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[Signature] Registrar
SUPREME COURT OF GHANA

IN THE SUPERIOR COURT OF JUDICATURE

IN THE SUPREME COURT OF JUSTICE
ACCRA - A.D. 2021

Writ No. J1/5/2021

**ARTICLE 64 OF THE CONSTITUTION AND SUPREME COURT
RULES, 1996 (C.I. 16) (AS AMENDED BY C.I. 74 & C. I.99)
AMENDED PRESIDENTIAL ELECTION PETITION
PURSUANT TO THE ORDER OF THE SUPREME COURT DATED 14TH
JANUARY 2021.**

Presidential Election held on the 7th day of December 2020.

BETWEEN

JOHN DRAMANI MAHAMA
No. 33 Chain Homes,
Airport Valley Drive, Accra.
GL-128-5622

Petitioner

AND

1. **ELECTORAL COMMISSION**
National Headquarters, Accra

1st Respondent

2. **NANA ADDO DANKWA AKUFO-ADDO**
H/No. 2, Onyaa Crescent,
Nima, Accra

2nd Respondent

**2ND RESPONDENT'S AFFIDAVIT IN OPPOSITION TO MOTION FOR STAY OF
PROCEEDINGS**

0605605
22-01-21

I, **KWAKU ASIRIFI ESQ.**, of 67 Kojo Thompson Road, Adabraka, make oath and say that:

1. I am one of the lawyers of 2nd Respondent in this Petition and have the authority of 2nd Respondent to depose to this affidavit in opposition in respect of matters that have come to my personal knowledge, information and belief, unless otherwise expressly stated.
2. At the hearing of this application, Counsel for 2nd Respondent shall seek leave of the Court to refer to all relevant processes filed to date in this Petition as if same had been reproduced hereto and sworn to by me.
3. 2nd Respondent was served through Counsel on 21st January 2021, with an application for stay of proceedings by Petitioner and is opposed to same.
4. There is no merit whatsoever in the application for stay of proceedings, as the interrogatories that Petitioner sought to serve on 1st Respondent were either totally irrelevant to the determination of the Petition or not in respect of issues in controversy arising from the pleadings.
5. The interrogatories sought to be served on 1st Respondent are ***"fishing interrogatories"*** and the Supreme Court rightly dismissed same.
6. The application for review has absolutely no chance of success and can therefore hardly be a basis for seeking to stay proceedings in this Court pending the disposal of same.

7. The application, together with other requests filed in this Court by Petitioner, is without merit and calculated to frustrate the determination of the Petition in a just and expeditious manner.
8. Petitioner knew that C.I. 16, as amended by C.I. 99, has imposed strict timelines to ensure the expeditious and just determination of Presidential Election Petitions following the protracted hearing of the 2013 Presidential Election Petition.
9. Indeed, C.I. 99 was gazetted under the watch of the Petitioner and the then Attorney General on 12th October 2016 and came into force on 5th January 2017 when Petitioner was still in office as President of the Republic.
10. Petitioner had the opportunity of filing his interrogatories immediately after he filed his Petition on 30th December 2020, or as soon as he was served with Respondents' Answers on 9th January 2021, but he failed so to do.
11. Again, Petitioner, if diligent and not indolent, should have filed his unmeritorious request to admit facts and to inspect documents as soon as he was served with Respondents' Answers on 9th January, 2021.
12. If Petitioner had acted as any diligent party would have done, the timelines set under C.I. 99 would not have been stampeded, and pre-trial matters would have been completed latest by 16th January, 2021, and even if the Court were minded to grant an extra day, hearing of the Petition should have commenced on 18th January 2021.
13. The Pre-trial and hearing of the Petition would have proceeded smoothly according to statutorily prescribed time but for the needless

and multiple interlocutory processes filed by Petitioner. These multiple applications by Petitioner are without merit and are simply calculated to delay the hearing of this Petition.

14. Instead of complying with the statutorily prescribed timelines, Petitioner's legal team is misleading the public that 20th January, 2021, was only the 2nd day of the pre-trial timetable. In the circumstances, it lies ill in the mouth of Petitioner to be suggesting that justice is being sacrificed on ***the altar of expedition***.
15. It is untenable for Petitioner having filed his Petition as far back as 30th December, 2020, to claim on 20th January, 2021, that he is unable to file his Witness Statements without 1st Respondent's response to his request to admit facts, interrogatories and notice to inspect documents. Indeed, the substance of the Petitioner's witness statements should have been known to him prior to filing the Petition.
16. In fact, this Honourable Court is guided by the strict dictates of C.I. 99 and the need to do substantial justice and not to indulge the fanciful and whimsical claims of any party.
17. An application for stay of proceedings seeks to invoke the discretionary powers of the Court, which ought to be exercised sparingly.
18. In the light of the prescribed timelines imposed on the Court and parties by C.I. 99, the Court's inherent jurisdiction to stay proceedings is limited thereby.

19. There are **no exceptional circumstances** occasioning a miscarriage of justice that warrant the grant of the instant application for stay of proceedings.

20. In the event, this Honourable Court ought to dismiss the application as unmeritorious and calculated to stall the hearing of a Petition that he himself has initiated.

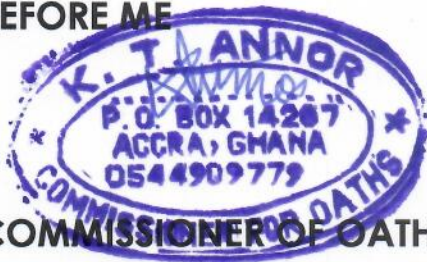
WHEREFORE, I swear to this affidavit in opposition.

SWORN IN ACCRA THIS ^{22nd})
DAY OF JANUARY 2021)



DEPONENT

BEFORE ME



COMMISSIONER OF OATHS

The Registrar,
Supreme Court,
Accra.

AND TO THE ABOVE-NAMED:

1. PETITIONER OR HIS LAWYER, TONY LITHUR, LITHUR BREW & CO, NO. 110B, 1ST KANDA CLOSE, KANDA, ACCRA.
2. 1ST RESPONDENT OR ITS LAWYER, JUSTIN AMENUVOR ESQ., AMENUVOR & ASSOCIATES, NO. 8 II ODARTEY OSRO STREET, KUKU HILL, OSU, ACCRA.