

IN THE HIGH COURT OF JUSTICE HELD AT SOGAKOPE ON 6TH JUNE, 2023
BEFORE HER LADYSHIP JUSTICE DOREEN G. BOAKYE – AGYEI MRS. ESQ.,
JUSTICE OF THE HIGH COURT.

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JUDGMENT

FACTS:

The Application for contempt was commenced against 7 Respondents but it was discontinued against the 4th, 5th and 6th Respondents. The facts underpinning the application are captured in the affidavit in support filed on the 14th of November 2022 and the supplementary affidavit filed on the 16th of January 2023. The Plaintiffs/Applicants herein have sued the Defendants jointly and severally for the following reliefs:

- i. A declaration by the Honourable Court that following resolution of the first General Conference (Governing Body) of the Apostle's Revelation Society for the year 2020 dated 26th September 2020 and held at the International Headquarters of the Church at New Tadzewu in the Volta Region of the Republic of Ghana, the 1st Defendant herein is no longer the leader of the Apostles Revelation Society Church and the Chairman of the General Conference of the Apostles Revelation Society.
- ii. An order of the Court directed at the 1st Defendant to vacate the residence of the leader of the Church located within the premises of the Church.
- iii. An order of perpetual injunction directed at the 1st Defendant, his servants, agents, privies, assigns, successors in title, personal representatives or any person claiming through him from holding himself out as the Leader of the Church howsoever **or** whatsoever or in any manner interfering with or in the management and administration of the Church or holding himself out as the Chairman of the General Conference of the Apostles Revelation Society.
- iv. Cost of this litigation.

Pending the determination of the suit, the Applicants applied to the Court for an order of

interlocutory injunction which the Honourable Court granted on the 28th of July 2022 and enjoined the 1st Defendant in the following terms:

"it is hereby ordered that the 1st Defendant/Respondent herein their agents, assigns, privies or howsoever otherwise described are restrained from interfering with the management and administration of the Church, the planning and celebration of the annual anniversary of the Church and the publishing of the Pocket Calendar and the Executive Committee of the General Conference of the Church is given interim administration and management of the Church pending the determination of the issues in controversy."

It is the case of Applicants that the Order with a Penal Notice was served on the 1st Respondent and he knew exactly what he was restrained from doing. That the 2nd to 4th Respondents are assigns, agents and privies of the 1st Defendant who are all aware of the restraining order against the 1st Respondent and his assigns, privies and agents. Applicants contend that notwithstanding these express orders against the Respondents, they deliberately set out to disobey the Orders of the Court in an effort to bring the administration of justice into disrepute and erode the authority and mandate of the Court. Applicants state some instances of disobedience by the Respondents as;

- a. The 1st Respondent on the 24th day of October 2022 published a programme for the 83rd Anniversary of the Church as per Exhibit C which is in Ewe and the translated version is Exhibit E contrary to the orders of the Court prohibiting him from doing so.
- b. The 2nd and 3rd Respondents claiming to be acting upon the instructions of the 1st Respondent locked all entrances of the Church and prevented members from accessing the church premises and the places are locked till date.
- c. The 2nd and 3rd Respondents claiming to be acting upon the instructions of the 1st

Respondent prevented the Planning Committee for the 83rd Anniversary of the Church at the premises of the Church and hurled stones at them.

- d. The Respondents deceived the Court by giving them wrong keys purporting them to be keys to the administration block and the church entrance, but this turned out to be a lie as the keys so delivered to the Court could not open the locks.
- e. The 4th Respondent being the security in charge of the Hohoe Office of the Church removed and tore the Court processes posted there upon the instructions of the 1st Respondent.
- f. The Respondents planned and celebrated the 83rd Anniversary of the Church contrary to the orders of the Court.
- g. The 1st Respondent also printed the pocket calendar contrary to the orders of the court.
- h. The Respondents in open court disputed the allegations of the Applicants, so the Honourable Court ordered a visit to the premises with officers of the Court. The officers of the Court visited the locus on the 22nd December 2022 and the Locus Report was exhibited to a supplementary affidavit in support to the application filed on the 16th of January 2023 as Exhibit Supplementary A. Without remorse, the Respondents subjected the Applicants and the Court officials to severe beatings.

Applicants submit that per page 2 of Exhibit Supplementary A, is clear that the Respondents were still in charge of the offices including the Cash Office despite their claims in Court that they have vacated the office. That it is also clear that the keys they presented to the Court claiming to be the key to the Administrative Office and the entrance to the chapel was a blatant falsehood peddled in open court which is further contempt of the Court. The said portion reads: "We later found that all those offices which keys were brought to the Court were in operation".

The Respondents filed their individual affidavits in opposition to the Contempt Application on the 27th day of February 2023. They do not deny any of the averments in support of the application for contempt; they do not say that they are unaware of the Order of the Court.

- a. The 1st Respondent did not deny that on the 24th day of October 2022 he published a programme for the 83rd Anniversary of the Church as per Exhibit C which is in Ewe and the translated version is Exhibit E contrary to the orders of the Court prohibiting him from doing so.
- b. The 2nd and 3rd Respondents do not deny that acting upon the instructions of the 1st respondent they locked all entrances of the Church and prevented members from accessing the church premises, and the places are locked till date.
- c. The 2nd and 3rd Respondents do not deny that upon the instructions of the 1st Respondent they prevented the Planning Committee for the 83rd Anniversary of the Church at the premises of the Church and hurled stones at them.
- d. The Respondents do not deny that they deceived the Court by giving them wrong keys purporting them to be keys to the administration block and the church entrance, but this turned out to be a lie as the keys so delivered to the court could not open the locks.
- e. The 4th Respondent does not deny that being the security in charge of the Hohoe Office of the Church he removed and tore the Court processes posted there upon the instructions of the 1st Respondent.
- f. The 1st Respondents does not deny that they planned and celebrated the 83rd Anniversary of the Church contrary to the orders of the Court as captured in Exhibits Supplementary A series.
- g. The 1st Respondent does not deny that he printed the pocket calendar

contrary to the orders of the court as captured in Exhibit Supplementary B.

- h. The Respondents do not deny the Report of the 83rd Anniversary celebration as captured in Exhibit Supplementary C.

Can it be concluded that the Respondents are very much aware of the orders of the Court and willfully elected to disobey same with impunity? The gravamen of the Applicant's application has been that pursuant to the grant of an injunction application filed on the 14th of November, 2022 with supplementary affidavit filed on the 16th day of January, 2023, the Respondents were instructed to do certain acts and also refrain from undertaking or exercising certain powers in certain capacities but they failed, refused and neglected their obligation which were mandatory hence each of the Respondents needed to be committed to prison for the said contemptuous acts. It was also the case of the Applicant that the 2nd to 4th Respondents in their capacity as assigns, agents and privies though were also aware of the aforesaid orders against the 1st Respondent, collaborated with him to facilitate the perceived contemptuous acts committed by him. It must be noted that in the affidavit in opposition, 1st Respondent denied the acts associated with the assault and stated that on the day of the 2nd Locus visit he was not in the jurisdiction. He however did not deny the conduct attributed to him which went against the restrained acts per the injunction Order. The 2nd, 3rd and 4th Respondents also denied being part of any assault on Applicant or preventing the Court officials from undertaking the duties assigned by the Court. They described the locus report as containing nothing per their valuation.

On the part of their Counsel per his written submissions filed, he listed a litany of what he termed as contradictions and fraudulent misrepresentations by the Applicant as below:

- a. The Applicant at one breath claims that the Respondents have locked up

every entrance to the church premises till today preventing members of the church from having access to the church and the same Applicant is saying that the 1st Respondent went ahead and celebrated the 83rd anniversary of the church? If the entire entrance to the church premises are all locked up till date the Applicant's lawyer filed his legal argument which is the 27th day of March, 2023, then where was the 83rd Anniversary of the church celebrated amidst allegedly publishing of the pocket calendars of the church and wall calendars when the entire church have been locked up till today. **Applicant knows or ought to have known that, the 83rd Anniversary was celebrated in December, where the congregation all over the world conveyed at the Headquarters of the church in Tadzewu to celebrate the 83rd Anniversary without being locked out by the 1st Respondent nor by the 2nd to 4th Respondents on the instructions of the 1st Respondent as alleged pathetically by the Applicant.**

Counsel goes on to postulate that it is interesting for the Applicant to conclude per Exhibit C that once pocket calendars, wall calendars and other souvenirs are published, same were published at the instance of the 1st Respondent when there is no evidence as to the involvement of the 1st Respondent in publishing same when the Applicant very much knew those in charge of same. That it was therefore the Responsibility of the Applicant to have gone beyond mere allegation knowing the standard required to prove a contempt allegation especially when the alleged contemnor denies the allegation. Counsel then cites the case of **REPUBLIC VRS. OPANIN KWAME BOAMAH & 3 OTHERS, EX PARTE KWAKU AMPOSAH** where it states that it is trite that in the face of a denial, the applicant must go beyond a mere allegation to prove with evidence to satisfy the Court that indeed the prohibited act had been engaged in by the Respondent.

Counsel rehashes that the 1st Respondent has severally denied with search results that notice of the injunction was never served on him or brought to his attention when the records show that 1st Respondent filed an affidavit in opposition to that Injunction application on the substantive docket regardless of the drama surrounding the case.

Whilst it is a legitimate defence to a charge of contempt that the person charged had no notice of the order and a person could not be guilty of an order of the court of which he had no notice of, is that the accurate situation in this case? If that were so then the case of **THE REPUBLIC VRS BEKOE AND OTHERS; EX PARTE ADJEI (1982 – 83) GLR 91** **would** exonerate the 1st Respondent in this regard.

On the allegation against the Respondents that they deliberately brought wrong keys to the Court a second locus visit was ordered since both parties had their own entrenched version of who was at fault regarding the first locus visit. According to Counsel for Respondents, the Applicant and the Court officers refused to honour the exact date ordered for the locus visit by going on a date when all the Respondents were not present. That the Applicant returned with a story that he and his team were assaulted and also prevented from having access to the church locus but all the exhibits that the Court was furnished with could not connect any of the Respondents, 1st, 2nd, 3rd and 4th to the alleged crime.

It is the case of Respondents herein that a picture of a man wearing a torn shirt and standing in front of a house which was not any of the structures on the ARS church premises were exhibited. That the building was painted white and blue with at least one third bottom portion of the building painted in blue whilst the ARS church building was also painted white and blue but with the blue colour at the very bottom part of the building. That this exhibit was well calculated to throw dust into the eyes of the Court

since the building purporting to be ARS building was a total deception. They contend that their Lawyer Ellis Quashigah Esq. became very furious for being mentioned in the Court Registrar's Report for being at the Anniversary and refusing to call the Respondents to Order as he was never there. That the Applicant could have taken a snap shot of the lawyer to prove the veracity of the truth in their allegation but it remained a mere allegation with no proof.

On a pen drive which was also attached to the report as evidence of what the Respondents actually did on the said date, Respondents contend that nothing covered on that Pen drive connects them to the "Material Particular" which is a very necessary requirement in cases of this nature. It is also their case that the 4th Respondent did not shred any Court process posted at their ARS Hohoe branch church premises and Applicants failed to prove this. All the instances of disobedience raised by the Applicants against the Respondents in their view are not only unfounded but bereft of substance and same is borne out of hatred, envy, greed resulting from the ex-communication of the Applicant from the church instigated by the 1st Respondent and the General Conference of the Apostles Revelation Society Church on charges of Fraud, Malfeasance and Insubordination.

Counsel also submits that the 2nd to 4th Respondents are being cited for contempt because they are deemed to be the assigns and privies of the 1st Respondent and have allegedly done what they did on the instructions of the 1st Respondent. That once the 1st Respondent denies all the allegations of contempt, same should have a ripple effect on the privies and assigns who have equally in their respective affidavits in oppositions denied allegations of all the contemptuous acts allegedly committed by them. His further submission is that it has been the desire of the Applicant that the Respondents who consist of the Leader of the Apostles Revelation Society Church, Pastors and members be

committed to prison just to settle Applicant's personal score with particularly the 1st Respondent. That from the commencement of this application, complications were created by an officer of the Court, the bailiff coupled with some misrepresentations and exaggerations from the Applicant who has a personal interest in this case. His final submission is that in the face of all the denials by the Respondents, the Applicant's Motion to Commit the Respondents to Prison for Contempt be dismissed as it is trite that the Courts do not compromise their decisions as a result of emotions and personal interest.

THE LAW

The Supreme Court in the case of **REPUBLIC VRS HIGH COURT, ACCRA, EX-PARTE LARYEA MENSAH (1998-99) SCGLR 360 @ 368** defined contempt of court as follows:

"By definition, a person commits contempt of court and may be committed to prison for *willfully* disobeying an order of court requiring *him* to do any act other than the payment of *money* or abstain from doing *some* act; and the order sought to be enforced *should* be *unambiguous* and must be clearly understood by *the* parties concerned".

See also **IN RE EFFIDUASE STOOL AFFAIRS (NO 2); REPUBLIC VRS NUMAPAU, THE PRESIDENT OF THE NATIONAL HOUSE OF CHIEFS; EX PARTE AMEYAW || [1998-98] SCGLR 639.**

To successfully convict for contempt, there must be an order of court which the Respondent has willfully disobeyed. In the case of **REPUBLIC VRS SITO I, EX PARTE FORDJOUR [2001-2002] SCGLR 322,** The Supreme Court listed the four broad requisites to be satisfied for a successful application for contempt as follows:

- i. There must be a judgment or order requiring the contemnor to do or abstain

from doing something;

- ii. It must be shown that the contemnor knows what precisely he is expected to do or abstain from doing;
- iii. It must be shown that he failed to comply with the order;
- iv. And that the disobedience must be willful

In the case of the **DEEPSEA DIVISION OF THE NATIONAL UNION OF SEAMEN AND OTHERS VRS TRADES UNION CONGRESS OF GHANA AND OTHERS (1982 - 83) GLR 941**, it was held that the Court would only punish as contempt a breach of injunction if it was satisfied that the terms of the injunction were clear and unambiguous and that the Respondents had proper notice of the terms and that breach of the injunction had been proved beyond reasonable doubt. Where the disobedience was unintentional or accidental, the Court would not issue a Writ for attachment. The aim and purpose of the law of contempt is to protect the integrity of the justice system and the right of an individual litigant to have justice effectively administered. To this end, punishment is imposed on persons found by words or acts, to have impeded or interfered with the administration of justice, or to have created a substantial risk of the course of justice being seriously prejudiced or interfered with or to have otherwise scandalized the court. See **DR. PATRICIO AND EILEEN YOURI VRS MRS JUSTINA ABOAGYE [2013] 67 GMJ 49 CA**

From the facts, it is clear that:

There is an order of the Court made on the 28th day of July 2022 restraining 1st Defendant/Respondent herein their agents, assigns, privies or howsoever otherwise described are restrained from interfering with the management and administration of the Church, the planning and celebration of the annual anniversary of the Church and the

publishing of the Pocket Calendar and the Executive Committee of the General Conference of the Church is given interim administration and management of the Church pending the determination of the issues in controversy."

That the Respondents are aware of the said Order as the Order and a Penal Notice were served on the 1st Respondent who comes to Court with the other Respondents and other church members;

The above order notwithstanding:

- i. The 1st Respondent on the 24th day of October 2022 superintended over and had published a programme for the 83rd Anniversary of the Church as per Exhibit C which is in Ewe and the translated version is Exhibit E contrary to the orders of the Court prohibiting him from doing so.
- ii. The 2nd and 3rd Respondents claiming to be acting upon the instructions of the 1st Respondent locked all entrances of the Church and prevented members from accessing the church premises, and the places are locked till date.
- iii. The 2nd and 3rd Respondents claiming to be acting upon the instructions of the 1st Respondent prevented the Planning Committee for the 83rd Anniversary of the Church at the premises of the Church and hurled stones at them.
- iv. The Respondents deceived the Court by giving them wrong keys purporting them to be keys to the administration block and the church entrance, but this turned out to be a lie as the keys so delivered to the court could not open the locks.
- v. The 4th Respondent being the security in charge of the Hohoe Office of the Church removed and tore the Court processes posted there upon the

- instructions of the 1st Respondent.
- vi. The Respondents planned and celebrated the 83rd Anniversary of the Church contrary to the orders of the Court.
 - vii. The 1st Respondent also printed the pocket calendar contrary to the orders of the court.
 - viii. The Respondents in open court disputed the allegations of the Applicants, so the Court ordered a visit to the premises with officers of the Court. The officers of the Court visited the locus on the 22nd December 2022 and the Locus Report was exhibited to a supplementary affidavit in support to the application filed on the 16th of January 2023 as Exhibit Supplementary A. Per the Account, without any remorse, the Respondents subjected the Applicants and the Court officials to severe beatings.

The aforementioned disobedience by the Respondents are willful and deliberate. Even when they were given the opportunity to purge themselves of the contumacious act they elected to further act in contempt of the Court by deceiving the Court with wrong keys to the Administration Office and the entrances to the Chapel. The Respondents would be convicted and sentenced to a fine of GHC2000 by 1st Respondent, in default 14 days in prison custody and GHC1000 each against the other Respondents who also in default are to serve 10 days each in prison custody so they can learn their lesson that it is not fashionable to disobey the orders of the Court with impunity.

(SGD.)

**H/L JUSTICE DOREEN G. BOAKYE-AGYEI MRS. ESQ.
JUSTICE OF THE HIGH COURT**

CASES CITED

THE REPUBLIC VRS BEKOE AND OTHERS; EX PARTE ADJEI (1982 – 83) GLR 91

REPUBLIC VRS HIGH COURT, ACCRA, EX-PARTE LARYEA MENSAH (1998-99)
SCGLR 360 @ 368

IN RE EFFIDUASE STOOL AFFAIRS (NO 2); REPUBLIC VRS NUMAPAU, THE
PRESIDENT OF THE NATIONAL HOUSE OF CHIEFS; EX PARTE AMEYAW ||
[1998-98] SCGLR 639.

REPUBLIC VRS SITO I, EX PARTE FORDJOUR [2001-2002] SCGLR 322

DEEPSEA DIVISION OF THE NATIONAL UNION OF SEAMEN AND OTHERS VRS
TRADES UNION CONGRESS OF GHANA AND OTHERS (1982 - 83) GLR 941

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