

# **21 CONTROVERSIAL FINDINGS IN THE MONITORING OF THE SECOND PHASE OF THE VOTER REGISTRATION PROCESS IN SIERRA LEONE**



**RESEARCHED AND COMPILED BY THE ELECTION MONITORS OF LEGAL LINK**

**A 2022 PRODUCTION**

## **Introduction**

Under the 1991 constitution of Sierra Leone, the registration of voters and the conduct of public elections and referenda remains the exclusive responsibility of the Electoral Commission of Sierra Leone (ECSL). Such provisions could be seen under section 31, 32 & 33 of the 1991 constitution of the country and other provisions of the Public Elections Act of 2022. In line with this Constitutional mandate, ECSL has proceeded to conduct several public elections in Sierra Leone namely the 1996, 2002, 2007, 2012 and the 2018 general elections.

**Christian Lawyers Centre** hereinafter referred to as **LEGAL LINK**, after completion of its first phase monitoring, did embark on its second phase monitoring of ECSL's voter Registration exercise across the country from the **20<sup>th</sup> September 2022 to the 2<sup>nd</sup> of October 2022**.

After 12 days of monitoring of the voter registration exercise, LEGAL LINK has decided to release its findings in a bid to showcase best practices and further expose gaps, weaknesses and loopholes in the voter registration process for urgent action and redress by ECSL, Election Management Bodies, the diplomatic community, civil society organizations, the donor partners, political parties and the government of Sierra Leone.

While LEGAL LINK commends ECSL over its recent Status Update and press conference regarding the first phase of the voter registration process, it is important to however emphasize that such update only gives an insider perspective of the voter registration process. Unlike ECSL's Status Update, this second phase report will showcase the real successes and challenges in the voter registration process from an outsider's perspective.

## **Aims and objectives of the report**

The main aim of undertaking this monitoring exercise is to ascertain best practices as well as unearth the challenges facing the voter registration process and to proffer timely and plausible recommendations to ECSL and the government of Sierra Leone for timely reforms and intervention.

Other objectives include:

to assess the level of turnout, the timely and professional delivery of services by ECSL, the securitization of the process and the treatment accorded to persons with special needs and first time voters as they took part in the voting registration process amongst others.

## **Methodology of the Report**

The report adopts a mixed methodology; qualitative as well as quantitative methodology.

In relation to the qualitative methodology, desktop research, social media updates and other reports was relied on especially in assessing the legal frameworks governing the conduct of

public elections in Sierra Leone. In terms of quantitative, the report further adopted various tools like interviews, observations, focus group discussions and data survey analysis.

### **Participants Targeted**

The participants targeted in the voter registration Monitoring exercise are as follows: ECSL coordinators and staff, Registrants, Party Agents, Independent observers, first time voters, Security personnel and vulnerable groups.

### **The scope of the report**

The scope of this report covers LEGAL LINK's monitoring of the second phase of the voter registration process from the **20<sup>th</sup> September 2022 to the 2<sup>nd</sup> of October 2022**. The report gives a critical analysis of LEGAL LINK's 12 days monitoring of the voter registration exercise throughout the country. Even though references are made to specific centers in some of the districts, the report however covers Monitoring that was done in some of the voter registration centers scattered across the 16 districts of Sierra Leone, particularly in the headquarter towns.

### **Limitations of the report**

Though the report covered every district in Sierra Leone, not all of the registration centres was however personally monitored. Financial constraints prevented the Monitoring team from observing in every voter registration centre across the country.

In places where LEGAL LINK monitors where unable to go however, the team depended on reports from district coordinators, human rights defenders, councilors, parliamentarians and other stakeholders in the district regarding the voter registration exercise.

### **Monitoring and Research team**

LEGAL LINK Election Monitors and research officers that took part in the monitoring exercise were made up of the following category of persons: Interns, legal volunteers, district coordinators, human rights defenders and civil society activists.

## **21 CONTROVERSIAL FINDINGS IN THE MONITORING OF THE SECOND PHASE OF THE VOTER REGISTRATION PROCESS IN SIERRA LEONE**

After 12 days of monitoring of the second phase of the voter registration process, the LEGAL LINK monitoring team and district coordinators observed various controversial issues that have been categorized under various thematic heads.

### **1) Forced Registrations and Lockdowns**

Our team observed that forced registrations and lockdowns took place in Kenema, BO and Port Loko on Friday 30<sup>th</sup> September 2022 running up until Saturday 1<sup>st</sup> October 2022. The Mayors of these respective districts above pioneered the lockdowns justifying it that it was done in the best interest of the people and the electioneering process. A lot of trading activities, schools, transportation and social life were affected during the lockdowns. There are unconfirmed reports that Makeni City Council attempt to roll out such measure was not encouraged by the state authorities even though evidence abound that Makeni City Council has undertaken such measures in time past.

In Freetown, as her counterparts were busy roiling out lockdowns in their districts, our team observed that the Mayor of Freetown, Yvonne Aki Sawyerr was busy responding to a letter of invitation by the Police over allegations of riotous conduct and obstruction. This clearly may have distracted her from undertaking such forced registrations and lockdowns like her provincial counterparts.

However, as well intended these forced registrations and lockdowns are, Rights Activists and various legal pundits have decried such a move as illegal and unconstitutional and a clear violation of the right to freedom of movement, education, social and economic rights of the people.

### **2) The result of the First phase of the voter registration exercise as announced by ECSL was categorized by regions instead of districts**

At the end of the first phase of the voter registration, there was a two days' pause and an update form ECSL regarding the number of registrants that have been successfully captured in their database. By his admission, the Chairperson of ECSL reported that 1, 345,176 voters have been registered so far. He however went on to categorize the results by regions with the Western Region polling the highest number of registrants. Many critics frowned at this strategy by ECSL especially when such statistics where never broken down into districts. A leading opposition voice in the country has even called for ECSL to do a breakdown of the statistics of the results of the second phase by districts.

### **3) The incomplete pronouncement of the voter registration results of the first phase by ECSL received serious bashing**

The Monitoring team noted that the results pronounced by ECSL in the first phase of the voter registration exercise only represented 80% of the registrants that were captured. The other 20% was left out and was never accounted for. It is not clear as to whether such move by ECSL was deliberate as such data ought to have been read in full and not in a piece meal way. Why did ECSL leave behind 20% of the results in the first phase unannounced, is anyone's guess to make. But what is clear though is the fact that such a move raises a lot of suspicion in the electioneering process particularly from members of the opposition.

### **4) First time voters, undocumented registrants and those turning 18 years on or before June 23rd 2023 are still facing challenges in the registration process**

The Monitoring team noted serious challenges around the registration of this category of persons. Several Complaints from particularly the Western region of the country were reported to the team regarding the non- Registration of these category of persons.

Those turning 18 years before the elections were told to produce originals of their birth certificates. Photocopies were either discouraged or put under serious scrutiny. Stakeholders only had the privileged to identify one undocumented registrants, and in some instances, other undocumented registrants were outrightly rejected or told to come back some other day or go to the NCRA office for verification.

This situation did pose a serious challenge to the voter registration process and further raised a lot of criticisms and bashing against ECSL's staff particularly in the Western Area for its high handedness in dealing with first time voters, undocumented registrants and those turning 18 years on or before the elections.

### **5) ECSL introduced a strange and unannounced pattern of verification of birth certificates leading to delay and disenfranchisement of registrants**

Our team observed that those turning 18 years of age before the 2023 elections were told to produce originals of their birth certificates before registration. These certificates were then snapped by the ECSL staff and forward to ECSL Regional officers who then forward same to the ECSL headquarters for verification. This practice was more akin in the Western Area, North and Southern Provinces. Photocopies of birth certificates were either rejected or holders put under serious scrutiny. In a lot of instances observed, feedbacks about the birth certificates were negative while a few were lucky to be allowed. It is still unclear as to who does the birth certificate verification - ECSL, births and deaths or NCRA. In some instances, delay in feedbacks acted a disincentive to registrants.

**6) Little or no education was done by ECSL to popularize the voter rejection forms to registrants**

Many of the registrants interviewed were unaware of the need to demand a voter rejection form when denied an opportunity to register by an ECSL staff. Also, in some instances, our team observed an outright neglect of ECSL staff in many of the centres visited to issue out a voter rejection form on their own accord to registrants that are being denied an opportunity to take part in the registration process. When asked about this, some of the ECSL staff remarked that the registrants did not ask for it.

**7) One centre, one computer policy was still maintained by ECSL even in the second phase**

Despite the hues and cries over the roll out of the one computer per centre policy in the first phase, ECSL still maintained the status quo in the second phase leading to a great deal of inconveniences, long queues and delays particularly during the first week of the second phase of the registration process.

**8) There were allegations against ECSL staff of doing voter registration outside of the country**

Our team noted a lot of video clips on social media in which Sierra Leoneans residing in the Liberia- Kailahun border Axis confessed to have been registered in Liberia by ECSL Staff. It is unclear as to whether such registration outside of the country is lawful and fully provided for under the Public Elections Act of 2012 and /or 2022.

**9) There were allegations of obstruction of the voter registration process by state functionaries**

In the Northern District in particular, video recordings on social media reveals a former resident Minister having an altercation with a registrant in one of the centres leading to a halt in the registration process. It is even alleged that she put off the generator at the centre.

**10) Securitization of the registration centres and voter registration materials was loosed when compared to the first phase**

Unlike the first phase, our team noted the acute absence of police presence in many of the centres visited particularly in the Western Area. Also, a video clip on social media reveals the movement of sensitive materials of ECSL from one village to another in the southern province without any police escort. Such practice may expose such sensitive materials of ECSL being tampered with.

### **11) There was a lot of intra- party confusion and un-coordination in the APC camp regarding postings of accredited party agents to centres**

Our district monitors observed in a few centres in Kono for example, that there were bitter exchanges between rival party agents within the APC camp as to who actually wields the authority to observe the voter registration exercise as party agent in the centres leading to outright confusion and a halt in the registration process for a few hours.

In another development, our team noted the observation tours undertaken by the Interim Chairman of the APC, Alfred Peter Conteh confirming interim district coordinators/ chairmen and handing over office keys to them while condemning all others in the districts holding themselves out as chairmen/ coordinators as mere impostors. Such moves fueled a great deal of resentment and inter- party confusion within APC stakeholders and grassroots.

### **12) Filing of contempt proceedings against Alfred Peter Conteh, the Interim Chairman of APC in the High Court**

Our team observed that during the second phase, not only was there intra- party confusion within factions of the APC party but a law suit was actually filed in the High Court of Sierra Leone against Alfred Peter Conteh, the Interim Chairman of APC concerning contempt proceedings by the party.

### **13) Registration of a lot of school going pupils in the Eastern and Southern provinces in Sierra Leone**

Our district coordinators revealed a great deal of registration of school going pupils at the registration centres in Kenema and Pujehun districts in particular while in their school uniforms. Video footage on social media supports the claim that many of these registrants could have been under aged registrants. Of vital importance also was the fact that not much resistance was displayed by ECSL staff to these category of persons when compared to the resistance displayed by them to these same category of registrants in the Western Area.

In some centres visited in the Western Area for example, registrants turning 18 next year were asked to produce original copies of their birth certificates and when they do, such birth certificates would be snapped and sent to ECSL headquarters via whatsapp for verification. It is unclear as to who at the ECSL office makes the ultimate decision as to the validity of the birth certificate or not; leading to unnecessary delays and tensions in the registration process of these category of persons.

### **14) ECSL resistance to stakeholders identifying undocumented registrants was strictly enforced in the Western Area than in many other parts of the country**

In some centres in Freetown, stakeholders were told outright that they cannot identify more than one registrant even though the Public Elections Act 2022 does not impose any limitations on the number of registrants a stakeholder can identify in the voter registration process.

### **15) Lesser queues were seen in voter registration centres in the second phase**

Our team observed that unlike the first phase, in the second phase of the voter registration process particularly in the last week, there was little or no queues witnessed in many parts of the country especially Freetown signaling that majority of the eligible citizens may have already registered.

### **16) Voter Registration apathy looms large in some parts of the South and the East**

From the data of registrants in the first phase as revealed by the ECSL Chairperson, it is clear that the Western Region is taking the lead in terms of voter registration turnout unlike the South East which is by far populated than the Western Area according to the Mid - term census statistics. The imposition of forced registration and lockdowns in Kenema and BO in the second phase underscores the problem of voter registration apathy in some South -Eastern districts of Sierra Leone.

### **17) There was great improvement by ECSL in the area of provision of charges and /or generators to power computer devices in registration centres**

Our team observed that there were chargers and generators in many of the centers visited thus reducing the possibility of power outages and early closure of registration centres.

### **18) ECSL maintained an open door policy and there was willingness on their part to listen to complaints emanating from the field**

Our team noted that a lot of stakeholders were able to reach top officials of ECSL including the Chairperson with their concerns during the second phase. Calls were even made by LEGAL LINK monitors to key stakeholders at ECSL for their intervention in addressing the challenges in some of the centres. Such open door policy was quite helpful to the process.

### **19) Use of government vehicles to transport registrants to voter registration centres**

Our team of monitors also noted the use of some government vehicles by state functionaries particularly in the North and East to transport registrants to voter registration centres. While the intention may be good, such practice however gives undue advantage to one party as against the others and further connotes a waste and misuse of taxpayer's monies and assets. Such a practice even violates the PPRC code on wrong use of government vehicles and properties in an electioneering process by party stakeholders.

### **20) Heightened involvements of the donor and diplomatic community in observing the voter registration process**

There was a huge presence of observers from both the diplomatic and donor community roaming around strategic districts and monitoring the voter registration exercise. Our team further observed that some of these diplomatic observers even went to the extent of doing videos and audios in local languages calling on Sierra Leoneans to come out and register.



Our team also noted the presence of some NEW observers in some stations visited observing the process even though a great deal of them were not stationed monitors. The governing leadership of NEW justified their adoption of this strategy due to the length of time involved in the voter registration exercise and the absence of funding to undertake stationed monitoring for such a long period of time.

Some roaming monitors from the NGC party were also seen in some registration centres visited. However, it was only the SLPP and APC parties that had stationed party agents observing the voter registration process in almost all registration centres in the country.

## **21) There are pending unresolved issues in the second phase that may warrant an extension of the voter registration exercise by ECSL**

Our team noted that the registration of first time voters, undocumented registrants and those turning 18 years before the eve of elections is still eclipsed with challenges in the registration process. This is particularly evident in the Western Region.

## **RECOMMENDATIONS**

Based on the above findings of the Monitoring team regarding the challenges eclipsing the voter registration process in the second phase, we hereby make the following recommendations for the urgent attention of the government, ECSL, Election Management Bodies, political parties, Civil Society Organizations, the international partners and other stakeholders in the electioneering process.

- ✓ **That Forced Registrations and Lockdowns be discouraged going forward in any voter registration process as it not only unsupported by law but also has the proclivity of undermining the fundamental human rights of the citizens in the country;**
- ✓ **That ECSL ensures that the comprehensive results of the voter registration exercise is announced and categorized by districts instead of regions so as to determine the district with the highest number of registrants. This may be helpful for more sensitization should an extension be granted;**
- ✓ **That ECSL endeavors to announce the complete voter registration results this time around and not leave any percentage behind so as to prevent confusion and unnecessary speculations from the public;**
- ✓ **That ECSL's staff particularly in the Western Area show professionalism in dealing with first time voters, undocumented registrants and those turning**

**18 years on or before the elections. The highhandedness and quick rejections of these category of registrants must be discouraged;**

- ✓ **That the protracted and unannounced pattern of verification of birth certificates introduced by ECSL has to be more explained to the public to dissipate misconceptions and ultimately reduce corruption in such verification processes;**
- ✓ **That ECSL do more in terms of popularizing the voter rejection forms to registrants and ensuring that its staff makes available these forms to registrants when rejected as required under the Public Elections Act of 2022 so that rejected persons can have an opportunity to put their case at a later date to ECSL authorities;**
- ✓ **That going forward ECSL never again adopts a One centre, One computer policy approach as such created a great deal of constraints in the voter registration process particularly for the aged, sick and disable groups. Adequate budget should be provided to ensure that ECSL has enough computers to match the number of registration centres;**
- ✓ **That ECSL should investigate the allegations against ECSL staff of doing voter registration outside of the country and were found to be true, punitive actions should be taken against such defaulters;**
- ✓ **That the Sierra Leone Police and PPRC investigates the allegations of obstruction of the voter registration process by state functionaries;**
- ✓ **That the Sierra Leone Police step up its manpower to ensure full Securitization of registration centres and voter registration materials of ECSL going forward;**
- ✓ **That all political parties ensure to deal with intra- party confusion and dispute so as to not jeopardize the electioneering process;**
- ✓ **That the massive Registration of school going pupils in the Eastern and Southern provinces of Sierra Leone be paid keen attention to by ECSL so as to prevent under aged registration. The level of resistance displayed by ECSL staff to these category of persons in the Western Area must be the same level of resistance displayed to these same category of registrants in the South Eastern parts of Sierra Leone;**

- ✓ **That ECSL pipes down its resistance to stakeholders identifying more than one undocumented registrants as it is not supported by law or best practice. There is no limit to the number of persons a stakeholder can identify in the Public Elections Act of 2022. All the law requires is for such stakeholder to fill an affidavit form as he so do;**
- ✓ **That the Sierra Leone police and PPRC investigates the allegation of some government functionaries using government vehicles to transport registrants to voter registration centres;**
- ✓ **That ECSL ensure to extend the voter registration period as far as is practicable to accommodate all eligible persons register for the 2023 elections. This is the case because there are still unresolved issues in the second phase particularly with first time voters, undocumented registrants and those turning 18 next years before the eve of the elections;**
- ✓ **That finally, as a future lesson, ECSL should always endeavor to do a pilot survey or a pretest before embarking on any exercise that bears and touches on an electioneering process. This is to proactively identify weakness, and challenges before rolling such out. The failure of ECSL to conduct a pre-test or pilot survey before relying and /or making use of NCRA's data have exacerbated the problems currently faced in the voter registration process.**

## **CONCLUSION**

LEGAL LINK is of the firm belief that the right to vote and be voted for is a Constitutional guaranteed right and that every citizen of Sierra Leone must be given a fair chance to participate in the voter registration process leading to the general elections in 2023.

The above report therefore has been undertaken in good faith to help address the myriad of challenges that eclipsed the voter registration process. It is hoped that the government, ECSL, election management bodies, political parties, the civil society community, the international community and the wider public will make use of this report and the findings contained therein to address the challenges affecting the registration process going forward.

LEGAL LINK remains grateful to ECSL for the accreditations provided to monitor the voter registration exercise and pledges its unflinching support to continue to advocate for and on behalf of the people of Sierra Leone in the exercise of their democratic rights in the country.

**FAITHFULLY SUBMITTED**



**RASHID DUMBUYA ESQ**

**For and on behalf of the LEGAL LINK monitors**

**CC:**

**ECSL**

**ELECTION MANAGEMENT BODIES**

**POLITICAL PARTIES**

**THE CIVIL SOCIETY COMMUNITY**

**THE INTERNATIONAL PARTNERS**

### **ABOUT LEGAL LINK**

**Christian Lawyers Centre (a.k.a LEGAL LINK) is a non-profit legal advocacy group comprising of lawyers, law students and human right activists that seeks to provide legal assistance to religious communities as well as vulnerable groups in Sierra Leone through legal advocacy, education and training, public interest litigations, state and private sector accountability, enforcement of the rule of law and ensuring respect for domestic and international laws that guarantee fundamental human rights and freedoms.**

For more information, contact us at:

**No. 89 Fort Street, Off Circular Road, Freetown, Sierra Leone, West Africa**

**Email: rashiddum@yahoo.co.uk    Tel:    +23279167457    /    +23288646294**  
**website: www.legallinksierraleone.org**

