IN THE SUPERIOR COURT OF JUDICATURE
IN THE HIGH COURT OF JUSTICE, GENERAL JURISDICTION COURT '4', LAW COURT COMPLEX HELD IN ACCRA ON THURSDAY, THE 25TH DAY OF JUNE, 2026 BEFORE HIS LORDSHIP ISAAC ADDO, J.

SUIT NO. GJ/0199/2025

IN THE MATTER INTITULED KEVIN OKYERE, SPRINGFIELD EXPLORATION & PRODUCTION LIMITED V PRIME MARK COMPANY LIMITED, LARRY ALANS DOGBE & ABDUL RAZAK BAWA WITH SUIT NUMBER GJ/0199/2025

AND

IN THE MATTER OF AN APPLICATION FOR COMMITTAL FOR CONTEMPT OF COURT BY KEVIN OKYERE

AND IN THE MATTER OF

REPUBLIC

VRS

LARRY ALANS DOGBE **RESPONDENT**

EX PARTE; KEVIN OKYERE **APPLICANT**

JUDGEMENT

INTRODUCTION

I will prefix this judgement with the statement of Justice Akuffo-Addo, C.J. in *Republic vrs Liberty Press Ltd & Others* [1968] GLR 123:

"..... the Courts must not only enjoy the respect and confidence of the people among whom they operate, but also must have the means to protect that respect and confidence in order to maintain their authority.

CERTIFIED TRUE COPY
25/6/2026
.....DEPUTY REGISTRAR
HIGH COURT
GENERAL JURISDICTION LCC-ACCRA

For this reason, any conduct that tends to bring the authority and administration of the law into disrespect or disregard... becomes an offence not only against the Courts but against the entire community which the Courts serve."

This is an application for Committal for Contempt of this court, allegedly committed by the Respondent, Larry Alans Dogbe filed on the 10th February, 2026. The grounds for the application are mainly contained in paragraphs 7, 8, 10, 11, 13, 14, 15 & 19 of the applicant's supporting affidavit. They are as follows:

"7. I commenced the suit deposed to in paragraph 3 against Respondent as well as the other Defendants therein on the premises of the defamatory statements published by Respondents through their newspaper "The Herald" and their website as confirmed by the writ of summons and statement of claim .....

8. Subsequent to the issuance of the writ of summons and statement of claim, an application for injunction was filed as confirmed by exhibit B, and the Respondent herein filed an affidavit in opposition as confirmed by the ruling of this honourable court exhibited hereto as C.

10. The aforementioned injunction order was subsequently served on Respondent by the modes as ordered by this Court by way of substituted service as confirmed by the order for substituted service exhibit E and the affidavit of service and newspaper publication as Exhibits 'F' and 'F1' respectively.

11. At all times material to this application, the Respondent herein is fully aware of the fact that he has been injuncted and/or restrained from

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making any publication of and concerning me, which publications are intended to undermine, tarnish my reputation within the society and the Petroleum Industry and as a businessman pending the determination of the substantive suit.

13. Despite having knowledge of the order of the Court, the Respondent herein in complete disregard of and clearly disrespecting the order(s) proceeded to make false publications of and concerning me which publication was meant to tarnish my image and is exhibited and marked as "G".

14. Exhibit 'F' aside, the Respondent has made other publications against me despite the injunction order which publications are set out below:

a. Exhibiit G1 titled "Kevin Okyere returns with USD$94 million fraud albatross"

b. Exhibit G2 which is interestingly tilted "Ghanaian Football Star, Sulley Ali Muntari detained in Dubai" but rather refers to me therein with my photograph.

c. Exhibit G3 – wjhch I sthe front page of the newspaper dated Mon Nov 7 – Tues Nov 18 with my picture on the front page and the caption "Kevin Okyere granted US$20 Million Bail in Dubai .....Barred from leaving the Emirates Amid US$94 Million Fraud Case".

15. The conduct of the Respondent above deposed to is clearly disrespectful to this honourable Court and contemptuous of the Court.

PARTICULARS OF CONTEMPT

a) The Respondent having notice of the injunction application and the grant of same ought not to make any publication of and concerning me with the intended purpose of tarnishing my reputation pending the determination of the suit.

b) *The Respondent proceeded to make publication of and concerning me despite the order(s) of the Court, and in wanton disregard of the order(s) of the Court.*

c) *The actions of the Respondent is clearly a calculated attempt to undermine and disrespect the authority of this Honourable Court.*

d) *The actions of the Respondent is calculated to bring the Court to disrepute by showing to the entire world that the order(s) of the Court may be disregarded especially when the party is aware of the order having participated in the proceedings, and by so doing in sending a message publicly that the Respondent herein is not subject to the processes of the Court and has no disregard to judicial processes.*

19. The prayer to commit the Respondent to prison is very necessary not only to preserve the dignity of the Court but to ensure the integrity of the proceedings before the Court and the order(s) which may emanate therefrom especially that as I have shown in my depositions above and the exhibits, there is no justifiable excuse for the wilful disregard of this Court and proceedings of the Court by the Respondent, all clearly calculated at undermining the integrity and authority of the Court."

The Respondent's opposition is contained in the following paragraphs of the Affidavit in Opposition to the motion:

"8. That contrary to paragraph 11 and the various exhibits of the supporting affidavit the defendant/respondent was not aware of the Order for Injunction at all from the date it was made to date.

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9. That the respondent refutes entirely paragraphs 10, 12, 15 and 16 of the supporting affidavit as unfounded, self-serving, speculative and prejudicial to the main trial .....

10. That a further example of bad faith is reflected in Applicant's Exhibit C, the Ruling which informs the Order for Injunction which in turn provoked this Application where a close examination of the said Exhibit C shows every even page is missing so from 1 it goes to and on.

11. That I am told by Counsel and verily believe same to be true that this being a quasi criminal trial, this defect in such a material piece of evidence that is crucial for the evaluation of the evidence, in addition to there being no grounds for the Contempt is detrimental to this application and will be further remarked on in the submission.

12. That I am told and verily believe same to be true that the applicant has designated the application as if it is an Originating Motion on Notice yet simultaneously seeks to present the same application as intituled in the instant suit with both indicating the same suit number which renders the application defective,

15. The I am told by Counsel and verily believe same to be true that applicant must know that allegations and assertions in a statement of claim are established at the trial through exhibits tendered and tested under cross examination by defendant but in bad faith applicant endeavours to overreach the due process and stampede the court with these frequent references to culpability before the trial has even started.....

18. That I am told by Counsel and verily believe same to be true that the wording of the Order sought in the Motion filed on the 19th of December, 2024 for Injunction is not what the Court granted in the Order for Injunction.

LNEWS

*19. That the Motion for Injunction filed on 19/12/24 prayed for an injunction restraining the defendants/respondents "**from making publications of and concerning the Plaintiff/Applicants and the conduct of their business and/or activities pending the final determination of the suit.***

*20. That the injunction granted by the Court is worded as "**IT IS HEREBY ORDERED that the defendants are hereby restrained from further publication of statements intended to undermine and tarnish the Plaintiff's reputation within the society, the Petroleum industry and as a businessman until the final determination of the suit.***

21. That I am told by Counsel and verily believe same to be true that the effect of the wording in the Order is dependent on whether any published words "intended to" "undermine and tarnish the plaintiff's reputation".

22. That I am told by Counsel and verily believe same to be true that the effect is to require the proof that the defendant not only had the actual intention to undermine and tarnish the plaintiff's reputation but did in fact by any alleged publication.

23. The defendants have not published anything which is intended to undermine and tarnish the Plaintiff's reputation within the society, the Petroleum Industry and as a businessman and vigorously refute any such assertion much more publishing any statements that do in fact undermine and tarnish the Plaintiff's reputation within the society, the Petroleum Industry and as a businessman.

32. ..... The respondent has attached several exhibits which debunk and negate applicants claims of false publications intended to undermine him.

35. That I am told by Counsel and verily believe same to be true that, in defamatory matters, defences such as Justification, Absolute and Qualified

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Privilege, Fair Comment and Consent are exculpatory, some of which are contained in the Defence and by Article 12, 21, 162 and 165 of the 1992 Constitution Journalists enjoy extra protection.....

42. That all the other exhibits attached to this affidavit in opposition are documents that establish Justification, Absolute or Qualified Privilege or Fair Comment so in in accordance with Article 162(4 & 5) the defendants have a Constitutional duty where the Public or National Interest is concerned to inform the Citizens of any relevant matter.

44. That given the Constitutionally imposed duty the plaintiff/applicant who is dealing with State Assets and Publicly owned Mineral Resources belonging to the public and all of us cannot rely on this injunction to pray the court to incarcerate and commit the respondent a journalist having failed to establish the offence beyond reasonable doubt."

THE LAW ON CONTEMPT OF COURT

There is no doubt that this court has power to commit for contempt to itself. That is a power possessed at common law by a superior court. See Asumadu-Sakyi II vrs Owusu [1981] GLR 398 C.A. That power has been retained by article 126(2) of the 1992 Constitution which provides as follows:-

"The Superior Courts shall be superior courts of record and shall have the power to commit for contempt to themselves and all such powers as were vested in a court of record immediately before the coming into force of this Constitution".

Acquah JSC (as he then was) had this to say about contempt application in the case of Republic vrs Numapau; Ex Parte Ameyaw II & Ors [1998-2000] SCGLR 639:

"In brief, contempt of court is constituted by any act tending to obstruct or interfere in the orderly administration of justice or to impair the dignity of the Court or respect of its authority."

At page 306, the learned Judge proceeded to hold that:
"Contempt of Court may be classified as direct and indirect or as civil or criminal. Direct contempt refers to acts committed in the immediate view and presence of the Court such as insulting language or acts of violence or so near the presence of the Court as t obstruct or interrupt the due and orderly course of proceedings. Indirect or constructive contempt are those which arises from matters not occurring in or near the presence of the Court, but which tend to obstruct or defeat the administration of justice and the term is chiefly used with reference to the failure or refusal of a Party to obey a lawful order, injunction or decree of the Court laying upon him a duty of action or forbearance. Civil contempts are those quasi contempts which consist in the failure to do something for the benefit or advantage of another Party to the proceedings before the Court, while criminal contempts are acts done in disrespect of the administration of justice or its process or which obstructs the administration of justice or tend to bring the Court into disrespect."

At page 310, he further posited:

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"Now since contempt is quasi-criminal and that punishment for it may take various forms including a fine or an imprisonment, the standard of proof required is that of proof beyond reasonable doubt."

For an application to succeed on a charge of Contempt of Court, it must be clearly established that:

(i) there is a judgment or order requiring the contemnor to do or abstain from doing something;

(ii) the contemnor knows exactly what he is expected to do or abstain from doing;

(iii) that the contemnor failed to comply with the terms of the judgment or order and his disobedience is willful.

See *Republic vrs Sito I; Ex parte Fordjour* [2001-2002] SCGLR 322.

THE BURDEN OF PROOF

In the case of *Republic vrs Nii Achia II; Ex Parte Joshua Nmai Addo* [2015] 83 GMJ 7 @ 13 per Akamba JSC, the Supreme Court held:

"Without doubt, a contempt application is a quasi-criminal relief. Section 13(1) of NRCD 323 provides that 'in any civil or criminal action the burden of persuasion as to the commission by a party of a crime which is directly in issue requires proof beyond reasonable doubt."

Lord Denning, M.R. in *In Re Bramblevale Ltd* [1970] Ch. 128:

"A contempt of court is an offence of a criminal character. A man may be sent to prison for it. It must be satisfactorily proved. To use a time-honoured phrase, it must be proved beyond reasonable doubt."

Justice Dotse, JSC in *Republic vrs Yamoah; Ex Parte Essel & Others* [2008] GHASC 19:

"Better for all, because as history has proven, if anyone can be unlawfully jailed, everyone can be unlawfully jailed. These are the principles that have underpinned the criteria for establishing the ingredients for offences such as contempt. This is because contempt is quasi-criminal and has to be proved beyond all reasonable doubt ....."

According to sections 10(2), 11(2) and (3) and 22 of the Evidence Act, 1975 (NRCD 323), the only burden placed on the Respondent is for him to raise a reasonable doubt to avoid conviction.

ISSUES FOR DETERMINATION

1. Whether or not there is an order of this Court requiring the Respondent to do or abstain from doing something.
2. Whether or not the Respondent knew precisely what he is expected to do or abstain from doing.
3. Whether or not the Respondent failed to comply with the terms of the order of this Court, and that his disobedience is willful.

APPLICATION OF THE LAW TO THE FACTS

The requirement for an Applicant to establish a prima facie case before the Respondent is even called upon to open their defence is a fundamental safeguard of the right to a fair trial and the presumption of innocence. In this case, after considering the supporting affidavit with all the annexures, the court finds that the Applicant has made out a prima facie case of

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Contempt of Court. Thereafter, the Court considered the defence of the Respondent. In the ensuing analysis, the court considered the case of the Applicant and the defence put up by the Respondent in order to resolve the issues set up above.

I will first resolve issues (1) and (2) together.

1. **Whether or not there is an order of this Court requiring the Respondent to do or abstain from doing something**

2. **Whether or not the Respondent knew precisely what he is expected to do or abstain from doing**

Amissah, J.A. in *Comet Construction Co. Ltd vrs Ghana Commercial Bank, Tema* [1976] 2 GLR 220 opined:

"Without knowledge of any kind of the court's proceedings or order, a person cannot be held in contempt of Court for acting in a manner which interferes with the proceedings or contravenes the order."

It is not in dispute that the Respondent is an officer of the 1st Defendant's Company (Prime Mark Company Limited, and owner of "The Herald" Newspaper – See paragraph 3 of the Statement of Claim filed on the 22nd November, 2024 and paragraph 2 of the Statement of Defence filed on the 30th January, 2025.)

Also, excerpts below, from the cross examination of the Respondent by the Applicant's counsel on the 3rd June, 2026 show that the Respondent is an officer of the Prime Mark Company Limited:

Q. You are the editor in chief of the Herald.

A. No, I am the managing editor.

Q. And by this answer, it the case that you are an officer of the Herald Newspaper and its company Prime Mark Company Ltd.

A. That is correct.

Exhibit 'C', the Ruling of the Court and Exhibit 'D', the Order for Interlocutory Injunction are attached to the Applicant's supporting affidavit. The Respondent averred that page 2 of Exhibit 'C' is missing, and so this makes the application defective. Under cross examination of the Applicant by the Respondent's counsel, it was also established that all the even page numbers of the 14-page Ruling (Exhibit 'C') were missing even though what remains on the court's docket is intact. Kpegah JSC in *The Republic vrs High Court, Accra, Ex Parte Afoda* [2001] DLSC 1243 quoted Lord Truro in *Russell vrs East Anglian Railway Co.* (1850) 42 ER 201 as follows:

"I have looked with care through the very numerous authorities that have been cited, but it is not necessary for me to go through them. The result appears to be this, that it is an established rule of this Court that it is not open to any party to question the orders of this Court, or any process issued under the authority of this Court, by disobedience. I know of no act which this Court may do, which may not be questioned in a proper form, and on a proper application; but ***I am of opinion that it is not competent for anyone to interfere with the possession of a receiver, or to disobey an injunction or any other order of the Court, on the ground that such orders were improvidently made****. Parties must take a proper course to question their validity, but while they exist they must be obeyed. I consider the rule to be*

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of such importance to the interests and safety of the public, and to the due administration of justice, that it ought, on all occasions, to be inflexibly maintained. I do not see how the Court can expect its officers to do their duty, if they do it under the peril of resistance, and of that resistance being justified on grounds tending to the impeachment of the order under which they are acting."(Emphasis mine)

The Order for Interlocutory Injunction (Exhibit 'D') made by this Court differently constituted on the 11th June, 2025 reads:

"**UPON READING** the Affidavit of **NANA OSEI KOFI ADDAE** of House No. 35, Okyeame Anum Street, Community 22, Tema in the Greater Accra Region, the Deponent herein, for and on behalf of the Plaintiffs/Applicants, filed on the 19th day of December, 2024, in support of Motion on Notice for an Order for Interlocutory Injunction;

AND UPON HEARING submissions of **NANA BOAKYE MENSAH-BONSU, ESQ. WITH CAROLINE TOPP-YANKAH, ESQ. AND PRINCE NOEL DANQUAH, ESQ.** holding the brief of **SEAN K. POKU, ESQ.**, Counsel for and on behalf of the Plaintiffs/Applicants herein and **DAVID ANNAN, ESQ.**, Counsel for and on behalf of Defendants/Respondents;

IT IS HEREBY ORDERED that the Defendants are hereby restrained from further publication of statements intended to undermine and tarnish the Plaintiff's reputation within the society, the Petroleum Industry and as a businessman until the final determination of the suit."

The Respondent vehemently denied being aware of the Order for Interlocutory Injunction. Under cross examination of the Respondent by the Applicant's counsel on the 3rd June, 2026, the Applicant told the Court that he was unaware of the Order of the Court. The following is what transpired:

"You agree with me that at all times material to these publications, you were aware of the order of the court.
A. I was not because no process was served on me."

Strangely, the Respondent attached a Notice of Appeal to his Affidavit in Opposition and same marked as Exhibit LAD9. The grounds of appeal contained in the Notice of Appeal are:

a) The Judgement is manifestly against the weight of the Affidavit evidence adduced at the Trial.
b) That the Trial Court had No Jurisdiction to grant the application once the wording of the Application for Interlocutory Injunction in the Motion Paper was wider and broader than the words purportedly and supposedly relied on in the publication that allegedly contained the words complained of in the Writ and Statement of Claim.
c) That the Trial Court erred by deciding it was Just and Convenient to grant the application thereby occasioning a substantial miscarriage of justice.
d) That Trial Court erred in Law and Fact by not considering damages to be adequate compensation for any alleged injury when the plaintiff was seeking Punitive, Exemplary and Compensatory Damages in

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reliefs B, C and D of the Writ and Statement of Claim thereby occasioning a substantial miscarriage of justice to Appellants.

e) The Trial Court's discretion was exercised wrongly when it acted on a misapprehension of the Pleadings and affidavit evidence which had yet to be proved at the trial thereby acting on unproved evidence which it considered in conjunction with only some, not all, the factors for grant of Injunctions thereby occasioning a substantial miscarriage of justice.

f) That the Motion for Injunction was premature thus the Trial Court's exercise of discretion was correspondingly premature thereby occasioning a substantial miscarriage of justice to the Appellants.

g) That the Trial Court omitted to require the plaintiffs to provide an Undertaking after the grant of the Motion for Injunction contrary to Order 25 Rule 9(1) and (2) of C.I. 47."

A careful look at Exhibit LAD 9 shows that the Notice of Appeal was filed on the 25th June, 2025, i.e., two (2) weeks after the Order for Interlocutory Injunction was granted by the Court. The wording of the seven (7) grounds of appeal contained in the Notice of Appeal (especially Grounds 'a' and 'b') shows that the Respondent read the Ruling on Interlocutory Injunction and was aggrieved, thus initiating the appeal processes. More so, the Court heard the submissions of the Respondent's counsel before the ruling was delivered.

In his Further Written Submission filed on the 17th June, 2026, the Respondent's counsel submits at page 4 that, the Applicant failed to perform the obligations ordered in the Substituted Service and so it renders

it unenforceable. On the records before this Court, the Respondent's counsel was present in Court when this Ruling on Interlocutory Injunction was delivered. There is also evidence on record to establish that this Order for Interlocutory Injunction was duly served on the Respondent. The Respondent was served by substitution and one of the modes was to serve him via WhatsApp on the following numbers: 00233-243-287401 and 00233-554-440944. Under cross examination on the 3rd June, 2026, the Respondent acknowledged these numbers and answered as follows:

"Q. Is your phone number 0554440944?
A. It is an official number that is mostly used in the office.
Q. The number 0243287401 is your number?
A. Yes."

The Order for Substituted Service made by this Court on the 23rd September, 2025 reads:

"..... IT IS HEREBY ORDERED that leave be and is hereby granted to Plaintiffs/Applicants to serve the Defendants with Order of Interlocutory Injunction dated 11th June, 2025, on the Defendants, together with a copy of the Order, in the following manner:
By posting copies thereof on:

a. *On the Notice Board of this Court, Law Court Complex, Accra.*
b. *On the Defendants WhatsApp Numbers being 00233-243-287401 and 00233-554-440944.*
c. *One newspaper publication in a national Newspaper.'*

Notices shall be posted for a period of (14) days."

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The Respondent's counsel clearly pointed out that the Order for Injunction contained in Exhibit 'F1', i.e. the Newspaper Publication was not fully captured, and that the operative part was missing. It is apparent on the face of Exhibit 'F1' that the operative part or the portion of the Order restraining the Respondent did not appear in the Newspaper Publication. In contempt proceedings arising from the breach of an injunction, actual knowledge of the Order is the overriding test. Since the WhatsApp service was complete, the penal notice was visible in the newspaper, and the court notice board was properly posted, the Defendant had sufficient notice. A minor omission in one of three ordered modes of substituted service does not invalidate the entire service, nor does it shield a party who had constructive or actual knowledge of the court's restraining order. Furthermore, the service was ordered concurrently via WhatsApp, physical posting on the court's notice board, and newspaper publication, and because the WhatsApp and notice board postings were duly and fully executed, the Defendant is deemed to have been legally served. There has also not been any application before this court to set aside service of the Order for Interlocutory Injunction by Substituted Service.

It is therefore untrue for the Respondent to tell the Court that he was unaware of the Court Order for Interlocutory Injunction. Subsequent to this Order for Interlocutory Injunction, the Penal Notice was also duly served on the Respondent. The Penal Notice reads:

"**TAKE NOTICE** that pursuant to the orders of the court dated 11th June, 2025 presided over by His Lordship John Bosco Nabarese as follows:

i. Defendants are hereby restrained from further publication of statements intended to undermine and tarnish the Plaintiffs reputation within the society, the Petroleum Industry and as a businessman until the final determination of the suit.

If Defendants disobey or neglect to obey the above order, they are liable to the process of execution by way of Committal for Contempt."

At page 4 of the Further Written Submission, counsel for the Respondent submits:

"The Penal Notice is based on the Order for Injunction and is not a Court Order, just something drawn up by the Lawyers for Applicant, so cannot be a substitute for the Order more so when the Order for Substituted service directed applicant to post specific processes to constitute service on the respondent, the failure to post all the required documents is a breach of the Court Order for substitution."

The Applicant's lawyer is the author of the Penal Notice. Once the Penal Notice is filed and served under the authority of the court, a Penal Notice is fully operational. Disobeying the underlying order after receiving that notice exposes the defaulting party to severe legal consequences, including committal for contempt of court.

These two (2) orders (Order for Interlocutory Injunction and Penal Notice) existed, and same were duly served on the Respondent. The Respondent was aware of this Order for Interlocutory Injunction and the Penal Notice, and he knew exactly what he was expected to do or abstain from doing.

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Whether or not the Respondent failed to comply with the terms of the Order for Interlocutory Injunction and his disobedience is wilful

The Respondent did not deny the fact that "The Herald" Newspaper published the statements complained about by the Applicant, which same have been exhibited as Exhibit 'G' Series. The following is part of what transpired during cross examination of the Respondent by the Applicant's counsel on the 3rd June, 2026:

Q. Take a look at exhibit G series. You agree with me that these are publications by the Herald, is that not the case.
A. I agree.

The headline publications from Exhibit 'G' series read:

i. "KEVIN OKYERE GRANTED US$20 MILLION BAIL IN DUBAI ..... Barred From Leaving The Emirates Amid US$94 Million Fraud Case" – Mon Nov 17 – Tues Nov 18;
ii. "Kevin Okyere returns with US$94 million fraud albatross." – February 6, 2026;
iii. "Ghanaian Football Star, Sulley Ali Muntari detained in Dubai" with the photograph and story of the Applicant being involved in a US$94 million fraud case. – November 12, 2025.

The defence of the Respondent is that the wording of the Order for Interlocutory Injunction can only be determined after a full trial to determine if the statements are intended to undermine and tarnish the

Applicant's reputation. At page 2 of the Statement of Case filed on the 27th March, 2026, the Respondent's counsel submitted:

"This means the applicant will have to establish the words defamed him before establishing liability for contempt inter alia.
So to determine if any further statements were made by the respondent with the actual intention of undermining and tarnishing the applicant the same process that is required for establishing defamation in the main trial will have to be undergone for this contempt application."

At paragraph 32 of his Affidavit in Opposition, Respondent avers that Exhibits LAD 1, LAD 8 AND LAD 7 debunk the Applicant's Exhibit 'G' Series. For instance, Exhibit LAD 1 indicates that the Applicant has been arraigned before the Westminster Magistrates' Court on a charge of fraud of an amount of USD 29,321,064.51 and has been warned to appear in court on the 3rd September, 2025, failure which the court may deal with the case in his absence or a warrant issued for his arrest. Exhibit LAD 1 is a UK (Westminster Magistrates Court) Court Charge Sheet. The fundamental rule is that authentication of a foreign official document must happen before it is admitted. To be admissible, the document must be signed and sealed by a diplomatic agent of Ghana or of a Commonwealth country who is assigned or accredited to that country. See sections 159 and 161 of the Evidence Act, 1975 (NRCD 323). The Applicant's counsel rightly pointed out at page 14 of his Written Submission filed on the 14th April, 2026 as follows:

"In the instant suit, the requirements of sections 159 to 161 of NRCD 323 have not been complied with which effectively renders the document which

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serves as the foundation of the opposition inadmissible. ***Notably, at the end of the document are WhatsApp symbols, Instagram and mail symbols, which clearly begs the question as to how the document was created and/or procured.***"

Our evidentiary rules require foreign official and judicial documents to be strictly authenticated and certified before they can be accepted in evidence in court. Accordingly, the court will therefore not attach any probative value to Exhibit LAD 1.

Gleaning through the Affidavit in Opposition to the motion with all the annexures and the Statement of Case, it is obvious that the Respondent's case is centered on the fact that is there is a pending fraud case against the Applicant, and that the statements he published are factual and therefore not intended to undermine or tarnish the Plaintiff's reputation, but rather to inform the public. In many jurisdictions, including our motherland, Ghana, an injunction order is not a request for an opinion; it is a command. If the court has ordered a party to stop publishing statements that "undermine and tarnish" a reputation, the court is often not concerned with whether the statements are true or false in the first instance—it is concerned with compliance.

The Montie FM contempt case, formally known as *Abu Ramadan & Evans Nimako vrs Electoral Commission & The Attorney General; In re: 1. The Owner of the Station - Montie FM, 2. Salifu Maase @ Mugabe, 3. Alistair Nelson, 4. Godwin Ako Gunn* [2016] GHASC 48 stands as one of the most significant constitutional and legal landmarks in modern Ghanaian

jurisprudence. The case brought to the fore the delicate and often volatile tension between the constitutionally guaranteed right to freedom of speech and media independence under the 1992 Constitution of Ghana, and the inherent, constitutional power of the judiciary to protect its independence, dignity, and integrity through contempt proceedings. While freedom of the press is a constitutional right in this country, it is not absolute. It does not typically grant a journalist immunity from complying with a specific court order restraining them from publishing specific types of content.

In the other publications, the Respondent mentioned the Applicant to be involved in a USD94 million fraud case in the UK and that he is barred from leaving the Emirates. The other publication is about the Applicant being tagged as returning with US$94 million fraud albatross. Exhibit LAD 8 is USD 100,000,000 million Loan Facility Agreement the Applicant's Company (Borrower) entered into with PETRACO OIL COMPANY LIMITED SA (Lender) dated 7th February, 2023. Exhibit LAD 2 is a Petition signed by the Chief Financial Officer of Petraco Oil Company Limited against the Applicant and Others addressed to the Chief Executive Officer of Economic and Organised Crime Office (EOCO), Accra in relation to the Loan Facility Agreement; and Exhibit LAD 7 is the Attorney General's copy of the Petition. Exhibit LAD 6 is a Press Statement from EOCO. Exhibit LAD 10 is a Letter on Unitization Request and Exhibit LAD 3 is Ministry of Energy Letter dated 25th February, 2025 on withdrawal of unitization. Exhibit LAD 4 is Petraco Letter to the Minister of Energy for Ministerial Consent and Exhibit LAD 5 is the Minister of Energy's Response to Exhibit LAD 4. All these exhibits attached to the Affidavit in Opposition to the motion do not provide any form of

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defence whatsoever to the Respondent. In the Press Statement as per Exhibit LAD 6, EOCO indicated that it was investigating the concerns raised in the Petitions against the Applicant's Company.

If the Respondent claims they are simply reporting on a court case in the UK, they may attempt to invoke the defence of "fair and accurate reporting" at the trial. However, the Order for Interlocutory Injunction made by this Court specifically prohibits the act of publishing these statements. If the Respondent had a problem with the Order for Interlocutory Injunction, he could have applied to the Court to have the Order varied or set aside. However, this was not done.

Per the Respondent's Exhibit 9, there is a Notice of Appeal filed at the Registry of this Court on the 25th June, 2025. There is no express Order for Stay of Proceedings directed at this Court to suspend the proceedings in this case. Publishing these statements in my view, is a direct challenge of the Court's authority. Given the nature of the allegations (fraud of USD94 million, bail), these statements appear to directly contravene the spirit and letter of the injunction.

Mr. P.K. Twumasi in his book titled "CRIMINAL LAW IN GHANA" at page 77 stated as follows:

"The general principle of our law is that intention, like many other states of mind, is incapable of direct proof; it is always inferred from proven facts.....".

Even if the order were worded vaguely, the mere fact that a defamation suit is pending makes the matter *sub judice*. Publishing further statements on the exact same subject matter while an injunction is in place is seen as an attempt to usurp the judicial power of this Court by trying the case in the court of public opinion. See *Republic vrs Bank of Ghana & 5 Others; Ex Parte Benjamin Duffour* [2018] GHASC 37.

The statements published by the Respondent as per Exhibit 'G' Series (headlines and full story) clearly fall within the category described in the order (statements about the Applicant's reputation in the Petroleum Industry). The Court can safely infer intent on the part of the Respondent to make these publications after being warned by the Court. Parties cannot take the law into their own hands or declare a court order a nullity based on their personal or legal opinions.

Considering the nature of the language used (e.g., calling a case an "albatross," using damaging and sensationalist headlines) demonstrates a clear intent to cause undermine and tarnish the Applicant's reputation. Courts often look at the natural and ordinary meaning of words. That is, Courts often interpret injunctions based on their normal or natural meaning. The headlines with the accompanying stories are inflammatory and this court will not be wrong to infer the intent on the part of the Respondent to tarnish the reputation of the Applicant within the society. The court therefore finds the Respondent failed to comply with the Order for Interlocutory Injunction made by this Court on the 11th June, 2025, and his disobedience of the Court Order is deliberate and wilful.

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Having fully evaluated the affidavit evidence and the exhibits placed before this Court and the evidence adduced through cross examination of the deponents of the affidavits, and having carefully perused the Written Arguments of both learned Counsel, this Court is satisfied that the Applicant has been able to discharge the burden placed on him to prove his case of Contempt of Court against the Respondent beyond reasonable doubt. Consequently, the Court finds the Respondent, LARRY ALANS DOGBE guilty of Contempt of Court, and he is accordingly convicted.

SENTENCE

In sentencing the Respondent, the court has taken into consideration of the submission made by his counsel for mitigation of the sentence and for a non-custodial sentence to be imposed on the Respondent. The Respondent is also a first-time offender. The court has also considered the fact that the Respondent, LARRY ALANS DOGBE, a journalist by profession of over two (2) decades, had full knowledge of the subsistence of the Interlocutory Injunction Order of this Court dated the 11th June, 2025, which restrained him from further publication of statements intended to undermine and tarnish the Plaintiff's reputation within the society, the Petroleum Industry and as a businessman until the final determination of the suit.

Despite this clear and unambiguous judicial directive, the Respondent willfully, contumaciously, and in flagrant disregard of the authority of this Court, proceeded to breach the said Order of 11th June, 2025. The power of this Court to punish for contempt under Article 126(2) of the 1992 Constitution and Order 50 of the High Court (Civil Procedure) Rules, 2004

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(C.I. 47) is not meant to massage the ego of the Presiding Judge. Rather, it is an essential mechanism to preserve the dignity, integrity, and authority of the administration of justice. As a journalist, the Respondent has a heightened civic duty to promote the rule of law, not to actively subvert it. The media's constitutional freedoms under Chapter 12 of the 1992 Constitution do not constitute a license to treat lawful orders of a court of competent jurisdiction with contempt.

To vindicate the authority of this Court and to serve as a deterrent to others who may believe they are above the law, this Court cannot gloss over this willful disobedience. Accordingly, the Respondent, LARRY ALANS DOGBE, is hereby is sentenced to Seven (7) days' imprisonment in prison custody.

Let a Warrant of Committal be issued immediately to the Director-General of the Ghana Prisons Service, or his designated officers, to carry this sentence into effect.

(SGD.)

ISAAC ADDO, J.
(JUSTICE OF THE HIGH COURT)

CERTIFIED TRUE COPY
DEPUTY REGISTRAR
HIGH COURT
GENERAL JURISDICTION LCC-ACCRA

PARTIES:
Applicant present
Respondent present

COUNSEL:
Nana Boakye Mensah Bonsu, Esq. with Prince Noel Danquah, Esq. led by Sean Poku, Esq. for the Applicant present

David Annan, Esq. for Respondent present

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