

IN THE HIGH COURT OF SIERRALEONE

GENERAL CIVIL DIVISION

GENERAL /PARLIAMENTARY ELECTIONS FOR CONSTITUENCY 119
WESTERN URBAN DISTRICT IN THE WESTERN AREA OF THE REPUBLIC
OF SIERRA LEONE HELD ON THE 7TH DAY OF MARCH 2018

BETWEEN

SAHR SAHID SACCOH - PETITIONER

58C KELESY STREET

KISSY DOCK YARD

FREETOWN

AND

WURROH TIMBO JALLOH - 1ST RESPONDENT

SHELL NEW SITE

FREETOWN

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 – J.J. Lansana, I. Kanu, M. Mewa, J.J. Campbell, C. Sawyer and I. F. Sawaneh

Counsels for the 1st Respondent- A. Macauley, B. Koroma, W. Serry-Kamal and S. Bah

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


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

Judgment dated the 31st day of May 2019

The Petitioner herein Sahr Sahid Saccob of the Sierra Leone People's Party filed a Petition against the 1st Respondent, Wurroh Timbo Jalloh of the All People's Congress dated the 20th April 2018, alleging rampant and widespread malpractices and irregularities and at the same time praying in aid from the this Honourable Court to declare the said result that returned the 1st Respondent as Honourable Member of Parliament, Constituency 119 Western Area, Freetown, null and void. 

The 1st Respondent responded with an Answer dated the 17th day of May 2018 denying the allegations raised in the Petition by the Petitioner and put the Petitioner to strict proof thereof.

This Honourable Court gave direction for the trial to be held by Affidavit Evidence.

In his Affidavit in lieu of Oral Evidence by the Petitioner, Sahr Sahid Saccob dated the 10th day of September 2018, the Petitioner averred that Police arrested those who were involved in malpractice but 

were later released. To this the Petitioner exhibited a document marked SSS 1. The Petitioner also exhibited a document which is a Letter of complaint addressed to the Chairman and Leader of the Sierra Leone People's Party marked SSS 2, in relation to Exhibit SSS 1. Counsels for the Petitioner relied on the cases of Morgan and Others v. Simpson and another (1974) 3 All ER 722 and Gunn and others and Sharpe and others (1974) 2ALL ER1058. Both cases from my understanding, the Courts, propounded that if the irregularities are substantial in an Election, then an Election Result must be declared invalid because according to one of the Courts 'it could not be said that the election had been so conducted as to be substantially in accordance with the law as to elections'. The sworn statement of the Petitioner herein was supported by Statement made by Saidu Sankoh dated the 10th day of September 2018 and Statement made by Mohamed Saccoh dated the 10th September 2018 marked as Additional Exhibit 1 and 2.

In moving the Court, in defence of the 1st Respondent, B. Koroma Esq. maintained that they relied on the Affidavit deposed to by the 1st Respondent dated the 20th September 2018. In the said Affidavit the 1st Respondent denied the allegations levied against him by the Petitioner. According to B. Koroma Esq. the allegations lack specificity.

I shall pay no attention to Counsel for the 2nd, 3rd and 4th Respondents because his clients did not submit Affidavits in reply.

I agree with Counsel for the 1st Respondent that the allegations made by the Petitioner lack specificity and precision.

I hold that the Petitioner has not established his case on a balance of probabilities and I therefore enter judgment in favour of the 1st Respondent as the Honourable Member of Parliament duly elected and returned by the National Returning Officer, National Electoral Commission for Constituency 119 Western Urban, Western Area of

the Republic of Sierra Leone pursuant to Section 78(1) a of the Constitution of Sierra Leone Act NO. Of 1991.

In addition thereto, I make further orders:

- 1- The Petition dated the 20th April 2018 is dismissed by this Honourable Court
- 2- That the 1st Respondent, Wurroh Timbo Jalloh of the All People's Congress shall continue to represent Constituency 119 in the Sierra Leone House of Parliament till the next General/Parliamentary Election
- 3- No order as to costs

Stevens J

Dated -----

Signed-----

31-5-2019
