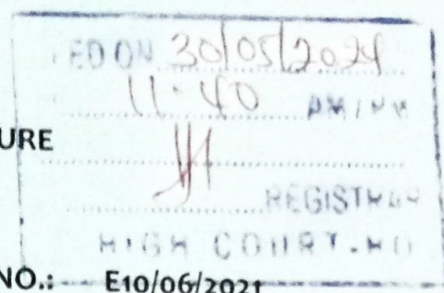


IN THE SUPERIOR COURT OF JUDICATURE
IN THE HIGH COURT OF JUSTICE
HO — A.D 2024

SUIT NO.: E10/06/2021



IN THE MATTER OF ARTICLE 99(1) (a) OF THE 1992 CONSTITUTION AND SECTION 16 OF THE REPRESENTATION OF THE PEOPLES LAW, PNDCL 284

IN THE MATTER OF A PETITION CHALLENGING THE VALIDITY OF THE ELECTION OF JOHN PETER AMEWU AS MEMBER OF PARLIAMENT-ELECT OF THE HOHOE CONSTITUENCY OF THE REPUBLIC OF GHANA IN THE PARLIAMENTARY ELECTION HELD ON 7TH DECEMBER 2020

BETWEEN

- | | | |
|------------------------------------------------------------------------|---|----------------------------|
| 1. PROFESSOR MARGARET KWEKU
AH-066
Hohoe-Ahado. | — | 1 st PETITIONER |
| 2. SIMON ALAN OPOKU-MINTAH
GCA 053
Obetsa- Santrokofi Benua | — | 2 nd PETITIONER |
| 3. JOHN KWAME OBIMPEH
AOD-A 427, Odomi,
Akpafu. | — | 3 rd PETITIONER |
| 4. GODFRIED KOKU KOFIE
LBK 234, Aya Street,
Likpe Bakua. | — | 4 th PETITIONER |
| 5. FELIX QUARSHIE
House No. LKU
137 Lolobi Kumasi | — | 5 TH PETITIONER |
| AND | | |
| 1. THE ELECTORAL COMMISSION
William Tubman Road
Ridge, Accra. | — | 1 ST RESPONDENT |
| 2. JOHN PETER AMEWU (HON.)
Ministry of Energy
Ministries, Accra. | — | 2 ND RESPONDENT |

**WITNESS STATEMENT OF PROFESSOR MARGARET KWEKU THE 1ST PETITIONER
FOR HERSELF AND ON BEHALF OF THE OTHER PETITIONERS**

1. I am the 1st Petitioner in this suit, I reside at AH-066, Hohoe-Ahado and I am a Professor of Clinical Epidemiology at the University of Health and Allied Sciences in Ho.
2. This witness statement is on behalf of all the other Petitioners herein as well as myself. In this suit we are asking the Honourable Court to set aside the purported election of the 2nd Respondent on 7th December 2020 as the Member of Parliament for the Hohoe Constituency and his being gazetted as such. We also seek an order of injunction to restrain him from holding himself out as a Member of Parliament for the Hohoe Constituency.
3. The 2nd Petitioner is a registered voter and native of Santrokofi traditional area. The 3rd Petitioner is a registered voter and native of Akpafu traditional area. The 4th Petitioner is a registered voter and native of the Likpe traditional area. The 5th Petitioner is a registered voter and native of the Lolobi traditional area.
4. I stood as parliamentary candidate of the National Democratic Congress (hereinafter referred to as the "NDC") in the election on 7th December 2020 for the Member of Parliament to represent Hohoe constituency in the Volta Region.
5. The 1st Respondent is the body mandated under the Constitution and the laws of Ghana to conduct and supervise public elections and referenda in Ghana, among other functions.
6. As we averred in paragraph 8 of the petition filed herein, the Hohoe constituency was specified by 1st Respondent in the Public Elections Regulations Constitutional Instrument Number 95 of 2016 (hereinafter C.I. 95) as one of the 275 constituencies established by the 1st Respondent for the conduct of public elections in Ghana.
7. The Hohoe Constituency, as established in C.I. 95, included the Santrokofi, Akpafu, Lolobi and Likpe traditional areas (hereinafter referred to as the "SALL Traditional Areas").
8. In paragraph 2 of the Answer of the 1st Respondent to the Petition and in paragraph 1 of the Answer of the 2nd Respondent to the Petition, the said paragraph 8 of the Petition herein is admitted.

9. C.I. 95 has, at all material times, been in force and, in respect of its inclusion of the SALL Traditional Areas in the Hohoe Constituency, has never been validly revoked, revised, repealed nor otherwise amended.
10. For the Parliamentary elections that were held on 7th December 2020, 1st Respondent was required to conduct its functions in accordance with C.I. 95, and to allow every registered voter in the constituency to exercise the right to vote as provided for in article 42 of the 1992 Constitution of the Republic of Ghana.
11. Registered voters in the SALL Traditional Areas numbered over seventeen thousand (**17,000**).
12. 1st Respondent, in the evening of December 6, 2020 (just a few hours to the 2020 general election), sprang a press statement on the public in which it stated that voters in the SALL area could vote **only** in the Presidential election but **not** in the Parliamentary elections.
13. A copy of the said notice, which categorically excluded the participation of voters in the SALL Traditional Areas in the Parliamentary election, is attached as **Exhibit A**.
14. By the decision of 1st Respondent to prevent and exclude registered voters in the SALL Traditional Areas, including the 2nd to 5th Petitioners, from voting for a Parliamentary candidate in the Hohoe constituency, the 1st Respondent acted unreasonably and contrary to its constitutional responsibilities to the detriment of the said registered voters.
15. The said decision of the 1st Respondent, which was announced just a few hours to the commencement of the election in question and implemented in the conduct of the Parliamentary election on 7th December 2020 by officers of 1st Respondent, was in breach of its duty under Article 23 of the Constitution to be fair and reasonable in the conduct of their administrative responsibilities and in bad faith.
16. The said decision of 1st Respondent, which was implemented in the conduct of the Parliamentary election on 7th December 2020 by officers of 1st Respondent, was also arbitrary, capricious and not in accordance with due process, an infringement of Article 296 of the Constitution.
17. The said decision clearly affected the outcome of the election since the 2nd Respondent was claimed to have received 26,952 votes as against my 21,821,

thus a difference of 5131. The votes of the over 17,000 voters in the SALL Traditional Areas could have changed this result.

18. The 1st Respondent has purported to publish a Gazette with the name of 2nd Respondent as the person elected to represent the Hohoe constituency. Attached as **Exhibit B** is a copy of the relevant pages of the purported Gazette notification.
19. In the Answers filed by the Respondents to the Petition, while admitting C.I. 95 as having established Hohoe constituency as one of 275 constituencies in 2016, they, however, claimed that C.I. 95 had been amended by C.I. 128 and that the SALL Traditional Areas had become part of the Oti Region by virtue of C.I. 112.
20. The purported amendment of C.I. 95 by C.I. 128 was a violation of article 47(5) of the 1992 which provides that:
“The Electoral Commission shall review the division of Ghana into constituencies at intervals of not less than seven years, or within twelve months after the publication of the enumeration figures after the holding of a census of the population of Ghana, whichever is earlier, and may, as a result alter the constituencies.”
21. At the time of the purported enactment of C.I. 128, seven years had not elapsed since the establishment of the Hohoe Constituency in C.I. 95, nor had there been “twelve months after the publication of the enumeration figures after the holding of a census of the population of Ghana” to trigger a review by the 1st Respondent of the Hohoe Constituency. The purported alteration by the Electoral Commission of the boundaries of the existing Hohoe constituency as established in C.I. 95 was, thus, unconstitutional and invalid.
22. Furthermore, since 1st Respondent has no power to change regional boundaries and its power to change constituency boundaries is limited by the Constitution, its C.I. 128 could not lawfully place “the four communities namely Santrokofi, Akpafu, Lolobi and Likpe under the Buem Constituency in the Jasikan District of the Oti Region” for the 7th December 2020 elections, as claimed in paragraph 7 of the Answers of 1st and 2nd Respondents.
23. C.I. 128 was also not published in the Gazette on the day it was laid before Parliament and was, therefore, invalid as non-compliant with article 11(7) of the 1992 Constitution.
24. Even if C.I. 128 had been validly enacted, article 47(6) of the 1992 Constitution makes it clear that “Where the boundaries of a constituency established under

this article are altered as a result of a review, the alteration shall come into effect upon the next dissolution of Parliament.” The next dissolution of Parliament, by virtue of article 113(1) of the 1992 Constitution, would not come into effect until 6th January 2021.

25. The Respondents also rely, in paragraph 6 of their respective Answers, on C.I. 119, which 1st Respondent had also purported to enact, claiming that it “realigned the District, electoral areas and unit boundaries and ... placed the four communities namely Santrokofi, Akpafu, Lolobi and Likpe under the Jasikan District of the Oti Region”.
26. The 1st Respondent has no power to change the boundaries of districts and regions under the Local Governance Act 2016 (Act 936) and acted illegally in purporting to enact C.I. 119.
27. Therefore, C.I. 119, an instrument of the 1st Respondent, could not, and did not, change the boundaries of the Hohoe Municipality as established by the Local Government (Hohoe Municipal Assembly) (Establishment) Instrument, 2012, L.I. 2151 whereby Santrokofi, Akpafu, Lolobi and Likpe were part of Hohoe Municipality.
28. The fact that Santrokofi, Akpafu, Lolobi and Likpe were part of Hohoe Municipality under the Local Government (Hohoe Municipal Assembly) (Establishment) Instrument 2012, L.I. 2151 was admitted by 1st Respondent in its response to a Request to Admit Facts filed by my Counsel. The Request to Admit Facts and Response filed by 1st Respondent are attached as **Exhibits C and C1** respectively.
29. In purporting to enact C.I. 119, 1st Respondent went entirely contrary to section 1 (2) and (3) of the Local Governance Act 2016 which provide that “(2) The President may by Executive Instrument
 - a) declare any area within the country to be a district; and
 - b) assign a name to the district(3) The President shall, in the exercise of the power under paragraph (a) of subsection (2), direct the Electoral Commission to make appropriate recommendations” to the President.
30. Very recently, contrary to its reliance on C.I. 119 and C.I. 128 in its Answer to the Petition herein, the 1st Respondent has changed its position and, in a press release dated 16th May 2024, stated in paragraph 10 that had the 1st Respondent “left residents of the Guan District to vote for an MP in the Jasikan District/Buem Constituency, the election of the MP for the Buem

Constituency would have been in violation of an Act of Parliament, Act 936, as the MP would have illegally become a member of more than one District Assembly, the Guan District Assembly and the Jasikan District Assembly.” The press release is attached as **Exhibit D**.

31. 1st Respondent is, thereby, clearly recognizing that it would not have acted legally if it had allowed those it describes as “residents of the Guan District” to vote for an MP in the Jasikan District/Buem Constituency.
32. My lawyer will seek leave of the court to amend the Reply to the Answer of the 1st Respondent to the Petition by introducing the recent press release of the 1st Respondent in the latest attempts to defend itself against accusations of disenfranchising the people of the SALL Traditional Areas.
33. The recent public position of the 1st Respondent now throws overboard what it had sought to do in C.I. 128 and C.I. 119.
34. However, rather than simply acknowledging that it has acted contrary to article 47 of the Constitution, the 1st Respondent puts forward a different reason why it should not have allowed “residents of the Guan District to vote for an MP in the Jasikan District/Buem Constituency”, namely that “the election of the MP for the Buem Constituency would have been in violation of an Act of Parliament, Act 936, as the MP would have illegally become a member of more than one District Assembly, the Guan District Assembly and the Jasikan District Assembly.”
35. The constitutional provisions in article 47 of the 1992 Constitution set out above, which sweep aside Respondents’ reliance on C.I. 128, are, of course part of the fundamental law of Ghana, superseding statute and subsidiary legislation. Hence our reliance on those provisions in this Petition.
36. The glaring inconsistency between the recent position of the 1st Respondent, and the position of 1st and the 2nd Respondents in their Answers to the Petition, claiming C.I. 128 had amended C.I. 95, wholly undermines the Answers of the Respondents to this Petition.
37. Respondents must be held to their admissions that C.I. 95 had established the Hohoe Constituency with voters in the SALL Traditional Areas on the list of voters in that constituency and the court has no option but to apply the consequences of that admission taken together with the constitutional provisions that we are relying on.

38. It was soon after C.I. 112 whereby the Oti Region was created by the President that the 1st Respondent purported to enact the two constitutional instruments apparently in its zeal to take the SALL Traditional Areas out of the Volta Region.
39. However, by the Oti Region Constitutional Instrument, C.I. 112 of 2019, under the hand of the President of Ghana, the Oti Region was created and was stated in the said C.I. 112 “to **comprise the districts specified** in the Schedule to this Instrument.” (Emphasis supplied). As the “SALL Traditional Areas” mentioned in the Schedule to C.I. 112 were not a district at the time, C.I. 112, in its own terms, did not take out the SALL Traditional Areas from the Volta Region.
40. By virtue of section 1(1) of the Local Governance Act, 2016, Act 936, “For purposes of local governance, the districts in existence immediately before the commencement of this Act shall continue to exist.” The Hohoe Municipality established under the Local Government (Hohoe Municipal Assembly) (Establishment) Instrument 2012, L.I. 2151 thus continued to exist.
41. Listed as 1 to 8 in the Schedule to C.I. 112 are a number of districts which were, thus, lawfully constituted into the Oti Region. Listed as 9 in the said Schedule is the following: “SANTROKOFI, AKPAFU, LOLOBI AND LIKPE TRADITIONAL AREAS”. These areas were not a district and could not lawfully be included in the said Oti Region as if a “district”. It is the districts specified in the schedule that “**comprise**” the new Oti region. The enactment of C.I. 112 did not create a new district comprising the “SANTROKOFI, AKPAFU, LOLOBI AND LIKPE TRADITIONAL AREAS” and did not purport to do so. Their listing in this Schedule was thus not able to make them part of the new Region since the operative words of the Instrument specified that it was the districts in the Schedule that comprised the Region.
42. In the Response of the Electoral Commission to the Request to Admit Facts filed by my Counsel (Exhibit C1), it is admitted that, prior to the enactment of CI 112, “SANTROKOFI, AKPAFU, LOLOBI AND LIKPE TRADITIONAL AREAS” were not, by themselves, a district within the meaning of the Local Governance Act, 2016, Act 936 but legally were areas within the Hohoe Municipality.
43. Nor did C.I. 112 purport to create a new district comprising “SANTROKOFI, AKPAFU, LOLOBI AND LIKPE TRADITIONAL AREAS”. Santrokofi, Akpafu, Lolobi and Likpe Traditional Areas thus remained in the Volta Region. As C.I.

112 did not make the SALL Traditional Areas part of the Oti Region, it could not affect the operation of C.I. 95 as regards those areas.

44. C.I. 128 was also, therefore, invalid for a further reason; it bundled the SALL Traditional Areas which had not been moved into the Oti Region with areas within a district in the Oti Region as one constituency. This was unconstitutional by virtue of article 47(2) of the 1992 Constitution which provides that “No constituency shall fall within more than one region.” C.I. 128 could not create a constituency which falls within both the Oti Region and the Volta Region.
45. No Guan District had been created at the time of the 7th December 2020 elections and 1st Respondent had no lawful basis to prevent voters in the SALL Traditional Areas from voting in their existing constituency.
46. C.I. 95 was the operative instrument for the conduct of the Parliamentary elections of 7th December 2020.
47. That is why, after I was elected as candidate for my party, I conducted my campaign to be a Member of Parliament for Hohoe Constituency throughout all the Electoral areas for the Constituency listed in C.I. 95.
48. By letters dated July 31, 2020 and November 4, 2020, the 1st Respondent was duly notified by the Hohoe Constituency Chairman of the NDC of the fact that registered voters in the SALL area were entitled to vote in the Parliamentary elections in the Hohoe constituency. The said letters, are attached as **Exhibits E and F**.
49. The 1st Respondent, at all material times, knew or ought to have known that it had not validly created a new constituency in which the registered voters in the SALL area could vote for a Member of Parliament, and, therefore, that not allowing them to vote in the Hohoe constituency, meant that they would be unable to participate in the election of a Member of Parliament during the 2020 general elections and they would, therefore, have no representation in the next Parliament whose term began from January 7th 2021.
50. The conduct of the 1st Respondent denied 2nd to 5th Petitioners as well as other registered voters in the SALL traditional areas their right to vote provided for in article 42 of the 1992 Constitution and their right to be represented in the 8th Parliament of Ghana and, hence, their democratic participation in the nation.

51. The said decision of the 1st Respondent also denied 2nd to 5th Petitioners and other registered voters in the SALL traditional areas their right to equality before the law under Article 17 of the Constitution.
52. By preventing or otherwise excluding the 2nd to the 5th Petitioners and other voters in the SALL area from voting for a parliamentary candidate of their choice in the Hohoe constituency while allowing other voters in the same constituency (other than the SALL area) and in the country to vote, the 1st and the 2nd Respondents discriminated against the 2nd to the 5th Petitioners and other registered voters in the SALL area on account of their place of origin.
53. On or about December 8, 2020, after the close of polls and the collation of votes in the Hohoe Constituency, without the votes of the 2nd to the 5th Petitioners and others in the SALL area being cast and counted, an official of the 1st Respondent declared the 2nd Respondent as the Member of Parliament-elect for the Hohoe constituency.
54. The 2nd Respondent cannot lawfully hold the office of Member of Parliament for Hohoe Constituency in the 8th Parliament of the 4th Republic when the purported election on 7th December 2020 in the said Hohoe Constituency excluded voters in the SALL Traditional Areas, who were denied their constitutional and fundamental human right to vote.
55. The purported declaration of 2nd Respondent as Member of Parliament -Elect for Hohoe Constituency and the purported Gazetting of his name has to be set aside on account of the exclusion of registered voters in the SALL area, including the 2nd to the 5th Petitioners, from voting in the parliamentary election in the constituency.
56. We, the Petitioners, are entitled to the reliefs claimed in our Petition, namely:
 - a) The setting aside of the election results declared by an officer of 1st Respondent on the night of 7th December 2020 and the subsequent Gazette publication by the 1st Respondent of the 2nd Respondent as MP-elect.
 - b) An order of injunction restraining the 2nd Respondent from holding himself out [whether as MP-elect for Hohoe constituency or] as the MP for Hohoe constituency.

- c) An order directing 1st Respondent to conduct a Parliamentary election for the Hohoe constituency enabling all duly registered voters in the said constituency as established by C.I. 95 to vote for the Parliamentary candidate of their choice

DATED AT IN HOHOE THIS 29TH DAY OF MAY 2024.


.....
PROF. MARGARET KWEKU
1ST PETITIONER

STATEMENT OF TRUTH

I, **PROF. MARGARET KWEKU** state that the facts contained in the above statement are true to the best of my knowledge and belief.

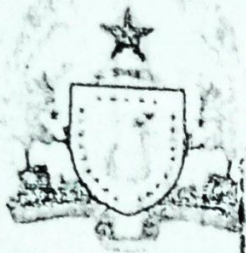

.....
PROF. MARGARET KWEKU

THE REGISTRAR
HIGH COURT
HO

AND TO THE:

1. 1ST RESPONDENT OR ITS SOLICITOR, KOFI SAKYI BOAMPONG, SAMBIAN AND CO, CHALLENGE HOUSE, ADUM, KUMASI.
2. 2ND RESPONDENT OR HIS SOLICITOR, BENEDICT KOFITSE, AFESI CONSULTANCY, FIRST FLOOR, OLIVER GYM (OPPOSITE TOP HERBAL), NORTH LEGON, ACCRA.

EXH. "A"



ELECTORAL COMMISSION
GUYANA

FILED ON 06-01-2021
AT 03:00pm
HIGH COURT
REGISTRAR
HO

6th December, 2020

CONDUCT OF PRESIDENTIAL AND PARLIAMENTARY ELECTIONS IN THE BUEN CONSTITUENCY

The Commission wishes to announce for the information of the General Public, especially voters in the Buen Constituency that the 7th December 2020 Presidential and Parliamentary Elections will take place in the Buen Constituency as scheduled from 7:00am to 5:00pm.

However, as a result of the creation of the Guan District Local Government (Guan District Assembly) (Establishment) Instrument, 2020 and pending the creation of the Guan Constituency, eligible voters in the Guan District will vote only in the Presidential Election but not in the Parliamentary Election in the Buen Constituency.

Voters in the Guan District are to take note of this Directive from the Electoral Commission.

ELECTORAL COMMISSION

FILED ON 23-12-2020
AT 08:50pm
HIGH COURT
REGISTRAR
HO

EXH. "B"

GHANA



REPUBLIC OF GHANA

Published by Authority

GAZETTE

FILED ON 06-01-2021
AT 03:00pm

No. 195

TUESDAY, 22ND DECEMBER

HIGH COURT

REGISTERED 2020

CONTENTS

PARLIAMENTARY ELECTION RESULTS – 2020

Results of the 7th December, 2020 Parliamentary Elections

4086

Electoral Commission of Ghana

Detailed Parliamentary Election Results

Date of Election: 7th December, 2020

Region: WESTERN

Constituency: JOMORO

Registered Voters: 74,276

Name	Party	Sex	Age	Votes	Pcnt	Elected
PAUL ESSIEN	NPP	M	45	19,889	36.15%	<input type="checkbox"/>
DORCAS TOFFEY	NDC	F	48	24,356	44.27%	<input checked="" type="checkbox"/>
PATRICK EKYE KWESIE	CPP	M	30	235	0.43%	<input type="checkbox"/>
NKRUMAH SAMIA YABA CHRISTINA	IND	F	60	10,539	19.16%	<input type="checkbox"/>

Valid Votes: 55,019

Rejected Votes: 1,028

Total Votes Cast: 56,047

Turn-Out: 74.07%

Region: WESTERN

Constituency: ELLEMBELE

Registered Voters: 70,684

Name	Party	Sex	Age	Votes	Pcnt	Elected
KWASI BONZOH	NPP	M	42	23,869	41.60%	<input type="checkbox"/>
EMMANUEL ARMAH-KOFI BUAH	NDC	M	54	32,053	55.87%	<input checked="" type="checkbox"/>
AYELEBIE AMIHERE NANA MEZENWOLEBIAH	GUM	M	38	520	0.91%	<input type="checkbox"/>
MATHIAS BONZOH-EWEREKO BOATENG	CPP	M	42	881	1.54%	<input type="checkbox"/>
JOHN NKUM ASMAH	PPP	M	54	24	0.04%	<input type="checkbox"/>
PRINCE NATHANIEL KWOFIE	NDP	M	37	28	0.05%	<input type="checkbox"/>

Valid Votes: 57,375

Rejected Votes: 666

Total Votes Cast: 58,041

Turn-Out: 82.11%

Region: WESTERN

Constituency: EVALUE AJOMORO GWIRA

Registered Voters: 51,696

Name	Party	Sex	Age	Votes	Pcnt	Elected
CATHERINE ABILEMA AFFEKU	NPP			17,287	45.09%	
KOFE ARKO NOKOE	NDC			19,820	51.69%	<input checked="" type="checkbox"/>
ELISHA JOSHUA KABENLAH	GUM			1,145	2.99%	
ASSUMAN FRANK AFFUL	NDP			90	0.23%	

Valid Votes: 38,342

Rejected Votes: 662

Total Votes Cast: 39,004

Turn-Out: 75.45%

Region: VOLTA

Constituency: HOHOE

Registered Voters: 59,674

Name	Party	Sex	Age	Votes	Pcnt	Elected
JOHN-PETER AMEWU	NPP	M	52	26,952	55.18%	<input checked="" type="checkbox"/>
PROFESSOR MARGARET KWEKU	NDC	F	57	21,821	44.67%	<input type="checkbox"/>
OYIE WILLIAM	CPP	M	37	40	0.08%	<input type="checkbox"/>
BALI EMMANUEL	NDP	M	25	33	0.07%	<input type="checkbox"/>

Valid Votes: 48,846

Rejected Votes: 389

Total Votes Cast: 49,235

Turn-Out: 82.51%

Region: VOLTA

Constituency: AFADJATO SOUTH

Registered Voters: 35,288

Name	Party	Sex	Age	Votes	Pcnt	Elected
FLOLU ETORNAM JAMES	NPP	M	30	7676	27.94%	<input type="checkbox"/>
ALORWU-TAY OFORIWA ANGELA	NDC	F	49	19,577	71.26%	<input checked="" type="checkbox"/>
BANKAS YAW KUMAH EDEM	NDP	M	38	218	0.79%	<input type="checkbox"/>

Valid Votes: 27,471

Rejected Votes: 277

Total Votes Cast: 27,748

Turn-Out: 78.63%

Region: UPPER EAST

Constituency: PUSIGA

Registered Voters: 46,269

Name	Party	Sex	Age	Votes	Pcnt	Elected
ABDUL-KARIM ZANNI DUBIURE	NPP	M	60	14,866	42.13%	<input type="checkbox"/>
LAADI AYII AYAMBA	NDC	F	58	14,929	42.31%	<input checked="" type="checkbox"/>
MOSES AZUMA MUSA	APC	M	58	283	0.80%	<input type="checkbox"/>
AGURI AKUGRI JOHN	PNC	M	60	138	0.39%	<input type="checkbox"/>
AKUNYE SIMON ATINGBAN	IND	M	67	5,069	14.37%	<input type="checkbox"/>

Valid Votes: 35,285

Rejected Votes: 1,698

Total Votes Cast: 36,983

Turn-Out: 74.34%

Region: UPPER EAST

Constituency: GARU

Registered Voters: 33,041

Name	Party	Sex	Age	Votes	Pcnt	Elected
MUSAH OSMAN	NPP	M	48	9,344	34.01%	<input type="checkbox"/>
ALALZUUGA ALBERT AKUKA	NDC	M	52	12,407	45.16%	<input checked="" type="checkbox"/>
DOMINIC AZIMBE AZUMAH	IND	M	70	5,720	20.82%	<input type="checkbox"/>

Valid Votes: 27,471

Rejected Votes: 860

Total Votes Cast: 28,331

Turn-Out: 72.40%

Region: UPPER EAST

Constituency: TEMPANE

Registered Voters: 48,980

Name	Party	Sex	Age	Votes	Pcnt	Elected
JOSEPH DINDIOK KPEMKA	NPP	M	47	16,462	44.01%	<input type="checkbox"/>
AKANVARIBA LYDIA LAMISI	NDC	F	47	20,939	55.99%	<input checked="" type="checkbox"/>

Valid Votes: 37,401

Rejected Votes: 978

Total Votes Cast: 38,379

Turn-Out: 76.36%

Region: UPPER EAST

Constituency: BINDURI

Registered Voters: 37,004

Name	Party	Sex	Age	Votes	Pcnt	Elected
ABANGA ABDULAI	NPP	M	50	15,016	49.11%	<input checked="" type="checkbox"/>
ROBERT BABA KUGANAB LEM	NDC	M	53	14,562	47.62%	<input type="checkbox"/>
AYFI DA JOHN AYEBILLA	IND	M	45	999	3.27%	<input type="checkbox"/>

Valid Votes: 30,577

Rejected Votes: 912

Total Votes Cast: 31,489

Turn-Out: 74.80%

SAMUEL TETLEY
DEPUTY CHAIRMAN (OPERATIONS)

EXH. "C"

IN THE SUPERIOR COURT OF JUDICATURE
IN THE HIGH COURT OF JUSTICE
HO — A.D 2023

REGISTRAR
HIGH COURT-HO

SUIT NO.: E10/06/2021

IN THE MATTER OF ARTICLE 99(1) (a) OF THE 1992 CONSTITUTION AND SECTION 16 OF THE REPRESENTATION OF THE PEOPLES LAW, PNDCL 284

IN THE MATTER OF A PETITION CHALLENGING THE VALIDITY OF THE ELECTION OF JOHN PETER AMEWU AS MEMBER OF PARLIAMENT-ELECT OF THE HOHOE CONSTITUENCY OF THE REPUBLIC OF GHANA IN THE PARLIAMENTARY ELECTION HELD ON 7TH DECEMBER 2020

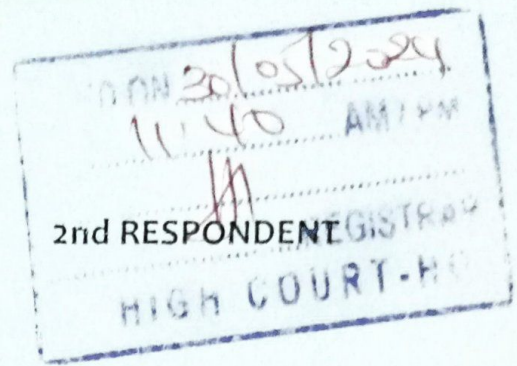
BETWEEN

1. PROFESSOR MARGARET KWEKU — 1st PETITIONER
AH-066
Hohoe-Ahado.
2. SIMON ALAN OPOKU-MINTAH — 2nd PETITIONER
GCA 053
Obetsa- Santrokofi Benua
3. JOHN KWAME OBIMPEH — 3rd PETITIONER
AOD-A 427, Odomi,
Akpafu.
4. GODFRIED KOKU KOFIE — 4th PETITIONER
LBK 234, Aya Street,
Likpe Bakua.
5. FELIX QUARSHIE — 5TH PETITIONER
House No. LKU
137 Lolobi Kumasi

AND

1. THE ELECTORAL COMMISSION — 1ST RESPONDENT
William Tubman Road
Ridge, Accra.

2. **JOHN PETER AMEWU (HON.)**
Ministry of Energy
Accra
Ministries, Accra.



REQUEST TO ADMIT FACTS

(Order 23 rule 2 (1)) -CI 47

TAKE NOTICE that the Applicants in this action require the 1st Respondent to admit for the purposes of this action only, the several facts respectively hereunder specified; and the 1st Respondent is hereby required within 14 days from the service of this request, to admit the said facts, saving in this action all just exceptions to the admissibility of such facts as evidence in this action.

The facts the admission of which is required are:

1. That Constitutional Instrument 128 was not published in the Gazette on the day it was laid before Parliament.
2. That the Local Government (Hohoe Municipal Assembly) (Establishment) Instrument 2012, L.I. 2151 established the Hohoe Municipality.
3. That the SALL Traditional Areas were part of the Hohoe Municipality at the time of the establishment of the said municipality.
4. That the SALL Traditional Areas were part of the Hohoe Municipality at the time Constitutional Instrument 112 came into effect.
5. That the SALL Traditional Areas were not a district at the time Constitutional Instrument 112 came into effect.

DATED AT LITHURBREW AND COMPANY, ACCRA THIS 5TH DAY OF JUNE 2023.

A handwritten signature in black ink, appearing to read 'Tsatsu Tsikata'.

TSATSU TSIKATA

SOLICITOR FOR PETITIONERS
LICENCE NO. eGAR01096/23

LITHURBREW AND COMPANY

THE REGISTRAR
HIGH COURT
HO

AND TO THE RESPONDENTS HEREIN:

1. EMMANUEL ADDAI, ELECTORAL COMMISSION, 8TH AVENUE, RIDGE, ACCRA
2. 2ND RESPONDENT (PETITIONERS TO DIRECT SERVICE)

EXH. "C1"

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

IN 2023-2024
12:54 PM
REGISTRAR
HIGH COURT
SUIT NO. C10/06/2021

IN THE MATTER OF ARTICLE 99 (1) (a) OF THE 1992 CONSTITUTION AND SECTION 16 OF THE
REPRESENTATION OF THE PEOPLE LAW, PNDCL 284

AND

IN THE MATTER OF A PETITION CHALLENGING THE VALIDITY OF THE ELECTION OF JOHN PETER AMEWU AS
MEMBER OF PARLIAMENT-ELECT OF THE HOHOE CONSTITUENCY OF THE REPUBLIC OF GHANA IN THE
PARLIAMENTARY ELECTION HELD ON 7TH DECEMBER, 2020

FILED ON 30/05/2024
11:00 AM / PM
REGISTRAR
HIGH COURT-HO

BETWEEN

PROFESSOR MARGARET KWEKU
AH-066
Hohoe-Ahado.

SIMON ALAN OPOKU-MINTAH
GCA 053
Obetsa-Santrokofi Benua

JOHN KWAME OBIMPEH
AOD-A 427, Odomi
Akpafu

GODFRIED KOKU KOFIE
LBK 234, Aya Street,
Likpe Bakua

FELIX QUARSHIE
House No. Lku
-137 Lolobi Kumasi

FILED ON 22-09-2023
AT 12:54 PM
REGISTRAR
HIGH COURT-HO

1ST PETITIONER

2ND PETITIONER

3RD PETITIONER

4TH PETITIONER

5TH PETITIONER

AND

THE ELECTORAL COMMISSION
William Tubman Road
Ridge, Accra

JOHN PETER AMEWU (HON.)
Ministry Of Energy, Accra
Ministries, Accra.

1ST RESPONDENT

2ND RESPONDENT

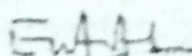
RESPONSE TO REQUEST TO ADMIT FACTS
ORDER 23 RULE 3(1)

1. The 1st Respondent in this action, for the purposes of this action only, hereby admits the
several facts respectively hereunder specified, subject to the qualifications or limitations if

any, hereunder specified, saving all just exceptions to the admissibility of such facts, or any of them, as evidence in this action.

2. That the 1st Respondent denies paragraph 1 of the Petitioners' request and says that the Constitutional Instrument 128 was duly published in the Gazette on the 8th of July, 2020, the same day on which the said instrument was laid before Parliament.
3. That the 1st Respondent admits paragraphs 2 and 3 of the Petitioners' request.
4. That the 1st Respondent denies paragraph 4 of the Petitioners' request.
5. That the 1st Respondent admits paragraph 5 of the Petitioners' request.

DATED AT ELECTORAL COMMISSION, HEAD OFFICE, ACCRA, THIS 29th DAY OF JUNE, 2023.


LAWYER FOR THE 1st RESPONDENT
EMMANUEL ADOM ESQ.
ELECTORAL COMMISSION
HEAD OFFICE - ACCRA
LICENCE NO. 4048 93432/23

THE REGISTRAR
HIGH COURT
HO

And for service on;

1. THE PETITIONERS OR THEIR SOLICITOR, EMILE ATSU AGBAKPE, OF ZENITH LAW CONSULT, 1ST FLOOR OLD MELCOM HOUSE, ADJACENT SOCIETE GENERALE GHANA LIMITED, HO.
2. THE 2ND RESPONDENT OR HIS SOLICITOR.



PRESS RELEASE

EXH. "D"

THIS DOCUMENT IS THE PROPERTY OF THE ELECTION COMMISSION OF GHANA
DO NOT MARK OR WRITE ON IT
16th MAY, 2024
SWORN BEFORE ME THIS 16th MAY 2024
BY [Signature]
[Signature]
[Signature]

INABILITY OF SALL (GUAN CONSTITUENCY) TO VOTE IN THE 2020 PARLIAMENTARY ELECTION: PUBLIC EDUCATION

In spite of the Electoral Commission's Press Statement on 15th May 2024, backed by documents, refuting the false and unfounded allegations by the President of Imani to the effect that, the Commission disenfranchised voters in the Guan Constituency (SALL), Franklin Cudjoe has continued to misinform and mislead the public by making reference to a public statement issued by the Commission on 6th December 2020. We note also that other citizens, such as Prof. Kwaku Asare, have also made reference to the 6th December 2020 statement issued by the Commission.

As an Election Management Body, we are duty bound to educate the public on the electoral process as follows:

ED ON 20/05/2024
[Signature]
[Signature]
[Signature]

1. Per Subsection 1(c) of Section 5 of the Local Governance Act, 2016 (Act 936) as amended by Act 940, an MP is a member of the District Assembly of the District in which the constituency is located. This provision is consistent with Article 242 (b) of the Constitution which provides that:

"A District Assembly shall consist of....(b) the Member or Members of Parliament for the Constituencies that fall within the area of authority of the District Assembly as members without right to vote."
2. An MP can therefore not be a member of two District Assemblies. Subsection 6 of Section 7 of Act 936 provides that, "A person shall not at any time be a member of more than one District Assembly." Put differently, two District Assemblies cannot have one MP as a member of their respective assemblies at the same time.
3. The provisions of the Constitution and the Local Governance Act as highlighted above, provide the legal basis for creating a new constituency whenever a new district is created, to avoid a situation where residents of two districts will vote for one MP. If two districts were allowed to vote for one MP, that would violate the law,

PRESS RELEASE

as the MP so elected would be a member of the two District Assemblies whose voters elect the MP.

4. When the Guan District was created out of the Jasikan District as per Legislative Instrument 2416, by the operation of law, voters in the new Guan District could not vote for an MP in the Buem Constituency of the Jasikan District Assembly. Doing so would have violated Act 936.
5. The Electoral Commission has a constitutional mandate to create constituencies and educate and inform citizens about the specific constituencies in which they are legally allowed to vote.
6. As explained in our previous statement, given that the Legislative Instrument that created the Guan District came into force on 9th November 2020, the same day Parliament went on recess, and with Parliament only returning from recess on 14th December 2020, that is, after the General Elections, the Constitutional Instrument creating the Guan Constituency could not be laid before Parliament, in time for it to mature into law before the Parliamentary Election on 7th December 2020.
7. That situation was not the creation of the Electoral Commission. The Commission did not create the Guan District neither was it consulted when decision was taken to create the Guan District.
8. The Commission did not and does not determine the calendar of Parliament.
9. However, the Commission had the constitutional mandate to inform voters in SALL and the general public that by the operation of law, voters in the Guan District could not vote for an MP in the Buem Constituency which falls under the Jasikan District.
10. The Commission's statement of 6th December 2020 was a constitutional duty which the Commission was bound by law to perform. Had the Commission failed to do so and left residents of the Guan District to vote for an MP in the Jasikan District/ Buem Constituency, the election of the MP for the Buem Constituency would have been in violation of an Act of Parliament, Act 936, as the MP would have illegally become a member of more than one District Assembly, the Guan District Assembly and the Jasikan District Assembly.
11. It is therefore disingenuous for anyone to suggest that, under the circumstances outlined, that the Commission in performing its constitutional duty, disenfranchised the good people of SALL/ Guan District.
12. As indicated in our previous statement, it is not in the interest of the Commission to disenfranchise any citizen. The blame does not lie with the Electoral Commission

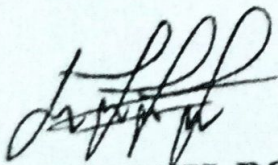
PRESS RELEASE

which only performed its constitutional duties following the creation of the Guan District. The discerning public can based on the facts outlined above, ascertain the truth for themselves.

13. The General Public is urged once again to ignore the campaign of Franklin Cudjoe to perpetuate the false narrative that the Electoral Commission disenfranchised SALL voters in 2020.
14. To conclude, the Commission quotes Paragraph 10 of the response of the Attorney-General to Parliament dated 13th November 2023:

"Mr. Speaker, the SALL problem began in November, 2020, when Parliament allowed the Local Government (Guan District Assembly) (Establishment) Instrument, 2020 (L. I. 2416) for the creation of the Guan District, which had been laid before Parliament on Tuesday, 6th October, 2020, to come into effect. On Monday, 9th November, 2020 (less than a month before the December 2020 elections), L. I. 2416 came into force after having satisfied the constitutional prerequisite of being laid before Parliament for twenty-one sitting days and same had not been annulled by Parliament. It is pertinent to note that the areas carved into the Guan District by L. I. 2416, were hitherto, part of the Jasikan District."

Thank you.



MR. MICHAEL BOADU
AG. DIRECTOR, PUBLIC AFFAIRS

EXH. "E"



NATIONAL DEMOCRATIC CONGRESS

HOHOE CONSTITUENCY

BANKERS:

GCB BANK - HOHOE

31st July 2020

FILED ON 06-01-2021
AT 03:00pm
[Signature]

THE CHAIRPERSON
ELECTORAL COMMISSION OF GHANA
ACCRA.

FILED ON 20/05/2021
11:40 AM/PM
[Signature]
REGISTRAR
HONOURABLE COURT-HO

HIGH COURT

Dear Madam,
REGISTRAR

HOHOE CONSTITUENCY PARLIAMENTARY ELECTION ON 7th DEC 2020

CHAIRMAN
0208279279

SECRETARY
0249438799

ORGANIZER
0244443363

COMM.
OFFICER
0203233736

WOMEN
ORGANIZER
0243029739

YOUTH
ORGANIZER
0242347422

LONGO CAUCUS
COORDINATOR
0245200557

AND
IN THE MATTER OF JUDGEMENT OF THE SUPREME COURT REFERENCE
NUMBER 16/01/20 IN THE CASE BETWEEN VALENTINE EDEM DZATSE VRS
HENRY AMETEFE & 5 ORS DATED 24th JUNE, 2020

The Hohoe Constituency Executive Committee of the National Democratic Congress (NDC) attention has been drawn to the erudite decision of his Lordships at the Supreme Court in the case stated above and the content of the judgment well noted. At page 7 of the judgment where the consequential orders were made, not until 7th January, 2021 when the C.I. 95 shall be amended by the Electoral Commission or deemed to be amended, the electorates in the four (4) traditional areas of Santrokofi, Akpafu, Likpe and Lolobi are eligible to cast their vote for their parliamentary candidates on 7th December, 2020 for the Hohoe Constituency.

This is our understanding and appreciation of the judgment of the Supreme Court. We are aware that eligible voters in those traditional areas are being registered under Jasikan District of the Oti Region in accordance with C.I. 112 in the ongoing Voter's Registration exercise. However, until the C.I. 95 is amended any time after 7th January, 2021, the electorates in the Santrokofi, Akpafu, Likpe and Lolobi must vote for their preferred parliamentary candidate in the forthcoming parliamentary election on 7th December, 2020.

We hope that we are all cross-purpose with the content of the judgment and that there shall be no contrary position to it.

Yours faithfully,
[Signature]



NDC

HOHOE CONSTITUENCY

BANKERS:
GCB BANK - HOHOE

Attached is a copy of the judgment passed by his Lordships at the Supreme Court
Thank you.

Yours sincerely,

George Bright Anni Bansah (Constituency Chairman)

CHAIRMAN
0208279279

SECRETARY
0219438799

ORGANIZER
0244443363

COMM.
OFFICER
0203233736

WOMEN
ORGANIZER
0243029739

YOUTH
ORGANIZER
0242347422

ZONGO CAUCUS
COORDINATOR
0245700557

Cc:

Regional Electoral Officer, Ho

Municipal Electoral Officer, Hohoe

District Electoral Officer, Jasikan

National Chairman, NDC

Regional Chairman, NDC-Volta

HOHOE CONSTITUENCY

EXH. "F"



NATIONAL DEMOCRATIC CONGRESS

BANKERS:
GCB BANK HOHOE

HOOE CONSTITUENCY

FILED ON

AT

FILED ON 30/05/2024

11:40 AM/PM

FILED ON 06-01-2021

AT 03:00pm

THE CHAIRPERSON
ELECTORAL COMMISSION OF GHANA
ACCRA.

REGISTRAR

HO

REGISTRAR

HIGH COURT-HO

HIGH COURT

CHAIRMAN
0208279279

SECRETARY
0249438799

ORGANIZER
0244443363

COMM.
OFFICER
0203233736

WOMEN
ORGANIZER
0243029739

YOUTH
ORGANIZER
0242347422

LONGO CAUCUS
COORDINATOR
0245200557

Dear Madam,

RE-HOOE CONSTITUENCY PARLIAMENTARY ELECTION ON 7TH DEC

OSEI BOINSU
COMMISSIONER

IN THE MATTER OF JUDGEMENT OF THE SUPREME COURT REFERENCE
NUMBER 16/01/20 IN THE CASE BETWEEN VALENTINE EDEM DZAISE VRS
HENRY AMETEFEE & 5 ORS DATED 24TH JUNE, 2020

With reference to our previous letter dated 13th July 2020, the Hohoe Constituency Executive Committee of the National Democratic Congress (NDC) hereby serves your august office this letter as a reminder on the subject matter.

This was arrived at after an erudite decision of his Lordships at the Supreme Court in the case stated above and the content of the judgment taken note of. At page 7 of the judgment where the consequential orders were made, not until midnight of 6th January, 2021 when the C.I 95 shall be amended by the Electoral Commission or deemed to be amended, the electorates in the four (4) traditional areas of Santrokofi, Akpafu, Likpe and Lolobi are eligible to cast their votes for both presidential and parliamentary candidates on December, 2020 for the Hohoe Constituency. We appreciate the judgment of the Supreme Court and we believe everyone else respects its orders and interpretations.

Kindly refer to the said letter and attached copies of the Judgment to guide your decisions even as we prepare for the general elections.



NATIONAL DEMOCRATIC CONGRESS

BANKERS:
CCB BANK - HOHOE

HOHOE CONSTITUENCY

We hope that we are all cross-purpose with the content of the judgment and that there shall not be any contrary position to it.

Thank you.

Yours sincerely,

George Bright Anni Bansah
(Constituency Chairman)

CHAIRMAN
0208279279

SECRETARY
0249438799

ORGANIZER
0244443363

COMM.
OFFICER
0203233736

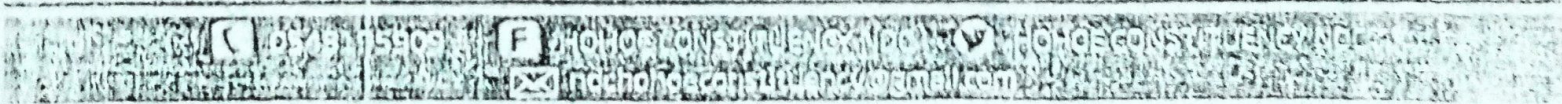
WOMEN
ORGANIZER
0243029739

YOUTH
ORGANIZER
0242347422

ZONGO CAUCUS
COORDINATOR
0245200557

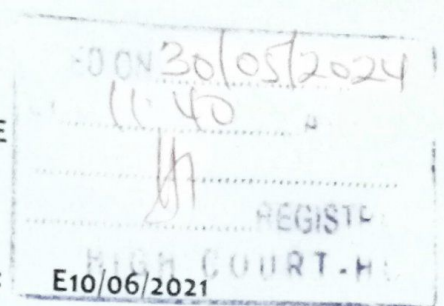
Cc:

Regional Electoral Officer, Ho
Municipal Electoral Officer, Hohoe
District Electoral Officer, Jasikan
National Chairman, NDC
Regional Chairman, NDC-Volta



IN THE SUPERIOR COURT OF JUDICATURE
IN THE HIGH COURT OF JUSTICE
HO — A.D 2023

SUIT NO.: E10/06/2021



IN THE MATTER OF ARTICLE 99(1) (a) OF THE 1992 CONSTITUTION AND SECTION
16 OF THE REPRESENTATION OF THE PEOPLES LAW, PNDCL 284

IN THE MATTER OF A PETITION CHALLENGING THE VALIDITY OF THE ELECTION OF
JOHN PETER AMEWU AS MEMBER OF PARLIAMENT-ELECT OF THE HOHOE
CONSTITUENCY OF THE REPUBLIC OF GHANA IN THE PARLIAMENTARY ELECTION
HELD ON 7TH DECEMBER 2020

BETWEEN

1. **PROFESSOR MARGARET KWEKU** — 1st PETITIONER
AH-066
Hohoe-Ahado.
2. **SIMON ALAN OPOKU-MINTAH** — 2nd PETITIONER
GCA 053
Obetsa- Santrokofi Benua
3. **JOHN KWAME OBIMPEH** — 3rd PETITIONER
AOD-A 427, Odomi,
Akpafu.
4. **GODFRIED KOKU KOFIE** — 4th PETITIONER
LBK 234, Aya Street,
Likpe Bakua.
5. **FELIX QUARSHIE** — 5TH PETITIONER
House No. LKU
137 Lolobi Kumasi

AND

1. **THE ELECTORAL COMMISSION** — 1ST RESPONDENT
William Tubman Road
Ridge, Accra.
2. **JOHN PETER AMEWU (HON.)** — 2ND RESPONDENT
Ministry of Energy
Ministries, Accra.

PLEADINGS

1. (a) Do you intend to make any amendment to your pleadings? **Yes**
(b) If so, when? **11th June 2024**

INTERROGATORIES

2. (a) Are any interrogatories outstanding? **No**
(b) If so, when served and upon whom? **NIL**

EVIDENCE

3. (a) Have all orders in relation to expert, factual and hearsay evidence been complied with? If no, specify what remains outstanding? **Yes**
(b) Do you intend to serve/seek leave to serve any further report or statement? If so, when and what report or statement? **For now, no leave or order is required.**
(c) Have all other orders in relation to oral evidence been complied with? **Yes**
(c) Do you require any further leave or orders in relation to evidence? If so please specify and say when you will apply.

TO SUBPOENA:

- a. **MANAGING DIRECTOR OF GHANA PUBLISHING COMPANY**
b. **CLERK OF PARLIAMENT, PARLIAMENT HOUSE, ACCRA**

4. (a) What witnesses of fact do you intend to call?
PROFESSOR MARGARET KWEKU
(b) What expert witnesses do you intend to call? **NIL**
(c) Will any witness require an interpreter? If so, which interpreter? **No**

DOCUMENTS

5. (a) Have all orders in relation to discovery been complied with? **No**

(b) If not, what orders are outstanding?

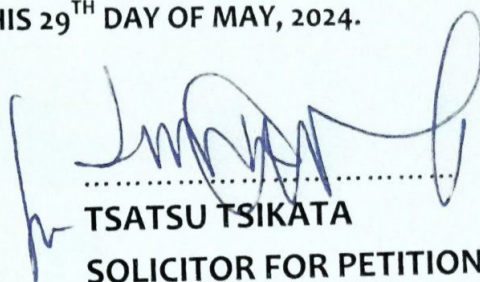
- i. **Order for 1st Respondent to produce authentic copies of C.I. 119 and C.I. 128.**
- ii. **Order for 1st Respondent to provide list of registered voters in the SALL Traditional Areas.**

(c) Do you intend to apply for any further orders relating to discovery? **NO**

(d) If so, what and when? **NIL**

6. When did you lodge paginated bundles of fully legible documents for the use of Counsel and the Court? **NIL**

DATED AT LITHURBREW AND COMPANY THIS 29TH DAY OF MAY, 2024.



TSATSU TSIKATA

SOLICITOR FOR PETITIONERS

LIC. NO. EGAR00640/24

THE REGISTRAR
HIGH COURT
HO

LITHUR BREW & COMPANY
No. 110B 1ST KADE CLOSE
KANDA ESTATES
P. O. BOX CT 3865 CANTONMENTS ACCRA
TEL: 0302208104/05

AND TO:

1. **1ST RESPONDENT OR ITS SOLICITORS KOFI SAKYI BOAMPONG, SAMBIAN AND CO, CHALLENGE HOUSE, ADUM, KUMASI.**
2. **2ND RESPONDENT OR HIS SOLICITOR BENEDICT KOFITSE, AFESI CONSULTANCY, FIRST FLOOR, OLIVER GYM (OPPOSITE TOP HERBAL), NORTH LEGON, ACCRA.**