

**SIERRA LEONE
PRESIDENTIAL AND PARLIAMENTARY
ELECTIONS**

11 August 2007

AND

RUN-OFF PRESIDENTIAL ELECTION

08 SEPTEMBER 2007

**Report of the
Commonwealth Observer Group**



Commonwealth Secretariat

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Commonwealth Observer Group

Sierra Leone General Election, 11 August 2007

18 August 2007

Dear Secretary General,

Following your invitation to observe the 2007 Presidential and Parliamentary Elections in Sierra Leone, we have now completed our report and are pleased to submit it to you.

This has indeed been a landmark election in the history of Sierra Leone. We depart Sierra Leone today in the knowledge that the results process is yet to be finalised. We hope that our call for the timely and speedy release of results will be heeded, to inspire greater confidence in the electoral process.

The Group has been deeply impressed by the National Electoral Commission's professional competence, fairness, efficiency, and transparency in its preparation and conduct of the elections. We commend the people of Sierra Leone for their passion and commitment to the principles of democracy and a peaceful democratic process. We call upon the Commonwealth Secretariat and other pan-Commonwealth institutions to continue to support Sierra Leone's post-conflict reconstruction process.

We appreciate the opportunity given to us to observe these elections in the hope that the conclusions and recommendations we have highlighted will contribute towards the strengthening of democracy in Sierra Leone. As we stated in our Interim Statement, "it is for the people of Sierra Leone and their friends in the international community to nourish the democratic will and aspirations so evident in these elections".

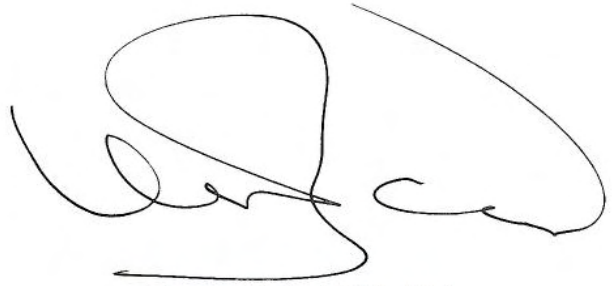
Kenny D. Anthony

Dr The Hon. Kenny D. Anthony
Chairperson

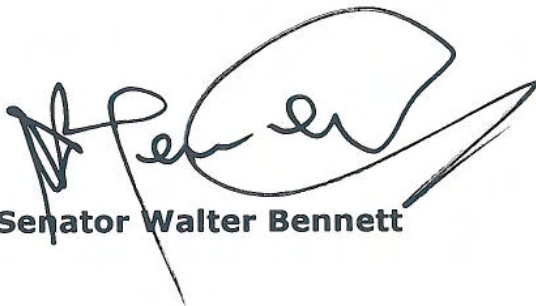
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Chapter One

INTRODUCTION

INVITATION AND ASSESSMENT MISSION

Following an invitation from the National Electoral Commission (NEC) to the Commonwealth Secretary-General to observe the 2007 Presidential and Parliamentary elections in Sierra Leone, the Commonwealth Secretary-General sent an Assessment Mission to Sierra Leone from 21 to 26 May 2007, in line with the guidelines adopted by Commonwealth Heads of Government in 1991.

The Assessment Mission was mandated to determine whether the major political parties and civil society were broadly supportive of the presence of Commonwealth observers; and also, whether the observers would have full access to polling and counting stations and generally be able to pursue their tasks.

The Assessment Mission met with the NEC, who provided the necessary assurances on access to polling and collating/tabulating stations, with representatives of political parties and civil society, and with Commonwealth High Commissioners and other international partners. The Mission also briefed all concerned on the way in which such an Observer Group would work. The Mission concluded that there was 'broad support' for the presence of Commonwealth Observers and that the Group would be able to fulfil its mandate freely.

The Commonwealth Secretary-General therefore decided to constitute a Commonwealth Observer Group and on 18 July 2007 wrote to the Chairperson of the NEC, Dr Christiana Thorpe, informing her of his decision. The Group consisted of eight Observers, led by Hon Dr Kenny D. Anthony, former Prime Minister of St. Lucia and was supported by five Commonwealth Secretariat staff (biographies of members of the Group are attached at *Annex One*).

TERMS OF REFERENCE

The Terms of Reference of the Group were as follows:

"The Group is established by the Commonwealth Secretary-General at the request of the Electoral Commission of Sierra

Leone. It is to observe relevant aspects of the organisation and conduct of the General Elections which are scheduled to take place on 11 August 2007, in accordance with the laws 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 Sierra Leone 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 and shall conduct itself according to the standards expressed in the International Declaration of Principles to which the Commonwealth is a signatory. 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. In its Final Report, the Group is also free to propose to the authorities concerned recommendations for change on institutional, procedural and other matters as would assist the holding of future elections.

The Group is to submit its report 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 taking part in the elections and thereafter to all Commonwealth Governments."

ACTIVITIES OF THE GROUP

One member of the Group, Dr Kwadwo Afari-Gyan, travelled to Sierra Leone ahead of the main Group to act as an 'Advance Observer'. He began his work on 21 July 2007. By 02 August 2007, all the observers had arrived in Freetown. An Arrival Statement was issued at a press conference at the Cape Sierra Hotel in Freetown on 04 August 2007 (see *Annex Two*).

Over a period of five days, the Group was briefed by the Advance Observer, the NEC, political parties, civil society and media organisations, the Human Rights Commission, domestic observers, representatives of women, youth and the disabled. The Group also met Commonwealth High Commissioners and representatives of other international organisations. Various members of the Group

met with the Lord Chief Justice, the Sierra Leone Labour Congress and observed the final rallies in Freetown prior to polling day. A list of organisations which the Group consulted is at *Annex Three*.

On 09 August 2007, the observers were deployed across the country, in six teams (see *Annex Four* for the deployment plan). On 10 August one member of the Group, Mr Joseph Dena, had to return to his home country for personal reasons. The Chairperson and the leader of the staff support team, Prof Ade Adefuye, were based in Freetown and covered both Western and Eastern Districts. Observation Notes and Checklists were issued to the teams to assist them in their task.

Soon after arrival at their places of deployment, the teams visited the police, district election officials, and other local officials and stakeholders. They familiarized themselves with their area of deployment; observed the final stages of the campaign, including rallies; saw the transportation, storage and delivery of polling materials and met with members of the general public.

On polling day – Saturday 11 August 2007 – members of the Group observed the polling in several polling stations across the country. Group members witnessed the opening and closing, as well as the counting and declaration process in a sample of polling stations in their areas of deployment. The Group also observed the tallying and announcement of provisional results at the National Tally Centre in Freetown.

On Sunday 12 August 2007, members of the Group re-convened in Freetown for a debriefing session and began to prepare their report to the Commonwealth Secretary-General. Later in the day, following consultations with members of the Group, the Chairperson issued an Interim Statement (see *Annex Five*).

Having finalized their Report, members of the Group issued a Departure Statement in Freetown on 18 August 2007 (see *Annex Six*).

Due to the constitutional requirement of a run-off election where no candidate obtains the 55% majority of votes cast in the first round of elections, the Commonwealth Secretary-General constituted a team to observe the Presidential run-off election in Sierra Leone, held on 8 September 2007. The team consisted of two of the Observers from the Commonwealth Observer Group of 11 August, Dr Kwadwo Aferi-Gyan and Judith Thompson, and was supported by three Commonwealth Secretariat staff lead by the Secretary-General's Special Adviser for Africa, Professor Ade Adefuye.

A copy of the team's report follows on page 42, immediately after the 11 August 2007 Observer Group report.

Interaction with other Observer Groups

During our various briefings in Freetown, and while on deployment, the group met with other key observer groups from both the international and local communities. These ranged from bilaterals, general briefings and roundtable discussions to information exchanges. The observer groups included the African Union (AU), ECOWAS, European Union Electoral Observer Mission (EU-EOM), National Democratic Institute for International Affairs (NDI) and West African Civil Society Forum (WACSOF); as well as domestic observers from National Election Watch (NEW) and the Council of Churches of Sierra Leone (CCSL).

On Sunday 12 August Hon Dr Kenny D. Anthony 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 AU, ECOWAS and NDI. The observer missions exchanged views on the conduct of the election.

Chapter Two

THE POLITICAL ENVIRONMENT

The 2007 Presidential and Parliamentary Elections were landmark elections in Sierra Leone. Three reasons are suggested for this. Firstly, for the first time since independence the outcome of the elections would pave the way for the transfer of political power from one elected civilian government to another. Secondly, candidates would be elected to Parliament on the basis of a constituency-based first-past-the-post system, common in many countries of the Commonwealth. This system, which was in existence prior to independence and, immediately thereafter, was subsequently 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. It was widely felt that a return to the first-past-the-post system would strengthen political accountability and lead to more intense campaigning among political parties and their candidates. Thirdly, the elections provided an opportunity to test the ability of Sierra Leone to live peacefully within a system of electoral politics premised on respect for human rights, peace, stability and competitive party politics. Indeed, this was the first election held since the end of the civil war without the presence of UN peacekeepers.

These factors should be seen against some background features:

Firstly, in 2004, the Truth and Reconciliation Commission had made recommendations to promote national cohesion and there were real issues about how much the Government succeeded in implementing any of these.

Secondly, a Special Court was established to try, *inter alia*, those who were alleged to have committed crimes against humanity. In the months preceding the election, it returned convictions on civil war leaders from both sides, thus sending out a clear message that leaders cannot commit crimes against humanity with impunity. A tangential consequence of earlier court business was the linking of the Sierra Leone People's Party (SLPP) Presidential candidate Solomon Berewa, with the arrest by the Court of pro-Government militia leader, Sam Hinga Norman, a popular politician who had led a loyalist militia against the Revolutionary United Front (RUF). Unease at his detention was made more acute by his subsequent death in custody, prior to trial. Charles Margai, who led the breakaway of the Peoples Movement for Democratic Change (PMDC)

from the SLPP, was Defence Counsel for a Civil Defence Force (CDF) colleague of Hinga Norman in the Special Court. Some southern and eastern people were attracted by Margai's apparent loyalty and contrasted him with their view of Berewa.

Thirdly, the impact of Margai's exit from the SLPP and founding of the PMDC, whatever the party's own prospects, offered the possibility of voting outside the traditional and strong regional divisions which have historically been hugely influential over voting habits.

However, probably uppermost was the growing public frustration arising from high unemployment, allegations of corruption and deteriorating infrastructure.

MAJOR POLITICAL PARTIES

Nine political parties had registered to contest the 2007 elections, of which seven contested the Presidential and Parliamentary Elections. There were also independent candidates in the Parliamentary Elections. On 20 October 2006, eight of the registered political parties signed a Code of Conduct. These included, the All People's Congress (APC), the National Democratic Alliance (NDA), the Peace and Liberation Party (PLP), the People's Democratic Party (PDP), the People's Movement for Democratic Change (PMDC), the Revolutionary United Front Party (RUF), the Sierra Leone People's Party (SLPP) and the United National People's Party (UNPP).

Sierra Leone People's Party (SLPP)

The SLPP party was credited with having been the negotiator of peace and stability. It was seen as having been responsible for attracting international attention and support for Sierra Leone's post-conflict reconstruction programme. The party had established strong relationships with many Paramount Chiefs, which was viewed as a potential advantage. The control by the governing party of key levers of power, especially the publicity machinery, had made it easier to promote its achievements, including ending the war, entrenching democracy and setting the country on the road to economic and social recovery.

The image of the destruction brought on the country by the Civil War was very fresh in the memory of the country. There was hardly a Sierra Leonean who did not have a relation or a friend who was an amputee. Efforts made to re-integrate these war victims into society have reflected positively on the SLPP.

The SLPP derived its strength from the southern and eastern parts of the country. Sir Milton Margai was the founder of the party and the first Prime Minister of an independent Sierra Leone. Outgoing President, Tejan Kabbah, won the support of many Sierra Leoneans following the determined stand he took against the military regime and his ability to win and sustain the support of the international community to end the war. Mr Kabbah, a former top official of the United Nations Development Programme (UNDP), was able to galvanise international co-operation for Sierra Leone's post-conflict reconstruction programme.

Among many of the achievements claimed by the SLPP are the cancellation of national debt and the restoration of educational facilities. The party claimed to have built or renovated many schools and improved the conditions of service of teachers. In response to the widespread allegation that it should have done more in the area of the provision of social services and infrastructure, it explained that this required more time and resources.

On the other hand, allegations of corruption were frequent and widespread. Few, however, had been charged and convicted by the Commission established to prevent corruption.

The party's leader and presidential candidate, Solomon Berewa, was a veteran politician who previously held the posts of Justice Minister and Attorney-General. He became Vice-President after the 2002 elections. Mr Berewa's running mate, Momodu Koroma, was Minister of Foreign Affairs in the incumbent administration.

People's Movement for Democratic Change (PMDC)

The strength of the SLPP was adversely affected by the breakaway of a faction, led by Mr Charles Margai, to form the People's Movement for Democratic Change (PMDC) in late 2005.

The emergence of the PMDC followed Mr Margai's unsuccessful challenge for the SLPP leadership. Aside from its desire to oust the SLPP from power, the PMDC was yet to develop a distinct ideological position or a defined set of economic and social policies. The demographic profile of the PMDC support base was dominated by unemployed youth and sections of the rural community, who felt that the SLPP ought to have done more for the country. Many interpreted their support for the PMDC as a protest vote against the incumbent party.

Mr Margai's Vice-Presidential running mate was Dr Ibrahim Tejan Jalloh.

All People's Congress (APC)

During its period in office, the APC imposed a one-party state in Sierra Leone. Because of the left-of-centre orientation of APC, American, British and European firms and investors left Sierra Leone. This led to serious economic hardship. There was an acute shortage of food items; people were queuing up to purchase rice and petrol. Teachers and pupils had little access to educational equipment. College students and teachers went on strike, protesting against the shortage of facilities. This, among others, was the reason given for the military take-over. The army's intervention subsequently led to civil war.

In the 2007 Presidential and Parliamentary Elections, the APC sought to take advantage of dissatisfaction and growing complaints against SLPP's performance. The party promised to deliver the following: democracy and good governance, freedom, human rights and human dignity; justice, equality and the rule of law; integrity, transparency and accountability in the conduct of public affairs; elements of gender equality and long-term sustainable development.

The party also looked forward to taking advantage of the split in the SLPP. It hoped that Margai's defection from the SLPP and his creation of the PMDC would weaken the SLPP's support in the south of the country. The APC's election campaign focused on dissatisfaction with the SLPP and hoped to attract the dispossessed. The APC sought to rely heavily on its traditional support base in the north of the country and its popularity in the Freetown area.

In November 2006, Mr Koroma was confirmed as party leader. For the 2007 Presidential election Mr Sam Sumana was selected as his Vice-Presidential running mate.

PARTICIPATION OF WOMEN AND YOUTH

The women of Sierra Leone played a major role in the post-conflict reconstruction and rehabilitation programme. The female population endured considerable suffering during the Civil War, and have since been active in promoting and sustaining peace. Women have also been active on national issues, in particular through 50/50, a women's umbrella organization. They insisted that Sierra Leone implements several international agreements which sought to promote gender equality e.g. The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). As a member

of the Commonwealth, Sierra Leone was a signatory to the Commonwealth Gender and Development Policy, which advocated 30 percent female participation in national politics by 2010. Women NGOs were very active in the campaign, both against violence and in favour of increased female participation in national politics. The President of 50/50, Dr Nemata Eshun-Baiden, chaired the Vice-Presidential debate.

The number of women who became candidates in this election increased, but the number fell well short of the 30 percent participation recommended by the Commonwealth. Out of the 566 candidates who vied for the parliamentary election, 64 were women. There was a female candidate for the post of Vice-President in the NDA. The incumbent Chairperson of the NEC as well as the Chairperson of the Human Rights Commission are women.

The youth are an important element in the political life of Sierra Leone. They bore the brunt of the civil war. Many of them were recruited as child soldiers and were victims of the atrocities committed by the rebel soldiers. Ever since the end of the war, the rehabilitation of former soldiers and war victims, many of whom were youth, had been an important issue. Issues of youth training and re-training, employment and provision of infrastructure had featured prominently in the national discourse. Many young people participated actively in the no-violence campaign on the eve of elections.

KEY CAMPAIGN ISSUES

Although the two main parties, SLPP and APC, could be regarded as being to the left and right of the political spectrum, their manifestos reflected no discernable ideological or policy differences on core issues. Each manifesto could be summed up as a promise to improve the living standards of the people.

All political parties campaigned vigorously to promote their respective programmes. Although traditional loyalties and networks of patronage were expected to have a significant influence on voting trends, the electorate was also expected to pay considerable attention to national issues such as the high level of unemployment, the provision of infrastructure and matters such as health, sanitation and education. The need for a strategy to reduce the high level of unemployment among urban youth (estimated by the UNDP at around 65% of the total population) in particular, dominated many debates and discussions.

ISSUES OF INCUMBENCY

Much has been said about the abuse of incumbency in the immediate period before the elections. The Government was accused of utilising state resources to its advantage and dominating the public relation machinery of the state in a bid to influence voters.

In some countries, the electoral management bodies created mechanisms for monitoring the performance of government funded print and electronic media in order to maintain a balance between the Government and the opposition. Some rules do exist in the Electoral Laws Act, No 2 of 2002^[1], to govern access to the media but it is doubtful that the rules were followed to the satisfaction of all political parties.

Allegations of public officers campaigning for the ruling party were made although this could not be verified. In any event, there are appropriate authorities to deal with such allegations by way of disciplinary action before the appropriate Service Commission.

“NO VIOLENCE” CAMPAIGN

We were deeply impressed by the commitment of the people of Sierra Leone to an election campaign free of intimidation, fraud and violence.

Sections of the local media, international institutions and other stakeholders all advocated peaceful elections and called on all political parties to eschew violence. Aside from a Code of Conduct concluded by political parties, civil society organisations and youth were actively involved in a “no violence” campaign prior to polling day. This campaign was characterised by peaceful demonstrations in many urban areas, the staging of music concerts to showcase political tolerance and non-violence, and debates. This was remarkable for a society that continues to bear the scars of war.

^[1] See Sections 120 to 122, Electoral Laws Act, No. 2 of 2002

Chapter Three

THE LEGAL FRAMEWORK

The 1991 Constitution establishes two bodies to oversee the representation of the people; the National Electoral Commission (NEC) and the Political Parties Registration Commission (PPRC). We were not centrally concerned with the latter, though we readily acknowledge the importance of their work. The party registration provisions played a role in the events of August 2007.

Section 35(4) of the Constitution, preventing a party from having someone not qualified to be a member of Parliament as its leader, and Section 76 (1) (h) disqualifying the President and Vice President from standing for Parliament were together used to petition the High Court in an attempt to block the Presidential candidacy of the incumbent Vice President, Solomon Berewa, the leader of the SLPP. Section 29(1)d of the Electoral Laws Act 2002, prohibiting the nomination for President of somebody not qualified to be an MP, also featured. This move, led by Charles Margai, leader of the rival PMDC party, failed, during the first week in August, and the Court awarded costs against the applicants.

COMPOSITION OF NATIONAL ELECTORAL COMMISSION (NEC)

The NEC consists of a Chair and four members, appointed by the President, after consultation with the leaders of all registered parties, and subject to Parliamentary approval.

Section 31(8) and (9) together provide that no Commissioner shall be removed except for inability or misbehaviour and, importantly, section 31(9) provides that: -

"In the exercise of any functions vested in it by this Constitution, The Electoral Commission shall not be subject to the direction or control of any person or authority. "

There is a clear Constitutional intention, therefore, that the NEC should be independent and self-governing, but it is nonetheless accountable, in that Section 31(12) requires the Chief Commissioner to submit an annual report to the President which must also be laid before Parliament.

Its functions are to register the electorate and review registration at

least every three years, and to conduct elections and referenda, by secret ballot^[2]. By section 38, the Commission must determine the number of constituencies and their boundaries, at intervals of between five and seven years.

We repeatedly asked all the NGOs and political party representatives, during our briefing stage prior to the election, what their views of the NEC were. We were told, without hesitation, by everybody we asked, that they had done a good job. Prior to the post-election result-gathering period, we did not hear a single criticism of the bona fides of the NEC. It was regarded as independent, pro-active and neutral in the way it conducted all its activities. Further, prior to this time, we heard very few criticisms of its competence.

THE TASK OF THE NEC

NEC had the task of delivering a free and fair election, in the practical context of a country still in an unsettled post-conflict period, with weak and unreliable infrastructure, with few well trained personnel and where the twin spectres of corruption and intimidation are ever-present.

RECENT LEGAL CHANGES

The Electoral Laws Act 2002, which regulates the running of elections, was amended, in two ways, by the Electoral Laws (Amendment) Act 2007, some 2 months before the poll. Firstly, it prescribed that numbering would be on the counterfoil and not on the ballot paper - a key aspect of the secrecy of the ballot. Secondly, it enhanced the Electoral Court system, set up in 2002 but never used, by bringing in a simplified and speedier procedure for the trial of electoral issues and allowing for some helpful read-across between civil petitions against the validity of the election and the prosecution of electoral offences.

Section 127 of the 2002 Act allows NEC to make regulations to achieve their purpose. That is a very desirable power, consistent with the modern style of legislating, which is to put major provisions into statute and leave the detail to the more flexible medium of delegated legislation. However, a glance at the 2002 Act makes clear that it entrenches a mass of very detailed requirements about electoral procedure, down to determining from which hand the finger should be inked to demonstrate that an elector has voted and to prevent him from voting again. The NEC, of course, had to

^[2] See Sections 33 and 36

adhere to the statutory provisions, but from time to time, it must have confronted practical problems with some of its more literal requirements. We understand that it consulted widely to help it to accomplish the purposes of the Act in the contemporary setting. By way of example, of a problem, section 65(e) requires the voter's left thumb or finger to be inked BEFORE the vote is cast, a recipe for multiple inky marks to get onto ballot papers and undermine the clarity of the elector's choice. NEC guidance was to do the inking procedure AFTER the vote, by putting the bottle onto the table next to the ballot boxes. There could be no argument that although this process did not accomplish the purpose of the Act, it improved on it in the interests of the public, from a practical point of view.

ISSUES

Lost Voter Registration Cards

It was predicted that lost Voter Registration Cards (VRCs) would be a major issue, perhaps as a means of facilitating personation. From our observations and those of the other international observers with whom we shared experiences, it does not seem to us that it was serious.

The Constitution makes clear that a person is entitled to vote, if otherwise qualified, whether or not he presents a VRC to the Presiding Officer in the polling station, as long as his name is on the register and he can satisfy him, in some way, that he is that person.

Section 14(4) makes clear that a lost VRC can, anyway, be replaced on application to the Registration Officer, with no limit on the time when this can be done. Hence, the NEC's guidance on the issue, published a week or so before the poll, seems unduly restrictive. It advised that people who have lost their cards should obtain a lost property report from the police station and that any of three kinds of identification, but only those three, could be used to enable the Polling official to permit the elector to vote. This does not fit easily with the existence of a procedure to get replacement cards and the prescription of only three ways of self-identification is too limited, granted the width of Section 14 and also the broader range of identification that can be used to get registered as a voter, in the first place^[3]. However, there is no permanent Registration Officer to whom an elector could apply for a replacement card (they come into being only for the duration of the registration process, which ended in May). And, the alternative forms of identification likely to be available would probably be bringing first, one neighbour and then

^[3] See Sections 14(1) a to e.

another to the poll, potentially causing delay and dispute. So, the NEC seems to have found a practical compromise, but nonetheless, it is possible that someone who felt that he could identify himself, but was refused a vote because he did not have one of the three prescribed documents, could bring an Election Court action, claiming that his basic right of enfranchisement had been infringed upon.

Special Voting

The other issue which concerned us was the risk of disenfranchising NEC's own staff, police and National Election Watch officials who were obliged to be away from their own polling station throughout Election Day. Many such people did vote, correctly, in the polling stations where they were registered, for the Presidential election, which is a national vote, but they were not able to vote in the Parliamentary election, unless they were in their own constituencies. Again, we do not think that this was a major issue, if the counts that we observed were typical, because the difference between the numbers of votes cast for the Presidential election and the Parliamentary ones, were small.

Section 65(j) of the 2002 Electoral Laws Act allows public servants who are unable to vote because of election-related duties and military who are posted elsewhere, to apply to their own Presiding Officer, not less than 15 days before the poll, for a certificate of authentication of those facts, which can then be produced to the polling staff where s/he is located on election day to entitle him/her to vote. Nobody that we saw made use of this procedure and there is no reference to it in the NEC's Polling Official's Manual.

Of particular concern is the position of National Election Watch, the domestic observers who represented the public at every polling station and who may have been deliberately located away from home, so as to ensure the appearance of total disinterest in local results.

Rejected Ballots

We saw a number of ballots rejected at the count, because electors had written what may have been a signature in the box next to their chosen candidate. This is to safeguard the secrecy of the ballot and Section 76 directs the counting officer to reject such a ballot if the elector may be identified from it. Section 76(2), though, directs acceptance of a ballot with writing on it which indicates the elector's choice. Counting officers are unlikely to know which writing does and which does not make an elector identifiable - presumably the

mischief would be if it did so to the political party agents at the count. There is a risk of disenfranchising electors whose intention is clear.

The Statement of Results

A threat to the integrity of the election could come during the transmission of the results from polling station to District Centre and onwards. Sufficient certified copies of the results, distributed to officials but, in particular, to the party agents, would prevent dispute, and mitigate any risk of fraudulent alteration. Section 80(2) of the Act requires the Counting Officer to prepare copies of the results for himself, the District, Regional and National Returning Officers and for "each counting agent of a candidate or political party present at the poll". However, Counting Officers only certified one statement to be displayed at the polling station, one for the National Returning Officer (NRO) and a further copy to be kept at District level. It is difficult, when there is little prospect of ready access to photocopiers and power, to ensure enough copies for an unpredictable number of agents. However, our team includes members who have experienced the use of such a loophole, in other elections, for mischievous purposes.

NEED FOR REVIEW

None of these legal difficulties appears to have compromised this poll seriously, yet some of them could have done so. Cumulatively, they point, in our view, to the need for a review of the Electoral Laws Act 2002. We can well understand why, in the immediate aftermath of the war, the Election Law was drawn tightly and in detail both so as to provide clarity for officials and to promote public trust in the procedures.

However, it is our recommendation that only those aspects of the framework for future elections which it is essential to put into legislation should be in any new Elections Act and that the practical procedures should be drawn up and implemented by NEC, through its power to make regulations. NEC now has a wealth of experience and we believe is trustworthy. The integrity of future polls and fuller public participation in them will be more easily secured by giving them flexibility to ensure that the process can meet changing demands.

Chapter Four

PREPARATIONS FOR THE POLL

Intense preparations were made for the holding of the poll. An important aspect involved the demarcation of constituencies into single-member constituencies.

CONSTITUENCY DEMARCATION

The 1991 Constitution of Sierra Leone requires that the country be demarcated into single member constituencies for purposes of electing the members of Parliament. Basically, the demarcation exercise involves three steps: first, Parliament prescribes the number of members of Parliament; second, the NEC demarcates the country into constituencies; and third, Parliament approves the divisions.

By law, the Commission must review the constituencies every five to seven years or after every census; and may, based on the review, alter the constituencies with the approval of Parliament. Any such alterations come into effect after the dissolution of the Parliament that approved them. It is to be noted that, in addition to the number of seats to be elected, 12 additional seats are reserved for Paramount Chiefs in Parliament.

Until recently, internal displacement of persons resulting from the prolonged civil war made it impractical to divide the country into single member constituencies in a fair and equitable manner. So, in the two previous parliamentary elections in 1996 and 2002, variations of the list proportional system were used. With time, it became increasingly clear that the people did not like the list proportional system in any form, mainly because they did not know who represented their area.

With peace and a more dispersed but settled population, the NEC decided in 2006 that it was now feasible to divide the country into single member constituencies.

Parliament decided to retain its membership of 112 as previously. Even though variations in the population quota of constituencies are permissible under the Constitution to take account of such factors as means of communication, geographical features, density of population, the distribution of different communities, the areas and boundaries of the Chiefdoms, and other administrative or traditional areas, the NEC decided to use population as the sole basis of demarcation. Accordingly, based on the country's total population

of about 4.9 million, the NEC used a population quota of 44,336 persons per constituency to demarcate the prescribed 112 single member parliamentary constituencies. Subsequently, Parliament approved the divisions in January, 2007.

VOTER REGISTRATION

The Constitution provides that every citizen of Sierra Leone who is 18 or more years of age and of sound mind has a right to vote in public elections and referenda, and is therefore entitled to be registered as a voter. However, registration is voluntary.

The NEC carried out fresh registration of voters from 26 February to 18 March 2007. Only persons who registered during that period and were issued with Voter Registration Cards could vote in the 2007 Presidential and Parliamentary elections.

For purposes of the registration, the NEC set up 2,702 centres throughout the country, where eligible persons would go to be registered by its appointed officials. We were informed that preceding the registration period, the NEC carried out a country-wide education campaign of civic education on the necessity for eligible persons to register, and that NGOs, political parties, and the media also assisted in mobilising the people.

The estimated eligible population was 2.8 million. Out of this number, 2.6 million persons were registered, representing 91% of the eligible population. Of the registered voters, the ratio of men to women was 51:49, and persons below 32 years of age accounted for 56%.

Before the final registers for the elections were printed, the provisional registers compiled from the registration were publicly displayed at all the registration centres from 21-25 May, 2007. This was to afford registered voters the opportunity to verify their names and correct any personal data that may have been wrongly recorded. Only 35% of the registered voters verified their names.

VOTER EDUCATION

The Voter Education Officer at the NEC was responsible for their voter education programs. Although restricted by budgets, the NEC produced posters and radio announcements. The Commonwealth Observers saw the NEC posters and billboards prominently displayed in many areas. Observers also heard several programmes on radio. These covered several topics, including how to vote, the ballot layout, making a choice and the importance of tolerance in

the campaign and its aftermath.

Each District also had a Voter Education Officer who disseminated the materials in his/her District. These officers also used megaphones to spread voting information.

At the Polling Station, the NEC Ballot Issuer explained to each voter how to mark and fold the ballot. Despite these efforts, many unmarked ballots were cast.

In addition to the NEC, several NGOs had voter education programs. One of the most noticeable programmes was the non-violence campaign. Posters, marches, T-shirts, dance, music, drama and radio were used to reinforce the themes of peace, "Ballots not bullets" and the need for tolerance.

TRAINING

The training team included a Training Officer at the NEC and a Training Officer at each District Election Office. The "cascade" approach to training was used. The NEC trained the District Officers who in turn trained the Presiding Officers at 3-day workshops. On the day before the election, the Presiding Officer trained the polling staff at the Polling Station. Training kits were provided and simulation exercises were carried out.

It appears that the quality of the training varied from one Polling Station to another. The observers saw efficient, knowledgeable polling staff in most Polling Stations, but there were also instances of confusion, uncertainty and inefficiency at some Polling Stations. Training programmes will need to be reviewed and designed to allow for different learning styles among the staff, and for newly recruited staff to have a more intense training. It will be helpful if the NEC identifies the best practices and utilises them in future electoral models.

LOST VOTER ID CARDS

If a voter lost his/her ID card, the NEC required that it be reported to the police. The police would then issue a certificate to that effect for the voter to take to the Polling Station. On Election Day, the voter was required to wait until later in the day to vote. He/she would take the police certificate, a valid ID (national ID, passport, driver's license) to the Polling Station. When his/her name was located on the VRC, the ballots were issued to the voter.

We observed that only a small number of voters were affected by

lost Voter ID Cards. Most were accommodated at the Polling Stations where the Presiding Officer made the final decision based on the documentation and sometimes, after referral to NEC officials.

CODE OF CONDUCT OF POLITICAL PARTIES

In October 2006, eight political parties in Sierra Leone signed a Political Parties Code of Conduct aimed at facilitating mainly political tolerance so that an atmosphere of tolerance for conducting peaceful elections could be created. The Code of Conduct enabled political parties to undertake rallies in different places and towns and where necessary, hold rallies on alternate days. Despite the recent violent past there were only isolated incidents of political violence. The campaign period was relatively peaceful and well regulated.

TRANSPARENCY AND ACCOUNTABILITY

We commend the NEC for their commitment and dedication to hold free, transparent and accountable elections. The results process was transparent. Ballot reconciliation, counting and compilation of results were conducted in the presence of party agents and observers. The party agents worked in close co-operation with the NEC officials. The pre-election and election processes were clearly laid out in the instructions issued to all NEC officials. By and large, the officials adhered to the instructions and were able to account for the ballots and materials.

We are satisfied that the preparations for the poll contributed to the undoubted success of the elections.

Chapter Five

THE MEDIA IN THE 2007 ELECTIONS

Background

The media landscape in Sierra Leone has changed significantly over the last seven years. There are now far more newspapers and radio stations than during the last election. Indeed, there was evidence of a more professional, pro-active and co-ordinated approach by the media before and during the elections.

There were about ten newspapers in 2000 but 59 are now registered with the regulating body. However, on a daily basis, there are between ten and 16 newspapers in circulation, all Freetown based.

Although newspapers have a circulation of only about 5000, the influential and elite in Freetown read the newspapers regularly. Radio stations also highlighted the main stories in the press for their listeners. Their role in the elections may therefore exceed their relatively small circulation.

At any rate, newspapers have placed greater emphasis on preparing the nation for and guiding it through General Elections in a systematic and co-ordinated way.

A number of developments have contributed to the increased role the media has played. A Media Code of Practice with a section on election coverage, self monitoring initiatives and capacity building exercises was introduced.

Training of Journalists

Close to a hundred journalists were trained in two training sessions to prepare them for the elections. One was held in Freetown and the other in Kenema. There was a deliberate attempt to ensure that journalists in the provinces benefitted.

In these sessions, journalists discussed the Constitution, the parliamentary system, the role of politicians and the role of Paramount Chiefs in the political process. They were provided with information about the functions and the operations of Ministries, the NEC, and other important state institutions.

Journalists were also taught skills such as interviewing, cross

checking facts as well as how to handle statistics and figures in election reporting, and most importantly, how to place the electorate at the centre of their efforts.

The Media Code of Practice for Reporting and Coverage: General & Local Elections

In the Commonwealth Observer Group (COG) Report on the Sierra Leone elections in 2002, COG recommended that a Code of Conduct be established to address issues such as balance in their coverage of the elections so that no party would be favoured over the other.

The Independent Media Commission produced a Media Code of Practice. A section on Election Reporting was developed by UNIOSIL in collaboration with the Sierra Leone Association of Journalists (SLAJ).

In that section of the Code, the media is expected to be truthful, accurate, balanced, to refrain from publishing material likely to cause public disorder or incite hatred and give equal access to paid political advertising. The Code was signed by the SLAJ which then established a group to monitor the extent to which journalists were complying with it.

The SLAJ then held sessions to sensitize its members around the country about the Code of conduct. Although only three of the newspapers are owned and operated by political parties namely, We Yon (APC), Unity (SLPP) and Positive Change (PMDC), a number of papers are reported to have taken partisan positions. Others however, attempted to create a level playing field by allowing the various contenders equal access, publishing party manifestos and featuring them in the Presidential race. We were informed in the weeks preceding the elections that the Independent Media Commission held meetings with the press to discuss the breaches that had occurred and appealed for all to be guided by the code.

The SLAJ which has a membership of over 80 journalists, say its approach to this election has been different. This time it was not only reporting but in addition, trying to set the agenda. It realized the importance of this election and the need for an environment conducive to peace and tolerance. It was anxious to ensure that the voting public had access to information to enable them to participate effectively in the voting process.

The organization said this is why it has focused on voter education and on capacity building for its members. It said it had earlier decentralized its operations to the regions three years prior to the

elections, making it easier for them to fulfil this role.

The Presidential Debates

One commendable initiative which the association undertook was the organization of debates for the Presidential and Vice Presidential candidates. Candidates vying for the posts were brought together to face questions from the public, presented through a moderator. The SLPP declined to participate.

These debates which were broadcast on radio were extremely popular with the public. The people we spoke to felt that the exercise was extremely beneficial as the debates provided an opportunity for them to 'meet' the candidates and hear what their plans were. The extent to which these debates influenced the decisions of voters could not be gauged.

Press Monitoring During the Elections

In fulfilment of its role as a watchdog, one initiative taken by the press was to establish a group of 36 journalists across the country who monitored the behaviour of candidates, the electorate and the manner in which the election was organized and carried out by NEC on election day.

After signing the Code of Conduct which had guidelines for reporting elections SLAJ also set up a self monitoring committee-the Independent Media Monitoring and Refereeing Pannel (I-MARP).

As part of this initiative, over 100 journalists assigned to different geographical areas followed the elections content of the media to see if they were in breach of the Code of Conduct.

The organization reports that it has had to intervene in a number of cases where the Code was breached. The APC Radio station, *The Voice of the Rising Sun*, for example has caused a great deal of concern because of the reported inflammatory tone of its broadcast and because it inaccurately claimed that the APC had won the elections, when only a small percentage of the votes had been counted.

In the provinces, the monitors reported that they dissuaded Paramount Chiefs from attempting to take over the radio stations in order to dictate the content of broadcasts.

SLAJ expects to present two reports - one detailing how the elections were carried in its view and the other on how well the

media covered the elections.

The organization believes it has a significant role to play in the transition process, particularly in educating the public about how government will work whatever the outcome of the elections.

Broadcasting

Television broadcasting is an expensive undertaking and the unreliable supply of electricity coupled with the inability of Sierra Leoneans to afford power means there has been little growth in this area of the media.

Although there were six registered TV stations in 2005, only two local stations are operational, Sierra Leone Broadcasting Service, (SLBS) which has limited coverage and ABC which reaches a section of Freetown. Television has therefore played a minor role in the 2007 elections.

In 2000, there was the state broadcaster - Sierra Leone Broadcasting Service (SLBS) and a handful of independent radio stations. But in 2007, Sierra Leone has over 53 radio stations which include two or three commercial stations, over 40 community stations and the SLBS.

Radio has thus grown astronomically. According to a BBC Foundation study, over 80 percent of the population has access to radio and the majority listen to radio everyday.

Radio has played a central role in both preparing the public for elections and keeping it informed during the elections and also in the counting and collating of ballots. In the run up to the elections, people could be seen with battery operated radios held to their ears at different times of the day.

UNIOSIL Radio

The United Nations Radio has the highest listenership (over 70 percent according to a Baseline Study commissioned by the BBC Trust in 2007.) In the run up to the elections, UN radio continued to present its message of peace and reconciliation. It provided information about the election process – giving equal access to the political parties.

UN radio worked closely with the NEC to educate the nation about the elections process and what was required of voters.

Its morning programme, *Tea Break* was extended by 15 minutes to accommodate more elections oriented content. Guests included NEC officials, civil society representatives, the police, political party representatives, international observers and other players in the elections. The Chair of the Commonwealth Observer Group, Dr. The Hon Kenny D. Anthony was a guest on the programme twice. In the first interview he explained the aims, plans and procedures of the COG. In the second, he provided insight into the COG interim statement, which was the earliest to be released by an international observer group.

A number of new programmes which focused on the elections were also added to the schedule. A one hour morning programme called Elections Special which was done in Creole, provided a platform to keep people informed about the process.

Women's Watch Plus, a new programme was produced in partnership with a coalition of women's groups. Its aim was to highlight the gender imbalance in political representation in the country, to promote women's issues and generate support for the female candidates in the elections.

For the elections, UN radio recruited over 40 temporary staff which it trained and placed across the country to report on election day.

A number of jingles were also produced to educate voters- for example *22 Things You Shouldn't Do on Polling Day*. Other jingles encouraged peace and tolerance, still others encouraged patience while the votes were counted. Theatrical groups contributed to radio election broadcasting. In particular one group encouraged women to support each other to participate in the election.

IRN Training and Elections Coverage

The Independent Radio Network (IRN) is a network of about 20 community radio stations which have pooled their resources under an umbrella group so that they have a bigger voice and greater reach in providing news and in national events such as the elections.

In the 2007 General Elections, the IRN played a significant role in educating the public on the electoral process. IRN opened the media space and enabled more political parties to reach the population.

Under a 24 month Project run by Talking Drums Studios and The BBC Trust and financed by DFID, IRN stations underwent training and technical support so that they could produce timely and

credible programmes. One component of the project provided public information from the NEC and civil society groups, helping to quell rumours and misinformation. In particular, the station believed that it had been able to help quell possible public disorder when a rumour about a planned assassination attempt on one politician was quashed by doing stories that interviewed all parties who were supposed to be affected

The Community Radio staff was trained in ethics, interviewing techniques and election reporting. In terms of programming, different candidates were recorded outlining what they intended to do for the country. One programme, "Elections Talk" was carried by all of the IRN Community stations at the same time. The network believes it played a central role in mobilizing voters to register to vote and afforded an opportunity for the public to provide NEC with feedback about the process.

Debates in community centres brought candidates and people together in different parts of the country. Women, youth, the elderly, the disabled and commercial sex workers used the opportunity to quiz candidates on their policies.

Additionally, the radio stations ran messages from all of the presidential candidates denouncing violence.

However, one initiative of IRN which involved the announcement of provisional results ahead of the formal figures received by NEC caused some amount of confusion among listeners and was discontinued.

THE FUTURE

Following the elections, the SLAJ issued an interim statement, which praised the NEC for carrying out a fair and transparent election. This view was echoed by us and other international observers. No doubt, the SLAJ contributed to ensuring this outcome.

We believe that the media has come a long way since 2002. It has contributed to creating an enabling environment for peaceful elections and increased participation of the public. However, there is the need to strengthen and sustain this. More has to be done with regards to capacity building. Plant, equipment and other infrastructure need urgent modernisation. This, clearly, will require new investment.

Chapter Six

THE POLL AND THE COUNT

Sierra Leoneans turned out in large numbers on 11 August 2007 to participate in the elections. Despite the rains in some areas, the voting and the counting processes were completed without major procedural problems. For the most part, Election Day was peaceful and calm throughout the country.

CONDUCT OF THE POLL

Voting Materials: Adequate voting materials (ballot boxes, voters' lists, ballot papers, voting screens, indelible ink, and seals) were supplied to the polling stations, even though they arrived late at some stations due to security considerations or transportation difficulties. Presiding officers checked all the materials before processing the voters to vote. The ballot papers for the presidential and parliamentary elections were of different colours. The ballot boxes for the two elections were clearly marked.

Opening of the Polls: In most places, polling staff, party agents and security personnel were present at the polling stations well ahead of the stipulated opening time of 7:00 a.m. Even so, in several places voting did not begin on time, due to confusion over the allocation of voters to polling stations. The confusion arose because the NEC did not exactly follow its announced principle of "where you register is where you vote." Most of the 2,702 registration centres recorded numbers well beyond the stipulated limit of 550 voters per polling station. Consequently, voters were sub-divided into 6,171 polling stations, some of which were located in places other than where they had registered, without their prior knowledge. Queue control was not efficiently done in several places; so re-directing voters to their allotted polling stations took some time and delayed the opening of the polls for up to one hour or more in some places. The insistence of polling officials on total compliance with laid down procedures and the determination to achieve maximum transparency also contributed to the delays. Understandably, some voters got irritated, but once the initial confusion was cleared, voters patiently queued up for their turn to vote.

Polling Procedures: Almost invariably, the presiding officers showed the empty ballot boxes to the party agents, election observers and the voters present; then sealed and locked them, before placing them in full public view for voting. The prescribed polling procedures were generally adhered to, and the polling staff

paid close attention to detail. Instances of voters not finding their names in the register were few, and in most cases solutions were found. However, it took some officials too long to trace a name in the register. This was due in part to the fact that the registration numbers had not been arranged in a strictly logical, sequential order; but probably also because the officials received insufficient hands-on training.

The aged, the disabled, nursing mothers, and pregnant women usually went to the front of the queue. Persons needing assistance to vote for reasons of disability or lack of know-how were assisted to vote, but the manner of assistance varied. For purposes of preventing multiple voting, the voter's card was punched and usually the left index finger dipped in indelible ink.

Voter Participation: The turnout of voters was high. In several places, long queues had formed before voting began. At many polling stations, a large number of the voters and polling staff, including presiding officers, were women. The disabled, the youth and the relatively aged were present at the polls in significant numbers.

Voting Atmosphere: But for the initial confusion over the allocation of voters to polling stations, the atmosphere was enthusiastic, sometimes animated, but overall calm and peaceful. Voting proceeded in an orderly manner, and no acts of violence or intimidation were observed. Even though in places the security personnel kept a close watch over proceedings, their presence was not intrusive.

Secrecy of the Vote: Overall, the polling stations were set up in such a way that voters could cast their votes in secrecy. However, it is to be noted that the tactile ballot intended for the blind to vote in secrecy was not widely used. Also, the secrecy of the vote was occasionally breached by the variable manner in which persons needing assistance to vote were assisted – by a relation, the presiding officer, or party agents. The involvement of party agents was in fact unlawful.

Polling Officials: With the exception of checking for names on the register, which was tediously slow in some places, the polling officials appeared to be knowledgeable, and they carried out their functions with reasonable efficiency. For the most part, there was close co-operation between the polling officials and party agents.

THE COUNT AND COLLATION OF RESULTS

The poll closing, reconciliation and counting procedures are specified in the legislation, as well as in the training manuals. In the counts that the Commonwealth observed, these procedures were generally followed. The inclement weather and approaching darkness made it necessary to adapt in some areas. An assortment of lamps, torches and umbrellas were used to ensure the count went ahead.

The principle of accepting any ballot where the intention of the voter was clear was used in the count to resolve disputed votes and accepted by party agents. There were very few disputes on the acceptance or rejection of a ballot. However, the large number of invalid ballots was a concern. At some of the counts witnessed by the Commonwealth Observers, the invalid vote was as high as 15 percent. In most cases, these were unmarked ballots, which must suggest that there were large numbers of people who did not know how to vote.

The polling staff were meticulous in following the legal procedures in most cases – affixing seals, recording the reconciliation figures and the results for the Presidential and Parliamentary votes. However, some party agents did not remain to sign to confirm the results.

A copy of the Results Form was posted at the Polling Centre. The materials were packed for transport to the District Electoral Office (DEO).

Results from the Polling Centres were to be collected by NEC Monitors and taken to the District Electoral Office. The DEO retained one copy of the Results Form and forwarded one copy to the NEC in Freetown for collation and announcement of results.

Once the results forms were received at the NEC, the results were entered into the database. The data entry process is a double-entry system to ensure accuracy and has progressed very slowly. The NEC Chair has stated that NEC cannot sacrifice accuracy for contingency. However, we are firmly of the view that the timely release of results inspires confidence in the electoral system and procedures should be in place to ensure that timeliness. We urge that other models in Africa be examined for guidance.

Chapter Seven

ISSUES OF GOVERNANCE

INTRODUCTION

In our many discussions with political parties, the NGO community and other groups in Civil Society, our attention was drawn to several issues impacting on the electoral process, both in the short term and in the long term. In some cases, the solutions to these issues require adjustments in policy and procedure; in other cases, the solutions require constitutional and statutory reform. These issues have implications for the governance of Sierra Leone either directly or indirectly, and for that reason, we have decided to comment on them under the broad rubric "Issues of Governance". This is consistent with the terms of reference, which provide, *inter alia*, that we are "free to propose to the authorities concerned recommendations for change on institutional, procedural and other matters as would assist the holding of future elections".

HUMAN RIGHTS AND THE ELECTORAL PROCESS

It is now widely appreciated that there is a direct relationship between the protection of human rights and participation in the electoral process. No democracy will flourish unless the fundamental rights and freedoms of all citizens are promoted and protected by the state and its organs. For example, competitive party politics cannot survive unless citizens enjoy the fundamental right to associate and support the party of their choice. Likewise, there can be no debate, no exchange of opinions and no dissemination of information unless the freedom of expression of the citizens and of the press is respected. These and other fundamental rights and freedoms are all protected by the Constitution of Sierra Leone^[4].

Throughout this election campaign, there was no hint of interference with these fundamental rights and freedoms. Indeed, the existence of so many political parties and the emergence of several NGOs confirm that the freedom to associate or not to associate is alive and well.

However, it is one thing to subscribe to a regime of fundamental rights and another to allow for the recognition and enforcement of

^[4] See Sections 15 to 28, The Constitution of Sierra Leone, Act No. 6 of 1991. However, we understand there may be an issue concerning freedom of the press and the Public Order Act 1965, which is currently before the Courts.

these rights. It is true that the Constitution of Sierra Leone provides for the enforcement of fundamental rights by guaranteeing access to the Supreme Court for redress^[5]. Whether citizens can enjoy access depends on the availability of lawyers and the financial resources at their disposal.

Unquestionably, the civil war has left a horrendous legacy of abuse of human rights. This was recognised by the incumbent regime which moved to establish a Human Rights Commission by enacting the Human Rights Commission of Sierra Leone Act^[6]. Laudable as this step has been, it needs to be recognised and appreciated that it is difficult to guarantee the independence of this Commission by the formula adopted in the Act. It appears that the appointments become effective “once the five members of the Commission appointed by the President have been approved by Parliament [and] their names... published in the *Gazette*”^[7]. In our view, a more independent mechanism for the appointment of the members should be found. The independence of the Commission from the state is vital for the simple reason that redress from the contravention of fundamental rights and freedoms is usually against the state, its organs and functionaries.

The efforts towards building peace and reconciliation must be matched by initiatives to strengthen the protection of the fundamental rights and freedoms of citizens, particularly the vulnerable, the poor and the disadvantaged. No democracy can thrive without respect for human rights. For these reasons we applaud the establishment of the Human Rights Commission, urge that its total independence is secured, and that it is provided with the resources to carry out its mandate to zealously protect the fundamental rights and freedoms of the citizens of Sierra Leone.

RE-INTRODUCTION OF THE FIRST-PAST-THE-POST SYSTEM

The re-introduction of the first-past-the-post system will pose some challenges to the political authorities. It is true that Sierra Leone is familiar with this electoral system since it was the adopted system after independence. But times have changed, so too has the political context, both at the domestic level and in the international arena. Moreover, Sierra Leone has just emerged from a civil war that has left behind unimaginable scars.

As we have repeatedly stressed, the process of reconciliation requires patience, understanding and tolerance. This is not an

^[5] See Section 28, The Constitution of Sierra Leone

^[6] Human Rights Commission of Sierra Leone Act No. 9 of 2004

^[7] See the Schedule to the Human Rights Commission of Sierra Leone Act

environment in which the party that emerges after the general elections should engage in exclusivity. It has been said that the "winner takes all" philosophy is one of the major defects of the first-past-the-post system. In our view, this is an environment which ought to encourage inclusiveness and co-operation. The past must not be allowed to cast a threatening shadow over the future prospects of Sierra Leone.

New roles and responsibilities will be thrust on the newly elected parliamentarians. Each elected parliamentarian now has responsibility for a constituency. No doubt, the constituents would exert pressure to ensure that promises are kept and their needs looked after.

Parliamentarians may well face a contest for power and authority from Paramount Chiefs whose powers have been defined by the Constitution and statute. It is true that tradition would be a helpful guide but this may not be enough in a political environment where expectations among voters are high.

For all of these reasons we urge that early consideration be given to shaping and defining the responsibilities of Parliamentarians. There is too, the broader issue of ensuring that resources are provided to allow these Parliamentarians to adjust to the task of representing their constituencies.

GENDER EQUALITY

Gender disparities are an obstacle to the progress of and development of any nation. The civil war in Sierra Leone has widened the gender disparities that already existed and deepened the poverty of disadvantaged groups like women.

We have noted that out of the 566 parliamentary candidates only 64 are women. It remains to be seen as to how many of the women candidates will be elected to Parliament.

From the peace marches conducted by the women's groups around the country, it is evident that women are keen to play a role in sustaining peace, widening prosperity and fighting for social justice. Full participation of women in all the social, economic and political activities of the country is now long overdue. Against the background of deeply conservative cultural traditions and general male dominance of society, this will not be achieved without affirmative action brought about by government.

The Parliament with the highest female representation in the world

is in formerly war-torn Rwanda. This was achieved partly by affirmative action and Sierra Leone has the advantage of being able to learn from Rwanda and from other models elsewhere in the Commonwealth and the world. As we noted earlier in this report, Sierra Leone is a signatory to the Commonwealth Gender and Development Policy, which advocates 30 percent female participation in national politics by 2010.

PARTICIPATION OF THE DISABLED

The disabled are generally one of the groups in society which suffer acute marginalization. The consequences of being marginalized include disappearing from the government radar screen, for example planning issues, which ought to take account of their special needs.

The disabled are, before the law, equal to their able counterparts. The right to vote is particularly important to them. It is only by taking part in all spheres of government, that they are empowered to ensure that their needs are addressed.

The disabled visibly participated in this election. The NEC should be praised for ensuring that the disabled could vote with dignity. The special provision for tactile ballots for blind voters is most commendable.

A lot still has to be done to fully accommodate the disadvantaged and the disabled in the voting process. In this connection, we urge that efforts continue to make the provision of appropriate infrastructure at polling stations. In that regard, the NEC should work closely with representative bodies of disabled persons.

CORRUPTION AND ACCOUNTABILITY

Throughout our mission we repeatedly heard allegations of corruption. Few seem to believe that the Anti-Corruption Commission had made any significant dent in eliminating corruption.

Given the widespread concerns, we examined the Anti-Corruption Act 2000, to assess its scope and depth. We urge that it be strengthened. We recommend that integrity legislation be introduced to require ministers, parliamentarians and senior officials to declare their assets and liabilities on the assumption of office, during office and at least three years after demitting office.

The political will to fight corruption must be real and resolute. Corruption is a cancer. It erodes societies and ultimately it is the poor who suffer the worst. The battle against corruption must include the entire society if the culture of corruption is to be eroded.

We were particularly dismayed to learn that no audit has been done on the income and expenditure of the government for several years. The problem may well be one of capacity. Be that as it may, the failure to publish such accounts invites speculation and allegations which may well be totally unfounded. It also means that parliament is denied the opportunity through its appropriate committees, to review the audited statements of the Government, and to determine, *inter alia*, whether the Government has been faithful to the programmes which parliament approved.

We were very pleased to note that, under the Political Parties Registration Commission Act, provision is made for political parties to declare their audited accounts and their assets and liabilities. This is a commendable initiative, even if the provisions in the Act are modest.

DISPUTE RESOLUTION THROUGH THE COURTS

Following the Presidential and Parliamentary Elections, Sierra Leoneans were urged by the UN Secretary-General "to resolve disputes through the established legal channels". We concur unreservedly with this advice. It is consistent with similar views which we shared with representatives of political parties, the media and civil society.

It was suggested to us that the remedies provided by the Courts were inadequate. The Election Offences Court was singled out for criticism. It was pointed out that "any decision of the Election Offences Court shall be final and shall not be questioned in any other court by any means whatsoever"^[8] This provision, said the critics, was unfair as the Court was empowered to impose very stiff sentences in respect of certain offences. Presumably, the opponents of this provision meant that persons convicted of election offences are denied a right enjoyed by others who commit other offences.

It is helpful to clarify, albeit briefly, the jurisdiction of the Courts.

^[8] See S.III (7), The Electoral Laws Act, No. 2 of 2002.

The Constitution of Sierra Leone empowers the High Court “to hear and determine any question whether any person has been validly elected as a Member of Parliament”. An appeal shall lie to the Court of Appeal whose decision “shall be final and not be inquired into by any court”^[9]. An amendment to the Electoral Laws Act (No.2 of 2002) makes provision for proceedings to be instituted “on a petition by an elector”. The Court will provide redress to those who believe that the outcome of a given poll was as a result of wrongdoing. In such a case the court is petitioned to investigate the poll and can remove elected candidates should the courts find that the seat was achieved through improper means. Petitions are to be submitted within 7 days of the announcement of results, and will be adjudicated within four months of submission. The Courts will sit for 6 months and all hearings must be resolved within 4 months from the date of submission.

The approach adopted by Sierra Leone is not unusual. A similar approach is employed by other Commonwealth jurisdictions.

In contrast, the Election Offences Court has nothing to do with the issue of the validity of the election of a Member of Parliament. The Electoral Offences Court will hear criminal matters with reference to the offences listed in the Electoral Laws Act. All activities carried out in relation to the Parliamentary elections, from the registration process through to the final announcement of results, will be subject to scrutiny by the courts. Those convicted of an electoral offence can face fines or imprisonment.

The jurisdiction of this Court is necessary and useful. Citizens need to be reminded that the Constitution confers a right to vote. Elections are sacred and the integrity of the process should always be protected against those who seek to undermine it.

It is not the business of the Observer Mission to cast any opinion on the constitutional validity of the provision which denies appeals against decisions of the Election Offences Court. However, it is worth considering whether the full protection of the law is denied to those who are convicted under the Act.

This issue notwithstanding, we join in urging politicians, interest groups and citizens to use the existing judicial remedies to resolve disputes. We believe that these remedies provide an important means of redress to aggrieved persons.

^[9] Section 78(5), Constitution of Sierra Leone, Act No. 6 of 1991, as amended.

POLITICS OF INCLUSION

Throughout this mission, we were impressed by the number of Non Governmental Organisations (NGOs) which were established after the civil war. These NGOs range from youth groups, women's groups and disabled persons groups to organisations engaged in economic reconstruction and development.

It is to the credit of the SLPP government that it created an atmosphere that allowed these organisations to emerge, co-exist and thrive. Many of these organisations participated in voter education and in the hugely successful campaigns to promote peace and stability. Unquestionably, there is an emerging environment of tolerance and inclusion in Sierra Leone.

The emergence of these NGOs may suggest an interest in sharing decision making, in promoting consultation and debate, in engaging in consensus building and in harnessing the skills and expertise that are available in civil society. In other words, these efforts could help to create a more inclusive and tolerant society.

If this approach is to bear fruit, it is vital that successive governments continue to embrace policies of tolerance and inclusion. The conversion to a first past the post system should not provide any justification to exclusivity. Indeed, the very structure of the Constitution of Sierra Leone provides opportunity for the political authorities to reach out to civil society beyond the political divide. These opportunities should be seized to strengthen the ongoing efforts of reconciliation. A culture of tolerance is a pre-condition to strengthening peace, understanding and reconciliation.

It is the responsibility of those who wield political power to govern by example.

ROLE OF PARAMOUNT CHIEFS

Paramount Chiefs are part of the institution of Chieftaincy as established in customary law and usage and its non-abolition by legislation is guaranteed and preserved in the Constitution^[10]. Parliament is empowered to legislate for the qualifications, election, powers, functions removal and other matters connected with Chieftaincy.

^[10] Section 72

A Paramount Chief may be removed^[11] from office by the President for any gross misconduct in the performance of the functions of his/her office if after a public inquiry conducted under the Chairmanship of a Judge of the High Court, or a Justice of Appeal or a Justice of the Supreme Court, the Commission of Inquiry makes an adverse finding against the Paramount Chief and the President is of the opinion that it is in the public interest that the Paramount Chief should be removed.

Paramount Chiefs cannot belong to political parties. They are not eligible to be elected President of the Republic of Sierra Leone but can be elected to Parliament only for the 12 seats allocated to them.

Interestingly, political parties require the permission of the Inspector-General of Police and Paramount Chiefs to hold public meetings or rallies in their communities. We were advised that on some occasions the Inspector-General of Police or officials of the NEC and even NGOs, had to intervene to ensure that some Paramount Chiefs exercised their authority fairly and impartially.

A number of stakeholders expressed concerns over the amount of influence wielded by some Paramount Chiefs over the voters in their Chiefdoms. We were told that some Paramount Chiefs believe it is natural for them to support the Government of the day. The fear seems to be that Paramount Chiefs would exert too much influence over their communities, thus directing them how to vote.

Whether these concerns are justified is difficult to determine. We have therefore decided to note them without casting judgment.

^[11] Section 72, sub-section 4, Constitution of Sierra Leone.

Chapter Eight

CONCLUSIONS AND RECOMMENDATIONS

In our Interim Statement, we commended the people of Sierra Leone for their passion for peace and stability and their strong belief in and commitment to the principles of democracy and the democratic process. We also commended NEC for its professional competence, fairness, efficiency, effectiveness and transparency. We expressed the hope that if these characteristics are carried through to the collating and formal announcement of the results, the credibility of the elections would be enhanced. We watched the post-counting process. Nothing happened to make us modify our view.

The elections were credible. They were conducted in accordance with internationally accepted standards. NEC performed very well and the people of Sierra Leone now have a chance to consolidate the democratic traditions that have been reinforced by the professional manner in which these elections have been conducted.

Recommendations

The entire process of the Presidential and Parliamentary elections was not perfect. There are areas in which improvements can be made. The Commonwealth Observer Group was present at the 2002 Presidential and Parliamentary Elections. It is encouraging to note that of the six main recommendations of the elections, only one has not yet been implemented. The need for more adequate training of staff, as mentioned in the 2002 report, will still need to be addressed.

Arising from the reports of observers and the preceding chapters of this report, the following suggestions are hereby submitted to the Government, the NEC, the political parties and the people of Sierra Leone for their consideration with a view to improving the electoral process:

National Electoral Commission (NEC)

- Independence of NEC*
- (a) Regulations governing the appointment, conditions of service and general operational modalities of NEC should be such as to enhance their independence of action. The Commission should be allowed to operate without being placed at the mercy of the Government (and in this case the ruling political party) for funds with which to operate.
- (b) *Constituency Delimitation*
In view of the post war demographic changes occurring, there is need to take account of movement of people, births and deaths so as to make the process of delimitation for future elections easier. Delimitation of constituencies should be regularly undertaken to ensure compliance with the Constitution.
- (c) *Delivery of Materials*
There is a need for more resilience in the NEC's arrangements for delivery of the election materials to polling centres, since vehicle shortages, breakdowns and other failures led, in places, to late delivery, sometimes triggering a knock-on delay to the polling preparations.
- (d) *Training of Polling Officials*
From our observation, it is clear that all polling officials from Polling Station Managers and Presiding Officers to Polling Station Officials would benefit from improved, extended practical training.
- (e) *Activities in Polling Centres*
Polling Station Managers especially in large polling centres should be provided with loud speakers to issue instructions to officials as well as party agents. More thoughts need to be given to how to deal with cases of people who lost their voter cards.
- There is a need to make the voter register uniform either alphabetically or numerically in the polling stations. This will enhance the speed of verifying voter identification.
- (f) *Collation and Announcement of Results*
More copies of the certified statement of results should be made available, immediately after the count in the polling

stations, in particular for the use of party agents, so as to avoid disputes and allegations later.

The process of collation and the final results announcements process ought to be hastened. There are a number of African countries of the same population like Sierra Leone who take less time in announcing the final results of the election exercise. Timely release of final results inspires confidence. Long delays arouse suspicion and could lead to political instability especially in close calls. A way should be found to mechanise the collation and formal results announcement process. The Commonwealth and friendly international organizations would be able to assist in this regard.

(g) Legislative Reform

In our review of the legal framework we identified difficulties with the Electoral Laws Act 2002, as amended. None of these appears to have compromised this poll seriously, yet some of them could have done. Cumulatively, they point to the need for review and reform of the Electoral Laws Act 2002. Overall, the Act is far too detailed. It would be preferable if a new Act outlined only what was necessary in legislation and left detailed procedures to the more flexible mechanism of the NEC's regulation making power.

(h) Continuous Registration

In the 2002 Report of the Commonwealth Observer Group, it was recommended that Sierra Leone adopt a system of continuous registration. We reiterate this recommendation and urge the authorities to implement such a system as quickly as possible. It is a costly undertaking to engage in periodic registration of voters every five years. Consistent with this, consideration should be given to issuing more durable I.D. cards to voters. It is doubtful that the existing cards could survive the inevitable wear and tear of the next five year cycle. The issuance of new cards should obviously be linked to the national identity cards.

(i) Invalid Ballots

The number of invalid ballots was high at many polling stations. Most of these were unmarked ballots. These voters may not have known how to mark the ballots and/or were simply intimidated by the process. This points to a need for a targeted voter education campaign on how to mark the ballot, particularly directed at those who are

unfortunately unable to read or write.

Political Parties and NGOs

(a) *Tolerance and issue based politics*

The return to a first-past-the-post system possess some challenges to the political class. There is need for more tolerance for opposing views and to play the politics of inclusiveness. The winner takes all basis which has been seen as one of the defects of the first-past-the-post system should not be allowed to pollute the political landscape. The emergence and possible survival of a strong third party offers a good opportunity for an escape from the rigid and ethnic based political division of the country. This trend as well as the existence of smaller parties should be encouraged in order to provide an atmosphere of multiplicity of opinion and issues-based politics.

(b) *Need for patriotism*

Whichever party that finds itself in the state house should realize that its tenancy could be limited and that only effective implementation of policies that will improve living standards will ensure a longer tenancy. The opposition parties should see themselves as "governments in waiting" and provide constructive criticisms designed to improve situations rather than playing politics of destruction or criticizing just for the sake of undermining the government. There has to be a strong and secure Sierra Leone for any political party to govern.

(c) *Social Issues*

More attention needs to be paid to the problem of youth unemployment and general provision of infrastructure and social services. The literacy level also needs to be

improved. The youths were the major victims of the civil war and the need to resettle and reintegrate them into the economic and social fabric is very compelling. It is true that the outgoing government did well on the issues of education, debt reduction and food security. But more needs to be done to improve the social services i.e. electricity, roads, health etc.

(d) *Gender equity*

The civil society including NGOs especially those of the women have played an active part in impressing the populace on the need for adherence to democracy and non tolerance of violence during the elections. The women NGOs have been particularly effective in calling attention to the need for a peaceful election. They have also impressed on the government the need to implement international agreements e.g. CEDAW and the Commonwealth Policy on Gender and Development which calls for increased women participation in politics. This is a legitimate demand that should be accorded priority.

(e) Corruption and Accountability

The issue of accountability and corruption came up during the campaign period. It is possible that some of these allegations were politically motivated and exaggerated. Whichever party finds itself in government should use the committee system in Parliament to make itself accountable through regular audit of government finances. The establishment of the Anti Corruption Commission is a step in the right direction. However, we urge that integrity legislation be introduced to require Ministers, Parliamentarians and other senior state officials to declare 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 will help to inspire confidence among the citizens and strengthen the fight against corruption. Models of such legislation could be sourced from other members of the Commonwealth.

(f) Human Rights

The Human Rights Commission should also be active in the promotion of and protection of human rights to the citizens. The process of implementing the conclusions of the Truth and Reconciliation Commission should be hastened. It is one effective way of healing the wounds of the last decade.

The Observer Mission was impressed by the co-operation it received from the stakeholders, in compiling this report. We were urged to extend the circulation of this Report from the political directorate to civil society, to the media, to the NGOs and to the wider civil society. We endorse these suggestions and urge that this Report be given the widest possible circulation in Sierra Leone.

SIERRA LEONE RUN-OFF PRESIDENTIAL ELECTION

8 SEPTEMBER 2007

Appendix to the Report of the Commonwealth Observer Group on the Sierra Leone Presidential and Parliamentary Elections of 11 August 2007

Introduction: The Commonwealth observer team for the run-off election

The Commonwealth Secretary-General constituted a team to observe the Presidential run-off election in Sierra Leone, following the 11 August 2007 Presidential and Parliamentary elections. The team consisted of two of the Observers from the Commonwealth Observer Group of 11 August, Dr Kwadwo Afari-Gyan and Judith Thompson, and was supported by three Commonwealth Secretariat staff lead by The Secretary-General's Special Adviser to Africa, Professor Ade Adefuye.

The team arrived in Sierra Leone by 3 September and all members left by 13 September. An arrival statement was issued on 4 September 2007 (see *Annex Seven* for a copy of the arrival statement).

Background to the Run-off Presidential election

The 11 August Presidential and Parliamentary Elections was contested by seven political parties: the ruling Sierra Leone People's Party (SLPP), the All Peoples Congress (APC), the Peace and Liberation Party (PLP), the United National Peoples Party (UNPP) the National Democratic Alliance (NDA), the Convention People's Party (CPP) and the breakaway faction of the SLPP, the People's Movement for Democratic Change (PMDC).

In the parliamentary elections, the APC won 59 seats out of 112, and 44% of the presidential votes. The SLPP won 43 parliamentary seats and 38% of the presidential votes. The PMDC won 10

parliamentary seats and 18% of the presidential votes (see *Annex Eight* for the official NEC results).

According to the Constitution of Sierra Leone, a candidate needs 55% of the presidential votes to be declared as president otherwise there has to be a run-off between the two highest scoring candidates. Accordingly, the NEC ordered a re-run of the presidential election between the APC and the SLPP for 8 September 2007.

Activities of the team

The team arrived in Freetown on 3 September. The following day, members of the team attended a NEC briefing session where the NEC Chairperson, Dr Christiana Thorpe, and NEC officials briefed observers on the preparations for the elections, the changes on procedures for the run-off election (outlined below) and answered questions raised by observers. The team had the opportunity to interact with other international observers at this briefing. Over the next two days, the team observed the final stages of the campaign, the transportation of ballot boxes to polling centres, and the preparation of polling centres and stations by polling personnel.

On Thursday 6 September, team members were deployed across the country; two members of the team were stationed in Freetown, while one member each was in Bo, Kono and Makeni. Soon after arrival at their places of deployment, the members of the team visited the police, district election officials, and other local officials and stakeholders. As in the first round, they familiarised themselves with their areas of deployment; observed the final stages of the campaign, including rallies; saw the transportation, storage and delivery of polling materials and met with members of the general public.

In Freetown the team visited the APC, SLPP and NEC offices to discuss with officials their views on the preparations for the elections.

Post 11 August Political Environment

The immediate post-electoral environment following the 11 August elections was generally calm. However the delay by the NEC in announcing the results proved to be a test of the patience of some of the Sierra Leone people. The official final results were released by the NEC on 23 August. Before then, and while a trend was emerging from the results of various constituencies which showed the APC in the lead, APC supporters were reported to be celebrating their

victory at both the parliamentary and presidential levels. Soon after the announcement of the official results, the PMDC's leader, Charles Margai, announced the intention to throw his weight behind the APC's leader, Ernest Koroma, in the second round of elections.

The SLPP sought to win back the support of their former members who defected to the PMDC, especially the Kamajor, and tended to play up the Mende/Temne ethnic rivalry factor. They also reminded people of the record of the APC government in the period preceding the military coup when there was acute shortage of essential commodities such as food, and foreign commercial enterprises deserted Sierra Leone. With this strategy they hoped to win the run-off.

The second round campaign commenced on 25 August and ended on 6 September. The media reported isolated incidents of violent clashes between APC and SLPP supporters in sensitive areas such as Kono, Kailahun and Freetown. This culminated in violence on the weekend of 1 to 2 September when APC and SLPP supporters clashed in Freetown. The police intervened by using tear gas and succeeded in quelling the situation. Both local stakeholders and the international community, including the Commonwealth Secretary-General (see *Annex Nine* for the Commonwealth Secretary-General's press release), called on the two main political parties and the people of Sierra Leone to eschew violence and maintain the peace and stability that had characterised the first round of elections.

Following these incidents of violence, President Ahmad Tejan Kabbah convened a special meeting of the two main presidential candidates at the presidential lodge where all three leaders signed a communiqué to ensure peace and orderliness in the conduct of the presidential run-off election (see *Annex Ten* for a copy of the communiqué). The two leaders agreed with President Kabbah that in order to demonstrate their commitment to the peaceful conduct of the run-off elections, a joint peace rally would be held in Freetown on Thursday 6 September, which was to be replicated simultaneously in the provinces.

The peace rally which was eagerly anticipated by many stakeholders including the local media and observers, was not held. Ernest Koroma, the APC presidential candidate pulled out of the peace rally at the last stage apparently because he was not convinced that the SLPP was committed to a violence free election. It was further reported in the local press that Mr Koroma had expressed concern about the safety of the event and in particular the safety of his supporters who were allegedly being harassed and intimidated.

In spite of the cancellation of the peace rally, the political climate after the violence of 1 and 2 September remained calm following the aforementioned intervention of President Kabbah.

Main Changes in Procedures for the Run-off Election

While the procedures for the run-off election were generally the same as those of the first round, the NEC announced a few changes designed to improve the process. A comprehensive list of the changes can be found in *Annex Eleven*, excerpts of which are reproduced below:

Voting by polling officials and members of the Sierra Leone Police (SLP): Unlike August 11 when polling officials and SLP members voted before the general public voted at 7am, for the run-off election, voters should be given priority. Polling officials and the SLP would be able to vote when the station is less busy towards the end of the voting.

The NEC introduced the above change because it had noted that members of the general public became suspicious when they saw polling officials and the SLP voting before 7am when the polls opened.

NEC official validating stamp: the validating stamp for the run-off will be different from the one used for the August elections. At the counting, any ballot without stamp or with other stamp different from the new one will be considered invalid.

Procedures to avoid double voting: For the run-off, the left hand little finger will be inked, (rather than the left hand index finger as in the first round). The voter identification officer will punch the Voter Registration card at the bottom right hand corner of the card below the NEC logo (in the first round, the punch was between the NEC logo and the coat of arms).

Distribution of the 'Polling Station Results' form to party agents: Each political party contesting the election will receive a copy of the signed and stamped polling station results. One copy of the results will be displayed at the polling station. In sum, the distribution of the results will be done as follows:

- Original to the National Tally Centre
- Copy 1 to be posted on the polling station
- Copy 2 to the District Electoral Office
- Copies 3 and 4 to the party agents

The Poll and the Count

Our observers who were deployed to the provinces reported that the poll and the count were essentially along the lines of the 11 August elections as reported in Chapter five (see *Annex Twelve* for the team's interim statement). There were however, a few differences from the 11 August process. This time round, agents and supporters of the two major parties had an attitude of 'every single vote counts' due to three main factors: Firstly, the fact that this was a contest between two parties, secondly, because of the post 11 August events, and thirdly, the fact that the winner was going to be decided by a simple majority (first past the post). There was thus much more enthusiasm, vigilance and suspicions in the attitude of agents and supporters of the two competing parties. This slowed down the process of voting particularly at the starting point in major urban centres, especially Freetown. There were arguments over which agent and what number should be allowed into the voting station. This eventually turned out to be a major issue raised by the APC with regards to Kailahun and Kenema districts.

Thus, there were initial hiccups at the start of voting. However, the queues at the beginning of voting, at 7 a.m were not as long as those on 11 August because people seemed to have learnt their lesson that there was enough time for everyone to vote. This initially gave the impression of a lower turnout compared to 11 August, but which could not be ascertained as at the time of writing.

The layout of the voting area was adequate, and the secrecy of the ballot was assured. The queues were orderly and peaceful. Polling officials seemed to have learnt from a few mistakes of 11 August and perfected the art of dealing with voters. There were very few cases of people not finding their names in the register or turning up to vote in the wrong polling centres. The elderly and physically challenged were assisted as laid down in the regulations.

The changes in procedure introduced by NEC were generally successfully implemented, and contributed to the smooth running of the voting and counting exercise.

Arising from the tension between the two main parties, after 11 August, there was a tendency on the part of some voters to hang around the voting stations up to the time of the counting, because of the suspicion that the voting and counting process might be tampered with.

The relatively charged political atmosphere after the August 11 exercise, accounted for the highly visible presence of the security forces in many polling centres. Although not necessarily intrusive, the higher visibility became a necessity in view of the tendency of voters to hang around and voice out verbal suspicion of collusion between polling staff and opposing party polling agents. In some cases, the security forces had to call for reinforcement to drive voters away from the voting stations when they refused to leave the stations after exercising their franchise. But in spite of this, voting was generally peaceful, and conducted in accordance with accepted international standards.

Counting was done in accordance with the laid down procedure and in an efficient and transparent manner, even though there were variations in the reconciliation process at different stations. The counting process was conducted faster than 11 August. This time around, counting took less time because of the fact that it was only one election, and the processes which polling officials had to undertake on 11 August were now cut by half.

We heard allegations of party agents not being allowed to observe in one or two districts. But on closer investigation, it was discovered that the issue centred around the number of polling agents that could be allowed into the polling stations. It was reported that in some areas of those districts, the agents allowed in refused to sign the results sheets. We are not yet in a position to ascertain the veracity of the allegation. But we do not believe it will detract much from the overall quality of the process.

Conclusion and Recommendations

We stand by the conclusions and recommendations as contained in Chapter 8 of this report. We would however like to add that in view of the tension created between the two main parties, APC and SLPP, and the fact that Ernest Koroma reneged on the promise to participate in the joint peace rally, the charged political atmosphere is likely to prevail after the election. Neither of the two main parties is likely to readily accept a result that does not go its way.

The issue of ensuring post election stability in Sierra Leone is a challenge for the Good Offices Role of the Commonwealth Secretary-General. It could be pursued by the Commonwealth on its own, or within the context of the United Nations Peace-Building Commission to which the Commonwealth has been invited to be a participant.



COMMONWEALTH SECRETARY-GENERAL

H E Rt Hon Donald C McKinnon

18 July 2007

Dear Dr Thorpe

The Assessment Mission which visited Sierra Leone has now reported to me and confirmed that there is broad support for the presence of Commonwealth Observers for the forthcoming Presidential and Parliamentary Elections on 11 August 2007. I have therefore decided to constitute a Commonwealth Observer Group for the elections.

I am pleased to confirm the final composition of the Commonwealth Observer Group as follows:

The Hon Dr Kenny Anthony
Former Prime Minister
St Lucia

CHAIRPERSON

Dr Kwadwo Afari-Gyan
Chairman, Electoral Commission
Ghana

Hon Vera Baird QC MP
United Kingdom

Senator Walter Bennett
Swaziland

Mr Joseph Hamisi Dena
Commissioner, Electoral Commission
Kenya

Mr Ahmed Mahloof
Deputy Asia Regional Representative
Commonwealth Youth Caucus
Maldives

Hon Edith Nawakwi MP
Zambia

Ms Judith Thompson
Election Administrator
Canada

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.../2

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The Observer Group will be supported by a Staff Team from the Commonwealth Secretariat:

Prof Ade Adefuye (Staff Team Leader)
Mr Linford Andrews
Ms Julie Broadbent
Mr Julius Mucunguzi
Ms Zippy Ojago

We have written in similar terms to the Sierra Leone High Commission in London so that the Government is fully informed.

The Political Affairs Division at the Secretariat will be in touch with you regarding all the necessary administrative arrangements.

I trust this information is of assistance.

A handwritten signature in black ink, appearing to read 'Sincerely' followed by a large, stylized signature that likely corresponds to Don McKinnon.

Don McKinnon

Dr Christiana Thorpe
Chief Election Commissioner/Chairperson
National Electoral Commission
15 Industrial Estate
Wellington
Freetown
Sierra Leone

COMPOSITION OF THE COMMONWEALTH OBSERVER GROUP

Dr Kenny Anthony (St Lucia) – Chairperson

Dr Kenny Anthony served as Prime Minister of St Lucia from 1997 to 2006. He is currently the leader of the Opposition in the House of Assembly. During his tenure as Prime Minister, he was assigned by the Prime Ministers of the Caribbean Community (CARICOM) the responsibility of handling issues of justice and governance in the community. Prior to his active involvement in politics, Dr Anthony served as head of the teaching department of the Faculty of Law of the University of the West Indies, Cave Hill Campus, St Michaels, Barbados. Later he served as the General Counsel of the CARICOM Secretariat in Guyana. An Attorney of Law by profession, Dr Anthony obtained his undergraduate degrees at the University of the West Indies (UWI) and his PhD from the University of Birmingham in the United Kingdom.

Dr Kwadwo Afari-Gyan (Ghana)

Kwadwo Afari-Gyan has been the chairman of the Electoral Commission of Ghana since 1993 and Executive Secretary of the African Association of Election Authorities (AAEA) since 1998. Before becoming an election administrator, he taught at universities in America, Ghana and Nigeria for nearly two decades. In 1991 he served as a member of the Committee of Experts that drafted proposals for the 4th Republican Constitution of Ghana. In 1992 he became a deputy chairman of the Interim National Electoral Commission (INEC), which conducted a referendum on the constitution and the subsequent presidential and parliamentary elections. He has done electoral work in several countries in and outside Africa under the auspices of various international organisations. He holds a BA degree in philosophy and MA in African politics from the University of Ghana, Legon, and a PhD in political science from the University of California at Santa Barbara, where he was a Fulbright scholar. He has written four books and several articles on political, constitutional and electoral issues.

Hon Vera Baird QC MP (United Kingdom)

Vera Baird QC MP is the Solicitor General in the UK Government and is the Labour MP for Redcar. She is a criminal barrister and has worked over the years on many major cases, in particular ground-breaking

protest cases and the defences of battered women who have killed their violent partners. She is an Honorary Fellow of St Hilda's College Oxford and at Teesside University and a Visiting Professor of Law at South Bank University. She is the author of a number of legal and political works, notably "Rape in Court" a critique of the law and trial process about sexual offences. She entered Parliament in 2001 and joined the Joint Committee on Human Rights, three years later moving to the Select Committee on Work and Pensions. She was Spectator Backbencher of the Year in 2004. In 2005 she became Parliamentary Private Secretary to Charles Clarke, the then Home Secretary. The following year she was appointed Parliamentary Under Secretary of State in the Ministry of Justice. She is a keen member of the UK Branch of the Commonwealth Parliamentary Association and has observed elections in Kenya, Botswana and the Democratic Republic of Congo.

Senator Walter Bennett (Swaziland)

Senator Walter Bennett served two consecutive terms in the Senate of The Kingdom of Swaziland from 1993 to 2003. He was elected by the House of Assembly. Senator Bennett was very active in the Senate, essentially championing the issues of governance and measures against corruption. Senator Bennett is a businessman and cattle farmer. He studied accountancy both locally and in the United Kingdom. He worked for a while in the financial services sector in Swaziland before being self employed. He has served on several institutional boards and also chaired Commissions of enquiries in the Kingdom.

Mr Ahmed Mahloof (Maldives)

Mr. Ahmed Mahloof, the Commonwealth Youth Representative from Maldives is the current Deputy Chair of the Commonwealth Asia Region Youth Caucus. He is also a member of the Council and the Vice President of the Youth Wing of Dhivehi Rayyithunge Party (DRP), the ruling party in the Maldives. Mr. Mahloof has been working with the Ministry of Youth and Sports since 2000. He won the National Youth Award in 2006, in recognition of the work he does in the youth and sports field. He has participated in more than 25 international youth programmes in different countries. He is an avid sportsman, having played for the under 16, under 19 and the under 23 national football teams, in the first division for three years and also played in the Asian club championship in Japan. He is an Asian football confederation "C" licensed coach, coaching kids and some clubs.

Ms Edith Z. Nawakwi (Zambia)

Ms Nawakwi was a member of the Zambian Cabinet between 1991 and 2001. She was the first woman Finance Minister and later headed the ministries of Agriculture, Energy, Labour and Social Security. Ms Nawakwi joined the opposition Forum for Democracy and Development (FDD) in 2001 and was re-elected to Parliament. She was elected Vice-President of FDD in 2001, until 2005, when she was elected to lead FDD as President.

Ms Judy Thompson (Canada)

Ms Judy Thompson served as Deputy Chief Electoral Officer in the province of Manitoba (Canada). While there, she developed voter-education programmes to encourage participation by first time voters, new Canadians, the disabled and homeless voters. Ms Thompson has worked as an international election consultant in post-conflict elections since 1992. Most recently she assisted with election planning in Bangladesh, Palestine, Jordan, Iraq, Ukraine and Sierra Leone.

Secretariat Staff

Professor Ade Adefuye
Mr Linford Andrews
Ms Julie Broadbent
Ms Zippy Ojago
Ms Yvonne Chin

Team Leader
Assistant to Observers
Assistant to Observers
Assistant to Observers
Assistant to Observers & Press Officer



COMMONWEALTH OBSERVER GROUP
Sierra Leone Presidential and Parliamentary Elections
11 August 2007

News Release

ARRIVAL STATEMENT BY DR THE HON KENNY D. ANTHONY,
CHAIRPERSON, COMMONWEALTH OBSERVER GROUP
4 AUGUST 2007

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

The Commonwealth Observer Group is here in response to the invitation of the Government of Sierra Leone and the National Electoral Commission to observe the Presidential and Parliamentary elections scheduled for 11 August, 2007.

On receipt of the invitation, the Secretary General dispatched an Assessment Mission in May 2007 to consult with the political parties, officials of the National Elections 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 and Sierra Leone have come a long way. We have been involved in peacemaking and post-conflict reconstruction and rehabilitation since 2000. We constituted a Commonwealth Secretariat Task Force which engaged in a wide range of programmes to resettle former soldiers and war victims. We also assisted in the creation of an environment conducive to the holding of democratic elections. We observed the 2002 elections and assisted in the implementation of some of the recommendations of our observer group designed to strengthen democracy.

We are happy to be here again to contribute towards concretizing the re-emergence of the democratic traditions of Sierra Leone. One member of our team arrived ahead of us and began his work as an 'Advance Observer' on Friday 20th July 2007.

We are to conduct this mission "impartially and independently and in accordance with the standards expressed in the *International Expression of Principles* to which most of the international organizations including the Commonwealth are signatories. We have no executive role. Our function is not to supervise but to observe the process as a whole and to form a judgement accordingly".

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Tel: +232 22 230321 or +232 (0)76 323 115 Fax: +232 22 233 157

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.

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 organizations to which we belong. We are here solely as citizens of the Commonwealth.

We intend to be faithful to that mandate and will carry out our 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. We are not here to interfere.

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 be holding discussions with the NGO community, Civil Society groups and Sierra Leoneans from across the country.

We will begin our activities with a series of meetings with the stakeholders mentioned above and later, we will deploy to various parts of the country. We intend to establish meaningful links and co-operative arrangements with other observer groups, especially during the period of observation.

We also note that this election returns Sierra Leone to a first past the post system. Clearly, we will seek to observe what impact this change has brought to the election campaign and the election process itself.

We will return to Freetown after the elections and issue an interim statement commenting on the process and outcome of the election based on the reports of our observers. We will then prepare 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.

The observation team appreciates that this is a historic election. It provides for the transfer of authority from one civilian government to another. This is a milestone for Sierra Leone, as it seeks to strengthen and deepen its democratic processes and traditions.

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

LIST OF MEETINGS HELD BY THE COMMONWEALTH OBSERVER GROUP

National Electoral Commission (NEC)
Inspector General of Police
Attorney-General

International Organisations

African Union
Commonwealth High Commissions
-The Gambia
-Nigeria
-United Kingdom
ECOWAS
European Union Electoral Observer Mission
IFES
NDI

Political Parties

All People's Congress (APC)
Peace and Liberation Party (PLP)
People's Movement for Democratic Change (PMDC)
Sierra Leone People's Party (SLPP)

Civil Society

Campaign for Good Governance
Centre for Coordination of Youth Activities (CCYA)
Civil Society Movement
Coalition of Civil Society and Human Rights Activists
Disability Awareness Action Group (DAAG)
Forum for African Women Educationalists (FAWE)
50/50 Group of Sierra Leone
Human Rights Commission of Sierra Leone
Mano River Union Women Parliamentary Network (MARWOPNET)
Methodist Church of Sierra Leone (MCSL)
National Commission for Democracy (NCD)
National Council of Muslim Women (NCOMWO)
National Election Watch (NEW)
National Organisation of Women (NOW)
National Youth Awareness Forum
National Youth Coalition
Network Movement for Justice and Development
Partners Women Commission
Sierra Leone Association of University Women (SLAUW)

Sierra Leone Confederation of Trade Unions (SLCTU)
Sierra Leone Labour Congress
Sierra Leone Women's Forum
Sierra Leone Market Women's Association
Women's Peace Network

Media

African Standard
Awareness Times
Concord Times
CTN
Equity
FormoTrac
Informotrac-SL
Independent Observer
New Citizen
New People Press
New Storm
Panapress
Salone Times Newspaper
Sierra Leone Association of Journalists (SLAJ)
Sierra News
Sierra Leone News Agency (SLENA)
The African Champion
The Exclusive
UN Radio
We Yone



COMMONWEALTH OBSERVER GROUP

Sierra Leone Presidential & Parliamentary Elections
11 August 2007

DEPLOYMENT

| Freetown | Makeni | Bo | Kenema | Koidu (Kono) |
|---|---|---|------------------------------------|--|
| <i>Team 1</i> Hon Dr Kenny D. Anthony (Chair) Ms Yvonne Chin | Dr Kwadwo Afari-Gyan Sen. Walter Bennett | Hon Vera Baird QC MP Mrs Edith Nawakwi | Mr Ahmed Mahloof Ms Zippy Ojago | Ms Judith Thompson Mr Linford Andrews |
| <i>Team 2</i> Prof Ade Adefuye | | | | |
| <i>Office</i> Ms Julie Broadbent | | | | |



COMMONWEALTH OBSERVER GROUP
Sierra Leone Presidential & Parliamentary Elections
11 August 2007

News Release

**DEPARTURE STATEMENT BY DR THE HON KENNY D. ANTHONY,
CHAIRPERSON, COMMONWEALTH OBSERVER GROUP,
Freetown, 18 August 2007**

In our Interim Statement issued on 12 August 2007, we conveyed our initial impressions of the elections. On our return from deployment, we exchanged views with the local and other international observers and watched the process of the collating and formal announcement of the provisional results. All these, in addition to our observation in the field influenced the nature and content of our final report which has now been concluded.

The report will be presented to the Commonwealth Secretary-General, who will then convey it to the Government of Sierra Leone, the National Electoral Commission, all political parties, and other stakeholders in Sierra Leone. Thereafter it will be sent to all Commonwealth Governments prior to being made public.

This has indeed been a landmark election in the history of Sierra Leone. We depart Sierra Leone today prior to the announcement of results. We leave with the sincere hope that our call for the timely and speedy release of results will be heeded. We firmly believe this to be imperative, as this will serve to inspire greater confidence in the electoral process. In addition, we call on the people of Sierra Leone and the political parties to exercise patience and continue to demonstrate their commitment to a violent-free election.

The Group has been deeply impressed by the quality of performance of the National Electoral Commission thus far. As we depart, we wish to express our gratitude to the Chairperson and staff, both in Freetown and the field, not only for the opportunity for us to observe these elections, but also for the assistance accorded to our Group during our mission. We wish the NEC well in the result tallying process.

We also wish to thank the Inspector-General of Police, all political parties, civil society organisations and other observers – both domestic and international – for their briefings and support during our work.

As we declared in our Interim Statement, the entire process of an election cannot be perfect. We hope that our recommendations for improvement of the electoral process will be taken in the positive spirit in which they are intended.

We commend the people of Sierra Leone for their passion and commitment to the principles of democracy and a peaceful democratic process and reiterate our call upon the people of Sierra Leone to nourish the democratic will and aspirations so evident in these elections. The Commonwealth stands ready to continue to contribute towards Sierra Leone's post-conflict reconstruction programme. We call on other international organisations to do the same.

We wish the people of Sierra Leone well in the consolidation of their democracy.

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COMMONWEALTH OBSERVER GROUP
Sierra Leone Presidential and Parliamentary Elections
11 August 2007

News Release

INTERIM STATEMENT BY DR THE HON KENNY D. ANTHONY,
CHAIRPERSON, COMMONWEALTH OBSERVER GROUP
12 AUGUST 2007

In my arrival statement delivered on 4 August, I indicated our intention of the Commonwealth Observer Group (COG) to deploy to various parts of the country. This was done. Our observers were stationed in five major cities and towns. They established contacts, watched campaigns and exchanged views with the local branches of the National Electoral Commission (NEC), local party officials, local and other international observers and the citizens of Sierra Leone.

On Election Day, we observed the opening of the polls and witnessed the polling process in as many stations as possible. We watched the closing of the polls, the counting process and the post counting exercise in several polling stations.

The Commonwealth Observer Group salutes the people of Sierra Leone for their passion for peace and stability and their strong belief in and commitment to the principles of democracy and the democratic process. These are among the fundamental values of the Commonwealth family.

We were pleased to observe that in most places long queues of enthusiastic but disciplined voters had assembled at polling stations hours before the polling stations were opened. Except for understandable displays of irritation at the delay in the commencement of polls, the voters behaved in a peaceful and orderly manner. The 'no violence' campaign mounted by various groups clearly achieved its objectives. There was zero tolerance of any tendency towards violence and fraud at the polls.

The general commendation of the NEC for its professional competence, fairness, efficiency, effectiveness and transparency by all the major political parties was reinforced by the performance of the electoral officials. The delays which occurred in many centres at the beginning of the polls were unfortunate but understandable. They were mainly due to the late arrival of polling materials, sometimes because of security considerations. The insistence of polling officials on total compliance with laid down procedures and the determination to achieve maximum transparency also contributed to the delays.

After the initial hiccup, voting progressed well. The polling register was generally satisfactory but the lack of clarity about its ordering slowed down the process. Incidents of individuals who did not find their names on the voter register were few and in most cases solutions were found. Arrangements made to deal with cases of people losing their voter cards could have been better.

The lay out of the polling stations was satisfactory and the secrecy of the ballot was assured. In very few cases, security was not provided but in most other places police officials were visible and helpful but not intrusive. Police officials in collaboration with the polling agents, assisted the elderly, the illiterate and those who were physically challenged.

The atmosphere at the polling stations was, in some instances animated but generally orderly. We did not notice any organized attempt to defraud the voting process or to intimidate voters. The party agents by and large expressed satisfaction with the conduct of the polls.

The counting process followed the laid down procedure. Party agents were made to observe the exercise and co-operated with NEC officials. In cases where objections were raised, they were quickly addressed and a solution obtained either through consensus or the intervention of the senior NEC official on the scene.

On the basis of the above, we are inclined to believe that the conditions were such as to enable the people of Sierra Leone to express their will freely and in accordance with internationally accepted standards.

Although we observed the counting, we were not in a position to observe the post counting and collation exercise. We are informed that the official results will be announced in the near future. The timely release of results inspires confidence. If the professional competence, honesty, integrity and transparency which have characterized the exercise so far are carried through the collating process to the formal announcement of the final results, we believe that the credibility of the elections would be enhanced.

The entire process of a Presidential and Parliamentary election cannot be perfect. There will always be areas begging for improvement. This will form part of our full report which we will begin to compile as soon as our observers return from their stations today. We shall complete the report before we depart Sierra Leone exactly a week from today and submit it to the Secretary General of the Commonwealth for further action.

Once again, the Commonwealth Observer Group commends the people of Sierra Leone for their commitment to and support of democracy, with a successful transition from one civilian regime to the other.

It is for the people of Sierra Leone and their friends in the international community to nourish the democratic will and aspirations so evident in these elections.

The Commonwealth stands ready to continue its contribution to the post-conflict reconstruction process in Sierra Leone. It calls on like minded international organizations to do the same



COMMONWEALTH OBSERVER GROUP

Sierra Leone run-off Presidential Election

8 September 2007

News Release

Commonwealth to observe Sierra Leone run-off elections

04 September 2007

A commonwealth team arrived in Freetown on 3 September to observe the run-off presidential election scheduled for 8 September 2007. It will be recalled that a Commonwealth Observer Group was in Sierra Leone for the 11 August Presidential and Parliamentary elections. The Commonwealth team will hold discussions with some stakeholders and be deployed to the provinces to observe the elections.

The team will subsequently submit its findings to the Secretary-General of the Commonwealth which will form part of an earlier report prepared by the Commonwealth Observer Group on the 11 August elections. This report will then be forwarded by the Secretary-General to the Government of Sierra Leone, the Chairman of the National Electoral Commission of Sierra Leone, the leadership of the political parties taking part in the elections and thereafter to all Commonwealth Governments.

In an earlier press statement, the Secretary-General urged Sierra Leone election officials and citizens to exhibit the same professional competence, commitment to the principles of democracy and zero tolerance for violence which characterised the 11 August elections.

On behalf of Commonwealth citizens, the Commonwealth team wishes the people of Sierra Leone well as it consolidates its democracy.

Note to editors: The Commonwealth Team is based at Cape Sierra Hotel. For further enquiries contact Yvonne Apea on 076-323119.



Republic of Sierra Leone
NATIONAL ELECTORAL COMMISSION
FINAL ELECTION RESULTS



Final Results Summary

Updated 25 Aug 2007 10:00

Tally Progress

National: 6,163 of 6,163 (100.0%) polling stations reported

| District | Stations Reported | Stations Pending | % Reported |
|-----------|-------------------|------------------|------------|
| Kailahun | 421 | 0 | 100.0% |
| Kenema | 631 | 0 | 100.0% |
| Kono | 417 | 0 | 100.0% |
| Bombali | 517 | 0 | 100.0% |
| Kambia | 322 | 0 | 100.0% |
| Koinadugu | 349 | 0 | 100.0% |
| Port Loko | 527 | 0 | 100.0% |
| Tonkolili | 412 | 0 | 100.0% |
| Bo | 567 | 0 | 100.0% |
| Bonthe | 190 | 0 | 100.0% |
| Moyamba | 310 | 0 | 100.0% |
| Pujehun | 252 | 0 | 100.0% |
| WA Rural | 252 | 0 | 100.0% |
| WA Urban | 996 | 0 | 100.0% |
| National | 6,163 | - | 100.0% |

Turnout

National: 1,984,106 (75.8%) for reported polling stations

| District | Voters | % Turnout |
|-----------|-----------|-----------|
| Kailahun | 141,463 | 77.6% |
| Kenema | 211,636 | 78.1% |
| Kono | 136,296 | 75.6% |
| Bombali | 157,097 | 76.5% |
| Kambia | 88,778 | 65.9% |
| Koinadugu | 79,857 | 66.9% |
| Port Loko | 161,096 | 74.5% |
| Tonkolili | 127,261 | 75.1% |
| Bo | 190,442 | 79.3% |
| Bonthe | 56,256 | 77.4% |
| Moyamba | 89,073 | 73.3% |
| Pujehun | 70,826 | 72.3% |
| WA Rural | 85,184 | 75.1% |
| WA Urban | 388,841 | 79.1% |
| National | 1,984,106 | 75.8% |

Presidential Election by District

| District | KOROMA (APC) | TURAY (CPP) | JALLOH (NDA) | CONTEH (PLP) | MARGAI (PMDC) | BEREWA (SLPP) | KARIM (UNPP) | District Total |
|-----------|--------------|-------------|--------------|--------------|---------------|---------------|--------------|----------------|
| Kailahun | 6,997 | 1,452 | 1,130 | 664 | 19,721 | 102,174 | 392 | 132,530 |
| Kenema | 23,647 | 2,184 | 2,529 | 1,270 | 42,394 | 123,811 | 602 | 196,437 |
| Kono | 43,556 | 2,418 | 1,304 | 584 | 4,803 | 70,798 | 621 | 124,084 |
| Bombali | 121,715 | 3,087 | 1,055 | 551 | 2,751 | 15,342 | 641 | 145,142 |
| Kambia | 55,525 | 2,203 | 1,087 | 833 | 1,510 | 19,498 | 707 | 81,363 |
| Koinadugu | 42,027 | 2,087 | 918 | 525 | 1,500 | 23,719 | 453 | 71,229 |
| Port Loko | 116,131 | 4,065 | 1,301 | 652 | 2,094 | 22,649 | 765 | 147,657 |
| Tonkolili | 96,498 | 2,597 | 658 | 412 | 1,327 | 15,298 | 544 | 117,334 |
| Bo | 18,320 | 1,817 | 1,523 | 1,497 | 66,770 | 89,383 | 472 | 179,782 |
| Bonthe | 1,597 | 682 | 676 | 643 | 31,995 | 16,590 | 164 | 52,347 |
| Moyamba | 14,448 | 1,873 | 1,181 | 1,118 | 28,454 | 32,258 | 491 | 79,823 |
| Pujehun | 1,890 | 627 | 623 | 725 | 28,625 | 33,114 | 166 | 65,770 |
| WA Rural | 50,912 | 1,250 | 619 | 288 | 3,473 | 21,756 | 299 | 78,597 |
| WA Urban | 222,260 | 2,268 | 3,144 | 794 | 20,082 | 117,622 | 943 | 367,113 |
| National | 815,523 | 28,610 | 17,748 | 10,556 | 255,499 | 704,012 | 7,260 | 1,839,208 |

Summary of Votes by District

| District | Valid Votes | Invalid Votes | Total Votes |
|-----------|-------------|---------------|-------------|
| Kailahun | 132,530 | 8,933 | 141,463 |
| Kenema | 196,437 | 15,199 | 211,636 |
| Kono | 124,084 | 12,212 | 136,296 |
| Bombali | 145,142 | 11,955 | 157,097 |
| Kambia | 81,363 | 7,415 | 88,778 |
| Koinadugu | 71,229 | 8,628 | 79,857 |
| Port Loko | 147,657 | 13,439 | 161,096 |
| Tonkolili | 117,334 | 9,927 | 127,261 |
| Bo | 179,782 | 10,660 | 190,442 |
| Bonthe | 52,347 | 3,909 | 56,256 |
| Moyamba | 79,823 | 9,250 | 89,073 |
| Pujehun | 65,770 | 5,056 | 70,826 |
| WA Rural | 78,597 | 6,587 | 85,184 |
| WA Urban | 367,113 | 21,728 | 388,841 |
| National | 1,839,208 | 144,898 | 1,984,106 |



Republic of Sierra Leone
 NATIONAL ELECTORAL COMMISSION
 FINAL ELECTION RESULTS



Final Results Summary

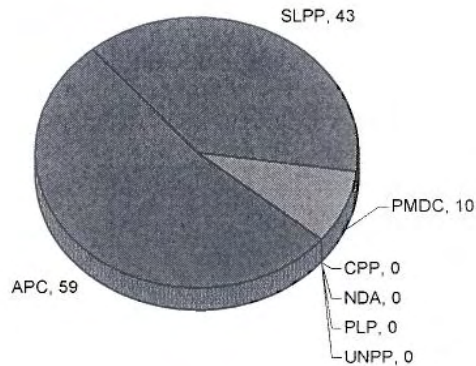
Updated 25 Aug 2007 10:00

Parliament Election - Seats by Political Party

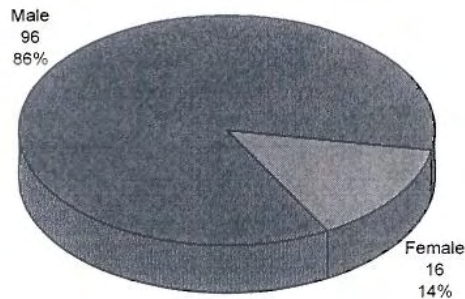
| District | APC | CPP | IND | NDA | PLP | PMDC | SLPP | UNPP | Total |
|--------------------|-----------|----------|----------|----------|----------|-----------|-----------|----------|------------|
| Kailahun | | | | | | | 8 | | 8 |
| Kenema | | | | | | | 11 | | 11 |
| Kono | 1 | | | | | | 7 | | 8 |
| Bombali | 9 | | | | | | | | 9 |
| Kambia | 5 | | | | | | 1 | | 6 |
| Koinadugu | 4 | | | | | | 2 | | 6 |
| Port Loko | 10 | | | | | | | | 10 |
| Tonkolili | 8 | | | | | | | | 8 |
| Bo | | | | | | 3 | 8 | | 11 |
| Bonthe | | | | | | 3 | | | 3 |
| Moyamba | 1 | | | | | 1 | 4 | | 6 |
| Pujehun | | | | | | 3 | 2 | | 5 |
| Western Area Rural | 4 | | | | | | | | 4 |
| Western Area Urban | 17 | | | | | | | | 17 |
| National | 59 | 0 | 0 | 0 | 0 | 10 | 43 | 0 | 112 |

Parliament Election - Seats by Political Party

- APC
- SLPP
- PMDC
- CPP
- NDA
- PLP
- UNPP



Parliament Election - Seats by Gender



- Female
- Male



COMMONWEALTH

NEWS RELEASE

07/48

4 September 2007

ANTIGUA AND
BARBUDA
AUSTRALIA
THE BAHAMAS
BANGLADESH
BARBADOS
BELIZE
BOTSWANA
BRUNEI DARUSSALAM
CAMEROON
CANADA
CYPRUS
DOMINICA
FIJI ISLANDS*
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
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

Sierra Leone: Commonwealth Secretary-General calls for calm ahead of presidential run-off elections

Commonwealth Secretary-General Don McKinnon today called on the people of Sierra Leone to exercise the same level of calmness and integrity in the 8 September presidential run-off elections as was exhibited in the first round of polls three weeks ago.

Speaking from the Commonwealth Secretariat headquarters in London, Mr McKinnon expressed concern at the incidents of violence that have been reported in the country, and called on all political actors to rise above partisan interests and have the nation's interests uppermost in mind.

“We were delighted that all the international observers, including the Commonwealth Observer Group, were impressed with the conduct of the first round of elections,” the Secretary-General said.

Mr McKinnon said that a Commonwealth team is currently present in Sierra Leone to observe the run-off.

“It is our hope that the same level of competence, honesty, integrity, openness, transparency and the zero tolerance to violence which characterised the first round of elections will be evident in the presidential run-off,” he added.

Mr McKinnon added: “This is a historic opportunity for the country to have a democratic transition from one civilian government to another since the end of the conflict. The world cannot afford to see this historical moment sacrificed at the altar of partisan interests.”

The 11 August presidential and parliamentary elections were Sierra Leone's second since the end of the decade-long civil war in 2002.

The run-off in the presidential election on 8 September is between Ernest Bai Koroma of the All People's Congress (APC) and incumbent Vice-President Solomon Berewa of the Sierra Leone People's Party (SLPP). The two men are vying to succeed President Ahmad Tejan Kabbah.

**Fiji Islands was suspended from the councils of the Commonwealth in December 2006.*

***Nauru is a Special Member*

ISSUED BY THE COMMUNICATIONS & PUBLIC AFFAIRS DIVISION

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Note to Editors

The Commonwealth has consistently been involved with peace building and post-conflict reconstruction and rehabilitation in Sierra Leone. An important aspect of Commonwealth Programmes has included training of the Police Force, support to the electoral commission, capacity building and provision of various forms of technical assistance, youth programmes, among many others.

The Commonwealth has also observed all the elections since the end of the decade long conflict.

For media enquiries, please contact Julius Mucunguzi, Communications Officer/Assistant Spokesperson for Africa on j.mucunguzi@commonwealth.int or +44- 7922-299-809

COMMUNIQUE
OF A SPECIAL MEETING CONVENED BY
HIS EXCELLENCY THE PRESIDENT
ALHAJI DR AHMAD TEJAN KABBAH
OF THE TWO MAIN POLITICAL PARTY LEADERS
ON THE FORTHCOMING RUN-OFF ELECTIONS
TO BE HELD ON SATURDAY THE 8TH OF SEPTEMBER 2007

Following the successful Second Security Consultative Conference on Election held on Saturday 1st September 2007, His Excellency the President, Alhaji Dr Ahmad Tejan Kabbah summoned a meeting of the leaders of the two main political parties, Honourable Ernest Bai Koroma, Leader and Presidential Candidate of the All People's Congress Party and the Honourable Solomon Ekuma Berewa, Leader and Presidential Candidate of the Sierra Leone People's Party in order to follow-up on the recommendations of that Consultative Meeting and to develop an Action Plan for their implementation.

This is considered necessary in order to ensure that the success attained in the first round of elections is maintained or even improved upon in the interest of maintaining peace and stability. In view of this the meeting agreed that the two leaders should strengthen their mutual trust and confidence which should flow down to their supporters in particular and the nation in general.

In order to achieve this, the meeting identified the following matters of concern which should be dealt with immediately:

- The use of ex-combatants and vigilante groups by political parties and the assignment to them of security roles in party activities has been found to be negative and counter-productive and it is hereby banned. In this regard, the Sierra Leone Police is instructed to verify the compliance with this ban and to enforce it. The security of the premises of the political parties and activities is the responsibility of the Sierra Leone Police at all times. In addition, the Sierra Leone Police will provide adequate security for the two leaders.
- Any persons in possession of arms and offensive weapons or objects will be arrested and prosecuted.


- While appreciating the role being played currently by the Sierra Leone Police they are urged to be more robust and impartial in carrying out their functions to underscore the fact that nobody is above the law.
- The two leaders agreed to develop their inter-personal relationship and the exchange of information on matters concerning the elections and national security.
- The two leaders agreed that political parties are allowed to have marshals with distinctive T-shirts for crowd control purposes during party functions and should not be armed.
- Based on information received, the security forces have been instructed to ferret out and expose any existing unauthorised military training activities and initiation ceremonies aimed at causing subversive activities against the state and the people of Sierra Leone.
- The rumour of possible disruption of the peace before, during and after the elections has been received by the security forces who are under instructions to deal with it. In this regard the two leaders agreed to share information in support of the security forces.
- Security arrangements for VIPs should be provided by the Sierra Leone Police and not by the RSLAF. In this regard, the Ministry of Defence is under instruction to withdraw all military personnel posted to VIPs and other areas outside of the existing MACP directives.
- The two leaders strongly condemn all actions of intimidation, harassment and use of provocative language, physical violence directed at any person/persons or the malicious destruction of property for any reason.
- Both leaders agreed to always treat each other with respect and decorum and urge other political leaders and their followers to do the same.

In pursuance to the above, the two leaders agreed with His Excellency that to demonstrate their commitment to the peaceful conduct of the run-off elections, to undertake, in a grand finale, a joint peace rally in Freetown which is to be replicated simultaneously in the provinces.

This Communiqué comes into effect immediately upon signature and remains in force indefinitely.

**THE LODGE
HILL STATION
FREETOWN**

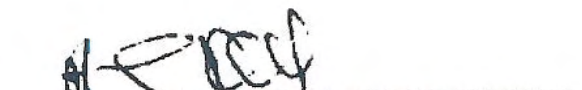
SUNDAY, 2ND SEPTEMBER 2007



.....
**HON. ERNEST BAI KOROMA
LEADER AND PRESIDENTIAL
CANDIDATE OF THE A.P.C.**



.....
**HON. SOLOMON EKUMA BEREWA
LEADER AND PRESIDENTIAL
CANDIDATE OF THE S.L.P.P**



.....
**ALHAJI DR AHMAD TEJAN KABRAH
PRESIDENT OF THE REPUBLIC OF
SIERRA LEONE**



**National Electoral Commission (NEC)
Sierra Leone**



PROCEDURES FOR THE RUN-OFF ELECTION

INTRODUCTION

The run-off election will take place on September 8, 2007, from 7 am to 5 pm.

In this election, registered voters will elect the President of the Republic of Sierra Leone between the two candidates who obtained the highest number of valid votes cast in the 11 August presidential elections.

For the run-off election, the same polling centres from the previous election will open at the same locations, with the same number of polling stations within each centre, and also with the same number of polling officials. There will be only one ballot paper (with two candidates) and only one ballot box.

Although small changes in the procedures have been introduced, the polling and counting procedures for the run-off election will be basically the same as those used for the presidential and parliamentary elections, including the amendments to the lost of ID cards and to voters with voter ID cards but whose names are not on the register.

The TOT manual continues as the main guide for the training sessions and for the run-off election along with the present document which contains the following:

- the changes on procedures for the run-off,
- the procedures that need to be emphasized, and
- alternative solutions if something fails on polling day.

CHANGES ON PROCEDURES FOR THE RUN-OFF ELECTION

1. Voting by polling officials and SLP members

(Change on page 33 of the TOT manual)

- Unlike August 11, when polling officials and SLP members voted before the general public voted, for the run-off election voters should be given priority. Polling officials and SLP members will be able to vote when the station is less busy towards the end of the voting. The PO will inform the party agents at the moment in which the staff will vote.
- Polling officials will vote in their own polling stations.

The form comes in original and 4 copies to be distributed as follows:

- Original to the National Tally Centre
- 1st copy to be posted in the polling station
- 2nd copy to the District Electoral Office
- 3rd and 4th copies to the party agents

PROCEDURES TO BE EMPHASIZED DURING THE TRAINING

All procedures need to be reminded during the training, but the following procedures were somehow overlooked on 11 August and need to be emphasized.

✓ The importance of a better coordination between PCM and POs

The day before polling the managers should meet with the POs to establish a coordination strategy to manage the PC on polling day and to arrange the delivery of the materials at the end of counting.

✓ Queue control

- The locations of the polling stations within the centre should be the same as for the 11 August elections. The PCMs should take into consideration that voters are already aware of the locations where they have to vote, and which line to stand in.
- The polling staff must ensure that directional signs, PC codes, and PS numbers are placed in the polling centres the day before the elections, where voters can easily see them.
- PCM and polling centre queue controllers should make a previous arrangement to manage the crowd before polling day.
- Polling centre and polling station queue controllers should be organizing the voters, already at the centre, in queues, before 5am.
- It might also be helpful to have megaphones in some mega centres to control the crowd and to direct voters to their assigned polling stations. ECMs have at least one per constituency.
- PC queue controllers should be positioned in strategic places to be able to direct voters to their polling stations.
- If at the end of the day the public refuses to leave the PC, the barrier tape can be used to establish a limit and not allow them to get near the PSs or where the counting is taking place

✓ The importance of checking the fingers by the ID officer for traces of ink

ID officer needs to check the finger before start identifying the voter in the FVR.

✓ How to find a name in the FVR

The FVRs for the polling stations will be exactly the same as for 11 August election which are arranged numerically.

- The names of the political parties running in the run-off election are preprinted in the polling station results form as well as in the polling centre return sheet, therefore there is no need to write the name of the candidates in advance.
- PCMs must ensure they transfer the results from all the PS in the centre to the PC return sheet and collect them for packing.
- Results should be transferred before collecting the PS materials.

✓ **The packing of the sensitive materials and TEEs**

- Each result needs to be in the proper TEE (original/1st. white copy- inside the TEE for the National Tally Centre)
- TEEs are not supposed to be inside the ballot box
- TEEs are to be sealed before they are handed over to the monitors, do not leave them open
- TEEs are not to be open at all once they have been sealed. If by mistake a form was not included, put it in another TEE and indicate so in the remarks.
- The remarks are to record whatever has happen with that TEE

Consequences of not following procedures

- Results can be missing
- Creating suspicions from the PP
- Creating delays in the declarations of results
- Invalidating the results

ALTERNATIVE SOLUTIONS FOR DIFFERENT SCENARIOS ON POLLING DAY

- If there is no puncher or the puncher does not work: the identification officer will cut the bottom right corner of the voter ID card using the scissors provided. Avoid punching or cutting any particulars that could spoil the card.
- If any of the TEEs is missing, do not use a brown envelope, instead use the transparent TEE for the FVRs. Ensure that the PC code is visible and include a note indicating why that bag is being used.
- If the FVR for the station is missing, use the PC FVR, but ensure that the PS queue controller only allows those voters that are allocated in that PS to enter the PS.
- If there are not FVRs at all for the PC and PSs, no election can be conducted until the FVRs are made available. The monitor needs to be informed immediately.



COMMONWEALTH OBSERVER GROUP

Sierra Leone run-off Presidential Election

8 September 2007

News Release

Interim statement by the Commonwealth observer team for the run-off election

09 September 2007, Freetown, Sierra Leone

In our arrival statement issued on 04 September 2007 we indicated our intention to deploy members of our team to the major provinces to observe the elections. The deployed observers have now returned to Freetown. Their impressions of the elections of 08 September are essentially the same as that noted in our departure statement of 18 August 2007.

On Election Day, we observed the opening of the polls and witnessed the polling process in as many stations as possible. We watched the closing of the polls, the counting process and the post counting exercise in several polling stations.

In some centres, the opening of the polls was delayed. This was caused by arguments over the legality of the admission credentials of some party polling agents. Nonetheless, this did not affect the quality of the voting process. Once these hiccups were cleared, voting progressed smoothly.

The post 11 August political situation especially the rivalry between the two competing political parties engendered suspicion and over-enthusiasm in the attitude of party supporters. At some polling stations, party polling agents and supporters alleged that some polling staff were in collusion with opposing polling party agents. For this reason, some voters refused to leave polling centres after voting and hanged around. This caused the police to call for armed soldiers to disband them. Thus, in some polling centres, the security presence was highly visible but not obtrusive. They did not in anyway interfere with the voting process.

Once again, the National Electoral Commission (NEC) displayed competence, even-handedness, integrity and transparency throughout the entire exercise. The changes introduced by NEC for the run-off

election were successfully implemented. Instructing polling staff to vote not before but after the general public eased the voting process. Generally NEC officials learnt from the experiences of 11 August to improve the quality of performance.

The counting process followed the laid down procedure. This time around, counting took less time because of the fact that it was only one election, and the processes which polling officials had to undertake on 11 August were cut by half.

The Commonwealth observer team salutes the people of Sierra Leone for their steadfast commitment to the maintenance of peace and the consolidation of democratic ethics in their country.

Overall, we found the exercise to be generally fair, credible and transparent.

On behalf of the Commonwealth Secretary-General, we commend the people of Sierra Leone for their commitment to and support for democracy.

Note to editors: The Commonwealth Team is based at Cape Sierra Hotel. For further enquiries contact Yvonne Apea on 076-323119.