

Filed on 17/04/23
at 2:36 am/pm
.....Registra
P.P.
HIGH COURT, TEMA, G/R.

IN THE SUPERIOR COURT OF JUDICATURE
IN THE HIGH COURT OF JUSTICE
TEMA - A.D. 2023

SUIT NO. E2/011/2023

THE REPUBLIC VRS.

VALENTINA NANA AGYEIWAA
(AFIA SCHWARZNEGGER)
TEMA - ACCRA.

>>> RESPONDENT

EX-PARTE: BERNARD ANTWI BOASIAKO >>> APPLICANT

MOTION ON NOTICE FOR ENFORCEMENT ORDER TO DO OR NOT TO DO
AN ACT: ORDER 43 RULE 5(I) AND (CC), RULE 7(6) OF C.I 47 AND UNDER
THE INHERENT JURISDICTION OF THE COURT

TAKE NOTICE THAT Counsel for and on behalf of the Applicant herein will move this Honourable Court for an order praying this Honourable Court to punish the Respondent herein for continuing contempt, arising from Respondent violation and disobedient to the terms of the judgment of this Court dated the 31st day of January 2023, in suit titled; THE REPUBLIC VRS. VALENTINA NANA AGYEIWAA (Afia Schwarznegger) whereas in the said judgment among other things, the court ordered the Respondent to execute a bond to be of a good behavior for thirty-six (36) months in default three (3) months imprisonment with no option of a fine. The Respondent was further not to say, discuss or grant any interview in respect of this case on any platform during the pendency of the bond she is about to execute.

AND for such further order or orders as this Honourable Court may deem fit.

COURT TO BE MOVED ON.....THE.....DAY OF APRIL, 2023 at 9:00am
in the forenoon or so soon thereafter as Counsel may be heard.

DATED AT HERITAGE LAW FIRM THIS 16TH DAY OF MARCH, 2023.

LAWYER (DR) MAURICE AMPAW
HERITAGE LAW FIRM
EAST LEGON, ACCRA
MAURICE K. AMPAW
0244671011
SOLICITOR FOR APPLICANT
SOL. LIC. NO. eGAR00173/23

THE REGISTRAR
HIGH COURT
TEMA, ACCRA.

AND COPY FOR SERVICE ON THE RESPONDENT

Filed on 17/04/23
at 2:36 am/pm
Registrar
HIGH COURT, TEMA, G/R
SUIT NO. 2/011/2023

IN THE SUPERIOR COURT OF JUDICATURE
IN THE HIGH COURT OF JUSTICE
TEMA - A.D. 2023

THE REPUBLIC VRS.
VALENTINA NANA AGYEIWAA
(AFIA SCHWARZENEGGER)
TEMA - ACCRA

>>> RESPONDENT

EX-PARTE: BERNARD ANTWI BOASIAKO

>>> APPLICANT

AFFIDAVIT IN SUPPORT

I, Maurice Kwabena Ampaw of H/No. 755/2, Abiba lane, Lartebiokoshie, Accra do make oath and says as follows:

1. That I am the Deponent herein and Counsel for the Applicant herein.
2. That I do have the consent and authority of the Applicant to depose to these facts that are within my personal knowledge as Counsel.
3. That I shall seek leave of this court to refer to all document filed in this suit to support the application as if same has been attached and exhibited.
4. That on the 1st day of December, 2022, the Respondent herein was convicted in absentia of contempt of court and sentenced in ten (10) days imprisonment, and to execute a bond to be of good behavior for two years or in default two months in imprisonment in hard labour with no option of a fine. Attached and marked as Exhibit "AO1" a certified true copy of the said judgment.
5. That the Respondent dissatisfied with the sentence applied to the court of variation of the Court sentence under ORDER 50 RULE 4(I) and 5(I) of C.I 47.
6. That on the 31st day of January, 2023 the court granted the said application and said in the ruling as follows:
"Contempt of Court, as I said in my ruling on the 1st December, 2022 is against the court and not against individual. The Applicant, while the Applicant was pending rendered an unqualified apology to the court. I believe the Applicant has learnt a bitter lesson over this period of time that it does not pay to make mockery of judicial proceedings. Everybody, I believe deserve a second chance. I will, therefore exercise the powers vested in me under ORDER 5(I) OF C.I 47 to substitute a fine of 5,000 penalty units for the 10 days imprisonment. She is to execute a bond to be of good behavior for 36 months in default, 3 months imprisonment without option of a fine. She is ordered not to say, discuss or grant interview in respect of this case on any platform during the pendency of this bond she is about to execute. Attached and marked as Exhibit "AO2" is a copy of the said judgment delivered on 31st January, 2023.
7. The Applicant says the Respondent has executed the bond to be of a good as ordered by the court. Attached and marked as Exhibit "AO3" is a certified true copy of the said bond executed by the Respondent as ordered by the Court.

8. That Applicant says after the execution of the bond, the Respondent has taken to her social media handles to engage in social media insult, attack and impunity contrary to the bond to be of good behavior. Attached and marked as Exhibit "AO4" self-recorded videos by the Respondent where on her social media handles the Respondent is seen insulting, attacking and engaging in social media fight and impunity contrary to the bond to be of good behavior.
9. That the Respondent on social media has now engage in showing her half nakedness to the public and social media followers, promoting nudity on her social media handle which offends the public morals and promote obscenity on social media. Attached and marked as Exhibit "AO5" Exhibit is a recorded video of Respondent showing her nude to the public on social media.
10. That the Respondent in an Explosive interview with Zionfelix in Germany on Zionfelix T.V on and or about 10th day of March, 2023 did granted and interview on the said T.V and discussed paragraph 23 of the statement of claim of the Applicant and her defence under paragraph 24 and 25 contrary to the terms of the judgment that forbid Respondent to say, discuss or grant interview on the case pending before the court after the execution of the bond.
11. That the Applicant says the Respondent bad behavior on social media is becoming worse on a daily basis in clear violation of the bond.
12. That the Respondent has abused the mercy shown to her by the court and after given her the second chance to exhibit good behavior is now exhibiting bad behavior by engaging social media fights, insult, immoral behavior on social media.
13. That Applicant says the actions and conduct of Respondent is causing serious judicial embarrassment to the Court and by conduct, the Court has been exposed to public ridicule, hatred and contempt for given the Respondent second chance.
14. That from the video evidence attached clearly shows that the Respondent has not learnt any useful lessons from her contemptuous behavior and the continuing contempt is an embarrassment of the judiciary.
15. That the Applicant says unless the Court enforces the bond, the Respondent will continue with her social media insult, fight, impunity.
16. Wherefore I swear to this affidavit in support of the instant application.

Sworn at Tema this
 17th day of April 2023

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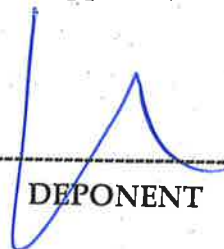

 DEPONENT



EXHIBIT 'A01'

1



IN THE SUPERIOR COURT OF JUDICATURE
IN THE HIGH COURT OF JUSTICE,
HELD IN TEMA ON MONDAY THE 1ST DAY OF DECEMBER, 2022
BEFORE HIS LORDSHIP JUSTICE EMMANUEL ANKAMAH (MR)

SUIT NO.E2/011/2023

THE REPUBLIC
VRS
UNITED TELEVISION (UTV) GHANA & 5 ORS

This is the document referred to in Oath of Deposition and marked EXHIBIT A01 sworn at Tema, this 1st day of April 2023
Commissioner For Oaths

--- RESPONDENTS

RULING

The 1992 Constitution of the Republic of Ghana provides for freedom of speech. This freedom of speech is however, not absolute.

It is in this vein that, Critiquing a judgment of a Court without any imputation of malfeasance or insults directed at the Judge or Judges who delivered the said Judgment is protected under our Constitutional dispensation.

However, discussing a case which is subjudice (pending) is not allowed or permitted by the very constitution of Ghana, that is the 1992 Republic constitution of Ghana that guarantees Freedom of speech.

EXHIBIT "A01"

J No 011202

CERTIFIED TRUE COPY
HIGH COURT REGISTRAR
HIGH COURT TEMBA

RECOGNIZANCE (BAIL., etc.)

IN THE MAGISTRATE'S COURT.....

WHEREAS.....
(State cause of complaint with time and date)

The undersigned principal party to this Recognizance hereby binds himself to perform the following obligations:

To appear before the Magistrate at.....
if so required.

To keep the peace (or be of good behaviour) toward all subjects of the Republic of Ghana for the space of

To appear before the Magistrate's court
on the.....day of.....20.....

To appear before the court at.....on the.....day
of.....20.....

and on any other subsequent day when required by the court to answer the said charge and to be dealt with
according to the law.....

To attend the Criminal session at.....
on the.....day of.....20.....

and there to surrender himself to the keeper of the prison at.....
plead to any information filed against him, and so from day to day, and take his trial for the same and not
depart the Court without leave, and also to attend at any investigation or proceeding concerning the said charge
before the trial when and where he may be required by the Court.

to attend the Criminal session at.....on the.....day
of.....20.....and to prosecute (or to prosecute and give evidence or to give
evidence) at the time of the said charge, and also to attend and give evidence or to give evidence) at the time of
the said charge, and also to attend and give evidence at any investigation or proceeding concerning the said
charge, before the trial, when and where he may be required by the Court

And the said principal party together with the undersigned sureties, hereby acknowledge himself bound to
the Republic the sums following viz,

the said principal party the sum of.....

and sureties sum of.....each
in the case the said principal party fails to perform the above obligation or part thereof

Signed, Sealed and Delivered by
(Principal Party (L. S.)
(Sureties (L. S.)
(L. S.)

Before me at.....this.....day of.....20.....

Signature of Magistrate
Criminal Form 1

EXHIBIT 'A02'

CERTIFIED TRUE COPY
HIGH COURT REGISTRAR
HIGH COURT TEMA

IN THE SUPERIOR COURT OF JUDICATURE

IN THE HIGH COURT OF JUSTICE,

HELD IN TEMA ON TUESDAY THE 31ST DAY OF JANUARY, 2023

BEFORE HIS LORDSHIP JUSTICE EMMANUEL ANKAMAH (MR) JUSTICE
OF THE COURT OF APPEAL, SITTING AS ADDITIONAL HIGH COURT
JUDGE

SUIT NO. E2/011/2023

THE REPUBLIC

VRS

VALENTINA NANA AGYEIWAA
(AFIA SCHARSNEGER)

This is the document referred
to in Oath of *Deposition*
and marked EXHIBIT *A02*
sworn at *tema* this *31st*
day of *January* 20*23*
[Signature]
Commissioner for Oaths

RESPONDENT

RULING

On the 1st of December, 2022, the applicant herein was convicted in absentia of contempt of Court and sentenced to 10 days imprisonment, and to execute a bond to be of good behavior for two years or in default two months in hard labour with no option of a fine.

Dissatisfied with the sentence, she applied to this Court for variation of the Court sentence under order 50 rule 4(1) and 5(1) of C.I 47.

Contempt of COURT, as I said, in my ruling on 1st December, 2022, is against the Court and not against any individual.

The applicant, whilst the application was pending rendered an unqualified apology to the Court. I believe, the applicant has learnt a bitter lesson over this period of time; that it does not pay to make mockery of judicial proceedings.

Everybody, I believe deserves a second chance. I will, therefore, exercise the powers vested in me under order 50 rule 5 (1) of C.I 47 to substitute a fine of 5,000 penalty units for the 10 days imprisonment. She is to execute a bond to be of good behavior for 36 months in default, 3 months in imprisonment with no option of a fine.

She is ordered not to say, discuss or grant any interview in respect of this case on any platform during the pendency of the bond she is about to execute.


CERTIFIED TRUE COPY
HIGH COURT REGISTRAR
HIGH COURT, TEMBA

(sgd) EMMANUEL ANKAMAH (MR)
(JUSTICE OF THE COURT OF APPEAL
SITTING AS ADDITIONAL HIGH COURT
JUDGE)

~~EXHIBIT "A01"~~

EXHIBIT "A03"

J N° 011202

CERTIFIED TRUE COPY
HIGH COURT REGISTRAR
HIGH COURT TELMA

RECOGNIZANCE (BAIL., etc.)

IN THE MAGISTRATE'S COURT.....

WHEREAS.....

(State cause of complaint with time and date)

The undersigned principal party to this Recognizance hereby binds himself to perform the following obligations:

To appear before the Magistrate at.....
if so required.

To keep the peace (or be of good behaviour) toward all subjects of the Republic of Ghana for the space of

To appear before the Magistrate's court

on the..... day of..... 20.....

To appear before the court at..... on the..... day

of..... 20.....

and on any other subsequent day when required by the court to answer the said charge and to be dealt with
according to the law.....

To attend the Criminal session at.....

on the..... day of..... 20.....

and there to surrender himself to the keeper of the prison at.....
plead to any information filed against him, and so from day to day, and take his trial for the same and not
depart the Court without leave, and also to attend at any investigation or proceeding concerning the said charge
before the trial when and where he may be required by the Court.

to attend the Criminal session at..... on the..... day

of..... 20..... and to prosecute (or to prosecute and give evidence or to give

evidence) at the time of the said charge, and also to attend and give evidence (or to give evidence) at the time of
the said charge, and also to attend and give evidence at any investigation or proceeding concerning the said
charge, before the trial, when and where he may be required by the Court

And the said principal party together with the undersigned sureties, hereby acknowledge himself bound to
the Republic the sums following viz,

the said principal party the sum of.....

and sureties sum of..... each

in the case the said principal party fails to perform the above obligation or part thereof

Signed, Sealed and Delivered by

(Principal Party (L. S.)
(Sureties (L. S.)
(L. S.)

Before me at..... this..... day of..... 20.....

This is the document referred
to in Oath of Deputy
and marked EXHIBIT A03
sworn at TELMA this 17th
day of April 2012
Commissioner For Oaths

Signature of Magistrate
REGISTRAR
Criminal Form 1
HIGH COURT
TELMA