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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 election yirl[10(L)7i [(w)-2(ar)-1(.)-4(C
confidence in the elections, including poor communication be
and has deployed eight long-term observers from six countries

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.

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

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

the entire electoral process. The EMB also should ensure accountable, efficient, and effective

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

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.

x Refrain from recruiting and deploying armed bodyguards, gang members, or other forms of militia during campaign events.

x 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.

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