CC:105/23 2023 F. N0.5

IN THE HIGH COURT OF SIERRA LEONE

(GENERAL CIVIL DIVISION)

Ruling dated the 21st July 2023

Having heard D. Barrie of Counsel for and on behalf of the Plaintiff/Applicant herein on the Notice of Motion dated the 7th day of July 2023 and the Affidavit in Support sworn to by Demba Barrie on even dates and the Six Exhibits attached thereto,

Exhibit DB1 is the Writ of Summons issued on the instruction of the Plaintiff/Applicant herein,

Exhibit DB2 deals with personal service of the said Writ of Summons instituted against the Defendants herein.

Exhibit DB3 is confirmation that service was duly received on behalf of the Defendants

Exhibit DB4 is the Appearance entered by Tanner Legal Advisory to the Writ of Summons instituted against the 2nd Defendant herein.

Exhibit DB5 and 6- indicate no Defence was entered for and on behalf of the Defendants /Respondents herein.

It is very obvious from the records before this Court that the Defendants/Respondents herein were served with the Writ of Summons on the 2nd day of June 2023, all be it, personal service as seen in Exhibits DB2 and DB3 respectively.

Counsel representing the 2nd Defendant herein entered Appearance on the 12th day of June 2023 but failed to file a Defence to the said action.

On the 19th June 2023, Counsel entered Appearance for the 1st Defendant and further made another Appearance for the 2nd

LANBUK.COM LANBUK SIERRA LEONE

Defendant, though an earlier Appearance had already been made for the 2nd Defendant.

Counsel for the Defendants/Respondents did not file a Defence as provided for under the High Court Rules 2007.

Counsel for the Plaintiff canvassed this Court, that because the Defendants/Respondents does not have a Defence that is why no Defence was filed and as such Defendants have submitted themselves to the Claims made in the Writ of Summons instituted by the Plaintiff herein.

This case is very simple and straightforward for me to decide without a marathon or plethora of legal authorities. I am convinced by the argument canvassed by Counsel for the Plaintiff herein and to epitomize same, is because the Defendants herein do not have any Defence that is why the necessary action was not taken by filing Defence and Counterclaim to the Claims of the Plaintiff and by so doing the Defendants put in issue the respectability, status and esteem of the Plaintiff herein.

Besides, I want to personally commend the Plaintiff herein as being the distinguished Head of the Sierra Leone Police Republic of Sierra Leone did not take the Laws into his hands but follow the due process indicating that the Plaintiff is a respecter of the Rule of Law and Human Rights of the citizens of Sierra Leone.

Ordinarily as an example, liability can certainly lie in law against the very Radio Station if an action was instituted against it, because it is a juristic person that can sue or be sued and in the world of corporate governance, ' the directing minds and will of the establishment of a given business entity' in other words, the Board of Directors of the said establishment should have paid all costs and damages ordered by Court. See the case of **Salomon v. Salomon & Co. Ltd (1897) AC 22 (HL),** where the principle of Law was established by the House of Lords in relation to a Corporate personality used as a business entity

LANBUK.COM LANBUK SIERRA LEONE

and the said establishment has it Directors to direct the daily affairs of that given business entity.

In the instant case, I will say without any iota of doubt, liability lie against the 1st and 2nd Defendants by virtue of the provision of the law encapsulated and enunciated in Order 22 Rule 3 of the High Court Rules 2007 , which states:

" Where the plaintiff's claim against the defendant is for unliquidated damages only then, if the defendant defaults in pleading, the plaintiff may, after the expiration of the period fixed for service of the defence have judgment entered against the defendant for damages to be assessed by the Court and for cost... ".

The words of Order 22 Rule 3 of the High Court Rules 2007 is simple, straightforward and unambiguous and therefore the Motion filed by the Plaintiff dated the 7th July 2023 is instructive and apt in the interest of justice and fair play.

I hereby enter final Judgment for the Plaintiff/Applicant herein pursuant to Order 22 Rule 3 of the High Court Rules 2007 in Default of Defence to the Writ of Summons instituted by the Plaintiff herein against the Defendants herein, as follows:

1. This Court Orders Damages against the 1st and 2nd Defendants/Respondents for Slander contained in an aired program (Broadcasts) at Radio Democracy FM 98.1 on the 23rd day of May 2023 against and concerning the Plaintiff/Applicant as follows:

a- That William Fayia Sellu the Inspector General of the Sierra Leone Police is intimidating and using his power to take advantage of poor people at Lebbie Village, Sussex, Freetown

b- That William Fayia Sellu is using OSD personnel to harass and intimidate community people for a land at Lebbie Village Sussex, Freetown

LANBUK.COM LANBUK SIERRA LEONE

c- That William Fayia Sellu the Inspector General of the Sierra Leone Police ordered OSD personnel to arrest and detain a certain Samuel Mathew Kargbo

d- That this matter has further shown the 'Yuki Yuki' of the Sierra Leone Police headed by the Plaintiff/Applicant herein

2- This Honourable Court orders the Defendants herein using the same Radio Democracy 98.1 to retreat the broadcasted and circulated slanderous and defamatory statements in Krio Language, the content of which should be procured by the Plaintiff and approved by this Court.

3- This Honourable Court orders the Defendants herein to tender apology for the Defamatory and Slanderous Statement against the personality and credibility of the Plaintiff/Applicant herein

4- This Honourable Court orders an Injunction against the Defendants herein from further broadcasting the same defamatory and scandalous statements in Order 1 herein.

5- This Honourable Court, the High Court of Justice of the Republic of Sierra Leone hereby declare that the 1st Defendant is a respecter of the Rule of Law and Human Rights as exhibited in his action to follow the due process in the instant case.

6- This Honourable Court Orders Counsel for the Plaintiff herein to file a separate Notice of Motion for assessment of damages after the High Court vacation in October 2023 against the 1st and 2nd Defendants before me for the hearing and determination of same.

7- Costs to be taxed if not agreed upon.

Stevens JA.

21-7-2023