

IN THE SUPERIOR COURT OF JUDICATURE

IN THE HIGH COURT OF JUSTICE

TEMA A.D. 2007

SUIT NO.....

CENTER FOR PUBLIC INTEREST LAW  
(CEPIL), NEAR FACOL CONSTRUCTION,  
H/NO. 571/18, ABLELENKPE, ACCRA

PLAINTIFFS

RICHTER NII AMARFIO  
HOUSE NO. B23 EXT. TEMA  
MANHEAN, ASHAIMAN

**VRS**

TEMA OIL REFINERY  
TEMA INDUSTRIAL AREA

DEFENDANT

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**STATEMENT OF CLAIM**

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1. The 1<sup>st</sup> plaintiff is a not-for-profit non-governmental organization duly incorporated and limited by guarantee and is primarily engaged in the promotion of human rights and public interest litigation.
2. The 2<sup>nd</sup> plaintiff is a citizen of Ghana, an indigene of Tema and a resident of Tema Manhean in the Tema Municipality.
3. The defendant is a public company limited by shares and is incorporated under the laws of Ghana, with the Government of Ghana as its sole shareholder.
4. The defendant company was set up in the 1960's to refine crude oil into petroleum products for national consumption.

5. Plaintiffs say that the defendant company is located in a heavily industrialized area of the Tema Municipality where Chemu II Lagoon has its catchment or source and flows downstream into the gulf of guinea.
6. Plaintiffs aver that the Chemu II Lagoon is an important component of the ecology of the region, forming an integral part of the fishery, as well as providing habitat for bird-life, and a salt water flora centered on mangroves, which mangroves have historically provided not only refuge for wildlife and fish, but also provided firewood for the coastal residents.
7. Plaintiffs further aver that due to the proximity of the defendant company to the Chemu II Lagoon, the lagoon has been exposed to hydrocarbon contamination; a phenomenon attributed directly to Defendant Company and is detrimental to the biota of the said lagoon.
8. Plaintiffs again contend that in the past there have been major oil spills into the Chemu II lagoon from the defendant due to the poor state of equipment or inefficiency on the part of defendant company's employees in charge of such equipment.
9. On the 7<sup>th</sup> day of May, 2007, the defendant company once again negligently spilled oil in large quantities into the Chemu II Lagoon and thereby caused massive pollution of the said lagoon.

#### **PARTICULARS OF NEGLIGENCE**

- a) Failure on the part of defendant to use state-of-art equipment in its operations
  - b) Inefficient handling of equipment on the part of the defendant company's employees
10. The pollution of the Chemu II lagoon by the defendant company is hazardous to the health of citizens of Ghana especially those who have settled along the banks of the said lagoon.
  11. The plaintiffs contend that the persistent pollution of the Chemu II lagoon by the defendant company has made the inhabitants of Tema Manhean who are predominantly fishermen destitute as they can no longer carry out fishing activities in the lagoon due to the annihilation of all life forms in the aforesaid lagoon.
  12. The annihilation of all life forms in the Chemu II lagoon is an incident of the pollution of the said lagoon by the defendant company.

13. The plaintiffs also contend that the pollution of Chemu II lagoon by the defendant company infringes on the right of the inhabitants of Tema Manhean particularly those who have settled along the banks of the Chemu II lagoon to a clean and healthy environment as guaranteed under the constitution and international law.

14. WHEREFORE, the plaintiffs claim against the defendants as follows:

- a) A declaration that the defendant was negligent in allowing the spillage of oil into the Chemu II lagoon on the 7<sup>th</sup> of May, 2007
- b) A declaration that the spillage of oil into the Chemu II lagoon is a violation of the rights of the inhabitants of Tema Manhean, particularly those who have settled along the banks of the lagoon, to a clean and healthy environment under the Constitution and under international law.
- c) An order enjoining the defendant to clean up the Chemu II lagoon under the supervision of the Environmental Protection Agency (E.P.A)
- d) An order of perpetual injunction restraining the defendant from further polluting the aforesaid lagoon through oil spillage or other means.
- e) Punitive Damages
- f) Costs.

**DATED AT CENTER FOR PUBLIC INTEREST LAW THIS 6<sup>TH</sup> DAY OF JUNE,  
2007**

**LAWYERS FOR THE PLAINTIFFS**

**THE REGISTRAR  
HIGH COURT  
TEMA**

**AND FOR SERVICE ON THE ABOVE NAMED DEFENDANT**