IN THE SUPREME COURT OF THE GAMBIA

ELECTION PETITION NO: SC005/2016

ELECTIONS ACT CAP 3:01

ELECTION FOR THE PRESIDENT OF THE REPUBLIC OF THE GAMBIA HELD ON THE 1ST DECEMBER, 2016

BETWEEN

ALLIANCE FOR PATRIOTIC RE-ORIENTATION AND CONSTRUCTION (A. P. R. C).....PETITIONER/APPLICANT

AND

INDEPENDENT ELECTORAL COMMISSION (IEC).....1ST RESPONDENT
ATTORNEY GENERAL OF THE GAMBIA.....2ND RESPONDENT

PREMIUM TIMES

MOTION ON NOTICE

(PURSUANT TO RULE 22 (1) AND (2) OF THE ELECTION PETITION RULES)

TAKE NOTICE that this Honourable Supreme Court will be moved on the .....day of .....2017 at hour of 09:00 hours in the forenoon or so soon thereafter so that counsel can be heard on the hearing of an application for the following orders: -

1. AN ORDER of interlocutory injunction restraining the Honourable Chief Justice of The Gambia, his agents, servants, workers, employees or any person acting in judicial or quasi-judicial capacity from swearing-in and/or inaugurating Adama Barrow as President of the Republic of The Gambia on the 19th day of January, 2017 or any other date pending the determination of the Petition of the Petitioner/Applicant before this Honourable Court.

2. AN ORDER of interlocutory injunction restraining the President of the Republic of The Gambia, the government of the Republic of the Gambia, its agents, servants, workers, employees or any person

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acting in whatever capacity from preparing, arranging, organizing, conducting, partaking or participating in any manner or form in the swearing-in and/or inauguration of Adama Barrow as President of the Republic of The Gambia on the 19th day of January, 2017 or any other date pending the determination of the Petition of the Petitioner/Applicant before this Honourable Court.

3. AN ORDER of interlocutory injunction restraining the National Assembly of The Gambia, its Speaker, Deputy Speaker, Honourable Members, Clerk of the National Assembly, agents, servants, workers, employees of the National Assembly or any person acting in whatever capacity from swearing-in and or inaugurating or preparing, arranging, organizing, conducting, partaking or participating in any manner or form in the swearing-in and/or inauguration of Adama Barrow as President of the Republic of The Gambia on the 19th day of January, 2017 or any other date pending the determination of the Petition of the Petitioner/Applicant before this Honourable Court.

4. AN ORDER of interlocutory injunction restraining any organ of the government of the Republic of The Gambia, any domestic, regional or international body, group or organization their agents, servants, workers, employees any person acting in whatever capacity from swearing-in and or inaugurating or preparing, arranging, organizing, conducting, partaking or participating in any manner or form in the swearing-in and/or inauguration of Adama Barrow as President of the Republic of The Gambia on the 19th day of January, 2017 or any other date pending the determination of the Petition of the Petitioner/Applicant before this Honourable Court.

5. AN ORDER restraining Adama Barrow from presenting himself before the Honourable Chief Justice of the Gambia or any judicial or quasi-judicial officer or any person in whatever capacity whatsoever for swearing-in or inauguration as President of the Republic of The Gambia on the 19h day of January, 2017 or any other date pending the determination of the Petition of the Petitioner/Applicant before this Honourable Court.

PREMIUM TIMES

TO:

a. 1st Respondent
C/O IEC Headquarters
Election House
Bertil Highway, Kanifing Layout
Kanifing Municipality, The Gambia.

b. The President and Government of The Gambia
C/o Attorney General Chambers
N0. 4 Merena Parade
Banjul.

Returning Officer
C/O IEC Headquarters
Election House
Bertil Highway, Kanifing Layout
Kanifing Municipality.

c. 3rd Respondent (Adama Barrow)
Yaranbaba
Kombo North, Wes Coast Region
The Gambia.

d. Speaker National Assembly
National Assembly Headquaters
Independence Drive
Banjul, The Gambia.

PREMIUM TIMES

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PREMIUM TIMES

AFFIDAVIT IN SUPPORT OF MOTION

I, Honourable Seedy Njie of 42 Kanifing South, KMC, The Gambia, male, politician hereby make oath and state as follows: -

1. That I am a member of the Alliance for Patriotic Re-Orientation and Construction (A. P. R. C.), the Applicant herein and its representative at the presidential election held on 1st December, 2016 and by virtue of that fact I am familiar with facts deposed to herein by me.
2. That I have consent and authority of the Applicant to depose to this affidavit on its behalf.
3. That I know as a fact that the Applicant sponsored Yahya Jammeh as its candidate for the presidential election held on the 1st December, 2016.
4. That the Coalition of Political Parties sponsored Adama Barrow in the said presidential election held on the 1st December, 2016.
5. That I know as a fact that election result was declared by the 2nd Respondent returning Adama Barrow as the elected president of The Gambia on 5th December, 2016.
6. That Yahya Jammeh, the President of Republic of The Gambia accepted the result in good faith and publicly congratulated Adama Barrow.

7. That the 1st Respondent certified two different results stating that there were errors in the collation of the results made on 2nd December, 2016 leading to the declaration on 5th December, 2016. A copy of the declaration of result by the 1st Respondent is attached hereto and marked as Exhibit "A".
8. That the Applicant became dissatisfied with the result and accordingly wrote a protest letter to the 1st Respondent. A copy of the said protest letter is attached hereto and marked as Exhibit "B".
9. That the Applicant later filed a Petition before this Honourable Court dated 13th December, 2016.
10. That the Petition of the Applicant is still pending before this Honourable Court and it came up on the 10th January, 2017 whereupon it was adjourned to sometime in May, 2017 to enable this Honourable Court will likely form a quorum of its panel.
11. That Adama Barrow and coalition political parties are busy preparing for and insisting that Adama Barrow should be sworn-in or inaugurated on as president of the Republic of the Gambia on 19th January, 2017.
12. That Adama Barrow or any other Respondent will not be prejudiced in any way if he is sworn-in or inaugurated any time after 19th January, 2017.
13. That there is intimidation, fear and tension among the Gambians, which may lead to breakdown of law and order if the swearing-in or inauguration is allowed to take place before determination of the Petition of the Applicant.
14. That the Applicant the candidate it sponsored, Yahya Jammeh, the President of Republic of The Gambia will be prejudiced and will suffer irreparable loss if Adama Barrow is sworn-in or inaugurated while it's Petition is pending.
15. That Adama Barrow or any other Respondent will not be prejudiced if the application is granted
16. That I depose to this affidavit in good faith according to my information, knowledge and belief.

.....

DEPONENT

SWORN TO IN KANIFING

PREMIUM TIMES

This 12th day of January 2017

BEFORE ME

COMMISSIONER FOR OATHS

PREMIUM TIMES

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PREMIUM TIMES

AFFIDAVIT IN SUPPORT OF MOTION ON NOTICE

(INJUNCTION)

.....

Edward Anthony Gomez, ESQ.
Gomez Law Chambers,
1st Floor, FIB Building,
Kairaba Avenue, K.M

12th Jan 17 16:30 Afternoon

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(INJUNCTION)

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12th Jan 17 16:30 Afternoon