

S.C. MISC. APP. NO.1/2011

IN THE SUPREME COURT OF SIERRA LEONE  
 IN THE MATTER OF AN APPLICATION IN RESPECT OF THE  
 SIERRA LEONE PEOPLES PARTY (HEREIN ALSO CALLED THE  
 "SLPP" OR "PARTY") PURSUANT TO SECTIONS 122, 124(1)(a),  
 127 AND 171(15) OF THE CONSTITUTION OF SIERRA LEONE  
 ACT. NO.6 OF 1991 (HEREIN ALSO CALLED "THE NATIONAL  
 CONSTITUTION") TOGETHER WITH RULES 89 TO 98  
 INCLUSIVE OF THE SUPREME COURT RULES, STATUTORY  
 INSTRUMENT NO.1 OF 1982.

THE MATTER OF SECTIONS 34, 35(1), 35(2), 35(6), 35(8), 41,  
 42, 43, 44, 45, AND 64(1) OF THE NATIONAL CONSTITUTION

IN THE MATTER OF SECTION 6, 11, 12, 24, 26, 27 AND 29 OF  
 THE POLITICAL PARTIES ACT. NO.3 OF 2002.

IN THE MATTER OF CLAUSES 1, 2, 4, 5, 6(c) AND 6(d) AND 10  
 OF THE 1995 SLPP CONSTITUTION (AS AMENDED) (HEREIN  
 ALSO CALLED "THE PARTY CONSTITUTION") AND ALSO OF  
 THE EMERGENCY PARTY CONFERENCE OF THE SLPP HELD  
 ON 29<sup>TH</sup> JANUARY, 2011 AT BO IN THE SOUTHERN PROVINCE

BETWEEN:

DR. BU-BUAKIE JABBI - PLAINTIFF  
 (SLPP 2012 FLAGBEARER ASPIRANT)

AND

THE SIERRA LEONE PEOPLE'S PARTY  
 (SLPP) - 1<sup>ST</sup> DEFENDANT

JOHN OPONJO BENJAMIN  
 (AS NATIONAL CHAIRMAN AND  
 LEADER OF SLPP ) - 2<sup>ND</sup> DEFENDANT

JACOB JUSU SAFFA  
 (AS NATIONAL SECRETARY-GENERAL  
 OF SLPP) - 3<sup>RD</sup> DEFENDANT

ALEX MUGBE MUSA  
 (AS NATIONAL EXECUTIVE LEGAL  
 ADVISER OF SLPP) - 4<sup>TH</sup> DEFENDANT

**CORAM:**

HON. JUSTICE U.H. TEJAN-JALLOH - CJ - (PRESIDING)  
 HON. JUSTICE S. BASH-TAQI - JSC  
 HON. JUSTICE P.O. HAMILTON - JSC  
 HON. JUSTICE V.A.D. WRIGHT - JSC  
 HON. JUSTICE M.E.T. THOMPSON - JSC

**DR. BUBUAKIE JABBI PLAINTIFF-IN-PERSON**

**E.A. HALLOWAY ESQ., TEJAN-JALLOH ESQ., S.B. TEJAN-SIE  
 ESQ., A.B. LANSANA ESQ., E.N.B. NGUAKUI ESQ., NGAVAO  
 ESQ., M.I. KANU ESQ., S.S. THOMAS ESQ., U. KOROMA ESQ., S.  
 JAMIRU ESQ., FOR THE DEFENDANTS.**

**RULING DELIVERED ON 28<sup>TH</sup> DAY OF FEBRUARY, 2011**

**HON. CHIEF JUSTICE**

In the *Interlocutory Notice of Motion* dated 17<sup>th</sup> February, 2011, Dr. Bu-Buakie Jabbi, the Plaintiff herein applied to be heard on Wednesday 23<sup>rd</sup> February, 2011 for an *interim injunction*. On the 23<sup>rd</sup> February, 2011 by a *Notice of Intention* to rely on a preliminary objection, the 1<sup>st</sup>, 2<sup>nd</sup>, 3<sup>rd</sup> and 4<sup>th</sup> Defendants indicated their intention to rely upon certain preliminary objections at the hearing of the aforesaid *Interlocutory Notice of Motion* dated 17<sup>th</sup> February, 2011, to wit, lack of jurisdiction of the Court to hear and *Locus Standi* of the Plaintiff to move the *Interlocutory and Originating*

*Notice of Motion* dated 17<sup>th</sup> February, 2011 and the 11<sup>th</sup> February, 2011 respectively and filed herein.

As jurisdiction of the Court and *Locus Standi* are of paramount importance and preliminary objection could be raised at any time before the hearing of any proceedings, we agreed to hear submissions on the matter.

On Friday 25<sup>th</sup> February, 2011, Mr. Halloway Esq. of Counsel for the Defendants and the Plaintiff addressed us on both issues.

Mr. E.A. Halloway Esq. of Counsel for the Defendants submitted that the Court, i.e. the Supreme Court, lacks original jurisdiction to entertain the *Interlocutory Notice of Motion*, secondly, that the Plaintiff Dr. Bu-Buakie Jabbi, has no *Locus Standi* to invoke the Supreme Court in its original jurisdiction to make the 1<sup>st</sup>, and 2<sup>nd</sup> Declarations. In support of his contentions he refers the Court to *Section 6 of the Political Parties Act. 2001, Section 35(1), and Section 127 of the Sierra Leone Constitution Act. No.6 of 1991* (hereinafter referred to as "*The National Constitution*"). He also cites the Supreme Court decisions in the case of *Hinga Norman and Others vs. SLPP -SC. 2/2005 (unreported)* and *Hinga Norman & Sama Banya & Others vs. SLPP - SC. 3/2005 (unreported)*.

Dr. Bu-Buakie Jabbi in reply submitted that the Court has jurisdiction to entertain the *Interlocutory Notice of Motion* in that the Defendants have failed to comply with the *National Constitution*.

As regards his capacity or standing to institute the action, he submitted that he had the capacity to do so. He referred the Court to Sections 35(2), 35(6), 124, 127, 171(15) of the National Constitution Act. No.6 of 1991. He also relied on the decision of Hinga Norman & Others supra.

We have considered the submission of both sides, and have come to the conclusion that the objection is untenable and is accordingly overruled. Reasons for overruling the objection will be given later.

*[Handwritten Signature]*  
.....  
HON. JUSTICE U.H. TEJAN-JALLOH - CJ - (PRESIDING)

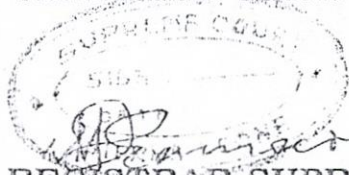
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HON. JUSTICE S. BASH-TAQI - JSC

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HON. JUSTICE V.A.D. WRIGHT - JSC

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HON. JUSTICE M.E.T. THOMPSON - JSC

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REGISTRAR SUPREME COURT