

IN THE HIGH COURT OF SIERRALEONE

GENERAL CIVIL DIVISION

GENERAL /PARLIAMENTARY ELECTIONS FOR CONSTITUENCY 118
WESTERN URBAN DISTRICT IN THE WESTERN AREA OF THE REPUBLIC
OF SIERRA LEONE HELD ON THE 7TH DAY OF MARCH 2018

BETWEEN

Thomas Aaron Leroy Koroma - PETITIONER

N23 Low Cost Housing

Kissy

Freetown

AND

Isaac Tarawallie - 1st RESPONDENT

61A Low Cost Housing

Kissy

Freetown

THE NATIONAL ELECTORAL COMMISSION – 2ND RESPONDENT

TOWER HILL

FREETOWN

NATIONAL RETURNING OFFICER - 3Rd RESPONDENT

NATIONAL ELECTORAL COMMISSION

TOWER HILL

FREETOWN

RETURNING OFFICER WESTERN RURAL DISTRICT – 4TH RESPONDENT
C/O DISTRICT ELECTIONS OFFICE
NATIONAL ELECTORAL COMMISSION
FREETOWN

Counsels for the Petitioner – I. Kanu, M. Mewa, D.J. Lavalie, J.J.
Campbell, C. Sawyer.

Counsels for the 1st Respondent- A. Macauley, B. Koroma

Counsel for the 2nd, 3rd, and 4th Respondent – D. E. Taylor

Before the Hon. Mr. Justice Mohamed Alhaji Momoh-Jah Stevens J.

Judgment dated the 31st May 2019

The Petitioner herein Thomas Aaron Leroy Koroma of the Sierra Leone Peoples Party filed a Petition dated the 18th day of April 2018 against the 1st Respondent herein Isaac Tarawallie of the All Peoples Congress following the declaration by the National Returning Officer, National Electoral Commission of the said Isaac Tarawallie as being duly elected Member of Parliament of the said Constituency, seeking a nullification of the said declaration and the result itself because of election malpractices, ballot stuffing and irregularities.

In Answer to the Petition dated the 17th May 2018, the 1st Respondent denied the allegations contained in the Petition and instead put the Petitioner to strict proof thereof.

This is a trial that must be conducted by Affidavit evidence. In this regard the Petitioner filed an Affidavit in Support of the Petition dated the 10th day of September 2018. By Paragraph 4 of the Petitioner's Affidavit the Petitioner mainly averred of fraud and intimidation without any documentary proof. By Paragraph 6, the Petitioner alleged a Journalist was beaten and submitted document

marked TALK 1 and 2. For me the issue of a Journalist being beaten is a very serious issue but must not be used in support of a Petition since Journalists are independent personalities, and we see the faith of one Ibrahim Samura who was severely beaten on Polling Day and later died. I submit that is a case for SLAJ not for the Petitioner.

Counsels for the Petition submitted the cases of Morgan and Others v. Simpson and another (1974) 3 All ER 722 and Gunn and others and Sharpe and others (1974) 2 ALL ER 1058 as persuasive authorities in aid of the case of the Petitioner. I hold that these legal authorities will not make out a case for the Petitioner.

I will also not divert my mind in relation to the submission made by D.E. Taylor Esq. representing the 2nd, 3rd, and 4th Respondents as his clients failed to submit Affidavits in Support or in Opposition.

I will not go in depth into the case of the 1st Respondent because I am not satisfied with the case of the Petitioner as presented. The 1st Respondent filed an Affidavit in Opposition dated the 20th September 2018 denying the allegations in the Petition. The Affidavit in Opposition by the 1st Respondent was corroborated by the Affidavit sworn and deposed to by Tejan Bangura dated the 20th September 2018.

In view of the evidence before the Court, I hereby enter judgment in favour of the 1st Respondent, Isaac Tarawallie of the All People's Congress by virtue of the powers vested in this Honourable Court under Section 78(1) a of the Constitution of Sierra Leone Act NO. 6 of 1991 that the 1st Respondent was duly elected and returned by the National Electoral Commission as Member of Parliament, on the 7th March 2018 in the General/Parliamentary Election for Constituency 118, Western Urban, in the Western Area of the Republic of Sierra Leone. In addition I make the following orders:

- 1- This Honourable Court dismisses the Petition dated the 18th April 2018 filed by the Petitioner herein.

2- The Hon. Isaac Tarawallie of the All People's Congress shall
continue to represent Constituency 118 in the Sierra Leone
House of Parliament

3- No order as to Costs

Stevens J.

Dated ----- 31-5-2019

Signature ----- 