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HR 1. C.I. 1

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HUMAN RIGHTS COURT "1" ACCRA

IN THE SUPERIOR COURT OF JUDICATURE
IN THE HIGH COURT OF JUSTICE
(HUMAN RIGHTS DIVISION)
ACCRA - AD 2023

SUIT NO: HR/0050/2023

IN THE MATTER OF AN APPLICATION INVOKING THE JURISDICTION OF
THE HIGH COURT FOR THE ENFORCEMENT OF THE FUNDAMENTAL
HUMAN RIGHTS UNDER ARTICLE 33 OF THE 1992 CONSTITUTION AND
ORDER 67 OF C.I 47

BETWEEN

KWABENA ADU GYAMFI ----- APPLICANT/APPLICANT
ALIAS VICTOR KUSI BOATENG
PLOT NO 26, OHWIMASI
KUMASI

AND

SAMUEL OKUDZETO ABLAKWA ----- 1ST RESPONDENT/RESPONDENT
NO 565, AIRPORT HILLS,
ACCRA

THE ATTORNEY GENERAL ----- 2ND RESPONDENT
MINISTRY OF JUSTICE
ACCRA

MOTION ON NOTICE FOR INTERLOCUTORY INJUNCTION AGAINST THE
1ST RESPONDENT

PLEASE TAKE NOTICE that Counsel for the Applicant/Applicant shall move this Honourable Court praying for an order of interim injunction to restrain the 1ST Respondent/Respondent from making further public disclosures of the private information, documents, correspondence, communication and property belonging to the Applicant; and for such further order or orders as this Court deems fit; on the grounds contained in the supporting affidavit;

~~FILED~~ Court to be moved on this WED day of 22ND FEBRUARY 2023 at 9:00 a.m. in the forenoon or so soon thereafter.

3. That at the hearing of this application, my Counsel shall seek leave of the Court to refer to all processes thus far filed in this suit.
4. That I am a Ghanaian Citizen and currently serve as a Member of the Board of Trustees of the National Cathedral of Ghana.
5. That the 1st Respondent/Respondent is the National Democratic Congress (NDC) Member of Parliament for North Tongu Constituency in the Volta Region.
6. That the 2nd Respondent is a principal legal Advisor to the Government of Ghana, and I am informed by my Counsel and verily believe same to be true that per the provisions of the applicable law, is a necessary party to this action.
7. That the 1st Respondent, in January 2023, commenced various social media publications and mainstream media engagements in respect of the dealings of the Applicant in his capacity as a Trustee of the National Cathedral Board and JNS Talent Center Ltd.
8. That the initial publications and communication by the 1st Respondent on that issue are the subject of investigations by the Commission on Human Rights and Administrative Justice (CHRAJ).
9. That after the 1st Respondent had submitted a petition to CHRAJ to investigate the said allegations, the 1st Respondent proceeded to publish information relating to my personal identification details contained in my passports, drivers' license, companies I had incorporated and personal travel itinerary. I attach evidence of such publications and communications by the 1st Respondent as **Exhibit VKB series**.
10. That these details are very personal and private and ought not to be put out for public consumption except as provided by law.
11. That I am informed by my Counsel and verily believe same to be true that my right to privacy of my personal information communication, correspondence, property and documents is guaranteed by the provisions of Article 18 (2) of the 1992 Constitution.
12. That I am further informed by my Counsel and verily believe same to be true that no person, including the 1st Respondent herein, has a right to interfere with my private personal information, communication, documents and property and make public disclosures of same without lawful authority.

13. That I am informed by my Counsel and verily believe same to be true that the public disclosures by the 1st Respondent of my private personal information, communication, correspondence and property are in breach of my fundamental human right to privacy as enshrined in Article 18 (2) of the 1992 Constitution.
14. That I have subsequently commenced an action against the Respondents to enforce my rights enshrined in the 1992 constitution.
15. That the 1st Respondent, in all his previous social media and public engagements, has indicated his plan to make further public disclosures of my private personal information, property, correspondence and communication without recourse to any lawful authority or justification. Exhibit VKB series refers.
16. That the 1st Respondent's public disclosures of my private personal information, documents and correspondence are made without notice and erratically.
17. That due to the urgency of the matter, on the 1st day of February, 2023, I obtained an order ex parte against the 1st Respondent to restrain him from further breaches of my fundamental human rights pending this repeat application on notice.
18. That given the 1st Respondent's erratic and unlawful publication of my private personal information, documents and correspondence, the 1st Respondent has exposed me to the risk of identity theft and internet fraud by causing my personal information to be published worldwide.
19. That I am informed by my Counsel and verily believe same to be true that this Honourable Court has the jurisdiction to enforce my right to privacy as enshrined in the 1992 Constitution in the manner that I am seeking by the present application.
20. That I am further informed by my Counsel and verily believe same to be true that this Court also has the jurisdiction to restrain the 2nd Respondent from further breaches of my fundamental human rights pending the final determination of the substantive application.

WHEREFORE, I swear to this Affidavit in support.

IN THE SUPERIOR COURT OF JUDICATURE
IN THE HIGH COURT OF JUSTICE,
HUMAN RIGHTS DIVISION 1
ACCRA

SUIT NO. HR/0050/2023

KWABENA ADU GYAMFI - APPLICANT/APPLICANT

VERSUS

1. SAMUEL OKUDZETO ABLAKWA
2. THE ATTORNEY GENERAL - RESPONDENTS

ORDER FOR INTERIM INJUNCTION

UPON READING the Affidavit of KWABENA ADU GYAMFI, alias VICTOR KUSI BOATENG, the Applicant herein of Plot Number 26, Ohwimasi-Kumasi, filed on 30th January, 2023 in support of Motion Ex Parte for an order of Interim Injunction;

AND UPON HEARING the submissions of BOBBY BANSON ESQ., with him EMMANUEL YEBOAH GYAN ESQ., Counsel for the Applicant/Applicant herein;

IT IS HEREBY ORDERED that the 1st Respondent, SAMUEL OKUDZETO ABLAKWA is restrained from making further public disclosures of private documents, correspondence, communication and property belonging to the Applicant.

IT IS FURTHER ORDERED that this interim order will lapse after Ten (10) days.

GIVEN UNDER MY HAND AND SEAL OF THE
HIGH COURT OF JUSTICE, ACCRA, THIS
1ST DAY OF FEBRUARY, 2023.

(SGD)
KWAME DANIELS
REGISTRAR



(SGD)

BARBARA TETTEH-CHARWAY
(JUSTICE OF THE HIGH COURT)

CERTIFIED TRUE COPY
REGISTRAR
HUMAN RIGHTS COURT - 1 - ACCRA, G.R.