



**The Accra  
Times**

D I G I T A L

# Case Closed!

## Supreme Court Affirms Akufo-Addo's Win

In a unanimous decision, the Supreme Court of Ghana dismissed the election petition suit brought before it by Ghana's former president and Presidential Candidate of the National Democratic Congress (NDC) for the 2020 Elections, John Dramani Mahama.

**INSIDE**

**Big stories that marked the petition**

## National Democratic Congress Files Petition at the supreme Court to Challenge 2020 Election Results

THE BEGINNING

DECEMBER 30, 2020

After series of street protests across the country, the flagbearer of the National Democratic Congress (NDC), John Dramani Mahama, filed a petition at the supreme court to challenge the results of the 2020 presidential elections.

According to the lawyers, the Presidential results as declared by the Electoral Commission Chairperson, Jean Mensa is flawed and 'doesn't represent the will of the people.' The NDC presidential candidate, John Mahama has also described the EC's verdict as fictitious, stating that the results were manufactured to favour the governing New Patriotic Party

The results, as declared by the Commission's boss, Jean Mensa on Tuesday, December 9, recorded the governing New Patriotic Party's (NPP) Nana Akufo-Addo polling 6,730, 413 (51.59%) of the total votes cast, while John Mahama garnered 6, 214, 889 (47.36%) of the total votes cast.

Even after filing the petition, the party maintained that it will continue to use all legitimate actions that are currently being used by party supporters to drum home their demand "the government of President Akufo-Addo to enforce the rule of law and protect life and property in Ghana

### RELIEFS SOUGHT IN THE PETITION

The EC breached Article 63(3) on the declaration of the Presidential results.

Based on the data used for the Presidential declaration, none of the candidates got 50+1 to be declared President.

That the declaration by the EC is unconstitutional, null, void and of no effects.

An order annulling the 2020 Presidential election declaration

An order preventing the President from holding himself out as President-elect.

An order mandatory directing the EC to conduct a second election.

**Ghana existed as an empire from the 7th to the 13th centuries. The Ghanaian Empire included what we now know as Mali, Mauritania and Senegal.**

GHANA MONTH



## Supreme Court Sets January 26 to Commence Hearing; Sets Clear Timelines

ELECTION PETITION

JANUARY 20, 2021

After filing of petition by the National Democratic Congress (NDC) the Supreme Court set January 26, 2021, to commence hearing.

The court also set clear timelines in order to ensure that it meets the 42-day timeline required for an election petition as stated in its election manual.

The court had already met thrice to deal with pre-trial issues.

The court decided in the pre-trial the number of issues it will consider in the petition.

The issues included:

Whether or not the petition discloses any reasonable cause of action and whether or not per the data available any candidate obtained more than 50% of the votes cast.

Again, the Apex Court said it will look at "whether or not the second respondent obtained more than 50% of the votes cast by the exclusion or inclusion of Techiman South Constituency results and whether or not declaration was in violation of the constitution."

JANUARY 20, 2021

The Supreme Court ordered the petitioner, John Dramani Mahama, to file his witness statements by close of day on January 21, 2021. The petitioner had told the court they were bringing five witnesses.

The Electoral Commission (1st respondent) and President Akufo-Addo (2nd respondent) were ordered by the court to file their witness statements by Friday, January, 22.

At the close of day January 21, the petitioners refused to file any witness statements.

## Supreme Courts Requests Petitioner to File Witness Statements

ELECTION PETITION

**Ghana is the first country in Sub-Saharan Africa to have gained independence from British colonial rule.**

GHANA MONTH





## Supreme Court gives Mahama second chance to file witness statements

JANUARY 26, 2021

After refusing to file their witness statements on the day given by the court, the Supreme Court said on the first day of hearing that it would not hesitate to dismiss the 2020 election petition filed by former President John Dramani Mahama if he (Mahama) failed to comply with the court's order to file his witness statement.

This comes after Mr Mahama [petitioner], whose lawyers had told the court that they had five witnesses, failed to comply with the court's order to file witness statements by Thursday, January 21, 2020 as ordered by the court.

When the case was called Tuesday morning [January 26, 2021], although the lead counsel for Mr Mahama, Mr Tsatsu Tsikata was not in the courtroom, Mr Tony Lithur, a member of the petitioner's legal team, was asked by the panel why he failed to comply with the court order to file witness statements as directed.

In his response, Mr Lithur explained that the witness statements were not filed because he had filed a motion asking the court to halt the proceedings until the final determination of the review application on interrogatories which was dismissed by the court hence the inability to file the witness statements.

## Before Witness Statements, Petitioners's Motion to Serve interrogatories on EC Had Been Dismissed

Mahama's lawyers had sought to compel the EC to provide answers to some questions regarding the 2020 general elections.

Led by the lead counsel Tsatsu Tsikata, Mahama's legal team wanted the Commission to explain the manner in which the election results were transmitted.

They also wanted the court to compel the EC to disclose the level of involvement of the National Communications Authority (NCA) in the transmission of the presidential results.

However, the application was vehemently opposed by lawyers of the EC and President Akufo-Addo.

According to them, the information being requested by Mahama's legal team was not captured in their initial petition.

They argued that John Mahama and his legal team were using the "back door" to seek further information from the EC that were not captured in their petition.

The Supreme Court subsequently dismissed the application in a unanimous decision, insisting the interrogatories were irrelevant to the case.

Meanwhile, the election petition hearing has been adjourned to tomorrow, Wednesday, January 20, 2021.

JANUARY 19, 2021





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# 7 Applications Dismissed 5 Struck Out

ELECTION PETITION

DEC. 30. 2020 - FEB. 22, 2021

Throughout the election petition, thirteen (13) motions were filed. Twelve of these were filed by the counsel of the petitioner. The other one motion was filed by the first respondent, the Electoral Commission. The Second respondent, Nana Addo Dankwa Akufo-Addo did not file any motion throughout the case.

Except for one motion that was granted the petitioners, seven were dismissed and five struck out.

Among others, one of the motions that generated a lot of conversation was the petitioner's motion to reopen their case to subpoena the First respondent, the Electoral Commission. This is after various attempts to get her in the witness box. It became another failed attempt.

PARTY	NO.OF MOTIONS	GRANTED	DISMISSED	STRUCK OUT
J.D MAHAMA	12	1	7	4
ELECTORAL COMMISSION	1			1
AKUFO-ADDU	0			-
TOTAL	13	1	7	5

## We're interested in the BIGGER picture

There are over 300 different patterns of kente — each with a unique name and symbolic meaning.

GHANA MONTH





## Jean Mensah Swerves Tsatsu Tsikata; Supreme Court Rules

FEBRUARY 11, 2021

The Supreme Court of Ghana on Thursday February 11, 2021 ruled that the Chairperson of the Electoral Commission, Jean Mensa and Peter Mac Manu cannot be forced to testify in the election petition case.

The Apex court made the ruling following a request filed by lead counsel for the Electoral Commission, Justine Amenuvor and that of President Akufo-Addo, Akoto Ampaw, asking for permission not to call any witness after the petitioner, John Mahama, closed his case.

In a 16 minute 35 second ruling, the Chief Justice Kwasi Anin-Yeboah who read the ruling said the judges were not convinced by the contrary arguments made by Tsatsu Tsikata, lead counsel for the petitioner. He also said they were given a limited jurisdiction in the Election Petition case and that they do not intend to go beyond that jurisdiction.

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"We are minded to state that our jurisdiction invoked in this election petition is a limited jurisdiction clearly circumscribed by law. We do not intend to extend our mandate beyond what the law requires of us in such petitions brought under Article 64 (1) challenging the validity of the election of a president. Simply put, we are not convinced, and we will not yield to the invitation being extended to us by counsel for the petitioner to order the respondent to enter the witness box to be cross-examined. Accordingly, we hereby overrule the objection raised by the counsel for the petitioner against the decision of the respondents declining to adduce evidence in this petition," he added.

Counsel for the respondents insisted that the evidence put forth by the petitioner, John Dramani Mahama does not meet the burden of proof thereby making it unnecessary to put a witness for a counter case.

***“Simply put, we are not convinced, and we will not yield to the invitation being extended to us by counsel for the petitioner to order the respondent to enter the witness box to be, cross-examined.”***



We are interested in the **bigger picture**



# Supreme Court Sets March 4 for Final Ruling

FEBRUARY 22, 2021

The Supreme Court of Ghana on February 22, set march 4, as the date for the final determination of the ongoing Election Petition pending before it.

The court has over the past month being hearing details of the petition that was presented by the NDC Presidential Candidate, John Dramani Mahama, after the 9th Decemeber declaration of the results of the 2020 elections by the Electoral Commission.

John Dramani Mahama filed the petition at the court praying it to overturn the results of the election. He had claimed that none of the candidates crossed the constitutionally mandate 50+1 percent of votes to win the elections.

Mr Mahama appointed three witnesses out of the proposed five to argue his case on his behalf. Taking turns to address the court and be cross-examined, Mr Asiedu Nketia, Michael Kpessah-White and Rojo Mettle Nunoo sought to help prove the case of the petitioner.

Counsels for the first and second respondents, Justin Amenuvor and Akoto-Ampaw after cross-examining the witnesses of the petitioners decided to waive the rights of their witnesses to mount the witness box.

This did not please lead counsel for the petitioner, Lawyer Tsatsu Tsikata who sought to use various avenues to force the Chairperson of the Electoral Commission (EC), Jean Mensah in particular to mount the box and be cross-examined.

He failed on the first attempt and sought to open his petition, so he can subpoena the EC Chairperson but this application was still thrown out. His subsequent applications for reviews also fell on the rocks.



# Supreme Court Dismisses Mahama's Petition as Having No Merit

MARCH 4, 2021

The Supreme Court Ghana has in a unanimous decision dismissed the election petition suit brought before it by Ghana's former president and Presidential Candidate of the National Democratic Congress (NDC) for the 2020 Elections, John Dramani Mahama.

According to the court who ruled on the case on March 4, the country's sitting President, Nana Addo Dankwa Akufo-Addo was validly elected in the election held on December 7, 2020.

The Chief Justice of Ghana, Justice Anin-Yeboah, who presided over the petition against the election of Nana Akufo-Addo brought before the Supreme Court by the candidate of the main opposition political party in the election, John Dramani Mahama, upheld the declaration made by the Chairperson, Jean Adukwei Mensah.

The petition was heard by seven justices of the Supreme Court with the Chief Justice as the presiding judge.

In one of Mr. Mahama's reliefs he was seeking from the court, he had argued that none of the two candidates obtained the 50% + 1 to be declared a winner as mandated by the constitution of Ghana.

"The sun may have set on our hopes for the just-ended elections today but it will rise again tomorrow and will illuminate our path to a better outcome the next time round," Mahama told party members in Accra later Thursday.

President Akufo-Addo also took to social media to share the already known news, indicating his satisfaction with the ruling.

"On Thursday, 4th March 2021, the Supreme Court, in a unanimous ruling, affirmed my victory in the presidential election of 7th December 2020", he posted on Twitter.

