

Neutral Citation Number CC17 {2018} C2

(General Civil Division)

Case No: CC 17/2018

IN THE HIGH COURT OF JUSTICE
HOLDEN AT FREETOWN
GENERAL CIVIL DIVISION

Law Court Building
Siaka Stevens Street
Freetown
Date: 10 January 2023

Before:

THE HONOURABLE MR JUSTICE FISHER J

Between:

The State

-and-

Edmund Abu Jnr

Contemnor

VI Lansana Esq and MPH Sesay for the contemnor

Hearing date: 10 January 2023

.....
APPROVED ORDER
.....

I direct, that copies of this version as handed down may be treated as authentic.

THE HONOURABLE MR JUSTICE FISHER

The Honourable Mr Justice Fisher J:Introduction

1. In pending proceedings before me, my attention was drawn to a number of comments made by the 2nd plaintiff in this case, Mr Edmund Abu Jnr, which were calculated to bring the judiciary into disrepute, cast aspersions on the integrity of the Hon Chief Justice and the entire judiciary including myself as the trial judge. These utterances by Mr Abu were calculated to interfere with ongoing proceedings before me thereby interfering into the administration of justice,
2. In view of the fact that the matter was pending for judgement, I took the decision not to initiate contempt proceedings against Mr Abu, in order to ensure that the judgement could be delivered without distractions and solely on the basis of the evidence before the court.
3. On the 9th January 2023, I decided to dispense with personal service and issued an arrest warrant for Mr Abu in accordance with Order 51 rule 2 sub rule 2 of the High Court Rules 2007, for him to show cause why he should not be committed to prison for contempt of court.
4. On the 10th January 2023, when the arrest warrant was executed, Mr Abu proceeded to make further comments which were captured on video and published on social media, which were calculated to bring the judiciary into disrepute. After the judgement was pronounced in the pending proceedings, Mr Abu was brought into the court room and Mr Lansana and Mr MPH Sesay proceeded to plead on his behalf for this release. After listening to the pleas in mitigation, I offered Mr Abu the opportunity to purge his contempt.

5. Mr Abu's demeanour showed clearly that he had no remorse for his actions and showed a determined posture to act in a discourteous manner in the face of the court. His conduct was condescending, and he clearly was not prepared to listen to the advice of his lawyers who told him in open court to purge his contempt. Mr Abu remarked that "he did not know what he had done wrong and as far as he was concerned, he has not done anything. But if I feel he did something wrong, then he is sorry".
6. It became obvious to me that the flinging of his arms whilst casually stating he was sorry was further disrespect for the authority of the court. I decided that Mr Abu needed to be committed for contempt in the face of the court. At that point, Mr Abu turned his back and walked out of the courtroom in a vexatious manner before the proceedings were concluded.
7. I decided that Mr Abu had shown gross disrespect to the court and in the light of that contempt in the face of the court, a period of 21 days committal to prison ought to be imposed upon him,
8. It must be noted that Mr Abu is not only guilty of contempt in the face of the court for which he has been committed to prison for 21 days, there are far more serious allegations of contempt against him, which the court will enquire into in due course and take appropriate sanctions.
9. When this matter came before me on the 24th day of February 2021, the counsel for NATCOM who were the 4th defendants, Mr IF Sawaneh complained that Mr Abu had been calling the Director General of NATCOM, threatening and demanding manner, coercing him to make an offer of payment to him to settle the matter "under the table" and had

been harassing the Director General by various postings on social media and telephone calls, which threatened to bring the institution into disrepute.

10. Mr A Showers, counsel for the 1st defendant, Africell, also raised a similar complaint against Mr Abu and his conduct in similar manner to Mr Sawaneh. He prayed for the court to grant an order restraining publication of inappropriate material about the matter on social media by the 2nd plaintiff, Edmund Abu, Jnr as well as inappropriate contact with the 1st defendant. The matter was sub judice and the 2nd plaintiff Mr Abu ought not to make adversarial and prejudicial comments about the matter. He submitted that the plaintiffs should have confidence in this tribunal that justice will be done. The postings of the 2nd plaintiff were unfairly prejudicing the trial of the matter.

11. As a result of these concerns and the nature of the publications emanating from the 2nd plaintiff and his conduct in making unwarranted approaches to the defendants, I gave the following orders on the 26th day of February 2021:

1. That publications and comments shall be limited to accurate publications of the proceedings in court and no more.
2. Publications that fall outside of this order may attract both criminal and civil penalties.
3. Parties should only contact each other through recognised legal representatives with the involvement of the court. Acting contrary to these orders may also attract civil and criminal penalties.

12. Notwithstanding these orders, the attention of the court has been drawn to several adverse and prejudicial comments by Mr Abu, in breach and disregard of the court order. It is perhaps necessary that I set out the legal basis for these allegations of contempt of court.

13. Section 120 (5) of the Constitution of Sierra Leone Act 1991 gives the courts the power to punish for contempt of court and provides as follows:

(5) The Superior Court of Judicature shall have the power to commit for contempt to themselves and all such powers as were vested in a court of record immediately before the coming into force of this Constitution.

14. Similarly, the High Court Rules 2007, provides as follows:

1. (1) The power of the Court to punish for contempt of court may be exercised by an order of committal.

(2) An order of committal may be made by the Court where contempt of court- (a) is committed in connection with-

(i) any proceedings before the Court;

(ii) criminal proceedings;

(iii) proceedings in an inferior court;

(b) is committed in the face of the Court, or consists of disobedience to an order of the Court or a breach of an undertaking to the Court; or

(c) is committed otherwise than in connection with any proceeding.

15. There are two categories of contempt of court and for these purposes, I shall highlight both. Criminal contempt can take the form of contempt

in the face of the court, and is prejudicial to the course of justice, scandalising the court (where a person makes untrue allegations about a court or judge) that would undermine public confidence in the judiciary and sub judice contempt (where a person publishes prejudicial material about a pending court case) that would interfere with the administration of justice. This form of contempt can be dealt with like any other criminal offence through a punitive sanction, such as a fine or by sentencing the person to a definite term of imprisonment. The sentence of imprisonment is intended to deal with the criminal offence that has already occurred.

16. Civil contempt occurs when, for example, a person refuses to comply with a court order and also states that he or she will refuse to comply into the future. In that case, the court will commit the person to prison for contempt not for a definite term but for an indefinite period, which will end when, and only when, the person agrees to comply with the court order. The purpose of imprisonment in civil contempt is not punitive, but rather coercive: to coerce or compel the person to comply with the court order.
17. It is fundamental to the rule of law that the courts must be able to operate effectively and that there are appropriate means to ensure this. The law of contempt of court thus developed to allow the administration of justice to operate without undue obstruction or interference.
18. Because criminal contempt is a common law offence (formerly an indictable misdemeanour), it is currently punishable by any amount of fine and any sentence of imprisonment. It is thus possible that a court

could impose an unlimited fine and a sentence of life imprisonment for criminal contempt of court, although in recent years the courts often impose a sentence of a period of months, rather than years.

19. In the light of the seriousness with which the courts deal with criminal contempt, Mr Abu is now being given the opportunity to know the nature of the case against him, for which he will be facing contempt proceedings. The comments posted on social media deemed to be in contempt of this court can be set out as follows:

1. **Dec 10 2021** - Open letter to the Hon Chief Justice, describing a court order to ORANGE and AFRICELL to pay him costs of Le100,000,000.00 as "a thief stealing a cow pen full of 1 million cows and a Judge asking the thief to bring one (1) chicken as compensation", and that the delayed judgement is provoking suspicion"/
2. **Dec 28 2021** - Mr NATCOM, D floor tariff of 200 & 300 on/off - net calls per minute is super ultra vires n illegal but it is exploitative for consumers and is against free market economy. Until you drop the floor conspiracy we wont drop our case against you in court.
3. **April 12 2022** - Justice Fischer do we have 2 laws? U worried about giving ruling in D Alfred Conteh vs APC within 90 days, but you kept our ruling with ORANGE/AFRICELL for 9 months, is it because we don't do motherly invectives (Mamy cuss)? There is God Oh!

4. **May 17 2022** - President Bio can U for once listen to the peoples protest in Kenema to AFRICELL unspeakable stealing of top up, yet Justice Fisher choose to delay justice for 9 months over D case between Native Consortium v ORANGE, AFRICELL.
5. **May 17 2022** - HE Bio, U said in Parliament last week that justice delayed is justice denied, but Justice Fisher has withdrawn our case for judgement for more than 10 months which exceed D 90 days period stated in section 120(16) of D 1991 Constitution.
6. **May 26 2022** - Lander 6.a.m. this morning 26/05/22 at D JFK airport on a 2 weeks fund raising program in D US to fund ECOWAS court case between consumers vs Africell ORANGE & NATCOM in Sierra Leone. Let Pray that justice will smile on the poor consumers for once.
7. **On a date unknown between MAY 24 2022 and JUNE 29 2022 on SLBC morning coffee.** - that Justice Fisher has denied Sierra Leoneans timely justice for 10 months and if he fails to give citizens their final judgement by 30 June 2022, CSOs will call for massive protest in all facilities of Africell, ORANGE and the Chief Justice after June 30.
8. **October 5, 2022** - God will surely expose ORANGE, AFRICELL, Chief Justice Edward's & Fisher for depriving S/Leones justice for 1 yrs 2 months. It has started with ORANGE on call logs over D Aug 10 killings. No wonder Dumbuya in Guinea slam \$1Mil on ORANGE.

9. **October 5 2022** - Mortal. Man nor frade bad name frade Harkeh. ORANGE & AFRICELL breach our privacy by exposing the call logs of D 300 litigants that frog match them B4 Justice Fisher in D 1 month trial last yr. But Fisher has spent over 1 yrs to give judgement! Y?

10. **October 10 2022** - I vowed to fellow S/Leoneans on this same day Oct 2017 on SLBC Dat until consumers win the case with punitive compensatory damages (Le5Mil each) I wont cut my hair. So if you see me with Tolong pepe them it means justice Fisher is D peoples saviour.

20. In addition, Mr Abu is reputed to have made allegations against the Hon Chief Justice and myself in various whatsapp groups in relation to the judgement, and that his intelligence reveals that he had won the case even before thew judgement was pronounced.

21. In the light of the above, Mr Edmund Abu Jnr is required to attend this court to show cause as to why he should not be found guilty of contempt of court, on the basis of the matters set out above. In the circumstances. I shall make the following orders:

1. That a trial be held to determine whether Mr Edmund Abu Jnr is guilty of criminal contempt of court.
2. That the undersheriff shall serve a copy of this order on the alleged contemnor at the Correctional service at Pademba Road, forthwith.

3. The matter is adjourned to **Tuesday the 31st day of January 2023**, for the trial of the criminal contempt proceedings.

Hon Mr Justice A Fisher J