

IN THE SUPERIOR COURT OF JUDICATURE
IN THE HIGH COURT OF JUSTICE
(GENERAL JURISDICTION)
ACCRA – A.D. 2024

Filed on 10/10/24
2:50
at
Registrar
HIGH COURT
ACCRA

SUIT NO:

IN THE MATTER OF
AN APPLICATION FOR JUDICIAL REVIEW IN THE
NATURE OF CERTIORARI, MANDAMUS, PROHIBITION
AND DAMAGES

GJ/0039/2025

THE REPUBLIC

V

THE ELECTORAL COMMISSION OF GHANA - RESPONDENT
5th Jomo Kenyatta Road
Ridge, Accra

EX PARTE:

SAMUEL KWADWO BOAPIM APEA-DANQUAH - APPLICANT
B308/15 Allotei Coffie Street
New Abossey Okai, Accra GA-435-9560

MOTION ON NOTICE

**APPLICATION FOR JUDICIAL REVIEW IN THE NATURE OF
CERTIORARI, MANDAMUS, PROHIBITION AND DAMAGES**

ARTICLES 141 of the CONSTITUTION (1992)

SECTION 16 OF THE COURTS ACT 1993 (ACT 459) AS AMENDED,

**ORDER 55 OF CI 47 (HIGH COURT (CIVIL PROCEDURE) RULES,
2004)**

TAKE NOTICE that Counsel for and on behalf of the Applicant, Samuel Apea-Danquah, will move this Honourable Court at the High Court of Justice, Accra for the following reliefs:

- 1. An order of Certiorari** to quash the decision of the Respondent, the Electoral Commission of Ghana, disqualifying the Applicant as a presidential candidate for the 2024 Presidential Elections pursuant to **Article 63(1)(c)** of the Constitution(1992), which mandates that nomination forms must be submitted on or before the appointed nomination day and **Regulation 9(2)** of CI 127, which mandates that all corrections be made within the stipulated nomination period.
- 2. An order of Mandamus** compelling the Respondent, the Electoral Commission of Ghana, to reinstate the Applicant as a valid presidential candidate for the 2024 Presidential Elections, pursuant

to **Article 63(1)(c)** of the 1992 Constitution, which mandates that nomination forms must be submitted on or before the appointed nomination day, and **Regulation 9(2)**, and allow him to participate fully in the election process, including the balloting and all associated activities.

3. **An order of Prohibition** restraining the Respondent, the Electoral Commission, from taking further steps in the 2024 Presidential Elections, including the printing of ballot papers and the conduct of the election, until the Applicant's legal rights are restored and his inclusion as a candidate is finalised.
4. **An interim injunction** restraining the Respondent from proceeding with the election process, including balloting, the printing of ballot papers, and other election-related activities, pending the final determination of the application.
5. **An order for General and Special Damages:**
 - **General damages** for the loss of political capital, reputation, and the damage to the Applicant's standing as a public figure and political leader, caused by the unlawful disqualification.
 - **Special damages** for the financial loss and expenses incurred by the Applicant due to the loss of campaign momentum, loss of initiative, time lost to engage in adequate fundraising, and the costs incurred in organising efforts to fight the unlawful disqualification imposed by the Respondent.
6. Costs including Solicitor's cost.
7. Any further orders that this Honourable Court may deem fit in the circumstances.

GROUNDINGS FOR THE APPLICATION

- 1. Breach of Natural Justice:** The Respondent disqualified the Applicant without offering a fair hearing or providing sufficient reasons, violating the principles of natural justice. The Respondent's selective application of the rules disadvantaged the Applicant and unfairly excluded him from the election process.
- 2. Violation of Electoral Regulations:** The Respondent accepted nomination forms and corrections from certain candidates after the official deadline of 13th September 2024, contrary to **Regulation 7(4)** and **Regulation 9(2)** of the Public Elections Regulations, 2020 (CI 127). This action violated the requirement that all corrections be made within the stipulated nomination period, while disqualifying the Applicant, who fully complied with the regulations.
- 3. Selective Enforcement:** The Respondent's disqualification of the Applicant, while allowing other candidates to submit corrections after the final deadline, constitutes selective enforcement of the rules in violation of the Constitution's equal treatment guarantee and **Regulation 9(2)** of CI 127, which undermines the integrity of the electoral process and violates the Applicant's rights to equal treatment under the law.
- 4. Damage to Political Capital and Reputation:** The Respondent's actions have caused significant damage to the Applicant's political career, reputation, and ability to effectively participate in the 2024 Presidential Elections. The disqualification has undermined public perception of the Applicant's eligibility and campaign efforts.
- 5. Financial Losses:** The Applicant has incurred substantial financial expenses in preparing for the election, including costs related to filing nomination forms, organising campaign activities, and addressing the disqualification. These expenses have been rendered futile due to the Respondent's wrongful disqualification.

6. Procedural Impropriety:

- a) The Respondent's handling of anomalies was contrary to both law and established practice, particularly in its contradictory instructions regarding endorsements and marking, which misled candidates. Further, the requirement to reduce endorsements and the arbitrary insistence on document order went beyond the law, violating fairness.
- b) The Respondent issued defective nomination forms, including forms without proper areas for entering contact numbers and spelling mistakes like 'Six' instead of 'Sex'. Candidates were left to figure out the correct input fields themselves, with no guidance or correction from the EC. This failure by the Respondent to provide proper forms and instructions unfairly burdened candidates, including the Applicant, contributing to procedural impropriety.

PARTICULARS OF ILLEGALITY, UNFAIRNESS, AND PROCEDURAL IMPROPRIETY

1. Violation of Regulation 7(4) of the Public Elections Regulations, 2020 (CI 127):

The Respondent was mandated to close the filing window by 13th September 2024 in accordance with **Article 63(1)(c)**, which requires all presidential candidates to submit their nomination forms on or before the designated nomination day. The acceptance of nomination forms or corrections from candidates after this period violate **Regulation 7(4)**, which requires the submission of forms within the designated window.

2. Violation of Regulation 9(2) of CI 127:

The Respondent allowed certain candidates to submit corrections after the official deadline, which violated **Regulation 9(2)** of C.I.

127, as all corrections must be made before the deadline of 13th September 2024.

3. Breach of Natural Justice:

a) The Respondent failed to provide the Applicant with a fair opportunity to correct any perceived anomalies after the deadline, disqualifying Applicant without proper notice or reasons, thus violating the principles of natural justice.

b) The Applicant was treated unfairly in comparison to other candidates who were allowed to participate despite similar or more significant irregularities.

c) The Respondent's actions also violated **Regulation 9(2)** by allowing others to submit corrections after the deadline, while disqualifying the Applicant who complied with the time.

4. Selective Enforcement:

The Respondent selectively applied the law, by disqualifying the Applicant while permitting other candidates who filed late or submitted corrections after the deadline to remain on the ballot, thus demonstrating procedural bias and selective enforcement of the rules.

5. Procedural Impropriety:

a) The Respondent misapplied the law by requiring the Applicant to reduce lawful endorsements, misled candidates on how endorsers should sign or tick forms, and failed to provide sufficient guidelines on form completion, resulting in widespread errors. These actions contributed to the unfair and arbitrary disqualification of the Applicant.

b) The Respondent provided defective forms, including forms where critical fields such as endorser phone numbers were missing and with glaring errors such as 'Six' instead of 'Sex'

in personal records. The Respondent failed to issue guidelines or corrections, leaving candidates to figure out the proper format and input areas on their own, further exacerbating the already flawed nomination process.

PARTICULARS OF DAMAGES

1. Loss of Political Capital and Reputation:

a) Loss of political capital and damage to the Applicant's reputation, particularly given that the Applicant complied with the regulations, while others who did not were unfairly favoured by the Respondent.

b) Harm to the Applicant's ability to secure endorsements, financial contributions, and public support due to the Respondent's actions.

c) The disqualification has affected Applicant's public image and caused significant damage to the Applicant's political career, undermining his standing in the political community and among his supporters.

d) The disqualification also interrupted the Applicant's campaign efforts, impacting his ability to gain endorsements, build momentum, and secure votes.

2. Financial Losses and Campaign Disruption (Special Damages):

a) The Applicant incurred substantial financial losses caused by the constitutional breach under **Regulation 9(2)**, further compounding the unfairness and financial harm suffered due to the disruption of his campaign, including:

b) Loss of campaign momentum and initiative, which required significant investments in public outreach, advertising, and political engagement efforts. The unlawful disqualification caused a serious setback to the Applicant's campaign, requiring efforts to recover lost ground.

c) Costs incurred in challenging the disqualification, including legal fees and resources spent on organising efforts to address the procedural improprieties of the Respondent.

d) Additionally, the defective nomination forms provided by the Respondent, which required candidates to make assumptions and create their own input areas, led to increased administrative costs and time spent correcting these issues without guidance.

e) Loss of time for fundraising: The Applicant lost critical time and opportunities to engage in adequate fundraising activities, which are essential for sustaining a presidential campaign. The disqualification prevented the Applicant from effectively soliciting financial support from donors and backers, leading to a shortfall in campaign financing.

f) Other expenses directly related to regaining lost ground in the campaign, including re-engaging supporters and restoring the political credibility undermined by the disqualification.

3. Emotional Distress and Public Perception:

The wrongful disqualification has caused the Applicant emotional distress, as well as damage to his public image. He has been unfairly portrayed as being ineligible or unfit to contest the election, which has harmed his relationships with voters, supporters, and stakeholders.

Wed 23rd
COURT TO BE MOVED on the day of
October, 2024 at 9 o'clock in the forenoon or so soon thereafter as
Counsel for the Applicant may be heard.

10th
DATED IN ACCRA, THIS _____ DAY OF OCTOBER, 2024.

[Signature]
Martin Luther Kpebu Esq
Lawyer for Applicant
Solicitor's Licence:eGAR/1857/24

Martin L. Kpebu Lawyer
C T Legal
24 Otsokrikri Street
Adabraka, Accra
GA-074-3442

THE REGISTRAR
HIGH COURT
GENERAL JURISDICTION DIVISION
ACCRA

- AND FOR SERVICE ON THE RESPONDENT

IN THE SUPERIOR COURT OF JUDICATURE
IN THE HIGH COURT OF JUSTICE
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EX PARTE:

SAMUEL KWADWO BOAPIM APEA-DANQUAH - APPLICANT
B308/15 Allotei Coffie Street
New Abossey Okai, Accra GA-435-9560

AFFIDAVIT IN SUPPORT

I, Samuel Kwadwo Boapim Apea-Danquah, of House No. B308/15 Allotei Coffie Street, New Abossey Okai, make oath and say as follows:

1. That I am the Applicant in this matter, and the facts deposed herein are matters within my personal knowledge, information, and belief, except as otherwise stated.
2. That I filed my nomination forms for the 2024 Presidential Elections with the Respondent, the Electoral Commission of Ghana (EC), within the stipulated period from 9th to 13th September 2024.
3. That pursuant to Article 63(1)(c) of the Constitution (1992), which requires that a person must deliver their nomination forms to the Electoral Commission on or before the day appointed as nomination day, I fully complied with this constitutional requirement by filing my nomination forms on 9th September 2024, well within the stipulated nomination period.
4. That on 9th September 2024, I filed my nomination for the office of the President of Ghana on the same day as Vice President, H.E. Alhaji Dr. Mahamudu Bawumia, and former President, H.E. John Mahama.
Attached as **Exhibit A** is a photo taken by a media house at the moment of my filing.
5. That on 11th September 2024, I received a WhatsApp message from Mr. Samuel Kwaah (Deputy Director of Electoral Services at the Respondent), at 8:53 pm, notifying me of anomalies in my nomination forms. The anomalies included:
 - a) Disorganised nomination forms.

- b) The absence of a tax clearance certificate for my vice-presidential candidate.
 - c) Omitted pages and incomplete particulars for some supporters.
 - d) Supporters ticking instead of signing or thumbprinting forms.
6. Attached as **Exhibit B** is the WhatsApp message from Mr. Kwaah, and **Exhibit C** is the PDF document titled "Presidential Nomination Vetting Committee's Report.
7. That on 12th September 2024, I personally went to the Respondent office with my spokesperson and the Director of Communications of Yellow Ghana, Mr. Edwin Takyi, to pick up the nomination forms for the purpose of making the necessary corrections.
8. That on 13th September 2024 at 9:24 am, I informed Mr. Samuel Kwaah that all corrections had been made, including securing the tax clearance certificate for my vice-presidential candidate - of which I sent him a soft copy via WhatsApp, and that we would resubmit the documents that same day. Attached as **Exhibit D** is a copy of the WhatsApp correspondence.
9. That on 13th September 2024 at 4:52 pm, I resubmitted my corrected nomination forms at the Respondent's offices after making all necessary corrections as directed.
Attached as **Exhibit E** is a time-stamped photo of the submission at the EC premises.
10. That on 14th September 2024, Mr. Samuel Kwaah requested via a phone call to my spokesperson, Mr. Edwin Takyi, that we submit a formal letter to accompany the corrected nomination forms we submitted the day before. We complied, and the letter was sent later that day.
Attached as **Exhibit F** is a copy of the letter submitted to the Respondent and **Exhibit G** a screenshot of Edwin Takyi's call log and **Exhibit H** is an acknowledgement by the Respondent of

receipt.

11. That despite fully complying with the Respondent's requests and resubmitting the forms on time, the Respondent disqualified me from the 2024 Presidential Elections. The Respondent claimed that I had failed to rectify the errors, which is untrue and misleading.
12. That despite complying with the Respondent's requests, some of the cited anomalies were contrary to law. Article 63(3) of the Constitution (1979) requires that a candidate's nomination form be signed by at least two registered voters in each district, allowing for more endorsements. However, I was required by the Respondent to reduce my endorsements from six or more to just two, which is inconsistent with the Constitution.
13. That this unconstitutional requirement by the Respondent deprived me of the opportunity to fully comply with the provision of at least two endorsements, as provided for by Article 63(3), which clearly allows for more endorsements.
14. That furthermore, the Respondent initially instructed us to allow endorsers to sign or mark the forms, only to later cite ticking, which is a valid form of marking, as an anomaly, causing confusion.
15. That finally, the Respondent's requirement that documents be ordered in a particular way was arbitrary and not grounded in law, and they failed to provide sufficient guidelines for properly completing the forms, leading to widespread errors, including my initial omission of the tax clearance certificate for my vice-presidential candidate.
Attached as **Exhibit K** is a form showing the 'Signature' or 'Mark' column.
16. That the Respondent provided defective nomination forms, including forms without a designated area for endorser contact

numbers and forms with spelling mistakes such as using 'Six' instead of 'Sex' in the section for a candidate's personal record.

17. That candidates, including myself, had to make assumptions and create fields to input this information without any guidance from the Respondent. At no point did the Respondent issue corrections or instructions as to how we should address these defects.

18. That the above failure by the Respondent to provide correct forms and guidance directly contributed to the anomalies in the submissions of candidates, including mine, which should not be held against us.

Attached as **Exhibit L** is a form misspelling 'Sex' as 'Six' and **Exhibit M** is a form showing a district - Adansi Asokwa - had no entry for contact numbers.

19. That Regulation 9(2) of CI 127 clearly states that corrections to nomination forms must be made within the stipulated nomination period. I adhered to this regulation by submitting all corrections on time, yet the Respondent allowed other candidates to submit corrections after the deadline, in direct violation of the regulation. Attached as **Exhibit N** are letters from Respondent to that effect.

20. That on 20th September 2024, the Respondent issued a press release listing the qualified candidates. I was shocked to find that my name was omitted, and I was not invited to participate in the balloting process for positions on the ballot paper.

21. That at a follow up press conference Mrs Jean Mensa gave the reasons for disqualification as that I had failed to correct my nomination forms, which was factually incorrect.

Attached as **Exhibit P** series is a video of the Respondent's full press conference and balloting, **Exhibit P1** is the part of the video about my disqualification and **Exhibit P2** is a transcript of the

press conference

22. That in response to the disqualification, my legal team issued a demand notice to the Respondent on the same day, 20th September 2024 and successfully served the Respondent on 24th September 2024, requesting immediate rectification and my reinstatement in the process.
23. That however, the Respondent has yet to respond.
Attached as **Exhibit Q** is the demand notice.
24. That the Respondent's failure to provide specific reasons for my disqualification, and their refusal to grant me an opportunity to correct any possible remaining errors, if any, constitutes a violation of Regulation 9(2) of the Public Elections Regulations, 2020 (C.I. 127), which mandates that candidates be given a fair opportunity to correct errors within the stipulated nomination period.
25. That I am advised by Counsel and verily believe same to be true that the Respondent's actions, including the failure to notify me of specific errors, if any, after the corrected forms were submitted, the failure to afford me an opportunity to correct those alleged errors, and the exclusion from the balloting process, constitute a breach of natural justice and my right to administrative justice under Article 23 of the Constitution (1992).
26. That the Respondent's conduct has caused significant harm to my campaign, including:
 - a) Loss of political momentum and damage to my public reputation due to the sudden disqualification.
 - b) Financial losses incurred in organising efforts to challenge the disqualification, as well as attempts to recover lost campaign momentum.

c) Lost time and opportunities for adequate fundraising, which severely impacted the financial strength of my campaign.

27. That the unlawful actions of the Respondent, including failure to adhere to Regulation 9(2) and selective enforcement of nomination deadlines, resulted in irreparable damage to my political campaign, finances, and public image, further compounding the unfairness and procedural impropriety.

28. That based on all the above depositions, I respectfully seek an order of this Honourable Court to quash the decision of the Respondent to disqualify me from the 2024 Presidential Elections, compel the Respondent to reinstate me as a candidate, and award damages for the financial, reputational, and emotional harm suffered.

WHEREFORE I swear to this affidavit praying that same be granted.



Deponent

Sworn in Accra)

this ^{10th}..... day of October, 2024)

BEFORE ME



COMMISSIONER FOR OATHS

IN THE SUPERIOR COURT OF JUDICATURE
IN THE HIGH COURT OF JUSTICE
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B308/15 Allotei Coffie Street
New Abosseyy Okai, Accra GA-435-9560

CERTIFICATE OF EXHIBITS

ORDER 20 RULE 14 of C.I. 47

PLEASE TAKE NOTICE THAT the following Exhibits are attached to the Affidavit of Samuel Apea-Danquah of House No. B308/15 Allotei Coffie Street, New Abossey Okai sworn before me on *10th* October, 2024.

PARTICULARS

1. **Exhibit A:** Is a copy of a photo taken by a media house at the moment I filed my nomination at the Electoral Commission of Ghana.
2. **Exhibit B:** Is a copy of the WhatsApp message from Mr. Samuel Kwaah to me.
3. **Exhibit C:** Is a copy of the PDF document sent to me by Mr. Samuel Kwaah titled "Presidential Nomination Vetting Committee's Report."
4. **Exhibit D:** Is a copy of the WhatsApp message I sent to Mr. Samuel Kwaah.
5. **Exhibit E:** Is a time-stamped photo of the resubmission at the EC premises.
6. **Exhibit F:** Is a copy of the resubmission letter submitted to the EC.
7. **Exhibit G:** Is a screenshot of Mr. Edwin Takyi's call log with Mr. Samuel Kwaah.

8. **Exhibit H:** Is an acknowledgement of receipt by Mr. Samuel Kwaah, the Deputy Director of Electoral Services of the EC.
9. **Exhibit K:** Is one of the EC-issued nomination forms showing the 'Signature' or 'Mark' column.
10. **Exhibit L:** Is one of the EC-issued nomination forms misspelling 'Sex' as 'Six'.
11. **Exhibit M:** Is one of the EC-issued nomination forms showing a district - **Adansi Asokwa** - which had no entry for contact numbers.
12. **Exhibit N:** Are copies of letters from Respondent to other candidates.
13. **Exhibit P:** Is a video of the EC's full press conference and balloting.
14. **Exhibit P1:** Is the part of the video of the press conference where the EC comments about my disqualification.
15. **Exhibit P2:** Is a transcript from the press conference where the EC Chair, Mrs. Jean Mensa, gave the reasons for my disqualification.
16. **Exhibit Q:** Is the Demand Notice filed by my legal team to the EC.

Dated at Accra this 10th day of October, 2024


COMMISSIONER FOR OATHS

EXH. A



This is the instrument referred to in the affidavit sworn before me this day of
K. B. A. Fanga
COMMISSIONER FOR OATHS

EXH B

7:55 PM

4G LTE 100% 178



Kwaah (Electoral...

last seen today at 7:55 PM



September 11, 2024

Messages and calls are end-to-end encrypted. No one outside of this chat, not even WhatsApp, can read or listen to them. Tap to learn more.

Kwaah (Electoral Commission) Samuel is a contact



Missed video call

Tap to call back 8:51 PM

Forwarded

CamScanner 09-11-2024
20.20.pdf
1 page • 301 kB • PDF



SAMUEL APEA-DANQUAH

8:53 PM

Instrument M...
exhibit... refer...
the affidavit...
worn before me this...
day of...
COMMISSIONER FOR OATHS

Danguah

September 12, 2024

Good morning sir 9:32 AM

We've been in your Executive Lounge for a little over 20 mins now. I was just calling to follow-up since no one has yet attended to us. Thank you



Message





EXH C

11TH SEPTEMBER, 2024

MR. SAMUEL APEA-DANQUAH
INDEPENDENT PRESIDENTIAL ASPIRANT
ACCRA

PRESIDENTIAL NOMINATION VETTING COMMITTEE'S REPORT

I bring you greetings from the Presidential Nomination Committee and trust that this letter finds you well.

The Nomination Committee has detected the underlisted anomalies with your nomination forms:

1. Nomination forms are disorganised.
2. No Tax Clearance Certificate for the Vice-Presidential Candidate
3. Most pages have multiple copies with different Supporters.
4. Some pages are omitted.
5. Most of the Supporters ticked instead of signing or thumb printing.
6. Incomplete particulars for some Supporters.

Meanwhile the Commission is contacting your Supporters to verify the authenticity of their consent to your nomination.

You are required to come for your nomination forms tomorrow at 9: 00 am and effect the needed corrections and resubmit before the close of nomination at 5: 00 pm on Friday, 13th September, 2024.

We wish you well.

BENJAMIN BANO-BIOH
DIRECTOR, ELECTORAL SERVICES

CC: CHAIRPERSON
DEPUTY CHAIRMAN, OPERATIONS
DEPUTY CHAIRMAN, CORPORATE SERVICES

...is the instrument M.G. 100
exhibit- ...
the affidavit ...
sworn before me this ...
day of ...
COMMISSIONER FOR CAPS

EXH D

7:56 PM

4G 470 183

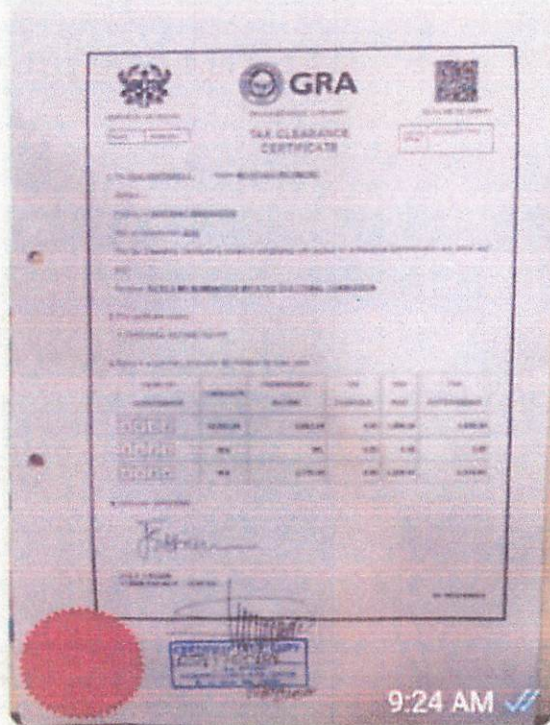


Kwaah (Electoral...
online



September 13, 2024

Forwarded



9:24 AM ✓✓

Good morning Sir 9:24 AM ✓✓

We were able to secure the tax clearance certificate for Mr. Richmond Nii-Afuah, my vice presidential candidate, yesterday and will be presenting it today

Edited 9:25 AM ✓✓

1. We have also organized the documents as you requested,
2. An inadvertently omitted page has been included,
3. We have limited our supporters to two per district from the six

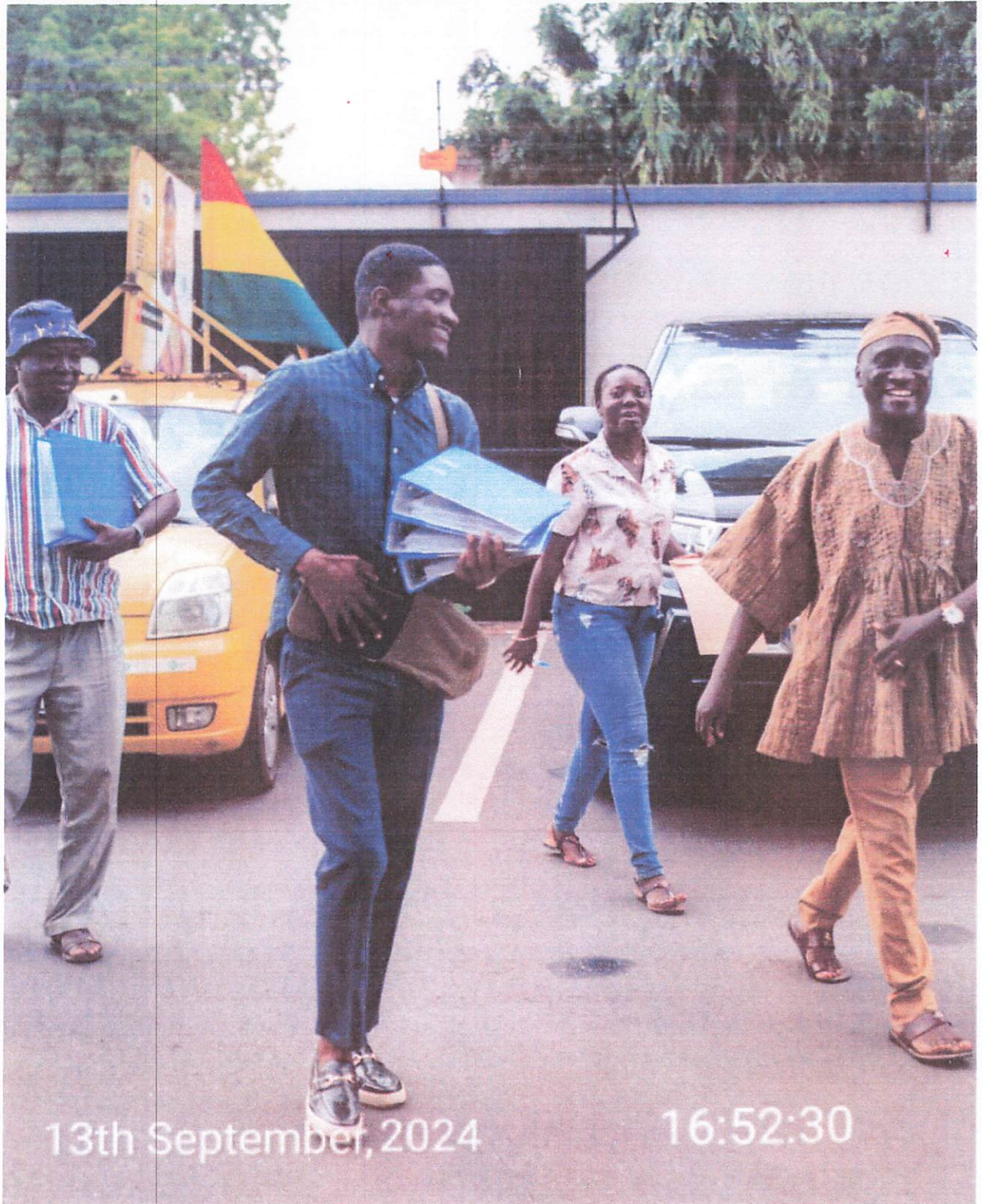
This is the instrument that was
 exhibited to the affidavit sworn before me this day of
 Commissioner for

K. A. A. Dangoch

Message



EXH E



13th September, 2024

16:52:30

...is the instrument M...
...exhibit...
to the affidavit...
sworn before me this...
day of...
COMMISSIONER FOR DATES

K. K. Dangush

EXH F

OFFICE OF THE PRESIDENTIAL CAMPAIGN OF SAMUEL APEA-DANQUAH



The Chairperson
Electoral Commission of Ghana
5th Jomo Kenyatta Road
Ridge-Accra

13th September 2024.

Dear Madam Jean Mensa,

RE: RESUBMISSION OF NOMINATION DOCUMENTS

I trust this letter finds you well. I am writing to formally inform you that I have resubmitted my nomination documents as an Independent Presidential Aspirant for the upcoming 2024 general elections.

Following the feedback provided by the Electoral Commission on the 11th of September 2024 regarding necessary corrections to the initial submission, I am pleased to confirm that all requested amendments have been made. The corrected documents were resubmitted to the Commission on Friday, 13th September 2024.

I kindly request that the Electoral Commission acknowledges receipt of the updated documents and provides any further guidance, should it be necessary.

Thank you for your continued support in facilitating a smooth electoral process. I look forward to your prompt attention to this matter.

Yours sincerely,

Samuel Apea-Danquah
Independent Presidential Aspirant

This is the instrument marked
exhibit... K B A Dangoh
to the affidavit...
sworn before me this...
day of...
COMMISSIONER FOR...

EXH F

EXH G

17:51

4G 41%



Samuel Kwaah EC

+233 20 811 5652



View contact details

16 September



14:54

Outgoing call

14 September



14:02

Outgoing call, 0 mins 21 secs



10:58

Outgoing call, 0 mins 27 secs



10:47

Incoming call, 1 min 17 secs



Favourites



Edit



Share

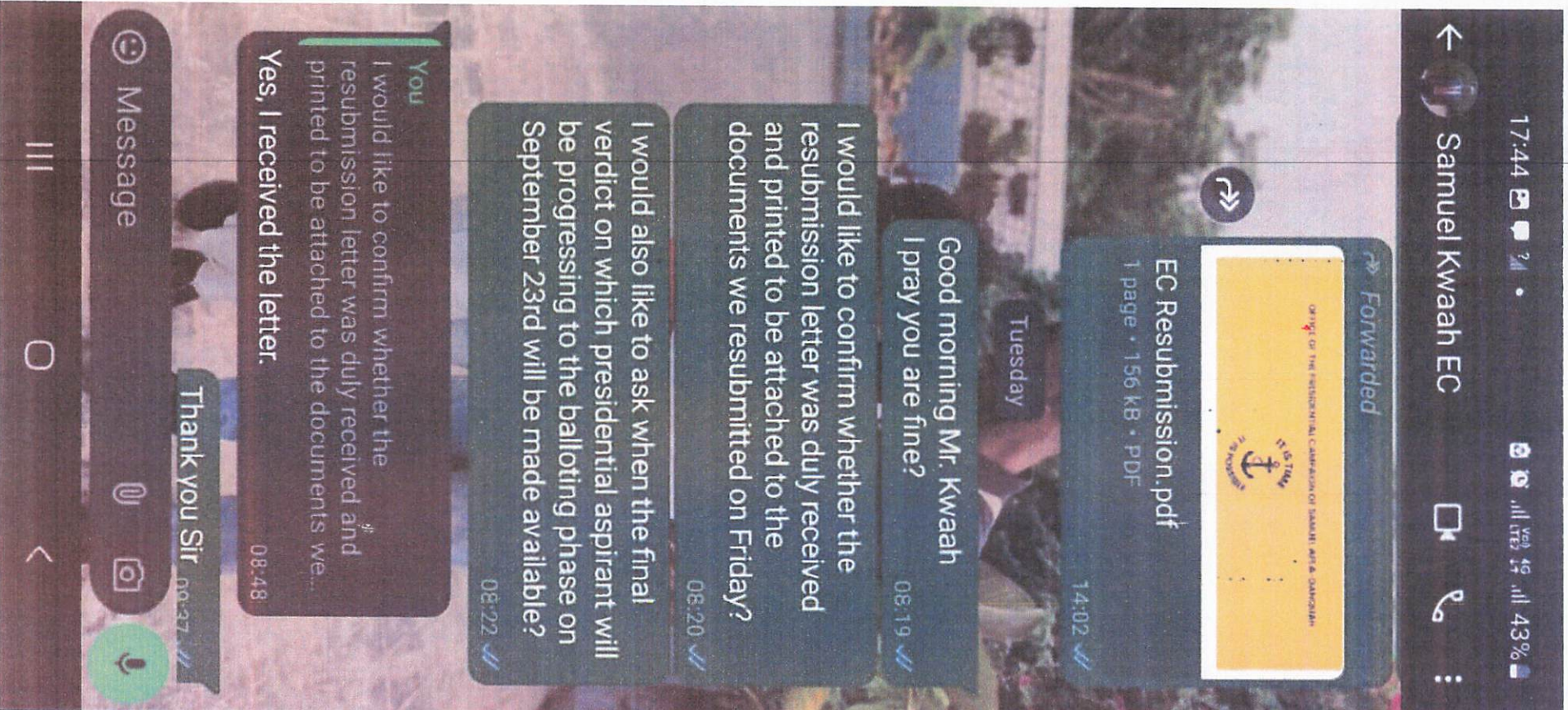


More



...the instrument M...
exhibit... refer...
the affidavit...
sworn before me this...
day of...
COMMISSIONER FOR...
Handwritten signature and scribbles in red ink

EXH #



This is the instrument Mr. Kwah exhibited. ~~It was returned to the affidavit...~~ sworn before me this...
COMMISSIONER FOR EMBASSY

EXH K

ASHANTI REGION (DISTRICTS)

(c) Akrofuom

(I) Full Name
Voter I.D. No Polling Station Code
Polling Station Name
Current Residential Address
Occupation.....
Contact Number.....
Date.....

.....
Signature or mark

(II) Full Name
Voter I.D. No Polling Station Code
Polling Station Name
Current Residential Address
Occupation.....
Contact Number.....
Date.....

.....
Signature or mark

(d) Adansi Asokwa

(I) Full Name
Voter I.D. No Polling Station Code
Polling Station Name
Current Residential Address
Occupation.....
Date.....

.....
Signature or mark

(II) Full Name
Voter I.D. No Polling Station Code
Polling Station Name
Current Residential Address
Occupation.....
Date.....

.....
Signature or mark

..... is the instrument referred to
exhibit referred to
to the affidavit.....
sworn before me this
day of
.....
COMMISSIONER FOR OATHS

Dangfah

EXH K

15. I am not a chief.

16. I am not otherwise disqualified from standing for election by any law in force in Ghana.

17. That all information provided on the attached Candidate's Personal Record Form are true and accurate.

I make this solemn declaration knowing and believing the same to be true. Subscribed and solemnly declared by me.

Date.....

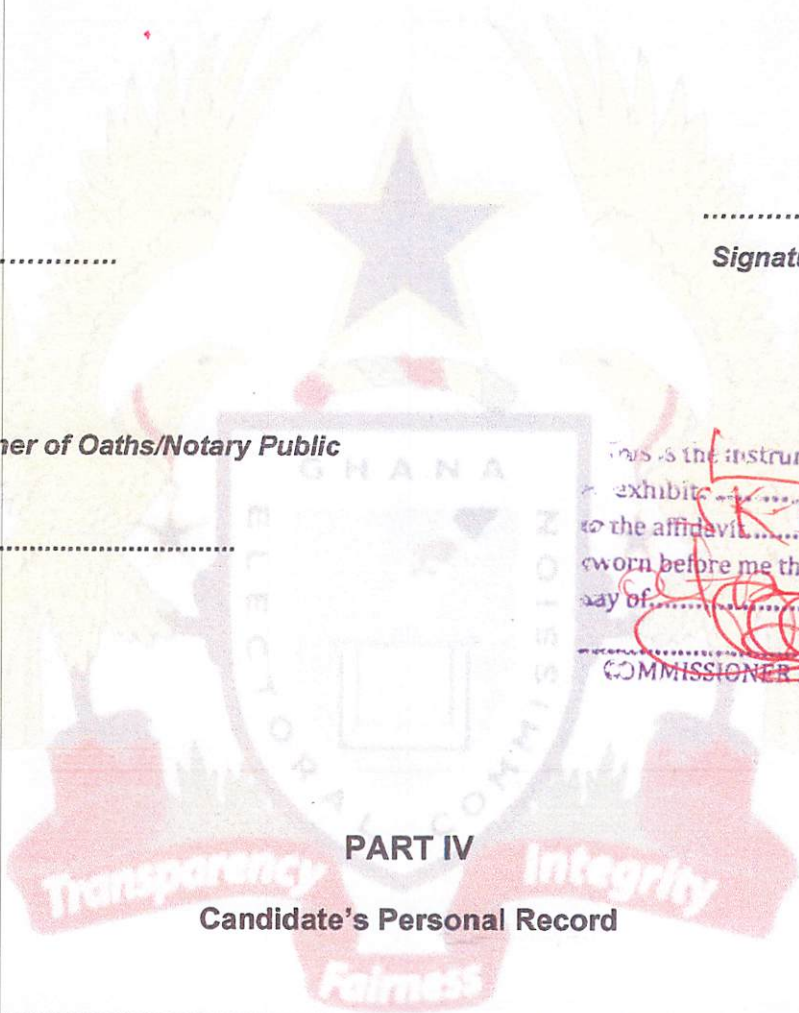
.....
Signature of Candidate

Before me

Judge/Commissioner of Oaths/Notary Public

Date.....

This is the instrument marked
exhibit retained
to the affidavit
sworn before me this...
day of
[Handwritten signature]
COMMISSIONER FOR OATHS



PART IV
Candidate's Personal Record

1. Name

2. Voter ID NO..... Polling Station No

3. Sex [] M [] F Religion

4. Date of Birth Age Place of Birth

5. Home Town Region

6. Current Residential Address

7. Highest Educational Qualification

EXH M

ASHANTI REGION (DISTRICTS)

(c) Akrofuom

(I) Full Name
Voter I.D. No Polling Station Code
Polling Station Name
Current Residential Address
Occupation.....
Contact Number.....
Date.....

.....
Signature or mark

(II) Full Name
Voter I.D. No Polling Station Code
Polling Station Name
Current Residential Address
Occupation.....
Contact Number.....
Date.....

.....
Signature or mark

(d) Adansi Asokwa

(I) Full Name
Voter I.D. No Polling Station Code
Polling Station Name
Current Residential Address
Occupation.....
Date.....

.....
Signature or mark

(II) Full Name
Voter I.D. No Polling Station Code
Polling Station Name
Current Residential Address
Occupation.....
Date.....

.....
Signature or mark

..... is the instrument which
exhibit referred
to the affidavit.....
sworn before me this.....
day of.....
.....
COMMISSIONER FOR OATHS

EXHIBIT N



ELECTORAL COMMISSION
GHANA

13TH SEPTEMBER, 2024

KOFI ASAMOAH SIAW
PROGRESSIVE PEOPLE'S PARTY (PPP)
ACCRA

PRESIDENTIAL NOMINATION VETTING COMMITTEE'S REPORT

I bring you greetings from the Presidential Nomination Committee and trust that this letter finds you well.

The Nomination Committee has detected the underlisted anomalies with your nomination forms:

1. Incomplete particulars of Presidential Candidate
2. Incomplete Particulars of Supporters (pages: 1, 2, 3, 8, 9, 24, 27, 29, 32, 46, 67, 68, 86, 124, 126 and 136.)

Meanwhile the Commission is contacting your Supporters to verify the authenticity of their consent to your nomination.

You are required to come for your nomination forms today, Saturday, 14th September, 2024 and effect the needed corrections and resubmit by 12:00 noon on Sunday, 15th September, 2024.

We wish you well.

BENJAMIN BANO-BIOH
DIRECTOR, ELECTORAL SERVICES

CC: CHAIRPERSON
DEPUTY CHAIRMAN, OPERATIONS
DEPUTY CHAIRMAN, CORPORATE SERVICES

This is the instrument which I have
exhibit to the affidavit sworn before me this day of
COMMISSIONER FOR DATE

Handwritten in red: K. B. Dangrah

This is the instrument which I have
exhibit to the affidavit sworn before me this day of
COMMISSIONER FOR DATE

Handwritten in red: K. B. Dangrah

EXH NI

EXHIBIT "BAM2"



ELECTORAL COMMISSION
GHANA

13TH SEPTEMBER, 2024

MR. BERNARD ANBATAAYELA MORNAH
PEOPLE'S NATIONAL CONVENTION (PNC)
ACCRA

PRESIDENTIAL NOMINATION VETTING COMMITTEE'S REPORT

I bring you greetings from the Presidential Nomination Committee and trust that this letter finds you well.

The Nomination Committee has detected the underlisted anomalies with your nomination forms:

1. Incomplete Particulars of Supporters (pages: 9, 10, 37, 39, 42, 46, 50.)

Meanwhile the Commission is contacting your Supporters to verify the authenticity of their consent to your nomination.

You are required to come for your nomination forms today, Friday, 13th September, 2024 and effect the needed corrections and resubmit by 2:00 pm on Saturday, 14th September, 2024.

We wish you well.

BENJAMIN BANO-BIOH
DIRECTOR, ELECTORAL SERVICES

CC: CHAIRPERSON
DEPUTY CHAIRMAN, OPERATIONS
DEPUTY CHAIRMAN, CORPORATE SERVICES

... is the instrument by which
 exhibit- ...
 to the affidavit ...
 sworn before me this ...
 day of ...
 COMMISSIONER FOR ...

BAM2 Mornah
[Signature]

... is the instrument by which
 exhibit- ...
 to the affidavit ...
 sworn before me this ...
 day of ...
 COMMISSIONER FOR ...

[Signature]
Dangmah

CS CamScanner

SCAN AnyScanner

EXH P2

“Mr. Samuel Apea-Danquah, independent candidate, was however presented with a number of issues to resolve including and not filing a tax certificate for his vice presidential candidate, and then some of his pages were omitted from the form and he had incomplete particulars for some of his supporters.

Unfortunately, though he was provided with the opportunity to correct this, he was unable to do so and the committee(s) recommended that he be disqualified.”

This is the instrument made
to exhibit...
to the affidavit...
sworn before me this...
day of...
COMMISSIONER FOR CATHS

Samuel Apea-Danquah

GT LEGAL
LEGAL PRACTITIONERS
24 OTSOKRIKRI STREET, ADABRAKA, ACCRA
(OPPOSITE TRUST TOWERS ASYLUM DOWN)
P.O. BOX YK 725 KANDA ACCRA, GHANA

TEL: 026-6121804
WhatsApp: 0243176931
GA-074-3440
EMAIL: mkpebu@yahoo.com

Our Ref: MLK/SAD/092/2024

Your Ref:

Date: September 20, 2024

WITHOUT PREJUDICE

THE CHAIRPERSON
ELECTORAL COMMISSION OF GHANA
5TH JOMO KENYATTA ROAD
RIDGE, ACCRA

ATTN: MADAM JEAN MENSA



Dear Madam,

DEMAND NOTICE

We act as solicitors for Samuel Apea-Danquah (hereinafter referred to as "our client") on whose instructions we write to you.

Our client's instructions are as follows:

1. Our client is a prospective Presidential Candidate for the 2024 elections.
2. Our client was wrongfully disqualified and seeks immediate redress to participate in the elections for reasons explained in the subsequent paragraphs.
3. Our client first submitted his presidential nomination forms on Monday, 9th September 2024.
4. Our client was informed about certain anomalies in the submitted forms and was asked to pick them up the following morning to make amendments and submit them before the deadline of 13th September. This request was communicated via WhatsApp by Mr. Samuel Kwaah (Deputy Director, Electoral Services of the Electoral Commission (EC)), on Wednesday, 11th September 2024, at 8:53 pm. The errors included:

This is the instrument of
exhibit to the affidavit
sworn before me this
day of

COMMISSIONER FOR

- a. Disorganized nomination forms;
 - b. Absence of a tax clearance certificate for his vice-presidential candidate, Mr. Richmond Nii Afuah;
 - c. Omitted pages;
 - d. Supporters ticking rather than signing or thumbprinting forms;
 - e. Incomplete particulars for some supporters.
5. The next day, our client promptly retrieved the nomination forms to amend same. Our client was also given an official letter from the EC requesting that he pick up the forms and make the corrections which has been annexed as Exhibit "A".
 6. On 13th September, our client submitted the amended forms before the 5pm deadline, having corrected all noted errors.
 7. In fact earlier that day, around 9:24am, our client sent a softcopy of his vice-presidential candidate's tax clearance form to Mr Kwaah via WhatsApp message. Our client also informed Mr Kwaah in the same message that he and his team had reorganized the forms in the way that was requested, included an omitted page, and had completed the particulars of supporters as well as limited them to two per district instead of the six initially presented. Our client added that he was waiting to receive the updated endorsements and that the amended forms would be submitted by the deadline which was the same day at 5pm. Annexed as "Exhibit B" is a copy of this correspondence.
 8. Our client took pictures on your office building compound with his team just when they entered to do the resubmission. Annexed as Exhibit "C" are copies of these pictures showing the date and time they were taken.
 9. On 14th September 2024, Mr. Kwaah contacted my client's spokesperson, Mr. Edwin Takyi, to request a resubmission letter, as the letter dated 11th September (Exhibit A) did not specify the need for one. Mr. Takyi provided the requested letter via Whatsapp, and Mr. Kwaah confirmed its receipt. A copy of this correspondence is annexed as Exhibit "D."
 10. Our client also submitted 4 copies of the amended forms instead of 3 required by the EC, and therefore wrote to your office to request a return of one of the copies which was meant to be his personal copy. This letter is dated 20th September 2024, and is annexed to this letter as Exhibit "E".
 11. Despite these efforts, your good self stated that our client failed to amend the forms although he was given the opportunity to do so, resulting in his

disqualification. This statement was made in a press conference dated 20th September 2024, and carried by various mass media. Annexed as Exhibit "F" is a copy of excerpts of this press conference on a pendrive.

12. The amended forms were submitted before the deadline, and any assertion to the contrary is unfounded.
13. Although your office had indicated that further amendments would be allowed until 14th September, our client submitted the amended forms on 13th September to avoid any potential risk of disqualification.
14. Yet the EC's letter to our client did not disclose any reason for the disqualification. Annexed as exhibit "G" is copy of disqualification letter from the EC.
15. In the case of *Republic v High Court (Commercial Division); Accra; Ex-parte: Electoral Commission* [2016] GHASC 20 (7 November 2016) (pages 10 -13) the Supreme Court held, in relation to the Interested Party (Papa Kwasi Nduom) being disqualified without a hearing regarding errors in his nomination forms as follows:

"In as much as we agree with Counsel's submission that the High Court's decision effectively extending the period of nomination has very serious consequences for the electoral calendar, we do not think it is sufficient reason to hold that the High Court has exceeded its jurisdiction. However, since the complaint of the Interested Party was that the Applicant failed to give him a hearing before being disqualified the most appropriate consequential order in the circumstances is to order the Applicant to give the Interested Party a hearing...

The Supreme Court, mindful of the importance that nominations should be concluded according to time schedule fixed by regulation 4(2)(b) of C.I. 94 and the limited time available for the Applicant to complete processes, prior to the printing of presidential ballot papers and collation sheets etc before December 7, 2016; and while taking judicial notice of the plethora of cases pending in various High Courts with similar claims, and primarily to ensure prevalence of justice, equity and fairness in the election process; we find it prudent to exercise our supervisory jurisdiction under Article 132 of the Constitution 1992 to give directives to the Applicant on how to proceed to obey the order of the Court.

This Court hereby orders the Electoral Commission

1. The Applicant extends the nomination period from today Monday 7th November 2016 to the close of working day of Tuesday 8th November 2016.

2. The Applicant should invite the Interested Party and all the presidential candidates who were able to submit their nomination papers by the close of the nomination day on 30th September 2016 and were disqualified without a hearing and give them hearing within the extended period.

3. In appropriate cases, to afford candidates, the opportunity to comply with regulation 9 (2) of the Public Elections Regulations, 2016 (C.I.94).”

16. Similarly, it is our case that our client was erroneously disqualified as the commission did not take into account his amended forms, thereby effectively denying him a hearing.

17. Our client invested significant efforts in his campaign and the nomination process and his disqualification has severely impacted his campaign. Our client's team traveled to various districts, including remote areas in the Ashanti, Oti, and Volta regions, to rectify errors by obtaining proper signatures or thumbprints to replace tick marks.

18. Our client thoroughly reviewed the amended forms before submission. Upon arrival at your office on 13th September, our client and his team conducted a final check to ensure accuracy before submitting a few minutes before the 5pm deadline.

19. Despite the harm caused by the disqualification, our client believes a swift resolution can still salvage his campaign. Any delays will further jeopardize his chances of participating in the elections, particularly with the ballot papers needing to be printed ahead of the early December election.

20. In view of the above, we request an expeditious review of our client's disqualification.

21. Our client has therefore instructed that we request an amicable settlement of this matter within three (3) days upon receipt of this letter, failing which we will explore other legal avenues for redress.

Anticipating your utmost co-operation.

Yours truly,



M L Kpebu

Cc: Mr Samuel Apea-Danquah
Allotei Coffie Street
New Abossey Okai
Accra

JXH/A



ELECTORAL COMMISSION
GHANA

11TH SEPTEMBER, 2024

MR. SAMUEL APEA-DANQUAH
INDEPENDENT PRESIDENTIAL ASPIRANT
ACCRA

PRESIDENTIAL NOMINATION VETTING COMMITTEE'S REPORT

I bring you greetings from the Presidential Nomination Committee and trust that this letter finds you well.

The Nomination Committee has detected the underlisted anomalies with your nomination forms:

1. Nomination forms are disorganised.
2. No Tax Clearance Certificate for the Vice-Presidential Candidate
3. Most pages have multiple copies with different Supporters.
4. Some pages are omitted.
5. Most of the Supporters ticked instead of signing or thumb printing.
6. Incomplete particulars for some Supporters.

Meanwhile the Commission is contacting your Supporters to verify the authenticity of their consent to your nomination.

You are required to come for your nomination forms tomorrow at 9: 00 am and effect the needed corrections and resubmit before the close of nomination at 5: 00 pm on Friday, 13th September, 2024.

We wish you well.

BENJAMIN BANO-BIOH
DIRECTOR, ELECTORAL SERVICES

CC: CHAIRPERSON
DEPUTY CHAIRMAN, OPERATIONS
DEPUTY CHAIRMAN, CORPORATE SERVICES

EXH B



Kwaah (Electoral...
online



September 13, 2024



Good morning Sir 9:24 AM

We were able to secure the tax clearance certificate for Mr. Richmond Nii-Afuah, my vice presidential candidate, yesterday and will be presenting it today

Edited 9:25 AM

1. We have also organized the documents as you requested,
2. An inadvertently omitted page has been included,
3. We have limited our supporters to two per district from the six



Message

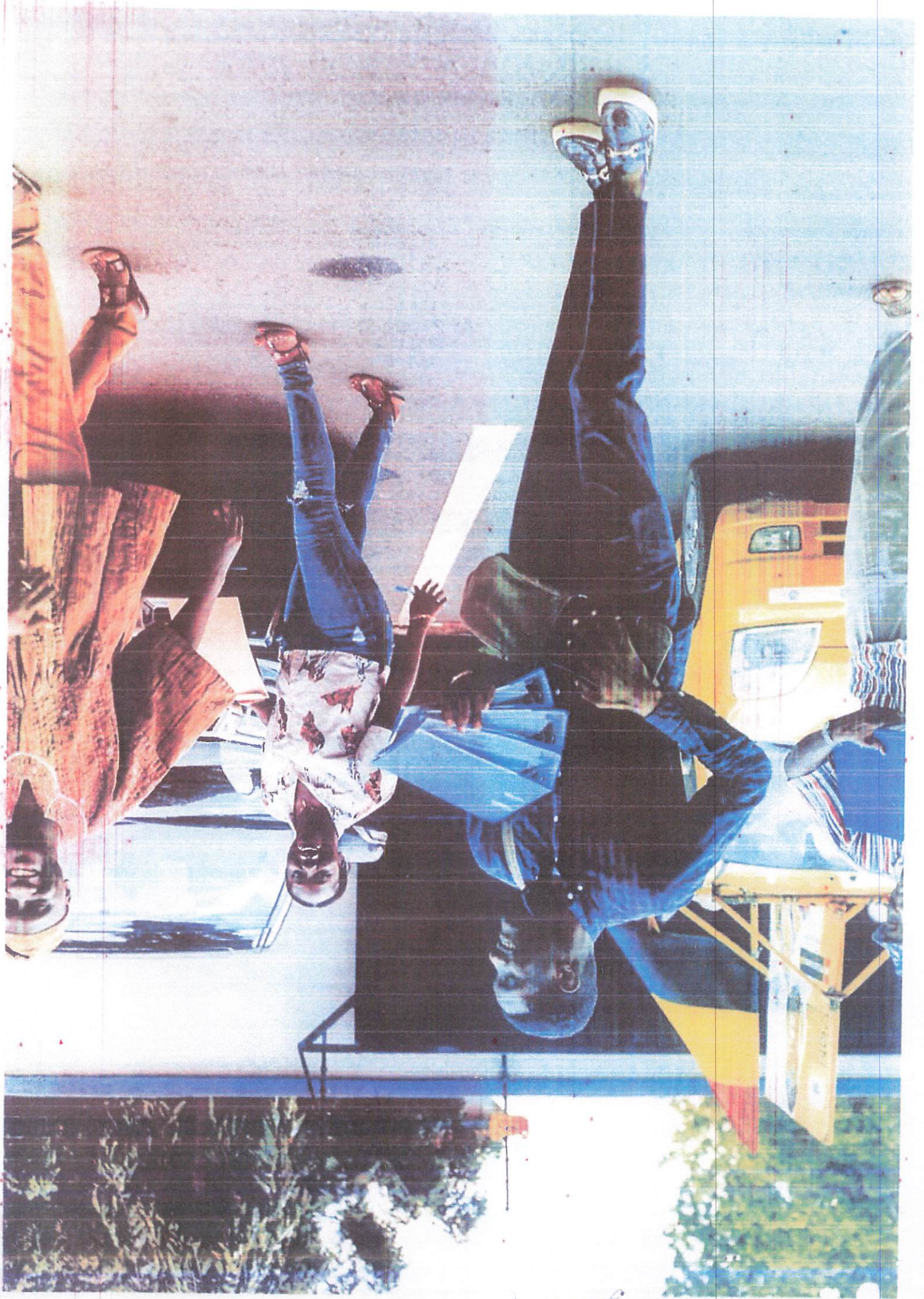




16:52:30

13th September, 2024

J.H.F



IXH 2

EXH. A'

OFFICE OF THE PRESIDENTIAL CAMPAIGN OF SAMUEL APEA-DANQUAH



The Chairperson
Electoral Commission of Ghana
5th Jomo Kenyatta Road
Ridge-Accra

13th September 2024.

Dear Madam Jean Mensa,

RE: RESUBMISSION OF NOMINATION DOCUMENTS

I trust this letter finds you well. I am writing to formally inform you that I have resubmitted my nomination documents as an Independent Presidential Aspirant for the upcoming 2024 general elections.

Following the feedback provided by the Electoral Commission on the 11th of September 2024 regarding necessary corrections to the initial submission, I am pleased to confirm that all requested amendments have been made. The corrected documents were resubmitted to the Commission on Friday, 13th September 2024.

I kindly request that the Electoral Commission acknowledges receipt of the updated documents and provides any further guidance, should it be necessary.

Thank you for your continued support in facilitating a smooth electoral process. I look forward to your prompt attention to this matter.

Yours sincerely,

A handwritten signature in black ink, appearing to be "SA", written over a horizontal line.

Samuel Apea-Danquah
Independent Presidential Aspirant

EXIB

17:44

43%

Samuel Kwaah EC

Forwarded



EC Resubmission.pdf

1 page · 156 kB · PDF

14:02

Tuesday

Good morning Mr. Kwaah
I pray you are fine?

08:19

I would like to confirm whether the resubmission letter was duly received and printed to be attached to the documents we resubmitted on Friday?

08:20

I would also like to ask when the final verdict on which presidential aspirant will be progressing to the balloting phase on September 23rd will be made available?

08:22

You

I would like to confirm whether the resubmission letter was duly received and printed to be attached to the documents we

Yes, I received the letter.

08:48

Thank you Sir

09:37

Message



ExH E

OFFICE OF THE PRESIDENTIAL CAMPAIGN OF SAMUEL APEA-DANQUAH



The Chairperson
Electoral Commission of Ghana
5th Jomo Kenyatta Road
Ridge-Accra

20th September 2024.



Dear Madam Jean Mensa,

RE: REQUEST FOR RETURN OF PERSONAL COPY OF NOMINATION DOCUMENTS

I trust this letter finds you well. I am writing to request the return of my personal copy of nomination documents as an Independent Presidential Aspirant for the upcoming 2024 general elections.

Upon review of my resubmission made on 13th September 2024, my team realized that we inadvertently included our personal copy of the nomination documents (File A) in the other three (3) files we submitted. We kindly request the return of this personal copy.

I look forward to your prompt attention to this matter.

Yours sincerely,

Samuel Apea-Danquah
Independent Presidential Aspirant

EXH "G"



20th SEPTEMBER, 2024

MR SAMUEL APFA DANQUAH
INDEPENDENT CANDIDATE
ACCRA

Dear Sir,

**FILING OF NOMINATIONS - DISQUALIFICATION FROM THE 2024
PRESIDENTIAL ELECTION**

I bring you greetings from the Electoral Commission, and trust this letter finds you well.

On behalf of the Commission, I regret to inform you that following the review of your Nomination Forms by the Technical and IT Teams established for this purpose, you unfortunately failed to qualify to contest as a Presidential Candidate in the 2024 Presidential Election.

The Teams identified several errors and omissions in your Forms even though you were provided with an opportunity to correct same.

We wish you better luck next time.

Thank you.

Yours faithfully,

MRS JEAN MENSA
CHAIRPERSON

**IN THE SUPERIOR COURT OF JUDICATURE
IN THE HIGH COURT OF JUSTICE
(GENERAL JURISDICTION)**

ACCRA – A.D. 2024

filed on
at anu/011

Registrar

SUIT NO:

**HIGH COURT
ACCRA**

**IN THE MATTER OF
AN APPLICATION FOR JUDICIAL REVIEW IN THE
NATURE OF CERTIORARI, MANDAMUS, PROHIBITION
AND DAMAGES**

THE REPUBLIC

V

THE ELECTORAL COMMISSION OF GHANA - RESPONDENT

5th Jomo Kenyatta Road
Ridge, Accra

EX PARTE:

SAMUEL KWADWO BOAPIM APEA-DANQUAH - APPLICANT

B308/15 Allotei Coffie Street
New Abossey Okai, Accra GA-435-9560

APPLICANT'S STATEMENT OF CASE

Introduction:

1. My Lord, the Respondent has not learnt a lesson from the cancellation of the district level elections in the *Supi Kwayera Case*. Similar breaches of the law by the Respondent has compelled Applicant to seek an order of certiorari to quash the decision of the Respondent, ; disqualifying the Applicant as a presidential candidate for the 2024 Presidential Elections. The Applicant also seeks an order of mandamus compelling the Respondent to reinstate the Applicant as a valid presidential candidate and an order of prohibition restraining the Respondent from taking further steps in the 2024 Presidential Elections until the Applicant's legal rights are restored. Additionally, the Applicant seeks damages for loss of political capital, financial losses, and other consequential damages.

2. The Applicant contends that the Respondent's decision to disqualify him was unconstitutional, procedurally improper, arbitrary, and a breach of natural justice. Furthermore, the Applicant asserts that the Respondent failed to provide clear and adequate guidelines for the filing and correction of nomination forms, leading to the wrongful disqualification of the Applicant, who had fully complied with the regulations.

A. Facts of the Case:

3. The facts of this case are fully set out in the accompanying affidavit of the Applicant, , and are summarized as follows:

a) The Applicant duly filed his nomination forms for the 2024 Presidential Elections within the stipulated period from 9th to 13th September 2024, in full compliance with Article 63(1)(c) of the

1992 Constitution.

b) On 11th September 2024, the Respondent, through its representative, Mr. Samuel Kwaah, notified the Applicant of certain anomalies in the nomination forms, including disorganized forms and the absence of a tax clearance certificate for the vice-presidential candidate.

c) The Applicant corrected these anomalies and resubmitted the forms on 13th September 2024, within the legal timeframe.

d) Despite fully complying with the Respondent's requests and the provisions of Regulation 9(2) of Cl.127, the Applicant was disqualified without valid justification.

4. The Respondent failed to provide specific and adequate reasons for the disqualification, while allowing other candidates to submit corrections after the stipulated deadline, in violation of electoral law and regulations.

B. Issues for Determination:

The following issues arise for determination by this Honourable Court:

a) Whether the Respondent's decision to disqualify the Applicant was unlawful, unconstitutional, and in violation of Regulation 9(2) of C.I. 127 and Article 63(1)(c) of the 1992 Constitution.

b) Whether the Respondent's failure to provide clear guidelines and defective nomination forms caused unnecessary errors and procedural irregularities, leading to the Applicant's wrongful disqualification.

c) Whether the Applicant is entitled to an order of Certiorari, Mandamus, Prohibition, and damages as sought.

C. Legal Arguments:

i) Violation of Constitutional Provisions:

4. Under Article 63(1)(c) of the Constitution (1992), a candidate for the office of president must submit their nomination forms on or before the appointed nomination day. The Applicant complied with this requirement by submitting his nomination on 9th September 2024, well within the stipulated period. However, the Respondent's decision to disqualify the Applicant was based on arbitrary grounds and is in breach of the Constitution, which mandates the proper and equal treatment of all candidates.

ii). Failure to Adhere to Electoral Regulations (CI 127):

5. Regulation 9(2) of the Public Elections Regulations, 2020 (CI 127) clearly states that all corrections to nomination forms must be made within the stipulated period, i.e., before the final deadline of 13th September 2024. The Applicant adhered to this requirement by submitting his corrected forms on time. However, the Respondent allowed other candidates to submit corrections after the deadline, violating the regulation and engaging in selective enforcement of the law.

6. The Applicant relies on the principle of equality before the law (article 17 of the Constitution (1992)), which requires the equal treatment of all candidates. The Respondent's actions in this case amount to a breach of natural justice, as the Applicant was unfairly disqualified despite full compliance with the law.

iii). Defective Forms and Lack of Guidelines:

7. The Respondent provided defective nomination forms, including forms without a designated space for endorser contact numbers and forms containing spelling mistakes (e.g., 'Six' instead of 'Sex'). The Respondent's failure to correct these errors or provide clear guidelines contributed directly to the anomalies cited as the basis for disqualification.

8. The Respondent's actions, or lack thereof, contravene the principle of fairness and the requirement for administrative bodies to provide clear instructions and guidance to ensure compliance with the law.

iv) . Breach of Natural Justice:

9. The Respondent's disqualification of the Applicant was done without offering him a fair opportunity to address or correct any perceived errors, which is a breach of natural justice. The principles of *audi alteram partem* (hear the other side) and *nemo iudex in causa sua* (no one should be a judge in their own cause) demand that all parties be given a fair hearing before decisions are made against them. The Respondent failed to provide the Applicant with adequate reasons or the opportunity to rectify any remaining anomalies, thereby violating his right to administrative justice under article 23 of the Constitution (1992).

D. Reliefs Sought:

i) . Certiorari:

10. The Applicant seeks an order of certiorari to quash the Respondent's decision to disqualify him from the 2024 Presidential Elections, as the decision was unconstitutional, procedurally improper, and in breach of natural justice.

ii) . Mandamus:

11. The Applicant seeks an order of mandamus to compel the Respondent to reinstate him as a valid presidential candidate for the 2024 Presidential Elections and to allow him to participate fully in the election process, including balloting and other related activities.

iii) . Prohibition:

12. The Applicant seeks an order of Prohibition to restrain the Respondent from taking further steps in the 2024 Presidential Elections,

including the printing of ballot papers and the conduct of the election, until the Applicant's legal rights are restored.

iv) . Damages:

13. The Applicant seeks general and special damages for the financial loss, reputational damage, and emotional distress suffered as a result of the Respondent's unlawful actions, including the loss of campaign momentum, the inability to engage in adequate fundraising, and the disruption of the Applicant's campaign efforts.

vi) Case Brief

1. 14. ***Republic v High Court (Commercial Division); Accra; Ex-parte: Electoral Commission*** [2016] GHASC 20 (7 November 2016) (pages 10 -13) the Supreme Court held, in relation to the Interested Party (Papa Kwasi Nduom) being disqualified without a hearing regarding errors in his nomination forms as follows:

"In as much as we agree with Counsel's submission that the High Court's decision effectively extending the period of nomination has very serious consequences for the electoral calendar, we do not think it is sufficient reason to hold that the High Court has exceeded its jurisdiction. However, since the complaint of the Interested Party was that the Applicant failed to give him a hearing before being disqualified the most appropriate consequential order in the circumstances is to order the Applicant to give the Interested Party a hearing...

The Supreme Court, mindful of the importance that nominations should be concluded according to time schedule fixed by regulation 4(2)(b) of C.I. 94 and the limited time available for the Applicant to complete processes, prior to the printing of presidential ballot papers and collation sheets etc before December 7, 2016; and while taking judicial notice of the plethora of cases pending in various High Courts with

similar claims, and primarily to ensure prevalence of justice, equity and fairness in the election process; we find it prudent to exercise our supervisory jurisdiction under Article 132 of the Constitution 1992 to give directives to the Applicant on how to proceed to obey the order of the Court.

This Court hereby orders the Electoral Commission

1. The Applicant extends the nomination period from today Monday 7th November 2016 to the close of working day of Tuesday 8th November 2016.
2. The Applicant should invite the Interested Party and all the presidential candidates who were able to submit their nomination papers by the close of the nomination day on 30th September 2016 and were disqualified without a hearing and give them hearing within the extended period.
3. In appropriate cases, to afford candidates, the opportunity to comply with regulation 9 (2) of the Public Elections Regulations, 2016 (C.I.94)."

15. ***Marian Awuni v WAEC*** [2003-2004] 1 SCGLR 471

Facts: The West African Examination Council (WAEC), canceled the results of the appellant and twelve other students on the accusation that they had foreknowledge of the examination. The appellant asserts that the procedure used in investigating the claims made by WAEC infringed on their fundamental human rights.

Procedure: The trial court held that the decision of the examination council to cancel the results of the students and to bar them from taking any examination conducted by the council for three years was unfair to the students on the fact that the process used in arriving at the decision did not allow the students the opportunity to respond to the allegations

against them. On appeal, the Court of Appeal agreed with counsel for WAEC that the proper procedure for approaching the High Court were not followed and set aside the High Court's decision.

Issue(s): The issue germane to the instant application is as follows. Whether or not WAEC has breached the appellants' fundamental human rights.

Holdings:

1.) In the High Court the learned trial judge rejected the objection by the respondent counsel and dealt with the application on the merits and granted the appellants' reliefs by quashing the decision of the Final Awards Committee of the Council. On appeal, the Court of Appeal agreed with learned counsel for the council and overruled the High Court and set aside its decision.

2) The Supreme Court allowed the appeal and restored the judgment of the trial court on the grounds that WAEC breached appellants' human rights and the rules of natural justice by not giving the candidates the opportunity to a fair hearing.

Reasoning:

1) The court reasoned that it is important that the court must have liberal considerations, as well as seek to determine human rights cases expeditiously. It therefore becomes pertinent for less cumbersome but efficient ways to be adopted. In this case a writ would have delayed the process of seeking redress and would have delayed the administering of justice.

2) The court based their decision on the fact that the common law principle of allowing the other party to be heard was not followed by the examination council and denied the appellants the opportunity to defend themselves. Evaluating the methods used by WAEC the court concluded that it constitutes an unreasonable use of power which violates the students' right to a fair hearing.

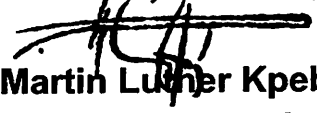
It was a decision of 4:1

Dr. Date- Bah JSC - Agree
Sophia Akuffo JSC - Agree
Brobbeyy JSC -Agree
Kpegah JSC - Agree
Dr. Twum JSC - Dissented

v). Conclusion:

In light of the foregoing, the Applicant respectfully submits that the Respondent's decision to disqualify him from the 2024 Presidential Elections was unlawful, unconstitutional, and procedurally improper. The Applicant has fully complied with the requirements of the law, and the Respondent's failure to provide clear guidelines and its selective enforcement of regulations resulted in an unfair and arbitrary disqualification. The Applicant prays that this Honourable Court grants the reliefs sought in the Writ of Summons and awards damages to the Applicant for the harm suffered.

DATED IN ACCRA, THIS 10th DAY OF OCTOBER, 2024.


Martin Luther Kpebu Esq.
Lawyer for Applicant
Solicitor's Licence:eGAR/1857/24

*Martin L. Kpebu Lawyer
G T Legal
24 Otsokrikri Street,
Adabraka, Accra
GA-074-3440*

**THE REGISTRAR
HIGH COURT
GENERAL JURISDICTION DIVISION
ACCRA**

- AND FOR SERVICE ON THE RESPONDENT

**IN THE SUPERIOR COURT OF JUDICATURE
IN THE HIGH COURT OF JUSTICE
(GENERAL JURISDICTION)
ACCRA – A.D. 2024**

Filed on 12/10/24
2:50
an/uu
Registrar
HIGH COURT
ACCRA

SUIT NO:

**IN THE MATTER OF
AN APPLICATION FOR JUDICIAL REVIEW IN THE
NATURE OF CERTIORARI, MANDAMUS, PROHIBITION
AND DAMAGES**

THE REPUBLIC

V

THE ELECTORAL COMMISSION OF GHANA - RESPONDENT
5th Jomo Kenyatta Road
Ridge, Accra

EX PARTE:

SAMUEL KWADWO BOAPIM APEA-DANQUAH - APPLICANT
B308/15 Alotei Coffie Street
New Abosseyy Okai, Accra GA-435-9560

NOTICE TO PRODUCE AND FOR COPIES

ORDER 21 RULE 9 of C.I. 47

TAKE NOTICE that the Applicant, Samuel Kwadwo Boapim Apea-Danguah, hereby requires the Respondent to produce for inspection and to supply true copies of the following documents and records in accordance with Order 21 of the High Court (Civil Procedure) Rules, 2004 (C.I. 47):

1. List of Candidates and Submission Dates:

A list of all candidates who submitted their nomination forms for the 2024 Presidential Elections, including the dates and times of their submission, to verify compliance with **Article 63(1)(c)** of the 1992 Constitution, which mandates submission on or before the appointed nomination day of **13th September 2024**.

Rationale: The Applicant seeks to verify whether all candidates submitted their nomination forms within the stipulated deadline, in line with the constitutional requirement under Article 63(1)(c).

2. Requests for Corrections (Including Multiple Requests):

A list of all candidates who were requested by the Respondent to correct anomalies or errors in their nomination forms, including the dates and times of such requests, to verify whether these corrections complied with **Regulation 9(2)** of the Public Elections Regulations, 2020 (C.I. 127), which mandates that all corrections must be made before the final deadline of **13th September 2024**. This list should also include candidates who were requested to

correct anomalies **more than once**, with the respective dates and times.

Rationale: The Applicant requires this information to compare treatment with other candidates who were allowed to make corrections and to verify whether corrections were submitted before the final deadline in accordance with Regulation 9(2). If multiple requests for corrections were made to certain candidates, the Applicant seeks to understand whether any differential treatment was applied.

3. Resubmission Dates (Including Re-submission Letters):

A record of the dates and times when candidates resubmitted their corrected nomination forms after addressing any anomalies or errors, to confirm whether any corrections were submitted **after the deadline** of 13th September 2024, in violation of **Regulation 9(2)** of C.I. 127. The Applicant also requests copies of all **re-submission letters** of the candidates for verification.

Rationale: The Applicant seeks to determine whether any candidates resubmitted their corrected forms after the final deadline of 13th September 2024. This would help assess whether there was unequal treatment in allowing late submissions.

4. Extension Requests and Responses:

Copies of all letters submitted by candidates requesting an **extension of time** for the submission of corrections, as well as the Respondent's responses to those requests, to determine whether such extensions were granted, and if so, under what circumstances and timeframes.

Rationale: The Applicant seeks to verify whether any candidates were allowed additional time beyond the stipulated deadline for

corrections, and whether such extensions were granted fairly and in line with the electoral regulations.

5. Vetting Committee Reports:

Copies of the Presidential Nomination Vetting Committee reports on all candidates, outlining any anomalies or errors identified in their nomination forms, the timelines provided for correcting those anomalies, and the decisions made regarding their candidacies.

Rationale: The Applicant requires these reports to assess the anomalies identified in all candidates' forms and to compare whether similar errors were treated differently by the Respondent. This would help ascertain whether the Applicant was unfairly disqualified.

6. Internal Communications Regarding Extensions and Corrections (Including WhatsApp Communications):

Any internal communications, memos, or correspondence between the Respondent and candidates regarding the submission or correction of nomination forms for the 2024 Presidential Elections, particularly regarding requests for extensions or corrections made after the deadline set by Regulation 9(2). This request also includes screenshots of WhatsApp communications between the Respondent and candidates concerning the correction of anomalies or requests for extensions related to nomination forms or corrections.

Rationale: The Applicant seeks to determine whether other candidates were provided with additional opportunities or assistance to submit corrections after the deadline, especially through informal channels like WhatsApp, which could demonstrate unequal treatment.

7. Request for Communications on Guidelines:

Any internal communications, memos, or guidelines issued by the Respondent to candidates, including instructions on how endorsements should be signed or ticked, and requirements related to document ordering and submission.

Rationale: This request seeks to demonstrate that the EC provided unclear or inconsistent instructions, leading to confusion among candidates.

8. Request for Communications on Defective Forms:

Any internal communications, memos, or instructions issued by the Respondent addressing errors or defects in the nomination forms, including missing sections for endorser contact numbers and spelling mistakes such as 'Six' instead of 'Sex'. This will help demonstrate whether the EC acknowledged these defects and whether candidates were left to resolve the issues on their own without guidance.

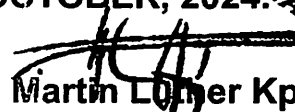
Rationale: This will help demonstrate whether the EC acknowledged the defects in their forms and whether they provided any guidance or corrections to the candidates, or if the candidates were left to resolve the issues independently.

9. Balloting Process and Disqualification:

A record of the balloting process, including the list of qualified candidates for the 2024 Presidential Elections, the dates and times when the balloting occurred, and any communications from the Respondent that demonstrate the reasons for excluding disqualified candidates from the balloting process.

Rationale: The Applicant seeks to understand the process by which candidates were included or excluded from the balloting process, and whether the Applicant was unfairly prevented from participating in this key election activity due to the disqualification.

DATED IN ACCRA, THIS 10th DAY OF OCTOBER, 2024.


Martin Luther Kpebu Esq

Lawyer for Applicant

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