

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

Filed on 18-01-2021  
at 2:35 pm  
Registrar  
SUPREME COURT OF GHANA

WRIT NO. J1/5/2021

ARTICLE 64 OF THE 1992 CONSTITUTION AND SUPREME COURT RULES, 1996  
(C.I. 16) (AS AMENDED BY C.I. 74 AND C.1. 99)

AMENDED PRESIDENTIAL ELECTION PETITION  
PRESIDENTIAL ELECTION HELD ON 7<sup>TH</sup> DECEMBER 2020.

**JOHN DRAMANI MAHAMA**

No. 33 Chain Homes  
Airport Valley Drive  
Accra

PETITIONER

AND

1. **ELECTORAL COMMISSION**

National Headquarters  
6th Avenue  
Ridge – Accra

1<sup>ST</sup> RESPONDENT

2. **NANA ADDO DANKWA AKUFO-ADDO**

House No. 02 Onyaa Crescent  
Nima - Accra

2<sup>ND</sup> RESPONDENT

**REQUEST TO ADMIT FACTS**

**TAKE NOTICE** that Petitioner in this action requires 1<sup>st</sup> Respondent to admit for the purposes of this action only, the several facts respectively hereunder specified; and 1<sup>st</sup> Respondent is hereby required within three days from the service of this request, to admit the said facts, saving in this action all just exceptions to the admissibility of such facts as evidence in this action.

The facts the admission of which is required are:

1. That the purported declaration of the Presidential Election results of 7<sup>th</sup> December 2020, by Mrs. Jean Adukwei Mensa, the Chairperson of 1<sup>st</sup> Respondent, on 9<sup>th</sup> December 2020, was broadcast live on radio, television and other electronic media.
2. That **Exhibit A** attached to the Petition herein is the video and audio recording of the purported declaration in respect of the Presidential Election results of 7<sup>th</sup> December 2020, made by Mrs. Jean Adukwei Mensa, the Chairperson of 1<sup>st</sup> Respondent, on 9<sup>th</sup> December 2020.
3. That Mrs. Jean Adukwei Mensa, the Chairperson of 1<sup>st</sup> Respondent, has made no other purported declaration in respect of the Presidential Election results of 7<sup>th</sup> December 2020.
4. That while making the purported declaration of the Presidential Election results of 7<sup>th</sup> December 2020, on 9<sup>th</sup> December 2020, Mrs. Jean Adukwei Mensa, the Chairperson of 1<sup>st</sup> Respondent, stated that “.. .....the total number of valid votes cast was **13,434,574** representing **79%** of the total registered voters”.
5. That while making the purported declaration of the Presidential election results of 7<sup>th</sup> December 2020, on 9<sup>th</sup> December 2020, Mrs. Jean Adukwei Mensa, the Chairperson of 1<sup>st</sup> Respondent, stated that 2<sup>nd</sup> Respondent of the NPP obtained **6,730,413** votes, representing **51.595%** of the total valid votes cast.
6. That Mrs. Jean Adukwei Mensah, the Chairperson of 1<sup>st</sup> Respondent, also stated in the purported declaration of 9<sup>th</sup> December 2020, that “*currently the election results we have declared exclude that of Techiman South Constituency*”.
7. That Mrs. Jean Adukwei Mensah, the Chairperson of 1<sup>st</sup> Respondent, gave a figure of 128,018 as the voter population of Techiman South Constituency.
8. That adding the voter population of Techiman South Constituency to the total valid votes of 13,434,574 valid votes announced by Mrs. Jean

Adukwei Mensa, the Chairperson of 1<sup>st</sup> Respondent, amounts to total valid votes of 13,562,592.

9. That 1<sup>st</sup> Respondent's votes as announced by Mrs. Jean Adukwei Mensa the Chairperson of 1<sup>st</sup> Respondent, in her declaration of 9<sup>th</sup> December 2020 - 6,730,413 - amount to 49.625% of 13,562,592.
10. That when the percentages of the valid votes cast and standing to the names of each of the Presidential Candidates as announced by Mrs. Jean Adukwei Mensa, the Chairperson of 1<sup>st</sup> Respondent, on 9<sup>th</sup> December 2020, are summed up, they would yield a total of **100.3%**.
11. That Mrs. Jean Adukwei Mensah, the Chairperson of 1<sup>st</sup> Respondent, in her purported declaration on 9<sup>th</sup> December 2020, stated that the results from Techiman South Constituency were not yet available.
12. That Mrs. Jean Adukwei Mensa, the Chairperson of 1<sup>st</sup> Respondent, in her purported declaration on 9<sup>th</sup> December 2020, stated that even if all the **128,018** votes of Techiman South Constituency were added to the votes standing to the name of Petitioner, that would not change the results.
13. That Mrs. Jean Adukwei Mensa, the Chairperson of 1<sup>st</sup> Respondent, refused to accept a letter (**Exhibit B**) written by the NDC to her in which the NDC, through its authorised and accredited agents, raised concerns and notified her of material errors in her collation of the results of the 7<sup>th</sup> December 2020 Presidential Election.
14. That a purported "correction" of figures in the declaration made by Mrs. Jean Adukwei Mensa, the Chairperson of 1<sup>st</sup> Respondent, was by virtue of an unsigned Press Release of 1<sup>st</sup> Respondent on 10<sup>th</sup> December 2020.
15. That the purported "correction" issued in an unsigned Press Release of 1<sup>st</sup> Respondent on 10<sup>th</sup> December 2020, stated that the total valid votes cast was now **13,119,460**.
16. That the purported "correction" on 10<sup>th</sup> December 2020 changed the number of votes claimed to have been obtained by the other

Presidential Candidates in the purported declaration of 9<sup>th</sup> December 2020.

17. That in respect of the purported “correction” and subsequent “correction” of the “corrections”, Mrs. Jean Adukwei Mensa, the Chairperson of 1<sup>st</sup> Respondent, has never sought to confer with the agents of candidates.
18. That the sum total of valid votes attributed to each candidate in the purported “corrections” of 10<sup>th</sup> December 2020 are different from the sum total of valid votes that were recorded on the summary sheets (Form 10) published by 1<sup>st</sup> Respondent.

DATED IN ACCRA ON THIS 18<sup>TH</sup> DAY OF JANUARY, 2021.



TONY LITHUR

SOLICITOR FOR PETITIONER

SOLICITOR'S LIC. NO. eGAR 00278/21

LAW FIRM REG. NO. ePP00047/21

**LITHUR BREW & COMPANY**

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TO:

THE REGISTRAR  
SUPREME COURT  
ACCRA

AND COPY EACH FOR SERVICE ON THE ABOVE-NAMED RESPONDENTS  
OR THEIR SOLICITORS:

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