



Kono District Development Association

Mouth Piece of the Kono People in the United Kingdom and Northern Ireland

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UPDATE ON THE CASE OPEL –V- KDDA (COUNTERCLAIM BY TAMBA OPEL SUMANA)

The case Opel –v- KDDA scheduled for two days hearing at the Lambeth County Court on 16th and 17th October, lasted for several hours due to extended negotiations, and concluded with a Tomlin order on 16th October 2012. The hearing to listen to Mr Sumana's counterclaim and the Kono District Development Association (**KDDA**)'s defence against the counterclaim, did not take place.

A Tomlin order is a type of consent order which records that the parties have agreed terms of a settlement, and orders that all further proceedings be stayed. Tomlin orders are used for a variety of reasons, such as when the terms of the settlement go beyond what the court has jurisdiction to order.

The presiding judge His Honour Judge Blunsdon in his opening address at Court number one to both parties stated two significant legal points:

- 1. The court has no jurisdiction to preside over the case.**
- 2. There is no clause in the 1998 constitution of KDDA that allows members to sort out disputes in court.**

He opined that it seemed both sides were very pertinent about the affairs of the association and without further delay, he suggested that compromise from both parties will only strengthen the Kono District Development Association (**KDDA**). He then suggested that working out modalities in line with our constitution and having an election in future could resolve our problems. He clearly stated that he can only oversee such a process if there is an agreement. He also stated that the only other option without an agreement will be a ruling on the case. The Judge then gave the parties one hour to reflect on his suggestions and come back with proposals if possible.

It was indeed clear at this point that if KDDA was to inform the Judge that we are not ready for any compromise rather than a court hearing, then Mr Sumana's counterclaim would have been thrown out of court as the court had no jurisdiction to preside over the case.

Our Chairman Dr. Kai Ngegba then insisted that a reasonable compromise would be necessary to bring the other party on board to forge ahead. In line with our Chairman's flagship policy of unity and peace amongst members, he insisted that KDDA was ready to compromise but only with stringent conditions;

1. All previous undertakings of Mr. Sumana must stay in place, until any future elections.
2. The Injunction order against Mr. Aiah Sam Davies (Aka Sahr Sylvanus Sinah) must continue until further order, although this could be varied on application by either party to the court.
3. The new KDDA draft constitution, yet to be ratified, to be the guiding principle in any future elections.
4. All **KDDA** properties to be accounted for before elections.

Mr. Sumana and his team agreed to our conditions and this was confirmed by their barrister.

Both parties also agreed that the Sierra Leone High Commissioner, His Excellency Mr. Edward Turay and the Minister and Head of Chancery His Excellency Mr. Sahr Prince Demba should provide mediation to assist this process. His Honour Judge Blunsdon suggested elections be conducted against 15th April 2013. The Deputy High Commissioner His Excellency Mr. Tamba Mansa Ngegba was suggested as one of the mediators to oversee the process, but this was strongly rejected. The reason being, Mr. Tamba Opel Pessima Sam Sumana had informed the court in an earlier hearing that his first witness in the case was the Deputy High Commissioner. He was therefore considered inappropriate for the role.

Contrary to an irresponsible statement by Aiah Sam Davies also known as Sahr Sylvanus Sinah, at no point did His Honour Judge Blunsdon state that the elections on 10th September 2011 were illegal, null or void. Inaccurate remarks of such nature can only serve as impetus to spread discord and confusion amongst Konos.

We are awaiting a copy of the Tomlin Order from Judge Blunsdon, which will be circulated to members on receipt.

Members in attendance were: Dr. Kai Ngegba, Chief S.Y.O. Lebbie, Mr. Samuel Torto, Mr. Tom Fasuluku, Mr. Aiah Sodengbe, Mr. Kai Kpakima, Mr. Aiah B Tondoneh, Mr. Tamba O Sumana, Mr. Tamba Gbamo, Mr. Sahr Gandi-Capio, Mr. Sahr Sinah, Mr. John Ndomaihina, and Mr. Tamba Foday .

In the interest of progress, we are urging members to ensure their attendance obligations, membership and subscriptions are updated. This will enable members to fully participate in the final stages of the constitutional review process and in future elections of trustees.

Mr. Aiah Yornie Sodengbe
Secretary General

KDDA

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