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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 29TH 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) - **1ST DEFENDANT**

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

JACOB JUSU SAFFA
(AS NATIONAL SECRETARY-GENERAL
OF SLPP) - **3RD DEFENDANT**

ALEX MUGBE MUSA
(AS NATIONAL EXECUTIVE LEGAL
ADVISER OF SLPP) - **4TH 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 28TH DAY OF FEBRUARY, 2011

HON. CHIEF JUSTICE

In the *Interlocutory Notice of Motion* dated 17th February, 2011, Dr. Bu-Buakie Jabbi, the Plaintiff herein applied to be heard on Wednesday 23rd February, 2011 for an *interim injunction*. On the 23rd February, 2011 by a *Notice of Intention* to rely on a preliminary objection, the 1st, 2nd, 3rd and 4th Defendants indicated their intention to rely upon certain preliminary objections at the hearing of the aforesaid *Interlocutory Notice of Motion* dated 17th 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 17th February, 2011 and the 11th 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 25th 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 1st, and 2nd 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)*.

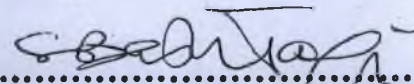
Dr. Bu-Buakie Jabbi in reply submitted that the Court has jurisdiction to entertain the *Interlocutory Notice of Motion* in that the Defendants have failed to comply with the *National Constitution*.

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*.

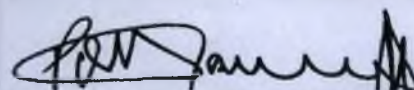
We have considered the submission of both sides, and have come to the conclusion that the objection is untenable and is accordingly overruled. Reasons for overruling the objection will be given later.



 HON. JUSTICE U.H. TEJAN-JALLOH - CJ - (PRESIDING)



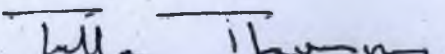
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REGISTRAR SUPREME COURT