POLITICAL PARTIES REGULATION COMMISSION(PPRC)

RULING OF THE COMMISSION

IN THE MATTER OF A COMPLAINT BY ALHAJI CHIEF SAMUEL SAM SUMANA AGAINST THE LEADERSHIP OF THE ALL PEOPLES CONGRESS (APC)

OAU Drive, Tower Hill, Freetown, Sierra Leone
Email: info@pprc.gov.sl / pprcsierraleone@yahoo.com
Website: www.pprc.gov.sl
+232 7526441/+232 78443294

POLITICAL PARTIES REGULATION COMMISSION (PPRC)
IN THE MATTER OF A COMPLAINT BY

ALHAJI CHIEF SAMUEL SAM SUMANA

AGAINST

THE LEADERSHIP OF THE ALL PEOPLES CONGRESS (APC)

RULING OF THE COMMISSION

INTRODUCTION

1. Pursuant to section 12(1) (2) of the Political Parties Act of 2022, Act No. 25 of 2022 and by letter dated 1st September, 2025, The Political Parties Regulation Commission (PPRC) received a Complaint from former Vice President, Alhaji Chief Samuel SamSumana (herein referred to as "the complainant"), against the leadership of the All Peoples Congress (APC) Party (herein referred to as "the respondent"); and by letter dated 8th September, 2025, the Commission transmitted the bundle of the said complaint to the Leadership of the APC through its Secretariat. On the 23rd September, 2025, the Commission received a response to the said complaint by the National Secretary General of the APC, and the same was transmitted to the complainant. The complainant sent a reply to the respondent's response to the Commission.

2. Since the issues complained could not be resolved by the parties, and contingent on the fact that the complainant had exhausted the internal steps within the APC party to remedy his complaint without satisfaction, the Commission invited the parties to a hearing.

3. The hearings were held on Thursday, 13th November 2025, Monday, 17th November 2025, Tuesday, 18th November 2025 and Wednesday, 19th November, 2025. The Complainant party (Alhaji Chief Samuel SamSumana and team – including two lawyers) and the Respondent party (the Acting Chairman, National Secretary General of the APC and team – including two of their lawyers) were present throughout the hearings. The Complainant party made an oral submission of their case and the Respondent party also made an oral submission in reply.

4. While the parties were making their oral submissions, names were mentioned and the Commission believed that the testimonies of some of those names would help it reach its decisions on the issues. The Commission invited seven persons viz:

   i. Hon. Sheku Badara Bashiru Dumbuya,

   ii. Mr. Sani Samuel Sesay,

   iii. Alhaji Mohamed Dondondo Bangura,

   iv. His Worship, former Mayor Sam Franklyn Bababode Gibson,

   v. Ambassador John Yambasu,

   vi. Hon. Mohamed Sheridan Kamara Esq., and

   vii. Mr. Alfred Peter Conteh.

5. The following persons attended the hearings at the Commission and testified:

   i. Hon. Sheku Badara Bashiru Dumbuya,

   ii. Mr. Sani Samuel Sesay,

   iii. Alhaji Mohamed Dondondo Bangura,

   iv. The former Mayor, Sam Franklyn Bababode Gibson, and

   v. Ambassador John Yambasu.

6. Hon. Mohamed Sheridan Kamara Esq. came to the Commission during a hearing, but since another witness was on stand, he was rescheduled. The Commission learnt that he later fell ill and could not attend the Commission's hearing to testify.

7. Mr. Alfred Peter Conteh, when contacted, insisted that the Commission must address him as "the injuncted chairman" of the APC. The Commission could not and cannot address him as thus, because there is no position in the APC

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organogram that provides for an "injuncted chairman"; the APC Constitution, 2022, provides for no such office.

SUPREME COURT OF SIERRA LEONE RULING IN 2015 AND THE CONCEPT OF RES JUDICATA/JUDICIAL FINALITY:

8. The recognition of the removal of the Complainant in 2015 from the Office of the Vice President by the Supreme Court in the matter between **Alhaji Samuel Sam Sumana V. The Attorney General and Minister of Justice and Others (SC 4/2015)**, which created the vacancy in the Office of the Vice President as per the provision of section 54 (2) (b) with section 41(b) of the Constitution of Sierra Leone 1991. (Act No. 6) 1991, presumes that the issue of the Complainant's expulsion from the All People's Congress (APC) Party in 2014 was considered by the Supreme Court. In fact, the argument that the Complainant did not belong to a Political Party as required by Section 41 (b) of the Constitution of Sierra Leone 1991 (Act No. 6) 1991, was central to the argument in the Supreme Court. The Complainant argued that the issue of his expulsion was not part of the matter before the Supreme Court. It may not have been part of the case taken to the Supreme Court for determination. However, there is no way that the Supreme Court would have arrived at the decision in its ruling and anchored the same on section 54(2)(b), with section 41 (b), of the Constitution of Sierra Leone 1991 (Act No. 6) 1991, without countenancing the issue of the complainant's membership of his political party.

9. The complainant states that the internal APC party procedures/steps to be followed as per the provisions of the APC Constitution, 1995, were not exhausted prior to his expulsion from the party. It is the Commission's view that the complainant ought to have argued that in the Supreme Court and it would have been for the Supreme Court to determine and/or give direction on the same.

10. Section 122 (1) of the Constitution of Sierra Leone 1991 (Act No. 6 of 1991) is instructive. It provides that: "The Supreme Court ***shall be the final court of appeal in and for Sierra Leone*** and shall have such appellate and other

jurisdiction as may be conferred upon it by this Constitution or any other law" (emphasis ours).

POST EXPULSION CONDUCT - FINANCIAL CONTRIBUTIONS

11. The complainant submitted that his backlog dues between January 2016 to December 2023 were paid by him and received by the APC party.

12. There is no gainsaying the fact that following the Supreme Court decision in 2015, the complainant ceased to be a member of the APC party. Prior to any discussion relating to the complainant's return to the APC, he ran as presidential candidate on the ticket of the Coalition for Change {C4C} Party in 2018, and he remained a member of the C4C until January 2020. No one person can belong to two political parties at the same time. Membership dues to a political party are paid by members of that political party. That is not to say that none members of a political party may not pay money into that political party's account. Such payment cannot, however, be described as "membership due". It may well be described as "a donation", and any person may make donations to any political party. Payment alone of money into the account of a political party, especially when the payee is under no compulsion to so do, or is not coerced to make such payment, does not make the payee a member of a political party; in this case, the APC. The APC, in both its 1995 and 2022 Constitutions had and has provisions that govern membership into the party; especially membership that relates to persons who had been expelled from the APC.

13. The Complainant also argued that the acceptance of his flag bearer nomination fee by the party engendered the legal concept of "Legitimate Expectation". This payment may be distinguished from the payments referred to in paragraph 11 supra, based on whether or not the status of the complainant's membership in the APC had changed. We shall return to this issue later herein.

THE NATIONAL ADVISORY COMMITTEE (NAC) MEETINGS OF 2020 ESPECIALLY THE MEETING OF 8TH SEPTEMBER 2020

14. In the year 2020, the National Advisory Committee (NAC) of the APC held at least two meetings: one was held at the headquarters of the APC, 11A Old Railway Line, Brookfield's, Freetown; and the other NAC meeting was held on the 8th September 2020 at the APC Party office in Makeni.

15. The National Advisory Committee (NAC) of the APC was the second highest organ of the party after the National Delegates Conference (NDC) (Article 6.10.11.1(i) of the APC Constitution, 1995). Article 6.10.11.(i) of the APC Constitution, 1995, provided that "the national party chairman shall schedule and call NAC meetings". The APC 1995, Constitution also provided, at Article 6.10.11.1(vi), that "in special and emergency situations, the NAC shall perform the role and functions of the NDC, where a National Delegates Conference cannot be convened...."

16. The NAC of the APC, as at September 2020, was headed by the former President, Dr. Ernest Bai Koroma. Article 6.13.1(i) of the APC Constitution, 1995, provided that "there shall be a national party chairman and the national deputy party chairman, who shall be the political head and leader and deputy leader, respectively, of the party. They shall be selected or elected by the National Delegates Conference for a period of three years".

17. The NAC of the APC that was headed by the former President, Dr. Ernest Bai Koroma, was ushered into office at the 2017 NDC of the APC. They were to serve for a period of three years. As at the 8th of September 2020, the life of that NAC was drawing to a close.

18. In regard the NAC meeting of 8th September 2020, the witnesses who testified at the Commission's hearing, consistently and unobjectionably stated that:

    i. it was an extended NAC meeting;

    ii. the two items on the agenda were:

a. the extension of the term of the NAC; and

b. the issue of the membership status of the complainant, Alhaji Chief Samuel SamSumana.

19. Was there any legal provision for that NAC to enlarge its life, as at 20th September 2020? Did NAC have a mandate to enlarge its own life?

20. Unlike the provision of section 39(5) of the Political Parties Act 2022, Act No. 25 of 2022, the Political Parties Act 2002, Act No. 3 of 2002, had no expressed provision for the enlargement of life of political party's executive. It was, however, common practice for political party's to extend the tenure of their executives. Since political parties could enlarge the lives of their executives without limit, section 39(5) of the Political Parties Act 2022, Act No. 25 of 2022 was enacted to curb that mischief. It is the Commission's position that political parties, in this case the APC, could enlarge the lives of their executive then.

21. The next question that requires answer is whether the NAC of APC, as it were, could extend its own life. The enlargement of the life of an executive of a political party is always a decision for the highest organ of that party, in this case, the NDC of the APC.

22. The enlargement of the life of the NAC of the APC as at 8th September 2020 was, unquestionably, the function of the NDC. For the NAC of the APC to have enlarged its own life, as at 8th September 2020, it must have transformed itself into an NDC as per the provision of Article 6.19.11.1(vi) of the APC Constitution, 1995:

"In special and emergency situations, the National Advisory Committee shall perform the role and functions of the National Delegates Conference, where a national Delegates Conference cannot be convened. Not less that sixteen members, two from each region, must constitute a quorum for a special and emergency National Advisory Committee Meeting."

23. Notice is taken of the fact that on the 24th day of March 2020, His Excellency, the President, Brig. Gen. (Rtd.) Dr. Julius Maada Bio, declared a state of emergency due to the outbreak of the CORONA virus earlier that month in Sierra Leone. The same was discussed and ratified by Parliament on the 26th day of March 2020. It is thus apparent that as at 8th September 2020, there was a state of emergency in Sierra Leone that prohibited, inter alia, large gatherings. The NAC of the APC that was led by the former President, Dr. Ernest Bai Koroma, was still within its three year's mandate at the time of the declaration of the said state of emergency.

24. It is the Commission's position that at the NAC meeting of 8th September 2020, the NAC transformed itself into an NDC, otherwise it would not enlarge its tenure. It was in that same NAC meeting that the decision was taken to readmit the complainant into the APC.

25. The Commission had a similar challenge of accessing minutes of the NAC meeting of 8th September 2020, as it was with the Honourable Justice Adrian Fisher, J. in the matter between **Alfred Peter Conteh** {suing by his Attorney Rashid Santigie Sesay} and Dr. Ernest Bai Koroma, Alhaji Osman Foday Yansaneh, the All Peoples Congress Party & the Political Parties Registration Commission as per his Judgement of 28th April 2022. It was partly because of this challenge and with a view to ascertaining that the NAC meeting of 8th September 2020 was actually held, that the Commission invited some members of the APC who were allegedly in attendance.

26. Article 6.10.1(i) of the Constitution of the APC, 1995 gives power to the chairman of NAC to determine the composition of the NAC.

27. All the witnesses invited by the Commission to its hearing in that regard, stated, inter alia, that the said NAC meeting was held on the 8th of September 2020, and that it was well attended.

28. Unarguably, the letter of the 10th September 2020 {Exhibit SSS 6}, authored by the then National Secretary General, Amb. Alhaji Osman Foday Yansaneh, the current Deputy Chairman and Ag. Chairman of the APC, to the

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complainant, was decided at and directed as a result of the NAC meeting of 8th September 2020 {paragraph 4 of Exh. SSS 6}.

29. In their submissions, the witnesses that testified at the Commission's hearing in regard the NAC meeting of 8th September 2020, stated, severally and consistently, that the said NAC meeting unanimously and unconditionally agreed that the complainant was readmitted to the APC. The witnesses were shown exhibit SSS 6, and they all commented that paragraph 5 of the said exhibit SSS 6 was not part of the author's instruction.

30. The Commission holds that paragraph 5 of exhibit SSS 6 was not part of the then Secretary General's instructions because:

    i. all of the witnesses that were part of that meeting and were in attendance at the 8th September 2020 meeting stated, inter alia, that paragraph 5 was not part of what was agreed;

    ii. it runs contrary to common sense to have pegged the endorsement of the complainant's readmission by the NAC {which transformed itself into an NDC} to an NDC;

    iii. the reference to Article 8 of the APC Constitution 1995 in paragraph 5 was completely out of place.

31. The Commission holds that the inclusion of the proviso relating to endorsement in exhibit SSS 6 was neither part of the discussion in the NAC meeting of 8th September 2020 nor was it part of the instruction of the then National Secretary General.

32. The readmission of the complainant was done by a NAC that was transformed into an NDC thus, there was no need for an NDC to endorse a readmission into membership of the APC party by another NDC.

33. The inclusion of the proviso in regard endorsement and paragraph 5 of exhibit SSS 6 lacked sincerity and was done in bad fate by the then National Secretary General.

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PAYMENT OF FLAGBEARER FEE IN 2023

34. The Complainant submitted payment receipts and bank transaction slips of payments he made into the APC party account and of nomination fee for the position of flagbearer candidate of the APC for the 2023 presidential elections. We have addressed the issue of payments made into the APC party account by the complainant prior to the commencement of the discussion and a decision by the APC party of readmission into the party; those payments were mere "donations" to the party and, in no way, suggested that the complainant was a member of the APC party.

35. In regard the complainant's payment of nomination fee for the party's flagbearer position in 2023, the acceptance by the party of that fee created the legal concept of 'Legitimate Expectation'.

36. In that same year, Paul Alimamy Bangura (a.k.a. Pajero), who ran as vice presidential candidate with Alhaji Musa Tarawally on the ticket of Citizen's Democratic Party (CDP) in 2018, was allowed to contest the flag bearer election of the APC party for the 2023 presidential elections.

37. In his submission, Hon. Abdul Kargbo, the Secretary to the Interim Transitional Governance Committee (ITGC); a creature of the court and the committee that handled part of the transition leading to the 2023 NDC of the APC party, stated that while he saw papers relating to the expulsion of the complainant, he did not see any document suggesting that Paul Alimamy Bangura {a.k.a. Pajero} was not a member of the APC party then.

38. The Commission is constrained to countenance the explanation given by the secretary to the IGTC. Paul Alimamy Bangura (a.k.a. Pajero), needed not to have resigned or expelled from the APC party before he would be considered a non-member of the party. When he chose to run for the office of Vice President on the ticket of another political party, he had constructively left the APC party and was no longer a member. The ITGC ought to have taken notice of that and acted contrary to allowing Paul Alimamy Bangura (a.k.a: Pajero) to run for the flagship of the party in 2023. In fact, Paul Alimamy Bangura's (a.k.a. Pajero) conduct ought to have been considered an anti-

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party activity. There need not have been papers for the ITGC to determine that he was not a member of the APC party as at that time. The Commission has no evidence that Paul Alimamy Bangura (a.k.a. Pajero) had resigned from the CDP.

39. The IGTC did not directly inform the complainant that he was unqualified to run for the APC party's flag bearer position leading to the presidential elections of 2023, talk less of giving reasons to the complainant in regard why he was deemed unqualified.

40. It is the considered view and the Commission holds the position that in both cases: the complainant's and Paul Alimamy Bangura's (a.k.a. Pajero) in 2023, the ITGC acted in bad fate.

ARTICLE 56 (b) OF THE APC CONSTITUTION 2022

41. The complainant submitted that Article 56 (b) of the 2022 APC Constitution is discriminatory and unconstitutional. He argued that this Article offends sections 41 and 171 of the Constitution of Sierra Leone 1991, Act No. 6 of 1991.

42. Article 56 (b) of the APC Constitution 2022 provides that: "For a member to contest and be eligible to be voted for, that member must have been a registered paid up member of the party for a continuous period of not less than five years leading up to the date of the flagbearer election he seeks to contest in."

43. Section 41 of the Constitution of Sierra Leone 1991, Act. No. 6 of 1991 provides that: "No person shall be qualified for election as president unless he:

    a. is a citizen of Sierra Leone;

    b. is a member of a political party;

    c. has attained the age of forty years; and

    d. is otherwise qualified to be elected as a Member of Parliament.

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44. Article 56(b) of the APC Constitution 2022 is, apparently, restrictive, pretty much like section 41 of the Constitution of Sierra Leone 1991, Act No. 6 of 1991. Whereas Article 56 (b) gives restriction that he who runs for the position of flagbearer for the APC party must have been a member of the party for not less than five years, the Constitution of Sierra Leone 1991, Act No. 6 of 1991 at section 41(c) provides that no person shall contest for the presidency of Sierra Leone unless he has attained the age of forty years. In other words, unless a person has been a citizen of Sierra Leone for a continuous period of forty years, he shall not qualify to contest for presidency. Section 41(d) explicitly provides that no person shall be qualified to contest for the Presidency unless he were qualified to be a member of Parliament.

45. Section 76 of the Constitution of Sierra Leone 1991, Act No. 6 of 1991 provides that "no person shall be qualified for election as a member of Parliament:

a. if he is a naturalised citizen of Sierra Leone or is a citizen of a country other than Sierra Leone having become such a citizen voluntarily or is under a declaration of allegiance to such a country; or

b. is a member of any Commission established under this Constitution or a member of the Armed Forces of the Republic, or a public officer, or an employee of a Public Corp[oration established by an Act of Parliament or has been such a member, officer or employee within twelve months prior to the date on which he seeks to be elected to Parliament; or

c. if under any law in force in Sierra Leone, he is adjudged to be a lunatic or otherwise declared to be of unsound mind; or

d. if he has been convicted for an offence which involves fraud or dishonesty; or

e. if he is under a sentence of death imposed on him by any court; or

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f. if in the case of election of such member as is referred to in paragraph (b) of sub section (1) of section (74) he is for the time being a paramount Chief under any law; or

g. if being a person possessed of professional qualifications, is disqualified (otherwise that at his own request) from practising his profession in Sierra Leone by order of any competent authority made in respect of him personally within the immediately preceding five years of an election held in pursuant of section 87; or

h. if he is for the time being the President, the Vice President, a Minister or a Deputy Minister under the provisions of this Constitution.

46. It is the position of the Commission that whereas Article 56(b) of the APC Constitution 2022 is restrictive, it is not, in any way discriminatory thus, does not offend section 41 of the Constitution of Sierra Leone 1991, Act No. 6 of 1991. By extension, Article 56(b) of the APC Constitution 2022, is in tandem with Section 14 (2) of the Internal Elections Rules and Regulations of the APC. Section 14(2) of the APC Rules and Regulation, therefore, remains valid and stands.

47. The question may be, however, asked with regards to the standing of Article 56(b) to the legal concept of retroactivity. Would a member of the APC party, who became member of the party in 2021, be affected by the provision of this Article when that law was not in existence at the time he became a member of the party? Should the concept of retroactivity be taken into consideration, when would the provision of Article 56(b) be said to take or have taken effect?

THE JUDGEMENT OF HONOURABLE MR. FISHER, J. OF 28TH APRIL 2022

48. In the matter between **Alfred Peter Conteh** (suing by his Attorney Rashid Santigie Sesay) and Dr. Ernest Bai Koroma, Alhaji Osman Foday Yansaneh, the All Peoples Congress Party & the Political Parties Registration Commission Honourable Mr. Fisher gave a number of orders, inter alia, that some members of the NAC/ the executive of the APC party that came in being in

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2017 were illegal. The judgement was delivered in 2022, well after the NAC/executive of the APC party had been constituted in 2017. In the wisdom of the judge, he did not nullify actions taken by the then NAC. An order of that nature would have disrupted the position of the APC party in many areas, not excluding governance of the state. The NAC that was legally questioned by the Honourable Mr. Justice Fisher, J., was the same NAC that took the decision in the matter of the membership status of the complainant in September 2020. It was also the same NAC that filed in Dr. Samura Matthew Wilson Kamara to run as president on the ticket of the APC party in 2018. It was the same NAC that filed in all the APC party members of Parliament that served in the House of Parliament from 2018 to 2023. That NAC took a number of other decisions that could have substantially affected the status of the APC party on the governance space, should the Judgement of 2022 have nullified its actions prior to the judgement.

49. It is therefore the considered view of the Commission that as at the time the court gave orders that the APC party should address all "unresolved membership issues" of the party, the membership status of the complainant in the APC party had been resolved and was no longer in issue; it had been resolved at the extended NAC meeting of 8th September 2020.

THE STANCE OF THE DISCIPLINARY AND GRIEVANCE HANDLING COMMITTEE IN REGARD THE COMPLAINANT'S CASE IN 2025

50. Although the Commission considers the case taken to the Disciplinary and Grievance Handling (DGHC) in 2025 as outright unnecessary, the position of the DGHC that it did not have locus standi to look into the complaint was erroneous. The Commission holds this view because the matter of the complainant was neither specifically before the Honourable Mr. Justice Fisher, J., nor was there a specific ruling thereon.

51. The Commission holds that the internal organs of political parties, in this case, the APC party, must be allowed to function effectively and efficiently, should the principles of internal political party democracy should be upheld

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in line with section 35(2) of the Constitution of Sierra Leone 1991, Act No. 6 of 1991.

FINDINGS

52. The Commission finds that:

I. the Complainant's expulsion form the APC party in 2014 was upheld by the Supreme Court in 2015 thus, the concept of Res Judicata/Judicial Finality applies;

II. the Complainant paid monies into the APC party account from 2016 to 2020;

III. that the Complainant was not a member of the APC party from 2014 (from the date of his expulsion and especially following the Supreme Court's Ruling) right unto September 2020;

IV. the extended NAC meeting of 8th September 2020 readmitted the complainant into the APC party;

V. the complainant did not require any endorsement of his membership by NDC as suggested by letter dated 10th September 2020;

VI. the orders of the Honourable Mr. Fisher, J., in regard "unresolved membership" issues could not have had the complainant in contemplation since the membership issue of the complainant had been resolved since September 2020;

VII. the then Secretary General, Amb. Alhaji Osman Foday Yansaneh, acted in bad fate when he included the proviso of the complainant's endorsement by an NDC in the letter of 10th September 2020 (exhibit SSS 6);

VIII. the ITGC also acted in bad fate when it reached a decision to disqualify the complainant from contesting the flagship of the APC party in 2023, especially without directly communicating the reason for their decision to the complainant; and when, in the breathe, decided to allow Paul

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Alimamy Bangura's (a.k.a. Pajero), who was clearly not a member of the APC party then, to contest the flagship of the party in that same period;

IX. the DGHC organ of the party was erroneous in accepting that it had no jurisdiction to look into the complaint of the complainant in 2025;

X. Article 56(2) of the APC Constitution 2022 is merely restrictive and not discriminatory thus, does not offend any provision of the Sierra Leone Constitution 1991, Act. No. 6 of 1991

THE COMMISSION'S DECISION/DIRECTIVES

53. In regard the expulsion of the complainant from the APC party in 2014, the Supreme Court, the highest court of Sierra Leone, had ruled on it thus, neither the Commission nor any other entity in Sierra Leone, excepting the Supreme Court, can look into it. The concept of Res Judicata/Judicial Finality applies.

54. The complainant was not a member of the APC since his expulsion from the APC party in 2014 to September 2020 thus, monies paid into the APC party account in that period by the complainant were not membership dues; they were donations to the party.

55. The complainant's readmission to the APC party was in September 2020.

56. That Honorary Foundation membership card issued by the National Secretary General of the APC party, dated 2023 was erroneous.

DIRECTIVES

57. The Commission directs that the National Secretary General of the APC party, within fourteen days from the date of this directive (23rd December 2025), withdraws the Honorary Foundation membership card (dated 2023) issued to complainant, and replace the same with an Honorary Foundation APC party membership card, dated 2020.

58. The APC party may engage its legal team to determine the operationalisation of Article 56(b) of the APC Constitution 2022 in line with the concept of

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retroactivity. However, Article 56(b) does not offend any provision of the Sierra Leone Constitution 1991, Act No. 6 of 1991. It is valid and legal thus, except appropriately amended by the APC party, it stands.

DIRECTIVES DATED THIS ...23RD...**DAY OF**...DECEMBER...**2025**