



POLITICAL PARTIES REGISTRATION COMMISSION

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RULING ON THE OBJECTIONS TO PROVISIONS OF THE RULES AND REGULATIONS FOR THE CONDUCT OF THE ALL PEOPLES CONGRESS PARTY LOWER LEVEL ELECTIONS

On Thursday the 28th day of April 2022, His Lordship Adrian Fisher J presiding in the matter intituled MISC.APP1/2021 C No 1 ALFRED PETER CONTEH (Suing by his Agent and Attorney)Plaintiff/Applicant and DR.ERNEST BAI KOROMA,ALHAJI OSMAN FODAY YANSANEH,THE ALL PEOPLES CONGRESS PARTY AND THE POLITICAL PARTIES REGISTRATION COMMISSION Defendants, delivered his Judgement (hereinafter referred to as "The Judgement") in Same.

In paragraphs 72 and 90(8) of The Judgement, His Lordship created and established a Twenty One man Interim Transition Governance Committee (hereinafter called "The ITGC").

The ITGC by paragraph 90(10) of the said Judgement, is charged with the responsibility of administering and manning the affairs of The All Peoples Congress Party (hereinafter called "the Party"),in the place and stead of the transitional architecture provided for in Article 82 of the 2022 Party Constitution, until the Party's Organs and Structures as established in the said Constitution are properly constituted.

This mandate conferred on the ITGC by the Court, inter alia includes the promulgation of the Party's Rules and Regulations, for the conduct of its lower level elections, culminating to the first National Delegates Conference(see paragraph 90(10)(1) of the judgement).

In Pursuance of the said paragraph 90(10)(1) of the Judgement, the ITGC drafted and submitted the said Rules and Regulations (hereinafter called "the Rules"), to the Political Parties Registration Commission (hereinafter called "the Commission" or "the PPRC"),as Ordered by His Lordship in the Judgement.

In compliance with Section 24(1)(b) of the Political Parties Act No.3 of 2002,the Commission published the Rules in Government Gazette No 46 volume CXLXIII of Friday 1st July 2022, as Public Notice No 264 and invited Objections from the public.

The Thirty working days Statutory publication period expired by effluxion of time, on the 11th August 2022. By letter dated the 12th August 2022, the Commission immediately forwarded the Objections received from the Public, to the ITGC, for their response.

On the 23rd. day of August 2022, we received a set of responses to the Objections dated 22nd August 2022, signed by the Secretary of the ITGC Hon. Abdul Kargbo (hereinafter called " the Secretary"). This was followed by a protest from the Chairman of the Committee Alfred Peter Conteh (hereinafter called "the Chairman") that, the responses sent to the Commission by the Secretary, were not representative of the collective views of the Committee.

We immediately summoned the ITGC to a meeting in our conference room and implore them to meet and submit a unified response to the Objections. They agreed and promised to revert in two days with the unified response.

They did not come back to us, until the Commission had cause to write to them two weeks later, on the 7th September 2022, stating that, if the unified response was not forthcoming, we may be constrained to deal with what is before us.

It was after that letter that, the chairman on the 8th September 2022, submitted a set of responses, which the Secretary in turn, objected to, as being an edited version of the responses agreed on in the meeting of the Committee, at the behest of the PPRC.

All efforts to get them synchronised their responses proved futile. To save the Party's time, the Commission decided to deal with both responses.

NUMBER OF OBJECTIONS RECEIVED.

We received a total of Nine Objections, from the following Objectors:

1. Francis K. Gbondo
74 Gbondo Penepani Street,
Tankoro, koidu City,
Kono.
2. Patrick S. Conteh
Conteh U Drive,

Makeni

3. Suleiman Bundu Wurie
3 Farah Lane,
Mount Aureol,
Freetown
4. Hon. Dauda Tombo Bangura
17 Vincent Drive,
Malama,Lumley,
Freetown.
5. Abubakarr Bundu
USA Chapter,
+17634386455
6. Hon Alimamy Coleson Turay via,
alcoleson98@gmail.com.
7. Idrissa Turay,
No.6a Isatu Turay Drive,
Waterloo.
8. Mohamed Alie Mansaray,
4p Consider Lane,
Calaba Town,
Freetown.
9. Hon.Abu S.A.T Koroma,
29 Falcon Street,
Kiss,
Freetown.

SUBSTANCE OF THE OBJECTIONS

FRANCIS K. GBONDO.

He bemoaned what he calls the disenfranchisement of card carrying members of the Party, during the elections of the five constituency delegates and the twenty delegates each from the Women's Congress and National Youth League as it then was, that constituted part of the National Delegates Conference that went to Makeni, on an Emergency National Delegates Conference, that adopted the March 2022 Constitution of the Party.

He contended that, during those elections, legitimate card carrying members of the Party, were arbitrarily denied their right to vote and be voted for, on the suspicion that, they were not Supporters of the dissolved National Executive of the Party.

He also raised the issue of the unprocessed Membership Applications, by the outgoing Secretary General.

He therefore urge that, the Membership register of the party be cleaned up, before the commencement of the lower level elections.

PATRICK S. CONTEH

He questioned the legitimacy of the membership of certain individuals in the ITGC, on the basis that, they are holders of Party Offices and therefore part of those disbanded by the Court.

By reason of that assertion, he furthered that, those persons should not be members of the ITGC and by extension, should not participate in the promulgation of the Rules.

He went on to assert that, the National Officers of the National Young Congress, should not be part of the electoral college that is to elect that Congress at the special conference. He asked that the Commission suspends all membership cards issued by the dissolved National Party Secretariat, because they were issued only to people they perceived as their Supporters and refused to Register those they perceived as political opponents.

He calls for police clearance, to be part of the criteria for all Aspirants in the lower level elections.

SULAIMAN BUNDU WURIE.

He objects to Article 2(3)(a) of the Rules, that provides for the outgoing Constituency Executive Committees save the Chairmen, to serve as voting delegates at the Constituency Convention. He avers that, they were part of those dissolved by the Judgement. Therefore according to him, their participation in the Convention, is in contravention of the 1995 Party Constitution, as there is no provision in that Constitution that supports that. He also submitted that, to allow their participation in that behalf, will give the March 7th 2022 Constitution of the Party, retrospective effect and thus repugnant to modern day democratic principles.

DAUDA TOMBO BANGURA.

His objection is to a number of Articles in the published Rules.

Firstly, he objects to Article 9(7) of the Rules, that provides for the election of the Flagbearer/ Presidential Candidate of the Party, for the June 24th 2023 presidential elections at the first NDC. His argument in that regard is that, the Judgement does not provide for the election of a flag bearer at the first National Delegates Conference. To him, the use of the phrase " first National Delegates Conference" presupposes that, there will be a second National Delegates Conference, in which the flag bearer should be elected. He argued that, electing the Flagbearer at that National Delegates Conference, will disenfranchise the National Advisory Committee and National Executive Committee, who may not have been Constituted.

He also called for background check of aspiring Candidates to be included as part of the requirements in the Rules

He asserted that, Article 1(3) of the Rules that says, only registered and fully paid up members of the Party, for a continuous period of one year, will be eligible to vote at the ward elections, is at variance with Article 36(d) of the 2022 Party Constitution.

Finally and in the event his objection to Article 1(3) of the Rules is not countenanced, he recommends an alternative that, temporary membership cards be issued to members, on payment of a backlog subscription fee for one year.

HON. AMB.REV ALIMAMY COLESON SESAY

His objection is to Article 11(2) of the Rules that prescribes the Candidature fees. He contended that, the fees are exorbitant, extortionate and unreasonable and they therefore contravene Section 6(2) of the 1991 National Constitution, being that, they are discriminatory. He further opines that, the fees are in conflict with the Party Constitution, as they are not prescribed by the National Advisory Committee (hereinafter called "NAC") and/or the National Delegates Conference (hereinafter called "the NDC").

ABU BAKARR BUNDU

He objects to Article 5(4) of the gazetted Rules that makes outgoing diasporan branch executives, part of the voting delegates in diasporan branch elections. He sees that as discriminatory, as per him, it is peculiar only to diasporan district conventions and does not apply to in country district conventions. It is therefore unconstitutional, as it is selective in its Application. He also maintained that, it is difficult to ascertain diasporan branch executive members, as they are often too many and undefined. He asked that, the said subrule be expunged from the Rules.

IDRISSA TURAY.

His objection is to outgoing Constituency, District and Regional executives save their Chairmen, serving as voting delegates in their respective Conventions, as provided for in Articles 2(3)(a), 3(3)(a) and 4(4)(a) of the proposed Rules.

He also objects to membership of the National Young Congress being a requirement for all candidates that wish to contest for the office of Young Leader, in each of the various cadres of the Party, in addition to the ordinary membership of the Party, as provided in Articles 1(6)(f), 2(6)(f), 3(6)(f), 4(7)(f) and 5(8)(f).

He recommends that, newly elected executive Committees be substituted as delegates in their respective conventions, in lieu of outgoing executive committees.

He also raised the extortionate nature of the prescribed Candidature fees.

MOHAMED ALIE MANSARAY.

He calls on the Commission to publish the membership register, submitted to it by the erstwhile National Secretary General, on the Orders of the Court, prior to the emergency NDC in Makeni.

He joined the call for the removal of outgoing Constituency, District and Regional executives as voting delegates, in their respective Conventions. That all Party Officials declared illegitimate by the Court, be precluded from participating in the impending lower level elections and the resultant NDC, as both delegates and Candidates.

And in the event of disparity and irreconcilable differences in the membership data base of the Party, its membership Register be cancelled and a new register be generated.

ABU S.A.T. KOROMA.

At the hearings, it was realised that, his was not an objection and his concerns were addressed to the Chairman of the ITGC, not to the Commission. It was therefore resolved that, his concerns be discarded, as they are already addressed by the ITGC.

THE PARTY'S RESPONSES TO THE OBJECTIONS.

As stated above, the Commission received two sets of Responses to the Objections forwarded to the Party, one from each side of the divide in the ITGC.

FRANCIS K. GBONDO.

The faction represented by the Secretary to the Committee (hereafter collectively called "the Secretary"), responded to his objection as follows:

That the ITGC has invited queries from the public, in respect of all unprocessed Party membership Applications. The Committee commits to review all such queries received from the Public and resolve all outstanding membership Applications, before the commencement of the lower level elections.

They advised the Objector to forward his queries to the Committee.

The faction represented by the Chairman (hereinafter collectively referred to as "the Chairman") responded thus:

That the challenges surrounding the skewed access to membership cards, has been a major concern within the Party, to the extent that, five of the nine Objectors raised it in their Objections. They aver that, even the outgone Secretary General admitted in Press Statements that, unscrupulous persons were conducting registration without recourse to Party Structures and that, the delay in processing membership Applications, was due to technical problems with the printing. Also the Chairman of the ITGC publicly declare that, the membership data base is corrupted.

Therefore they recommended that, open primaries be conducted, with party members identified by known Party Stakeholders in their Communities. In the alternative if the above is not acceptable, an emergency registration be conducted, for the purposes of the pending elections only.

They ask that, the Commission Subpoena the outgone Secretary General, to proffer an explanation on the outstanding membership Applications.

PATRICK S.CONTEH

The Chairman:

On the legality of certain members of the ITGC, the Party leaves that to the PPRC to handle. That the ITGC intends to follow past precedents, on background checks. They conceded to the objection against using membership of the National Young Congress, as additional criteria for candidates vying for young Leader position, in the various cadres of the Party.

The Secretary:

The issue of legitimacy of some members of the ITGC, had long been enquired into by the Committee and a unanimous decision taken and communicated to the PPRC. The members objected to are not part of the Officers injuncted.

The issuance of emergency ID cards for the purposes of the lower level elections only, is in contravention of Articles 36(d),54(g) and 55(c,d,e&f) of the Party's 2022 Constitution.

All membership issues required to be resolved under Article 10 of the 2022 Constitution, will be resolved accordingly, before the commencement of the lower level elections. Those required to be resolved at the NDC, will be put on the Agenda for that Conference.

Finally, the March 2022 Constitution provides for the requirements for each candidates, including those running for Young Leader in the various cadres of the Party. The Rules merely reproduce those requirements. The ITGC cannot therefor reinvent the will.

SULAIMAN BUNDU WURIE

The Secretary:

The objection against the inclusion of outgoing Constituency Executive as voting delegates, is untenable, as it runs contrary to Paragraph 90(1-6) of the Judgement and Article 34(b) of the 2022 Constitution.

The Chairman:

Relying on Paragraphs 60 to 66 of the Judgement, they conceded to the objection against outgoing executive voting in any of the elections to be conducted. Incoming executives should vote, in the place of outgoing executive.

DAUDA TOMBO BANGURA.

The Chairman:

The election of the Flagbearer of the Party at the first NDC is Part of the mandate conferred on the ITGC by the Court. The Flagbearer will therefore be elected at this Conference, in accordance with Articles 17(d) and 47(i) of the Party Constitution.

The ITGC shall follow legitimate precedents, on background checks. Reasonable adjustments are already done, on the Candidature fees, prescribed in the published Rules.

The Secretary:

They maintained that, the suggested deletion of Article 9(7) of the Rules, is at variance with paragraph 90(10)(2&3) of the judgement, that mandated the ITGC to conduct a Flagbearer election at the first NDC and Articles 17(d&f) and 46(iii) and 47(a) of the Party's 2022 Constitution.

The Party has accepted to review, the Candidature fees prescribed in the draft Rules.

It must be noted that, these two responses are the only confluence, in the responses of the two factions, to the Objections received. Which in itself is an indication of the Sharpe divide between them, that we are made to endure in our dealings with them.

Requirements in the Rules for Aspiring Candidates are drawn from the Constitution they are intended to operationalise. The ITGC cannot therefore reinvent the wheel.

The issuance of emergency ID cards for the pending elections only, contravenes, Articles 36(d), 54(g) and 55(c,d,e&f) of the 2022 Party Constitution.

On outstanding membership Applications, they committed to look into and resolved them, before the commencement of the lower level elections of the Party. They advised the Objector to submit all outstanding Membership Applications he is interested in, to the ITGC for consideration.

HON AMB.REV.ALIMAMY COLESON TURAY.

The Secretary:

The Party has accepted to review the Candidature fees objected to by the Objector.

The Chairman:

Reasonable adjustments have already been made to the candidature fees

IDRISSA TURAY.

The Chairman:

The issues raised in his objection, have been dealt with in earlier Objections.

The Secretary:

The eligibility of outgoing executives to serve as delegates in their respective conventions is provided for in Articles 29(b),32(b) and 34(b) of the Constitution and paragraph 90(1-6) of the Judgement. Therefore Articles 2(3)(a),3(3)(a) and 4(4)(a), cannot be expunged from the Rules.

Article 28(g) of the 2022 Constitution, provides that, Constituency, District and Regional Young leaders are part of the electoral college, that constitute the Special Conference that elects the National Young Congress and those to contest for positions for the Young Congress, must be registered with that Organ of the Party. Articles 1(6)(f),2(6)(f)3(6)(f) and 4(7)(f) of the Rules are therefore in place.

MOHAMED ALIE MANSARAY.

The Secretary:

The publication of the membership Register submitted to the PPRC, is outside the contents of the published Rules.

Any exclusion of the outgoing and injuncted executives, from participating in the elections, both as delegates and Candidates, is against the spirit and intendment of paragraph 90(1-6) of the Judgement and Articles 29(b),32(b) and 34(b) of the of the Constitution. Therefore Articles 2(3) (a),3(3)(a) and 4(4)(a) should not be expunged. Persons restrained are not included in any of the conventions as delegates, they are however eligible to contest in any of those elections. Those not injuncted are qualified to participate both as voting delegates and as candidates.

The Chairman:

The publication of the membership Register, should be appropriately dealt with by the PPRC. On the next page of their response, they acceded to the Objector's demand that, the membership Register submitted to the PPRC be published.

ABU BAKARR BUNDU.

The Secretary:

In partial concession to the objection, they propose that, only outgoing branch executives with designation consistent with the 1995 Constitution, shall serve as voting delegates.

The Chairman.

The issues raised are already dealt with in earlier Objections.

THE COMMISSION' S POSITION ON THE OBJECTIONS AND RESPONSES THERETO

Having read the Objections and the Party's conflicting responses to same and having heard the Parties at the hearing session, the Commission was able to identify the undermentioned issues, as the principal concerns of the Objectors.

1. The eligibility of some members of the ITGC to sit in that Committee
2. Holding the Flagbearer election, at the first NDC.
3. The credibility of the membership Register of the Party.
4. The issue of outgoing executives serving as voting delegates in their respective conventions.
5. Membership of the National Young Congress, as additional criteria for all candidates contesting for the Young Leader position, in the various cadres of the Party.
6. The quantum of the candidature fees prescribe in the Rules
7. The preclusion of all persons that held offices in the Party, from participating in the lower level elections and the NDC, both as delegates and Candidates.

The key issues raised in the Objections having been identified, we will now proceed to examine and determine them seriatim.

THE ELIGIBILITY OF SOME MEMBERS OF ITGC TO SERVE IN THAT COMMITTEE.

The Commission notes that, the membership of the ITGC is extraneous the published Rules and therefore could not be the subject matter of an Objection to same. We also agree with the response of the Secretary to that objection that, the issue had long been enquired into and unanimously resolved by the Committee. The outcome of that enquiry was duly communicated to us by both the Chairman and the Secretary of the ITGC.

We will therefore discountenance this objection.

2. HOLDING OF FLAGBEARER ELECTIONS AT THE FISRT NDC.

This objection is absolutely unfounded and incomprehensible. If the Objector is objecting to the holding of the Flagbearer elections at the first NDC, on the untenable ground that, the use of the word "first" presupposes that, there will be a second NDC, at which the Flagbearer contest is to be held, what would

stop another person objecting that, the use of the word "second" presupposes there will be a third NDC, at which the Flagbearer elections are to be held.

Also paragraphs 72 and 90(10(3)) of the Judgement are very clear on this. They provide that, the mandate of the ITGC ends after the first NDC and the election of a Flagbearer of the party.

Also the Flagbearer elect and his Running Mate, shall be the National Leader and Deputy National Leader of the Party and the National Leader and Deputy National Leader are National Officers. (see Article 46(iii & iv) read in tandem with Article 47(i) and 47(b)(i) of the Constitution. In that regard the election of the National Officers is intertwined with the election of the Flagbearer, who and his Running Mate are also National Officers.

On the disenfranchisement of NAC and NEC, this are outfits elected at the NDC. From the chronological order they are provided for in the Rules, it is obvious that, NAC and NEC will be elected at the NDC before the Flagbearer, in the same Conference. Therefore as at the time of the Flagbearer election, both NAC and NEC would have been Constituted and poised to vote.

We are therefore satisfied that, the election of the Flagbearer is within the mandate of the ITGC, conferred on them by the Court. The objection is thus dismissed.

3. THE CREDIBILITY OF THE MEMBERSHIP REGISTER OF THE PARTY.

This proved to be the most contentious of all the issues raised in the Objections received. Five out of the Nine Objectors raised serious concerns about this issue. Addressing it dispassionately therefore, is pivotal to the success of the transition process.

It is the membership Register that is the voter Register in the Ward elections. The ward elections are in the opinion of the commission, the foundation for all intra Party elections. It is from these elections that, the first electoral college is constituted. Therefore if they are flummoxed, all succeeding elections in the Party will be flawed.

This explains why, in our experience with intra Party elections, the ward elections are often the fiercest and keenly contested. That is so because, when you missed out on this, you will miss out on all other layers of the elections.

Also of note, is the fact that, it is from this general membership Register that, Candidates for all Party Offices are drawn. It goes without saying therefore

that, it is of utmost importance that, the membership Register be thoroughly examined and amicably settled. The Register must be clean, transparent, credible and acceptable to all members of the Party. This is the only way we can inspire confidence in intra Party electoral process and the outcome acceptable by all. Any thing short of this, is a recipe for chaos and discontentment amongst the membership, at the detriment of the general interest of the Party.

As a Commission, we are not only charged with the responsibility of Registering and supervising the conduct of Political parties, we are also obligated to aid their continued survival and/or existence. In contentious issues of this nature therefore, we are guided by only one interest, the Party's.

Borrowing a leaf from the National stage, we are witnessing massive sensitisation and mobilisation of members and supporters of Political Parties to register, in the ongoing voter registration exercise. All Political Parties are busy in the field, mobilising their members and Supporters to come out in their numbers and Register massively. In addition, Political Parties are keenly monitoring the exercise at the same time. All of those efforts are geared towards generating a clean and credible voter Register, that would provide a level playing field for all Parties.

In the same vain, a Political Party is the property of its members. The choice of Officials to Man the affairs of the Party, is the exclusive preserve of its members. A fraudulent Membership Register therefore, has the potential to steal that mandate, in contravention of Section 35(2) of the 1991 National Constitution.

At the hearing of the objections, complaints galore, of unprocessed Membership Applications, a frantic unregulated and skewed membership registration prior to the delivery of the Judgment, membership cards without names, suspicious and conflicting Membership Registers amongst others.

In view of all of the above, it behoves the Commission to thoroughly examine this issue, with the utmost dexterity and finesse and come out with a fair and just conclusion, that would tend to only one interest, the APC Party, epitomised by its membership, with recourse only to the law, as it relates to the facts.

In doing so, we will start off with the membership register that was submitted to us in 2021, by the outgone National Secretary General of the Party, on the

Orders of the Court, prior to the conduct of the elections of the five Constituency delegates, the twenty women's Congress and the twenty National Youth League delegates, that constituted part of the emergency National Delegates Conference, that met in Makeni, for the adaption of the current Party Constitution.

That Register has a total of Eight Hundred and Forty one members of the Party.

Going through the minutes of the ITGC meeting of the 22nd September 2022, held at the conference room of the Commission, it is stated therein that, the erstwhile Secretary General, again as directed by the Court, handed over to the ITGC, a membership Register of Sixty Three Thousand members. The Commission is not seised of this Register, as it was never availed us.

The questions however that beg for answers are, when did the Party Register the extra members, in excess of the 841 in the Register submitted to us, prior to the emergency NDC in Makeni. Were they registered after the emergency NDC in Makeni. Did that Register exist prior to the said emergency NDC, but doctored to confer some undue electoral advantage on a particular set of people?

Mindful of impugning the integrity of accomplished Statesmen, with Stella credentials in politics, the Commission can only conclude that, the additional members in excess of the 841 submitted to us, were registered after the emergency NDC.

That conclusion however, naturally draws the Commission's attention to the injunction granted by the Court, on the 26th February 2021 and varied on the 19th April 2021.

A glance at the said injunction, gives one the impression that, the Party's National Officers were restrained from carrying out specific activities of the Party. However, from the lips of His Lordship that granted same, it would seem that, the injunction was much more broader and encompassing in its effects, than it appears on its face.

In paragraph 4 of the Judgement, His Lordship stated thus:

"On the 26th February 2021, I granted an interim injunction against the Defendants, restraining them FROM CONDUCTING ANY PARTY AFFAIRS, pending the hearing and determination of the action-----".emphasis ours.

From the horse's mouth as quoted above, it is clear that, the Court's intention was to restrain the Defendants from conducting any Party affairs and that certainly includes the registration of members.

This puts in issue, all registration done by the Defendants, during the pendency or subsistence of the said injunction.

During the hearing, there was disagreement amongst the membership of the ITGC, on whether to conduct fresh registration or not. The argument of those against registration is that, it would be an exercise in futility, as it would not serve any purpose, because of Articles 54(g) and 55(c,d,e&f) of the Party's 2022 Constitution.

Those provisions according to them, prescribe the membership timeframe, that qualifies one to vote and to be voted for, in lower level elections. They asserted that, no new Registrants will be eligible to vote or be voted for, in any of those elections, by virtue of the provisions cited above.

Proponents of fresh registration countered that, Article 36(d) of the said Constitution, caters for fresh Registrants to participate in ward elections. For ease of reference, we will reproduce those portions of the Constitution verbatim.

Article 36(d):

"All registered and fully paid up members of the Party within the ward shall constitute the voting delegates at the elections"

Article 54(g):

"For a member to be eligible to vote at a Party election, that member must have been a registered paid up member of the Party, consistently for one year, before the date of the relevant convention or election"

Article 55(c):

"For a member to be eligible to be voted for as a National Officer of the Party, that member must have been a registered, paid up member of the Party, for a continuous period of not less five year"

Article 55(d):

"For a member to be eligible to be voted for as a Regional Officer of the Party, that member must have been a registered, paid up member of the Party, for a continuous period of not less than five years."

Article 55(e):

"For a member to be eligible to be voted for as a District Officer of the Party, that member must have been a registered, paid up member of the Party, for a continuous period of not less than two years"

Article 55(f):

"For a member to be eligible to be voted for as a Constituency Officer of the Party, that member must have been a registered, paid up member of the Party, for a continuous period of not less than two years"

After a careful perusal of the above provisions, we came to the following conclusions:

a). That Article 36((d) expressly provides for ward elections and thus exclusive to those elections only. There is therefore no conflict or ambiguity between that Article and Article 54(g).

b).The ward elections cannot be brought under the generality of Article 54(g) by necessarily implication, when those elections are specifically catered for by Article (36(d)), an earlier Article.

In the interpretation of instruments, you cannot imply that which is expressed, in the body of the instrument.

c). It is also instructive to note that, ward elections are not captured in Article 55 of the Constitution, that sets the membership timeframe, that qualifies members to contest for Party Offices, in the various structures of the Party. It follows therefore that, there is no membership timeframe requirement, for a member to contest in a ward election.

This is clearly intended to bring those elections, within the Draftsman's intention in Article 36(d) aforementioned. It is absurd to have a requirement that, voters in a ward elections must be registered and paid up for a period of one year, when those they are to vote for, only need to be members, as there is no timeframe relative to them, in Article 55 aforesaid.

Consequent upon the above, we hold the view that, for ward elections, there is no timeframe requirement to vote and to be voted for. New Registrants can

vote and be voted for, without contravening any provision of the Party's Constitution.

Of relevance in this behalf also is the fact that, there is nowhere in Articles 9 and 10 of the 2022 Party Constitution, that provides for a lull in membership registration by the Party. Both Articles envisage a continuous membership registration process. Consequently, any hold on the registration exercise of the Party, without a lawful Order of a Court of competent jurisdiction, is arbitrary and in Sharpe contravention of the provisions of the Party's Constitution cited above.

By necessary implication, it is also an infringement on the fundamental Right of freedom of Association of the prospective Registrants and therefore does violence to Section 26(1) of the 1991 Constitution that guarantees that Right.

We appreciate the Secretary's response that, the Committee will deal with all unprocessed Applications, in pursuance of the first limb of paragraph 90(10(4) of the Judgement, before the commencement of the lower level elections. That in our view however, is certainly not enough to address all of the concerns raised by the Objectors, on the membership Register of the Party.

The Chairman's recommendations for open primaries or the issuance of emergency ID cards for the purposes of the pending elections only, are untenable. They are not only unconstitutional, but also have all the hallmarks of chaos.

Cognizant of the controversies surrounding the membership Register handed over to the ITGC, by the erstwhile executive, coupled with the fact that, the Register of 841 members earlier submitted to the Commission, is not even enough to fill the executive positions in the Party, from the executive of 10 in each of the 446 wards, to the 132 constituencies, 16 electoral districts, 5 Administrative Regions, the Young Congress, women's Congress and National Officers. There is therefore, an absolute need to search and update the Membership data of the Party. This objection is therefore sustained and we shall issue directives in that regard accordingly.

OUTGOING EXECUTIVE MEMBERS TO SERVE AS VOTING DELEGATES IN THEIR RESPECTIVE CONVENTIONS.

This objection also found its way in four of the Nine Objections received by the Commission and thus very trending amongst the rank and file of the party.

The general contention is that, although none of the specific Orders were directed at them, they were however also declared illegitimate and therefore should be precluded from participating in the elections in their official capacities.

The legal team Representative in the ITGC contended during the hearing that, all the statements made by the Judge in his judgement relative to the party officials that are not expressly injuncted, are mere Obiter dicta and therefore not binding.

According to him, what is binding on all and sundry in the Judgement, are the rationes decidendi in His Lordship's Orders, contained in paragraph 90 of the Judgement. He therefore urged the Commission and the ITGC, to confined themselves to the Orders of His Lordship, which are reflective of the prayers that were before him. The Plaintiff Counsel submitted, got all of what he prayed for and he should be contented with that.

On hindsight and reading through the Joinder Party Application and its supporting Affidavit filed by Dr. Sylvia Olayinka Blyden, particularly the 13th to 17th Prayers inclusive and paragraphs 74 and 75 of her Affidavit in Support thereof, one cannot but admit that, these deliberate distortions in the interpretation of the Judgement, may well have been part of the mischief she foresaw and wanted to forestall. But for the exigency of time, cited by His Lordship in his Refusal of her prayers, she would have helped avert some of these deliberate and self serving misinterpretation of His Lordship Judgement. However, His Lordship in his Judgement tended to those concerns, when he categorically pronounced those Officers functus officio, as would be shown in this Ruling presently.

In addressing this objection, the Commission extensively perused all portions of the Judgement that relate to the rest and residue of Party Officers that are not expressly named in the Orders of His Lordship.

Paragraphs 10, 11, 13, 14, 16, 17, 19, 20, 22, 24, 25, 26, and 30 of the joint Affidavit in Opposition filed by the Defendants in the substantive action and cited

extensively in paragraphs 17, 25 and 26 of the Judgement, seemed to have inadvertently revealed the inherent irregularities in the Constitution of the Organs of the Party in 2017.

Copiously relying on those inadvertent revelations, His Lordship in addressing the Transitional provisions in the 2022 Party Constitution, had this to say in paragraphs 65, 66 and 67 of his Judgement:

In paragraph 65 he stated as follows:

"With respect to Article 82(c), this Article simply makes provision for office holders of those various offices to continue in office, pending the holding of the first National Delegates Conference. This Article presupposes that, those Officers in office WERE DULY ELECTED INTO OFFICE AND THEIR MANDATE CONTINUES, notwithstanding the repeal of the existing 1995 Constitution".

In paragraph 66 he opined thus:

" That would have been the position, had the respective office holders being duly elected into office and their mandate as duly elected Officers remain unexpired. However, AS I HAVE FOUND IN THIS JUDGEMENT, the respective office holders WERE NOT DULY ELECTED INTO OFFICE AND THEIR ASSUMPTION TO OFFICE WAS IRREGULAR AND UNLAWFUL. In those circumstances they cannot be DEEMED TO HAVE ASSUMED OFFICE OR REMAIN IN OFFICE under the new Constitution legitimately, when their initial assumption to office was ILLEGITIMATE".

At paragraph 67, he continued that:

"A similar situation exists with respect to Article 82(d). All of these office holders cannot be deemed to have assumed office or remain in office under the new Constitution, when their mandate under the existing Constitution was IRREGULAR and has infact EXPIRED. AN INJUNCTION SHALL BE GRANTED, restraining these individuals from HOLDING THEMSELVES OUT AS OFFICERS OF THE PARTY OR PERFORMING ANY SUCH FUNCTIONS ASSOCIATED WITH THE OFFICE THEY ONCE HELD". All emphasis ours.

Before commenting on His Lordship's pronouncements outlined above, it is pertinent to lay the premise that, Article 82(c&d) of the 2022 Party Constitution His Lordship was construing, relate to all Officers of the Party, from the Constituency Executive to the National Officers named therein.

Therefore His Lordship pronouncements aforesaid, are referrable to all Party Officers and not only the injuncted ones.

We do not intend to indulge ourselves into an argument as to whether or not those statements are mere Obiter dicta and therefore only persuasive or they are part of the rationes decidendi that informed His Lordship's conclusions in his Orders and therefore binding.

The Commission is certain that, the general ratio decidendi established by His Lordship in his Judgement is that, all party Officers that assumed office irregularly and whose wrongly acquired tenure had elapsed by effluxion of time, are illegitimate and thus bereft of any authority to conduct the affairs of the party in issue. This is the sole ratio decidendi that informed His Lordship's conclusions in his Orders.

Therefore, if that ratio decidendi was what informed His Lordship's declaration that, the National Officers, including the Chairman and Leader are illegitimate, then what moral or legal justification would one have, to continue to treat other Party Officers they assumed office on the same date and by the same process, as legitimate.

With the utmost respect to him, we disagree with learned Counsel representing the legal team in the ITGC's averment that, because there are no specific Orders made against the uninjuncted Party officers, therefore all the pronouncements made against them in the Judgement are mere Obiter dicta and thus ineffectual.

The absence of specific Orders against those officers not expressly injuncted in His Lordship's conclusions, does not in any sense obviate the conclusiveness of the pronouncements against them by His Lordship.

Assuming without conceding that, those instructive and definitive pronouncements are Obiter dicta, then it is trite law that, Obiter dicta in Judgements are persuasive. And if that is so, the Commission is accordingly persuaded in the instant case.

Further, we take notice of the fact that, His Lordship did not only pronounce those Party Offices and their Occupants illegitimate, by reason of irregularity in their assumption of those office and the expiration of even their illegal tenure, he actually acted on those pronouncements, by the establishment of the ITGC and vesting it with the power to constitute the Transitional Independent

Interim Elections Management Committee, (hereinafter called "the TIEMC),in paragraphs 72 and 90(13) of the Judgement. The TIEMC by the Transitional provision in Article 82, was to have been constituted by NAC.

The inherent intention of His Lordship establishing these outfit in the Judgement, is clearly to ward off all outgoing executives and the National Advisory Committee of the Party, from its Transition processes.

In the light of the foregoing and desirous of fostering a smooth, transparent and peaceful transition in the Party, the Commission upholds this objection, against outgoing Party officers in all cadres of the Party, participating as voting delegates in their respective conventions.

OUTGOING AND INJUNCTED PARTY OFFICIALS NOT TO PARTICIPATE IN THE FOURTHCOMING TRANSITIONAL ELECTIONS AS CANDIDATES.

For matters already stated above, these officers are precluded from participating as voting delegates in the pending Party elections, by reason of the Court's pronouncement that, the offices they held were illegitimate and even the defacto tenure they had, had elapsed and thus functus officio. That pronouncement however, does not in anyway, rid them of their membership of the Party.

We have foraged around the entire Judgement and there is no where in that Judgement that suggests to us that, outgoing and injuncted Party officers are precluded from contesting for Party Offices in the upcoming lower level elections. The perpetual injunction granted and the pronouncements made against them, are in respect of the previous Offices they held and have absolutely nothing to do with their membership status in the Party.

Consequently, both outgoing and injuncted Party officers are legitimately eligible to run for any office in the Party, subject only to their meeting the general requirements set for every candidate contesting for such office. The objection in that behalf is therefore accordingly dismissed.

MEMBERSHIP OF THE YOUNG CONGRESS AS AN ADDITIONAL REQUIREMENT FOR ASPIRANTS CONTESTING FOR THE POSITION OF YOUNG LEADER IN THE VARIOUS STRUCTURES OF THE PARTY.

This criteria is not supported by any provision of the Party's Constitution. Article 55(c) of the 2022 Party Constitution, referenced in Article 8(5) of the Rules, does not relate to membership of the Young Congress. It speaks to the

general membership of the Party and in respect of candidates for the District executive offices. There is nothing in it that relates to the National Young Congress elections.

The foregoing coupled with the controversies surrounding membership Registers of the Party including the Young Congress Register, it will lead to further acrimony in the Party and could even be used to disqualify or eliminate otherwise qualified candidates for those positions in the Party.

By reason of the above, this objection is upheld.

THE CANDIDATURE FEES PRESCRIBED IN THE PUBLISHED RULES ARE EXCESSIVE.

There are Objections to the quantum of Candidature fees prescribed in Article 11(2) of the Rules. The Objectors contended that, the fees are exorbitant, extortionate, discriminatory and therefore unlawful.

We note the Party's concession to this Objection and their commitment to review those fees.

Having evaluated the fees, with reference to the relevant law and the existing fees for Presidential, Parliamentary and Mayoral Candidates, we are in absolute agreement with the Objectors that, the fees are extortionate, discriminatory and unlawful.

Legally, the fees quoted in the Rules are in Sharpe conflict with Sections 27(1) and 35(2) of the 1991 National Constitution, being that, they are discriminatory and do not conform to democratic principles.

They are also inconsistent with the contemporary concept of political finance, that frowns at the dirty influence of money in politics.

We have also taken cognizance of the furore that erupted amongst Political Parties, when Presidential Candidature fees were pegged at Le100,000,000/00. Political Parties were up in arms, accusing the Government then, of using the prescribed fees, as a ploy to eliminate less affluent Political opponents.

They launched a sustained campaign for the reduction of those fees.

In the review of the Public Elections Act 2012, the Electoral Commission for Sierra Leone hearkened to their protests and reduced those fees to Le36,000,000/00 old Leones for Presidential Candidates, Le3,600,000/00 old leones for Parliamentary Candidates and Le1,800,000/00 old leones for

Mayoral Candidates, as per the formula set out in the eleventh schedule of The Public Elections Act 2022, in pursuance of Section 45(1) of same.

Party offices are unsalaried. Therefore, it is utterly unfair, to ask people vying for those offices to pay Candidature fees that are four to five times than those payable by Presidential, Parliamentary and Mayoral candidates, vying for offices, that are highly remunerated, with mouth-watering incentives.

In the light of the foregoing, we are of the considered view that, the fees quoted in the Rules are unreasonable and exclusively intended to ward off Aspirants with less affluence and thus fiscally discriminatory.

We note the desire to decongest the Candidature space and reduce the noise by pretenders and attention seekers. But that is in contravention of the law, at variance with democratic principles and incompatible with the modern day concept of Political Finance. It is therefore unacceptable in a contemporary democracy.

The objection is therefore sustained.

DIRECTIVES TO THE PARTY.

Consequent upon our findings outlined above and consistent with our mandate set out in Sections 6 and 24 of the Political Parties Act No.3 of 2002, the Commission hereby issue the following directives to the Party.

1 The ITGC in keeping with the general mandate conferred on it by the Court, in paragraph 90(10) of the Judgement, is directed to conduct Party membership registration throughout the Country and in do so, shall adhere to the following guidelines.

a). Because of the disquiet their appointment has occasioned the Party and for the reasons aforesated respectively, both the interim Chairmen appointed by the Chairman of the ITGC and the outgoing executives of the Party, shall not take part in the said registration exercise.

b). In lieu thereof, the ITGC shall Constitute two teams of five, in each of the sixteen electoral districts in the Country, of known Party faithfuls, to carry out the said membership registration for an initial period of twenty days and thereafter, the ITGC shall advise itself on the way forward, on such

membership Registration, having regard to the timetable set by the Court for the conduct of lower level elections.

c). The membership spread of these registration teams, shall be reflective of the membership spread of the ITGC as closely as possible. Therefore, each team shall comprise of two members nominated by the faction headed by the Chairman and Three nominees by the faction represented by the Secretary.

d). To promote transparency and orderliness in the exercise, each team shall work together as a unit in the conduct of the registration, either in fixed designated areas in the District or they roam together, in defined areas within the district, whichever of the two modes the ITGC deems more practicable. That is the registration teams shall not be further split into smaller units.

e). To avoid controversies, the Chairman and Secretary shall sign an agreed number of empty party membership cards, that will be distributed to the various teams in the Districts, for issuance to the Registrants after being registered and the teams shall thereafter render to the ITGC, a comprehensive account of the signed cards issued them.

f). The ITGC shall determine the period, each Registrant is to pay subscription for, in addition to the registration fee payable by each of them.

g). All registration fees and subscription received by each team, shall be paid into Accounts designated for that purpose, to which the Chairman and the Secretary shall be principal Signatories.

h). The registration teams shall be guided only by the Nationality and age of the Applicant and evidence if any, of subsisting membership of another Political Party, in adherence to Article 9(a)(i&iii) of the 2022 Party Constitution.

Therefore, no member of the registration team shall refuse to register any prospective Registrant, exclusively on the rather puerile suspicion that, the Registrant belongs to one faction as against the other.

h). All members registered during this exercise, shall be eligible to vote and be voted for, in the Ward elections, Pursuant to Articles 36(d) and 55 of the 2022 Party Constitution.

i). The PPRC shall endeavour to monitor and supervise this registration exercise.

2. The ITGC to conduct an audit of the membership Register of 63,000 members, handed over to them by the outgoing Secretary General of the party, to the effect only, of randomly ascertaining the existence of the members listed therein and their ages.

3. The ITGC to process all unprocessed membership Applications still pending, before the commencement of the lower level elections.

4. After all of the above, the ITGC shall prepare a comprehensive membership register, both hard and soft copies to be maintained in the Party office and avail the Commission with copies, in compliance with Article 10(f) of the extant Constitution of the Party, at least twenty one days before the commencement of the lower level elections.

5. Consistent with our findings on the objection to outgoing executive members serving as voting delegates at their respective conventions, we direct that, the following Articles and phrases be deleted from the draft Rules namely:

Articles: 2(3)(a), 3(3)(a) and 4(4)(a).

The phrases:

- a) "all outgoing branch executive members save for the Chairmen" in Article 5(4).
- b) "and the outgoing National Officers of the women's Congress excluding the Leader" in Article 6(3) and the insertion of the word "and" between the words "district" and "regional" therein.
- c) "and the National Officers of the outgoing Veterans' Congress excluding its Chairman" in Article 7(3) and the insertion of the word "and" between the words "District" and "Regional" therein.
- d) "and the National Young Officers of the outgoing National Young Congress excluding its President" in Article 8(3) and the deletion of the comma after the word "Leaders" and the insertion of the word "and" between the words "Leaders" and "the".

6. Consistent with our findings on the objection to the membership of the National Young Congress being an additional requirement, for all candidates contesting for the position of "Young Leader" in all the cadres of the Party, we direct that, the following Articles be deleted from the draft Rules namely:

Articles 1(6)(f), 2(6)(f), 3(6)(f), 4(7)(f) and 5(8)(f).

7. Consistent with our findings on the objection to the Candidature fees, we direct that, the fees be reduced as follows:

POSITION	From (Old Leones)	To (Old Leones)
Flagbearer	500,000,000	30,000,000
National Chairman	100,000,000	15,000,000
Deputy National Chairman	50,000,000	5,000,000
National Secretary General	50,000,000	5,000,000
All other substantive National Officer Positions	5,000,000	500,000
All deputy National Officer Positions	2,500,000	250,000
Non-Executive Elected Members of NAC	2,500,000	250,000
Regional Chairmen	2,500,000	250,000
All other substantive Regional Executive Positions	1,000,000	100,000
All deputy Regional Executive Positions	500,000	50,000
National Women's Leader	5,000,000	500,000
All other substantive National Women's Congress Positions	1,000,000	100,000
All deputy National Women's Congress positions	500,000	50,000
National Veterans Leader	2,500,000	250,000
All other substantive National Veterans Congress positions	500,000	50,000
All deputy National Veterans Congress positions	250,000	25,000
National Young Leader	5,000,000	500,000
All other substantive National Young Congress Positions	1,000,000	100,000
All deputy National Young Congress Positions	500,000	50,000
District /Branch Chairmen	3,000,000	300,000
All other District /Branch Executive positions	1,000,000	100,000
All deputy District /Branch Executive positions	500,000	50,000
Constituency/ Chapter Chairmen	500,000	50,000
All other Constituency/ Chapter Executive positions	200,000	20,000
Ward Chairmen	100,000	10,000
All other Ward Executive Positions	50,000	5,000

8 .Consistent with our position on the eligibility to vote and be voted for in ward elections, we direct that, the following phrases be deleted from the draft Rules:

- a) "consistently for one year before the date of the ward election" in Article 1(3) and the deletion of the number "54(g)", to be substituted therefor, by the number "36(d)" therein.
- b) "for one year immediately preceding the elections" in Article 1(4).
- c) Also delete Article 1(6)(e) of the Rules thereof.

9. Articles 1(6)(c&d), 2(6)(c&d), 3(6)(c&d), 4(7)(c&d), 5(8)(c&d), 6(6)(c&d), 7(6)(c&d), 8(7)(c&d) and 9(10)(c&d) be amended to reflect the following:


a). Because of the quantum and non refundability of candidature fees, the said fees shall only be payable after the eligibility test of the Candidates.

b) Applicants to pay non refundable Application fees to fund the processing of the Applications, provided that, such fees shall not be in excess of Forty percent of the candidature fee payable for the office Applied for.


10. The ITGC to submit a cleaned up copy of the Rules to the Commission, after inputting the directives herein, not later than ten days from the date herein.

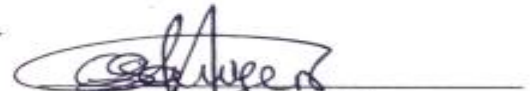
11. Upon receipt of the Rules from the ITGC, the Commission shall published same in the Gazette and thereafter shall become effectual after fourteen days from the date of such publication, pursuant to section 24(2)(b) of The Political Parties Act, 2002.

DATED THE 3rd DAY OF October 2022.


ABDULAI MASIYAMBA BANGURAH
(CHAIRMAN)




ALHAJI MUCTARR BABATUNDE WILLIAMS
(COMMISSIONER)


CHRISTIAN SAWYERR
(COMMISSIONER)