



OFFICE OF THE CLERK OF PARLIAMENT
PARLIAMENT BUILDING
OAU DRIVE, TOWER HILL
FREETOWN



E-mail: sierraleoneparliament@hotmail.com/admin@parliament.gov.sl

23rd November 2022

PRESS RELEASE



RULING

By

Rt. Hon. Dr. Abass Chernor Bundu, Speaker of Parliament

On

The Riotous Behaviour of Some Members of Parliament in the Chamber of Parliament
on 23rd November 2022

A. Background

1. At its sitting on Wednesday, 23rd November 2022, Parliament had before it a Government Motion for the laying on the Table of the House two Statutory Instruments Nos. 13 and 14 of 2022 respectively published in the Sierra Leone Gazette on 16th November 2022. These Instruments contained Regulations by the Electoral

Commission of Sierra Leone (ECSL) designed to give effect to the District Block Representation System, a form of Proportional Representation enshrined in section 38A of the Constitution of Sierra Leone 1991. Section 38A had become part of the Constitution in 2001 by way of a Constitutional Amendment through Act No. 15 of 2001 and had in fact been applied once in the General Elections of 2002. It was now being proposed by the ECSL to apply it again in the Parliamentary and Local Council Elections slated for the 24th June 2023. The Motion was brought to the House by the Deputy Attorney-General & Minister of Justice, Umaro Napoleon Koroma, Esq.

2. However, even before the Minister could move the Motion in the House, Hon. Hassan Sesay, Opposition Whip who on the day doubled as the Acting Leader of the Opposition in the absence abroad of the substantive Leader, rose on a point of order. He proceeded to proffer an elaborate argument on why the Motion should not be entertained by the House. This was followed by a response from Hon. Mathew Nyuma, Leader of Government Business, who was equally expansive on why the Motion should be allowed. I intervened to stop them, advising both Honourable Members to hold fire and not to put the cart before the horse. The arguments advanced by both sides were more germane to a Motion for Annulment of the Statutory Instruments after they shall have been laid as provided for in subsection (7) of section 170 of the Constitution of Sierra Leone 1991.

3. The Acting Leader of the Opposition persisted in making his presentation despite several exhortations and warnings to cease and desist as all his arguments at that stage appeared to be premature. His persistence eventually gave rise to a pandemonium in the House when all hell broke loose and a riot ensued with even strangers in the gallery participating in the fray by throwing a dagger and other objects at the Members of Parliament below in the Well. Altogether it culminated in a violent and devastating attack on the Chamber mainly from the Opposition Benches, with huge flower vases used as decoration being turned into missiles for throwing at each other. Injuries were inflicted on some Members of Parliament, tables and chairs unhinged and damaged, communication equipment and other property belonging to the House and valued at NLe380,000 also maliciously damaged and the sitting for that day temporarily disrupted. I myself was compelled to seek refuge in my Chambers

until the situation quietened and was brought under control through the removal of the Members of the Opposition from the Well of Parliament by the Sierra Leone Police. After calm was restored in the Well, the proceedings of Parliament resumed and the Deputy Minister of Justice was able to lay the two Instruments on the Table of the House. In accordance with the provisions of subsection (7) of section 170 of the Constitution of Sierra Leone 1991, these Instruments will mature into law after 21 days or sooner if there is a motion calling for their annulment in which case they will take effect immediately after the motion is voted upon and is unable to obtain the affirmative votes of two-thirds of the Members of Parliament.

4. The incident in the Well was variously captured by the official CCTV cameras of Parliament as well as in private videos that have been widely circulated and shown on social media around the world.

5. From the Report tendered and read to the House by the Clerk of Parliament immediately after the incident, there is strong evidence pointing to at least three Members of Parliament, among others, as the main perpetrators of the attack on the Chamber of Parliament. They are:

- (i) Hon. Aaron Aruna Koroma - Constituency 048
- (ii) Hon. Lahai Marah - Constituency 042
- (iii) Hon. Abdul Karim Kamara - Constituency 059

6. The Inspector-General of Police wrote to me on 24th November 2022 requesting that I release these Members of Parliament to assist the Police with their investigation into the incident.

B. Characterisation of the Incident: Contempt or Crime

7. The questions that immediately arise from this incident are as follows:

(i) Should the incident of 23rd November be treated as constituting ordinary criminal offences and as such be referred to the Sierra Leone Police for investigation and prosecution under the criminal law of the land? Or

(ii) Should it be treated as a matter of contempt of Parliament and as such kept within the exclusive domain of Parliament for punishment?

8. In addressing these questions, it is pertinent to draw attention to the provision of the Constitution in section 96. However, that provision seems to embody some element of double punishment usually referred to as double jeopardy in criminal law. It reads as follows:

“Where an act or omission which constitutes contempt of Parliament is an offence under the criminal law, the exercise by Parliament of the power to punish for contempt shall not be a bar to the institution of proceedings under the criminal law.”

C. Contempt of Parliament

9. For present purposes, this House will confine itself only to the element of contempt of Parliament. With the utmost regret, it has to be admitted that the history of this Fifth Parliament has been replete with irrefutable evidence of disorderly and riotous behaviour by some Members of Parliament bringing dishonour, disrepute and disdain to the dignity and image of Parliament. Thus, not only is our history in this Parliament apparently moving in reverse, impunity is also incrementally gaining the unenviable status of companion to some Members of Parliament. For example, there was the attack on Parliament and its properties on 25th April 2018. Again, on 19th April 2021, a similar attack on Parliament took place at the Freetown International Conference Centre at Aberdeen. And again here in this Well there was an attack on the Chamber on 23rd November 2022. The last two attacks came about as a result of some Members of Parliament, all of them from the Opposition Benches, violently refusing to adhere to the simple rules of decorum of the House when Statutory Instruments are about to be laid in the House by Government Ministers. Altogether, infamously, the impression is inescapable that our democratic values are tumbling down and are being made to look like the *reductio ad absurdum*.

10. If manifestations of high emotions were restricted to the rhetoric alone, the decency of which must predicate all debates in the House, all would be forgiven because the framers of our 1991 Constitution themselves had accepted it as wholly consistent with hallowed parliamentary practice the world over and accordingly had

endowed it as absolutely privileged in the language of Section 99 of the Constitution, which reads and I quote:

“Subject to the provisions of this section, but without prejudice to the generality of section 97, no civil or criminal proceedings shall be instituted against a Member of Parliament in any court or place outside of Parliament by reason of anything said by him in Parliament.” (Emphasis added).

11. This provision of section 99 in effect reinforces the freedom of speech and debate granted to the Members of Parliament by section 98 thus:

“There shall be freedom of speech, debate and proceedings in Parliament and that freedom shall not be impeached or questioned in any court or place out of Parliament.”

12. However, to this freedom to Members of Parliament there are corresponding responsibilities imposed on them. These responsibilities are clearly enunciated in section 97 as follows and I quote:

“The responsibilities of the Members of Parliament shall include the following-

(a) All Members of Parliament shall maintain the dignity and image of Parliament both during the sittings in Parliament as well as in their acts and activities outside Parliament.

(b) All Members of Parliament shall regard themselves as representatives of the people of Sierra Leone and desist from any conduct by which they seek improperly to enrich themselves or alienate themselves from the people.”

13. Returning once more to the terms of section 99, what it protects wholly and absolutely is anything that is said and said decently by the Members of Parliament in Parliament and not what they say indecently, recklessly or maliciously. The latter is completely outside the protection of that provision. And where a Member transgresses beyond its permissible boundaries, and the Speaker so opines, the matter must be committed to the Committee of Privileges for inquiry and the findings of the Committee must be reported to Parliament within 30 days. Where the statement of a Member of Parliament is adjudged to be defamatory, that member is

liable to render an apology at the bar of Parliament within seven days. If he refuses to render an apology the Speaker shall suspend the Member for the duration of the session of Parliament with the consequential loss of privileges, immunities and remuneration.

14. All of what I have stated so far relates solely to what is spoken by the Member of Parliament in Parliament and is adjudged to be defamatory. This begs two questions: first, what about conduct other than the spoken word of a Member of Parliament? Second, what is the jurisdiction or mandate of the Committee of Privileges in such circumstances? And here, in respect of the incident of 23rd November, we are dealing with not just what was said by the Members of Parliament; we are dealing also with several other things like actual assault, physical fighting, throwing of missiles, throwing of knives and destruction of property belonging to Parliament. Is such action or misconduct entitled to protection under section 99? I think not. Is it within the ambit of contempt of Parliament as defined in section 95 of the Constitution? I should think so. That section defines "contempt of Parliament" as "any act or omission which obstructs and impedes Parliament in the performance of its duties, or which obstructs or impedes any Member or officer thereof in the discharge of his duties or affronts the dignity of Parliament, or which tends either directly or indirectly to produce such a result shall be a contempt of Parliament." Does the Committee of Privileges have jurisdiction to handle such matters? The answer must be in the affirmative as Standing Order 70(11)(a) lists Section 95 as among the provisions of the Constitution that fall within the mandate of the Committee of Privileges to investigate and report to the House.

15. The Constitution itself does not specifically address the issues currently in hand but arguably they come within the rubric of contempt of Parliament. The silence of the Constitution is one that is not difficult to understand. The framers of our Constitution never anticipated that a person so highly exalted and called honourable, indeed a law maker for that matter, could ever even think of shedding his high exalted endowment and descend so low to the level of a vagabond or a street fighter. So today we are faced with a situation that is entirely unique and probably never contemplated

by the framers of the Constitution. An honourable man turned vagabond but who surely cannot and should not go unpunished.

16. Parliamentary privilege is the sum total of certain fundamental rights of Parliament and its members which are generally accepted as necessary for the exercise of their sacred constitutional functions. Parliament and its members must be seen as complementary to each other because the House cannot perform its constitutional functions without the unimpeded use of the services of its Members. This ancillary character is the distinctive mark of a privilege. Though part of the law of the land, it is to a certain extent an exemption from the ordinary law. From the import of the provisions in section 99 of the Constitution, it is clear to me that the intention was to grant to the Members of Parliament a certain degree of protection when they make statements in Parliament but it does not and cannot afford protection to Members of Parliament for statements that are found to be reckless or malicious; still less can it afford any protection to a Member of Parliament for acts that constitute assault or malicious damage to property. Such acts properly constitute contempt of Parliament because they obstruct and impede Parliament in the performance of its functions as well as an affront to the dignity of Parliament. Fighting, throwing of missiles and malicious damage to Parliament's property fall into that category.

17. Accordingly such gross misconduct in the House is deserving of the most severe punishment including the loss of status as a Member of Parliament, withdrawal of privileges and immunities as well as loss of remuneration.

18. That said, as we count down the months and days left to the next General Elections on 24th June 2023, there has been a noticeable escalation of the crudest profanity and most incendiary political rhetoric ever which is excessively overheating the political space as if they are foretelling an even bigger crisis ahead in the few months and days remaining to the General Elections. No civilized society can accept this unsavoury development and it must be condemned without reservation and stamped out at once. The failure to do so is in effect to continue to encourage the subversion of the political climate; a climate that is likely to grow exponentially unstable, riven with mistrust and mutual intolerance, fuelled by wild accusations and innuendoes and

online bullying, a dialogue of the deaf drowning each other out with heavy noise and shame; and, in a sense, making democracy to look unhinged and outlandish. We cannot and must not allow this to prevail in our society. They are most unworthy of the quiet and peaceful people or the country we call like our Sierra Leone. The extant images and landscape of the darkest years of the 1990s should provide a stark reminder to all of us of the consequences of the failure of democracy in yesteryears; and we certainly cannot afford another failure. Therefore the people we elect as our representatives to Parliament must learn to listen, to be tolerant of one another and to play the game of politics strictly by the rules. Those who feel they cannot play by the elementary rules of decency and civilized behaviour do not deserve the people's trust to be elected to this Well nor to call themselves honourable. And I would like to reaffirm to this Parliament and the nation at large that under my watch this House of Parliament will have no room to accommodate those who degenerate to the abyss of renegades and hoodlums and pose a serious threat to our democracy and the safety of our citizenry.

19. The privileges of this House would be entirely ineffectual to enable it to discharge its functions, if it had no inherent power to punish offenders, to impose disciplinary measures against its Members, or to enforce obedience to its commands.

20. Taking all the facts and circumstances of the inglorious incident of 23rd November into account, and in exercise of both the powers contained in S.O. 43 and those vested in me as Speaker and in order to provide a deterrent against similar action in future, I have decided as follows:

1. That Hon. Aaron Aruna Koroma of Constituency 048; Hon. Lahai Marah of Constituency 042 and Hon. Abdul Karim Kamara of Constituency 059 shall withdraw indefinitely from all proceedings in the House until a final determination is made by the House from the recommendations of the Committee of Privileges to which their misconduct is hereby committed. Until then all their privileges, immunities, remuneration and allowances are withdrawn;

2. That they pay equally to Parliament within two weeks the total amount of NLe380,000 being the cost of the properties of Parliament damaged as a result of the attack on the Chamber on 23rd November 2022 and that if they fail to pay the said

amount within the time thus stipulated that it shall be deducted from any gratuities due to them at the end of the life of this Fifth Parliament;

3. That with immediate effect no strangers be allowed into the galleries of the Well of Parliament except by official invitation from the Office of the Speaker and all strangers so invited shall be subjected to proper search before admission;

4. That with immediate effect no strangers be allowed to enter the premises of Parliament with mobile phones, drinks and food items;

5. That with immediate effect all drivers to Members of Parliament shall only be allowed to stay in their vehicles or in the vicinity of where their vehicles are parked.

6. That for the avoidance of double punishment no further action shall be taken by the Sierra Leone Police against the three Members of Parliament aforementioned;

7. That appropriate action shall be taken by the Sierra Leone Police against all the strangers who participated in the incident of 23rd November 2022.

Hon. Members, this is my Ruling.

Rt. Hon. Dr. Abass Chernor Bundu

Speaker of Parliament

30th November 2022