

**IN THE HIGH COURT OF JUSTICE HELD AT KOFORIDUA ON
THURSDAY THE 21ST DAY OF FEBRUARY 2019. BEFORE HER
LADYSHIP JUSTICE BARBARA WARD ACQUAH (MRS.) J.**

SUIT NO.C12/116/2015

**1. ESTHER OSEI : PLAINTIFFS
2. COMFORT BOATENG
3. ABENA ASEIDUA
4. ADWOA ELLEN
5. SISI FOKUO
6. AKOSUA AGYEIWAA
7. GYEATUO KYENKYENKU (HON)
8. AFUA AMPOMAA
ALL OF SAAMAN**

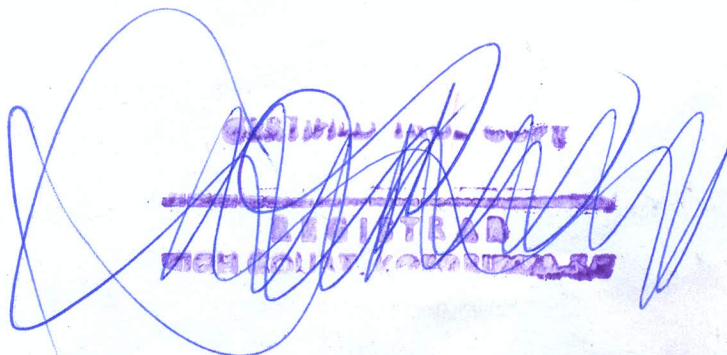
VERSUS

**KIBI GOLDFIELDS LTD : DEFENDANT
OF OSINO**

JUDGMENT

The Judgment is with respect to a suit that was instituted by the plaintiffs against the defendant on 15th July 2015 by which the plaintiffs claimed the following:

- (a) A declaration that the destruction and failure by the Defendant to pay fair and adequate compensation to the plaintiffs for the destruction of their farms and other properties is unlawful under the 1992 Constitution of Ghana and the Minerals and Mining Law, 2006 (Act 703)



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- (b) An order directed at the defendant to pay adequate and fair compensation to the plaintiffs for the destruction of their farms and for the use of their land as required under the Mineral and Mining Act 2006, (Act 703).
- (c) Damages
- (d) Interest at the prevailing Commercial Bank rate thereon from 2012 to date of final payment.
- (e) Costs.

The gist of plaintiffs' statement of claim is as follows:

They are farmers with various plots of farm land and also resident in Saaman in the Fantekwa District of the Eastern Region. The Defendant is a limited liability company incorporated under the laws of Ghana which deals in the business of mining and operates a mining lease at Saaman. Sometime in 2012 the defendant at the onset of their mining operation destroyed crops and other valuables on plaintiffs' land on which they had been without let or hindrance for over a decade. The crops destroyed by the defendants included cocoa, cola nuts, avocado pear, citrus fruits, nutmeg, black pepper, cocoyam, plantain, yam, banana, coconuts and palm trees.

The defendant did not carry out the mandatory enumeration of the plaintiffs' crops in order to ascertain the quality of properties destroyed. In or around 2014, the plaintiffs caused their lawyers to write to the defendant to request adequate compensation for the unlawful destruction of plaintiffs' crops. Not only did defendant not respond to their counsel's letter but all attempts to get them to compensate the plaintiffs have been unsuccessful.

