

SPECIAL COURT FOR SIERRA LEONE
PRESS AND PUBLIC AFFAIRS OFFICE

PRESS CLIPPINGS

Enclosed are clippings of the latest local and international press on the Special Court and related issues obtained by the Press and Public Affairs Office as of:

Monday, August 22, 2005

The press clips are produced Monday to Friday.
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The Pool. Monday August 22, 2005.

John Leigh shows concern for Hinga Norman

By Tani H. Pratt

Erstwhile Sierra Leone Ambassador to the United States, John Ernest Leigh, was seen among sympathisers and relatives of detained Special Court indictee Chief Sam Hinga Norman at the Supreme Court in Freetown.

Mr. Leigh who was sitting next to a woman believed to be Chief Norman's traditionally married wife, was visibly concerned as the proceedings went on.

Mr. Leigh was singled out during the first hearing of the case against the SLPP brought by the detained Chief

Norman, as the only SLPP aspirant that was present in court yesterday. His presence, according to SLPP supporters who spoke to The Pool, "is a sign that he is in sympathy with Chief Hinga Norman and would like to see justice done," adding that "it is not proper for our candidate to be behind bars while all the others have a field day."

Mr. Leigh himself however, was straightfaced throughout the session of the court and disappeared immediately after.

'SLPP Jailman' Stops Convention

Special Court indictee, Chief Sam Hinga Norman, has successfully blocked the SLPP national delegates conference that was to be held over the weekend in the northern provincial headquarters of Makeni.

The former Deputy Minister of Defense, Minister of Internal Affairs and National Co-ordinator for the Civil Defense Forces (CDF), who has been indicted by the Special Court for bearing the

greatest responsibility during the ten-year civil conflict in the country, is currently in detention and his solicitor Dr. Bu-Buakie Jabbie is pursuing the constitutional legal battle in the Supreme Court of Sierra Leone.

According to court reports, Chief Hinga Norman has argued through his solicitor that the proposed national delegates conference would have been illegal and contravened the SLPP constitution.

He said choosing a party leader for the 2007 presidential election at this time was ill-timed because it would leave the current party leader and president of the country in a position that would be detrimental to his office as newly elected members to the National Executive Committee would recognize the new order instead of the incumbent Ahmad Tejan Kabbah. He also argued that if the national

delegate conference were allowed to go ahead, it would have created a very serious problem for the ruling party in that the national constitution and All Political Parties constitution would not allow any member of the executive arm of government to contest for any executive position in a party.

Being strictly by the two constitutions. *See page seven*

'SLPP Jailman' Stops Convention

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both Vice President Solomon Berewa and the Finance Minister Joseph Bandabla Dauda are not eligible to become parliamentarians and only those who are qualified to become parliamentarians are eligible for any executive position in the party, including the party leadership.

"If the convention had gone ahead as planned, the opposition All

People's Congress would have likely challenged its legality especially if any of the two members of the executive had won the leadership of the party," a legal practitioner said.

The lawyer added that any minister or vice president vying for party position must resign six months before convention and by contrast, all the ministers in this government who wanted to

vie for executive positions in the SLPP never resigned ahead of the aborted convention according to the constitution.

"NEC treated the constitution with levity and that is why Chief Hinga Norman has challenged the party in court," another legal luminary opined, adding that the court matter will save SLPP from further blunder.

Salone Times. Monday August 22, 2005.

NORMAN VS BANYA & CO: AN AN

By Dr. John Lonsana Musa, USA
FROM LAST ISSUE

The court concluded that this is all the more so because the nominating phase of an election "is often determinative of the entire election" Maxey v. Wash. State Democratic Comm., 319 F. Supp. 673, 674 (W.D. Wash. 1970); (See also, Rice v. Elmore, 165 F. 2d 387, 389 (4th Cir. 1947), Anderson v. Celebrezze, 460 US 780 (1983).

The national interest in protecting the effective right to participate in the electoral process in a meaningful way is superior to whatever other interests the party itself might wish to protect, especially when it does so whimsically by a snap convention. This essentially means the constitutional doctrines that safeguard the fundamental rights of voters to effectively choose candidates for president trump the SLPP rules. In considering whether the party rules justify the holding of a snap convention, the constitutional balancing test must be done.

In doing so, we must consider now pitted before the Supreme Court. The question is, which is more compelling: - The preservation of the rights of the adherents of the SLPP to nominate a candidate for national elections within the meaning of the law, or the upholding of party rules which violates their constitutionally protected rights of association? The question may be easily resolved in favour of the party members by the Supremacy Doctrine as it is abundantly framed in the 1991 Constitution.

"This Constitution shall be the supreme law of Sierra Leone and any other law found to be inconsistent

with a new provision of this Constitution shall, to the extent of the inconsistency, be void and of no effect." (Section 171 (15).

In viewing the whimsical nature, that is a quick or snap notice to convene a nominating process, there is a compelling interest in protecting the integrity of its electoral processes and the right of its citizens under the national constitution to make the nominating process effective in a democratic process. The SLPP delegates will perform a task of supreme importance

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to every citizen in Sierra Leone. The vital business of this convention is the nomination of the SLPP's candidate for the offices of President and presumably Vice President of Sierra Leone. This special function of SLPP delegates to such a convention militates persuasively against any argument in favour of holding the convention two years ahead of time. If the party rules were wagered over the national constitution and against the protected rights of party members.

CONCLUSION

The question to be raised by party officials that the

ALYSIS (Final Part)

rules required them to convene a snap nominating process is unimportant because the party has violated its own rules many times by not convening certain required conferences to do party business. To now snap up the rules to chill the nominating process violates the right to assembly. If the August 2005 convention is rescheduled for 2006 or 2007, the party and its officials will suffer no harm. As plaintiff Norman has claimed, the party has already forgone a number of conferences where party business would have been conducted, yet no harm resulted from the sporadic obedience to its rules.

Thus, if fidelity to the party constitution is the defense of the party officials then they are destitute of a compelling reason to call a snap convention. For the forgoing reasons and others interposed by Dr. Bu-Buakei Jabbi on behalf of his client, Samuel Hinga Norman, the Supreme Court should grant the injunctive relief sought to restrain the party officials from holding the SLPP convention as scheduled. The door remains open for party officials to abandon the errant nominating choice in the name of fair play. In the alternative, it is now left to the Supreme Court to decide whether ours is a republic within the meaning of democracy and pluralism. Or are we to trust the Constitution of Sierra Leone as a munificent bequest in a pauper's will?

We implore the Court to render a judgment that will safeguard the nomination process, or the autocratic rule slouching towards the republic will again overcome her as it once did for a near-quarter century. We are done.
