

IN THE SUPREME COURT OF SAMOA

HELD AT APIA

IN THE MATTER

of Election Petitions as per Part 14 of
the Electoral Act 2019

BETWEEN

MULIPOLA LEIATAUALETAUA
LEIATAUALESA LAKI, candidate
for the Constituency of Aiga ile Tai.

PETITIONER

AND

AUAPAAU MULIPOLA
ALOITAFUA MULIPOLA elected
Candidate for the Constituency of
Aiga ile Tai.

RESPONDENT

NOTICE OF RESPONDENT'S RESPONSE TO PETITIONER'S ELECTION PETITION AND COUNTER
PETITION

TAKE NOTICE that the First Respondent, through counsel, will seek Orders:

- (a) Striking out the Petitioner's petition;
- (b) **In the alternative**, dismissing all allegations of bribery and treating against the Respondent as set out in the Petitioner's Petition dated 18 September 2025;
- (c) Declaring that the Petitioner committed acts of bribery and treating as set out in this response contrary to section 94 of the Electoral Act 2019 ("**the Act**"), thus guilty of corrupt practices pursuant to section 94, 96 and 97 of the Act;
- (d) Upon the making of the Order sought under paragraph (c), disqualifying the Petitioner from contesting in any ensuing by-election;
- (e) Finding that the Petitioner made a false declaration dated 17 September 2025 and therefore committed an offence and is liable to the penalties provided under section 23 of the Oaths, Affidavits and Declarations Act 1963 pursuant to section 111 (2) of the Act;

- (f) **In the alternative**, declaring that the election of the Respondent is not void by reason of the general prevalence of corrupt or illegal practices in AIGA I LE TAI pursuant to section 117 (2) of the Act;
- (g) As to costs, including Court and Solicitor costs, in favour of the Respondent; and
- (h) Or such other relief as the Honourable Court deems just.

ON THE GROUNDS THAT:

(A) GROUNDS FOR STRIKE OUT:

- (a) The Petition is an abuse of the Court's process in that first and second allegation of bribery dated 22 February and 1 March 2025 are long before dissolution of parliament and public notification of an election to take place in the year 2025 and thus no bribery could have occurred to induce a voter to vote when there was no intention of an election in the year 2025 at the relevant time and I deny that such acts of bribery ever occurred;
- (b) The allegation of bribery dated 26 July 2025 is clearly a made up story given the alibi evidence provided for that day;
- (c) The allegation of bribery in an unknown date spanning from 1 August 2025 to 31 August 2025 is again clearly a made up story relying on the same witness who made up the story of bribery dated 26 July 2025 and trying to corroborate his story with an attached letter of his sister to his affidavit of which the Respondent objects to the admission of such evidence through a letter attached to an affidavit rather than an actual affidavit from Pene Kaisa and furthermore with the phone records provided clearly showing that this also was a made up story by the Respondent;
- (d) The allegations of bribery on 23 August 2025 is explained in that this was a village meeting of which the sub-village had raised funds from numerous matai of the village who contribute monotaga to "tali" the village as per usual village meetings for Salua Manono-Tai but these witnesses have twisted it to make it seem like they received the food and money from the Respondent with no evidence at all in their affidavits to link the money and food to the Respondent, clearly showing again a made up story or a fictional narrative of events;
- (e) **All** allegations of treating are again related to the meeting of 23 August 2025 twisting and creating a fictional narrative of events to say that the food from the village meeting

was from the Respondent without providing any evidence that the food and any money received was from the Respondent; and

- (f) There is insufficient evidence presented in the affidavits to link the allegations of bribery treating to the Respondent.

(B) RESPONSES TO ALLEGATIONS OF BRIBERY AND TREATING AGAINST THE RESPONDENT:

- a) The Respondent denies all allegations of bribery or treating outlined in the Petition by the Petitioner dated 18 September 2025 to induce a voter to vote or refrain from voting and puts the Petitioner to proof thereof;
- b) AND FURTHERMORE repeats paragraph (a) to (f) under grounds for strike out outlined in this Response.
- c) AND FURTHERMORE outlined in the affidavits filed in support of this Response and Counter-Petition.

AND BY WAY OF COUNTER PETITION:

(C) COUNTER ALLEGATIONS OF BRIBERY AGAINST THE PETITIONER

The Respondent further says that the Petitioner and/or through an agent or representative committed acts of bribery and treating contrary to the Act, and is thus guilty of corrupt practices pursuant to section 94 and 96 of the Act:

Particulars

- I. On **Saturday 23 August 2025**, at Salua, Manono-Tai, the Petitioner, gave **\$100.00tala** cash to **Aterisa Mose** a voter of Aiga ile Tai, with the intent of inducing the voter to vote, such conduct amounting to the corrupt practice of bribery pursuant to section 94 and section 96 (2)(a) (c) of the Electoral Act 2019.
- II. On **Saturday 23 August 2025**, at Satoi, Manono-Tai, the Petitioner, gave \$100.00tala to Aterisa Mose in the presence of her family of which **\$30.00tala** cash was then distributed to **Miriama Kerisiano Isaia** a voter of Aiga ile Tai, with the intent of inducing the voter to vote, such conduct amounting to the corrupt practice of bribery pursuant to section 94 and section 96 (2)(a) (c) of the Electoral Act 2019.
- III. On **Saturday 23 August 2025**, at Satoi, Manono-Tai, the Petitioner, gave \$100.00tala to Aterisa Mose in the presence of voters of her family of which **\$30.00tala** cash was then distributed to **Julie Mulipola** a voter of Aiga ile Tai, with the intent of inducing the voter to vote, such conduct amounting to the corrupt

practice of bribery pursuant to section 94 and section 96 (2)(a) (c) of the Electoral Act 2019.

- IV. On Wednesday **11th June 2025**, at Matafele, the Petitioner, gave **\$100.00tala** cash to **Lilomaiava Faasalele Fuauli** a voter of Aiga ile Tai, with the intent of inducing the voter to vote, such conduct amounting to the corrupt practice of bribery pursuant to section 94 and section 96 (2)(a) (c) of the Electoral Act 2019.
- V. On **between 30th June 2025 and 1st August 2025**, at Tuanaimato, the Petitioner, through his agent Tuala Sile, gave **\$40.00tala** cash to **Uluaialofa Faaiu** a voter of Aiga ile Tai after his registration as a voter, with the intent of inducing the voter to vote, such conduct amounting to the corrupt practice of bribery pursuant to section 94 and section 96 (2)(a) (c) of the Electoral Act 2019.
- VI. On **between 30th June 2025 and 1st August 2025**, at Tuanaimato, the Petitioner, through his agent Tuala Sile, gave **\$40.00tala** cash to **Hezed Maea** a voter of Aiga ile Tai, after her registration as a voter, with the intent of inducing the voter to vote, such conduct amounting to the corrupt practice of bribery pursuant to section 94 and section 96 (2)(a) (c) of the Electoral Act 2019.
- VII. On **Friday 22 August 2025**, the Petitioner gave **\$50.00tala** cash to **Niupopo Nepo Fualau** a voter of Aiga ile Tai, with the intent of inducing the voter to vote, such conduct amounting to the corrupt practice of bribery pursuant to section 94 and section 96 (2)(a) (c) of the Electoral Act 2019.
- VIII. On **Wednesday 06th August 2025**, at Mulifanua, the Petitioner engaged the service of **Silia Apisai Pesefea** to set up a billiard tournament to be held on the **07th and 08th August 2025** at Mulifanu and thereby gave to the said Silia Apisai Pesefea trophies and **\$1000.00tala** cash to purchase food and prizes, with the intent of inducing voters to vote, such conduct amounting to the corrupt practice of bribery pursuant to section 94 and section 96 (2)(a) (c) of the Electoral Act 2019.

- IX. On **Friday 08th August 2025**, at Mulifanua, the Petitioner, gave **Silia Apisai Pesefea** \$200.00tala cash to be distributed to billiard players, with the intent of inducing voters to vote, such conduct amounting to the corrupt practice of bribery pursuant to section 94 and section 96 (2)(a) (c) of the Electoral Act 2019.
- X. On **Friday 08th August 2025**, at Mulifanua, the Petitioner, through his agent **Silia Apisai Pesefea** gave \$20.00tala cash to **Tasesa Sene** a voter of Aiga ile Tai, with the intent of inducing voters to vote, such conduct amounting to the corrupt practice of bribery pursuant to section 94 and section 96 (2)(a) (c) of the Electoral Act 2019.
- XI. On **Friday 08th August 2025**, at Mulifanua, the Petitioner, through his agent **Silia Apisai Pesefea** gave \$20.00tala cash to **Apisaloma Pesefea** a voter of Aiga ile Tai, with the intent of inducing voters to vote, such conduct amounting to the corrupt practice of bribery pursuant to section 94 and section 96 (2)(a) (c) of the Electoral Act 2019.
- XII. On **Friday 22nd August 2025**, at Mulifanua, the Petitioner, engaged the service of **Silia Apisai Pesefea** to set up a billiard tournament to be held on the 26th and 27th August 2025 and made a promise of a winning cash prize of \$400.00tala to be distributed to voters of Aiga ile Tai on the evening of the 29th August 2025 after the election, with the intent of inducing voters to vote, such conduct amounting to the corrupt practice of bribery pursuant to section 94 and section 96 (2)(3) of the Electoral Act 2019.
- XIII. On **Friday 26th and 27th August 2025**, at Mulifanua, the Petitioner, through his agent **Silia Apisai Pesefea** made a promise of winning cash prize of \$400.00tala to **Apisaloma Pesefea** a voter of Aiga ile Tai to be received on the evening of the 29th August 2025 after the election, with the intent of inducing voters to vote, such conduct amounting to the corrupt practice of bribery pursuant to section 94 and section 96 (2)(3) of the Electoral Act 2019.

TREATING

- XIV. On **Friday 08th August 2025**, at Mulifanua, the Petitioner, gave his agent **Silia Apisai Pesefea** 3 box of Taula Beer, which was then distributed to voters including

Apisaloma Pesefea and **Tasesa Sene** who are voters of Aiga ile Tai, with the intent of inducing voters to vote, such conduct amounting to the corrupt practice of bribery pursuant to section 94 and section 97 (1)(a)(i) of the Electoral Act 2019.

XV. On **Friday 08th August 2025**, at Mulifanua, the Petitioner, through his agent **Silia Apisai Pesefea** distributed food to voters of Aiga ile Tai, including Apisaloma Pesefea and Tasesa Sene, with the intent of inducing voters to vote, such conduct amounting to the corrupt practice of bribery pursuant to section 94 and section 97 (1)(a)(i) of the Electoral Act 2019.

XVI. On **between 30th June 2025 and 1st August 2025**, the Petitioner, through his agent transported **Hezed Maea** and **Uluaialofo Faaiu** to and from the office of the Electoral Commissioner at Tuanaimato for the purpose of carrying out their registration as voters for Aiga ile Tai with intent of inducing them to vote, thereby commits corrupt practice of treating pursuant to section 94 and section 97 (1)(b)(i) of the Electoral Act 2019.

Dated at Apia this 1st day of October 2025


AUAPAAU MULIPOLA ALOITAFUA MULIPOLA

To: Registrar, Supreme Court of Samoa

Copy: Sefo Ainuu, M. Lemisio Law

This Notice of Response is filed by **LUI & CHANG**, Solicitors whose address for service is at the Offices of Lui & Chang, McDonald Building, Savalalo, Apia.

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IN THE MATTER

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BETWEEN

MULIPOLA LEIATAUALETAUA
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ALOITAFUA MULIPOLA elected
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RESPONDENT

NOTICE OF RESPONDENT'S RESPONSE TO ELECTION
PETITION AND COUNTER PETITION

LUI & CHANG
Solicitors
Malifa, Apia

