

**NATIONAL ADDRESS BY H.E. JOHN DRAMANI MAHAMA, 2020 PRESIDENTIAL CANDIDATE  
OF THE NATIONAL DEMOCRATIC CONGRESS AFTER THE SUPREME COURT JUDGMENT  
ON THE 2020 ELECTION PETITION**

Good afternoon ladies and gentlemen,

Earlier today, the Supreme Court of Ghana delivered its verdict on a petition we filed against the declaration made on the evening of 9<sup>th</sup> December 2020 by the Chairperson of the Electoral Commission of Ghana, Mrs. Jean Mensa, on the Presidential Elections of December 7, 2020.

My brothers and sisters, I did not take the decision to go to court lightly. In fact, many were those who expressed misgivings about my decision, not because we did not have a strong case, but because of the times we live in.

I still believe that no matter the circumstances, it was the right thing to do. It is gratifying that the court's proceedings were broadcast live. Ghanaians followed the hearings diligently. They understood what was happening even if the legal terminologies were not always easy to grasp.

Even though the petition to the Supreme Court stood in my name, it nonetheless represented the desire of an overwhelming number of Ghanaians, anxious for answers from the Chairperson of the Electoral Commission as the Returning Officer of the December 2020 Presidential Election.

Ghanaians were hoping to hear her testify and many are still baffled by the refusal of Mrs. Jean Mensa to be held to account by testifying in this case – unfortunately, with the unanimous agreement of the justices of the Supreme Court of Ghana. This vital part of the process to establish the truth and hold Mrs. Jean Mensa accountable was blocked time and again by a protective cordon and firewall that I am sure have confounded many Ghanaians.

The refusal of the Chairperson is in sharp contrast to the readiness with which Dr. Kwadwo Afari Gyan, then Chairman of the Electoral Commission willingly testified in the 2013 Election petition filed by then candidate Nana Akufo-Addo of the NPP.

Speaking as a Ghanaian, with no legal training, I believe that the refusal of the Electoral Commission Chairperson to testify in this election petition, leaves a bad precedent for the future. I disagree with the suggestion of our Justices that an election petition is akin to any other civil litigation and therefore an EC Chairperson, whose functions go to the heart of our democracy, can by a legal sleight of hand avoid accounting for her stewardship in an appropriate forum such as the highest court of the land.

Our legal team, led by Mr. Tsatsu Tsikata, put together our case in a clear manner, which left no one in doubt about what the issues were. Apart from seeking to ensure compliance with the constitution and for the true choice of the people of Ghana to be respected, the Petition sought to provide opportunity for transparency and accountability in the management of our electoral processes. But no one who followed the proceedings in the Supreme Court will be surprised with the judgement pronounced some hours ago.

Much as I am aware that we are legally bound by the decision of the Supreme Court, I disagree with the process of trial and ruling of the court.

Ladies and Gentlemen, our 1992 Constitution says very directly in Article 125 Section 1 that: “Justice emanates from the people and shall be administered in the name of the Republic by the Judiciary, which shall be independent and subject only to this constitution.”

I believe that the law should not be an instrument for partisan purposes. I also believe that the rule of law should mean one rule for all. What anchors the rule of law is equality and fairness to all, irrespective of creed, background, or political coloration. Justice, we must remember, is rooted in moral foundations.

Ghanaians will always remember that moment when my lead counsel, Mr. Tsatsu Tsikata, quoted from the Holy Bible urging the Justices of the Supreme Court to be faithful to their Judicial Oath and their conscience, only for the lawyer representing Nana Akufo-Addo, the 2<sup>nd</sup> Respondent, to argue for the exclusion of God in the matter. Yet, in the courts of Ghana, we swear on the Bible or the Cross, as we also do with the Holy Koran, to speak the truth and nothing but the truth.

Ghanaians will also remember this 2021 Election Petition for that profound moment when the Chairperson of the Electoral Commission opted to evade public scrutiny. Everything was done in this trial to prevent the Commission from accounting to the people in whose name they hold office.

Requests for Interrogatories were dismissed. A request to inspect documents in the possession of the Commission was turned down. The request for admission of facts was ignored.

Worse still, she was aided by her counsel and the court to avoid explaining to the good people of Ghana from her own testimony, under oath in a properly constituted court of law, the errors she herself admits to have committed in the declaration of the 2020 Presidential election results.

This is a clear stab in the heart of transparency and accountability to the sovereign people of Ghana. Whatever the reasons for not allowing Mrs. Jean Mensa to testify or answer any questions, it leaves an embarrassing stain, not only on our justice delivery system but also, on the nation’s electoral system, which has deepened the grave doubts harboured by many Ghanaians about the true outcome of the December 2020 Presidential Election.

The motto of Ghana’s Electoral Commission is Transparency, Fairness and Integrity – principles the key actors clearly failed to live up to on this occasion. The refusal to account to Ghanaians, further, sets the worrying precedent – and I do really worry about this dangerous precedent – that may allow other heads of state institutions to adopt an approach of opacity and non-accountability in their work.

Just because they can rely on unconvincing interpretations of our laws to shield them from scrutiny in the near future. I hope and pray that time will prove me wrong.

There is a famous legal maxim brought into common use by Lord Chief Justice Hewart in 1924, that “Justice must not only be done but should manifestly and undoubtedly seen to be done”.

While judgement was given in this petition, it cannot be said by many to have been seen to be done by the constant unanimous strictures placed on the petitioner in laying out his case.

I have followed the proceedings of this petition and listened to the testimony of our General Secretary Johnson Asiedu Nketiah from beginning to end. I am quite alarmed at the mutilation of his testimony in the Supreme Court ruling.

Indeed, the ruling I heard today, virtually makes him the star witness of the 1<sup>st</sup> and 2<sup>nd</sup> Respondents. Many answers of his testimony in cross examination were taken out of context to create the basis for the dismissal of our election petition.

Ladies and Gentlemen, this case will go into the Ghana Law Reports for the future, and academics and students of law alike will clearly find befuddling, the internal contradictions in our jurisprudence. At the appropriate time, the legal team will come out with detailed comments on the judgment.

The Supreme Court has given its verdict, but the national debate on the dismal state of our democracy and the increasing weakness of its institutions has only just begun. It is time we all come together to confront those who seek to destroy the very democratic system that brought them into office. It is our patriotic duty to do so.

Ladies and Gentlemen, it bears reiterating that our grievances with the conduct of the 2020 elections was not limited to just the Presidential elections. Doubts about the Commission's commitment to fairness and transparency have lingered much longer than the duration of this Petition.

The doubts have attended their every action, and rightly so, because of their posturing and sometimes duplicitous conduct. As I have alluded to in the past, the current leadership of the Commission, was installed after the politically motivated removal of the previous leadership. Since then, every step they have taken has appeared to be calculated at ensuring the retention of the appointing authority in power.

Aside from the compilation of a new voter register in the midst of a pandemic, one that many Civil Society Organisations, political and governance experts insist was more procurement-induced than need-based, the time-tested process of consultation and dialogue among stakeholders through the Inter Party Advisory Committee (IPAC) was supplanted by unilateralism. This has not boded well for harmonious relations with stakeholders.

Compared to the two previous leaderships of the Commission, what we have now does not meet even the minimum requirements of neutrality and non-partisanship that are essential for consolidating our democracy. The much-touted independence of the Electoral Commission exists only in name now. This should give all Ghanaians cause to worry.

Today, we still have as a member of the Commission, someone who publicly stated that the political party, which I led into the December 2020 election is an existential threat to Ghana's democracy. And yet that same member presided over an election in which the same political party participated.

In the Parliamentary elections, the NDC won majority of seats. However, through devious manipulation by officials of the Electoral Commission, a number of these seats were illegally declared for the NPP.

In some instances, the manipulation was so glaring and brazen that simple intervention by the leadership of the Electoral Commission as has been done by previous Commissioners could have addressed the issues and righted the wrongs to make court actions completely unnecessary.

Therefore, it is not surprising that International Election Observers captured collation and tallying of results as one of the challenges of our 2020 elections. The posture and approach of this current Electoral Commission does not inspire the confidence needed to preside over any transparent, free and fair election.

They have absolutely no reason to remain in office. This is because the Electoral Commission must remain a neutral arbiter and the organizer of elections. They must not hold a vested interest in the dubious victory of one party over another.

The loyalty of the Electoral Commission must be to the people of Ghana and the Constitution from which it derives its mandate, and not the President or party under whose tenure the leadership is appointed. Immediate reforms, reflecting the long-standing image and reputation of our Electoral Commission as one of the finest and most credible on the continent and indeed the world, must be one of the focuses of public advocacy, if future elections are to be devoid of needless tensions and anxiety.

My brothers and sisters, we cannot forget the burning issue of the deliberate exclusion of the good people of Santrokofi, Akpafu, Likpe and Lolobi (SALL) from the Parliamentary election of 2020. This constitutes perhaps, the gravest injustice of the 2020 elections. It can easily fit into the worst forms of electoral trickery ever witnessed in our nation's history.

Despite the shenanigans employed by the conspirators in this issue, it is abundantly clear that the rights of the people of SALL to vote, was intentionally violated as part of a move to ensure the predetermined election outcome of a particular Parliamentary constituency. This represents unparalleled abuse of power by both the government and its handmaiden, the Electoral Commission, to influence the outcome of the Parliamentary election in Hohoe.

It is even more staggering that no one has stepped forward to take responsibility for this unjustifiable action nor indicated any clear remedy for the harm caused. We cannot as a people countenance this kind of gerrymandering and chicanery in our politics. We must with one accord, demand immediate resolution of the impasse in the SALL area and take urgent steps to afford the people their right to vote and be represented.

My brothers and sisters, we entered the 2020 elections against an incumbent that was determined to abuse power and misuse state resources and institutions to achieve electoral victory. The run-up to the election and some of the processes involved were characterized by intimidation and harassment from state security agents and others loyal to the current regime.

Selective deployment of military personnel was used as a tool to instil fear in some of our citizens to dissuade them from taking part in the voter registration and other processes. Others were

falsely branded as foreigners and their citizenship called into question unjustly – an abhorrent nation-wrecking prejudice which has been directed especially against certain ethnic groups of this country and has continued till date and has even recently been visited crudely on the Auditor General, Daniel Yaw Domelevo.

In the last election, unprecedented levels of state funds and resources were doled out by the ruling party, and unprovoked, deadly violence inflicted on our citizens in several cases. In the process, eight of our compatriots were murdered in cold blood and several others maimed during the process of the elections.

We have designated these compatriots, whose blood was shed just because they sought to participate in what was a purely civil exercise as “MARTYRS OF DEMOCRACY” to whom we shall dedicate an appropriate monument when the time comes.

I hope we can count on all well-meaning Ghanaians to support our efforts to bring the perpetrators of these murders to justice. Never must a government be allowed to turn the simple process of an election into a bloodbath. Never must impunity of this magnitude be allowed to fester in our democracy.

Our independence and the current democracy we enjoy were fought for and attained through the sacrifice and blood of our founding fathers, mothers and our compatriots. Never must we accept convenience over principle.

I take this opportunity to express my deep-seated appreciation to our lawyers, led by the colossus of a legal mind, Tsatsu Tsikata, for a valiant fight, which has won the admiration of many. Against considerable odds, they persisted and drove home our point in a manner that convinced all fair-minded observers about the just cause we had embarked on.

I express similar gratitude to all who played diverse roles in putting our case together. I salute our three key witnesses – our General Secretary, Johnson Asiedu Nketia, Dr. Michael Kpessah Whyte and Rojo Mettle-Nunoo for helping to unravel a part of the untold story of the flawed 2020 elections.

I also wish to place on record that the service rendered to me by my legal team in this petition was gratis – free. We may not have been successful. But your hard work and sacrifice will not go unheralded when the full story is told.

I am very much aware that there are millions watching and listening to me who are disappointed at the outcome of this case. For those millions, like myself, who held out hope that our democracy would be advanced by the process and outcome of this petition, you must be disappointed.

But I encourage you to hold your heads up high and channel your disappointment into hard work that will ensure that, come next election, we will achieve a truly transparent and fair election, which we all as Ghanaians can be proud of.

To all my compatriots and supporters, we may have lost the temporary battle of the 2020 election and the Petition that followed, but the larger struggle to create a society that lives up to our national motto of freedom and justice still rages on. It is a struggle, which requires even more

commitment than before, and it is one that we will not shirk from until our patriotic aim is achieved.

To the millions of NDC supporters who have stood by me, my running mate, Professor Naana Jane Opoku Agyemang, our National Chairman, General Secretary, Campaign Chairman, FEC, NEC, Parliamentary Candidates, Sponsors and all activists and supporters who gave their all in the hope that we will win and form the next government to save our nation and meet your aspirations, do not despair at this outcome. I repeat. Do not despair! Never, ever lose hope.

We achieved an impressive showing in the last election, and despite the intimidation, obscene abuse of incumbency advantage and the massive use of funds and resources we can be proud that we gave it our best. Our have become stepping-stones on which the NDC can build to secure victory in the next elections.

The NDC will survive and grow from strength to strength. The sun may have set on our hopes for the just ended election today, but it will rise tomorrow and illuminate our path to a better outcome next time around.

To the Council of Elders, members of the National Executive Committee of the NDC, the Functional Executive Committee, the Election 2020 Campaign team, my Staff, party executives at all levels, volunteers, polling agents and all who played roles in our campaign, no matter how small, I thank you from the bottom of my heart.

The NDC will always remain the party of the people. The party was established to empower the people of Ghana to be architects of our own destiny. We blazed the trail for participatory democracy. And I am confident that out of the ashes of this legal setback, we will mobilize and rekindle the struggle for a better democratic Ghana.

We will be law abiding and do nothing to compromise the stability of the country. We will however continue to be the voice of the voiceless and will not be distracted demanding justice and fairness at all times. Neither will we surrender or fail to champion the rights of all our people to enjoy the fundamental freedoms guaranteed under our constitution.

To the over six million Ghanaians who entrusted me with their votes, I cannot thank you enough for this honour. I value your votes so much. It reflects the confidence you have in the ideology, the ethos and importantly the 2020 Peoples' Manifesto of the NDC. We have proven to be the most viable path to rapid socio-economic development.

I can assure you that even though this was not the outcome we expected, I am sure your votes will spur us on to victory in the future elections.

I also wish to acknowledge and commend the courage and commitment of Civil Society Organisations, journalists and individuals who have dedicated their lives to speak truth to power irrespective of which party sits at the Flagstaff House.

Whiles in office, my administration tolerated your views even when we disagreed. We did not hound your souls. In similar vein, we encourage you to continue to hold all governments accountable as you have done in the past for it is your right to do so.

My brothers and sisters, I have had a relatively long and fulfilling journey of public life and service during which I have had the privilege to serve in various capacities. I have had my ups and downs like all humans, but I have at all times promoted unity and inclusion and not division; and I have always placed the interest and well-being of Ghana first. I will continue to do same even at this moment and beyond.

We have only one nation, Ghana, and we must work together to ensure progress and growth of our dear nation. We can only do this, if we ensure equality, freedom and justice for all our citizens.

Long Live the NDC!

Long Live Ghana!

I thank you all for your attention.

May God bless our homeland Ghana.