

**IN THE SUPERIOR COURT OF JUDICATURE  
IN THE SUPREME COURT OF JUSTICE**

**ACCRA - A. D. 2021**

PETITION 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**

**PRESIDENTIAL ELECTION HELD ON 7<sup>TH</sup> DECEMBER 2020**

THE PETITION OF:

**JOHN DRAMANI MAHAMA**

No. 33 CHAIN HOMES  
AIRPORT VALLEY DRIVE  
ACCRA GL-128-5622

**PETITIONER**

AND

**ELECTORAL COMMISSION OF GHANA**

8<sup>TH</sup>, RIDGE — ACCRA

**1<sup>ST</sup> RESPONDENT**

**NANA ADDO DANKWA AKUFO-ADDO**

HOUSE No. 02 ONYAA CRESCENT  
NIMA — ACCRA

**2<sup>ND</sup> RESPONDENT**

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**WITNESS STATEMENT IN SUPPORT OF THE 1<sup>ST</sup> RESPONDENT'S  
CASE**

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My name is JEAN ADUKWEI MENSA of No. E199/2 8<sup>th</sup> Avenue Ridge,  
Accra in the Greater Accra Region of the Republic of Ghana.

1. I am the Chairperson of the 1<sup>st</sup> Respondent and the Returning Officer for the 7<sup>th</sup> December, 2020 Presidential Elections.
2. Unless otherwise indicated, what I say in this witness statement is from my own knowledge, from events leading to the filing of this Petition and other matters that have come about after the filing of this Petition.
3. The Public Elections Regulations, 2020 (C.I. 127) which regulated the 7<sup>th</sup> December, 2020 elections laid out a four-stage procedure for the collation of the Presidential Election Results from the Polling Station all the way up to the Head Office of the Commission of the 1<sup>st</sup> Respondent where the Returning Officer is stationed.
4. At all the four stages, the summary of the results obtained by the Candidates are collated and recorded on Form 8B (Statement of Poll and Polling Station Results Form), Form 10 (Presidential Election Results Summary Sheet), Form 12 (Presidential Election Regional Results Summary Sheet) and Form 13 (Presidential Results Declaration Form) respectively. Attached as **Exhibits "1, 2, 3 and 4"** are samples of the respective Summary Sheets.
5. The Candidates or their Agents present are required by law to sign each of the Forms. Candidates or their Agents who fail or refuse to sign the Forms are provided with the opportunity to state reasons for their refusal to sign on the Forms.
6. The Officers in charge at each of these stages provide a duplicate carbon copy of the Summary Sheets referred to above to each Candidate or Agent present.
7. The results of the 7<sup>th</sup> December, 2020 Presidential Elections were collated in the chronological order outlined above as mandated by



law leading to the announcement of the results as captured on Form 13 on 9<sup>th</sup> December, 2020. See **Exhibit "4"** above.

8. As shown on the Form 13 (**Exhibit "4" above**), the 2<sup>nd</sup> Respondent obtained 6,730,413 of the Valid Votes while the Petitioner who had the second highest Valid Votes obtained 6,214,889 of the total Valid Votes which was 13,121,111.
9. I say that with these figures, the calculations showed that the 2<sup>nd</sup> Respondent had obtained more than 50% of the valid votes. It was also clear that whatever results were outstanding at the time could not mathematically change the more than 50% of the valid votes as obtained by the 2<sup>nd</sup> Respondent.
10. I say further that it was on this basis that the result of the 7<sup>th</sup> December, 2020 Presidential Election was declared on the 9<sup>th</sup> of December, 2020.
11. I say also that in announcing the figures, the total number of votes cast, being 13,434,574, was inadvertently announced as the **Total Valid Votes**. The **Total Valid Votes** as captured on Form 13 was actually 13,121,111, which represents the **Total Valid Votes** obtained by all the Candidates. Indeed a tabulation of all **Valid Votes** obtained by all 12 Candidates as declared by the 1<sup>st</sup> Respondent on 9<sup>th</sup> December 2020 and captured on Form 13 adds up to a total of 13,121,111.
12. I say also that Form 13 has the total number of votes cast as 13,434,574. Form 13 was signed by eight (8) Agents of the Candidates who were present at the time of the completion of the Form.

13. I say that the inadvertence, which did not affect the constitutional threshold of the Candidates, was noticed the next day and corrected through a Press Release which is one of the 1<sup>st</sup> Respondent's mediums of communicating with the General Public. The said Press Release was published on the official website and social media pages of the 1<sup>st</sup> Respondent and its authenticity has never been denied by 1<sup>st</sup> Respondent. Attached and marked **Exhibit "5"** is a copy of the said Press Release.
14. I say further that the declaration on 9<sup>th</sup> December, 2020 was made without the results from the Techiman South Constituency which had a total of 128,018 registered voters. This declaration was made on the basis that even if the total votes in the said Constituency, being 128,018, were allocated to the Candidate with the second highest votes (the Petitioner), it would not change the more than 50% of the Valid Votes obtained by the 2<sup>nd</sup> Respondent. The 2<sup>nd</sup> Respondent under that circumstance would have obtained 50.799% of the Valid Votes.
15. I say further that the Techiman South Constituency Presidential Election Results Summary Sheet has since been released prior to the institution of the action herein. The Petitioner obtained 52,034 Valid Votes and the 2<sup>nd</sup> Respondent obtained 46,379 Valid Votes. Attached and marked **Exhibit "6"** is a copy of the Techiman South Constituency Presidential Election Results Summary Sheet (Form 10).
16. I say that the Presidential Election Results Summary Sheet from the Techiman South Constituency has vindicated the mathematics based on which the result was declared on 9<sup>th</sup> December, 2020. When the figures on Form 10 of the Techiman South Constituency

above are added to the existing votes obtained by the Candidates, the 2<sup>nd</sup> Respondent obtained 6,776,792 votes while the Petitioner obtained 6,266,923 votes and brings the total valid votes to 13,220,547.

17. I say that with these actual figures, the 2<sup>nd</sup> Respondent obtained 51.295% which meets the more than 50% threshold in Article 63(3) of the 1992 Constitution.
18. I deny that the 1<sup>st</sup> Respondent padded the votes in favour of the 2<sup>nd</sup> Respondent as alleged by the Petitioner.
19. I say that the Petitioner is not entitled to the reliefs claimed.
20. I believe that the facts stated in this witness statement are true.

DATED IN ACCRA THIS 22<sup>ND</sup> DAY OF JANUARY, 2021.



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JEAN ADUKWEI MENSA





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STATEMENT OF TRUTH IN VERIFICATION OF THE WITNESS  
STATEMENT

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I, JEAN ADUKWEI MENSA do hereby make this statement of truth in verification of my witness statement as follows:

1. That the statements contained in paragraph 1 to 20 of the Witness Statement are true.
2. Wherefore I make this Statement of Truth in verification of the Witness Statement.

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JEAN ADUKWEI MENSA

THE REGISTRAR  
SUPREME COURT  
ACCRA

AND FOR SERVICE ON THE PETITIONER OR HIS LAWYER TONY LITHUR ESQ., LITHUR BREW & COMPANY NO. 110B 1<sup>ST</sup> KADE CLOSE KANDA ESTATES, ACCRA

AND FOR SERVICE ON THE 2<sup>ND</sup> RESPONDENT OR HIS LAWYER AKOTO AMPAW ESQ., AKUFO-ADDO, PREMPEH & CO., 67 KOJO THOMPSON ROAD, ADABRAKA – ACCRA