

IN THE HIGH COURT OF SIERRALEONE

GENERAL CIVIL DIVISION

GENERAL /PARLIAMENTARY ELECTIONS FOR CONSTITUENCY 129
WESTERN URBAN DISTRICT IN THE WESTERN AREA OF THE REPUBLIC
OF SIERRA LEONE HELD ON THE 7TH DAY OF MARCH 2018

BETWEEN:

FATMATA SARAH SOUKENAH - PETITIONER

42 WATERSIDE ROAD

TENGBEH TOWN

FREETOWN

AND

EMMANUEL SAIDU CONTEH - 1st RESPONDENT

COLLEGE ROAD

OFF CONGO CROSS

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. K. Lansana, I. Kanu, M. Mewa, J.J. Campbell, C. Sawyer.

Counsels for the 1st Respondent- B. Koroma and S. Bah

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 day of May 2019

The Petitioner filed a Petition dated the 20th day of April 2018 against the election result duly declared and returned in favour of the 1st Respondent herein Hon. Emmanuel Saidu Conteh by National Returning Officer, National Electoral Commission, as Member of Parliament, Constituency 129 Western Urban. In the said Petition the Petitioner, Fatmata Sarah Soukenah averred, inter alia, that there were widespread malpractices and irregularities at the Polling Centre Code 16216 at Ward 439 in this Constituency in issue. The Petitioner asked this Court to declare null and void the Election Result of Emmanuel Saidu Conteh.

The 1st Respondent filed an Answer dated the 17th day of May 2018 in which he denied every allegation in the Petition filed by the Petitioner.

Following a direction by this Honourable Court to the parties in this Petition, the Petitioner filed and served Affidavit in Support of the Petition dated the 10th day of September 2018. Upon a careful perusal of this Affidavit I noted that there is no exhibit attached to

any of the allegation made by the Petitioner. All I see in support, are Statements made by Witnesses which were not even deposed to in Affidavits. To me it is not sufficient. In fact, I am not even going to look into the Defence of the 1st Respondent since I am not satisfied with the allegations made by the Petitioner as there is no supporting evidence thereof. The burden of proof is wholly and solely placed on the party alleging malpractice, and this burden I humbly submit has not been discharged by the Petitioner herein. It is said 'Justice delay is justice denied', and in the spirit of expeditious trial I hereby proceed to announce judgment in favour of the 1st Respondent.

I therefore enter judgment for the 1st Respondent as being duly elected and returned by the National Returning Officer , National Electoral Commission as the Member of Parliament , Constituency 129, Western Urban, Freetown pursuant to Section 78 (1) a of the Constitution of Sierra Leone Act N0.6 of 1991.

In addition thereto, I make the following orders:

- 1- This Honourable Court dismisses the Petition herein dated the 20th day of April 2018
- 2- That Hon. Emmanuel Saidu Conteh of the All People's Congress shall continue to represent Constituency 129 in the Sierra Leone House of Parliament till the next General/Parliamentary Elections
- 3- No order as to Costs

Stevens J.

Dated -----

Signature -----

31-5-2019
