

IN THE HIGH COURT OF SIERRA LEONEGENERAL CIVIL DIVISIONIn the matter of Section 35(2) of the Constitution of Sierra Leone Act No 6 of 1991*And*In the matter of the Political Parties Act No 3 of 2002*And*In the matter of the Constitution of the Sierra Leones Peoples Party (SLPP) as amended 1995*And*In the matter of the Sierra Leones Peoples Party Rules and Regulations (as amended) for the conduct of Executive Elections which was adopted on the 11th of May 2016

BETWEEN

ALUSINE BANGURA

172B WILKINSON ROAD

FREETOWN

1st Plaintiff

ALEX KARGBO

HILL STATION

FREETOWN

2nd Plaintiff

VICTOR SHERIFF

JURING SORO BEIMA CHEIFDOM

PUJEHUN

3rd Plaintiff

AND

THE CHAIRMAN AND LEADER, SLPP

-

1st Defendant

THE ACTING SECRETARY- GENERAL, SLPP

-

2nd Defendant

THE REGIONAL VICE CHAIRMAN, WEST, SLPP

-

3rd Defendant

THE REGIONAL VICE CHAIRMAN, NORTH, SLPP

-

4th Defendant

THE REGIONAL CHAIRMAN, SOUTH, SLPP

-

5th Defendant

THE REGIONAL CHAIRMAN, EAST, SLPP

-

6th Defendant

Counsels appearing for parties

Sulaiman Banja Tejan-Sie with him Mugbe Musa and Alhaji Mustapha Kamara for the Plaintiffs
A.B.S Shangari for the 1st Defendant.

Anthony Y. Brewah, Umaru Napoleon Koroma, T. Beah, Musa Mewa, J.Kapuwa, J. Kallon and
E. S Tondoneh for the 2nd- 6th Defendants

JUDGMENT DELIVERED THIS 15TH DAY OF FEBRUARY 2017 BY JUSTICE DESMOND B EDWARDS JA

Plaintiffs' Claim

1. The Plaintiffs by originating summons dated 8th December 2016 as amended by order dated 20th December 2016 prayed before this Honourable Court for orders against the 1st -6th defendants as follows -

1. THAT this Honourable Court DECLARE the parallel Constituency Elections held in *Constituency 67* in the Bo District on the 26th November, 2016 under the auspices of *Mr. Edward Alim Soluku* the SLPP Regional Vice Chairman, South 5th defendant and the resultant Districts Elections of the 3rd December, 2016 based on the said parallel constituency elections, null and void.
2. THAT this Honourable Court DECLARE the parallel Constituency Elections held in *Constituencies 83 & 84* in the Moyamba District on the 26th November, 2016 under the auspices of *Mr. Edward Alim Soluku* the SLPP Regional Vice Chairman, South and the resultant Districts Elections of the 3rd December, 2016 based on the said parallel constituency elections, null and void.
3. THAT this Honourable Court DECLARE the parallel Constituency Elections held in *Constituency 90* in the Pujehun District on the 26th November, 2016 under the auspices of *Mr. Edward Alim Soluku* the SLPP Regional Vice Chairman, South and the resultant Districts, Elections of the 3rd December, 2016 based on the said parallel constituency elections, null and void.
4. THAT this Honourable Court DECLARE the parallel Constituency Elections held in *Constituencies 92, 93, 96, 97, 98, 99, 101, 102, 103, 104, 105, 106, 107, 109, 11 & 112*

in the Western Area on the 26th November, 2016 under the auspices of *Mr. Manso Dumbuya* the SLPP Regional Vice Chairman, West and the resultant Districts Elections of the 3rd December, 2016 based on the said parallel constituency elections, null and void.

5. THAT this Honourable Court DECLARE the parallel Constituency Elections held in *Constituencies 028, 029, 030, 031, 032, 033, 034, 035 & 036* in the Bombali District on the 26th November, 2016 under the auspices of Dr. Abass C. Bundu the SLPP Regional Vice Chairman, North and the resultant Districts Elections of the 3rd December, 2016 based on the said parallel constituency elections, null and void.
6. THAT this Honourable Court DECLARE the parallel Constituency Elections held in *Constituencies 059, 060, 061, 063, 065 & 066* in the Tonkolili District on the 26th November, 2016 under the auspices of Dr. Abass C. Bundu the SLPP Regional Vice Chairman, North and the resultant Districts Elections of the 3rd December, 2016 based on the said parallel constituency elections, null and void.
7. THAT this Honourable Court DECLARE the parallel Constituency Elections held in *Constituencies 050 & 052* in the Port Loko District on the 26th November, 2016 under the auspices of Dr. Abass C. Bundu the SLPP Regional Vice Chairman, North and the resultant Districts Elections of the 3rd December, 2016 based on the said parallel constituency elections, null and void.
8. THAT this Honourable Court DECLARE the parallel Constituency Elections held in *Constituency 040* in the Kambia District on the 26th November, 2016 under the auspices of Dr. Abass C. Bundu the SLPP Regional Vice Chairman, North and the Resultant Districts Elections of the 3rd December, 2016 based on the said parallel constituency elections, null and void.
9. THAT this Honourable Court DECLARE the parallel Constituency Elections held in *Constituency 007* in the Kailahun District on the 26th November, 2016 under the auspices of Hon. Philip T. Tondoneh the SLPP Regional Vice Chairman, East and the resultant Districts Elections of the 3rd December, 2016 based on the said parallel constituency elections, null and void.

10. That this Honourable Court grants an injunction on all the SLPP Regional Elections slated for the 10th DECEMBER 2016 or any other date or any meetings and proceedings of the National Executive Council (NEC) of the SLPP, the National Officers of the SLPP, the National Secretariat of the SLPP, Regional Elections Complaints Committees (RECC,) of the SLPP, Independent Elections Monitoring and Oversight Committee (IEMOC), the Constituencies Executive, the District Executives, the Regional Executives, Regional Conventions, purported Delegates and National Delegates Conference for the election of National Officers and the Presidential candidate of the party (SLPP) for the 2018 Presidential Elections.
11. That the National officers of the SLPP be restrained whether by themselves, their agents/privies or howsoever called from conducting, managing, organizing or supervising the SLPP Regional Elections slated for the 10th December 2016 or any other date and all or any other meetings and proceedings of the National Executive Council (NEC) of the SLPP, the National Officers of the SLPP, the National Secretariat of the SLPP, Regional Elections Complaints Committees (RECC) of the SLPP, Independent Elections Monitoring and Oversight Committee(IEMiOC), the Constituency Executive, the District Executives, the Regional Executives, Regional Conventions, purported Delegates and National Delegates Conference for the election of National Officers and the Presidential candidate of the party (SLPP) for the 2018 Presidential Elections.
12. Any Further or Other Order(s) that may seem just to this Honourable Court.
13. THAT the costs of this action BE BORNE by the Defendants/Respondents herein.

Affidavits In Support Of The Action

2. In support of the action was the affidavit of Alusine Bangura sworn to on the 9th day of December 2016 and the supplemental affidavit of Victor Sheriff sworn to on the 6th of January 2017. Further affidavits in support of the action comprised the supplemental affidavits of Sorie Ibrahim Fofanah, Mohamed Kamara, Marie Boie Kamara, Marion NGakui, Edward Nat Jones, Melvin David Rogers and Alhaji Mustapha Gogra, all sworn to on the 20th of January 2017 and the additional affidavit of Victor Sheriff sworn to the 20th of January 2017.

3. The affidavit of Alusine Bangura had exhibits A-H. Exhibit A is a copy of the membership subscription card; Exhibit B is a copy of the Originating Summons in this action; Exhibit C are copies of complaints from the 26th November Elections to RECC Western Area; Exhibit D is a letter dated the 22nd of November 2016 from the Acting Registrar of the PPRC titled re-compliance with the rules and regulations of the SLPP to the Acting Secretary-General of the SLPP. Exhibit E is a copy of the Report on the 112 Constituencies elections dated 29th November 2016 from the chairman of the SLPP to the Commissioners PPRC; exhibit F is a letter dated 22nd November to the Inspector General of Police submitting delegates list and venues for the conduct of Constituency Executive Elections from Amb Alie Badara Kamara Acting National Secretary-General of the SLPP the 2nd defendant herein forwarding among things the Rules and Regulations of the SLPP as Gazetted via Govt Notice No 16 dated 29th January 2016 herein after referred to as “ the Gazetted Rules and Regulation”, a letter dated 21st November 2016 from one Med Kay District Chairman for URBAN East District Constituency Elections, Time-table for 26th November 2016 and a list of Election supervisors; Exhibit G is a copy of the Rules and Regulations of the SLPP as amended; exhibit H are 2 Press releases from the Acting Secretary General and the Chairman and Leader of the party both dated 1st December 2016.

4. The plaintiffs also sought leave to use the supplemental affidavit of Victor Sheriff sworn to on the 6th of January 2017. This affidavit had the following exhibits, Viz exhibits VS1-VS14; VS1 and VS1a are Victor Sheriff's membership and contribution Cards respectively; VS2 and VS2a are copies of the Amended Originating summons and amended *Exparte* Notice of Motion which had been dealt with in my previous order of 18th January 2017; VS3 are legal submissions on the Rules and Regulations for the conduct of Executive Elections of the SLPP as provided in the NEC meeting of 9th January 2016; VS3A is a letter dated 11th January 2016 being a letter of complaint to the Political Parties Registration Commission (PPRC); VS4 is a letter dated 15th January 2016 in reply to the Letter of 12th January from the Chairman and leader of the SLPP requesting compliance with Section 24 of the Political Parties Act No3 of 2002; VS5 are Rules and Regulations for the conduct of SLPP Executive Election published in Gazette Vol No CCXLVII No 5 Gov Notice No16 dated 29th January 2016 (the gazetted rules and regulation ; VS6 is a set of Amended Rules and Regulations for the conduct of elections allegedly adopted on 11th May 2016 herein after called “the Rules and Regulations as amended” : VS7 was a proposed time table for the conduct of lower level elections 2016 following 4th June 2016 NEC meeting; VS8 is a report of the PPRC on the rerun of Lower level elections in 31 constituencies undated; VS9 was a letter from the PPRC to the Acting Secretary-General of the SLPP dated

22nd November 2016; VS10 was a Press Release from the National Chairman and leader of the SLPP dated 1st December 2016; VS11 was an order of this Honorable Court dated 9th December 2016; VS12 is a NEC Resolution dated 17TH December 2016; VS13A is a letter from the National Secretary to Dr Kandeh Kolleh Yumkella dated 30th December 2016; VS13B is a Press Release from the Acting Secretary-General of the SLPP to the Inspector-General of Police dated 30th December 2016; VS14 is the Undertaken as to Damages filed by the plaintiffs.

5. In the supplemental affidavits of Sorie Ibrahim Fofanah, Mohamed Kamara, Marie Boie Kamara, Marion NGakui, Edward Nat Jones, Melvin David Rogers and Alhaji Mustapha Gogra all sworn to on the 20th of January 2017 you had several exhibits. In the supplemental affidavit of Sorie Ibrahim Fofanah you had exhibit SIF1 – SIF15. In the Supplemental affidavit of Mohamed Kamara you had exhibit MK 1- MK11 while in the affidavit Marie Boie Kamara you had exhibit MBK 1 to MBK8. Marion NGakui's affidavit had 8 exhibits vi z MN1 – MN8 while that of Edward Nat Jones had 5 exhibits Viz ENJ1 – ENJ 5. Melvin David Rogers' supplemental affidavit had exhibits viz MDR1 – MDR81-2. Alhaji Mohamed Gogra's affidavit had only No exhibit. References to these affidavits and what they are in actuality have been carefully noted and considered. Arguments relating thereto have also been carefully considered. I would make reference to them as and when necessary. Suffice it to say at this stage that they constitute what the plaintiffs believe are the irregularities in the constituencies and district executive elections for each and every constituency for which they are demanding that the constituency elections and resultant district elections results be declared null and void. They in the main show what was the proper list for the elections and what they construed as the irregular list/ parallel list upon which the election results to be declared null and void were based.

6. As stated supra in support of the plaintiffs' case was the additional affidavit of Victor Sheriff sworn to the 20th of January 2017. It had attached to it exhibit VS1-4. Under VS 1-4 was a letter dated 16th February 2016 to the Chairman PPRC from Messrs Amb Fode M. Dabor and Alex Mugbe Musa Esq *titled objections to the Rules and Regulations for conduct of executive elections of the SLPP published in the SL Gazette PN No 16 dated Friday 29th January 2016*; another letter undated to the Chairman PPRG re objections to the Gazetted SLPP Rules and Regulations – lower Level elections from Victor Sheriff the 3rd plaintiff herein; letter dated 6th January 2016 from All Intending Aspirants Alliance AAA of the SLPP to the chairman PPRC; Letter dated 11th February 2016 titled petition / objection to the Gazetted Rules and Regulation

of the SLPP from yours faithfullybut copied to several people and lastly an undated document captioned objections on the SLPP Gazette Rules and regulations.

7. The last affidavit in support of the action is that sworn to by Alhaji Mustapha Kamara sworn to on the 24th of January 2017 to which was attached exhibits viz AMK1- AMK4. AMK1 is the Party card and Subscription Card of Alhaji Mustapha Kamara; AMK2 is copy of the minutes of the RECC West first meeting; AMK3 1-4 are copies of some complaints received while AMK4 is a copy the report on those complaints.

1st Defendant's Support Of The Action

8. The 1st defendant did not oppose the action but filed an affidavit in support of the action to which was exhibited BSS 1-14 and a supplemental affidavit in support to which was exhibited BSS15 – 23. BSS1 is the court order dated 9th December 2016; BS2 is a Circular information titled an interim injunction dated 13th December 2013; BSS3 is the NEC RESOLUTION of 10th January 2016; BS4 are rules and regulations of the SLPP approved by the NEC meeting of 10th January 2016; BSS5 is a letter dated 15th January 2016 from the PPRC to National Chairman and leader giving directions for them to submit the electronic copy of these rules for publication in the Gazette, same which was copied to Amb Fode M. Dabor. BSS6 is the gazetted rules and regulations of the SLPP; BSS7 is a public notice in the Exclusive Newspaper of 3rd February 2016 informing the public about the publication of the rules & regulations in the gazette as from the 29th of January 2016. BSS 8 is an undated document captioned objections on the SLPP gazette rules and regulations; BSS9 is the Rules and Regulations (as amended) for the conduct of executive elections of the SLPP; BSS10 a Resolution of NEC dated 4th June 2016; BSS11 is a report on the 2016 SLPP RERUN LOWER CONSENSUS. ELECTION from the PPRC; BSS12-1 is the NEC RESOLUTION of 29th October 2016; BSS12-2 is a time table for the conduct of chieftdom /constituency/ district and regional executive elections; BSS 13 is letter dated 22nd November 2016 re Compliance with the Rules and Regulations of the Party from the PPRC; BSS 14 is a letter dated 29th November 2016 to PPRC commissioners titled reports on the conduct of the 112 constituencies from the chairmen and leader of the SLPP; BSS 15 is the 1995 Constitution of the SLPP as amended; BSS16 is the Judgment of the Supreme Court in the case of ALIE ESSA BANGURA V CHIEF BAI SEBORAH SOMANO KAPEN THE 111 dated 15th December 2015; BSS17 is the Press Release dated 1st December 2016 directed to all SLPP members ordering the postponement of elections;

9. The 1st defendant filed a supplemental affidavit sworn to the 23rd of January 2017 to which you had the following exhibits *BSS18 which is a copy of internal memorandum issued by the 2nd defendant dated 21st November 2016 directing all District chairman to comply with clause 2.13 of the gazette rules and regulations*; BSS 19 is a copy of minutes of National officers held on the 12th of November 2016; BSS20 is a letter dated 19th January 2017 from the SLPP titled request for documents to the acting registrar PPRC the same as evidenced received by PPRC stamp on the 20th January 2017. BSS 21 is copy of the attendance sheet of the NEC meeting held on the 17th of December 2017; BSS22 is a repeat of BSS 20 and BSS 23 is a list of NEC Members excluding those members of NEC who are honorable parliamentarians.

Affidavits In Opposition Of The Action

10. The 2nd – 6th defendant vehemently opposed the action and filed an affidavit in opposition sworn to on the 5th of January 2017 and 24th of January 2017 respectively and an affidavit in opposition to the additional affidavit of Victor Sheriff sworn to on the 24th of January 2016. Attached to Alie Badara Kamara's affidavit of the 5th January 2016 were exhibits ABK 1-14. ABK1&2 are the Memorandum and Notice of appearance with respect to 2nd to 6th defendants herein; ABK3 are Rules and Regulation for the conduct of Executive Elections Gazetted dated 29th January 2016- the Gazetted rules and regulations of the SLPP; ABK4 is a Judgement of the Supreme Court of Sierra Leone dated 15th December 2016 between Allie Essa Bangura V Chief Bai Seboru Somano Kapen III and 27 others ; ABK5 is a letter dated 11th January 2016 sent as complaint to the PPRC from Messrs Amb Dabor, Musa And Dr Alusine Fofanah; ABK6 is a letter written to the chairman PPRC dated 12th January 2016 by the Chairman and Leader of the SLPP; ABK7 is a letter dated 15th January 2016 written by the Acting Registrar of the PPRC-re-Resolutions of the National Executive Council giving directions that pursuant to section 24 of the Political Parties Act No3 of 2002 the Rules and Regulations resolved at the NEC meeting of 9-10 January 2016 must be gazetted inviting objections from the public ; ABK 8 is Public Notice in the Awoko newspaper from the PPRC informing the public about the publication of those Rules and Regulations on Gazette from the 29th January 2016 and inviting objections; ABK 9 is the gazette d rules and regulations ; ABK 10 is a Letter dated 5th February 2016 written to the Chairman of the PPRC from Amb Dabo, Mugbe Musa and Yasmin Jusu-Sheriff reacting to the Public Notice published but not objecting to the rules and regulations as gazetted; ABK11 are Rules and Regulations as amended for the conduct of Executive Elections of the SLPP: ABK12 is a Resolution of NEC dated 29th October 2016 informing national officers to prepare a time table for the conduct of lower level executive elections ; ABK13 is a copy of the

minutes of the meeting of National Officers held on Saturday 12th November 2016 with attendance list setting out the time table for lower level executive elections and ABK 14 is a letter to the Inspector General of Police dated 14th November 2016 forwarding the time line for the conduct of elections.

11. On the affidavit of Alie Badara Kamara of 24th January 2017 you had the following exhibits viz exhibit ABK 1- ABK3 while that of his affidavit in opposition to the additional affidavit of Victor Sheriff had no exhibit.

Cross Examination of the 1st & 2nd Defendants on their respective Affidavits By Counsel for the Plaintiffs

12. The plaintiffs' solicitors had given notices to both the 1st and the 2nd defendant herein for cross examination on their respective affidavits dated the 16th of December 2016 and 5th January 2017 respectively and thus they were so cross examined after the plaintiffs' counsel had completed his arguments for the plaintiffs. The cross examinations have not been produced herein verbatim but could be seen in the judges notes which forms part of this judgment. The outcome of these cross examinations will be dealt with as and when necessary under consideration of the issues.

13. I have painstakingly studied and considered each and every document exhibited under these proceedings but would only refer to them as and when necessary.

Arguments

Plaintiffs' Counsel's argument

14. Mr. Sulaiman Banja- Tejan -Sie Counsel for the plaintiffs argued for and behalf of the plaintiffs. He submitted that they relied on the Constitution of Sierra Leone 1991 which provided in section 35 (2) as follows

"The internal organization of a political party shall conform to democratic principles and its aims objectives purposes and programs shall not contravene or be inconsistent with any provisions of this constitution."

15. That further to same they relied on the SLLP Constitution of 1995 as amended to wit and in particular sections 4(e)(iv), 4(e) vii) and 4(f) (v). More particularly Mr Sulaiman Banja Tejan – Sie relied on the Rules and regulations as amended of the SLPP - Clauses 2 (1)- 2(5), 2(7),

2(11), 2(12), 2(13), 2(20), 2(21), 2(22)-2(25) and clause 7(2). He lastly also made reference to the Political Parties Act No 3 of 2002 paying heavy reliance on sections 6, 11, 12, 27, 29 and 32 paying especial reliance on section 24 (2) under which he argued several objections were made against "the Gazetted Rules and Regulations" of the SLPP as published by Government Notice No 16 of 29th January 2016 the same exhibited in the affidavit of the Victor Sheriff, the 3rd plaintiff herein as VS 6. On this issue of the publication Mr Tejan-Sie submitted that the said publication by the gazette was Government Notice, and by virtue of section 8 of the Interpretation Act 1971, once the chairman or its commissioners had published the said rules the purpose was to inform the public of the rules and invite objections but not to give legislative effect to these rules. He further submitted that pursuant to the definition of Government Notice in the Interpretation Act 1971 and section 24 b) of the Political Parties Act No 3 of 2002 that any alteration to the Rules and Regulations of the of Political Parties where objections are taken as in the instant case shall come into effect at such time as the PPRC may determine and not at the behest of the SLPP National Executive Counsel or its publication in the Gazette.

16. Secondly, that because "the gazetted Rules and Regulations" could not have come into force for the aforesaid reasons the "Rules and Regulations of the SLPP AS AMENDED" and adopted on the 11th May 2016 were the Rules and Regulation applicable for the conduct of lower level elections of the SLPP.

17. Lastly, regarding all the exhibits in support and more particularly exhibits SIF1-SIF15, MK1 -MK11, MN1-MN8, MBK1-MBK8, MDR1-MDR81-2, ENJ1-ENJ5 and the fact why these constituencies and district elections should be declared null and void, counsel for the plaintiffs argued that in each of these constituencies the said irregularities could be gleaned from exhibits SIF1-SIF15, MK1 -MK11, MN1-MN8, MBK1-MK8 MDR1-MDR81-2 ENJ1-ENJ5 and were to all intents and purposes ultra vires the aforesaid provisions viz. "the Rules and Regulations of the SLPP as amended" dated 11th May 2016, the Constitution of the SLPP 1995 as amended, Section 35 (2) the Constitution of Sierra Leone Act No 6 of 1991 and the Political Parties Act No 3 of 2002, whereof these provisions had been woefully ignored with a blatant failure of the defendants to so comply with same, hence the reason for asking this court to declare such elections and the resultant districts elections results null and void. He relied on the case **BRADBURY & OTHERS V ENFIELD LONDON BOROUGH COUNCIL (1967) 3 ALL ER 434**

1st Defendant's Counsel's Argument

18. The first defendant's counsel argued that "the gazetted rules and regulations" of the SLPP did not have the force of law ; that "the gazetted rules and regulations" was in violation of Constitution of Sierra Leone Act No 6 of 1991 and the SLPP 1995 Constitution as amended; that certain provisions in the gazetted rules and regulation to wit Clause 2(13) empowered Regional Chairmen to supervise the elections complained of and it gave them diverse and uncontrolled powers contrary to democratic principles which was also contrary to orders 2 & 3 of the Supreme Court decision in the unreported Supreme Court case of Alie Essa Banguara V Chief Bai Sheboreh SOMANO Kapen 111 of 15th December 2015. He laid emphasis on exhibit BSS13 on which the PPRC wrote to the 2nd defendant telling him which rule should apply and argued that notwithstanding that letter of 22nd November 2016, the 2-6th defendant reverted to using "the gazetted rules and regulations" instead of "the Rules and Regulations as Amended" dated 11th May 2016 . He adopted the other arguments of the plaintiffs' counsel.

The 2nd -6th Defendants' Counsel's Argument/Reply

19. The 2-6th defendants' counsel Umaru Napoleon Koroma started by noting that the application by Originating Summons dated 8th December 2016 as amended was to declare 39 constituencies elections null and void as prayed for in that Originating Summons but that from the affidavits in support for some of these constituencies they had deposed to, they were rather asking this court to look into elections held in sections, chiefdoms, zones or regions, a clear example being in the case of Alhaji Mohamed Gogra where in his affidavit sworn to on the 20th of January 2016 they were asking this court to declare null and void elections that were held at District level which was never the prayer before this Honourable Court as could be gleaned from paragraph 9 of the aforesaid Originating Summons as amended . . . In such situations without going further those prayers cannot and have not been proved.

20. With respect to the other claims dealing with constituencies he submitted that it was for this court to decide or determine which Rules and Regulations for the conduct of executive elections were used to conduct those elections, noting that the plaintiffs are saying it was the amended rules that were used and that should have been used for the conduct of those elections, but that it was rather "the gazetted Rules and Regulations" dated the 29th of January 2016 that were used causing parallel lists. He therefore sought answers from the court on whether "the rules and regulation as amended" which the plaintiffs alledged were used, the Rules and Regulations of the SLPP under law? ; or Was "the gazetted rules and regulations of 29th January 2016" the

proper / recognized rules and regulations of the SLPP ; and If these gazetted rules were indeed the proper / recognized rules of the SLPP whether the Regional Chairmen had the right to participate in the process of conducting these lower level elections involving the constituencies?

21. Mr Umaru Koroma Counsel argued that following the Supreme Court decision of 15th December 2015 supra the 2nd order thereto, to wit, ***"That the elections for national officers of the SLPP are to be organized by the National Executive Council of the party in view of the fact that the tenure in office of the national officers elected in August 2013 has expired"*** had given the National Executive Council of the SLPP the authority to organize elections. Pursuant to same NEC had come up with Resolutions which authorised national officers to prepare for the conduct of lower level elections for which one such resolution was the resolution of 29th October 2016 as exhibited as ABK 12 in the affidavit of Alie Badara Kamara of 5th January 2016

22. On the question of the rules and regulations operational as at the material time when those elections were held, he argued, before 29th January 2016 when these rules were published in the gazette of 29th January 2016, the SLPP had No rules and regulations for the conduct of lower level elections. It was to be in conformity with the Supreme Court decision in the Allie Essa Bangura case of 15th December 2015 and for democratic principles to be observed reference to sections 35(2) of the Constitution of Sierra Leone 1991 that the party agreed to draft rules and regulations for the conduct of executive elections of the SLLP.

23. He argued that following this, exhibit ABK 6 letter of 12th January 2016 was written by the chairman and leader of the SLPP to the PPRC. PPRC on receipt of these rules then published same for 14 days as stated in exhibit ABK8 relying on the Political Parties Act No 3 of 2002 Section 24(2) thereof.

24. He noted that in paragraph 24 of the affidavit of 5th January 2017 the 2-6th defendants conceded to the fact that there were objections but that these objections were as gleaned from exhibit BSS8 a document which I have observed to be an undated document captioned objections on the SLPP gazette rules and regulations. *He submitted that that the question this court has to determine was whether those objections led to any amendment to "the gazetted rules and regulations"*. In his own summation of things the answer to this question was that there were proposed amendments as confirmed by DW2 under cross examination. Where those

proposed amendments adopted? No as in re- examination of this witness the answer given by DW2 was that they were never adopted.

25. He argued further that it was a requirement for those proposed amendments to be gazetted under section 24 1) and 2) of the Political Parties Act No 3 of 2002 and that this was never done in so far as the so called rules and regulations as amended were concerned. Against such scenario he argued and concluded that the plaintiffs can never be right to declare 39 constituencies elections null and void on the ground that "the rules and regulation as amended" which were in fact not adopted nor gazetted should have been used and were never used .

He too relied on the case of **BRADBURY & OTHERS V ENFIELD LONDON BOROUGH COUNCIL (1967) 3 ALL ER 434**

26. On the issue of whether the regional chairmen had the right to participate in the process he relied on clause 2 (13) of "the gazetted rules and regulations as exhibited in exhibit ABK 3 arguing that it was in line with the said provision that these elections complained of where conducted. He submitted that while those elections were ongoing the 1st defendant in complete disregard of the Supreme Court orders of 15th December 2015 complained to the PPRC and the PPRC wrote back to the 2nd defendant. That reply is constituted by the letter of 22nd November 2016 which is exhibited in the plaintiffs and 1-6th defendants affidavits. In that letter of 22nd November PPRC never said "the Rules and Regulation of the SLPP as amended" should be used for the 31 constituency elections to be re-run but rather the rules and regulations of the SLPP 2016 which no doubt must and should imply "the gazetted rules and regulations" . He argued that by no stretch of imagination should it be implied that those words meant "the rules and regulations of the SLPP as amended" noting that this court ought take judicial notice of the fact that when legal instruments are amended they are referred to "as amended". He argued further that 112 Constituency elections were conducted under "the gazetted rules and regulations"; 81 according to DW1 under cross examination passed the acid / litmus test. It would be wrong for the plaintiffs to complain about the other 31 under these gazetted rules and regulations buttressing his argument that even from the affidavit of Melvin David Rogers sworn to on the 20th of January 2017 paragraph 7 thereof -exhibit MDR5 which the plaintiffs so much relied on; it was 'the gazetted rules and regulations' and not "the rules and regulations as amended" that were used. He concluded by saying that the plaintiffs in all their affidavits inclusive of the affidavit in support by the 1st defendant have not been able to prove before this court that the

regional chairmen acted ultra vires any laid down rules and regulations for the conduct of executive elections as would require this Honourable court to invoke its jurisdiction to declare elections in 39 constituencies null and void.

27. He ended by submitting that “the Rules and regulations as amended” were nothing but mere proposals to effect amendments to “the gazette rules and regulations”. They did not have the force of law and were never made legal by any enactment; and this court cannot be seen to condone illegality, noting that if this court were to grant them their prayers this court would be holding that the proposed amendments which were not adopted nor gazette pursuant to section 24 (1) (b) and (2) of the Political Parties Act No 3 of 2002 is valid.

28. On the issue that a Government Notice does not have any legal force as submitted by both the plaintiffs solicitor and the 1st defendant’s solicitor, he argued that that argument cannot be true as the Government Notice has its authority from Section 24 which is an Act of parliament.

In Answer

29. In his answer counsel for the plaintiffs argued that it was wrong to limit their prayers only to constituency elections as in each case they had prayed that the results of the district elections be nullified. He argued that “the rules and regulations as amended” cannot and should never be considered proposed rules as nowhere in the title or body of those rules is the word proposed rules found. **He argued that “the gazetted rules and regulations” never came into force as pursuant to section 24 of the Political Parties Act 2017 the same was vehemently objected to.**

Under the said section, he concluded, when rules are objected to they only come into force when the authority publishing those rules and regulations decide they should come in to force and that was on the 11th of May 2016. He further submitted that elections were put on hold for a period of 5 months i.e January – June 2016 after the adoption of the rules because they wanted these rules to bind all.

30. He concluded by submitting that there is more than sufficient evidence before this court of the irregularities, and in the circumstances, based on the evidence and the law, this court had no alternative but to nullify all the elections complained of and grant all the reliefs prayed for.

Consideration of the Issues

31. Before delving into the issues which call for consideration in this action it is perhaps pertinent and germane to these proceedings to note that the plaintiffs as part of their argument did contend that the elections conducted did not conform to Section 35 (2) of the Constitution of Sierra Leone Act No 6 of 1991 and Sections 4(e) (4), 4(e)(5), 4(e)(7) 4(f)5 of the SLPP Constitution 1995 as Amended. These are 2 separate instruments which emphasized the need for the observance of democratic principles in the internal affairs of the SLPP. A close look at “the gazetted rules and regulations” of the SLPP and “the rules and regulation as amended” of the SLPP shows that both of these separate and distinct rules did make for those provisions in their preliminaries/preamble such that except otherwise proven by actual facts and circumstances it would be wrong to say that the elections did not so comply.

The only differences that could be seen with respect to “the gazetted rules and regulations” and “the rules and regulations as amended” it would appear to me, is that whereas 2 (13) of the gazetted rules and regulations provides as follows:

“The delegates lists to be used for any election of party executives from constituency to regional levels to be valid shall be duly authenticated by signature of the Regional chairman and duly published /displayed /circulated by the executive concerned for a period of not less than five(5)days prior to the date of the election”

that of the rules and regulations as amended provides as follows

“The delegates lists to be used for any election of party executives from constituency to regional levels to be valid shall be duly signed by the chairman and secretary of the next hirer level and duly published /displayed /circulated by the executive concerned for a period of not less than five(5)days prior to the date of the election”

Other differences could be seen in clause 2 of both rules

32. Lastly, whereas “the gazetted rules and regulations” talks about “legal context” the rules and regulations “as amended” speak of “law” and details among other things mentioned in “the gazetted rules and regulations”, provisions relating to the Political Parties Act No 3 2002.

33. I note that the plaintiffs have said they relied on the Constitution Act No 6 of 1991; the Constitution of the SLPP 1995 as amended and the several provisions relative to clause 2 of the rules and regulations as amended. Be that as it may the fact remains that these constitute the substantial differences between these Rules such it must be said the whole dispute if narrowed down relates to rules and regulations applicable and which was used, however, rightly or wrongly.

34. In handling the issues this case presents before this court this court notes that the plaintiff said "the gazetted rules and regulations as published in Government Notice No 16 of 29th January 2016 does not have the force of law and was their only to inform for objections. This position was supported by the 1st defendant's counsel and both counsels relied on the provisions of the Interpretation Act No 8 of 1971. As against this submission the defendant solicitors have argued that the Government Notice does have the force of law by reason of the Act of Parliament. The question this court has to decide as an issue is whether the Government Notice No 16 which is "the gazetted rules and regulations" does have the force of law. In section 4 (1) of the Interpretation Act No 8 of 1971 it is provided that *"In every Act, and every adopted law unless a contrary intention appears "Government Notice" means a public announcement of a non legislative character made by a minister or a public officer in the gazette."*

35. Non-legislative character means that it is not law, primary or secondary/ subsidiary, in that it does not fall under the of laws of Sierra Leone as found under **Section 170 (1) – (7) of the Constitution of Sierra Leone Act No 6 of 1991**, to wit, the aforesaid constitution, laws made directly by parliament or under the authority of parliament ,Constitutional and Statutory instruments, the Existing law and the Common law. The Political Parties Act No 3 of 2002 gave the mandate and requirement that the rules and regulations of the SLPP being altered must be published by Government Notice. Section 24 of the Political Parties Act provides thus:

24. (1) Where a political party registered under section 12 intends to alterb) Its rules or regulations, if any, It shall notify the Commission of its intention and the Commission shall, within fourteen days after the receipt of the notification, cause to be published by Government Notice the intended alteration, and invite objections, if any, to anything contained in the intended alteration.

(2) Every alternation shall come into effect –(a) If no objection is made to the alteration, one month after the publication by the Commission of the Government Notice referred to in subsection (1); and (b) In any other case, at such time as the Commission may determine.

The limit of the operation as Government Notice is clearly stated in 24 a) supra . It does not have legislative force as rightly propagated by the plaintiff's counsel and 1st defendant 's counsel but that is as far as it goes. It would appear to me, however, that while the Government Notice is not of legislative character meaning that it is not law, not being within the parameters of the primary and secondary legislations espoused under Section 170 (1) –(7) of the Constitution of Sierra Leone supra, neither does it have the force of law; by the very Political Parties Act section 24(2)(a) thereof, it would gain the force of law or operation, if after publication for 1 month there is no objection to the publication. Thus whilst it remains the Government Notice it has no force of law but after the expiration of 1 month there from publication it transforms and metamorphoses to having a legal effect. In such a situation it assumes legal force or effect by effluxion of time barring no objections thereto as per the said Act. It is not the Government Notice, but rather it is the Act of Parliament, – Political Parties Act No 3 of 2002, hereinafter referred to as “PPA No 3 of 2002” under the rubric of the second ambit of laws made by or under the authority of parliament that gives it the force of law.

36. Another issue for determination is the fact that the plaintiffs have argued that “the gazetted rules and regulations” never came into force as pursuant to section 24 of the “PPA No 3 of 2002” the same was vehemently objected to. The 2-6th defendants in their reply said exhibit BSS8 were the objections made and thus this court ought determine whether those objections led to any amendment to “the gazetted rules and regulations” so as to bring in “the rules and regulations as amended”. Noting the provisions of Section 24 of the PPA No 3 of 2003, the above no doubt begs several questions relating to objections to “the gazetted rules and regulations.” viz, Were there objections made to “the gazetted rules and regulations” and were those objections made within the time frame set for receipt of objections and to whom were those objections were made and whether the objections if any stopped “the gazetted rules and regulations” from coming into effect .All these questions would be handled under this - Were there objections made to “the gazetted rules and regulations’

Were there Objections Made To The Gazetted Rules and Regulations Of The SLPP

37. The plaintiffs through the 3rd plaintiff presented in his additional affidavit exhibit VS 1-4 several objections viz, a letter dated 16th February 2016 to the Chairman PPRC from Messrs Amb Fode M. Dabor and Alex Mugbe Musa Esq *titled “objections to the Rules and Regulations for conduct of executive elections of the SLPP published in the SL Gazette PN No 16 dated Friday 29th January 2016”*; another letter undated to the Chairman PPRG –“re objections to the Gazetted SLPP Rules and Regulations – lower Level elections” from Victor Sheriff, the 3rd

plaintiff herein ; letter dated 6th January 2016 from All Intending Aspirants Alliance AAA of the SLPP to the Chairman PPRC ; Letter dated 11th February 2016 titled “petition / objection to the Gazette Rules and Regulation of the SLPP” from yours faithfullybut copied to several people and lastly an undated document captioned “objections on the SLPP Gazette Rules and regulations”.

38. This notwithstanding the 1st defendant who had always supported the plaintiffs said in his own affidavit that only the last of those purported objections were the many objections raised. This he said in paragraph 12 of his affidavit in support of 16th December 2016 under which he was cross examined and this was long before the 3rd plaintiff's additional affidavit of 20th January 2017 was received by this court. In paragraph 24 of the affidavit of Alie Badara Kamara sworn on the 5th of January 2017, he too, said that there were objections after the publication in the gazette but did not say when those objections were made. The 2-6th defendants counsel argued that BSS 8 was the only objections made. Against what has been deposed in the affidavit of Victor Sheriff on the 20th of January 2017 and the exhibits attached thereto exhibit VS1-4, it behoves this court to consider whether those documents exhibited were objections and objections which prevented “the gazetted rules and regulations” from coming into force. The first is Letter of 16th February 2016 from lawyers Amb Fode M Dabor and Mugbe Musa. It raised at least one issue relating to “the gazetted rules and regulations”. There is a presumption in favour of the plaintiffs’ regarding dates which says it is a general prima facie presumption that all documents whether ancient or modern, whether formal, as deeds and wills, or informal, as receipts and letters, and whether emanating from parties or strangers were written on the day they bear date **SEE ANDERSON V WESTON 1840. 6 BING NC296300-306 ; SEE ALSO BUTLER V MOUNT GARRET 1859) 7HLC 633.** So I will presume that having been dated the 16th of February 2016 that was the date it was written. This is however as far as it goes because for it to be an objection it must not only be written, if at all, but received by the PPRC. In the case of **BRADBURY & OTHERS V ENFIELD LONDON BOROUGH COUNCIL (1967) 3 ALL ER 434** which both counsels referred to a portion thereof is relevant here. Lord Denning said and I quote *“I therefore hold in agreement with the judge that in regard to the eight schools the council intend to cease to maintain them and to establish new schools within Section 13 of the Act of 1944 . They ought therefore to have given public notice of their proposals so that people ought object. On objections being lodged , the Secretary of State would have to consider them”.* From the above, we see that objections are not just to be made but to be lodged and received . In the same vein objections must be lodged and received by the PPRC for them to

receive and consider and/ or take action on them e.g. If somebody objects by saying that he is objecting and in substance talks about something completely different would that be an objection to the rules and regulations? Certainly not! But the emphasis here is not so much on the consideration of it but on the lack of receipt of this objection. When the Act says **“Every alternation shall come into effect –(a) If no objection is made to the alteration, one month after the publication by the Commission of the Government Notice referred to in subsection (1)”** it would be wrong to use the literal rule of statutory interpretation on the words **“objection is made”** as it is bound to produce absurdity. Hence the Golden rule of Interpretation of Statutes apply. This so because quite simply for until objections are received it would be absurd to say they have been made when not yet received.

39. There are a plethora of cases which show how this golden rule of interpretation of statutes is applied. See the case of **SIGSWORTH, RE BEDFORD & BEDFORD 1935 CH89** SEE ALSO **RIVER WATERS COMMISSIONERS V ADAMSON 1876-77 LR2 APPCASE 743**. The rule was defined by Lord WENSLEYDALE in **GREY V PEARSON 1857** thus “the grammatical and ordinary sense of the words is to be adhered to unless that would lead to some absurdity or some repugnance or inconsistency in which case the grammatical and ordinary sense of the words may be modified so as to avoid absurdity or inconsistency but no further”.

40. In **RV ALLEN (1872) LR 1CCR 367** the defendant was charged with bigamy under Section 57 of the Offences Against the Persons Act 1861 which stated “*Whosoever being married shall marry any other person during the life time of the former husband or wife is guilty of an offence*”. Under the literal rule bigamy would be impossible because civil courts do not recognize 2nd marriages i.e a second marriage is illegal the interpretation of “marry” becomes absurd so the golden rule was applied to determine that the word “marry” should be seen as going through the ceremony of marriage and the conviction upheld.

41. In another case **ADLER V GEORGE (1964) 2QB 7** under Section 3 of the Official Secrets Act 1920 it was an offence to obstruct HM Forces in the vicinity of a prohibited Area. Adler was arrested for obstructing forces whilst in a prohibited area. Under the literal rule Adler was not in the vicinity of the Area –he was in the area and so was not infringing the terms of the Act. The golden rule was applied to extend the meaning so to speak of vicinity and avoid the possible absurd outcome.

42. There cannot be any doubt in ^mmind that the expression no objection is made means "no objections received ./ lodged". It will be hard to believe that a whole Institution like the PPRC would receive a letter of this nature by and large constituting an objection to "the gazetted rules and regulations" and yet fail to acknowledge receipt in such ^amatter so germane and important. In a letter produced before this court at least I saw evidence that they do have a receipt stamp, by which they acknowledge receipt of documents see exhibit BSS 20 in the 1st defendant's supplemental affidavit sworn to on the 23rd of January 2017. There is to my mind a presumption of regularity in favour of PPRC couched in the latin maxim **OMNIA PRAESUMMUNTUR RITE ESSE ACTA** in that they having not receive any objection was the reason for them not to acknowledging receipt. In **Phipsons Law Of Evidence 11th Edition Para 2026 Page 920** the learned author said "this presumption which is nearly akin to innocence is chiefly applied to judicial and official acts and though sometimes conclusive is in general only rebuttable". The extent to which this presumption of regularity is applied could be seen in the case **TINGLE JACOBS & CO V KENNEDY (1964) 1 WLR** where it was held that in the absence of evidence to the contrary it was to be presumed that traffic lights were in working order. In the absence of evidence to the contrary it must be presumed that PPRC did not receive that objection – that it was never lodged. Looking at it from the other side it leaves much to be desired to see that lawyers would make an objection to something ^{which} with was to all intents and purposes their life as political animals yet fail to get evidence and produce evidence of proof of service of this letter of 16th February 2016 purportedly written with in the one month period. It is interesting also that this letter is copied to no one. The normal way to prove service or delivery of a document is through registered post or way book. None has been produced before this court. He who asserts must prove. It is not because you are a lawyer and you say you have sent a document – the court ought to believe that you did. There is I say again a presumption of regularity in favour of PPRC in that they not having received any objection cannot acknowledge receipt. From the chronology of events as shown by the various exhibits herein presented before this court there is marked absence of the PPRC from the publication of "the Gazetted Rules and regulations on the 29th January to 22nd November 2016 except for its report on the rerun consensus election in June. That report came after

43. Regarding the 2nd letter of exhibit VS1-4 It is addressed to PPRG instead of PPRC - this is just a mistake, I suppose, but worse still it is undated. In a case like this if the objection was received within the 1 month period commencing the 29th January 2016 it had the effect of preventing the proposed rules and regulations published in the gazette i.e the gazetted rules from

coming into effect. But if no objections were made and made outside the one month period the rules would have come into effect by effluxion of time . There is a presumption with respect to dates but this cannot apply here . Regarding the letter of 6th January 2017 from AAA it cannot apply because it came before the gazetted rules and regulations were published in the gazette. Regarding the letter of 11TH February 2016 it came from no one. It was none the less copied to Chairman and leader, Dr Bobson Sesay and others. I find it strange that such a letter could come from such eminent people or else otherwise. Having gone through this maze of alledged objections it only remains exhibit BSS8. But even it has its own problems. A cursory glance at it will show firstly that it is an undated document; it was never addressed to the PPRC. A careful look would show that it is an in-house recording of objections. It was never received by PPRC and there is NO proof that it was received by PPRC. Presumption of regularity applies and not only for this and the letter of 16th February 2016 but for all the letters allegedly addressed to PPRC for which evidence had not been led that PPRC did receive the said letters. The relevance of the date of these documents having been clarified it goes without saying that without dates you cannot say it was within the one month period for the receipt of objections that the objections were made and received by / lodged to PPRC.

44. The conclusion to be drawn from the above is that there were no objections to "the gazetted rules and regulations as the plaintiffs' counsel would want this court to believe .

The Gazetted Rules And Regulation Of The SLPP V The Rules And Regulations As Amended Of The SLPP

45. This issue is central to whether the elections for the 39 constituencies and resultant district elections should be declared null and void. The plaintiffs are primarily saying that these 39 constituencies election were conducted using "the Gazetted rules and regulations" where "the Rules and regulations as amended" were to have been used or the designated rules to have been used while the defendants are saying No way these 39 constituency elections were conducted using "the gazetted rules as advised by the PPRC in their letter of 22nd November 2016 .

46. It being established that there was no objection to "the gazetted rules and regulations" the next issue for determination is how does "the Gazetted rules and regulations" rank vis a vis "the rules and regulations as amended". Put simply which of the 2 rules should have applied for the conduct of the 39 constituencies' election. If the answer to this first question is responded to by an answer which shows that the gazetted rules do apply and was used in the aforesaid elections

there may not be much need to go into a second issue of proving parallel lists. However if the response to the question is that the rules and regulation as amended should have been used and were not applied, then there would be need to determine whether those rules were used in 39 constituencies elections and if not so proved, the parallel lists being taken to be an improper list verified by regional chairman instead of district chairmen and their secretaries who should have verified such lists .

47. An examination of which rules apply would require an examination of how they came into existence. Without wanting to repeat myself it is clear to me from the above there being no objections within the 1 month period on which objections should be received, the effect most categorically and emphatically is that "the gazetted rules and regulations" became rules of the S LPP on the 30th of March 2016 when after one month from its publication there was no objection received by the PPRC. This was as per law *"Every alternation shall come into effect -(a) If no objection is made to the alteration, one month after the publication by the Commission of the Government Notice referred to in subsection (1)"*

48. But this is not all. Even before the said alteration in the form of the new rules and regulations were published what I see before me is NEC meeting held on the 9th and 10th of January 2016. This august body met and took a resolution on the 10th of January 2017 approving these rules and regulations on a majority of 73 with 5 abstentions according to the Chairman and Leader in his letter of 12th January 2016 which forwarded the resolution and sought advice on publication to which the answer as couched in the letter of 15th January 2016 was that he forwards the electronic copy for publication in the gazette and for which the said publication ensued on the 29th by Gazette Govt No 16. Why do the plaintiffs now dispute the application of this rule for the elections that were slated from November 26th to 10th December 2016. The situation only becomes more glaring when one considers that the November 22 letter gave specific instructions to Use the rules and regulations 2016 and not the rules and regulations as amended 2016 as amply argued by the defence counsel for 2-6th defendants who said the court ought take judicial notice of the fact as amended was not used in these directions

46. With reference to the rules and regulations as amended, its birth could be seen after 30th March 2016 . The testimony of the 1st defendant under cross examination by Sulaiman Banja-Tejan-Sie on his affidavit of 16th December 2016 speaks volumes and I quote a portion thereof as follows

"Paragraph 12 of my affidavit raised objections so much so that we were invited by a letter dated 19th April 2016 inviting national officers and the objectors to a meeting that was scheduled on the 21st of April 2016. There were so many objectors that the PPRC thought it expedient since the group was so wildly to appoint a 10 - man committee , 5 from the national officers side and 5 objectors . From the national officers side you had Dr Abass Bundu Regional Chairman North, Mr Alie Badara Kamara Acting Sec General , Edward Soluku Regional chairman South, Madam Lulu Sheriff and myself as the 5th member. The objectors also appointed a 5-man committee comprising John Oponjo Benjamin , Amb Fode M Dabor, Alpha Timbo, Mohamed Fofanah and Sahr Nyaama . I was the chairman of the committee. This committee after a labourious task that has a virtue of ownership , the document was accepted by the 10 man committee to take effect from the 11th of May 2016. A copy of the document is exhibited as BSS9

47. It is strange that this same person who wrote letter of 12th January 2016 telling the PPRC that the Rules and Regulations were approved by a almost unanimous NEC meeting of 10th January 2016 is the same man talking about virtue of ownership – where the objectors not involved in the first process ?. This is better answered by you the litigants. He has mentioned that a letter of 19th April 2016 was written by the PPRC to them -10 man committee. This letter was never produced and he was not even asked to produce it in cross examination.

48. The objections were raised as clearly seen but *when* were they raised? One would have to assume that they were raised after the 30th March 2016 and between that time and the 19th of April 2016 in the absence of any evidence and limited evidence before me. Be that as it may, I have always said that time is of the essence. AS at the time they were raised "the gazetted rules and regulations" had come into operation with all its force. From his cross examination he said it was a 10-man committee but exhibit BSS9 ; ABK¹⁴ and VS⁶ speak otherwise in that only 6 persons signed it. Was this document formalized? Was it actually signed by the 10 men? The answer to me is No . The impression this court is able to form from the evidence before me is there was an informal arrangement between the leadership of the PPRC and the national officers mentioned but this was firstly on or about the 19th of April 2016 when the rules and regulations had become operative and secondly it was with reference to amending the said rules which had

then become operative. That so called 10man Committee never completed its deliberations and whereas it was said to be a 10-man Committee only 6 of the 10 signed. What this says again is that within the so called 10-man Committee there was, in fact, again objectors as at least 4 refused to sign the document which was to have taken effect on the 11th of May 2016 . No where in these whole proceedings was the document of 11th May 2016 produced. Again why was such a vital document not produced before this Court? The answer, as clear to me was that, it was never signed by all . That document is allegedly dated 11th May 2016 and titled "Rules and Regulations as amended for the SLPP Elections". The question is amended by what?/ what is the Instrument that amended same? . There is no Instrument of amendment of the said "rules and regulation as amended." Even, if the 10mman Committee had met and all signed this document the very "Rules and Regulations as amended provided the way the amended document was to come into force See clause 10 thereof which states

"1. These rules and regulations shall be approved by the NATIONAL EXECUTIVE COUNCILNEC as required the SLPP CONSTITUTION 1995 as amended

2. These rules and regulation shall be submitted to the PPRC as required by the PPRC Act 2002 (as amended)

3. The party secretariat shall take appropriate steps to ensure that that they are gazetted Was any of these requirements done let alone the 3 / NO ."

49. There cannot be any doubt in my mind that these rules as suggested and argued by the defence counsel were mere proposal which did not see the light of day . They cannot and should not be applicable in the conduct of the executive elections. The letter of 22nd November 2016 is clear on this . In a situation where such rules were used and all of a sudden you apply the other rules to wit, "the Rules and Regulations as amended" to suit yourselves, the said party as supported by the 3 plaintiffs herein will be wrong to say that parallel lists were created by the defendants. It is the otherside rather that have created the parallel lists.

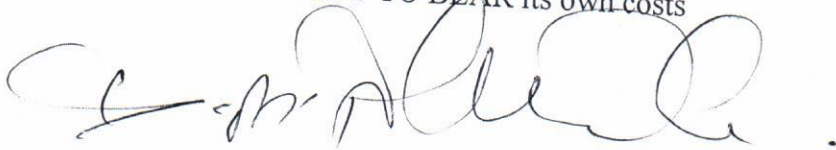
In such circumstances it would be wrong to grant orders as prayed for in the action for while both sides have provided evidence before this court it is the duty of the plaintiff to prove its case against the defendants by the preponderance of evidence . This has not been done. The action by the 3 plaintiffs herein therefore fails. I will give judgment for the defendants against the plaintiffs and order as follows:

1. The Declaration that the parallel Constituency Elections held in *Constituency 67* in the Bo District on the 26th November, 2016 under the auspices of *Mr. Edward Alim Soluku* the SLPP Regional Vice Chairman, South, 5th defendant and the resultant Districts Elections of the 3rd December, 2016 based on the said parallel constituency elections be declared null and void is **REFUSED**
2. The Declaration that the parallel Constituency Elections held in *Constituencies 83 & 84* in the Moyamba District on the 26th November, 2016 under the auspices of *Mr. Edward Alim Soluku* the SLPP Regional Vice Chairman, South and the resultant Districts Elections of the 3rd December, 2016 based on the said parallel constituency elections, be declared null and void is **REFUSED**
3. The Declaration that the parallel Constituency Elections held in *Constituency 90* in the Pujehun District on the 26th November, 2016 under the auspices of *Mr. Edward Alim Soluku* the SLPP Regional Vice Chairman, South and the resultant Districts Elections of the 3rd December, 2016 based on the said parallel constituency elections, be declared null and void is **REFUSED**.
4. The Declaration that the parallel Constituency Elections held in *Constituencies 92, 93, 96, 97, 98, 99, 101, 102, 103, 104, 105, 106, 107, 109, 11 & 112* in the Western Area on the 26th November, 2016 under the auspices of *Mr. Manso Dumbuya* the SLPP Regional Vice Chairman, West and the resultant Districts Elections of the 3rd December, 2016 based on the said parallel constituency elections, be declared null and void is **REFUSED**.
5. The Declaration that the parallel Constituency Elections held in *Constituencies 028, 029, 030, 031, 032, 033, 034, 035 & 036* in the Bombali District on the 26th November, 2016 under the auspices of *Dr. Abass C. Bundu* the SLPP Regional Vice Chairman, North and the resultant Districts Elections of the 3rd December, 2016 based on the said parallel constituency elections, be declared null and void is **REFUSED**.

6. The Declaration that the parallel Constituency Elections held in *Constituencies 059, 060, 061, 063, 065 & 066* in the Tonkolili District on the 26th November, 2016 under the auspices of Dr. Abass C. Bundu the SLPP Regional Vice Chairman, North and the resultant Districts Elections of the 3rd December, 2016 based on the said parallel constituency elections, be declared null and void **is REFUSED**.
7. The Declaration that the parallel Constituency Elections held in *Constituencies 050 & 052* in the Port Loko District on the 26th November, 2016 under the auspices of Dr. Abass C. Bundu the SLPP Regional Vice Chairman, North and the resultant Districts Elections of the 3rd December, 2016 based on the said parallel constituency elections, be declared null and void **is REFUSED**.
8. The Declaration that the parallel Constituency Elections held in *Constituency 040* in the Kambia District on the 26th November, 2016 under the auspices of Dr. Abass C. Bundu the SLPP Regional Vice Chairman, North and the Resultant Districts Elections of the 3rd December, 2016 based on the said parallel constituency elections, be declared null and void **is REFUSED**.
9. The Declaration that the parallel Constituency Elections held in *Constituency 007* in the Kailahun District on the 26th November, 2016 under the auspices of Hon. Philip T. Tondoneh the SLPP Regional Vice Chairman, East and the resultant Districts Elections of the 3rd December, 2016 based on the said parallel constituency elections, be declared null and void **is REFUSED**.
10. An injunction on all the SLPP Regional Elections slated for the 10th DECEMBER 2016 or any other date or any meetings and proceedings of the National Executive Council (NEC) of the SLPP, the National Officers of the SLPP, the National Secretariat of the SLPP, Regional Elections Complaints Committees (RECC,) of the SLPP, Independent Elections Monitoring and Oversight Committee (IEMOC), the Constituencies Executive, the District Executives, the Regional Executives, Regional Conventions, purported Delegates and National Delegates Conference for the election of National Officers and the Presidential candidate of the party (SLPP) for the 2018 Presidential Elections **is REFUSED**

11. The National officers of the SLPP **BE and are hereby NOT restrained** whether by themselves, their agents/privies or howsoever called from conducting, managing, organizing or supervising the SLPP Regional Elections slated for the 10th December 2016 or any other date and all or any other meetings and proceedings of the National Executive Council (NEC) of the SLPP, the National Officers of the SLPP, the National Secretariat of the SLPP, Regional Elections Complaints Committees (RECC) of the SLPP, Independent Elections Monitoring and Oversight Committee(IEMOC), the Constituency Executive, the District Executives, the Regional Executives, Regional Conventions, purported Delegates and National Delegates Conference for the election of National Officers and the Presidential candidate of the party (SLPP) for the 2018 Presidential Elections.

12. EACH PARTY TO BEAR its own costs

A handwritten signature in black ink, appearing to read 'Desmond B. Edwards', followed by a period.

Hon Mr. Justice Desmond B. Edwards JA