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at 2:55 am/pm
AFD Registrar
SUPREME COURT OF GHANA

IN THE SUPERIOR COURT OF JUDICATURE
IN THE SUPREME COURT OF JUSTICE
ACCRA – A.D. 2020

WRIT NO. J1/5/2021

ARTICLE 64 OF THE 1992 CONSTITUTION AND SUPREME COURT RULES, 1996
(C.I. 16) (AS AMENDED BY C.I. 74 AND C.I. 99)

AMENDED PRESIDENTIAL ELECTION PETITION
PURSUANT TO LEAVE GRANTED BY THIS COURT ON 14TH JANUARY 2021
PRESIDENTIAL ELECTION HELD ON 7TH DECEMBER 2020.

JOHN DRAMANI MAHAMA

No. 33 Chain Homes
Airport Valley Drive
Accra

PETITIONER

AND

1. ELECTORAL COMMISSION

National Headquarters
6th Avenue
Ridge – Accra

1ST RESPONDENT

2. NANA ADDO DANKWA AKUFO-ADDO

House No. 02 Onyaa Crescent
Nima - Accra

2ND RESPONDENT

WITNESS STATEMENT OF DR. MICHAEL KPESSE-WHYTE

1. My name is Dr. Michael Kpessa-Whyte and I live at House No. 134/45, Nii Noi St, Dawenya, Accra, in the Greater Accra Region of the Republic of Ghana.
2. I am a Senior Lecturer at the University of Ghana and one of two representatives of Petitioner stationed in the National Collation Centre (“Strongroom”) of 1st Respondent during the Presidential Election held

on 7th December 2020. I testify in support of Petitioner's case as contained in his Petition.

3. As one of Petitioner's representatives in 1st Respondent's "Strongroom", I noticed many material irregularities during the entire process of the 7th December 2020 Presidential Election.
4. Consequently, and together with my colleague representative at the "strongroom", Mr. Robert Joseph Mettle-Nunoo, I brought these many material irregularities to the immediate attention of Petitioner and the National Democratic Congress (NDC), the political party on whose ticket Petitioner contested as candidate for the office of President in the Presidential Election held on 7th December 2020.
5. Based on our observation of the many material anomalies in the collation of votes in the "strongroom" and the subsequent report of same to Petitioner and the NDC, the NDC immediately caused a letter to be written to 1st Respondent, detailing some of Petitioner's and the NDC's concerns. Attached and marked **EXHIBIT MKW1** is a copy of the said letter.
6. As one of Petitioner's representatives in the "strongroom", and after discovering the many material errors in the collation of the votes, I, together with my colleague representative, Mr. Robert Joseph Mettle-Nunoo, did not certify the summary sheets of the results from some of the regions.
7. Based on our observations of many material anomalies with some of the collation sheets, we immediately brought same to the attention of Mrs. Jean Adukwei Mensa, Chairperson of 1st Respondent and the Returning Officer for the Presidential Election.
8. After making our observations known to Mrs. Jean Adukwei Mensa, Chairperson of 1st Respondent and the Returning Officer for the Presidential Election, she asked us to "go and consult with [Petitioner] and return." She assured us she was holding on with any declaration of the results, until our concerns and all other concerns with the collation of the votes were redressed. She added that she will ensure to send a dispatch rider to accompany us back to the "strongroom", to relay the feedback from Petitioner, before she declares the results.
9. Based on the assurances of Mrs. Jean Adukwei Mensa, we left the "strongroom".

10. Immediately we left the “strongroom”, and as heard by us on the radio as we arrived at Petitioner’s home and on television as we entered his home, Mrs. Jean Adukwei Mensa, hurriedly, and on our blind side, declared 2nd Respondent President-Elect in the Presidential Election held on 7th December 2020.
11. The said declaration by Mrs. Jean Adukwei Mensa was manifestly wrong as same was based on a wrong collation of the votes; arising from some of the self-same errors that we had discovered during our tenure in the “strongroom”.
12. After the 9th December 2020 declaration by Mrs. Jean Adukwei Mensa, Chairperson of 1st Respondent and the Returning Officer for the Presidential Election, 1st Respondent purported to make many corrections, notably, on 10th December 2020, to what its Chairperson had stated in the declaration. All these subsequent corrections were manifestly wrong as same were based on the very wrong collation of votes we, as representatives of Petitioner, had brought to her attention.
13. Although she promised to provide feedback to us, neither my colleague representative of Petitioner in the “strongroom”, Mr. Robert Joseph Mettle-Nunoo, nor I ever received any feedback from Mrs. Jean Adukwei Mensa on the concerns we raised with her.
14. I am aware that neither the Petitioner nor the NDC have received any feedback from Mrs. Jean Adukwei Mensa on the issues raised in the NDC’s letter to her, **Exhibit MKW1**.
15. As one of two representatives of Petitioner in the “strongroom”, I am still waiting for Mrs. Jean Adukwei Mensa, Chairperson of 1st Respondent and the Returning Officer for the Presidential Election, to acknowledge her unconstitutional conduct on 9th December 2020 and embark on a course to correct that conduct, by engaging in the necessary and standard consultations with all the representatives of the Presidential candidates for that election, including those of Petitioner, to ensure she does the right thing so as to reflect the true will of the Ghanaian people.



WITNESS

STATEMENT OF TRUTH

I, **DR. MICHAEL KPESSA-WHYTE**, say that I am the Witness herein and that I made this statement in respect of this Presidential Election Petition, and that to the best of my knowledge and honest belief, paragraphs 1-15 of the Witness Statement are true.

DATED THIS 27TH DAY OF JANUARY 2021.

**THE REGISTRAR
SUPREME COURT
ACCRA.**

**AND COPY EACH FOR SERVICE ON THE ABOVE-NAMED 1ST AND 2ND
RESPONDENTS OR THEIR SOLICITORS:**

- 1. JUSTIN AMENUVOR, AMENUVOR & ASSOCIATES, NO. 8 NII ODARTEY
OSRO STREET, KUKU HILL (FRONTLINE CAPITAL ADVISORS BUILDING),
OSU, ACCRA.**
- 2. AKOTO AMPAW, AKUFO-ADDO, PREMPEH & CO., 67 KOJO THOMPSON
ROAD, ADABRAKA, ACCRA**

EXHIBIT "MKWJ"

NATIONAL DEMOCRATIC CONGRESS

NATIONAL SECRETARIAT

Our Ref: NDC/HQ/69/Vol 2/297

Your Ref:

P. O. Box AN 5825
Accra - North, Ghana
Tel: +233 (0) 302 222 265
Email: ndcghhq@gmail.com

9th December, 2020

THE CHAIRPERSON
ELECTORAL COMMISSION
RIDGE - ACCRA

Dear Madam

PETITION AGAINST IRREGULARITIES IN THE PRESIDENTIAL AND PARLIAMENTARY ELECTIONS

The National Democratic Congress (NDC) hereby petitions your office regarding the December 7, 2020 Presidential and Parliamentary elections.

It has come to our notice that there are irregularities surrounding the conduct of the 7th December 2020 Parliamentary and Presidential Elections which have adversely impacted the fortunes of our party and completely undermined the credibility of the elections. By this Petition, we request that you investigate our complaints before declaring your final results. While the complaints in this our Petition are not exhaustive, we make specific reference to the following:

- (a) In the Eastern Region, the results in the Presidential Elections which were collated and signed by all the parties were not the ones that were transmitted from the Region to the Electoral Commission offices in Accra (APPENDIX A)
- (b) Ashanti Region provides fundamental problems that require investigation. We have found out that almost across board, the aggregates on the summary sheet do not reflect the individual results on the pink sheets. Further, the results collated and declared for the region do not reflect the aggregate results on the pink sheets in our custody.

You may also recall that prior to December 7, 2020, there were complaints that ballot papers thumb-printed for Candidate Nana Akufo Addo were found at various

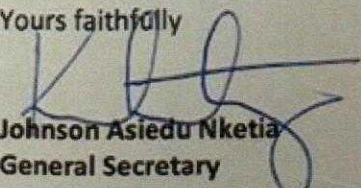
locations. The results in Ashanti Region in many constituencies show massive differences between the Parliamentary and Presidential votes, in some cases running into tens of thousands more in the Presidential elections. In Bantama for instance, it was noticed that the portion of the pink sheets reserved for recording the number of persons biometrically verified was not filled on a large number of pink sheets. When our agents requested for the biometric machines to confirm the recorded results, they were denied access, with the explanation that they were recorded in a book, access to which was also denied them.

- (c) Regarding the Parliamentary Elections, the irregularities are simply criminal.
- (i) In Tarkwa, for instance, the initial collation showed that NDC won. However 4 additional collations were done at gun-point, the first three in favour of the NDC candidate. The fourth one reversed the trend and the results were declared in favour of NPP.
 - (ii) In Sefwi Wiawso, results were declared without one ballot box being counted. The parties had agreed that an issue of alleged over-voting should be referred to the collation centre to be resolved. The ballot box disappeared enroute the collation centre. And yet results were declared in favour of the NPP Candidate.
 - (iii) In Upper Denkyira West, the EC officer has not declared the results because of threats of death. The results favour the NDC candidate.
 - (iv) In Sene West, a ballot box was snatched and the culprit apprehended. The seal of the NPP must have dislodged in the ensuing scuffle. That of NDC and the Electoral Commission were intact. However NPP would not allow the ballot box to be counted and added to the lot because it would obviously favour the NDC.
 - (v) In Techiman South, the NDC won, but the military was invited and in the ensuing scuffle two people were killed. The results have now been declared for the NPP.
- (d) One matter requires special mention. The use of the military in these elections is unprecedented. They featured heavily in these elections as an intimidating force to reverse election results, and continue to be used in the same intimidating role to insist on recounts and to intimidate election officers.

As already indicated, the above are not exhaustive.

By this Petition, we request that, in the spirit of transparency and fairness, you invite all the parties to your offices to resolve these problems before declaring the results. We will bring along the necessary documentation in support of our complaint.

Yours faithfully


Johnson Asiedu Nketia
General Secretary

For:

Cc

1. His Excellency John Dramani Mahama
2. The Chairman, NDC
3. International Observers

Public Election Regulations, 2020
PART TWELVE
(regulation 44 (b)(c) (d), (f) and (g), 44(10) and 44(10)(a))

CJ.127

NAME OF REGION

Eastern Region

NAME OF CANDIDATE	VOTES OBTAINED (IN FIGURES)	VOTES OBTAINED (IN WORDS)
1. NANA ADDO DANKWA AKUFO-ADDO	752061	SEVEN HUNDRED AND FIFTY TWO THOUSAND SIX HUNDRED AND ONE
2. JOHN DRAMANI MAHAMA	470999	FOUR HUNDRED AND SEVENTY THOUSAND NINE HUNDRED AND NINETY NINE
3. CHRISTIAN KWABENA ANDREWS	9819	NINE THOUSAND EIGHT HUNDRED AND NINETEEN
4. IVOR KOBINA GREENSTREET	854	EIGHT HUNDRED AND FIFTY FOUR
5. AKUA DONKOR	379	THREE HUNDRED AND SEVENTY NINE
6. HENRY HERBERT LARTEY	211	TWO HUNDRED AND ELEVEN
7. HASSAN AYARIGA	466	FOUR HUNDRED AND SIXTY SIX
8. KOFI PERCIVAL AKPALOO	510	FIVE HUNDRED AND TEN
9. DAVID APASERA	278	TWO HUNDRED AND SEVENTY EIGHT
10. BRIGITTE DZOGBENUKU	363	THREE HUNDRED AND SIXTY THREE
11. NANA KONADU AGYEMAN-RAWLINGS	358	THREE HUNDRED AND FIFTY EIGHT
12. AFRED KWAME ASIEDU WALKER	642	SIX HUNDRED AND FORTY TWO
A. TOTAL VALID BALLOTS	1236940	ONE MILLION TWO HUNDRED AND THIRTY SIX THOUSAND NINE HUNDRED AND FORTY
B. TOTAL REJECTED BALLOTS	21887	TWO THOUSAND EIGHTEEN HUNDRED AND EIGHTY SEVEN
C. TOTAL VOTES CAST	1264827	ONE MILLION TWO HUNDRED AND SIXTY FOUR THOUSAND EIGHT HUNDRED AND TWENTY SEVEN

DECLARATION

We, the undersigned, do hereby declare that the results shown above are true and accurate account of the ballots in the Region

REGIONAL DIRECTOR
ELECTORAL COMMISSION
KOFORIDUA - G.R.

FATH AMEZAKE
Name of Regional Collation Officer

[Signature]
Signature

8/12/2020
Date

9.39 am
Time

SN	NAME OF POLLING AGENT	NAME OF PARTY OR CANDIDATE	SIGNATURE	REASON, IF REFUSED TO SIGN
1.	<u>Nana Osei Akuffo-Akufo</u>	NANA ADDO DANKWA AKUFO-ADDO	<u>[Signature]</u>	
2.		JOHN DRAMANI MAHAMA		
3.	<u>YEDDAH BENJAMIN</u>	CHRISTIAN KWABENA ANDREWS	<u>[Signature]</u>	
4.		IVOR KOBINA GREENSTREET		
5.		AKUA DONKOR		
6.		HENRY HERBERT LARTEY		
7.		HASSAN AYARIGA		
8.		KOFI PERCIVAL AKPALOO		
9.		DAVID APASERA		
10.	<u>Amos Nkharisah</u>	BRIGITTE DZOGBENUKU	<u>[Signature]</u>	
11.		NANA KONADU AGYEMAN-RAWLINGS		
12.		AFRED KWAME ASIEDU WALKER		

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Public Election Regulations, 2020
FORM TWELVE
(regulation 44 (9)(c) (d), (f) and (g), 44(10) and 44(10)(a))

CI.127

NAME OF REGION

EASTERN

S/N	NAME OF CANDIDATE (in the order in which they appear on the Ballot Paper)	VOTES OBTAINED (IN FIGURES)	VOTES OBTAINED (IN WORDS)
1.	NANA ADDO DANKWA AKUFO-ADDO	729,146	SEVEN HUNDRED AND TWENTY NINE THOUSAND AND ONE HUNDRED AND FORTY SIX
2.	JOHN DRAMANI MAHAMA	454,176	FOUR HUNDRED AND FIFTY FOUR THOUSAND AND ONE HUNDRED AND SEVENTY SIX
3.	CHRISTIAN KWABENA ANDREWS	2535	TWO THOUSAND FIVE HUNDRED AND THIRTY FIVE
4.	IVOR KOBINA GREENSTREET	818	EIGHT HUNDRED AND EIGHTEEN
5.	AKUA DONKOR	357	THREE HUNDRED AND FIFTY SEVEN
6.	HENRY HERBERT LARTEY	202	TWO HUNDRED AND TWO
7.	HASSAN AYARIGA	446	FOUR HUNDRED AND FORTY SIX
8.	KOFI PERCIVAL AKPALOO	493	FOUR HUNDRED AND NINETY THREE
9.	DAVID APASERA	264	TWO HUNDRED AND SIXTY FOUR
10.	BRIGITTE DZOGBENUKU	358	THREE HUNDRED AND FIFTY EIGHT
11.	NANA KONADU AGYEMAN-RAWLINGS	348	THREE HUNDRED AND FORTY EIGHT
12.	AFRED KWAME ASIEDU WALKER	608	SIX HUNDRED AND EIGHT
A.	TOTAL VALID BALLOTS	1,236,940	ONE MILLION TWO HUNDRED AND THIRTY SIX THOUSAND AND NINE HUNDRED AND FORTY
B.	TOTAL REJECTED BALLOTS	27,867	TWO SEVENTY EIGHT HUNDRED AND SIXTY SEVEN
C.	TOTAL VOTES CAST	1,264,807	ONE MILLION TWO HUNDRED AND FORTY FOUR THOUSAND AND EIGHTY SEVEN

DECLARATION

We, the undersigned, do hereby declare that the results shown above are true and accurate account of the ballots in the Region

FAITH AMEDZAKE

Name of Regional Collation Officer

Signature

Date

Time

S/N	NAME OF POLLING AGENT	NAME OF PARTY OR CANDIDATE	SIGNATURE	REASON, IF REFUSED TO SIGN
1.	Hana Osei Akro Akro	NANA ADDO DANKWA AKUFO-ADDO		
2.	Jamal Kanneh	JOHN DRAMANI MAHAMA		
3.	Yedee BENJAMIN	CHRISTIAN KWABENA ANDREWS		
4.	Ogben Nwaka Anning	IVOR KOBINA GREENSTREET		
5.		AKUA DONKOR		
6.		HENRY HERBERT LARTEY		
7.		HASSAN AYARIGA		
8.		KOFI PERCIVAL AKPALOO		
9.		DAVID APASERA		
10.		BRIGITTE DZOGBENUKU		
11.		NANA KONADU AGYEMAN-RAWLINGS		
12.		AFRED KWAME ASIEDU WALKER		

FORM TWELVE