



26<sup>th</sup> June 2024

**RE: REV. KUSI BOATENG SUFFERS 3<sup>RD</sup> DEFEAT AGAINST ABLAKWA AS COURT OF APPEAL THROWS HIM OUT**

Our attention has been brought to reports in mainstream and social media suggesting that the Court of Appeal has dismissed the appeal filed by our Client Kwabena Adu Gyamfi, alias Victor Kusi Boateng (hereinafter referred to as Appellant), against the ruling of the High Court on the 2<sup>nd</sup> of May 2023, dismissing the application for committal for contempt of the Hon. Samuel Okudzeto Ablakwa (hereinafter referred to as Respondent).

These false reports have been published on [www.myjoyonline.com](http://www.myjoyonline.com) and other media outlets under the misleading heading above.

The publication on myjoyonline.com reads “The Court of Appeal has thrown out an application filed by Rev. Victor Kusi Boateng, Secretary to the board of Trustees of the National Cathedral project. The suit sought to restrain the member of parliament for North Tongu, Samuel Okudzeto Ablakwa from discussing him concerning the National Cathedral project. Before Wednesday’s ruling, the founder and overseer of the Power Chapel International had lost two similar suits at the High Court.”

We wish to state that the above report is a figment of the imagination of the originator of this publication and does not in any way or manner, reflect the proceedings before the Court of Appeal on either the 25<sup>th</sup> of June 2024 or 26<sup>th</sup> of June 2024. The proceedings culminating in the rulings by the Court of Appeal on the 26<sup>th</sup> of June 2024 can be summarized as follows:

1. The High Court dismissed an application for committal for contempt of the Respondent on the 2<sup>nd</sup> of May 2023.



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2. Piqued by the ruling of the High Court, the Appellant filed a Notice of Appeal on the 10<sup>th</sup> of May 2023 against the said ruling, canvassing 3 grounds of appeal.
  3. On the 17<sup>th</sup> of April 2023, the Court of Appeal granted leave for the Appellant to file additional ground of appeal and which additional ground of appeal has since been filed.
  4. On the 19<sup>th</sup> of April 2024, the Appellant filed an application for the Court of Appeal to extend the time within which the Appellant will be required to file written submissions in support of the appeal.
  5. On the 30<sup>th</sup> of April 2024, the Respondent filed an application to strike out the grounds of appeal contained in the Notice of Appeal filed on the 10<sup>th</sup> of May 2023.
  6. Both motions filed on the 19<sup>th</sup> of April 2024 and 30<sup>th</sup> of April 2024, were scheduled to be heard on the 25<sup>th</sup> of June 2024.
  7. When the motion filed on 30<sup>th</sup> of April 2024 was called for hearing, the Respondent through his lawyers, raised an objection to the constitution of the 3 court of appeal judges on the following grounds:
    - a. That he had read in the Daily Post newspaper that another Court of Appeal Judge was supposed to be presiding on the panel
    - b. That the absence of that Court of Appeal Judge on the current panel is an indication of an attempt by the Chief Justice to constitute a panel which is biased against the Respondent.
    - c. That the Respondent's information is that the Chief Justice is a Church member of the Appellant and so the Respondent is not convinced that he will be given a fair trial in the matter.
  8. We responded to the preliminary objection as not grounded in law and facts and no evidence has been adduced of the alleged bias against the Respondent.



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9. The Court of Appeal, after hearing the preliminary objection, also listened to the application by the Respondent to strike out some of the grounds of appeal.
  10. The Court of Appeal then adjourned the matter to the 26<sup>th</sup> of June 2024. The business for the 26<sup>th</sup> of June 2024 was as follows:
    - a. Ruling on the preliminary objection raised to the constitution of the panel of judges
    - b. Ruling on the application to strike out some of the grounds of appeal
    - c. Hearing of the application for extension of time to file written submission in support of the appeal.
  11. On the 26<sup>th</sup> of June 2024 when the case was called, the Court of Appeal
    - a. Dismissed the preliminary objection raised to the constitution of the panel as without merit with no order as to cost.
    - b. Granted the application by the Respondent and struck out some of the grounds of appeal and awarded cost of Gh 3,000.00 in favor of the Respondent.
    - c. Heard the argument for extension of time to file the written submissions in respect of the appeal and granted the said application by the Appellant. There was no order as to cost.
  12. The Court of Appeal further ordered that the Appellant should file his written submissions in support of the appeal within 7 days from today.

Contrary to the publications and social media reports, there was no application filed at the Court of Appeal or any other court for that matter filed by the Appellant to restrain the Respondent from “discussing him (Appellant) concerning the National Cathedral project.” Further, the appeal against the ruling dismissing the application for committal for contempt has not been struck out or dismissed. The substantive appeal is yet to be heard by the court of appeal.



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We therefore entreat all persons to disregard any publication or reports which do not reflect the record of proceedings as summarized above.

Signed

Bobby Banson