



POLITICAL PARTIES REGISTRATION COMMISSION

OAU Drive, Tower Hill, Freetown, Sierra Leone

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076640437



RULING

WHEREAS The Political Parties Registration Commission (hereinafter called 'the Commission'), was by letters dated the 6th and 8th January 2020, approached by some Registered Members of The All People's Congress Party (hereinafter called 'the Applicants'), requesting the Commission, in an apparent invocation of Powers conferred on it by Section 6 of The Political Parties Act No 3 of 2002, to postpone the pending National Delegates Conference of the said All People's Congress Party (hereinafter called 'the Respondent'). Scheduled to be held on the 10th to the 12th January 2020, in the North Western City of Port Loko, on grounds as contained in the said letters.

AND WHERRAS:

Upon receipt of The said letters, the same were forwarded to the Respondent and the parties promptly invited to a hearing meeting, in the Commission's Conference room, on the 8th January 2020, because of the urgency of the Application, but the meeting was attended only by the Applicants.

Before the Commission could adopt interim measures after the said meeting, we were served with a letter of excuse from the Respondent.

In recognition of the principle of natural justice, according all parties to a dispute the opportunity to be heard, the meeting was rescheduled for today the 10th January 2020 and was attended by respondent who presented their case.

HAVING HEARD from the parties the Applicant on the 8th and the respondent on the 10th January 2020 respectively, and having perused the relevant provisions of the 1991 Constitution of Sierra Leone Act No.6 of 1991, the Political Parties Act No 3 of 2002 and the extant 5th December 1995 constitution of the Respondent, the Commission holds as follows:

1. That an Application/Petition under Section 6 (2) (d) of the Political Parties Act No 3 of 2002, under which the Applicants came, can only be brought by the leadership cadre of Political Parties or Political Parties themselves.

2. That none of the Applicants is in that cadre of the Respondent's hierarchical structure, as the most senior of them, the Honuorable Robin Farley, as the Publicity Secretary 2 of the Respondent, is by the 5th December 1995 Constitution of the Respondent, a national officer and a member of the Secretariat, not the leadership.

3. That consequent upon 2 above, the Applicants are bereft of the requisite legal capacity, known in legal parlance as the Locus Standi to bring this Application.

The statutory preclusion of the commission to search the conduct of the leadership of Political Parties, at the instance of their membership, is limiting and a recipe for discontentment by the membership of those parties. It is restrictive of the participatory rights of ordinary Members, in the management of their Parties and provides the perfect opportunity for manipulative and desperate leaders of Political Parties, to circumvent their Party constitutions at will and eventually hijack or steal their Parties from the true owners of those parties, the Members.

This, more than anything else, underscores the urgent need for an amendment of the Political Parties Act No.3 of 2002, to reflect the legislative intent of Sections 34 and 35 of The 1991 Constitution, Act No 6 of 1991, with a view to making the Commission more functional and effectual. Until this is done, the only fora for redress open to aggrieved Members of Political Parties, outside the leadership cadre of their Parties, for contraventions and violations of their internal democracies (save objections envisaged in Section 24 of the said Act), are the Courts.

4. That the generality of Section 6 (1) read in tandem with the omnibus nature of Section 6(2) (e) of the Political Parties Act 2002, prayed aid to by the Applicants, are with the utmost respect not applicable to them. We are of the considered opinion that, the generality and omnibus character of those provisions, are Applicable only to the exercise of the Commission's mandate sou moto. That is, where the commission invokes its Powers, without being moved by anyone. They are certainly not intended to cater for categories of Political Party Members not captured under Section 6(2) (d) of the Political Parties Act aforerefferred.

5. In the light of all of the foregoing and without recourse to the merits or demerits of this Application, the Commission by reason of the restrictive nature of Section 6 (2) (d) of the Political Parties Act No. 3 of 2002, is constrained to dismiss this Application for want of Locus Standi of the Applicants and it is hereby accordingly dismissed without more.

DATED THE 10th DAY OF Jun 2020.

SIGNED: 

ABDULAI MASIYAMBAY BANGURAH
(CHAIRMAN)

SIGNED: 

EDMOND SYLVESTER ALPHA
(COMMISSIONER)

SIGNED: 

ALHAJI MUCTARR BABATUNDE WILLIAMS
(COMMISSIONER)

SIGNED: 

CHRISTIAN SAWYERR
(COMMISSIONER)

TO

1. THE APPLICANTS.
2. THE RESPONDENTS.