



**SIERRA LEONE**

**FINAL REPORT**

**PRESIDENTIAL AND  
PARLIAMENTARY ELECTIONS**

**11 August 2007**

**AND**

**SECOND ROUND  
PRESIDENTIAL ELECTION**

**8 September 2007**

**EUROPEAN UNION  
ELECTION OBSERVATION MISSION**

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## ABBREVIATIONS

ADEO	NEC Assistant District Electoral Officer
APC	All People's Congress
AU	African Union
CEM	Constituency Election Monitor
CPP	Convention Peoples Party
DCMC	District Code Monitoring Committee
DEO	NEC District Electoral Officer
DFID	UK Department for International Development
ECOWAS	Economic Community of West African
ELA	Electoral Law Act 2002
EOC	Election Offences Court
EPC	Election Petition Court
FVL	Final Voters' List
IFES	International Foundation for Electoral Systems
IMC	Independent Media Commission
LTO	Long Term Observer
LUC	Local Unit Commander (of Police)
NEC	National Electoral Commission
NDA	National Democratic Alliance
NDI	National Democratic Institute
NEW	National Elections Watch
NTC	National Tally Centre
PLC	Peace and Liberation Party
PMDC	People's Movement for Democratic Change
PPRC	Political Party Registration Commission
SLBS	Sierra Leone Broadcasting Services
SLP	Sierra Leone Police
SLPP	Sierra Leone People's Party
STO	Short Term Observer
TEE	Tamper Evident Envelope
UNPP	United National Peoples Party

## I. EXECUTIVE SUMMARY

Presidential and parliamentary elections in Sierra Leone were held on 11 August 2007, followed by a run-off presidential election on 8 September 2007. The European Union Election Observation Mission (EU EOM) was deployed to Sierra Leone on 6 July 2007 following an invitation from the National Electoral Commission (NEC). The EU EOM was led by Chief Observer Mrs. Marie Anne Isler Béguin, Member of the European Parliament. In total, the EU EOM deployed 88 observers for the 11 August presidential and parliamentary elections and 77 observers for the 8 September presidential run-off elections. Observers from 23 EU Member States as well as Switzerland and Norway were deployed across Sierra Leone. They assessed the electoral process against international and regional standards for genuine democratic elections.

The 2007 elections in Sierra Leone were generally well administered, peaceful and competitive. They mark a significant and positive development in Sierra Leone's progress towards consolidation of democracy and peace. The people of Sierra Leone turned out in high numbers to vote, demonstrating their commitment to the further democratisation of their country. Furthermore, the preparation of these elections showed a commitment of the Government of Sierra Leone to establish independent institutions to conduct elections and this proved to be a key measure that ensured that the elections generally met election standards. However, there were a number of violent incidents during both campaign periods. During voting for the second round presidential election, a large number of irregularities in polling station results in certain parts of the country were evident.

The legal framework generally provided for genuine elections according to international and regional standards with fundamental rights and freedoms including the freedom of conscience, the freedom of expression, the freedom of movement and the freedom of association all largely respected. However, a number of provisions in the law acted to constrain parts of the election process. These factors included overly restrictive limits for public employees to stand for election, a requirement on candidates for presidential office to belong to a political party, the qualification of candidates to stand for office based on the principle of *jus sanguinis* as well as high benchmarks for political parties to put forward candidates for elections. There was also, in most parts of the country, an antiquated system for political parties to seek permission for their campaign rallies from the Paramount Chiefs that was not impartial. Key legislative provisions are absent such as deadlines for the announcement of the results for the elections. The inflexibility of the election calendar meant these elections were prepared for and held during the rainy season, which posed additional and to some extent unnecessary logistical challenges to the Electoral Commission.

The restructuring of the National Electoral Commission (NEC) and the return of full national ownership for the administration of the elections meant that for the first time in the country's post civil war history, national institutions were solely responsible for organising and supervising elections across the country. Although the role of UNIOSIL remained important for the overall conduct of the elections, its involvement was reduced to technical advice and logistical support to the NEC. The NEC organised these elections in a transparent and impartial manner. It has managed the various challenges competently, including involving stakeholders in a regular dialogue. This has resulted in a credibility increase for the institution across the political spectrum. Whilst the process generally ran smoothly, it became evident during the second round of the presidential election that there were a high number of

irregularities in the result forms delivered to the NEC. This suggested that there had been ballot stuffing and other malpractices in a number of polling stations mainly in the south and eastern parts of the country, with polling officials either complicit in or directly involved. When faced with the major challenge of these irregularities, the NEC demonstrated that it remained firmly committed to the principles of independence and impartiality and acted to annul the 477 polling stations where voter turnout was recorded above 100 per cent.

Key components and prerequisites for the preparation of these elections, including the boundary delineation and the voter registration exercise that was conducted over a three week period during February and March 2007, retained the confidence of political parties and other actors. Only minor complaints were received about the veracity of these activities. On publication of the voter register, 2,619,565 voters were recorded, which represented a 12 per cent increase to the 2002 voter registration and 91 per cent of all estimated eligible voters.

The NEC also took a leading role in establishing forums for both conflict resolution and greater transparency. As provided by the constitution, the Political Parties Registration Commission was established in 2005 to supervise the conduct of parties, monitor their accountability and mediate conflict and disputes between them. All nine registered political parties signed a Political Parties Code of Conduct in October 2006 and agreed to participate in the National and District Code Monitoring Committees. Their regular meetings acted as an efficient conflict mediation tool during the campaign period and successfully promoted reconciliation among political parties. As part of its activities, the NEC established the Political Party Liaison Committees at national and district levels that provided for important changes to the election preparations and demonstrated an inclusive approach chosen by the NEC.

The quality of the voter education initiative has varied across the country. Whilst there was an extensive campaign promoting peaceful elections, there was less information for voters on polling procedures or their basic voting rights. Voter education materials arrived late in several places and the involvement of civil society groups in voter education remained limited, especially in remote constituencies. There was however a significant voter education campaign in the media and radio as they are especially suited for such initiatives given their high penetration and numbers of listeners.

Campaigning by the political parties commenced several months prior to the official campaign period, which started on 10 July 2007. The campaign of the ruling party, Sierra Leone People's Party (SLPP) and the two main opposition parties, All People's Congress (APC) and the People's Movement for Democratic Change (PMDC), dominated the month long campaign period with the four smaller parties engaging in less visible campaigning. Rallies organised for the 11 August elections were generally conducted in a peaceful environment, though the tone of some of the rhetoric of the two main opposition parties was reported to be excessive. There was a notable rise in tensions and voter intimidation at the start of the second campaign period and an increase in isolated violent clashes between rival supporters mainly, but not exclusively, in parts of the southern and eastern districts. The level playing field for political parties to campaign was influenced by the partisanship of a number of traditional leaders trying to control the campaign agenda for political parties in their areas in favour of the incumbent party.

The media provided a range of coverage of the political actors during both campaign periods. However, although the State owned broadcaster, Sierra Leone Broadcasting Services (SLBS), did provide a degree of access for candidates and parties by providing a platform for the presidential debates and discussion programmes, there was a marked failure of SLBS to provide a diverse platform for candidates and political parties in key programme areas such as news bulletins and current affairs. In addition, it demonstrated a high degree of bias in these programme areas in terms of the time allocated to the political parties. Although the work of the Independent Media Commission and a number of self regulatory bodies was crucial during the election campaign period, as these organisations acted as key reference points for the media, their work was hindered due to financial and capacity constraints. A number of the provisions established in the Electoral Laws Act 2002 and the Code of Practice relating to media coverage of the elections were not met.

Although major political parties committed themselves to increase the number of female representatives in parliament, the level of female representation fell as a result of voting patterns in the parliamentary elections and the first-past-the-post electoral system. Out of the 64 females who were nominated for parliament only 16 were elected compared to 18 who held seats in the previous parliament.

Civil society groups played an important part in these elections. The network of approximately 80 Sierra Leonean civil society organisations that combined resources under the umbrella group National Election Watch, registered 5,000 domestic observers. It was able to deploy these observers across the country and therefore contributed to the transparency and public confidence of the election process.

On 11 August, the election day for the presidential and parliamentary elections, polling station staff did experience challenges due to a large numbers of voters queuing in the early morning. A significant number of polling stations did not open on time due to logistical difficulties posed by poor weather and infrastructure. As a result, many voters had to queue for a number of hours before casting their ballots, and in some instances this created some degree of frustration and tension. The polling and counting procedures were generally well supervised and the presence of large numbers of national observers and party agents aided the transparency of these processes. Polling staff generally acted professionally in polling stations visited though some discrepancies were observed. There were some instances of polling staff failing to follow polling procedures like checking the voters' fingers for ink. However, they generally retained public confidence and acted in good will rather than with malice. For the closing and counting procedures the level of competence was lower. Further, NEC had not supplied proper identification cards to polling staff and had made no provisions to provide political party agents with the required official result form copies. With the exception of eastern and central Freetown where high tension developed during the day and several incidents of violence occurred, the 11 August elections took place in a peaceful and orderly manner throughout the country.

On 8 September, the election day for the presidential run-off, opening and polling procedures improved in comparison to the first round. Opening started largely on time, and the voting process was more efficient due to better queue management, more regular voting patterns throughout the day and awareness by voters of polling procedures. With an increase in tension in the campaign period for the second round, police was deployed in large numbers to ensure

civil order on election day. It fulfilled its role well, which significantly helped to improve the security environment.

However, the run-off elections were far more problematic than the first round elections in parts of the country. EU observers reported problems and irregularities especially from Kailahun, Pujehun and Moyamba districts where voter turnout was very high or even in excess of the number of registered voters in several polling stations. The whole extent of irregularities, especially in the eastern and southern provinces, became apparent during the tallying process as 717 polling stations' (11.6 per cent of the total of polling stations) results demonstrated signs of ballot stuffing. The NEC decided to invalidate 477 polling stations with voter turnout exceeding 100 per cent. According to the NEC, the invalidation of these polling stations did not affect the outcome of the elections. NEC's move to annul these results demonstrated a resolve to respect its mandate which is to ensure transparent elections. It should, however, investigate these anomalies as well as other irregularities in polling stations where turnout was unusually high.

Urgent action by the relevant authorities and stakeholders is necessary to establish conditions for the holding of credible and transparent local elections in 2008. In this context, detailed recommendations are included at the end of this report in view of electoral assistance. Key recommendations include:

- The NEC's capacity and independence needs to be further strengthened to enable it to fulfil the tasks according to its mandate. It should continue to pursue its policy of transparency and dialogue with political parties and other stakeholders for the preparation of the 2008 local government elections.
- A permanent budget should be established to ensure that the NEC can undertake all its activities for the preparation and oversight of elections. This budget should be subject to parliamentary approval.
- The relevant authorities must end the impunity that prevails with regard to election offences by holding responsible persons accountable.
- The Political Parties Registration Commission should be strengthened and provided with a sound financial basis to conduct its constitutional role to monitor political parties and to establish efficient Code Monitoring Committees. The Code of Conduct could include sanctions in case of non-compliance and a commitment against abusing public resources for campaign purposes. The introduction of spending ceilings could be considered.
- The judiciary needs to be strengthened to fulfil its tasks and enhance its credibility among all electoral stakeholders. Its independence, status and the conditions for judges need to be improved to safeguard the judiciary against bribery or external influences.
- Greater efforts should be invested in providing a comprehensive and timely voter education. Voter education activities should be conducted according to a clear schedule and cover all areas of the country.
- The Constitutional Review Commission or possibly an electoral reform committee

needs to revise the electoral laws so that they fully comply with international and regional standards for elections e.g. to revise the limitations for public servants to participate in political life.

- The capacity, independence and financial resources of the media as well as regulatory agencies responsible for this sector need to increase in order to provide a sustainable and professional media environment. The media sector reforms that have been introduced need to be implemented and the State owned broadcasting company, Sierra Leone Broadcasting Services, should be restructured in line with international standards.

The EU EOM urges the authorities, political parties and civil society of Sierra Leone to expeditiously take these and other required steps in order to improve the framework and conduct of future elections in accordance with international and regional standards for democratic elections.

## II. INTRODUCTION

The European Union Election Observation Mission (EU EOM) was deployed from 6 July to 24 September 2007 following an invitation from the National Electoral Commission (NEC). The EU EOM was led by Chief Observer Mrs. Marie Anne Isler Béguin, Member of the European Parliament (France). In total, the EU EOM deployed 88 observers for the 11 August presidential and parliamentary elections and 77 observers for the 8 September presidential run-off elections. Observers from 23 EU Member States as well as Switzerland and Norway were deployed across Sierra Leone to assess the whole electoral process in accordance with international and regional standards for genuine democratic elections. On election day 11 August, the observers visited over 445 polling stations in all 14 districts covering 88 of the 112 electoral constituencies of Sierra Leone to observe voting and counting. On election day 8 September, the observers visited over 388 polling stations in all 14 districts covering 84 out of 112 electoral constituencies of Sierra Leone to observe voting and counting.

The EU EOM has been independent in its findings and conclusions and adhered to the Declaration of Principles for International Election Observation commemorated at the United Nations in October 2005. The European Parliament also sent a delegation of seven members to observe the 11 August elections. It was chaired by Martin Callanan, Member of the European Parliament (United Kingdom), who endorsed the views expressed in the first preliminary statement of the EU EOM presented at the 13 August press conference. A second statement of preliminary findings and conclusions after the presidential run-off elections was issued at a press conference on 10 September.

The EU EOM wishes to express its appreciation to the National Electoral Commission and other Sierra Leonean authorities, political parties and civil society for their cooperation and assistance during the course of the observation. The EU EOM is also very grateful to the Delegation of the European Commission to Sierra Leone and to the International Organization for Migration for their operational support throughout the deployment of the mission.



### III. POLITICAL BACKGROUND

#### A. POLITICAL CONTEXT

The 11 August 2007 presidential and parliamentary elections were widely perceived to be a litmus test for democratic development and sustainable peace in Sierra Leone. The August elections were the second general elections since the end of the civil war. Following the implementation of the Lomé Peace Agreement, the country held elections in May 2002, which were observed by the European Union. These first post-conflict elections were characterised by important shortcomings, mainly due to both a very limited time frame in which they had to be organised and the lack of local capacity.

Since 2002, around 70,000 combatants have been disarmed and the country has witnessed significant stabilisation, though the environment under which the elections took place reflected the fragility of the country and at times tensions were high. Whilst the country has made progress and conducted some key reforms supporting the rebuilding of basic governmental institutions such as the judiciary, armed forces and the police, many major challenges are yet to be resolved. Sierra Leone remains one of the poorest countries in the world with 70 per cent of its population living below the poverty line of 1 US\$ per day. Consequently, the country is highly donor dependent.

The Constitution provides for a unicameral Parliament with legislative powers and a strong President who is the Head of Government and the State as well as the Commander-in-Chief of the Armed Forces. He appoints the Chief Justice and the judges of all Higher Courts. He also appoints the Member of the National Electoral Commission with subject to approval of Parliament. The President and Members of Parliament (MPs) are elected directly by universal adult suffrage and by secret ballot. The Vice President is elected on the same ticket as the President. The term of office for both the President and the Parliament is five years but not necessarily running in parallel.

In line with Constitutional provisions the incumbent President was not allowed to stand for office again after two terms. Regardless of the results of the elections a new person would therefore be elected as President. In a change from the last parliamentary elections in 2002 a simple majoritarian system in single constituencies was employed to elect the 112 members of the 124 single chamber house of parliament. The remaining 12 seats were reserved seats for Paramount Chief Members of Parliament who were elected on 1 September 2007.

In order to participate in the elections, political parties had to register with the Political Parties Registration Commission (PPRC). Of the 27 political parties in Sierra Leone nine were registered by the PPRC. Only the nine registered political parties qualified to nominate presidential and vice-presidential candidates. Independent candidates were only allowed to run for Parliament. Only seven out of the nine registered political parties contested both parliamentary and presidential elections. The establishment of a new political party, the People's Movement for Democratic Change (PMDC), whose leader left the ruling Sierra Leone People's Party (SLPP) prior to the elections, resulted in increased competition between political parties. The creation of the PMDC proved to be a decisive factor in the results of the election as it challenged the SLPP's hegemony in its traditional heartlands in the southern and eastern districts and divided the vote in these areas with voters moving away from the SLPP. The new party also meant that three of the seven parties including the former ruling party the

All People's Congress (APC) had access to the resources and capacity to seriously contest the elections.

The return of full national ownership for the administration of the elections after the largely UN managed 2002 elections meant that for the first time in the country's post civil war history national institutions were solely responsible for organising and supervising elections across the country.

## IV. LEGAL ISSUES

### A. LEGAL FRAMEWORK FOR THE 2007 ELECTIONS

Sierra Leone has ratified/signed the most prominent regional and international instruments on human and political rights: International Covenant on Civil and Political Rights, (ICCPR) 1966, International Convention on the Elimination of Racial Discrimination, (CERD) 1965, the Convention of the Elimination of all Forms of Discrimination Against Women (CEDAW) 1979, and the Convention of the Political Right of Women, (CPRW) 1952. Furthermore, Sierra Leone is also a party to regional documents including the African Charter on Human and Peoples' Rights (ACHPR) 1981, the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (ACHPR-PW) 2003, the African Union Charter on the Principles Governing Democratic Elections in Africa (AU CPGDEA) 2002, The Declaration of Political Principles of the Economic Community of West Africa (ECOWAS) 1991, the ECOWAS Protocol on Democracy and Good Governance 2001, the New Partnership for Africa's Development (NEPAD) 2002 and the Convention on the Rights of Persons with Disabilities 2007.

The legal documents governing the parliamentary and presidential elections are the Constitution of Sierra Leone of 1 October 1991, amended on 7 February 2002; the Electoral Laws Act of 7 February 2002, amended in 2002 and 2007; the National Electoral Commission Act of 7 February 2002; the Political Parties Act of 21 February 2002, the Election Petition Rules of 2007 as well as the Electoral Commission Regulations and the NEC Code of Conduct. In general this legal framework provided an adequate basis for the conduct of genuine democratic elections according to international and regional standards.

The Constitution guarantees<sup>1</sup> fundamental rights and freedoms including the freedom of conscience, the freedom of expression, the freedom of movement and the freedom of association. By virtue of the Constitution the NEC and the judiciary are independent of the executive and the legislature branches of government.<sup>2</sup> The NEC has the powers to issue

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<sup>1</sup> Many Constitutional provisions can only be amended through a referendum in which more than 50 per cent of the electorate participate and at least 66 per cent vote in favour and approve of the changes (the Constitution, Section 108), a requirement which constitutes a serious obstacles to constitutional reforms. In August 2006, the Government issued a statement that it intended to review the 1991 Constitution. In October 2006, a Constitutional Review Committee (CRC) was established including representatives of civil society and political parties. First proposed changes to the Constitution have been issued by the CRC before the elections and it was widely assumed that the CRC would continue its work under the new Government. The Constitution Section 108 states that constitutional amendments to Chapter III and sections 46,56, 72-73, 74(2), 74(3), 84(2), 85, 87, 105, 110-124, 128-129, 131-133, 135-137, 140, 151, 156, 167 have to pass a public referendum.

<sup>2</sup> Section 32 (11) and 120 (3) respectively.

regulations related to the conduct of elections if in accordance with the relevant legal framework.

Proposals for revisions of both, the 1991 Constitution and the 2002 Electoral Laws Act, were under preparation but were not ready to be tabled in Parliament before the 2007 elections or in the case of a constitutional revision to pass a public referendum. However, a number of positive changes to the Electoral Laws Act were passed by Parliament in June 2007. These amendments provided for changes related to: the design of the ballots papers (removal of serial numbers to strengthen the secrecy of the ballot), the introduction of procedures for petitions, deadlines for submitting electoral petitions for parliamentary elections and clarification of the role of the High Court in relation to election related crimes. In May 2007 the Rules of Court Committee also issued rules for petitions in the Election Petition Courts.

Whilst generally providing for a legal framework for genuine elections there are a number of provisions in the law that acted to constrain parts of the election process. These factors included overly restrictive limits to the rights for public employees to stand for election, a requirement on candidates for presidential office to belong to a political party, the qualification of candidates to stand for office based on the principle of *jus sanguinis* as well as high benchmarks for political parties to qualify to put forward candidates for elections. There was also, in most parts of the country, an antiquated system for political parties to seek permission for their campaign rallies from the Paramount Chiefs that was not impartial. Key legislative provisions are absent such as deadlines for the announcement of the results for the elections. The inflexibility of the election calendar meant these elections were prepared for and held during the rainy season. That posed additional and to some extent unnecessary logistical challenges to the Electoral Commission.<sup>3</sup> Key legislative provisions are also absent in areas such as deadlines for the announcement of election results.

## **B. JUDICIARY**

Generally there was a limited public confidence in the enforcement of legal provisions by the judiciary. The establishment of special courts, widely considered a positive innovation allowing judicial recourse and appeal to aggrieved parties, provided an opportunity for a consistent framework for dealing with election complaints and appeals. However, the proposed structures, based on a design that envisaged Electoral Offences and Petition Courts that would operate as divisions of the High Court, lacked principal mechanisms and working structures in order to tap their full potential. The capacity of the judiciary is limited with considerable numbers of pending cases unresolved. In order to ameliorate this situation, qualified lawyers, retired judges and even judges residing abroad have been contracted by the Judicial and Legal Service Commission on a temporary basis. Furthermore, this twin court structure of Electoral Offences and Election Petition Courts never became fully operational with political parties as well as the judiciary itself lacking awareness about the Electoral Courts' mandate. Coupled with a lack of confidence by opposition parties in the independence of the judiciary these structures played a limited role.

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<sup>3</sup> The 1965 Public Order Act (Section 24) provides that "Any person who intends to convene or hold a public meeting at any place in the provinces shall first notify in writing the Paramount Chief of the Chiefdom in which such place is situated." Although NEC and PPRC tried to sensitize Paramount Chiefs about the freedom of political assembly some politicised Paramount Chiefs tried to use their legal powers to restrict parties' rights to peaceful assembly and free expression, and limit electors' access to political information during the campaign period.

Prior to the establishment of the Election Offences Courts (EOC) on 16 July there were already 60 cases of election offences that had been submitted to the Magistrate Court. The majority of cases related to multiple voter registration and theft of voter registration material. The Magistrate Courts were inconsistent in the penalties which they handed down to offenders. Sentencing varied considerably with offenders receiving a caution and being discharged with fines of 50 to 60,000 Leones (13 cents-15€) in Kambia district while in Port Loko district and Freetown six people received penal sentences. The six special temporary EOCs, one in each of the provinces and two in Freetown, should only hear alleged electoral offences committed after 16 July 2007 while the ones committed prior to that date should continue to be heard by the Magistrate Courts. High Court judges staffed the EOCs and the Director of Public Prosecution reviewed case files and decided as to whether the individual cases be referred to the EOCs or the Magistrate Courts. The law stipulates that all cases must be completed not later than six months after the establishment of the courts and their decisions are final. The amendment to the Election Laws Act Section 105A provides that in cases where the election laws are broken the Court could not only decide to deliver a sentence of imprisonment but also to declare the elections void. However, the Chief Justice was of the opinion that this restriction is unconstitutional and would be disregarded once in court.

There was also some uncertainty within the courts themselves concerning jurisdiction. There was especially the question on which kinds of offences related to the elections and the Election Laws Act and which ones did not and therefore should have been referred to the Magistrate Courts. This led to some cases that should have been heard in the EOCs being dealt with in Magistrate Courts. The punishments for election related offences are also severe with a maximum sentence of up to five years. Overall, the role of the judiciary was limited. The original aim to provide a streamlined and specific set of legal structures that enable the courts to react to complaints within a tight time schedule did not fully materialise. At the time of writing, only a handful of election related cases had been heard by the Court. Although these cases were handled in an impartial and competent manner it would be premature to assess the overall role of the judiciary in the elections before all cases are concluded.

For complaints during election day the NEC Manual contained provisions for dealing with perceived irregularities during preparations of and during polling and counting. A voter, a party/candidate agent, an observer or even a polling official could lodge complaints either in writing or orally to the Presiding Officer (PO) or directly to the Polling Centre Managers (PMC) and it should be resolved with the complainant immediately. All formal complaints, including oral complaints, were to be recorded in the PO or PCM Journal respectively and signed by both the complainant and the polling official receiving it. Any response or action by the polling official in relation to the complaint should also be recorded in the journal. If the complainant was not satisfied with the response to the complaint he/she could address the complaint in writing to the respective District Electoral Officer (DEO). If the complainant was still not satisfied he/she could appeal in writing to the NEC-HQ. Unsatisfied with the response from the NEC, he/she could refer the complaint to the Election Offences Court, or petition the results of the election to the High Court/Supreme Court. The disadvantage with this system is that possible valuable information about malpractices that could be of importance for NEC's decisions to certify results from individual polling stations might never be brought to the attention of NEC HQ. Thus that information will rest unattended in the PO/PCM journals, as they are never forwarded to the Tally Centre and checked unless a formal complaint/appeal later necessitates that.

## V. ELECTION ADMINISTRATION

### A. STRUCTURE OF THE ELECTION ADMINISTRATION

The NEC is established by the Constitution and the Electoral Commission Act and has a mandate to prepare, conduct and supervise all public elections and referenda in Sierra Leone. Its responsibilities also include organising the registration of voters, demarcating constituency boundaries and issuing regulations that are required for the efficient performance of its functions.<sup>4</sup> Unlike the last general elections, which were largely managed by the United Nations (UN), these polls were the sole responsibility of the Government of Sierra Leone and the NEC. Although the role of UNIOSIL remained important for the overall conduct of the elections, its involvement was reduced to technical advice and logistical support to the NEC.

The NEC is a permanent body composed of a Chief Commissioner and four Commissioners who besides other tasks have responsibility for one region of the country (West, North, East and South) each. All members of the Commission are appointed by the President, in consultation with all registered political parties and subject to the approval of Parliament. The current Chairperson, Dr. Christiana Thorpe, who is also the Returning Officer for the presidential elections, was appointed in May 2005 after the previous NEC Chairperson resigned in protest over the conduct of the 2004 local governmental elections. In May 2005, a reform process began with most staff being replaced and the commencement of a new capacity building and training programme for newly appointed staff.

Besides its head office in Freetown, the NEC also has 14 district offices staffed by District Election Officers (DEOs) and Assistant District Election Officers (ADEOs) employed on a permanent basis and up to three electoral officers responsible for training, voter education and logistics. Two United Nations Volunteers assisted each of the district offices with logistics. In addition the NEC district offices recruited up to three Constituency Election Monitors (CEMs) for each constituency who were mainly responsible for recruiting and training voter registration officers and some 37 000 *ad hoc* polling staff.

International donor support provided more than 70 per cent of the budget for these elections. The Government of Sierra Leone originally committed to cover the remaining 30 per cent of the cost, although there was a delay in the allocation of its original contribution, which was intended for salaries for staff of the NEC and Political Parties Registration Commission (PPRC). To ensure that the elections were not affected by this delay, the Government reached an agreement with international donors to cut the Government's contribution to half of the original amount (15 per cent). Seventy per cent of the total cost of the elections was covered by the UNDP administered Joint Donor Basket Fund which was supported by the European Commission (€8 million), DFID (€7.5million), Republic of Ireland (€3million), Denmark and Japan. For the shortfall of 15 per cent of the total budget the international partners agreed to use funds from the newly created UN Peace Building Fund.

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<sup>4</sup> The National Electoral Commission Annual Report, September 2006.

## B. CONDUCT OF THE ELECTION ADMINISTRATION

The NEC has demonstrated in its activities in these elections that it is capable of organising and supervising elections in a transparent, impartial and largely professional manner. Its performance and transparency measures have earned this institution credibility across the political spectrum including national observers and civil society groups. Key international standards and best practice in terms of transparency and independence were largely respected by the NEC.<sup>5</sup>

The NEC established a wide range of transparency measures, including regular dialogue with political parties, facilitating the work of domestic and international election observers and political party polling agents, and it had an open media strategy communicating to the public important updates and news about the election process on a regular basis.

As part of its activities the NEC established the Political Party Liaison Committee (PPLC) at national and district levels. The PPLC provided the political parties with an opportunity to receive electoral information and challenge some of NEC's decisions. The NEC mainly used these committees to explain its decisions to political parties and inform them about the status of election preparations. Key changes to the election preparations were undertaken as a result of the PPLC consultations. In one such case the APC objected to the originally intended order of presidential candidates on the ballot paper for the presidential election, thus challenging a format with the SLPP candidate in the first position. The NEC subsequently changed the sequence on the ballot papers to accommodate the APC's demands by listing candidates in alphabetical order of their parties as in the previous elections.<sup>6</sup>

The largely efficient and flexible accreditation process for political party agents and observers also had a positive influence on the transparency of the election process and helped further increase confidence amongst all stakeholders towards the electoral authorities. For the second round of presidential elections, the NEC decided to include a new provision for polling procedures, in line with the Electoral Laws Act 2002, to provide party agents from both the APC and SLPP with copies of polling station result forms to increase transparency in the process. Each of the three major parties nominated several thousand agents but in general the parties lacked financial resources and the capacity to conduct proper election monitoring training for their agents. All of the registered political parties that took part in the 11 August elections were permitted to deploy their party agents in polling stations for the second round presidential elections on 8 September, which demonstrated an inclusive approach by the NEC, though apart from the APC and SLPP they were not allowed to receive copies of the result forms.

### *Impartiality*

The NEC acted with impartiality to all of the parties during its organisation of these elections and remained objective and independent throughout, which represents a significant break with

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<sup>5</sup> Ecowas Protocol on Democracy and Good Governance, Article 6 states "the preparation and conduct of elections and the announcement of results shall be done in a transparent manner."

<sup>6</sup> The NEC accepted APC's objection which reasoned that there was no tradition of listing candidates by alphabetical order according to their surnames and modified the system so that candidates were positioned on the ballot paper according to alphabetical order of their parties' abbreviations i.e. the APC candidate was at the top of the list of candidates.

the past. In order to provide a greater degree of regulation of its polling station staff party activists and polling staff that had been involved in irregularities in past elections were excluded from the 37,000 members of staff that were employed by the NEC. All candidates had to successfully pass exams in order to be selected. Though there were some isolated cases where anomalies were identified in the procedures for the selection of polling officials in some districts, very few complaints were lodged against the process and recruitment was generally well organised.

Despite these security measures to prevent malpractices and the competence and dedication demonstrated by large numbers of polling staff throughout the country on both election days there were incidents where polling staff did not follow procedures. Although polling staff across the country acted in a largely professional manner, during the second round presidential run-off election there were a number, and indeed, in some areas, a large number of irregularities. Especially in the southern and eastern districts (see section on election day below) incidents of ballot stuffing occurred that the polling staff would have been complicit in, or actually individually responsible for. When faced with the major challenge of these irregularities the NEC demonstrated that it remained firmly committed to the principles of independence and impartiality and decided unanimously as a Commission to annul the 477 polling stations where voter turnout was recorded above 100 per cent. To further strengthen the credibility of NEC and the electoral process, the NEC Chairperson announced a thorough investigation of this electoral malpractice, thereby demonstrating that election rigging does not pay off anymore.

There were also a few cases of accusations of bias of NEC staff and most notably there were allegations that the NEC Commissioner East favoured SLPP. Other cases include the ADEO of Porto Loko district who was dismissed for allegedly being biased in favour of APC as well as CEMs in Pujehun and Kailahun whose impartiality was also questioned. In one incident the NEC Electoral Officer was suspended for breaching the NEC code of conduct. In a publicised reaction the NEC Commissioners for the south and east as well as the Chief Executive issued a press statement on 3 September calling for the reinstatement of the Logistics Officer.<sup>7</sup> Despite these cases, overall, the NEC managed to remain independent and dealt with cases of partisanship to a satisfactory, albeit limited extent.

#### *Delineation of Constituency Boundaries and Polling Stations*

The NEC's responsibilities also include the demarcation of electoral constituency boundaries, which there must be parliamentary approval for. It should also review the boundaries at intervals of not less than five years and not more than seven years. After holding a Housing and Population Census in 2004, the NEC carried out the most recent delineation of constituency boundaries in 2006. Under the Constitution, the NEC must ensure that the number of inhabitants contained in each constituency is as near as possible to a population quota<sup>8</sup> of approximately 44,400 electors (+/- 25 per cent).<sup>9</sup> Variations are permitted due to geographical features, population density and distribution of communities. Electoral constituencies cannot cut across the boundaries of chiefdoms and districts due to a whole

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<sup>7</sup> Awareness Times: 4 September 2007, p.9.

<sup>8</sup> The population quota is established by dividing the number of inhabitants of Sierra Leone by the number of constituencies, based on the most recent population census.

<sup>9</sup> Report on Electoral Constituency Boundaries Delimitation Process, the National Electoral Commission, August 2006.

range of historical and political reasons. After consultation with stakeholders, the NEC submitted the new constituency boundary proposal to Parliament that ratified it on 1 December 2006.

Following the delineation exercise and voter registration, the NEC identified 2,702 polling centres to house 6,171 polling stations which was an increase compared to the number of Registration Centres used for the voter registration exercise. To shorten the distances and make polling stations more accessible to voters from remote areas, the NEC also created an additional 136 satellite polling stations.

### *Training of Polling Staff*

The NEC polling procedures were issued in the middle of July 2007 that limited the possibility of dialogue and suggestions for amendments from political parties and civil society organisations. Following the publication of the procedures, a series of cascade training programmes were initiated that started with UN technical advisors training the NEC team of trainers in Freetown who in turn trained the DEOs. As a next step of this cascade training CEMs were trained who in turn trained Polling Centre Managers, Presiding Officers and Identification Officers. The first stage of the cascade training of polling staff was conducted in a professional manner throughout the country although the assessment of the training of polling staff by CEMs varied significantly in quality. Prior to the second round presidential elections the NEC organised a second series of cascade training for the 37,000 polling staff emphasising organisational and procedural problems in the first round and changes to procedures. Most NEC polling staff for the run-off presidential elections was retained but some polling staff was replaced due to poor performance or involvement in irregularities during the first round of elections.

## **VI. VOTER REGISTRATION**

### **A. THE RIGHT TO VOTE**

In order to qualify for the right to vote, a Sierra Leonean citizen must have reached 18 years of age by election day; should be in possession of a voter registration card and their name must be included on the voters' register. Further, a person needs to be of sound mind and not have been disqualified because of their involvement in electoral offences or serving a prison sentence.

### **B. VOTER REGISTRATION PROCEDURES**

Sierra Leone maintains no permanent register of voters or an accurate civil register. By law the NEC is responsible for the registration of voters and it should review the voter register at least every three years. The voter registration exercise took place during a three week period in February and March 2007. Generally, political parties raised little concern about the quality of the voter registration exercise and only a few complaints were lodged. Complaints made by political parties regarding the registration process included: the late arrival of accreditation cards for party agents, the registration of non-citizens, in particular in border regions where members of ethnic groups are spread across an international border and there is a lack of adequate documentation, a few cases where registration officials were party activists and a



limited number of cases where registration material was in the possession of persons who were not registration officials. There were also instances of multiple registration, and registration officers withholding information from party agents. The EU EOM also received several complaints from the APC and PMDC that Paramount Chiefs had attempted to restrict these parties' activities during the voter registration period, particularly in the south and east of the country, areas where traditionally the SLPP has secured most votes. The SLPP also questioned the quality of the register and complained about a number of irregularities in the north of the country relating to double registration and the registration of minors.

Where it was proved that registration officials had violated legal provisions or shown bias towards specific parties, the NEC took appropriate action e.g. in some instances it dismissed officials. The Sierra Leone Police (SLP) reported they had dealt with 113 offences related to registration during this period that resulted in 91 arrests of which 42 persons were charged and faced court proceedings. Thirteen persons were convicted and 43 cases were under investigation at the time of the deployment of the EU EOM.

The Provisional Voters' Register (PVR) was finalised in April 2007 and contained 2,621,000 registered voters. Though widely perceived to be a success in terms of the number of eligible voters registered there were some complaints about the distance people had to travel to register; and some suggestion that this discouraged those living further away from the centres from registering. The voter register exhibition exercise in May 2007 allowed voters to confirm their names but according to reports in the large majority of exhibition centres the voter register was not publicly displayed. This meant the wider public could not scrutinise the voter register for false or double entries. More than 900,000 voters participated in the voter register verification exercise resulting in 17,000 corrections with only a few hundred objections being filed. On 28 June the NEC published the Final Voters' Register (FVR) with 2,619,565 registered. This represented 12 per cent more registrations than the 2002 voter registration exercise and a total of 91 per cent of estimated eligible voters.

The NEC distributed the FVR to political parties at the beginning of the campaign period. Political parties requested a break down of the voter register per polling station and the NEC subsequently refused the request. The NEC argued that if they had responded to the request this would open up the possibility of abuse with parties using the details in the voter register to intimidate voters in specific communities. In its overall assessment of the registration process, the main domestic observer organisation, the National Election Watch (NEW), commended the NEC. However, it identified a number of shortcomings and expressed concerns about cases of intimidation and violence directed at registration officials by party agents and government officials.

## **VII. REGISTRATION OF CANDIDATES/POLITICAL PARTIES/LISTS**

### **A. POLITICAL PARTIES REGISTRATION COMMISSION**

In 2005 the PPRC was established to register, supervise the conduct of parties, monitor their accountability and mediate conflict and disputes between the political parties. All nine registered political parties signed a Political Parties Code of Conduct in October 2006 and agreed to participate in the National and District Code Monitoring Committees (DCMC). These committees also included representatives of the Sierra Leone police force, civil society

groups, the National Commission for Democracy and the Inter-Religious council. The DCMCs proved themselves to be an effective forum for addressing contentious issues. Their regular meetings acted as an efficient conflict mediation tool during the campaign period and successfully promoted reconciliation among political parties after clashes between their supporters.

In a positive development all seven political parties contesting the elections submitted their statement of assets and liabilities to the PPRC. It is the first time in Sierra Leone that this constitutional requirement has been met. The statements were published in the Gazette and will be audited following the elections. Initially the PPRC requested a declaration of candidates' private assets and liabilities but withdrew this regulation when political parties challenged it in the courts. Although political parties praised the importance of such an institution, the lack of financial resources limited its positive impact on the electoral process.

## **B. CANDIDATE REGISTRATION PROCEDURES**

Candidate requirements to be elected the President are: citizenship of Sierra Leone; membership of a political party; a nomination by political party; minimum age of 40 years old; qualifications to be elected as a Member of Parliament and payment of one million Leone (€50). The same requirements apply to Vice Presidential candidates. Nominations for candidacy were submitted to the NEC and the candidate nomination period ended on 7 July 2007.<sup>10</sup> Although it is possible for a foreigner to be naturalised under certain conditions and later register and vote, foreigners who became Sierra Leonean citizens can neither become President nor a Member of Parliament or member of any Local Authority or commission since those positions are reserved for individuals who became citizens by birth. This requires that their father or grandfather was born in Sierra Leone and he or herself is of "Negro African decent" that contravenes international legal standards.<sup>11</sup>

Candidate requirements to be elected a Member of Parliament are citizenship of Sierra Leone (or naturalisation); minimum age of 21 years; to be a registered voter; payment of 100,000

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<sup>10</sup> The General Comment 17 to the ICCPR Covenant states that the right of persons to stand for election should not be unreasonably limited by requiring candidates to be members of parties or of specific parties. As the presidential candidates must be members of a political party there is no opening for independent candidates. There is even a theoretical possibility to cancel the registration of a political party through a request by the PPRC "where that party... has contravened any provision of the Constitution or of this Act" (Section 27 PPRC Act). It would not be difficult to find some kind of transgression as an excuse to eliminate the competition of a strong contender from running. In that perspective the current requirement might be seen as unreasonable.

<sup>11</sup> Citizenship can also be inherited through a mother who herself meets the requirements to be a citizen by birth. (Exceptionally through a resolution supported by a 2/3 majority of Parliament these restrictions can be waived for a person 25 years after he/she got naturalised (Naturalisation can be granted after 8 or 15 years, depending on whether any of the parents was a resident in Sierra Leone). The General Comment 3 to Article 25 of the ICCPR declares that no distinctions are permitted between citizens in the enjoyment of these rights on the grounds of race, colour or birth. The African Charter On Human And Peoples' Rights in Article 3 (1) states that every individual shall be equal before the law, Article 2 that every individual shall be entitled to the enjoyment of the rights and freedoms recognized and guaranteed in the present Charter without distinction of any kind such as race, colour or birth and Article 13 that every citizen shall have the right to participate freely in the Government of their country, either directly or through freely chosen representatives in accordance with the provisions of the law. This is also underlined in Article 8 of the African Charter on Democracy, Elections and Governance adopted on 30 January 2007. Some countries require a qualified citizenship for more important positions but in general all international documents are premised on an inclusive political system rather than exclusively principles like those based on racial discrimination. The fact that the right to vote or stand is reserved for citizens does not justify that the citizenship requirements themselves include racial elements.

Leones (€25); to be able to speak and read English with a degree of proficiency sufficient to take an active part in the proceedings in Parliament; and to be supported by the presence of not less than three voters registered in the relevant constituency. Unlike in the case for Presidential candidates political parties can nominate parliamentary candidates and individual candidates can also register as independent candidates.

Completed registration papers were submitted to the Returning Officer in each district between 2-6 July and were put on public display. Members of any Commission established under the Constitution, public officers, members of the Armed Forces, employees of a Public Corporation established by an Act of Parliament or appointees as Ambassadors, High Commissioner or any position with an International or Regional Organisation, who did not resign at the latest 12 months before election day were not entitled to stand for parliamentary election under Constitutional provisions set down in Section 76.<sup>12</sup> The official withdrawal period for candidates ended on 1 August. Only seven candidates withdrew and due to the limited period of time between the deadline for withdrawal and polling day ballot papers included the names of candidates who withdrew since the ballot papers were already printed.

Of the nine political parties registered by the PPRC only seven of them nominated candidates for both the presidential and parliamentary elections. The NEC registered a total of 566 candidates for the parliamentary elections including 11 independent candidates. Of the total number of candidates there were only 64 females and no women were nominated as candidates for the presidential elections. Political parties expressed satisfaction in the nomination process.

### **C. COMPLAINTS RELATING TO REGISTRATION**

Following the publication of a notice of presidential candidate nominations on 9 July, any citizen of Sierra Leone could lodge an objection against a nomination until 16 July. On the receipt of a complaint the Supreme Court has to deliver a decision on the objection within 30 days of it being submitted, which could have been several days after election day on 11 August. The law does not provide any possibility for appeal by candidates who are disqualified after an objection has been supported. The most notable objections to a candidacy were submitted by the APC and PMDC that filed objections with the Supreme Court against the presidential candidacy of the incumbent Vice President Solomon Berewa alleging that he was disqualified as a candidate since as a public servant he should have resigned at the latest 12 months before the day of the election. The objections were rejected as the claimants had overlooked the provisions in the Constitution in section 171 (4) that explicitly excludes the office of the Vice President from being a public servant.

Any voter resident in a constituency was able to file an objection to the nomination of a parliamentary candidate in that constituency before 13:00 on 7 July 2007 with Returning Officers, in the first instance, responsible for deciding whether the candidate was legible to stand or not on the same day as the complaint was submitted. The decisions were open to appeal to the NEC in Freetown by any candidate before 8 July 2007, with the NEC obliged to

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<sup>12</sup> Approximately 70,000 Sierra Leoneans are paid from the Consolidated Budget Fund. A global figure of all employees of a Public Corporation established by an Act of Parliament has not been made available but would amount to a considerable number. The Sierra Leonean restrictions are too inclusive and unreasonable to comply with Article 25 of the Covenant and its General Comment 25 to the ICCPR.

make a decision by 17:00 that same day. The decisions of the NEC were only open to appeal to the High Court as electoral petition.

There were a number of challenges to parliamentary candidates' nominations. Objections were submitted to the NEC district offices against the nominations of 54 potential candidates for parliament claiming that they had not resigned as public servants in time. The NEC DEOs struck down all of these objections as the evidence submitted was not sufficiently substantiated. Eight of these 54 decisions were appealed against. As unauthorised persons filed seven of these eight appeals, they were rejected. The NEC initially disqualified only one candidate though after the candidate submitted evidence supporting his case the NEC reversed its decision and allowed the candidate to stand in the elections.

## **VIII. ELECTION CAMPAIGN AND PRE-ELECTION ENVIRONMENT**

### **A. OVERVIEW OF THE ELECTION CAMPAIGNS**

The campaigning of political parties commenced several months before the official electoral campaign period started on 10 July 2007. A range of campaigning activities included some very large rallies that were held in a vibrant and largely peaceful atmosphere. However the campaign was marked by several incidents of election related violence and the level playing field amongst contestants was undermined due to the partisanship of some traditional leaders and the advantages of incumbency enjoyed by the ruling party. Freedom of expression was generally respected throughout the campaign. All of the political parties and their presidential candidates consistently stressed the need for peaceful elections, whilst stressing the importance of the elections for the development of the country as a whole.

The campaigns of the ruling party, SLPP and the two main opposition parties, APC and PMDC, dominated the campaign period. The main political parties adopted a wide range of campaign tools including canvassing, parades, display of posters, distribution of visibility material and rallies. Local community radio stations were also used as an important part of their campaign strategies. The other political parties United National Peoples Party, National Democratic Alliance, Peace and Liberation Party and Convention Peoples Party, who contested the elections and nominated presidential and vice presidential candidates and substantial numbers of parliamentary candidates, campaigns were very limited.

The campaign was very much personality driven and the party manifestos that were published did not play a major role in the campaigning of the parties. This said the SLPP campaign focused on issues of stability and further economic development with a main message of the need for continuity. The opposition criticised the ruling party for corruption and lack of achievement during the last five years. The APC and PMDC stressed the importance of ending the past political divisions based on ethnicity. The SLPP campaign was more divisive and aimed to increase the number of votes by associating the APC party with the one party system of the past and the potential threat of this party to people living in the southern and eastern regions and this was also included in its media advertising in newspapers.

After an inclusive first round presidential elections the PMDC publicly stated its support for the APC presidential candidate, Ernest Koroma in the run-off election and subsequently all of the district headquarters of the PMDC declared their support for the APC presidential

candidate. This very much changed the consternation for the second round of campaigning with the SLPP presidential candidate running against the APC candidate, supported officially, by the PMDC.

The level playing field for political parties to campaign and the freedom of assembly were influenced by the partisanship of a number of traditional leaders who largely tended to actively support the ruling party. Several Paramount Chiefs attempted to control the campaign agenda for political parties in their areas in favour of the incumbent party. It was reported that because of the close relationship between the SLPP and Paramount Chiefs then the Paramount Chiefs remained loyal to the ruling party and subsequently abused their positions to favour the SLPP and in some cases they exerted pressure on voters to vote for the ruling party.

There were also numerous reports from opposition supported that they were intimidated especially in Kailahun, Pujehun and Bo districts and other parts of the south and eastern districts. SLPP supporters reported that a similar situation of intimidation was also felt in Port Loko. Both major political parties employed groups of youths and ex-combatants, to travel around their strongholds.

During the official campaign period the police initially took a low-key approach to violent incidents and sought to contain these incidents rather than prosecute perpetrators of the offences. Police did not arrest suspects as it claimed that this would only serve to escalate the tension. Its lack of enforcement was criticised by both parties and it made the police vulnerable to accusations of bias in favour of either side in the incidents.

Despite the largely calm campaign period there were several isolated incidents of election related violence with isolated clashes and incidents between opposing political party supporters. The most serious incidents were in Kailahun,<sup>13</sup> Bo<sup>14</sup> and Kono districts where supporters of the APC and SLPP clashed on 25 and 31 July resulting in six people being injured. Armed forces were deployed to restore order since police and riot police were unable to control the situation. Isolated election related violence was further reported in Tonkolili, Kambia and Koinadugu districts as well as some other areas of the country. The main political fault line was between PMDC and SLPP especially in the southern and eastern districts.

There was a notable rise in tensions at the start of the campaign period for the run-off elections, which commenced on 25 August, and an increase in violent clashes between rival supporters. During these clashes a number of individuals were injured on both sides and the clashes served to further heighten tension across the country. Incidents included an attack on APC candidate Ernest Koroma's campaign convoy as he approached Kailahun district preventing him from campaigning there. APC, PMDC and SLPP supporters also clashed in Freetown as well as in Moyamba, Kambia and Kono districts leading to temporary curfews in Kono and Kenema districts.

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<sup>13</sup> In an incident in Kailahun District the PMDC parliamentary candidate and her husband were assaulted by SLPP supporters on 15 July after they forced their way into the candidate's home. The candidate had received threats from SLPP supporters since the announcement of her PMDC candidacy.

<sup>14</sup> In a serious incident on Monday 23 July early morning in Bo district between two SLPP activists and the security guards of the APC presidential candidate Koroma the two prominent SLPP activists got injured. The incident was differently interpreted by the different sides of conflict and the media coverage reflected partisan views.

Reacting to the clashes between supporters, the President delivered a televised speech where he implied that if tensions escalated he would introduce measures to guarantee law and order and would even consider imposing a state of emergency to ensure public order was maintained.<sup>15</sup> Tensions, however, somewhat decreased upon public calls for calm by the presidential candidates of the APC and SLPP, as well as the President, following a conference organised by the PPRC and the NEC on 1 September. Furthermore the international community was very active, notably the statements made by ECOWAS and the UN helped to ease the tension. Following this conference, the candidates signed a communiqué on measures to maintain peace and stability, including a ban on using ex-combatants in their campaigns and carrying offensive weapons. The agreement helped ensure that the final week of the campaign period passed off without major incident. However, both candidates allegedly breached the ban by including ex-combatants in their campaigns and they continued to use groups of youths travelling around the districts.

## **B. USE OF STATE RESOURCES AND THE DISTRIBUTION OF MONEY**

In some instances there were reports that State officials used public resources in favour of the campaign of the ruling party. Several EU observer teams witnessed the use of public vehicles for campaigning purposes by SLPP supporters in parts of the country.<sup>16</sup> The distribution of money, food and other incentives was widespread and was practiced by all major parties. There were also cases where candidates directly distributed money; the most notable incident that was reported was from the residence of the Vice President in Freetown.<sup>17</sup> This concurs with the observation at SLPP campaign rallies where the Vice President distributed funds to community heads allegedly to influence voters in the districts.

## **C. COMPLAINTS DURING THE CAMPAIGN PERIOD**

In respect of the provisions governing the electoral campaign period Part IX of the Election Laws Act permits aggrieved parties to lodge a complaint to the NEC if they believe that their campaigning rights have been violated. The NEC (Section 116) shall “take all necessary steps to ensure that the issues raised by the complaint are properly addressed and any fault is rectified without delay.” In the Election Laws Act there are no more provisions for complaints or procedures for how to handle them.

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<sup>15</sup> Section 29 (1 and 20) of the Constitution allows the President to declare a state of emergency when “there is actual breakdown of public order and public safety” either in the whole country or parts of it, but also if “there is a clear and present danger of an actual breakdown.” Such a declaration elapses unless it has “been approved by a Resolution of Parliament supported by the votes of two-thirds of the Members of Parliament.” Such an approval is needed before the “expiration of a period of seven days beginning with the date of publication of the declaration” in the Gazette “when Parliament is sitting.” When Parliament is not sitting the period is 21 days. However one crucial aspect of this issue was the opinion of SLPP lawyers that the president would call the dissolved Parliament to sit for approving a possible state of emergency. The provisions in Section 29 (16) for recalling the dissolved parliament are not applicable as there was a new parliament elected.

<sup>16</sup> In Kambia district the elected Chairman of the District Council was using the District Council vehicle for the SLPP campaign.

<sup>17</sup> Electoral Laws Act, 2002, 118 b “abuse or engage in the improper use of Governmental property for political propaganda purposes” and the Code of Conduct 16 “shall not use state power, privilege or influence or other public resources for campaign purposes” and 17 “shall desist from coercing or offering pecuniary gains or other kinds of inducements to individuals to vote for a particular party or candidate, or to abstain from voting.”

Some attempts were made to encourage the NEC/DEOs to remove polling staff that were allegedly partisan. Those issues were dealt with in an informal way to the satisfaction of all involved and within normal administrative routines. Most issues raised as complaints were more of a request for information concerning the electoral process and consequently answered. Acting as a *de facto* substitute for the formal complaints process the PPRC and its locally based District Code Monitoring Committees helped to expeditiously solve many issues that otherwise might have resulted in formal complaints, unless they qualified as Election Offences.

#### **D. VOTER EDUCATION**

The quality of the voter education initiative has varied across the country. Whilst there was an extensive campaign promoting peaceful elections there was less information informing voters on polling procedures or their basic voter rights. Although voter education appeared to be of concern for the majority of electoral stakeholders in the districts in many locations voter education activities have not been carried out, whether because the material had not arrived or because the funding had not been received. The involvement of civil society groups in voter education remained low key. Remote constituencies in particular appeared to have been neglected in terms of voter education. There was however a significant voter education campaign in the media and radio especially suited for such initiatives given its high penetration and the high numbers of listeners.

### **IX. MEDIA AND THE ELECTIONS**

#### **A. MEDIA LANDSCAPE**

There has been extensive growth in the number of media outlets with the liberalisation of the audiovisual sector, particularly radio stations, across Sierra Leone in the past five years that has been heavily supported by international aid initiatives. Today there is a range of radio stations operating throughout the districts of Sierra Leone: a network of five stations which are State owned, two radio stations that are owned by the two main political parties, APC and SLPP, and a growing number of community and commercial stations.<sup>18</sup> There is however, currently only one domestic television channel broadcasting that is owned by the State. Challenges persist in this sector and generally it suffers from a low financial base, critical shortages of infrastructure and electricity and a lack of skill base of journalists. Countrywide, radio is the major medium and contrary to the low consumption patterns for domestic television and newspapers, radio is widely listened to throughout the country.<sup>19</sup>

Newspapers enjoy limited distribution and circulation. Despite this, during the past years, there has been significant growth in the number of newspaper titles available, though these are

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<sup>18</sup> There are presently a total of 40 radio stations registered with the Independent Media Commission including the relay stations of international broadcasters and the majority of these radio stations are operational.

<sup>19</sup> A 2007 audience survey concluded 85 per cent of the adult population listen to radio frequently. BBC World Service Trust and Search for Common Ground, 2007. A Comprehensive Baseline Study: Media Use, and Attitudes towards Media in Sierra Leone. June 2007. The population base for the sample of the BBC survey was 2,600 adults (15-59 year olds) in eight districts across the country. Report accessed 12 July 2007 [http://downloads.bbc.co.uk/worldservice/trust/pdf/media\\_report\\_2007.pdf](http://downloads.bbc.co.uk/worldservice/trust/pdf/media_report_2007.pdf)

largely limited to the Freetown area.<sup>20</sup> As is the case with the broadcast media the newspaper market is restrained by a number of characteristics. Low financial feasibility coupled with low circulation and high illiteracy rates are major obstacles to the development of a strong print media sector.

## **B. LEGAL FRAMEWORK FOR THE MEDIA AND THE ELECTIONS**

The Constitution guarantees freedom of speech pursuant to sections 11 and 25 that recognise the right of individuals to receive and impart information. There is a general broadcasting law, the Independent Media Commission Act 2000, and election specific laws for media coverage, established in part IX of the Electoral Laws Act 2002. In June 2007 the Parliament adopted a Media Code of Practice that complements the provisions in the Independent Media Commission Act and Electoral Laws Act 2002 and sets out central principles for the standards of audiovisual and newspaper content. There is also a complementary non-statutory code of conduct for media coverage of elections developed by the Sierra Leone Association of Journalists (SLAJ) and signed by key media outlets. This became a statutory instrument with its incorporation into the Media Code of Practice.

The Electoral Laws Act 2002 sets out a number of regulations for the media's coverage of elections. All candidates and parties have a right to access the media for campaigning on the condition that they remain within the parameters of the defamation and libel laws established in the 1965 Public Order Act.<sup>21</sup> The management of the national television and radio company, Sierra Leone Broadcasting Services (SLBS), has responsibility to ensure equal airtime is granted to candidates in the national media and, based on the number of candidates and parties applying to receive airtime for their political party broadcasts, it should allocate airtime as it sees reasonable pursuant to Article 120 (2) of the Electoral Laws Act 2002 (Article 1h amendment). Additionally all candidates and parties have the right to access the private broadcast media for a minimum of five minutes during the campaign period. Political advertising is allowed under contract with the owners of the stations and, in this respect, broadcasters are obliged to submit their advertising rates within seven days of the announcement of the official campaign period to the Independent Media Commission (IMC).

Complementing the provisions related to media coverage established in the Electoral Laws Act 2002, the code of conduct developed by SLAJ further establishes basic standards for media coverage. The code contains fundamental principles for equal and balanced coverage of the candidates and parties by the media and a commitment to abide by rulings of the Independent Media Monitoring and Refereeing Panel (IMMRP) that was established on a temporary basis to provide a self-regulatory mechanism to monitor media coverage of the campaign period. The SLAJ was also central to the establishment of the IMMRP that monitored compliance to the code. As stated above this code of conduct was incorporated into the Media Code of Practice that is a statutory instrument.

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<sup>20</sup> There are 57 newspapers registered with the Independent Media Commission publishing daily, weekly and monthly.

<sup>21</sup> Libel and defamation represent criminal offences in the 1965 Public Order Act and can be punishable by penal sentence established in Part V, Section 26 & 27 of this Act.



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### C. REGULATORY FRAMEWORK FOR THE MEDIA

As the body responsible for maintaining standards in the media sector the statutory regulatory authority, the IMC, was established by an Act of the president and parliament in 2000 to operate independently of the Government. This regulator is responsible for a range of tasks including developing codes of conduct for the media. Article 8 of the Independent Media Commission Act 2000 also requires the IMC to promote free and plural media throughout the country as well as a range of other public interest objectives. It is responsible for ensuring the provisions of the Media Code of Practice are adhered to by all media outlets including broadcasters and newspapers.

The IMC is also responsible for ensuring compliance to the provisions in the Electoral Laws Act 2002 pertaining to the media and its coverage of the elections. The IMC, IMMRP and SLAJ cooperated closely on developing a regulatory framework for the media for the campaign period and built up a consensus amongst stakeholders in an attempt to provide a satisfactory framework for providing regulatory institutions to respond to media coverage that failed to comply with the legal provisions. During the campaign period there were no formal complaints submitted to the IMC that were specifically related to election coverage. These institutions did however, play an important role in dealing with potential areas of conflict between the media and political parties and acted in a mediatory capacity on a number of important occasions.

Although, in this respect the work of the IMC, IMMRP and SLAJ was crucial during the election campaign period, as these organisations acted as key interlocutors and reference points for the media, their work was hindered due to financial and capacity constraints. A number of the provisions foreseen in the Electoral Laws Act 2002 and the Code of Practice were not met. This included a failure to provide a clear system for equal access for candidates and parties envisaged by Article 120 (2) Electoral Laws Act 2002 and the lack of a system for enforcement of this provision of the law. There was also a failure to publish the advertising rates for political advertising in accordance with the Electoral Laws Act 2002 Article 122 (3). Furthermore, major breaches to the Code of Practice such as the failure of SLBS's television and radio services to provide equal or balanced coverage of the campaign in key areas such as news bulletins were not dealt adequately with by the IMC and the agency lacked sufficient capacity to guarantee enforcement of some of the Code of Practice's provisions. There was also a reluctance of this institution to seek formal remedies to breaches of the Code of Practice *ex officio* and it therefore failed to fulfil the provisions of Article 2 (g), part III of the Independent Media Commission Act 2000.

### D. MONITORING MEDIA COVERAGE OF THE ELECTIONS<sup>22</sup>

Overall, the media provided a relatively diverse platform for the major political parties across most of the country despite the difficulties many media outlets experience due to poor infrastructure and a lack of resources. During the deployment of the EU EOM, freedom of

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<sup>22</sup> The sample of broadcasters monitored for the entire campaign periods of both the first and second round elections were: the state owned radio and television channels SLBS TV (18:00-24:00 hours) and SLBS Radio, and the non-governmental radio stations, Radio Democracy, UN Radio, Skyy Radio, Kaleone and Radio Maria (07:00-09:15 hours and 18:00-24:00 hours). Five daily newspaper titles were also monitored: *Awoki*, *Concord Times*, *Standard Times*, *the Citizen* and *Awareness*.

speech was generally respected and the tone of coverage of the parties and candidates was either positive or neutral across all media monitored.

In the campaign period for the first round presidential and parliamentary elections the three main parties, the APC, PMDC and SLPP were widely represented in the broadcast media and granted access through a range of programmes, some of which were supported by a number of civil society groups. The State owned broadcaster, SLBS, under a co-initiative scheme with Talking Drum Studios also provided some degree of access to candidates in its coverage due to the election programmes and debates that it aired during the last weeks of the campaign period. As a percentage of all coverage in the monitoring period on SLBS TV the SLPP received 50 per cent share followed by the PMDC with 13 per cent and APC an 11 per cent share. On SLBS's radio station SLPP was afforded 56 per cent share of coverage of political actors, APC 14 per cent and PMDC 13 per cent. The other parties received smaller amounts of coverage on SLBS Radio: NDA received 10 per cent and CPP 9 per cent with the remaining political parties receiving below 5 per cent each. These smaller parties all received below 5 per cent coverage on SLBS TV. However, in important areas such as news programming SLBS's coverage failed to fulfil the provisions in the Code of Practice of the IMC.

A combination of factors including limited skilled human and financial resources, poor strategic planning to provide for adequate coverage of the elections and an ideological bias towards SLPP, as well as a lack of enthusiasm by the remaining parties to gain access to SLBS's programming, all compounded the difficulties that SLBS experienced during the campaign period. Subsequently both its radio and television news bulletins were dominated by SLPP at the expense of other political parties contravening Article iii (categories) and Article 2a et seq., section 3 of the Code of Practice as well as international best practice.<sup>23</sup> The SLPP received an 84 per cent share of news coverage on both SLBS Radio and SLBS TV with the only party to receive any other notable news coverage on SLBS Radio being APC who received 9 per cent. The two main opposition parties, APC and PMDC were afforded 7 per cent share of television news coverage each.

During the campaign period for the second round presidential election there was a significant reduction in election coverage on the SLBS stations. The volume of this broadcaster's second round coverage dropped by 80 per cent on its coverage during the first round campaign period, due to financial and planning limitations. During the official campaign period for the second round SLBS continued to be dominated by coverage of SLPP. On SLBS Radio SLPP received 69 per cent of all election campaign related coverage whilst APC was afforded 31 per cent. On SLBS TV the SLPP received 70 per cent share of coverage, whilst APC only 30 per cent.

The non-governmental radio stations provided voters with a much broader range of neutral information and news on the main candidates and parties during the election campaign period. The radio stations that are members of the Independent Radio Network (IRN) in conjunction with civil society organisations were particularly engaged with the elections and extended

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<sup>23</sup> Article VI, Declaration of Principles on Freedom of Expression in Africa, African Commission on Human and Peoples' Rights, 32nd Session, 17 - 23 October, 2002: Banjul, The Gambia. UNESCO: Public Service Broadcasting: a Best Practices Source Book, 2005. Council of Europe Recommendation No. R (99) 15 of the Committee of Ministers to Member States on Measures Concerning Media Coverage of Election Campaigns, 1999.

their coverage to include party political broadcasts and other innovative programming. The combined coverage of the non-governmental radio stations being monitored during the campaign period for the 11 August elections granted SLPP a 38 per cent share of coverage of political actors, with the APC receiving 23 per cent and PMDC a 13 per cent share. The four remaining political parties also received between 5-7 per cent shares of coverage each. The news coverage of the non-governmental radio stations also reflected this proportional balance with the SLPP receiving 39 per cent share, APC 26 per cent and PMDC 17 per cent. During the second round run-off the non-governmental radio stations provided relative balance, though the APC received the greatest proportion of coverage as it was afforded 54 per cent compared to 46 per cent for SLPP.

Newspaper coverage during the two election campaign periods was far more opinionated than the coverage by the broadcast media; however, most of the opinions expressed in the newspapers monitored were clearly separated from news items. Overall, a relative balance between the ruling and opposition parties characterised the content of newspapers with SLPP receiving 45 per cent share of coverage, APC 35 per cent and PMDC 13 per cent in the first round. In the second round newspapers being monitored by the EU EOM granted the SLPP and APC virtually equal access with the APC receiving 48 per cent across all of the titles and the SLPP 52 per cent.

Despite this the content in a selection of newspapers, and particularly the party owned newspapers, became far more opinionated and speculative during the period prior to the second round and throughout the campaign period. A number of articles were published in newspapers that were inaccurate or misleading in breach of Article 1, section 1 of the Code of Practice. This included articles in the *Awareness Times*, *Unity* (SLPP), *We Yone* (APC), the *Democrat and New Vision* that published unsubstantiated allegations concerning the veracity of election preparations for the second round run-off that risked fuelling levels of mistrust in the electoral process amongst readers.<sup>24</sup>

Overall, the initiatives of the IRN members and Talking Drum as well as the wide array of programming aired on UN Radio provided a range of balanced coverage of the political actors during both campaign periods. However, although SLBS did provide a degree of access for candidates and parties by providing a platform for the presidential debates and discussion programmes during the first round of elections, there was a marked failure of SLBS overall to provide a diverse platform for candidates and political parties.

## X. PARTICIPATION OF WOMEN IN THE ELECTORAL PROCESS

On 14 June 2007 the so called “gender bills” went to parliament and were passed into law in just one day, under a certificate of urgency from the President. According to the Women

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<sup>24</sup> Articles included *inter alia*: *Unity Newspaper*, 23 August 2007, p.1 & 4; *Awareness Times*, 4 September 2007, p.2, 3 & 4; 5 September 2007, p.3; August 30, p. 2 & 5; *We Yone*, 10 August 2007, p. 10; 13 August 2007, p.9 & 10; 31 August 2007, p.1. *The Democrat*, September 11, p.1 & 7. Following the 11 August elections, there were also a number of reports broadcast by the two political party owned radio stations, Radio Rising Sun (APC) and Unity Radio (SLPP), which misrepresented facts contravening Article 9, section 3 of the Code of Practice and, consequently, supported levels of suspicion in the electoral process. This continued during parts of the campaign period for the run-off election.

Won't Wait Coalition the new laws (The Registration of Customary Marriage and Divorce Act, The Domestic Violence Act and The Devolution of Estates Act) represent a first step towards the Government fulfilling its obligations under the international treaties it has signed and should strongly improve the legal position of females in political and social life. Sierra Leone adopted the Convention for the Elimination of Discrimination against Women (CEDAW) in 1988 and submitted its first report to the UN CEDAW Committee on 16 December 2006. The Local Government Act of 2004 also established a 50 per cent quota for women in Ward Development Committees of districts and towns. However, the patriarchal nature of society means that women are still largely excluded from political life.

The change from a proportional to a first-past-the-post (FPTP) electoral system did not improve the number of female candidates nominated and elected. Political parties have not lived up to earlier commitments and nominated only 64 female candidates (11 per cent of the total number of candidates): SLPP nominated 17 (15 per cent), PMDC 12 (11 per cent) and APC 11 (10 per cent). In the outgoing parliament, only 18 members (14 per cent) were women. All three major parties, SLPP, APC and PMDC claimed that they work for the empowerment of women and their participation in public and political life. APC declared in its manifesto that an APC government would facilitate women in policy making processes and follow up the CEDAW commitments as well as eliminate all forms of violence and discrimination against women. In reality the male dominated party hierarchies and the low number of female candidates suggests that the rights of females are not a priority for any of the political parties. Of the 64 female candidates only 16 were elected which is two less than for the last Parliament. Politics and public institutions are male dominated and only 52 of the 425 elected councillors are women and only eleven of 149 Paramount Chiefs are female.

## **XI. HUMAN RIGHTS**

In June 2007 the Sierra Leone Parliament passed the National Child Rights Bill, which incorporates the Convention on the Rights of the Child (CRC) and the African Charter on the Rights and Welfare of the Child with modifications and local adaptations. The Bill provides the overall framework for ensuring adequate standards of care for children in Sierra Leone. These include prohibition of early marriage, of conscription of children for the armed forces, the right to a name and nationality, free and compulsory education, protection against domestic violence and child trafficking, structures and systems for the protection of children at village and chiefdom levels.

Apart from the linguistic requirement of a proficient degree of English for standing for Parliament (Constitution Section 75 (d)) there seems to be no deliberate discrimination of the different ethnic/linguistic minorities in participation in public life. Members of minorities might have greater difficulties in getting elected in a FPTP system but it is not self-evident that people vote for a candidate only because they belong to a certain minority ethno-linguistic group. In most districts minorities have their own Paramount Chiefdoms.

There are no formal restrictions for citizens with physical disadvantages to vote or to stand as candidates. Sierra Leone is one of the signatories to the Convention on the Rights of Persons with Disabilities of 30 March 2007 that has not yet entered into force. However the disabled population of Sierra Leone remain under-represented in the electoral process. As a special provision Polling Centre Managers were able to assist the physically disabled to vote outside

of polling stations. However the long distances to polling stations, at times over eight kilometres, caused difficulties not only for the disabled but also for the elderly and pregnant. In a positive development tactile ballot guides for the blind were available in polling centres.

## **XII. PARTICIPATION OF CIVIL SOCIETY**

There are a number of civil society organisations and associations but few that seem to play an effective role as an intermediary or critical counterpart to the established structures of the State or chiefdoms. Most civil society organisations are donor-driven in the sense that the availability of foreign economic support was the initial drive to form these organisations. The majority of Sierra Leonean civil society organisations are small and they lack adequate resources to play a key role in public life.

A good number of local civil society organisations were actively involved in sensitisation work and voter education. They were also actively involved in the District Code Monitoring Committees and organised peace marches. The Campaign for Good Governance played a pivotal role by delivering voter education programmes to radio stations and erecting billboards to educate voters as to the need to vote wisely.

The NEC accredited a total of 35 domestic organisations to observe the elections, which deployed national observers to the vast majority of polling stations. Approximately 80 national observer groups and civil society organisations were members of the observer network National Election Watch (NEW) which observed previous elections in 2002 and 2004 as well as the delineation of constituency boundaries and the voter registration exercise for the 2007 elections. The Council of Churches that has observed elections in the country since 1996 deployed approximately 1,000 observers. These groups demonstrated a high degree of commitment in their activities that contributed to public confidence in the conduct of the elections.

## **XIII. ELECTION DAY 11 AUGUST 2007**

EU observers visited 455 out of the 6,171 polling stations in all the 14 districts of Sierra Leone, covering 88 of the 112 constituencies.

### **A. OVERVIEW OF VOTING**

Generally EU observers reported that the polling staff conducted themselves in a largely professional manner on the 11 August election day. Large numbers of voters turned out simultaneously before the opening of polling stations and this created some level of pressure on polling staff as they were faced with large numbers of voters queuing even before the time of the official opening of stations. This problem was somewhat compounded due to the late opening of polling stations. Only 23 per cent of polling stations visited by EU observers at the scheduled time for the opening were actually opening at 07:00. And a large number of these polling stations had not opened one hour after the official opening time. However, despite the late start that was mainly due to the late arrival of polling material (due to some extremely difficult logistic challenges) and the provision that polling stations staff, police on duty, party agents and observers could vote before the public, there were very few examples where

polling stations opened so late as to restrict voting and exclude any voters from casting ballots.<sup>25</sup>

As a result of the delay in voting, coupled with the high number of voters who arrived at polling stations at the same time in preparation for the opening the large numbers of queuing voters in some cases created a tense environment and this was further increased due to lack of experience in crowd control by polling officials. In a few cases, particularly the large mega polling centres in Freetown this tension led to disorder and some violent incidents.<sup>26</sup> Especially in certain areas of eastern and central Freetown the lack of experience of some polling centre managers, the lack of knowledge and confidence of the electorate and the severe belligerence of some voters triggered violent incidents<sup>27</sup> and required the intervention of the police.

The polling and counting procedures were generally well respected and the presence of large numbers of national observers and party agents, who were present in nearly every polling station visited by EU observers, aided the transparency of these processes. EU observers reported that in 92 per cent of polling stations visited, the organisation of voting procedures was rated as good or very good. Polling staff acted professionally in polling stations visited though some discrepancies were observed. In the most widespread and serious breach of procedures voters whose details did not appear in the voter register were allowed to vote contrary to the procedures that were included in a late decision issued by the NEC. This decision chose not to allow people to vote who were not included on the register even if they presented a valid identity card. Deficiencies included the lack of checking for ink in almost 30 per cent of polling stations and the assistance of voters by polling staff or party agents in eight per cent of cases, as according to the regulations only another voter, not a polling official, could assist voters. Polling staff also failed to wear proper identification cards in many of the observed polling stations, though they were clearly identified as polling officials because of the high visibility vests they were wearing.

EU observers reported an evident lack of detailed knowledge of the procedures by voters and in almost 15 per cent of the polling stations visited the voters' overall understanding of the voting procedures was rated as poor or very poor and this percentage increased to 24 per cent in rural areas. There were only very few instances of intimidation reported during election day, which was largely peaceful and calm across the country. Very few instances of clear irregularities and undue influence of traditional authorities were reported on Election Day by EU observers<sup>28</sup>. However, of the 675 voters' interviewed by EU observers almost 10 per cent

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<sup>25</sup> There were very few cases of extremely late opening reported by EU observers: PC 14 049-6 and 14049-7 opened at 13:45.

<sup>26</sup> EU observers reported that in 20 per cent of the polling stations observed at opening people were not queuing in a calm and orderly manner. Disorder was observed, both outside and inside of polling stations, in 20 per cent of the stations visited. In Freetown, the situation was worse due to the establishment of mega polling centres with up to 20 polling stations. The management of the queues was deficient and in several instances of serious disorder police was required to intervene.

<sup>27</sup> Few instances of polling staff being beaten by the crowd were reported in Freetown: PCM in PC 14049, CEM in PC 14023, one polling staff in PC 14099, in PC 14063 where the crowd started to throw stones at the PCM, in PC 14057 the PCM was beaten and had to be evacuated by the police.

<sup>28</sup> In Port Loko district, at around 11am, police arrested a man with 15 blank but stamped ballots. By midday in two PS of one PC in Koinadugu district voting was already completed and all registered voters were processed showing a 100% turnout as reported by EU observers. In Pendembu/ Kailahun district observers reported of one PS with a 100% turnout at 14.00 where people continued to arrive and were allowed to vote although their details had already been ticked off the list. The PC manager claimed to have a "new register". A similar case was

of the interviewees did not perceive the election atmosphere to be free of any forms of intimidation. Furthermore, some additional cases of irregularities and intimidation were discovered the following days through discussion with stakeholders<sup>29</sup>.

## B. COUNTING

Although in general the counting procedures were conducted successfully, the staff was not fully conversant with the procedures to be followed. This led to some variation in interpretation of the procedures. In almost half of the observed polling stations, unauthorised persons, mostly members of the police force, were present during counting. Although polling staff did not demonstrate the same command of the procedures as for the earlier stages of the process, EU observers did not report any deliberate intention to manipulate the results of the count. In almost a third of polling stations visited during the count, EU observers rated the understanding of polling staff of the closing process as poor. This was also evident in the lack of awareness of these procedures of party agents and domestic observers.

As a result of this lack of familiarity with the procedures EU observers reported that in 11 per cent of observed polling stations, valid votes were incorrectly rejected. In almost a third of polling stations and centres visited results were not posted as required by the law. Furthermore, there were also problems following the procedures for reconciliation and in more than 20 per cent of polling stations visited during counting the figures were not properly recorded in the Presiding Officer's reconciliation form. In almost a third of polling stations and polling centres results were not posted as required by the law.

Despite some inconsistencies, including the failure to provide party agents copies of the result forms, election day generally took place in a peaceful and orderly manner throughout the country with one notable exception. In Freetown EU observers reported on two instances when the count was interrupted due to incidents between police and voters<sup>30</sup>. In another polling centre the sensitive material had to be taken to the closest police station before the start of the count due to disturbances<sup>31</sup>.

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observed in Ngiebun/ Kailahun district. In Mambo village of Pujehun district in PC 12137 with 243 registered voters 343 votes were cast. In Port Loko district, the PO of PS 07211-2 was arrested by the police for stuffing the ballot box with 97 ballots all marked for SLPP.

In PC 12072 Saarma Perri, in Pujehun district, some voters interviewed by the EU EOM observer team declared that the presiding officer instructed them to vote for SLPP. In the same district, in Wai, constituency 91, EU observers noted that SLPP councillors were unduly trying to influence the voters. In Freetown, two voters in possession of a number of voter cards (in one case 105 VRCs) were arrested by the police. In Bonthe district observers reported of one case of intimidation of voters by the native police administration. In Mambolo/ Kambia district, EU observers reported a case of intimidation by the five bodyguards of the APC candidate in C 42 who were patrolling the town in their vehicle.

<sup>29</sup> In Neya Chiefdom, Constituency 45, EU observers received confirmed reports that the Paramount Chief, aided by his councillors, was touring the polling stations and intimidating voters. He threatened the voters with exile and physically forced some voters to vote for SLPP. In Pujehun district, in Bumpah polling station and Baoma PC 12059, according to EU interlocutors, the ballot boxes were sealed before the arrival of the party agents at 06.30am with a certain amount of SLPP marked ballots inside. In Kailahun district EU observers received credible reports that the Sierra Leonean Ambassador to Liberia and husband of SLPP candidate in constituency 1 was prevented from unlawfully switching three pre filled ballot boxes in Mano Sewallo. In Gbongema/ Kono district, Constituency 24, a man in possession of two voters' cards was arrested. Another eight persons were arrested on E-day in Ninayama chiefdom, constituency 25, for disorderly behaviour.

<sup>30</sup> PC 14099 and 14029. 3 NEC cars were damaged.

<sup>31</sup> PC 14063 sensitive material was taken to Kissy police station.

### C. TALLYING

Due to several instances of packing mistakes of the sensitive material, linked to the disorders experienced in the eastern part of the capital, the NEC warehouse (location of the DEO for Western Urban) became on the first two days after election a centre point for sorting and sending the tampered evident envelopes to the National Tally Centre. A number of mistakes in sealing were identified as well as anomalies in the filling in of results forms, and both of these issues were processed in the NEC warehouse. Tallying actually started during the afternoon of 12 August a day after the elections.

Out of 2,702 TEEs 183 of these failed the quality control threshold and these were subsequently stored in quarantine. In many cases, the main problems with the quarantined TEEs was that they demonstrated evidence of resealing, the TEEs were not used and result forms were contained in normal envelopes, figures or signatures were missing from the TEEs or result forms were placed inside ballot boxes. Within four days of tallying a total of seven per cent of the TEEs were in quarantine. In light of this situation the NEC issued guidelines on how to process TEEs that had not been submitted properly and copies were requested of the result forms from the DEOs. A large majority of the quarantined TEEs were processed on the 18 and 19 of August in the presence of party agents and observers. A further 40 incomplete TEEs were also investigated. As a result of its investigations the NEC decided to undertake recounts in 11 polling stations. Four polling stations, three in Kailahun and one from Tonkolili, were invalidated and those cases were forwarded to the police for investigation. Tallying of the 11 August election results took the NEC a total of 12 days.

## XIV. ELECTION DAY 8 SEPTEMBER 2007

The EU EOM deployed a total of 77 observers in all 14 districts of Sierra Leone and observed 388 polling stations.

### A. OVERVIEW OF VOTING

Generally the voting process was more efficient than during the first round due to better queue management, more regular voting patterns throughout the day and increased awareness by voters of polling procedures. Contrary to the 11 August elections, opening started largely on time. However almost 12% of polling stations visited were not open by 8:00, mainly in Kenema district, due to the late arrival of sensitive materials. In a positive development in comparison with the first round, very few instances of disorder were observed. Following the NEC advice not to start queuing in the early hours and increased confidence in the electoral process, the voters arrived later to the polling stations which were as a result less crowded. Furthermore the opening process was facilitated by the new regulation advising staff on duty to vote during the afternoon when the polling stations would be less busy. EU observers noted an improved crowd control and management of queues. Very few cases of intimidation and irregularities were reported at this early stage<sup>32</sup>. EU observers based in Pujehun, Bonthe and

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<sup>32</sup> In Zimmi, PC12128, Constituency 91, Pujehun district, EU observers witnessed intimidation by SLPP. In Gbangbaia PC 10041, Constituency 79, Bonthe district, the village chief was urging voters to vote for SLPP. In



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Kailahun districts received reports that APC party agents would be prevented to enter some polling stations and at times would be chased out violently.<sup>33</sup>

Ballot boxes were properly sealed in all polling stations visited by EU observers, although the additional security stickers were not applied to some ballot boxes. In most polling stations visited, domestic observers and polling agents of APC and SLPP, were present. In some cases the full numbers of five, polling officials, were not present and in a few cases essential material was missing. Polling procedures were largely followed, but in almost 46% of the polling stations visited the voters' fingers were not checked for ink marks. The secrecy of vote was largely respected and the procedures for identifying voters and issuing ballot papers were correctly followed. In over 95% of polling station visited by EU observers the overall conduct of voting was assessed as either good or very good.

Polling took place in a largely calm and peaceful manner with only very few small and isolated clashes between party supporters. The most serious clash among supporters took place in Goderich, in Western Rural, where around 40 APC and SLPP supporters clashed<sup>34</sup>. Around 30 people were arrested throughout the country on Election Day for disorder and/or attempted election fraud<sup>35</sup>. Few instances of interruption of the polling process were reported by EU observers while several cases of intimidation and undue influence were observed especially in the eastern and southern parts of the country.

Serious irregularities were observed in Kailahun, Pujehun and Moyamba districts. These included incidents where voter turn out was in excess of the number of registered voters in polling stations and in other polling stations an excessive number of additions to the voter register. In many cases EU observers witnessed instances of early completion of polling with a reported voter turn out over 100%<sup>36</sup>. In some cases voters who had not yet voted declared to the EU observers that they were turned away from polling stations since no more ballot papers were available.

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Mokerewo PC 11100, Constituency 84, Moyamba district, SLPP party agent was instructing people on whom to vote for.

<sup>33</sup> On the eve of election day a group of 100 students coming from Freetown to serve as party agents for APC arrived in Kenema city. About half of them were due to proceed to Kailahun district. EU observers based in Kailahun district received information about APC party agents blocked in Bunumbu by chiefdom/SLPP vigilantes groups and prevented from reaching some polling centres located in constituency 8. On Eday, in Kailahun district, EU observers received reports that APC agents in Segbwema, Bunumbu, Malama and Baima were prevented from entering polling stations. On Eday, in Pujehun district, EU observers received reports that APC agents in Bompeh, Bundapeh and Potoru were prevented from entering polling stations. In Potoru/ Pujehun district 38 PMDC/APC agents were attacked by SLPP supporters on their way to the polling centre. The situation was slightly different in Bonthe district where the DEO, contrary to NECs decision, asked PMDC party agents to be accredited as APC agents but failed to issue APC party agents' accreditation on time.

<sup>34</sup> The crowd outside the PC 13040 was already agitated due a suspicion of malpractice by the ballot issuer who was signing as well as stamping ballots. SLPP supporters tried to enter that PC to deliver food to their part agents but were refused by the polling staff and the police. The ensuing argument developed into a fight with five people injured and five arrested. EU observers witnessed a police search of SLPP supporters that produced knives, chains and bottles of acid mixed with pepper.

<sup>35</sup> Eight persons arrested in Western Urban, nine in Western Rural, three in Port Loko, two in Pujehun, one in Bo, one in Kenema, seven in Makene and one in Kono. In Moyamba district the riot police had to intervene with tear gas to disperse the crowd angry with the fact that the PCM was allowing unregistered SLPP supporters to cast their votes

<sup>36</sup> See E-Day 8 September Incident Table in Annex 1

The police force and military police deployed large numbers of personnel on Election Day. In general police forces addressed swiftly and efficiently the few situations of disorder and appropriately managed the crowds that gathered outside polling stations waiting for results. Their work in providing a secure environment for voting on election days was widely praised by stakeholders.

## **B. COUNTING**

For the closing and counting process, party agents of the APC and SLPP were present in almost all polling stations observed by EU observers. In all cases these agents received copies of the result forms in line with a new NEC regulation. Closing and counting were more efficient than in the first round and procedures were mostly followed by polling staff. However, adherence to the reconciliation procedures did not show any improvement in comparison to the first round. Furthermore, in almost 53 per cent of polling stations observed for counting the polling staff did not double count the votes for each candidate. Although EU observers considered that some polling staff did not properly follow the reconciliation procedures they assessed the overall conduct of closing and counting as good or very good in 80 per cent of observed polling stations. The improvement in the efficiency of the conduct of election day was also reflected in the lower number of invalid ballot papers demonstrating both greater familiarity with the procedures of polling staff and increased awareness of voters. The polling station results were properly posted at most polling stations.

## **C. TALLYING**

The collection of sensitive material by CEMs and the transfer of the TEEs from the DEO office to the National Tally Centre proved to be more organised than during the first round. The process of tallying of results for the run-off election took one week and the same procedures as the ones put in place for the first round were applied. Although lesser in number there were still some problems with the proper use of the TEEs including resealing and mistakes in packaging. Though, after the experience of using the system during first round the procedures for processing these were without problems and efficient and by 10 September the NEC started to announce progressive results.

Whilst the process generally ran smoothly, the whole extent of irregularities especially in the eastern and southern provinces became apparent during the tallying process where 717 polling stations' (11.6 per cent of polling stations) results demonstrated signs of ballot stuffing. These anomalies were acknowledged by the NEC and included incidents where voter turnout was either 100 per cent or unusually high turnout compared to the first round elections. The Commissioners subsequently unanimously took the decision on the handling of cases with unusual high turnout: a) in cases where voter turnout was between 95-100 per cent in a polling station, the NEC would conduct an investigation if the station had been subject of a complaint or is named in an incident report from the district office, b) in cases of voter turnout of exactly 100 per cent, an investigation would be conducted in all cases, c) in cases of voter turnout exceeding 100 per cent, the polling station results were automatically invalidated.

In line with this decision the NEC automatically invalidated the results of 477 polling stations with higher turnout than 100 per cent<sup>37</sup> and it identified 74 polling stations with turnout of exactly 100 per cent and ordered a recount of these polling stations. It subsequently cleared the results from these 74 polling stations.<sup>38</sup>

Although NEC disqualified results from the polling stations with above 100 per cent turnout it included the results of all the polling stations that recorded exactly 100 per cent and those between 95 and 100 per cent turnout. This practice broke with the previous decision of NEC that polling stations with between 95-100 per cent turnout should be investigated if complaints or incident reports were received. Although there were 166 such polling stations where either complaints or incident reports were submitted most of which were located in Kailahun (113) and in Pujehun (25), the NEC decided to include these polling stations due to time constraints.

In total, 477 polling stations across the country were invalidated because of irregularities, with 426 from the south and eastern districts and 51 from the northern and western districts. The most affected areas were Pujehun where 45 per cent of polling stations and in Kailahun where 21 per cent were invalidated. Of the total of 426 polling stations the worst affected areas in terms of the number of polling stations were: Bo 123, Pujehun 113, Kailahun 90 and Kenema 65; all district which are considered to be strongholds of the SLPP.<sup>39</sup>

On the announcement of the final results for the presidential elections the Commissioners for Eastern and Southern provinces refused to participate in the press conference because they believed that they had not been fully informed about the extent of the irregularities in the polling stations that they were responsible for. At the announcement the NEC Chairperson explained that this did not effect the decision and legality of the NEC's announcement of results since three out of five Commissioners were sufficient to form a decision-making quorum. Furthermore, the Commission announced that the invalidation of votes did not require a repeat of the polling exercise as it did not affect the overall results.

## **XV. RESULTS**

### **A. TABULATION AND RESULTS ANALYSIS GENERAL ELECTIONS**

The NEC officially declared the results of the parliamentary and presidential elections on 25 August. Although the process of tallying of the results was slow due to the centralization of the process at the NEC Tally Centre in Freetown, it was transparent and in line with best

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<sup>37</sup> On the 17 September the NEC informed that 477 polling stations reported a turnout over 100 per cent, again mainly in the South and Eastern province: Kailahun 90, Kenema 65, Bo 123, Pujehun 113, Moyamba 24, Bonthe 2, Kono 9, Bombali 17, Kambia 8, Koinadugu 12, Port Loko 2, Tonkolili 6, Western Rural 1, Western Urban 5.

<sup>38</sup> The 74 polling stations with exactly 100 per cent turnout, mostly located in the South and Eastern provinces were all recounted on the 14 September. UN advisers and NEC staff were under severe time constrained and were not following any possible indications of frauds. The results of those 74 polling stations were all processed and tallied.

<sup>39</sup> Polling stations with turnout greater than 100 per cent represent almost eight per cent of total polling stations and together with the 74 polling stations with exactly 100 per cent turnout and 166 problematic polling stations with turnout between 95 to 100 per cent (these are only polling stations with complaints registered with NEC) represents together a total of 717 polling stations (11.6 per cent) identified by NEC.

international practice regarding the publication of results. Almost two million voters took part in the general elections, which represents 75.8 per cent of the total number of registered voters in Sierra Leone. The total number of invalid votes for the first round was high and represents 7.3 per cent of the total of all cast ballots. There are several reasons for the high number of invalid votes. In general there is a very high level of illiteracy in the country and the voter education was insufficient. In addition, Presiding Officers did not always follow the principle of interpretation of the intention of the voter and simply concluded the vote as invalid.

For the parliamentary elections, out of 112 seats the APC won 59 seats, SLPP 43 seats and PMDC 10 seats. The reform of the electoral system from a proportional system to a FPTP one did not change historical patterns in voting and people voted for the parties rather than individual representatives. None of the independent candidates or candidates of the smaller parties received significant support. The regional identity of the major parties and the anticipated political division between the north and south-east deepened further. The newly founded PMDC, which split from the SLPP, was only able to win seats in the south of the country. The ruling SLPP secured three seats in the north and received less votes in total compared to previous parliamentary elections and the APC won only two seats in the south-east, although it secured large numbers of votes in the east of the country improving its performance on previous elections of recent years. The APC and PMDC will have a comfortable majority of 69 seats out of 124 and most probably can find some support among representatives of the Paramount Chiefs as they are not members of any party and often are open to cooperation with the ruling party or coalition in government.

Table 1: Results of Parliamentary Elections (Seats by Party)

<i>District</i>	<i>APC</i>	<i>CPP</i>	<i>IND</i>	<i>NDA</i>	<i>PLP</i>	<i>PMDC</i>	<i>SLPP</i>	<i>UNPP</i>	<i>Total</i>
Kailahun	-	-	-	-	-	-	8	-	8
Kenema	-	-	-	-	-	-	11	-	11
Kono	1	-	-	-	-	-	7	-	8
Bombali	9	-	-	-	-	-	-	-	9
Kambia	5	-	-	-	-	-	1	-	6
Koinadugu	4	-	-	-	-	-	2	-	6
Port Loko	10	-	-	-	-	-	-	-	10
Tonkolili	8	-	-	-	-	-	-	-	8
Bo	-	-	-	-	-	3	8	-	11
Bonthe	-	-	-	-	-	3	-	-	3
Moyamba	1	-	-	-	-	1	4	-	6
Pujehun	-	-	-	-	-	3	2	-	5
Western Rural	4	-	-	-	-	-	-	-	4
Western Urban	17	-	-	-	-	-	-	-	17
<b>Total</b>	<b>59</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>10</b>	<b>43</b>	<b>-</b>	<b>112</b>

Source: National Electoral Commission of Sierra Leone 2007

The elections for the remaining 12 seats reserved for Paramount Chief Members of Parliament were held on 1 September. As there were eleven reserved seats uncontested, Tonkolili was the only district where the seat was contested as there was an agreement in all of the other 11 districts between the Paramount Chiefs as to whom would be the representative in parliament. The NEC decided not to organise elections in Kenema and Bombali districts although the letters announcing the withdrawal of candidates were received after the deadline for withdrawal. The NEC announced the results of the Paramount Chief Members of Parliament elections on 6 September. The first session of the new Parliament was scheduled for the 25

September in line with the law, which prescribes that the first session of the new parliament should be held within 28 days from the holding of the general election of Members of the Parliament.

The results for the 11 August presidential elections meant that no single candidate for presidential office received the required number of votes to be elected president. Out of the seven candidates who competed in the first round election three of these received significant support from voters. The APC candidate, Ernest Koroma received 44.3 per cent, the SLPP candidate, Solomon Berewa 38.3 per cent and Charles Margai of the PMDC, 13.9 per cent. The remaining four parties presidential candidates collectively received fewer than four per cent share of votes.

Table 2: Results of the Presidential Elections (First Round)

<i>Candidate</i>	<i>Party</i>	<i>Votes</i>	<i>Percentage</i>
Ernest Bai Koroma	APC	815523	44.34
Solomon E. Berewa	SLPP	704012	38.28
Charles F. Margai	PMDC	255499	13.89
Andrew Turay	CPP	28610	1.56
Alhaji Amadu Jalloh	NDA	17748	0.96
Kandeh Baba Conteh	PLP	10556	0.57
Abdul Kady Karim	UNPP	7260	0.39

Source: National Electoral Commission of Sierra Leone 2007

With all candidates standing for presidential office failing to achieve the minimum threshold of 55 per cent share of votes required by Article 42 (2e) of the Constitution to be elected as President, a second round presidential election was announced. As the two candidates to receive the highest number of votes in the first round, Solomon Berewa of the SLPP and Ernest Koroma of the APC, contested the run-off election on 8 September 2007.

## B. TABULATION AND RESULTS ANALYSIS PRESIDENTIAL RUN OFF ELECTIONS

In the run-off presidential elections a total of 5,679 polling station results were entered into the results database, representing 100 per cent of all polling stations across the country, excluding the 477 polling stations that were invalidated. The total number of valid votes cast was 1,740,058 representing approximately 68 per cent of registered voters.

Table 3: Results of the Presidential Elections (Second Round)

	<i>Koroma total votes</i>	<i>Berewa total votes</i>	<i>Total valid votes</i>	<i>Koroma APC %</i>	<i>Berewa SLPP %</i>	<i>Total # PS</i>	<i># PS Disregarded</i>	<i>% PS Disregarded</i>
Kailahun	11631	111695	123326	9.4	90.6	424	90	21.2
Kenema	32666	160699	193365	16.9	83.1	631	65	10.3
Kono	52908	74458	127366	41.5	58.5	417	9	2.2
Bombali	125419	14095	139514	89.9	10.1	517	17	3.3
Kambia	61250	14449	75699	80.9	19.1	322	8	2.5
Koinadugu	42178	23130	65308	64.6	35.4	349	12	3.4
Port Loko	132287	17789	150076	88.1	11.9	527	2	0.4
Tonkolili	101296	12958	114254	88.7	11.3	413	6	1.5

Bo	37006	105459	142465	26.0	74.0	567	123	21.7
Bonthe	20018	28313	48331	41.4	58.6	190	2	1.1
Moyamba	26485	49886	76371	34.7	65.3	310	24	7.7
Pujehun	2875	38107	40982	7.0	93.0	252	113	44.8
WA Rural	55332	22842	78174	70.8	29.2	252	1	0.4
WA Urban	249056	115771	364827	68.3	31.7	996	5	0.5
Total	950,407	789,651	1,740,058	54.6%	45.4%	6167	477	7.7%

Source: National Electoral Commission of Sierra Leone 2007

The APC candidate Ernest Koroma received 54.6 per cent of votes and despite the number of invalidated votes he secured an increase in the percentage of votes in each district in comparison to the first round of election. The alliance with the leader of PMDC, Charles Margai increased APC's percentage in Bo, Bonthe and Moyamba. The SLPP candidate Solomon Berewa received 789,651 votes (45.4 per cent); a difference of 160,756 votes.

On the announcement of the results the NEC Chairperson declared Ernest Koroma as duly elected president of Sierra Leone and the swearing in ceremony followed the next day, Monday 17 September. At the ceremony the outgoing President and Vice President were present and delivered speeches in support of the new President who took the oath of office from the Chief Justice.

### C. COMPLAINTS RELATING TO ELECTION RESULTS

The NEC received a total number of complaints of 73<sup>40</sup> for the 11 August elections. No effective system was in place to assess whether all formal complaints included in the Presiding Officers' Journals ever reached NEC or were left unattended at the district level. As NEC is not a judicial entity it had no authority to hand down a decision on these issues, especially not after the establishment of the Election Offences Courts and the Election Petition Courts. However, NEC reported back to the complainants, almost exclusively political parties, urging them to address either the Police, the DCMCs or eventually the Election Petition Courts in order to attempt to invalidate the election result. Initially NEC has not ex officio brought possible criminal matters to the attention of the Police or the Director of Public Prosecution, as the complainants were perceived as fully competent to do so themselves. However a change in policy in this matter was established during the verification process of the run-off election as indicated by the NEC Chairperson's Statement on 17 September. The received complaints by NEC can be classified into mainly the following categories: NEC staff partisan (by all three main contenders), Paramount Chiefs partisan, intimidation by SLPP, destruction of campaign material, vote buying, lack of compliance in counting, illegal possession of voting cards, multiple voting, ballot stuffing and denial of access for party agents.

Under the jurisdiction of the High Court six Election Petition Courts (EPCs) were established to receive complaints and appeals related to whether a candidate had been validly elected as an MP. The recently passed Election Petition Rules stipulates that such a petition should be filed within seven days of the declaration of the results. Its judgment can be appealed to the Court of Appeal within 21 days. Both the High Court and the Court of Appeal should deliver

<sup>40</sup> The NEC never permitted the EU EOM to assess the NEC Complaints Log despite a written request to the NEC Chairperson.

a decision within a period of four months. Additionally, the Election Offence Courts can annul the election for severe election offences.

Following the deadline of 3 September 2007 for lodging petitions concerning the parliamentary results the EU EOM contacted judges and registrars in all EPCs across the country. According to the information received from these meetings there was only one petition submitted in the entire country, in Kenema in constituency 25 of Kono district<sup>41</sup>. The EU EOM was also informed of a further three complaints that were submitted in Freetown and three in Bo.

Late afternoon on Friday 14 September the SLPP filed an application for an injunction with the High Court requesting that the NEC Chairperson should be ordered not to continue the tallying and announcement of the final results for the second round of the presidential elections. During the weekend diplomatic efforts resulted in the SLPP candidate Solomon Berewa agreeing in withdrawing the application and thus accepting defeat. However, this was not accepted by the leadership. Eventually, a Judge in the High Court found that the application did not have sufficient details to make a ruling. During the recess the NEC managed to announce the final result. This did not affect the right of parties to petition the results as election petitions could have been filed with the Supreme Court until seven days after publication of the certified results in the Gazette.

Overall, the structures that were established to receive complaints and appeals were low key during the 2007 elections. Few complaints were received petitioning the results and the structures appeared to be dysfunctional and lacking transparency. Furthermore, preparations within the court structure itself seemed to be lacking and both internal and external knowledge of the role of the courts in hearing petitions and complaints poorly developed.

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<sup>41</sup> The defeated SLPP candidate challenged the elected APC MP (formerly an MP of SLPP) claiming malpractice as allegedly the candidate talked to voters in front of polling station, that procedures for counting were not followed and people with weapons were seen close to one PC. Out of eight constituencies in Kono district SLPP only lost this one.

## XVI. RECOMMENDATIONS

The following recommendations to improve the electoral process and related areas are offered for consideration and action by the Sierra Leonean authorities, political parties, civil society groups and the international community:

### **Strengthen the independence, transparency and capacity of the National Electoral Commission (NEC)**

1. The NEC's institutional capacity and independence needs to be further strengthened to enable its staff to fulfil the tasks included in its mandate. The NEC should continue to pursue its policy of transparency and dialogue with political parties and other stakeholders.
2. The independence of the Commissioners of the NEC from any political party influence should also be strengthened in order for them to undertake their responsibilities in overseeing and ensuring the credibility of future elections in an impartial manner.
3. A clear separation of roles between the Commissioners and Executive of the NEC should be established. The Executive should be allowed to freely undertake the day-to-day management tasks of the NEC whilst remaining accountable to the Commissioners through a well developed reporting structure.
4. Qualified staff at district level should be retained on a permanent basis to provide more professional structures. A permanent presence in the districts would enable NEC to further increase the capacity of NEC district offices and would enable key components of the election cycle such as voter education, continuous voter registration and training for constituency election officers to be more effective.
5. The integrity of the election process should be strengthened through an improved selection of constituency election monitors and *ad hoc* polling staff for future elections. Timely and comprehensive training for all election staff members should be provided.
6. The decision of the NEC, not to recruit polling staff involved in irregularities during previous elections should be enforced. To ensure transparency in the recruitment of polling staff, lists of recruited staff should be published in order to allow political parties and citizens to challenge appointments.
7. An accurate list of polling stations, including locations and the number of registered voters, should be made available to political parties and observers and the public in a timely manner.
8. A permanent budget should be established to ensure that the NEC can undertake all its activities for the preparation and oversight of elections. This budget should be subject to parliamentary approval.



### **Implement clear and effective guidelines for voting, counting, collation and publication of results**

9. Polling procedures should be published in a timely fashion well in advance of election day to provide sufficient time for voter education activities and training of polling staff, party agents and domestic observers.
10. The NEC should improve its communication channels to ensure information is communicated in a timely manner to all levels of its administration and to the electorate even in the most remote locations.
11. In an attempt to prevent or detect ballot stuffing voters could be requested to fingerprint or countersign their names in the voter's list after receiving the ballot paper(s). No measure should compromise the secrecy of the vote.
12. Reconciliation and counting procedures should be revised. Apart from the standard ballot paper accounting all marks in the final voter list should be counted and recorded and be compared with the number of ballot papers cast.
13. More formal procedures for the hand over and verification of sensitive material should be introduced.
14. An additional copy of the final voters' register should be displayed at polling stations to allow voters to find the location of their allocated polling station and check their names.
15. Consideration should be given to the feasibility of results being tallied in a parallel process at district level for the next general elections. Procedures for how the National Tally Centre process ballots from polling stations that indicate irregularities should be improved. This includes rules for quarantining and invalidating individual results.
16. To increase the integrity and credibility of the process all polling officials' journals should be included in the Tamper Evident Envelopes and forwarded to the Tally Centre to facilitate the quality control process.
17. The NEC should consider introducing a system for provisional (tendered) ballots to ensure the right to vote for registered voters whose names have already been marked on the voter list and to provide for the inclusion of voters whose names are not included on the final voter list.

### **The Political Parties Registration Commission (PPRC) and political parties need to be strengthened to fulfil their role in the electoral process**

18. The requirement for registration for new political parties should not include unreasonable conditions such as extensive lease of office space. The grounds for deregistering a political party because of non-compliance with the requirements in the Political Parties Act should be defined and limited to specific infringements.
19. Political parties should be provided with the means to improve the training of party

agents to ensure that they are capable of fulfilling their oversight role and add to the transparency of the process.

20. The PPRC should be strengthened and provided with a sound financial basis to conduct its constitutional role to monitor political parties and to establish efficient Code Monitoring Committees. The Code of Conduct could include proportional sanctions in case of non-compliance and should include a commitment against using public resources for campaign purposes and greater capacity to regulate campaign spending, with consideration of introducing spending ceilings.
21. The Public Order Act should be amended to replace the current system whereby parties need to seek approval from Paramount Chiefs to hold rallies. Such a role should be transferred to an independent body or the NEC who in conjunction with the police force should control and approve the campaign schedule.
22. In the long run political parties should be made more economically independent from donors by introducing a governmental financing scheme as suggested by the ECOWAS Protocol on Democracy and Good Governance 2001.

#### **Adhere to international and regional standards**

23. The Constitutional Review Commission should consider options to increase the accountability of Members of Parliament to their electorate and to strengthen the role of women in the political process and public life.
24. All Members of Parliament should be elected by universal suffrage and all reserved seats should be removed. This would entail the removal of the reserved seats for Paramount Chiefs to ensure parliament is elected by full popular vote.
25. The positions related with governmental functions incompatible with electoral offices should be clearly defined and reduced to a minimum in accordance with Comments 25 (16).<sup>42</sup>
26. In line with the revision of the recommended restrictions placed on those public servants that are not allowed to stand in an election, the restrictions for these people to engage in politics should be revisited and adjusted to improve their rights to stand for election.
27. The feasibility of loosening the criteria to stand for election should be considered including whether the English language should remain the single language of Parliament and a requirement to stand for elections. Unreasonable requirements for education or a specific language to hold public offices are contrary to Comments 25

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<sup>42</sup> General Comment on Article 25 (16) ICCPR: Conditions relating to nomination dates, fees or deposits should be reasonable and not discriminatory. If there are reasonable grounds for regarding certain elective offices as incompatible with tenure of specific positions (e.g. the judiciary, high-ranking military office, public service), measures to avoid any conflicts of interest should not unduly limit the rights protected by paragraph (b). The grounds for the removal of elected office holders should be established by laws based on objective and reasonable criteria and incorporating fair procedures.

(3).<sup>43</sup>

28. In accordance with international standards the racial requirements for citizenship by birth should be repealed to abolish the discrimination in the right to stand for office.
29. Citizens deprived of liberty but not convicted should be able to exercise their right to vote as underlined in the Comments 25 (14).<sup>44</sup>
30. The legal provision, which prevents independent candidates from contesting presidential elections, should be removed.<sup>45</sup>
31. The institutions responsible for setting the electoral calendar (the NEC and Presidential office) should ensure that elections fall within a season that does not pose extra logistical challenges such as the rainy season. Furthermore, in the absence of overlapping terms of office the practice of simultaneous presidential and parliamentary elections should be considered.
32. The office of the Attorney General and the Minister of Justice should be separated in accordance with the recommendation of the Sierra Leonean Truth and Reconciliation Commission.
33. The independence of the NEC should be increased by repealing their obligation to be represented by the Attorney General in legal matters.
34. A secure system for absentee voting for public servants on duty or travelling on official business on election day should be considered.
35. A safe system for mobile voting for incapacitated voters like the physically disabled, elderly, sick, pregnant and hospitalised should be considered.

### **Establish effective mechanisms to ensure compliance with and enforcement of the electoral law**

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<sup>43</sup> General Comment on Article 25 (3) ICCPR: In contrast with other rights and freedoms recognized by the Covenant (which are ensured to all individuals within the territory and subject to the jurisdiction of the State), Article 25 protects the rights of “every citizen.” State reports should outline the legal provisions, which define citizenship in the context of the rights protected by Article 25. No distinctions are permitted between citizens in the enjoyment of these rights on the grounds of race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. Distinctions between those who are entitled to citizenship by birth and those who acquire it by naturalization may raise questions of compatibility with Article 25. State reports should indicate whether any groups, such as permanent residents, enjoy these rights on a limited basis, for example, by having the right to vote in local elections or to hold particular public service positions.

<sup>44</sup> General Comment on Article 25 (14) ICCPR. In their reports, State parties should indicate and explain the legislative provisions, which would deprive citizens of their right to vote. The grounds for such deprivation should be objective and reasonable. If conviction for an offence is a basis for suspending the right to vote, the period of such suspension should be proportionate to the offence and the sentence. Persons who are deprived of liberty but who have not been convicted should not be excluded from exercising the right to vote.

<sup>45</sup> General Comment on Article 25 (17) ICCPR: The right of persons to stand for election should not be limited unreasonably by requiring candidates to be members of parties or of specific parties. If a candidate is required to have a minimum number of supporters for nomination this requirement should be reasonable and not act as a barrier to candidacy. Without prejudice to paragraph (1) of Article 5 of the Covenant, political opinion may not be used as a ground to deprive any person of the right to stand for election.

36. The authorities should immediately end the impunity that prevails with regard to election offences by prosecuting and holding to account those responsible for electoral offences.
37. The judiciary needs to be strengthened to fulfil its tasks and enhance its credibility among all electoral stakeholders. Its independence, status and conditions for judges need to be improved to safeguard the judiciary against bribery or external influences.
38. Greater clarity should be developed in the legal framework clarifying jurisdiction issues between the courts and the NEC. A revision of the offences in the Electoral Laws Act is also necessary in order to further establish categories of offences and subsequently how these should be treated.
39. The penalties for election related offences should be more clearly tailored to meet with the nature of the offence. Disqualification from voting and standing or holding office should be restricted to the most severe offences.
40. The Election Offences Courts should be operational from the beginning of the entire election period as defined in the law in order to avoid that the same kind of offences are simultaneously heard in Magistrate Courts and in the Election Offences Courts. Clarification also needs to be provided for appeals against the decisions of the Electoral Offences Courts.
41. Legal amendments are required to provide that decisions in the Election Petition Courts should be appealed to the Supreme Court and not to the Court of Appeal as they are of a constitutional nature and the Supreme Court serves as the Sierra Leonean constitutional court.
42. The position of the Human Rights Commission needs to be strengthened since its mandate includes monitoring of draft legislation, policies, programmes and administrative practices to ensure human rights compliance relevant for elections.

### **Improve the voter register**

43. The NEC should undertake a comprehensive public registration and verification exercise of the voter register prior to the 2008 local government elections to provide eligible voters with the opportunity to register.
44. The number of voter registration centres should be increased to avoid long distances between centres. The possibility of creating mobile registration teams should be considered in remote areas.
45. In line with the electoral law the provisional voter register should be publicly displayed for voters to verify their names and scrutinise it for false entries and any possible errors.
46. The NEC should conduct a sound, transparent and inclusive delineation exercise of ward constituency boundaries in time for the local government elections to ensure that

the boundaries properly represent population density.

### **Strengthen voter education**

47. Greater efforts should be invested in providing a comprehensive and timely voter education. Voter education activities should be conducted according to a clear schedule to ensure that all areas of the country are covered.
48. The NEC in close cooperation with civil society organisations needs to strengthen its civic and voter education efforts to enhance awareness of all citizens about the principles of representative democracy and voter and citizen rights.

### **Strengthen the equitable role of the media in elections**

49. The capacity, independence and financial resources of the Independent Media Commission (IMC) should be increased to enable this agency to ensure that the provisions of the Code of Practice are fulfilled by the media sector in an independent manner.
50. More refinement and legal certainty should be developed for the provision of free airtime for candidates and parties on electronic media for party political broadcasts that clearly establishes the amount of airtime each political party is entitled to during the campaign period. The responsible body for guaranteeing the respect for these provisions should also be clarified.
51. The proposed reforms of the State owned broadcaster, Sierra Leone Broadcasting Services (SLBS) should be completed. Its management, mandate and activities should all be reviewed and a complete overhaul of this institution and its staffing implemented as soon as possible.<sup>46</sup>
52. The registration of political party owned radio stations should be reviewed as to whether such ownership of electronic media complies with international standards and the Code of Practice of the IMC, as they are explicitly excluded according to Article 1 (c & d), section 3 of the Code and international best practice.
53. In line with the increasing trend in international law relating to libel and defamation as well as Article i, section 1 of the Code of Practice repealing laws that restrict freedom of information the offence of libel and related offences should be decriminalised and subsequently the IMC or civil courts should be made the appropriate mechanism for redress with the removal of all penal provisions in this area.<sup>47</sup>

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<sup>46</sup> See Article VI, Declaration of Principles on Freedom of Expression in Africa, African Commission on Human and Peoples' Rights, 32nd Session, 17 - 23 October, 2002: Banjul, The Gambia and The Commission for Africa. Our Common Interest: A Report of the Commission for Africa, 11 March 2005, recommendation paragraph 58, section 4.3.3, p.143.

<sup>47</sup> See the Joint Declarations: International Mechanisms for Promoting Freedom of Expression by the United Nations Special Rapporteur on Freedom of Opinion and Expression, the Representative on Freedom of the Media of the Organisation for Security and Cooperation in Europe and the Organization of American States Special Rapporteur on Freedom of Expression, 1999 & 2004. The 2004 Declaration states "Criminal defamation is not a justifiable restriction on freedom of expression; all criminal defamation laws should be abolished and replaced, where necessary, with appropriate civil defamation laws." See also Article XIII, Declaration of

54. The Government should ensure access for journalists and the media to public information in order for journalists to report on policy making decisions and provide greater transparency and accountability in government.<sup>48</sup>
55. The feasibility of establishing a joint printing press, possibly owned by a foundation, that grants newspapers non-discriminatory access to printing facilities, should be considered to support and consolidate the newspaper industry.

### **Enhance the role of women in elections**

56. State authorities should take concrete steps to implement commitments in favour of increased participation of women in public life. As a first step, the authorities should adopt into the national legal framework all the provisions of CEDAW.
57. Civil society in close collaboration with the Ministry of Women's Affairs and the National Commission of Human Rights, should increase their efforts to enhance the participation of women in public life. In particular, a permanent, sustained and effective nationwide grassroots campaign targeting the participation of women as voters and as candidates should be undertaken.
58. Political parties should be targeted through gender sensitisation programmes and should establish effective policies to facilitate participation of female politicians and candidate nomination in all elections.

### **Strengthen human rights**

59. The new Parliament should work further on domesticating all international and regional human rights instruments to which Sierra Leone is a signatory and most of which have also been ratified.
60. Further measures to include physically disabled and the elderly and in the electoral process are necessary to meet the commitments of the Convention on the Right of Persons with Disabilities of 2007 to which Sierra Leone is a signatory.

### **Enhance the role of civil society**

61. Coordinated international support should be directed towards strengthening civil society; particularly with respect to the importance these groups can play in civic and voter education efforts to enhance the awareness of citizens in their fundamental rights and democratic governance.

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Principles on Freedom of Expression in Africa, African Commission on Human and Peoples' Rights, 32nd Session, 17 - 23 October, 2002: Banjul, The Gambia.

<sup>48</sup> See Article IV, Declaration of Principles on Freedom of Expression in Africa, African Commission on Human and Peoples' Rights, 32nd Session, 17 - 23 October, 2002: Banjul, The Gambia and the Joint Declaration on Restricting Access to Information for the Media by the United Nations Special Rapporteur on Freedom of Opinion and Expression, the Representative on Freedom of the Media of the Organisation for Security and Cooperation in Europe and the Organization of American States Special Rapporteur on Freedom of Expression, 2004.

**XVII. ANNEX**

**ANNEX 1: E-DAY 8 SEPTEMBER INCIDENT TABLE**

<b>District / Constituency</b>	<b>PC/PS</b>	<b>Details</b>
Kailahun/Maloma C7	PC 1132/02	470 ballots issued at 09:30 (99.79% turnout).
Kailahun/ C 7	PC 1132/01	300 ballots issued at 09:30 (63.16% turnout).
Kailahun/ C 8	PC 1135/1	298 ballots issued at 10:20 (74.14% turnout).
Kailahun/ C 8	PC 1135/2	408 ballots issued at 10:20 (99.27% turnout).
Kailahun/ C 8	PC 1135/3	387 ballots issued at 10:40 (100% turnout).
Kailahun/ C 6	PC 1127/1 & 2	474 and 476 ballots issued at 14:35 (100% turnout in both polling stations).
Kailahun/Bendu ma	PC 1127/02	One voter not allowed to vote (voter ID 135984736) as there were no ballot papers left. 100% turnout.
Kailahun/ C 6	PC 1124	104.83% turnout.
Kailahun/ C 6	PC 1127	101.26% turnout.
Kailahun/ C 7	PC 1137	100.43% turnout.
Kailahun/ C 7	PC 1142	104.85% turnout.
Kailahun/ C 7	PC 1145	101.88% turnout.
Pujehun /Bumpeh C89	PC 12070-01	At 08:15 voting was already finished in polling station 02 with 100 % turnout. In excess of 700 people voted before 08:15 in 2 polling stations.
Pujehun/Bumpeh C89	PC 12070-01	In polling station 01. 47 more ballot papers used than voters marked in the FVR (no spoiled ballots).
Pujehun/ Kakayama	PC 12069	Voting stopped at 11.30 by order of the Presiding Officer and voters were sent home without casting their vote. Voters also reported that the Presiding Officer kept empty ballots for the counting procedures.
Pujehun/ Baoma	PC 12073	450 voters were registered, but 492 ballots were used at the time when observers arrived.
Pujehun/ Sarma	PC 12072	People not allowed to vote despite having valid voter ID cards and no ink marks on their fingers.
Pujehun/ C 89	C 89	DEO acknowledges instances of fraud.
Pujehun/ C 87	PC 12002 PC 12012 PC 12019 PC 12020 PC 12024	5 PCs with turnout over 100%.
Pujehun/C 88	PC 12026 PC 12031 PC 12045 PC 12048	4 PCs with turnout over 100%.
Pujehun/89	PC 12078 PC 12140 PC 12 059	3 PCs with turnout over 100%.
Pujehun/90	PC 12135 PC 12136	5 PCs with turnout over 100%.

	PC 12137 PC 12138	
Pujehun/91	PC 12 110 PC 12 126	2 PCs with turnout over 100%.
Pujehun/	PC 12062	Turnout of 100%.
Bonthe	PC 1422	PCM allowed voters without voter cards to vote. Polling station returned a very high turnout in comparison to others in the district.
Bonthe	PC 10052	ID Officer and Ballot Paper Issuer gave 99 ballots to SLPP MP candidate.
Moyamba/ C84 Taninhun	PC 11110	Turnout of 100% (APC 0, SLPP 280, invalid 4, 284 registered voters). On election day, at 14:00 hours, STO 10a reported that turnout in PC 11110 was 30%.
Moyamba/C84 Gondana	PC11089	Turnout of 100%, (APC 27, SLLP 287, invalid 2, 311 registered voters, additionally staff on duty voted).
Moyamba/C84 Yoyema	PC 11014	Turnout of 98.1%.
Moyamba/C84 Bauya	PC 11092	Turnout of 97.6%.
Moyamba C81	PC 11002	100% turnout. Total of 1108 voted in PC but only 1102 registered voters.
Moyamba C86	PC 11152	Attempt to alter the results in favour of SLPP who received 320 votes instead of 20. The Presiding Officer informed EU EOM observers that he refused the 100,000L offered to him by the CEM to cover the fraud.
Bo C73, 74, 75	PC 09131/1-4	Turnout over 100%.
Bo	PC 09147/1-2	Turnout over 100%.
Bo	PC 09181/1-3	Turnout over 100%.
Bo	PC 09167/1-2	Turnout over 100%.
Bo	PC 09166/1-3	Turnout over 100%.
Bo	PC 09173/1-4	Turnout over 100%.
Kenema	PC 2023/ 01	Ballots received 600 unused 217, spoiled 0, APC 59, SLPP 321, total valid votes 380, invalid 3, turnout 100%
Bombali	PS 4261	APC 452, SLPP 1, invalid 4, total of 457 out of 475 registered voters. 100% turnout.
Bombali	PC 4261	96.2% turnout, village chief stood outside the polling station encouraging voters to vote APC.
Kambia	PC 05124 PC 05128 PC 05133	Turnout 94.9%, 96.2%, and 99.9% respectively.
Kono C25	PC 03123 - 02	49 ballot papers were missing from the third booklet of ballot papers. The Presiding Officer was arrested on suspicion of fraud.
Kono C25	PC 03111 PC 03110	Ballot paper issuers were issuing to voters two ballots instead of one. Ballot Paper Issuer arrested as well as Presiding Officer
Port Loko C49	PC 07004	Ballot box controller received 13 APC pre marked ballots from the ballot paper issuer and tried to place them in the box. The SLPP agent stopped him. The ballot box was delivered to the police and later to the NEC. No arrests were made.



