



SIERRA LEONE GOVERNMENT

JUDICIARY'S POSITION ON THE FINDINGS OF THE EU

11th November, 2021: The attention of the Judiciary of Sierra Leone has been drawn to a European Union (EU) Press Release dated 29th October, 2021, in which the EU informs the general public that they were informed that there is significant decrease in trust in institutions such as the Judiciary, adding that the 2019 High Court decisions to declare the runner up elected in 10 Constituencies, eroded confidence in the neutrality of the Judiciary. The press release affirmed that if an election is declared void, according to **Section 146 (4) of the Public Elections Act**, another election shall be held.

The Judiciary wishes to inform the EU that under the Constitution of Sierra Leone, Act No. 6 of the 1991, the Judiciary is an independent organ as guaranteed by section 120 (3) which states that *"in the exercise of its judicial function, the **Judiciary shall be subject to only the Constitution or any other law, and shall not be subject to the control or direction of any other person or authority.**"*

This means the EU cannot control the Judiciary. The Judiciary in its wisdom decided that there were cases were rerun was necessary and ordered same. There were also cases were rerun was not necessary and ordered the 2nd person as a Winner.

While we accept that **Section 146 (4) of the Public Elections Act No. 4 of 2012** did say that where elections are declared void you can order a rerun of the elections. At the same that, it is wrong to assume or convey to the public that that is the only remedy available.



Thus, whilst there has been misplaced reliance on the section 146(4) of the Public Elections Act 2012, those provisions have to be interpreted in line with the provisions of the **Constitution of Sierra Leone, Act No 6 of 1991**, which as a Constitution supersedes the provisions of **Section 146 of the Public Elections Act 2012**.

Also, it was professionally incompetent for the EU, after having deliberately refused the Judiciary Communications to video-record its meeting in the Chambers of the Hon. Chief Justice on grounds that EU wanted every discussion to be private and confidential despite the need to be transparent, EU later went ahead to issue out a press release that deliberately misinformed the public on issues that were never discussed or put before the Judiciary. Because of such unwholesome behaviour, the Judiciary has lost respect for the EU.

The EU has to change its posture in order to regain the previous trust and confidence the Judiciary had for such an institution.

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