

IN THE SUPERIOR COURT OF JUDICATURE
IN THE HIGH COURT OF JUSTICE
AMANSAMAN – AD 2022

Filed on 13-12-2022
~~12-12-2022~~ am/pm
Registrar
HIGH COURT AMASAMAN, G/R
SUIT NO.

E.L.A.H.C/33/2023

BETWEEN:

- 1. **BROGYA GENFI**]
Plot 10 Block G]
Suame Extension]
Kumasi, Ashanti Region]
- 2. **IBRAHIM RASHID**] **PLAINTIFFS/APPLICANTS**
UPSA Hostel B, Room 601]
University of Professional Studies,]
UPSA, Accra]
- 3. **PAUL AMALDAGO**]
Mensah Sarbah Hall, Room 310]
University of Ghana,]
Main Campus – Legon]

AND

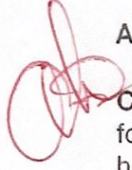
- 1. **NATIONAL DEMOCRATIC CONGRESS (NDC)**]
Head office]
Adabraka – Accra]
- 2. **ALEX SEGBEFIA**] **DEFENDANTS**
National Democratic Congress (NDC)]
Head office, Adabraka – Accra]
- 3. **DANIEL AMARTEY**]
National Democratic Congress (NDC)]
Head office, Adabraka – Accra]
- 4. **ELECTORAL COMMISSION OF GHANA**]
The Electoral Commission]
Head office – Accra]
- 5. **GEORGE OPARE ADDO**]
National Democratic Congress]
Adabraka – Accra]

MOTION EX-PARTE
APPLICATION FOR INTERIM INJUNCTION PURSUANT TO ORDER 25
Rule 1&7 OF C.I. 47


MOTION EX - PARTE by counsel for and on behalf of the Plaintiffs/Applicants herein praying for an order of the Honourable Court in the nature of an interim injunction restraining;

- a. The 1st, 2nd, 3rd and 4th Defendants herein, either acting by themselves and/or through their agents, workmen, associates, privies and any and all such person(s) claiming and/or deriving authority through and/or under any and/or all of the said Defendants from swearing in and/or in any other such way or manner acknowledging the 5th Defendant herein as the duly elected National Youth Organizer of the 1st Defendant party;
- b. The 5th Defendant herein from holding himself out and/or knowingly allowing and/or permitting himself to be held out and/or acknowledged by the 1st Defendant and its members and officers as the duly elected National Youth Organizer of the 1st Defendant party;
- c. The 5th Defendant from presenting himself to be acknowledged and/or sworn into office by the 1st Defendant and/or its officers as the duly elected National Youth Organizer of the 1st Defendant for a period not exceeding 10 days from the date of the order upon the grounds contained in the supporting affidavit.

AND for any such further or other order(s) as to this Honourable Court may seem fit.

 COURT TO BE MOVED ON the *Thurs 15th* day of December 2022 at 9:00 in the forenoon or so soon thereafter as Counsel for the Plaintiffs/Applicant herein may be heard.

DATED AT KWAKU NTI LAW CONSULT, "DIDA CHAMBERS" H/NO. 63, PARK STREET, GM-2026361 AKOSOMBO JUNC. NEW RD. MADINA – ACCRA, **THIS 13TH DAY OF DECEMBER, 2022.**


RICHARD KOJO ABBAN ESQ.
SOLICITOR FOR THE PLAINTIFF
LICENSE NO. EGAR.01218/22
CELL: 024-03-77-006.BPNO.:300000-2991

RICHARD KOJO ABBAN ESQ.
BARRISTER & SOLICITOR
SUPREME COURT OF GHANA
TEL: 0240377006

**THE REGISTRAR
HIGH COURT
AMASAMAN - ACCRA**

Filed on 13-12-2022
at 02:49 am/pm
Registrar

IN THE SUPERIOR COURT OF JUDICATURE
IN THE HIGH COURT OF JUSTICE HIGH COURT AMASAMAN. G/R
AMANSAMAN – AD 2022

SUIT NO.
E2/HAC/33/2023

BETWEEN:

1. BROGYA GENFI

Plot 10 Block G
Suame Extension
Kumasi, Ashanti Region

---- 1ST PLAINTIFF/APPLICANT

2. IBRAHIM RASHID

UPSA Hostel B, Room 601
University of Professional Studies,
UPSA, Accra

----- 2ND PLAINTIFF/APPLICANT

3. PAUL AMALDAGO

Mensah Sarbah Hall, Room 310
University of Ghana,
Main Campus - Legon

----- 3RD PLAINTIFF/APPLICANT

AND

1. THE NATIONAL DEMOCRATIC CONGRESS (NDC) --- 1ST DEFENDANT

Head office
Adabraka – Accra

2. ALEX SEGBEFIA

National Democratic Congress (NDC)
Head office, Adabraka - Accra

----- 2ND DEFENDANT

3. DANIEL AMARTEY

National Democratic Congress (NDC)
Head office, Adabraka – Accra

----- 3RD DEFENDANT

4. THE ELECTORAL COMMISSION OF GHANA

The Electoral Commission
Head office – Accra

---- 4TH DEFENDANT

5. GEORGE OPARE ADDO

National Democratic Congress
Adabraka – Accra

---- 5TH DEFENDANT

AFFIDAVIT IN SUPPORT

I, BROGYA GENFI of Plot 10 Block G, Suame – Kumasi, Ashanti Region do hereby make an oath and say as follows:

1. That I am the 1st Plaintiff/Applicant herein and deponent hereto.
2. That I have the consent and concurrence of the 2nd and 3rd Plaintiffs/Applicants herein to depose to this affidavit containing facts which unless otherwise stated are all within my personal knowledge, information, and belief and/or upon firm advice from counsel.
3. That at the hearing of this Application, counsel shall for and on our joint behalf seek leave of this Honourable Court to refer to any and all processes so far filed in this suit as if same have been attached to the instant affidavit and sworn to under oath.
4. That on 13th December 2022, Applicants caused a Writ of Summons and Statement of Claim to be issued out of the registry of this Honourable Court and claimed as per the reliefs endorsed thereon against the Defendants herein. ***[Attached hereto and marked as Exhibit A is a copy of the said Writ of Summons and Statement of Claim]***
5. That we are compelled to bring the instant application for an interim injunction upon the firm advice of counsel, verily believing same to be true, that given the extraordinary circumstances of the instant case, it would not be appropriate to proceed in an ordinary manner and that this Honourable Court has the necessary powers to make the orders prayed for in the motion paper.
6. That 1st Plaintiff is a member of the National Democratic Congress (NDC) and contested for the position of National Youth Organizer of the 1st Defendant at the National Youth Conference held on the 10th day of December 2022 at Cape Coast. ***[Attached hereto and marked as Exhibit B is a copy of the declaration of poll issued by the 5th Defendant after the elections.]***
7. That 2nd Plaintiff is a member of the 1st Defendant and the President of the University of Professional Studies, Accra (UPSA) branch of the **Tertiary Education Institutions Network (TEIN)**, an accredited youth-based association of the 1st Defendant and the 63rd Plaintiff in suit number ***E12/AHC/30/2023***, intituled ***Abdul Samad Adams & 88 ORS. v. National Democratic Congress & 2 ORS.***, pending in this Honourable Court.
8. The 3rd Plaintiff is also a member of the 1st Defendant and the President of the University of Ghana, Main Campus branch of the Tertiary Education Institutions Network (TEIN), an accredited youth-based association of the 1st Defendant and the 50th Plaintiff in suit number ***E12/AHC/30/2023***, intituled ***Abdul Samad Adams & 88 ORS. v. National Democratic Congress & 2 ORS.***, pending in this Honourable Court.
9. That the 1st Defendant is a political party registered and existing under the relevant laws of the Republic of Ghana.
10. That the 2nd Defendant is the Chairman of the Planning Committee responsible for the 2022 Congress, as well as for the National Youth and Women Conferences of the 1st Defendant, which committee organized the elections for the position of

National Youth Organizer of the 1st Defendant on 10th December 2022 at Cape Coast.

11. That the 3rd Defendant is the Deputy Director of Elections and currently the Acting Director of Elections of the 1st Defendant and was responsible for the conduct of elections for the position of National Youth Organizer of the 1st Defendant on 10th December 2022 at Cape Coast.
12. That the 4th Defendant is a constitutional body mandated by the 1992 Constitution of the Republic of Ghana to conduct public elections and referenda and in that capacity, supervised the conduct of the elections for the position of National Youth Organizer of the 1st Defendant on 10th December 2022 at Cape Coast.
13. That the 5th Defendant was one of the Candidates who contested the position of the National Youth Organizer of the 1st Defendant and by the unlawful conduct of the Defendants was declared the National Youth Organizer-elect of the 1st Defendant at the just-ended National Youth Conference held at Cape Coast on 10th December 2022. **[Refer to Exhibit B above]**
14. That the 2nd and 3rd Plaintiffs/Applicants say that the Constitution and the **“GUIDELINES FOR ELECTIONS OF NATIONAL EXECUTIVES”** of the 1st Defendant published this year, 2022 gives them the right to attend and vote at Regional and National Youth Conferences of the 1st Defendant by virtue of their positions as Presidents of TEIN in their respective accredited tertiary institutions in Ghana.
15. That Plaintiffs/Applicants repeat paragraph 14 above and say that a 3-Member Committee set up by the 1st Defendant to compile a credible register of all accredited TEIN institutions and delegates did indeed compile the said register, which included 2nd and 3rd Plaintiffs and many others for the purpose of the Regional and National Youth Conference of the 1st Defendant party in 2022. **[Attached hereto and marked as Exhibit C Series are copies of the Press Statement and Letter establishing the said 3-Member Committee by the 1st Defendant]**
16. That Applicants say that the 1st Defendant is enjoined by the Constitution of the Republic of Ghana, in particular, Article 55 to ensure that its internal organization and operational rules, procedures, and practices conform to acceptable democratic principles and to ensure that its actions and purposes are consistent with the Constitution of Ghana and all other relevant laws to which 1st Defendant is subject to.
17. That Applicants say that it is further provided in Article 7 of the Constitution of the 1st Defendant that its aims and objectives shall conform to principles of law set out in Chapters 5 and 6 of the 1992 Constitution of the Republic of Ghana on fundamental human rights and the directive principles of state policy.
18. That Applicants say that the 1st, 2nd, 3rd, and 4th Defendants violated the express orders of the High Court of the Republic of Ghana, the provisions of the 1st Defendant's Constitution, the regulations contained in the Election Guidelines for national officers, Election-related Directives and Decisions of the 1st Defendant, which violations have resulted in the declaration of the 5th Defendant as the National Youth Organizer-elect of the 1st Defendant.

19. That Applicants say that the 1st Defendant scheduled and accordingly announced the 10th of December 2022 as the date for its National Youth Conference for the purpose of electing a National Youth Organizer and the leadership of its Women's wing.
20. That Applicants say that in the processes leading up to the said National Youth Conference and elections, the Functional Executive Committee of the 1st Defendant constituted a three-member Committee to **"investigate and submit to the General Secretary, a list of accredited TEIN institutions in all the sixteen (16) regions of Ghana and to deal with all petitions arising from the compilation of regional TEIN delegates list, in consultation with the various regional secretaries, youth wings and other stakeholders"**. [Refer to Exhibit C series above]
21. That Applicants repeat paragraph 20 above and say further that, the 3-Member Committee did its work and submitted a register of accredited TEIN branches and delegates to the General Secretary of the 1st Defendant.
22. That Applicants aver that the General Secretary of 1st Defendant being satisfied with the work of the 3-Member Committee approved and handed over the compiled Delegates Register to the 3rd Defendant, who signed same and circulated it to the various Regional Secretariats and Election Committees of the 1st Defendant, for the purpose of the conduct of Regional and National Youth Elections of the 1st Defendant. **[Attached and Marked as Exhibit D Series are copies of the Delegates Register compiled by the 3-member committee and approved by the General Secretary of the 1st Defendant and endorsed by the 3rd Defendant for the purpose of the conduct of Regional and National Youth Elections]**
23. That I repeat paragraph 22 above and say further that the 1st Defendant explicitly indicated in its letter to its various Regional Secretaries and in a press. statement announcing the formation of the 3-Member Committee, that the TEIN delegates register compiled by the 3 -Member Committee was what was going to be used for the conduct of the Regional and National Youth Elections of the party without more. **[Refer to Exhibit C series]**
24. That Applicants repeat paragraph 23 above and say further that TEIN President delegates totaling eighty-nine (89) whose names were in the said Delegates Register of accredited TEIN branches and Presidents were, however, prevented from voting in their respective Regional Youth Elections.
25. That Applicants say that following the conduct of 1st, 3rd, and 4th Defendants in preventing the eighty-nine (89) TEIN President delegates from voting in the Regional Youth Elections of the 1st Defendant, some of the affected TEIN Presidents wrote to the 1st and 3rd Defendants requesting a copy of the Delegate Register to be used for the conduct of the National Youth Elections. This was to ensure that their names were on same in accordance with their right to attend and vote at the National Youth conference of the 1st Defendant, but this request was neither acknowledged nor honoured. **[Attached hereto and marked as Exhibit E is a copy of the said letter]**
26. That the 2nd and 3rd Applicants repeat paragraph 25 above and say further that, because the 1st, 3rd and 4th Defendants disenfranchised themselves and eighty-seven (87) other Presidents of accredited TEIN branches in the various Regional Youth Elections of the 1st Defendant and failed to respond to their request for a copy of the Delegates Register for the National Youth Conference, they filed suit number

E12/AHC/30/2023, intituled **Abdul Samad Adams & 88 ORS. v. National Democratic Congress & 2 ORS.**, pending in this Honourable Court. [**Attached and Marked as Exhibit F is a copy of the Writ of Summons and Statement of Claim in the said suit**]

27. That the 2nd and 3rd Plaintiffs repeat paragraph 26 above and say further that on 7th December 2022, the eighty-nine (89) Plaintiffs in suit number E12/AHC/30/2023 secured an **ORDER OF INTERIM INJUNCTION** restraining the 1st, 3rd, and 4th Defendants herein from conducting any scheduled National Youth Elections for the 1st Defendant without the participation of the said 89 Plaintiffs in the said suit number **E12/AHC/30/2023**, until the final determination of the subject matter of the said suit. [**Attached hereto and marked as Exhibit G is a copy of the said Order of Interim Injunction and proof of service of same on 1st and 4th Defend**]
28. That the 2nd and 3rd Applicants repeat paragraph 27 above and say further that however, the 1st and 4th Defendants herein after being served with the said order proceeded to conduct elections for the position of the National Youth Organizer of the 1st Defendant on 10th December 2022 in violation of the express language and commanding instruction of the order of this Honourable Court dated 7th December 2022 and exhibited as **Exhibit G above**.
29. That Applicants say that in particular, twenty (20) of the Plaintiffs in Suit No. **E12/AHC/30/2023** were excluded from a so-called final delegates list and prevented from voting in the election of the National Youth Organizer of the 1st Defendant on 10th December 2022 at Cape Coast. [**Attached and Marked as Exhibit H is a copy of the so-called Delegates List used for the 10th December 2022 National Youth Elections**]
30. That Applicants repeat paragraph 29 above and say further that the conduct of the elections for the National Youth Organizer of the 1st Defendant on 10th December 2022 at Cape Coast by 1st, 2nd, 3rd, and 4th Defendants are in gross violation and disrespect of the order of an interim injunction granted by this Honourable Court on 7th December 2022.
31. That Applicants say that the twenty (20) TEIN Presidents (all Plaintiffs in suit number E12/AHC/30/2023) who were excluded from the so-called final Delegates List used for the National Youth Election of 10th December 2022 and prevented from voting, against the express orders of this Honourable Court are:
- a. 2nd Plaintiff – University of Professional Studies, Accra (UPSA)
 - b. 3rd Plaintiff – University of Ghana Main Campus
 - c. Abdul Fatah Maigah Mahama – GIMPA Main Campus
 - d. Henry Emmanuel Viku – Accra College of Education
 - e. Godwin H. Quarshie – Central University, Abossey Okai
 - f. Emmanuel Akani – African University College of Communications
 - g. Mary Naa Djama Tettey – St. Karol Nursing School
 - h. Kom Ephraim Yao – Marshalls University College
 - i. Agbodza Raphael – Nyaniba Health Assistants Training School
 - j. Joseph Okan-Mensah Khartey – School of Social Work
 - k. Lucas Gilbert Kofi – Accra Business School
 - l. Edwin A. Coffie – KNUST, Accra Campus
 - m. Sammed Bawa -GIMPA, Tema Campus
 - n. Abubakari Iddrisu – Islamic University College

- o. Kate Esi Kunim B – Western Hills School of Nursing
- p. Alexander Amponsah – Korle-Bu TEIN (UG Medical & Nursing School and Allied Institutions)
- q. Ahenkorah Solomon Kwaku – Abetifi College of Education
- r. Eric Korea Djane – Presbyterian University, Ghana
- s. Millicent Abeney – Nursing and Midwifery Training College, Atibie-Kwahu
- t. Veronica Ama Appiah – Cape Coast Nursing College

32. That Applicants say that the twenty (20) TEIN Presidents listed in paragraph 31 above have their names captured in the compiled Delegates Register of the 3-Member Committee set up by the 1st Defendant, which register was approved by the General Secretary of the 1st Defendant and endorsed by the 3rd Defendant for the conduct of the Regional and National Youth Elections of the 1st Defendant. **[Refer to Exhibit D series above]**

33. That the Applicants say that additionally, two (2) TEIN Presidents from the Volta Region namely **Patrick Gyan** of the University of Health and Allied Science, Ho; and **Richard Yeboah** of Holy Spirit College of Education, Ho whose names were captured on the Delegates Register compiled by the three-member committee set up by the 1st Defendant, approved by its General Secretary and endorsed by the 3rd Defendant were prevented from voting in the National Youth Elections of 10th December 2022. This was despite the fact that their names were on the so-called final register of delegates which was used for the National Youth elections. **[Refer to Exhibit D Series and H]**

34. That Applicants further say that five (5) TEIN Presidents from the Northern Region namely **Haruna Dayan** of Kpandai College of Health; **Imoro Sumaila** of Local Government Institute; **Ogunlade Thomas Issiah** of New Life College; **Abdul Fatawu Yakubu Adam** of Technical University Campus and **Alhassan Abdulai** of Advance Global College of Health ***whose names were not captured*** on the official Delegates Register compiled by the three-member committee set up by the 1st Defendant, which register was approved by the General Secretary of the 1st Defendant and endorsed by the 3rd Defendant for the purpose of the conduct of the party's Regional and National Youth Elections were rather captured on the so-called final register of delegates and allowed to vote in the National Youth Elections on 10th December 2022. **[Refer to Exhibit H]**

35. That Applicants repeat paragraphs 31 and 32 and say further that, the 1st, 2nd, 3rd and 4th Defendants prevented the twenty (20) TEIN Presidents from voting in the National Youth Election of 10th December 2022 in violation of the express orders of this Honourable Court thereby rendering the said National Youth Elections illegal. **[Refer to Exhibit H]**

36. That Applicants say that the 1st, 2nd, 3rd, and 4th Defendants prevented two (2) TEIN Presidents from the Volta Region referred to in paragraph 33 above from voting in the National Youth Elections of 10th December 2022 despite their inclusion in the official Delegates Register of TEIN delegates prepared by the three-member committee of the 1st Defendant and the so-called final Delegates Register. This was purposely done to disenfranchise them in order to influence the outcome of the National Youth Elections.

37. That Applicants say that the decision of the 1st, 2nd and 3rd Defendants to allow the five (5) TEIN Presidents from the Northern Region referred to in paragraph 34 to

vote in the National Youth Elections of on 10th December 2022 although the names of the said TEIN Presidents were not captured on the official Delegates Register compiled by the three-Member Committee set up by the 1st Defendant, approved by its General Secretary and endorsed by the 3rd Defendant was unlawful and calculated to influence the outcome of the elections against the 1st Applicant.

38. That Applicants say that aside from the 3- Member Committee set up by the Functional Executive Committee of the 1st Defendant to compile a credible register of accredited TEIN branches and delegates for the Regional and National Youth conferences of the 1st Defendant, no other body, official or committee has been given the power or tasked by the 1st Defendant to compile a register of TEIN delegates and/or review the register of TEIN delegates compiled by the three (3)-member committee of 1st Defendant. And that the so-called final register which was handed over to the 4th Defendant by the 2nd and 3rd Defendants for the conduct of the National Youth Organizer elections has no legs to stand on.
39. That 1st Applicant says that the Register of TEIN Delegates compiled by the 3-member committee of the 1st Defendant which was approved by its General Secretary and circulated by the 3rd Defendant for the purpose of the conduct of the Regional and National Election of the 1st Defendant was wholly incorporated in the comprehensive register of delegates for the National Youth Conference compiled and endorsed by the 3rd Defendants and sold to all candidates in the election and the use of any other TEIN Delegates Register in the National Youth Elections of 10th December 2022 was illegal **[Attached and Marked as Exhibit J is a copy of the comprehensive Delegates Register compiled by the 3rd Defendant and sold to candidates by the 1st Defendant prior to the National Youth Elections of 10th December 2022]**
40. That Applicants say further that prior to the conduct of the National Youth Elections on 10th December 2022, the 1st Defendant organized 16 Regional Youth Elections and one such election was the Eastern Regional Youth Elections.
41. That Applicants say that on 21st October 2022, the 3rd Defendant communicated the decision and directive of the Functional Executive Committee of the 1st Defendant to put on hold constituency elections in some regions including the Eastern Region due to disputes over delegates lists and/or the exclusion from ballot papers of candidates who had been qualified by appellate bodies of 1st Defendant. **[Attached hereto and marked as Exhibit K is a copy of the press release]**
42. That Applicants repeat paragraph 41 and say further that the “Afram Plain South”, “Mpraeso”, “Atiwa East” and “Atiwa West” Constituencies of the Eastern Region were among the constituencies who were supposed to put their constituency election conferences on hold. This was communicated by the 3rd Defendant in a press statement dated 21st October 2022 and titled **“FURTHER DIRECTIVES ON UPCOMING CONSTITUENCY ELECTIONS OF THE NDC”**. **[Attached hereto and marked as Exhibit K is a copy of the said press release “FURTHER DIRECTIVES ON UPCOMING CONSTITUENCY ELECTIONS OF THE NDC”]**
43. That Applicants repeat paragraph 42 above and say further that, despite the directive of the Functional Executive Committee of the 1st Defendant, the “Afram Plains South”, “Mpraeso”, “Atiwa East” and “Atiwa West” constituencies in the Eastern Region proceeded to hold constituency elections and purported to elect

Constituency Officers including Constituency Youth Organizers, two Deputies, and a Youth Representative in gross violation of the said directive of the 1st Defendant.

44. That Applicants say that in a press release dated 22nd October 2022 and titled **“CONTRAVENTION OF DIRECTIVE FOR THE POSTPONEMENT OF ELECTIONS IN SOME SELECTED CONSTITUENCIES”**, the 1st Defendant acting through 3rd Defendant annulled the purported elections in “Atiwa West”, “Mpraeso” and “Afram Plains South” Constituencies for violating the directive of the Functional Executive Committee contained in the press release of 21st October 2022. **[Attached hereto and marked as Exhibit L is a copy of the said press release “CONTRAVENTION OF DIRECTIVE FOR THE POSTPONEMENT OF ELECTIONS IN SOME SELECTED CONSTITUENCIES”.]**
45. That Applicants repeat paragraph 44 and say further that the 1st Defendant in the said press statement concluded that the purported elections in the 3 constituencies were illegal and indicated that it was not going to recognize those elections and their purported outcomes. The annulled results included Constituency Youth Officers purportedly elected by the affected constituencies. 1st Defendant indicated that it would hold fresh elections under the supervision of its National Elections Directorate headed by 3rd Defendant but same is yet to be conducted in the affected constituencies to the best of our information.
46. That Applicants repeat paragraph 45 above and say further that, the 1st Defendant by the said press statement warned other constituencies affected by the Functional Executive Committee’s directive contained in the 21st October 2022 press release to strictly comply with the said directive or have their elections annulled as well. **[Refer to Exhibit K above.]**
47. That Applicants say that by a press release dated 26th October 2022 and titled **“REVIEW OF CONSTITUENCY ELECTIONS AND MATTERS ARISING”**, the Functional Executive Committee upheld the decision of the Elections Directorate of the 1st Defendant to annul elections in “Mpraeso”, “Atiwa West”, “Afram Plains South” and “Atiwa East” constituencies of the Eastern Region. **[Attached hereto and marked as Exhibit M is a copy of the release titled “REVIEW OF CONSTITUENCY ELECTIONS AND MATTERS ARISING”]**
48. That Applicants repeat paragraph 47 above and say further that by the decision of the Functional Executive Committee to uphold the annulment of elections in the affected constituencies, same were declared as illegal, hence null and void. And the 1st Defendant did not recognize the purported election of constituency officers which included three (3) Youth Officers, from each of the affected constituencies.
49. That Applicants say that the effect of the annulment of constituency elections of “Mpraeso”, “Atiwa West”, “Afram Plains South” and “Atiwa East” constituencies of the Eastern Region by 1st Defendant is that the said constituencies could not send delegates to Conferences of the 1st Defendant including Regional and National Youth Conferences.
50. That Applicants say that two (2) days before the Regional Youth Conference in the Eastern Region, the Functional Executive Committee reversed its earlier decision to annul the constituency elections of Mpraeso Constituency and partially upheld the results thereof except for the election of Vice Chairman and Secretary. This was communicated by the 3rd Defendant in a press statement dated 9th November 2022

and titled “FEC’S DIRECTIVES ON UPCOMING REGIONAL ELECTION CONFERENCES”. [*Attached hereto and marked as Exhibit N is a copy of the Press Release FEC’S DIRECTIVES ON UPCOMING REGIONAL ELECTION CONFERENCES.*]

51. That Applicants say that the 1st Defendant did not reverse the annulment of elections in the “Atiwa West”, and “Afram Plains South” constituencies which meant that the two constituencies were banned from sending delegates to the Eastern Regional Youth Conference and the National Youth Conference of the 1st Defendant. [Refer to Exhibit N]
52. Plaintiffs aver that despite averments at the Eastern Regional Youth Conference held on 11th November 2022, three (3) youth delegates each from Atiwa West and Afram Plains South Constituencies being Constituency Youth Organizer, Deputy Constituency Youth Organizer, and other Youth Representative, were allowed by the 1st and 4th Defendants to vote in violation of the subsisting directives of the Functional Executive Committee of the 1st Defendant. Thus, a total of six (6) delegates who had no legitimate right to attend and vote at the Eastern Regional Youth Conference were illegally allowed to attend and vote in those elections.
53. That Applicants repeat paragraph 52 above and say further that, one Emmanuel Okai Mintah, a contestant for the position of the Eastern Regional Youth Organizer aggrieved by the said violations and dissatisfied with the outcome of the said Eastern Regional Youth Elections brought an action in the High Court, Koforidua against the 1st Defendant herein and other parties and prayed for an order of the High Court annulling the Eastern Regional Youth Elections and its purported outcomes.
54. That Applicants repeat paragraph 53 and say further that while Suit Number **C13/35/2023** was pending at the High Court, Koforidua, the Plaintiff therein, Emmanuel Okai Mintah, secured a declaration by the High Court, Koforidua that the six (6) delegates from the Atiwa West and Afram Plains South Constituencies who voted in the Eastern Regional Youth Elections held on 11th November 2022 had no legitimate right to have voted in the said election which made their votes illegal, thereby leading to the annulment of the entire Eastern Regional Youth Elections.
55. That Applicants repeat paragraph 54 above and say further that, the High Court, Koforidua further restrained the Respondents (therein) from upholding the Eastern Regional Youth Elections held on 11th November 2022 and the 5th Respondent (therein), Richard Etornam, from holding himself as the duly elected Eastern Regional Youth Organizer or participate in any National or Regional Executive Committee or take part in any elections in his capacity as or by virtue of having been elected as Youth Organizer until fresh Youth Wing Election are held. [Attached hereto and marked as Exhibit P is a copy of the ruling of the High Court, Koforidua]
56. That Applicants say that the said injunction granted in **Suit No. C13/35/2023** was brought on notice, and the 1st and 4th Defendants herein, as parties to the said action, are on notice and have full knowledge of the express declarations and orders of the court, particularly 1st Defendant herein as it was represented by Counsel on the day of the ruling on the injunction application.

57. That Applicants say that the 1st Defendant immediately after the ruling of the High Court, Koforidua through the 2nd Defendant in his capacity as the Chairman of the 2022 Congress Planning Committee issued a statement titled **“UPDATE AND AMENDMENTS TO WOMEN AND YOUTH WING DELEGATES LIST”** in which the 1st Defendant excluded the Eastern Regional Youth Organizer and his two Deputies from the delegate list for the National Youth Conference Elections citing the orders of the High Court, Koforidua as the basis. *[Attached hereto and marked as Exhibit Q is a copy of the said notice titled “UPDATE AND AMENDMENTS TO WOMEN AND YOUTH WING DELEGATES LIST”]*
58. That Applicants repeat paragraph 57 above and say further that, the 2nd Defendant in the said statement and acting on behalf of the 1st Defendant also indicated that 3 delegates being the Youth Organiser, Deputy Youth Organiser and Other Youth Representative of the Mpraeso, Afram Plains South, and Atiwa West Constituencies had been taken off the delegate list for the National Youth Conference Elections. *[Refer to Exhibit Q]*
59. That Applicants repeat paragraph 58 above and say further that the 2nd Defendant in the press statement referred to in paragraph 56 purportedly updated the TEIN Delegates List for the Northern, Bono and Eastern Regions, and further indicated that the TEIN register for all other Regions remained unchanged. These purported amendments of the official register of TEIN delegates by the 2nd Defendant was not borne out of any decision or orders of a court of competent jurisdiction or the 1st Defendant and had no legal basis whatsoever. *[Refer to Exhibit Q]*
60. That Applicants say that the statement of 8th December 2022 issued by the 2nd Defendant, which excluded Youth Delegates from the Afram Plains South, Atiwa West and Mpraeso Constituencies from the Delegates register for the National Youth conference on the basis of the decision of the High Court, Koforidua, **Exhibit Q**, was the last public statement or update provided by the 1st, 2nd, and 3rd Defendants relative to the Delegates Register for the National Youth Conference scheduled for the 10th of December 2022.
61. That Applicants say that in a strange move and in violation of the decision of the High Court, Koforidua, the 1st, 2nd, and 3rd Defendants allowed the six (6) delegates from Atiwa West and Afram Plains South Constituencies whose participation in the Eastern Regional Youth Elections had been declared as illegal and void to vote in the National Youth Elections of 10th December 2022 at Cape Coast.
62. That Applicants repeat paragraph 61 above and say further that, the Regional Youth Organizer-Elect, Richard Etonam and his two deputies who were elected at the Eastern Regional Youth Conference were prevented from voting in the National Youth Elections based on the annulment of the Eastern Regional Youth Conference and an order of injunction issued against the Regional Youth Organiser-Elect by the High Court, Koforidua. Yet, the 6 delegates from the two constituencies whose participation in the Eastern Regional Youth Elections was declared as illegal and actually led to the annulment of the Eastern Regional Youth Elections by the High Court, Koforidua were all allowed to vote at the National Youth Conference held on 10th December 2022 at Cape Coast.
63. That Applicants say that despite the fact that the statement of the 2nd Defendant referred to in paragraph 56 above had excluded delegates from Mpraeso Constituencies from participating in the National Youth Elections, a decision he

claimed was borne out of the decision of the High Court, Koforidua, the 1st, 2nd, 3rd and 4th Defendants allowed 3 delegates (the Youth Organiser, Deputy Youth Organiser and a Youth Representative) from the Mpraeso Constituency to vote in the National Youth Elections on 10th December 2022.

64. That Applicants say that the 1st, 2nd, and 3rd Defendants included six (6) delegates from the Atiwa West and Afram Plains South Constituencies who by virtue of the decision of the High Court, Koforidua had no legitimate right to be delegates in the so-called final Register and allowed them to vote in the National Youth Elections as of 10th December 2022. **[Refer to Exhibit H]**
65. That Applicants say that the 1st Defendant has organized two (2) constituency executive elections in Agona East Constituency of the Central Region this year 2022, which has become a subject matter of a pending action in Suit No. C/12/18/2020 at the High Court, Agona Swedru.
66. That Applicants repeat paragraph 65 above and say further that following the pendency of the said action, the 1st Defendant has indicated that it did not recognize anybody as its constituency executives to be included in any delegate list for the conduct of its national elections. On 8th December 2022, the Director of Administration of the 1st Defendant, Emmanuel Zumakpeh wrote a letter on behalf of the General Secretary of 1st Defendant to the Registrar of the High Court, Agona Swedru communicating the decision of the Special National Complaints Committee of the 1st Defendant not to recognize and/or allow any of the parties in the pending suit to participate in the National Youth Elections held on 10th December 2022. ***[Attached hereto and marked as Exhibit R is a copy of the said letter]***
67. That Applicants repeat paragraph 66 and say further that in spite of this clear decision of the 1st Defendant communicated by its Director of Administration to the Registrar of the High Court, Agona Swedru, three (3) delegates from Agona East Constituency were allowed by the 1st, 2nd, 3rd, and 4th Defendants to vote in the National Youth Elections of 10th December 2022.
68. That Applicants say that the combined effect of the aforementioned unlawful conduct and infractions of 1st, 2nd, 3rd, and 4th Defendants led to the illegal exclusion and/or inclusion of a total of thirty-nine (39) delegates/votes in the National Youth Elections held on 10th December 2022 at Cape Coast as outlined below:

A. Number of TEIN Delegates excluded from the so-called final Delegate list used for the National Youth Elections of 10th December 2022 in violation of the order of interim injunction of this Honourable Court

TEIN Presidents:
Greater Accra – 16
Eastern Region – 3
Central – 1
Total – 20 delegates

B. Number of Delegates prevented from voting although their names were on the official delegate list compiled by the 3-member committee set up by the 1st Defendant and the so-

called final delegates list which was used for the National Youth Elections.

TEIN Presidents:
Volta Region – 2

- C. Number of Delegates included in the so-called final delegate list used for the election of 10th December 2022 whose names were not on the official TEIN delegates register compiled by the 3-member committee of 1st Defendant but were allowed to vote.**

TEIN Presidents:
Northern Region – 5

- D. Number of Delegates who participated in the National Youth Conference in violation of the decision of the High Court, Koforidua as not having a legitimate right to vote in Election Conferences of the 1st Defendant.**

Eastern Region:
Atiwa East - 3
Afram Plains South – 3
Total – 6 delegates

- E. Number of Delegates who voted in the National Youth Elections of 10th December 2022 in violation of decisions of the 1st and 2nd Defendants.**

Central Region:
Agona East – 3 delegates

Constituency:
Mpraeso – 3 Delegates

Grand Total: 39 delegates/votes

69. That Applicants repeat paragraph 68 above and say further that the 5th Defendant garnered 533 votes and the 1st Plaintiff/Applicant herein garnered 508 votes in the impugned National Youth elections of the 1st Defendant held on 10th December 2022. The results show a difference of 25 votes between the 5th Defendant and 1st Plaintiff/Applicant.

70. That in the circumstance Applicant shall contend that given the fact that the difference between the votes garnered by the 5th Defendant and the 1st Plaintiff/Applicant herein is only 25 votes, the unlawful conduct of the 1st, 2nd, 3rd and 4th defendant complained of, which involves 39 votes, is significant and impacted the outcome of the National Youth Elections held on 10th December 2022 at Cape Coast in favour of the 5th Defendant and against the 1st Plaintiff/Applicant herein.

WHEREFORE I depose to this affidavit in support of this Application for an interim injunction.

SWORN TO IN ACCRA)
THIS 13TH DAY OF)
DECEMBER 2022)


DEPONENT

BEFORE ME

SIAW-LARTEY DORA
COMMISSIONER FOR OATHS
TEL: 0277595868


COMMISSIONER OF OATHS