

**IN THE SUPREME COURT OF SIERRA LEONE**  
**WEDNESDAY 16<sup>TH</sup> MARCH, 2011**

**CORAM:**

**HON. JUSTICE U.H. TEJAN-JALLOH - C.J. 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**

**MOHAMED BAI SASA KAMARA**

**AND**

**MOHAMED BAI MARU KAMARA**

**AND**

**THE NATIONAL ELECTORAL COMMISSION**

**J.B. JENKINS-JOHNSTON ESQ. - APPELLANT/APPLICANT**  
**LEON JENKINS-JOHNSTON ESQ.**

**YADA WILLIAMS ESQ. - 1<sup>ST</sup> RESPONDENT**  
**OSMAN JALLOH ESQ.**

**NO APPPREANCE - 2<sup>ND</sup> RESPONDENT**

**J.B. Jenkins-Johnston** - in addition to the motion filed this matter has track record in the sense that we commenced in the High Court and judgment went against the appellant.

**Court of Appeal** – and judgment was for 1<sup>st</sup> Respondent. We are now at the final stage in the Highest Court of the land. As I understand the term our court gives right to appellant to come to Supreme Court as of right.

**Sub** – as soon as an appeal is filed the Supreme Court is seized of matter has full jurisdiction of matter.

This application has been made necessary by the fact that judgment has been delivered 2011 it was made public that elections would be held on the 19<sup>th</sup> day of March, 2011.

At the time that we became aware of that particular information we had already filed appeal 28<sup>th</sup> February, 2011.

While matter is pending. We are now being told that something should happen relying on the decision of Court within 4 months  
Exh. F.

2<sup>nd</sup> Respondent said 19<sup>th</sup> March, 2011. While there matter pending before this Court nothing should be done that will amount to an infringement of this Court or amount to a usurpation of the powers of this Court.

Furthermore, if this elections are proceeded with on the 19<sup>th</sup> March before Court hears appeal it will seem to me that it is being suggested that the decision of the High Court if the land matters not - intolerable.



**Sub** – there is a very good reason why the Constitution of Sierra Leone has created a hierarchy of Courts wherein courses and actions proceed from High Court to Court of Appeal and Supreme Court. Section 122 of 1991 states why clearly that Supreme Court shall be final Court of appeal.

**Sub** – we must have respect for our Court and provisions not flouted or slighted.

It is but right just and sensible for what is to flow from the decision of appeal.

Also to be moved that in this same matter, the High Court had granted an injunction paragraph 5 of affidavit – blocking recognition of elected P.C. Exh. F – Court of Appeal another injunction for the purpose of ensuring that Appellant is recognized – Civ-16-2011.

**Justice Thompson** –

**Yada Williams** –

**Sub** – that order prayed for by Appellant – they have to reach certain bench marks before orders are granted.

1. For stay – must have *prima facie* good ground.
2. Evidence that should constitute special circumstances.

They have filed to meet criteria.

Exh. H. notice of appeal. Paragraph 3 of Exh. H.

Even by a cursory glance – no law. Only facts. The most serious ground of appeal is misconceived.

**Sub** – they have failed to show that they have good grounds of appeal.

2<sup>nd</sup> ambit of that ground re misdirection an appeal – Judges not guilty of misdirection.

This goes further to compound their difficulties and does not help them.

**Special Circumstance**

No evidence to show special circumstances

Paragraph I-II of affidavit of applicant narrates the history of this case.

The only other paragraph's 12, 13 and 14 – that applicant might ..... this Court to consider as special circumstance.

“Appeal would be rendered nugatory.



**Sub** – wrong preposition. That elections to be held i.e. contest the election.

**Sub** – that evidence in High Court and Court of Appeal sufficient to grant us both injunctions.

**Sub** – that if elections were further delayed atrocities might continue.

There is evidence that there is

We did not go to the High Court and Court of Appeal to prevent NEC from conducting elections.

Those applications in Exh. C and F were meant to prevent **Crowning Ceremony**.

Counsel has canvassed argument that if elections were to proceed and they lose this Court were to subsequently uphold their appeal Lokomasama will end up with and chiefs.

**Sub** – if the scenario presented by Counsel was to happen the Supreme Court.

**Sub** – the criteria for an injunction has not been meet by the other side... the claim by the applicant should not be frivolous.

**Sub** – Applicant is seeking to postpone elections for the 19<sup>th</sup> March, 2011.

Both have expended considerable amount

**Sub** – looking at the appeal. I will adopt submissions in relation for 1<sup>st</sup> ground i.e. stay of execution i.e. appeal is freevolous – no question to be tried.

**Sub** – they have not present any evidence before this Court to show their financial means.

**Sub** – if an injunction is granted the applicant will have to give an injunction.

The loss it would cause to 1<sup>st</sup> Respondent and 2<sup>nd</sup> Respondent

2<sup>nd</sup> Respondent – were attagousts in lower Courts now we are together.

**Jenkins- Johnston** – page 322 P. abg Court has to determine the matters before it, with regards stay of execution.

Seeking this Court in granting an injunction to hold this Court in status quo until the matter is determined.

**Yada** – reference to Exh. E. after the 1<sup>st</sup> Ballot. Kidnapping started.



**Jenkins-Johnston** – there shall be fresh ballots in accordance with *Chieftaincy Act*.

**Mr. ....** – P. chieftaincy is null and void

Court – having heard counsel on both sides it is hereby ordered that the status quo should be maintained i.e. that the fresh Paramount Chieftaincy Election for Lokomasama Chieftdom, Port Loko District scheduled to be held on the 19<sup>th</sup> March, 2011, be postponed until the ruling of this Court on this application is delivered.

Notices will be sent.

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**HON. JUSTICE U.H. TEJAN-JALLOH - C.J. PRESIDING**

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