



REGISTRAR
HIGH COURT
ACCRA

**WRIT OF SUMMONS
(Order 2 rule 3(1))**

WRIT ISSUED FROM Accra H.H. 2024..... SUIT No. GJ/0121/2025

**IN THE HIGH COURT
ACCRA**

BETWEEN

ROCKSON NELSON DAFEAMEKPOR
Atawanor Memorial House
Tangor-Tsanakpe, South-Dayi
Volta Region

PLAINTIFF

AND

SPEAKER OF PARLIAMENT
Parliament of Ghana
Accra

DEFENDANT

(Plaintiff shall direct service)

To
AN ACTION having been commenced against you by the issue of this writ by the above-named Plaintiffs.

ROCKSON NELSON DAFEAMEKPOR

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 **SPEAKER OF PARLIAMENT**

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

Dated this 11TH day of NOVEMBER 2024

Chief Justice of Ghana

G. SACEY TOKORNOO (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 of ACCRA. A defendant appearing personally may, if he desires give notice of appearance by post.

SEALED

[Handwritten Signature]

HIGH COURT ACCRA

*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).

FORM 1

STATEMENT OF CLAIM

The Plaintiff's claim is for:

- a. A declaration confirming the vacancy of the parliamentary seats of Mr. Andrew Amoako Asiamah, Hon. Member of Parliament for Fomena; Mrs Cynthia Mamle Morrison, Hon. Member of Parliament for Agona West; Mr. Kwadwo Asante, Hon. Member of Parliament for Suhum; and Mr. Peter Yaw Kwakye-Ackah, Hon. Member of Parliament for Amenfi Central by the ruling of the Defendant made on the 17th of October, 2024, on the floor of the 8th Parliament of the 4th republic.
- b. A declaration that the Independent Member of Parliament for the Fomena Constituency in the Ashanti Region, Hon. Andrew Amoako-Asiamah, has vacated his seat in Parliament by filing nomination forms with the Electoral Commission to contest the up-coming election on the ticket of the New Patriotic Party (NPP).
- c. A declaration that the NPP Member of Parliament for the Agona West Constituency in Central Region, Hon. Cynthia Mamle Morrison, has vacated her seat in Parliament by filing nomination forms with the Electoral Commission to contest the up-coming election as an **Independent Candidate** for the Agona West Constituency.
- d. A declaration that the NPP Member of Parliament for the Suhum Constituency in the Eastern Region, Hon. Kwadwo Asante, has vacated his seat in Parliament by filing nomination forms with the Electoral Commission to contest the up-coming election as an **Independent Candidate** for the Suhum Constituency.
- e. A declaration that the National Democratic Congress (NDC) Member of Parliament for the Amenfi Central Constituency in the Western Region, Hon. Peter Yaw Kwakye-Ackah, has vacated his seat in Parliament by filing nomination forms with the Electoral Commission to contest the up-coming election as an **Independent Candidate** for Amenfi Central Constituency.
- f. A declaration that any post 17th October 2024 composition of the 8th Parliament of the 4th Republic with the said four ex-Members of Parliament is unlawful.

- g. A declaration that any parliamentary proceedings involving the said four ex-Members of the 8th Parliament of the 4th Republic is unlawful and illegal.
- h. A declaration that recalling Parliament while the status of the said four ex Members of the 8th Parliament of the 4th Republic remains undetermined by pending processes before the Supreme Court and High Court would be unlawful and illegal.
- i. A declaration that pursuant to the Constitution of Ghana, 1992, Article 99(1)(a), it is the High Court which has the sole jurisdiction to hear and determine all disputes arising out of a declaration or ruling by the Speaker of Parliament that a seat has become vacant.
- j. A declaration that the filing of nomination forms with the Electoral Commission by the Independent Member of Parliament for the Fomena Constituency in the Ashanti Region, who held the position of the Second Deputy Speaker of Parliament in the 8th Parliament of the 4th Republic of Ghana, Hon. Andrew Asiamah Adomako, to contest the Fomena Parliamentary seat on the ticket of the New Patriotic Party in the upcoming general Presidential and Parliamentary elections on the 7th of December, amounted to a vacation of his parliamentary seat.
- k. A declaration that the filing of nomination forms with the Electoral Commission by the Member of Parliament for the Agona West Constituency in Central Region on the ticket of the NPP in the 8th Parliament of the 4th Republic of Ghana, Hon. Cynthia Mamle Morrison, to contest the Agona West Parliamentary seat as an Independent Parliamentary Candidate in the upcoming general elections on the 7th of December 2024 amounted to a vacation of her parliamentary seat.
- l. A declaration that the filing of nomination forms with the Electoral Commission by the Member of Parliament for the Suhum Constituency in the Eastern Region on the ticket of the NPP in the 8th Parliament of the 4th Republic of Ghana, Hon. Kwadwo Asante, to contest the Suhum Parliamentary seat as an Independent Parliamentary Candidate in the upcoming general elections on the 7th of December 2024, amounted to a vacation of his parliamentary seat.
- m. A declaration that the filing of nomination forms with the Electoral Commission by the Member of Parliament for the Amenfi Central Constituency in the Western Region on the ticket of the

ADDY AND OJEDA ATTORNEYS
M.B. YEMAH JUFURWAY
SPINNING MACHINERY CENTRE
LIMITED ACCRA.
P. O. BOX KW 534, KWABENYA-ACCRA

National Democratic Congress (NDC) in the 8th Parliament of the 4th Republic of Ghana, Hon. Peter Yaw Kwakye-Ackah, to contest the Amenfi Central Parliamentary seat as an Independent Parliamentary Candidate in the upcoming general elections on the 7th of December 2024, amounted to a vacation of his parliamentary seat.

- n. An order directed at the Defendant to ensure that Mr. Andrew Amoako Asiamah, Member of Parliament for Fomena; Mrs Cynthia Mamle Morrison, Member of Parliament for Agona West; Mr. Kwadwo Asante, Member of Parliament for Suhum; and Mr. Peter Yaw Kwakye-Ackah, Member of Parliament for Amenfi Central, no longer have access to the chamber of Parliament to participate in parliamentary proceedings.

- o. Any other order(s) that this Honourable Court may deem fit to award.

This writ was issued by **BENEDICTA NAA AYELEY QUAYE ESQ.**

whose address for service is **ADDO, ADDO LEGAL ATTORNEYS
NO. 34 TEMA MONUMENTAL SPINTEX ROAD, NEXT TO CEMIX
GHANA LTD ACCRA**

Agent for **THE PLAINTIFFS**
Address Number and date of lawyer's current licence. **eGAR 01114/24**

Lawyer for the plaintiff **BENEDICTA NAA AYELEY QUAYE ESQ** who resides at **ACCRA**

.....
.....

Indorsement to be made within 3 days after service

This writ was served by me at
on the defendants

on the day of

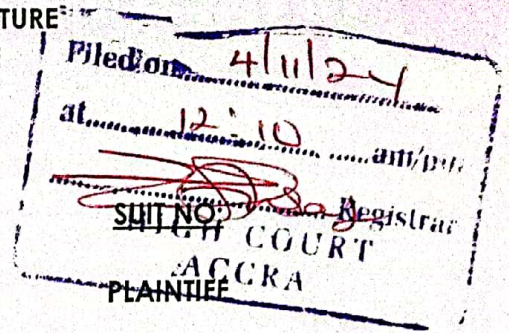
endorsed the day of

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



ROCKSON NELSON DAFEAMEKPOR
Atawanor Memorial House
Tangor-Tsanakpe, South-Dayi
Volta Region

VRS

SPEAKER OF PARLIAMENT
Parliament of Ghana
Accra

DEFENDANT

(Plaintiff shall direct service)

STATEMENT OF CLAIM

1. The Plaintiff is a Ghanaian citizen and the Honourable Member of the 8th Parliament of the 4th Republic for the South-Dayi Constituency in the Volta Region of Ghana.
2. The Defendant is Speaker of the 8th Parliament of the 4th republic of Ghana.
3. The Plaintiff says that the Defendant announced on the floor of Parliament on the 15th of October 2024 that he was in receipt of a Notice of Petition filed by the Hon. Member of Parliament for Tamale South asking for the seats of four incumbent Members of Parliament, Mr. Andrew Amoako-Asiamah, Hon. Member of Parliament for Fomena; Mrs Cynthia Mamle Morrison, Hon. Member of Parliament for Agona West; Mr. Kwadwo Asante, Hon. Member of Parliament for Suhum; and Mr. Peter Yaw Kwakye-Ackah, Hon. Member of Parliament for Amenfi Central, to be declared vacant.
4. The Plaintiff says that the Hon. Member of Parliament for Ajumako-Enyan-Esiam also made a statement on the floor of Parliament under order 93 of the Standing Orders of Parliament inviting the Defendant to declare vacant the seats of four incumbent Members of Parliament, Mr. Andrew Amoako-Asiamah, Hon. Member of Parliament for Fomena; Mrs Cynthia Mamle Morrison, Hon. Member of Parliament for Agona

West; Mr. Kwadwo Asante, Hon. Member of Parliament for Suhum; and Mr. Peter Yaw Kwakye-Ackah, Hon. Member of Parliament for Amenfi Central.

5. The Plaintiff says that on the 17th day of October, 2024, the Defendant delivered his ruling in which he declared vacant the seats of four incumbent Members of Parliament, Mr. Andrew Amoako-Asiamah, Hon. Member of Parliament for Fomena; Mrs Cynthia Mamle Morrison, Hon. Member of Parliament for Agona West; Mr. Kwadwo Asante, Hon. Member of Parliament for Suhum; and Mr. Peter Yaw Kwakye-Ackah, Hon. Member of Parliament for Amenfi Central and ordered the affected Members of Parliament to vacate their seats.
6. The Plaintiff says that the ruling of the Defendant on the 17th day of October, 2024, was pursuant to the provisions of **article 97 (1) (g) and (h)** of the 1992 Constitution of Ghana, thus, a valid ruling.
7. The Plaintiff says that the declaration by the Defendant that the Independent Member of Parliament for the Fomena Constituency in the Ashanti Region, who held the position of the Second Deputy Speaker of Parliament in the 8th Parliament of the 4th Republic of Ghana, Hon. Andrew Amoako-Asiamah, has vacated his seat was on the basis that the said Member of Parliament having been so elected has filed nomination forms with the Electoral Commission to contest the up-coming election on the ticket of the New Patriotic Party (NPP), as indicated by the Notice of Poll published by the Electoral Commission.
8. The Plaintiff says that the declaration by the Defendant that the NPP Member of Parliament for the Agona West Constituency in Central Region, Hon. Cynthia Mamle Morrison, has vacated her seat was on the basis that the said NPP Member of Parliament having been so elected has filed nomination forms with the Electoral Commission to contest the up-coming election as an Independent Candidate for the Agona West Constituency, as indicated by the Notice of Poll published by the Electoral Commission.
9. The Plaintiff says that the declaration by the Defendant that the NPP Member of Parliament for the Suhum Constituency in the Eastern Region, Hon. Kwadwo Asante, has vacated his seat was on the basis that said NPP Member of Parliament having been elected has filed nomination forms with the Electoral Commission to contest the

up-coming election as an Independent candidate, as indicated by the Notice of Poll published by the Electoral Commission.

10. The Plaintiff says that the declaration by the Defendant that the National Democratic Congress (NDC) Member of Parliament for the Amenfi Central Constituency in the Western Region, Hon. Peter Yaw Kwakye-Ackah, has vacated his seat was on the basis the said NDC Member of Parliament having been so elected has filed nomination forms with the Electoral Commission to contest the up-coming election as an Independent candidate, as indicated by the Notice of Poll published by the Electoral Commission.
11. The Plaintiff says that the constitution of the NPP, which Hon. Mrs Cynthia Mamle Morrison, NPP Member of Parliament for Agona West and Hon. Mr. Kwadwo Asante, NPP Member of Parliament for Suhum, freely subscribe to provides in article **3 (9) (1)** that **a member of the party who stands as an Independent Candidate against the officially elected member of the party or who joins or defers his support for another political party or for an Independent Candidate when the party has sponsored a candidate in a general election or by-election forfeits his or membership of the party.**
12. The plaintiff says that Hon. Mrs Cynthia Mamle Morrison, NPP Member of Parliament for Agona West and Hon. Mr. Kwadwo Asante, Member of Parliament for Suhum, having filed to contest the up-coming, 2024, December 7th elections as Independent Candidates against other candidates sponsored by the political party they belong to (which the NPP) have by operation of the NPP constitution automatically ceased to be members of the party and by logical implication have lost the right and mandate to hold themselves out as members of the NPP let alone represent them in the up-coming December.
13. The Plaintiff says that the phrase "a member of parliament" as employed in article 97 (1) of the 1992 Constitution of Ghana does not refer to a member in any future or past parliament but of the present Parliament which in this case is 8th Parliament of the 4th republic.
14. The Plaintiff says that the actions of the four members of Parliament **does not fall within the circumstances** under which a Member of Parliament shall remain and maintain

his membership or keep his seat if he or she engages in a conduct similar to those contained in 97 (1) (g) of the 1992 constitution of Ghana.

15. The Plaintiff says that it will be a brazen assault on the article 97 (h) of the constitution of Ghana should this impasse be allowed to persist where the Independent Member of Parliament of the Fomena Constituency at the time of his election into parliament is allowed to remain in parliament after declaring and filing with the Electoral Commission to contest the same seat on the NPP's ticket in the up-coming 2024 December 7th elections.

16. The Plaintiff says that **article 99 (1) (a)** of the Constitution of Ghana, 1992, provides that it is the High Court that has the jurisdiction to hear and determine any question of whether a person has been validly elected as a member of Parliament or that **the seat of a member has become vacant**.

17. The Plaintiff says that pursuant to **article 99 (1) (a)** of the Constitution of Ghana, 1992, it is the High Court that has the sole jurisdiction to hear and determine all disputes arising out of a declaration or ruling by the Speaker of Parliament that a parliamentary seat has become vacant.

18. The Plaintiff says that the said four incumbent Members of Parliament, Mr. Andrew Amoako-Asiamah, Hon. Member of Parliament for Fomena; Mrs Cynthia Mamle Morrison, Hon. Member of Parliament for Agona West; Mr. Kwadwo Asante, Hon. Member of Parliament for Suhum; and Mr. Peter Yaw Kwakye-Ackah, Hon. Member of Parliament for Amenfi Centra, will continue to hold themselves out as Members of 8th Parliament of the 4th republic of Ghana and access the Chamber of Parliament **unless** the Defendant is ordered by this Honourable Court to restrain the four Members of Parliament from holding themselves out as Members of the 8th Parliament and from accessing the chamber of Parliament to participate in Parliamentary proceedings.

WHEREFORE the Plaintiff claims against the Defendant as follows:

a. A declaration confirming the vacancy of the parliamentary seats of Mr. Andrew Amoako Asiamah, Hon. Member of Parliament for Fomena; Mrs Cynthia Mamle Morrison, Hon. Member of Parliament for Agona West; Mr. Kwadwo Asante, Hon. Member of Parliament for Suhum; and Mr. Peter Yaw Kwakye-Ackah, Hon. Member

of Parliament for Amenfi Central by the ruling of the Defendant made on the 17th of October, 2024, on the floor of the 8th Parliament of the 4th republic.

- b. A declaration that the Independent Member of Parliament for the Fomena Constituency in the Ashanti Region, Hon. Andrew Amoako-Asiamah, has vacated his seat in Parliament by filing nomination forms with the Electoral Commission to contest the up-coming election on the ticket of the New Patriotic Party (NPP).
- c. A declaration that the NPP Member of Parliament for the Agona West Constituency in Central Region, Hon. Cynthia Mamle Morrison, has vacated her seat in Parliament by filing nomination forms with the Electoral Commission to contest the up-coming election as an **Independent Candidate** for the Agona West Constituency.
- d. A declaration that the NPP Member of Parliament for the Suhum Constituency in the Eastern Region, Hon. Kwadwo Asante, has vacated his seat in Parliament by filing nomination forms with the Electoral Commission to contest the up-coming election as an **Independent Candidate** for the Suhum Constituency.
- e. A declaration that the National Democratic Congress (NDC) Member of Parliament for the Amenfi Central Constituency in the Western Region, Hon. Peter Yaw Kwakye-Ackah, has vacated his seat in Parliament by filing nomination forms with the Electoral Commission to contest the up-coming election as an **Independent Candidate** for Amenfi Central Constituency.
- f. A declaration that any post 17th October 2024 composition of the 8th Parliament of the 4th Republic with the said four ex-Members of Parliament is unlawful.
- g. A declaration that any parliamentary proceedings involving the said four ex-Members of the 8th Parliament of the 4th Republic is unlawful and illegal.
- h. A declaration that recalling Parliament while the status of the said four ex Members of the 8th Parliament of the 4th Republic remains undetermined by pending processes before the Supreme Court and High Court would be unlawful and illegal.
- i. A declaration that pursuant to the Constitution of Ghana, 1992, Article 99(1)(a), it is the High Court which has the sole jurisdiction to hear and determine all

disputes arising out of a declaration or ruling by the Speaker of Parliament that a seat has become vacant.

- j. A declaration that the filing of nomination forms with the Electoral Commission by the Independent Member of Parliament for the Fomena Constituency in the Ashanti Region, who held the position of the Second Deputy Speaker of Parliament in the 8th Parliament of the 4th Republic of Ghana, Hon. Andrew Asiamah Adomako, to contest the Fomena Parliamentary seat on the ticket of the New Patriotic Party in the upcoming general Presidential and Parliamentary elections on the 7th of December, amounted to a vacation of his parliamentary seat.
- k. A declaration that the filing of nomination forms with the Electoral Commission by the Member of Parliament for the Agona West Constituency in Central Region on the ticket of the NPP in the 8th Parliament of the 4th Republic of Ghana, Hon. Cynthia Mamle Morrison, to contest the Agona West Parliamentary seat as an Independent Parliamentary Candidate in the upcoming general elections on the 7th of December 2024 amounted to a vacation of her parliamentary seat.
- l. A declaration that the filing of nomination forms with the Electoral Commission by the Member of Parliament for the Suhum Constituency in the Eastern Region on the ticket of the NPP in the 8th Parliament of the 4th Republic of Ghana, Hon. Kwadwo Asante, to contest the Suhum Parliamentary seat as an Independent Parliamentary Candidate in the upcoming general elections on the 7th of December 2024, amounted to a vacation of his parliamentary seat.
- m. A declaration that the filing of nomination forms with the Electoral Commission by the Member of Parliament for the Amenfi Central Constituency in the Western Region on the ticket of the National Democratic Congress (NDC) in the 8th Parliament of the 4th Republic of Ghana, Hon. Peter Yaw Kwakye-Ackah, to contest the Amenfi Central Parliamentary seat as an Independent Parliamentary Candidate in the upcoming general elections on the 7th of December 2024, amounted to a vacation of his parliamentary seat.

n. An order directed at the Defendant to ensure that Mr. Andrew Amoako Asiamah, Member of Parliament for Fomena; Mrs Cynthia Mamle Morrison, Member of Parliament for Agona West; Mr. Kwadwo Asante, Member of Parliament for Suhum; and Mr. Peter Yaw Kwakye-Ackah, Member of Parliament for Amenfi Central, no longer have access to the chamber of Parliament to participate in parliamentary proceedings.

o. Any other order(s) that this Honourable Court may deem fit to award.

DATED AT ACCRA THIS 31ST DAY OF OCTOBER, 2024


Benedicta Nana Akere Quaye
ATTORNEYS
Lawyer For Applicant
Solicitor's Licence No. eGAR 01114/24
GHANA LIMITED ACCRA
P.O. BOX KW 534, KWABENYA-ACCRA

The Registrar
High Court
General Jurisdiction
Accra

AND FOR SERVICE ON THE ABOVE-NAMED DEFENDANT