



ELECTORAL JUSTICE AND SECURITY UPDATE FOR WEEK ENDING 18TH FEBRUARY, 2023

Dear reader:

Thanks to funding from the Government of Ireland and the Open Society Initiative for West Africa, the Centre for Accountability and Rule of Law is currently implementing two projects aimed at promoting effective administration of electoral justice as well accountability for human rights violations and electoral offences before, during and after the 2023 elections. As part of this initiative, CARL-SL has hired and assigned Monitors across the 16 districts of the country. Their main responsibility is to keep tabs on all election-related matters, including petitions, lower level elections and conventions for the election of party executives, politically-motivated violence and human rights abuses, among others.

During the week under review, the following developments/incidents occurred:

Freetown/nationwide:

A. Local Government Ministry tells local council heads to vacate office on March 1, 2023

The Ministry of Local Government has written to all local council mayors and chairpersons demanding that they “vacate” office on 1st March, 2023. The Ministry cited section 137 of the Local Government Act 2022 as the basis of the instruction. Some heads of local councils, including the Chairperson of the Western Rural District Council, Kasho Roland Cole, have challenged the Ministry’s directive, stating that it is inconsistent with the law and meant to unfairly target members of the opposition.

Mr. Cole has threatened to institute legal action to overturn the Ministry’s directive, although CARL understands efforts are underway to resolve the issue through the Office of the Vice President and the Local Council Association in Sierra Leone.

B. PPRC rules on petitions questioning the integrity of lower level elections conducted by the All People’s

On Friday 17th February, 2023, the Political Parties Regulation Commission (PPRC) published its decisions in respect of petitions filed by members of the opposition APC against lower

level elections conducted in Kono, Koinadugu, Southern Region and Bo District, and Ghana Branch/District.

In Kono, Francis K.

Gbondo filed a petition claiming that the list of delegates and contestants was not published very late and that the elected Chairperson of APC for Kono District is not ordinarily resident in the district and that he was even elected in absentia. The Commission noted that whilst there is nothing in the Party’s Constitution and its rules that bars the election of a member in absentia, it would not be “in the best interest of the party” to have a District Chairperson of a political party who is not ordinarily resident in the district. In the circumstance, the Commission upheld the petition and ordered a fresh election for

that position.

The Petitioner, who did not seem happy with the decision, subsequently instituted an action with Court seeking an injunction to restrain the party from proceeding with its planned convention.

In respect of elections relating to the National Young Congress, the petitioners claimed that there was late announcement and/or change of venue for the election; failure to publish list of delegates; acts of violence and ineligibility of some of the candidates. The PPRC dismissed the petition, stating that the winner, Ibrahim Prince Tholley, was eligible to contest.

IN KOINADUGU,

the petitioners complained that the IGTC unjustifiably extended the deadline for the submission of applications only to accommodate the IGTC's preferred candidates. They further complained about over voting by one vote. The PPRC dismissed the petition on the grounds that nothing in the APC Party Constitution precludes the IGTC from extending the deadline and that there was no evidence of over voting. In any case, the margin of victory in that

election was by more than one vote, according to the Commission.

Regarding petitions from the Sothorn Region and Bo District, the Commission dismissed them as vexatious, frivolous and scandalous in that there was no evidence to substantiate the allegations made.

The petitions filed by the Ghana Branch/District were withdrawn for mediation between the rival factions.

C. Court delays APC convention

On 15th February, a High Court Judge in Freetown granted an injunction restraining the opposition APC from holding their National Delegates Convention (NDC) to elect executive members of the party and its presidential candidate for the June, 2023 elections. The NDC had been scheduled for 17th, 18th and 19th February, 2023. The injunction was granted after Francis Kai Gbondo, a member of the APC, instituted an action challenging the eligibility of Dr. Samura Kamara to vie for the position of flagbearer of the APC at the party's convention. Mr. Gbondo also challenged the outcome of a lower level election in Kono.

After several efforts by lawyers representing the APC, the Judge varied her Order on 17th February, 2023 by which the APC was allowed to proceed with the convention, starting 18th February through 20th February, 2023. The substantive matter is pending in court, though.

D. ECSL submits list of under-age registrants to police for further investigation, and prosecution

The Electoral Commission of Sierra Leone (ECSL) on 16th February handed a list of 609 minors who registered as voters for the 2023 elections to the Sierra Leone Police for further investigation and prosecution. The Commission said it is part of its effort to ensure accountability for electoral offences, including under-age registration and intentional double registration.

In Kailahun, the ECSL organized a large community outreach event on 18th February as part of its efforts to raise awareness and deepen knowledge about the Proportional Representation electoral system. The meeting was attended by the Paramount Chief, civil society organisations, women-led and youth groups, among others.

E. Security update

Our Monitors reported no incidents of violence in any part of the country, and all of them noted that it has been generally peaceful.

In Falaba District, though, there seems to be some disquiet regarding the delay in conducting the Paramount Chieftaincy election for Barawa Wulay Chiefdom

The Chiefdom stakeholders, including the Youth Chairman, have officially protested to the District Officer, warning that that there will be serious problems in the Chiefdom if the elections are not conducted before the June, 2023 general Elections.***I***

In Bombali, Counselor Ibrahim Nelson of Ward 123 was arrested on Monday 13th

February, 2023 for the offensive and vulgar song performed on stage by an artist who goes by the moniker “Mr. Up Gun” during Samura Kamara's declaration in Makeni. He was taken to Freetown on the same day, but was moved back to Makeni on the following day where he was released on bail. The matter is being investigated.