

THE
CARTER CENTER



OBSERVING SIERRA LEONE'S
NOVEMBER 2012
NATIONAL ELECTIONS

FINAL REPORT

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FOREWORD

By Dr. John Stremlau
Vice President for Peace Programs
The Carter Center

Sierra Leone's successful 2012 national election was another African good-news story barely noted amid the more dramatic international coverage of violence in Nigeria, the Democratic Republic of the Congo, and the greater Middle East. Another sordid story in 2012, culminating with the 50-year prison sentence given former Liberian President Charles Taylor for his war crimes in Sierra Leone, was a reminder that in the 1990s horrors there led the headlines. Mayhem in Sierra Leone so alarmed American journalist Robert Kaplan that he famously, if erroneously, forecast a "coming anarchy" that would spread among weak states in West Africa and beyond, eventually threatening global peace and security.

Sierra Leoneans dispelled such dire speculation, along with their other post-conflict neighbors Liberia, Cote d'Ivoire, and Guinea that together comprise an incipient Mano River Union. Since 2010, all four weak states have none the less managed to hold credible national elections and, despite recent setbacks in Guinea, are embarked on democratic development. The Carter Center was the only international nongovernmental organization to observe the latest round of national elections in all four countries. In Sierra Leone we did so at the invitation of the National Electoral Commission (NEC), which was solely responsible for organizing and conducting national elections for the first time.

Sierra Leone's elections were remarkably transparent and well-managed, including a new biometric system that registered a record 2.7 million voters largely without controversy. An astonishing 87.3 percent of voters turned out to exercise their democratic right and cast their ballots. This success represents a benchmark in the country's democratic

consolidation. The 2012 elections were the country's third democratic elections and the first to be managed exclusively by the NEC since international forces intervened to end the decade-long civil conflict in 2002. To add complexity to an already admirable undertaking, presidential, parliamentary, and local council elections were held on the same day, Nov. 17.

Leading our observation mission was the former president of Zambia, Rupiah Banda, whose personal experience with accepting political defeat was admirably utilized to help bridge the divided political atmosphere that surrounded the presidential elections in Sierra Leone. The Carter Center's presence in Sierra Leone would not have been possible without the financial support of the U.S. Agency for International Development and the U.K. Department for International Development.

In September, The Carter Center deployed eight long-term observers to monitor election preparations by the electoral authorities in Freetown and around the country. The mission surged in November, with some 40 observers from 18 countries able to visit over 200 polling stations in 64 constituencies in all 14 districts throughout the country.

We were fortunate to work alongside a diversity of intergovernmental observers, from the African Union, the Commonwealth, the Economic Community of West African States, and the European Union. Of further reassurance to voters and as a check on partisan abuse was the deployment of 9,000 domestic observers by the nongovernmental National Election Watch, plus at least twice that number of party monitors deployed at practically all 9,000+ polling stations. Such comprehensive coverage may have contributed to the absence of formal complaints by party agents on election day and the kind of violence that marred voting in Sierra Leone in 2007.

Sierra Leone's two-party system has been unusually durable for over half a century, surviving even



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the bloody mayhem when warlords nearly destroyed the state and terrorized the people in the 1990s. The victorious All People's Congress was formed in 1962, an offshoot of the older Sierra Leone People's Party, which was founded in 1951 and has often held power. While the two parties have regional strongholds, with the APC predominant in the northern districts and SLPP across the south, Sierra Leone has not been afflicted by ethnic or religious conflict, with exemplary amity between Christians and Muslims. The World Bank now estimates Sierra Leone's economy will grow by 25 percent next year, albeit from a very low base, thanks to skyrocketing iron-ore exports.

While conflict and economic uncertainty threaten stability in many other countries around the world,

the importance of achieving peaceful elections in Sierra Leone and its neighbors must not be forgotten. These predominantly local efforts to consolidate democracy in West Africa also deserve substantial sustained international engagement and support, for history shows that violent conflict in one Mano River Union country can quickly infect the others. Democratic institutions in all four countries are fragile and will face many daunting challenges as they struggle to build politically capable states. In the aftermath of this string of successful national elections, there is an unprecedented opportunity to advance cooperation among the four Mano River Union countries to address common and shared problems to benefit all.



EXECUTIVE SUMMARY

Sierra Leone held presidential, parliamentary, and local government elections on Nov. 17, 2012. The presidential elections were the third to take place since the end of the devastating decade-long war in Sierra Leone and the first elections that were fully self-administered. Self-administration represented a significant step for the country in its transition toward a functioning post-conflict democracy.

The Center found the process to be generally orderly and transparent and in general accordance with Sierra Leone's 2012 electoral legal framework and obligations for democratic elections. While the Center noted some limited administrative shortcomings, observers reported that the electoral process was well-conducted by National Electoral Commission officials, that polling staff performed admirably in difficult conditions, and that the people of Sierra Leone turned out in high numbers to cast their ballots.

The electoral process was conducted with a high degree of transparency. Party agents, citizen observers, and international observers had access to all stages of the electoral process. Domestic observers—many from the National Election Watch as well as political party and independent agents, primarily from the All People's Congress and the Sierra Leone People's Party—were seen at polling stations across the country on election day. Although fewer in number, national observers and party agents were noted during the tabulation phase.

Sierra Leone implemented a biometric voter registration system for the first time for the 2012 elections.

Although the number of registered voters only saw a slight overall increase, there was a decrease in registered voters in the historically Sierra Leone People's Party-dominated Eastern region and an increase in registration figures in the historically All People's Congress-dominated Northern region and Western Area region, which includes the heavily populated

Freetown. Although the registration process increased confidence among stakeholders in the integrity of the voter roll, further consideration should be given to the sustainability and cost of the system.

In spite of concerns about election-related violence, there were very few cases reported across the country, a remarkable improvement over past

elections. The reports of violence and intimidation involving women candidates were of concern, and the low number of women candidates participating in the 2012 elections represents one of the most important shortfalls of the electoral process.

The campaign period was generally peaceful, allowing political parties to assemble freely and to convey their message to potential voters. The campaign was conducted in a lively and generally peaceful manner, with active participation of citizens throughout the country. Campaign finance regulations in Sierra Leone, however, are weak; existing requirements are frequently not met; and the Political Parties Registration Commission lacks authority to improve or implement regulations.

Although voter education was of critical importance for the 2012 elections given Sierra Leone's high rate of illiteracy and considering the complexities of

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conducting four elections simultaneously for the first time, the visibility and breadth of voter education campaigns were disappointing and did not reach significantly beyond district capitals.

The legal framework for Sierra Leone's 2012 elections provided a sound framework for democratic elections that largely met international standards. However, in a few areas there were inconsistencies in which contradictions appeared between the Electoral Act and procedural regulations issued by the NEC. These inconsistencies should be addressed in advance of Sierra Leone's next elections. A few other weaknesses in the legal framework that could be strengthened include the need for detailed guidance regarding counting procedures; the need for explicit provision for the timely resolution of complaints; removal of the serial numbers that appear on both the ballots and counterfoils, which could undermine the international obligation to protect the secrecy of the ballot; and removal of some restrictions on the right to contest elections, such as the exclusion of independent candidates from contesting the presidency and the requirement that civil servants must resign 12 months prior to an election in order to be a candidate.

The elections were contested by 10 political parties, with nine parties fielding candidates in the presidential race. The number of female candidates participating in the elections was very low and represented one of the most important shortfalls of the 2012 electoral process.

Voter turnout on election day was high, reaching 87.3 percent of registered voters. Although the polling process overall was peaceful and well-conducted, Carter Center observers noted limited administrative shortcomings on election day, including late poll openings, shortages of election materials, and problems due to long queues in the morning. These shortfalls generally were addressed by midday, and they did not undermine the fundamental integrity of the electoral process nor prevent registered voters from participating in the process.

In the days following the polls, Carter Center observers reported that the tabulation process met Sierra Leone's international commitments to transparency and timeliness, noting that in most cases copies of polling-station results were made available to political party agents and that results were posted outside each polling center that was observed.

Though the tabulation process was generally successful, there were instances of polling-station results being quarantined due primarily to administrative and procedural problems. In addition, Carter Center observers reported that recounts were scheduled to be conducted of presidential results from about 170 polling stations (out of 9,493 total polling stations nationwide) in several districts. These recounts were due mainly to missing or incomplete data. Carter Center observers witnessed 20 of these recounts in Bombali, Tonkolili, Western Urban, and Western Rural districts and noted some differences in how recount procedures were implemented across districts but did not observe any procedural problems that would affect the outcome of the process.

Unfortunately, this election was marked by the failure of electoral stakeholders to use the electoral dispute resolution system to resolve electoral disputes, primarily due to a lack of trust in the impartiality of the judiciary and the NEC. Key stakeholders, including political party members and candidates, had a limited understanding of the dispute mechanisms available as well as a limited understanding of what constituted an election offense. In the few cases where there were disputes regarding candidacies and election results, decisions were not made with adequate time to affect the process, and in other cases, it appeared no decisions were made or that cases that were filed were not addressed. Sierra Leone's legal framework should be adjusted to establish clear time frames for the resolution of complaints and decisions on election petitions.

In summary, the Center found the process to be generally orderly and transparent and in general accordance with international obligations for



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democratic elections. While Sierra Leone's legal framework largely reflects international standards, inconsistencies between the Electoral Act and procedural regulations issued by the NEC should be addressed in advance of future elections. Voters turned out in high numbers on election day to exercise their right to equal suffrage, and Carter

Center observers noted that despite limited administrative shortcomings, the electoral process was well-conducted by polling staff and NEC officials. Although the tabulation process saw more challenge than voting day, the counting, tabulation, and announcement of results largely met international standards.



THE CARTER CENTER IN SIERRA LEONE

The Carter Center has a long history of commitment to West Africa, including extensive activities in Liberia and election observation missions in Cote d'Ivoire, Ghana, Guinea, Liberia, Mali, and Nigeria.

- **2002.** The Carter Center has been involved in Sierra Leone since 2002, when it was invited to observe the first presidential and parliamentary elections since the end of Sierra Leone's civil war. A peaceful transition of power in Sierra Leone offered hope to the rest of conflict-ridden West Africa. The Carter Center was the only U.S.-based organization that monitored the 2002 elections, and the Center reported that the process was peaceful and relatively well-managed. The Center fielded a delegation of 22 observers, led by former Benin President Nicéphore Soglo, which included nine civil society leaders from Liberia and Guinea.

The 2002 delegation commended the voters of Sierra Leone, political party agents, and polling station workers for their impressive commitment to peaceful voting under very challenging conditions. On election day in 2002, observers saw massive crowds waiting to cast ballots early in the morning. Later, an announcement from the National Electoral Commission (NEC) caused confusion by instructing that all individuals with voter cards should be allowed to cast ballots even if their names were not on registration lists. For this reason and because some districts received

large numbers of transferred votes from refugees and displaced people, some districts reported more than 100 percent turnout. In its postelection public statement, The Carter Center noted the need for increased transparency in election rules and decisions by the NEC and for improving the voter registration process and voter education.

- **2007.** In 2007, The Carter Center provided technical assistance to the African Union international election observation mission to Sierra Leone around presidential and parliamentary elections. The Center provided two staff members to establish

an office in Freetown, draft briefing materials, develop a deployment plan, and make logistical preparations for accommodation, transport, and delegation support. The mission was responsible for its own observations and assessment of the election.

Following the mission, the Center produced an internal report for the African Union with suggestions for the administration of future missions.

- **2012.** The Center was pleased to be invited to observe the 2012 elections and conducted a pre-election assessment mission in February 2012. The assessment delegation met with officials in the government of Sierra Leone, the NEC, political parties, civil society groups, and representatives of the international community. The Center formally began its 2012 Sierra Leone election observation mission in September 2012 with the establishment of an office and arrival of its core team experts and long-term observers.

The Carter Center was the only U.S.-based organization that monitored the 2002 elections, and the Center reported that the process was peaceful and relatively well-managed.



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ELECTION OBSERVATION METHODOLOGY

The Carter Center observed the 2012 presidential, parliamentary, and local government elections in Sierra Leone in accordance with the Declaration of Principles for International Election Observation, which had been endorsed by more than 40 inter-governmental and international nongovernmental organizations. The Declaration of Principles is a commitment to assure integrity and transparency in election observation missions and guides decisions by these organizations in determining the purpose, scope, and conduct of their missions.

In all countries in which The Carter Center conducts election observation, it assesses the electoral process against national laws and the country's



Elizabeth Plachta

Carter Center observers Roger Bryant (center) and Bartosz Lech (right) plan their observation route before election day.

Table 1: Relevant International and Regional Treaties

Treaty/Declaration	Status	Date
Convention on the Political Rights of Women	Ratified/Acceded	July 25, 1962
African Charter on Human and Peoples' Rights	Ratified/Acceded	Sept. 21, 1983
Convention on the Elimination of All Forms of Discrimination Against Women	Ratified/Acceded	Nov. 11, 1988
International Covenant on Civil and Political Rights	Ratified/Acceded	Aug. 23, 1996
ECOWAS Protocol on Democracy and Good Governance, Supplementary to the Protocol Relating the Mechanism for Conflict Prevention, Management, Resolution, Peacekeeping and Security	Ratified/Acceded	Dec. 21, 2001
United Nations Convention Against Corruption	Ratified/Acceded	Sept. 30, 2004
African Union Convention on Preventing and Combating Corruption	Ratified/Acceded	Dec. 3, 2008
African Charter on Democracy, Elections, and Governance	Signed	Feb. 17, 2009
Convention on the Rights of Persons With Disabilities	Signed	Oct. 4, 2010
African Union Declaration on the Principles Governing Democratic Elections in Africa	Persuasive upon	
Universal Declaration of Human Rights	Persuasive upon	



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international commitments. Sierra Leone has ratified a series of international and regional human rights treaties whose provisions are relevant to the electoral process. Table 1 provides an overview of the relevant international and regional treaties that Sierra Leone has acceded to, signed, or ratified.

The Carter Center believes that an assessment of the pre-electoral environment and preparation for the election are essential to fully determining the extent to which all aspects of the electoral process, including voter registration, campaigning, and voter education, fulfill the obligations of the country in its ratified or endorsed international and regional treaties.

In accordance with this methodology, The Carter Center conducted a preliminary assessment of the political context and pre-election environment in February 2012. This assessment led the Center to respond positively to encouragement by the NEC and national stakeholders to observe the election. Upon securing funding, The Carter Center deployed eight long-term observers from six countries to cover the four regions of Sierra Leone in September 2012 at the invitation of the commission. The Center's observers and the Freetown-based core team remained in Sierra Leone for seven weeks prior to the election. Observers met regularly with representatives of the NEC,

political parties, independent candidates, civil society organizations, the international community, and domestic election observers to assess electoral preparations and the pre-election environment throughout the country. Observation was conducted of the activities of the election administration, campaigning, and voter education as well as other issues pertaining to

the electoral process.

In November, this team was joined by a larger short-term delegation, led by Rupiah Banda, former president of Zambia, and John Stremlau, vice president of the Carter Center's peace programs, to observe the polling, counting, and tabulation process. The observer

delegation, comprised of 40 observers from 18 countries, observed election-day processes in all of Sierra Leone's 14 districts, visiting 217 polling stations in 64 of the country's 112 constituencies. Following the conclusion of polling, short-term observers were debriefed in Freetown before departing the country. Eight observers remained in the regions to observe the counting and tabulation process as well as post-election developments, including the announcement of results and resolution of electoral complaints. Long-term observers and core team members departed Sierra Leone in mid-December 2012.

The observer delegation, comprised of 40 observers from 18 countries, observed election-day processes in all of Sierra Leone's 14 districts, visiting 217 polling stations in 64 of the country's 112 constituencies.



HISTORICAL AND POLITICAL BACKGROUND

FROM PARLIAMENTARY DEMOCRACY TO ONE-PARTY RULE

Until recently, Sierra Leone's political history since independence from Britain in 1961 was marked by a brief experiment with parliamentary democracy, one-party rule, military coups and juntas, massive human rights violations, and a devastating civil war. With strongholds in the Southern and Eastern regions of the country, the Sierra Leone People's Party (SLPP) dominated the political landscape from the 1950s until 1967 when Siaka Stevens led the All People's Congress (APC) to a narrow victory in parliamentary elections. Stevens, however, was deposed by a coup soon after he was sworn in as prime minister. He eventually took office in 1968 and banned all political parties except the All People's Congress after he was elected president in 1971. In 1978, he formally introduced a one-party system through a new constitution that declared the APC, which draws most of its support from the Northern region and the Western Area region, as the sole legal party. Stevens handed over power to Maj. Gen. Joseph Saidu Momoh in 1985, and Momoh was elected president in a referendum the following year. Facing increasing public discontent over corruption, autocratic and highly centralized rule, and extreme poverty, Momoh reintroduced political pluralism in the country through a new constitution in 1991.

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A BRUTAL CIVIL WAR AND THE EMERGENCE OF A FRAGILE DEMOCRACY

Momoh's political reforms could not stem the emergence of the Revolutionary United Front (RUF), a rebel group headed by former army Cpl. Foday Saybana Sankoh and backed by Liberian warlord Charles Taylor and his National Patriotic Front of Liberia. RUF forces invaded the Eastern region of Sierra Leone from Liberia in 1991 and instigated a gruesome civil war that would last a decade, funded by illicit trade in arms and diamonds. The RUF campaign was motivated not by ethnic divisions or political ideology but by a strong desire for power and for

control over the diamond-rich areas in the east of the country. Brutal tactics, including murder, torture, rape, abductions of children, and mutilation of civilians, prevented the Revolutionary United Front from garnering broad-based popular support.

The Sierra Leone army overthrew President Momoh in 1992, later establishing the National Provisional Ruling Council (NPRC) under the leadership of Capt. Valentine Strasser. The council strengthened the army's ranks by mobilizing thousands of youths and received support from Nigerian troops, along with the assistance of Executive Outcomes, a South African security company. By August 1995, the RUF was significantly weakened and peace negotiations were initiated. Strasser announced that the first multiparty elections in



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nearly 30 years would be held in February 1996.

Shortly before the elections, members of the NPRC deposed Strasser, believing he would break an earlier commitment not to run for president. Brigadier Julius Maada Bio (who would later become a presidential candidate in the 2012 elections) took control of the council until the elections were held. Sierra Leone People's Party candidate Ahmad Tejan Kabbah won the 1996 elections, which were clouded by some accusations of fraud. Despite the RUF's refusal to accept the results, President Kabbah was able to broker a peace accord with RUF forces in Abidjan in October 1996.

In May 1997, a faction of the Sierra Leone army led by Maj. Johnny Paul Koroma staged another coup and seized power with the Armed Forces Revolutionary Council (AFRC), which soon joined with the Revolutionary United Front in terrorizing civilians across the country. The Cease-Fire Monitoring Group of the Economic Community of West African States intervened and eventually ousted the AFRC, paving the way for the reinstatement of President Kabbah in February 1998. Fighting nevertheless continued between the monitoring group troops and the AFRC/RUF forces. The rebels' attempt to capture Freetown in January 1999 nearly destroyed the city and led to the deaths of at least 5,000 civilians.

Six months after the invasion of Freetown, a peace agreement was signed between the government and rebel forces in Lomé, Togo. Under the agreement, AFRC and RUF leaders were given government posts and guarantees of amnesty for their actions during the war. During that period, the United Nations Security Council established the United Nations Mission in Sierra Leone (UNAMSIL), deploying 17,500 peacekeepers and 400 civilian police across the country. Despite the favorable terms of the Lomé Peace Agreement, the RUF continued its military campaign until British troops assisted UNAMSIL in disarming the rebels and helping the government extend its control to areas formerly under RUF control.

President Kabbah officially declared the civil war over in January 2002.

POSTWAR ELECTIONS AND RECONSTRUCTION EFFORTS

2002 National Elections

Presidential and parliamentary elections were held in May 2002. Nine political parties nominated presidential candidates, while 10 parties competed for parliamentary seats. Over 2.3 million people, or 85 percent of the estimated 2.7 million eligible voters, registered to vote. About 87.3 percent of those registered voters cast ballots on election day, which international and domestic observers deemed credible and peaceful. Incumbent President Kabbah of the SLPP won a decisive victory with 70.1 percent of the vote, while All People's Congress candidate Ernest Bai Koroma garnered 22 percent of cast ballots. The SLPP also dominated the parliamentary elections, winning an absolute majority with 83 seats, with the

Table 2: Country Profile

Population	5,486,000 (July 2012 estimated)
Ethnic Groups	Temne 35 percent, Mende 31 percent, Limba 8 percent, Kono 5 percent, Krio (Creole) 2 percent, Mandingo 2 percent, Loko 2 percent, others 15 percent
Languages	English (official), Temne, Mende, Krio
Religions	Muslims 60 percent, Christians 10 percent, indigenous beliefs 30 percent
Life Expectancy at Birth	56.55 years
GDP per Capita	\$1,100
System of Government	Constitutional democracy
Legal System	English common law and customary law



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All People's Congress winning 27 seats and the Peace and Liberation Party securing two seats.

While these elections represented a significant step forward as Sierra Leone recovered from civil conflict, observers noted logistical problems throughout the process, including inadequate supplies of election materials. The Carter Center, which fielded 22 observers on election day, noted irregularities in SLPP strongholds in the Southern and Eastern regions of the country, including "exceptionally high voter turnout in the three Southern districts" as well as "delays in collecting results from some areas, which led to suspicions of manipulation in vote tabulations." Prior to election day, observers also witnessed the abuse of incumbency advantages and voter intimidation. The Carter Center and other observer groups, however, concluded that these irregularities were not significant enough to affect the outcome of the elections.

2004 Local Government Elections

In May 2004, Sierra Leone held its first local elections since 1972, along with special polls for the representation of paramount chiefs in Parliament. Observers found that both the Sierra Leone People's Party and All People's Congress engaged in electoral fraud, including ballot-box stuffing and manipulation of voter lists and tally sheets. The local polls were also undermined by the NEC's inadequate financial resources and political interference from the ruling SLPP. Following the elections, the National Electoral Commission blacklisted 1,098 polling staff suspected to be involved in the irregularities.

2007 National Elections

In August 2007, Sierra Leone held presidential and parliamentary elections, the first held under full sovereignty following the cessation of hostilities. Seven political parties competed in both polls, including the ruling SLPP under the leadership of Vice President Solomon Berewa, the All People's Congress headed by Dr. Ernest Bai Koroma, and the newly created People's Movement for Democratic Change (PMDC) led by Charles Margai, a former

Sierra Leone People's Party senior official and government minister. All People's Congress candidate Koroma won 44 percent of the vote, with 38 percent won by SLPP candidate Berewa and 14 percent garnered by PMDC candidate Margai. Since no candidate received more than 55 percent of the vote in the first round, a runoff election was held in September. In the runoff, Ernest Bai Koroma won 55 percent of the vote with the support of the People's Movement for Democratic Change.¹

In the parliamentary elections, the All People's Congress won 59 seats and the Sierra Leone People's Party captured 43 seats, while the People's Movement for Democratic Change secured 10 seats. International observers, including the National Democratic Institute for International Affairs (NDI), considered that the electoral process was largely transparent and well-administered and that the NEC and the Political Parties Registration Commission demonstrated a high level of professionalism. President Koroma's swearing-in ceremony in September 2007 represented the first time in Sierra Leonean history that a democratically elected president completed two terms in office and then peacefully handed power over to another democratically elected president.

2008 Local Government Elections

The second post-civil war local elections were held in July 2008. While observers assessed the elections to be generally transparent and credible, they noted that an unusually high number of candidates had withdrawn from the race following a campaign of intimidation, primarily from the All People's Congress and Sierra Leone People's Party. Subsequent parliamentary and local council by-elections were characterized by violence and low voter turnout.

¹ The NEC invalidated results from 477 polling stations in the 2007 presidential runoff election where results inexplicably exceeded 100 percent of registered voters and fraud was suspected. The invalidation of these results did not affect the overall outcome of the election but has been highly criticized by the Sierra Leone People's Party. Presiding officers from affected polling stations were later added to the "blacklist" of NEC staff suspected of fraud in 2004 local government elections and are ineligible to serve as polling staff in future elections.



ELECTORAL INSTITUTIONS AND THE FRAMEWORK FOR THE ELECTIONS

Effective electoral institutions and a sound legal framework are essential to the administration of democratic elections and to ensuring that a country upholds its international obligations. The legal framework includes constitutional provisions, domestic laws, and regulations regarding the electoral process. Based on its international commitments, Sierra Leone is obligated to take measures to promote the principles of the rule of law, recognizing that laws must be consistent with international principles of human rights.²

LEGAL FRAMEWORK FOR ELECTIONS

The legal framework for the administration for elections in Sierra Leone includes the Constitution of Sierra Leone of Oct. 1, 1991, as amended on Feb. 7, 2002, and July 31, 2008; the 2012 Public Elections Act; the Political Parties Act; and the regulations and procedures of the NEC.

In addition, Sierra Leone has ratified a series of international and regional human and political rights instruments that are relevant to the electoral process. These treaties include the Convention on the Political Right of Women, the International Convention on the Elimination of Racial Discrimination, the International Covenant on Civil and Political Rights, the Convention on the Elimination of All Forms of Discrimination Against Women, the African Charter on Human and Peoples' Rights, the Declaration of Political Principles of the Economic Community of

West African States (ECOWAS), the ECOWAS Protocol on Democracy and Good Governance, the African Union Charter on the Principles Governing Democratic Elections in Africa, the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa, and the Convention on the Rights of Persons With Disabilities.

The constitution provides for the separation of executive, legislative, and judicial powers and guarantees fundamental rights and freedoms, including the freedom of conscience, the freedom of expression, the freedom of movement, and the freedom of association. Section IV of the constitution provides the overall framework for elections. It guarantees the

right to vote and establishes the National Electoral Commission and the Political Parties Registration Commission.

Article 31 of the constitution guarantees the right to vote to all citizens of Sierra Leone who have reached the age of 18 without restriction. However, because there are no provisions in the law for voting outside of the polling stations and no mechanism

for mobile voting, several groups of citizens effectively are disenfranchised. These include the elderly or infirm who are in hospitals or cannot physically go to the polling station and those in pretrial detention. Additionally, Article 16(d) of the Electoral Act imposes a total ban on voting for those who are serving a sentence of incarceration.

Effective electoral institutions and a sound legal framework are essential to the administration of democratic elections and to ensuring that a country upholds its international obligations.

² U.N., ICCPR, art. 2; AU, ACHPR, art. 1; ECOWAS, Protocol on Democracy and Good Governance



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The 2012 Elections Act

The Public Elections Act of 2012 represents the consolidation of pre-existing electoral legislation and amendments. The act represents an improvement and provides a sound legal framework for democratic elections and is largely consistent with international standards.

However, there are some areas where there are inconsistencies between the Electoral Act and procedural regulations issued by the NEC that should be addressed in advance of Sierra Leone's next elections. In most cases in which these discrepancies occur, the NEC procedures better reflect best practices and Sierra Leone's international obligations for democratic elections; however, this is not a reason to ignore the law. The Carter Center recommends that serious efforts be made to revise the legal framework to ensure consistency with National Electoral Commission procedures and Sierra Leone's international obligations.

Specific examples of such inconsistencies between NEC procedures and the Electoral Act include the following:

- **Inking.** The act specifies that the voter should have his/her left index finger inked before receiving the ballot,³ while NEC procedures specify that inking occur after the voter has placed the ballot in the ballot box. Inking a voter's finger after he/she places the ballot is consistent with international best practices and supports the role of the ink as a protection against multiple voting.
- **Presence of Police in Polling Stations.** The act allows for constables to be present in the polling station during voting. NEC procedures call for the constable to remain outside the polling station until called for by the presiding officer, reflective of best practice.⁴
- **Voter Identification.** The act calls for the presiding officer or polling assistant to call out the voter's serial ward number name and address before handing a ballot to the voter. The procedures do

not require this step, which is more in line with recommended best practice.⁵

In addition to reconciling differences with NEC's procedures, there are a number of other areas that should be addressed in a revision of the Electoral Act. These include the following:

- **Counting Procedures.** The Electoral Act should include detailed guidance regarding counting procedures. The act is currently silent regarding procedures for the counting of ballots and would benefit from provision of some guidance.
- **Right to an Effective Remedy.** There are a number of areas where the Electoral Act could be strengthened to better ensure that it protects citizens' right to an effective remedy consistent with Sierra Leone's international obligations.
- **Timely Resolution of Complaints.** Several cases filed with the courts during the electoral period were not resolved before election day, thus denying the complainants of their right to an effective remedy. The Electoral Act should provide a defined time frame for the resolution of complaints.
- **Electoral Offenses.** There was confusion during the election over which body—NEC, Political Party Registration Commission, or courts—had jurisdiction over electoral offenses and the procedure to follow in resolving them. This resulted in uncertainty among stakeholders over the proper venue and procedure for the filing of complaints and undermined the confidence in the electoral dispute resolution mechanism. The act should include a range of administrative sanctions for all types of electoral offenses and designate an appropriate body with authority to impose such sanctions.
- **Every Citizen Has the Right To Be Elected.** Sierra Leone's legal framework includes several

³ See Electoral Act, art. 74(e)

⁴ See Electoral Act, art. 77(2)

⁵ See Electoral Act, art. 74(1)(b)(i)



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restrictions on the right to be elected, including a requirement that public officers must resign from their posts 12 months before an election. The inability of independent candidates to contest the presidency, as well as unusually high nomination fees, also contributed to unnecessary restrictions on the right to contest elections.

• **Secrecy of the Ballot.** Sierra Leone is a signatory to a number of international agreements that protect the foundational democratic right to a secret ballot. While NEC's procedures seek to uphold this right, the Electoral Act requires that serial numbers appear on the ballot papers as well as the counterfoil, which has the potential to undermine the secrecy of the vote. This requirement should be removed from the Electoral Act in accordance with Sierra Leone's international obligations to ensure that future elections respect this international standard and best practice for democratic elections.

• **Publication of a Consolidated Electoral Calendar.** Although the NEC did provide specific calendars for certain stages of the process, such as voter registration or candidate nomination, a consolidated comprehensive calendar was not publically available that would have served to inform citizens, political parties, and other stakeholders of the process. The Electoral Act should include a specific requirement that the NEC develop and publish a comprehensive elections calendar at the beginning of the electoral process.

• **Amending Electoral Deadlines.** Article 164 of the Electoral Act, which allows the National Electoral Commission to change and/or amend timelines in the act, should be deleted or amended to include

specific criteria detailing when and why the NEC may amend an electoral deadline.

• **Use of State Resources.** The Electoral Act should include provisions elaborating on the prohibition regarding use of state resources for campaign purposes and include penalties for violations.⁶ Sierra Leone's international obligations ensure that all citizens are guaranteed the right of equal access to the public services and property of their country, and any derogation from this right that gives advantage to a particular party or candidate may be considered discriminatory.⁷

The Carter Center recommends that serious efforts be made to revise the legal framework to ensure consistency with National Electoral Commission procedures and Sierra Leone's international obligations.

The Legal Framework and Political Parties

Besides the Political Parties Act, there were several codes of conduct and declarations/agreements signed by political

parties, candidates, and other stakeholders that were put in place for the 2012 elections. They include the Political Parties Code of Conduct of 2006, which was reaffirmed for the 2012 elections; the Declaration on the 2012 Elections; a Resolution of the Consultative Meeting with Political Parties and Stakeholders convened by the Sierra Leone Police; and the Sierra Leone Open and Safe Elections Pledge.

The enforcement of the provisions of the various codes of conduct caused confusion among stakeholders during the campaign. Since none of these documents were promulgated as regulations by the NEC or included in the Election Act or the Political Parties Act, they are not legally enforceable.

⁶ The only reference in the Electoral Act to the use of state resources is art. 154(b) that prohibits candidates and political parties from engaging in the improper use of government resources for "political propaganda purposes."

⁷ African Charter on Human and Peoples' Rights, art. 13



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In advance of the elections, a piece of draft legislation, the Political Parties Registration Commission Act, was submitted to Parliament. Although the act ultimately wasn't considered in advance of the elections, it would have codified the code of conduct for political parties and provided more authority to the commission to regulate political parties and sanction candidates and parties for violations of the code of conduct.

Because of the failure to pass the act, the commission has no authority to sanction candidates and political parties for violations of the codes or campaign regulations.

The Center recommends that the incoming Parliament take up and pass the Political Parties Registration Commission Act and consider amending the Electoral Act to clearly indicate that provisions of the various codes of conduct are legally binding on stakeholders. All codes should be reviewed for compliance with the constitution and international standards before being incorporated into legislation.

Summary

Sierra Leone's Constitution, Electoral Act, and other pieces of legislation and regulations together provide a sound legal framework for democratic elections. While the 2012 Electoral Act represents an improvement over past legislation, there are areas that should be revised, particularly where there are discrepancies with NEC procedures that better reflect international standards. The Political Parties Registration Commission Act should be reviewed and passed in order to strengthen the role of the commission as well as rules and regulations that govern the behavior of political parties.

ELECTION MANAGEMENT

An independent and impartial election management body that functions transparently and professionally is recognized as an effective means of ensuring that citizens are able to participate in a genuine democratic process and that other international obligations related to the democratic process can be met.⁸ It is the responsibility of the election management body to

ensure that the electoral process is in compliance with Sierra Leone's obligations for democratic elections and human rights. The body also should ensure accountable, efficient, and effective public administration as it relates to elections.⁹

The National Electoral Commission is an independent public body established by Section IV, Article 32, of the constitution. It consists

of a chairman and four members who are appointed by the president after consultation with the leaders of all registered political parties and who are subject to the approval of Parliament. The term of office is five years. The mandate for all current commissioners will expire in 2014. To better preserve the commission's institutional memory and independence, The Carter Center recommends that the legal framework be changed so that commissioners are appointed on a staggered basis.

Generally speaking, the responsibilities of the National Electoral Commission include:

- The administration of all public elections and referenda
- The registration of voters

While the 2012 Electoral Act represents an improvement over past legislation, there are areas that should be revised, particularly where there are discrepancies with NEC procedures that better reflect international standards.

⁸ UNHRC, General Comment No. 25, para. 20

⁹ Venice Commission, Code, sec. II.3.1.c



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- Boundary delimitation
- Making regulations for the efficient performance of its functions

The commission maintains four regional offices as well as an office in each of the 14 districts. The commission appointed four regional returning officers, one for each of the four regions, and 14 district returning officers, one for each of the 14 administrative districts, to administer these elections. Each polling station is administered by a presiding officer appointed by the commission and staffed by polling assistants also appointed by the commission.

During the 2012 elections, the commission published detailed calendars for specific stages of the electoral process such as voter registration and candidate nomination. However, an official consolidated calendar that would have enabled an assessment of progress of the election preparations at each stage was not made public. An official election calendar prevents confusion among stakeholders concerning the deadlines for electoral activities and provides deadlines that can be legally enforced. Although the calendar was not publicized, the Center notes that most preparations for the elections were executed in a reasonable time period conducive to the smooth running of the elections.

The Center was encouraged by the release of the commission's manual on voting and counting procedures, which served as an official document to clarify the processes of polling and counting for poll workers as well as voters. Recruitment and training of 63,000 poll workers began in mid-October and were completed by election day.

Unfortunately, the instructions in the manual on filling out the results protocols at the polling station were too complex, and the training did not

sufficiently address this issue. In some cases, this caused confusion and led to many tamper-evident envelopes being quarantined at the regional tally centers, primarily as a result of the forms being incorrectly filled out. The commission should provide sufficient targeted training to assure that the polling staff understand how the forms should be filled out.

Summary

The electoral process was well-conducted by National Electoral Commission officials, who carried out their responsibilities in difficult conditions with integrity. However, the Center noted a few administrative shortfalls that could be corrected in future elections to promote transparency, particularly regarding earlier release of procedures, release of a comprehensive electoral calendar, and release of election results by polling station. To better preserve the commission's institutional memory and independence, The Carter Center recommends that the legal framework be changed so that commissioners are appointed on a staggered basis.

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ELECTORAL SYSTEM AND BOUNDARY DELIMITATION

Electoral System

The essence of any electoral system should be to translate the will of the people into a representative government.¹⁰ Sierra Leone has a single-chamber Parliament composed of 124

elected members. One hundred twelve are directly elected with a single-member plurality system for a term of five years. This includes 40 constituencies in Northern province, 27 in Eastern province, 25 in Southern province, and 20 in Western Area

¹⁰ U.N., International Covenant on Civil and Political Rights, art. 25(b); International IDEA Electoral Standards: Guidelines for Reviewing the Legal Framework of Elections, p. 28



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province. The Parliament and local government elections are first-past-the-post, in which the candidate with the most votes wins. The remaining 12 seats in Parliament are filled by paramount chiefs elected in separate elections, which took place on Nov. 10 in the four districts where elections were contested.¹¹

The presidential election in Sierra Leone is based on a two-round system. If no candidate receives 55 percent of the valid votes cast in the first round, a runoff is held between the two candidates with the most votes. The candidate who receives the highest number of votes in the second round is elected. The president is elected to serve a five-year term and can be re-elected only once.

Boundary Delimitation

Boundary delimitation should be managed by an independent and impartial body representative of the society as a whole to ensure that electoral boundaries do not favor any particular social group or political interest.¹² To ensure the right of equal suffrage is

respected, the delimitation of boundaries should seek to ensure that elected representatives represent reasonably equal numbers of constituents.

According to Article 38 (4) of the constitution, the National Electoral Commission is responsible for reviewing the division of the country into constituencies at intervals of not less than five years or more

than seven years. The boundaries of each constituency should be such that the number of inhabitants is nearly equal to the "population quota" that is ascertained by dividing the number of inhabitants of the country by the number of constituencies into which the country is divided. The number of

constituencies is determined by the commission with the approval of the Parliament.

Summary

The electoral system and delimitation of boundaries largely meet international standards that protect equal suffrage and ensure that elected government represents the will of the people.

The electoral system and delimitation of boundaries largely meet international standards that protect equal suffrage and ensure that elected government represents the will of the people.

¹¹ The Carter Center observed this process. For further discussion, see Electoral Dispute Resolution in this report.

¹² EISA and Electoral Commission Forum of SADC Countries, Principles for Election Management, Monitoring, and Observation in the SADC Region, p. 13



VOTER REGISTRATION

Voter registration is recognized as an important means to ensure the right to vote and should be made available to the broadest pool of citizens possible without obstacles to ensure universal and equal suffrage.¹³

For the first time, Sierra Leone introduced a biometric voter registration system. The registration of voters, or the field data-capturing phase, took place from Jan. 23 to March 26, 2012. The registration took place in 2,998 voter registration centers in all 14 electoral districts. Although The Carter Center did not directly observe the voter registration process, it was monitored by a number of institutions, including political parties and citizen observers, who generally described it as transparent and credible despite technical problems during the data-capturing phase.

The next phase of the process required the consolidation and matching of the data, which necessitated expertise and technical support not available in Sierra Leone. The United National Development Program, in collaboration with the National Electoral Commission, embarked on an international bidding process to identify and select a vendor with the required IT competence to match and deduplicate the biometric voter register.

Of the 2,663,746 registrants in the database, 2,632,742 were matched with fingerprint data, and 29,607 were matched using facial data. A total of 9,890 were found to be duplicates. Of these, 99 cases were filed with the high court, alleging that these individuals had committed an electoral offense of double registration. At the conclusion of the

biometric voter registration exercise, the National Electoral Commission finally reported that there were 16 cases of multiple registrations, which resulted in eight convictions.

After these data checks, the voter identity cards and the provisional voter register were produced for the 2012 elections. In accordance with Sierra Leone's laws and international standards, the register was exhibited between June 30 and July 4 at voter registration centers to enable registrants to confirm their registration status, request corrections to biographic

information, apply for inclusion in the register, or challenge the names of registrants deemed ineligible.

On Oct. 2, the commission announced that 2,692,635 voters—out of an estimated 3,000,000 eligible voters—had been registered in the final voter register. Among the most relevant changes from previous voter rolls was

a steep decline in the number of registered voters in Kailahun, Koinadugu, Pujehun, and Port Loko districts, with Kailahun losing approximately 20 percent of its voters. On the other hand, Western Rural district increased its voter rolls by 32 percent from the 2007 elections. These changes were significant in a context in which there are strong ties between geography and politics, and they reflected

While the biometric voter registration system was well-received, the process and technology should be carefully reviewed to analyze cost, capacity, and privacy issues.

13 U.N., International Covenant on Civil and Political Rights, art. 25(b); AU, African Union Declaration on the Principles Governing Democratic Elections in Africa, art. 1; U.N., United Nations Human Rights Committee, General Comment No. 25 on "The Right to Participate in Public Affairs, Voting Rights and the Right to Equal Access to Public Service," para. 11



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an overall decrease of registered voters in areas with historic Sierra Leone People's Party voting patterns and an increase in areas with historic All People's Congress voting patterns. Analysis of these voter registration figures and voting patterns in these areas in past elections indicated a possibility of an All People's Congress win in the elections. Some stakeholders reported to The Carter Center that the figures might represent lower figures in SLPP strongholds as a result of the biometric voter registration process that may have prevented multiple registration attempts.

There was confusion regarding whether or not those who did not collect their voter card before the Nov. 11 deadline would be able to vote. The last figures available before election day indicated that 1-to-2 percent of registered voters failed to collect their cards, or between 26,000 to 52,000 voters. The NEC determined that voters without cards would be allowed to vote by presenting an alternative form

of identification to the voter inquiry officer at the polling centers, provided that their name appeared on the final voter register.

Summary

Although The Carter Center did not directly observe the voter registration process, citizen observers, political parties, and other stakeholders overall indicated that the process went smoothly and was an improvement on previous registration exercises, despite delays in some areas and a few technical problems. While the biometric voter registration system was well-received by stakeholders and may have contributed to fewer cases of multiple registration than past registries in the country, the biometric process and technology should be carefully reviewed in advance of future elections to analyze aspects of cost, national capacity, and privacy issues.



PRE-ELECTION DEVELOPMENTS

VOTER EDUCATION

Voter education is an essential part of the electoral cycle, and it is recognized in international law as an important means of ensuring that an informed electorate is able to effectively exercise their right to vote. The voter registration process is a critical element of the right to vote and should be made accessible to the broadest pool of citizens possible to ensure universal and equal suffrage are protected as required by Sierra Leone's international commitments.¹⁴

Voter education was of critical importance for the 2012 elections, given Sierra Leone's high rate of illiteracy and considering that four elections were to be administered simultaneously for the first time in the country's history. Regrettably, Carter Center observers reported that the visibility and breadth of the voter education campaigns were disappointing, which limited the reach of voter education efforts beyond district capitals. In a statement released on Nov. 1, 2012, the Center noted that "Carter Center observers have found limited voter education across the country, particularly at the ward level."

The National Electoral Commission had the primary responsibility to conduct voter education, which it carried out through its own structure, with one commissioner responsible for all voter education efforts. Each of the 14 NEC district offices had one district voter education and training officer in charge of coordinating voter education activities in his or her area of responsibility. The district voter education and training officer disseminated information mostly through media outlets, using radio and television advertisements that provided valuable information to

voters. These messages also were broadcast in local languages, which added to the breadth and outreach of the message. In urban areas, Carter Center observers noted positively the display of posters showing the main voting steps for the four elections.

To extend its reach to rural and remote areas of the country, NEC also created ward electoral education committees, initially to raise awareness on the voter registration process and the biometric voter registration system's novel features. Ward committees were supposed to be reactivated during the pre-election campaign period to sensitize voters on the new voting

steps and other key aspects of election day. However, as a result of budget restrictions in October, the number of committee members was reduced from eight to three, and their role was reduced to simple town criers. Moreover, voter education materials and allowances for committee members were received very

late in the campaign period. Carter Center observers reported that megaphones, vehicles, and dissemination materials arrived at the commission's district offices in late October and were distributed to ward committee members only in early November, allowing only a few days to reach out to potential voters. Carter Center observers also reported that most of their interlocutors, including NEC officials, regretted the lack of a more widespread effort to inform voters on their role and the importance of the elections.

On election day, ballot paper issuers provided basic explanation on the mechanics of voting to individual voters, which appeared to have contributed to voters' overall understanding of the process and to a

In urban areas, Carter Center observers noted positively the display of posters showing the main voting steps for the four elections.

¹⁴ UNHRC, General Comment No. 25, para. 11; ICCPR, art. 25(b)



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Supporters of the All People's Congress party rallied in Kenema during the campaign.

relatively low number of invalid votes.

Civil society organizations also played an important role in disseminating information to voters, despite having limited resources and restricted access to timely information from the NEC about the process. Observers reported positive examples in Bo district, where several organizations joined forces with local media outlets, the United Nations Integrated Peacebuilding Mission, and other stakeholders to disseminate common and positive messages on the electoral process and the role of voters.

In future elections, as key stakeholders in an election, political parties should also become engaged in wider voter and civic education activities that go beyond the simple voting mechanics and the marking of paper ballots. This effort will foster a more conscious choice of elected representatives.

Summary

Although voter education was of critical importance for the 2012 elections, given Sierra Leone's high rate of illiteracy and considering that four elections were to be administered simultaneously for the first time in the country's history, regrettably, the visibility and breadth of the voter education campaigns were disappointing, particularly at the ward level, which limited the reach of voter education efforts.

CANDIDATES, PARTIES, AND CAMPAIGNS

The right to be elected is a universal right requiring that states ensure that their citizens have the opportunity to stand for elected office, free from unreasonable restrictions.¹⁵ Equitable treatment of candidates and parties during an election, as well as the maintenance of an open and transparent campaign environment, are important to ensuring the integrity of the democratic election process.

Sierra Leone's legal framework and its international and regional commitments create obligations related to the nomination of candidates, parties, and campaign periods. These include, among others, the right to be elected, to freely express opinions, and to participate in public affairs.¹⁶

The Carter Center released a number of public statements that commented on the candidate nomination and campaign periods, including a statement released on Nov. 1 in the middle of the campaign period and additional discussion that was included in a statement released on Nov. 19, shortly after election day. These statements reported on a generally peaceful campaign period and called for continued adherence to the Code of Conduct for Political Parties and Declaration on 2012 Elections. Carter Center reports also highlighted concern about poor communication within political parties and between parties and the NEC and noted concerns surrounding the resolution of some disputes involving candidacies.

Candidacies and Nominations

Genuine democratic elections are guided by clear electoral laws or procedures that allow all individuals to engage in the electoral process. The legal framework should ensure that all eligible citizens are able to participate in the conduct of public affairs either directly or through freely chosen representatives via

¹⁵ U.N., International Covenant on Civil and Political Rights, art. 25(b); AU, African Charter on Human and Peoples' Rights, art. 13(1); U.N., Convention on the Political Rights of Women, art. 2; U.N., Convention on the Rights of Persons With Disabilities, art. 29 (a)(ii)

¹⁶ ICCPR, art. 19(2); ACHPR, art. 13(2); ICCPR, art. 19; ACHPR, art. 13



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universal and equal suffrage and the right to contest elections without discrimination.¹⁷ Sierra Leone's Electoral Laws Act (2002) encompasses these rights and establishes nomination and withdrawal procedures for candidates at all levels.

Presidential Nominations

Nine of the 10 registered political parties nominated candidates to contest the presidential election. None were women, although four parties nominated a woman as their vice presidential candidate.

There were two key challenges related to the nomination of presidential candidates. One party, the National Democratic Alliance (NDA), missed the deadline for nominations when Mohamed Pateh Bah was expelled and refused the right to run for flag bearer. Bah filed a petition with the high court asking for an injunction preventing the party from nominating its chosen candidate because they had violated their own rules in choosing the flag bearer. The high court granted the injunction, which led the NDA to miss the deadline for nominating their candidate. As of late December 2012, the injunction against the alliance was still in effect, and the high court had not yet made a decision. Although the outcome of the case is now moot with the 2012 elections completed, a ruling is still an important matter of due process and right to an effective remedy.

Mohamed Bangura, the presidential nominee of the United Democratic Movement, also withdrew from the presidential race on Nov. 9 and announced his support for the All People's Congress. However, the National Electoral Commission determined that his withdrawal was beyond the deadline and that his name would appear on the ballots and any votes cast

for him would be counted. The NEC appeared to be referring to a deadline related to the printing of ballots. To the Center's knowledge, such a deadline was not communicated in advance to political parties. The sections of the Electoral Act dealing with the withdrawal of candidates and deadlines for withdrawal should be revised to include a reasonable and detailed time frame for the withdrawal of candidates that takes into consideration practical timelines for the printing and distribution of ballot papers.

Parliamentary Nominations

A total of 589 candidates contested the parliamentary elections. Only two political parties, the All People's Congress and the Sierra Leone People's Party, nominated candidates in all 112 constituencies. With the exception of a few reports of intimidation of female candidates in the Northern and Eastern regions, Carter Center observers found the nomination process generally transparent and straightforward.

As in 2007, many parties, including the All People's Congress and Sierra Leone People's Party, adopted a primary system through constituency-based electoral colleges that assessed and selected candidates based on a range of criteria and qualifications. Unfortunately, these electoral colleges were typically dominated by men and often hostile to women candidates.

The sections of the Electoral Act dealing with the withdrawal of candidates should be revised to include a reasonable time frame for the printing and distribution of ballot papers.

17 U.N., International Covenant on Civil and Political Rights, art. 25; International IDEA, International Electoral Standards: Guidelines for Reviewing the Legal Framework of Elections; IPU, Free and Fair Elections: International Law and Practice, p. 158



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There were only 75 female candidates for member-of-Parliament seats, representing around 11 percent of the total number of candidates, the same percentage as in 2007 elections.

Local Government Nominations

A total of 1,624 candidates contested the local government elections. Of the candidates nominated, 342, or 21 percent, were female. This represents a modest improvement compared to the 2008 local council elections in which 17 percent of the candidates were women.

Sierra Leone's legal framework requires that candidates for local government seats be registered voters in the ward in which they were contesting elections. However, the candidate nomination process for the local government elections was completed before the final voter register was completed, making it impossible for political parties, the National Electoral Commission, or others to verify that nominees met this requirement and were in fact registered voters in the wards in which they were contesting.

Challenges to Nominations

In September and October, NEC officials checked the nomination files for accuracy before provisionally accepting presidential, parliamentary, and local council candidates. Any citizen had the right to object to the nomination of a presidential candidate within seven days of the publication of the provisional list of candidates. While the Supreme Court had jurisdiction over these objections, district electoral officers were responsible for adjudicating objections to parliamentary candidates.¹⁸ The NEC addressed four of these objections in Bo, Kenema,

Port Loko, and Kailahun districts. In each case, the objections were dismissed and nominees upheld due to a lack of sufficient evidence.

Nomination Fees

Registration fees became an issue during the nomination process when they were raised by the National Electoral Commission for the 2012 elections. Political parties and civil society organizations complained that the fees were a significant increase and disproportionately high compared to regional standards. In response, the government agreed to pay the amount of the increase in the fee. However, the high fees put in place by the NEC remain in effect for future elections. The Carter Center recommends that they be reconsidered.

On July 31, 2012, the commission announced steep increases in nonrefundable nomination fees for all elections. Presidential nomination fees were increased from Le1,000,000 to Le100,000,000 (US \$230 to US \$23,000), fees for member of Parliament candidates were increased from Le100,000 to Le25,000,000 (US \$23 to \$5,800), and fees for district chairs/mayors and local council candidates were increased from Le100,000 to Le5,000,000 (US \$23 to US \$1,155) and from Le100,000 to Le2,000,000 (US \$23 to \$460), respectively.

The commission's decision to increase the registration fees for candidates shortly before the registration period began was seen by some stakeholders as an attempt to limit the number of candidates, particularly those from opposition parties who were

With the exception of a few reports of intimidation of female candidates in the Northern and Eastern regions, Carter Center observers found the nomination process generally transparent and straightforward.

¹⁸ Arts. 47 and 63, Public Elections Act, 2012



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considered to be at a lesser financial advantage from ruling party candidates.

In a joint statement on Aug. 8, eight political parties, including the Sierra Leone People's Party and the People's Movement for Democratic Change but excluding the All People's Congress, condemned the fee increases as disproportionate and contrary to regional standards. The All People's Congress and the United Democratic Movement were not part of that joint statement. Civil society and human rights organizations, including the Human Rights Commission of Sierra Leone, also decried the fee increases, arguing they would discriminate against small parties, low-income earners, and vulnerable groups. Furthermore, they argued that the government of Sierra Leone, not political parties, should be the primary funder of the elections.

In early September and following opposition threats to boycott the nomination processes, the Political Parties Registration Commission convened a series of meetings between the National Electoral Commission and registered parties at the Statehouse to reach a solution. A settlement was finally reached at a meeting in which President Koroma and the acting speaker of Parliament participated. It was agreed that political parties would be responsible for covering the fees as they were in 2007 and that the government would subsidize the remaining balance. Political parties, however, would be responsible for covering the new fees in their entirety for the 2017 elections.

In advance of future elections, The Carter Center recommends that these fees be reconsidered and reduced. The current fees are extremely high given Sierra Leone's low annual gross domestic product and ranking at the bottom of the world's human

development index, and the fees are extreme when compared to the region. For example, in Liberia nomination fees are US \$2,500 for presidential candidates, US \$1,500 for vice presidential candidates, US \$750 for candidates for Senate seats, and US \$500 for candidates for seats in the House of Representatives. In Ghana, nomination fees are US \$3,000 for presidential candidates (5,000 Cedis) and US \$300 for parliamentary candidates (500 Cedis).

High candidate-nomination fees reinforce male-dominated and elitist politics and unnecessarily restrict Sierra Leone's international obligation that every citizen has the right to be elected. High fees also hinder the equal participation of women in elections.¹⁹

High candidate-nomination fees reinforce male-dominated and elitist politics and unnecessarily restrict Sierra Leone's international obligation that every citizen has the right to be elected.

Political Parties Registration Commission and the Code of Conduct

Under the Electoral Act, the NEC is mandated to prepare a code of campaign ethics/code of conduct. The Code of Conduct for Political Parties was signed in 2006 in advance of the 2007 national elections. All

parties and candidates contesting the 2012 elections recommitted to observing the code for the 2012 elections. The acceptance of the code by all candidates and parties is mandatory if they wish to contest the elections. The code was established to help ensure that the elections occurred without violence or electoral malfeasance.

The Political Parties Registration Commission was established in the 1991 Constitution and became operational in 2005. Although the commission has

19 OSCE, Handbook for Domestic Election Observers, p. 72; The Centre for Accountability and Rule of Law, National Electoral Commission Nomination Fees and Its Impact on the 30 Percent Representation of Women in Decision Making at All Levels



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little enforcement authority, its mandate includes the authority to register political parties, monitor their compliance with the code of conduct, oversee their accountability to their membership, and promote political pluralism.

The Carter Center welcomes the commission's efforts to resolve interparty disputes and monitor parties' adherence to the code of conduct. The Center's observers noted that district code monitoring committees were operational in most districts and well-respected by the majority of political parties as an effective conflict resolution forum. In Kailahun district, however, observers found that the committee was not meeting regularly and that political parties barely participated in the proceedings. While the PPRC was seen by most Center interlocutors and observers as an effective mediation tool, they lack the authority to enforce violations of the Electoral Act or the code of conduct. Consideration should be given to passage of the Political Parties Registration Commission Act, which would give the body this needed enforcement authority.

Campaign Period

The official campaign period began on Oct. 17 and ended on Nov. 15. The NEC and the 10 registered political parties coordinated on the creation of a campaign calendar, which allocated each party three days of campaigning in each electoral district. While this strictly regimented campaign schedule is at odds with international best practices for the freedom of assembly and access to information during a campaign period, it was a reasonable step that addressed a genuine fear of election-related violence based on

recent experience, including the by-elections of 2011 and early 2012. Nonetheless, the Center hopes that in the future the need for such restrictions will not arise as the political parties mature and citizens reject the notion of electoral violence.

Parties conducted their campaign activities in a largely peaceful manner throughout Sierra Leone and spurred enthusiasm among their supporters. They used posters, banners, and leaflets and held rallies, processions, and small meetings in all 14 districts.

Carter Center observers witnessed 40 campaign events across

11 districts and reported no instances of violent or threatening behavior, inflammatory language, or attempts at disruption. Parties and candidates were indeed able to openly express their opinions and views with voters, which represented one of the most positive aspects of the pre-election period.

Many parties, however, did not respect the calendar and conducted campaign activities in districts on days that were not allocated to them. Political parties did not agree on what the definition of campaigning was for the purpose of the calendar, with some parties believing that no campaigning of any kind should occur in a district by any other party except for the one designated. Others felt that the calendar only applied to big rallies and processions and that "silent campaigning," such as canvassing and door-to-door efforts to speak with voters, was allowed on all days. In addition, some parties and candidates also violated the 7 p.m. ending time for campaigning, and some complaints to this effect were addressed by the PPRC.

Furthermore, Carter Center observers noted that only the All People's Congress and the Sierra Leone

The Center's observers noted that district code monitoring committees were operational in most districts and well-respected by the majority of political parties as an effective conflict resolution forum.



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Gwenn Dubourthourmieu

On Nov. 15, 2012, supporters of the Sierra Leone People's Party anticipate the upcoming election with enthusiasm. The official campaign period ended that day.

People's Party had the means to conduct large-scale rallies and processions during their allocated days of campaigning. With the exception of the People's Movement for Democratic Change, which conducted limited rallies in the Southern region, the seven other political parties lacked the necessary resources to conduct their campaign and were nearly invisible throughout the pre-election period. The SLPP and several of the smaller parties also denounced the APC's use of government assets and advantages of incumbency during the campaign period.

In a public statement released on Nov. 1, 2012, The Carter Center noted that some paramount chiefs in Koinadugu, Kono, and Tonkolili districts were openly campaigning for the ruling All People's Congress and its candidates. While there are no laws barring paramount chiefs from identifying with a political party, their overt participation in certain campaign events raised concerns about their role as traditional leaders and their influence on constituents looking to vote on Nov. 17. Observers also reported some instances of the illegal use of state-owned



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A poll worker distributes ballots and instructions to a young voter.

property for electoral purposes, including in the Western Area region, and noted early campaigning from All People's Congress and Sierra Leone People's Party in Makeni and Bo, respectively.

Debates

Regrettably, no serious televised presidential debates were held in advance of the general elections. While one vice presidential and two presidential debates were organized by the Sierra Leone Elections Debate Group on Oct. 30, Nov. 2, and Nov. 8, respectively, they were boycotted by most parties, including the All People's Congress and the Sierra Leone People's

Party. Carter Center observers attended the first presidential debate, which attracted only two candidates from the United Democratic Movement and the United National People's Party. All presidential debates were broadcast live on TV and radio. A wider participation of presidential candidates would have provided voters an opportunity to compare and evaluate party platforms and policy proposals and make a more informed decision on election day.

Election Violence

There were few incidents of election-related violence during the pre-election period, although a worrisome number of cases of violence toward women candidates was reported. Nearly all Carter Center interlocutors, including the Sierra Leone Police inspector general, noted that this campaign period was much more peaceful than in 2007. However, The Carter Center took note of several media and Sierra Leone Police reports of isolated episodes of violence, including the fatal stabbing on Oct. 20 of an SLPP supporter, allegedly by an APC activist in Freetown's Fouray Bay neighborhood. Both men apparently worked on opposite sides of a closely watched parliamentary race in Constituency 104. Furthermore, Carter Center observers closely monitored the aftermath of a clash between SLPP and APC activists in Koidu town, Kono district, on Oct. 27, in which at least five people were hospitalized.

Summary

The campaign period was conducted in a lively and peaceful manner throughout the country, with the active participation of citizens. However, many political parties lacked the necessary resources to conduct the campaign, and the lack of a functioning campaign finance system was problematic. No serious debates were held, and although the campaign period was lively, campaigning focused largely on personalities rather than providing information to voters on substantive policies and issues.

Although there appeared to be a decline in



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incidents of election-related violence compared to past elections, a worrisome number of cases of violence toward women candidates were reported.

CAMPAIGN FINANCE

The state is obligated to take measures to prevent corruption, particularly in the context of campaign financing.²⁰ The regulation of campaign finance should enforce a transparent process in which all political parties and candidates are treated equally.

Campaign finance in Sierra Leone is governed by Political Parties Act regulations from the National Electoral Commission. Political parties and candidates are expected to raise funds to finance their campaigns during elections: No government subsidies are provided. The law currently does not impose any spending limits on parties and candidates' campaigns, and all Sierra Leoneans eligible to vote may donate to parties and candidates.

To increase transparency in campaign finance procedures, the Political Parties Registration Commission has the mandate to implement financial reporting requirements. Political parties are required to submit a statement of assets and liabilities within 21 days of the announcement of an election, and the PPRC must again collect statements of assets and liabilities, including detailed lists of expenditures, from all political parties contesting the elections 60 days after election day. The regulations also apply



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A poll worker awaits voters on election day, Nov. 17, 2012.

to independent candidates. Furthermore, each registered political party must provide a declaration of its income and audited statement of accounts annually. Reports from parties on campaign expenditures were due Jan. 19, 2013. These reports were expected to aggregate the expenditures of each candidate for all elections.

With technical assistance from International Foundation for Election Systems, the Political Parties Registration Commission developed and distributed campaign

finance reporting forms and guidelines to members of Parliament and presidential candidates at NEC

The campaign period was conducted in a lively and peaceful manner throughout the country, with the active participation of citizens.

²⁰ States must take measures to prevent corruption. Treaty obligations established the general requirement and indicated that states shall promote transparency in public decision-making as a means of combating corruption. U.N. Convention Against Corruption, arts. 18 and 13; African Union Convention on Corruption, art. 7; UNCAC, art. 7



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headquarters and district offices during the nomination period. Unfortunately, these forms were not available for district chair/mayor and local council candidates during that nomination process.

Overall, campaign finance regulations in Sierra Leone are weak, existing requirements are frequently not met, and the commission lacks authority to improve or implement regulations. Political parties do not consistently submit the annual audits of their accounts, and according to the commission, none of the political parties submitted their pre-election statements on their assets and liabilities, which were due in November 2011.

The Carter Center recommends the review and passage of the draft Political Parties Registration Commission Act to strengthen the commission's mandate and enforcement capabilities, including those related to campaign finance. However, even if parties were to comply with the current system and submit reports, there are concerns that the commission lacks the capacity to sufficiently review or audit campaign finance documentation. Additional training should be provided to the commission to ensure that it can effectively play its role.

PARTICIPATION OF WOMEN, MINORITIES, AND MARGINALIZED GROUPS

Freedom from discrimination and the equal right to participate in the political process are enshrined in numerous international and regional treaties of which Sierra Leone is a signatory.²¹ Despite these commitments, women and other minority groups were under-represented throughout the electoral process.

Women

The low number of women candidates participating in the 2012 elections represents one of the

most important shortfalls of the electoral process. Democracies with more women in power have been shown to yield more equitable societies, have less corruption, and make more advancements in education, infrastructure, and health standards. Equality before the law and the absence of discrimination are international obligations mentioned in a number of regional and international treaties, including the International Covenant on Civil and Political Rights, which

Sierra Leone is a party to. Specifically, it is made clear in the covenant that women shall enjoy equal rights to men²² and that in some cases a state may take special, temporary measures to achieve de facto equality for women.²³ Political parties should also embrace the principles of equal opportunity for female candidates.²⁴

Although women make up 52 percent of the total population, they made up only 13 percent (16 members) of the outgoing Parliament. The number fell to 15 following the 2012 parliamentary elections.

Seventy-five women ultimately made it onto parliamentary candidate lists, representing 12 percent of candidates, and 342 women were nominated for local council in Sierra Leone, representing 21 percent of candidates.²⁵

The regulation of campaign finance should enforce a transparent process in which all political parties and candidates are treated equally.

21 African Charter on Democracy, Elections and Governance, art. 8; African Charter on Human and Peoples' Rights (ACHPR), art. 2; U.N., Convention on the Elimination of All Forms of Discrimination Against Women, art. 7; UNHCR, International Covenant on Civil and Political Rights, art. 26

22 U.N., ICCPR, art. 3

23 U.N., Convention on the Elimination of All Forms of Discrimination Against Women, art. 3

24 The United Nations Committee on the Elimination of Discrimination Against Women, General Recommendation 23, para. 22

25 Data taken from the NEC's official list of parliamentary candidates



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Women represented approximately 20 percent of all candidates nominated by the Sierra Leone People's Party, 11 percent of independent candidates, and less than 5 percent of All People's Congress candidates. Although no presidential candidates were women, notably, four vice presidential candidates were women.

High registration fees, intimidation, societal attitudes, and a legacy of electoral violence all contribute to low numbers of female candidates contesting the elections. Women aspirants reported facing opaque and highly competitive internal party nomination processes that included few, if any, women in decision-making roles.

Carter Center observers noted cases of electoral violence targeting women candidates during the campaign and received reports of intimidation against women during the nomination period. Reports of intimidation and violence against women candidates were common (if not widespread) in APC and SLPP strongholds. Although Carter Center observers were not present during political party primaries, they interviewed women candidates affected by intimidating tactics and corroborated accounts of gender-based violence against candidates and potential candidates, particularly in Northern and Eastern regions.

A gender equality bill was drafted to support women's political participation but failed to pass before the dissolution of the outgoing Parliament. The Carter Center strongly recommends that the bill be revisited, strengthened, and reintroduced for consideration by Sierra Leone's next Parliament. The Center notes that women's quotas are found most often in proportional representation systems and are harder to implement in first-past-the-post systems.

The Carter Center encourages further consideration of alternative steps to ensure greater numbers of women candidates that would reflect Sierra Leone's international obligations to ensure that women are able to participate fully in politics as equal citizens alongside men as voters and as candidates. The Carter Center also recommends that Sierra Leone ratify the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa.

People with Disabilities

Some estimates put the number of people with disabilities in Sierra Leone among the highest in the world at 10 percent of the population.²⁶ This population includes amputee victims of Sierra Leone's brutal

civil war as well as those suffering from debilitating diseases such as polio that cannot easily be treated with the country's poor infrastructure and high rates of poverty.

The Electoral Act and the Persons With Disabilities Act of 2011 support equal enfranchisement of Sierra Leone's disabled population by

encouraging accessibility of polling stations as well as provisions for providing assistance to voters. However, Carter Center observers noted that the location of polling centers should be revised to ensure easier access for disabled voters. The NEC should continue to take steps to ensure that all polling sites are accessible.

Although NEC regulations in 2007 included provisions for tactile ballots for visually impaired voters, these ballots were regrettably not available for the

The low number of women candidates participating in the 2012 elections represents one of the most important shortfalls of the electoral process.

²⁶ While no up-to-date statistical data is available for the number of disabled people in Sierra Leone, the World Health Organization estimates it to be approximately 490,000 (10 percent of the population).



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2012 elections. The commission should reconsider utilizing tactile ballots in future elections and should consider efforts to hire a greater number of people with disabilities as staff and poll workers as a means of enhancing the participation of this significant population in the electoral process. Future voter and civic education efforts should also include components that target disabled voters and should include people with disabilities in the dissemination of information.

Summary

The low number of women candidates participating in the 2012 elections represents one of the most important shortfalls of the electoral process, and the reported cases of violence against women candidates are of serious concern. Steps should be taken to ensure that women are able to participate fully in politics as equal citizens alongside men as voters and as candidates, including adoption of internal quotas for political parties and ratification of the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa. Steps should also be taken to enhance the political participation of people with disabilities at every stage, with particular emphasis on voter and civic education and reconsideration of the use of the tactile ballots.

THE MEDIA

The media play an indispensable role during democratic elections by educating voters and political parties about major issues, thus giving them access to information so they can make a truly informed decision. Sierra Leone's regional commitments indicate that in order to promote equality, political parties and candidates must have access to the public media on a



Carter Center staff hang a banner before a press conference.

nondiscriminatory basis and that public service media should ensure that the public receive adequate and balanced information during election periods.²⁷ This includes ensuring that women candidates are able

to secure equal media coverage to their male counterparts.

An independent media agency, the Independent Media Commission, was created in 2000 to register and regulate the press, audiovisual media, and electronic media by monitoring their compliance with the Media Code of Practice.

The commission has the legal authority to impose fines and to suspend or ban print and electronic media when not complying with media regulations. The commission, indeed, tried

The commission should reconsider utilizing tactile ballots in future elections and should consider efforts to hire a greater number of people with disabilities as staff and poll workers.

²⁷ AU, Declaration on Principles on Freedom of Expression in Africa, art. 6; AU, Declaration on the Principles Governing Democratic Elections in Africa, art. IV.5



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Rupiah Banda, mission leader, and John Stremlau, Carter Center vice president, discuss election-day observations with a local reporter (right).

to suspend two newspapers close to the ruling party and suspended one journalist for not respecting the Media Code of Practice. In spite of the efforts of the commission, cases of noncompliance with the code of practice were observed by the Center during the pre-election environment. A piece of legislation has been drafted that if passed, would strengthen the regulatory role of the Independent Media Commission.

According to Independent Media Commission records, there are 66 registered newspapers in Sierra Leone but only an average of 20 newspapers are published daily. These include the country's three political party newspapers—We Yone (APC), Unity (SLPP), and Positive Change (PMDC)—which also fall under the jurisdiction of the Independent Media Commission. The majority of these newspapers have a limited distribution and are seldom read beyond Freetown.

There are also 64 radio stations and 10 television stations, although only three of them are operational. Radio remains the main source of information for the majority of the population, particularly in rural areas. The publicly funded Sierra Leone Broadcasting Corporation is by far the largest media outlet in the country, and its TV and radio stations are sometimes the only source of information in rural areas, particularly in Koinadugu and parts of the Eastern region.

Local radio stations have been instrumental in the dissemination of voter education messages while at the same time offering air time to candidates capable of paying for it in an overall neutral manner. However, the cost of air time has not been consistent throughout the country from one region to another. In addition, in some cases it has been inconsistent among candidates in the same region.

The Independent Media Commission deployed 16 monitors across the country to observe the conduct of public and community radio stations as well as newspapers during the campaign period and to assess the quality and impartiality of their election coverage. These monitors reported to the commission on a weekly or, in some cases, daily basis for

the areas identified as “hot spots,” including Kailahun, Koinadugu, Kono, Moyamba, and Pujehun districts. While Carter Center observers were able to attest to the presence of these monitors in the Northern and Southern regions, they were unable to locate or identify any of them in the Eastern region.

While The Carter Center did not conduct a media-monitoring program as part of its mission, the European Union Election Observation Mission's reporting indicated an uneven playing field

Steps should be taken to ensure that women are able to participate fully in politics as equal citizens alongside men as voters and as candidates.



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(Left to right) Gregoire Houël, country representative; John Stremlau, Carter Center peace programs vice president; Rupiah Banda, observation mission leader; and Brett Lacy, Carter Center democracy program assistant director, hold a press conference on election observations.

in the media coverage of candidates and political campaigns. The EU reported that the incumbent president and the ruling party received considerably more coverage than opposition parties from the Sierra Leone Broadcasting Corporation and other outlets, providing them with an unfair advantage during the campaign period.

CIVIL SOCIETY

According to public international law, all people have the right to participate in the public affairs of their country.²⁸ This includes the right of citizens to participate in nongovernmental organizations as well as the right of citizens to participate in citizen observer organizations and contribute to voter education efforts.²⁹ Through these means, civil society can play an essential role in upholding an electoral process that is accountable and in which all participants can have confidence.

Civil society organizations have played a crucial role in the electoral process by conducting education, calling for a peaceful process, assisting in training of candidates, and advocating for rights.

There are a large number of civil society organizations present in the country that are actively involved in the electoral process. Civil society organizations have played a crucial role in the electoral process by conducting civic and voter education, calling for a peaceful process, assisting in training of candidates, and advocating that democratic rights be enjoyed equally by all Sierra Leoneans, including women and the disabled. Carter Center observers noted that in most cases, civil society acted neutrally. Observer reports also indicated that civil society is particularly active and diverse in Bo and Makeni.

The electoral process also benefited from the work of the main citizen election observation organization, National Election Watch (NEW), which observed the voter registration period and candidate nominations as well as the campaign period. In all, the organization deployed 224 long-term observers—with one observer per constituency—and fielded almost 9,500 short-term observers on election day, with the aim of placing one observer in each polling station. In their election-day reports, Carter Center observers also noted other civil society organizations represented at

polling stations, including those from the Women's Situation Room and the Council of Churches of Sierra Leone.

National Election Watch was created in 2000 in advance of Sierra Leone's first postwar elections and today is an umbrella organization comprising over 300 civil society and

28 U.N., International Covenant on Civil and Political Rights, art. 25(a); AU, African Charter on Human and Peoples' Rights, art. 13(1); U.N., Universal Declaration of Human Rights, art. 21(a)

29 U.N., United Nations Human Rights Committee, General Comment No. 25 on "The Right to Participate in Public Affairs, Voting Rights and the Right to Equal Access to Public Service," para. 11; U.N., Human Rights and Elections: A Handbook on the Legal, Technical, and Human Rights Aspects of Elections, para. 124



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Domestic observers from National Election Watch gather and compile information on election day.

professional associations from across the country. NEW observers were noted in most polling stations visited by Carter Center observers and were assessed as professional and well-trained. NEW's leadership and organizational structure are strong, and its observation was conducted in accordance with the Declaration of Global Principles for Nonpartisan Election Observation and Monitoring by Citizen Organizations, which emphasizes the neutrality and professionalism of observation.³⁰

From its citizens' situation room, NEW processed data from the field in real time on election day, notably through coded SMS reports sent by observers. Observer reports were also mapped and posted online at www.salonvote.com over the course of election day and updated in the aftermath of the elections. The organization also conducted a parallel

vote tabulation during the polls from a sample of 733 polling stations, which produced valuable information regarding the integrity of the administration of the election as well as the elections results.

The organization conducted its election observation activities without interference from government authorities or the National Electoral Commission throughout the electoral process. NEW's leadership and position as a major stakeholder in the electoral process were evidenced by its participa-

tion in NEC's political parties liaison committee meetings and its full-fledged membership in the Political Parties Registration Commission's district code monitoring committees.

Summary

Sierra Leone's active civil society is one of the country's greatest resources. Civil society organizations played an important role in many aspects of the electoral process, from implementing voter and civic education campaigns to advocating for important reform to supporting political space for the participation of marginalized groups. The election observation efforts of National Election Watch made critical contributions to the elections, and the Center extends its congratulations to all Sierra Leoneans who supported NEW's efforts.

³⁰ This declaration was developed by the Global Network of Domestic Election Monitors.



ELECTION DAY

The quality of voting operations on election day is crucial to determining how closely an election falls in line with its democratic obligations. According to Sierra Leone’s international and regional commitments, all citizens should enjoy the right to universal and equal suffrage, subject only to reasonable and objective limitations.³¹ A core obligation under international law is that elections shall be held by secret ballot, which is recognized as a means of ensuring that the will of the people is expressed freely and that a cast ballot cannot be connected with a voter to avoid intimidation and political retribution.³² Except in cases where a voter, such as an illiterate or disabled voter, is being lawfully assisted, a voter cannot waive his or her right to secrecy of the ballot.³³

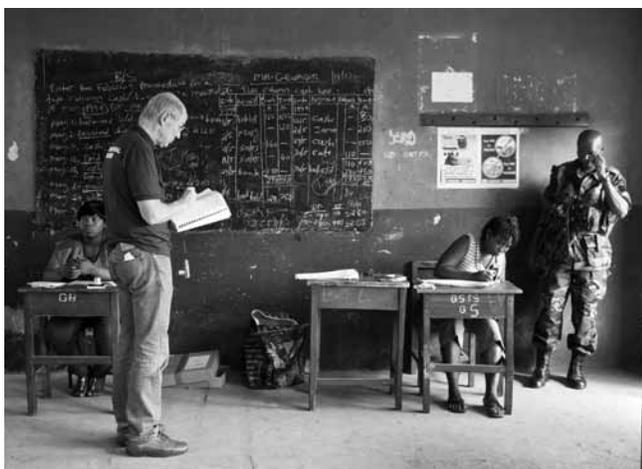
For the 2012 elections, the number of polling centers was increased to 9,493, with the number of

voters per polling station reduced from 500 to an average of 300. This change allowed greater access to the process by voters than was reported in past elections and ensured adequate time for those registered to vote on election day.

In 2012, the number of polling centers was increased, allowing greater access to the process and ensuring adequate time for those registered to vote.

The Carter Center released a public statement on Nov. 19, two days after polling, which summarized its observations. While the Center noted some limited administrative shortcomings, observers reported that the electoral process was well-conducted by NEC officials, that polling staff performed admirably in difficult conditions, and that the people of Sierra Leone turned out

in high numbers to cast their ballots freely.³⁴ Carter Center observers visited a total of 217 polling stations on election day, where they observed the opening of the polls, along with the voting, closing, and counting process. In many locations, polling centers were not easily accessible to disabled and elderly voters. Security forces were in place in almost all of polling stations visited by Carter Center observers.



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John Strem lau, Carter Center peace programs vice president, fills out an observation checklist on election day.

31 U.N., International Covenant on Civil and Political Rights, art. 25(b); U.N., United Nations Human Rights Committee, General Comment No. 25 on “The Right to Participate in Public Affairs, Voting Rights and the Right to Equal Access to Public Service,” para. 21; U.N., Universal Declaration of Human Rights, art. 21(3); IPU, Inter-Parliamentary Union Declaration on Criteria for Free and Fair Elections, art. 2(6)

32 IPU, Inter-Parliamentary Union Declaration on Criteria for Free and Fair Elections, art. 2 (7)

33 U.N., Convention on the Rights of Persons With Disabilities, art. 29 (a)(ii)

34 Please see Appendix D, Preliminary Statement, Nov. 19, 2012, for the full text of this statement.



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Carter Center observers also found that the environment around polling centers was calm and that voters were generally enthusiastic. In some cases, voters arrived at the polling center the night before, and long queues of people were noted across the country in the early morning. Voter turnout at polling stations observed by Carter Center observers was high, exceeding 75 percent in most cases.

Carter Center observers visited 217 polling stations on election day. These included 17 reports on poll openings, 183 poll closings, and 17 counting processes. In their reports, Carter Center observers characterized the overall polling process as either “good” or “very good” in 92 percent of polling places visited.

OPENING

About 17 percent of the polling stations visited by Carter Center observers opened late, although only 7 percent experienced a delay of more than 30 minutes. In none of the polling centers observed did the delays affect the ability of registered voters to vote within the time frame allowed on election day.

In most cases, the delay in the opening of the polls was due to the lack of understanding of opening procedure or to the absence of some essential materials, which were later delivered by NEC officials. In some limited cases, the delayed opening caused tension among voters in long queues, putting additional pressure on the queue controllers. This was particularly prevalent in Western Urban district, where most centers visited by Carter Center observers reported challenges with queue management in the morning. By midafternoon, however, queues had diminished as polling officials gained confidence and processed voters more efficiently.

During the opening of the polls, Carter Center

observers saw campaign material at a very small number of centers visited, and there were no reports of any intimidation or coercion by political party supporters.

All poll workers were present and procedures were correctly followed in all polling stations visited. In over 80 percent of the cases, Carter Center observers also evaluated the opening procedures as “good” or “very good” with no significant difference across the country’s four regions.

POLLING

The voting process improved during the day as polling staff processed

voters more efficiently. By midafternoon, Carter Center observers reported that queues were rare and turnout was already high, particularly among women.

Although observers reported that the embossing device was not working adequately in many polling places, this did not undermine the fundamental integrity of the process given other safeguards were in place to protect against multiple voting, including the application of indelible ink.

Carter Center observers also noted that in some cases the layout of the polling station and placement of the voting booth, particularly those in stations with limited space, could have compromised the secrecy of the vote. However, in these cases observers did not report serious concerns about violations of ballot secrecy or incidents of intimidation or concern among voters.

Political parties and independent candidates’ agents were present at almost all of the polling stations observed. Carter Center observers noted APC and SLPP in nearly all stations visited, while PMDC agents had a consistent presence in the Southern region and Western Urban district. In fewer cases, observers saw agents from smaller parties and independent candidates.

All poll workers were present and procedures were correctly followed in all polling stations visited.



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In several instances, Carter Center observers found that the APC and SLPP had dispatched two party agents inside polling stations in a clear violation of National Electoral Commission polling instructions, which stipulate that parties could only place one agent inside a polling station at any given time. Although this violation did not result in perceived voter intimidation or interference with the work of polling officials, the APC and SLPP should heed the NEC's instructions in future elections.

Carter Center observers noted that citizen observer groups were present in nearly all of the polling stations visited on election day and that they were able to access stations and to perform their duties without interference from polling officials, party agents, or police officers. NEW observers were nearly omnipresent, while observers from the Women's Situation Room and the Council of Churches in Sierra Leone were seen in smaller numbers, particularly outside the Western Area region.

While voter enquiry officers were overall present in the polling stations visited, Carter Center observers deployed in the Eastern region found that in about 30 percent of cases, officers were not available to direct voters who lacked voter cards.

Overall, Carter Center observers reported that the voting process was well-administered and that the performance of polling staff was "very good" or "good" in over 90 percent of polling stations observed by the Center. In stations observed by the Center, procedures were conducted professionally with no major irregularities reported.

ELECTION-DAY BAN ON VEHICULAR MOVEMENT

On election day, a ban on vehicular movement was enforced on all vehicles by the Sierra Leone Police. The ban prevented cars, trucks, and buses from operating on the roads in district capitals, although motorbikes were allowed in rural areas. The purpose of the ban was to avert violence and disorder during the polls and to mitigate the possibility of disgruntled or overexcited party supporters committing acts of disorder or vandalism, as was reported in the 2007 elections. To accommodate citizens who may be unable or unwilling to reach their polling sites on foot, NEC provided

limited transportation through the allocation of 24 buses to transport voters to and from their polling centers during election day. The ban, however, did not apply to vehicles operated by the SLP, NEC, international and domestic observers, and a limited number of political party officials from each party contesting the elections.

While The Carter Center commends the political parties, the police, NEC, and other stakeholders for agreeing to abide by the vehicular movement restriction, it notes that the practice is inconsistent with the fundamental right to freedom of movement. In a statement released in advance of the elections on Nov. 1, the Center noted: "While The Carter Center acknowledges the authorities' concern about potential violence on polling day, the ban contradicts international obligations and Sierra Leone's own Constitution, which protects the freedom of

Carter Center observers noted that citizen observer groups were present in nearly all of the polling stations visited on election day and were able to perform their duties without interference.



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movement under Clauses 16 and 18. ...The Center hopes that such a ban will not be needed in future elections, as full democratic participation requires the freedom of movement.”³⁵

Concerns about electoral violence can be effectively addressed through enforcement of laws against violence, vandalism, or riotous acts and through voluntary restrictions adopted by parties and others.

CLOSING AND COUNTING

The accurate and fair counting of votes plays an indispensable role in ensuring that the electoral

process is democratic and reflects the will of the voters. International and regional commitments require that votes be counted by an independent and impartial electoral management body whose counting process is public, transparent, and free of corruption.³⁶

Although the reduction of the number of registered voters per polling station from 500 to 300 helped poll workers to process voters through all four elections within the prescribed time frame, the administration of those four polls in a single day complicated and delayed the vote count in many polling stations visited. For example, procedures for filling out the



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While the Center noted some limited administrative shortcomings, observers reported that the electoral process was well-conducted and that the people of Sierra Leone turned out in high numbers to cast their ballots freely.

³⁵ Please see Appendix D, Pre-Election Statement, Nov. 1, 2012, for the full text of this statement.

³⁶ IPU, *Free and Fair Elections: International Law and Practice*, p. 152; U.N., United Nations Human Rights Committee, General Comment No. 25 on “The Right to Participate in Public Affairs, Voting Rights and the Right to Equal Access to Public Service,” para. 20



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reconciliation and results forms and for the final packing of election materials were overly complicated and cumbersome, causing confusion among polling officials, including presiding officers. In future elections, NEC should simplify these procedures and equally emphasize polling and counting procedures during its trainings of poll workers.

Nonetheless, Carter Center observers found

that the reconciliation, sorting, and counting processes were respected and took place in a peaceful atmosphere. Observers rated the closing procedures as “good” or “very good” in 62 percent of the cases, which represents a lower rating than the one granted to polling procedures. In 37 percent of the polling stations visited for closing and counting, the performance of polling officials was rated as “poor.”

While The Carter Center acknowledges concern about potential violence on polling day, the ban on vehicular movement on election day contradicts international obligations and Sierra Leone's own Constitution.



POSTELECTION DEVELOPMENTS

TABULATION

The tabulation and transmission of results are critical phases in any electoral process. The tabulation process helps ensure that the will of the people serves as the basis of the authority of government and that votes are counted and reported honestly.

The tabulation of results should be verifiable and transparent at all levels of the election administration. The process should be open to observation by political parties, international and citizen observers, and the media. Final results should be made public down to the polling-station level, or lowest possible level of aggregation.³⁷

The 2012 elections marked the first time that Sierra Leone employed a decentralized tabulation system at the regional and district levels. Regrettably, tabulation procedures were only finalized and made available to stakeholders three days before election day, threatening the integrity and transparency of the process and allowing very little time for training of officials or for candidate agents and observers to become familiar with them.³⁸ This contributed to several challenges during the tabulation process, including inconsistencies in how quarantined reconciliation and results forms were addressed as well as inconsistencies in procedures for recounts. In future elections, tally procedures should be finalized much earlier in the process in order to better train NEC officials as well as to inform political parties, civil society groups, and observers.

The tabulation of results took place at four regional tally centers and 14 district tally centers, although

the relationship between the district and regional tally centers was unclear and there did not appear to be any cross-checking of data. The regional tally centers were supported by U.N. technical advisers, while the district tally centers received financial and technical support from the government of Nigeria.

In future elections, the Center recommends that a single integrated tabulation system be developed for determining the results and that the parallel system be discontinued.

Carter Center long-term observers remained deployed in the postelection period to monitor the tabulation process at all four regional tally centers in Wellington (Western Area region), Makeni (Northern region), Bo (Southern region), and Kenema (Eastern region) as well as at district tally centers.

Carter Center observers found the vote tally to be orderly and well-organized and assessed the regional tally centers' personnel as competent and responsive to observers' inquiries, including those involving the

Carter Center observers found the vote tally to be orderly and well-organized and assessed the regional tally centers' personnel as competent and responsive to observers' inquiries.

37 ECOWAS, Protocol A/SP1/12/01 on Democracy and Good Governance, Supplementary to the Protocol Relating to the Mechanism for Conflict Prevention, Management, Resolution, Peacekeeping and Security, art. 6; CoE, Code of Good Practice in Electoral Matters, sec. 1.3.2.xiv; OSCE, Copenhagen Document - Second Conference on the Human Dimension of the CSCE, para. 7.4

38 "Procedures for counting should be known to those election officials, party agents, observers and any other authorized persons who are permitted to be present during the count." EISA and Electoral Commission Forum of SADC Countries, Principles for Election Management, Monitoring, and Observation in the SADC Region, p. 26. "Re-count procedures should be available in case of questionable results." U.N., Human Rights and Elections: A Handbook on the Legal, Technical, and Human Rights Aspects of Elections, para. 112



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number and nature of quarantined reconciliation and results forms. According to NEC procedures, reconciliation and results forms should be quarantined if tamper-evident envelopes received from district offices appear to be damaged or tampered with, incorrect tamper-evident envelopes are delivered, data is missing, clear signs of over-voting are apparent, or if forms remained unresolved after undergoing a form review.

The Center noted, however, that Kenema's regional tally center experienced more procedural challenges and was much slower in processing reconciliation and results forms compared to the rest of the country. According to observers' reports, only

76 percent of reconciliation and results forms for the presidential election had been processed by Nov. 22 when the rest of the country had already processed more than 90 percent of those forms.

Observers reported that delays in the Eastern region were partly due to the quarantine of 141 reconciliation and results forms from Kono district, which lacked the official NEC stamp. The NEC seal was also missing in polling stations in the other regions, albeit in smaller numbers. These reconciliation and results forms were initially quarantined for ballot recounts before NEC decided on Nov. 22 to tally them without further review. Commissioners told The Carter Center that the decision—taken during an emergency meeting in Freetown—was based on their reluctance to disenfranchise voters. While the National Electoral Commission appears to have taken the decision with the best of intentions, Carter Center interviews with commissioners and political party leaders at the national level indicate that it was not properly communicated nor explained to major stakeholders, harming the confidence of some in the region in the NEC.

Summary

Although the tabulation process was conducted well overall, observers did note some procedural challenges, particularly surrounding initial confusion in some cases surrounding quarantine procedures and procedures for recounts. The late release of tabulation procedures threatened the integrity and transparency

of the process. The parallel system of tabulation at the district and regional levels created unnecessary complications, and in future elections a single integrated tabulation system should be adopted for determining results.

For future elections, NEC should communicate to political parties all procedures pertaining

to ballot recounts and the triggers in place for such recounts. To enhance confidence in NEC's decision-making process, The Carter Center also urges the commission to share in a timely manner all decisions pertaining to sensitive matters, including ballot recounts, with political parties at the national and district level. Likewise, political parties should improve internal channels of communication between the national leadership and their regional and district-level representatives to facilitate the timely sharing of information.

Presidential Recounts

According to NEC records, the commission conducted a total of 59 recounts across the country for the presidential vote tally.³⁹ Although there were

For future elections, NEC should communicate to political parties all procedures pertaining to ballot recounts and the triggers in place for such recounts.

³⁹ According to NEC, five recounts were conducted in the Northern region (three in Bombali, one in Tonkolili, and one in Port Loko); two in the Southern region (one in Moyamba and one in Pujehun); 35 in the Eastern region (six in Kailahun, two in Kenema, and 27 in Kono); and 17 in the Western Area region. There was over-voting in five of those recount cases, all in the Western Area region. All results from these recounts were annulled. None of the other recounts showed discrepancies.



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no specific triggers or criteria for ordering recounts, they usually involved unresolved quarantined forms after the review process, including cases of over-voting that could not be explained by the addition of Sierra Leone Police officers and polling staff to the final voter register form. According to NEC procedures, vote recounts entail the same steps as a regular vote count, where reconciliation and results forms must be filled out and ballot boxes must be unsealed, resealed, and recorded on a records of seals form.

Carter Center observers directly witnessed 15 of those recounts in Western Urban, Western Rural, Bombali, Tonkolili, and Kenema districts. In all instances, they noted the presence of observers from the National Election Watch as well as party agents from the APC and SLPP. In the Western Area region, Carter Center observers monitored 10 of the 17 recounts conducted, including six recounts in Western Urban district and four recounts in Western Rural district. All but one recount was conducted according to procedures. One recount could not be completed because ballots were wet and needed to be dried before the count could proceed.

In the Northern region, observers witnessed one recount in Tonkolili district, where presidential election ballots from two ballot boxes belonging to the same polling center were merged before being recounted, a clear violation of NEC procedures. They also observed three recounts in Bombali where procedures were followed. In the Eastern region, Carter Center observers witnessed one recount in Kenema, which was conducted according to procedures. The bulk of quarantined cases slated for recounts came from Kono and were eventually tallied. No recounts were observed in the Southern region.

Summary

It is a positive contribution to the overall transparency of the process that procedures were put in place to allow for recounts. However, there was some initial confusion regarding the process for recounts, and Carter Center observers noted that procedures

were implemented differently in different parts of the country. It is important to note that the number of recounts conducted was not sufficient to have an impact on the outcome of any election. The Carter Center released a statement on Nov. 24 summarizing its observations of the tabulation and recount processes.

ELECTION RESULTS

The National Electoral Commission completed the announcement of results for all four elections on Nov. 28 and published them on its website on Nov. 30. The NEC had given itself 10 days to announce all results, a timeline by which it was largely able to abide. This is also a reminder that a clear calendar for the announcement of results should be enshrined in the electoral law. Unlike the 2007 elections in which the NEC released rolling results, results for the presidential, parliamentary, and local government elections were released only when final results were in, contributing to a climate of concern and uncertainty in the immediate postelection period.

The National Electoral Commission should share the results of all four elections by polling station and post them on its website as soon as possible. Further consideration should be given to releasing results on a rolling basis to contribute to the transparency of the process.

Presidential Results

On Nov. 23, Dr. Christiana Thorpe, chairwoman of the National Electoral Commission, certified the final results of the presidential election, which indicated that President Ernest Bai Koroma of the All People's Congress was re-elected with 58.7 percent of the valid votes, ahead of his main challenger, Julius Maada Bio of the Sierra Leone People's Party, who garnered 37.4 percent of the valid ballots cast. Over 87 percent of registered voters participated in the election.

At the time presidential results were announced, 2.4 percent of results forms were still under review.



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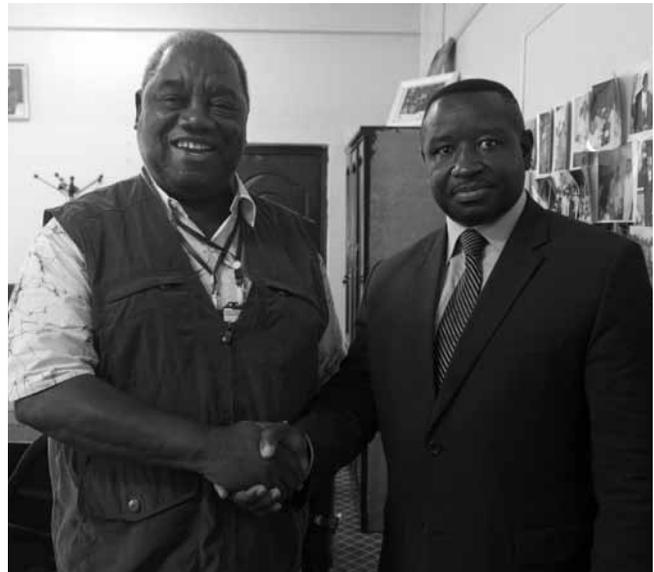
Although the outstanding results from remaining polling stations were not sufficient to affect the outcome of the election, The Carter Center encourages NEC to ensure that all remaining quarantined reconciliation and results forms are released and to update the official results of the presidential election as a confidence-building measure in the electoral process and in an effort to protect voters' franchise.

Parliamentary Results

Results for the parliamentary elections were certified by the NEC on Nov. 28 along with local government results. The parliamentary results show the APC capturing 67 out of 112 parliamentary seats—a net gain of eight parliamentary seats compared to the 2007 elections—notably by consolidating its strongholds in the Northern region and Western Area region. The ruling party also made significant gains in Kono district where it captured six out of eight parliamentary seats, and it won a seat in both Moyamba and Kailahun districts, historical strongholds of the Sierra Leone People's Party. The results show the All People's Congress as the dominant political force in the country.

By contrast, the SLPP ceded significant electoral ground in the Southern and Eastern regions and was unable to keep its modest northern presence in Kambia and Koinadugu districts. The main opposition party, however, suffered a net loss of one parliamentary seat compared to the 2007 elections, largely thanks to the weakening of the People's Movement for Democratic Change.

The PMDC lost its 10 parliamentary seats and is holding on to a single local council seat in Pujehun district,⁴⁰ leading some analysts to question the party's long-term viability.



Gwenn Dubourthourmieu

Carter Center observation mission leader and former Zambian President Rupiah Banda meets with SLPP presidential candidate Julius Maada Bio on Nov. 16, 2012.

Only 15 women were elected to Parliament, comprising only 12.1 percent of newly elected members of Parliament when the legislature begins

a new term on Dec. 14.⁴¹ That represents a slight decrease compared to the 2007 parliamentary elections when women candidates captured 16 seats in the House of Representatives. The lack of women representation in the legislature represents

one of the most significant failings of Sierra Leone's electoral process.

Local Government Results

The NEC also certified results for district chairs/mayors and local council elections on Nov. 28. The

The lack of women representation in the legislature represents one of the most significant failings of Sierra Leone's electoral process.

⁴⁰ By early 2012, the PMDC was left with seven parliamentary seats, having lost three by-elections in the interim.

⁴¹ Women's representation in Parliament rises to 13.4 percent if paramount chiefs are excluded from the calculation.



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APC won seven out of 13 district chair seats, with the SLPP capturing the remaining six seats exclusively in its strongholds in the Southern and Eastern regions.

Only one woman, from the SLPP, was elected to the district chair position in Bonthe. Likewise, one woman was elected district chair in 2008 in Kono. Furthermore, only 52 women were elected local councilors, occupying a disappointing 13.4 percent of the 387 council seats. However, the 2012 results reflect

that Sierra Leoneans elected the first woman mayor of a major city in Makeni.

Summary

The announcement of results only when final results were available, rather than on a rolling basis, contributed to periods of silence and a climate of concern and uncertainty in the immediate postelection period. In future elections, further consideration should be given to the process for announcing results to promote transparency and alleviate any tensions that could arise. The NEC should share results of all four elections by polling station and post them to its website. International standards suggest that the announcement of results should be expeditious and that published information should be complete, with the number of votes cast detailed in breakdowns to the polling-station level or the lowest level of aggregation.⁴²

POSTELECTION POLITICAL ENVIRONMENT

The postelection environment was characterized by a climate of increasing tension, a few incidents of violence that led to curfews in some areas, and apprehension regarding the behavior of political party supporters and elites as tabulation continued and citizens waited for an announcement of results. The Carter Center released a number of public statements in the postelection period, including a joint statement with other international and national election observation organizations on Nov. 21 to urge that the tabulation process continue in an environment of peace and transparency, that the results be respected, and that any challenges be addressed through the established election dispute channels. The Carter Center released a subsequent statement on Nov. 24



Gwenn Dubourthoumieu

On Nov. 19, 2012, Rupiah Banda talks with APC presidential candidate Ernest Bai Koroma.

⁴² EU, Handbook for European Union Election Observation, Second Edition, p. 86; EISA and Electoral Commission Forum of SADC Countries, Principles for Election Management, Monitoring, and Observation in the SADC Region, p. 27; OSCE, Existing Commitments for Democratic Elections in OSCE Participating States, p. 73



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following the announcement of presidential results, calling on parties and candidates to respect the process and summarizing observation of the Center's long-term observers at regional and district tabulation centers.

As the National Electoral Commission tabulated results in the postelection period, tensions rose in some areas. A one-night curfew was first imposed in Kailahun on Nov. 19, two days after polling, following brief rioting by some Sierra Leone People's Party supporters in reaction to alleged irregularities on election day. Extended night curfews were then imposed in Bo and Kenema following another bout of rioting by SLPP supporters in these strongholds. The demonstrators were reacting to the discovery of 28 ballot boxes in what they thought was an unguarded storage room for a community market in Bo and had wrongly assumed that those ballots were never counted. In all cases, the curfew was enforced by the Sierra Leone Police with support from the Military Aid to Civilian Power through heavy patrolling and the establishment of checkpoints.

In a commendable step and in response to concerns about high tensions prior to the announcement of results, on Nov. 22 the All People's Congress, Sierra Leone People's Party, and others pledged to promote peace and refrain from violence during the postelectoral period. The security environment improved considerably following the announcement of results and curfews were lifted in Bo and Kenema on Nov. 30 and Dec. 1, respectively.

This dialogue and commitment to a peaceful resolution of political disputes continued on Dec. 3 when Julius Maada Bio of the SLPP visited the Statehouse at the invitation of President Koroma to address the nation and assure the people of Sierra Leone that he was seeking peace and reconciliation. According to

SLPP officials, Bio's presence was a tacit acceptance of the elections' results, despite an official petition filed by the party contesting results earlier that week.

The reconciliation was first initiated by former Vice President Solomon Ekuma Berewa of the party, who met separately with the two presidential candidates during the previous week. The Statehouse meeting was later organized and mediated by the Council of Churches in Sierra Leone, an umbrella organization of

17 member churches and 10 affiliates. The council, which observed the Nov. 17 elections, is one of Sierra Leone's main promoters of peaceful resolution of conflict and respect of human rights.

On Dec. 6, the national executive council of the Sierra Leone People's Party ratified and approved the meeting between President Koroma and Julius Maada Bio and called on its newly elected members of Parliament, mayors, district chairs, and local council members to take up their position, ending speculation about a nationwide boycott of the country's governing institutions.

ELECTORAL DISPUTE RESOLUTION

Effective, clear, and fair procedures for electoral dispute resolution are an essential part of a well-functioning electoral process.⁴³ Voters and other electoral

In future elections, further consideration should be given to the process for announcing results to promote transparency and alleviate any tensions that could arise.

43 ICCPR, art. 2(3). "Each party state to the present covenant undertakes: (a) to ensure that any person whose rights or freedoms are herein recognized as violated shall have an effective remedy, notwithstanding that the violation has been committed by persons acting in an official capacity; (b) to ensure that any person claiming such a remedy shall have his rights thereto determined by competent judicial, administrative or legislative authorities, or by any other competent authority provided for by the legal system of the State, and to develop the possibilities of judicial remedy; (c) to ensure that the competent authorities shall enforce such remedies when granted."; AU, African Commission on Human and Peoples' Rights, Principles and Guidelines on the Right to a Fair Trial and Legal Assistance in Africa, C (a)



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stakeholders must be given, and must perceive that they possess, a voice in the quality of the electoral process if the process is to retain credibility. Timely and effective resolution of disputes is critical in ensuring that the right to an effective remedy and right to a fair and public hearing are realized.⁴⁴

There are a number of institutions through which complaints and challenges related to elections can be addressed, including filing a complaint with the NEC regarding the violation of campaign regulations by a party or candidate or filing a complaint with the Political Parties Registration Commission, the Sierra Leone Police, magistrate courts, the Electoral Offenses Court, or the Supreme Court. In the Supreme Court, complaints can be appealed and challenges to the outcome of an election can be filed.

This election was marked by the failure of electoral stakeholders to use the electoral dispute resolution system to resolve electoral disputes, primarily due to a lack of trust in the impartiality of the judiciary and the National Electoral Commission. There was also a general belief that the judiciary did not have the capacity to rule on matters in a timely manner.

Along with lack of trust in the impartiality of the NEC and the courts, stakeholders complained of a lack of clear procedures for the resolution of complaints. The jurisdiction of the various election dispute resolution bodies is also not clear, and the Electoral Act provides little guidance in this area.

The timely and effective resolution of disputes is critical in ensuring that right to an effective remedy is respected. In Sierra Leone, there is no time limit provided to ensure resolution of disputes regarding nominations prior to election day, resulting in some cases regarding eligibility of candidacies left unresolved prior to polling. This should be adjusted

to ensure that there is ample time to decide on any complaints regarding the legitimacy of candidacies prior to election day. In other cases, the time frame for decision is unclear and/or too long.

The Center recommends that the Electoral Act be amended to address these deficiencies before the

next election, providing more guidance on the role and jurisdiction of the various bodies as well as clear time frames for the resolution of disputes.

Election Offenses Courts

Electoral Offenses Courts were first established in 2007 and again in 2012 to hear complaints concerning election offenses.⁴⁵ A court has six months from the date of its creation to resolve all cases. Appeals from this court are heard in the Court of Appeals,

and the decision of the Court of Appeals is final.

Most stakeholders seemed unaware of the existence of the courts, unsure of their function, and unsure if the courts had been fully established. Before election day, there were no reported cases filed with an Electoral Offenses Court anywhere in the country. According to Solicitor General Martina Kroma, only three cases were slated for trial by an Electoral Offenses Court, all in the Western Area region.⁴⁶ No other cases are currently pending with a court in the rest of the country, although the Sierra Leone Police are still investigating several suspected cases of election-related crimes.

The Carter Center recommends that the Electoral Act be amended before the next election, providing more guidance on the role of various bodies as well as clear time frames for the resolution of disputes.

44 AU, African Commission on Human and Peoples' Rights, Principles and Guidelines on the Right to a Fair Trial and Legal Assistance in Africa, art. 2(i); U.N., United Nations Human Rights Committee, General Comment No. 32, para. 27

45 The Electoral Offenses Court is created by art. 137 of the Electoral Act. Electoral offenses are listed in Parts X and XI of the act.

46 Interview took place in December 2012



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While these courts have the potential to be a strong institution through which election offenses are addressed, training should be provided to all stakeholders, especially judges and lawyers, on their function and jurisdiction. Further, the Electoral Act should be revised to clarify the function and jurisdiction of the Electoral Offenses Courts.

Carter Center observers found that the Electoral Offenses Courts were largely inactive since their inception in May 2012 and that most electoral offenses were tried by magistrate courts. The Center also found that there did not appear to be an attempt to educate the Sierra Leonean public or political parties and candidates on the definition of an electoral offense under the law, the right to file complaints regarding alleged incidents of electoral misconduct, and on why it is important that the public do so. Carter Center observers also found

that few complaints and petitions were filed with the courts, in part because political parties and citizens were confused or unsure of the courts' various jurisdictions.

The opposition parties Sierra Leone People's Party and People's Movement for Democratic Change also expressed doubt about the judiciary's impartiality, which may explain their reluctance to file complaints about electoral offenses. In the aftermath of the November polls, the SLPP and People's Movement for Democratic Change requested that the National Electoral Commission investigate allegations of electoral malpractices, including cases of ballot-box stuffing and intimidation of party agents. These requests were rejected by the NEC, which stated that the parties should forward any evidence they had to the police for investigation.



Gwenn Dubourthoumieu

Founded in 1792, Freetown is the capital and largest city of Sierra Leone.



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Disputes Regarding Candidacies

The candidate-nomination process was concluded for all elections by Oct. 14, 2012. Any voter, candidate, or party could complain about the nomination of candidates. The NEC addressed four complaints filed on parliamentary nominations in four districts: Bo, Kenema, Port Loko, and Kailahun. The nominations were upheld due to lack of sufficient evidence.

Injunctions were filed in three cases regarding the nomination of candidates. One of these cases involved the National Democratic Alliance and its failure to nominate a presidential candidate by the deadline due to an intraparty dispute and a court injunction. A dispute within the alliance resulted in the exclusion of a presidential aspirant, Pateh Ba, who subsequently filed a petition with the high court in Freetown. He obtained an interim injunction preventing the alliance and the National Electoral Commission from nominating a presidential and vice presidential candidate. While a series of hearings for the case took place in early October, they kept being adjourned, effectively preventing the alliance from nominating its presidential ticket before the Oct. 14 deadline for presidential nominations. The injunction against the NDA is still standing to date. Its leadership, however, indicated to Carter Center observers that it had filed an appeal with the Court of Appeals. As of the writing of this report, there was no further update on this case, bringing into question the extent to which the right to an effective and expeditious remedy was respected.⁴⁷

Two other petitions were filed with the high court in Kailahun and Kenema to contest the nomination of Sierra Leone People's Party parliamentary candidates in constituencies 5 and 15, respectively. In both cases, candidates who were defeated in SLPP primaries challenged the eligibility of the SLPP candidates who won and obtained interim injunctions preventing these candidates from taking part in the Nov. 17 elections. The injunctions also prevented the NEC from further processing these candidacies, although ballot papers with the aspirants' names had already been printed by the time the injunctions were

granted. The commission indicated to The Carter Center that it was legally prevented from counting the ballots of the SLPP candidates.

These petitions were filed well after official objections had been addressed by the National Electoral Commission. Although injunctions should normally be temporary, these disputed nominations were not resolved prior to the elections, preventing the Sierra Leone People's Party from fielding its chosen candidates in these two constituencies that were considered to be SLPP strongholds.

Both injunctions are still enforced to date, and there is no indication as to when the high court will adjudicate those cases. To protect itself from legal prosecution, the NEC will withhold results from those two parliamentary elections until the injunctions are lifted. The high court indeed appears ill-prepared to adjudicate these cases in a timely manner, thereby denying parties the right to an effective remedy. As of the writing of this report, no further updates were available on the status of these cases, bringing into question the extent to which the right to an effective and expeditious remedy was respected.

Disputes Related to Voter Registration

Issues of voter registration, including those involving possible double registration and nomination of candidates, were handled by the high court. There were less than 100 cases of double registration filed with the high court after the registration process was concluded.

Complaints During the Campaign Period

According to Center observers, several cases about destruction of campaign posters were filed with the police for investigation during the campaign period. There were also many complaints about alleged violations of the campaign schedule promulgated by the National Electoral Commission, wherein political parties complained that other parties

⁴⁷ The Carter Center commented on the National Democratic Alliance case in a public statement released on Nov. 1, 2012.



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were campaigning on their allotted days or were campaigning after 7 p.m., the agreed-upon time for campaigning to stop each day. As the campaign calendar is not a legally binding document, most of these issues were addressed to the Political Parties Registration Commission.

Challenges to Parliamentary Election Results

Candidates and citizens who have the right to vote or stand for office can file challenges to the results of a parliamentary election. Challenges are heard by the high court by filing a petition within 21 days of announcement of the results.

The court can declare the election void if it is established that the alleged noncompliance affected the results of the election. The petitioner can appeal to the Court of Appeals, whose decision is final. Center observers were informed of plans by some candidates and/or parties to contest the results of certain constituencies, although at the time of writing this report, no petitions had been filed.

Challenges to Presidential Election Results

A person who has lawfully voted may challenge the results of the presidential election by filing a petition with the Supreme Court within seven days of the announcement of the results. There are no deadlines in the Electoral Act for the court to decide on election petitions.

A petition filed with the Supreme Court by the Sierra Leone People's Party on Nov. 30 disputes the re-election of President Ernest Bai Koroma. The petition targets the National Electoral Commission; its chairwoman, Dr. Christiana Thorpe; the All People's Congress; and the All People's Congress secretary-general, Victor Bockarie Foh. Despite the resumption of dialogue between the SLPP and APC, the petition was still active as of the time of writing this report.

Postelection Complaints

Since the Nov. 17 elections, the magistrate courts of Bo and Kenema have adjudicated two highly publicized cases of election-related crimes targeting Sierra Leone People's Party sympathizers. In Bo, 18 individuals were arrested for their involvement in an incident on Nov. 25 that was sparked by the discovery of 28 ballot boxes in a storage room near a community market. Without the presence of legal counsel, all of the defendants pled guilty to riotous conduct and disorderly behavior, among other crimes. On Nov. 26, they were sentenced to prison terms ranging from 18 months to four years or payment of fines ranging from 1.5 million LE to 4 million LE.

In Kenema, seven SLPP sympathizers and operatives, including Maada Puawui Conteh, the party's secretary-general for the district of Kenema, were charged and tried for similar crimes

in the riots' aftermath in Bo. Following questionable proceedings, including contradictory testimonies from Sierra Leone Police and Republic of Sierra Leone army officers, five of the defendants were found guilty of various charges ranging from incitement to the carrying of offensive weapons, including Conteh, who was sentenced to three months in prison.

Questions arose regarding the impartiality of these proceedings. The lack of defense counsel and the speedy nature of the proceedings call into question the verdicts reached in these cases, especially considering the sentences of incarceration handed out. The proceedings do not appear to have complied with the due process rights guaranteed by the Sierra Leone Constitution and the International Covenant on Civil and Political Rights.⁴⁸

In future elections, the dispute resolution process should be clarified, and adequate information regarding the electoral dispute system should be provided publicly and incorporated among voter education messages.

⁴⁸ See Constitution, art. 17, and ICCPR, art. 9



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In light of these trials of Sierra Leone People's Party supporters in Bo and Kenema, The Carter Center calls for the impartial prosecution and adjudication of all election-related offenses and for the respect of the right of defendants to legal counsel at every stage of the proceedings.

Summary

This election was marked by the failure of electoral stakeholders to use the electoral dispute resolution system to resolve electoral disputes, primarily due to a lack of trust in the impartiality of the judiciary and the National Electoral Commission. There was also a general belief that the judiciary did not have the capacity to rule on matters in a timely manner. Along with lack of trust in the impartiality of the commission and the courts, there was a lack of clear procedures for the resolution of complaints, and it was often unclear how specific types of complaints could be addressed.

In some cases, particularly those related to candidate nominations, decisions were not made with

adequate time to affect the process. In other cases, it appears that no decisions were made or that cases that were filed were not addressed. Sierra Leone's legal framework should be adjusted to establish clear time frames for the resolution of complaints and decisions on election petitions.

Key stakeholders, including political party members and candidates, had a limited understanding of the dispute resolution mechanisms available as well as a limited understanding of what constituted an election offense. In future elections, the dispute resolution process should be clarified, and adequate information regarding the electoral dispute system should be provided publicly and incorporated among voter education messages.

Where cases of election-related crimes were heard by magistrate courts, questions arose regarding impartiality of the courts, and due process does not appear to have been respected, an apparent violation of Sierra Leone's Constitution and Sierra Leone's international commitments.



THE PARAMOUNT CHIEFTAINCY ELECTIONS

Sierra Leone's Parliament includes a total of 124 seats, with 112 that are directly elected and an additional 12 seats occupied by paramount chiefs.⁴⁹ In most districts, paramount chiefs select one of their peers by consensus, usually after agreeing on a rotation system. When no agreement can be reached, elections are conducted in the district among a unique electorate by the National Electoral Commission. On Nov. 10, the NEC conducted paramount chieftaincy elections in four districts where there were multiple candidates and no consensus: Bonthe, Kenema, Koinadugu, and Kono.

A list of chiefdom councilors who are able to vote in paramount chieftaincy elections should be compiled by the Ministry of Local Government following a review of tax payments of all residents in the district. Each chiefdom councilor selected represents 20 taxpayers in the chiefdom, with the total number of taxpayers being determined every three years. In practice, however, the ministry often defers to the paramount chiefs and allows them to handpick councilors in their respective chiefdom.

Once the list of councilors is compiled for each district, the ministry sends it to the NEC, which then takes over the administration of the electoral process in accordance with the Public Elections Act of 2012 and the Chieftaincy Act of 2009. The commission publishes a provisional list of councilors and sends it back to the chiefdoms for approval. That review process is repeated twice before the final publication of the final Gazette list of councilors. Electoral colleges for paramount chieftaincy elections are quite

small, ranging from about 2,500 members in Bonthe district to 8,500 in Kono⁵⁰, and candidates are elected on a simple majority system.

The National Electoral Commission is responsible for allocating symbols to each candidate and printing and distributing sample ballot papers in every chiefdom where polls are to be conducted. The

commission established a single polling station in each chiefdom capital and oversaw the production and distribution of election materials, including paper ballots.

On election day, the NEC's district electoral officer oversaw the vote across the district, while a returning officer, assisted by two poll workers, managed the

voting process inside the polling station. Councilors cast their ballot in secrecy in the presence of polling agents representing parliamentary candidates. After closing, the returning officer counted the ballots and transmitted provisional results to headquarters in Freetown.

Carter Center observers monitored the paramount chieftaincy elections in Kono and Bonthe districts, covering a total of five chiefdoms and polling stations. Observers in Bonthe covered Jong, Kpanda Kemo, and Sogbini chiefdoms and noted that the vote in these three chiefdoms went smoothly and were in

Overall, observers found that these delays and other minor irregularities undermined the transparency of the vote even though they may not have affected the outcome of the election.

⁴⁹ Art. 74(1) of Sierra Leone's Constitution states that each district may be represented in Parliament by a paramount chief.

⁵⁰ The 2012 final voter registry showed 73,991 and 164,983 registrants, respectively, who were eligible to participate in the presidential, parliamentary, and local government elections for these districts.



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conformity with the established procedures laid out in the electoral law. Three candidates—the incumbent and two other paramount chiefs—vied for Bonthe's parliamentary seat. Observers also noted that NEC officials performed efficiently and that polling and counting were transparent.

Observers in Kono district monitored the vote in Gbense and Fiama chiefdoms and found the process to be generally disorderly and confusing. They noted that polling materials arrived late in Koidu, which caused the polling station to postpone opening procedures from 7 a.m. to noon. In Fiama chiefdom, the polling station did not open until 5 p.m. when polls are scheduled to close. Overall, observers found

that these delays and other minor irregularities undermined the transparency of the vote even though they may not have affected the outcome of the election.

Dr. Christiana Thorpe, chairwoman of the National Electoral Commission, certified the results of paramount chief elections on Nov. 25 and announced the names of the 12 paramount chiefs elected to Parliament, including eight that were elected unopposed. Given the small sample of polling stations observed, The Carter Center cannot attest with certainty to the paramount chieftaincy elections' credibility. The Center, however, notes that no petitions were filed against the victors.



CONCLUSIONS AND RECOMMENDATIONS

Sierra Leone's 2012 elections were the third to take place since the end of the devastating war in Sierra Leone and the first elections that were fully self-administered. This represented a significant step for the country in its transition to a functioning post-conflict democracy.

The Center found the process to be generally orderly and transparent and in general accordance with Sierra Leone's legal framework and obligations for democratic elections. While the Center noted some limited administrative shortcomings, observers reported that the electoral process was well-conducted by National Electoral Commission officials, that polling staff performed admirably in difficult conditions, and that the people of Sierra Leone turned out in high numbers to cast their ballots freely. The electoral process was conducted with a high degree of transparency.

Although there was fear that the elections could see a return to violence, very few cases of election-related violence were reported across the country, a remarkable improvement over past elections for which the people of Sierra Leone are to be commended. The number of female candidates participating in the elections was very low and represents one of the most important shortfalls of the 2012 electoral process.

The legal framework for Sierra Leone's 2012 elections provided a sound framework for democratic elections that largely met international standards. However, in a few areas, contradictions appear between the Electoral Act and procedural recommendations issued by the NEC. These inconsistencies should be addressed in advance of Sierra Leone's next elections.

The Carter Center's election observation mission in Sierra Leone was a part of a 20-year commitment to the Mano River Union, which has included observation of elections in Sierra Leone, Liberia,

Guinea, and Cote d'Ivoire, as well as work in Liberia with the government, civil society organizations, and community leaders to support access to justice, access to information, and mental health.

The Carter Center recommends a number of important steps to improve the conduct of elections in the future. These are directed to the appropriate implementing body within Sierra Leone:

TO THE GOVERNMENT OF SIERRA LEONE

Women's Participation as Candidates

The low number of women candidates participating in the 2012 elections represents one of the most important shortfalls of the electoral process. The Carter Center recommends further consideration of alternative steps to ensure greater numbers of women candidates, which would reflect Sierra Leone's international obligations to ensure that women are able to participate fully in politics as equal citizens alongside men as voters and as candidates. Legislation should be considered that promotes women's participation in politics and requires compliance of political parties. The Carter Center recommends that Sierra Leone ratify the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa.

Every Citizen Has the Right To Be Elected

The right to be elected is unnecessarily hindered by restrictions that public servants must resign one year in advance of elections, an unnecessarily long time frame. Furthermore, in future elections, independent candidates also should be allowed to contest the presidency in compliance with Sierra Leone's obligations to protect the right of citizens to be elected. The sections of the Electoral Act dealing with the withdrawal of candidates and deadlines for withdrawal should be revised to include a detailed time frame for the withdrawal of candidates. Clear time frames



OBSERVING SIERRA LEONE'S 2012 NATIONAL ELECTIONS

should be set regarding challenges around candidate nominations to ensure they are resolved before ballots are printed.

Legal Reform

The Center recommends that all codes be reviewed for compliance with the constitution and international standards and that they be incorporated into legislation so there is no question as to their legal enforceability. Particular consideration should be given to review of discrepancies between the Electoral Act and National Electoral Commission procedures, and revisions should be made to the Electoral Act where NEC procedures reflect best practices. Examples include provisions for inking fingers after voting has completed, clarifying the presence of police outside the polling station, and adjustment to voter identification procedures. In addition, The Carter Center recommends that the Electoral Act be revised to protect the secrecy of the ballot and to remove the specification that serial numbers appear on both the ballot and the counterfoil. The Electoral Act should be amended to include provisions elaborating on the prohibition regarding use of state resources for campaign purposes, including penalties for violations. Additional amendments should include detailed guidance regarding counting procedures and a specific time frame regarding the announcement of final results.

Right to an Effective Remedy

The right to an effective remedy could be strengthened through clarification of the jurisdiction of various elements in the Electoral Act as well as implementation of reasonable time frames through which decisions can be made. For future elections, The Carter Center recommends that clear time frames be established during which electoral disputes should be resolved in accordance with Sierra Leone's obligations to ensure the right to an effective remedy. The Carter Center recommends that the Electoral Act be amended to include a deadline for the resolution of election petitions challenging the results.

Disputes regarding the nomination of candidates should be resolved in advance of election day and prior to the printing of ballot papers.

Electoral Offenses Courts

While electoral offenses courts have the potential to be a strong institution through which election offenses are addressed, training should be provided to lawyers and others on their function and jurisdiction. Further, the Electoral Act should be revised to clarify the function and jurisdiction of electoral offenses courts.

Strengthening the Political Parties Registration Commission

The mandate, power, and legal authority of the Political Parties Registration Commission should be strengthened. The Center recommends that the incoming Parliament take up and pass the Political Parties Registration Commission Act and consider amending the Electoral Act to include provisions of the various codes of conduct so they are legally binding on stakeholders. All codes should be reviewed for compliance with the constitution and international standards before being incorporated into legislation. The provisions of the act that relate to campaign finance should also be reviewed and strengthened.

Strengthening the Independent Media Commission

The mandate, power, and legal authority of the Independent Media Commission should be strengthened. A piece of legislation has been drafted that if passed, would strengthen the regulatory role of the commission over the media.

Stagger Appointments of Commissioners on the National Electoral Commission

The Carter Center notes that the mandate for all NEC commissioners will expire in 2014. To preserve the commission's institutional memory and independence, The Carter Center recommends that commissioners be appointed on a staggered basis.



OBSERVING SIERRA LEONE'S 2012 NATIONAL ELECTIONS

Biometric Voter Registration

Although biometric voter registration seems to have boosted confidence in the registry that has not been seen in past elections among Sierra Leoneans, the system should undergo review to assess cost, impact, and sustainability. If the system is retained for future elections, steps should be taken now to ensure that the capacity to implement and maintain the system is developed in Sierra Leone to avoid the need for important elements of the process to be conducted by foreigners outside of Sierra Leone's borders.

Freedom of Movement

Although The Carter Center recognizes Sierra Leone's political context and the unique need for the ban on vehicular movement that was put in place in these elections, the Center hopes that such a ban will not be necessary in Sierra Leone's future. The Center recommends that steps be taken to ensure that such a ban that restricts Sierra Leone's international obligation for the freedom of movement of its citizens can be respected in future elections.

TO THE NATIONAL ELECTORAL COMMISSION

Nomination Fees

The Carter Center recommends that the excessively high nomination fees for candidates be reconsidered in advance of future elections. The current fees are disproportionately high compared to regional standards and represent an unnecessary restriction to the right of every citizen to be elected.

Strengthening Procedures for the Tabulation of Results

The parallel tabulation system ongoing at both the district and regional level should be discontinued in favor of a single integrated tally system for determining results. Tabulation procedures should be finalized well in advance of election day to allow adequate time for training of staff as well as familiarization by political parties, civil society groups, and other stakeholders. Particular attention should be paid to

strengthening procedures regarding times to quarantine results and how to handle them.

Announcement of Results

Further consideration should be given to release of results on a rolling basis to contribute to the transparency of the process, which can alleviate tensions.

Release of Results by Polling Station

The National Electoral Commission should share the results of all four elections by polling station and post them on its website as soon as possible. Making results publicly available by polling station is a critical element of transparency and credibility in democratic elections. In future elections, results should be made available by polling station at the time of announcement of final results.

Publication of a Consolidated Electoral Calendar

Although the NEC did detail specific calendars for certain stages of the process, such as voter registration or candidate nomination, a consolidated comprehensive calendar was not publicly available that would have served to inform citizens, political parties, and other stakeholders of the process. The Electoral Act should include a specific requirement that the commission develop and publish a comprehensive elections calendar at the beginning of the electoral process. Sierra Leone's international obligations require that the legal framework ensure electoral documents be publicly accessible and accurate, contributing to the overall transparency and accessibility of the process.⁵¹

The Center recommends reconsideration of the election campaign calendar that was in place for these elections, noting that it was ultimately difficult to implement effectively and proved to be an unnecessary restriction on the freedom of association.

⁵¹ International IDEA, *International IDEA Code of Conduct: Ethical and Professional Administration of Elections*, p. 14



OBSERVING SIERRA LEONE'S 2012 NATIONAL ELECTIONS

Strengthen Training for Staff, Particularly on Counting and Tabulation Procedures

Carter Center observers noted that, overall, National Electoral Commission polling staff seemed well-trained and performed their responsibilities with professionalism and neutrality. The majority of weaknesses were noticed in understanding of counting procedures, completion of results forms, and the tabulation process, partly due to the very late completion of final tabulation procedures.

Strengthen Civic and Voter Education Efforts

Effective voter education campaigns are crucial to ensuring that an informed electorate can properly exercise its right to vote. In future elections, political parties—as key stakeholders in an election—should also become engaged in wider voter and civic education activities that go beyond simple voting mechanics and the marking of paper ballots to allow a more conscious choice of elected representatives.

Participation of People With Disabilities

The NEC should reconsider utilizing tactile ballots in future elections and should consider efforts to hire a greater number of people with disabilities as staff and poll workers as a means of enhancing the participation of this significant population in the electoral process. Future voter and civic education efforts should also include components that target disabled voters and should include people with disabilities in the dissemination of information.

TO POLITICAL PARTIES

Participation of Women

In lieu of legislation, political parties should set internal quotas for the nomination of female candidates. Quotas that achieve a minimum of 30 percent representation of women reflect regional and international standards, although some countries choose to set higher goals that reflect the percentage of women among the population.

Participation in Stakeholder Meetings

In future elections, political parties should ensure that senior members are designated to attend key stakeholders meetings where information is shared and decisions made regarding the electoral process. Representatives who participate in these meetings should have adequate seniority to speak on the parties behalf and must be committed to quickly and accurately communicating the content of meetings within the party's structure.

Campaign Finance

Political parties and candidates should comply with all campaign finance regulations and should submit reports in accordance with set time frames.

TO THE POLITICAL PARTIES REGISTRATION COMMISSION

Campaign Finance

The Political Parties Registration Commission should be strengthened in order to implement and monitor campaign finance reporting, campaign spending, and the use of public resources. This recommendation includes passage of legislation that would strengthen the commission's mandate and authority as well as additional training and capacity-building to ensure that the commission can adequately implement and monitor campaign finance regulations.

District Committees

In order to be more useful, the district code-monitoring committees should be strengthened and established earlier in the process across all districts. Should the role and mandate of the Political Parties Registration Commission be strengthened, the design and role of the district code-monitoring committees should be re-evaluated to ensure that the PPRC is able to fulfill its responsibilities at the district level, including campaign finance monitoring.



OBSERVING SIERRA LEONE'S 2012 NATIONAL ELECTIONS

TO THE INTERNATIONAL COMMUNITY

Support Efforts To Reform Sierra Leone's Legal Framework for Elections

The international community should support efforts to reform Sierra Leone's legal framework for elections to consistently reflect Sierra Leone's international obligations for human rights and to ensure consistency between the constitution, Electoral Act, other legislation, and National Electoral Commission procedures.

Voter Registration

The international community should support balanced reviews and evaluations of the biometric

voter registration system to reach an informed decision on strengthening the ability of Sierra Leone to implement and maintain its system for updating and maintaining the voter registry.

Support for Women's Participation in Politics

The few numbers of women as candidates and those who were successful in the elections, as well as the reports of election-related violence targeting women, are worrisome and represent one of the largest challenges in the 2012 elections. The international community should support efforts to enhance the full participation of women in political life.



APPENDIX A

ACKNOWLEDGMENTS

The Carter Center's election observation mission in Sierra Leone would not have been possible without the support of a number of individuals and organizations. The Center is primarily grateful to the government of Sierra Leone and the National Electoral Commission for inviting the Center to observe the elections.

The Center is further grateful for funding from the U.S. Agency for International Development and the U.K. Department for International Development, whose generous support allowed the Center to observe the entire electoral process in Sierra Leone. We extend our appreciation and thanks to these bodies for their support. The Center would particularly like to thank Ambassador Michael Owen for his avid support, encouragement, and dedication to democracy and peace in Sierra Leone.

In particular, the Center would like to thank Christiana Thorpe, chairwoman, the National Electoral Commission; Miatta French, commissioner, Western Area region; Mr. Mohamed N'fah-Alie Conteh, NEC commissioner, Northern region; Albert Massaquoi, chief of external relations, NEC; Abraham John, registrar, Political Parties Registration Commission; Abimbola Moses Orogade, political affairs officer, Political and Peace Consolidation Section, the United Nations Integrated Peacebuilding Mission in Sierra Leone; Amir A. Arain and Sean MacLeay at the United Nations Development Program; and Vandetta Bernard-Jones for their advice and assistance regarding the Center's mission in Sierra Leone.

The Center also greatly appreciated cooperation with the National Election Watch and recognizes their efforts as well as those of other international observation organizations in supporting Sierra Leone's electoral process. In particular we'd like to thank the leadership of the National Election Watch, including

Chairman Kenneth Ganna-Conteh and National Coordinator James Lahai for their support and dedication to coordination.

The Center is grateful to former President of Zambia Rupiah Banda and Carter Center Vice President of Peace Programs Dr. John Stremlau for their key leadership roles for the Center's observation mission.

The Carter Center offers its sincere thanks and gratitude to the long-term observers who completed a three-month deployment during the pre- and post-election periods. Their reporting, diligent collection of data on the electoral process, logistical support, and engagement with Sierra Leonean stakeholders across the country were crucial to the success of the mission. These observers included Roger Bryant, Oley Cole, Tiago Faia, Nicholas Jahr, Bartosz Lech, Carin Mirowitz, Raleigh Quesenberry, and George Warui.

The Center also extends its appreciation to its Freetown-based staff who managed field office operations. Staff included Gregoire Houël, country representative; Pedro Teixeira, operations manager; Davor Corluka, security manager; Mario Orrú, observer coordinator; Donald Bisson, legal analyst; Kenan Imamović, security and logistics assistant; Idrissa Kamara, program officer; Patrick Renner, security assistant; Augustus Davies, program officer; Sorie Tholley, logistics assistant; Hussainatu Kamara, accountant; and Abubakar Barie, Tanimola Carew, Aiah Lahai, and Desmond Oluwole, drivers. The Center would also like to thank Gwenn Dubourthoumieu and Pewee Flomoku, who served as photographers for the mission. Victoria Stewart-Jolley worked remotely to provide some initial analysis of Sierra Leone's legal framework.

The Center's efforts were supported by a team of hard-working staff in Atlanta, including Aliya Naim, Megan King, and Elizabeth Plachta, assistant



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program coordinators. Tynesha Green and Traci Boyd provided administrative and budgetary support, while Larry Frankel helped raise the funds to make the mission possible. Cirilo Marinkovic served as the project's intern. Ramiro Martinez and Matthew Cirillo provided financial oversight. Brett Lacy managed the

election observation mission in Atlanta, with support from David Carroll.

This final report was drafted by Gregoire Houël, Mario Orrú, Donald Bisson, and Brett Lacy with contributions from Aliya Naim, Megan King, and William Hassall. David Carroll and Brett Lacy edited the final document.



APPENDIX B

OBSERVATION DELEGATION AND PROGRAM STAFF

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OBSERVING SIERRA LEONE'S 2012 NATIONAL ELECTIONS

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APPENDIX C TERMS AND ABBREVIATIONS

AFRC	Armed Forces Revolutionary Council	NPRC	National Provisional Ruling Council
APC	All People's Congress	PMDC	People's Movement for Democratic Change
ECOWAS	Economic Community of West African States	PPRC	Political Parties Registration Commission
IFES	International Foundation for Electoral Systems	RUF	Revolutionary United Front
NDA	National Democratic Alliance	SLPP	Sierra Leone People's Party
NDI	National Democratic Institute for International Affairs	UDM	United Democratic Movement
NEC	National Electoral Commission	UNAMSIL	United Nations Mission in Sierra Leone
NEW	National Election Watch	UNPP	United National People's Party



APPENDIX D
CARTER CENTER STATEMENTS

NEWS

THE
CARTER CENTER



ONE COPENHILL ATLANTA, GA 30307

Oct. 1, 2012

Carter Center Announces International Delegation for Presidential and Parliamentary Elections in Sierra Leone

The Carter Center today deployed eight long-term observers to launch an international election observation mission for Sierra Leone's general elections on Nov. 17, 2012, at the invitation of Sierra Leone's National Elections Commission (NEC).

The Carter Center observers and Freetown-based core team, who represent eight countries, participated in three days of briefings in Freetown before deployment to each of the four regions of Sierra Leone.

The Center's observers will meet regularly with representatives of the NEC, political parties, independent candidates, civil society organizations, the international community, and domestic election observers to assess electoral preparations and the pre-electoral environment throughout the country. The observers will witness the activities of the election administration, campaigning, and voter education, as well as other issues pertaining to the electoral process in Sierra Leone. The Center will release periodic public statements on key findings, available at www.cartercenter.org.

Observers will be joined by a larger short-term delegation in November, led by former President of Zambia Rupiah Banda, to observe the voting, counting, and tabulation processes.

"I welcome this opportunity to lead the Carter Center's election observation mission, and it is my hope that these elections are credible, peaceful, and reflect the will of the Sierra Leonean people," said President Banda.

The Carter Center's election mission is conducted in accordance with Declaration of Principles for International Election Observation and Code of Conduct that was commemorated at the United Nations in 2005 and has been endorsed by 40 election observation groups. The Center assesses the electoral process based on Sierra Leone's national legal framework and its obligations for democratic elections contained in regional and international agreements.



THE CARTER CENTER

OBSERVING SIERRA LEONE'S 2012 NATIONAL ELECTIONS

NEWS

THE
CARTER CENTER



ONE COPENHILL ATLANTA, GA 30307

Nov. 1, 2012

Carter Center Pre-election Statement Reports Generally Peaceful Campaign in Sierra Leone and Urges Voter Education and Other Steps to Enhance Electoral Preparations

(The full pre-election statement follows.)

Sierra Leone's upcoming presidential, parliamentary, and local council elections represent a critical test for the country's emerging democratic institutions 10 years after the end of the civil war. Carter Center observers report that the campaign period has been generally peaceful, allowing political parties to assemble freely and to convey their message to potential voters. The Center also notes the National Electoral Commission's (NEC) competent administration of the electoral process to date, including its management of the nomination period for the general elections.

The Carter Center is nevertheless concerned by a number of developments that may undermine confidence in the elections, including poor communication between NEC, District Election Offices and political parties regarding the issue of unclaimed voter identity cards, lackluster voter education effort at the ward level, and troubling cases of intimidation of women candidates during the parties' primary and nomination periods. Likewise, the Center is concerned by a series of events that led to the National Democratic Alliance (NDA) not fielding a presidential candidate. These incidents are detailed in the report below. While NEC and other stakeholders need to address these shortcomings in a timely manner, The Carter Center considers that Sierra Leone remains on track to conduct credible general elections on Nov. 17.

As Election Day approaches, The Carter Center calls on political parties and candidates to adhere to the 2006 Code of Conduct for Political Parties and the Declaration on the 2012 Elections, and to reiterate their commitment to nonviolent participation in the electoral process. Furthermore, it calls on the Government of Sierra Leone and the Sierra Leone Police to manage the security of all stakeholders in a transparent and impartial manner.

The Carter Center launched its election observation mission in Sierra Leone in mid-September and has deployed eight long-term observers from six countries in the Northern, Eastern, and



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Southern Regions and the Western Area. They will be joined by a larger delegation of short-term observers led by former Zambia President Rupiah Banda and Carter Center Vice President for Peace Programs John Stremlau. The Center is in Sierra Leone at the invitation of the NEC and will provide an impartial assessment of the electoral process made available to Sierra Leoneans and the international community in periodic public statements. The Carter Center assesses the electoral process based on Sierra Leone's legal framework and its obligations for democratic elections contained in regional and international treaties.^[1] The Center's observation mission is conducted in accordance with the Declaration of Principles for International Election Observation.

^[1] Sierra Leone ratified the African Charter on Human and People's Rights on Sept. 21, 1983, and the United Nations Convention against Corruption on Nov. 30, 2004. The country also acceded to the International Covenant on Civil and Political Rights and the Optional Protocol to the International Covenant on Civil and Political Rights on Aug 23, 1996.



OBSERVING SIERRA LEONE'S 2012 NATIONAL ELECTIONS

**CARTER CENTER INTERNATIONAL ELECTION
OBSERVATION MISSION IN SIERRA LEONE**
Pre-Election Statement

Introduction

Sierra Leone is preparing its third general elections since the end of the civil war in January 2002, and for the first time, will bear financial responsibility for a majority of the costs associated with the administration of the presidential, parliamentary, and local council elections. Domestic and international observers considered the presidential and parliamentary elections of 2002 and 2007 as largely democratic and transparent. Sierra Leone also organized local council elections in 2008 for only the fourth time since independence in 1961. Unfortunately, the by-elections in 2011 and early 2012 were characterized by violence and low voter turnout.

The 2012 electoral process represents a critical test for Sierra Leone's emerging democratic institutions and its long-term prospects for democratization.

Electoral Framework

A sound legal electoral framework is essential for the effective administration of democratic elections that adhere to national and international rights. The legal framework includes the rules found in the domestic laws of the country that regulate how all aspects of the electoral process will unfold, including electoral management, boundary delimitation, campaigning, voter education and registration, voting operations, and counting and dispute resolution.

Sierra Leone's upcoming elections are governed by the 1991 Constitution, the Public Elections Act of 2012, the Local Government Act of 2004, and regulations and procedures from the National Electoral Commission (NEC). Although the 2012 elections act was intended to address gaps in the 2002 electoral law and integrate a number of amendments and other acts related to elections, some gaps remain, particularly relating to electoral scheduling, counting provisions, and candidate qualifications. The Carter Center regrets that Article 75 of the Public Elections Act of 2012 reinstates serial numbers on ballots, a measure that could undermine the secrecy of the vote. Ballot secrecy is widely recognized as an essential feature of democratic elections which helps not only to ensure that ballots cannot be linked with the voters that cast them, but also to eliminate the possibility of voter intimidation.^[2] The secrecy of the ballot is protected under articles 97, 114, and 116 of the electoral law.

While The Carter Center recognizes that these matters cannot easily be rectified before Election Day, it encourages all stakeholders to address them as soon as possible after the elections.

Election Preparation and Readiness

An independent and impartial election management body (EMB) that functions transparently and professionally is internationally recognized as an effective means of ensuring that citizens are able to participate in a genuinely democratic electoral process.^[3] It is also the responsibility of the EMB to take necessary steps to ensure that international human rights obligations apply to

^[2] UN, ICCPR, art. 25; ACHR, art. 23

^[3] UNHRC, General Comment No. 25 para. 20



OBSERVING SIERRA LEONE'S 2012 NATIONAL ELECTIONS

the entire electoral process. The EMB also should ensure accountable, efficient, and effective public administration as it relates to elections.^[4]

Carter Center observers have found that preparations for the elections are ongoing and appropriately timed despite the absence of an official electoral calendar. However, there are some important logistical challenges that may hinder electoral operations before, during, and after polling day. For example, observers in Koinadugu District reported that NEC officials anticipated great logistical difficulties with the transportation of election materials and the vote tally schedule due to extremely poor road infrastructure. Furthermore, officials warned of communication problems on election day as 20 percent of that district lack FM radio or mobile phone coverage.

Voter Cards. The Carter Center applauds the NEC for successfully distributing to date more than 2.6 million voter identity cards, roughly 97 percent of all issued voter cards. This is a notable achievement in a country with numerous isolated communities. Nonetheless, Carter Center observers reported that several District Electoral Officers were unaware or unsure about the actual number of uncollected voter cards in their district. The apparent lack of a standard tracking system has alarmed a number of political parties in the Western Area and Eastern Region. In Western Urban, for example, Carter Center observers recorded that about 22,000 voter cards, or 4 percent of the total number of cards issued in that district, were uncollected as of Oct. 25. The NEC could address this issue by better communicating with political parties at the district level, and by reaching out more aggressively to ordinary citizens through its Ward Electoral Education Committees (WEECs) and inform them of their right to collect their voter card until Nov. 11.

Polling Procedures and Training. The Carter Center commends the NEC's release of its manual on polling and counting procedures. As multiple elections are being conducted simultaneously for the first time in Sierra Leone, it is essential that polling procedures are clearly communicated and understood by poll workers, voters, political parties, and observers. These procedures should safeguard the secrecy of the ballot, protect against multiple voting, and ensure a smooth and efficient process. However, the Center is concerned that the current procedures, which entail two ballot issuers (one for the presidential and parliamentary ballots and another for the district chair/mayor and local council ballots), may cause confusion in some polling stations and weaken safeguards against multiple voting. The Center encourages an emphasis in poll worker trainings on this aspect of the process and urges strong voter education efforts to ensure that voters understand these polling procedures. Steps also should be taken to emphasize and protect the secrecy of the ballot during polling and counting, particularly given concerns raised earlier in this statement about the inclusion of serial numbers on the ballots.

The Center also acknowledges the NEC's effort to describe in the manual the process of reconciling cast ballots at polling stations.

Furthermore, the NEC has yet to complete its manual on tabulation procedures, which regional tally centers are expected to implement electronically through a double blind data entry system.

^[4] Venice Commission, Code, sec. II.3.1.c



OBSERVING SIERRA LEONE'S 2012 NATIONAL ELECTIONS

The Center urges the NEC to finalize procedures for the transmission of results and to clarify the function of district, regional, and national tally centers.

The Carter Center is encouraged by the integration of the Electoral Offences Court into the 2012 Public Elections Act and welcomes their role in addressing election offences. Nonetheless, the Center is concerned that the provisions in the electoral law do not clarify how the NEC should centrally process complaints and undertake necessary recounts or audits as the case may require. Likewise, there is no provision for the NEC to seek guidance or a ruling from the Electoral Offences Court in the case of detected fraud, and as such, no direction as to how these incidents should be addressed. Article 87 of the Public Elections Act of 2012 does empower the NEC to nullify results for over voting at polling stations, but that sweeping remedy may be appropriate only in cases of large-scale fraud.

Recruitment and training of polling staff officially began with NEC training of 15 master trainers on Oct. 19 in Freetown. About 63,000 poll workers are to be trained across Sierra Leone on polling and counting procedures. The Carter Center urges the NEC to administer and monitor the trainings as rigorously as possible. The NEC should emphasize rules and procedures for determining valid versus invalid ballots and for implementation of the reconciliation, sorting, and counting processes. Official NEC information about these processes should be shared with political parties at the district level before they complete the trainings of their poll watchers.

The Carter Center welcomes NEC's efforts to improve channels of communication and build confidence in the electoral process through its Political Party Liaison Committee (PPLC). However, the Center considers that this information-sharing forum needs to be strengthened further and encourages the NEC to require that political parties send senior representatives to the PLLC.

Political Party Primaries and Candidate Nomination Processes

According to international law, equitable treatment of candidates and parties during an election as well as the maintenance of an open and transparent campaign environment are important to protecting the integrity of the democratic process.^[5]

Equality before the law and the absence of discrimination is an international obligation mentioned in a number of regional and international treaties including the International Covenant on Civil and Political Rights, which Sierra Leone is a party to. Specifically, it is made clear in international law that women shall enjoy equal rights to men^[6], and that in some cases a state may take special, temporary measures to achieve *de facto* equality for women^[7]. Political parties should also embrace the principles of equal opportunity for female candidates.^[8]

^[5] ACHPR, arts. 2 and 13(1); Un, ICCPR, art. 25(b)

^[6] UN, ICCPR, art. 3

^[7] UN, Convention on the Elimination of all forms of Discrimination Against Women, art. 3

^[8] CEDAW Cttee, General Recommendation 23, para. 22



OBSERVING SIERRA LEONE'S 2012 NATIONAL ELECTIONS

The Carter Center commends the NEC for successfully managing the nomination process of parliamentary and presidential candidates.^[9] Carter Center observers found the process generally transparent and straightforward. At the same time, a number of party activists aspiring to elected office, particularly women candidates, reported to observers several instances of intimidation and, in rare cases, electoral violence that threatened their candidacies during their party's primaries. These cases mainly involved the All People's Congress (APC) and the Sierra Leone People's Party (SLPP) candidates competing in their respective strongholds, including Constituency 50 in Port Loko and Ward 32 in Kenema.

Security of the person, including freedom from physical and mental violence, is a fundamental right and applies to candidates.^[10] The Center reminds all stakeholders that candidate intimidation and gender-based violence are totally unacceptable, including during party primary and nomination periods, and notes that these instances should have drawn strong condemnations from the NEC, the Political Parties Registration Commission (PPRC) and the government. In addition, the Center notes that the low number of formal objections filed during the nomination periods does not necessarily reflect the nature of the political culture in Sierra Leone, which continues to obstruct the equitable participation of women and women candidates.

The low number of women candidates for the local council and parliamentary elections also is of great concern to the Center. At 11 percent, the ratio of women MP candidates in 2012 remains worryingly low and unchanged compared to the 2007 parliamentary elections. The Carter Center calls on political parties to redouble their efforts to promote women candidacies and leadership roles within their ranks, and encourages the All Political Parties Women Association, the Campaign for Good Governance, and other civil society organizations to pursue their advocacy work on behalf of aspiring women candidates and office holders.

Campaign Environment

In addition to being open and transparent, a genuinely democratic electoral process requires a campaign period in which rights such as freedom of opinion and expression^[11], freedom of association^[12], freedom of movement^[13], security of the person^[14], and access to information^[15] are respected and upheld by the election management body as well as by political parties and other electoral stakeholders.

The official campaign period began Oct. 17 and is scheduled to end Nov. 15. The Carter Center commends the NEC and the 10 registered political parties for their coordination on the campaign calendar, which allocates each party three days of campaigning in each district. While this strictly regimented campaign schedule is at odds with international best practices for the freedom of assembly and access to information during a campaign period, it is a reasonable step that

^[9] The nomination period for local council candidates was completed on September 23, 2012, prior to the deployment of Carter Center long-term observers.

^[10] IPU, Declaration on Criteria for Free and Fair Elections, art. 3

^[11] UN, ICCPR, art. 19, ACHR, art. 13

^[12] UN, ICCPR, art. 22, AU, AfCHPR, art. 10; ACHR, art. 16

^[13] UN, ICCPR, art. 12; AU, AfCHPR, art. 12; ACHR, art. 22

^[14] UN, ICCPR, art 9; AU, AfCHPR, art 6; ACHR, art 7(1)

^[15] UN, ICCPR, art. 19; AU, Convention on Corruption, art. 9; ACHR, art. 13



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addresses a genuine fear of election-related violence based on recent experience, including the bye-elections of 2011 and 2012.

The Center welcomes the largely peaceful manner in which parties have conducted their campaign activities throughout Sierra Leone and the enthusiasm they have spurred among Sierra Leoneans. Carter Center observers have witnessed 25 campaign events across nine districts and reported no instances of violent or threatening behavior, inflammatory language, or attempts at disruption. This is an important pre-condition for parties and candidates to be able to openly express their opinions and views with voters and a positive sign for the remainder of the pre-election period.

However, Carter Center observers have found that several paramount chiefs were openly campaigning for political parties and candidates, particularly in Koinadugu, Tonkolili, and Kono districts. While there are no laws barring paramount chiefs from identifying with a political party, their overt participation in certain campaign events has raised concerns about their role as traditional leaders and their influence on constituents looking to vote on Nov. 17. Observers also have reported some instances of the illegal use of state-owned property for electoral purposes, including in the Western Area, and noted early campaigning from APC and SLPP in Makeni and Bo respectively.

The Center notes with concern several media and Sierra Leone Police reports of isolated episodes of violence, including the fatal stabbing on Oct. 20 of an SLPP supporter allegedly by an APC activist in Freetown's Fourah Bay neighborhood. The two men apparently worked on opposite sides of a closely watched parliamentary race in Constituency 104. In addition, Carter Center observers are closely monitoring the aftermath of a clash between SLPP and APC activists in Koidu Town on Oct. 27, in which at least five people were hospitalized.

The Political Parties Registration Commission and Conflict Resolution

The Political Parties Registration Commission (PPRC) is established in the 1991 Constitution and became operational in 2005. The PPRC's mandate includes the authority to register legally recognized political parties, monitor their conduct, monitor their accountability to their membership, and promote political pluralism.

The Carter Center welcomes PPRC efforts to resolve interparty disputes and monitor parties' adherence to the Code of Conduct. The Center's observers noted that District Code Monitoring Committees (DCMCs) were operational in most districts and well respected by the majority of political parties as an effective conflict resolution forum. In Kailahun District, however, observers have found that the DCMC was not meeting regularly and that political parties barely participated in the proceedings.

The Carter Center also is closely monitoring the case of the National Democratic Alliance (NDA) still pending in the High Court. While the details of the case are nuanced and complex, the Center regrets the parties' inability to resolve their dispute internally and the slow pace of the adjudication process that has effectively prevented the NDA from participating in the presidential election.



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Voter Education

Effective voter education campaigns are crucial to ensuring that an informed electorate can properly exercise their right to vote.^[16] This includes the need for electoral documents to be publicly accessible and accurate^[17] and for disclosure of funding received by any political party or candidate.^[18] Sierra Leone's high illiteracy rate and variety of local languages makes voter education both challenging and essential. Voter education is recognized in international law as an important means of ensuring that an informed electorate is able to effectively exercise their right to vote.^[19]

Carter Center observers have found limited voter education across the country, particularly at the ward level. Several District Electoral Officers (DEOs) have told the Center that the lack of visibility was primarily due to the NEC's preoccupation with the nomination process and that voter education campaigns would resume with the campaign period. Since then, however, political parties and even a number of DEOs have shared their concerns about the persistent low visibility of Ward Election Education Committees (WEECs), which are responsible for carrying out voter education at the ward level, and the risk this represents for the high incidence of spoiled ballots.

Sierra Leoneans will cast four ballots – for president, members of parliament, district chairs/mayors, and local councilors – in a single polling day for the first time in their history. Given the novelty and complexity of some polling procedures, including the introduction of two ballot issuers, the Center is concerned that some voters and polling officials may not be adequately prepared to follow them. The Center urges the NEC, civil society organizations, and political parties to step up voter education efforts at all levels.

Security

The security of polling officials and materials, candidates, voters and other stakeholders prior to and during polling day is paramount to the conduct of democratic elections. As Sierra Leone emerges from its post-war phase, the role of the security sector as an impartial guarantor of peaceful elections remains essential. The Carter Center is pleased to observe that SLP, in coordination with the Office of National Security (ONS), has generally acted as a neutral and reassuring presence during the nomination and campaign periods.

The Center also is aware of the ONS's plan to impose a comprehensive ban on vehicular movement on election day, a preventive measure widely supported by political parties and presidential candidates. While The Carter Center acknowledges the authorities' concern about potential violence on polling day, the ban contradicts international obligations and Sierra Leone's own constitution, which protects the freedom of movement under Clauses 16 and 18. As this vehicular movement ban is based on the consent of major stakeholders in response to specific concerns, it could be an appropriate step. However, the Center hopes that such a ban will

^[16] ICCPR, art. 25; UNHRC, General Comment 25, paragraph 11

^[17] International IDEA, Code, p.14

^[18] CIS, Convention on Democratic Elections, art. 12

^[19] Specific difficulties include such things as language barriers, poverty, and impediments to the freedom of movement. States must ensure that voter education reaches the broadest possible pool of voters (United Nations Human Rights Committee General Comment 25, para. 11)



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not be needed in future elections, as full democratic participation requires full freedom of movement.

Recommendations

The Center wishes to thank Sierra Leonean government officials, political party leaders, civil society activists, and representatives of the international community who have generously offered their time and energy to facilitate the Center's efforts to observe the electoral process.

In a spirit of cooperation and respect, The Carter Center offers the observations and recommendations listed below in the hope that they will provide useful guidance to address challenges facing Sierra Leone's electoral process.

To the National Electoral Commission:

- *Voter education.* Redouble voter education efforts, particularly at the ward level. Provide additional support and fully monitor the activities of the Ward Electoral Education Committees and increase their numbers, particularly in the rural areas of Kono and Koinadugu Districts.
- *Election information.* Improve communication with District Electoral Offices and political parties, particularly with regard to unclaimed voter identity cards, as a means to build confidence in the electoral process.
- *Training.* Ensure a high standard of trainings for polling personnel, particularly at district and ward levels. Emphasize rules and procedures for determining valid versus invalid ballots and for the reconciliation, sorting, and counting processes. Ensure a high standard of trainings for NEC staff operating regional tally centers, which for the first time may be expected to tabulate and transmit poll results electronically.
- Clarify the role of district returning officers in relation to their regional counterparts and how they may announce provisional results.

To the Political Parties Registration Commission:

- Take quick and strong action on formal complaints submitted by political parties and mediate interparty disputes impartially and transparently.
- Ensure that all District Code Monitoring Committees are operational and monitor the campaign period in accordance with their mandate.

To political parties:

- Abide by the 2006 Code of Conduct for Political Parties and the Declaration on the 2012 Elections and reiterate your commitment to nonviolent participation during the campaign period. Refrain from inflammatory rhetoric during campaign events or through the media that could lead to violence and ensure that the message of peaceful participation is clearly and unequivocally communicated to your supporters at all levels.



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- Refrain from recruiting and deploying armed bodyguards, gang members, or other forms of militia during campaign events.
- Participate fully in Political Parties Liaison Committee meetings by designating senior members who can represent the parties' concerns, record information shared by the National Electoral Commission and other parties, and report back appropriately.

To the judiciary:

- Adjudicate the National Democratic Alliance's case as transparently and expeditiously as possible. A quick judicial decision would allow either party to initiate the appeal process as allowed under the law.

To the Government of Sierra Leone:

- Ensure that political parties refrain from using government assets and public property for campaign events and other electoral purposes.
- Ensure that the Office of National Security and Sierra Leone Police enforce election security protocols impartially – including the ban on vehicular movement on Election Day – before, during and after the general elections.
- Clarify for all stakeholders the role of SLP Operational Support Division prior to and on election day to enhance confidence in the electoral process and the security sector.



THE CARTER CENTER

OBSERVING SIERRA LEONE'S 2012 NATIONAL ELECTIONS

NEWS

THE
CARTER CENTER



ONE COPENHILL ATLANTA, GA 30307

SIERRA LEONE 2012 GENERAL ELECTIONS

CARTER CENTER REPORTS TRANSPARENT AND ORDERLY PROCESS; URGES SIERRA LEONEANS TO AWAIT RESULTS

Nov. 19, 2012

The Nov. 17, 2012, elections are the first self-administered elections to be conducted in Sierra Leone since the end of the civil war, representing an important test for the country's democratic consolidation. Carter Center observers reported that voting and counting processes were peaceful, orderly, transparent, and in general accordance with Sierra Leone's legal framework and obligations for democratic elections. While the Center noted some limited administrative shortcomings, observers reported that the electoral process was well-conducted by NEC officials, that polling staff performed admirably in difficult conditions, and that the people of Sierra Leone turned out in high numbers to cast their ballots freely.

At this stage, while the tabulation of final results is still underway, it is too early to provide an overall assessment of the electoral process. Carter Center long-term observers continue to observe the tabulation process, and will remain in Sierra Leone to observe post-election processes. This statement is preliminary; a final report will be published in coming months following the conclusion of the electoral process.

The Carter Center encourages all political parties and candidates to await the announcement of results. In the event of any challenges or complaints, parties and candidates should follow the prescribed legal channels.

The Center's main findings are as follows:

- The process was conducted with a high degree of transparency. Party agents, citizen observers, and international observers had access to all stages of the electoral process.
- Political party and independent candidate agents, particularly from the APC and SLPP, were seen in strong numbers across the country.



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- Citizen observers were deployed to polling stations across the country, particularly those from the National Election Watch (NEW). NEW observers were professional and well-trained, and released several statements based on reports from a large sample of polling stations.
- Carter Center observers reported strong turnout in the polling stations visited, in most cases exceeding 75 percent.
- The number of female candidates participating in the elections was very low, and represents one of the most important shortfalls of the 2012 electoral process.
- The Sierra Leone Police (SLP) reported very few cases of election-related violence across the country, and Carter Center observers did not report any incidents of violence during their deployment. This is a remarkable improvement on past elections, for which the people of Sierra Leone should be commended.
- Carter Center observers noted several administrative shortcomings on election day, including late poll openings, shortages of election materials, and problems due to long queues in the morning. These shortfalls generally were addressed by mid-day, and they did not undermine the fundamental integrity of the electoral process, nor prevent registered voters from participating in the process.
- While Carter Center observers noted that the layout of some polling stations and the placement of voting booths did not sufficiently ensure the secrecy of the ballot, they reported that the overall integrity of the process was not undermined.
- Although voter education efforts in advance of the election were poor, on election day, ballot paper issuers provided instructions to individual voters which appeared to contribute to voter's overall understanding of the process.
- Carter Center observers reported that the campaign period was generally peaceful, allowing political parties to assemble freely and to convey their message to potential voters. The campaign was conducted in a lively and generally peaceful manner throughout the country with active participation of the citizens.
- The Center commends the parties for agreeing to abide by a campaign calendar in order to avoid clashes that could lead to violence. At the same time, the Center notes that such campaign limits are inconsistent with the right to freedom of movement and expression. The Center hopes that in the future, the need for such restrictions will not arise as the political parties mature and citizens reject the notion of electoral violence.
- Although The Carter Center did not conduct a formal media monitoring program, the Center noted that the incumbent president and the ruling party received considerably more coverage than opposition parties from the SLBC and other outlets, providing them with an unfair advantage during the campaign period.



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The Carter Center conducts election observation missions in accordance with the Declaration of Principles of International Election Observation which was adopted in 2005 at the United Nations. The Center assesses electoral processes based on states' obligations for democratic elections contained in their regional and international commitments and in their domestic legal framework.

At the invitation of the National Electoral Commission (NEC), the Center commenced its observation mission in Sept. 2012, deploying eight long-term observers (LTOs) to assess the campaign period and electoral preparations. For the voting and counting processes, the Center deployed 40 observers, visiting 217 polling stations across all 14 districts and in 64 constituencies.



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Statement of Preliminary Findings and Conclusions

The Carter Center Election Observation Mission has been in Sierra Leone since September 2012 following an invitation from the Sierra Leonean National Election Commission (NEC). The Carter Center Mission was led by H.E. Rupiah Banda, former president of Zambia, and Dr. John Stremmlau, Vice President of the Carter Center's Peace Programs. Eight Long-Term Observers (LTOs) from six countries were deployed throughout the country in September to assess election preparations. On election day, 40 observers from 18 countries visited 217 polling stations in 64 constituencies across Sierra Leone's 14 districts to observe voting and counting. One team was deployed to each district, with additional teams deployed to Western Urban, Bombali, and Bo.

Carter Center LTOs continue to assess the vote tabulation process and will remain in Sierra Leone to observe the post-election environment.

BACKGROUND

The Nov. 17, 2012, elections are the third set of elections to be conducted in Sierra Leone since the end of the civil war and represent an important test for democratic consolidation in the country. Presidential and parliamentary elections were held in 2002 and 2007 and local government elections were held in 2004 and 2008.

Between 1991 and 2001, Sierra Leone's civil war claimed over 50,000 lives. Hundreds of thousands of people were forced from their homes and many became refugees in Guinea and Liberia. Following the collapse of the 1999 Lomé Peace Accord, UN and British forces intervened and began disarming rebel fighters. With the war officially over in January 2002, Sierra Leone began rebuilding its political institutions and reestablishing the rule of law. By 2004, disarmament concluded and an UN-backed war crimes court was established. By December 2005, UN peacekeeping forces withdrew from Sierra Leone.

In August 2007, Sierra Leone held presidential and parliamentary elections. Following a closely contested first round of balloting in which no candidate won the required 55 percent of the vote, Dr. Ernest Bai Koroma, the candidate of the main opposition All People's Congress (APC), defeated president Ahmad Tejan Kabbah of the Sierra Leone People's Party (SLPP) in a runoff election. The parliamentary elections resulted in three parties gaining representation with the APC gaining 59 seats, the SLPP gaining 43 seats, and the People's Movement for Democratic Change (PMDC) gaining 10 seats.

The 2012 elections are the first time that presidential, parliamentary, mayoral, and local council elections were held on the same day, testing the country's emerging democratic institutions, particularly the National Electoral Commission (NEC), the Political Parties Registration Commission (PPRC), and the Judiciary. The NEC, in particular, faced a difficult test, taking sole responsibility for the conduct of the electoral process for the first time without significant international assistance. The NEC's autonomy demonstrates meaningful institutional reform.

ELECTORAL FRAMEWORK AND LEGAL FRAMEWORK



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Sierra Leone has a single chamber parliament composed of 124 elected members, of whom 112 are directly elected with a single-member plurality system in 112 constituencies (40 constituencies in Northern Province, 27 in Eastern Province, 25 in Southern Province, and 20 in Western Area). The parliament and local government elections are “first-past-the-post” where the candidate with the most votes wins. The remaining 12 seats are filled by paramount chiefs elected in separate elections, which took place on Nov.10 in the four districts where elections were contested.

The presidential election in Sierra Leone is based on a two-round system, where if no candidate receives 55 percent of the valid votes cast in the first round, a runoff is held between the two candidates with the most votes. The candidate who receives the highest number of votes in the second round is elected. The President is elected to serve a five-year term and can be re-elected only once.

Legal Framework

A sound legal framework is essential to the effective administration of democratic elections. The legal framework includes the rules found in the domestic laws of the country that regulate the electoral process. Based on its international commitments, Sierra Leone is obligated to take measures to promote the principles of the rule of law¹, recognizing that laws must be consistent with the principles of human rights.²

The legal framework that creates the foundation for elections in Sierra Leone includes the Constitution of Sierra Leone of Oct. 1, 1991, as amended on Feb. 7, 2002, and July 31, 2008, the 2012 Public Elections Act³ (EA), the Political Parties Act (PPA), and the regulations and procedures of the NEC.

The Constitution provides for the separation of executive, legislative, and judicial powers and guarantees fundamental rights and freedoms, including the freedom of conscience, the freedom of expression, the freedom of movement, and the freedom of association. Section IV of the Constitution provides the overall framework for elections. It guarantees the right to vote and register and establishes the Electoral Commission and the Political Parties Registration Commission (PPRC).

There also are several codes of conduct and declarations/agreements that have been signed by political parties, candidates, and other stakeholders for this election. They include the Political Parties Code of Conduct of 2006, which was reaffirmed for the 2012 elections, the Declaration on the 2012 Elections, a Resolution of the Consultative Meeting with Political Parties and Stakeholders convened by the Sierra Leone Police (SLP), and the Sierra Leone Open and Safe

¹ UN, United Nations Convention against Corruption, art. 5.1, AU, African Union Convention on Preventing and Combating Corruption, AU, African Charter on Democracy, Elections, and Governance, art. 4

² UN, ICCPR, art. 2; AU, AfCHPR, art. 1; ECOWAS, Protocol on Democracy and Good Governance

³ The 2012 Act compiles and updates most of the laws related with the electoral process, such as the Electoral Laws Act of 7 February 2002 (and amendments), the National Electoral Commission Act of 7 February 2002 and the Election Petition Rules of 2007



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Elections Pledge. However, since none of these documents have been enacted by the NEC as a regulation or included in the Electoral Act or the Political Parties Act, they are not legally enforceable. The Center recommends that all codes be reviewed for compliance with the Constitution and international standards and that they be incorporated into legislation so there is no question as to their legal enforceability.

In addition, Sierra Leone has ratified a series of international and regional human and political rights instruments that are relevant to the electoral process. These treaties include the Convention of the Political Right of Women, (CPRW), the International Convention on the Elimination of Racial Discrimination (CERD), the International Covenant on Civil and Political Rights, (ICCPR), the Convention of the Elimination of all Forms of Discrimination Against Women (CEDAW), the African Charter on Human and Peoples' Rights (ACHPR), the Declaration of Political Principles of the Economic Community of West Africa (ECOWAS), the ECOWAS Protocol on Democracy and Good Governance, the African Union Charter on the Principles Governing Democratic Elections in Africa (AU CPGDEA), the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (ACHPR-PW), and the Convention on the Rights of Persons with Disabilities.

Article 31 of the Constitution guarantees the right to vote to all citizens of Sierra Leone who have reached the age of 18 without restriction. However, because there are no provisions in the law for voting outside of the polling stations and no mechanism for mobile voting, several groups of citizens effectively are disenfranchised. These include the elderly or infirm that either are in hospital or cannot physically go to the polling station and those who are in pre-trial detention.⁴ Additionally, Article 16(d) imposes a total ban on voting for those who are serving a sentence of incarceration.⁵

Although the existing legal framework provides for the conduct of democratic elections if implemented in a consistent and fair manner, there are several areas that should be reformed in advance of Sierra Leone's next elections. For example, the Electoral Act should include guidance regarding counting procedures, as well as procedures and a defined timeframe for electoral complaints to be resolved.⁶

The 2012 Electoral Act also includes a restriction on public officers being candidates unless they resign from their positions 12 months before the election.⁷ This restriction could undermine the right of some citizens to be elected.

The Electoral Act calls for serial numbers to appear on the ballot papers as well as the counterfoil, which has the potential to undermine the secrecy of the vote.⁸ The Carter Center recommends that this specification be removed from the Act for future elections in accordance

⁴ See UN ICCPR, General Comment 25(1) and (11).

⁵ UN ICCPR General Comment 25 (14).

⁶ The law is silent on complaints filing provisions except to say that they can be filed with the NEC, Article 152 EA.

⁷ Clause 76 of the Constitution states that you cannot stand for election if you are a public officer, which is subsequently defined as a person who is paid from the Consolidated Fund as per Clause 115. See also Political Parties Act art. 15(iii), ICCPR art. 25 and AU AfCHPR art. 13.

⁸ See EA art. 75.



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with international obligations regarding the secret ballot. The Electoral Act also would benefit from a specific timeframe regarding the announcement of final results.

In some cases, there are inconsistencies between the content of the 2012 Electoral Act and regulations passed by NEC that should be addressed in advance of Sierra Leone's next elections. In most cases where there is a discrepancy between the Electoral Act and NEC procedures, the NEC procedures reflect best practices and Sierra Leone's international obligations. The Center recommends that Sierra Leone consider making revisions to the Electoral Act for future elections to ensure consistency with NEC procedures.

ELECTION ADMINISTRATION

An independent and impartial election management body (EMB) that functions transparently and professionally is recognized as an effective means of ensuring that citizens are able to participate in a genuine democratic process, and that other international obligations related to the democratic process can be met.⁹ It is the responsibility of the EMB to ensure that the electoral process is in compliance with Sierra Leone's obligations for democratic elections and human rights. The EMB also should ensure accountable, efficient, and effective public administration as it relates to elections.¹⁰

The Carter Center notes that the mandate for all NEC commissioners will expire in 2014. To preserve the Commission's institutional memory and independence, The Carter Center recommends that commissioners be appointed on a staggered basis.

In its preliminary statement released on Nov. 1, 2012, The Carter Center mentioned several positive steps the NEC has taken to ensure a fair and timely electoral process. Though the NEC did not publish an official electoral calendar, which would have served to measure the progress of the election preparations at each stage, the Center notes that most of those preparations were executed in a reasonable time period conducive to the smooth running of the elections.

The Center also acknowledges the success of NEC's program to distribute voter cards. More than 2.6 million voter cards were issued by the NEC in the months before the election, despite the logistical difficulties of distributing cards to rural and isolated parts of the country. However, The Center recommends that future distribution efforts be conducted with better communication between the central NEC and the district-level political parties. In addition, The Carter Center recommends a more energetic voter education campaign to encourage voters to collect their voter identity cards.

The Center was encouraged by the release of the NEC manual on voting and counting procedures, which served as an official document to clarify the processes of polling and counting for poll workers as well as voters. Recruitment and training of polling staff began in mid-October, and by election day, about 63,000 poll workers were recruited and trained across Sierra Leone.

⁹ UNHRC, General Comment No. 25 para. 20

¹⁰ Venice Commission, Code, sec. II.3.1.c



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VOTER EDUCATION

Voter education is an essential part of the electoral cycle and it is recognized in the international law as an important means of ensuring that an informed electorate is able to effectively exercise their right to vote.¹¹ Voter education was of particularly critical importance given the country's high rate of illiteracy and considering that four elections were conducted simultaneously for the first time in Sierra Leone's history. Observers reported that the visibility and breadth of the voter education campaigns were disappointing.

On election day, ballot paper issuers provided voter education to individual voters, which appeared to contribute to voter's overall understanding of the process. The NEC has the primary responsibility to conduct voter education, which it carried out through its own structure, with one commissioner responsible for all voter education efforts.

Each of the 14 NEC District Offices had one District Voter Education and Training Officer who was to coordinate voter education activities in his/her areas of responsibility. The District Voter Education and Training Officer disseminated information mostly through media outlets, using radio and TV adverts and videos providing valuable information to voters. These messages were also broadcast in local languages.

Civil society organizations played an active and important role to disseminate information to voters, despite having limited resources and limited access to timely information from the NEC about the process. In future elections, political parties as key stakeholders in an election should also become engaged in voter and civic education activities.

In urban areas, Carter Center LTOs observed the display of posters showing main voting steps. Ward Electoral Education Committees (WEECs) were tasked with reaching out to voters in rural areas. As a result of budget restrictions, the number of WEEC members was reduced from eight to three members. Voter education materials were received very late, arriving at NEC District Offices in late October and arriving at the ward level in early November.

VOTER REGISTRATION

Voter registration is recognized as an important means to ensure the right to vote, and should be made available to the broadest pool of citizens possible to ensure universal and equal suffrage.¹²

For the first time in the history of elections in the country, the NEC introduced a Biometric Voter Registration (BVR) system and the field data capture ended in March 2012. Although The Carter Center did not directly observe the voter registration process, it was monitored by a number of institutions, including political parties and citizen observers who generally described it as credible. The next phase of the process required the consolidation and matching of BVR data, which necessitated expertise and technical support not available in Sierra Leone. The UNDP, in collaboration with the NEC, embarked on an international bidding process to identify and select

¹¹ ICCPR, art. 25; UNHRC, General Comment 25, para. 11

¹² UNHRC, General Comment 25 on "The Right to Participate in Public Affairs, Voting Rights and the Right to Equal Access to Public Service", para. 11; UN, ICCPR art. 25



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a vendor with the required IT competence to match and de-duplicate the Biometric Voter Register.

Of the 2,663,746 registrants in the database 2,632,742 were matched with fingerprint data and 29,607 were matched using facial data. A total of 9,890 were found to be duplicates. Of these, 99 cases were subsequently filed with the High Court, alleging that these individuals had committed an electoral offence of double registration.

After these data checks, the voter identity cards and the Provisional Voter Register were produced for the 2012 elections. There was confusion regarding whether or not those who did not collect their voter card before the deadline of Nov. 11 would be able to vote. The last figures available indicated that one to two percent of registered voters failed to collect their cards, or between 26,000 to 52,000 voters.¹³ The NEC determined that voters without cards would be allowed to vote by presenting an alternative form of ID to the Voter Enquiry Officer at the polling centers, provided that their name appeared on the Final Voter Register (FVR).

CANDIDATES, PARTIES AND THE CAMPAIGN ENVIRONMENT

Equitable treatment of candidates and parties during an election, as well as the maintenance of an open and transparent campaign environment are important to ensuring the integrity of the democratic election process.¹⁴

Right to Be Elected. To be nominated as a candidate for parliament, a person must be a qualified voter who is at least 21 years old; a Sierra Leonean citizen; able to speak the English language with a degree of proficiency to enable them to take an active part in the proceedings of parliament; and pay the registration fee of 10 million Leones (approximately \$2,300 USD).

To be nominated as a presidential candidate a person must be a citizen by birth; a member of a political party; older than 40 years; otherwise qualified to be elected as a member of parliament; and pay a registration fee of 100 million Leones (approximately \$23,000 USD). The Carter Center recommends that for future elections, independent candidates also should be allowed to contest the presidency in compliance with Sierra Leone's obligations to protect the right of citizens to be elected.

No person who has been convicted and sentenced for an offence which involves fraud or dishonesty may run for parliament or the presidency. A person who has been convicted of an offence connected to a parliamentary election also is ineligible to run for parliament or the presidency. The period of disqualification shall not exceed five years from the date of the general election following the one for which they are disqualified.

Registration fees became an issue during the nomination process when they were raised by the NEC for the 2012 elections. Political parties and civil society organizations complained that the fees were a significant increase and disproportionately high when compared to regional

¹³ The high number of unclaimed cards in some districts became a major issue for the SLPP in the Western Area in the weeks leading up to the election.

¹⁴ ACHPR, arts. 3 and 13; UN, ICCPR, art. 25(b)



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standards. In response, the government agreed to pay the amount of the increase in the fee.¹⁵ However, the high fees put in place by the NEC remain in effect for future elections, and The Carter Center recommends that they be reconsidered.

Nine of the 10 registered political parties nominated candidates to contest the presidential election. One party, the National Democratic Alliance (NDA), missed the deadline for nominations when a member of the party was expelled and refused the right to run for flag bearer. He filed a petition with the court asking for an injunction preventing the party from nominating its chosen candidate because they had violated their own rules in choosing the flag bearer. The high court granted the injunction which led to the party missing the deadline for nominating a candidate. The candidate from United Democratic Movement (UDM), Mohamed Bangura, withdrew from the race on Nov. 9 and announced his support for the incumbent president. However, the NEC determined that his withdrawal was beyond the deadline and that his name would appear on the ballots and any votes cast would be counted.

A total of 589 candidates contested the parliamentary elections. Only two political parties, APC and SLLP, nominated candidates in all 112 constituencies. Except for a few reports of intimidation of female candidates, Carter Center observers found the nomination process to be generally transparent and straightforward. The NEC addressed four complaints filed on parliamentary nominations in four districts (Bo, Kenema, Port Loko, and Kailahun). The nominations were upheld due to lack of sufficient evidence.

Political Parties Registration Commission (PPRC). The PPRC was established in the Constitution and became operational in 2005. Although the PPRC currently has little enforcement authority, its mandate includes the authority to register legally recognized political parties, monitor their conduct, monitor their accountability to their membership, and promote political pluralism.

The Carter Center welcomes PPRC efforts to resolve interparty disputes and monitor parties' adherence to the Code of Conduct. The Center's observers noted that District Code Monitoring Committees (DCMCs) were operational in most districts and well respected by the majority of political parties as an effective conflict resolution forum. In Kailahun District, however, observers have found that the DCMC was not meeting regularly and that political parties barely participated in the proceedings.

The Center recommends that the incoming parliament pass the recently introduced PPRC Act that would expand the authority of the PPRC to sanction political parties that do not conform to the code of conduct.

Codes of Conduct. The Code of Conduct for Political Parties was signed in 2006 in advance of the 2007 national elections. All parties and candidates contesting the 2012 elections recommitted to observing the Code for the 2012 elections. The Public Elections Act of 2012 mandated the NEC to prepare a Code of Campaign Ethics/Code of Conduct.¹⁶ The acceptance of the Code by

¹⁵ The 2007 fees were 1 million Leones for presidential candidates and 250,000 Leones for parliamentary candidates.

¹⁶ Article 155 (1) of the Electoral Act



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all candidates and parties was mandatory if they wished to contest the elections. The Code was established to help ensure that the elections occur without violence or electoral malfeasance.

In April 2011, a “Sierra Leone Open and Safe Elections Pledge” was signed by the eight registered parties at the time, and was developed by a group of civil society organizations to call on parties to avoid violence and facilitate the participation of women and disabled people in the electoral process.

Campaign Period. The campaign period began on Oct. 17 and ended on Nov. 15 as announced by the NEC. Carter Center observers reported that the campaign period was generally peaceful, allowing political parties to assemble freely and to convey their message to potential voters. The campaign was conducted in a lively and generally peaceful manner throughout the country with the active participation of the citizens. Parties used posters, banners, and leaflets and held rallies, processions, and small meetings in all 14 districts. Carter Center LTOs noted that parties and candidates were free to campaign and assemble without restriction.

Many political parties lacked the necessary resources to conduct the campaign and complained about the financial advantage enjoyed by the APC during the campaign period. Carter Center observers reported several instances of the destruction of campaign posters where cases were filed with the police for investigation.

After consultations with all political parties the NEC created a campaign calendar which limited the days that parties could campaign in any given district to three specified days. Although the Center commends the parties for agreeing to abide by the calendar in order to avoid clashes that could lead to violence, it notes that such campaign limits are inconsistent with the right to freedom of movement and expression. The Center hopes that in the future the need for such restrictions will not arise as the political parties mature and citizens reject the notion of electoral violence.

Many parties did not respect the calendar and conducted campaign activities in districts on days that they technically were not allowed. In addition, some parties and candidates also violated the 7 p.m. ending time for campaigning, and some complaints to this effect were addressed by the PPRC. Political parties did not agree on what the definition of campaigning was for the purpose of the calendar, with some parties believing that no campaigning of any kind should occur in a district by any other party except for the one designated. Others felt that the calendar only applied to big rallies and processions and that “silent campaigning,” such as door-to-door efforts to speak with voters, was allowed on all days.

PARTICIPATION OF WOMEN

Equality before the law and the absence of discrimination are obligations in a number of regional and international treaties.¹⁷ Specifically, international law requires that women shall enjoy equal rights to men¹⁸, and that in some cases, a State may take special, temporary measures to achieve

¹⁷ These include the International Covenant on Civil and Political Rights, the African Charter on Human and Peoples' Rights, and the ECOWAS Protocol on Democracy and Good Governance.

¹⁸ UN, ICCPR, art. 3



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de facto equality for women.¹⁹ Political parties also should embrace the principles of equal opportunity for female candidates.²⁰ For a democratic government to be truly representative of its people, it is critical that fundamental democratic rights to participate in political affairs as voters and as candidates be recognized, including those that protect the rights of more than half the population.

Sierra Leone's Constitution provides for equal rights for men and women.²¹ The country ratified the Convention on the Elimination of All forms of Discrimination against Women in 1988.²² Sierra Leone also has signed but not ratified the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa. Legislation passed in 2007 outlawed domestic violence, forced marriage, and the right to inherit property, but discriminatory customary law is still followed.

Carter Center observers reported that women participated in good numbers as voters, poll workers, citizen observers, and police. However, fewer women were represented among the political party agents at polling stations visited by Center observers.

Although women make up 52 percent of the total population, they made up only 13 percent (16 members) of the outgoing parliament. This number likely will be lower for the incoming parliament as women candidates make up only 6.5 percent of all candidates.²³ Women were approximately 20 percent of candidates nominated by the SLPP and less than 5 percent of APC candidates. Although no presidential candidates were women, the SLPP candidate for vice-president notably was a woman.²⁴

High registration fees, intimidation, and a legacy of electoral violence all contribute to fewer women standing for parliament. Carter Center observers noted cases of electoral violence targeting women candidates during the campaign, and received reports of intimidation against women during the nomination period.

A Gender Equality bill was drafted to support women's political participation but failed to pass before the dissolution of the outgoing parliament. The Carter Center strongly encourages that the bill be revisited, strengthened, and reintroduced for consideration by Sierra Leone's next parliament. The Center notes that women's quotas are found most often in proportional representation systems and are harder to implement in "first-past-the-post" systems.²⁵ The Carter Center recommends further consideration of alternative steps to ensure greater numbers of women candidates that would reflect Sierra Leone's international obligations to ensure that women are able to participate fully in politics as equal citizens alongside men as voters and as

¹⁹ UN, Convention on the Elimination of all forms of Discrimination Against Women, art. 3

²⁰ CEDAW Committee, General Recommendation 23, para. 22

²¹ Constitution, Article 27

²² Sierra Leone has yet to ratify the Optional Protocol on violence against women.

²³ According to the NEC there are 38 women candidates out of a total number of 589.

²⁴ Ms. Kadi Sesay is the SLPP candidate for vice-president.

²⁵ International IDEA, Global Database of Quotas for Women.



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candidates.²⁶ The Carter Center recommends that Sierra Leone ratify the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa.

The low number of women candidates participating in the elections represents one of the most important shortfalls of the 2012 electoral process.

MEDIA ENVIRONMENT

The media play an indispensable role during democratic elections by educating voters and political parties about major issues, thus giving them access to information so they can make a truly informed decision.²⁷ Sierra Leone's regional commitments indicate that in order to promote equality, political parties and candidates must have access to the public media on a non-discriminatory basis²⁸ and that public service media should ensure that the public receive adequate and balanced information during election periods.²⁹ This includes ensuring that women candidates are able to secure equal media coverage to their male counterparts.³⁰

There are a large number of newspapers in Sierra Leone whose distribution is mostly limited to Freetown. Radio remains the main source of information for the majority of the population, particularly in rural areas.

Local radio stations have been instrumental in the dissemination of voter education messages, while at the same time offering air time to candidates available to pay for it in an overall neutral manner. However, the cost of air time has not been consistent throughout the country from one region to another. In addition, in some cases it has been inconsistent among candidates in the same region.

An independent media agency, the Independent Media Commission (IMC) was created in 2000 to register and regulate the press, audiovisual, and electronic media by monitoring their compliance with the Media Code of Practice. The IMC has the legal authority to enforce fines and to suspend or ban print and electronic media when not complying with media regulations. IMC indeed tried to suspend two newspapers close to the ruling party and suspended one journalist for not respecting the Media Code of Practice. In spite of the efforts of the IMC, cases of noncompliance with the code of practice were observed by the Center during the pre-election environment. A piece of legislation has been drafted that if passed, would strengthen the regulatory role of the IMC over the media.

While The Carter Center did not conduct a media-monitoring program as part of its mission, the European Union Election Observation Mission's reporting indicated an uneven playing field in the media coverage of candidates and political campaigns. The incumbent president and the ruling party received considerably more coverage than opposition parties from the Sierra Leone

²⁶ Some examples might include voluntary steps by parties such as waiving nomination fees and creating a fund to finance women's campaigns.

²⁷ UN, ICCPR, art. 19(2); United Nations Convention Against Corruption, arts. 10(a) and 13(b)

²⁸ AU, Declaration on the Principles Governing Democratic Elections in Africa, art III.a

²⁹ AU, Principles on Freedom of Expression in Africa, art. 6

³⁰ OSCE, Handbook for Monitoring Women's Participation in Elections, p. 34



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Broadcasting Corporation (SLBC) and other outlets, providing them with an unfair advantage during the campaign period.

CIVIL SOCIETY AND CITIZEN OBSERVERS

According to public international law, all persons have the right to participate in the public affairs of their country.³¹ This includes the right of citizens to participate in non-governmental organizations³² as well as the right of citizens to participate in citizen observer organizations, and contribute to voter education efforts.³³ Through these means, civil society can actively play an essential role in upholding an electoral process that is accountable and in which all participants can have confidence.

There are a large number of civil society organizations (CSOs) present in the country that are actively involved in the electoral process. CSOs have played a crucial role in the electoral process by conducting civic and voter education, calling for a peaceful process, assisting in training of candidates, and advocating that democratic rights be enjoyed equally by all Sierra Leoneans including women and the disabled. Carter Center observers noted that in most cases, civil society has acted neutrally. Observer reports also indicate that civil society is particularly active and diverse in Bo and Makeni.

The electoral process also has benefited from the work of the main citizen election observation organization, National Election Watch (NEW), which observed the voter registration period, candidate nominations, and deployed long-term observers and short-term observers across the country. Carter Center observers noted other civil society organizations represented at polling stations, including those from the Women's Situation Room and the Council of Churches of Sierra Leone (CCSL).

NEW was created in 2000 in advance of Sierra Leone's first post-war elections, and today is an umbrella organization composed of dozens of civil society organizations and professional associations from across the country. NEW observers were noted in most polling stations visited by Carter Center observers. NEW observers at the polling station level were professional and well trained. NEW's leadership and organizational structure is strong, and their observation was conducted in accordance with the Declaration of Global Principles for Nonpartisan Election Observation and Monitoring by Citizen Organizations, which emphasizes the neutrality and professionalism of observation. NEW observers utilized a well-constructed checklist and the organization released information on election day on key elements of the polling process from a large sample of polling stations. Reports from observers also were made available online over the course of election day.

ELECTORAL DISPUTE RESOLUTION

Effective, clear, and fair procedures for electoral dispute resolution are an essential part of a well-functioning electoral process. Effective dispute resolution mechanisms are essential to

³¹ UN, ICCPR, art. 25; AU, AfCHPR, art.13

³² UN, CEDAW, art. 7

³³ EISA, PEMMO, p.19



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ensure that effective remedies are available for the redress of violations of fundamental rights related to the electoral process.³⁴ According to Sierra Leone's international and regional commitments, everyone has the right to an effective remedy before a competent national tribunal for acts that violate their rights or freedoms, including the right to genuine elections and all associated rights.³⁵ In the instance of a dispute relating to elections, everyone has the right to a public hearing in front of an independent and impartial tribunal.³⁶ Sierra Leone's political commitments also suggest that the legal framework for elections should provide effective redress for violations of electoral rights.³⁷

There are several avenues for the resolution of electoral disputes in Sierra Leone. They include filing a complaint with the NEC regarding the violation of campaign regulations by a party or candidate, filing a complaint with the Political Parties Registration Commission (PPRC), and filing a case with the Electoral Offences Court. For future elections, the Electoral Act should be amended to include a detailed list of what types of cases each electoral dispute resolution body has jurisdiction over.

If a candidate or party believes the campaign regulations have been violated, a complaint may be lodged with the NEC. There is no specified timeframe or procedure for the resolution of complaints at the NEC. The Electoral Act simply states that the NEC must act on the complaint without delay. There is also no provision in the Electoral Act calling for the transfer of complaints from the NEC to the Electoral Offences Court if the alleged facts amount to an electoral offense under the Electoral Act.³⁸

For future elections, The Carter Center recommends that clear timeframes be established during which electoral disputes should be resolved in accordance with Sierra Leone's obligations to ensure the right to an effective remedy.

Carter Center observers reported considerable confusion in the regions regarding whether or not the Electoral Offences Court was functioning. Many of the Center's interlocutors did not seem to be aware of the existence of the court or what its function was. As of Nov. 16, the day before polling, there were no cases filed with the court anywhere in the entire country. The court has six months from the date of its creation to resolve all cases. Appeals from the Electoral Offences Court are heard in the Court of Appeals, whose decisions are final.

Issues around the registration of voters, including those involving possible double registration and nomination of candidates were handled by the High Courts. There were less than 100 cases of double registration that were filed with the High Court after the registration process was concluded.

³⁴ UN, Human Rights and Elections: A Handbook on the Legal, Technical, and Human Rights Aspects of Elections, para. 47

³⁵ UN, ICCPR, art. 2; ACHR, art. 25

³⁶ UN International Covenant on Civil and Political Rights, art. 14(1); UN, Universal Declaration of Human Rights, art. 10; ECOWAS, Protocol on Democracy and Good Governance

³⁷ AU, ACDEG, art. 17

³⁸ Article 137 of the Electoral Act creates the Electoral Offences Court to hear violations of election offences listed in Part X and XI of the Act.



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The candidate nomination process was concluded on Oct. 14. Any voter, candidate or party could complain about the nomination of candidates. The NEC addressed four complaints filed on parliamentary nominations in four districts (Bo, Kenema, Port Loko, and Kailahun). In each case, the nominations were upheld in favor of the candidates due to lack of sufficient evidence.

Challenges to the results of the parliamentary elections can be filed by citizens who have the right to vote or stand as candidates. Such challenges are heard by the High Court by filing a petition within 21 days of announcement of the results. The court can declare the election void if it is established that the non-compliance affected the results of the election. The petitioner can appeal to the Court of Appeals, whose decision is final.

Challenges to the results of the presidential election can be filed by any person who has lawfully voted by filing a petition with the Supreme Court within seven days of the announcement of the results. There are no deadlines in the Electoral Act for the court to decide on election petitions.

The Carter Center recommends that the Electoral Act be amended to include a deadline for the resolution of election petitions challenging the results.

VOTING

The quality of voting operations on election day is crucial to determining how closely an election falls in line with its democratic obligations. According to Sierra Leone's international and regional commitments, all citizens of Sierra Leone should enjoy the right to universal and equal suffrage,³⁹ and all citizens have the right to vote,⁴⁰ subject only to reasonable and objective limitations.

A core obligation under international law is that elections shall be held by secret ballot,⁴¹ which is recognized as a means of ensuring that the will of the people is expressed freely, and that a cast ballot cannot be connected with a voter to avoid intimidation and political retribution.⁴² Except in cases where a voter, such as an illiterate or disabled voter, is being lawfully assisted, a voter cannot waive their right to secrecy of the ballot.⁴³

For the 2012 elections, the number of polling centers was increased to 2,995 (9,461 stations), with the number of voters per polling station reduced from 500 to 300. This allowed greater access to the process by voters than was reported in past elections, and ensured that there was adequate time for those registered to vote on election day.

Carter Center observers visited a total of 217 polling stations on election day, where they observed the opening of the polls and the polling, closing, and counting procedures. Overall, Carter Center observers reported that the process was well conducted by NEC officials and that

³⁹ UN, ICCPR, art. 25; ACHR, art. 23; UNm UDHR, art. 21

⁴⁰ ICCPR, art. 25; AU, AfCHPR, art. 13; ACHR, art. 23

⁴¹ Un, ICCPR, art. 25; ACHR, art. 23, UN, UDHR, art. 23

⁴² EISA and Electoral Commission Forum of SADC Countries, Principles for Election Management, Monitoring, and Observation in the SADC Region, p. 24

⁴³ EU, Handbook (2nd Ed.) p. 79



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voters turned out in high numbers. Polling station staff performed admirably under difficult conditions. Carter Center observers found that voting procedures were generally followed and that polling staff performed “very well” in almost all cases.

In many centers visited by Carter Center observers, the environment was calm and voters were enthusiastic. In some cases voters arrived at the polling center the night before, and long queues of people were noted across the country in the early morning. Voter turnout at polling stations observed by Carter Center observers was high, exceeding 75 percent in most cases.

About 17 percent of the polling stations visited opened late, although only seven percent experienced a delay of over half an hour, and in no area did the delays affect the ability of all registered voters to vote within the timeframe of election day.

In most cases, a delay in opening was due to the lack of understanding of opening procedure and to the lack of essential materials, which were later delivered. In some cases, the delayed opening caused isolated incidents of tension among voters in long queues, putting additional pressure on the queue controllers, particularly in the western urban district, where most centers visited by Carter Center observers reported challenges with queue management in the morning. The NEC responded promptly to these delays.

At poll openings, Carter Center observers saw campaign material at a very small number of polling centers visited, but there were no reports of any intimidation or coercion.

In many locations polling centers were not easily accessible to disabled and elderly voters. The NEC should continue to take steps to ensure that all polling sites are accessible.

Security forces were in place in almost all of polling stations visited by Carter Center observers.

In most cases, the voting process improved during the day, becoming more efficient as more voters were processed and polling staff and voters gained more confidence. By mid-afternoon, Center observers reported that queues were rare and turnout was already considerably high. Although Carter Center observers reported that the embossing device was not working adequately in many polling places, this did not undermine the fundamental integrity of the process given other safeguards in place to protect against multiple voting.

Carter Center observers noted that in some cases, the layout of the polling station and placement of the voting booth, particularly those in stations with limited space, could have compromised the secrecy of the vote. However, in these cases Carter Center observers did not report serious concerns about violations of ballot secrecy, or incidents of intimidation or concern among voters.

Political parties and independent candidates' agents were present at almost all of the polling stations observed. APC and SLPP party agents were noted across the country, and agents from the PMDC had a consistent presence in the South as well as some stations in Freetown. In some cases agents were noted from smaller parties as well as independent candidates. Carter Center observers noted seeing two party agents per party in many polling stations visited; in most cases this included both the APC and SLPP.



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On election day, there was a vehicular movement ban imposed on all vehicles in Sierra Leone in district capitals. This ban prevented any vehicle, including cars, buses, and motorbikes, from operating on the roads during election day in district capitals. Motorbikes were allowed in rural areas. The purpose of the ban was to avert violence and disorder during election day, and to mitigate the possibility of disgruntled or overexcited party supporters from committing acts of disorder or vandalism, as was reported in the 2007 elections. In order to accommodate citizens who may be unable or unwilling to reach their polling sites on foot, NEC provided limited transportation through the allocation of 24 buses to transport voters to and from their polling centers throughout election day. In addition, certain NEC-approved vehicles were issued stickers that would authorize them to appear on the roads on election day. These vehicles included those of certain political officials, the SLP, and international observers, among others.

Although the Center commends the parties, police, NEC, and other stakeholders for agreeing to abide by the vehicular movement restriction, it notes that the practice is inconsistent with the freedom of movement. The Center hopes that in the future, the need for such a restriction will not arise. Concerns about electoral violence can be effectively addressed through enforcement of laws against violence and threatening acts and through voluntary restrictions adopted by parties and others.

COUNTING

The accurate and fair counting of votes plays an indispensable role in ensuring the electoral process is democratic and reflects the will of the voters. International and regional commitments indicate that votes be counted by an independent and impartial electoral management body whose counting process is public, transparent, and free of corruption.⁴⁴

In the polling centers visited by Carter Center observers, closing and counting took place in a peaceful atmosphere. Although closing and counting procedures were lengthy and overly complicated, the processes were followed closely during the sorting and counting phases in most polling stations visited. However, procedures during the final packaging of election materials were overly complicated and cumbersome, causing confusion in many polling stations. In future elections, training should equally emphasize both polling and counting procedures.

While the reduction of the number of registered voters per polling station from 500 to 300 helped ensure that poll workers were able to process voters through all four elections, conducting four elections simultaneously contributed to making the counting process lengthy and more complicated than was reported in past elections.

TABULATION

⁴⁴ African Charter, art. 17(1); UNHRC General Comment 25, para. 20; UN Convention against Corruption, art. 18



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One of Sierra Leone's core obligations concerns promoting transparency in public decision-making as a means of combating corruption.⁴⁵ To this end, international practice suggests that party agents and accredited citizen and international observers should be given copies of polling station protocols and tabulation sheets from results centers.⁴⁶ In addition, ballot tallies should be transmitted in an open and transparent manner.⁴⁷ Results of the count should be published in a timely manner, including at the polling station level.⁴⁸ This helps to facilitate cross-checking by parties and observers.

At the time of release of this statement, the process of tabulating votes at the district, regional, and national level is ongoing. Carter Center long-term observers are observing these processes. As the tally process began, Carter Center observers reported that citizen observers and party agents were not present at most district and regional tally centers. The Center encourages citizen observers and political party and candidate agents to observe the district, regional, and national tally processes. The procedures for the tally process were released very late, just days before the election and with little time for adequate training of staff and little time for party agents and observers to review them adequately and train their own observers.

In future elections, the NEC should strive to release procedures earlier to allow time for adequate training of NEC staff, party agents, and observers, of this critical stage in the process. The Electoral Act also should be adjusted to allow for the process to take place at the regional level without a simultaneous process at the district level.

The Center encourages political parties and candidates to continue to exercise patience as the process continues.

The Carter Center conducts election observation in accordance with the Declaration of Principles of International Election Observation and Code of Conduct for International Election Observation adopted at the United Nations in 2005. The Center assesses electoral processes based on states' obligations for democratic elections contained in their regional and international commitments and in their domestic legal framework.

The Carter Center was founded in 1982 by former U.S. President Jimmy Carter and his wife, Rosalynn, in partnership with Emory University, to advance peace and health worldwide. A not-for-profit, nongovernmental organization, the Center has helped to improve life for people in more than 70 countries by resolving conflicts; advancing democracy, human rights, and economic opportunity; preventing diseases; improving mental health care; and teaching farmers to increase crop production. Visit: www.cartercenter.org to learn more about The Carter Center.

⁴⁵ UN, United Nations Convention against Corruption, art. 13(a); AU, African Union Convention on Preventing and Combating Corruption, art. 3(3)

⁴⁶ Norwegian Helsinki Committee, Human Rights Monitoring, p. 14.

⁴⁷ CoE, Handbook for Observers of Elections, para. 4.6

⁴⁸ EISA and Electoral Commissions Forum of SADC, PEMMO, p. 26



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Joint Statement by the African Union (AU), Carter Center, Commonwealth, Economic Community of West African States (ECOWAS), European Union (EU) and Women's Situation Room (WSR) Election Observer Missions on the 2012 Sierra Leone National and Local Council Elections

Freetown, 21 November 2012

The Election Observer Missions of AU, Carter Center, Commonwealth, ECOWAS, EU and WSR to the 2012 Sierra Leone National and Local Council Elections, headed by His Excellency Dr Amos Sawyer, His Excellency Rupiah Banda, Mr Olara Otunnu, Air Vice-Marshal Christian Edem Dovlo, Mr Richard Howitt (MEP) and Ms Barbara Bangura respectively, have observed the voting and counting process across all 14 districts of the country.

We are pleased that the voting and counting took place largely in an atmosphere of peace and transparency and that the people of Sierra Leone demonstrated strong commitment to their democratic process by turning out in significant numbers to cast their vote in a peaceful manner.

We call on all stakeholders of the Sierra Leone electoral process to ensure that this peace and transparency continues to inform the remainder of this process. We further call on political party leaders to encourage their supporters to conduct themselves with the highest responsibility.

We urge all electoral stakeholders to respect the official election results announced by the National Electoral Commission with serenity and in full respect of the Constitution of Sierra Leone and the democratic process. In this regard, we appeal to all political parties and candidates that have concerns to follow the legal process laid down in the Constitution and the Electoral Code for the resolution of any disputes related to the electoral process.

A special responsibility lies with the political leaders of Sierra Leone to continue to abide by their pre-election commitments to peace.



THE CARTER CENTER

OBSERVING SIERRA LEONE'S 2012 NATIONAL ELECTIONS

NEWS

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ONE COPENHILL ATLANTA, GA 30307

Sierra Leone 2012 General Elections

CARTER CENTER WELCOMES ANNOUNCEMENT OF PRESIDENTIAL RESULTS, CALLS ON PARTIES AND CANDIDATES TO RESPECT THE WILL OF THE PEOPLE

Nov. 24, 2012

On November 23, Dr. Christiana Thorpe, Chairperson of the National Electoral Commission (NEC), certified the final results of the presidential election, which indicated that President Ernest Bai Koroma of the All People's Congress (APC) was reelected with 58.7 percent of the valid votes, ahead of his main challenger, Julius Maada Bio of the Sierra Leone People's Party (SLPP), who garnered 37.4 percent of valid ballots cast. Over 87 percent of registered voters turned out to vote.

The tabulation of final results for parliamentary, mayor / district chairperson, and local council elections continues, and the Carter Center urges continued calm as the NEC tabulates results for those remaining elections.

H.E. Rupiah Banda, former Zambian President and co-leader of the Carter Center's delegation, said "Following the announcement of presidential election results, I urge all parties, candidates, and citizens to respect the voice of Sierra Leone's people. These elections represent a critical milestone on Sierra Leone's transition from conflict to peace. Respect for the outcome of the democratic process is an essential foundation for the consolidation of democracy in Sierra Leone." After this hard fought campaign, the

Carter Center calls on the two leading candidates to seek ways to cooperate for the good of the nation.

In a press conference on November 22, the APC, the SLPP, and others pledged to promote peace and refrain from violence during the post-electoral period, due to concerns about heightened tensions. The Center commends this recommitment to peace and urges all parties, especially the APC and SLPP, to take steps to ensure that their supporters abide by these pledges.

In the event of any challenges or complaints, the Center urges parties and candidates to follow prescribed legal channels as laid down in the Constitution and the Public Elections Act of 2012 for the resolution of any dispute related to the elections. Under the Public Elections Act, any electoral offences will be considered by the Electoral Offences Court and investigated by the Sierra Leone Police (SLP), and any challenge to the results of the presidential election should be filed with the Supreme Court within seven days of the official announcement of the results. It is incumbent on political parties and candidates to produce evidence of any alleged malfeasance.



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Carter Center Observation. Carter Center short-term observers (STOs) observed the tally process at District and Regional Rally Centers after the closing of the polls on election day and the day following. The Center's long-term observers (LTOs) continue to observe the tabulation and post-election processes at the regional level as well as a number of District Tally Centers.

One of Sierra Leone's core obligations concerns promoting transparency in elections and other public processes. In order to ensure such transparency, accepted best practice is for ballot tallies to be transmitted openly and transparently, and the results should be published in a timely manner, including at the polling station level. Based on their observations to date, Carter Center observers report that the tabulations and results processes to date have met these obligations. It is commendable that copies of polling station results were made available to political party agents, that polling station and center results have been posted outside of each polling center, and that results by polling station are made available at Regional Tally Centers. As an element of transparency and in accordance with best practice, the NEC should make official results available by polling station on its website to enable political parties to cross-check their data, building confidence in the tabulation process and results.

Carter Center observers report that Regional Tally Centers are calm and well organized. The process so far has been conducted in an atmosphere of transparency with a strong security presence as well as presence of political party agents, primarily from the APC and SLPP, international observers, and citizen observers from the National Election Watch (NEW). NEW monitors were reported in all Regional Tally Centers, as well as a majority of the District Tally Centers visited.

Carter Center observers reported that Regional Tally Center personnel – including managers, data entry clerks, and observer facilitators – fulfilled their responsibilities with professionalism and were receptive to observers' inquiries about the vote tabulation. Carter Center observers as well as political party agents and citizen observers have had full access to each tally center's database and were able to obtain updates on the number of results forms being reviewed, archived, or quarantined on a daily basis.

While it is difficult to confirm, it appears that there have been only a few complaints filed regarding the post-election tabulation and results processes. During the earlier stages of voting and counting, Carter Center observers did not report any complaints filed at the polling stations they visited.

Overall, only a few polling station results were quarantined during the reviews at the NEC's Regional Tally Centers. By mid-day on November 23, only 114 results forms (or a little over one percent of all forms) were quarantined for the presidential race. In most cases this was due to administrative or procedural problems which were eventually resolved, such as the appropriate copy of results forms being placed in the wrong tamper evidence envelope (TEE) or mathematical errors.

Carter Center observers reported that recounts were scheduled to be conducted of presidential results from about 170 polling stations in Kono, Bombali, Tonkolili, Moyamba, Pujehun, Western Urban and Western Rural districts. Of these, most were due to missing or incomplete data. Carter Center observers witnessed 20 of these recounts in Bombali, Tonkolili, Western Urban, and Western Rural districts. It is important to note that, according to the NEC Chair, the number of votes involved in these quarantined cases was not large enough to affect the outcome of the presidential election.



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In a small number of cases, polling station results were quarantined due to a higher number of valid votes than registered voters at that polling station. However, in most cases this was resolved and determined to be a result of voting by police officers or other authorized voters who were not on the voter list for that polling station, but whose names were added on election day to the Additions to Final Voters' Register Form at the polling station where they worked. Only four cases of over-voting were identified, and in these cases results were annulled by the NEC in accordance with the Public Elections Act.

Background on Carter Center election observation mission in Sierra Leone. The Carter Center launched its election observation mission in September and observed the Nov. 17 elections in all 14 districts. Carter Center observers will remain

in Sierra Leone until late December to observe the remainder of the tabulation process for the parliamentary, mayor / district chairperson, and local government elections and to report on the post-electoral environment.

The Carter Center assesses Sierra Leone's elections against its obligations for democratic elections contained in the Constitution, the Electoral Act, and other relevant parts of the legal framework, as well as its obligations under international law. The Carter Center conducts its election observation activities in accordance with the Declaration of Principles for International Election Observation, which was adopted at the United Nations in 2005.



APPENDIX E DEPLOYMENT PLAN

Team Number	Names	Location
Team 1	Bartosz Lech Alison Sutherland	Freetown
Team 2	Ron Gould Joyce Pitso	Freetown
Team 3	Roger Bryant James Earl Carter III	Western Rural
Team 4	Thomas Barrow Yaw Osei-Ofori	Port Loko
Team 5	Clare Szalay Howell Claudius Youmbi	Kambia
Team 6	Peter King Raleigh Quesenberry	Bombali
Team 7	Rebecca Carter Julia Suddath	Bombali
Team 8	Emmaculeta Chiseya Anis Samaali	Tonkolili
Team 9	Lori Shortreed George Warui	Koinadugu
Team 10	Emma Broadbent Nick Jahr	Kono
Team 11	Carin Mirowitz Keith Wright	Kailahun
Team 12	David Harris Marian Murrah	Kenema
Team 13	Tiago Faia Sophia Moestrup	Pujehun
Team 14	Lyn Graybill Robert Pitman	Bonthe
Team 15	Oley Cole Ron Laufer	Bo
Team 16	Mary Dineen Pewee Flomoku	Bo
Team 17	Moshood Folorunsho Nuria Sancho	Moyamba



APPENDIX F OBSERVATION CHECKLISTS

Carter Center Mission - Sierra Leone 2012 OPENING					
1. Team Number: _____		2. District: _____		3. Constituency #: _____	
5. Polling Center name: _____		6. Polling Center code: _____		4. Ward #: _____	
9. Arrival Time: _____ (24 hour clock)		10. Departure Time: _____ (24 hour clock)		8. Is your Polling Station: <input type="checkbox"/> Urban <input type="checkbox"/> Rural	
11. # of Registered Voters at the Polling Station: _____				<input type="checkbox"/> Yes <input type="checkbox"/> No	
Inside the Polling Center					
12. Is the environment inside the Polling Center calm?					
13. Is the Polling Center and its environment free from campaigning, including campaign materials?					
14. Is the Polling Center accessible to all voters, including disabled voters?					
15. Are security officers present inside the Polling Center?					
16. Is queue management inside the Polling Center effective?					
Inside the Polling Station					
17. Is the environment inside the Polling Station calm?					
18. Is the Polling Station free from unauthorized persons?					
19. If NO, what unauthorized persons are present? a. Security officer b. Candidate c. Paramount chief d. Other					
20. If "Other", who is the "Other" unauthorized person?					
Opening Procedures					
21. Were all poll workers present inside the Polling Station?					
22. If NO, which poll workers were not present? a. Presiding Officer b. Voter Identification Officer c. Ballot Paper Issuer 1 d. Ballot Box controller 1 e. Ballot Paper Issuer 2 f. Ballot Box Controller 2					
23. How many poll workers in the Polling Station are women? _____					
24. What time did the Polling Station open? a. 7:00 – 7:15 b. 7:16 – 7:30 c. 7:31 – 8:00 d. After 8:00					
25. Why did the Polling Station open late? a. Lack of sensitive/essential materials b. Lack of polling workers c. Presiding Officer not present d. Lack of understanding of opening procedures e. Other					
26. What was the "Other" reason for the Polling Station opening late?					
27. Is sensitive/essential electoral material available?					
28. If NO, specify what is missing: a. ballot papers b. FVR c. Official NEC stamp d. Forms e. Indelible ink f. Ballot box seals g. Ballot boxes h. Voting screens					
29. Were opening procedures implemented correctly?					
30. Was the Polling Station opening free from interference?					
31. If NO, please describe the interference that occurred.					
32. Which political party/candidates were represented among the agents present in the PS? a. APC b. SLPP c. PMDC d. NDA e. UDM f. Other Party g. Independent h. None present					
33. Does any political party/candidate have more than one agent?					
34. If YES, which one? a. APC b. SLPP c. PMDC d. NDA e. UDM f. Other Party g. Independent					
35. How many political party/candidate agents are women? _____					
36. Which organizations were represented among national observers present in the PS? a. NEW b. Other c. None present					
37. How many national observers are women? _____					
38. Were authorized persons free from unreasonable restrictions on their work?					
39. If NO, which persons were restricted? a. Candidate agents b. Media representatives c. National observers d. International observers					
40. If NO, what was the nature of the restriction?					
41. Was the process free of any official complaints lodged at the PS up to your departure?					
42. If NO, who was the complainant: a. Candidate b. Agent c. Voter d. Other: _____					
43. If NO, were the complaints addressed according to procedure?					



OBSERVING SIERRA LEONE'S 2012 NATIONAL ELECTIONS

Overall Assessment of the Opening Process

Instructions: Put an 'X' next to the statement that best describes your assessment of the election environment & voting process for this station. If your response is "poor" or "very poor," it is important you provide further explanation in the comments section below.

- 44 How would you evaluate party/candidate agents' performance of their role?
45 How would you evaluate the Polling Station staff's performance?
46 How would you evaluate the Polling Station overall?

o Very Good - Procedures are conducted in a professional manner. No major irregularity. Most Qs were positively evaluated.
o Good - Procedures were respected. Minor problems. Solutions were found to address them. Positive observation.
o Poor - Some of the procedures were not respected. Nevertheless, the overall voting process was not badly affected.
o Very Poor - Problems observed had a negative impact on the voting process. Many or key Qs were negatively evaluated. The validity of the result from this PS could be in question.

Comments

Instructions: Please provide details of any complaints or irregularities that occurred at the polling station you observed, or any incidents reported to you by those present in the station. You must provide an explanation for any observation question to which you answered "NO". The Comments section below should also be where you include any INDIRECT observations - that information you receive that is reported to you secondhand but is not directly observed by the team. Indirect observations should not be reflected in checklist responses above. If additional space is needed, please attach additional sheets of paper to the report form.

Large empty grid table for providing comments.



OBSERVING SIERRA LEONE'S 2012 NATIONAL ELECTIONS

Carter Center Mission - Sierra Leone 2012											
POLLING											
1. Team Number: _____		2. District: _____		3. Constituency #: _____		4. Ward #: _____					
5. Polling Center name: _____				6. Polling Center code: _____		7. Polling Station Code: _____		8. Is your Polling Station <input type="checkbox"/> Urban <input type="checkbox"/> Rural			
9. Arrival Time: _____: _____ (24 hour clock)			10. Departure Time: _____: _____ (24 hour clock)			11. # of registered at the Polling Station: _____					
12. # of voters who have already voted: _____											
								Yes	No	N/A	
Inside the Polling Center											
13	Is the environment inside the Polling Center calm?										
14	Is the Polling Center and its environment free from campaigning, including campaign materials?										
15	Is the polling center accessible to all voters, including disabled voters?										
16	Are security officers present inside the polling center?										
17	Were Voter Enquiry Officer(s) (VEO) present to assist voters?										
18	Were the VEO(s) correctly following the procedures?										
19	Is queue management inside the Polling Center effective?										
Inside Polling Station											
20	Is the environment inside the Polling Station calm?										
21	Is the Polling Station free from unauthorized persons?										
22	If NO, what unauthorized persons are present? a. Security Officer b. Candidate c. Paramount chief d. Other										
23	If "Other, who is the "Other" unauthorized person present?										
Voting Procedures											
24	What time did the Polling Station open? a. 7:00 – 7:15 b. 7:16 – 7:30 c. 7:31 – 8:00 d. After 8:00										
25	Were all poll workers present inside the Polling Station?										
26	If NO, which poll workers were not present? a. Presiding Officer b. Voter Identification Officer c. Ballot Paper Issuer 1 d. Ballot Box controller 1 e. Ballot Paper Issuer 2 f. Ballot Box Controller 2										
27	How many poll workers in the polling station are women? _____										
28	Is sensitive/essential electoral material available?										
29	If NO, which were missing? a. ballot papers b. FVR c. Official NEC stamp d. Forms e. Indelible ink f. Ballot box seals g. Ballot boxes h. Voting screens										
30	Are voter identification procedures being followed?										
31	If NO, specify which procedures are not being followed: a. Not checking ink b. Not checking identity c. Not embossing voter's card										
32	Are ballot issuers stamping the ballot papers?										
33	If YES, are ballot papers being stamped just before being handed to voters?										
34	Are the ballot boxes properly sealed?										
35	Is voting conducted in secret?										
36	If NO, please explain in Comments.										
37	Are assisted voting procedure being followed?										
38	If NO, please explain in Comments										
39	Are all voters' fingers being inked?										
40	Is the polling process free from irregularities?										
41	If NO, please specify which irregularities took place. a. Multiple voting b. Ballot stuffing c. Interruption of voting d. Voter intimidation e. Illicit assistance f. Other _____										
42	If "Other", what was the "Other" irregularity that took place?										
43	Was anyone denied the right to vote?										
44	If YES, why? a. Not on voter list b. Eligibility challenged c. unidentifiable voter d. Wrong polling station e. Other										
45	What was the "Other" reason?										
46	On average, how long does it take a voter to vote?										
47	Which political party/candidates were represented among the agents present in the PS? Select multiple: a. APC b. SLPP c. PMDC d. NDA e. UDM f. Other Party g. Independent h. None present										
48	Did any political party/candidate have more than one agent present?										
49	If so, which one? a. APC b. SLPP c. PMDC d. NDA e. UDM f. Other Party g. Independent										
50	How many political party/candidate agents are women? _____										
51	Which organizations are represented among national observers present in the PS? a. NEW b. Other c. None present										
52	How many national observers are women? _____										
53	Are media representatives present?										
54	Were authorized persons free from unreasonable restrictions on their work?										
55	If NO, which persons were restricted? a. Candidate agents b. Media representatives c. National observers d. International observers										
56	If NO, what was the nature of the restriction?										
57	Is the Polling Station, select one: a. Orderly b. Disorderly c. Chaotic										
58	Was the process free of any official complaints lodged at the PS up to your departure?										
59	If NO, who was the complainant: a. Candidate Agent b. Voter c. Other: _____										
60	If NO, were the complaints addressed according to procedure?										



OBSERVING SIERRA LEONE'S 2012 NATIONAL ELECTIONS

Carter Center Mission - Sierra Leone 2012 CLOSING & COUNTING						
1. Team Number: _____		2. District: _____		3. Constituency #: _____		
5. Polling Center name: _____		6. Polling Center code: _____		7. Polling Station Code: _____		
9. Arrival Time: _____ : _____ (24 hour clock)		10. Departure Time: _____ : _____ (24 hour clock)		11. # of Registered Voters at the Polling Station: _____		
				Urban	Rural	
				Yes	No	
				N/A		
The Closing Process						
12	Were all the voters in line at 5:00pm allowed to vote?					
13	Were any voters allowed to join the voting queue after 5pm?					
14	Was queue management in the Polling Center effective?					
15	At what time did the last voter vote? _____					
The Counting Process						
16	Were all poll workers present inside the Polling Station?					
17	If NO, which poll workers were not present? a. Presiding Officer b. Voter Identification Officer c. Ballot Paper Issuer 1 d. Ballot Box controller 1 e. Ballot Paper Issuer 2 f. Ballot Box Controller 2					
18	How many poll workers in the PS are women? _____					
19	Were authorized persons free from unreasonable restrictions on their work?					
20	If NO, which persons were restricted? a. Candidate agents b. Media representatives c. National observers d. International observers					
21	If NO, what was the nature of the restriction? _____					
22	Is the Polling Station free from unauthorized persons?					
23	If NO, what unauthorized persons are present? a. Security officer b. Candidate c. Paramount chief d. Other					
24	If "Other", who is the "Other" unauthorized person present? _____					
26	Were the screening procedures conducted correctly?					
27	Did the polling staff sort the ballots by candidate, showing each ballot to those present?					
28	Did the polling staff fill out the Results Record Form (RRF) form correctly?					
29	Did the polling staff fill out the Record of Seals Form (RSF) form correctly?					
30	Are criteria for determining invalid ballots followed correctly, recognizing the intent of the voter?					
31	Are the result forms posted outside the Polling Station?					
32	Are all sensitive materials secured for transportation?					
33	Was the counting process free from interference?					
34	If NO, what type of interference occurred? a. Intimidation b. Confusion c. Violence d. Illicit assistance e. Suspension of the count f. Other					
35	Describe the interference that occurred. _____					
36	If the process was suspended, were the sensitive materials secured during this time?					
37	Which political party/candidates were represented among the agents present in the PS? Select multiple: a. APC b. SLPP c. PMDC d. NDA e. UDM f. Other Party g. Independent h. None present					
38	Did any political party/candidate have more than one agent?					
39	If YES, which one? a. APC b. SLPP c. PMDC d. NDA e. UDM f. Other Party g. Independent					
40	How many political party/candidate agents were women? _____					
41	Which organizations were represented among national observers present in the PS? o NEW o Other o None present					
42	How many national observers are women? _____					



APPENDIX G LETTER OF INVITATION



NATIONAL ELECTORAL COMMISSION (NEC)

OAU Drive, Tower Hill, Freetown-Sierra Leone



10th January 2012

Ref: NEC/142.

INVITATION TO OBSERVE SIERRA LEONE'S ELECTION PROCESS (17TH NOVEMBER, 2012 PRESIDENTIAL AND PARLIAMENTARY ELECTIONS)

The next Sierra Leone Presidential and Parliamentary Elections are scheduled to take place on the 17th November 2012. The National Electoral Commission (NEC), which is in charge of organizing and conducting the said elections, hereby extends an invitation to all interested groups and organizations, local and international, to observe the electoral process. The Voter Registration exercise, which is planned to take place from January 23rd to March 26th 2012, will herald activities followed by nominations, campaign, polling, counting and the announcement of results. This is in line with the Commission's view that electoral observation will enhance the transparent, credible and accountable conduct of the process.

All interested groups and organizations wishing to participate in the observation of the 2012 elections must first be accredited by NEC. Individual(s)/person(s) will not be accredited. The Commission will inform all interested groups and organizations on the procedures to be followed for accreditation in the near future. An electoral calendar stating broad timeline of the aforementioned electoral tasks will be released soon. This will be followed by the release of guidelines and code of conduct for observers

Interested groups and organizations are requested to contact the Chief Electoral Commissioner/Chairperson, National Electoral Commission headquarter, OAU Drive, Tower Hill, Freetown, Sierra Leone.

Dr. Christiana Thorpe
Chief Electoral Commissioner/ Chairperson
National Electoral Commission,
Freetown, Sierra Leone.

THE CARTER CENTER AT A GLANCE

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for people in more than 70 countries by resolving conflicts; advancing democracy, human rights, and economic opportunity; preventing diseases; and improving mental health care. For more information visit www.cartercenter.org.



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