

THE UNSEATING OF VICE PRESIDENT SAMUEL SAM-SUMANA: THE JIGSAW PUZZLE AND THE RULE OF LAW

1.0 INTRODUCTION

The end of the Sierra Leone civil war in 2002 and conduct of peaceful elections with support from the United Nations in 2002 and 2007 signaled a fundamental step towards restoration of constitutional order and development in the country. Most importantly, the conduct of first multi-tier elections by the National Electoral Commission (NEC) in 2012, adjudged free and fair by most international and local observers, positioned the country on the path to democratic stability, social and economic transformation. However, the recent outbreak and spread of the Ebola Virus Disease in the country from May 2014 has threatened the stability of the country with negative humanitarian and economic consequences and has led to the loss of more than 3,490 lives.¹ This is further compounded by the escalating political tension arising from the removal of Alhaji Samuel Sam-Sumana as the Vice President of the Country by President Ernest Bai Koroma on March 17, 2015.

Prior to his removal, Alhaji Sam-Sumana

was expelled from the ruling All Peoples' Congress (APC) Party on grounds of the following claims: First, the party states that the Vice President misrepresented his religious identity to the party by claiming a Muslim faith while he is a practicing Christian. Second, he is accused of anti party activities through his secret recruitment and training of thugs in Kono district used to intimidate and/or molest key APC party stalwarts and other government functionaries who visit the district.² The expulsion from the party came few days after he went into a self-imposed quarantine on March 1, 2015 as a result of the death of his personal bodyguard to the Ebola Virus Disease. Sequel to the expulsion of Alhaji Sumana from APC, President Koroma in a Press Release on March 17th 2015 relieved the Vice President of his duties. The removal was

predicated on the grounds that Alhaji Sumana is no longer a member of a registered political party in the country and as such cannot continue to serve as



President Ernest Koroma and Embattled Vice President Alhaji Samuel Sumana [Source: article.wn.com]

Vice President. Secondly, that the former vice president abandoned his office and seeks asylum at a foreign embassy in Sierra Leone.

In reaction, Alhaji Sumana dismissed allegations from his party as baseless and reaffirms his unflinching loyalty to

¹ NERC Daily updates on Ebola, 14th April 2015

² Kono district is in the eastern region of Sierra Leone and is the home district of the Vice President.

West Africa Early Warning & EARLY RESPONSE Network (WARN)

The West Africa Early Warning Network (WARN) is an integral part of the West Africa Preventive Peacebuilding Program co-ordinated by the West Africa Network for Peacebuilding (WANEP). Through its WARN Program, WANEP is setting the stage for a civil society-based early warning and response network in Africa with emphasis on human security.

WARN covers the entire Economic Community of West African States (ECOWAS) region.

Since 2002, WANEP entered into an agreement with ECOWAS through the signing of a Memorandum of Understanding (MOU) in the framework of capacity building in Conflict Prevention. One of the goals of

this agreement is to interface WARN with the ECOWAS Early Warning Systems to optimize early warning conflict prevention in West Africa. In view of this development, WANEP has been operating a liaison office located at the ECOWAS Secretariat in Abuja, Nigeria since April 2003.

In recognition of the role and achievements of the West Africa Network for Peacebuilding (WANEP) in Conflict Prevention and Peacebuilding in Africa, particularly in West Africa, the Economic and Social Council of the United Nations at its substantive session of 2006 granted WANEP Special Consultative Status to the UN. WANEP is therefore mandated to designate official representatives to the United Nations in New York, Geneva and Vienna to further its advocacy and outreach strategies for peace and human security.

the APC. As he puts it 'I was born APC and will die APC'.³ He also stated that, "...the President has absolutely no power to relieve me of the duties as Vice President"; and informed the general public of his legal team's advice to seek redress in a court of law since his removal is unconstitutional and unlawful. The Secretary-General of the APC, Ambassador Yansaneh, informed the nation that the 1995 Constitution of the APC makes provision for any member expelled from the party to appeal and that the Vice President is at liberty to activate this provision.

The current political situation has stimulated debates among legal luminaries, civil society, politicians and the media. On one hand, the main Opposition Party, the Sierra Leone Peoples' Party (SLPP) in a Press Release dated 21st March 2015, challenged the dismissal of the Alhaji Sumana which it describes as unconstitutional. The Release goes further to request the President to overturn the dismissal of the vice president within seven days after the date of the Press Release. Among other measures, the SLPP threatened to boycott Parliament and organize peaceful demonstrations should the President refuse to honor their demand.⁴ The ruling APC via the press release of March 22, 2015 urged the general public to ignore calls by SLPP and its supporters to orchestrate civil unrest in the country, adding that the Supreme Court is the only competent body to resolve constitutional matters and not the SLPP. The Release acknowledged calls by the Sierra Leone Labor Congress to all Sierra Leoneans to exercise patient and promised to abide by the judgment of the Supreme Court.

The changing political environment in Sierra Leone raises growing concerns among its citizens and international community. The US State Department for instance, has encouraged all stakeholders in the evolving conflict in Sierra Leone to employ realistic and amicable means of resolving the

political crisis. Civil society and other groups within the country continue to express growing concern over the political state of affairs. It has raised serious local and international concerns on the continued democratic and political stability of Sierra Leone.

This policy brief attempts to provide insights to the emerging political crisis in Sierra Leone that threatens to derail its democratic gains. It offers options for response and appeals for collaborative strategies to prevent the country from plunging into chaos, especially in the face of daunting humanitarian emergency from the Ebola epidemic.

rule. It has also been regarded as a constitutional breach with the risk of escalating violent protests in the country. This has increased diverse calls for the presidency to withdraw the press statement of March 17th and follow due process.

Increasing Political Divisions and Tension: Initial expectation that the recent expulsion and removal of Alhaji Sumana is an internal party crisis that could be addressed by APC has been overtaken by current developments in the country, which suggests a larger nationwide conflict that has triggered sudden alignments and realignments of political and civil society groups along interest lines. It has raised two key questions: First, is the SLPP and other opposition parties challenging the decision by the President only on constitutional grounds or are they capitalizing on the current crises for personal or political gains? Secondly, what happens if the Supreme Court of Sierra Leone rules either in favor of or against the decision by the president?

Intimidation and Threats: The arrest and release of SLPP's Regional Chairman for the Western Area alongside 19 other party stalwarts for "unlawful gathering" on April 5 at his residence have raised concerns over the restriction of social gatherings at private locations under the Ebola public state of emergency law. While some officials have accused the opposition of seeking to instigate riots and lawlessness despite the prevailing state of emergency; others opine that the government is using the Ebola emergency law to crackdown on opposition over fear of political reprisal. The arrest of members of opposition has come under criticism when weighed against similar reported private social gatherings by ministers and senior party members of the APC at private residential locations without any interference or hindrance by the police. This has led SLPP to express their displeasure over the targeted harassment and intimidation of their members.

2.0 THE POLITICAL INTRIGUES

Conflicting voices have emerged over the dismissal of the Vice President. While some citizens welcomed the dismissal of Alhaji Sam-Sumana over alleged dereliction of duty, others have condemned his removal as a violation of the 1991 constitution that has set a dangerous precedent for constitutional

³ Interview with Alhaji Sumana on Radio 98.1fm, March 9, 2015

⁴ See New Vision Newspaper of 24th March 2015: 6-7

Demonstrations and Protests: while the government has threatened dire consequences against any street protest, diverse groups including civil



Demonstrations in London
Source: thesierraleonetelegraph.com

society as well as citizens at home and in diaspora have protested the actions of the president, which they describe as undemocratic. For instance, hundreds of Sierra Leoneans on March 28, 2015 gathered opposite the office of the British Prime Minister, David Cameron in London to express their grievances over the situation. The protesters called on the British government to assist the country in the restoration of constitutional order to discourage what they referred to as 'betrayal' by the president to breach a constitution, which he swore to protect. Also, some party members of the ruling APC have reportedly organised street protests in support of the government. Such protests have also been organised in Washington DC, United States of America (USA). The opposition SLPP, which had initially planned protest for March 30, 2015 rescinded on its decision in view of the Ebola Emergency law, which prohibits public gathering. There are also allegations that the decision is a deliberate attempt to divert the attention of citizens from probing the mismanagement of Ebola funds by both public and private officials as stated in the Auditor General's report on the management of the Ebola funds, from May to October 2014.

3.0 IMPLICATIONS FOR PEACE AND STABILITY

While the debates on the rights or wrongs of the president's decision to sack the vice president appears good for the development of the country's liberal democracy and maturing of its civil liberty, the current political developments are worrisome with the potential of derailing and undermining the fragile peace, democracy and stability of the country in view of its chequered political history. It has potential risks to the electoral processes ahead of the national elections in 2017, which may increase the chances of instability and violence.

The ongoing political impasse is also capable of exacerbating the complex humanitarian emergency accrued from the Ebola situation in the country, given the planned demonstrations by the opposition from March 30, 2015. Should the situation turn violent, attention of both local and international community would be diverted from the eradication of Ebola to stabilizing and restoring normalcy; in which case, the humanitarian challenge may be further compounded resulting in more infections and deaths.

4.0 SCENARIOS

Best Case Scenario:

Alhaji Sam-Sumana drops the charges against the APC and the presidency for his expulsion from the ruling party and eventual dismissal as Vice President in favor of negotiated settlement under the auspices of internal and external guarantors (**Less Likely**). Owing to pressure from citizens and the international community, the presidency reinstates Vice President Alhaji Sam-Sumana and pursues collaborative approaches to transform the disputes (**Likely**). The Supreme Court impartially interprets the relevant constitutional provisions on the Office of the Vice President to the satisfaction of all stakeholders to the conflict (**Likely**)

Realistic Scenario:

Alhaji Sam-Sumana and the opposition SLPP continues their charge at the Supreme Court against the presidency to reverse the dismissal of Alhaji Sam-Sumana; the Supreme Court issues a verdict in accordance with the provisions of the constitution; Alhaji Sam-Sumana is not reinstated, a condition that leads to increased tensions across the country with opposition calling for the resignation of the president (**Likely**). The Presidency remains adamant to the calls to reinstate Alhaji Sam-Sumana on grounds of his non-alignment to any political party and continues governance with the newly appointed Vice President despite public outcry (**Very Likely**)

Worst Case Scenario

The Supreme Court passes judgment in favor of the presidency; stakeholders challenge the judgment by the Supreme Court and encourage wide scale civil disobedience and demonstrations by the citizens; violence ensues as the mob resists attempts by the security forces to disperse them (**Very Likely**). The opposition SLPP instigates impeachment proceedings against the presidency for violating the constitutional provisions; the proceedings are not successful owing to the comparative advantage of the ruling party in the parliament with the larger number of seats. (**Likely**)

5.0 RECOMMENDATIONS

In view of the current dynamics, WANEP proposes the following options for response:

- ECOWAS should intervene immediately and ensure that the rule of law and constitutionalism is respected.
- A team of eminent persons including the Special Representative of the UN Secretary General to West Africa and the President of ECOWAS Commission should be activated to engage in shuttle mediation and prevail on the parties to allow the judiciary interpret the various provisions of the constitution and make commitment to accept the outcome.
- Government should explore dialogue to culminate into a negotiated settlement and provide a win-win solution for all parties. This is without prejudice to the ongoing judicial options that has already been requested by parties to this impasse.
- The Supreme Court should exhibit professionalism with respect to the constitutional provisions. The court proceedings can be aired on the media to avoid suspicion by any of the parties involved and reduce negative public sentiments. Such a move will not only build public confidence in the judiciary but also impede the possibility of aggrieved parties attempting to incite members of the public to engage in any riotous behavior.
- Political Parties should refrain from any acts capable of destabilizing the country but should rather endear and embrace peaceful means of addressing the underlying issues responsible for the stalemate.
- Citizens should remain calm and refrain from any acts of violence in view of its implications on the peace and stability of the country.
- Civil Society should embark on

extensive public education/sensitization on the probable consequences of the growing conflict and its implication for democracy and peace in the country as a whole.

- The media should demonstrate professionalism on the reportage of events as they unfold and refrain from causing unnecessary sensationalism in the reports.

6.0 CONCLUSION

Political tension in Sierra Leone continues to rise amid a worrying hike in the number of new Ebola cases. The current political context threatens the fragile peace and security of Sierra Leone's emerging democracy, amidst the complex Ebola emergency. The expulsion of Alhaji Sam-Sumana from the APC and subsequent dismissal as vice president has stirred immense confusion in the country with reference to the 1991 constitution that stipulate the dismissal of a vice president with two-third votes of the parliament. However, the constitution also requires that the office holder should belong to a registered political party. In the light of this and the pending case at the Supreme Court, citizens are hopeful that the Court delivers a win-win verdict that clearly reflects the provisions of the constitution. This is imperative to prevent the country from plunging into further chaos.

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