff is leveraging his familial relationship with the sitting President of Ghana, His Excellency, John Dramani Mahama, to obtain unfair business advantage and engage in unethical business practices.
19. The Plaintiffs state that the statements published were defamatory and were authored with malice and with the sole intent of reducing the Plaintiffs in the estimation of all right-thinking members of society.
20. The Plaintiffs further state that the said defamatory statements have caused substantial damage to the 1st Plaintiff's hard-earned reputation as a legitimate businessman who conducts his affairs with integrity and in accordance with sound commercial principles.
21. The Plaintiffs state that the said defamatory statements have damaged the 2nd Plaintiff's reputation as a reputable mining contractor with strong financial standing and credibility in the mining industry.
22. The Plaintiffs further state that the aforesaid defamatory statements have been disseminated to a substantial number of persons through the Defendant's personal website and his social media pages.
23. The Plaintiffs state that the statements and insinuations by the Defendant have greatly caused anxiety amongst the Plaintiffs' existing and potential business partners and financiers, and have diminished the 2nd Plaintiff's creditworthiness.

24. The Plaintiffs state that the said defamatory statements have the potential of negatively affecting the Plaintiffs' business operations and standing with existing and prospective business partners and financiers.
25. The Plaintiffs further state that, in consequence of the publication in issue, they have suffered reputational damage, public shame, and opprobrium.
26. The Plaintiffs state that on 22nd April 2025, through their solicitors, they demanded an immediate retraction of the said publication and an unqualified apology from the Defendant, but the Defendant has failed, refused, or neglected to comply with the demand.
27. The Plaintiffs state that the Defendant has evinced every intention that unless compelled by the Orders of this Honourable Court, he will continue to injure the reputation of the Plaintiffs with such false assertions.

WHEREFORE, the Plaintiffs claim against the Defendant as follows:

- a. A declaration that the statements made by the Defendant, which have been particularized in paragraphs 14(a) and (b) of the statement of claim, are defamatory of the Plaintiffs;
- b. An order directed at the Defendant to publish on the same platforms that he published the defamatory words as well as a full page of the Daily Graphic Newspaper, on six consecutive occasions over a 3-month period, an unqualified retraction and an apology to the Plaintiffs;
- c. An order for perpetual injunction restraining the Defendant, his agents, assigns, and servants from further publishing any defamatory words against the Plaintiffs;
- d. General Damages of Ten Million Ghana Cedis (GHS10,000,000.00) for defamation;
- e. Costs, including legal fees; and
- f. Any other order(s) as this Honourable Court may deem fit.

DATED AT ROBERT SMITH LAW GROUP, UNIT A602, THE OCTAGON ACCRA,
ON THIS 28TH DAY OF MAY 2025.

ROBERT SMITH LAW GROUP
UNIT A602, OCTAGON BUILDING
ACCRA

BOBBY BANSON, ESQ.
SOLICITOR FOR THE PLAINTIFFS
SOLICITOR'S LICENCE No. eGAR00297/25

TO THE REGISTRAR
HIGH COURT
GENERAL JURISDICTION
ACCRA

AND TO THE ABOVE - NAMED DEFENDANT.