



Afioga Satiu Simativa M. Perese
CHIEF JUSTICE
 SUPREME COURT
 CHIEF JUSTICE'S CHAMBERS
 COURT HOUSE, MULINUU

THE INDEPENDENT STATE OF SAMOA
SUPREME COURT OF SAMOA

Faasalalauaga Faalauaitete Aso 3 Setema 2021

OTOOTOGA O FAAIUGA A LE FAAMASINOGA MAUALUGA I TALOSAGA MA TALOSAGA TETEE O LE FAIGA PALOTA 9 APERILA 2021

Tulouna ia le Paia o Samoa auauatā o Samoa i ona tulaga faalupelupeina; I ou Paia faale-Ekalesia, Paia faale-Atunuu, Ma ou mamalu faale-Mālo. Tulouna ia. Tulouna lava!

Ua a'e malō nei faiva o le Faamasinoga Mauualuga o le Mālo Tuto'atasi o Samoa, e pei ona feagai ai ma le iloilogaga o Talosaga ma Talosaga Tetee o le Faiga Palota aoao a si o tatou atunuu sa faia i le Aso 09 Aperila 2021.

Ua fa'amālo tapua'i Samoa i ou paia ma mamalu fa'alupelupeina. A na lē seanoa a outou nōgāmanū i le Atua, semanū e a'e fua faiva o le Faamasinoga a Samoa. E saga faafetaia ai le agalelei o lo tatou Atua, o loo faavae ai si o tatou atunuu pele, ona o lona Agaga sa faatonutonu folau, ua sao ma uli ai faiva faale-Faamasinoga a le Faamasinoga Mauualuga. O la matou tatalo, ia iai pea le filemu o le Alii i si o tatou atunuu ma ia maua pea le to'amalie ma le nofolelei.

Ma lo'u fa'aaloalo tele, e faailoa atu ai mo le silafia e lo tatou atunuu le ootoga o faaiuga a le Faamasinoga Mauualuga i talosaga ma talosaga tetee o le Faiga Palota aoao a le atunuu sa faataunuu i le Aso 09 Aperila 2021.

Ua mae'a fofogaina i luma o le Faamasinoga Mauualuga Talosaga o le Faigapalota faatasi ai ma Talosaga Tetee, ma ua tuuina atu foi le Ripoti ma Tusi Faamaonia o Faamasino o le Faamasinoga Mauualuga i lana Afioga i le Fofoga Fetalai, Afioga Hon. Papalii Taeu Masipa'u.

Ua faailoa i siata o lo o fa'aalia i lalo taunuuga autu nei;

1. I lona aofaiga, e 28 Talosaga mo le Faigapalota ma le 27 Talosaga Tetee na faaulu mai i le Faamasinoga Mauualuga, e nao le 11 na suesueina, ma le 17 na toe faai i tua.
2. I le 11 o mataupu na suesue e le Faamasinoga, e 4 mataupu sa tuuina mai ai iuga a le faamasinoga e faaleaogaina ai faaiuga o le faiga palota ona o faiga tauvalea. O Itumalo na aafia e aofia ai:

- a. Aana Alofi Nu. 2 – na faamaonia ai moliaga e 5 o faiga faaoloataua o le Itu Tetee iā Aiono Afaese Toleafoa
 - b. Aleipata Itupā i Lalo – na faamaonia ai moliaga e 13 o faiga faaoloataua ma le 8 i faiga sese faatosina faasaga iā Fiugalu Eteuati Eteuati.
 - c. Falealili Nu. 2 – na faamaonia ai faiga tauvalea, faaoloataua ma faatosina sese a le Itu Talosaga iā Veletaloola Fuimaono Lotomua Avauli faatasi ai ma le Itu Tetee iā Fuimaono Teo Samuelu Atiifale.
 - d. Sagaga Nu. 2 - na faamaonia solitulafono a le Itu Tagi ma le Itu Tetee. O Maualaivao Patelesio Ah Him na faamaonia le 10 moliaga o faiga faaoloataua ma le 1 le moliaga o faiga sese faatosina. O Seiuli Ueligitone Seiuli e faamaonia le 13 faiga faaoloataua ma le 2 moliaga o faiga sese faatosina.
3. O le 7 o Talosaga na totoe mai I le 11, e 6 talosaga ma talosaga tetee na faaleaogaina ma lē faamaonia. E tasi le mataupu na faaleaogaina ai le talosaga a le Itu Talosaga ae faamaonia le Itu Tetee.
4. I le 17 o mataupu na toe faau i tua, e 3 mataupu e aafia ai sui na manumalo mai i o latou Itumalo I itu tali, ma ua faamavae mai i ð latou nofoa, e tusa ai o aiaiga o le toe faau i tua. O le to'a 2 o sui ia, e le mafai ona toe tauva i Palota Laiti. O le isi to'atasi na faamavae ma le manao e toe tauva i le Palota Laititi, ae ua faasee atu i le Fofoga Fetalai mo lana faatatau tatau, ona e lei mafai e Faamasino sa faamoemoe e fofogaina le mataupu, ona logoina atu i le Fofoga Fetalai pe sa aafia ai ni fuafuaga o faiga tauvalea.

ENGLISH VERSION

The Electoral Petitions and Counter Petitions have now been heard, and I have submitted the reports and certificates of the Justices of the Supreme Court to the Speaker, the Honourable Papali'i Taelu Masipa'u. We note from the charts below the following key outcomes.

1. A total of 28 Electoral Petitions and 27 Counter Petitions were filed with the Supreme Court. 11 of these cases went to trial, and 17 were withdrawn.
2. With respect to the 11 trials, there were 4 trials which resulted in elections being voided for corrupt practices; the Constituencies affected are:
 - a. Aana Alofi Nu. 2 – where the respondent Aiono Afaese Toleafoa was found guilty of five counts of bribery;
 - b. Aleipata Itupa i Lalo – where 13 allegations of bribery and 8 allegations of treating were found against the respondent – Fiugalu Eteuati Eteuati.
 - c. Falealili Nu. 2 – where both the petitioner, Velataloola Fuimaono Lotomua Avauli, and the respondent, Fuimaono Te'o Samuelu Atiifale, were found guilty of committing the corrupt practices of bribery and treating.
 - d. Sagaga Nu. 2 – where both the petitioner Maualaivao Patelesio Ah Him, and the respondent, Seiuli Ueligitone Seiuli, were both found guilty of 10 and 13 counts of bribery, respectively, and 1 and 2 counts of treating, respectively.
3. The balance (7) of the 11 trials can be accounted as follows: in 6 of them the electoral petitions and counter petitions were dismissed as not being proved. There was a further 1 trial where the petition was dismissed, but the counter petition was proved.

4. There were 17 withdrawals, as set out below. Of these withdrawals, three involved the respondent, the winner of the constituency, resigning his or her seat, as a condition of the withdrawals. Two of these respondents will not contest the by election, but one intends to resign and run in the by election. We have referred this person to the Speaker for his further consideration as the Justices allocated to hear the case were not able to report to the Speaker that the withdrawal did not involve a corrupt arrangement.

S. Perese

Satiu S M Perese
CHIEF JUSTICE

Election Petitions – Proceeded for Hearing

	Territorial Constituency	Parties	Date of Decision	Outcome (brief summary)
1.	<i>Aana Alofi Nu. 2</i> (MISC113/21) Justice Tuatagaloa and Justice Roma	Lolomatauama Eseta Faalata Mataituli v Aiono Afaese Toleafoa	16 August 2021	Respondent is found guilty of all five (5) counts of bribery. void – by election
2.	<i>Aana Alofi Nu. 3</i> (MISC98/21) Justice Nelson and Justice Tuala Warren	Ili Setefano Taateo Tafili v Agaseata Valelio Tanuvasa Peto	25 June 2021	Petition is dismissed in its entirety. Petitioner is guilty of two counts of the corrupt practice of bribery.
3.	<i>Aleipata Itupa I Lalo</i> (MISC95/21) Justice Tuatagaloa and Justice Vaai	Tafua Maluelue Tafua v Fiugalu Eteuati Eteuati	05 July 2021	Thirteen (13) allegations of bribery and eight (8) allegations of treating against the Respondent are proven beyond reasonable doubt. Five (5) allegations of bribery, and five (5) allegations of treating against the Petitioner are dismissed. void – by election
4.	<i>Anoamaa Nu. 2</i> (MISC111/21) Justice Vaai and Justice Roma	Toomata Norah Leota v Lauofo Fonotoe Nuafesili Pierre Lauofo	21 July 2021	The petition is dismissed in its entirety. Petitioner is guilty of illegal practice for the 7 envelopes of cash.
5.	<i>Faasaleleaga Nu. 2</i> (MISC97/21) Chief Justice Perese and Justice Tuala Warren	Gatoloaifaana Amataga Gidlow v Magele Sekati Fiuai	21 June 2021	Both petition and counter petition – dismissed

6.	<i>Falealili Nu. 2</i> (MISC100/21) Justice Nelson and Justice Vaai	Veletaloola Fuimaono Lotomua Avauli v Fuimaono Te'o Samuelu Atiifale	16 August 2021	Respondent is guilty of committing the corrupt practices of bribery and treating. Petitioner is also guilty of committing the corrupt practices of bribery and treating. void – by election
7.	<i>Faleata Nu. 1</i> (MISC108/21) Chief Justice Perese and Justice Roma	Salausa John Ah Ching v Manuleleua Paletasala Talitau Tovale	30 June 2021	Petition – dismissed. *no counter petition (application for leave to file, declined).
8.	<i>Sagaga Nu. 1</i> (MISC115/21) Chief Justice Perese and Justice Tuala Warren	Papalii Tavita Moala v Loau Keneti Sio	17 August 2021	Both petition and counter petition – dismissed
9.	<i>Sagaga Nu. 2</i> (MISC89/21) Justice Nelson and Justice Roma	Maualaivao Patelesio Ah Him v Seiuli Ueligitone Seiuli	18 June 2021	Petitioner - found guilty of 10 counts of bribery and 1 count of treating. Respondent - found guilty of 13 counts of bribery and 2 counts of treating. void – by election
10.	<i>Salega Nu. 1</i> (MISC93/21) Justice Tuatagaloa and Justice Roma	Afualo Luagalau Wood Salele v Fepuleai Faasavalu Faimata Sua	25 June 2021	Petition is dismissed in its entirety. The counter petition against the Petitioner has been proven beyond reasonable doubt.
11.	<i>Vaisigano Nu. 1</i> (MISC102/21) Chief Justice Perese and Justice Nelson	Lopao Natanielu Mua v Niuava Eti Malolo	16 July 2021	Both petition and counter petition – dismissed

Election Petitions – Withdrawn by Leave and Dismissed

	Territorial Constituency	Parties	Date of Petition -Withdrawn	Outcome
12.	<i>Aana Alofi Nu. 1</i> (MISC107/21) Justice Tuatagaloa and Justice Tuala Warren	Taueva Faafoina Mupo Sauvao v Fesolai Apulu Tusiupu Tuigamala	23 June 2021	withdrawn by leave & dismissed – seat remains
13.	<i>Aana Alofi Nu. 4</i> (MISC106/21) Justice Nelson and Justice Tuala Warren	Afamasaga Toeolesulusulu Lepuiai Rico Tupai v Toeolesulusulu Cedric Pose Salesa Schuster	09 July 2021	withdrawn by leave & dismissed – seat remains
14.	<i>Aiga I le Tai</i> (MISC104/21) Justice Roma and Justice Vaai	Ifopo Matia Filisi Jahnke v Auapaau Mulipola Aloitafula	07 July 2021	withdrawn by leave & dismissed – seat remains
15.	<i>Faasaleleaga Nu.1</i> (MISC105/21) Justice Tuatagaloa and Justice Tuala Warren	Silipa Epa Tuioti v Matamua v Matamua Seumanu Vasati Sili Pulufana	12 July 2021	withdrawn by leave & dismissed – seat remains
16.	<i>Faasaleleaga Nu. 3</i> (MISC103/21) Justice Nelson and Justice Roma	Namulauulu Papalii Leota Sami v Papalii Lio Taeu Masepau	03 August 2021	withdrawn by leave & dismissed – seat remains
17.	<i>Falealupo</i> (MISC96/21) Justice Nelson and Justice Roma	Fuiono Tenina Chricton v Leota Tima Leavai	02 July 2021	withdrawn by leave & dismissed Respondent to resign – by election – respondent does not intend running in by election.
18	<i>Falelatai & Samatau</i> (MISC94/21)	Pa’u Roy Ausage v Lupematasila Galumalemana Tologata Tile Leia	02 July 2021	withdrawn by leave & dismissed – seat remains

	Justice Roma and Justice Vaai			
19.	<i>Gagaemauga Nu. 1</i> (MISC109/21) Chief Justice Perese and Justice Nelson	Laufou Alofipo Faamanu Manase v Tuala Tevaga Iosefa Ponifaso	28 July 2021	withdrawn by leave & dismissed – seat remains
20.	<i>Gagaifomauga Nu. 2</i> (MISC91/21) Justice Tuatagaloa and Justice Vaai	Sooalo Umi Feo Mene v Vaele Paiaaua Iona Paiaaua Sekuini	15 June 2021	withdrawn by leave & dismissed – seat remains
21.	<i>Lefaga & Faleseela</i> (MISC99/21) Chief Justice Perese and Justice Tuatagaloa	Sua Tanielu Sua v Masinalupe Makesi Masinalupe	01 July 2021	withdrawn by leave & dismissed – seat remains
22.	<i>Palauli Nu. 1</i> (MISC110/21) Justice Tuatagaloa and Justice Roma	Tupai Avala Savaiinaea v Mulipola Anarosa Ale Molioo	19 July 2021	withdrawn by leave & dismissed – seat remains
23.	<i>Safata Nu. 1</i> (MISC114/21) Justice Nelson and Justice Vaai	Afemata Palusalua Faapo v Leaana Ronnie Posini	03 August 2021	withdrawn by leave & dismissed – seat remains
24.	<i>Safata Nu. 2</i> (MISC116/21) Justice Tuatagaloa and Justice Tuala Warren	Laumatiamanu Mathew Ringo Purcell v Nonu Teo Lomialagi Lose Niumata	14 July 2021	withdrawn by leave & dismissed Respondent to resign – by election - respondent does not intend running in by election.
25.	<i>Sagaga Nu. 4</i> (MISC101/21) Justice Tuala Warren and Justice Roma	Tagaloatele Poloa v Tuisa Tulimasealii Tasi Patea	28 July 2021	withdrawn by leave & dismissed Respondent to resign – by election – respondent intends to run again in by election

26.	<i>Siumu</i> (MISC112/21) Chief Justice Perese and Justice Roma	Tuuu Amaramo Sialaoa Pagamalie v Tuuu Anasii Leota	23 July 2021	withdrawn by leave & dismissed – seat remains
27.	<i>Vaimauga Nu. 1</i> (MISC92/21) Chief Justice Perese and Justice Vaai	Fuatimau Maumea Leniu v Sulamanaia Fetaiai Tauiliili Tuivasa	22 June 2021	withdrawn by leave & dismissed – seat remains
28	<i>Vaimauga Nu. 3</i> (MISC117/21) Justice Nelson and Justice Vaai	Ve’atauia Faatasi Puleiata v Tapunuu Niko Lee Hang	27 July 2021	withdrawn by leave & dismissed – seat remains

END OF PRESS RELEASE
