

IN THE SUPREME COURT OF SIERRA LEONE

BETWEEN:

OMRIE GOLLEY AND 2 OTHERS

PLAINTIFFS

AND

THE STATE

THE HON.MR. JUSTICE S.A. ADEMOSU

DEFENDANTS

CORAM:

Hon.Mr. Justice S.C.E. Warne	JSC
Hon. Mr.Justice E.C.Thompson-Davis	JSC
Hon. Mrs.Justice V.A.D.Wright	JSC
Hon.Mr. Justice A.N.B. Stronge	JA
Hon.Ms. Justice U.H. Tejan-Jalloh	JA

C.F. Margai Esq., with R. Kowa Esq., for Plaintiff.

E.E. Roberts Esq., with L.M. Farmah Esq.,
O. Kanu Esq., A. Sesay Esq., State Counsel for the Defendants.

RULING DELVIERED THIS 16th DAY OF APRIL 2006

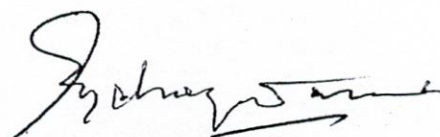
Warne JSC. Mr. Margai for the Plaintiffs submitted that the 4th question for interpretation by this Court, whether the continuous presence by the trial Judge Mr. S.A. Ademosu is not a violation of Section 136(2)(3) and Section 137(2)(3) of the Constitution of Sierra Leone Act No.6 of 1991, can be judiciously heard by the panel as constituted with the exception of Justice Umu Hawa Tejan Jalloh the other four Justice Sydney Warne, Justice E.C Thompson-Davis. Justice Virginia Wright and Justice A.N.B.Stronge being retirees. He submitted further that 4th issue is of such fundamental importance that it ought to be addressed.

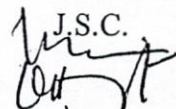
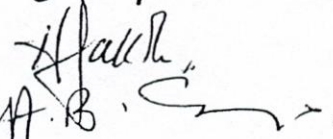
I have fully considered the submission made by Learned Counsel for the plaintiffs and carefully examined section 136 sub-section(2)(3) and (6) and section 137 sub-sections

(2) and (3) of the Constitution of Sierra Leone, Act No.6 of 1991, raised by Counsel, and I find no merit in the submission.

In my view, the whole submission is impugning the integrity of the court as duly constituted.

I therefore order that the proceeding shall commence.


Sydney Warne.

J.S.C.


A.B. C.