



WRIT OF SUMMONS

(Order 2 rule 3(1))

WRIT ISSUED FROM ACCRA 23/04 2024

SUIT No. 6028/2024

**IN THE HIGH COURT OF JUSTICE
GENERAL JURISDICTION
ACCRA AD.2024**

**EMMANUEL GALLO
NO. BK21, NOBEWAM
KUMASI**

PLAINTIFF

VRS

**ELECTORAL COMMISSION
HQ6X Q3H, WILLIAM TUBMAN RD
ACCRA**

DEFENDANT

AN ACTION having been commenced against you by the issue of this writ by the above-named Plaintiff. **EMMANUEL GALLO**

YOU ARE HEREBY COMMANDED that within EIGHT DAYS after service of this writ on you inclusive of the day of service you do cause an appearance to be entered for you.

ELECTORAL COMMISSION

AND TAKE NOTICE that in default of your so doing, judgment may be given in your absence without further notice to you.

Dated this 23rd day of April, 20024

Chief Justice of Ghana

G. SACKY TORKORNOO (MRS)

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



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

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

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

23/04/24
HIGH COURT ACCRA

STATEMENT OF CLAIM

The Plaintiff's claim is for:

- a. A declaration that on record, no Constituency Branch Conference of the CPP has been held in Ejisu and elected the said Esther Osei or anybody as a Parliamentary candidate for consideration and approval by the CPP's Central Committee to be submitted to Defendant as CPP's Parliamentary candidate for the said Ejisu Constituency by-election.
- b. A declaration that the Regional Executive Committee of the CPP in the Ashanti Region has also, not made any proposal in respect of the said Esther Osei or anybody as the Party's Parliamentary candidate for the said Ejisu Constituency by-election.
- c. A declaration that CPP's Central Committee has not considered and approved the said Esther Osei or any other person to contest on the ticket and on behalf of the CPP as a political party, regarding the Defendant's intended Ejisu Constituency by-election.
- d. An order directed at the Defendant not to register and allow the said Esther Osei or any other person not elected by the CPP Ejisu Constituency Branch Conference and approved by the CPP's Central Committee, to contest the said Ejisu Constituency by-election on the ticket and on behalf of the CPP, a political party governed by rules and regulations
- e. Cost.
- f. And for any further orders(s) as this Honourable Court may deem fit.

This writ was issued by WAYOE GHANAMANNTI ESQ.

Whose address for service is DROMOH CHAMBERS 24 ODOYE TSUI STREET, DZORWULU, ACCRA

DATED 19th April, 2024

Agent for; Plaintiff

Address Number and date of lawyer's current licence:

WAYOE GHANAMANNTI ESQ.
 BARRISTER & SOLICITOR
 DROMOH CHAMBERS
 24 ODOYE TSUI STREET, DZORWULU
 Email: wayoeghanamannti@gmail.com
 TEL: 0246 487 185
 LICENSE NO. e GAR 03686/24
 BP NO. 3000002732
 LAWYER FOR PLAINTIFF



Lawyer for the plaintiff

who resides at

Indorsement to be made within 3 days after service

This writ was served by me at on

the defendant

on the _____ day of _____

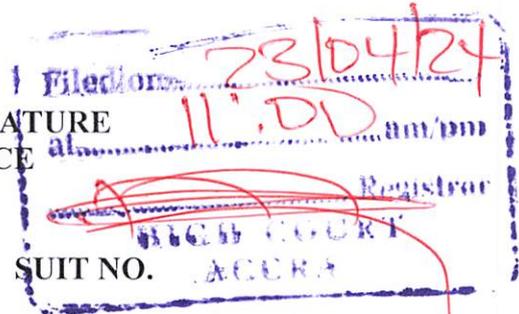
endorsed the _____ day of _____

Signed.....

Address.....

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

IN THE SUPERIOR COURT OF JUDICATURE
IN THE HIGH COURT OF JUSTICE
GENERAL JURISDICTION
ACCRA - A.D. 2024



EMMANUEL GALLO
N0. BK21, NOBEWAM
KUMASI

- PLAINTIFF

VRS

ELECTORAL COMMISSION
HQ6X Q3H, WILIAM TUBMAN ROAD
ACCRA

- DEFENDANT

STATEMENT OF CLAIM

1. Plaintiff is a Ghanaian citizen and the Ashanti Regional Chairman of the Convention Peoples' Party (CPP).
2. Defendant is the Constitutional body in charge of public elections in Ghana.
3. Defendant has released a public notice regarding the by-election for the election of a Member of Parliament (MP) for the Ejisu Constituency slated for 30th April 2024.
4. Plaintiff's Regional Executive Committee is the CPP body in charge of the daily administration of the Party in the Ashanti Region. Thus, all CPP political activities in respect of the Ejisu Constituency in the Ashanti Region fall under the authority and control of the Plaintiff as Chairman of the Region with his Regional Executives.
5. Plaintiff presents that due to the reorganisation of the CPP currently at hand towards the main 7th December 2024 national elections, the Regional Executive Committee, as the officers on the ground in the region, who know first hand, the political strength of the Party in the region, has resolved to concentrate on the reorganisation activity to prepare the Party properly for the main 7th December national elections.
6. Plaintiff presents that as the Regional Chairman, if the Party is to do anything regarding the said by-election in the Ejisu Constituency, it is the responsibility of his Regional Executive Committee chaired by him, that must submit to the Party Headquarters and the Central Committee any such activity for onward consideration and approval.
7. Plaintiff presents that due to the reorganisation agenda of the Party and certain pending internal matters, his Regional Executive Committee has not sent any communique regarding the participation in the said by-election to the Central Committee, the Party's highest administrative body, to consider the Party's participation. In sum, the CPP as a

political party has not taken any decision at the Central Committee level to contest the said Ejisu Constituency by-election.

8. Plaintiff presents that this being the situation regarding the CPP currently, thus, no such decision to participate in the said by-election in the Ejisu Constituency has been taken at the highest level of the Party's administration and thus, the only official thing to do is for the Regional Executive Committee to inform the Defendant's Ashanti Region Directorate that the Party would not be participating in the said by-election, which was done by a letter dated 18th April 2024 and addressed to the Defendant's Ashanti Region Director.
9. Plaintiff presents that after the said above letter was submitted to Defendant's Office in Kumasi, one Esther Osei showed up at the Defendant's Office and has been registered by Defendant to contest the the said by-election on the ticket of the CPP as its candidate. And that, the said Esther Osei was introduced by a letter dated 18th April 2024 to the Defendant from the former chair and leader of the CPP, Nana Akosua Frimpomaa, who has since been removed from office together with 8 other National Executives at the Party's National Executive Council meeting on 5th December 2023.
10. Plaintiff submits that per the CPP's Constitution, it is the duty of the Constituency Branch Party Conference **to elect a Parliamentary candidate for the Constituency for the approval of the Central Committee**. Thus, the power to get a Parliamentary candidate for the Party lies with the Party's Constituency members at a Constituency Conference held for that purpose and this has not been done to elect anybody.
11. Plaintiff submits that per the CPP's Constitution, the Central Committee **shall consider and approve the names of candidates submitted for election to Parliament, and where it rejects a candidate, it shall refer the matter to the particular Constituency to elect a new candidate**. Significantly, the Ejisu Constituency has not elected and submitted anybody for consideration and approval by the Central Committee, and also that, no Central Committee meeting has been held for this purpose as well.
12. Plaintiff submits that per the CPP's Constitution, the Regional Executive Committee **shall make proposals for, and oversee all Party developmental activities in the region**. Thus, in this regard, the Regional Executive Committee has not made any such proposal concerning the said Esther Osei for consideration and approval as the Party's Parliamentary candidate, that is, even if the Party's Ejisu Constituency has not elected at a conference a candidate for the Central Committee's consideration and approval.
13. Plaintiff says that, the Regional Executive Committee presents this position in paragraph 12 above because the said Esther Osei is not "properly known" to the Party in the region and thus, they cannot vouch for her persona and stature to hold a national office as a legislator on behalf of the CPP, a Party with a delicate political philosophy and developmental ideology. That the constitutional rationale why the CPP's Central Committee must consider and approve the Party's Parliamentary candidate is to ascertain whether the person representing the CPP has the capacity to espouse the CPP's political principle and ideologies in Parliament to impact on law making, for the rapid

development and advancement of Ghana, Africa and the world. This has not been done, which is a breach.

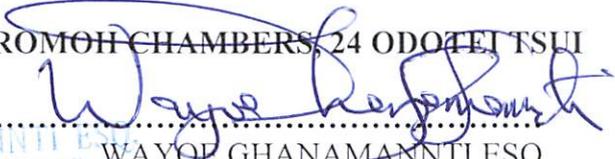
14. Plaintiff presents that given the facts herein presented, that no Ejisu Constituency Conference has been held to elect the said Esther Osei or anybody for that matter for the Party's Central Committee to consider and approve thereof to contest on behalf of the Party, no individual can introduce anybody to the Defendant to be registered to contest on the ticket and on behalf of the CPP, a political party governed by rules and regulations.
15. Plaintiff presents that in the circumstance, any introduction to the Defendant for registration and onward contest by the said Esther Osei or anybody by the the former chair and leader of the CPP for the said Ejisu Constituency by-election is of no effect, as a CPP Ejisu Constituency Conference has not elected for the approval of the Central Committee of any such person. And again, that the former chair and leader, even if she had not been removed from office, does not have any such authority and duty to present anybody to the Defendant to contest public elections on the ticket and on behalf of the CPP as a political party, as such matters are governed by rules and regulations and not individual whimsical fiats.
16. Plaintiff thus, submits that the Defendant cannot go ahead with its intended Ejisu Constituency by-election on 30th April 2024 or any date thereafter with the said Esther Osei or whoever so introduced by the former chair and leader of the CPP to the Defendant because that would be an illegitimate CPP candidate in the contest and thus, rendering the entire by-election after it has been conducted, nugatory and void.
17. Plaintiff presents that, if the former chair and leader of the CPP in her individual interest feels that she wants the said Esther Osei or anyone to go to Parliament, she can introduce and support that person on an independent candidate slot, a route all citizens are entitled to by right but not to illegitimately, force her personal interest on the CPP against the Party's stated rules and regulations, as her individual interest, though of no effect anymore in the Party, cannot override that of a political party of a group of people governed by rules and regulations.
18. Plaintiff believes that with this legal action to address the matter, the Defendant will do the needful and not allow its process and progress, especially, regarding this budgeted public by-election to be overshadowed by needless personal stuffs not in the holistic interest of political parties that are its stakeholders. Significantly, it is like the NDC as a political party not ready to participate in the said by-election and an individual going behind to illegitimately, present someone in the name of the NDC and the Defendant registering the person to contest on that ticket. It is trite, that it does not work that way.
19. Plaintiff submits that the CPP is a political party governed by a Constitution and that no individual is above its stated rules and regulations. Thus, any conduct by any group of individuals, especially, the instant attempt to run down the entire rules and regulations on electing and approving a Party Parliamentary candidate, which is similar to conducting a party primaries, is a conduct of backwardness and lack of civility and same ought not to be entertained by institutions like the Defendant herein in a democratic dispensation.

20. Plaintiff presents that, this is a very simple matter, that no CPP Ejisu Constituency Conference has elected anybody for the Party's Central Committee to consider and approve as the CPP's Parliamentary candidate for any by-election. The Regional Executive Committee has not also made any proposal to that effect. Thus, neither the said Esther Osei nor anyone, illegitimately introduced to the Defendant currently, can pass as the CPP's candidate for the said by-election, especially, as no Party vetting or appraisal has been held to ascertain the person's persona and stature to espouse the CPP's political principles and ideologies in Parliament to impact on Ghana's governance.

WHEREFORE Plaintiff claims against the Defendant herein the following reliefs:

- a. A declaration that on record, no Constituency Branch Conference of the CPP has been held in Ejisu and elected the said Esther Osei or anybody as a Parliamentary candidate for consideration and approval by the CPP's Central Committee to be submitted to Defendant as CPP's Parliamentary candidate for the said Ejisu Constituency by-election.
- b. A declaration that the Regional Executive Committee of the CPP in the Ashanti Region has also, not made any proposal in respect of the said Esther Osei or anybody as the Party's Parliamentary candidate for the said Ejisu Constituency by-election.
- c. A declaration that CPP's Central Committee has not considered and approved the said Esther Osei or any other person to contest on the ticket and on behalf of the CPP as a political party, regarding the Defendant's intended Ejisu Constituency by-election.
- d. An order directed at the Defendant not to register and allow the said Esther Osei or any other person not elected by a CPP Ejisu Constituency Branch Conference and approved by the CPP's Central Committee, to contest the said Ejisu Constituency by-elections on the ticket and on behalf of the CPP, a political party governed by rules and regulations.
- e. Cost
- f. And for any further order(s) the Honourable Court may deem fit.

DATED THIS 19TH DAY OF APRIL 2024 AT DROMOH CHAMBERS, 24 ODOTETEY TSUI STREET, DZORWULU, ACCRA


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COUNSEL FOR PLAINTIFF

THE REGISTRAR
HIGH COURT, GJ
ACCRA

AND FOR SERVICE ON THE ABOVE – NAMED DEFENDANT