



FOR IMMEDIATE RELEASE

Nov. 1, 2012

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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

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 Strelau. 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.

**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

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

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

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

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.

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)

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.

- 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.