



HURIDAC AND HRDN - SL REPORT:

A HUMAN RIGHTS AUDIT OF SIERRA LEONE

**2018 General
ELECTIONS**



Acronyms

1. ACC : ANTI CORRUPTION COMMISSION
2. AG : ATTORNEY GENERAL
3. AUEO : AFRICA UNION ELECTIONS OBSERVER
4. AYV-TV : AFRICA YOUNG VOICES TELEVISION
5. CARL : CENTER for ACCOUNTABILITY and RULE of LAW
6. CJ : CHIEF JUSTICE
7. CWEO : COMMON WEALTH ELECTIONS OBSERVER
8. DOP : DESTRUCTION OF PROPERTY
9. ECOWAS : ECONOMIC COMMUNITY OF WEST AFRICA STATES
10. EISA : ELECTORAL INSTITUTE for SUSTAINABLE DEMOCRACY
in AFRICA
11. EUEO : EUROPEAN UNION ELECTIONS OBSERVER
12. HRC-SL : HUMAN RIGHT COMMISSION-SL
13. HRDN-SL : HUMAN RIGHT DEFENDERS NETWORK-SL
14. HURIDAC : HUMAN RIGHT ADVANCEMENT, DEVELOPMENT and
ADVOCACY CENTER
15. KKK : KILLER KILL KILLER
16. MIA : MINISTRY of INTERNAL AFFAIRS
17. NATCOM : NATIONAL TELECOMMUNICATION
18. NEC : NATIONAL ELECTORAL COMMISSION
19. NEW : NATIONAL ELECTIONS WATCH
20. OHCHR : OFFICE OF THE HIGH COMMISSIONER for HUMAN RIGH
21. PPRC : POLITICAL PARTY REGISTRATION COMMISSION
22. SLAJ : SIERRA LEONE ASSOCIATION of JOURNALISTS
23. SLBA : SIERRA LEONE BAR ASSOCIATION
24. SLBC-TV : SIERRA LEONE BROADCASTING CORPORATION
25. SLP : SIERRA LEONE POLICE
26. UNEO : UNITED NATIONS ELECTIONS OBSERVERS
27. WANEP : WEST AFRICA NETWORK for PEACEBUILDING
28. WSR-SL : WOMEN SITUATION ROOM-SL

EXECUTIVE SUMMARY:

This report on Human Rights Audit of Sierra Leone 2018 General Elections has been produced by the Human Rights Defenders Network – SL (HRDN-SL) and Human Rights, Advancement, Development and Advocacy Centre (HURIDAC)

The human rights examination of 2018 general elections is necessary as a critical link to the right to vote. This encompasses other human rights such as freedom of association and of expression and many others. Advocating for the *right to vote* is essential to ensuring the ‘*will of the people*’ counts during elections.

The human rights gaps and elections challenges motivated and encouraged the two organisations to invest their resources in the Sierra Leone elections cycle. The report is structured into eleven chapters which examine information about each partner’s work, highlighting the methodology of the report as well as the output and providing a snapshot of each chapter of the report. It provides the historical background to the political development of Sierra Leone as a country, political and party development in the post-war period to date. It equally examines the interconnectivity between human rights and democracy. This understanding is crucial to the assertions of interconnections made in the report.

The report also explores elections management in Sierra Leone and provides insight into legal frameworks and international standards. It further adds the challenge of managing the 2018 elections and hurdles facing the National Electoral Commission. One of the institutions that are essential for securing the election is the Police. The report explores the international standard expectation from the police in relation to elections as well as practical best practice that the police should aim to achieve. It concludes with a practical exploration of the police role during the 2018 elections.

The report also examines the social media and the elections, examining the positives and the negatives, but most importantly deepening the understanding on why social media is important for the elections regarding the ease of transfer of electoral information through many such channels and also how the social media has been used negatively to spread hate crimes and intimidations.

On the judiciary, report lays down the human rights principles required for the judiciary to function as an impartial umpire and captures interventions by the Attorney General, the Bar Association and the Human Rights Commission. This report provides human rights incidents and summary of the forms of human rights incidents reported, with a focus on unlawful killing, injuries, destruction of properties and others. The data analysis aspect of the report, provide methodology of data mining, analysis and interpretation.

Although the GoSL has made some efforts to improve elections accountability by the establishment of the Elections Management Body (EMB) , this is yet to have an impact as elections violence continues unabated and with impunity.

Recommendations on strengthening electoral process, institutions and oversight roles were also explained in the report.

This report is the product of internal efforts of the two organisations, we express gratitude for the selfless service provided by the report writing committee (Ayodele Ameen (HURIDAC-ED, Solomon Sogbandi- Chair HRDN-SL, Brima Sheriff – head of policy HURIDAC, Alphonsus Gbanie –Executive Secretary HRDN-SL, Shina Loremikan – HURIDAC Board Member, Paulson Okezie –HURIDAC Programme Manager, Victor M. Boima HRDN-SL Member, Aminu Kazeem – HURIDAC Legal Adviser and the review Committee of Dr Amina Salihu –HURIDAC BOT Chair and Dr Kola Olaniyan –HURIDAC Leadership Council Chair).

CHAPTER ONE

AN INTRODUCTION TO A HUMAN RIGHTS AUDIT OF THE 2018 GENERAL ELECTIONS

This report, a human rights audit of the 2018 general elections in Sierra Leone is an exploration of the recently concluded election in Sierra Leone from a human rights standpoint. The human rights examination is necessary as a critical link to the right to vote. This encompasses other human rights such as freedom of association and of expression and many others. Advocating for the *right to vote* is essential to ensuring the ‘*will of the people*’ counts during elections. This ‘will of the people’ represents insurance for sustainable democracy, development and good governance. The rationale is that if politicians know that the only way to get into power is through an election that reflects the ‘will of the people’ in contrast to rigging and other undemocratic practices, and then politicians will have no incentive but to deliver good governance. It is therefore important to use human rights to ring-fence our electoral system.

The report is equally motivated by the current wave of political changes in the West African region. The ‘will of the people’ being reflected is the main reason for the new wave of political surge in the sub-region. We have witnessed change of governments from incumbent to opposition, through the regular voting process. In 2015, an amalgamation of opposition political parties won the election in Nigeria. In 2016, a keenly contested presidential election was won by the opposition with 53% electoral votes in Ghana¹. The ruling party for about two decades in the Gambia was defeated by a coalition of opposition political parties in the 2016 presidential elections². In 2017, a former world best footballer led an opposition party and won the presidential election in Liberia, and 2018 witnessed Sierra Leone joining the ranks of countries in which the ‘will of the people’ counted in a voting process when the opposition party defeated the All Peoples Congress (APC) led the ruling party in the 2018 presidential elections. However, it should be noted that these were not easy battles, the candidates confronted many challenges and difficulties. The intervention of the International observers, especially Economic States of West Africa Countries (ECOWAS) and their zero tolerance to undemocratic change of power helped in most of these cases. ECOWAS diplomatic efforts in ushering in a new government were extremely impactful. In one instance, they had to activate the process of war to defend democracy and the right to vote. Soldiers were sent to the Gambia to protect the result of the election and ensure the right to vote as well as ‘will of the people’ in an election counts.

We cannot but recognize the immeasurable assets deployed by civil society organisations in monitoring each of those elections in those countries. Their impact in voter education, elections observation across most of the polling units was another level of defence for the votes cast. Their numerous election analysis situation rooms, provided the required analysis of their observation. These were shields of confidence for the voters without which the

¹Alastair Leithead, (BBC Africa correspondent): “Gambia’s Jammeh loses to Adama Barrow in shock election result” available at: (<http://www.bbc.co.uk/news/world-africa-38183906>).assessed (11/06/2018).

²(<http://www.bbc.co.uk/news/world-africa-38270956>).

politicians and their agents would have turned the entire process into a chaotic one and most critically, a situation in which right to vote and the ‘will of the people’ would have been roundly defeated.

This positive development on electoral front motivated and encouraged the two organisations to invest their resources in the Sierra Leone elections project. The Human Rights Defender Network – Sierra Leone (HRDN-SL) Domestic Observers and the Human Rights Advancement, Development and Advocacy Centre (HURIDAC), an International Observer, formed a partnership by sharing their expertise to mainstream human rights into elections observations. These two organisation independently and working in partnership contributed their quota to the electoral process.

The HRDN-SL, a network of fifty Five (55) different organisations and individuals all over the country started their work on the 2018 general elections by engaging communities and community stakeholders including election management bodies through meetings, trainings, public lectures and roadshows, radio and tv discussion programs in Ten (10) Districts of the Five (05) Regions in the country. This is to ensure a sound and quality system of peaceful and participatory democratic elections during the March 2018 general elections. The Human Rights Defenders Network also identified and established the crucial gaps between human rights and accountability. The Network trained and deployed Thirty-Three (33) Election Observers to observe and document incidents of human rights violations and abuses before, during and after the general elections, including the run-off election. This move by the network was meant to contribute to creating an environment suitable for a peaceful election and harmonious post-election co-existence, including the significant inclusion of women in the political agenda of the country.

The network successfully carried out its elections advocacy, campaign and monitoring activities through the technical and financial support from Irish Aid Country office and Canada Fund for Local Initiative (CFLI) – Canadian High Commission, Ghana.

The HURIDAC team has previous experience working on elections and human rights projects. The team was involved in the Nigeria and Gambia elections. This experience came in handy for work on election in Sierra Leone. The organisation’s objectives for Sierra Leone mission were in three folds: First, is to explore the partnership with a local organisation in Sierra Leone_ HRDN_ shares a similar focus on human rights with HURIDAC. Second, is to build the capacity of the civil society in Sierra Leone and third, to document elections observations in a report.

The HURIDAC observation team arrived in Sierra Leone a week to the elections. The team travelled to Makeni and held a training session with civil society organisations from the northern part of the country. The team also did similar training with civil society organizations from the eastern and southern parts of the country in Bo. In Freetown, the HURIDAC team had capacity building sessions with members of the HRDN-SL.

The HURIDAC team also had advocacy meetings with representatives of the ECOWAS group led by the Director of Political Affairs. The Team met with the Carter Foundation,

United Nations Representatives, The Electoral Institute for Sustainable Democracy in Africa (EISA) team led by a former President of Nigeria, President Goodluck Jonathan.

The team worked very closely with the Women's Situation room and engaged with the Eminent Women. At the Women's situation room, the team was opportuned to meet with the Sierra Leone Peoples Party (SLPP) presidential aspirant during his visit, when a dossier of abuses and violations against SLPP party members was handed over to HURIDAC. Numerous visits were made to National Election Watch (NEW) and West Africa Network for Peace building (WANEP) Situation rooms.

Methodology

This methodology of this report is multi-faceted, starting with desk research, fieldwork, a questionnaire to political parties, interviewed with victims as well as other stakeholders. The desk research relied on previous work done on the relevant concepts and the country as it relates to elections. The incident and data analysis chapters relied on series of data sources such as reports from various observer's data made available to us by some civil society elections situation rooms and media reports of incidents. Others include a dossier of atrocities committed against SLPP members, a document handed over to HURIDAC by the then SLPP presidential aspirant, a compilation of abuses against APC including pictures and videos provided to us by the secretary of the APC, and a report of abuses against NGC provided by the NGC party. We also held series of interviews with political parties, and some victims.

The outcome of this process is this detailed report. However we do not include the gruesome, ghastly, horrific, shocking, frightening and horrible pictures in our possession for ethical reasons.

Structure of the Report

The report is structured into eleven chapters, starting with the executive summary. The chapter one, which is the introductory chapter sets the foundation for the report capturing the motivation of the partnership to work on this report and beyond, providing a bit of information about each partner's work, highlighting the methodology of the report as well as the output and providing a snapshot of each chapter of the report.

The second chapter provides the historical background to the political development of Sierra Leone as a country; this is important for two reasons; first to provide useful background information for a youthful population of Sierra Leone and second Non-Sierra Leonean readers. This background is presented in three phases, political development in the colonial period, the development before the war and; political and party development in the post-war period to date.

The third chapter delves into the conceptual link between elections and human rights. It equally examines the interconnectivity between human rights and democracy. This understanding is crucial to the assertions of interconnections made in the report.

The fourth chapter, is an exploration of elections management in Sierra Leone and provides insight into legal frameworks and international standards. It further adds the challenge of managing the 2018 elections and hurdles facing the National Electoral Commission.

The fifth chapter focuses on one of the institutions that are essential for securing the election, the Police. It starts with a historical background of the police, exploring the international standard expectation from the police in relation to elections as well as practical best practice that the police should aim to achieve. It concludes with a practical exploration of the police role during the 2018 elections.

The seventh chapter explores the new media. It examines the social media and the elections, exploring the positives and the negatives, but most importantly deepening the understanding on why social media is important for the elections regarding the ease of transfer of electoral information through many such channels and also how the social media has been used negatively to spread hate crimes and intimidations.

The eighth chapter focuses on the judiciary. It lays down the human rights principles required for the judiciary to function as an impartial umpire. The chapter also captures interventions by the Attorney General, the Bar Association and the Human Rights Commission.

Chapter nine focuses on human rights incidents. It provides a summary of the forms of human rights incidents reported, with a focus on unlawful killing, injuries, destruction of properties and others.

Chapter ten is the data analysis aspect of the report, providing the methodology of data mining, analysis and interpretation.

The eleventh chapter deals with recommendations on strengthening electoral process, institutions and oversight roles.

The twelfth and concluding chapter provides a summary of all aspects of the report.

Finally, the report is not aimed at just the Sierra Leonean reader, though it specifically examined human rights cases that occurred during the country's 2018 elections. Most of the lessons from the conceptual background such as elections and human rights, elections management and security institutions are very relevant for most countries in Africa. The recommendations made in this report are relevant for countries struggling with similar challenges. The HURIDAC and HRDN-SL partnership is opened to more collaboration to deepen research and advocacy on some of the critical issues in this report and in implementing the recommendations.

CHAPTER TWO

THE ELECTORAL EVOLUTION OF SIERRA LEONE

Weathering the storm; Adapting to Major Political Transitions.

One cannot understand politics in any country without first coming to grips with how it evolved. As in most countries, the most common form of political participation in Sierra Leone is voting in the national election, a most important milestone, and this was manifested and demonstrated in the last decade and a half.

However, the history of Sierra Leone, began when the lands became inhabited by indigenous African peoples at least 2,500 years ago. Sierra Leone has played a significant part in modern African political culture and development, and became independent of the United Kingdom in 1961. The Afro-European colony was founded by a British organization for freed American slaves on March 11, 1792. These were about 1,192 African Americans who had relocated from Nova Scotia after being resettled in Freetown by Great Britain, following the American Revolutionary War. The residents, both women and men, voted for their leaders that year for the first time in elections. Later other liberated slaves were resettled at Freetown. The descendants of the various waves of black settlers were collectively referred to as the Creoles or Krios. Significantly, the name John Clarkson a British Naval Lieutenant and Sierra Leone company (SLC) remain associated with the ancient city of Freetown, the capital of Sierra Leone for centuries.

Indirect rule and imposition of central legislation in Sierra Leone

On 31 August 1896, a Proclamation was issued in the Colony declaring the territory to be a British "Protectorate". The Colony remained a distinct political entity and the Protectorate was governed from it. Strictly speaking, a Protectorate does not exist unless the people in it have agreed to be protected. The Sierra Leone Protectorate was more in the nature of a unilateral acquisition of territory. The Protectorate Ordinances (passed in the Colony in 1896 and 1897) abolished the title of King and replaced it with "Paramount Chief"; chiefs and kings had formerly been selected by the leading members of their communities, now all chiefs, even paramount ones, could be deposed or installed at the whim of the Governor³. Most of the judicial powers of the chiefs were removed and given to courts presided over by British "District Commissioners". The Governor decreed that a house tax of five shillings to ten shillings was to be levied annually on every dwelling in the Protectorate. To the chiefs, this reduction in their power and prestige was unbearable. When, in 1898, attempts were made to collect the tax, the chiefs resisted and rose up, first in the north, led by a dominant Temne chief called Bai Bureh, and then in Mende county to the south. The two struggles took on quite different characteristics⁴.

³ EducAid. (2018). *Sierra Leone*. [online] Available at: <http://www.educaid.org.uk/what-we-do/sierra-leone/> [Accessed 29 Jun. 2018]

⁴ BLACK SOCIAL HISTORY - THE PAST HISTORY OF SIERRA LEONE : THE UPS AND DOWN OF A NATION, F. (2018). *THE PAST HISTORY OF SIERRA LEONE : THE UPS AND DOWN OF A NATION, FROM THE PAST TO MO*. [online] [Sittingbull1845.blogspot.com](http://sittingbull1845.blogspot.com/2014/01/black-social-history-pasthistory-of_5.html). Available at: http://sittingbull1845.blogspot.com/2014/01/black-social-history-pasthistory-of_5.html [Accessed 29 Jun. 2018].

After the Hut Tax War, there was no more large-scale military resistance to colonialism. Resistance and dissent continued but took other forms. Vocal political dissent came mainly from the Creoles, who had a sizeable middle and upper class of business-people and European-educated professionals such as doctors and lawyers. The political elites and top dogs of the society continued to press for political rights, however and operated a variety of newspapers which governors considered troublesome and demagogic.

Political identification and call for people's representation

In 1924 a new constitution was put in place, introducing elected representation (3 out of 22 members) for the first time, with the first elections held on 28 October. Prominent among the Creoles demanding change were the bourgeois nationalist H.C. Bankole-Bright, General Secretary of the Sierra Leone Branch of the National Congress of British West Africa (NCBWA), and the socialist I.T.A. Wallace-Johnson, founder of the West African Youth League (WAYL). African resistance was not limited to political discussion. For instance, Sierra Leone developed an active trade union movement whose strikes were often accompanied by sympathetic rioting among the general population.

Increasing political awareness in Sierra Leone was divided into a Colony and a Protectorate, with separate and different political systems constitutionally and clearly defined. Antagonism between the two entities escalated to a heated debate in 1947 when proposals were introduced to provide for a single political system for both the Colony and the Protectorate. Most of the proposals came from the Protectorate. The Krio, led by Isaac Wallace-Johnson, opposed the proposals, the main effect of which would have been to diminish their political power. It was due to the astute politics of Sir Milton Margai that the educated Protectorate elite was won over to join forces with the paramount chiefs in the face of Krio intransigence. Later on, specifically in November 1951, Sir Milton Margai oversaw the drafting of a new constitution, which united the separate Colonial and Protectorate legislatures and most importantly provided a framework for decolonization. In 1953, Sierra Leone was granted local ministerial powers, and Sir Milton Margai was elected Chief Minister of Sierra Leone. The new constitution made Sierra Leone a parliamentary system within the Commonwealth of Nations. In May 1957, Sierra Leone held its first parliamentary election. The Sierra Leone Peoples Party (SLPP), which was then the most popular political party in the colony of Sierra Leone, won the most seats in Parliament. Margai was also re-elected as Chief Minister by a landslide.

1960 Independence Conference

On April 20, 1960, Sir Milton Margai, led the twenty-four members of the Sierra Leonean delegation at the constitutional conferences that were held with Queen Elizabeth II and British Colonial Secretary Iain Macleod in the negotiations for independence held at the Lancaster House in London. All of the twenty four members of the Sierra Leonean delegation were prominent and well-respected politicians including Sir Milton's younger brother lawyer Sir Albert Margai, the outspoken trade unionist Siaka Stevens, SLPP strongman Lamina

Sankoh, outspoken Creole activist Isaac Wallace-Johnson, Paramount chief Ella Koblo Gulama, educationist Mohamed Sanusi Mustapha, Dr John Karefa-Smart, professor KandeBureh, lawyer Sir Banja Tejan-Sie, former Freetown's Mayor Eustace Henry Taylor Cummings educationist Amadu Wurie, and Creole diplomat Hector Reginald Sylvanus Boltman.

On the conclusion of talks in London, Britain agreed to grant Sierra Leone Independence on the 27 of April 1961. However, the outspoken trade unionist Siaka Stevens was the only delegate who refused to sign Sierra Leone's declaration of Independence on the grounds that there had been a secret defence pact between Sierra Leone and Britain; another point of contention by Stevens was the Sierra Leonean government's position that there would be no elections held before independence which would effectively shut him out of Sierra Leone's political process. Upon their return to Freetown on May 4, 1960, Stevens was promptly expelled from the People's National Party (PNP) and later formed a new party, All Peoples Congress (APC).

Political engineering (1961-1968)

Post-independence, Sierra Leone constitutions written as part of the transition to independence, provided for Westminster-style parliamentary democracy. The head of State was the British Monarch represented by the Governor General delegated. A prime minister headed the government which was chosen from among members of Parliament. The government was responsible to the Parliament which could sanction it through censure votes. In practice, however, weak coalition arrangements within parliament limited the institution's ability to effectively control the executive, as a result of which the latter gained more and more discretionary power.

The Constitutions of 1971 and 1991

In 1967 Siaka Stevens, representing the All People's Congress (APC) party, won the general elections and became the Prime Minister. In 1971 the parliamentary system was abolished in favour of a presidential system, following the adoption of a new Constitution. Stevens became Sierra Leone's first executive President. This Constitution lasted until 1978 when a new one was adopted via referendum. The 1978 Constitution replaced the multi-party system with a single party state. The result was the absorption of the Sierra Leone Peoples Party (SLPP), the second political force in the country into Stevens' All People's Congress (APC), which became the only recognized political party in the country.

The new Constitution increased executive powers and extended presidential term limits from four to seven years. Additionally, Chapter IV, Section 34 gave him the power to appoint the Electoral Commissioners and the Chief Justice (head of the Judiciary) as well. The Electoral Commission, the organ entitled to accept or reject candidates for the Parliament, was also controlled by him as the Constitution states it is responsible to the President. In that way, the parliamentarians elected were mainly accountable to the President. This reality made it difficult to control the executive so that in practice the system functioned almost like a one-party regime.

The Constitution of 1991

Influenced by events elsewhere such as the fall of the Berlin Wall, pressure from the West to democratize and reform movements in the neighbourhood, especially francophone West Africa where one party regimes were disappearing, opposition to one-party rule became stronger in Sierra Leone in the early 1990s. A socially extended coalition demanded a liberalized political system as socio-economic conditions worsened. In this context, President Momoh appointed a 35- member National Constitution Review Commission to recommend constitutional changes that would provide alternatives to the one-party state and reform the political system. This resulted in a new constitution that reinstated multi-party politics.

Sierra Leone's 1991 Constitution recognized the separation of powers with provisions for oversight and institutional accountability. It vested the power of judicial review in the Supreme Court. This Constitution was, however, short-lived. Following a military coup led by a young officer, Valentine Strasser, in April 1992, the Constitution was suspended, all political parties banned and powers concentrated in Strasser's National Provisional Ruling Council (NPRC).

New Constitutional developments and challenges

In 1991 Sierra Leone was embroiled in a civil war when rebel soldiers from the Revolutionary United Front (RUF) overthrew the one-party political system, demanding a multiparty system. The RUF organized a terror campaign killing approximately 300,000 people in 11 years. The conflict came to an end with the help of Britain and the United Nations peacekeeping mission, following the signing of the Lome Peace Accord in 2002. The Lome Accord called for a review of the 1991 Constitution⁵.

Additionally, the Truth and Reconciliation Commission (TRC), established in 2002, also recommended the building of a new constitutional framework to secure peace and consolidate democratic governance. The country eventually reviewed the 1991 Constitution following the establishment of a constitutional review committee in July 2013. Using it as a working document, the 2008 report was developed and submitted to the government by the Peter Tucker Constitutional Review Commission; the committee consulted widely with the public and made recommendations to the government, which was to be submitted together with proposed changes to parliament for approval. A referendum endorsed the document.

The Committee is made up of 80 members drawn from different sectors. The review was carried out in partnership with the United Nations to ensure transparency and it lasted for two and a half years.

NPRC Junta (1992-96)

On 29 April 1992, a twenty-five-year-old Captain Valentine Strasser led a group of seven junior officers in the Sierra Leone army that included Lieutenant Sahr Sandy, captain Solomon Musa, Lieutenant Tom Nyuma, Captain Julius Maada Bio and Captain Komba Mondeh. They came all the way from their military barracks in Kailahun District and launched a military coup in Freetown, which sent president Momoh into exile in Guinea and the young soldiers established the National Provisional Ruling Council (NPRC) with Strasser as its chairman and Head of State of the country. The NPRC Junta immediately suspended the constitution, banned all political parties, limited freedom of speech and freedom of the

⁵ EducAid. (2018). *Sierra Leone*. [online] Available at: <http://www.educaid.org.uk/what-we-do/sierra-leone/> [Accessed 29 Jun. 2018]

press and enacted a rule-by-decree policy, in which soldiers were granted unlimited powers of administrative detention without charge or trial, and challenges against such detentions in court were precluded.

On January 16, 1996, after about four years in power, Strasser was arrested in a coup by his fellow NPRC soldiers, led by his deputy Brigadier Julius Maada Bio and backed by many high ranking soldiers of the NPRC junta. Strasser was immediately flown into exile in a military helicopter to Conakry, Guinea. In his first public broadcast to the nation following the 1996 coup, Brigadier Bio stated that his support for returning Sierra Leone to a democratically elected civilian government and his commitment to ending the Sierra Leone civil war were his motivations for the coup.

Return to civilian rule and first Kabbah Presidency (1996-97)

Promises of a return to civilian rule were fulfilled by Bio, who handed power over to Ahmad Tejan Kabbah, of the Sierra Leone People's Party (SLPP), after the conclusion of elections in early 1996. President Kabbah took power with a great promise of ending the civil war. President Kabbah opened dialogue with the RUF and invited RUF leader Foday Sankoh for peace negotiation.

AFRC junta (1997-1998)

On May 25, 1997, a group of seventeen soldiers in the Sierra Leone army led by Corporal Tamba Gborie and loyal to the detained Major General Johnny Paul Koroma launched a military coup which sent President Kabbah into exile in Guinea, and they established the Armed Forces Revolutionary Council (AFRC). The soldiers immediately released Koroma from prison and installed him as their chairman and Head of State of the country, with Corporal Tamba Gborie as a deputy in command of the AFRC. Koroma suspended the constitution, banned demonstrations, shut down all private radio stations in the country and invited the RUF to join the new junta government, with its leader Foday Sankoh as the Vice-Chairman of the new AFRC-RUF coalition junta government, within days, Freetown was overwhelmed by the presence of the RUF combatants who came to the city in their thousands. The Kamajors, a group of traditional fighters mostly from the Mende ethnic group under the command of deputy Defence Minister Samuel Hinga Norman, remained loyal to President Kabbah and defended the Southern part of Sierra Leone from the soldiers.

The weak Sierra Leonean state: Enduring Myths and Changing Realities (1998–2001)

Rather sad, the people of Sierra Leone, became a laboratory of prolonged humanistic regression, political unrest, make violence that unfolded social disintegration across national and international borders. For almost a decade, State Actors and Non-State Actors, were found wanting in the discharge of their constitutional duties and responsibilities. for a long time, Sierra Leoneans and her neighbours were in a situation in which it was clear to all that all the pillars of democracy and institutions of the State where completely falling apart. Hence, movement was impossible and under development at all fronts of life was-the order of the day. Professor Wole Soyinka, a distinguished African, at a UNESCO meeting in Paris openly lamented the huge burden on the Sierra Leonean people and the society.

After ten months in office, the junta was ousted by the Nigeria-led ECOMOG forces, and the democratically elected government of president Kabbah was reinstated in March 1998. Kabbah took power once again with Albert Joe Demby as vice president. On July 31, 1998 president Kabbah disbanded the Sierra Leone military and introduced a proposal for a new military. On October 12, 1998 twenty-five soldiers in the Sierra Leone army, including Corporal Tamba Gborie, Brigadier Hassan Karim Conteh, Colonel Samuel Francis Koroma, Major Kula Samba and Colonel Abdul Karim Sesay, were executed by firing squad after they were convicted by a court martial in Freetown for orchestrating the 1997 coup that ousted president Kabbah from power.

The situation in the country deteriorated to such an extent that British troops were deployed in operation Palliser, originally simply to evacuate foreign nationals. However, the British exceeded their original mandate and took full military action to finally defeat the rebels and restore order. The British were the catalyst for the ceasefire that ended the civil war. Elements of the British Army, together with administrators and politicians, remained in Sierra Leone for a long period, helping train the armed forces, improve the infrastructure of the country and administer financial and material aid.

Tony Blair, the Prime Minister of Britain at the time, is regarded as a hero by the people of Sierra Leone, many of whom are keen for more British involvement. Sierra Leoneans have been described as "The World's Most Resilient People"⁶.

In 2004, parliament passed the Local Government Act of 2004 which re-introduced local government councils back to Sierra Leone after thirty years. On 4 August 2006 in a broadcast to the nation, president Kabbah announced that 2007 presidential and the parliamentary election would be held on July 28, 2007.

Kabbah re-elected (2002-2007)

Elections were held in May 2002. President Kabbah was re-elected under a multi party system, and his Sierra Leone People's Party won a majority of the parliamentary seats. In June 2003 the United Nations (UN) ban on the sale of Sierra Leone diamonds expired and was not renewed. The UN disarmament and rehabilitation program for Sierra Leone's fighters was completed in February 2004, by which time more Sierra Leonean criticize the government for its failure to follow up on the Truth and Reconciliation Report's recommendation.

2007 Presidential Election:

At the end of President Kabbah's tenure, a presidential election was scheduled for 2007. That was the third general election since the end of the war. The election was keenly contested by

⁶ Revolv, L. (2018). "Sierra Leone"<https://www.revolv.com/main/index.php?s=Sierra Leone> on Revolv.com. [online] Revolv.com. Available at: <https://www.revolv.com/main/index.php?s=Sierra Leonehttps://www.revolv.com/main/index.php?s=Sierra Leone> [Accessed 29 Jun. 2018].

the two leading parties among others, the incumbent SLPP government and APC the leading opposition party. The election was also important because it marked the change of electoral system from proportional representation to the constituency-based electoral system. The opposition party of APC won the election against the ruling party both in the initial election and the run-off. Hence the APC presidential candidate of APC, Ernest Bai Koroma was declared the president. That was the first time that the opposition was taking over power through an electoral process.

2012 Presidential Election

In 2012, the Ernest Koroma led APC Government had to account for its stewardship. The general election of 2012 witnessed about 87.3% turn out of the voters. That election witnessed a victory for the incumbent APC with a majority victory of 55% of the total vote; this ensured that no run off was needed.

2018 Presidential Election

In the 2018 general election, voters were offered a choice of 16 presidential candidates. According to the electoral laws, a run-off presidential election between the first and second placed candidates is held two weeks after the certification of the results, where no single candidate wins 55% in the first round. The election, as usual, was keenly contested by the leading political parties, just like the 2007 election, the opposition party of SLPP won the election in both the initial presidential election of March 7th and the re-run of March 31st. So for the second time in Sierra Leone, an opposition party took power in the electoral process with 51.81% of the votes in an election that witnessed 81% voter turn-out.

In conclusion, Sierra Leone has experienced a complex political history, from parliamentary to presidential system. Their political development has been disrupted by the war truncated by coups and counter-coups. Being an experimental ground for political systems, they have always taken two steps forward, three steps backwards. The people have not been able to develop sustainable political idiosyncrasies. As we have seen, the impact of military rule in many African countries as it impacted on political development and ensuring the people muscled the needed power to; demilitarise their mind', Sierra Leone's case is more complex as they needed to deal with the aftermath of civil war on their political orientations. It is, therefore, a balancing act between a democratic process and long-term orientation from their history that 'might is power'. It is not surprising that we do see a mixture of the democratic theory and the theory of violence. It is only through the continuous democratic process and addressing impunity that we can ensure the total deletion of violence from elections. The current electoral system does not foster national cohesion and participation because the winner takes all systems.

CHAPTER THREE

SIERRA LEONE: ELECTION AND HUMAN RIGHTS MATRIX

"The will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret ballot or by equivalent free voting procedures." (UDHR Art. 21)

This chapter contextually explores the interface between elections and human rights; it starts by providing the legal and political background for elections in Sierra Leone. It will also explore the human rights obligations of the country.

It considers the interplay of human rights and election at the international and national arena. **It begins with an explanation of the context of the right to vote and its importance.**

Sierra Leone the Country

At the International level, Sierra Leone first became a party to international human rights treaty when it signed the Convention on the Elimination of All Forms of Racism (CERD) on 17 November 1966 and acceded to it on 2nd August 1967. This was followed by accession to the two covenants; The International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR) on 23 August 1996. In total, Sierra Leone has ratified just 10 human rights treaties and have ratified all except the two treaties, namely on enforced disappearance and migrant workers.

It should be mentioned that the country through concerted efforts has overcome the effects of the deadly civil war from 1991 to 2011 in which more than 2000 lives were lost. One of the enduring solutions to continue to maintain peace and not slide back into war is ensuring elections are held as prescribed by the 1991 Constitution of Sierra Leone

This clearly shows the connectivity primarily, between election and human rights, tweaked in such a way that redress for human rights violations includes electoral solutions. This role of redressing human rights violations played by elections, continues to shape governance and to uphold the protection of human rights. In this paradigm, elections go beyond just casting votes, but continue to define the context of human rights expression, governance and developmental agenda.

The National Legal Framework:

The legality of elections as a process for deciding public officers upon whom the affairs of the state will be bestowed does not only stem from moral conviction but is given some teeth with the legal framework. This framework explains the legal basis for elections in Sierra Leone, explains how they should be conducted and highlights the rules of the game. It also explains the roles of each stakeholder.

In Sierra Leone as well as other countries, the primordial essence of elections as a process to choose or change leadership structure still suffice. It replaces the archaic process of sorting it out in the battlefield through violence. This process is an integral part of democracy, developed by Greece, long after defeating the authoritarian symbol in the battle of the marathon in 490 BC.

In essence elections as part of the democratic process is supposed to replace jungle justice and help avoid violence as a means of leadership contest. This means that all stakeholders are supposed to engage with the process without fear or favour. An electoral process that harbours violence and violation of rights is therefore inimical to the protection of human rights. The exploration of this matrix between human rights and elections will start first with an exploration of the legal framework of the national electoral system.

Electoral Provision in the Constitution:

The 1991 Constitution of Sierra Leone, will be the basis of reference, invariably this is to consider the constitutional provision for elections in Sierra Leone. The constitution early on in chapter one states the duties of the citizen of Sierra Leone. It starts by highlighting civic duties, need to have a sense of patriotism and participate in the democratic process. The constitution expresses it thus:

“Every citizen shall: abide by this Constitution, respect its ideals and its institutions, the National Flag, the National Anthem and authorities and offices established or constituted under this Constitution or any other law; cultivate a sense of nationalism and patriotism so that loyalty to the State shall override sectional, ethnic, tribal or other loyalties; participate in and defend all democratic processes and practices; and render assistance to appropriate and lawful agencies in the maintenance of law and order”⁷.

This chapter of the constitution, emphasizes the need for the constitution to be respected, which means that all electoral provisions of the constitution need to be upheld. This respect will be seen as a demonstration of nationalism and patriotism. However it places the responsibility on citizens to participate and defend democratic process, most importantly it discourages ethnic loyalties.

The constitution further provides a veritable platform to ensure that these aspirations are fulfilled. In chapter three, the constitution provides for the protection of fundamental human rights. In the electoral contest, these are rights of all stakeholders involved in the election especially the voters and political party members. The constitution opined:

“Whereas every person in Sierra Leone is entitled to the fundamental human rights and freedoms of the individual, that is to say, has the right, whatever his race, tribe, place of origin, political opinion, colour, creed or sex, but subject to respect for the rights and freedoms of others and for the public interest, to each and all of the following: life, liberty, security of person, the enjoyment of property, and the protection of law; freedom of

⁷1991 Sierra Leone Constitution, chapter 1 (13)(a)(b)(i) & (j) available at: (<http://www.sierra-leone.org/Laws/constitution1991.pdf>) assessed (8/6/2018).

conscience, of expression and of assembly and association; respect for private and family life, and protection from deprivation of property without compensation”⁸

The above provision of the constitution provides the overarching protection of the human rights of all Sierra Leoneans.

These encompassing protection in the law do covers, voters, political party members, elections observers, journalists, elections management staff etc. These people’s lives must not be threatened or lost because they are participating in an election, there should be no discrimination on tribal ground or based on political affiliation. People should be free in an electoral process to be associated with any political party or opinion without reprisal. Their property should be immuned from destruction based on their association or expression of any political opinion. While raising a caveat, the constitution concluded:

“the subsequent provisions of this Chapter shall have effect for the purpose of affording protection to the aforesaid rights and freedoms, subject to such limitations of that protection as are contained in those provisions, being limitations designed to ensure that the enjoyment of the said rights and freedoms by any individual does not prejudice the rights and freedoms of others or the public interest”⁹.

The constitution in Chapter iv defines who the voters is:

“Every citizen of Sierra Leone being eighteen years of age and above and of sound mind shall have the right to vote, and accordingly shall be entitled to be registered as a voter for the purposes of public elections and referenda.”¹⁰

This legally means that in the electoral landscape, all those above 18 years of age are all covered under the constitutional provisions, and these laws protect them to actively participate in the electoral system.

The constitution further provided the legal rationale for the management of elections; it affirmed clearly that :

“There shall be an Electoral Commission for Sierra Leone. The members of the Electoral Commission shall be a Chief Electoral Commissioner, who shall be the Chairman and four other members who shall be known as Electoral Commissioners. The members of the Electoral Commission shall be appointed by the President after consultation with the leaders of all registered political parties and subject to the approval of Parliament”¹¹.

It further added:

⁸1991 Sierra leone Constitution, chapter III(15)(a)(b)(c) & (d)available at: (<http://www.sierra-leone.org/Laws/constitution1991.pdf>) assessed (8/6/2018).

⁹1991 Sierra leone Constitution, chapter III.available at: (<http://www.sierra-leone.org/Laws/constitution1991.pdf>) assessed (8/6/2018).

¹⁰1991 Sierraleone Constitution, chapter IV (31).available at: (<http://www.sierra-leone.org/Laws/constitution1991.pdf>) assessed (8/6/2018).

¹¹1991 Sierra leone Constitution, chapter IV (32)(1)(2) & (3).available at: (<http://www.sierra-leone.org/Laws/constitution1991.pdf>) assessed (8/6/2018).

“There shall be a Political Parties Registration Commission which shall consist of four members appointed by the President.”¹²

While the Political Parties Registration Commission (PPRC) registers the political parties, the National Electoral Commission (NEC) is responsible for the management of the elections. The Public Election Act 2012 under part X highlights series of electoral offences including offences committed on election day. Part XII recommends an electoral offences tribunal.

This protection of fundamental human rights is the basis of ensuring active participation in an electoral process, when people are confident that they can undertake political participation without the risk to their fundamental freedom, despite the protection provided by the constitution and based on the doctrine of ‘self-promise’¹³ as well as the importance of these rights protection. These rights are *sine qua non* to delivering the ‘real’ benefits of democracy to which the international community provided further and more efficient protection of these rights within the electoral cycle.

The International Legal Framework:

This exploration of an international legal framework will be limited to international human rights framework. This will help to draw the needed link between elections and human rights and why such a link is essential and needed. The United Nations, custodian of most International human rights treaties has been examining this link in many rigorous processes. They believe that Rule of law should be posited effectively by drawing the link between democracy and human rights. They describe this link as :

“Democracy is one of the universal core values and principles of the United Nations. Respect for human rights and fundamental freedoms and the principle of holding periodic and genuine elections by universal suffrage are essential elements of democracy. These values are embodied in the Universal Declaration of Human Rights and further developed in the International Covenant on Civil and Political Rights which enshrines a host of political rights and civil liberties underpinning meaningful democracies. The rights enshrined in the International Covenant on Economic, Social and Cultural Rights and subsequent human rights instruments covering group rights (e.g. indigenous peoples, minorities, persons with disabilities), are equally essential for democracy as they ensure an equitable distribution of wealth, and equality and equity in respect of access to civil and political rights”¹⁴

In 2007, The Human Rights Commission of Malaysia as part of the Human Rights Day celebration had a SUHAKAM’s Conference in which the link between Human Rights and Election was further explored. The conference was of the view that ‘transparency and accountability go hand in hand with the right to govern’. Invariably elected officials must adopt universal best practice, consistent with the economic, political, social and ethnic needs of a moral and caring society. It is expected of the leadership to build an ethical and socially

¹²1991 Sierra Leone Constitution, chapter IV (34)(1).available at: (<http://www.sierra-leone.org/Laws/constitution1991.pdf>) assessed (8/6/2018).

¹³ This is a process whereby state promise themselves to abide by the international treaties in which they are state parties.

¹⁴HCHR(New York): ‘RULE OF LAW - DEMOCRACY AND HUMAN RIGHTS’(for more information visit:www.ohchr.org/EN/Issues/RuleOfLaw/Pages/Democracy.aspx)assessed on(13/5/18)

responsible government. Accordingly to them, this mandate was given by the public, mostly through the confidence reposed in them by the electorate through voting. In deepening their argument they affirmed that:

“Human rights is central to democratic values; these basic and fundamental rights are enshrined in the...Constitution that differentiate us from an authoritarian regime. Freedom of assembly and of speech are crucial in an active democratic society. The reason of safeguarding national security to allow constraints in organizing public rallies is no longer acceptable. It denies voters access to different views and prevents them from making sound decision when voting. It is also a disadvantage to the opposition who do not have access to the mass media as most of them are directly or indirectly owned by members of the ruling party. As such, there is a need for new laws prohibiting political parties to own media and furthermore legislations that are contradictory to the rights of freedom of assembly and of speech have to be repelled”¹⁵

Though this may be more specific to Malaysia, it also relates to many developing countries, including Sierra Leone. However, this debate of developing a stronger democratic space is essential and important for Sierra Leone. The call for a stronger electoral system by the government of Sierra Leone cannot be louder than now. Sierra Leone has experienced two presidential elections in which the opposition political party has come to power. An electoral system devoid of conflict, violence and political intrigues is desirable, not only as a dictate of the constitution as enumerated above, but more importantly as required by International human rights treaties. The Carter foundation considers part of this as Public International law (PIL):

“PIL creates a framework for democratic election standards that is based on obligations in international and regional treaties and instruments to which State Parties have already voluntarily committed, as well as on international customary law (as evidenced by state practice). That is, states have obligated themselves to standards of behaviour and respect for human rights through the signature and ratification of treaties and in some cases through membership in the community of states. Because states are committed to upholding these obligations, PIL provides a recognized, objective, and transparent set of standards for assessing elections. ... PIL develops over time. As treaties, declarations and other instruments are signed, ratified or endorsed, the pool of obligations grows and evolves. This means that PIL is not static, but is a living body of law that can respond to the changing needs of the international community, and the states themselves”¹⁶.

Sierra Leone is a state party to the Convention Against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment (CAT); International Covenant on Civil and Political Rights (CCPR); Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW); International Convention on the Elimination of All Forms of Racial

¹⁵TUNKU ABDUL AZIZ IBRAHIM: 'HUMAN RIGHTS AND ELECTION: ELECTORAL PROCESS' : Human Rights and Election: SUHAKAM's Conference in Conjunction with Malaysia Human Rights Day 2007: page 26 available at: (www.rwjlju.se/NHRIDB/Asia/Malaysia/HumanRightsandElection.pdf) assessed on (13/5/2018)

¹⁶Avery Davis-Roberts & David J Carroll: 'Using International Law To Assess Elections. Available at: ([http://www.informaworld.com/smpp/content~db=all~content=a922099370~frm=titlelink\(12518\).](http://www.informaworld.com/smpp/content~db=all~content=a922099370~frm=titlelink(12518).)) assessed on (8/6/2018).

Discrimination (CERD); International Covenant on Economic, Social and Cultural Rights (CESCR); Convention on the Rights of the Child (CRC); Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in armed conflict (CRC-OP-AC); Optional Protocol to the Convention on the Right of the Child on the sale of children child prostitution and child pornography (CC-OP-SC); Convention on the Rights of Persons with Disabilities (CRPD) and Optional Protocol to the International Covenant on Civil and political rights (CCPR-OP1). The Sierra Leone Government are only signatory to the Optional Protocol on the Convention against Torture (CAT-OP); Convention for the Protection of All Persons from Enforced Disappearance and International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (CMW).

The above clearly shows binding International human rights commitments, especially those treaties to which Sierra Leone is a state party and for those in which the state is a signatory, the state is bound by article 18 of Vienna Convention on the Law of Treaties 1969 to refrain from acts which would defeat the object and purpose of that treaty prior to its entry into force.

On the African front Sierra Leone ratified the African Charter on Democracy, Elections and Governance in 2009; the Africa Charter on Human and Peoples' Rights in 1983; Constitutive Act of the Africa Union in 2001.

In March 2012, the UN's Human Rights Council adopted a resolution titled "Human rights, democracy and the rule of law," which reaffirmed that democracy, development and respect for all human rights and fundamental freedoms were interdependent and mutually reinforcing. The Council called upon States [countries] to make continuous efforts to strengthen the rule of law and promote democracy through a wide range of measures. It also requested the OHCHR, in consultation with States, national human rights institutions, civil society, relevant intergovernmental bodies and international organizations, to draft a study on challenges, lessons learned and best practices in securing democracy and the rule of law from a human rights perspective.

Human Rights and Elections: A framework

The normative framework of mainstreaming human rights into electoral process can be first sourced from the International Covenant on Civil and Political Rights. Article 25 of the covenant enshrines the rights of Sierra Leoneans to vote when it states that:

*'Every citizen shall have the right and the opportunity, without any of the distinctions mentioned in article 2 and without unreasonable restrictions: a) To take part in the conduct of public affairs, directly or through freely chosen representatives; b) To vote and to be elected at genuine periodic elections which shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the voters; c) To have access, on general terms of equality, to public service in his country.'*¹⁷

For this article to be fully impactful, it needs the support of other provisions of the covenant, chief among which are article 6.1 and article 7. While article 6.1 made provision for the protection of rights to life of Sierra Leonean, including when they are voting, article 7 prohibits torture and inhuman and degrading treatments. These articles state thus:

¹⁷ Avery Davis-Roberts and David J. Carroll1: 'Using International Law to Assess Elections': (Democracy Program, The Carter Center, Atlanta, GA, USA). available at: (<https://www.cartercenter.org/resources/pdfs/peace/democracy/des/international-law-assesselections-prepub.pdf>).assessed on (12/5/18).

“Article 6.1. Every human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life.

Article 7. No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. In particular, no one shall be subjected without his free consent to medical or scientific experimentation.”¹⁸

Other relevant articles include article 9.1 that prohibits arbitrary arrest, article 19.1 and 19.2 that promote freedom of opinion and freedom of expression respectively. Freedom of assembly and freedom of association are protected by article 21 and 22 respectively.

Article 13

1. *Every citizen shall have the right to participate freely in the government of his country, either directly or through freely chosen representatives in accordance with the provisions of the law.*
2. *Every citizen shall have the right of equal access to the public service of the country.*
3. *Every individual shall have the right of access to public property and services in strict equality of all persons before the law.*

Beyond these rights protection, political motivated killings are increasing concerns in an electoral process, the United Nations also provide some protections:

“Killings constitute human rights violations when they are murders directly committed by or condoned by the state authorities, that is, when they present the following three characteristics:

- *They take place at the order of, or with the complicity or acquiescence of, the authorities. In other words, killings carried out by individual policemen or soldiers in violation of enforced orders do not constitute human rights violations.*
- *They are deliberate: they have not occurred by accident or because of ignorance or self-defence.*
- *They are unlawful: they violate national laws, such as those prohibiting murder, as well as international human rights and humanitarian standards forbidding arbitrary deprivation of life. They did not follow proper and adequate judicial or legal proceedings.”*¹⁹

Other killings constitute human rights violations when parties to a conflict have violated the laws of war prohibiting the killing of unarmed individuals and prisoners of war:

- Deliberate killing of prisoners of war.
- Deliberate or indiscriminate killing of civilians.

The killings constitute human rights abuses when they have been committed by armed opposition groups in violation of international norms prohibiting the arbitrary deprivation of life:

¹⁸United Nations: 'International Covenant On Civil And Political Rights'(No. 14668) available at (<https://treaties.un.org/doc/Publication/UNTS/Volume%20999/volume-999-I-14668-English.pdf>), assessed on(12/5/2018).

¹⁹ Amnesty International and CODESRIA: 'Monitoring and Investigating Political Killings', available at (<http://codesria.org/IMG/pdf/killings.pdf>)assessed on(16/4/2015).

- They are deliberate: that is, they are not committed in self-defence, by accident or ignorance.
- They flout even minimum standards of human behaviour applicable to governments and armed opposition groups alike.
- They are committed on the authority of a political entity or with its acquiescence. They are part of a policy to eliminate specific individuals or groups or categories, or they occur because such abuses are allowed to be committed or tolerated.

These human rights violations and abuses most of the time affect the credibility of the elections. This credibility is defined in the context of the ‘Freeness’ and the Fairness” of the electoral environment within the international framework: This is known as a human rights friendly environment:

Human Rights Friendly Environment

This is an environment that will not only guarantee a ‘free’ election but also guarantee the ‘fairness’ of the election, which is an essential precondition for good governance and respect for the rule of law. Elections must guarantee the exercise of freedom of opinion, association, expression, non-discrimination, and the use of the secret ballot box system

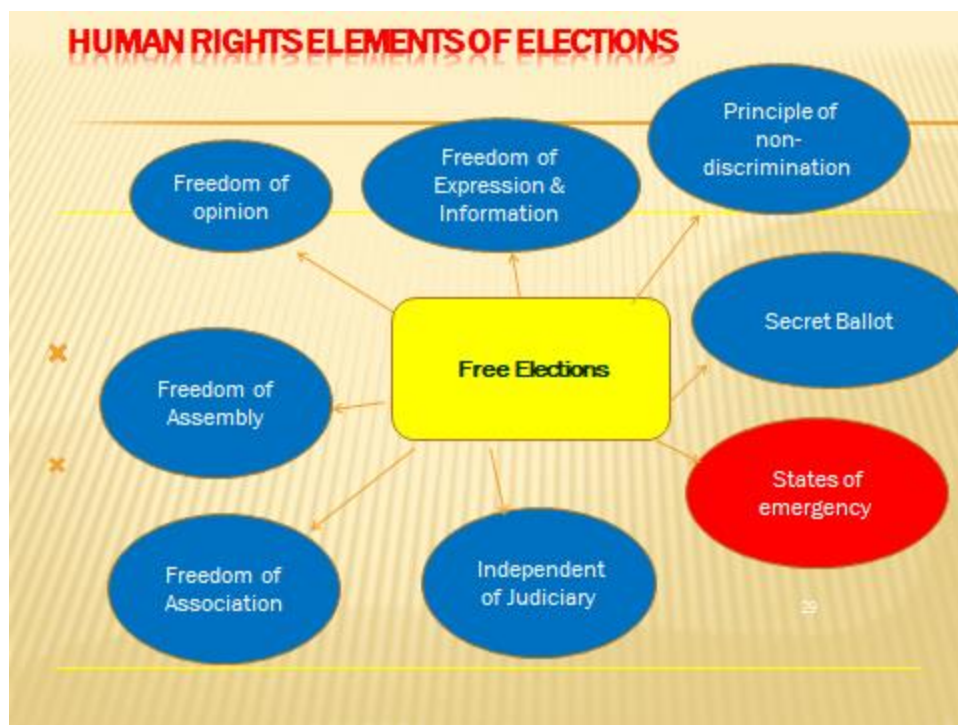
Elections should be to be ‘fair’, and in doing that, the environment must be conducive for the encouragement of the ‘one person, one vote’ system, for non-discrimination and positive measures, and for a genuine election. The security forces have a bigger role to play.

Free Election

The ultimate indication of whether elections are “Free” is the extent to which they facilitate the full expression of the political will of the people concerned. According to the Universal Declaration of human rights (art 21, para .3)this is the very basis of legitimate governmental authority²⁰

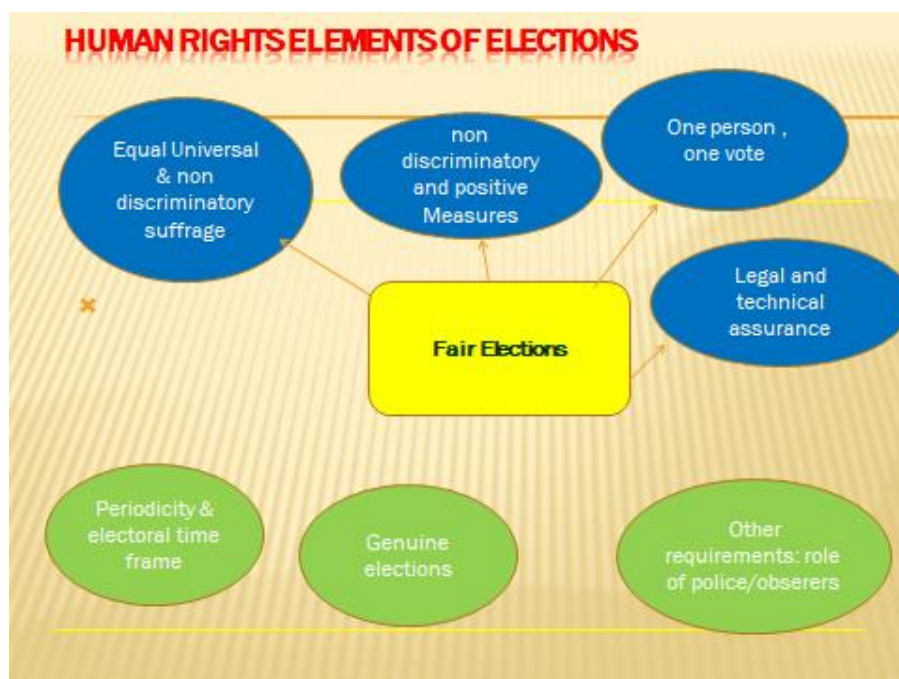
²⁰OHCHR : Human Rights and election manual

Diagram Showing Human Rights Elements of Elections



Fair Election:

The requirement that election is “fair” is also an easily identifiable international norm. Any measures which could have the effect of circumscribing or frustrating the will of the people would of course violate the Universal Declaration of Human Rights (art. 21 para 3) and render elections not fair²¹.



²¹OHCHR : Human Rights and election manual

Regional Human Rights and Democratic Framework:

Beyond the international human rights framework, the regional human rights regime also provides some protection. African Charter on Human and Peoples' Rights (1981) provides that:

*“ every citizen shall have the right to participate freely in their government ”*²².

Participation in governance takes many forms, however, in the context of our work, we are keenly interested in democracy and human rights. Our aspiration is how can the respect for human rights strengthen the democratic process? This is a big challenge amidst other research in the democratic space. The prescriptive implications of this question for policymakers interested in state building have been somewhat limited, however, by reliance on multidimensional measures of democracy....consequently, a policymaker emerges from this literature confident that "democracy matters" but unclear about which set(s) of reform(s) is likely to yield greater human rights²³.

*“ a person interested in promoting human rights in a new democracy must first focus on ensuring that a substantial amount of progress is attained on each of the other [Democratic] subcomponents in order to create the kind of institutional foundation necessary to support party competition ”*²⁴.

The Africa regional legal framework in its treaty devoted to issues of elections. The Africa Charter on Democracy, Elections and Governance encapsulates the desire of the African leaders. The Objectives of the charter incorporate the ‘universal values and principles of democracy and respect for human rights; Promote the holding of regular free and fair elections to institutionalize legitimate authority of representative government as well as a democratic change of governments and Promote and protect the independence of the judiciary among other provisions. Chapter three of this treaty asked the state parties to implement ‘respect for human rights and democratic principles, including the principle of rule of law. However, chapter four of the charter on Democracy, Rule of Law and Human Rights states that:

*“State Parties shall commit themselves to promote democracy, the principle of the rule of law and human rights. State Parties shall recognize popular participation through universal suffrage as the inalienable right of the people”*²⁵. *State Parties shall ensure that citizens enjoy fundamental freedoms and human rights taking into account their universality,*

²²Article 13(1) of the African (Banjul) Charter on Human and Peoples' right. Available at

(<http://cislanigeria.net/index.php/2013/02/04/the-african-charter-on-human-and-peoples-rights/>)

²³ Thinking inside the Box: A Closer Look at Democracy and Human Rights Author(s): Bruce Bueno De Mesquita, George W. Downs, Alastair Smith and Feryal Marie Cherif. available at:

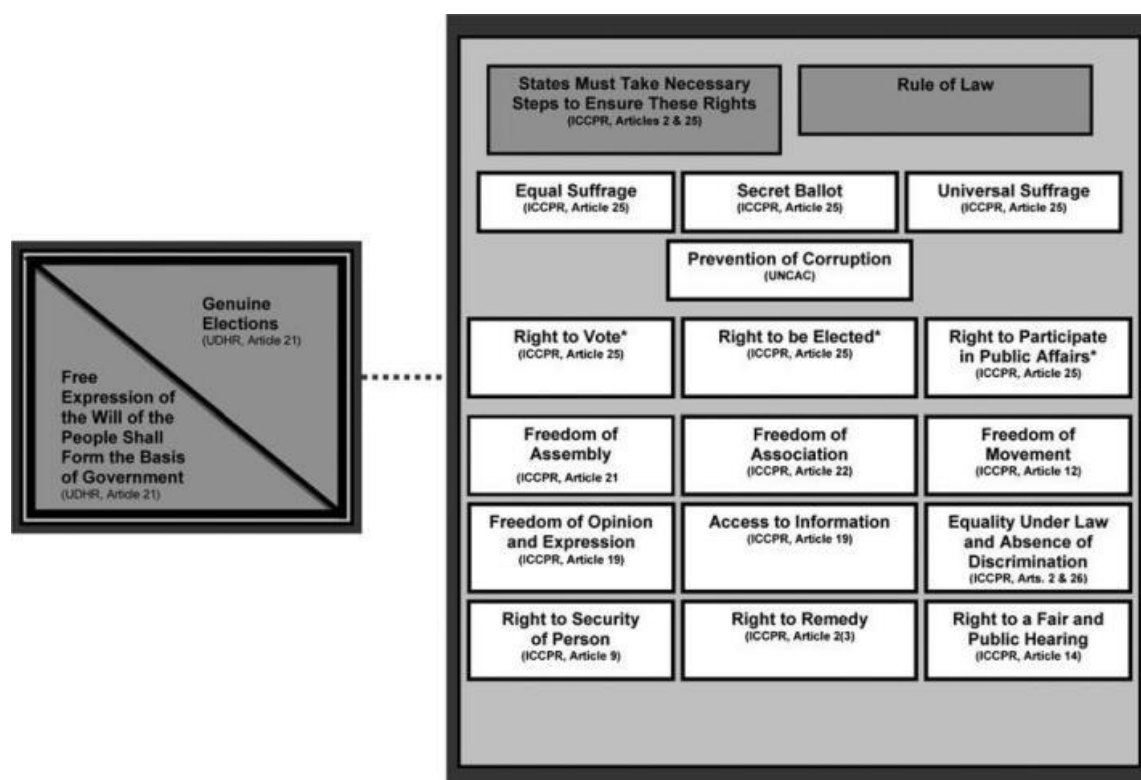
(https://edisciplinas.usp.br/pluginfile.php/103233/mod_resource/content/1/Bueno%20de%20Mesquita,%20Downs,%20Smith,%20and%20Cherif.pdf). assessed(8/6/2018)

²⁴

²⁵African Commission On Human And People's Rights: 'African Charter on Democracy, Elections and Governance. Article 4 (1)(2) available at: (www.achpr.org/instruments/charter-democracy/)

*interdependence and indivisibility*²⁶. *State Parties shall eliminate all forms of discrimination, especially those based on political opinion, gender, ethnic, religious and racial grounds as well as any other form of intolerance. State Parties shall adopt legislative and administrative measures to guarantee the rights of women, ethnic minorities, migrants, people with disabilities, refugees and displaced persons and other marginalized and vulnerable social groups. State Parties shall respect ethnic, cultural and religious diversity, which contributes to strengthening democracy and citizen participation*²⁷.

The Carter Centre has a compilation of all relevant human rights laws that relate to elections. The diagram below identified soft and hard laws at the international fora, it identified ‘genuine election’ and ‘free expression of the will of the people..’ as soft laws and consider the others as hard laws and accountable treaties that are mandatory for states.



Most of these rights in the diagram above, were either violated or abused in all elections in Sierra Leone, the present elections inclusive. Hence the need for electoral observers, including Human Rights institutions and Civil Society, to integrate human rights mandates into their monitoring and observation work.

There is also an additional need of guarantee that elections ensure that the will of the people is reflected in the outcome. This is the whole essence of the democratic process. Protecting human rights around elections provides the necessary inputs to protect the legitimacy of the election. It also strengthens the assertion that the only legitimate way for the politician to get

²⁶ Article 6 available at: (www.achpr.org/instruments/charter-democracy/)

²⁷ Article 8 (1)(2)(3). assessed on(12/5/2018)

into power is by the voters' choice which is ideally guided by evidence and perceptions of the candidate as someone capable of delivering good governance and popular and pragmatic programmes.

The new wave of change in West Africa whereby, more opposition parties candidates are getting into power is a reflection of peoples 'will' in electoral result. We take the stand that this is due partly to the protection of human rights in the electoral process.

CHAPTER FOUR

SMOOTH ELECTIONS, MANY HURDLES

The constitutional responsibility for the management of elections lies with the National Election Commission, but the responsibility to ensure smooth elections lies with electoral stakeholders, including the civil society, political parties, security etc.

Chapter four of the 1991 constitution subsection 33 of Sierra Leone states that:

“Subject to the provisions of the Constitution, the Electoral Commission shall be responsible for the conduct and supervision of the registration of voters for, and of, all public elections and referenda; and for that purpose shall have power to make regulations by statutory instrument for the registration of voters, the conduct of Presidential, Parliamentary or Local Government elections and referenda, and other matters connected therewith, including regulations for voting by proxy”²⁸.

Then the constitution did express the fact that the Electoral Commission plays an additional role in constituency demarcations and management. This is important as it relates majorly to the parliamentary elections and representations²⁹.

However, Article 36 of the same chapter states:

“At any public elections or referenda voting shall be by secret ballot”³⁰.

This entails that all elections management process should be programmed towards secret ballot system for the voters to express their preferences in the voting process.

The actual management of the electoral process is guarded by the National Electoral Commission act, 2012. One of the most important provisions is contained in section 3 and it played out in the complications around the elections. The section states:

“By virtue of subsection (11) of section 32 of the Constitution, the Commission is an independent body”³¹

The independence of the commission is crucial in carrying out their constitutional duties. The commission should not be influenced by the Executive, the Politicians and any other entity.

Section 11 Defines in broad spectrum part of the role of the commission, it states:

“The Commission may for the purposes of its functions, by statutory instrument, make regulations not inconsistent with any law enacted for the registration of voters, the conduct

²⁸The Constitution of Sierra Leone (1991): available at: (<http://www.sierra-leone.org/Laws/constitution1991.pdf>) assessed (8/6/2018).

²⁹The Constitution of Sierra Leone (1991): Article 38 : available at: (<http://www.sierra-leone.org/Laws/constitution1991.pdf>) assessed (8/6/2018).

³⁰The Constitution of Sierra Leone (1991): available at: (<http://www.sierra-leone.org/Laws/constitution1991.pdf>) assessed (8/6/2018).

³¹The National Electoral Commission Act (2002): Section 3 : available at : (<http://www.sierra-leone.org/Laws/2002-1.pdf>) assessed (8/6/2018).

and supervision of presidential, parliamentary or local government elections or for the holding of referenda”³².

Based on the above provision, the commission has developed series of policies and procedures which include the Guidelines for Political Party and Candidate agents including observers and the media and the pooling and counting procedures. This document is divided into sections, each section addresses different aspect of election day operations. It describes the background and authority of NEC, it explains how NEC will distribute electoral materials and their preparation for polling and the polling rule and procedure

The 2018 Elections Schedule :

The National Election Commission (NEC) scheduled March 7th 2018 for the general elections, which includes the local government, parliamentary and presidential elections and March 27th (which was later reschedule to March 31st due to judicial intervention) when there was a need for a runoff for the presidential election.

Elections for the purpose of this report analysis, refer to the period of pre-election period, Election Day and post-election period. It doesn't mean the entire electoral cycle.

Pre-Election Period:

This is a period before the polling day, mostly characterised by election campaigns. In this period, electoral laws and practices should be examined to ensure that they do not discriminate on the basis of sex, religion, ethnicity, gender, etc. Particular attention should be paid to avoid disenfranchising any group of people, for example, people living with disabilities, internally displaced people, victims of conflict, people living in poor communities, and people on remand etc. During this period there should be zero tolerance for hate speeches and campaign message and slogans that may incite violence. It is also a period that attention should be paid to the action and conduct of the security personnel and political actors to ensure that they do not contribute to intimidation and harassment of political opponents, human rights defenders, journalists, etc.

Election Day

Monitoring and documentation of human rights violations on the polling day are very important. The Human Rights Commission has a responsibility to ensure Sierra Leoneans' right to vote on Election Day are respected and protected.

Most common violations on Election Day generally include violations of freedom of movement, freedom of association, and freedom of expression. It most often than not is expressed in the form of political violence, which directly threatens such rights as; right to life, injuries, arson, intimidation, arbitrary arrests, etc.

In most circumstances, the targets are the candidates, their supporters, voters, election observers and monitors, human rights defenders, and members of the security forces.

³²The National Electoral Commission Act (2002): (<http://www.sierra-leone.org/Laws/2002-1.pdf>) assessed (8/6/2018).

At the polling unit, it is important to monitor whether or not voters were prevented from voting or intimidated to vote for a particular candidate. Furthermore, it is important to monitor evidence of discrimination based on gender or affecting disadvantaged people on the account of their actual or perceived political opinion or positions. Note that if electoral authorities or police take action or refrain from taking action in response to any incident or allegation of any incident, this may also represent a violation of voters' rights.

The actions of the security forces on the Election Day also need to be monitored. It is important to note whether the security forces have used reasonable or excessive force in case of any civil disturbance and whether such actions are prompt, appropriate or proportionate.

Post-Election

In the post-election period, it is important to monitor political violence and how the security forces have prepared to handle such incidents.

In all these phases, documenting incidents is important, most importantly is documenting possible perpetrators, details of violations, as well as details of witnesses.

The General Elections

The general election for the purpose of this report will reflect the monitoring work done around the March 7 elections for the presidential, parliamentary and the local government elections. While the March 30 election will focus on the re-rerun presidential election. However, the elections are not just about the activities on the polling day but also pre and post polling activities.

The pre-election period captured the period when election campaign was in top gear. The partnership's (HURIDAC and HRDN~SL) interaction with the political parties shows some major hurdles around their ability to campaign freely or operate their political parties eg. alleged tearing down of SLPP party poster at upgun roundabout in Freetown, the alleged attack on the SLPP campaign convoy in Kamalo and the C4C campaign rally in Kono. During the campaign period, some political parties offices function without any hindrances, some political parties candidates were able to campaign freely all over the country. Access to media to the political parties was not officially restricted, although there were concerns that the Sierra Leone Broadcasting Corporation (SLBC), for example, gives more media space and attention to the ruling party and others. Human Rights defenders and the Media were able to do their work without major undue pressure and restrictions during the campaign period. Security was not a major challenge, people were able to travel around the country during this period.

The National Election Commission did not officially complain of harassment from the executive or parliament, however, there are cases of undue pressure in the operations of (NEC). The independence of the commission was also a subject to judicial interference. The HURIDAC team witnessed the end of campaign process in Makeni for the APC on the 5th of March, 2018 and witnessed the same in Bo for the SLPP on the same day.

LIST OF LEAD CANDIDATES FOR THE 2018 PRESIDENTIAL ELECTION	
Candidates	Political Parties
Samura Kamara	All Peoples Congress (APC)
Samuel Sam-Sumana	Coalition for Change (C4C)
Kandeh Yumkella	National Grand Coalition (NGC)
Julius Maada Bio	Sierra Leone People's Party (SLPP)

However, the pre-election period has not gone without hurdles. Campaigns have not been devoid of violence among political party members. Some of the campaign messages were clouded by ethnic biases and hate speeches. An attack on a police officer by political thugs was recorded, ordinary citizens and party faithful have not been immune from politically motivated attacks during this period. Posters, billboards and offices were destroyed as the campaigns heated up and it got closer to polling day. The police always stepped in to maintain calm and re-establish peace.

Polling Day: Report shows that the polling day was relatively peaceful. HRDN~SL and HURIDAC monitors reported a relatively peaceful polling day in most parts of the country. The team (HURIDAC and HRDN~SL) summarised the polling day observations as follows in their public statement:

“HRDN-SL and HURIDAC made the following observations:

- 1. Our observations and reports from our field officers show largely that the voting on Election Day was mostly peaceful.*
 - 2. The conduct of the police in many polling stations was professional and disciplined.*
 - 3. The political parties and their supporters were largely tolerant of each other at the polling stations.*
 - 4. There was no major concerns on the National Electoral Commission (NEC’s management of the voting process by).*
 - 5. The electorate were peaceful, tolerant and patient during the voting process.*
 - 6. There has been no report of extra judicial execution or unlawful killings.*
- However, there were some incidents that may have infringed on respect for human rights around the elections.*

In the pre-election period, we have alleged reports of destruction to personal properties and injuries sustained due to election related violence. There was a case of possible violation of freedom of expression by the police with the arrest of social media activists on allegation of incitement. The security forces are not invulnerable from attacks. There is one case of a police officer that was assaulted by party supporters for which 54 people were charged and fined.

On Election Day, there were two incidents of concern; it was reported and alleged that a serving minister was violating the electoral laws at a polling station in Juba, but the police quickly arrested the situation.

Additionally, an attempt by the police to enter the private premises used by the presidential candidate of the main opposition party immediately after voting may have a negative impact on the election and respect for human rights”³³.

Post-Election: The post-election period witnessed a different perspective, though the voting process was peaceful, but, events after the polling day brought in heightened tension, threat and intimidation. Response from the political party loyalists as the results starts rolling in, changed from a situation of calm to violence. The management of the result process by NEC was transparent and professional. There was an immediate incident that relates to the professionalism of the police and their invasion of the opposition party residence, Julius Maada Bio. There were alleged cases of ethnic attacks in the northern part of the country and there was also inter-party conflict in some parts of the country. There was indication of internal displacement in Kono, though it was not clear if it was preventive or voluntary. However, our team was able to confirm that hundreds of displaced Sierra Leoneans from Kono district fled because of fear of violence and were temporarily camped in Masingbi, a town in northern Sierra Leone by The Paramount Chief of the chiefdom, Bai Kurr Kanagbaro Sanka II. The result of the presidential election revealed no clear winner, since no candidate scored more than 50% of the total votes. This led to a decision for a re-run election, which also kick-started another part of the electoral cycle. The post-election period ended when the new dates of March 27 were fixed for the re-run election as determined by NEC. This brought in a second pre-election period.

The Post and second Pre-Election: The post election for the first voting process and also is the second pre-election period was less peaceful than other periods before it. The period witnessed serious cases of hate speech and campaign slogan with ethnic colourations. The civil society responded to this situation through human rights education, condemnation and press statements of concerns. There were many media appearances by the HRDN-SL to address some of the issues, specifically, the women’s situation room which embarked on peace tour to all parts of the country addressing issues of hate speech and inter-party commitment to peace.

This period also witnessed the incursion of the judiciary into the political space. A member of the ruling party, Ibrahim Sorie Koroma took the electoral commission to court to stop the run-off election. According to Umaru Fofana, BBC Sierra Leone correspondence twitter handle:

“ A Freetown-based lawyer has gone to court seeking to block the conduct of the presidential runoff poll scheduled for 27 March. Ibrahim Sorie Koroma, who was an unsuccessful parliamentary aspirant for the ruling APC party, told me that he was acting as a private citizen and a voter. He and his legal team want an interim injunction to stop the runoff election pending the hearing and determination of their application. Among other things and within seven days, the application seeks a forensic audit of the electoral commission, its head, its internal systems and the entire conduct of the 7 March elections. It also calls for a

³³HURIDAC: ‘The Worrisome State of “Right to Vote” and the Climate of Fear and Intimidation surrounding the 2018 run-off Election in Sierra Leone’. Available at: (<http://huridac.org/publications.html>). assessed (8/6/2018).

manual recount of all results including the nearly 140,000 votes nullified due mostly to ballot-stuffing because turnout at the affected polling stations exceeded 100% of registered voters. Court sources say the plaintiff and his lawyer could be heard tomorrow, in camera. If the court is convinced by their argument, summons will be served on the defendants (mainly NEC and its chairman) and an interim injunction granted. This will mean that the runoff presidential poll will be deferred indefinitely - pending the hearing of the substantive matter”³⁴.

This incident divided the country, but the impact of the ECOWAS Eminent Persons and other international observers intervened to calm the situation.

On the 26th of March, the court decided that NEC should amend their arrangement for the re-run election. Part of the arrangement that needs to be amended is to ensure that electronic compilation of votes (blockchain) is used with manual compilation. Secondly, the security should be more involved in escorting results papers from pooling and collation centre to NEC headquarter and restriction of vehicle movement.

The media was agog with debates on whether the court can interfere in this type of issue and most importantly, is whether the court can give an order to NEC on election management which is a constitutional responsibility or whether such order violates the independent and constitutional provisions of NEC. The Attorney General, The Bar Association and the National Human Rights Commission came out with a statement asking NEC to follow the court order, while some civil society organisations like CARL insisted that NEC should stay within the confines of the Electoral Act³⁵.

However, NEC came out with a statement reinforcing their commitment to their constitutional responsibilities as well as accommodating the extra tasks from the court order.

Second Election Day 31st March:

The voting process on the election day for the runoff election was considered peaceful in most parts of the country. Though the turn out was lower than the March 7th election; the first presidential election in 2018 was 2,676,549 and the run-off witnessed 2,578,271 voters. However, there are challenges beyond the turn-out, according to the West Africa Peacebuilding Network (WANEP).

“ Series of issues were identified including late arrival of voting materials in some areas and isolated incidents of insufficient number of security personnel in some polling stations. There is an allegation of campaign activities around polling stations and the failure to present the required identity cards and some instances, names of voters were not listed at the polling stations. There were also report of intimidation of police personnel by certain presidential candidates and alleged forceful police entry into residence /office of the presidential candidate”³⁶.

³⁴@umarufofana twitter account

³⁵This will extensively analyzed in the chapter on judiciary and election

³⁶ WANEP Post election Statement

The polling day report for the run-off election was encouraging despite the tense and politically charged environment that preceded the voting.

Second Post-election period:

This period came with challenges. There was the issue of vehicle restriction that led to low turn-out of voters. While the inter-party accusation continued such as allegations of ‘ballot box stuffing’. It also included difficulties that surrounded the impasse on the counting of votes. The barrage of attacks and accusations was also piloted from inter-party, to targeting the international observers. The APC continued to consider the ECOWAS and EU observers as an enemy of democracy, the court was not left behind and they were approached to stop the counting of votes.

The intervention of civil society situation room’s eminent persons especially the Women Situation room was very positive to calming the tensed situation. The Intervention of the International observers, especially African Union, ECOWAS and the EU really prevented the situation from degenerating to the point of conflict. The former president of Ghana was singled out for attacks as the head of Commonwealth observer mission; his diplomatic intervention calmed the tensed situation and allows the electoral process to continue peacefully.

Conclusion

This report evidenced the fact that the conduct of 2018 General Elections was largely peaceful and kudos goes to the Sierra Leonean people for their determination to have smooth elections, to uphold the peace and to sustain the set precedence of peaceful transition on election in which the opposition party gained power. This is a key indicator of sustainable democracy.

While the smoothness of the election is easily identified, the hurdles are more challenging. The ethnic messages, hate speeches, the conduct of the police, the court intervention, attacks and intimidation of NEC staff and generally records of human rights violations and abuses; and many more all contributed to challenge the degree of the “fairness” and “freeness” of the election.

CHAPTER FIVE

THE 2018 GENERAL ELECTIONS: POLICING THE POLICE

This chapter will examine a background to the Sierra Leone police, it will consider the international standards expected of the police during the elections. It will highlight the human rights requirement for the police.

The chapter will consider the national standard if any in which the police can be evaluated. It will finally examine the action of the police along this standard.

The Sierra Leone police are principally responsible for providing security for all elections in Sierra Leone. Most often than not neither the police nor the public realised that the police are not electoral officers, but are involved in the process of elections just to provide security. In such instance, they are bound by rules of engagement that relates to providing security.

It is imperative to note that police have two critical roles to play in the elections, both roles relate to their traditional duties.

In describing these roles, the first is their role as security officers, providing the needed security for the prevention of disruptive actions that could derail the election, and securing lives and properties of all stakeholders.

Second, is their role as the crime fighter, to investigate criminal offences that occur during the electoral cycle. The police need to investigate all electoral offences because most of these offences are crimes that need to be investigated and prosecuted.

Background to the Police

The Sierra Leone Police as it is known today was gazetted on the 27th of October 1894, in which it was designated the 'The Sierra Leone Police Force'. However, the police did not get the first Sierra Leonean Police until 1963 when "Mr L.W. Leigh became the first Sierra Leone Commissioner of Police. Under his leadership, a Police Act was established in 1964; which was meant to consolidate and amend the laws relating to the Sierra Leone Police Force i.e.the protection of life and property, the prevention and detection of crime and the apprehension of offenders etc".

Mr. Jenkins N.E.G. Smith became the second Sierra Leonean Commissioner of Police in 1969. In 1970, late President Siaka Stevens created another arm of the Sierra Leone Police Force known as Internal Security Unit (I.S.U.) to consolidate his powers. The ISU later became the Special Security Division (SSD) - an armed unit mandated to quell riots and other related disturbances. 'However, before this time, the Sierra Leone Police Force had been playing a neutral role in the performance of their duties thereby gaining credit from the civil populace'. Erosion of public confidence in the police started with the political manipulation of the police. It was opined that:

"Politics started creeping into Police functions when Sierra Leone entered into Republican Status... Section 174 of the Sierra Leone Constitution of 1978 changed the traditional role of the Force by the appointment of the then Commissioner of Police, Mr. P.C. KAETU-SMITH(1973 – 1979) as one of the seven (7) appointed Members of Parliament by the Executive President; thus politicising the role of the Police Force".

In 1986, Hon P.M. Johnson became the first Inspector general of the Police. As this period the image of the police was so battered that the British government has to send Mr Keith Smith a retired British Police Officer to restructured the police and conduct series of training for the junior and senior officers. As this training was paying off, the Military coup of 1992 interrupted the process. The coup consumed the Inspector General of Police Mr James BambayKamara. The military government start to manipulation of the police, hence:

“Thus Police was caught in a dilemma; trying to maintain its role to its people and at the same time satisfying the Junta. Police then became a ‘Force in Crisis’; until the emergence of the democratically elected Government of Dr Ahmad Tejan Kabbah in 1996”.

Tejan Kabbah government concerned about the reputation of the police approached the British government again for assistance. The British government sent a team known as Commonwealth Police Development Task Force (CPDTF) headed by British born Mr Keith Biddle and later appointed Inspector General in 1999.

Under Biddle and his change management program, Sierra Leone started to regain its image and reputation. The police set out restructuring programmes that rolled out programmes and created departments such as ‘the Complaint Discipline and Internal Investigations Department [CDIID], Media and Public Relations, Family support, Corporate Services, Community Relations and Local Needs Policing introduced; among others. He also adopted a ‘Leaner and Fitter’ rank structure which reflected roles and responsibilities’.

The Sierra Leone Police Strategic Development Plan of 2002/2005 was formulated and implemented by the new Inspector General of Police Mr Brima Acha Kamara, appointed in 2003. Mr Francis Alieu Munu was appointed Inspector General of Police in August 2010 amid jubilation from the public. Mr. Munu occupied the position till 2017 when the present IGP De Richard Moigbe, was promoted to occupy the no one police position in 2017.

Historically, Sierra Leone police have been the victims of political manipulations, orientation wise, the police allegiance has not been piloted towards the constitution rather it was diverted to serving the needs of the politicians. This is the police that was armed to police the 2018 general elections.

International Policing Standards For Elections

There are many good practices at the international level for policing election. Linked to the Sierra Leone Police historical background, the British Police have a robust manual for policing elections.

The British police posits that there should be six core principles that should guide any police duty that relates to policing the elections. These are:

1. Public confidence in the electoral process: - The public confidence is societal for the police to play their roles around elections. This should start from the police being “‘protective and positively engaged’ with stakeholders in the electoral process. This is important because the perception ‘that the initial police response to allegations or complaints is ineffective can impact on public confidence’.

2. Prevention is better than prosecution: - The Police should employ preventive strategy by design. This suggests that the police should ‘consider strategies to prevent electoral

malpractice or associated allegations (which will promote voter engagement)”. They should investigate allegations of electoral malpractices; this may need significant intelligence and resources. The police need to embark on an awareness campaign on their preventive strategy.

3. Facilitation of peaceful voting:- The police must ensure that their election planning incorporates protective policing, this in turn will facilitate peaceful voting. Voters need to feel protected while carrying out their civic duties,

4. Elections should be fair and inclusive:- The police authority has the responsibility to ensure that elections are conducted in a fair and inclusive manner. This presupposes that the police should be committed to ensuring that the electoral process is inclusive incorporating vulnerable groups. It is part of police responsibility to ensure that while on duty the elderly and persons living with disability are adequately accommodated in the voting process.

5. Elections should be conducted in accordance with the law:- The police as law enforcement officers should ensure that elections are conducted in accordance to the law. This suggests that the police as an institution should be clear on what is lawful within the electoral process and ensure that all stakeholders' activities including theirs conform to the law.

6. Elections should be effectively policed:- The Police as the lead security institution should ensure that the election is effectively policed. The effective policing should be guided by sound intelligence and strategy. Effectiveness does not mean militarisation or over policing of elections. Effectiveness does not mean the number of policing, but the quality of policing.

Legal framework for Policing Elections

The Sierra Leone constitution of 1991 provides the legal framework for the police force. It states that:

“ There shall be a Police Force of Sierra Leone, the Head of which shall be the Inspector-General of Police. No person shall raise any police force except by or under the authority of an Act of Parliament. No member of the Police Force shall hold office as President, Vice-President, Minister or Deputy Minister, or be qualified for election as a Member of Parliament whilst he remains a member of the Police Force. Establishment of Police Council”³⁷.

However, article 157 (4) emphasized that despite the role of the police council ‘ *the Inspector General of Police shall be responsible for the operational control and administration of the Police Force*’.

This means that the inspector general of police takes responsibilities for the overall police roles around elections.

Human Rights Requirement

The police and other security agencies should be independent and give assurance to all parties that the police will protect them all. If voters observe that the utterances or body language of the police suggests bias or doing the bidding of one party or candidate, this will undermine their trust and confidence in the police, create political apathy, and ultimately infringe on peoples’ right to participate. International standards suggest that the police should balance

³⁷ Chapter 10 part ii (155)(1-3) available at: <http://www.sierra-leone.org/Laws/constitution1991.pdf>

between their role to maintain law and order during elections and the importance of non-interference with human rights and the existence of an environment free of intimidation.

According to the United Nations Code of Conduct for law enforcement officers (art. 2);

“law enforcement officials shall respect and protect human dignity , maintain and uphold the human rights of all persons”³⁸.

The UN has stated that;

“police agencies that do not respect fundamental human rights have the potential to create an intimidating atmosphere that will inhibit the electorate and subvert the genuineness of the election outcome”³⁹.

The UN further stated that any;

“police presence at places of polling should be discreet, professional and disciplined. Police and security personnel should be posted in the minimum number necessary to ensure security in a given location. They should never be positioned in such a way that will impede legitimate access, intimidate voters or discourage them from participating”⁴⁰.

National Standards and practice

The practice of policing has been examined by some scholars, in their work they argued that policing entails an International attempts to regulate the distribution of physical security produced by actual or potential use of force or Policing, conceptualized, an application of the instrument of coercion by the state is a quintessential function of government. Policing, therefore, entails the use of regulated force to maintain law and order within a society.

For a country to conduct credible elections, adequate security must be put in place. A politically impartial and peaceful polling environment that guarantees the quality of service rendered by electoral officials must be put in place. This requires all electoral stakeholders to play their positive roles. At the centre of these roles is the police. The Police have been assigned a primary role to protect the integrity of the electoral processes, and of the participants, institutions, and outcomes through:

- 1) Safeguarding the security of lives and property of citizens during campaign and voting, so that citizens will not feel unsafe on account of holding, associating with or expressing a political opinion; Ensuring the safety of electoral officers before, during and after elections;
- 2) Providing security for candidates during campaigns and elections. Ensuring and preserving a free, fair, safe and lawful atmosphere for campaigning by all parties and candidates without discrimination;
- 3) Maintaining peaceful conditions, law and order around the polling and counting centre;
- 4) Providing security for electoral officials at voting and counting centre; and

³⁸ Ohchr.org. (2018). *OHCHR | Code of Conduct for Law Enforcement Officials*. [online] Available at: <https://www.ohchr.org/EN/ProfessionalInterest/Pages/LawEnforcementOfficials.aspx> [Accessed 29 Jun. 2018].

³⁹ Ohchr.org. (2018). *OHCHR | Code of Conduct for Law Enforcement Officials*. [online] Available at: <https://www.ohchr.org/EN/ProfessionalInterest/Pages/LawEnforcementOfficials.aspx> [Accessed 29 Jun. 2018].

⁴⁰ Ohchr.org. (2018). *OHCHR | Code of Conduct for Law Enforcement Officials*. [online] Available at: <https://www.ohchr.org/EN/ProfessionalInterest/Pages/LawEnforcementOfficials.aspx> [Accessed 29 Jun. 2018].

5) Ensuring the security of election materials at voting and counting centre and during their transportation thereto. It is the duty of the police to ensure that election materials are not stolen, hijacked, destroyed or fraudulently altered by any group or person

6) In policing elections, every police officer on electoral duty is expected to know and sensibly enforce all prohibited activities during elections. The prohibited activities are contained in part X and XI of The Public Election Act, 2012, art 106 -136 ,

7) In policing elections therefore, the police must be alert to monitor the election processes, and to call to order contravention of any of these prohibited laws guiding the conduct of elections in [Sierra Leone].

The police also have the responsibility to ensure all electoral offences are investigated and prosecuted. However, offences committed around elections or with electoral motives transcend the electoral offences but are actually criminal offences. We have grouped these offences in four forms.

- Extrajudicial killings
- Unlawful killings
- Injuries
- Destruction to Property

It is the responsibility of the police to ensure that all electoral and criminal offences are investigated and prosecuted. The credibility of the police lies in ensuring that impunity is addressed.

Conclusion :

The Sierra Leone electoral landscape still significantly needs an efficient police force to maintain security and safety of elections, practically, policing the elections. To take the police out of the electoral equations at this stage of electoral development in Sierra Leone will only lead to fatal and calamitous results as well as chaos and massive commission of human rights abuses and this, in turn, will make the election not credible. To have an unprofessional, unskilled and ineffective police force policing the election will also have the same or similar results. Therefore it is in the interest of all electoral stakeholders that all efforts should be geared towards ensuring that we have a police force that will play their roles effectively around the elections. Policing the police will become a significant contribution that all stakeholders should make, especially, the civil society. It is only if we can effectively police the Police, that they can effectively police the election.

CHAPTER SIX

SIERRA LEONE SOCIAL MEDIA AND ELECTIONS

Social media is the collective of online communications channels dedicated to community-based input, interaction, content-sharing and collaboration. Websites and applications dedicated to forums, micro blogging, social networking, social bookmarking, social curation, and wikis are among the different types of social media. Some prominent examples includes Whatsapp, Facebook, and Twitter, which provides the opportunity for users to develop their own accounts by uploading and downloading materials from those applications. According to Marshall McLuhan, a popular communication expert, 'the world would become a global village when men (and women) will navigate the world in few minutes'. The social media connects people from all parts of the world by eradicating time and space. Physical presence is no barrier in communication.

In the 2017 report Freedom House titled 'Freedom on the net 2017' it examined the use of social media in meddling in elections. The report suggests that the primary objectives and the methodology of the social media army differ from countries to countries. The overall aim is to sway elections and shape public opinion, culprits are not limited to the Europeans, Russians and Americans. 'The Turkish, Venezuelans, the Philippines, and more than two dozen other countries employed "opinion shapers" that spread government talking points and shut down critics within their own borders'. In the East 'online armies' were employed to spread propaganda and shut down sites for at least a decade. Automated systems like bots and algorithms are increasingly creating new ways of disrupting democracy that is harder to track, and yet to be fully understood. They concluded that social media was used to influence elections in at least 18 countries⁴¹. Also, civil society organisations continue to advocate against clamping down on social media as the medium is necessary for 'free and fair elections.'⁴²

The recent outburst of facebook and Cambridge analytical in compromising personal data and manipulating them for electoral purposes has not left out Africa. During this scandal, more than 50 million data of Facebook users were compromised. One of those is the president of Nigeria Muhammadu Buhari then an opposition candidate. According to the report "Cambridge Analytica, worked with Israeli hackers who were instructed to get dirt on Muhammadu Buhari during the presidential campaign. According to those reports, SCL Elections, a public relations firm that later became Cambridge Analytical, manipulated

⁴¹argaret Rouse: "Social Media". available at: (<https://whatis.techtarget.com/definition/social-media>).assessed (11/06/2018).
Nicole Maggio: "The Whole earth as Village": A Chronotopic Analysis of Marshall McLuhan's "Global Village" and Patrick McGooohan's The Prisoner (October,2008). Available at (https://dr.library.brocku.ca/bitstream/handle/10464/2897/Brock_Maggio_Nicole_2009.pdf?sequence=1). assessed (11/06/2018).

⁴²Jackie Snow(Freedom House): "Freedom on the Net. 2017". available at: (<https://www.technologyreview.com/the-download/609478/last-year-social-media-was-used-to-influence-elections-in-at-least-18-countries/>)assessed (11/06/2018)

Nigeria's 2007 election by organising campaigns to weaken the chances of opposition parties"⁴³. The role of social media also move beyond social engineering, the fear of social media has also made some African governments react negatively. In 2016, The Gambia government shut down the internet on the eve of the presidential election for 24 hours. Even in Sierra Leone, the civil society claimed that the shut down of the internet for few hours on the date of voting during the 2018 presidential election disrupted easy flow of electoral information. It was not surprising when it was reported that:

*"Shutting down the Internet looks like becoming the rule rather than the exception when African nations go to the polls. In 2016, governments in Gabon, Uganda, Chad, Congo-Brazzaville and, most recently, Gambia have shut down the Internet or social media around election time. Even in Ghana, long considered a shining light of democracy in Africa, the police chief has threatened several times to close down social media during the December 7 general elections"*⁴⁴.

The role of social media towards the successful outcome of the 2018 election cannot be overemphasized. While the social media has serious drawbacks, the positive aspects are phenomenal and contribute immensely to strengthening social networks and speedy delivery of news among the Sierra Leonean population. Whatsapp, in particular, has become a key source of news for urban Sierra Leoneans, eclipsing the readership of print media and for the younger generation, challenging the dominance of radio. News whether fake or otherwise spreads faster and further online, and does not usually stay there. Stories that may initially circulate on social media frequently cross into the offline world. Whatsapp can reach far wider and hard to measure audiences. Information that spreads across social media can shape national narratives. Social media provides a platform where citizens both in the country and the Diaspora receive and disseminate information quickly.

Platforms such as Facebook and Whatsapp provide the space for information flow, comments and analysis. The citizens in Sierra Leone especially the youths largely use the Facebook and Whatsapp, and this has led to the creation of different Whatsapp fora where information is not only disseminated but comments and analyses are made. It provides a platform for greater political debate, improved understanding of voting processes and more meaningful citizens-led accountability. Public interest issues such as the sacking of the former vice president, accountability issues around the Ebola, flood, mudslide, the auditor general's report, corruption issues, court injunction case and National Electoral Commission, election results etc are extensively discussed and analysed through the different Whatsapp fora and the Facebook. The divergence of public opinions on these topics provided the citizens with critical analysis and subjective views and opened to deeper understanding of the issues. In a democratic state, free speech and the media's role in holding government accountable cannot be overemphasised. Social media now provides Sierra Leoneans with the opportunity to disseminate and discuss information while neglecting government restrictions.

⁴³ Premium Times Nigeria, Press Release: "Election Manipulation: Nigeria investigates Cambridge Analytica". (April 1, 2018). Available at ([://www.premiumtimesng.com/news/top-news/263709-election-manipulation-nigeria-investigates-cambridge-analytica.html](http://www.premiumtimesng.com/news/top-news/263709-election-manipulation-nigeria-investigates-cambridge-analytica.html)).assessed (11/06/2018).

⁴⁴ Kate Hairsine (MediaDev): "Using social media for good during Ghana's elections"(05/12/2016). available at: (www.dw.com/en/using-social-media-for-good-during-ghanas-elections/a-36646065).assessed (11/06/2018).

Social media has greatly helped in disseminating news contents. In Sierra Leone, social media reports or news spread quicker than the traditional media. Whenever an incident or event happens, e.g. rape, fire, accident, flood, mudslide, judicial conviction, election results etc occur, we get the news from Whatsapp and Facebook quicker than on the traditional media (radio, TV and newspapers). The social media sets the agenda for topics of discussions as citizens give comments and analyses on issues of the day. This new trend of reporting news faster and quicker has given rise to Citizens' Journalism. Citizens' journalism does not only educate and inform but gives people the opportunity to tell and report the stories. In citizens' journalism, the agenda-setting has changed from 'what issues the media tell the people to think about' to 'what issues the people tell the media they want to think about'. Users can now form their agenda and then find others who share their agenda.

On the negative side, social media is a powerful tool which undermines citizens' right to privacy as well as the peace of the state. The naked pictures of the former vice president that went viral on Whatsapp, pictures of naked women alleged to have been raped, bloody pictures and videos of mutilated body parts of victims killed in gruesome accidents, circulation of pornographic and other indecent pictures, fake election results, alleged deployment of UN troops in the country on the eve of elections etc. are pointers to the gross misuse and abuse of the social media. In a politically charged country like Sierra Leone, where the political environment is polarised around the party and ethnic lines, especially during the just-concluded elections, social media provides a fertile ground for the spread of falsehoods and rumours which tends to undermine national cohesion and peace. In many Whatsapp fora and facebook, there is evidence of character assassination, malicious libel and invectives traded among the membership. Most times, the posts from these fora degenerate to gross indecency as well as personal attacks on individuals.

These glaring misuse and abuse of the social media warranted the previous government to start a discussion about regulating the social media. When discussions on social media become palpably indecent, malicious and with the tendency to undermine state security and peace, there is a strong call from members of the public for the need to censure these discussions. This is a catch 22 situation as there is the provision of freedom of expression in the constitution which the government should ensure is promoted and protected and the rights of citizens to privacy and maintaining national peace and security. Proponents of social media posit that any move by the government to stop citizens from expressing their views on social and political issues via social media in any form and by any means is a violation of the right to free speech and freedom of expression. It is documented in the Truth and Reconciliation Commission Report that one of the causes of the armed conflict in the country was the denial of successive governments to provide the platform for citizens to express their views and challenge government's excesses. However, the government has been using draconian provisions in the Public Order Act 1965 to arrest and detain citizens whose utterances and writings seem to be critical to state officials. With this draconian law, legal experts say there is no need to regulate social media as any infringement through social media will be addressed by the Public Order Act.

Cases

There was a case of UN sending a troop of soldiers to provide security for the elections which undermines the role of the police. This created tensions among political party supporters especially the two dominant and traditional party supporters which necessitated the police intervention through a press release.

There was the case of the siege of the NEC office by armed police immediately after the declaration of the court order for an injunction. The Whatsapp and Facebook created tension in the city until another post stating that the security forces have left the NEC premises.

The claims and counter-claims on the dismissal of the NEC boss on the issue of incompetence and the press release from the finance ministry requesting for an audit. This was followed by a counter argument stating that NEC boss is very competent and that it is procedurally wrong for the finance ministry to request for an audit but the office of the Auditor General.

The claims and counterclaims of the electoral victory of the two parties as peddled through social media and how these created tensions and some disturbances especially when NEC announced the 25 and 50% of the results in Freetown.

The claim of the house of the SLPP presidential candidate hacking into the NEC system and how the standoff was coiled by former president John Mahama of Ghana. There was a counterclaim that it was a figment of the imagination of the police.

The claim that ballot boxes were kept in a house in Kenema and how the citizens bombarded the said house and noticed it was a false rumour peddled through a Whatsapp.

The rumour that the government plans through NATCOM to threaten to shut down Whatsapp and Facebook and how NATCM boss refuted this claim. The claims were made through a Whatsapp message.

The claim by APC supporters running away from Kono after the announcement of the results as being attacked by the SLPP supporters was rebutted by a Whatsapp message that it was a false claim and that they were running away due to comments they have made before the elections

Apart from all these cases, the social media to the civil society has helped in election monitoring; it has been a useful tool for civil society in sending their incident report and alert through the whatapp medium. Electoral results from polling unit have been sent to party headquarters using the social media channel; there have been instances where the social media is the only saving grace and channel for victims to call for help.

Our conclusion remained that the social media has its negative and positive implications for the electoral process, however, it is trite to state that there is need for additional research to discover creative and technical way to reduce the negativity of the social media, while increasing the positive contribution of social media to the electoral process.

CHAPTER SEVEN

THE JUDICIARY AND ELECTIONS

The Judiciary is the third arm of Government. It has responsibility to apply the laws to specific cases and settles all disputes. The Judiciary derives its power from Sierra Leone constitution of 1991. The real “meaning of law” is what the judges decide during the course of giving their judgments in various cases. From the citizens point of view , judiciary is the most important organ of the Government because it acts as their protector against possible excesses of the Legislative power and the Executive organ.

This chapter will consider the role of the judiciary generally; we will explore the international standard as well as national provisions for the Judiciary.

Role of Judiciary as guardian or proprietor of the constitution and fundamental rights of the people make it more significant than other two organs as the last arbiter for the people. The Independence of Judiciary occurred from the theory of separation of power as propounded. The three arms of Government must not be consolidated in one hand. And as such, the judiciary is the last one who has power to interpret the law and enforce the rights of the citizenry.

The Judiciary remained an organ of government that is valued by the people because of its critical functions. Such functions includes but not limited to : The Dispenser of Justice, Protector of the rights of the people, Guardian protector of the constitution of the state, Arbiter of centre state dispute, Safeguard against legislature and executive excesses, Check against arbitrary exercise of powers by the power holders and Guardian of the rule of law and justice⁴⁵.

Section 120(1) of the Constitution states that the judicial power of Sierra Leone shall be vested in the judiciary. The judiciary of Sierra Leone, headed by the Chief Justice, comprises the Supreme Court, the Court of Appeal and the High Court. These constitute the Superior Court of Jurisdiction. The inferior courts comprise the Magistrates courts and the Local courts. The Magistrates Courts exist in each district. Local courts administer customary law in provincial communities outside the Western Area.

The administration of justice is the focal and foremost function of the judiciary. According to Section 120(2), the judiciary has jurisdiction over all civil and criminal matters relating to the 1991 Constitution and such other matters conferring jurisdiction on it by Parliament or under an Act of Parliament.

The independence of Judiciary to any democratic Government and society is an essential elements of the justice sector. The judiciary remained an essential part of any Government, without the independent judiciary, the government leaned towards authoritative Government in which “absolute power corrupt absolutely”. Some author believes that independence of

⁴⁵ Add link of atrticle

Judiciary “is a corner stone of every democratic Government and upon which the structure of civil society is built.”⁴⁶

Judiciary and Elections :

The judiciary is the principal national body charged with the protection of the rule of law, both during and between election periods. In addition, it provides another layer for people to express their complaints and objection to the electoral process. It provides the avenue for redress. In line with this important role of the judiciary, it is necessary to guarantee a judiciary that is totally unconstrained by any partisan influence or control. To do this certain basic international principles should be adhered to, this include but not limited to: Judicial independence must be guaranteed in the Constitution or other law of the country; Judicial impartiality must be guaranteed without any restrictions, improper influences, inducements, pressures, threats or interferences, direct or indirect; The judiciary must have exclusive authority to determine competence to adjudicate; Judicial decisions shall not be subject to revision. This principle should be without prejudice to judicial review of lower court decisions and mitigation or commutation by competent authorities of sentences imposed by the judiciary in accordance with the law; The judiciary must be entitled and required to ensure that judicial proceedings are conducted fairly and that the rights of the parties are respected and States are required to provide adequate resources to enable proper functioning of the judiciary.⁴⁷ These principles provide a safety mechanism ensuring that the rule of law, rather than any politician or external body, controls the conduct of elections. A judiciary functioning under these principles serves both the important cause of peaceful dispute resolution and that of protecting the process from bias or fraud. The judicial role, of course, complements, and does not replace, the function of independent electoral bodies⁴⁸.

Efforts were made to provide the Judiciary with the necessary technical skills needed to adjudicate in elections matter. According to the Chief Justice of the Republic of Sierra Leone, Abdulai Charm who was responding to radio interview in Freetown, the training which is expected to start early next week will help place trainees in a better position to look into complaints before, during and after the 2018 general elections⁴⁹.

In November 2017 the Judiciary of Sierra Leone launched a compendium of electoral laws to enable judges preside over electoral malpractices before, during and after multitier elections slated for March 2018.

It was during this event that the Chief Justice revealed that he has appointed ten judges on 11th October, 2017 to preside over the electoral courts all over the country. These included three resident judges in Makeni for the North, Kenema for the east and Bo for the south.

One of such matters to be addressed at the electoral courts is the issues surrounding the National Electoral Commission which had reported they were investigating over 1,000 people

⁴⁶ www.yourarticlelibrary.com/essay/law-essay/judiciary-functions-importance-and-an-essential-quality-of-judiciary/40352

⁴⁷ http://www.burmalibrary.org/docs08/UN-Election_handbook.pdf

⁴⁸ http://www.burmalibrary.org/docs08/UN-Election_handbook.pdf

⁴⁹ Add reference

suspected to have engaged in malpractices during the registration process for the 2018 elections.

The primary objective of the ten selected judges was to enhance effective, efficient and speedy trials which are not only needed for quick dispensation of justice but to quickly diffuse tension and passion that could spark elections disputes. The electoral offences courts was solely concerned with criminal matters as designated in the Public Elections Act of 2012 and petitions that may come up from any elections conducted by the National Electoral Commission..

Electoral justice which should be seen as impartial and the Judiciary plays a central role in increasing the centre stage of democracy. This is the expectation from the judiciary and the judiciary was tested on two cases, the dual citizenship and electoral injunction.

Dual citizenship

The Sierra Leone constitution requirement provides for only citizens of Sierra Leone with no dual nationality or naturalised status can contest for election into the parliament. Section 76(1) of the 1991 Constitution, which states that

*“No person shall be qualified for election as a Member of Parliament — if he is a naturalised citizen of Sierra Leone or is a citizen of a country other than Sierra Leone having become such a citizen voluntarily or is under a declaration of allegiance to such a country.”*⁵⁰

Two cases were brought to the Supreme Court: The first was filed by a member of the APC with the prayer that Yumkella the flag bearer for NGC is a *naturalised citizen* and therefore unqualified to contest the elections. The second case was filed by Charles Margai, a flag bearer for People's Movement for Democratic Change (PMDC), this time want the APC's standard bearer to be disqualified because he is unqualified to run for the post of the president because he is a dual citizen and did not resign his ministerial position which is against the constitutional requirement. In a twist Yumkella appealed to the Supreme Court to have two of the judges removed from the case, then the matter was adjourned until 28 March (after the 7 March election) for the two new judges to study the case. The dual citizenship issue will be remembered by citizens for propagating the slang term *two-SIM* to describe a person with dual citizenship. However, since Yumkella did not participate in the run-off election. The case died a natural death.

B} Election Injunction

After the 7th March Election and few days to the run-off election, Mr. Ibrahim Sorie Koroma approached the court and seek injunction for the election to put on hold, asserting that evidence of massive electoral fraud in the March 7 first round exists and these malpractices should be investigated before the runoff could be held⁵¹. Mr. Sorie went to court to seek an injunction for the election to be kept on hold. The case was first heard and later

⁵⁰ 1991 Sierra Leone Constitution, chapter 1 (13)(a)(b)(i) & (j) available at: (<http://www.sierra-leone.org/Laws/constitution1991.pdf>) assessed (8/6/2018).

⁵¹ cocorioko.net/sierra-leone-high-court-slams-interim-injunction-on-presidential-election-runoff/

was reserved for judgement on the 26th of March 2018. According to a report “The High Court, which earlier had ruled against the National Electoral Commission (NEC) that it has unlimited jurisdiction to hear the matter brought before it by a prominent Sierra Leonean lawyer cum activist who prayed the court to rule an injunction to stop NEC from conducting the March 27 polls as a result of the widespread irregularities that marred the March 7 polls and the rampant malpractices by NEC staff, some of whom have been arrested”⁵²,

However, “NEC lawyers also escalated the matter to the Supreme Court. Based on this move by NEC, the high court granted the interim injunction putting all preparation on hold for holding the run off election”⁵³.

The substantive ruling from the court came on the 26th of March, 2018. Many Sierra Leonean gathered at the court premises shouting the slogan “We want to vote”.

The injunction was later vacated at the hearing in Freetown on 26th. However, the court order lifting the injunction included instruction on how the election should be managed, for example it stated clearly that district results should be manually escorted to the Freetown with security and that police should have access to collation centres.

This court order further attracted intervention from other institution such as the Attorney General, The Sierra Leone Bar Association and The Sierra Leone Human Rights Commission.

However there were argument and counter argument if NEC should obey the court order. Some argued that by obeying the court order, is tantamount to encroaching on the independence of NEC. Also by not obeying the court order, is NEC not going outside the ambit of the rule of law.

The legal argument cannot be outside the fact that Court orders are very sacrosanct once it is made. Whether it is made wrongly or rightly, it must be obeyed. Failure to obeyed, renders the said action illegal and against the rule of law. The rule enjoins the litigant to obey the court order be it Government or individual. Mostly, the court order or judgment is valid until set aside⁵⁴. According to a case law *Sloff v Pyne Balie* it stated that “*no matter how bad an order is, it has to be set aside or sat before it cannot be complied with*” It is pertinent to note that the court would not allow its order to be rendered nugatory by disobedience.

⁵² cocorioko.net/sierra-leone-high-court-slams-interim-injunction-on-presidential-election-runoff/

⁵³ cocorioko.net/sierra-leone-high-court-slams-interim-injunction-on-presidential-election-runoff/

⁵⁴ See *A.G LAGOS STATE VS A.G. FEDERATION 2004NWLR*, *MUSILIU TEWOGBADE VS SALIU AGBABIAKA* and also *NDAYAKO VS JIKANTORO & ORS.*

CHAPTER EIGHT

HUMAN RIGHTS EXPLORATION OF SIERRA LEONE 2018 GENERAL ELECTIONS

The Sierra Leone political development has evolved overtime. It has been a process in which positives steps have been achieved and draw backs have been noted. A democratic journey that moved from multi-party system to a singular political party state and then back to multi-party democracy. A democratic history that witnessed both the practice of both unitary and prudential system of governance at different point in their political history. A political system whose achievement was truncated by the civil war. A sustainable democracy that has seen the opposition party gaining political power twice through peaceful election. It is a democracy that needs to be celebrated with caution, as major human rights challenges remain within the electoral spectrum.

Within this web of the democratisation process is the cobweb of human rights violations, permeating all aspect of the journey. Any credible democratic process must institute the rule of law and enshrine the protection and promotion of the fundamental human rights for its citizens.

“Assessing election conditions without reference to associated human rights violations undermines the credibility of the monitoring process as much as those human rights violations undermine the credibility of the electoral process.”⁵⁵

This was significantly deepened in March 2012, the UN’s Human Rights Council adopted a resolution titled “Human rights, democracy and the rule of law,” which reaffirmed that democracy, development and respect for all human rights and fundamental freedoms were interdependent and mutually reinforcing. The Council called upon States [countries] to make continuous efforts to strengthen the rule of law and promote democracy through a wide range of measures. It also requested the OHCHR, in consultation with States, national human rights institutions, civil society, relevant intergovernmental bodies and international organizations, to draft a study on challenges, lessons learned and best practices in securing democracy and the rule of law from a human rights perspective.⁵⁶

This report focuses on the electoral process and its link to human rights. An electoral process is a structured process changing or renewing the tenure of political leaders. In this process human rights may be at risk, and protecting it becomes essential.

This chapter will explore the human rights cases around election~the background that have been addressed by previous conceptual chapters . It will then examine the various stages of

⁵⁵ *Nigeria: Briefing To International Elections Observers* (London: Amnesty International, March 2011).

⁵⁶ www.un.org/en/globalissues/democracy/human_rights.shtml.

the elections and violations recorded. It will examine the systematic patterns of the violations and draw quantitative inferences, and finally conclude by making recommendations.

Analyses Focus and Caveat

This report will focus its research on the following violation of rights:

- a. **Extra Judicial Execution:** This relates to killings carried out by security forces or those using their influence in any of the period of the electoral circle. This category includes the public officials and members of the security forces. EJE are regarded as :

“Extrajudicial executions are a violation of [right to life]..., designating the deliberate killing of an individual by a State agent (or with his consent) without a previous judgment affording all judicial guarantees, such as a fair and unbiased procedure”⁵⁷.
- b. **Unlawful killing:** this are killings carried out by non-state actors , those who are not representing the state , this may be political parties , members, supporters or sympathizers.

Under the English law it is regarded as a “ a verdict that can be returned by an inquest in England and Wales. It includes all forms of homicide, including murder, manslaughter, infanticide and causing death by dangerous driving. No individual person is named as responsible”⁵⁸

It also arose from a situation when the “accused killed the deceased and that he did so unlawfully. Unlawful simply means not authorised, justified or excused by law. It is not an element of the offence that the accused intended to kill the deceased or to do the deceased any particular harm”⁵⁹

It generally means that killing occurred without lawful excuse and against criminal law ⁶⁰

- c. **Injuries:** Any intention to inflict injury and laceration, and other forms of injuries. This can be carried out by both state and non-state actors.

“Any harm done to a person by the acts or omissions of another. Injury may include physical hurt as well as damage to reputation or dignity, loss of a legal right, or breach of contract. If the party causing the injury was either wilful (intentionally causing harm) or negligent then he/she is responsible (liable) for payment of damages for the harm caused. Theoretically, potential or continuing injury may be prevented by an order of the court upon a petition for an injunction”⁶¹

⁵⁷ <https://trialinternational.org/topics-post/extrajudicial-executions/> (18/6/2018)

⁵⁸ <https://www.collinsdictionary.com/dictionary/english/unlawful-killing>

⁵⁹ <https://pottslawyers.com.au/criminal-law/murder-manslaughter-offences/unlawful-killing/>

⁶⁰ <https://www.dailyrecord.co.uk/news/uk-world-news/what-unlawful-killing-mean-after-7837735>

⁶¹ <https://legal-dictionary.thefreedictionary.com/injury>

- d. **Destruction of Properties:** This represent any form of arsons, or any destruction of people properties either belonging to the state or private individuals

Destruction of property is considered a criminal act in which a person intentionally destroys **property**, whether private or public, for the purpose of vandalism. To destroy **property** in the eyes of the law means that it is an intentional act and one that does not occur by natural means⁶².

Database:

This report based its analysis on the database compilation; pre, during and after voting process. The first compilation is the result of the HURIDAC election mission to Sierra Leone, their interaction with many monitors in Freetown, Makeni and Bo. Their engagement with political parties, especially some of the stalwarts of the two leading parties. HURIDAC engagement with various situation rooms, including the women situation room, the WANEP and NEW situation room. HURIDAC also held meetings with some international and local observers including ECOWAS and the United Nations. The second layer is the data collected by the HRD-SL using all the monitors deployed to many districts.

The partnership of HURIDAC and HRD-SL wrote to all the political parties to furnish us with information of violation and abuses against their members or witnessed by their members. Other stakeholders such Sierra Leone Association of Journalist, the Women Situation Room, WANEP and NEW situation were contacted to share their incident data. Lastly, the partnership also gathered some media report that relates to some specific cases.

Though the window of consideration for this report wasn't that lengthy, we are able to get the following responses:

1. A dossier of atrocities against SLPP member
2. Pictorial reports from APC on atrocities against their members
3. NGC letter of complaint was shared with us
4. Women situation room shared their raw data
6. NEC shared their document on human rights violation and abuses against their staff
5. Compilation of media report
6. Letters on atrocities committed against SLAJ

These information were verified from more than one source to ensure the credibility of the data.

⁶² <https://www.bing.com/search?q=destruction+of+property&filters=ufn%3a%22property+damage%22+sid%3a%22a5c80a4b-ac6f-328d-130b-2150e3803dd6%22&form=EDGEAR&q=MB&cvid=177504f6c2384670a35b0a91a8bc4b7c&cc=GB&setlang=en-GB>

However, it is important to note that we are unable to get response from the other stakeholders and we thank those who responded.

We adopted a minimalist approach to the data in which it is representational; it does not represent the big data that needed more detail research which the partnership is open to. The result of this data analysis will reflect trends within the database not the national trends, however, it does portend a possible representation of the national trends and also show a projection of the national trends, for example if the analysis reflect N number of death, the national trends and projection in terms of death will be $N+X=NT$. N representing the number we know now, based on our database, X representing the number we will discover later and NT representing the total national trends.

Human Rights Violations VS Human Rights Abuse: The 2018 general election witnessed the commission of both human rights violation and abuses. A human violation occurs when a breach of human rights treaties is committed by state actors or government officials and human rights abuses are breaches of human rights treaties by non-state actors.

There will be two forms of analysis, the first will be the assessment of human violations and abuse in the pre, during and post-election highlighting the patterns of violations.

The second will focus on the principal actors, perpetrators, victims, electoral observers, journalists etc

The third will highlight cluster patterns of violations and abuse focusing on group actions such a police, APC , SLPP etc.

A. 2018 presidential election: Violence and Violations

Elections on its merit are to ensure a peaceful transfer of powers or renewal of authorities or tenure of office.

This process was developed out of the challenging traditional system of survival of the fittest or a process whereby the poor and powerless' rights are trampled over by the powerful.

It then becomes contradictory or a misnomer for election to go *parri passu* with violence. Violence has always permeated all aspect of Sierra Leone elections, the contest for political power has become so dangerous that some are ready to die for it and most scary is the fact that some are ready to kill.

This orientation must change and the change process will take mountainous efforts for stakeholders to deepen the understanding of the roots causes of violence around elections.

Political violence permeates the 2018 General Election and so do the human rights violations and abuses. This will be divided into three:

- 1) Pre-election violence,
- 2) Election day violence and
- 3) Post-election violence.

1. 2018 Sierra Leone General Elections

Human Rights Violations and abuses in the Electoral Cycle

The session will consider the cases recorded in our database through the period of Pre-Elections, Election day March 7th, Post Election March 7th, Run-Off Election Day March 31st and Post Run-Off Election March 31st

The pre-election period is the period is the build-up to the election day. This represents the period of a few months before, up until a few days to the Election Day. Though it is difficult to set a bracket of when the pre-election violence starts, it definitely ends on the eve of the election.

Election violence has been defined as: “any random or organized act to intimidate, physically harm, blackmail, or abuse a political stakeholder in seeking to determine, delay, or to otherwise influence an electoral process”, and this includes “threats, verbal intimidation, hate speech, disinformation, physical assault, forced ‘protection’, blackmail, destruction of property, or assassination.”⁶³

Election violence can rise to mass atrocities, including crimes against humanity, which are international crimes. Election violence is also a crime under Sierra Leone law. It violates the rights to life, safety and security of the person and to democratic participation. Above all, it also subverts the voluntary exercise of the democratic will of the people.⁶⁴

The human rights violation and abuse will be assessed under four categories. The first is **Unlawful killings**, which will include an incident that leads to loss of lives directly or as a result of such incident, it also include cases of extra judicial execution. The second is **Injuries**, this include any incident, violence attacks, intimidation , harassment, stabbing that led to sustaining injuries but do not lead to loss of life. The third is **Destruction of property**, this include any attacks of materials objects for the purpose of destructing it, including arson, burning of houses, cars, shops etc. The forth are **Others**, this include act of intimidation that do not directly lead to physical attacks or physical injuries but have psychological effect including intimidation, threat and harassment.

Pre-Election Violations and Abuses

In the pre-election period preceding the March 7th election, relying just on our database sixteen cases were recorded and about three lives were lost, an SLPP supporter Mohammed Kanu was stabbed to death in Freetown in October 2017 by people believed to be APC supporters. The two lives were also lost due to internal party conflict within the APC in February 2018 by APC supporters in Freetown.

There were about five different cases of attacks, assault leading to injuries but not leading to death. These includes attacks on SLPP district chairman in western area , attacks on NGC local council aspirant in Rokorong village and attacks on SLPP members at their headquarter in Wallace Johnson Street. Physical assault on Madam Zainab Zulu Fullah in Tonkolili District was also recorded.

⁶³ Jeff Fischer, “Electoral Conflict and Violence: A Strategy for Study and Prevention”, IFES white paper (2002), p.1.

⁶⁴ A Pre-Election Report and Advisory on Violence in Nigeria’s 2015 General Elections issued by the National Human Rights Commission of Nigeria February 13, 2015.

A total of nine different cases of destruction of properties were recorded including burning down of an SLPP district chairman's house, car and generator in Waterloo, Western area. The HURIDAC and HRDN-SL team physically visited this property to witness the level of destruction. Other forms of destructions include the destruction of NGC and SLPP campaign materials and other properties in Mayorgbor, Port Loko, Mile 91 area, Rochain junction. It was reported that at Upper Yoni Chiefdom, properties, food, money and even domestic animal were destroyed.

One incident under the category **Others** was recorded, which is what was termed as the assassination attempt against the SLPP presidential aspirant when his convoy was attacked in kamalo.

Election Day March 7th Violation and Abuse

The human rights violations and abuses on March 7th Election Day and during the eve of the elections is a thing of serious concerns.

During the presidential election only three cases of Injuries were recorded on our database, this does not mean that there were not more than three cases, but these three cases have been verified.

In the first election of March 7th, there was a case of violent attack between two independent candidates, Alhaji Sesay and Paul Edrisa Kamara. There were also report of violent clashes between the two leading political parties (APC and SLPP) in which people were stabbed long Bass Street, Brookfield and Regent Street. During the election day, we did not receive verifiable reports of Unlawful killings.

Post –Election March 7th Violation and Abuse

This period represent post election for March 7th and pre election for March 31st. This period witnessed twenty one recorded cases of **Injuries**. These cases document response and reaction of party supporters on the election results. There are cases where SLPP and APC supporters were harassing and beating people who did not vote for their party. In one case people were driven away from turntable arena on the claim that it was built by APC. In one instance, a woman was beaten up in Wllington Junction in Makeni. Similar incidents were recorded in Mamamah Village and Malama, Lumley. A couple were attacked and the wife beaten up, there were also the element of the clashes between the two leading party in Kanikay Street in which someone was stabbed. Also in Tikonko Chiefdom, a brew between an APC and SLPP supporters led to the SLPP supporters being stabbed.

There were two reported cases of destruction of properties, on 28 March, people moving round in Black were destroying properties. There was also a clash in Bombali district in which people's houses were destroyed, chased out, and were running to Kerene.

Election Day March 31st Violation and Abuse:

During the run-off election there were two cases of Injury through assault on two journalists of Concord Times and New Age Newspaper by a group of APC supporters.

Post March 31st Election Violation and Abuse:

In the post-election period, there were four cases of unlawful killing, two APC members allegedly killed by SLPP supporters. One incident occurred at Mina Drive in Juba where both APC and SLPP were celebrating on the 2nd of April, 2018, during the celebration, fight eschewed and a security guard at Pat Sowe house stabbed one of the SLPP supporters, who sustained serious injuries. Ibrahim Samura, one of the journalist attacked on election day died due to complication from the injury. It was also reported that an APC member was killed by an SLPP supporter. Also on the 26 May, 2018, APC Zonal Chair of Malama zone was allegedly killed by seven SLPP members.

An APC Woman was attacked by people believed to be SLPP thugs. Three cases of destruction of properties were recorded. There was burning of APC youth leader's house and a car in Kenema, Burning of office in Taiama and burning of stalls of trader associated with APC by allegedly SLPP supporters. Also in Bo a member gang called Killer Kill Killer (KKK) were throwing stones on residence of APC supporters.

Institutions Under Attacks:

Even though in the theater of politics, institutions have had challenges and share of human rights violations and abuses. This report cannot touch on all relevant institutions that relates to elections. But will only highlights some of the challenges affecting some and the tweak around them.

- a. **Election Management:** The National Electoral Commission is constitutionally empowered to manage elections in Sierra Leone, as depicted in the early chapter of this report, NEC constitutionally must be independent.

However, in managing the 2018 election NEC faced the legal challenge of the court order, which part of it is indicative of interfering in the election management of NEC. Sequel to this were the public statement by the former Antony General, The Bar Association and the Human Rights Commission instructing NEC to follow court order, which in some parlance is interfering with the independence of NEC.

Despite the legal issues, NEC also faced serious intimidation, harassment and human rights violations. In an Instance the Executive Secretary of NEC during the Run-off was interrogated by the Police Criminal Investigative Department and asked to be reporting to their office. While the police have the right to do their work, in the peak of election period, this can be interpreted as a form of intimidation of the institution of NEC.

Some members of NEC were arrested and detained for six days in Makeni.

The NEC Western Area district officer was invited and interrogated by Anti-corruption Commission.

NEC temporary staff of six male and three female were arrested during the election period. In NEC's word "Arrested on allegations of electoral malpractices such as unauthorised handling or transporting of electoral materials (ballot boxes, Tamper Evident Envelops and voting screens), while retrieving polling materials. Statements were obtained from them, some incarcerated and later released, but asked to report at the CID HQ"⁶⁵ Another temporary staff was arrested and detained for seven days in Kambia District. There is a significant case of

⁶⁵ Nec document on : **NEC STAFF THAT EXPIRIENCED CASES OF HUMAN RIGHT ABUSE/VIOLATION DURING THE DISCHARGE OF THEIR DUTIES**

Paul Demba, the acting Chief Field Coordinator of NEC , he was arrested at Tonkolili District, at a polling station in Mile 91 and beaten in the presence of a serving Minister.

- b. **The Police:** The Sierra Leone police are constitutionally empowered to provide security for the election. The police are expected to be non-partisan. While in many instances through out the conduct of the election, the police have been professional providing the needed security service and enforcing the law and protecting the citizens. However, in some instances, this has not been that easy or straight forward. Some callers' called to the centre clearly assumed that the police are partisan and in support of the APC government, though some cases have made the refutation of this allegation difficult. In many instances, human rights abuses were committed in the presence of the police with no action against the perpetrators, in fact it was alleged that the police may be complicit in some cases. Such cases include Police being seen in the same vehicle with APC thugs. In one instance a police man was driving an APC branded vehicle to arrest SLPP supporters. There is another case in which police went to effect arrest of SLPP supporters in an APC branded vehicles. Many cases were reported to the police station with no clarity on how the cases are progressing. In our database the Mile 91 police station remains notorious with high level of unresolved reported cases. Despite all this, the police were also victims in two of the cases in our database. We watched with shock the video sent to us by APC in which a police man, an officer of law was being beaten by people believed to be SLPP supporters in Kenema.
- c. **The Media:** The media has been very professional in covering the election. The print media provided a platform for all political parties and political actors during the electoral period. The TV Stations, the SLBC and AY TV articulated lots of platform for political discourse providing useful information to the public. Though our team was informed that SLBC provided more air time for APC than for other political parties, however, our team did not investigate this allegation further and cannot confirm its authenticity. Despite this good work of the press, some still felt threatened by the press. During the election many journalists were intimidated and harassed. According to SLAJ, the case of Concord Times Newspaper staff and New age Newspapers Ibrahim Samora were paramount, both journalists were beaten in Lumley area. In fact Ibrahim was beaten with a dog chain that eventually led to his death. Ibrahim died in the line of duty, an utmost price to pay for election.
- d. **Political Parties:** The political parties were the actors in the field of politics. In terms of human rights abuses, the political parties contribute immensely to the commission of most of the abuses. Three political parties featured in the field; the SLPP, APC and NGC. NGC featured mostly as victims, while APC and SLPP featured as both perpetrators and victims. Our team was opportuned to interact with the two leading political parties. The SLPP flag Bearer handed over to HURIDAC on the 5th of March 2018, a dossier of atrocities committed against their members, though the document was magnanimous enough to include two APC killed by their fellow APC members. All efforts to get an updated version of the dossier proved abortive.
- e. In June 2018, the APC Secretariat provided pictorial report to HRDN-SL, detailing atrocities committed against APC members, though just like SLPP, it also documents the stabbing of SLPP by a security guard. We were also able to access the letter of apology written by APC to SLAJ

- f. The NGC letter of complaint to the internal Affairs Minister was shared with our team including the attached cases documenting atrocities and cases against NGC and SLPP.

Conclusively, within the electoral period, based on our database, electoral violence were 46 cases. Within the database, six unlawful killings were recorded, twenty six cases of injuries, fourteen cases of destruction of properties and two cases of others.

The total number of human rights violations recorded were two cases, while 44 cases represent human rights abuses.

In terms of perpetrators; APC were perpetrators in sixteen cases, SLPP were perpetrators in six cases and police in two cases.

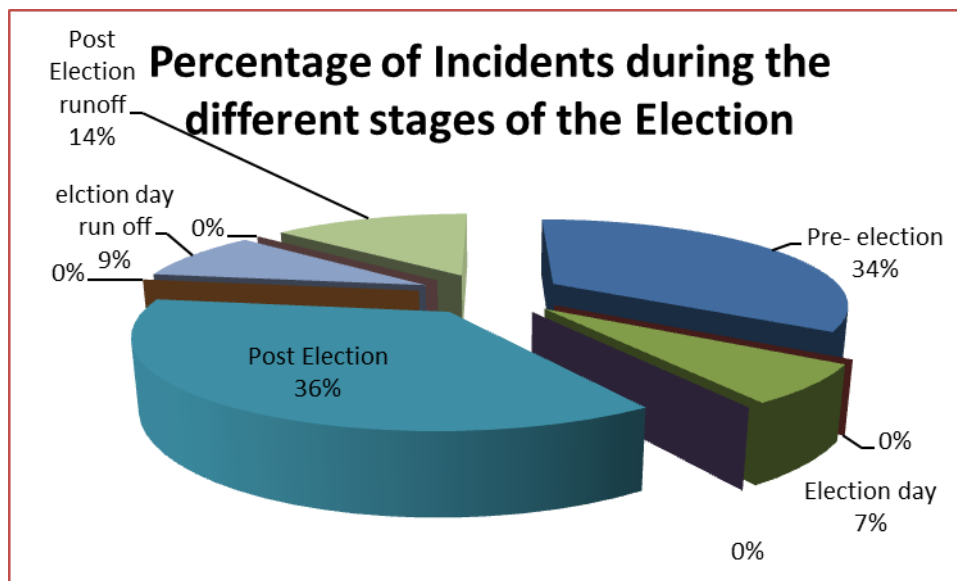
Most of the victims were SLPP before the declaration of the result and APC became victims after the result has been declared, however the police were victims in two cases.

CHAPTER NINE

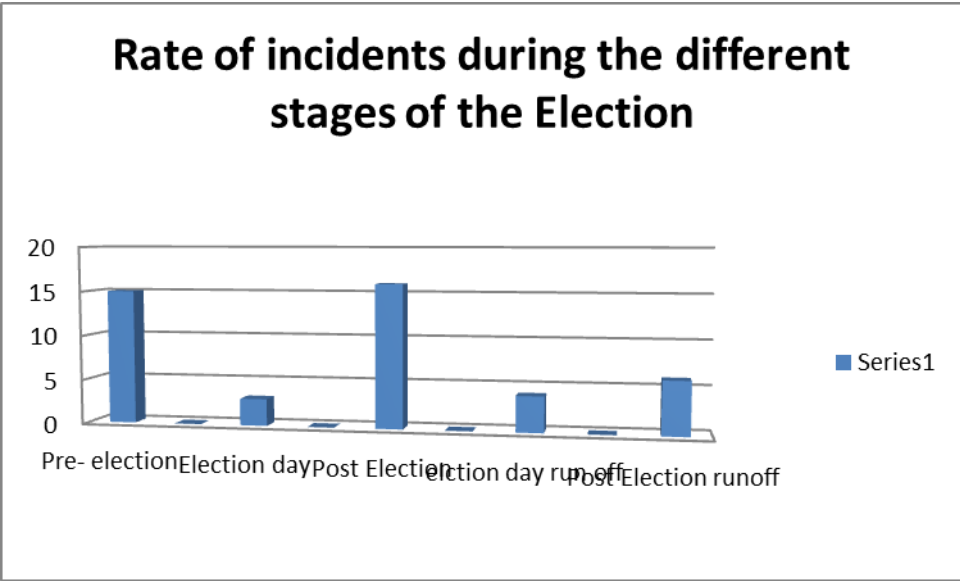
DATA ANALYSES AND INTERPRETATIONS

The database analyses will help to interpret and explain the possible reasons for some of the data. This relates to different categorization of human rights violation and abuses.

a. **Database Configuration:** The total database analyses reveals most incidents as cases occurred during the pre-election with post-election after the March 7th representing 36% followed by Pre Election March 7th representing 34%. While election day violence represent the lowest of 9% and 7% respectively and followed by post-election run-off represented by 14% .

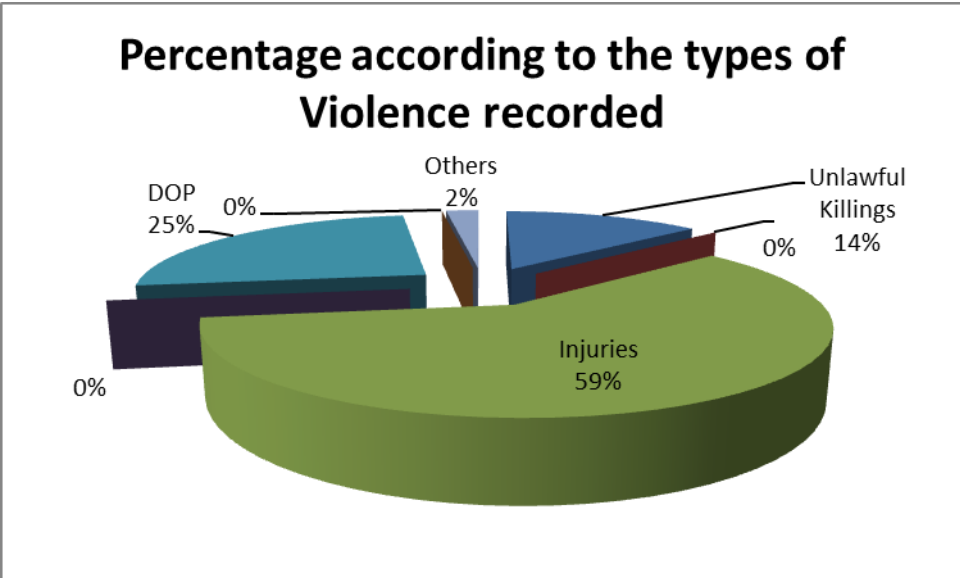


While it can be explained is based on many factors; the pre-election period accounted for 34% because this was the period of campaigning and building up to the election, so there were possibilities for tension and passion to combine to produce violence. However, the question is why does the Post election period represent the highest of 36%? One way of explaining this is that the post March 7th election period also double as pre –election period for the March 31st election, the common denominator between the Pre-election period of 34% and post election of 36% is campaigning,.



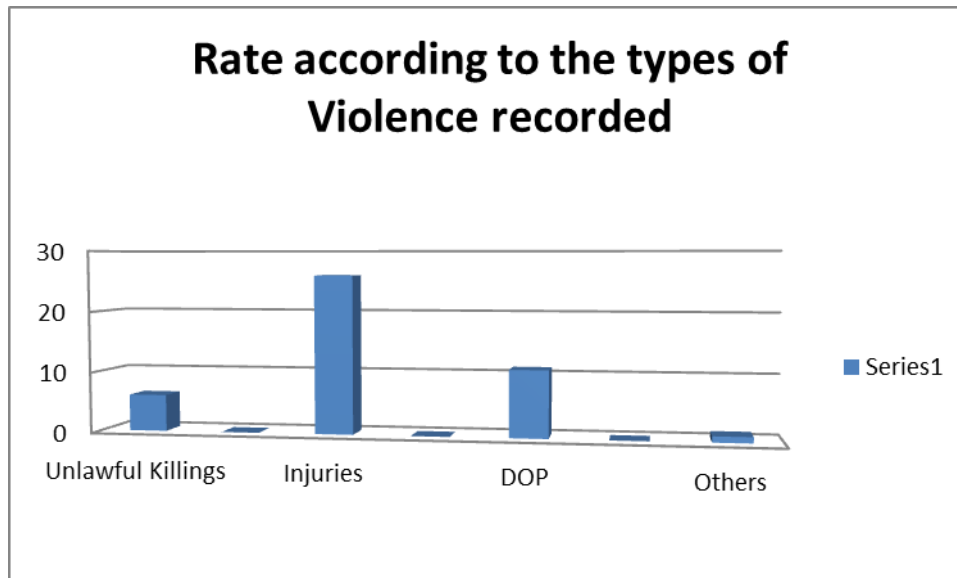
Campaigning occurred in both instances and can be the trigger to explain partly, the source of violence. For the other period that has lowest percentage, they do not have campaigning element, you don't campaign on Election Day and post-election because the election is over. This then suggests that to reduce the level of violence around election, more attention need to be put into controlling campaigning aspect of the activities of the political parties.

- b. **Categories of Abuse :** The database is later broken down into categories of the abuse covering unlawful killings, injuries, destruction of properties (DOP) and others. Injuries represent 59% of the abuses, followed by DOP 25% and the Unlawful Killings of 14% and others with just 2%.



The graph below also shows clearly that the highest category of violence is Injuries, the reason for this is not far-fetched as it covers many items than the other categories is any

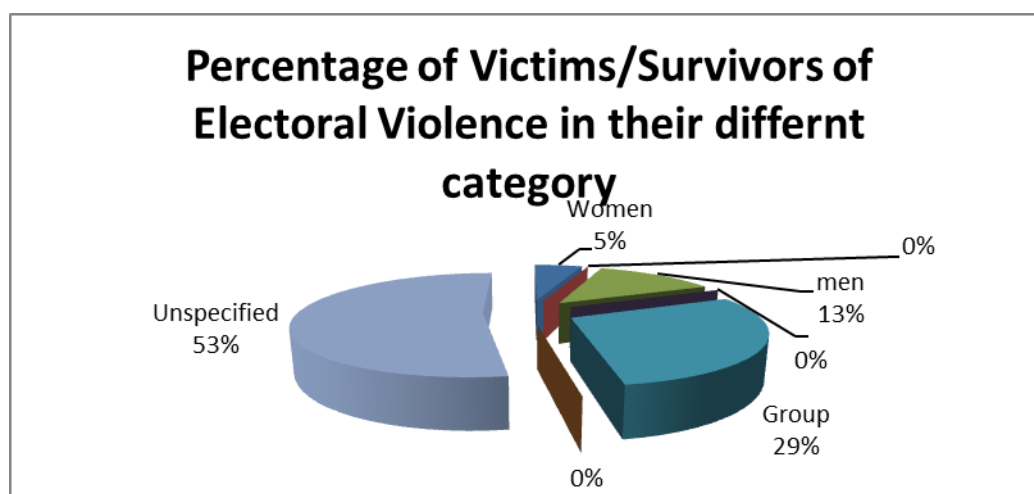
forms of violence that do not lead to loss of life. It follows logically that where the attackers attacked the victims or survivors their property may not be spared. The whole idea is to inflict the highest level of pain either to the physical body or the property owned by the victim. In some instances, the victim has ability to escape but property like house may be that lucky.



Unlawful killing remain low, partly because it's easier to get away with inflicting injury than killing someone, so people are more careful. It is also not clear if the idea is to cause injury and later lead to death, death may not be intended but Injury is and may be reason why it was high and not killing. **Other** covers a small scope left untouched by other categories.

c. Victims / Survivors: Categories:

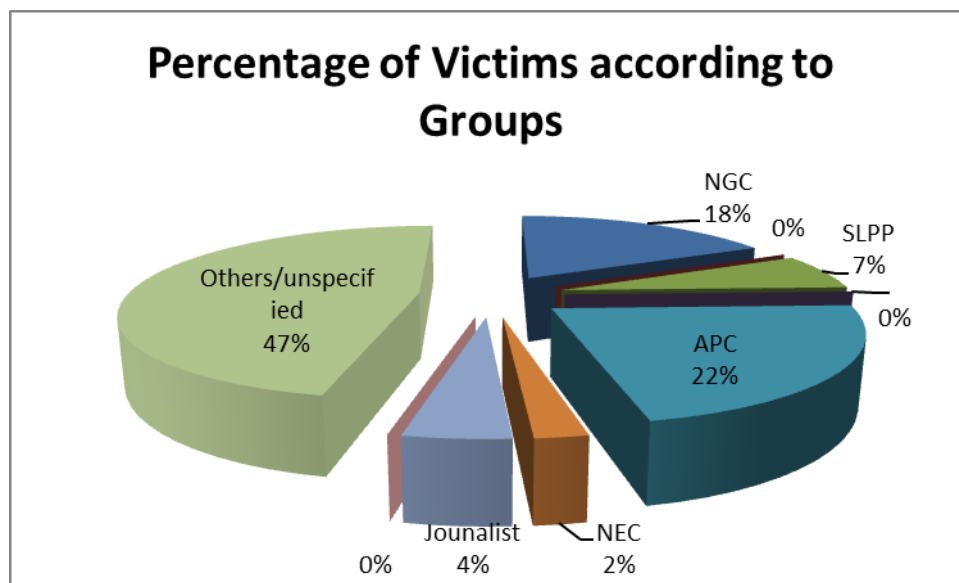
In terms of the victims (those who didn't make it) and survivors (those who survived), only 5% cases clearly identified the victims as women and 13% identified them as men.



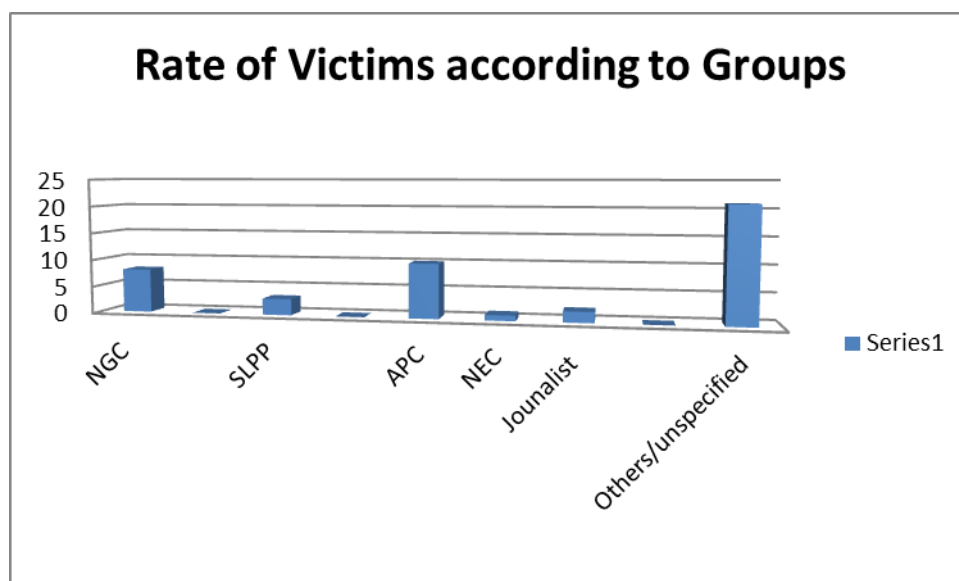
The group category represents when a particular group of people identified belong to a political party for example, they can either be men or women or a combination of both. 29% of the data represent these various groups. The Unspecified of 53% represent group of people that could not be specified or branded as homogenous group. This is high because they are unspecified they can later fall into any of the other categories when more information is provided.

d. **Victims Classification:**

The classification of victims in terms of what they are associated with also project a revealing result. Those victims that cannot be classified represent the unspecified and others at 48% of the data.

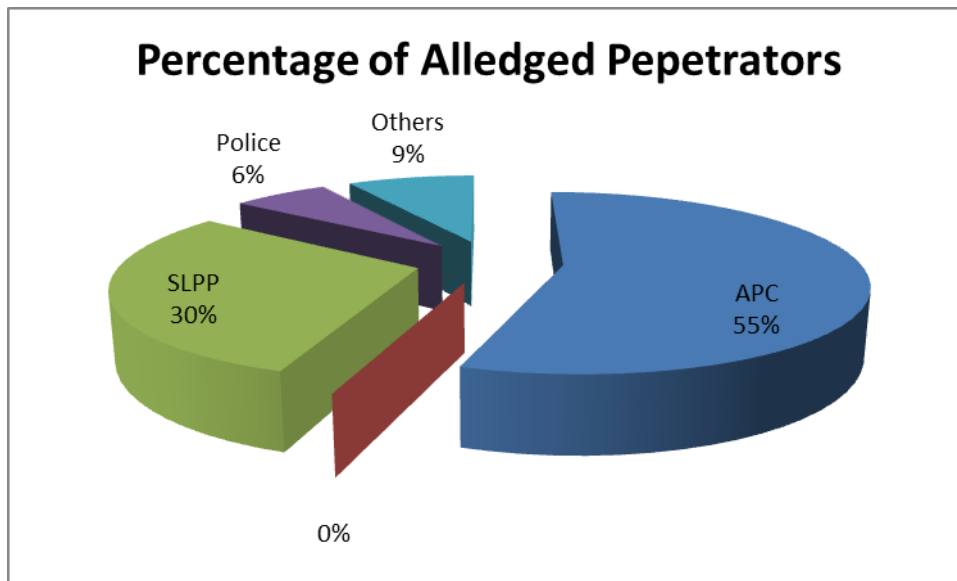


However, APC surprisingly represents the largest specified victims at 23%. Surprisingly again followed by NGC at 18%. SLPP only represent 7 % of cases of victims. Journalist represents just 4% of the cases and NEC just 2%.

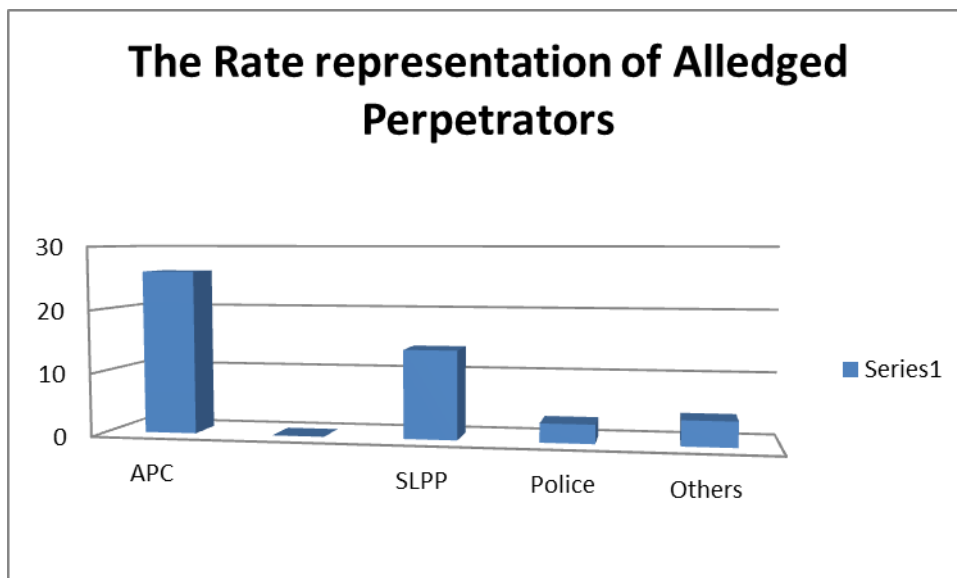


e. **Alleged Perpetrators:**

The alleged perpetrators surface on our database as people continued to name those that were victimising them. Rather we group perpetrator together as per their affiliation.



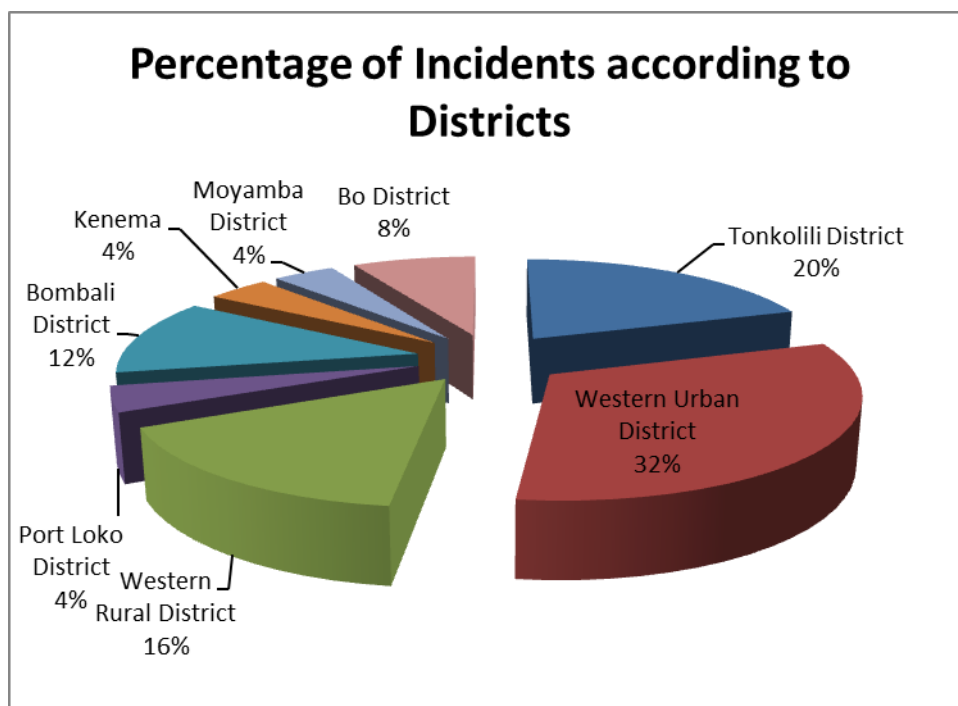
The people believed to be APC supporters, thugs and members represent 55 % of perpetrators, while is closely followed by SLPP with 30% of cases, others represent 9%, these neither belong to other categories. The Police represent the least case of 6%.



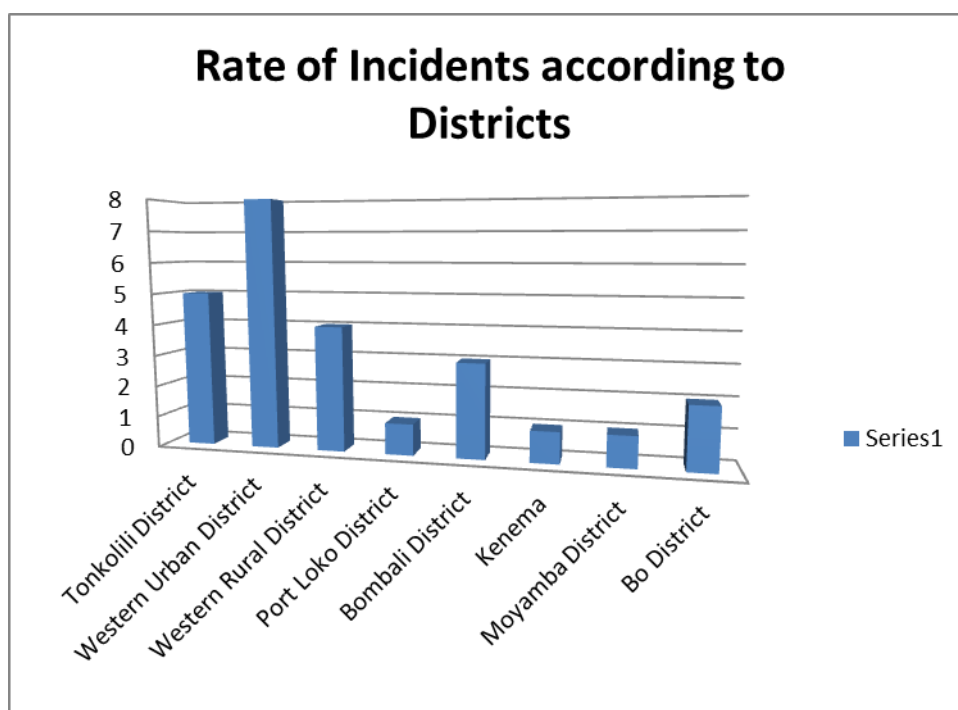
Do note that these are cases in which the police are distinctly the alleged perpetrators; it does not include cases in which the police were complicit.

b. Geographical Spread:

There is need to consider the geographical spread of the various incidents



The Western area urban recorded the highest rate of incidents representing more than half of all incidents 52%. It is followed by Tonkolili with 20% and Western area rural representing 16%. Bomballi represent 12% and kenema , port Loko and Moyamba has 4% each. Bo only has 8%

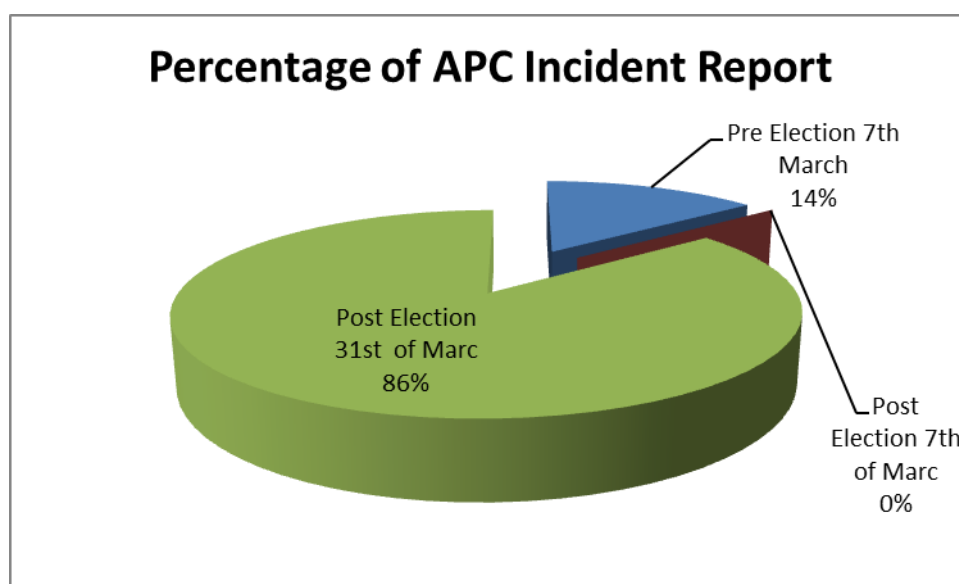


This figure depicts that fact that both Western area rural and urban represent 68 % of violence incidents which is high and demand attention to given to the two districts.

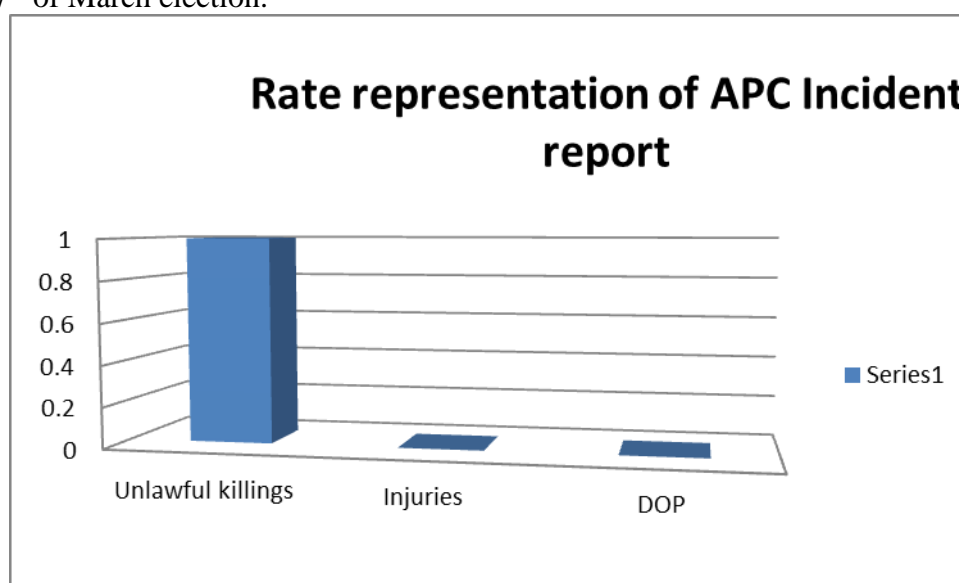
h. Parties Incidents report:

We were given incidents reports documented by the parties themselves. We got report from SLPP, APC and NGC. It is important to see how the parties present their figures:

- i. APC : The APC party documented incidents against their party members. In their report , most of the atrocities committed against them happened after the March 31st election and declaration of results. This period represent 86% of abuses against

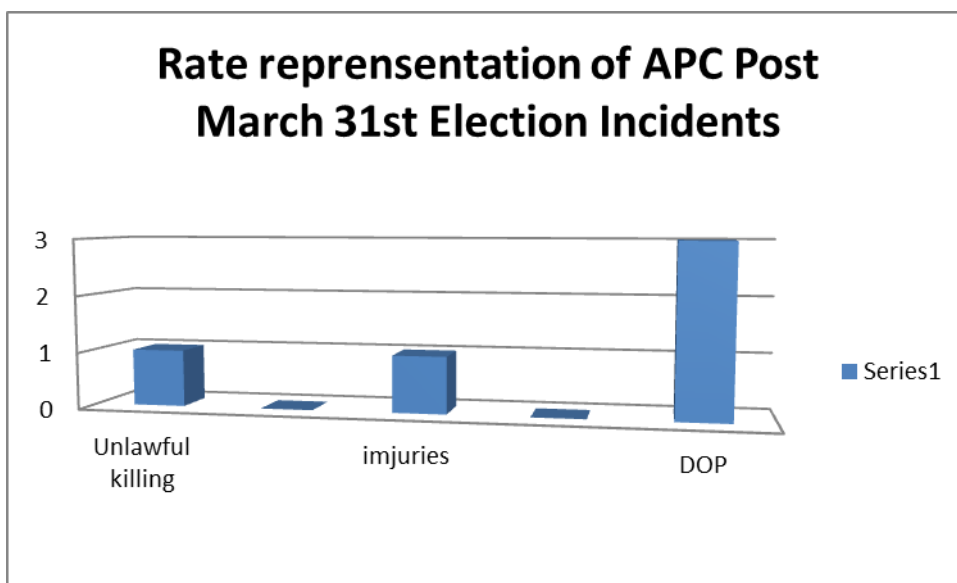


- ii There were some cases of unlawful killings recorded against the APC party before the 7th of March election.



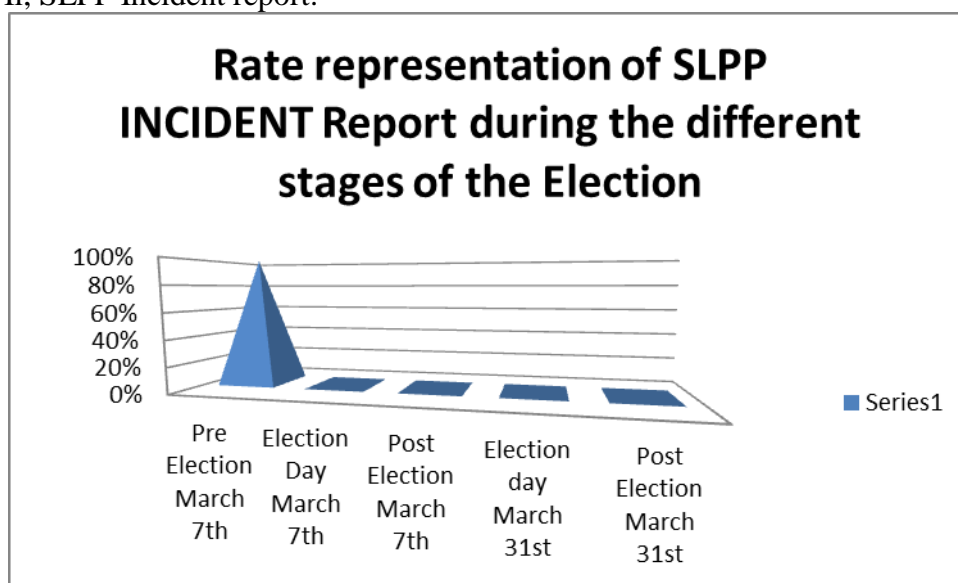
However, the categorisation of violence against the APC as a party revealed that in the Post March 31st period, destruction of property represent the highest followed by Injuries and then unlawful killings.

- iii.



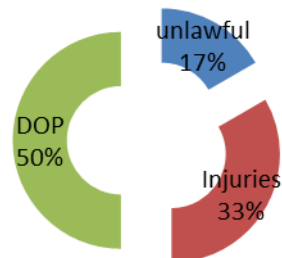
It is important to note that most of the violence against APC occurred after the run-off, this shows an element of reprisal attacks, it also shows that given the new evidence that they have lost power, hence they have lost the protection of the seat of power and it means they have lost the protection of impunity.

Ii, SLPP Incident report:



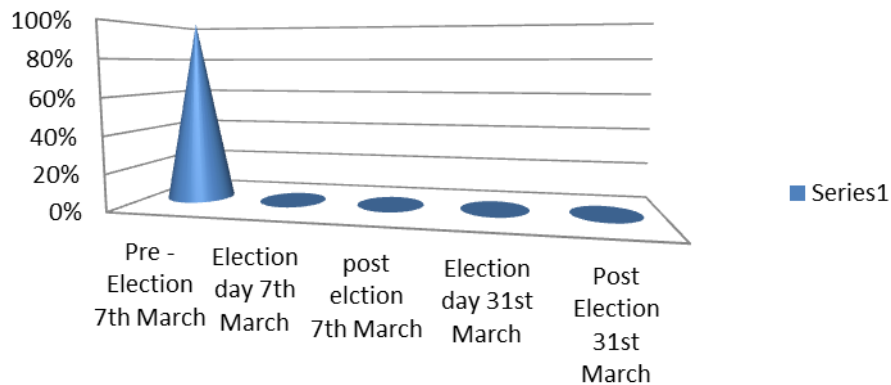
This also begs the question why SLPP were victims of violence most only during pre-election? Once after the first voting and it seemed they had a chance to win, atrocities against them were reduced drastically. Who is making this decision? perhaps no one, but statistics suggests that people may believe in the protection of their action by those in the seat of power, once you have a sense to loss, that protection you resorted to *avoid* *encoute* with the Law that offer no protection against impunity.

Percentage representation of SLPP Pre Election 7th March Incident Report

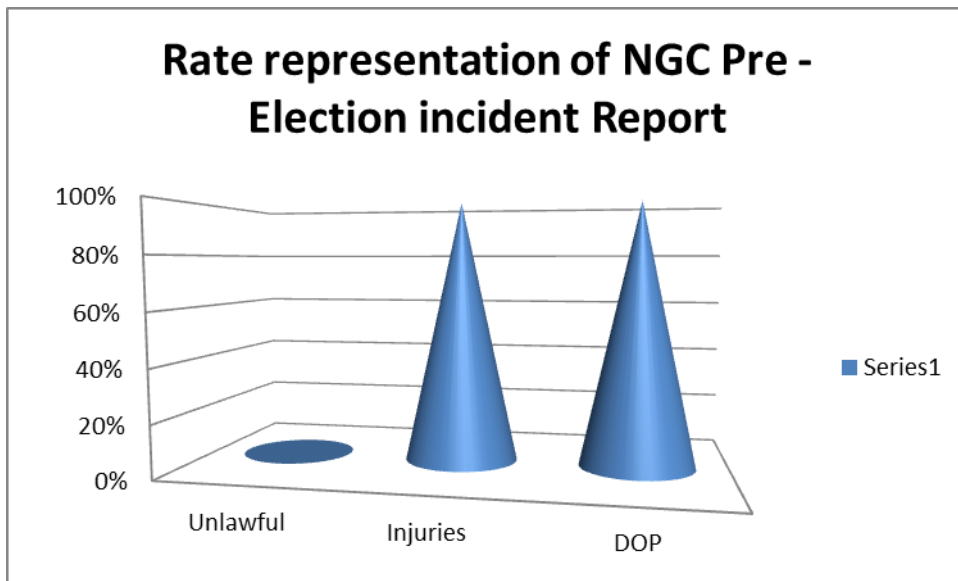


The same argument suffice here , pre-election they were vulnerable and mostly victims all atrocities, DOP representing half of political violence against them, Injuries 33% and unlawful killings 17%, this also include the two APC members killed in inter party conflict

Rate representation of NGC Incident Report



The NGC report analysis followed the same patterns as SLPP, the report made lots of reference to SLPP victims as well



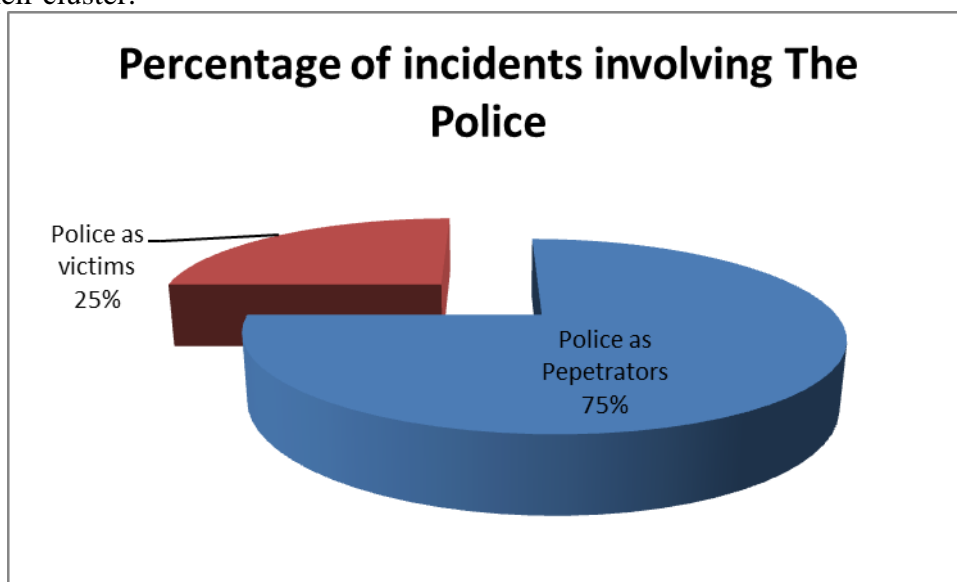
NGC did not have any incident of unlawful killings, but mostly destruction of property and injuries.

i. Victims/Perpetrator Overlay:

In understanding the importance of some of these data analyses, it is also important to independently examine some institutions in terms of their role in causing violence and as victims.

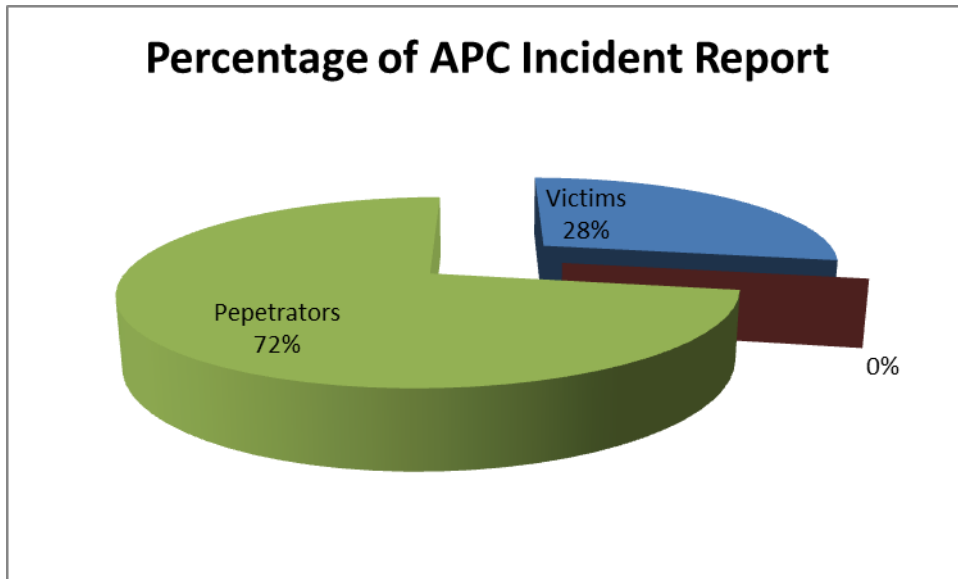
i. Police:

We start with the police, even though that the role of the police is minimal in terms of the volume of violence. Still looking at this minimum role, the police are responsible for 75% of human right violations within their cluster and they are only victims in 25% of the cases in their cluster.



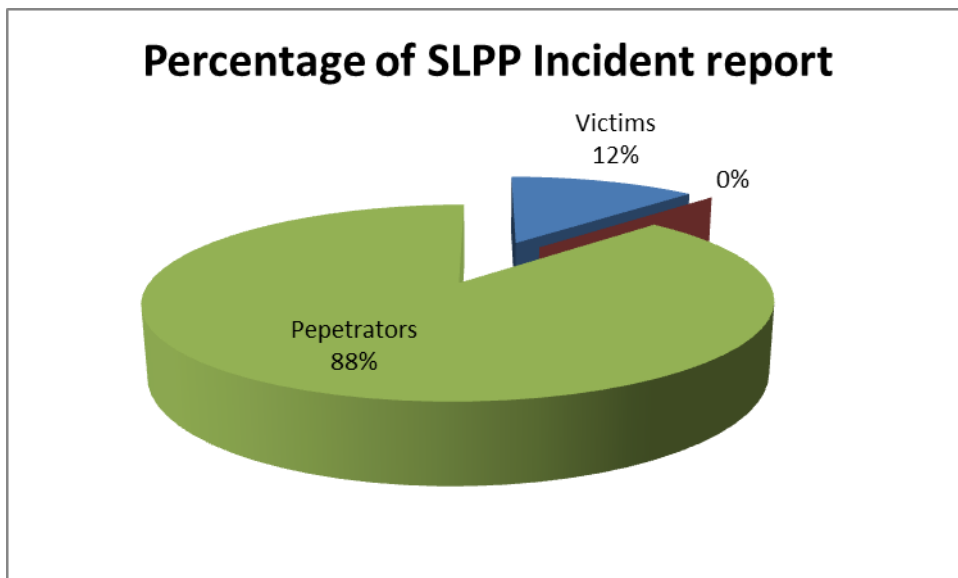
ii. APC

Examining the APC data within the database, APC were perpetrators in 72% of the cases and only victims in 28% of the cases.



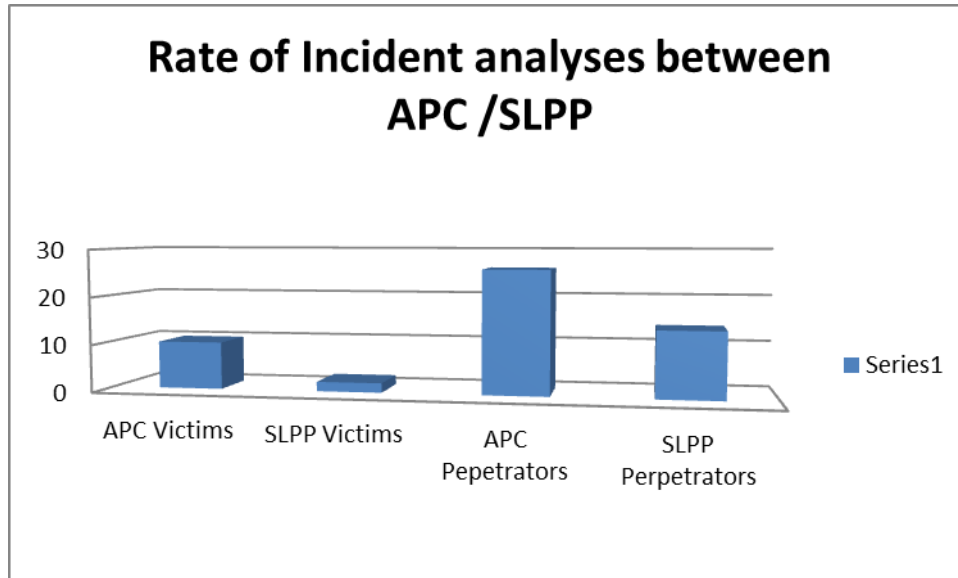
iii. SLPP

The SLPP figures is surprising, contending popular notion, they were only victims in 12% of the cases and were significantly perpetrators in 88% of the cases.



iv. APC/SLPP Overlay:

This reveals significant information, that APC overall committed more violence and are also more victims than any other party. The SLPP victims are lesser compare to APC.



Conclusion:

This data analysis is revealing not just in terms of analysing the data but also in terms of interpretation. Most electoral cycles are repeated and recycled in the next election. The following extract should be useful for the security sector, policy makers and change actors:

- A. Opposition party will face most human rights violations and abuses in the build up to the first voting process, hence in this period they need the protection of the law, Security sectors need to play more role in securing the campaigning period, not only in terms of inter party conflict, but also intra party that produced two deaths in the APC.
- B. The Party in Power will rely on protection of their members in office to perpetuate violence and clear message need to be sent that the law will not protect anyone braking the law.
- C. The Western area urban and rural is hot spot for political violence hence security agents need to prioritise these districts.
- D. Police should be apolitical and desists from any action that may help build the perception that the police support those in power.
- E. Post-Election, security management should focus on protecting the party that have just lost elections as they are mostly vulnerable.
- F. Civil society organisation, policy makers and development partners should focus on programmes of education targeting the political parties as they commit most of the atrocities.
- G. A system of impunity that currently exists should be terminated and addressed. Any system that turns victims into perpetrators should be addressed urgently.
- H. The plan to have the next election violence free should start from now and by addressing most of the highlighted points above.

CHAPTER TEN

RECOMMENDATIONS

a. Strengthening Electoral Process

1) A culture of peace should be fundamental in driving the electoral process.

All stakeholders should ensure that they imbibe the culture of peace as the main drivers of the electoral process. The Presidency should lead by example, by encouraging peaceful behavior and demonstrate zero tolerance for un-peaceful conduct. Political parties should have peaceful conduct as part of their code of conduct for their member and take serious action against those member with violence conduct. The Security forces should use the full force of the law to discourage violence conduct .

2) Electoral violence should be addressed and culprit prosecuted.

There should be zero tolerance for electoral violence, the security forces should ensure every cases of electoral violence is investigated and if evidence is found, prosecuted. Addressing impunity is the only panacea to electoral violence

3) Impunity around ‘Right to Vote’ is addressed.

The Right to vote is an umbrella rights that covers all other human rights associated with elections, freedom of expression, freedom of association etc. Violating or abusing these rights should not be tolerated and should be addressed and justice delivered for the victims. All those eligible to vote should have an unhindered access to vote and any action that prevent these access such action should be addressed and perpetrators should be brought to justice.

4) The state should urgently review enabling laws of ALL Elections Management Institutions to ensure their total independence

The government should review the laws guiding NEC operations to ensure that the institutions can function without interference. The confusion and perception of the judiciary and some other institutions instructing NEC on how to manage elections should be avoided. NEC should also ensure that it's operation and image attract the greatest confidence of the people

5) Election administration should be supported to effectively mainstream human rights into their operation

Election management at every stage and with every institutions should mainstream human rights compliance and most importantly the protection of human rights of all voters.

6) Election Management process should be transparent and the role of stakeholders should be clear

All phases of election management should be open and transparent, all stakeholders should be clear on their roles and limitations within the electoral system. The Police, Political Parties, Civil Society and others should be clear not only about their specific role and also where their role overlaps which institutions has a higher authority.

7) Implement of human rights treaties around elections

All human rights treaties and provisions that determine the freeness and fairness of the elections must be protected and promoted. Government must demonstrate that violations of these rights by state actors will not be tolerated and abusers of these rights by non state actors will be prosecuted.

8) National, Regional and International Observers roles should be strengthened.

Election observations should be strengthened, this election has shown that many conflicts have been avoided due to the role played by the observers, the women situation room is one example and the role played by President Mahama ECOWAS, EU and other CSOs ensured the election was conclusive. The state should not leave the support of these observation groups to development partners alone, national CSOs should be supported to observe the entire electoral circle.

9) Civil Society should integrate human rights frameworks into their election plans, monitoring and reporting

Civil Society monitors and observers should include human rights indicators in their observatory model. They should observe the compliance of various institutions to human rights treaties related to electoral process, not just at the polling unit or on the election day but through out the electoral cycle. Protection of human rights defenders, opposition politicians, journalists are few groups that need human rights protection.

10) Civil Society should raise awareness of Elections especially 'Right to vote' Civil Society should unpacked the various human rights that constitute the rights to vote of the people. Civil society role of educating the people should go beyond the election fever and ensure their awareness raising role is round the clock through out the electoral cycle

11) Government should address the problem of hate speeches and ethnic messages

Hate speeches features largely in this election and nearly broke the fabric of unity of the country with impunity. This problem should be addressed. The government should set up a study group to propose a policy to criminalise the use of social media for hate crime and intimidation.

12) Internet Freedom and Freedom of Expression should be enhanced for people.

Internet freedom should be encouraged and should not be compromised on other human rights. Freedom of expression is fundamental to election management and should be enhanced.

13) Civil Society should receive training on how social media can enhance electoral work.

The election has also shown the added advantage of social media in terms of quick dissemination of information. The civil society should be trained on how these advantages can be enhanced and use to promote their work

b. Strengthening Institutions

1. National Electoral Commission should be supported on their constitutional responsibilities

Under the constitutional provision, NEC is an independent and autonomous body and should be allowed to carry out this mandate unhindered. Government should ensure that resources for electoral processes should be provided on a timely manner. NEC officials should not be subjected to unnecessary harassment and intimidations by state actors

2. Political parties to internalise anti-violence training.

All political parties should be trained in alternative to violence mechanism, internalised within the party. The youth groups should receive training on the consequence of violence actions.

3. The Police and Judiciary should not be influenced to alter the electoral process

The police and judiciary should have the free hand to carry out their constitutional duties, perception that the police or judiciary are partisan actually harm the electoral process

4. The Police should be trained on human rights roles for their electoral duties

The police should be trained on their human rights around elections and a human rights manual developed for the police.

5. The police needs to adopt a functional electoral principle for their officers and establish a unit for election work

The police needs to adopt core and functional electoral principles that guide their operations during the electoral process. The police needs to establish a department for election management that works round the clock.

C: Oversight roles

1. Government to set up a judicial or Public commission of enquiry to investigate the political violence and other issues around the elections

The government to establish a judicial or public commission of enquiry to investigate all cases of electoral violence during the elections. The commission will provide the platform for victims' family and survivors voices to be heard and recommendations from such commission will help to avoid the reoccurrence of such violence in the next electoral cycle.

2. The National Human Rights Commission to set up a public process to further investigate all cases of human rights violations and abuses during the election with the aim of bringing perpetrators to justice and redress for victims

The National Human Rights Commission to set up a public process to investigate all cases of human rights violations and abuses during the elections.

CHAPTER ELEVEN

CONCLUSION

The Human Rights Advancement, Development and Advocacy Centre (HURIDAC), a regional organisation and Human Rights Defender Network – Sierra Leone (HRDN-SL) a network of over fifty five organisations and individuals in Sierra Leone came together because of the conviction that human rights accountability needs to be advocated to sanitise our elections in Africa.

In most cases electoral offences are considered as part of statistics of electoral results, once results are declared and the winner sworn in, all offences are swept under the carpet and considered as casualties of electoral conflicts, just to re-surface in the next electoral circle. We cannot continue to accumulate victims of election as if they are victims of war because election is not war.

The observation of the 2018 elections is an aspiration towards this model to sanitise our electoral process. HURIDAC and HRDN-SL worked with other Civil Society Organisations and Elections Situation Rooms in observing the elections in 2018 in Sierra Leone.

This report is the result of the observation and engagement work of the two organisations. This report depends on a small verifiable database that can project the national trends leaving the door open to more extensive research.

We aim to have a report that will serve the purpose of Sierra Leonean and non Sierra Leonean reader, the report can be a blue print with countries facing similar situations.

We aim to have a report that provides a conception background that helps in deepening understanding on the issue of human rights and elections.

We aim to have a report that explores relevant institution review to elections, captioning the international standards and expectations and reviewing the local and practical challenges.

We aim to have a report that goes beyond documenting human rights violations and abuses in just narratives, but by using the tools of data analytics to reveal the significant results and interpretations of such data.

This report achieves all these aims. The limitation of the report is not having access to large data, as some institutions refused to share their data with us. We are grateful to Women Situation Rooms, SLAJ, NEC, SLPP, APC and NGC who shared their data with us. These data and data gathered by our observers in the field were verified to form our database used for this report.

The report is divided into five strands. The first strand sets the tone for the entire report and provides information for the political development of Sierra Leone. The second strand explores some relevant institutions to the electoral process, NEC, Police and the Judiciary.

The third strand focuses on specific issues on the elections such as elections management , social media and human rights violations and abuses. The forth strand is the incidents reports and data analysis and interpretation. The fifth is the specific recommendations for the electoral process, electoral institutions and oversight bodies.

One of the clear findings of the report suggests that the independence of NEC should be assured, implied and direct interference should not be allowed. The Police is another critical institution that needs reforms as per their elections role, though not electoral officers, the credibility of the elections partly depends on them, The report suggests about six core principles that can help the police achieve this credibility.

The data analysis and interpretation findings affirmed that most political violence is highest in three districts: Western Area Urban, Tonkolili, and Western Area Rural districts. It further affirmed that campaigning period represents the highest period for political violence. Inflicting injuries represent the highest rate of human rights abuses over unlawful killings and destruction of properties. Perpetrators swing depending on the political period, mostly APC before the declaration of the results, then SLPP afterwards. 13 % of named victims were women , while named groups and unspecified victims represent the highest group of victims.

The report also came up with specific recommendations on strengthening the electoral process, building institutions and reinforcing oversight roles. These recommendations include but not limited to: developing a culture of peace for elections, electoral violence should be addressed and culprits prosecuted and the state should urgently review enabling laws of ALL Elections Management Institutions to ensure their total independence. Others include political parties to internalise anti-violence training, the police needs to develop a human rights manual for their electoral duties and strengthen their engagement with Stakeholders. The report also raised some immediate calls for actions such as, the call for government to set up a judicial or public commission of enquiry to investigate the political violence and other issues around the elections, set up a complaint mechanism for victims or their family on atrocities committed against them during the elections and the National Human Rights Commission to set up a public process to further investigate all cases of human rights violations and abuses during the elections with the aim of bringing perpetrators to justice and redress for victims.

This report is a process towards more robust electoral projects that the partnership between HURIDAC and HRDN-SL intends to undertake.

Finally, this report has achieved drawing out the link between human rights and elections and it is this link that will continue to shape our work going into the future.

HURIDAC

The Human Rights Advancement and Development Centre (HURIDAC) is an African-based regional Non-Governmental Organisation (NGO), registered in Nigeria. Its mandate are to:

- (1) To promote, protect and ensure respect for human rights, Democracy and development;
- (2) To build the capacity and knowledge base of civil society, government institutions, oversight bodies and other agencies and communities on human rights, development, democracy and conflict prevention.
- (3) To use the process of the rule of law to hold governments and their agents accountable. The regional office of HURIDAC is located in Lagos (Nigeria) while its Nigeria and international offices are located in Abuja (Nigeria) and London (United Kingdom) respectively.

The leadership of HURIDAC is characterised by seasoned practitioners who have excelled in their various fields of endeavours. These individuals are drawn from countries such as United Kingdom, Canada, Sierra Leone, Kenya, Nigeria, Liberia and the Gambia.

The diversities in the nationalities and experiences of the management of HURIDAC and well enthusiastic staff are the strengths of its effective service deliveries. Its governance structure is made up of a Board of Trustee, a Leadership Council, Board of Directors, Management Team and operation staff. For the profile of these personalities, kindly check our website (www.huridac.org).

HRDN-SL

The Human Rights Defenders Network-Sierra Leone (HRDN-SL) is a coalition of human rights civil society organizations and individuals working for the protection and promotion of human rights in Sierra Leone. HRDN-SL was established as a local chapter of the West Africa Human Rights Defenders Network (WAHRDN) in pursuant to the UN Declaration on Human Rights Defenders.

Our work is to support human rights defenders builds their capacity and expertise, strengthens their recognition and protection under national, regional and international law, and seeks to protect them from threats, risks and reprisals.

HRDN-SL has a governance structure that comprises General Assembly (GA), Board of Directors and Management Team (The Secretariat).