

IN THE SUPERIOR COURT OF JUDICATURE

IN THE HIGH COURT OF JUSTICE

SEKONDI-A.D.2021

SUIT NO: E12/11/21

IN THE MATTER OF ARTICLE 99 OF THE CONSTITUTION OF THE
REPUBLIC OF GHANA, 1992

AND

IN THE MATTER OF SECTION 16 OF THE REPRESENTATION OF THE PEOPLE ACT
1992 (PNDCL 284) AS AMENDED

AND

IN THE MATTER OF PARLIAMENTARY ELECTIONS FOR THE JOMORO
CONSTITUENCY HELD ON 7TH DECEMBER 2020.

AND

IN THE MATTER OF A PETITION BY JOSHUA EMUAH KOFIE CHALLENGING THE
DECLARATION BY THE ELECTORAL COMMISSION OF DORCAS TOFFEY AS MEMBER
OF PARLIAMENT ELECT FOR THE JOMORO CONSTITUENCY PURSUANT TO THE
PARLIAMENTARY ELECTIONS HELD ON 7TH DECEMBER 2020.

BETWEEN:

JOSHUA EMUAH KOFIE
GPS Address-WJ-2837-0697
Nuba-Mpataba
VRS.

...PETITIONER/APPLICANT

1. DORCAS TOFFEY
Bonyere
2. THE ELECTORAL COMMISSION OF GHANA
Head Office Ridge-Accra.

...RESPONDENT/RESPONDENT

**MOTION ON NOTICE FOR ORDER FOR PRODUCTION
OF DOCUMENTS ORDER 21 r.1(1) OF C.I.47**

THIS COURT WILL BE MOVED on MON the 31st day of MAY 2021
at 9 O'clock in the forenoon or so soon thereafter by *Frank Davies Esq.* of *MESSRS DA-
VIES&DAVIS* of Counsel for and/on behalf of petitioner/applicant herein praying this
Court for the grant of an order directed at 1st respondent to *Produce for Inspection the
Documents* stated in Notice to Produce as per letter dated March 22 2021.

AND for any further or other orders as to this court may seem meet.

DATED AT LAW TOWERS ADABRAKA

THIS 20TH DAY OF MAY 2021.

DAVIES & DAVIS
LAWTOWERS
LEGAL PRACTITIONERS &
NOTARIES PUBLIC
PP: BOX 114 ACCRA NORTH
TEL: 0302-262587
FRANK DAVIES ESQ.

LAWYER FOR PETITIONER/APPLICANT
SOLICITORS LICENSE NO:eGAR01615/21

THE REGISTRAR
HIGH COURT
SEKONDI.

AND TO: THE 1ST RESPONDENT HEREIN OR HER LAWYER DOMINIC AYINE ESQ.
H/NO.CB08/29 FIRST(1ST) CLOSE LILY STREET EAST LEGON ACCRA.

**IN THE SUPERIOR COURT OF JUDICATURE
IN THE HIGH COURT OF JUSTICE
SEKONDI-A.D.2021**

SUIT NO: E12/11/21

**IN THE MATTER OF ARTICLE 99 OF THE CONSTITUTION OF THE
REPUBLIC OF GHANA, 1992**

AND

**IN THE MATTER OF SECTION 16 OF THE REPRESENTATION OF THE PEOPLE ACT
1992 (PNDCL 284) AS AMENDED**

AND

**IN THE MATTER OF PARLIAMENTARY ELECTIONS FOR THE JOMORO
CONSTITUENCY HELD ON 7TH DECEMBER 2020.**

AND

**IN THE MATTER OF A PETITION BY JOSHUA EMUAH KOFIE CHALLENGING THE
DECLARATION BY THE ELECTORAL COMMISSION OF DORCAS TOFFEY AS MEMBER
OF PARLIAMENT ELECT FOR THE JOMORO CONSTITUENCY PURSUANT TO THE
PARLIAMENTARY ELECTIONS HELD ON 7TH DECEMBER 2020.**

BETWEEN:

JOSHUA EMUAH KOFIE

...PETITIONER/APPLICANT

GPS Address-WJ-2837-0697

Nuba-Mpataba

VRS.

1. DORCAS TOFFEY

...RESPONDENT/RESPONDENT

Bonyere

2. THE ELECTORAL COMMISSION OF GHANA

Head Office Ridge-Accra.

AFFIDAVIT IN SUPPORT

I, JOSHUA EMUAH KOFIE, of GPS Address-WJ-2837-0697, Nuba-Mpataba, make oath and say as follows that:

1. I am petitioner/applicant herein and deponent hereto, and depose to the facts contained in this affidavit, which facts are within my *personal knowledge, information and belief* unless otherwise expressly stated
2. We shall at the hearing of the instant application, seek leave of Court through Counsel to refer to all processes thus filed in this Suit, as if same were set out *in extenso* in this affidavit and sworn to under oath.
3. On **08/01/21**, I caused my Lawyers to issue this Petition for the following reliefs.
 - a. *a declaration that the filing of parliamentary nomination forms by 1st respondent when she held an Ivorian and American Citizenship at the time of filing the said nomination form between 5th-9th October 2020, violates article 94(2)(a) of the Constitution of the Republic of Ghana 1992, section 9(2)(a) of Representation of the People Act 1992 (PNDCL 284) as Amended, as well as Regulation 8(1)(a)(i) of the Public Elections Regulations, 2020 (C.I.127) and same is illegal, void and of no effect whatsoever.*

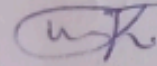
- b. *a declaration that the decision of the 2nd respondent to clear 1st respondent to contest Parliamentary Elections in the JOMORO Constituency when 1st respondent was not qualified as a candidate on account of her holding multiple nationalities violates article 94(2)(a) of the Constitution of the Republic of Ghana 1992, section 9(2)(a) of the Representation of the People Act 1992 (PNDCL 284) as Amended, as well as Regulation 8(1)(a)(i) of the Public Elections Regulations, 2020 (C.I.127) and same is void and of no effect whatsoever.*
 - c. *a declaration that the decision by the 2nd respondent to allow 1st respondent to contest Parliamentary Elections in the JOMORO Constituency when she held Ivorian and American Citizenships at the time of filing her nomination form, violates article 94 (2)(a) of the Constitution of the Republic of Ghana 1992, section 9(2)(a) of the Representation of the People Act 1992 (PNDCL 284) as Amended, as well as Regulation 8(1)(a)(i) of the Public Elections Regulations, 2020 (C.I.127) and same is illegal, void and of no effect whatsoever.*
 - d. *a declaration that the 1st respondent's election as Member of Parliament for the JOMORO Constituency is null and void and of no effect whatsoever as same violates article 94(2)(a) of Constitution of the Republic of Ghana 1992, section 9(2)(a) of the Representation of the People Act 1992, (PNDCL 284) as Amended, as well as Regulation 8(1)(a)(i) of the Public Elections Regulations, 2020 (C.I.127) being laws regulating parliamentary elections in Ghana.*
 - e. *a declaration that 1st respondent at the time of the Parliamentary Elections in the JOMORO Constituency was not qualified to contest as a candidate for the Jomoro Constituency in accordance with the electoral laws for the time being in force in Ghana.*
 - f. *an Order of this Court cancelling the Parliamentary Elections in the JOMORO Constituency and further Orders directed at 2nd respondent to conduct fresh Elections in the JOMORO Constituency.*
 - g. *an Order of Perpetual Injunction restraining 1st respondent from holding herself out as Member of Parliament for the JOMORO Constituency.*
4. On **09/03/21**, 1st respondent filed her Answer and averred inter alia that she has never been an American Citizen, but she was an Ivorian Citizen and had renounced that Ivorian Citizenship before she filed her nominations to contest the December 2020 Parliamentary Elections in the Jomoro Constituency.
 5. By letter dated **22/03/21**, my Lawyers requested from Lawyers for 1st respondent a production of the *Certificate of Renunciation of the Ivorian Citizenship* or any document evidencing renunciation of the Ivorian Citizenship as averred in paragraphs 6&11 of the Answer, and to permit my Lawyers to take copies thereof, at our cost.
 6. It bears saying that, a copy of the *Notice to Produce Documents for Inspection and Copying*, has since been delivered to the Registrar, High Court of Justice, Sekondi.
 7. It is pertinent to state that, till date 1st respondent's Lawyers even though in receipt of the letter have *failed, refused* and/or *neglected* to answer my Lawyer's request without any justifiable reason whatsoever.
 8. I am advised by counsel and believe same to be true that, the time and/or period allowed for 1st respondent's Lawyers to cause a response to my Lawyer's letter and make the processes available for Inspection and Copying has long lapsed.
 9. I am also advised by counsel and believe same to be true that, the said documents if at all in existence, without doubt must be in the custody of 1st respondent, and as such this is a proper case for the court to order a production of the said documents.

10. In the premises, I pray the Court to make an order directed at 1st respondent to produce the said documents for my inspection as requested for in the Notice to Produce letter from my Lawyers.

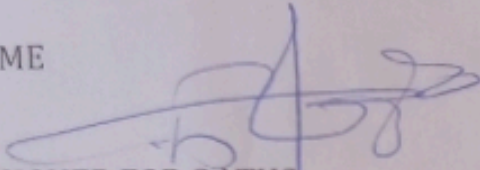
WHEREFORE, I swear to this affidavit in support.

Sworn at Sekondi this 21st)

day of MAY, 2021) DEPONENT



BEFORE ME



COMMISSIONER FOR OATHS.

REGISTRAR
HIGH COURT OF JUSTICE
SEKONDI