

IN THE HIGH COURT OF SIERRA LEONE

GENERAL AND CIVIL DIVISION

IN THE MATTER OF THE ELECTIONS FOR PARLIAMENTARY SEAT FOR  
CONSTITUENCY 109 FREETOWN IN THE REPUBLIC OF SIERRA HELD  
ON THE 7TH DAY OF MARCH 2018

BETWEEN

Alhassan Cole - Petitioner

Goderich

Freetown

And

Osman Jalloh - 1st Respondent

AKA Thomas Kowa

Goderich

Freetown

National Electoral Commission - 2nd Respondent

Tower Hill

Freetown

National Returning Officer - 3rd Respondent

Tower Hill

Freetown

The Western Area Rural Returning Officer - 4th Respondent

C/O Electoral Commission, Western Area

Counsel for the Petitioner – L. Dumbuya

Counsels for the 1st Respondent- I. Kanu, J.J Campbell, C. Sawyer, I.F. Sawaneh

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

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

Judgment dated the 31<sup>st</sup> day of May 2019

The Petitioner herein Alhassan Cole stood under the Platform of the All Peoples Congress in the General/Parliamentary Elections on the 7<sup>th</sup> day of March 2018 and the Returning Officer of the National Electoral Commission returned Osman Jalloh of the Sierra Leone People's Party as the Candidate duly elected as Hon. Member of Parliament of Constituency 109. The Petitioner filed a Petition dated the 23<sup>rd</sup> day of April 2018 against the 1<sup>st</sup> Respondent seeking that the said result be declared null and void and subsequently the 1<sup>st</sup> Respondent losing his seat in Parliament. The Petitioner avers inter alia that the 1<sup>st</sup> Respondent is a citizen of the United States of America going by the name 'Thomas Kowa'. Besides, the Petitioner alleged that the National Electoral Commission perpetuated massive irregularities in favour of the 1<sup>st</sup> Respondent. There was according to the Petitioner violence in the said Constituency.

The 1<sup>st</sup> Respondent denied all the allegations contained in the Petition dated the 23<sup>rd</sup> day of April 2018 filed against him.

This Honourable Court directed the trial herein be held by way of Affidavit.

The Petitioner, Alhassan Cole did not comply with the orders of this Honourable to file and serve Affidavit on all the Respondents in other for the Respondents herein to reply.



Counsel for the Petitioner pray in aid to the Court for the said Petition be dismissed since it is not in compliance with Rules 35 of the Election Petition Rules 2007.

Lead Counsel for the Petitioner told the Court he was not serve with any such order for trial by Affidavit, Counsel for the 1<sup>st</sup> Respondent said Counsel on record was served.

Counsel representing the 2<sup>nd</sup>, 3<sup>rd</sup> and 4<sup>th</sup> Respondents also asked this Court to dismiss the Petition.

I hold that the Petitioner has failed to comply with the order of this Honourable Court directing him to file and serve Affidavit on Respondents for trial to proceed.

Judgment is accordingly entered in favour of the 1<sup>st</sup> Respondent and the Petition dated the 23<sup>rd</sup> day of April 2018 is dismissed. I further make the following orders:

- 1- The 1<sup>st</sup> Respondent Hon. Osman Jalloh of the Sierra Leone People's Party shall continue to represent Constituency 109 in the House of Parliament of Sierra Leone because he was duly elected and no case has made against him by the Petition pursuant to Section 78(1)a of the Constitution of Sierra Leone Act. NO.6 of 1991
- 2- That the Petition dated the 23<sup>rd</sup> April 2018 is dismissed
- 3- No order as to Costs

Stevens J.

Dated

Signature

31-5-2019  


