

Copy

Filed on 12/09/2023  
at 10:38 am/pm  
PD Registrar

IN THE SUPERIOR COURT OF JUDICATURE  
IN THE HIGH COURT OF JUSTICE  
TEMA – AD 2023

IN THE MATTER OF ARTICLES 23,33,42,45(E),46, 296, 140 OF THE 1992 CONSTITUTION  
AND  
IN THE MATTER OF AN APPLICATION BY AYITAH PRECIOUS UNDER ARTICLE 33 OF THE 1992  
CONSTITUTION AND ORDER 67 OF C. I. 47

SUIT NO: E12/358/23

**AYITAH PRECIOUS**  
H/No. PR/OT/039  
Otsebleku

**APPLICANT**

**VRS.**

1. **ELECTORAL COMMISSION**  
William Tubman Road  
Accra
2. **ATTORNEY GENERAL**  
Attorney General's Department  
Ministries, Accra

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

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

**AND**

**IN THE MATTER OF AN APPLICATION FOR COMMITTAL FOR CONTEMPT**

**THE REPUBLIC**

**VRS**  
**JEAN MENSA**  
**(CHAIRPERSON, ELECTORAL COMMISSION)**  
William Tubman Road  
Accra

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

**DR. BOSSMAN ERIC ASARE**  
**(DEPUTY CHAIRMAN, ELECTORAL COMMISSION)**  
William Tubman Road  
Accra

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

**MR.SAMUEL TETTEY**  
**(DEPUTY CHAIRMAN, ELECTORAL COMMISSION)**  
**(OPERATIONS)**  
William Tubman Road  
Accra

**3<sup>RD</sup> RESPONDENT**

---


MOTION ON NOTICE FOR COMMITAL FOR CONTEMPT PURSUANT TO ORDER 50 RULE 1(2)  
OF C.I 47

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PLEASE TAKE NOTICE that Counsel for and on behalf of the Applicant herein will move this Honourable Court for an order of this Court citing and committing the 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> Respondents to prison for contempt of this Honourable Court upon the grounds set out in the accompanying affidavit and for any such order(s) the Court may deem fit to make.

COURT TO BE MOVED on ~~MON~~ the 16<sup>th</sup> day of ~~OCT~~, 2023 at 9 o'clock in the forenoon or so soon thereafter as Counsel for the Applicant may be heard.

DATED AT ACCRA THIS 11<sup>TH</sup> DAY OF SEPTEMBER, 2023.

  
Nii Kpakpo Samoa Addo  
Lawyer for the Applicant  
Solicitors Licence No. eGAR 00652/23

The Registrar  
High Court  
Tema

AND FOR SERVICE ON THE ABOVE NAMED RESPONDENTS

Filed on 12/09/2023  
10:38 am/pm  
PD Registrar  
HIGH COURT, TEMA, G/R.

IN THE SUPERIOR COURT OF JUDICATURE  
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Ministries, Accra

1<sup>ST</sup> RESPONDENT

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AND

IN THE MATTER OF AN APPLICATION FOR COMMITTAL FOR CONTEMPT

THE REPUBLIC

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JEAN MENSA  
(CHAIRPERSON, ELECTORAL COMMISSION)  
William Tubman Road  
Accra

1<sup>ST</sup> RESPONDENT

DR. BOSSMAN ERIC ASARE  
(DEPUTY CHAIRMAN, ELECTORAL COMMISSION)  
William Tubman Road  
Accra

2<sup>ND</sup> RESPONDENT

MR.SAMUEL TETTEY  
(DEPUTY CHAIRMAN, ELECTORAL COMMISSION)  
(OPERATIONS)  
William Tubman Road  
Accra

3<sup>RD</sup> RESPONDENT

EXPARTE

---

**AFFIDAVIT IN SUPPORT OF APPLICATION FOR COMMITAL FOR CONTEMPT PURSUANT TO  
ORDER 50 RULE 1(2) OF C.I 47**

---

I, **AYITAH PRECIOUS**, of H/No. PR/OT/039 Otsebleku near Afienya in the Greater Region do hereby make oath and say as follows:

1. That I am the Applicant herein.
2. That the contents of this affidavit are matters within my personal knowledge, information and belief.
3. That at the hearing of this Application, my Counsel shall refer to all processes filed in this matter as if same were set out in extenso and sworn to on oath.
4. That I am a Citizen of Ghana and a resident of Otsebleku, near Afienya in the Greater Accra Region of the Republic of Ghana.
5. That the 1<sup>st</sup> Respondent is the Chairperson of the Electoral Commission.
6. That the 2<sup>nd</sup> Respondent is the Deputy Chairman of the Electoral Commission.
7. That the 3<sup>rd</sup> Respondent is the Deputy Chairman, Operations of the Electoral Commission.
8. That I am over eighteen (18) years, of sound mind and therefore entitled to be registered as a voter for the purposes of public election and referenda.
9. That I have never been registered onto the electoral roll.
10. That I intend to be registered onto the electoral roll in this upcoming limited voter registration exercise.
11. That on the 17<sup>th</sup> of August, 2023, the 1<sup>st</sup> Respondent announced at a press briefing in Accra, dubbed 'let the citizen know' that it would commence a registration exercise for eligible Ghanaians who turned 18 years old and other eligible voters

who could not register after the 2020 registration exercise to register on Tuesday, September 12, 2023. **(Attached and Exhibited as Exhibit AP 1 is a copy of a Media Publication of the 1<sup>st</sup> Respondent's press conference)**

12. That the Chairperson of the Electoral Commission, Jean Mensa indicated that the registration exercise would end on Monday, October 2, 2023.
13. That the Chairperson of the Electoral Commission, added that the exercise would be held at all the 268 district offices of the Electoral Commission across the country.
14. That the Chairperson of the Electoral Commission stated that, the District Level Assembly Elections would be held on Tuesday, December 19, 2023.
15. That the Chairperson of the Electoral Commission stated that, the district Level Assembly Elections would take place in all the 6,272 electoral areas in all the districts in the country except the Nkoraza North and Nkoranza South districts in the Bono Region.
16. That the Chairperson of the Electoral Commission stated that, the district Level Assembly Elections for the two districts would not be held until 2025.
17. That I reside at Otsebleku, near Afienya in the Greater Accra Region of the Republic of Ghana, that is about **Forty-four point three kilometres (44.3 km)** from the district office of the Electoral Commission in Prampram using the Accra-Aflao road and about **Thirty-seven point five kilometres (37.3 km)** using the Akosombo-Accra road.
18. That I cannot afford the cost of moving from my residence at Otsebleku to the 1<sup>st</sup> Respondent's district office at Prampram to take part in the limited voter registration exercise.
19. That the limited voter registration centre designated in my electoral area will be closer in proximity to my residence.

20. That the 1<sup>st</sup> Respondent's decision to restrict the limited voter registration exercise to its district office instead of the already existing electoral areas means that I cannot partake in the upcoming limited voter registration exercise.
21. That being aggrieved by the said decision of the 1<sup>st</sup> Respondent, I was compelled to institute an originating motion on notice in the High Court Tema and also filed an interlocutory injunction application to restrain the Respondents from further actions. **(Attached and Exhibited as Exhibit AP2 and Exhibit AP3 are copies of the said originating motion on notice and injunction application respectively).**
22. That the said originating motion on notice and interlocutory injunction were served on the Electoral Commission on 8<sup>th</sup> September 2023 to restrain it from going ahead with the limited voter registration exercise at its district offices **(Attached and Exhibited as Exhibit AP4 and Exhibit AP5 are copies of proof of service of the originating motion and injunction application respectively)**
23. That the Respondents have disregarded the said injunction application and further continued to state publicly their intention to continue with the limited voter registration exercise in its current form.
24. That on the 11<sup>th</sup> of September 2023, there was a press release by the Electoral Commission stating that the limited Registration exercise will begin on the 12<sup>th</sup> September 2023 at its 268 District Offices of the Electoral Commission. **(Attached and Exhibited as Exhibit AP6 is a copy of the press release issued on 11<sup>th</sup> September 2023).**
25. The Chairperson of the Electoral Commission on the 10<sup>th</sup> of May 2023 informed the National Democratic Congress (NDC) in a similar circumstance that it will not supervise the Presidential and Parliamentary primaries of the party unless the injunction application is determined by the Court as it does not want to be cited for contempt of Court. **(Attached and Exhibited as Exhibit AP7 is a copy of a Media Publication).**
26. That I am advised by Counsel and verily believe same to be true that a person can be committed for contempt when his actions are prejudicial to the outcome of a case pending before a Court of competent jurisdiction.

27. That I am advised by Counsel and verily believe same to be true that the Respondents act of putting measures in place to go ahead with the limited registration exercise in its District offices whilst this Court is yet to hear and determine the Applicant's Interlocutory Injunction Application is prejudicial to the outcome of the application before the Court, and is calculated to prejudice and overreach the Applicant's originating motion on notice and injunction application pending before this Honourable Court.
28. That the decision of the Electoral Commission to conduct the limited registration exercise in its district offices is a direct interference with the due administration of justice and prejudicial to the outcome of the Applicant's pending Interlocutory Injunction Application and the substantive suit before this Honourable Court.
29. That I am advised by Counsel and verily believe same to be true that where a case has been filed, any action, intention, omission or conduct that is likely to prejudice or prejudices the outcome of the case or interferes with the due administration of justice will be tantamount to contempt of Court.
30. That I am advised by my Counsel and verily believe same to be true that where a party to a suit before a Court takes an action which may jeopardize the outcome of the case or application before the Court, such an action amounts to contempt of the Court.
31. That the Respondents intentions to continue with the limited voter registration exercise at its district offices jeopardizes the outcome of the Applicant's Interlocutory Injunction Application and the substantive suit before this Court and is therefore contemptuous of this Honourable Court.
32. That the conduct of the Respondents is unpardonably contemptuous.
33. That the Respondents deserve a custodial prison sentence and nothing less for bringing the administration of justice into disrepute.
34. That in the circumstances, I humbly pray that this Honourable Court commits the Respondents to prison for Contempt of this Honourable Court.

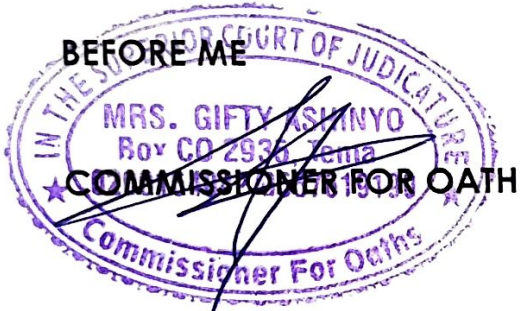
WHEREFORE I swear to this affidavit in support of the motion.

SWORN at Tena this 12th

day of September, 2023

  
.....  
DEPONENT

BEFORE ME  
IN THE SUPERIOR COURT OF JUDICATURE  
MRS. GIFTY ASHNYO  
Box CO 2936 Tena  
COMMISSIONER FOR OATH  
Commissioner For Oaths





Filed on 12/09/2023  
at 10:38 am/pm  
Registrar  
HIGH COURT, TEMA, G/R.

IN THE SUPERIOR COURT OF JUDICATURE  
IN THE HIGH COURT OF JUSTICE  
TEMA – AD 2023

IN THE MATTER OF ARTICLES 23,33,42,45(E),46, 296, 140 OF THE 1992 CONSTITUTION

AND

IN THE MATTER OF AN APPLICATION BY AYITAH PRECIOUS UNDER ARTICLE 33 OF THE 1992  
CONSTITUTION AND ORDER 67 OF C. I. 47

SUIT NO: E12/358/23

**AYITAH PRECIOUS**  
H/No. PR/OT/039  
Otsebleku

**APPLICANT**

**VRS.**

- 3. ELECTORAL COMMISSION**  
William Tubman Road  
Accra
- 4. ATTORNEY GENERAL**  
Attorney General's Department  
Ministries, Accra

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

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

**AND**

IN THE MATTER OF AN APPLICATION FOR COMMITTAL FOR CONTEMPT

THE REPUBLIC

**VRS**

**JEAN MENSA**  
**(CHAIRPERSON, ELECTORAL COMMISSION)**  
William Tubman Road  
Accra

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

**DR. BOSSMAN ERIC ASARE**  
**(DEPUTY CHAIRMAN, ELECTORAL COMMISSION)**  
William Tubman Road  
Accra

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

**MR. SAMUEL TETTEY**  
**(DEPUTY CHAIRMAN, ELECTORAL COMMISSION)**  
**(OPERATIONS)**  
William Tubman Road

**3<sup>RD</sup> RESPONDENT**

**EXPARTE**  
**AYITAH PRECIOUS**  
H/No. PR/OT/039  
Otsebleku

**APPLICANT**

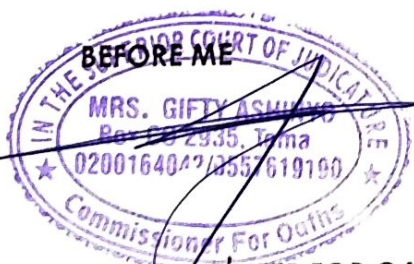
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**CERTIFICATE OF EXHIBITS**  
**ORDER 20 RULE 14 (1) (2) & (3) OF C.I 47**

---

I, GIFTY ASHIMTO (MRS) hereby certify that the under listed have been exhibited to the affidavit sworn before me.

1. Exhibit AP1 is a copy of a Media Publication of the 1<sup>st</sup> Respondent's press conference.
2. Exhibit AP2 is a copy of the originating motion on notice
3. Exhibit AP3 is a copy of the injunction application.
4. Exhibit AP4 and Exhibit AP5 are copies of proof of service of the originating motion on notice and injunction application respectively.
5. Exhibit AP6 is a copy of the press release by the Electoral Commission.
6. Exhibit AP7 is a copy of the media Publication.



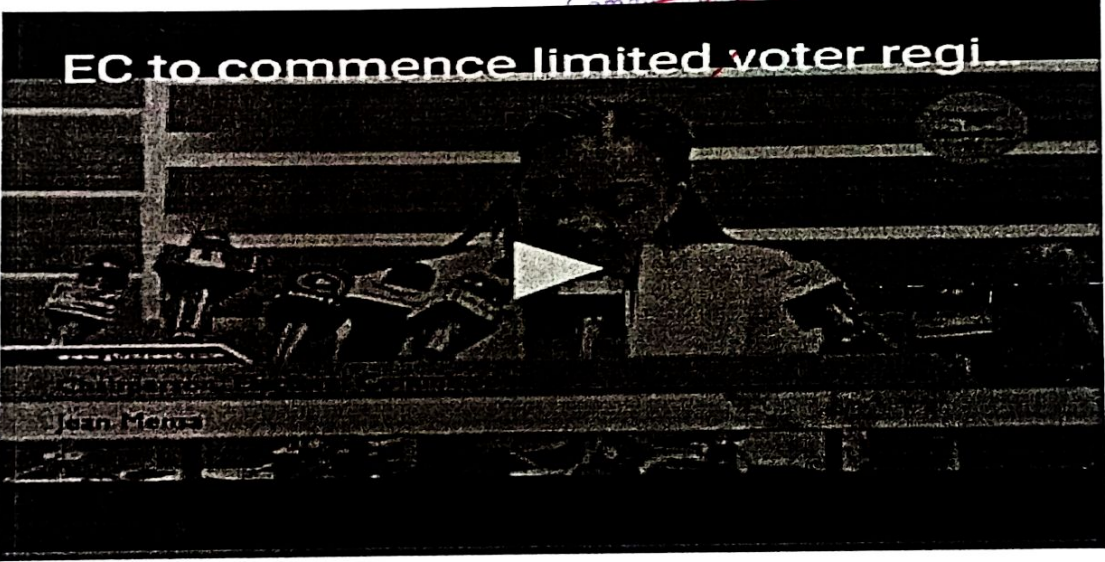
**COMMISSIONER FOR OATH**

EXHIBIT "API"



Menu > News

EC to commence limited voter registration on September 12



Video Archive

Source: www.ghanaweb.com

Thu, 17 Aug 2023

DDP Outdoor Ltd
Outdoor Advertising Company
Welcome to Ghana's Largest billboard and Advertising firm





The Electoral Commission of Ghana has announced that it would commence a registration exercise for eligible Ghanaians who turned 18 years old after the 2020 registration exercise and other eligible voters who could not register on Tuesday, September 12, 2023.

The Chairperson of the Electoral Commission, Jean Mensa, who made this disclosure at a press briefing in Accra, dubbed, 'Let the Citizen Know', on August 17, 2023, indicated that the registration exercise would end on Monday, October 2, 2023.

She added that the exercise would be held at all the 268 district offices of the EC across the country.

"The voter's registration exercise will afford Ghanaians who have attained the age of 18 years, since the last registration of 2020 and others who are more than 18 years, but for various reasons couldn't register during the 2020 registration exercise.

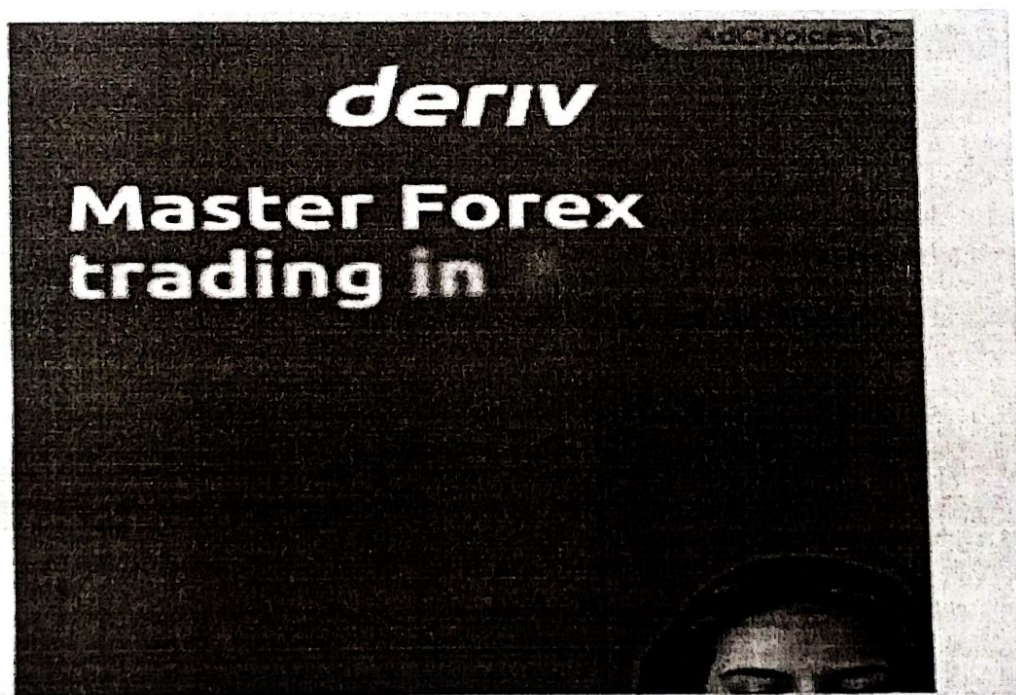
"The EC will embark on voter registration in all 268 district offices of the commission. The



"The EC will embark on voter registration in all 268 district offices of the commission. The exercise will be held from September 12 to October 2," she said.

Jean Mensa also indicated that Ghanaians who have misplaced their voter identification cards would also be given the opportunity to replace them at a fee of GH¢10.

She added that the much-awaited District Level Assembly Elections (DLE) would be held on Tuesday, December 19, 2023.





The EC chair said that the DLE would take place in all the 6,272 electoral areas in all the districts in the country except the Nkoranza North and Nkoranza South districts in the Bono Region.

She added that DLE for these two districts would not be held until 2025.

BAI/DAG

***Ghana's leading digital news platform, GhanaWeb, in conjunction with the Korle-Bu Teaching Hospital, is embarking on an aggressive campaign which is geared towards ensuring that parliament passes comprehensive legislation to guide organ harvesting, organ donation, and organ transplantation in the country.***



ETH AP2

IN THE SUPERIOR COURT OF JUDICATURE  
IN THE HIGH COURT OF JUSTICE  
TEMA - AD 2023

Filed on 08/09/23  
at 2:00 am/pm  
Registrar  
HIGH COURT, TEMA, G/R

IN THE MATTER OF ARTICLES 23,33,42,45(E),46, 296, 140 OF THE 1992 CONSTITUTION  
AND  
IN THE MATTER OF AN APPLICATION BY AYITAH PRECIOUS UNDER ARTICLE 33 OF THE 1992  
CONSTITUTION AND ORDER 67 OF C. I. 47

SUIT NO: E12/358/23

AYITAH PRECIOUS  
H/No. PR/OT/039  
Otsebleku

APPLICANT

VRS.

1. **ELECTORAL COMMISSION**  
William Tubman Road  
Accra
2. **ATTORNEY GENERAL**  
Attorney General's Department  
Ministries, Accra.

This is the document referred to in the affidavit of A. Precious and I have filed it. AP2  
Tema 12th  
day of Sept 2023  
Commissioner for Oaths

1<sup>ST</sup> RESPONDENT

2<sup>ND</sup> RESPONDENT

ORIGINATING MOTION ON NOTICE

**TAKE NOTICE** that Counsel for and on behalf of the Applicant herein will move this Honourable Court for a declaration that the decision of the 1<sup>st</sup> Respondent to restrict the limited voter registration exercise to its 268 district office is unlawful and a violation of the Applicant's fundamental human rights and freedoms guaranteed under **Articles 23, 33, 42, 45(E), 46, 296, and 140 of the 1992 Constitution**, an order directed at the 1<sup>st</sup> Respondent to decentralize and expand the upcoming limited voter registration exercise to make it easy for the Applicant to be registered onto the electoral roll; and a further order restraining the 1<sup>st</sup> Respondent, its agents, workmen and assigns from restricting the limited voter registration exercise to its District offices on grounds contained in the accompanying affidavit and for any other order(s) that this Honourable Court may deem fit.

**COURT TO BE MOVED** on the .....day of .....2023 at 9 'o' clock in the forenoon or so soon thereafter as Counsel for the Applicant may be heard.

DATED IN ACCRA THIS 7<sup>TH</sup> DAY OF SEPTEMBER, 2023.

  
Nii Kpakpo Samoa Addo  
Solicitor for the Applicant  
License No. eGAR 00652/23

The Registrar  
High Court  
Tema

AND FOR SERVICE OF THE ABOVE NAMED RESPONDENTS



IN THE SUPERIOR COURT OF JUDICATURE  
IN THE HIGH COURT OF JUSTICE  
HUMAN RIGHTS DIVISION  
ACCRA – AD 2023

Filed on 08/09/23  
at 2:00 .....am/pm  
.....Registrar  
**HIGH COURT, TEMA, G/R.**

IN THE MATTER OF ARTICLES 23, 33, 42, 45(E), 46, 296, AND 140 OF THE 1992 CONSTITUTION  
AND  
IN THE MATTER OF AN APPLICATION BY AYITAH PRECIOUS UNDER ARTICLE 33 OF THE 1992  
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**AYITAH PRECIOUS**  
H/No. PR/OT/039  
Otsebleku

**SUIT NO:**

**APPLICANT**

**VRS.**

- 1. ELECTORAL COMMISSION**  
William Tubman Road  
Accra
- 2. ATTORNEY GENERAL**  
Attorney General's Department  
Ministries, Accra.

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

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

---

**AFFIDAVIT IN SUPPORT OF ORIGINATING MOTION ON NOTICE**

---

I, **AYITAH PRECIOUS**, of H/No. PR/OT/039 Otsebleku near Afienya in the Greater Region do hereby make oath and say as follows:

1. That I am the Applicant herein.
2. That the contents of this affidavit are matters within my personal knowledge, information and belief.
3. That at the hearing of this Application, my Counsel shall refer to all processes filed in this matter as if same were set out in extenso and sworn to on oath.
4. That I am a Citizen of Ghana and a resident of Otsebleku, near Afienya in the Greater Accra Region of the Republic of Ghana.

5. That I am over eighteen (18) years, of sound mind and therefore entitled to be registered as a voter for the purposes of public election and referenda.
6. That I have never been registered onto the electoral roll.
7. That I intend to be registered onto the electoral roll in this upcoming limited voter registration exercise.
8. That the 1<sup>st</sup> Respondent is a constitutional body mandated to compile the electoral register and organize public elections.
9. That the 2<sup>nd</sup> Respondent is a nominal defendant in respect of human rights actions before this Honourable Court.
10. That on the 17<sup>th</sup> of August, 2023, the 1<sup>st</sup> Respondent announced at a press briefing in Accra, dubbed 'let the citizen know' that it would commence a registration exercise for eligible Ghanaians who turned 18 years old and other eligible voters who could not register after the 2020 registration exercise to register on Tuesday, September 12, 2023. **(Attached and Exhibited as Exhibit AP 1 is a copy of a Media Publication of the 1<sup>st</sup> Respondent's press conference)**
11. That the Chairperson of the Electoral Commission, Jean Mensa indicated that the registration exercise would end on Monday, October 2, 2023.
12. That the Chairperson of the Electoral Commission, added that the exercise would be held at all the 268 district offices of the Electoral Commission across the country.
13. That the Chairperson of the Electoral Commission stated that, the District Level Assembly Elections would be held on Tuesday, December 19, 2023.
14. That the Chairperson of the Electoral Commission stated that, the district Level Assembly Elections would take place in all the 6,272 electoral areas in all the districts in the country except the Nkoraza North and Nkoranza South districts in the Bono Region.
15. That the Chairperson of the Electoral Commission stated that, the district Level Assembly Elections for the two districts would not be held until 2025.

16. That I reside at Otsebleku, near Afiénya in the Greater Accra Region of the Republic of Ghana, that is about **Forty-four point three kilometres (44.3 km)** from the district office of the Electoral Commission in Prampram using the Accra-Aflao road and about **Thirty-seven point five kilometres (37.3 km)** using the Akosombo-Accra road.
17. That I cannot afford the cost of moving from my residence at Otsebleku to the 1<sup>st</sup> Respondent's district office at Prampram to take part in the limited voter registration exercise.
18. That the limited registration centre designated in my electoral area will be closer in proximity to my residence.
19. That the 1<sup>st</sup> Respondent's decision to restrict the limited registration exercise to its district office instead of the already existing electoral areas means that I cannot partake in the upcoming limited voter registration exercise.
20. That I am advised by Counsel and verily believe same to be true that 1<sup>st</sup> Respondent in designating a place as a registration centre shall take into consideration the accessibility of the place to prospective applicants for the registration.
21. That I am further advised by Counsel and verily believe same to be true that, Administrative Bodies and Administrative officials shall act fairly and reasonably and comply with the requirement imposed on them by law and persons aggrieved by the exercise of such acts and decisions shall have the right to seek redress before a court or other tribunal.
22. That I am advised by Counsel and verily believe same to be true that, the Electoral Commission by its decision to restrict the limited registration exercise to its district offices amounts to acting unfairly and unreasonably and would unfairly deprive me of my right to register and subsequently vote.
23. That I am advised by Counsel and verily believe same to be true every citizen of Ghana of eighteen (18) years of age or above and of sound mind has the right to

vote and is entitled to be registered as a voter for the purposes of public election and referenda.

24. That the decision of the 1<sup>st</sup> Respondent to restrict the limited registration exercise to its districts offices, instead of opening up the registration exercise to the already existing electoral areas that are more accessible to me amounts to a suppression and a breach of my right to vote.
25. That I am advised by Counsel and verily believe same to be true that the 1<sup>st</sup> Respondent is an independent constitutional body and shall not be subject to the direction or control of any person or authority in the performance of its functions.
26. That I am further advised by Counsel and verily believe same to be true that in the exercise of its discretionary power, the 1<sup>st</sup> Respondent must be fair and candid and must not be capricious and/or an arbitrary.
27. That by restricting the limited registration exercise to just its 268 district offices, the 1<sup>st</sup> Respondent acted arbitrarily and capriciously without due regard to the provisions Regulation 2(2)(b) of the Public Elections (Registration of voters) Regulation 2016 C.I. 91 as amended by C.I 126.
28. That the 1<sup>st</sup> Respondent's decision to restrict the limited voter registration exercise to its district offices has placed fetters on the smooth exercise of my right to be registered onto the electoral roll.
29. That unless compelled by this Honourable Court, the 1<sup>st</sup> Respondent will continue arbitrarily, capriciously and unreasonably impede, restrict and limit my right to be registered onto the electoral roll.
30. That in the circumstance, I pray that this Honourable Court grants the following reliefs:
  - a) A declaration that the decision of the 1<sup>st</sup> Respondent to restrict the limited voter registration exercise to its 268 district office is unlawful and a violation of the Applicant's fundamental human rights and freedoms guaranteed under **Articles 23, 33, 42, 45(E), 46, 296, and 140 of the 1992 Constitution,**

- b) An order directed at the 1<sup>st</sup> Respondent to decentralize and expand the upcoming limited voter registration exercise to make it easy for the Applicant to be registered onto the electoral roll; and
- c) An order for interlocutory injunction restraining the 1<sup>st</sup> Respondent, its agents, workmen and assigns from restricting the limited voter registration exercise to its District offices.
- d) An order for perpetual injunction restraining the 1<sup>st</sup> Respondent, its agents, workmen and assigns from restricting the limited voter registration exercise to its District offices
- e) Costs including legal fees

WHEREFORE I swear to this affidavit in support of the motion.

*Teva*  
**SWORN** at Aera this .....*8th*

day of September, 2023

*[Signature]*  
.....

**DEPONENT**

**BEFORE ME**

**COMMISSIONER FOR OATH**



IN THE SUPERIOR COURT OF JUDICATURE  
IN THE HIGH COURT OF JUSTICE  
HUMAN RIGHTS DIVISION  
ACCRA – AD 2023

Filed on... 08/09/23  
at... 2:00 am/pm  
Registrar  
HIGH COURT, TEMA, G/R

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SUIT NO:

APPLICANT

AYITAH PRECIOUS  
H/No. PR/OT/039  
Otsebleku

VRS.

1<sup>ST</sup> RESPONDENT

1. **ELECTORAL COMMISSION**

William Tubman Road  
Accra

2<sup>ND</sup> RESPONDENT

2. **ATTORNEY GENERAL**

Attorney General's Department  
Ministries, Accra.

---

**CERTIFICATE OF EXHIBITS**  
**ORDER 20 RULE 14 (1) (2) & (3) OF C.I 47**

---

I, GIFTY ASHIMYO GYAS hereby certify that the under listed have been exhibited to the affidavit sworn before me.

1. Exhibit AP 1 is a copy of a Media Publication of the 1<sup>st</sup> Respondent's press conference

**BEFORE ME**

**COMMISSIONER FOR OATH**



mobile.ghanaweb.com/



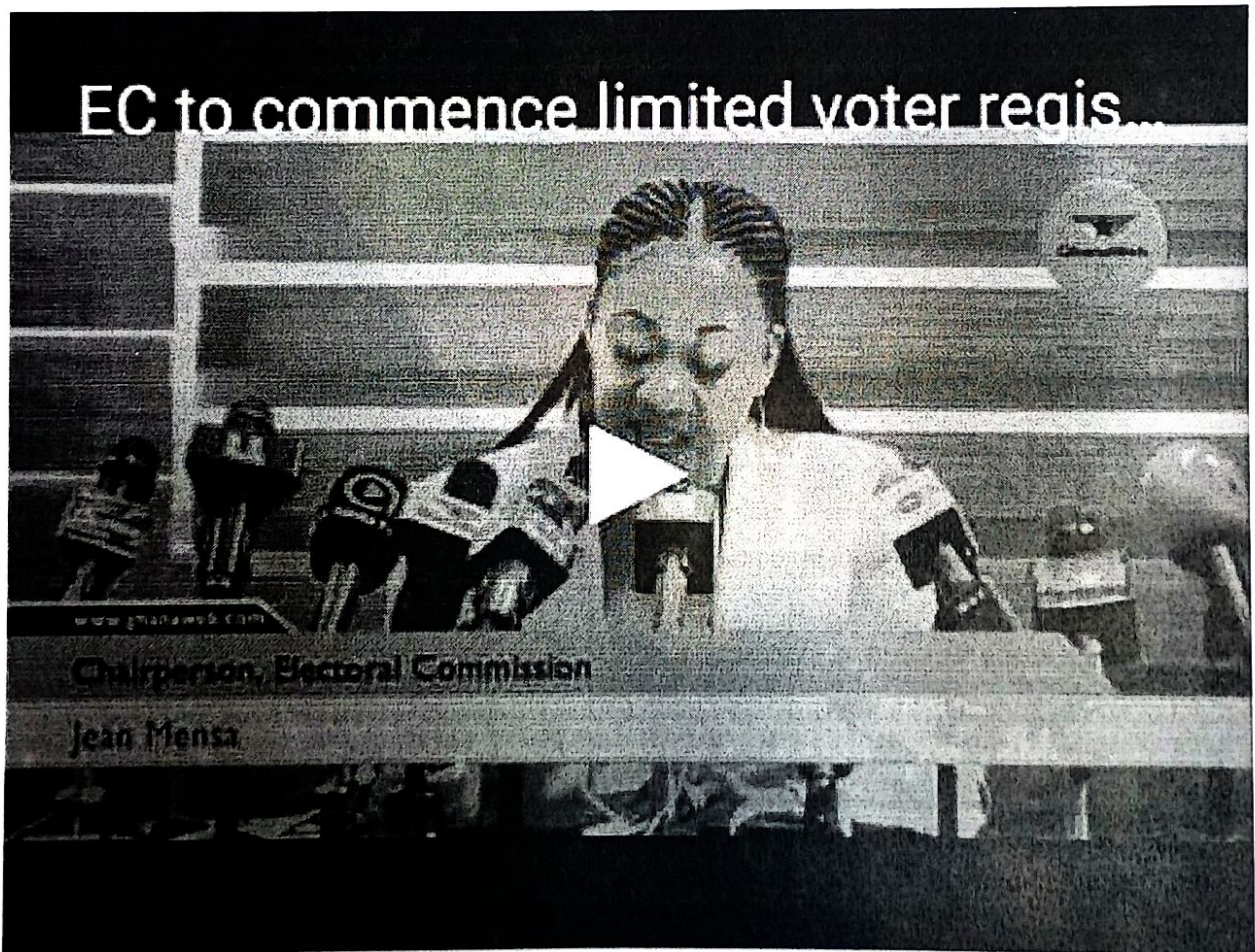
# GhanaWeb



Menu > **News**

This is the document referred to in the Oath of A. precious and sworn on Sept 8th 2023

## EC to commence limited voter registration on September 12



The Electoral Commission of Ghana has announced that it would commence a registration exercise for eligible Ghanaians who turned 18 years old after the 2020 registration exercise and other eligible voters who could not register on Tuesday, September 12, 2023.

The Chairperson of the Electoral Commission, Jean Mensa, who made this disclosure at a press briefing in Accra, dubbed, 'Let the Citizen Know', on August 17, 2023, indicated that the registration exercise would end on Monday, October 2, 2023.

She added that the exercise would be held at all the 268 district offices of the EC across the country.

"The voter's registration exercise will afford Ghanaians who have attained the age of 18 years, since the last registration of 2020 and others who are more than 18 years, but for various reasons couldn't register during the 2020 registration exercise.

"The EC will embark on voter registration in all 268 district offices of the commission. The exercise will be held from September 12 to October 2," she said.





Jean Mensa also indicated that Ghanaians who have misplaced their voter identification cards would also be given the opportunity to replace them at a fee of GH¢10.

She added that the much-awaited District Level Assembly Elections (DLE) would be held on Tuesday, December 19, 2023.

*deriv*

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The EC chair said that the DLE would take place in all the 6,272 electoral areas in all the districts in the country except the Nkoranza North and Nkoranza South districts in the Bono Region.

She added that DLE for these two districts would not be held until 2025.

BAI/DAG

IN THE MATTER OF ARTICLES 23,33,42,45(E),46, 296, 140 OF THE 1992 CONSTITUTION

AND

IN THE MATTER OF AN APPLICATION BY AYITAH PRECIOUS UNDER ARTICLE 33 OF THE 1992 CONSTITUTION AND ORDER 67 OF C. I. 47

SUIT NO:

APPLICANT

AYITAH PRECIOUS  
H/No. PR/OT/039  
Otsebleku

This is the document referred to in the Oath of A. Precious and marked EXH B.17 AP3 sworn at Tema 12th day of Sep 2023

VRS.

1<sup>ST</sup> RESPONDENT

1. ELECTORAL COMMISSION

William Tubman Road  
Accra

2<sup>ND</sup> RESPONDENT

2. ATTORNEY GENERAL

Attorney General's Department  
Ministries, Accra.

MOTION ON NOTICE FOR AN ORDER OF INTERLOCUTORY INJUNCTION PURSUANT TO ORDER 25 RULE 1 OF C.I. 47

PLEASE TAKE NOTICE that Counsel for and on behalf of the Applicant herein shall move this Honourable Court on an application for an order of Interlocutory Injunction praying the Court to restrain the 1<sup>st</sup> Respondent, its agents, workmen and assigns from restricting the limited voter registration exercise to its District offices on grounds contained in the accompanying affidavit and for any other order(s) that this Honourable Court may deem fit.

in COURT TO BE MOVED on the 16th day of Oct. 2023 at 9 'o' clock in the forenoon or so soon thereafter as Counsel for the Applicant may be heard. DATED IN

DATED IN ACCRA THIS 8<sup>TH</sup> DAY OF SEPTEMBER, 2023.

Nii Kpakpo Samoa Addo  
Solicitor for the Applicant  
License No. eGAR 00652/23

The Registrar  
High Court  
Tema

AND FOR SERVICE OF THE ABOVE NAMED RESPONDENTS

IN THE SUPERIOR COURT OF JUDICATURE  
IN THE HIGH COURT OF JUSTICE  
TEMA – AD 2023

Filed on 6/8/2023  
at 2:10 am/pm  
Y.P. Registrar  
HIGH COURT, TEMA, G/R.

IN THE MATTER OF ARTICLES 23,33,42,45(E),46, 296, 140 OF THE 1992 CONSTITUTION

AND

IN THE MATTER OF AN APPLICATION BY AYITAH PRECIOUS UNDER ARTICLE 33 OF THE 1992  
CONSTITUTION AND ORDER 67 OF C. I. 47

SUIT NO:

**AYITAH PRECIOUS**  
H/No. PR/OT/039  
Otsebleku

**APPLICANT**

**VRS.**

**1. ELECTORAL COMMISSION**

William Tubman Road  
Accra

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

**2. ATTORNEY GENERAL**

Attorney General's Department  
Ministries, Accra.

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

---

**AFFIDAVIT IN SUPPORT OF ORIGINATING MOTION ON NOTICE**

---

I, **AYITAH PRECIOUS**, of H/No. PR/OT/039 Otsebleku near Afienya in the Greater Region do hereby make oath and say as follows:

1. That I am the Applicant herein.
2. That the contents of this affidavit are matters within my personal knowledge, information and belief.
3. That at the hearing of this Application, my Counsel shall refer to all processes filed in this matter as if same were set out in extenso and sworn to on oath.
4. That I am a Citizen of Ghana and a resident of Otsebleku, near Afienya in the Greater Accra Region of the Republic of Ghana.

5. That I am over eighteen (18) years, of sound mind and therefore entitled to be registered as a voter for the purposes of public election and referenda.
6. That I have never been registered onto the electoral roll.
7. That I intend to be registered onto the electoral roll in this upcoming limited voter registration exercise.
8. That on the 17<sup>th</sup> of August, 2023, the 1<sup>st</sup> Respondent announced at a press briefing in Accra, dubbed 'let the citizen know' that it would commence a registration exercise for eligible Ghanaians who turned 18 years old and other eligible voters who could not register after the 2020 registration exercise to register on Tuesday, September 12, 2023. **(Attached and Exhibited as Exhibit AP 1 is a copy of a Media Publication of the 1<sup>st</sup> Respondent's press conference)**
9. That the Chairperson of the Electoral Commission, Jean Mensa indicated that the registration exercise would end on Monday, October 2, 2023.
10. That the Chairperson of the Electoral Commission, added that the exercise would be held at all the 268 district offices of the Electoral Commission across the country.
11. That the Chairperson of the Electoral Commission stated that, the District Level Assembly Elections would be held on Tuesday, December 19, 2023.
12. That the Chairperson of the Electoral Commission stated that, the district Level Assembly Elections would take place in all the 6,272 electoral areas in all the districts in the country except the Nkoraza North and Nkoranza South districts in the Bono Region.
13. That the Chairperson of the Electoral Commission stated that, the district Level Assembly Elections for the two districts would not be held until 2025.
14. That I reside at Otsebleku, near Afienya in the Greater Accra Region of the Republic of Ghana, that is about **Forty-four point three kilometres (44.3 km)** from the district office of the Electoral Commission in Prampram using the Accra-Aflao

road and about **Thirty-seven point five kilometres (37.3 km)** using the Akosombo-Accra road.

15. That I cannot afford the cost of moving from my residence at Otsebleku to the 1<sup>st</sup> Respondent's district office at Prampram to take part in the limited voter registration exercise.
16. That the limited voter registration centre designated in my electoral area will be closer in proximity to my residence.
17. That the 1<sup>st</sup> Respondent's decision to restrict the limited voter registration exercise to its district office instead of the already existing electoral areas means that I cannot partake in the upcoming limited voter registration exercise.
18. That I am advised by Counsel and verily believe same to be true that the 1<sup>st</sup> Respondent in designating a place as a registration centre shall take into consideration the accessibility of the place to prospective applicants for the registration.
19. That I am advised by Counsel and verily believe same to be true that every citizen of Ghana of eighteen (18) years of age or above and of sound mind has the right to vote and is entitled to be registered as a voter for the purposes of public election and referenda.
20. That the decision of the 1<sup>st</sup> Respondent to restrict the limited registration exercise to its districts offices, instead of opening up the registration exercise to the already existing electoral areas that are more accessible to me amounts to a suppression and a breach of my right to vote.
21. That the 1<sup>st</sup> Respondent's decision to restrict the limited voter registration exercise to its district offices has placed fetters on the smooth exercise of my right to be registered onto the electoral roll.
22. That the 1<sup>st</sup> Respondent is currently putting in measures to conduct a limited voter registration exercise at its district offices.
23. That if the 1<sup>st</sup> Respondent is allowed to conduct the limited voter registration its current form, I will be prevented from being registered onto the electoral roll.

24. That I am advised by Counsel and verily believe same to be true that on the balance of convenience, I stand to suffer more harm or damage if this present Application is refused.
25. That I am further advised by Counsel and verily believe same to be true that this is not a case where damages will apply in the unlikely event that the Applicant's substantive case before this Honourable Court is unsuccessful.
26. That I am also advised by Counsel and verily believe same to be true that it will be unfair and unjust for this Honourable Court to permit the 1<sup>st</sup> Respondent to conduct the limited voter registration its current form and deny me my right to be registered onto the electoral register.
27. That I am also advised by Counsel and verily believe same to be true that this Honourable Court will be exercising its discretion in a judicious, just, fair and convenient manner if this application is granted.
28. That in the circumstances, I humbly pray this Honourable Court to restrain the 1<sup>st</sup> Respondent, its privies, agents, assigns, workers and other persons however described from restricting the limited voter registration exercise to its District offices.

WHEREFORE I swear to this affidavit in support of the motion.

*Tena*  
**SWORN** at Accra this .....  
*J.P.H.*

day of September, 2023

*[Signature]*  
 .....

**DEPONENT**

**BEFORE ME**





IN THE SUPERIOR COURT OF JUDICATURE  
IN THE HIGH COURT OF JUSTICE  
HUMAN RIGHTS DIVISION  
ACCRA – AD 2023

Filed on 08/09/2023  
at 2:10 am/pm  
PP Registrar  
HIGH COURT, TEMA, G/R.

IN THE MATTER OF ARTICLES 23, 33, 42, 45(E), 46, 296, AND 140 OF THE 1992 CONSTITUTION  
AND  
IN THE MATTER OF AN APPLICATION BY AYITAH PRECIOUS UNDER ARTICLE 33 OF THE 1992  
CONSTITUTION AND ORDER 67 OF C. I. 47

SUIT NO:

**AYITAH PRECIOUS**  
H/No. PR/OT/039  
Otsebleku

**APPLICANT**

**VRS.**

**1. ELECTORAL COMMISSION**

William Tubman Road  
Accra

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

**2. ATTORNEY GENERAL**

Attorney General's Department  
Ministries, Accra.

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

---

**CERTIFICATE OF EXHIBITS**  
**ORDER 20 RULE 14 (1) (2) & (3) OF C.I 47**

---

I, GIFTY ABHIMTO (GKS) hereby certify that the under listed have been exhibited to the affidavit sworn before me.

1. Exhibit AP 1 is a copy of a Media Publication of the 1<sup>st</sup> Respondent's press conference

**BEFORE ME**

  
**COMMISSIONER FOR OATH**

Menu > News

This is the document referred to in the Oath of *A. Precious* and marked *EXHIBIT A-1* sworn at *Jema* day of *Sept 23*

## EC to commence ~~limited voter~~ registration on September 12



The Electoral Commission of Ghana has announced that it would commence a registration exercise for eligible Ghanaians who turned 18 years old after the 2020 registration exercise and other eligible voters who could not register on Tuesday, September 12, 2023.

The Chairperson of the Electoral Commission, Jean Mensa, who made this disclosure at a press briefing in Accra, dubbed, 'Let the Citizen Know', on August 17, 2023, indicated that the registration exercise would end on Monday, October 2, 2023.

She added that the exercise would be held at all the 268 district offices of the EC across the country.

"The voter's registration exercise will afford Ghanaians who have attained the age of 18 years, since the last registration of 2020 and others who are more than 18 years, but for various reasons couldn't register during the 2020 registration exercise.

"The EC will embark on voter registration in all 268 district offices of the commission. The exercise will be held from September 12 to October 2," she said.



Jean Mensa also indicated that Ghanaians who have misplaced their voter identification cards would also be given the opportunity to replace them at a fee of GH¢10.

She added that the much-awaited District Level Assembly Elections (DLE) would be held on Tuesday, December 19, 2023.

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The EC chair said that the DLE would take place in all the 6,272 electoral areas in all the districts in the country except the Nkoranza North and Nkoranza South districts in the Bono Region.

She added that DLE for these two districts would not be held until 2025.

BAI/DAG

Filed on 08/09/23  
at 2:10 am/pm  
PD Registrar  
HIGH COURT, TEMA, G/R

IN THE SUPERIOR COURT OF JUDICATURE  
IN THE HIGH COURT OF JUSTICE  
TEMA – AD 2023

IN THE MATTER OF ARTICLES 23, 33, 42, 45(E), 46, 296, 140 OF THE 1992 CONSTITUTION

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Otsebleku

**APPLICANT**

**VRS.**

- 1. ELECTORAL COMMISSION**  
William Tubman Road  
Accra
- 2. ATTORNEY GENERAL**  
Attorney General's Department  
Ministries, Accra.

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

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

---

**STATEMENT OF CASE IN SUPPORT OF MOTION ON NOTICE FOR INTERLOCUTORY  
INJUNCTION PURSUANT TO ORDER 25 RULE 1(1) OF C.I. 47**

---

**1. INTRODUCTION**

1.1 My Lord, this is the Applicant's Statement of Case in support of her Motion on Notice for Interlocutory Injunction to restrain the 1<sup>st</sup> Respondent, its privies, agents, workers, assigns and other persons however described from restricting the limited voter registration exercise to its District offices. It is the prayer of the Applicant that this Honourable Court grants this instant application and restrain the 1<sup>st</sup> Respondent, its privies, agents, workers, assigns and other persons however described from restricting the limited voter registration exercise to its District offices.

## 2. STATEMENT OF MATERIAL FACTS

- 2.1 The Applicant is a Citizen of Ghana and a resident of Otsebleku, near Afienea in the Greater Accra Region of the Republic of Ghana; and has never been registered onto the electoral register.
- 2.2 The Applicant is over eighteen (18) years, of sound mind and therefore entitled to be registered as a voter for the purposes of public election and referenda.
- 2.3 The Applicant intends to be registered onto the electoral roll in this upcoming limited voter registration exercise.
- 2.4 My Lord, on the 17<sup>th</sup> of August, 2023, the 1<sup>st</sup> Respondent announced at a press briefing in Accra, dubbed 'let the citizen know' that it would commence a registration exercise for eligible Ghanaians who turned 18 years old and other eligible voters who could not register after the 2020 registration exercise to register on Tuesday, September 12, 2023. **(Exhibit AP 1 refers)**
- 2.5 The Chairperson of the Electoral Commission, Jean Mensa indicated that the registration exercise would end on Monday, October 2, 2023; and added that the exercise would be held at all the 268 district offices of the Electoral Commission across the country.
- 2.6 The Chairperson of the Electoral Commission also stated that, the District Level Assembly Elections would be held on Tuesday, December 19, 2023.
- 2.7 The Chairperson of the Electoral Commission again stated that, the district Level Assembly Elections would take place in all the 6,272 electoral areas in all the districts in the country except the Nkoranza North and Nkoranza South districts in the Bono Region.
- 2.8 The Applicant resides at Otsebleku, near Afienea in the Greater Accra Region of the Republic of Ghana, that is about **Forty-four point three kilometres (44.3 km)** from the district office of the Electoral Commission in

Prampram using the Accra-Aflao road and about **Thirty-seven point five kilometres (37.3 km)** using the Akosombo-Accra road.

- 2.9 My Lord, the Applicant cannot afford the cost of transportation to move from her residence at Otsebleku to the 1<sup>st</sup> Respondent's district office at Prampram to take part in the limited voter registration exercise.
- 2.10 The 1<sup>st</sup> Respondent's decision to restrict the limited registration exercise to its district office instead of the already existing electoral areas will mean that the Applicant cannot take part in the upcoming limited voter registration exercise.
- 2.11 My Lord, in designating a place as a registration centre, 1<sup>st</sup> Respondent is mandated by Regulation 2(2)(b) of the Public Elections (Registration of voters) Regulation 2016 C.I. 91 as amended by C.I 126 to take into consideration the accessibility of the place to prospective applicants for the registration.
- 2.12 The decision of the 1<sup>st</sup> Respondent to restrict the limited voter registration exercise to its districts offices, instead of opening up the registration exercise to the already existing electoral areas does not only violate Regulation 2(2)(b) of the Public Elections (Registration of voters) Regulation 2016 C.I. 91 as amended by C.I 126, but also amounts to a suppression and a breach of the Applicant's right to registered onto the electoral register as guaranteed by Article 42 of the 1992 Constitution.
- 2.13 My Lord, the 1<sup>st</sup> Respondent is currently putting in measures to conduct a limited voter registration exercise at its district offices, and if the 1<sup>st</sup> Respondent is allowed to conduct the limited voter registration exercise in its current shape and form, the Applicant will be prevented from being registered onto the electoral register.



### 3. GROUNDS FOR INTERLOCUTORY ORDERS

3.1 Under the law and in a long line of decided cases<sup>1</sup>, the Courts have consistently granted an interlocutory injunction in the following circumstances:

3.1.1 where there is a serious question to be tried or a right to be protected;

3.1.2 where it will be fair, just and convenient for the Honourable Court to do so; and

3.1.3 where on the balance of convenience the Applicant will suffer more harm if the order sought for is not granted

### ARGUMENTS

#### 4. THIS APPLICATION SHOULD BE GRANTED BECAUSE THE APPLICANT HAS RAISED A SERIOUS LEGAL QUESTION TO BE TRIED AND A RIGHT TO BE PROTECTED.

4.1 My Lord, the Courts have emphasized that an interlocutory injunction order may be granted, as in the instant case, where the Applicant has established that there is a serious legal question to be tried or a right to be protected.

4.2 In the case of **American Cyanamid v. Ethicon Ltd**<sup>2</sup>, Lord Diplock delivered himself thus: "**The court no doubt must be satisfied that the claim is not frivolous or vexatious; in other words, that there is a serious question to be tried.**"

4.3 When Kpegah J. (as he then was) was confronted to decide what a serious question means in **Baiden v. Tandoh**<sup>3</sup>, he opined that the

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<sup>1</sup> *American Cyanamid Co v. Ethicon Ltd* [1975] 1 All ER 504; see also *Owusu v. Owusu* [2007-2008] SCGLR 870; *Vanderpuye v. Nartey* (1997) 1 GLR 428; *Mensah v. Moro* 1981 (GLR) 228

<sup>2</sup> [1975] 1 All ER 504, HL p 510; cited with approval in *Owusu v. Owusu* [2007-2008] SCGLR 870; applied by Twumasi J, *Mensah v. Moro* [1981] GLR 728

<sup>3</sup> [1991] 1 GLR 98

establishment of a serious question to be tried amounted in effect to the establishment of a prima facie case. The learned judge held that: **"In my humble view, a plaintiff cannot be said to have raised "serious questions" to be tried without actually establishing a prima facie case "**

- 4.4 My Lord, it is our case that the Applicant has raised serious questions to be tried and established a prima facie case.
- 4.5 My Lord, Article 42 of the 1992 Constitution confers a constitutional right on every citizen of Ghana who is eighteen (18) years or above and of sound mind a right to vote and to be registered as a voter for the purposes of public elections and referenda.
- 4.6 Articles 42 of the 1992 Constitution read as follows: **"Every citizen of Ghana of eighteen years of age or above and of sound mind has the right to vote and is entitled to be registered as a voter for the purposes of public elections and referenda."**
- 4.7 In **Tehn- Addy v Attorney-General & Electoral Commission**<sup>4</sup> the Supreme Court speaking through Acquah JSC held that: **"...article 42 of the Constitution, 1992 of Ghana makes the right to vote, a constitutional right conferred on every Ghanaian citizen of eighteen years and above...As a constitutional right therefore, no qualified citizen can be denied of it, since the Constitution, 1992 is the supreme law of the land."**
- 4.8 My Lord, the Applicant is over eighteen (18) years, of sound mind and therefore entitled to be registered as a voter for the purposes of public election and referenda.
- 4.9 My Lord, the 1<sup>st</sup> Respondent at a press briefing in Accra on the 17<sup>th</sup> of August, 2023, announced that it would commence a registration exercise for eligible Ghanaians who turned 18 years old and other eligible voters who could not register after the 2020 registration exercise to register on Tuesday, September 12, 2023.

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<sup>4</sup> [1997-98] 1 GLR 47

4.10 The Applicant has never been registered onto the electoral register and intends to take part in the upcoming limited voter registration exercise; however, the Applicant resides at Otsebleku, near Afienya in the Greater Accra Region of the Republic of Ghana, which is about **Forty-four point three kilometres (44.3 km)** from the district office of the Electoral Commission in Prampram using the Accra-Aflao road and about **Thirty-seven point five kilometres (37.3 km)** using the Akosombo-Accra road.

4.11 My Lord, the Applicant cannot afford the cost of moving from her residence at Otsebleku to the 1<sup>st</sup> Respondent's district office at Prampram to take part in the limited voter registration exercise.

4.12 The 1<sup>st</sup> Respondent's decision to restrict the limited voter registration exercise to its district offices instead of the already existing electoral areas will mean that the Applicant cannot take part in the upcoming limited voter registration exercise.

4.13 My Lord, the restriction of the limited voter registration to the 1<sup>st</sup> Respondent's district offices instead of the already existing electoral areas imposes heavy fetters on the Applicant's constitutional right to be registered as a voter as guaranteed under Articles 42 of the 1992 Constitution and confirmed by the Supreme Court in **Tehn- Addy v Attorney-General & Electoral Commission** referenced above.

4.14 We therefore pray that this Honourable Court grants the present application as the Applicant has established the existence of a prima facie case, and that there is a serious question to be tried.

## **5. THIS APPLICATION SHOULD BE GRANTED BECAUSE IT WOULD BE JUST, FAIR AND CONVENIENT TO DO SO.**

5.1 My Lord, **Order 25 Rule 1, sub-rule 1** of the High Court Civil Procedure Rules<sup>5</sup> ("Court Rules") provides that: **"The Court may grant an injunction by**

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<sup>5</sup> High Court (Civil Procedure) Rules, 2004, (C.I.47)

***an interlocutory order in all cases in which it appears to the Court to be just or convenient to do so, and the order may be either unconditionally or upon such terms and conditions as the Court considers just.***"

- 5.2 This means that the Court will grant an application for interlocutory injunction where it appears to the Court that the justice of the case demands for same and it would be convenient for the Court to do so.
- 5.3 Under the Court Rules<sup>6</sup>, the Court may only grant an injunction if it appears to the Court to be just and convenient to do so.
- 5.4 My Lord, in **Owusu v. Owusu**<sup>7</sup>, the Supreme Court held that the grant or refusal of an injunction is at the discretion of the trial court but that discretion ought to be exercised judicially.
- 5.5 The question is; **will the court exercise its discretion judicially if it grants the interlocutory order?** The answer is **Yes**.
- 5.6 My Lord, it is our submission that this Honourable Court should exercise its discretion in favour of the Applicant and grant the Interlocutory Order that the Applicant is seeking.
- 5.7 My Lord, in the case of **Sowah v. Bank for Housing and Construction and Anor**<sup>8</sup>, the Supreme Court held that: "**a discretionary right involved a duty to be fair and candid and implied that the discretion should not be exercised in an arbitrary, capricious or biased way or in a manner as to deliberately create injustice.**"
- 5.8 My Lord, it is the case of the Applicant that by virtue of the Article 42 of the 1992 Constitution, she is entitled to participate in the upcoming limited voter registration exercise and to be enrolled onto the electoral register as a voter.

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<sup>6</sup> Ibid

<sup>7</sup> [2007-2008] SCGLR 870

<sup>8</sup> [1982-1983] GLR 1324-1381

5.9 It also the case of the Applicant that if the 1<sup>st</sup> Respondent is allowed to conduct the limited voter registration exercise in its current shape and form, the Applicant will be prevented from being registered onto the electoral register.

5.10 It will therefore be a grave travesty of justice for this Honourable Court to permit the 1<sup>st</sup> Respondent to restrict the limited voter registration to its district offices to place heavy fetters on the smooth exercise of the Applicant's right to be registered on the electoral register.

6. **THE APPLICATION SHOULD BE GRANTED BECAUSE ON THE BALANCE OF CONVENIENCE, THE APPLICANT WILL SUFFER MORE HARM IF THE ORDER SOUGHT FOR IS NOT GRANTED.**

6.1 My Lord, it is the law that where there are doubts as to the adequacy of damages available to either party or to both, the question of balance of convenience arises.<sup>9</sup>

6.2 Lord Diplock in the **American Cyanamid** case held that in assessing where the balance of convenience lies, a significant factor to consider is whether or not each party could be adequately compensated in damages. In that case, he delivered himself, thus:<sup>10</sup> ***"The extent to which the disadvantages to each party would be incapable of being compensated in damages in the event of their succeeding at the trial is always a significant factor in assessing where the balance of convenience lies."***

6.3 Amissah J.A. also held in the **Vanderpuye v. Narley**<sup>11</sup> that the question for consideration on the balance of convenience resolves itself into whether on the balance of convenience, greater harm would be done by the refusal to grant the application than not.

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<sup>9</sup> Per Lord Diplock in *American Cyanamid v. Ethicon* case, page 511

<sup>10</sup> *Ibid.*

<sup>11</sup> [1977] 1 GLR 428 CA

- 6.4 My Lord, on the balance of convenience the Applicant stands to suffer greater harm if this injunction application is not granted.
- 6.5 My Lord, the Applicant is a citizen of Ghana, over eighteen (18) years and of sound mind and therefore entitled to be registered by virtue of Article 42 of the 1992 Constitution.
- 6.6 My Lord, if the 1<sup>st</sup> Respondent is permitted to conduct the limited voter registration exercise in its current shape and form, it will mean that the Applicant will be denied her right to be registered and subsequently vote.
- 6.7 My Lord, no amount of compensation will be adequate to restore her inalienable right to be registered onto the electoral roll and vote.
- 6.8 My Lord, no irreparable damage will befall the 1<sup>st</sup> Respondent if this instant application is granted.
- 6.9 My Lord, we rely on the submissions and words of Lord Diplock in the American Cyanamid Case at page 509 where he delivered himself thus:  
***"The court must weigh one need against another and determine where the balance of convenience lies"***
- 6.10 My Lord, we humbly submit that on the balance of convenience, the Applicant stands to suffer more harm than the Respondents.
- 6.11 My Lord, the Applicant therefore humbly urges this Honourable Court to grant the Interlocutory Injunction Order.

## 7. CONCLUSION OF THE ARGUMENTS

For the above mentioned reasons, we humbly pray that the application for Interlocutory Injunction be granted and the 1<sup>st</sup> Respondent its privies, agents, workers, assigns and other persons however described be restrained from restricting the limited voter registration exercise to its District offices.

Respectfully submitted.

DATED IN ACCRA THIS 8<sup>TH</sup> DAY OF SEPTEMBER, 2023

  
Nii Kpakpo Samoa Addo  
Solicitor for Applicant  
License No eGAR 00652/23

The Registrar  
High Court  
Tema.

AND FOR SERVICE ON THE ABOVE NAMED RESPONDENTS.

EXH. AP 4

SUIT NO. E-2/318/23

IN THE

High Court

sworn at Tema day of Sept 2023

A. precious AP 4

Electoral Commission

Commissioner

Commissioner for Oaths

DEFEN.

**AFFIDAVIT OF SERVICE**

I Ahmed Ansh BAILIFF attached

High Court

1. That on the 8th day of Sept 2023

I was entrusted with money in motion for an order of interlocutory injunction pursuant to order 25 rule 7 of C.O. 47 and originating motion at motion for on 28/09/23

2. That on the 8th day of Sept 2023

at 3:40 am/pm. I duly served the above-named document on Attorney General through the Sec. Cherys Dery at Accra

3. That I swear to this affidavit in proof of service

Sworn at Tema

This 12th day of SEPT. 2023

DEPONENT

REGISTRAR BEFORE COURT COMMISSION FOR OATHS TEMA



~~F~~ H. A.P.S

SUIT NO. 12/357/23

This is the document referred to in the Court of A. Precious High and marked EXH B IN THE Tena Dis day of Sept-2023 Tena Commission for Oaths

Aytah Precious PL  
Electoral Commission DEFE

AFFIDAVIT OF SERVICE

I Ahmed Ansel BAILIFF attach  
High Court Tena make oath and say as

1. That on the 8<sup>th</sup> day of Sept- 2023  
I was entrusted with Motion on Motion for an  
order of Interlocutory Injunction  
pursuant to order 25 rule 1 of C 147  
at original Motion on Notice filed  
on 8/8/23

2. That on the 8<sup>th</sup> day of Sept- 2023  
at 4:26 am / pm. I duly served the above-named docum  
Electoral Commission High the  
Legal Sec. Daniel Adang  
Manekage at Head Office  
Electoral Commission Secy

3. That I swear to this affidavit in proof of service  
Sworn Tena  
This 12<sup>th</sup> day of SEPT. 2023

A  
DEPONENT

REGISTRAR  
HIGH COURT  
COMMISSION FOR OATHS



ELECTORAL COMMISSION  
GHANA

# PRESS RELEASE

This is the document referred to in the Oath of A. Precious and marked EXHIBIT AP6 sworn at Tema 12th day of Sept 2023 **11<sup>th</sup> September, 2023**

## 2023 VOTERS REGISTRATION EXERCISE

The Electoral Commission wishes to inform the General Public that the 2023 Voters Registration Exercise begins on Tuesday, 12<sup>th</sup> September, 2023 and ends on Monday, 2<sup>nd</sup> October, 2023. The Registration takes place at all the 268 District Offices of the Electoral Commission.

Persons who have attained the age of 18 years since the last registration exercise and those who for one reason or the other did not register in 2020, should visit the District Office where they reside with either their Ghana Card or their Ghana Passport. Eligible applicants who do not possess any of the identification documents listed above are required to present two (2) persons who are already registered voters to guarantee their registration.

The General Public is informed that it is a criminal offense for non-Ghanaians (foreigners) and persons who are not 18 years and above (minors) to attempt to register.

**OFFENDERS AND THOSE WHO GUARANTEE FOR THEM WILL BE LIABLE FOR PROSECUTION.**

**ADDITIONALLY, GUARANTORS WHO GUARANTEE FOR MORE THAN THE LEGALLY MANDATED NUMBER OF TEN (10) PERSONS WILL BE PROSECUTED.**

The Electoral Commission encourages all eligible applicants to register and vote in the upcoming District Level Elections.

We urge the General Public to support the 2023 Voters Registration Exercise.

**REGISTER TO VOTE!**

**YOUR VOTE IS YOUR FUTURE!!!**

**MICHAEL BOADU  
AG. HEAD, PUBLIC AFFAIRS**

NEWS > HEADLINES 10.05.2023

# We won't supervise your primaries unless injunction case is determined by court – EC tells NDC

By Eric Nana Yaw Kwafo



EC Chairperson, Jean Mensa

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*This is the document referred to in the Oath of A. Preliow and marked EXHIBIT 107 sworn at Tema this 10th day of Sept 2023*