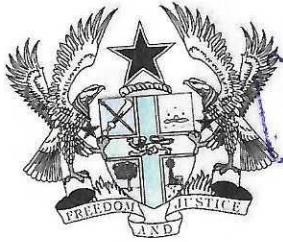


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REGISTRAR
HIGH COURT
ACCRA

WRIT OF SUMMONS

(Order 2 rule 3(1))

WRIT ISSUED FROM Accra 9/5/23 200... SUIT No. 9/08/6/2023

IN THE HIGH/CIRCUIT COURT OF JUSTICE GENERAL JURISDICTION

BETWEEN

Plaintiff*

DR. KWABENA DUFFOUR
14 THIRD CLOSE, AIRPORT RESIDENTIAL AREA
ACCRA

Defendants*

AND

- | | |
|--|--|
| 1. THE GENERAL SECRETARY
NATIONAL DEMOCRATIC CONGRESS
20 HALL ST
GA-075-6857
ADABRAKA - ACCRA | 4. MR. KOJO BONSU
8 WATERMELON ST
ST JOHN - ACHIMOTA
ACCRA |
| 2. THE DIRECTOR
ELECTIONS DIRECTORATE
NATIONAL DEMOCRATIC CONGRESS
20 HALL ST.
GA-075-6857
ADABRAKA - ACCRA | 5. THE ELECTORAL COMMISSION OF GHANA
GA-079-8032
HEAD OFFICE- RIDGE
ACCRA |
| 3. MR JOHN DRAMANI MAHAMA
CHAINHOMES-ACCRA/NO. 7 KAKRAMADU ROAD
CANTONMENTS- ACCRA | |

To

AN ACTION having been commenced against you by the issue of this writ by the above-named Plaintiff. DR. KWABENA DUFFOUR

YOU ARE HEREBY COMMANDED that within EIGHT DAYS after service of this writ on you inclusive of the day of service you do cause an appearance to be entered for you. THE GENERAL SECRETARY NDC & 4 OTHERS

AND TAKE NOTICE that in default of your so doing, judgment may be given in your absence without further notice to you. THE GENERAL SECRETARY NDC & 4 OTHERS

Dated this 9th day of May 2023...

Chief Justice of Ghana

ANIN YEBOAH

NB: This writ is to be served within twelve calendar months from the date of issue unless, it is renewed within six calendar months from the date of that renewal.

The defendant may appear hereto by filing a notice of appearance either personally or by a lawyer at Form 5 at the Registry of the Court of issue of the writ at A defendant appearing personally may, if he desire give notice of appearance by post.

*State name, place of residence or business address of plaintiff if known (not P.O. Box number).

**State name, place of residence or business address of defendant (not P.O. Box number).

STATEMENT OF CLAIM

The Plaintiff's claim is for:

- a. A declaration that the Photo Album Register issued by the 1st and 2nd Defendants to the Plaintiff on 4th May, 2023 as the primary document for conducting the internal Presidential election of the National Democratic Congress on the 13th of May, 2023 is incomplete and inaccurate.
- b. An order directing the 1st and 2nd Defendants to prepare and deliver a complete and accurate Photo Album Register to the Plaintiff and other Presidential aspirants of the National Democratic Congress at least five weeks ahead of the elections to enable the aspirants carry out the needed verification of the Photo Album Register
- c. An injunction restraining the 1st, 2nd and 5th Defendants from conducting the internal Presidential elections of the National Democratic Congress on 13th May, 2023 pending compliance with reliefs (b) supra.
- d. Costs
- e. Any other reliefs the Honourable Court may deem fit.

OPOKU AMPONSAH & CO.
Legal Practitioners & Notaries Public
Tel: +233 302 46466 / 233 20 815 5516 / 54 235 0263
#9 Samora Machel Road Opposite Beverley Hill Hotel
Asylum Down Accra GPS-GA-049-0869
Email: office@opokumponsohandco.com
oamponsoh@opokumponsohandco.com

This writ was issued by **OPOKU AMPONSAH**

whose address for service is **OPOKU AMPONSAH & CO, SAMORA MACHEL ROAD
OPPOSITE BEVERLEY HILLS HOTEL, ASYLUM
DOWN ACCRA**

Agent for **PLAINTIFF**

Address Number and date of lawyer's current licence. **eGAR 01557/23**

Lawyer for the plaintiff **OPOKU AMPONSAH** who resides at **ACCRA**

.....
Indorsement to be made within 3 days after service

This writ was served by me at

on the defendant

on the day of

endorsed the day of

Signed.....

Address.....

NOTE: If the plaintiff's claim is for a liquidated demand only, further proceedings will be stayed if within the time limited for appearance the defendant pays the amount claimed to the plaintiff, his lawyer or his agent or into court as provided for in Order 2 rule 3(2).

IN THE SUPERIOR COURT OF JUDICATURE
IN THE HIGH COURT OF JUSTICE
GENERAL JURISDICTION
ACCRA – A.D- 2023



DR. KWABENA DUFFOUR
14 THIRD CLOSE, AIRPORT RESIDENTIAL AREA
ACCRA

- PLAINTIFF

-VRS-

1. THE GENERAL SECRETARY
NATIONAL DEMOCRATIC CONGRESS
20 HALL ST
GA-075-6857
ADABRAKA – ACCRA

2. THE DIRECTOR
ELECTIONS DIRECTORATE
NATIONAL DEMOCRATIC CONGRESS
20 HALL ST.
GA-075-6857
ADABRAKA – ACCRA

- DEFENDANTS

3. MR. JOHN DRAMANI MAHAMA
CHAINHOMES-ACCRA/NO. 7 KAKRAMADU ROAD
CANTONMENTS- ACCRA

4. MR. KOJO BONSU
8 WATERMELON ST
ST JOHN – ACHIMOTA
ACCRA

5. THE ELECTORAL COMMISSION OF GHANA
GA-079-8032
HEADOFFICE -RIDGE
ACCRA

STATEMENT OF CLAIM

1. The Plaintiff is a citizen of Ghana, a card bearing member and Presidential aspirant of the National Democratic Congress, a registered political party in Ghana.
2. The 1st Defendant is the elected General Secretary of the National Democratic Congress (NDC).
3. The 2nd Defendant is a body created by the constitution of the National Democratic Congress to among others co-ordinate the registration of party members for purposes of party elections, complete, maintain and keep custody of the register of the Party members and liaise with the 5th Defendant in the conduct of both National and Party elections.
4. The 3rd and 4th Defendants are citizens of Ghana and Presidential aspirants of the National Democratic Congress. For all intent and purposes the 3rd and 4th Defendants are directly affected by the outcome of this suit.
5. The 5th Defendant is a governance institution provided under the 1992 Constitution of Ghana to manage the conduct of all public elections and referenda and handle all matters directly related to the conduct of public elections in Ghana. The 5th Defendant is a nominal Defendant in this suit.
6. Per Article 42 (1) of the constitution of the National Democratic Congress, the party is required to elect its Presidential Candidate twenty-four (24) months if the party is not in power.
7. For reasons beyond its control, the party could not meet the deadline for election of a Presidential Candidate for the 2024 general elections before the end of the 2022 calendar year and accordingly rescheduled the elections to 13th May, 2023.
8. The Plaintiff says that he and the 3rd and 4th Defendants filed nominations as the party's Presidential Candidates on 20th to 22nd February, 2023 and were vetted on 27th to 29th March, 2023 and approved to contest the Flagbearership position of the party.
9. The Plaintiff adds that on 29th March, 2023 the party balloted for the three aspirants in preparation for the party's internal elections on 13th March, 2023 to elect a Presidential Candidate for the 2024 Presidential elections in Ghana.
10. The Plaintiff adds that the 2nd Defendant informed the Presidential aspirants on the said 29th March, 2023 that copies of the Photo Album Register of eligible candidates for the internal elections to elect a flagbearer for the party shall be made available to the Presidential aspirants immediately to afford the

Presidential aspirants an opportunity to verify the accuracy of the voters register in all the branches within the two hundred and seventy-five (275) constituencies of the party as part of the processes to ensure free, fair and credible internal elections on 13th May, 2023.

11. The Plaintiff repeats the averment in the preceding paragraph 10 of the Statement of claim hereof and adds that this measure is in compliance with best practice in modern democratic elections to ensure that the Photo Album register is complete, accurate and enhance free and fair elections and reduce disputes over election results and same is consistent with the aims and objectives of the National Democratic Congress as enshrined in Article 7 of the party's constitution.
12. The Plaintiff repeats the averment in paragraph 10 above and says that it is a practice recognized and practised by the 5th Defendant in all public elections it conducts. Indeed the 5th Defendant's Regulations which constitute a model for public elections in Ghana require the Photo Album Register as in this instance to be made available to candidates and the voting public at least five weeks prior to the elections to enable same to be verified by all.
13. The Plaintiff repeats the averments in the preceding paragraphs 10,11 and 12 of the Statement of claim hereof and adds that he immediately caused a hard drive to be submitted to the 2nd Defendant to store the bulky Photo Album Register for the Plaintiff.
14. The Plaintiff adds that to his surprise, the 2nd Defendant failed to provide the voters register to his (Plaintiff) representatives as a result of which Plaintiff caused his head of research and strategy to send a reminder via WhatsApp to the 2nd Defendant and subsequently to the 1st Defendant.
15. The Plaintiff avers that mindful of the fact that time is of the essence in verifying the photo album register in the numerous branches in all the 275 constituencies located in the sixteen (16) regions of Ghana, he (Plaintiff) caused yet another written reminder dated 2nd May, 2023 to be sent to the 1st Defendant who is the Chief Executive Officer of the National Democratic Congress.
16. As a follow up to the aforesaid letter of 2nd May, 2023, the 1st and 2nd Defendants held a meeting with representatives of all the three Presidential aspirants on 4th May, 2023 and delivered a hard drive to the Plaintiff's representatives at the said meeting which said hard drive the 2nd Defendant indicated that it contains the Photo Voters Register of 228 constituencies and that the remaining 47 constituencies would be delivered to the representatives of the Presidential aspirants on 8th May 2023 but all to no avail.

17. The Plaintiff avers that the partial delivery of the Photo Album Register to his representatives on 4th May, 2023 was in itself out of time considering the magnitude of the verification exercise required of them before the internal elections on 13th May, 2023.
18. The Plaintiff adds that to their utmost surprise, upon verification, it was found that the number of constituencies on the hard drive given to his representatives was 220 in number as opposed to the alleged number of 228 constituencies indicated by the Defendant.
19. The Plaintiff adds further that an initial verification of the said 220 constituencies on the hard drive given to his representatives by the 2nd Defendant established basic errors and inaccuracies that render the Photo Album Register inaccurate and unreliable for a free, fair and credible elections.
20. The Plaintiff avers that records of some of the delegates have been duplicated and given different names and different Party identification numbers.
21. The Plaintiff adds that of the 220 constituencies, an exceptional list of 74,799 people have been created to take part in the elections which said exceptional list cannot be verified because of the scanty information provided about them in the Photo Album Register.
22. The Plaintiff avers that for no credible reason, 3,910 eligible voters at the 220 constituencies have been disenfranchised.
23. The Plaintiff avers further that a sizeable number of the eligible voters have no photographs exhibited on the Photo Album Register making it impossible to conduct any meaningful verification exercise on these persons.
24. The Plaintiff says that it caused an initial analysis of the incomplete and inaccurate Photo Album Register to be sent to the 2nd Defendant on 8th May, 2023 and requested for a postponement of the 13th May 2023 Presidential primaries and clean the Photo Album Register to guarantee the integrity of the elections but all to no avail.
25. To date, the 3rd Defendant has failed, refused and/or neglected to deliver the Photo Album Register for the remaining 55 constituencies to the Plaintiff for verification. Yet the 1st and 2nd Defendants insist on holding the internal elections on Saturday, 13th May, 2023.
26. The Plaintiff avers that he caused a petition to be lodged with the 5th Defendant for the 5th Defendant's intervention for a comprehensive and accurate register to be compiled by the 1st and 2nd Defendants and prevent

fraudulent activities such as multiple voting, impersonation and disenfranchising of eligible and qualified voters.

27. The Plaintiff adds that the Photo Album Register put out by the 2nd Defendant with the knowledge, consent and tacit approval of the 1st Defendant would compromise the integrity of the elections and very much to the detriment of the Plaintiff, erode public trust in the elections and lead to disputes over the election results.
28. The Plaintiff maintains that the 1st and 2nd Defendants reluctance to extend the time for the internal elections and provide a complete and credible Photo Album Register ahead of time to the Presidential aspirants for verification smacks of a plan to create undue advantage for manipulation of the presidential primaries.
29. **WHEREFORE** the Plaintiff claim against the Defendants as per the endorsement to the writ of summons.

DATED AT OPOKU AMPONSAH & CO, ACCRA THE 9TH DAY OF MAY 2023.

OPOKU AMPONSAH & CO.
Legal Practitioners & Notaries Public
Tel: +233 302 4549233 20 815 5516 / 54 235 0263
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Asylum Drive, Accra GPS-GA-049-0869
Email: office@opokuamponsahandco.com
opamponsah@opokuamponsahandco.com

SOLICITOR FOR THE PLAINTIFFS
SOLICITORS LICENCE NO. EGAR 01557/23
CHAMBERS REG. NO. EPP00835/22
SOLICITORS TIN NO. P0001036106

THE REGISTRAR
HIGH COURT
GENERAL JURISDICTION
ACCRA

- AND TO-**
1. THE 1ST DEFENDANT; THE GENERAL SECRETARY, NATIONAL DEMOCRATIC CONGRESS 20 HALL ST, GA-075-6857, ADABRAKA – ACCRA
 2. THE 2ND DEFENDANT; THE DIRECTOR, ELECTIONS DIRECTORATE, NATIONAL DEMOCRATIC CONGRESS, 20 HALL ST., GA-075-6857, ADABRAKA – ACCRA

3. THE 3RD DEFENDANT, MR. JOHN DRAMANI MAHAMA,
CHAINHOMES-ACCRA/NO. 7 KAKRAMADU ROAD,
CANTONMENTS- ACCRA
4. THE 4^H DEFENDANT, MR. KOJO BONSU, 8 WATERMELON ST, ST
JOHN – ACHIMOTA, ACCRA
5. THE 5TH DEFENDANT; THE ELECTORAL COMMISSION OF GHANA
RIDGE ACCRA