

*OAU DRIVE, TOWER HILL, FREETOWN*

# **PARLIAMENTARY DEBATES**

**[HANSARD]**

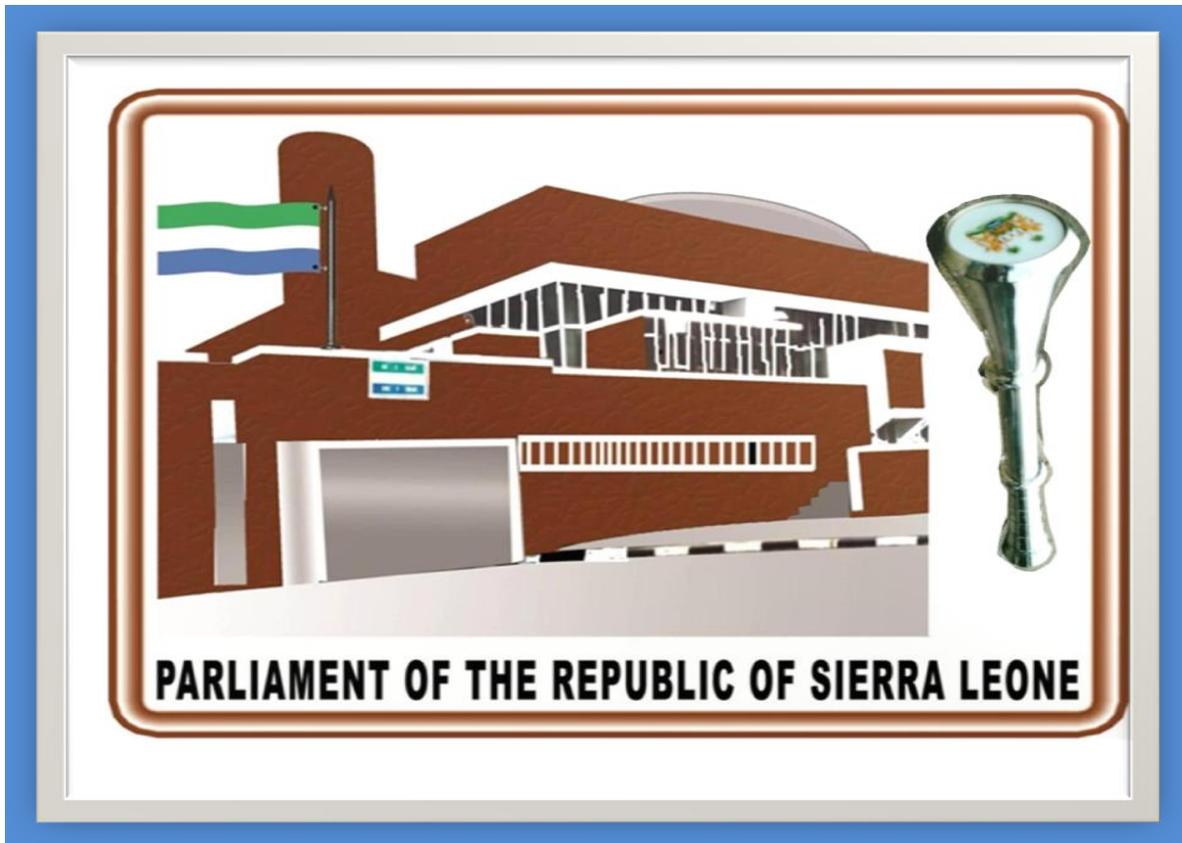
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**OFFICIAL HANSARD REPORT**

**FIRST SESSION - FOURTH MEETING**

**THURSDAY, 4<sup>th</sup> APRIL, 2019**

*SESSION – 2018/2019*



*OAU DRIVE, TOWER HILL, FREETOWN*

# **PARLIAMENTARY DEBATES**

**[HANSARD]**

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**OFFICIAL HANSARD REPORT**

**VOLUME: II**

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Fourth Meeting of the First Session of the Fifth Parliament  
of the Second Republic of Sierra Leone.

Proceedings of the Sitting of the House  
Held Thursday, 4<sup>th</sup> April, 2019

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PROPOSER: HON. SIDIE M. TUNIS

SECONDER: HON. BASHIRU SILIKIE

BE IT RESOLVED

THAT THE 32<sup>ND</sup> REPORT ON FIRST SESSION OF THE COMMITTEE ON APPOINTMENTS AND THE PUBLIC SERVICE BE ADOPTED BY THE HOUSE AND THAT THE RECOMMENDATIONS CONTAINED THEREIN BE APPROVED.



*THE CHAMBER OF PARLIAMENT OF THE REPUBLIC OF SIERRA LEONE*

## **Official Hansard Report of the Proceedings of the House**

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### **FIRST SESSION – FOURTH MEETING OF THE FIFTH PARLIAMENT OF THE SECOND REPUBLIC**

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**Thursday, 4<sup>th</sup> April, 2019.**

#### **I. PRAYERS**

*[The Table Clerk, Mrs Bintu Weston, Read the Prayers]*

*[The House met at 10:35 a.m. at the Bank Complex, Kingtom]*

*[The Deputy Speaker, Hon. Segepoh Solomon Thomas in the Chair]*

The House was called to Order

*Suspension of S. O. 5[2]*

**HON. SIDIE M. TUNIS:** Mr Speaker, Honourable Members, I rise to amend the Order Paper as follows: item III should be item IV and item IV becomes item III. I also propose that Honourable Bashiru Silikie as the seconder of the Motion on item IV. Thank you very much, Mr Speaker.

**THE SPEAKER:** Any seconder?

**HON. BASHIRU SILIKIE:** Mr Speaker, I so second.

*[Question Proposed, Put and Agreed to]*

*[Motion to amend the Order Paper has been carried]*

COMMUNICATION FROM THE CHAIR

**II. CORRECTION OF VOTES AND PROCEEDINGS FOR THE  
PARLIAMENTARY SITTING HELD ON TUESDAY, 28<sup>TH</sup> MARCH, 2019.**

**THE SPEAKER:** Honourable Members, we go through the record of Votes and Proceedings for the parliamentary sitting held on Thursday, 28<sup>th</sup> March, 2019. Page 1? Page 2? Page 3? Page 4? Page 5? Page 6? Page 7? Page 8? If there is no amendment or correction, could somebody move for the adoption of the record of Votes and Proceedings for the parliamentary sitting held on Thursday, 28<sup>th</sup> March, 2019 as presented?

**HON. BRIMA MANSARAY:** I so move, Mr Speaker.

**THE SPEAKER:** Any seconder?

**HON. RTD [CAPT] MAADA AFIJU KANJA:** I so second, Mr Speaker.

*[Question Proposed, Put and Agreed to]*

*[Record of Votes and Proceedings for the parliamentary sitting held on Thursday, 28<sup>th</sup> March, 2019 has been adopted as amended]*

**THE SPEAKER:** Honourable Members, I want the Honourable Hassan A. Sesay to stand up *[Applause]*. We thank the Lord Almighty that he is here hale and hearty. They were involved in a gruesome accident in Kigali, Rwanda. Thank God we have him here and the others will be with us very soon. I want to take this opportunity to express the fact that as a House, we are sorry about what happened to you and your colleagues and we wish you speedy recovery *[Applause]*.

**HON. CATHERINE Z. TARAWALLY:** Mr Speaker, I will continue to stand on S.O. 26 to talk about our privileges. Thank God that you were the presiding Speaker when a Motion was moved by Honourable Lahai Marah and was seconded. On that day, you promised to meet with the Leadership of this House and report to us later. Mr Speaker, I want to be honest here that when it comes to our privileges, you do not want to take it seriously. This issue is overdue and today is the 4<sup>th</sup> April, 2019. Mr Speaker, nothing seems to work. We have not received a dime. We are not beggars, but Honourable Members; and for that reason, we should be treated like Honourable Members. We want the Minister of Finance and the Financial Secretary to treat us with seriousness. It is high time we take a decision on S.O 26. We rely and trust your leadership and we know that you are capable. In fact, you are in full support of this particular Motion. We want a wonderful and a suitable reply from you. Thank you, Mr Speaker.

**THE SPEAKER:** Honourable Members, before I say anything, please give a round of applause for yourselves. We have made tremendous progress in that regard. In fact, the Leader of Government Business will report exactly the progress we have made. I want you to rely on me. I would report accordingly, but let us proceed with the business of the House.

## **BILL**

### THE ANTI-CORRUPTION [AMENDMENT] ACT, 2019

#### INTRODUCTION AND FIRST READING

**ABDULAI M. BANGURAH** *[The Deputy Attorney-General and Minister of Justice]*: Mr Speaker, Honourable Members, I move that the Bill entitled "The Anti-Corruption [Amendment] Act, 2019 be read for the first time.

*[Question Proposed, Put and Agreed to]*

*[The Bill entitled: 'The Anti-Corruption [Amendment] Act, 2019 has read the first time]*

## SECOND READING

**MR ABDULAI M. BANGURAH:** Mr Speaker, Honourable Members, I move that the Bill entitled: 'The Anti-Corruption [Amendment] Act, 2019' be read the second time. With your permission, I would read the object of the Amendment. The memorandum of object and reason for this amendment are as follows:

- to increase the penalties for offences under the Act;
- strengthen the provisions of those who assist the Commission;
- provide the Commission with alternatives to prosecution;
- to widen the scope of corruption to include the accuse offered, solicited, obtained or received in addition to gain and accepted and advantage;
- reduce the year-long requirement that people who cease to be public officers have to file declaration in respect of their asset and empower the Commission to specify categories of public officers for the purpose of declaration by Statutory Instrument published in the gazette;
- provide for administrative sanctions for public officers who fail to submit their asset declaration forms unknowingly records false, inaccurate or misleading information in the forms; and
- vest in the Commission power to direct that contract may not be proceeded with.

Mr Speaker, Honourable Members, these are the objects of the proposed amendment that is before this Honourable House for discussion. I move that the Anti-Corruption [Amendment] Act, 2019 be read for the second time.

*[Question Proposed]*

**HON. OSMAN A. TIMBO:** Mr Speaker, Honourable Members, we want to commend the Anti-Corruption Commission for putting together this Amendment Act of 2019. The fight against corruption is a very serious undertaking and any person against that fight is an enemy of the state. Thus, we want to commend the Anti-Corruption Commission, the present Commissioner and even the former Commissioner. This is because it was during his tenure that this Bill was put together in order to strengthen the fight against corruption. We also want to commend His Excellency the President for giving the Commission the opportunity and the power to do what they want to do in this fight.

Mr Speaker, Honourable Members, last week Friday, the Legislative Committee met on the request of the Anti-Corruption Commission to brief us on the content of this Bill and the regulations which is not before us today. Well, we spent hours to ensure that some of the issues that are not necessary in the Bill are trashed out. There were contentious clauses which the Legislative Committee looked at critically and at the same time we did not want to go outside our powers. Based on that, it was the instruction that we gave to the Anti-Corruption Commission that leads us where we are.

Mr Speaker, Honourable Members, we had a very productive meeting on Monday during the pre-legislative hearings and most of the issues were trashed out, but there are other key areas we feel other Members of Parliament did not accept and they wanted this House to Debate it and if possible to commit it to the Legislative Committee before it is finally brought back to Parliament for the debate or approval. Mr Speaker, one of the issues that was in contention is the issue relating to the number of years for the preclusion of a Public Officer who has entered into settlement with the Anti-Corruption Commission from holding Public Office. The other area has to do with the power by the Commission or the Commissioner to stop contracts. The Members of Parliament who were present did not accept that proposal. We believe that the Amendment brought here still has some contentious issues.

Mr Speaker, Honourable Members, there was also the presumption of quilts. There are contentious issues around that and the Legislative Committee wants this House to consider it. As Acting Chairman of the Legislative Committee, we still believe that there

are contentious issues in the Bill that this House should further look into. With these few words, I humbly ask this House to commit this Bill to the Legislative Committee for further deliberations. I thank you all [*Applause*].

**HON. HINDOLO M. GEVAO:** Thank you, Mr Speaker. I want to start by commending the Anti-Corruption Commission for putting together this document in terms of amending the Parent Act. The object of this Act is to enable the Commission to close the lacuna in the Parent Act. I have taken my time to go through this proposed Amendment and I hold the view that if this Bill goes through, it will enable the Commission to do its job in terms of fighting corruption. In fact, that will also make it very easy, efficient and effective. I want to commend the past regime as my colleague, Honourable Osman A. Timbo often says, "Government is continuity," for the prosecutorial powers given to the Commission. Since those prosecutorial powers were given, I am really pleased that this Commissioner has decided to use what we call 'vampire teeth' in exercising those prosecutorial powers against those who do not take the fight against corruption serious or those who think they should use public funds as though they were funds bequeathed to them by their parents or by their forefathers.

Mr Speaker, Honourable Members, the Act before now, though it is very good and comprehensive, but yet there are certain weak areas and if the Commission had not come up with these Amendments, even when people were convicted, they will be convicted and if they say they are going to fine them and those fines will amount to next to nothing. However, when you look at the Amendment of Section 37, where it says, 'Section 37 of the Anti-Corruption Act 2008 is amended by inserting the following new Sub-section immediately after Sub-section 3 for in addition to the penalties under Sub-section 3, 'the Court shall order persons convicted under Sub-section 1 to pay the full amount adjudged by the court to have been misappropriated into the Consolidated Revenue Fund. Mr Speaker, this is very good. I was once in court when a very senior Sierra Leonean was convicted and was fined. That Sierra Leonean syphoned over **Le10bln**, but was fined **Le30mln**. The person said, 'can you please allow me to go to

Sierra Leone Commercial Bank?’ He just went to Commercial Bank and took **Le30mln** and paid.

Mr Speaker, Honourable Members, if this Bill goes through and the court adjudges that you have stolen **Le10bln**, you are not only going to pay the fine as stated in the Act, but you will be asked to pay the **Le10bln** that you stole into the Consolidated Fund. That is a very good move and that is what we are trying to do here. This Fifth Parliament is very serious with the fight against corruption. That is why I am craving the indulgence of my colleagues to allow this Amendment Bill to go through within the shortest possible time, so that the Anti-Corruption Commission will embark on their job recovery what has been taken from the ordinary Sierra Leonean.

Mr Speaker, Honourable Members, the object of the Criminal Justice System is to prevent the act of corruption. I once told a colleague that the Anti-Corruption Commission has succeeded in fighting corruption on a scale of **100%**. The fight against corruption has taken different direction in this country. The ACC is setting systems whereby if Mr X wants to commit corruption offences, he will be afraid to do so because of the verdict the court has passed or because someone had been convicted. Mr Speaker, that fear will prevent you from committing corruption offences. If you want to evade tax, some precedence of those who evaded tax before will serve as deterrent. That is what this Commission has done and that is what this Commission wants to continue to do. The impact it has created is conspicuous in tax collection. Before now, we used to hear tax evasion and tax avoidance, but if you go to all investors or business owners now, you will realise that **90%** of people are complying with payment of their taxes. This is going to ensure a sense of seriousness in the fight against corruption.

Mr Speaker, Honourable Members, I consider this Act to be very good and I want to crave the indulgence of Honourable Members to look at it with some amount of seriousness for the good of Sierra Leone. Mr Speaker, we are where we are because of corruption which has been in existence since independence. In other words, corruption had been prevalent in Sierra Leone since independence. If you go to countries like

Senegal, Ghana, etc. you would want to ask yourself 'where we went wrong.' What we are experiencing today is because our forefathers took what belonged to the poor and put it into their private pockets. Mr Speaker, our forefathers even lost their moneys to other countries where they went to hide their wealth. However, if this amendment is approved today, the Anti-Corruption Commission will not only follow what people have hidden in Sierra Leone, they will even have the opportunity to follow them to countries where they have kept those stolen moneys. There will be no safe haven for our moneys and no safe haven for thieves. The Anti-Corruption Commission will follow you wherever you go.

On that note, Mr Speaker, Honourable Members, I want to crave the indulgence of Members of Parliament, particularly this Fifth Parliament that is perceived to be very serious in the fight against corruption to ratify this Bill. Thank you, Mr Speaker.

**HON. SHIAKA M. SAMA:** Thank you, Mr Speaker. When the President addressed this House, he declared corruption as a serious national threat and he promised to make corruption a high risk business and to make it very unattractive. I see this Bill as part of the fulfilment of that promise. I have gone through the Bill and I see very good provisions. One of the things that is very positive about this Bill is widening the scope of corruption. If approved, it will make offering and accepting advantages a corruption offence. This is very serious because we sometimes feel that people who accept are the only ones who engage in corruption. It is also wrong to offer or induce somebody to accept an advantage. So, this will make it very difficult for the act of corruption to occur because when you offer, you are also committing an offence. So, this is a very serious provision that will make it possible for people who offer and those who accept are also punished.

Mr Speaker, Honourable Members, the provision that would allow the Commission to enter into agreement with suspects is also very good. Sometimes we have trials that usually take years and lots of funds are spent on those trials. So, if the Commissioner is allowed to enter into agreement that would reduce the time and cost, I think it is in place.

Mr Speaker, Honourable Members, there is a provision about declaration of assets and liabilities. This is also very good and it is making it mandatory for people to declare their assets. Some people do not declare their assets, and even when they are not complying, they go unpunished. However, if these proposed amendments are approved, we will be forced to declare our assets. If you present false or misleading information, you must have committed an offence. This is also a very good proposal, Mr Speaker.

Mr Speaker, Honourable Members, I have some proposals to make that I think will be helpful to the work of the Commission. At this stage, I am in support of this Bill **100%** and I will also like to urge the other colleagues to support this Bill. The fight against corruption is a very important course. If you look back at what happened after and during the war, you will find out that many funds were spent on war victims. Most of those war victims are roaming the streets begging. They have been converted into beggars. Those funds were used to build mansions. After Ebola or during Ebola, many people provided funds to this country, but those funds were used to improve private bank accounts. So, if we continue like this, there is no way we can transform this country into one that our hearts desire. Therefore, this is a very good Bill, but when we go to the Committee Stage, we will make some useful alterations or amendments. I support this Bill **100%**. Thank you very much.

**HON. MUSTAPHA M. SELLU:** Thank you very much, Mr speaker. Mr Speaker, Honourable Members, I think this is one of the Bills that have come before this House for approval that is very key to the President's flagship programme. To me, fighting corruption is one of the flagship programmes of the President. Having looked at the Bill, like the Anti-Corruption Commissioner mentioned in one of his speeches that they wanted to make corruption something that will be costly and terrible choice for every Sierra Leonean who crosses the line to corruption, I think that is a statement we have to take into account. Let us be mindful of the fact that this particular Bill before us here... – *[Interruption]*.

**THE SPEAKER:** Honourable Member please hold on. Honourable Members, I wish to recognise the presence of Honourable Jawara Kamara, former Member of Parliament of the Republic of Sierra Leone *[Applause]*.

**HON. MUSTAPHA M. SELLU:** Thank you very much. This particular Amendment Act before us is something we should embrace. However, we have to go beyond embracing it as a ruling Government. It is going to take stock of every nominee and head of MDAs that will be handling finances in these MDAs. This is because it is during our time as a Government that these proposed amendments are being brought here for approval. So, it is something we should take very seriously as a Government because the President has drawn the line that whoever crosses that line, must face the full force of the law.

Mr Speaker, Honourable Members, with your leave, I want to refer you to Section 122[a] to 4 of the Anti-Corruption Act. It says: **“Where a Public Officer fails to comply with the default notice issued by the Commission under Sub-section 2, the Commissioner shall direct that the Accountant General or the Director General of the Human Resource Management Officer as the case maybe [a] within one month withhold the salary of the Public Officer.”** Mr Speaker, Clause `c, states: **“After three months’ notice, dismiss the Public Officer.”** Asset declaration is going to be an issue for public officials like elected officials, presidential nominees and people in grade 7. However, I want to confirm if this particular one includes elective positions like Members of Parliament. I am saying this because that clause talks about dismissal of those who are in contravention with this provision. I think it has been amended.

Mr Speaker, Honourable Members, Paragraph 5 states: **“shall not apply with respect to an office in respect of which the Constitution limits or provides for the grounds upon which a holder of the office may be removed or the circumstances in which the office must be vacant.”** I think this shows it has been amended.

Mr Speaker, Honourable Members, I want to recommend to the Anti-Corruption Commission this old method of handling Asset Declaration Forms is so cumbersome

even for the Commission itself. If by the click of a button somebody can go to the system and get the asset declaration form, it will help a lot. I think this is something we have to take into account very seriously. These documents are very cumbersome and they are very difficult to manage because of the number of people that are declaring their assets on a daily basis. I want to thank you very much for putting this document together and to be able to listen to the general public, including Members of Parliament during the pre-Legislative hearing. I want to implore my colleague Members of Parliament present to hastily look at this Bill with critical minds and pass it into law. I thank you very much.

**HON. AJIBOLA MANLY SPAIN:** Thank you, Mr Speaker. Mr Speaker, I believe Honourable Osman A. Timbo and Honourable Hindolo M. Gevao said everything, but I want to look at the procedures. Honourable Osman A. Timbo said that the Legislative Committee met and a lot of work was done. He also said that the Bill should be sent to the Legislative Committee for further deliberations. However, Mr Speaker, what is absent is the report of the Legislative Committee and that is why he is asking for it to be sent to the Legislative Committee so that there will be a report which will be brought to this House for debate. I am sure that will enable the public to know why there was a request or why there will be a request for it to be sent to the Legislative Committee. I thank you.

**HON. MATHEW S. NYUMA:** Mr Speaker, I want to toe the line with my colleague on the other side. I think if we continue with this debate, we will just be repeating ourselves. We should commit this particular Bill to the Legislative Committee because we need certain areas to be amended. We do not want it to be in conflict with other existing laws. I listened attentively to Honourable Osman A. Timbo when I was outside he was very articulated on that point. I do want us to deliberate on this Bill anymore, but to commit this Bill to the Committee. We have to look at it critically and make the necessary amendment. I am saying this because whatever we discuss now, we will have to go back to the Committee and do the needful.

Mr Speaker, Honourable Members, we received a letter from the Procurement Office to Mr Speaker and copied the Leaders of Parliament. Therefore, we have to pay attention to this Bill before it is finally passed into law. We have to send this particular Bill to the Legislative Committee. I thank you.

**THE SPEAKER:** I know exactly what the Honourable Osman A. Timbo was trying to say. I have just decided as the presiding officer to allow Members to do their own contributions, so that at the end of the day, whatever observations or comments made by Members of Parliament will help the Legislative Committee in their deliberations.

**HON. DOMINIC J. LAVALEY-TSHOMBE:** Thank you very much. I refer you to Page 4, Section 122 [1c]. It reads: 'Request of the Public Officer to submit the declaration form within 14 days.' However, Paragraph 6 should also be amended, instead of Paragraphs 1, 2 and 3 only.

**THE SPEAKER:** Honourable Member, do not go to that extent. Please proceed with your contribution.

**HON. DOMINIC J. LAVALEY-TSHOMBE:** Mr Speaker, the Acting Chairman of the Committee said: "there were issues that needed to be trashed and this document should be taken again to the Legislative Committee, so that we will have things done better." I thank you very much.

**HON. OSMAN W. JALLOH:** Thank you very much, Mr Speaker. I am happy the way the two sides of the House are working towards this Bill. I want to however emphasise to the Legislative Committee that when this Bill comes before it, they should do justice to it. Corruption has been on-going in this country for several years, even before some of us were born. Therefore, it is high time we stopped playing politics when it comes to corruption in this country. I know the fear of the other side of the House, but I want to assure them that we will work with them, so that we fight corruption together in this country.

**HON. CHERNOR R. M. BAH:** Mr Speaker, the debate has not taken a partisan approach yet and I want to encourage colleagues to follow that trend, otherwise there might be rocks along the way.

**HON. OSMAN W. JALLOH:** Thank you very much for your correction. Well, I am not trying to point fingers at you sir. I want to appeal to all of us, as lawmakers, to look at what is affecting this nation. The issue of corruption is endemic in this nation for the past years, regardless of which government that is in power. Therefore, let us look at this Bill in a fair and open mind, so that we can help the Anti-Corruption Commissioner to fight corruption in this country. Mr Speaker, I want to appeal to all of us to embrace this amendment with open heart. I thank you very much, Mr Speaker.

**HON. AMADU KANU:** Thank you very much, Mr Speaker, for giving me this opportunity. I want to draw the attention of this House to the presentation made by a legal representative. I am sure the Memorandum of Object and Reason in this Bill gears towards empowering the Commissioner.

*Suspension of S.O 5[2] being 3:00 p.m.]*

**HON. AMADU KANU:** Mr Speaker, Honourable Members, what is contained in this document represents the interest of the people of this country. We are part of the fight against corruption and we must strengthen the laws that will empower the Commissioner to do the work with due diligence. This is what is contained in the Memorandum in this document. A pre-legislative hearing was conducted and some of us were present. We identified some areas we considered to be contentious areas. We advised the Commissioner and his team to go back to the Drafters of this proposed Bill, so that we will come again after Legislative consultations for the way forward. In that regard, I want to submit here that we should not belabour on the issue because some of the issues have been addressed already. What is now key among some of the areas we identified to be contentious is Section 126, which has to do with the powers to be given to the Commissioner to suspend or put a hold on contracts perceived to be not in the interest of the country. We consider that area to be contentious giving the fact that some of the contracts have to go through parliamentary approval. We have contracts

like roads, electricity, mining, etc. If a contract has been awarded and Parliament has approved, why do we have to allow the Commissioner to singlehandedly view such a contract as not in the best interest of the country and subsequently suspended such contract or asks the contractor to go to court? We held the view that the Commissioner was trying to usurp the powers of Parliament. That is why colleagues Honourable Members wanted this particular aspect to be reviewed.

Mr Speaker, Honourable Members, for those who were not present at the pre-legislative hearing, some of us are not against the Bill, but we thought we should do certain things before we enact this Bill into law. We would like to strengthen the powers of the Commissioner to do his work with due diligence and consistent with the Constitution. We discovered that some of the powers we are about to give the Commissioner are not consistent with the 1991 Constitution.

Mr Speaker, Honourable Members, without further delay, we want this Bill to be committed to the Legislative Committee for a possible review. I thank you.

**THE SPEAKER:** Honourable Members, we are doing so immediately after the Second Reading of this Bill.

**HON. VERONICA K. SESAY:** Thank you, Mr Speaker. Mr Speaker, Honourable Members, I do not want us to waste time on this issue because we had Legislative Committee with a lots of Lawyers to handle this matter. We also have opposition, ruling and Paramount Chiefs in that Committee with different shades of opinions. In fact, everybody who has obtained the Floor recommended that this Bill should be committed to Legislative Committee. I think we should have trust in them because they are working in the interest of this nation. We usually pray in this Well anytime we meet and I am sure those prayers are very important. We are representing our people and one way we do that effectively is by fighting corruption. Corruption is a disease that eats into the fabrics of a country's development.

Mr Speaker, Honourable Members, we are talking about corruption and we have been saying that the Commission barks, but it does bite. So, if we are trying to give them

power to bark and bite, I think we have to support this move. I want to allay the fears of the people we are representing that whatever laws we make here should not be personalised. This is not for Mr Ben Kelfala, but the Commission. Mr Ben Kelfala is here today, but he could not be there tomorrow. So, I do not want us to personalise this issue at all. Whatever we do is not for SLPP, C4C, APC or NGC, but for the people of this country. Yesterday, the APC was in power and we challenged them on many issues; but today, the SLPP is in power and you are also at liberty to challenge us on issues. Again, tomorrow might be another person else. Therefore, if we make laws or make amendments, they should be in the interest of the people.

Mr Speaker, Honourable Members, the Commissioner spoke about the importance of Parliament during the pre-legislative hearing. He stated that we have powers to call him to attention if he goes beyond what is expected of him. We have right and power to call to attention. We should not waste our time on this because he has said it all. We are the lawmakers and we will be here for five years. I want to assure my colleagues on the other side that we on the ruling party will stand here and say the truth. We will not take 77[1k] into consideration because he has said it. We will be there to tell him that that was not what you said and it is not your mandate. We have enormous powers in Parliament to take a decision. Let us give the responsibility to the Legislative Committee to do the needful and report back to this House.

Mr Speaker, Honourable Members, if you are given **Le 100mln** to construct a road, you should not take **Le 10mln** because you will reduce the quality of that road and we will have to suffer. We are using the tax payers' money. Corruption is everywhere. Sierra Leone is a small country, but very rich in natural resources. Our problem has been mismanagement, but we have to 'nip this in the board.' Once again, we should give chance to the Legislative Committee to go and scrutinise this Bill. I thank you.

**HON. JOSEPH WILLIAMS-LAMIN:** Thank you, Mr Speaker. Mr Speaker, Honourable Members, I would like to draw this House's attention to two analogies. For some of us who have been to overseas, you have to apply for visa and go through scrutiny at the same time. I remember when the Leader of Government Business and I arrived at

Heathrow Airport, we went through scrutiny. Therefore, I believe that the Anti-Corruption Commission has been given the mandate to do certain things. I want to assure the Honourable Member that I am particularly interested in Section 12[a], which gives the Authority to the Commissioner to suspend a contract if it is not in the best interest of the people. Of course, we need to have several mechanisms in place. For instance, when the Wilkinson Road was constructed it was like a war, especially when people were to be compensated. The entire perimeter fence was vandalised and when they were asked, they lied that adequately compensation was not paid. That was a blatant lie and I want to call on the attention of this House to take this fight very seriously. I said on the forum that we were playing with our integrity and even our identity when it was announced by Mr Umaru Fofanah on BBC. We are talking about the identity of Sierra Leoneans and I do not care where you come from, but we are talking about the progress of Sierra Leone. We do not have enough resources in this country, but people are misappropriating these meagre resources that we have. I am representing over 50,000 constituents. I am interested in the pre-legislative hearing, especially when the issue relating to Section 12[A] was discussed. I think the ACC must put a stop to corruption. I thank you very much.

**HON. BASHIRU SILIKIE:** Thank you very much, Mr Speaker. Mr Speaker, Honourable Members, I want to start by thanking His Excellency the President because during the campaign period, we assured the people of this country that we would fight corruption and that is what we have started doing. I also want to thank the Commissioner of the ACC for a job well done. He has been able to recover **Le2bln** for this government. That is a very good work and I want to thank the past Government for amending the ACC Act that gives prosecutorial powers to the Commission. Today again, we have an amendment before us, presented by the Attorney-General and Minister of Justice.

Mr Speaker, Honourable Members, it is no secret that this government is willing to fight corruption and it is a pledge we made to the people of Sierra Leone that we must fight corruption. We are ready to set the standards for the development of this nation. I

want to thank the ACC Commissioner for doing what we promised the people of this country. Mr Speaker, this Bill is not too bad at all, though we have few grey areas we must amend. I am very happy because the Acting Chairman of the Legislative Committee has requested this House to commit this Bill to the Legislative Committee for further scrutiny. Of course, the intention for bringing this Bill to this House is very good. There are grey areas I believe this House will look at very carefully. We also expect the Legislative Committee to do justice and report to this Parliament. The Commissioner had a very tough discussion in Committee Room 1 with Members of Parliament during the pre-legislative hearing. I have no ill feeling against the Commissioner because he is my friend and we will always continue to be friends.

Mr Speaker, Honourable Members, I am sure we are going to commit this Bill to the Legislative Committee and we expect them to do justice to it. In other words, we expect you to present to us a Bill that will be accepted by all Members of Parliament and a Bill that will empower the Commission to fight corruption. I thank you very much.

**HON. PAUL SAA SAM:** Thank you very much, Mr Speaker. Mr Speaker, Honourable Members, the Bill before us is a very good Bill and is going to add strength and determination to take issues of corruption very seriously. If Parliament gives more power to the ACC, corruption will be a thing of the past in Sierra Leone. I think we should also commend the President for appointing Mr Francis Ben Kelfala as Commissioner of the ACC. All of us will attest to the fact that Mr Francis Ben Kelfala has done tremendously well in the fight against corruption in the past six to seven months as Commissioner. This is a very good move and he has retrieved a lot of money from corrupt officials. We should commend him for that.

Mr Speaker, Honourable Members, I want to however talk about 'in-house settlement.' In other words, we discovered during the pre-legislative hearing that if somebody is found guilty of corruption, the Commissioner has to decide whether the person should be taken to court or undertake in-house settlement. This issue was critically discussed and we weighed the pros and cons. We said it has to be a bilateral agreement between the convict and the Commissioner. We were of the opinion that Mr Francis Ben Kelfala

could have a very good intention to take the issue of corruption very seriously, but when he would have left office and another Commissioner takes over, he will look at that clause and take a firm decision, especially when he would have had some personal issues to settle with the convict. The Commissioner will take that person to court even when the person would have agreed for settlement. This issue has to be a kind of bilateral agreement between the convict and the Commissioner. This is one of the areas we identified during the pre-legislative hearing.

Mr Speaker, Honourable Members, we also discussed the issue of contracts. During the pre-legislative hearing, I said that we did not have a universal definition of 'contract.' When you talk about contract, it could be a mining contract, road contract, etc. Therefore, if this power is given to the Commissioner to suspend or terminate a contract, then the powers of Parliament will be reduced in terms of its oversight functions. We have asked the Commissioner to review that clause. I am sure when we go to the Committee Stage, this area will be addressed. For instance, if a Local Council has awarded a contract, but the Commissioner, in his own wisdom, thinks that the contract is not in the best interest of the country, he will suspend or abort the contract; and if the Council continues with the contract, a fine of **Le 50,000,000** will be imposed on that Council. We have to look at this area carefully. I thank you very much, Mr Speaker.

**HON.CHERNOH R.M. BAH:** Thank you very much, Mr Speaker. A lot has been said by Honourable Members, but I am particularly happy when Honourable Osman A. Timbo said that the fight against corruption is a continuous process. Just like it has started before independence, so it has continued. Therefore, fighting it again will be a process and we are happy that the Commissioner met a working document. He has looked at it and he found it to be very good. He is working towards improving certain areas he thinks should be improved. I am sure he has also added some value to it which is before us now for consideration.

Mr Speaker, Honourable Members, I want to state here that all Honourable Members are clamouring for this Bill to be committed to the Legislative Committee. I was

Chairman of that Committee for a very short while and getting Members of that Committee to attend meetings was a challenge. Therefore, the Leader of Government Business and I will ensure the Acting Chairman gets Members of that Committee to do their work speedily and present their report to the House.

Mr Speaker, Honourable Members, there are pertinent issues being discussed by other Members of Parliament, but I will not comment on them until the Committee Stage. I thank you very much *[Applause]*.

**HON.SIDI M. TUNIS:** Mr Speaker, Honourable Members, I want to start by thanking my colleagues for their positive contributions to this debate. I will therefore not take much of your time, but to make few clarifications. I will start with the Honourable Member of the C4C. He spoke about the decision of the Commissioner to take matters to court. Mr Speaker, this is not new at all. This is exactly what obtains even now because after every investigation, depending on the gravity of the offence, the Commissioner may decide to take the matter to court or ask the person to refund whatever money he might have stolen. I am sure Honourable Members would agree with me that the Commissioner made it very clear in our pre-legislative hearing that he did not force anyone to accept that option.

Mr Speaker, Honourable Members, the second clarification I want to make is the Commissioner wants to make corruption very expensive and painful. I am sure after we would have passed this Bill into law, I can assure you that corruption will reduce by more than **80%** to **90%** in Sierra Leone. This country will become another Rwanda. I want this Bill to be passed into law today, but majority of Members of Parliament want it to be committed to the Legislative Committee. The Leader of the Opposition has been briefing me about Rwanda. I also want to bring an issue that a lot of Members have been talking about; i.e., Section 126[6A] where the Commission has reason to believe that a contract to which a public body is a party is not in the interest of the country, the Commissioner may issue a directive. I understand from the pre-legislative hearing that a lot of Honourable Members were against this particular Section, but I want to also bring to the attention of Honourable Members that the decision of the Commission to

give a directive in writing to stop that particular contract is not the end. This is because Section 2 of that particular Section is very clear that the contract has seven days. In other words, the court can reverse whatever the Commissioner would have said, whatever decision the Commissioner would have taken, to either terminate the contract or not, the court can reverse it if necessary. Mr Speaker, this Bill is alive with the interest of this country. I believe almost **90%** of Honourable Members are in support of this bill apart from few grey areas.

Mr Speaker, Honourable Members, I call on Honourable Members to support this Bill, even at the Legislative Committee level. I want to assure Honourable Members that this is not a draconic law and the issue of giving more power to the Commissioner, I believe we need it. As a country, we need a very strong Commissioner to be able to fight the spate of corruption in Sierra Leone today. I thank you very much *[Applause]*.

**MR ABDULAI M. BANGURAH** *[The Deputy Attorney-General and Minister of Justice]*: Mr Speaker, Honourable Members, may I on behalf of the Attorney General and Minister of Justice and the Commissioner of the Anti-Corruption Commission thank the Speaker and Honourable Members for your constructive contributions to this Bill that is before this House. It has already been resolved that this Bill should be committed to the Legislative Committee for further deliberations. I want to allay the fears of Honourable Members who have expressed concerns regarding contracts. If there is an office that particular provision in the Bill has potential to search is the office of the Attorney General and Minister of Justice because we vet contracts and give advice in the form of MoUs. Therefore, giving the Commission the power to also search the advice of the Attorney General should also be our concern, but we are not faced by that concern because we are of the view that the Section 7[1] of the Parent Act has already given power to the ACC. I think what is required to be done in this Bill is for the power to be expressed, but it is clearly implied in Section 7[1] of the Parent Act.

Mr Speaker, Honourable Members, I want to assure Honourable Members that this is not anything new because the Commissioner has already got that power from the Parent Act. In relation to the agreement, just as the Honourable Leader of the House

has made some clarifications, the agreement has to be made consensual; i.e., why the use of the word 'agreement' alone imports consensus. So, it is not the Commissioner who will compel the suspect to go into an agreement that is optional. So, that provision does not take the right of the suspect to have recourse to the due process at all.

Without much I do, Mr Speaker, Honourable Members, I want to thank you once more. I noticed that both sides of the divide spoke with one voice with regard the support for this Bill. This time, the office of the Attorney General may want to accompany the Commissioner during the pre-legislative hearing.

*[Question Proposed, Put and Agreed to]*

*[The Bill entitled the Anti-Corruption [Amendment] Act 2019 has been read the second time].*

**HON. SIDIE M. TUNIS:** Mr Speaker, Honourable Members, I stand on S.O. 51[1] to move that this Bill be committed to the Legislative Committee.

**HON. OSMAN A. TIMBO:** I second Mr Speaker.

*[Question Proposed, Put and Agreed to]*

*[The Bill entitled the Anti-Corruption Amendment Act 2019 has been committed to the Legislative Committee]*

*[The House stood down at 12:35 p.m. and resumed at 1:55 p.m.]*

## **VI. MOTION OF THE COMMITTEE ON APPOINTMENTS AND THE PUBLIC SERVICE**

PROPOSER: HON. SIDIE M. TUNIS

SECONDER: HON. BASHIRU SILIKIE

**HON. SIDI M. TUNIS:** Mr Speaker, Honourable Members, I present to you the Thirty-Second Report of First Session of the Committee on Appointments and the Public Service:

### *1. Introduction*

Mr Speaker, Honourable Members, the Committee on Appointments and the Public Service that is charged with the responsibility of vetting Presidential nominees to select

the most fitted and qualified persons to serve in public offices, met on Monday 25<sup>th</sup> March, 2019 and interviewed five presidential nominees for appointment as Commissioners, Human Rights Commission of Sierra Leone.

## *2. Procedure*

The Committee conducted the hearings within the ambit of its established criteria set out to elicit facts as to whether the nominees are fit and qualified for their proposed appointments. The deliberations of the Committee were guided by the principle of objectivity to the extent that beside perusing the specified documents provided by the nominees, the Committee went further to request for public input into the vetting process by furnishing it with information of relevance to the suitability of the nominees or otherwise for their proposed appointments. The Committee certified that the nominees were cleared of any criminal records by the Criminal Investigation Department [CID] and that they have the relevant qualifications and necessary backup experience to man such important offices of state. Inquiring questions put to the nominees covered wide ranging issues pertaining to their track records in other pertinent work situations, their declared assets and liabilities, fulfillment of their tax obligations and their visions for a successful and nationally productive tenure.

Mr Speaker, Honourable Members, the following nominees were interviewed on oath:

### *[1] Mrs Patricia Narsu Ndanema, proposed Chairman, Human Rights Commission of Sierra Leone*

Mrs Patricia Narsu Ndanema has eleven years work experience in Human Rights intervention that include Human Rights observation, investigation, monitoring, awareness raising, follow up on judicial processes, documentation and reporting. She has a wealth of experience in collaborating and engaging government officers on human rights issues. Mr Ndanema is currently working for the African Union Human Rights Observation Mission in Burundi from 2015 to Date.

Reacting to the Committee's concern about the inherent conflict of interests that may arise in her work, considering that her husband is a Minister and an Executive Member of Government, the nominee said: **"I will ask that the Committee banks on my**

**integrity because the position of Human Rights Commissioners is for five years. After those five years, I will still have some time in my professional life and I intend to use that judiciously. This means that while serving in the capacity as Commissioner, my integrity will have to be protected and maintained. Before taking up this job, I made it clear to my husband that I will be there to protect and promote human rights and will not like to find myself in a situation where my husband is found wanting."**

On the issues of truncation of the protected five year tenure of Commissioners, Mrs Ndanema said: **"While the tenure of Human Rights Commissioners remains protected, there are provisions in the Act on how Commissioners could be relieved of their duties. For example, if you are bankrupt or if a Commissioner is not completely apolitical. So, if a Commissioner is caught in the trap of not being completely apolitical, then the employer has the right to relieve that Commissioner of his responsibilities. In a situation like that the five years tenure is not really fixed and protected."**

*[ii] Mr Victor Idrissa Lansana, proposed Vice Chairman, Human Rights Commission of Sierra Leone*

Mr Victor Idrissa Lansana is a private legal practitioner of no mean standing and serves as legal representative to several institutions and commercial houses. Addressing the Committee's inquiries, Mr Victor Lansana affirmed his belief in the security of tenure and the rule of law. Questioned on the process of application to the Human Rights Commission if a human right is violated, Mr Lansana said there were two procedures: The Human Right Commission generally has the power to take up issues that have to do with human rights reports and complaints made about the violation of individual human rights. Mr Lansana informed the Committee that the Commission has rules and regulations to follow; i.e., a formal complaint and an examination of the merits of the complaint before a decision is taken to investigate the matter. If the violation is very serious, the Commission could come up with a report and recommendations. The Commission has the powers of the High Court to enforce its rulings to protect the

human rights of all Sierra Leoneans and could order culprits to pay compensation to victims.

[iii] Mr Hassan Samba Yarjah, proposed Commissioner, Human Rights Commission of Sierra Leone.

Reacting to the Committee's inquiries as to why the tenure of certain positions is protected by law, Mr Yarjah said: "**Certain positions are protected to give security of tenure to the appointment and to enhance the independence and neutrality of the office holder to perform without fear.**" Responding to further questions, Mr. Yarjah said that the office of the Ombudsman handle administrative issues in respect of employment. The function of the human rights commission are broader than that and encompasses several other Rights including Human Rights that are protected by the law. For instance, the right to life is a human right issue and does not fall within the mandate of the Ombudsman. Based on its mandate, the Human Rights Commission could generate interest and start the process for a proper investigation and a report with necessary recommendations to forestall any such happenings again. Mr Yarjah affirmed his belief in the rule of law and the sanctity of the Human Rights Act.

[iv] Ms Simitie Lavalay, Proposed Commissioner, Human Rights Commission of Sierra Leone

Ms Simitie Lavalay is a private legal practitioner and a Human Rights Activist with ten years of work experience. She has to her credit, an eight years advocacy and influencing experience on women and children's Right as a member of the female lawyers' organisation, Legal Access for Women Yearning for Equality Rights and Social Justice [LAWYERS.]

Reacting to the Committee's inquiries, Ms Simitie Lavalay affirmed her belief in the rule of law in protecting the law and in the security of tenure. Ms Simitie Lavalay however added that she also believed that 'there are certain situations where that security of tenure could be truncated as provided in the law or the rules of procedure.

[v] Dr Gassan Abess, proposed commissioner, Human Rights Commission of Sierra Leone.

Dr G. Abess is a lecturer and the current Head of Social Work Unit, Department of Social Sciences, Mitton Margai College of Education and Technology, Goderich Freetown.

Responding to a barrage of questions, Dr Abess affirmed his belief in the rule of law and the protection of tenure. He agreed with the Committee that the five year tenure of the Human Rights Commissioners were protected by the Act. He however added that there were circumstances under which those five years could be truncated. **“Like any other employment,”** he said, **“There are possibilities for which someone could be relieved or dismissed or contract terminated. Anyone aggrieved by the abuse of his human rights has every right to come to the Commission, make an official complaint. Once that complaint is received, the Commission would look into the merits of the complaint, investigate and advise accordingly.”**

*5. Recommendation [s]*

Mr Speaker, Honourable Members, the Committee adjudged the following Presidential nominees to be fit and qualified for their proposed appointments and they are recommended to the House for approval:

- [i] Mrs Patricia Narsu Ndanema, proposed Chairman, Human Rights Commission;
- [ii] Mr Victor Idrissa Lassana, proposed Vice Chairman, Human Rights Commission;
- [iii] Mr Hassan Samba Yarjah, proposed Commissioner, Human Rights Commission;
- [iv] Ms Simitie Lavalay, proposed Commissioner, Human Rights Commission;
- [v] Dr Gassan Abess, proposed Commissioner, Human Rights Commission.

Mr Speaker, Honourable Members, the Thirty-Second Report portrays a majority decision of the Committee. I therefore move that the Thirty-Second of the First Session of the Committee on Appointments and the Public Service be adopted by the House and that the recommendations contained therein be approved.

Mr Speaker, Honourable Members, because this report is not a unanimous report, I also have a minority report. The All People's Congress [APC] Members of the Committee strongly objected to the Presidential nominations of the Human Rights Commissioners on the grounds that once the tenure of the former Commissioners were terminated without compliance with the Human Rights Commission's Act. Secondly, that the Commissioners who are to vacate their offices must be adequately compensated and there is a conflict of interest in the appointment of the Chairperson who is married to a Member of the Executive. We so submitted this report, for the consideration of the Committee.

**THE SPEAKER:** Any seconder?

**HON. BASHIRU SILIKIE:** I so second, Mr Speaker

*[Question Proposed]*

**HON. BASHIRU SILIKIE:** Thank you very much, Mr Speaker. Mr Speaker, Honourable Members, we have nominees for the positions of commissioners for the Human Rights Commission of Sierra Leone. I want to begin by thanking His Excellency the President for giving us nominees for the furtherance of human rights issues in this nation. For quite some time now, we have been yearning for it because the problems within the Commission are unprecedented. The President is a President that does not make mistakes easily. I can vow for that Honourable Members on the other side. If you look at the resumes of these nominees, you will definitely support whatever I have said here. The nominees have wealth of experience in the field that they have been nominated to serve. I have no iota of doubt that these nominees will perform for the general good of this nation.

Mr Speaker, Honourable Members, I want to remind the nominees that we promised the people of this country that we will deliver. I want to tell you that the opportunity that has been given to you by the President is for you to deliver. We do not want excuses. We have four years left to show the people of this country that we can perform. Of course, we are expecting you, after parliamentary approval, to contribute positively.

Mr Speaker, Honourable Members, these nominees are going to seek the interest of all APC, SLPP, C4C, NGC, Independent Candidates, Paramount Chiefs, etc. Mr Speaker, if you go through their CVs, you will agree with me that these nominees have a wealth of experience. The Chairperson is extremely qualified for that position and she has served in various organisations. I do not know her personally, but from her submission in the interview, I am very confident that she will perform. In fact, our brothers in the Opposition are also convinced that she is fit for that position. This nominee has just abandoned a very lucrative position in Burundi as Observer representing the African Union Observation for Human Rights in Burundi. This is a person that is leaving a very lucrative office to come and serve her people in this country.

Mr Speaker, Honourable Members, these are the type of people we need in this country. She has left that office and she is here to serve her people. If approved by this House, she will be going to an office where to even access funds will be a problem. This shows that she loves her people and her country. She has promised to do her work without fear or favour and she has even told her husband that she would do her work without any hindrance. We are going to support her and she has challenged us. I thank you, Mr Speaker.

**THE SPEAKER:** Honourable Paul Sam

**HON. PAUL S. SAM:** Thank you very much for giving me this opportunity to debate. Mr Speaker, the issue here is very clear that there is no vacancy. Even though the President has the right to appoint, but in this circumstance, he does not have that right to appoint somebody, particularly when the offices are not vacant. This is very clear, Mr Speaker. Mr Speaker, since the positions are not vacant and the outgone Commissioners have spent only spent fourteen months in office, I am sure the procedure was wrong and the process was also fraud. In that regard, it has to be reversed. We are not in support of the process and we condemn it entirely. I thank you.

**HON. HINDOLO M. GEVAO:** Thank you, Mr Speaker. I know time is not on our side. Mr Speaker, Honourable Members, we have nominees from the President for parliamentary approval. As Chairman of the Human Rights Committee in this House, I

am pleased to see these nominees today and I am sure all human rights loving Sierra Leoneans will waste no time in approving these nominees. The last speaker said that the President had no right to appoint these gentlemen and lady into the various offices that he has nominated them to go and occupy. I will say that it is an erroneous statement.

**THE SPEAKER:** Honourable Hindolo M. Gevao, please ignore that and proceed.

**HON. HINDOLO M. GEVAO:** Thank you Mr Speaker. I want to remind the nominees that the work of the Human Rights Commission is also the work of the Committee on Human Rights in Parliament. I am proud to say that when we started this Session, the conditions of the inmates were deplorable, but due to proactive action of these particular House, I will safely say if you are to visit our correctional centres, the condition of prisoners has improved from that of **5%** to **100%**. I can safely say you can now eat food in the rooms of inmates in every Correctional Centres in Sierra Leone because of the steps taken by the Committee on Human Rights.

Mr Speaker, Honourable Members, if this House approve these nominees, I want to inform the Commissioners to look into the issues of decentralisation. In other words, we want the Human Rights Commission to be decentralised. We do not want a situation where all the Commissioners are stationed in Freetown. The Act says there should be a Commissioner from the North, East and South. I am sure the rationale for that particular clause is to ensure that there is a Commissioner in every region. This will also ensure that human rights district offices are constructed in all the districts in Sierra Leone. If you go to places like Kailahun, where I come from, there are people who do not know about the Human Rights Commission because the Commission based its activities only in Freetown with very little or no activity in the provinces. However, I want to allay the fears of Members of Parliament that we have very fine nominees presented before us by the President of the Republic of Sierra Leone for approval.

Mr Speaker, Honourable Members, I see no conflict of interest in the nomination of Mrs Ndanema. If we say there is conflict of interest, it is as if we want to suggest that the only the husband should get employment. If the woman is qualified, there is no reason

why we should demean the office of status of women in society. Mr Speaker, marrying to a Minister does not in any way disqualify the woman to hold a sensitive position in society. I want to state here that Mrs Ndanema is over qualified. She has worked in the office of the Human Rights Commission and she left the Commission as a very senior Human Rights Officer. If we are to approve her nomination, I think this nation will benefit a lot. Talking about my Brother Victor I. Lansana, he is a gentleman who is extremely personate about human rights issues in Sierra Leone. I thank you, Mr Speaker.

**HON. CATHERINE Z. TARAWALLY:** Thank you very much, Mr Speaker. Thank God the Leader of Government Business has done well for us. We have tendered our position as APC and I want to re-echo the issue of tenure of office. Mr Speaker, I have the Human Rights Acts of 2004. Section 4 of this Act talks about tenure of office and it says: **“The Chairman, the Vice Chairman and other Members of the Commission shall hold office in their personal capacities for a period of five [5] years and shall be eligible for re-appointment for another period of five [5] years, but no person shall be eligible for re-appointment after the expiration of ...”** Mr Speaker, the Act makes it very clear that when an individual is serving, the issue of tenure of office should be considered to the highest degree. We want to make it clear on this side of the House that we are not against the three nominees at all. I have been part and parcel of these nominees and they know me very well. We have two vacancies, but let us consider the three positions I want to talk about. Mr Speaker, former Chairman, Reverend Osman Jessy Fornah, Commissioner Rashid Dumbuya and the Commissioner Grace have been sacked. The question is, are we doing due diligence to this country? Are we real in this country? Are we honest as Sierra Leoneans? Mr Speaker, we are not honest in this country and posterity will hold us responsible if the issue of tenure of office is not addressed properly. Therefore, Mr Speaker, please consider the position of this side of the House.

**THE SPEAKER:** We have to round up the debate because the day is far gone.

**HON. FODAY M. KAMARA:** Mr Speaker, Honourable Members, I want to thank you for giving me this opportunity to air out the views of the NGC. It is rather pathetic that our country is not actually getting to the stage we want. Of course, it is funny to say the President has no right to change people. The NGC wants a situation where we treat this country as a country and the people as the people of Sierra Leone, regardless of where you come from. We have always said that what goes round comes round, but we want a positive change. We have never condemned anybody here as a nominee. Again, we are not condemning any of the Commissioners or the Chairpersons. What we are saying is that we want a better change for this country. We have to respect the laws of this country and the views of others. Let us for once follow the Constitution of this country.

Mr Speaker, Honourable Members, I want to state here that all the nominees are qualified. This is true and we accept them as individuals, but we do not like the procedure used to nominate them. We want a change for the better. We will however accept these nominees today, but we want a positive change, Mr Speaker. We want this country to change for the better. As Sierra Leoneans, let us act in the interest of this country. Thank you, Mr Speaker.

**HON. IBRAHIM B. KARGBO:** Thank you very much, Mr Speaker. Mr Speaker, Honourable Members, our side of the House is very clear. In other words, this side has always collaborated with the other side. The number of nominees you have brought before us and the number of nominees we have approved is a clear indication that this side is made up of ladies and gentlemen who understand what democracy is all about. This is to further emphasise the fact, like I said the last time, that we have nothing against any of President Bio's nominees, but we are going to continue to insist on proper procedure and the reason we have is to address the issue of procedure.

Mr Speaker, Honourable Members, we had difficulties with procedure used to appoint judges. I want to also state here that this House has nothing against any individual nominee nominated by the President, but when the procedures are not adhered to, it is our business to condemn it. My friend on the other side has been very anxious to get

these nominees approved and we have nothing against him. Mr Speaker, each time Honourable Sidie M. Tunis presents presidential nominees, we are always quite prepared to support him. I am not too sure whether we will do the same for other people, but what I want to say is that we are going to stand our position. Some people were removed from their offices in a manner that is not acceptable by law and because this is the case, we have made up our mind on this side that the whole business of compensation should not be ignored. This is because that is what the Act says and that is what the Law says.

As I conclude, Mr Speaker, Honourable Members, it is very clear that we have nothing against the nominees. They are fine lady and gentlemen, but when it comes to procedural issue, this side will continue to cry loud and wide to make sure that we go according to the laws of this country. This country must be administered according to the laws of the land. I thank you, Mr Speaker.

**HON. CHERNOH R. M. BAH:** Thank you very much, Mr Speaker. Not to repeat words that has been said by Honourable Ibrahim Ben Kargbo. I will refer this House again to the minority report which is in your possession. Our points are straightforward and very simple. One of the observations has to do with the tenure of office, which has been exhaustively discussed. In fact, the nominees accepted that during the interview that they would not support such a procedure. The questions were put to them and they answered in the affirmative. Secondly, the issue of compensation was also discussed, but that will come at the next level. Honourable Catherine talked about compliance, but I also learnt that there were two vacancies that existed. I do not know whether there were vacancies or not, but if there were two vacancies, they should have been filled.

Mr Speaker, Honourable Members, the Honourable Member from Bo was drawing an analogy of conflict of interest. I beg to differ because you cannot deny somebody this privilege due to the fact that they are married. The issue of conflict is separate and distinct from employment.

Mr Speaker, Honourable Members, the Deputy Leader of Government Business also stated that one of the nominees confirmed to the Committee as a Commissioner could

be removed based on two scenarios; i.e., bankruptcy and being politically active. We do not have that justification before us today. I have not being persuaded or being influenced by report from the international community, like the United Nations. I am convinced that we are responsible to protect and protect our laws. So, my first call is to make sure that we respect the laws we make in this country. Again, my brother from Bo confirmed that the President is so perfect that he never makes a mistake that is what he said. I want to borrow from his words to confirm that doing things contrary to our laws is a deliberate act. I am just borrowing from his words, Mr Speaker.

**THE SPEAKER:** Proceed, Honourable Member.

**HON. CHERNOH R. M. BAH:** Thank you very much. Mr Speaker, regarding the four years for the score card, I want to remind you that in less than a month from now, there will be State Opening of Parliament and the President will be reading his one year score card to us and not four years. So, our position is very clear that we have no contention with the nominees. However, I want to state here that the law is the law and we have to protect the law. So, it is based on those perceptions from outside that people talk about individuals. Our position is that we are responsible and we most protect the law and that position remains the same. That is what has led to the minority report. As I sit down, I want to confirm that as a result of the procedure that was followed to nominate these nominees, we on this side have not and are not supporting these appointments. I thank you *[Applause]*.

**HON. SIDIE M. TUNIS:** Mr Speaker, Honourable Members, I want to thank my colleagues, especially my colleagues in the APC for participating in the debate. I think this is democracy, but out of eleven [11] members of the Committee, five [5] are from the APC and they decided not to support this Motion. However, six [6] other members from the SLPP, NGC and C4C decided to support this Motion. I want to thank the C4C, NGC and SLPP Members of the Committee.

Mr Speaker, Honourable Members, the most important thing here is that His Excellency the President has the right, under the 1991 Constitution to make his appointment and we have to accept it. We also have to accept the fact which has been supported by

almost all Members of Parliament that the nominees are highly qualified and we believe that they will be able to do their work properly.

Mr Speaker, Honourable Members, I want to assure the people of this country, especially my colleagues on the other side that this Government will ensure that those who have served whether, as Commissioners or for any other position, will be fully compensated. What I have said is a policy statement and those Commissioners will be compensated. I can also assure you that we will continue to support the security of tenure, but the Act is very clear. Section 4[3] [A - G] has all the provisions as to when a vacancy exists. With your leave, Mr Speaker, I refer you to Section 61 of the 1991 Constitution of Sierra Leone. It reads: **"Subject to the provisions of this Constitution and any Act of Parliament, the President may constitute offices for Sierra Leone, make appointments to any such office and terminate any such appointment."** Mr Speaker, Section 61 of the Constitution is very clear. I thank you very much, Mr Speaker.

**THE SPEAKER:** Honourable Members, I hereby order that compensations be paid to former Human Rights Commissioners for their unexpired term and the Clerk of Parliament should communicate this decision to the Ministry of Finance. I hope the Clerk of Parliament has taken note of my orders. Please summon the Minister of Finance and the Financial Secretary to meet with the Leadership of Parliament tomorrow at 1:00 p.m.

Honourable members, I want to remind Members of the Legislative Committee to ensure that the report on the ACC [Amendment] Act is presented before this House not later than Thursday, 11<sup>th</sup> April, 2019.

*[Question Proposed, Put and Agreed to]*

*[Motion of the Committee on Appointments and the Public Service has been approved]*

### **ADJOURNMENT**

*[The House rose at 2:45 p.m. and was adjourned to Tuesday, 9<sup>th</sup> April, 2019 at 10:00 a.m.]*