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Registra
SUPREME COURT OF GHANA

IN THE SUPERIOR COURT OF JUDICATURE
IN THE SUPREME COURT OF JUSTICE
ACCRA- A.D. 2021

WRIT NO. J1/5/2021

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

AMENDED PRESIDENTIAL ELECTION PETITION

**PURSUANT TO LEAVE GRANTED BY THIS COURT ON 14TH JANUARY, 2021
PRESIDENTIAL ELECTION HELD ON THE 7TH DAY OF DECEMBER, 2020**

BETWEEN

JOHN DRAMANI MAHAMA
No. 33 Chain Homes
Airport Valley Drive, Accra
GL-128-5622

) PETITIONER
)
)

AND

1. ELECTORAL COMMISSION
National Headquarters, Accra

) 1ST RESPONDENT
)

2. NANA ADDO DANKWA AKUFO-ADDU
H/No. 2, Onyaa Crescent
Nima, Accra

) 2ND RESPONDENT
)

**WITNESS STATEMENT OF PETER MAC MANU, 2ND RESPONDENT'S LAWFUL
ATTORNEY**

1. My name is Peter Mac Manu. I am an entrepreneur and the New Patriotic Party Campaign Manager for the 2020 General

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Election. I live at House No.11, 3rd Central Link, NTHC Estates, Adjirigano, East Legon, Accra.

2. By Power of Attorney, dated 15th January 2021, 2nd Respondent appointed me to testify in this Presidential Election Petition on his behalf. Annexed herewith is a copy of the Power of Attorney marked '**Exhibit 2nd Respondent -1**'.
3. I wish to state from the onset that the Petition is without merit and based on unfounded and misconceived assertions.
4. The election was conducted across 38,622 polling stations in Ghana and 311 special voting centers. In each of the polling stations and special voting centres, the votes were cast, counted and the results declared in the presence of representatives of the candidates, counting agents, voters, the general public and, in most instances, the media, local and international observers.
5. My Lords, upon the announcement of results, copies were posted at the various polling stations and the candidates' representatives were given copies of the Statement of Poll and Declaration for the Office of President (**Form Eight B-'Pink Sheet'**), in accordance with the law governing Presidential Election.
6. I note that the Petition does not disclose any attack on the validity of the election held throughout the 38,622 polling stations and 311 special voting centres, or any of the processes I have stated in paragraphs 4 & 5.
7. In point of fact, Petitioner's allegations of "**wrong aggregation of votes**" and "**vote padding**" are empty, and collectively involve about **6,622 votes** – this is a sum patently insignificant to materially affect the outcome of an election in which 2nd Respondent defeated Petitioner by well over **500,000 votes**.

8. Even though Petitioner claims that no candidate obtained more than 50% of the total number of valid votes cast at the election, Petitioner does not state any factual basis for that unfounded claim. He does not state the number of valid votes or percentage thereof that he obtained in the election, or the number of votes or percentage thereof that 2nd Respondent obtained in the election; nor does he state the total number of valid votes cast to support the allegations and request for the so-called "*second election with Petitioner and 2nd Respondent as the candidates*".
9. My Lords, the Petition is largely conjectural and borne out of Petitioner's unfounded imagination, and also the material facts in the Petition do not support the reliefs sought.
10. Further, Petitioner has mounted his attack on insignificant inaccuracies and slips in the "*declaration of the results*" of the election, rather than the validity of the election and the actual results thereof. These slips and errors did not affect the outcome of the election, and I say that 2nd Respondent won the Presidential Election of 7th December, 2020.
11. In sum, Petitioner's deliberate failure or calculated refusal to recognize these simple, logical and self-evident matters has led Petitioner erroneously to seek a "*second election*" based on insignificant errors and false and empty suppositions that neither Petitioner nor 2nd Respondent met the threshold of more than 50% of the total number of valid votes cast at the 2020 Presidential Election.
12. My Lords, what is rather conspicuous and significant is that Petitioner has not been able to make any claim in his Petition in respect of the exact number of valid votes he obtained and the total number of valid votes cast in favour of 2nd Respondent.

13. Indeed, my Lords, Petitioner very well knows that 2nd Respondent obtained more than 50% of the total number of valid votes cast at the 2020 Presidential Election, that is why he deliberately avoids mentioning any figures.
14. My Lords, the statement annexed by Petitioner as Exhibit "A" to his Petition is not an instrument made by 1st Respondent under Article 63(9) of the Constitution, 1992.
15. My Lords, I wish to state emphatically that the corrections of the errors by 1st Respondent in its statement on 9th December, 2020 were made within the authority of 1st Respondent.
16. The correction effected by 1st Respondent on 10th December, 2020, provides a proper reckoning of the percentage of votes obtained by 2nd Respondent using the "valid votes cast" rather than "total votes cast" and shows that 2nd Respondent obtained more than 50% of the total number of valid votes cast.
17. The persistent reliance by Petitioner on errors contained in the 9th December, 2020 statement by 1st Respondent further confirms the lack of any basis for the Petition.
18. My Lords, the evidence of the outcome of the election is the announcement of the results at all the **38,622** polling stations and the **311** special voting centres, used for the conduct of the election, which Petitioner does not question in the Petition.
19. I wish to state that the bold assertion that "*a total of One Hundred point Three percent (100.3%)*" is yielded from the percentages announced by 1st Respondent on 9th December, 2020, is based on the innocuous error 1st Respondent made inadvertently in reading the percentage of votes secured by 2nd Respondent as **51.595%** instead of **51.295%** and that, when a proper reckoning is done based on the correct percentage of "**51.295%**" secured by 2nd Respondent, the total percentage is 100%.

20. I deny paragraphs 15,16&17 of the Petition and emphasize again that Petitioner's claims are mischievously anchored on a harmless slip by 1st Respondent in interchanging "*total votes cast*" for "*total valid votes*", when announcing the various percentages obtained by each candidate on 9th December, 2020.
21. The endeavour by Petitioner to generate his own percentage as well as that of 2nd Respondent from total votes cast, is disingenuous, as Petitioner very well knows or ought to know that it is only "**total valid votes**" that is used in determining the results of an election.
22. My Lords, when the total valid votes cast are used as the denominator, 2nd Respondent will still be the outright winner of the election by more than 50%, even if by statistical projection, the votes of all the 128,018 registered voters in Techiman South Constituency were to be added to Petitioner's votes.
23. Further and in any event, the addition by Petitioner of all the votes of the total registered voters in Techiman South Constituency to the valid votes of Petitioner (resulting in an alleged reduction of 2nd Respondent's valid votes to 49.624%) is a deliberately misleading exercise in futility, as the exact number of votes actually obtained by each candidate in the Techiman South Constituency Presidential Election was known as at the time of filing the Petition and same is annexed as an exhibit to the Petition. Annexed herewith is a copy of the Collation Sheet for Techiman South Constituency marked '**Exhibit 2nd Respondent 2**'.
24. The Petitioner therefore cannot legitimately make any extrapolations from all the voters in Techiman South Constituency, because the Petition ought to be based on facts and not extrapolations and suppositions.

25. When the number of votes obtained by each candidate in Techiman South Constituency is factored into the results declared by 1st Respondent on 9th December, 2020, 2nd Respondent's percentage of the total number of valid votes cast is still well over 51%, a fact that Petitioner has not questioned in the Petition.
26. The Petitioner's persistent and false claim of being entitled to the votes of all registered voters in Techiman South Constituency, contrary to Petitioner's knowledge that the actual results from that Constituency were declared shortly after 1st Respondent's statement of 9th December 2020, is not only bizarre but defies reason and is a deliberate attempt to mislead this Honourable Court.
27. To the best of my knowledge 1st Respondent regularly conducted the Presidential Election in accordance with the Constitution, 1992 and the enabling law.
28. I repeat emphatically that Petitioner has neither challenged the conduct of the election itself nor the validity of the election.
29. According to 1st Respondent the adjustments in the numbers attributed to the various candidates and the consequent percentages thereof are based on 1st Respondent's correction of minor errors made based on further accurate information from four Constituencies from the Greater Accra Region. In any event, the margin of 1,001 votes contained in the alleged error, cannot, under any circumstances, affect the outcome of the election, even if added to Petitioner's votes and subtracted from the votes attributed to 2nd Respondent.
30. I, therefore, say that the innocuous errors in the Declaration and Press Release by 1st Respondent, which are, immaterial, do not meet the "**materiality**" threshold needed to warrant a challenge to the validity of the results of a regularly conducted election.

31. I say that 1st Respondent has clearly explained the reason for the adjustment of the figures announced on 9th December, 2020, and must add that that allegation (like all others), even if proven, has no material effect on the outcome of the election regularly conducted throughout the country.
32. I deny the statements in paragraphs 31, 32, 33, 34 & 35 of the Petition, and say that on Petitioner's own showing the difference between the National Democratic Congress (NDC)'s calculation and 1st Respondent's calculation, as per the allegation of "wrong aggregation" of votes, is a paltry **960** votes. A careful scrutiny of Petitioner's Exhibit E attached to the Petition shows that the 960 votes were not credited to any of the candidates in the election and thus, did not affect the results of the election. Further the 960 votes were a result of incorrect summation of the valid votes and the rejected votes and this arithmetic slip has absolutely no effect on the total number of valid votes obtained by each candidate.
33. The total number of votes involved in Petitioner's wild claim of "vote padding" is a negligible **5,662 votes**.
34. My Lords, the instant action is a ruse and a face-saving gimmick by Petitioner, after Petitioner and many senior members of his NDC party had prematurely pronounced outright victory in the election, only to be badly exposed by results of 1st Respondent, corroborated by most media houses worthy of note in the country as well as many independent local and international observers. Annexed herewith is the Coalition of Domestic Election Observers' (CODEO) Statement on the Official Results of the 2020 Presidential Elections dated 10th December 2020 and 15th December 2020 respectively and the European Union Observer Mission (EU OM) Preliminary Statement dated 9th December 2020 marked '**Exhibits 2nd Respondent -3,4 & 5**'.

35. The Petitioner's conduct and that of other leading members of the NDC in proclaiming outright victory with an alleged percentage of over 51%, only to now come to this Honorable Court and pray for "*a second election with Petitioner and 2nd Respondent as the candidates*", was contrived to mislead the people of Ghana, and shows that from the outset, Petitioner and his party leaders knew that they had lost the Presidential Election. Annexed herewith are pen drives of videos of leading members of the National Democratic Congress in their various press engagements declaring Petitioner as having won the Presidential Elections marked **'Exhibit 2nd Respondent 6'**.

I accordingly pray the Court to dismiss entirely all the reliefs sought by Petitioner.



PETER MAC MANU

THE REGISTRAR
SUPREME COURT,
ACCRA.

-AND TO THE ABOVE NAMED

1. **PETITIONER OR HIS LAWYER, TONY LITHUR ESQ, LITHUR BREW & CO, NO. 110B, 1ST KANDA CLOSE, KANDA, ACCRA.**
2. **1ST RESPONDENT OR ITS LAWYER, JUSTIN AMENUVOR ESQ., AMENUVOR & ASSOCIATES, NO. 8 II ODARTEY OSRO STREET, KUKU HILL, OSU, ACCRA.**