

Report of the Commonwealth Observer Group

SIERRA LEONE NATIONAL AND LOCAL COUNCIL ELECTIONS

17 November 2012



COMMONWEALTH SECRETARIAT



Source: Economist Intelligence Unit

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LETTER OF TRANSMITTAL BY MR OLARA OTUNNU



COMMONWEALTH OBSERVER GROUP SIERRA LEONE NATIONAL AND LOCAL COUNCIL ELECTIONS 17 November 2012

23 November 2012

Dear Secretary-General

The Commonwealth Observer Group has completed the final report of its observations of the National and Local Council Elections held on 17 November 2012 in Sierra Leone and we are pleased to submit it to you.

The elections were the third conducted since 2002 and, significantly, were the first which Sierra Leone has administered itself, and also the first time that four elections were conducted simultaneously.

The elections were conducted in a free, peaceful and transparent manner. The Group is pleased that the people of Sierra Leone demonstrated strong commitment to their democratic process by turning out in large numbers to vote, especially women and youth. The people of Sierra Leone are to be congratulated on a remarkable achievement.

The organisation and conduct of the elections met international standards and benchmarks for the conduct of multi-party elections, including freedom of association, expression, as well as universal suffrage and the right to vote. Voters expressed their will freely and the secrecy of the ballot was assured.

In spite of the shortcomings discussed in our report, it is the Group's considered view that the magnitude of these shortcomings has not affected the overall integrity of the electoral process.

As we depart Sierra Leone, we hope that our call to all political parties, their supporters and other stakeholders, to show restraint and responsibility in upholding their commitments to peace as the remainder of the electoral process concludes, will be heeded.

We wish to express our appreciation to the Commonwealth Secretariat Staff Team for the support provided to the Group throughout the mission.

We would like to express our gratitude to you for the opportunity to observe these elections and hope that our recommendations will be taken up in the constructive spirit in which they are intended. We urge the Commonwealth Secretariat and other pan-Commonwealth institutions to offer appropriate assistance in support of this as needed.

A handwritten signature in black ink, appearing to read 'Olara Otunnu'. The signature is fluid and cursive, with a long horizontal stroke at the end.

Olara Otunnu
Chairperson



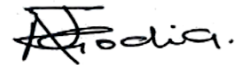
Mr Paul Dacey



Mrs Martha Sayed



Ms Pauline Welsh



Ms Jane Godia



Cllr Justus Kangwagye



Mr Andrew Simmons



Mrs Rita Payne



Mr Dennis Ngosa

Chapter 1

Introduction

Following an invitation from the National Electoral Commission (NEC) of the Republic of Sierra Leone, the Commonwealth Secretary-General, Mr Kamalesh Sharma, constituted an Observer Group for the 17 November 2012 National and Local Council Elections in Sierra Leone. In line with usual practice, the Secretary-General sent an Assessment Mission to Sierra Leone to evaluate the prevailing situation as well as the pre-electoral environment, prior to his final decision on whether to constitute a Commonwealth Observer Group. The Assessment Team was in the country from 10 to 15 September 2012.

The Commonwealth Observer Group was led by Mr Olara Otunnu, former Foreign Minister of Uganda and former United Nations Under-Secretary General and Special Representative for Children and Armed Conflict, and comprised nine eminent persons. The Observer Group was supported by a five-person staff team from the Commonwealth Secretariat. A full list of members is at Annex 1.

Terms of Reference

“The Group is established by the Commonwealth Secretary-General at the request of the National Electoral Commission of Sierra Leone. The Group is to consider the various factors impinging on the credibility of the electoral process as a whole.

It will determine in its own judgement whether the elections have been conducted according to the standards for democratic elections to which the country has committed itself, with reference to national election-related legislation and relevant regional, Commonwealth and other international commitments.

The Group is to act impartially and independently. It has no executive role; its function is not to supervise but to observe the process as a whole and to form a judgement accordingly. It would also be free to propose to the authorities concerned such actions on institutional, procedural and other matters as would assist the holding of such elections.

The Group is to submit its report to the Commonwealth Secretary-General, who will forward it to the Government of Sierra Leone, the National Electoral Commission of Sierra Leone, and leaders of political parties, and thereafter to all Commonwealth Governments.”

Activities

The Observer Group was present in Sierra Leone from 11 to 23 November, 2012. During three days of briefings, the Group met with the National Electoral Commission, political party representatives, the Inspector-General of Police, civil society groups, women's groups, youth and disability representatives, media, the diplomatic community as well as domestic, regional and international observer missions. The team observed the final rallies in Freetown prior to polling day. A list of organisations which the Group consulted is at Annex 7.

An Arrival Statement was issued on 14 November 2012 (see Annex 2). The Observer Group was deployed from 15 to 18 November 2012 across the country and covered 68 polling centres and 341 polling stations in the districts of Bo, Bombali, Kenema, Kono, as well as both Western Area Rural and Western Area Urban districts in the capital, Freetown (see Annex 5).

On deployment, teams met with electoral officials, security services, observers and other stakeholders at district level and members of the public to build up a comprehensive picture of the conduct of the process.

On Sunday 18 November 2012 the Chair, Mr Olara Otunnu, attended a meeting of chairpersons of international observer missions, held at the Bintumani Hotel. The meeting was chaired by the EU-EOM and attended by the African Union, ECOWAS and the Carter Centre. The observer missions exchanged views on the conduct of the elections.

On two occasions the Chair also visited the Situation Rooms run by the National Elections Watch and the Women's Situation Room.

On the basis of the Group's initial findings and observations, the Chairperson issued an Interim Statement on 19 November 2012 (see Annex 3). On 22 November 2012, the Chairperson and Heads of other international observer missions issued a joint statement (see Annex 4). The Group's Final Report was completed in Freetown prior to departure and transmitted to the Commonwealth Secretary-General on 23 November 2012.

Chapter 2

Political Background

Sierra Leone is a democratic state run by the arms of Government that include the Executive, Legislature and Judiciary. The Executive is headed by the President who is elected by popular vote (and must achieve 55 per cent of the poll) for a five year term (eligible for a second term). The President is both the Chief of State and head of government. The legislative arm is made up of a unicameral parliament with a total of 124 members. Out of these, 112 are ordinary members who are directly elected by universal suffrage by secret ballot every five years. The remaining 12 seats are reserved for the Paramount Chiefs. The Judiciary is made up of the Supreme Court, Appeals Court and the High Court.

The 17 November 2012 elections in Sierra Leone, being the third since the decade-long conflict ended in 2002, were an important benchmark, both for the consolidation of peace and as a means of demonstrating the maturity of political leadership and institutions. They were the first elections Sierra Leone had organised itself. These were also the first time that four elections (Presidential, Parliamentary, Chairperson/Mayor and Local Council) were conducted simultaneously and a new Voters' Register was introduced by the National Electoral Commission, capturing biometric data.

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.

The 14 May 2002 Parliamentary and Presidential elections were the first to be held after a long civil war (1996-2001). They were held in difficult conditions, with many Sierra Leonean citizens still displaced. The United Nations Mission in Sierra Leone (UNAMSIL) offered significant advisory and operational support to the NEC in conducting these elections and the international community provided considerable financial and technical support.

In May 2004, and for the first time in 30 years, Sierra Leone held local government elections in which the people elected councillors to represent them in their local governing councils. The 2004 Local Government elections marked the reintroduction of local government after its abolishment in 1972, and were held through the Local Government Act of 2004. The Local Government Act devolves significant powers to local councils in an effort to reduce the centralisation of power and decision-making in the capital. Key areas which local government are mandated to oversee are education, primary health care, social welfare, works and technical maintenance, and financial management. Chiefdom councils are according to law part of the local government system in the country. Paramount Chiefs remain responsible for upholding custom and tradition which includes local justice in the Northern, Southern and Eastern Areas.

In 2006 a new political party, the People's Movement for Democratic Change (PMDC), was established, whose leader left the ruling Sierra Leone People's Party (SLPP) prior to the elections. This resulted in increased competition between political parties. The creation of the PMDC proved to be a decisive factor in the results of the 2007 Presidential and Parliamentary Elections 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 2007 elections were landmark elections in Sierra Leone. They were the first election since independence in which power was transferred peacefully from one elected civilian government to another. Parliamentary Candidates in these elections were elected to Parliament on the basis of a constituency-based First-Past-the-Post system. This system, which was in existence prior to and immediately after independence, was abandoned after Sierra Leone converted to a one-party state, and in the unstable aftermath of the war, was replaced by a list proportional system. Despite the noted irregularities and isolated incidents of violence in the run-off Presidential elections, the elections were generally hailed by both international and local observers as free and fair. Only seven out of the nine registered political parties contested both parliamentary and presidential elections.

The 2008 Local Government elections were held on 5 July 2008. These elections were a crucial step in the consolidation of the peace process and to the Government of Sierra Leone's programme of decentralisation. This was also a further test of NEC's operational capacity to conduct elections in a professional manner. These elections marked the first time that there were direct elections of Mayor and Chairpersons as well as Councillors for multi-member wards.

Political Parties

The Constitution provides for the establishment of a Political Parties Registration Commission (PPRC) to register parties. In 2002, Parliament adopted the Political Parties Act which gave the PPRC additional functions including the supervision of the conduct of parties. In order to participate in the election, political parties must register with the PPRC.

In November 2006, the PPRC developed a political parties' code of conduct, which all registered parties have signed. Following adoption of the code of conduct, the PPRC established District Monitoring Committees (DMCs) throughout the country. Political parties registered by the PPRC as of 1 October 2012:

1. All People's Congress (APC)
2. Citizens Democratic Party (CDP)
3. People's Democratic Party (PDP)
4. Peace and Liberation Party (PLP)
5. People's Movement for Democratic Change (PMDC)
6. National Democratic Alliance (NDA)
7. Revolutionary United Front Party (RUFP)
8. Sierra Leone People's Party (SLPP)
9. United Democratic Movement (UDM)
10. United National People's Party (UNPP)

All People's Congress

The APC is the current governing party having won the 2007 elections with 59 seats and President Ernest Bai Koroma as its flag bearer having been elected in a run-off. In 2009 President Ernest Koroma was re-elected by the APC as the party's presidential candidate for the 2012 presidential election. His running mate was Samuel Sam-Sumana, the current Vice President. The APC was founded by Siaka Stevens in 1960. The APC traditional base is among the Temne and Limba people in the north. It is the popular party in the North and West of the country.

Sierra Leone People's Party

The SLPP is currently the main opposition party. It was established in April 1951 through the merger of the People's Party (PP), the Protectorate Education Progressive Union (PEPU) and the Sierra Leone Organisation Society (SOS). Its traditional constituents are the Mende People in the Southern parts of the country. It is popular in the South and East of the country.

It was the incumbent's party in 2007 with Solomon Berewa as its flag bearer who was to take over from President Ahmad Tejan Kabbah who stepped down after serving two terms.

In 2011 Julius Maada Bio was designated as SLPP presidential candidate. His running mate was Mrs Kadie Sessay, a former minister under President Tejan Kabbah.

People's Movement for Democratic Change

The PMDC was registered in 2006 and is a breakaway party of the SLPP. The party was founded and is led by Charles Margai, a former Minister and son of Sierra Leone's second Prime Minister Albert Margai. The PMDC in its first elections won ten seats in parliament and Charles Margai as its presidential candidate got 13.9% of vote. The creation of the PMDC proved to be a decisive factor in the results of the 2007 elections as it challenged the hegemony of SLPP in its traditional strongholds. The PMDC joined the APC to form a coalition government.

Although there are other political parties that have been established, the APC and SLPP remain dominant and most visible.

Relationship between the governing party and the main opposition

Most observers both local and international were concerned that the political environment was highly charged ahead of the 2012 elections especially between the two leading political parties. A few days after the voting, the main opposition party issued a press statement questioning the validity of the election results before its official announcement.

The Chair of the Observer Group issued an interim statement that indicated what the observers had seen when they observed elections in the various districts where the team had been deployed. It contained what they observed in the campaign period,

during voting and post voting. In the end Mr Otunnu said: 'We appeal to all the people of Sierra Leone to observe the highest level of responsibility and restraint until the end of the process and the official announcement of the result' (see Annex 3).

After the voting exercise the Chair attended a meeting with the leading opposition group where he was presented with a report containing a number of allegations of electoral fraud. The statement was presented to the NEC, to which the Chairperson of NEC responded publicly on 21 November 2012.

Women's participation

In the 11 year civil war, women played a key role in bringing peace to the country. Sierra Leonean women are known to be strong, having played a key role in ensuring that peace prevailed in the country in the aftermath of the civil war. Women also play a big role in forming the backbone of the Sierra Leonean economy by working in the farms and doing trade not only locally but across the borders.

Although women are active politically, when it comes to nomination they do not receive adequate support from political parties. This could have been because of the high nomination fees that were being asked for by the NEC. To stand for a seat in Parliament and Local Government, the candidate was required to pay 10 million Leones (£1,500). This was out of reach for many women because the fees were significantly high and disproportionate when compared to regional standards.

This increase of the nomination fee by NEC discouraged many women and by the time the Government said it would pay for the difference it was already too late for women to be nominated as most parties had already selected other candidates. However, the fee was later reduced to the 2007 rates which were 100 thousand Leones (£15).

In addition, the power of the Sande and Poro Societies (secret societies), as well as the influence of paramount chiefs, also deterred women from being nominated. There were allegations of women being deterred by these strong and powerful groups. In one state in the North, it is alleged that one of the strongest women in politics was forced out of the race by the said group.

Sierra Leonean law does not have affirmative action entrenched in it. Efforts by gender equality advocates and women's leaders to have an amendment in Parliament before the elections started, failed to take place.

In 2002 18 women were elected to Parliament but the number went down in 2007 when 16 women were elected. However, the 2007 elections also had many women who were independent candidates. For the 2012 elections, things were not any better. Since there is no quota for women in law, only 38 women ran for Parliamentary elections. For the first time in the history of Sierra Leone, a woman emerged as a running mate to a Presidential candidate.

However, women have also been elected as paramount chiefs. There are women who ran for civic positions including the role of mayor.

During the voter registration process many women were registered and this was evident in the way they turned out to vote, including pregnant women and lactating mothers.

Youth participation

Despite the long period of civil war, youth remain an important element in the political life of Sierra Leone. From the 2002 elections, the participation of youth has improved gradually since the establishment of the Ministry of Youth and the adoption of the 2003 National Youth Policy. The basic electoral administration course which was developed into the Institute for Electoral Administration and Civic Education has played a major role in training and re-training youth, employment and provision of infrastructure.

Participation of youth continued to increase as was evident in 2004 and 2008 when youth contested Local Government Elections as councillors. In 2007 many young people participated actively in the non-violence campaign on the eve of elections and demonstrated their positive contribution to the democratic process.

The 2012 elections saw an impressive participation of youth with UDM having a young presidential candidate. A good turnout of youth registered as voters and out of the total number of registered voters, approximately 60 per cent were youth and out of these, 36 per cent were first time voters.

Young people participated and played a key role in the electoral process and it was encouraging to see that the youth were part of the democratic process. Most of these youth are ex-combatants who have now embraced the new found peace in the country. While on many occasions politicians have misused youth to create chaos and instigate violence, in the campaigns as well as during and post polling, the youth exercised restraint and played a key role in ensuring that peace prevailed.

In the campaign period, young women joined the rallies accompanying young men in support of the different political parties and they were evident as supporters for APC and the SLPP.

Young women were also recruited with young men who served as party agents and domestic observers. They were also employed as polling staff and at tallying centres to do data entry.

Sierra Leone and the Commonwealth

The Commonwealth Secretariat has had a long standing engagement with Sierra Leone dating back to its independence, when the country became an independent state within the Commonwealth on 27 April 1961, with Sir Milton Margai as its first Prime Minister.

In 1999 the Commonwealth Secretariat established a Task Force on Sierra Leone to ensure a comprehensive and focused package of assistance to the country in the

immediate post-war environment. The Secretariat was part of negotiations for the Lomé Peace Agreement, to which the Commonwealth was a moral guarantor.

The Commonwealth observed the 1996 and 2002 General Elections, the 2004 Local Government Elections, the 2007 Presidential and Parliamentary elections, and the 2008 Local Government elections.

On-going Commonwealth support to Sierra Leone includes capacity-building to strengthen the police force, judiciary, diplomatic corps and youth sectors. Assistance is currently being provided in improving debt management and recording, establishment of the Stock Exchange, maritime boundary delimitation, trade capacity building and customs modernisation.

Sierra Leone is amongst the largest recipients of technical assistance from the Commonwealth Fund for Technical Co-operation (CFTC) including capacity-building and institutional reform activities.

Chapter 3

The Legal Framework and Election Administration

Political structure

The Republic of Sierra Leone gained political independence in 1961 and in that same year joined the Commonwealth. The President of Sierra Leone is the Head of State, the supreme executive authority and the Commander in Chief of the Armed Forces. The President is elected to a term of office of five years by absolute majority through secret balloting.

Parliament, the executive arm of government is a unicameral chamber with 124 seats. One member is elected from each of the 112 constituencies, through a simple majority in a First-Past-the-Post Electoral System. The other 12 members are from the rank of Paramount Chieftaincy. The institution of Chieftaincy is protected and guaranteed from abolition by the Sierra Leone Constitution.

Members of Parliament are elected to serve a five year term.

Legal framework – the Constitution

The present Constitution of the sovereign Republic of Sierra Leone came into force on 1 October 1991. As the higher organic law of the state, it establishes the fundamental principles of state policy; recognises and protects fundamental human rights and freedoms of the individual, and provides for representation of the people through genuine and periodic elections.

The National Electoral Commission (NEC)

Section 32 (1) of the Constitution provides for a National Electoral Commission of Sierra Leone, which commission is responsible for the conduct and supervision of the registration of voters for and of all public elections and referenda.

Further, the Constitution empowers the NEC to make regulations by statutory instruments for the registration of Voters, the conduct of Presidential, Parliamentary or Local Government elections and referenda and connected matters, including registration for voting by proxy.

The NEC comprises a Chairman and four Members known as Electoral Commissioners. The Commonwealth Observer Group¹ recognises the preponderance of women in the electoral process. It especially notes gender parity in the composition of commissioners which is currently made up of three women and two men. Further, the Group takes cognisance of the fact that the Chair, who is the Chief Electoral Commissioner, is a woman.

The members of the NEC are appointed by the President through a consultative process and their appointment is subject to the approval of Parliament. The period of

¹ Hereafter referred to as 'the Group'

appointment is for a term of five years unless the member is prematurely removed for inability to discharge the function of his office '(whether arising from infirmity of mind, or body or other cause or for misbehaviour)'.

The Constitution confers independence on the NEC in the exercise of its functions. It states, 'in the exercise of any function vested in it by this constitution, the electoral commission shall not be subject to the direction or control of any person or authority' (section 32/18).

Its independence, however, is balanced by the requirement for accountability. The Chief Electoral Commissioner is mandated to submit a report to Parliament at least once a year on its programme or work.

The Political Parties Registration Commission

Parallel to the NEC is the Political Parties Registration Commission (PPRC) created by virtue of the Constitution, with the responsibility to register political parties.

The Group recognises the importance of the PPRC in the electoral process but has not sufficiently considered its impact as this is not one of its mandates.

The Public Elections Act 2012

While the Constitution provides the foundation upon which the legislative framework for representation of the people and good governance is built, it is the Public Elections Act and regulations derived therefrom which provide specificity in the administration, management and conduct of election and all related processes.

The Public Elections Act 2012² came into effect in May 2012, effectively replacing the National Election Commission Act 2002 and The Electoral Laws Act, 2002. It consolidated the previous pieces of legislation and in some instances amended specific provisions to improve the electoral process. The Act outlines the procedures related to the Registration of voters and arrangement for elections among other things. It establishes an Electoral Offences Court, a division of the High Court with jurisdiction to try election offences under the Act. The PEA 2012 also empowers the NEC by statutory instrument to make regulations for giving effect to the Act.

Registration of Electors and the Voters' List

The Constitution of Sierra Leone gives to every citizen of Sierra Leone who is eighteen years and above and of sound mind the right to register and to vote. This is articulated further in the PEA 2012 which states:

'Subject to section 16, every person who -
(a) has attained the age of eighteen years or who will on the date of the holding of the next election have attained the age of eighteen years; and
(b) is ordinarily resident in a ward is entitled to be registered as a voter in that ward and, when so registered, to vote at an election in that ward.'

² Hereafter referred to as PEA 2012

The Act also prescribes a period of not later than six months prior to an election or referendum as the case may be, for the registration of voters and the updating and revision of the voters' list. It prohibits multiple registration either in the same ward or across wards/constituencies.

Application of biometrics in the voter registration process

For the 2012 electoral cycle, the NEC introduced the application of biometrics in the voter registration process. The use of biometrics for identification of voters is becoming increasingly popular in several jurisdictions. This involved the capturing of the elector's fingerprints which are then cross-matched in the database to detect duplicate or multiple registration. Once duplicate or multiple registration has been detected then criminal proceedings may be initiated against such persons.

The Group was informed that through the applications of biometrics, 794 cases of duplicate or multiple registrations were detected. The NEC informed the Group that it had instigated proceedings in several of the above instances.

Additionally, we were informed that in circumstances where the fingerprints could not be taken because either the appropriate digit was missing or, where present and the prints taken, were of such poor quality and therefore could not be processed to completion, then facial recognition techniques were applied. These techniques, according to the NEC, were equally capable of detecting duplicate registration through cross-matching.

The Group did not observe the voter registration process. However, it was informed in meeting with stakeholders that the Commission may have experienced problems related to insufficient equipment, resulting in machines being moved around from one area to the next to facilitate the process. Despite these reported difficulties the Group nonetheless commends the NEC on this bold initiative to reform the electoral process in general and in particular the voter registration process. In this regard it urges the NEC to continue to pursue additional reforms along these lines with a view to effecting changes to the legislation to allow for continuous voter registration instead of periodic registration which now obtains. Further, the Group wishes to suggest the continuous maintenance of the list through the removal of the names of dead electors and the addition upon application, of the names of those who have attained the required age and are otherwise qualified.

The Voters' Register

The voter registration process which ran from January to March 2012 resulted in the development of a Voters' Register of 2,692,635 voters. The register was compiled with the addition of the photograph of each elector against the demographic details. This allowed the Presiding Officer and the Voter Identification Officer (VIO) to identify each elector with a greater degree of certainty as the voter was required to present his voter identification card which was then cross-checked against the presentation on the Voters' List. In instances where the voter did not have his card, voting was allowed on presentation of documentary evidence of registration along with some other form of identification. The NEC established a special voter enquiry help desk in

each polling centre to assist in matters of this nature. It seems to have achieved its purpose as many electors were seen seeking assistance at these desks.

For the 2012 electoral cycle, ballots were cast in Presidential, Parliamentary, Local Government (Mayor/Chairperson) and Paramount Chiefs Elections.

The PEA 2012 allows for specific categories of persons who are likely to be unable to go in person to the polling station at which such person is entitled to vote to cast his or her ballot in a polling station in a location where such a person is likely to be on Election Day. The categories referred to are:

- a) persons on official duty in connection with the election;*
- b) public officers or employees of a public corporation or commercial firm or mining company, members of the Sierra Leone Police Force or the Armed Forces who have been transferred outside of the place in which they ordinarily reside and have been registered as voters.³*

In such instances the law requires that an application be made to the Returning Officer of the area where the person resides, for a certificate of authorisation to vote in a polling station in the area to which the transfer is effected. The application should be made no later than 15 days before Election Day and should be supported by written confirmation of the employer or supervisor of the applicant. The Returning Officer shall then delete the applicant's name from the Voters' List where s/he is initially entitled to vote.

The Group observed an instance of five persons claiming to be police officers appearing at a polling station requesting to vote. The Presiding Officer initially refused to allow voting and sought clarification through a telephone call to the Regional Personnel who apparently approved. The persons were allowed to vote and their names added to the Voters' Register of that station.

Presidential Election

The Constitution of The Republic of Sierra Leone provides for the election of a President by secret ballot. The further requirement is that the winning candidate should secure not less than 55 per cent of the valid votes cast. Further, under the Constitution, if no person secures the required 55 per cent then the two candidates with the highest number or numbers of votes shall go forward to a second election which shall be held within 14 days of the announcement of the result of the previous election. The candidate polling the higher number of votes is then declared President.

Candidates contesting the election for the office of President, are required to be citizens of Sierra Leone, members of a political party who have attained the age of 40 years, and who are otherwise qualified to be elected as a Member of Parliament. The political party nominates the candidate for presidency. The Vice-President, who is the Principal Assistant to the President in the discharge of his executive functions,

³ The Public Elections Act, Section 74 (2)

is designated a candidate for the office of Vice-President by a Presidential candidate before a Presidential election. The term of office of the President is five years.

Nomination - Presidential Elections

The nomination period for the Presidential, Parliamentary and Local Government (Mayor/Chairperson) and Paramount Chiefs was conducted from 12 September to 14 October 2012.

Immediately preceding the exercise, the NEC announced an increase in the nomination fees. The law allows for the NEC to prescribe the fees. However, in this instance, the movement from one million Leones to 100 million Leones, representing a nearly ten thousand percentage increase, was not favourably received by the political parties. This resulted in the NEC having to delay implementation of the new fee structure for this electoral cycle.

The Group believes that if the nomination fees are set too high, this will make it difficult for new or emerging political parties and individual candidates without significant financial resources to participate in the electoral process. Democracy is based on participation. Participation is expressed in the electoral process allowing for candidates without a large pool of resources to be able to put forward their ideas to the electorate without being deterred by a high nomination fee. The Group wishes to suggest that consideration be given to arriving at a reasonable fee and in this regard consultation should be had with all stakeholders. The nomination fees are non-refundable and are paid over into the National Consolidated Fund.

In the November 2012 elections nine candidates were nominated for the office of President representing the following parties:

- | | |
|---------------------------|--|
| 1. Mohamed BANGURA | United Democratic Movement (UDM) |
| 2. Julius Maada BIO | Sierra Leone's People's Party (SLPP) |
| 3. Joshua Albert CAREW | Citizens Democratic Party (CDP) |
| 4. Eldred COLLINS | Revolutionary United Front Party (RUF) |
| 5. Kandeh Baba CONTEH | Peace and Liberation Party (PLP) |
| 6. James Obbahi FULLAH | United National People's Party (UNPP) |
| 7. Gibrilla KAMARA | People's Democratic Party (PDP) |
| 8. Ernest Bai KOROMA | All People's Congress (APC) |
| 9. Charles Francis MARGAI | People's Movement for Democratic Change (PMDC) |

Parliamentary Elections and election of Paramount Chiefs - Members of Parliament

Sierra Leone is divided into 112 constituencies. Each constituency returns one Member to serve in the Parliament. The candidate securing the highest number of votes in a First-Past-the-Post Electoral System is returned as the Member of Parliament for that constituency.

Additionally, the constitutional arrangement provides for 12 Paramount Chiefs to be returned to the Parliament. These Paramount Chiefs are elected by eligible councillors whose names are in the Gazetted Councillors list for a particular

chiefdom. The participation of this select group in the Paramount Chief election does not preclude their participation in any other election. For the November 2012 parliamentary election 586 candidates were nominated representing ten political parties. Thirty five candidates contested as Independents.

Local Government Election - Election of Mayors and Chairperson

For purposes of local governance Sierra Leone is divided into 394 wards, twenty of which are multi-member wards. There are 19 local councils.

A total of 1,626 Candidates were nominated across the ten registered political parties, of which, 1,283 (79 per cent) were male and 337 (21 per cent) were female. There is direct election of Mayors and Chair for each local Council or Municipality in the 19 localities into which Sierra Leone is divided.

Voter education

One of the functions of the NEC is to officially implement voters' education activities in Sierra Leone. The NEC and civil society organisations, implemented voters' education programmes utilising a range of methodologies/media to educate the society on a number of issues, including: voting procedures, election campaigning, the new PEA 2012 and voters' rights and their responsibilities as citizen of Sierra Leone.

Ward Election Education Committees (WEEC) were established by NEC in 398 wards to provide training to citizens on how to participate in the electoral process. The programme of WEEC included voters as well as civic education. The composition of WEEC included two religious representatives (a Muslim and a Christian), two town criers, two representatives of civil society and a representative of a group for persons with disabilities.

The WEEC was established with the purpose of providing civic and voters' education within their respective locality. It was observed by the Group that due to the high level of illiteracy within Sierra Leone, such programmes needed to be implemented over a continuous period. Alternatively, voter education programmes should be implemented at the commencement of the electoral cycle with far greater intensity than obtained for this election. The fact that a precedent was being set with four elections being conducted on the same day meant the NEC had a greater imperative and therefore should have made greater effort in this regard.

Training of party agents

Over six hundred party agents were trained by NEC and civil society organisations to observe the election process. However it is our view that due to resource constraints the step down/cascade training process implemented at district and ward levels, did not achieve the desired result. Despite this shortfall, the party agents seem to have had a better understanding of their role in the polling stations and in the electoral process than in previous elections observed by the Commonwealth. We did not observe any party agent disrupting the poll.

Training of polling officials

At the national level, the NEC organised three day training programmes for polling centres/stations and other officials in the management and administration of voting day procedures and the new PEA 2012. We were informed that it was the intention of the NEC to cascade this training to district and ward levels, however, it was observed that there were inconsistencies in the implementation of voting procedures and practice by polling staff at polling stations/centres on Election Day. The inconsistencies in the execution of procedures did not in our view have any significant effect on the overall proceedings as most of the polling officers appeared to have absorbed the training well and were confident and composed in managing their functions.

Provisions for persons with disability

The PEA 2012 makes special provision for voters to cast their ballots, who are incapacitated by blindness or any other physical disability and who are unable to read to cast their ballot in the same manner as other voters. In the case of a voter who is physically incapacitated it allows such a person to be accompanied by another voter of his/her choice. Similarly this applies to voters who are blind or visually impaired.

The law requires that the person who provides assistance in any of the above instances, guarantees the faithful expression of the disabled person and maintains the secrecy of the vote.

In the case of voters who are unable to read and write, finger print pads were provided to allow such voters to record an ink mark against the name and symbol of the candidate of choice.

The Group observed voters being given general information by the polling officials on how to mark and properly fold the ballot. The information given also covered the use of the inked finger to mark the ballot.

Tactile ballot papers used in the 2007 General Elections for voters with visual impairment were not used in these elections. The Group was informed that, with four elections being conducted on the same day, the NEC foresaw a complexity in designing tactile ballot papers, especially in relation to multi-member wards. The NEC also informed the Group that, along with the sheer complexity in design, the associated costs would make it imprudent to use tactile ballots in this electoral cycle. The Group established through the public media that voter education was conducted for voters in the disabled community by interest groups. The focus was on providing explanations on the overall voting process and the provision under the PEA 2012 for voters with disability. The Group also observed the rebroadcast of some of these programmes on national television, with information being given orally as well as by sign language.

Ballot production, reconciliation and transmission of results

The law requires a number to be printed on the ballot paper which is attached to a counterfoil bearing the same number. The fact that four elections were conducted at once meant the differentiation of the ballots by colour and design. All ballot papers however, exhibited the number on the ballot and on the counterfoil as required under the Act. The Group is of the view that the occurrence of the number on the ballot as well as on the counterfoil could be manipulated to compromise the secrecy of the vote.

After the poll has closed the Presiding Officer undertakes a ballot reconciliation exercise. This exercise accounts for ballots unused, spoilt, rejected and improperly marked. It results in the production of a statement 'The Ballot Paper Account/Reconciliation and Results Form' (RRF). The NEC, in NEC-Updates, ordered the completion of one Reconciliation and Results Form for each election. The RRF form contains an original and four carbon copies. It further ordered the completion of a further two versions of the RRF to be distributed to party agents and observers. It instructed that the Polling Officials should distribute the first set of completed forms in the following order:

- Top and original copy - for Regional Tally Centre (regional copy)
- 1st carbon copy (pink colour) - For National Tally Centre (national copy)
- 2nd carbon copy (blue colour) – For District Tally Centre (district copy)
- 3rd carbon copy (green colour) – For Polling Centre Manager (PC display copy)
- 4th carbon copy (yellow colour) – For the ballot box (ballot box copy)

The forms are enclosed in tamper evident envelopes as prescribed by the Commission. The number of forms required to be completed at the polling station seemed to be an improvement over what obtained in previous elections. However, the concerns shared by Observers in 2007, related to the difficulty in producing several copies in instances where there may be several party agents present and the difficulty with access to electricity and photocopiers, are shared by this present Group. This was especially the case when, four days after the election, the Group received complaints from one political party, that in several instances their agents did not receive the RRF.

The Electoral Offences Court

Section 137 of the PEA 2012 establishes an Electoral Offences Court whose jurisdiction is to try offences committed under the Act. These offences range from those committed at the stage of voter registration to offences committed at the taking of the poll. The Election Offences Court is a division of the High Court which sits in such places in Sierra Leone as the Chief Justice may determine. It is presided over by a High Court Judge or a retired Judge of the Superior Court or a Barrister or Solicitor who is qualified to hold office as a High Court Judge. Trials are by summary procedure subject to appeal.

Chapter 4

Election Campaign

Methods

In accordance with the official elections timetable of the NEC of Sierra Leone, the official campaigns for Presidential, Parliamentary and Local Councils' elections were to take place from 15 October 2012 to 15 November 2012;

Political parties held peaceful rallies across the countries in all districts. On 15 November 2012, the Group witnessed large, organised, peaceful concluding rallies in almost all regions of Sierra Leone that they were able to visit.

Co-existence during elections prevailed in almost all regions of Sierra Leone; however, there were allegations of sporadic intimidation in some areas during the campaign period. There were reports of conflicts where some parties changed their campaign calendars in violation of the NEC calendar. There were posters in all major cities and some rural areas throughout the campaign period. However, contrary to the electoral guidelines, the APC posters remained in place until the Election Day in some polling centres.⁴

Calendar

All political parties were obliged to adhere to a campaign calendar. However, there were allegations that the campaign calendar was not fully respected. The team witnessed campaigns during the cooling off period in Kono in the stronghold of the governing party, this kind of conduct was equally observed on Election Day where a prominent member of the governing party behaved in a manner tantamount to campaigning where supporters (especially youth) chanted loudly as they voted.

Issues

Major political parties' campaign issues did not differ significantly. Sustainable economic development was the central issue raised in all parties' rallies. While the governing party emphasised infrastructural development, the leading opposition party's agenda was investing in employment and education as well as rural development. Fighting corruption was also part of the incumbent's manifesto. However, critics in the media and opposition (both national and international), alleged that the APC candidate was unfaithful to this commitment since nobody within or without his party has ever been prosecuted.

The establishment of the Anti-Corruption Commission was a step in the right direction. The Group noted that this followed a recommendation by the Commonwealth Observer Group to the 2007 election that recommended Integrity Legislation. The Integrity Legislation was subsequently introduced which requires Cabinet Ministers, Members of Parliament and other senior State officials to declare

⁴ Such anomalies were observed at polling centre Code 02012 in Kenema.

their assets and liabilities prior to the assumption of office, during their tenure of office and at least three years after demitting office. This step would have inspired confidence among citizens and strengthened the fight against corruption. Despite elaborate party manifestos, support of political parties was evidently based on regional and tribal lines.

Environment

The elections were highly competitive. The campaigns were conducted in a carnival-like atmosphere that attracted a high turnout of young men and women. Music characterised the entire period of campaign.

The democratic principles of participation and representation as well as basic freedoms of association, assembly, expression and movement were largely met.

Election campaigns were generally peaceful. However, there were some incidents reported involving clashes mainly between supporters of the two leading parties specifically in the North, the stronghold for the governing party. There were reports of the use of state resources for campaign. The incumbent used the inauguration of projects as a way of campaigning, since colour symbols, especially party tee-shirts, were worn on those occasions. This is in violation of Article 16 of The Code of Election Campaign Ethics that states '*All Parties that have subscribed to this Code shall not use state power, privilege or influence or other public resources for campaign purposes*'.

There were allegations of voters being enticed with money by various political parties. One source alleged that as much as 80 thousand Leones was being given as enticement.

In accordance with the Constitution of Sierra Leone, freedom of expression was evident during election campaigns. However, contrary to this constitutional right and provisions of section 148 of the PEA 2012, and the Code of Conduct to which all political parties subscribed, the campaign space remained free for the governing party and the major opposition party with little or no space left for other smaller parties' candidates that contested the presidential seat. The involvement of citizens in choosing Members of Parliament and Councillors received little or no attention in the campaign rallies and other means of campaigning.

Gender

Although women were active in campaigns, this was not reflected in the list of candidates. There were allegations of women candidates being prevented from entering certain villages by some Paramount Chiefs. The Women's Situation Room had some influence in calling for gender equality and peaceful and non-violent campaigning, especially deploring gender-based violence. Women were visible in the campaign rallies especially young women who participated as they moved among various locations.

Chapter 5

The Media

Media overview

The constitution of Sierra Leone guarantees freedom of speech and this is reflected in a general climate of press freedom in the country. Journalists, however, are poorly trained and adherence to professional standards is lacking. News media is unashamedly politically biased and opinionated, with few independent voices.

All branches of the media are regulated by the Independent Media Commission (IMC). The IMC has a Media Code of Practice outlining professional standards and ethics and includes a section on media conduct during elections. The IMC also provides an alternative complaint mechanism to using the Public Order Act of 1965, under which journalists, editors and publishers can be jailed for criminal libel. Critics say the Act has been used to stifle freedom of expression and therefore contravenes the 1991 constitution. A draft Right to Access Information Bill introduced in 2010 has yet to be approved by Parliament.

Successive governments have exerted considerable influence over the media, especially over the national broadcaster, the Sierra Leone Broadcasting Corporation (SLBC). Much of the media is overtly divided along political party lines and the Media Code of Practice is widely ignored.

Media coverage of the 2012 elections was characterised by attack and counter-attack, predominantly by the two main political parties. The Sierra Leone Association of Journalists (SLAJ) said they had made efforts to ensure that media coverage during the campaign was issues-based. They had organised meetings with editors in an attempt to persuade them to tone down inflammatory rhetoric. Journalists complained that members of their profession who tried to remain neutral stood the risk of being 'attacked' by both sides.

Journalists in Sierra Leone are poorly trained and remuneration is low – they are often not paid at all. As a result, many have other jobs and are deemed susceptible to being manipulated by both political and business interests. Sierra Leone also has one of the lowest advertising rates in the world.

Analysts opined that the government had paid a lot of attention to the media and had sought to bring it under its control. There were allegations that journalists who had been regarded as supportive to the government were rewarded with coveted jobs as diplomats.

There was also an allegation that hate messages had been sent to certain journalists who did not declare support for a specific political party. For most journalists, it was considered to be more beneficial to support the governing party.

During campaigning, one media analyst commented that the SLBC was disgracing the media, to the extent that some political parties had resolved not to engage further with SLBC. He said this applied to newspapers as well and that pro-SLPP newspapers were as vitriolic as pro-government publications. He said independent radio was the exception by adhering to the media code of conduct. Aside from this, the media's election coverage was denounced as deplorable.

Radio

The low level of literacy coupled with affordability make radio the most popular medium with more than sixty radio stations broadcasting in Sierra Leone. In recent years, there has been a proliferation of community radio stations, but because they are heavily dependent on donor funding, they tend not to be sustainable. The Independent Radio Network (IRN), comprising 25 community and private stations was perceived to be the most impartial and reliable source of news during the election.

Print

There are around sixty newspapers registered with the IMC but circulation is low and confined to large urban areas and the literate population. Political party allegiances are clear. In the run-up to the polls, newspapers regularly ran scurrilous profiles of rival party figures. The material appeared to be accepted as part of the cut and thrust of political debate in the media. Most media organisations do not have the funds to send reporters out of the capital, Freetown. Given the limited audience, there was a perception that newspapers were not expected to have a significant impact on voter intentions.

Television

Television has grown in popularity although it remains a long way behind other branches of the media due to its cost. The UN pumped a considerable amount of money into transforming the Sierra Leone Broadcasting Corporation (SLBC) with the intention of making it more independent. However, it is still viewed as biased in favour of the governing APC. During election coverage, it was alleged that for every 15 minutes allocated to the APC, the SLPP was given two minutes. SLBC was also described as 'his master's voice'. It was only shortly before these elections that the SLPP was given its own programme. SLAJ and the BBC Media Action Trust twice tried and failed to set up a televised presidential debate. Observers were informed that journalists tended to be treated with contempt by government ministers and media organisations had experienced problems persuading politicians to take part in programmes.

A month prior to the election, Africa Independent Television started broadcasting from Freetown. AIT is a Nigeria-based English language entertainment channel showing news, sports, current affairs, films, dramas and soap operas of African

origin. AIT had also attempted – and failed – to set up a presidential debate before the election.

Independent Media Commission (IMC)

The IMC was created in 2000 to regulate print, audio-visual and electronic media and monitor their compliance with the Media Code of Practice. The IMC has the legal authority to enforce fines and to suspend or ban print and electronic media which are seen to be in breach of media regulations. In spite of its efforts, the IMC is regarded as a toothless body. The main leverage it has is to impose fines of a one million Leones and not exceeding five million Leones, sums which were not regarded as an adequate deterrent.

Media Code of Practice

The Media Code of Practice applies to print, broadcast media and advertising in Sierra Leone. It contains comprehensive regulations covering political party activities, candidates and elections. It stipulates that all parties/candidates should be offered a fair opportunity ‘to access the media responsibly in presenting their manifestos to the public’. Another guideline says ‘media practitioners must ensure that the main viewpoints and arguments are heard during the course of the election campaign’. Another measure states that ‘the media shall endeavour to provide coverage at all levels of political campaigning from the constituency to the national level’.

Guidelines are in place to ensure that the reporting of elections is free and fair, however, they were not observed in practice. The rules and regulations tended to be ignored mainly because the fines are not considered to be high enough to be a deterrent. Courts are seen to undermine the authority of the IMC by failing to rule in its favour if action is taken against a defendant who is pro-government.

Money

It was a widely held belief that vast amounts of money were a factor in these elections, and could have been a deciding factor in who won. Voters were reported to have been wooed with cash and goods. Floating voters were said to follow the money and did not look at issues. Observers were told that the governing party’s strategy appeared to be working. The opposition party, on the other hand, lacked the money to promote its promise of rural development. It was pointed out, however, that the SLPP acted the same way when it was in power.

The APC insisted that it had agreed to the Code of Conduct and taken steps to educate voters for these elections. It was adamant that it was committed to balanced coverage and maintained that the party had never interfered in the working of the media. A party spokesman said there had been radio stations in the past run by the APC and SLPP which had been banned because of their coverage which was

criticised for being too inflammatory. He said the APC had wished to challenge the decision but chose to abide by the IMC's decision for the sake of peace.

Recommendations

- There should be a clear provision in law about setting a cap on the financing of campaigns including in the media;
- The IMC should be given more authority to ensure that guidelines are observed;
- The Freedom of Information Act must be approved; this has been blocked by MPs;
- Journalist training should be boosted, especially in covering elections;
- Measures should be introduced to protect journalists from being targeted by political groups.

Chapter 6

Voting, Counting and Tabulation

Background

On Saturday 17 November 2012, Presidential, Parliamentary, Mayor/Chairperson and Local Council Elections took place across the Republic of Sierra Leone. Polling was scheduled to take place from 0700 to 1700 in 9,493 polling stations located at some 2,995 polling centres across the country. This compares to 2,702 polling centres and 6,171 polling stations for the 2007 elections.

Polling stations were established to service 300 registered voters as against 500 in 2007. For this election, 2,692,635 voters were registered during the period end January to end March 2012. In general, polling centres were located in schools or other public buildings. However, in some areas, polling took place in the outdoors, protected mainly by canvas or tarpaulins.

A Polling Centre Manager was appointed for each of the 2,995 polling centres. Each polling station was managed by a Presiding Officer, supported by nine other polling officials. Unarmed Sierra Leone Police were deployed to all polling stations across the country and Commonwealth observers noted their presence in each polling station visited.

Distribution of polling materials

The NEC distributed a range of materials to polling stations including ballot boxes, ballot papers and other polling materials. Sensitive and non-sensitive materials were delivered to most polling stations on 16 November. However, due to logistical difficulties, some materials were delivered late, in some cases on Election Day and in isolated cases, after the scheduled opening of the poll, resulting in the late opening of some polling stations. Such delays in opening polling stations were a concern as they were the main cause of voters' agitation at polling stations.

Key procedures for opening and voting

- **Opening**

Prior to the opening of the polls, ballot boxes were displayed to all observers and party agents present to confirm that they were empty. Each of the four ballot boxes was then sealed with four plastic seals and the seal numbers noted in the polling place returns and witnessed by observers and party agents.

- **Voting Steps**

The Polling Centre Queue controller ensured that only voters with ID cards and authorised people entered polling stations; directed voters to the correct

polling station; referred voters who did not have their ID cards to the Enquiry Officer.

Voters with correct ID were then directed to the Voting Identification Officer (VIO); voter's details were verified by the VIO from the Final Voters' Register (FVR); voter signed or marked by thumbprint against the FVR; VIO then directed voter to Ballot Paper Issuer (BPI) (1) for issue of Presidential and Parliamentary ballots.

BPI (1) checked whether voter's finger had been inked; if not, issued Presidential and Parliamentary ballots, validating each of the two ballot papers by stamping at the back on the top right-hand corner; BPI (1) pre-folded the ballot papers, opened them again and explained to the voter in a transparent and impartial manner how the voter should make his or her mark; BPI (1) directed voter to the voting screen to mark the ballot.

The Ballot Box Controller (BBC) (1) ensured that the voter deposited each of the ballot papers in the relevant ballot box (1 for Presidential and 1 for Parliamentary); BBC (1) directed the voter to Ballot Paper Issuer (BPI) (2), to collect the ballot papers for the Mayor/Chairperson and Local Councillor elections. BPI (2) performed the same tasks as BPI (1) except s/he issued Mayor/Chairperson and Local Councillor ballots.

The Ballot Box Controller (BBC) (2) performed the same tasks as BBC (1) as well as marking the left index finger of the voter with indelible ink. The voter then exited the polling station.

Assessment of opening and voting

Overall, Commonwealth observers reported that the actual procedures for opening of the polls were transparent and ran smoothly. However, the process in some polling stations was quite time consuming and led to some agitation amongst voters. In all areas observed, there were lengthy queues in place prior to opening, some voters reported that they had been in the queue for many hours with some even waiting overnight. *For the future, the NEC may consider advising voters that if they plan to vote early, then they should expect lengthy queues.* The observers noted that by mid-afternoon, most queues were non-existent and in many cases, very few or even no voters present after about 1600.

The Group was pleased to note the peaceful atmosphere of the elections and the patience of the people of Sierra Leone. The Group also observed that the turnout was high, that a large proportion of women and young voters, including nursing mothers and persons with disabilities, exercised their franchise and that no violence or intimidation was observed. However, the Group was concerned to hear from other reliable sources of disturbing incidents of violence and intimidation against women at polling stations, and death threats against a senior woman political figure at her home.

In some areas, it was observed that the elderly, the disabled, pregnant women and nursing mothers were not given priority in the queues. *It is recommended the NEC*

makes the necessary procedural changes to rectify this in the future. The Group noted positive steps taken to ensure a gender balance and a preponderance of youth among the ranks of polling officials, including those appointed as Presiding Officers. It was also noted that in some polling stations, disabled persons were employed as polling officials.

In many instances, the Group also observed voter confusion due to the lack of clarity as to whether they should queue in alphabetical order by surname or by the serial number of their Voter ID Card. *The Group recommends that in future, the method of queuing should be consistent across the country and that the voter education campaign should emphasise this.*

Due to the fact that four separate elections were being conducted on the same day, the voting procedures were somewhat more complex than those in the past. This fact, combined with limited voter education and literacy problems in some areas, meant that for many voters, the voting process was lengthy and confusing. The Group observed that some voters were taking up to ten or twelve minutes to complete the process. On this point, our observers were impressed with ability and patience of the polling staff in guiding voters through the process and fully explaining the procedures in detail to those who were not fully aware of the procedures. *Given that voter education commenced very late and appeared to have limited coverage, the Group suggests that for future elections, a comprehensive and wide-reaching voter education programme be developed and implemented well before Election Day.*

At all polling stations observed by the Group, there was obvious but unobtrusive police presence. Other international and local observers and political party agents were also present. In all polling places observed, the National Election Network (NEW) played a significant role in the observation process.

In many polling stations, the physical nature of the premises made it difficult for the polling place layout to conform fully with the guidelines issued by the NEC. However, in all polling stations observed by the Group, processes were put in place by Presiding Officers to ensure as far as possible the secrecy of the ballot.

Whilst the complex nature of the four different ballots, including the multi-member ballot for Councillors, made it difficult for the NEC to provide tactile voting templates for vision-impaired voters, the Group observed that there was a distinct lack of facilities to accommodate the needs of those with disabilities. *We urge the NEC, in consultation with the relevant representative bodies, to provide a more suitable infrastructure at polling stations to rectify this situation.*

On Tuesday 20 November 2012, the Chair, accompanied by some members of the Group, attended a meeting with senior representatives from the SLPP, including the flag bearer, at the SLPP Headquarters in Freetown. At this meeting, the SLPP made several serious allegations concerning alleged fraud and malpractice during the polling, the count and vote tabulation. These allegations included:

- NEC officials providing multiple ballot papers to APC supporters, allowing them to vote several times;

- NEC officials directing voters to vote for specific candidates;
- Security compromises whereby NEC officials observed people voting;
- Changing the results' return to increase the result for the APC Presidential candidate;
- SLPP party agents being forced out of, or denied access to some Tally Centres;
- Intimidation and assault on SLPP party agents in the Western area by State Security personnel and Government Ministers;
- Refusal by NEC officials to give SLPP party agents a copy of the Reconciliation and Result Forms upon conclusion of the count;
- Reports of tampering with 64 ballot boxes in Kono;
- Concerns around a shipment of ballot papers by UNDP charter flight from South Africa. It was alleged that the shipment contained several boxes addressed to London Mining which they suspected contained ballot papers. When the SLPP agents requested that these boxes be opened, their request was denied. The NEC officials advised that they would be opened at a later time and the agents would be advised of that time. However, it was claimed that the advice was not forthcoming and the boxes were opened with no SLPP agents present;
- Reports that party agents were not permitted to accompany polling officials during the movement of ballot boxes from the polling stations to the Tally Centres;

Whilst these allegations are of a very serious nature, the Group was not in a position to investigate and pronounce on these matters. In the meeting with the SLPP, the Group strongly urged the SLPP to urgently bring these allegations to the immediate attention of NEC and to seek to meet as soon as possible with the Chairperson of NEC in order to seek some early response to the issues raised. The Group noted that the Chairperson of NEC responded to these allegations on 21 November 2012.

Vehicle restrictions as a security measure

For security reasons, a restriction was placed on vehicle movements on Election Day. Exceptions to this restriction included vehicles used to transport police, security personnel, accredited observers, media, political parties, candidates, emergency services and, of course, the NEC. The NEC advised that they had made arrangements for buses to be available to transport electors to polling stations where distance or age or infirmity was a problem. The Group noted that the arrangements were far from satisfactory and only observed buses operating in the Freetown area. Up until polling day, there was a lack of clarity as to how the measures would work. Whilst some buses were observed, in general they were few and far between and many voters advised that the wait for buses was often longer than the wait in the queues to vote. Despite the obvious security advantages and contribution to a peaceful atmosphere on Election Day, the lack of regular and reliable transport has the potential to disenfranchise voters, particularly those in rural areas as well as the elderly, the disabled and the infirm. *The Group suggest that the NEC review these arrangements for future elections and ensure that whatever arrangements are put in place are clear and well publicised.*

Key procedures for counting

- **Closing**

Polling stations closed at 1700. However, in some areas where material was late arriving, the group was advised that closing was delayed. The Group also observed one instance where a polling station closed on time at 1700, but it reopened a few minutes later to allow a group of late voters to cast their ballots. However, instances such as these appeared to be exceptions.

- **Closing steps**

Screening – all four ballot boxes were opened to check if any ballot papers were placed in the wrong ballot box during the voting process.

Reunification – any misplaced ballots were placed in the correct ballot box.

Reconciliation – this involved checking that the number of used ballot papers plus the number of unused ballot papers was equal to the total number of ballot papers issued to the Presiding Officer at the commencement of polling.

Sorting – with the exception of ballots for Councillors (where multiple boxes were required to be marked by electors, all ballot papers from each ballot box were sorted by candidate).

Counting – the total votes for each candidate were counted and the results entered in the Reconciliation and Results Form.

During the five stages summarised above, the ballot boxes were opened before the screening process, closed and sealed after the screening process, opened before the reunification process and resealed after the counting process. At all stages, the processes were under the scrutiny of observers and political party agents, with seal numbers being recorded and results entered into the returns witnessed by observers who were signing the results forms. Void (invalid) and spoiled ballots were separately counted and recorded.

Once the counting process was finalised and the results entered into the relevant returns, the results for each polling station were collated for the polling centre and posted outside the premises.

All materials were then packaged as specified in the instructions issued by the NEC and transported to the relevant district office.

Assessment of counting

Overall, the Group was impressed with the openness and transparency of the counting process. However, the steps involved were lengthy and laborious, particularly given that four separate elections were conducted. As the process was not underway in most places until well after 1700, the lack of power in most polling stations meant that the tasks needed to be undertaken by lantern/torchlight/cell phone light. Many polling stations reported not finishing until well into the night, many

as late as midnight. For polling officials, this meant an extremely long day with many working in excess of 18 hours without a break.

In all polling places observed by the Group, the transparency of the process was enhanced by the presence of observers and political party agents. The Group recognises that integrity at all stages of the process, particularly the sorting and counting and recording of the results is paramount to the integrity of the entire voting process. *However, the NEC may wish to review the procedures currently in place to in some way streamline the processes, without compromising transparency and integrity. One area that should be considered is amending the PEA 2012 to provide for polls closing earlier, for example, at 1500 or 1600. We understood that this was contemplated earlier by the NEC but prohibited by the current Act.*

Tabulation of results

At the conclusion of the counting process, the Presiding Officer completed an original and four carbon copies of the Reconciliation and Results Form for each of the four elections. Each copy of this form was sealed in a tamper proof envelope. The original copy of each return was forwarded to the District Election Officer (DEO) via Ward coordinators. The DEOs then forwarded the original copy to the relevant Regional Tally Centre for checking, verification and subsequent data processing using the method of double entry verification. Any results forms requiring further investigation or follow-up were set aside for this purpose.

Assessment of tabulation

The Group observed activity at the respective District and Regional Tally Centres on Sunday 18 November. The general impression was that they were well set up to efficiently handle the processing and tabulation phases of the election. The Regional Tally Centres were fully staffed, including data entry operators for input and double entry and a number of cells for checking and verification of returns or matters that needed to be followed up. The Group were impressed with the openness and transparency of all the processes, the obvious gender balance of the staff employed, including youth and persons with disabilities and the specific area set aside for observer coordination and queries. The centres were well secured by police and other security services and all persons seeking admission to the centres were required to sign in and out and surrender their relevant accreditation whilst present in the centre.

Whilst the Group did not observe any irregularities during their visits to the Tally Centres, we recognise that it is at this stage of the process, adequate security, vigilance and monitoring need to be in place at all times to avoid any possibility of irregularities.

Chapter 7

Conclusions and Recommendations

The 2012 National and Local Council Elections were to consolidate the democratic gains made since the end of the civil war in 2002. These elections were the third conducted since 2002 and, significantly, the first which Sierra Leone had administered itself.

Key findings

- The high turnout and enthusiasm of voters, especially women and youth, was impressive.
- At polling stations and tally centres, the staff seemed impartial, helpful and organised. A large number of women and youth served as polling officials on Election Day.
- Some polling stations did not open on time due to late delivery of materials. This led to initial overcrowding. However, we observed that at almost all stations, voters were processed within the allotted time.
- Security was provided by the police, who were visible at all polling stations. They seemed to conduct themselves professionally and discreetly.
- Voter education was insufficient and appears to have been initiated late.
- On Election Day, restrictions on the movement of vehicles were put in place. This contributed to the overall calm. However, these restrictions disadvantaged some sectors of the population, particularly the elderly and those with disability.
- The Campaign was free and robust. Despite ten political parties participating in the elections, competition was largely between the two established parties, APC and SLPP.
- The issue of a level playing field remains a concern. This was particularly evident in the widespread use of money and goods to influence voters; openly partisan media conduct; and the use of state resources for campaigning.
- There is full freedom of the press. However, the group noted that most of the media was openly politically aligned and largely ignored the Media Code of Practice.
- There was a significant increase in nomination fees for candidates as compared to the 2007 elections. This proved controversial. Although the state intervened by subsidising the fees for this election, it remains a pending issue.

- The Campaign and elections were remarkably peaceful, although there were some incidents of violence and intimidation. Of particular concern were the intimidation and attacks directed against three prominent women from the opposition on Election Day.
- Women have played an active and influential role in most sectors of society in Sierra Leone. However, the number of women candidates in these elections was low and this disparity is striking.
- The Women's Situation Room was an innovative monitoring project, which allowed voters and observers to report issues of concern which were then forwarded to the NEC and police. They particularly highlighted gender issues in this election.
- On Election Day, large numbers of domestic observers from a diverse range of civil society organisations were present. The National Elections Watch, in particular, posted observers in every polling station throughout the country. Their Citizens' Situation Room provided independent and regular updates, and they compiled a comprehensive database on the election.
- The Public Elections Act 2012 has consolidated all electoral laws for the first time; this is an important development.
- For the first time, a new biometric registration system was introduced. Despite some initial technical problems, this has improved the efficiency and transparency of the voter registration process.

Recommendations

Women and Youth

- Introduce legislation that allows for quotas to be set for women and youth, to increase their numbers in Parliament and Local Councils.

Legal Framework

- Review the Public Electoral Act 2012 and identify areas where amendments may be necessary to further strengthen the electoral process.
- To alleviate concerns regarding the secrecy of the vote, the serial number should be removed from the ballot paper. However for accounting purposes the serial number should remain on the counterfoil.
- Amendments should be made to provide for the continuous registration, updating, and maintenance of the Voters' Register.
- The NEC to put in place a consultative process with political parties and other stakeholders, including women, youth and disability groups, to arrive at a reasonable nomination fee before the next electoral cycle.

Campaign

- Strengthen existing provisions in Public Electoral Act 2012 which limit the use of state resources for campaigning.
- Establish a regime that regulates campaign expenditure.
- Allow for greater participation of new and emerging parties by establishing a system of state funding for political parties.

Media

- The IMC should be empowered to enforce strict adherence to the established Media Code of Practice for all media.
- Freedom of Information Bill should be passed into legislation.
- Concerted measures should be taken to ensure that journalists are adequately trained in political and election coverage.

Voting

- A comprehensive and wide-reaching voter education programme should be developed and implemented well in advance of polling day.
- The NEC, in consultation with relevant representative bodies, should provide a more suitable infrastructure at polling stations to provide for the aged and persons with disability.
- We suggest that the NEC assesses the impact of vehicle restrictions on vulnerable groups for future elections.
- As originally proposed by the NEC, poll closure should be brought forward to allow counting to start early.
- The NEC needs to clarify arrangements regarding party agents accompanying the vehicles transporting the election material after the count at the polling stations.
- Review the length of time between completion of vote tabulation and the announcement of results.

Annexes

Annex 1 – Biographies of COG Members

Mr Olara Otunnu (Uganda) – Chair

Mr Otunnu has extensive experience in international security, conflict management, United Nations, development and he is a prominent advocate for human rights. Currently, Mr Otunnu serves as the President of the Uganda People's Congress and the President of LBL Foundation for Children.

Mr Otunnu has held several prominent positions including UN Under-Secretary General; President of the UN Security Council; President of the International Peace Academy; Chairman of UN Commission for Human Rights; Ambassador of Uganda to the United Nations; Minister of Foreign Affairs. Mr Otunnu has taught at Albany Law School in the US and American University in Paris.

Mr Otunnu has received several major International awards, including Germany Africa Prize; Sydney Peace Prize; Harvard Law School Association Award and Global Award for outstanding contribution to Human Rights (India). Mr Otunnu was educated at Gulu High School, Kings College Budo, Makerere University, Oxford University and Harvard Law School.

Mr Paul Dacey (Australia)

Paul Dacey was a career Public Servant in Australia for 40 years. He spent the last 28 years in senior positions in the Australian Electoral Commission (AEC) and held the post of Deputy Electoral Commissioner from 2000 until his retirement in December 2011. In this position, his functions included management and oversight of the AEC's wide reaching international assistance program.

Mr Dacey has served on many overseas electoral missions, including South Africa, Indonesia, East Timor, Papua New Guinea, Solomon Islands, Fiji and Thailand. He has represented the Commonwealth and the United Nations on several occasions, including at workshops and conferences focusing on electoral management.

In 2006, Mr Dacey held the office of Vice Chair of the International Mission for Iraqi Elections.

Mrs Martha Sayed (Botswana)

Mrs Martha Sayed joined the Botswana Independent Electoral Commission in 1999 having served the public service for years as a human resources practitioner. Currently the Deputy Secretary to the Independent Electoral Commission with responsibility for ensuring that electoral administrative activities in the form of

preparations for polls, training of poll staff, registration of voters, and procurement of materials are planned and budgeted for.

Mrs Sayed has extensive experience in election observation that she has carried in countries within Southern and West Africa, Asia and Europe.

These observations were under the auspices of the African Union, Commonwealth Secretariat, Electoral Institute of Southern Africa (EISA), the United States of American Embassy in Botswana and the Needs Project in Brussels.

Ms Pauline Welsh (Jamaica)

Pauline Welsh is the Director of Legal Affairs, Research and Development at the Electoral Commission of Jamaica. She has been involved in electoral management and administration at senior management level for nearly 18 years. She is also responsible for training at the Electoral Commission of Jamaica and has been involved in several initiatives to promote democracy and electoral reform within Latin America and the Caribbean. Ms Welsh has participated in several observation missions through CARICOM and the Organisation of American States (OAS). Ms Welsh has also undertaken initiatives at national level to further the participation of women in politics by engaging in interventions to promote electoral education amongst women through collaborating with the Jamaican Women's Political Caucus.

Prior to joining the Electoral Commission of Jamaica, Ms Welsh served as Director of Field Investigation for the titling of several parcels of government land. Ms Welsh holds a post graduate degree in Law and Diplomas in Management Studies.

Ms Jane Godia (Kenya)

A Gender and Media expert in Nairobi Kenya, Ms Godia spent 17 years working with The Standard Media Group in Nairobi as an Editor and Deputy Managing Editor. She joined civil society and has been keen on working around issues that advocate for gender equality especially human and women's rights. Ms Godia is currently working with African Woman and Child Feature Service as Chief Editor.

Ms Godia has been keen on the issue of women and elections, especially in working with them on how to get visibility through media. She has trained women leaders on how to get visibility during electioneering periods and especially how to deal with the media, as well as working with women on how they can be peace champions during election time to help promote free, fair and peaceful elections.

Ms Godia has also been training journalists on peace and conflict-sensitive reporting as well as gender-sensitive reporting. This is her second election observer mission.

Ms Godia sits on the steering committee of the Kenya Media Programme and is a member of the Scientific and Ethics Committee of African Medical Research Institute (AMREF).

Councillor Justus Kangwagye (Rwanda)

Councillor Justus Kangwagye is the Mayor of Rulindo District in the Republic of Rwanda. He was re-elected for his second term of office in March 2011. He is a board member of the Commonwealth Local Government Forum and President of the Rwandese Association for Local Government authorities. He is a Commissioner in the East Africa Local Government Authorities (EALGA).

Councillor Kangwagye has held various positions in Government having served as the Provincial Executive Secretary in 2005. He has also served as the Director of Governance and Social development for the City of Kigali.

He holds a Bachelor's Degree in Public Administration from the National University of Rwanda and a diploma in Education.

Mr Kangwagye was among the eminent speakers at the Brussels European Day for People with Disabilities in December 2010. In May 2012 he was a guest speaker at Aurora Community College in USA.

Mr Andrew Simmons (St. Vincent and the Grenadines)

Mr Andrew Simmons is the Executive Director for his consultancy business, Kingshill Development Solutions (KDS). He is currently a consultant with the Nature Conservancy (TNC) working on enhancing the institutional capacity of the NISP, a component of the National Parks, Beach and River Authority. He worked at the Commonwealth Secretariat in London as the Deputy Director of Youth Affairs Division at CYP Pan-Commonwealth Office in London, UK (1997-2006).

Prior to his employment at the Commonwealth Secretariat he worked for the government of St Vincent and the Grenadines as Director of Community Services in the Ministry of Housing and Community Services with responsibility for spearheading government's poverty eradication and social development programmes (1990-97). Mr Simmons is the founder of JEMS (1978) and co-founder of the Caribbean Youth Environment Network (CYEN, 1990) and the Caribbean Federation of Youth (CFY 1986).

He possesses over 30 years of experience working on socio-economic development and environmental issues in St Vincent and across the Caribbean region. He is an ardent community development and environmentalist in practice and received global recognition and numerous awards for his achievements in the field. These prestigious international environment awards include the UN 'Global 500 Award' (1989), the Goldman Environmental Prize (1994), listing of his biography in Marques Special Millennium Publication on 'Who's Who in Science and Engineering' (2000) and the UN Award for his contribution to the development of Small Island Developing States (2005).

Ms Rita Payne (United Kingdom)

Rita Payne is President of the Commonwealth Journalists Association. She is also Editorial Director of Global Magazine (a quarterly magazine that covers international affairs), a freelance journalist and media adviser – Rita Payne Media. Rita also writes for the travel and tourism website, ETurboNews and other publications. She is regularly invited to speak at public meetings or on TV and radio on topical issues. She was a moderator and speaker at the 2012 Rotary World Peace Symposium in Bangkok in May 2012. She chaired key dialogues at the UN World Forum in Rio de Janeiro in March 2010 and Nanjing in 2008. She was a member of the Commonwealth Election Observer Mission to the Solomon Islands in 2010. Rita worked for nearly 30 years at the BBC until her retirement in 2008. Her last position at the BBC was Asia Editor, BBC World News (TV) with responsibility for three news programmes a day. Before moving to TV, Rita was a news editor, producer, presenter at BBC World Service Radio. She was nominated for the BBC Global Reith Awards 2009 and Asian Women of Achievement Awards 2006. She was born in Assam, India.

Mr Dennis Ngosa (Zambia)

Mr Ngosa Dennis is the Commonwealth Youth Representative from Zambia. He is also a member of the Commonwealth Youth Sub-committee on Human Rights and Democracy. Mr Ngosa has been involved as a youth and human rights activist since 2005. He is currently working with the Zambia Episcopal Conference as the National Youth Programme Coordinator and Advocate Officer.

He has participated in many International Youth Programmes. His work includes responding to Government policy initiatives and providing training and support for youth and community organisations on how to integrate a global dimension into their work, and advising international NGOs on how to develop informal education programmes with young people. He is also a Board Member of the Zambia Scouts Association.

Commonwealth Secretariat Support Team

Mr Linford Andrews, Head of Office, Office of the Deputy Secretary-General - Team Leader

Ms Clara Cole, Political Affairs Officer, Political Affairs Division

Ms Victoria Holdsworth, Communications Officer, Communications and Public Affairs Division

Ms Diane Mensah-Bonsu, Interim Political Affairs Officer, Political Affairs Division

Ms Zippy Ojago, Executive Officer, Political Affairs Division.

Annex 2 – Arrival Statement by Mr Olara Otunnu

I am pleased to confirm that the full complement of the Commonwealth Observer Group, (COG) has now arrived in Sierra Leone and has formally begun its mission.

The Commonwealth Observer Group is here in response to the invitation of the National Electoral Commission of Sierra Leone to observe the National and Local Council Elections scheduled for 17 November 2012.

On receipt of the invitation, the Secretary-General dispatched an Assessment Mission in September 2012 to consult with the political parties, officials of the National Electoral Commission as well as civil society, to assess the political environment and determine whether there was broad consensus for our presence in the country. Having been satisfied that all conditions were met, the Secretary-General constituted and dispatched this mission to Sierra Leone.

The Commonwealth has a long standing engagement with Sierra Leone dating back from 1999. The Secretariat established a Task Force on Sierra Leone to ensure a comprehensive and focused package of assistance to the country in the immediate post-war environment. The Secretariat was part of negotiations for the Lomé Peace Agreement, to which the Commonwealth was a moral guarantor.

The Commonwealth observed the 1996 and 2002 General Elections, the 2004 Local Government Elections and the 2007 Presidential and Parliamentary elections. The Commonwealth also deployed an Expert Team to Sierra Leone to observe the July 2008 Local Government Elections.

On-going Commonwealth support to Sierra Leone includes capacity-building to strengthen the police force, judiciary, diplomatic corps and youth sectors. Assistance is currently being provided in improving debt management and recording, establishment of the Stock Exchange, maritime boundary delimitation, trade capacity building and customs modernisation.

Additionally, the Commonwealth Secretariat seconded a staff member to the office of the President as Chief of Staff. His role encompasses the monitoring and implementation of the Agenda for Change – encompassing development priorities identified by the Sierra Leonean government.

Sierra Leone is amongst the largest recipients of technical assistance from the Commonwealth Fund for Technical Co-operation (CFTC).

The Commonwealth Observer Group will carry out its duties in accordance with the standards expressed in the Declaration of Principles for International Election Observers and its accompanying Code of Conduct for International Election Observers. We will be impartial, objective, professional and respectful throughout this exercise.

The team intends to observe and evaluate the pre-election process, the election process itself and the post-election process. Apart from meeting with officials managing the elections and representatives of political parties, we will also be holding discussions with the NGO community, civil society groups, the media, youth and other relevant groups.

We will deploy to various parts of the country on 15 November. We intend to establish links and co-operative arrangements with other observer groups, especially during the period of observation.

We will return to Freetown after the elections and issue an interim statement commenting on the process of the election based on the reports of our observers. We will then draft a full report, which we will submit to the Commonwealth Secretary-General, who will forward it to the Government of Sierra Leone, the Chairperson of the National Electoral Commission of Sierra Leone, the leadership of the political parties and thereafter to all Commonwealth Governments.

While each of us has been selected to participate in this mission on the basis of experience and professional expertise, we do not represent the countries from which we have come or any of the professional or national organisations to which we belong. We are here solely as citizens of the Commonwealth.

In our final report, we may propose to the appropriate authorities, recommendations for change on institutional, procedural and other matters as would assist the holding of future elections.

We look forward through this mission to making a useful contribution to the strengthening of democracy in Sierra Leone.

Freetown, 14 November 2012

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Annex 3 – Interim Statement by Mr Olara Otunnu

In spite of the shortcomings noted here, our overall conclusion is that the organisation and conduct of these elections has met international standards and benchmarks for free and transparent multi-party elections.

Following an invitation from the Government of Sierra Leone, Commonwealth Secretary-General, Kamallesh Sharma, constituted an Observer Group, which has been present in the country since 11 November. I am honoured to have served as Chair of the Group. During our time here, we have met the National Electoral Commission, representatives of political parties, civil society, media, the police, the diplomatic community as well as other national and international observers.

Commonwealth teams were based in Bo, Bombali, Kenema and Kono as well as in the capital, Freetown. Our teams observed the voting, counting, and continue to follow the tabulation. We also met with electoral officials, the security services, observers and other stakeholders at District level.

The Group was tasked with observing the election period, including the results process. We will issue a Final Report with conclusions and recommendations at a later stage.

Our presence during these elections reaffirms the Commonwealth's long-standing engagement with Sierra Leone.

The Commonwealth Observer Group carried out its duties in accordance with the standards expressed in the Declaration of Principles for International Election Observers and the Code of Conduct for International Election Observers.

The 17 November 2012 elections in Sierra Leone were the third conducted since 2002 and the first elections Sierra Leone has organised itself. They were also the first time that four elections were conducted simultaneously and a new Voters' Register was introduced by the National Electoral Commission, capturing biometric data.

Key Findings

Polling Centres

- In general, voting was peaceful and orderly.
- We observed early and high turnout of voters, with a predominant presence of women and youth.
- Some polling stations did not open on time due to late delivery of election materials. Almost all these stations were however able to process voters within the allotted time.
- In general, we observed that polling stations closed on time with few voters remaining in the queue at 1700. However, at one polling station, our observers witnessed the reopening of the station after the initial closure at 1700.
- Inconsistencies in administrative arrangements, such as whether to organise voters according to their identification serial numbers or alphabetically, produced some initial confusion and delay.
- Although some polling centres were crowded at the start of the day, in general, the layout of the stations provided for a smooth processing of voters and secrecy of the ballot was assured.
- Arrangements for those with special needs and disability were not always implemented.
- In general, polling officials managed the stations well and were conscientious and impartial. Where there was uncertainty, we observed officials consulting guidelines or phoning the National Electoral Commission.

Vehicle Restrictions

- On Election Day, police imposed restrictions on the movement of vehicles. There is consensus that this contributed to the peaceful conduct of elections.
- Most voters walked to their polling stations. Buses intended to transport voters were few and late.
- We are concerned that this arrangement disadvantaged some sectors of the population, particularly the elderly and those with disability.

Security

- Police were present at all polling stations the Group visited. They carried out their work discreetly and supportively.

Voter Education

- Voter education was inadequate and appears to have been initiated late. Most voters seemed to have received the necessary information from officials on Election Day at polling stations.

Counting and Tabulation

- Counting was methodical, transparent, but slow. The Group continues to observe the ongoing tabulation process.

The Campaign

- Campaigning was free and robust.
- The Group received allegations about the use of state resources for campaigning. We also received reports that the campaign calendar was not fully respected.
- We received reports that money and goods had been used to influence voters, particularly the youth.

The Media

- The Group observed that, with some notable exceptions, most of Sierra Leone's media was openly partisan.
- Our observers noted that the Independent Radio Network provided impartial news and information on the election.

Political Parties

- Although nine parties participated in the election, it is notable that the campaign, as well as provisional results, has been dominated by the two established political parties, the All People's Congress and the Sierra Leone People's Party.
- Emerging parties drew attention to the issue of an unequal resource base.

Nomination Fees

- The significant increase in nomination fees for candidates was controversial. In spite of the short-term subsidy, this remains a concern.

Women and the Election

- The number of women candidates was low and gender disparity remains a concern.
- There were some disturbing incidents of intimidation and violence against women at polling stations.
- The Women's Situation Room is an innovative monitoring exercise. Their operations centre in Freetown allowed voters and observers to call in and log issues of concern. Reports of these incidents were then immediately forwarded to the National Electoral Commission and to the police. The Women's Situation Room also brought focus on gender issues.

National Observers

- The Group was impressed by the fact that there were many national observers from a diverse range of civil society organisations, who were highly visible on Election Day.
- In particular, the role played by the National Elections Watch was significant. Their Citizen Situation Room provided accurate and regular updates, and is compiling a comprehensive database.

Conclusions

- Our overall conclusion is that the organisation and conduct of these elections has met international standards and benchmarks for free and transparent multi-party elections.
- In spite of some of the shortcomings noted in this statement, it is our considered view that the magnitude of these shortcomings has not materially affected the integrity of the process to date.
- We urge all concerned to ensure that the transparent and peaceful character of the electoral process witnessed thus far will continue to inform the remainder of this exercise.

- We appeal to all the people of Sierra Leone to observe the highest level of responsibility and restraint until the end of the process and the official announcement of results.
- The Commonwealth Observer Group sees this as an opportunity to further consolidate democratic gains, to strengthen the peace which has been achieved and to continue on the path of social and economic recovery in Sierra Leone.
- We congratulate the people of Sierra Leone for ensuring peaceful and transparent elections so far. This is a remarkable achievement. We hope this spirit and conduct will continue until the end of the process.

Freetown, 19 November 2012

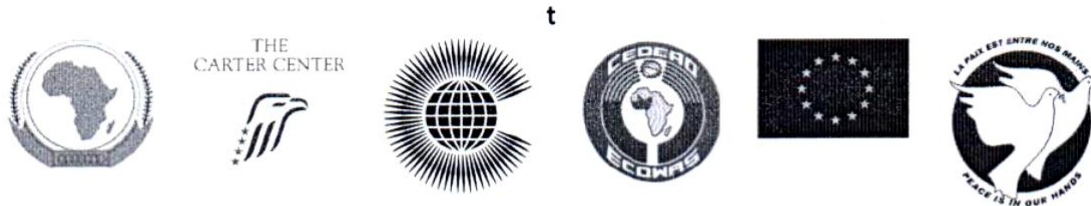
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Annex 4 – Joint Statement by Other Election Observer Missions



Joint Statement by the African Union (AU), Carter Center, Commonwealth, Economic Community of West African States (ECOWAS), European Union (EU) and Women's Situation Room (WSR) Election Observer Missions on the 2012 Sierra Leone National and Local Council Elections

Freetown, 21 November 2012

The Election Observer Missions of AU, Carter Center, Commonwealth, ECOWAS, EU and WSR to the 2012 Sierra Leone National and Local Council Elections, headed by His Excellency Dr Amos Sawyer, His Excellency Rupiah Banda, Mr Olara Otunnu, Air Vice-Marshal Christian Edem Dovlo, Mr Richard Howitt (MEP) and Ms Barbara Bangura respectively, have observed the voting and counting process across all 14 districts of the country.

We are pleased that the voting and counting took place largely in an atmosphere of peace and transparency and that the people of Sierra Leone demonstrated strong commitment to their democratic process by turning out in significant numbers to cast their vote in a peaceful manner.

We call on all stakeholders of the Sierra Leone electoral process to ensure that this peace and transparency continues to inform the remainder of this process. We further call on political party leaders to encourage their supporters to conduct themselves with the highest responsibility.

We urge all electoral stakeholders to respect the official election results announced by the National Electoral Commission with serenity and in full respect of the Constitution of Sierra Leone and the democratic process. In this regard, we appeal to all political parties and candidates that have concerns to follow the legal process laid down in the Constitution and the Electoral Code for the resolution of any disputes related to the electoral process.

A special responsibility lies with the political leaders of Sierra Leone to continue to abide by their pre-election commitments to peace.

Annex 5 – Deployment Plan

TEAM	DISTRICTS (AREA)	NAMES
1	Western Area Urban (Freetown - West)	Chair – Mr Olara Otunnu (Uganda) Linford Andrews Victoria Holdsworth Zippy Ojago
2	Western Area Rural (Freetown - East)	Ms Pauline Welsh (Jamaica) Ms Clara Cole
3	Bo District (Bo City)	Mr Paul Dacey (Australia) Ms Jane Godia (Kenya)
4	Bombali District (Makeni City)	Mrs Martha Sayed (Botswana) Mr Andrew Simmons (St Vincent and Grenadines)
5	Kenema District (Kenema City)	Mr Justus Kangwagye (Rwanda) Ms Rita Payne (UK)
6	Kono District (Koidu City)	Mr Dennis Ngosa (Zambia) Ms Diane Mensah-Bonsu



COMMONWEALTH

NEWS RELEASE

12/80

7 November 2012

Annex 6 – Commonwealth News Release Announcing Observer Group Composition

ANTIGUA AND BARBUDA
AUSTRALIA
THE BAHAMAS
BANGLADESH
BARBADOS
BELIZE
BOTSWANA
BRUNEI DARUSSALAM
CAMEROON
CANADA
CYPRUS
DOMINICA
*FIJI
THE GAMBIA
GHANA
GRENADA
GUYANA
INDIA
JAMAICA
KENYA
KIRIBATI
LESOTHO
MALAWI
MALAYSIA
MALDIVES
MALTA
MAURITIUS
MOZAMBIQUE
NAMIBIA
NAURU
NEW ZEALAND
NIGERIA
PAKISTAN
PAPUA NEW GUINEA
RWANDA
ST KITTS AND NEVIS
ST LUCIA
ST VINCENT AND THE GRENADINES
SAMOA
SEYCHELLES
SIERRA LEONE
SINGAPORE
SOLOMON ISLANDS
SOUTH AFRICA
SRI LANKA
SWAZILAND
TONGA
TRINIDAD AND TOBAGO
TUVALU
UGANDA
UNITED KINGDOM
UNITED REPUBLIC OF TANZANIA
VANUATU
ZAMBIA

Former Ugandan Foreign Minister Olara Otunnu to lead Commonwealth Observer Group for Sierra Leone Elections

The Commonwealth will observe Sierra Leone's National and Local Government Elections on 17 November 2012. Former Ugandan Foreign Minister Olara Otunnu will lead the Commonwealth Observer Group, which will be made up of nine observers, supported by five Commonwealth Secretariat staff.

Mr Otunnu, a former United Nations Under-Secretary-General and Special Representative for Children and Armed Conflict, will arrive in the capital, Freetown on 11 November.

Commonwealth Secretary-General Kamallesh Sharma constituted the Observer Group at the invitation of the Government of Sierra Leone.

'The Commonwealth has a long history of engagement in Sierra Leone, and our presence on the ground confirms our commitment to strengthening democracy in the country,' Mr Sharma said.

These elections will be Sierra Leone's third since its decade-long conflict ended in 2002. The Commonwealth also observed elections in the country in 2002 and 2007.

The Commonwealth Observer Group's mandate is to observe and consider all aspects of the election process and assess compliance with the standards for democratic elections to which Sierra Leone has committed. Where appropriate, the Group may also make recommendations for the future strengthening of the country's electoral framework.

The Observer Group is impartial and independent and will conduct itself according to the standards of the Declaration of Principles for International Election Observation, to which the Commonwealth is a signatory. It will submit its report to the Commonwealth Secretary-General, who will in turn send it to the Government of Sierra Leone, the National Electoral Commission of Sierra Leone, political parties and eventually to all Commonwealth governments.

The Commonwealth Observer Group is expected to arrive in Sierra Leone on 9 November and to stay in the country until 25 November.

Staff Team Leader

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COMPOSITION OF THE GROUP

CHAIR: Mr Olara Otunnu
Former Ambassador of Uganda to the United Nations
Uganda

Mr Paul Dacey
Former Deputy Electoral Commissioner
Australia

Ms Martha Sayed
Deputy Secretary, Independent Electoral Commission
Botswana

Ms Pauline Welsh
Director of Legal Affairs, Electoral Office
Jamaica

Ms Jane Godia
Media and Gender Expert
Kenya

Councillor Justus Kangwagye
Mayor, Rulindo District
Rwanda

Mr Andrew Simmons
Development Consultant
St Vincent and the Grenadines

Ms Rita Payne
Media Expert
United Kingdom

Mr Dennis Ngosa
National Youth Coordinator
Zambia

Annex 7 – List of Organisations Consulted by the Commonwealth Observer Group

National Electoral Commission (NEC)
Inspector General of Police
Independent Media Commission (IMC)
Political Parties Registration Commission (PPRC)

International Community

Africa Governance Initiative
African Union
Commonwealth High Commissions
 -Ghana
 -Nigeria
 -United Kingdom
Department for International Development (DFID)
Economic Community of West African States (ECOWAS)
Embassy of the United States of America
European Union Electoral Observer Mission
Guinea Embassy
Independent Foundation for Elections System (IFES)
National Democratic Institute (NDI)
West African Women’s Election Observation (WAWEO)

Political Parties

All People’s Congress (APC)
Citizens Democratic Party (CDP)
Peace and Liberation Party (PLP)
People’s Democratic Party (PDP)
Revolutionary United Front (RUF)
Sierra Leone People’s Party (SLPP)
United National People’s Party (UNPP)

Civil Society

Campaign for Good Governance
Centre for Coordination of Youth Activities (CCYA)
Human Rights Commission of Sierra Leone
Mano River Union Women Parliamentary Network (MARWOPNET)
National Election Watch (NEW)
Network Movement for Justice and Development
Search for Common Ground (SFCG)
Sierra Leone Union for Disability Issues

Women's Peace Network
50/50 Group of Sierra Leone

Media

Africa Independent Television
Al Jazeera
Awoko Newspaper
BBC - Focus on Africa
BBC Media Action Trust
Guild of Editors
Independent Media Commission
Independent Radio Network
Politico
Radio Democracy
Radio France International
Sierra Leone Association of Journalists (SLAJ)
Sierra Leone Broadcasting Corporation (radio)
Sierra Leone Broadcasting Corporation (television)
Star Radio
Voice of America

Declaration of Principles for International Election Observation

The Commonwealth Secretariat is a signatory to both the Declaration of Principles for International Election Observation and the associated Code of Conduct for International Election Observation Missions, which were commemorated on 27 October 2005 at the United Nations in New York.

Commonwealth Observer Groups are organised and conducted in accordance with the Declaration and Commonwealth Observers undertake their duties in accordance with the Code of Conduct.