

H.S. Sabally

IN THE SUPERIOR COURTS OF THE GAMBIA



IN THE SUPREME COURT OF THE GAMBIA

SC CS NO: 002/2020

BETWEEN:

GAMBIA PARTICIPATES ... 1<sup>ST</sup> PLAINTIFF  
CENTER FOR RESEARCH AND ... 2<sup>ND</sup> PLAINTIFF  
POLICY DEVELOPMENT

AND

THE CLERK OF THE NATIONAL ASSEMBLY .... 1<sup>ST</sup> DEFENDANT  
AUDITOR GENERAL 2<sup>ND</sup> DEFENDANT  
THE MINISTER OF FINANCE AND ECONOMIC  
AFFAIRS ..... 3<sup>RD</sup> DEFENDANT  
THE ATTORNEY GENERAL ..... 4<sup>TH</sup> DEFENDANT

Wednesday 04<sup>th</sup> May 2021

Hon. H. B. Jallow CJ  
04<sup>th</sup> May 2021

CORAM: Hon. Justice H.B Jallow CJ,  
Hon. Justice G.B.S Janneh JSC  
Hon. Justice R.C Sock JSC  
Hon. Justice M.M Sey JSC  
Hon. Justice A Bah JSC

Counselors:

Mrs H.S Sabally for the Plaintiffs  
Ms I.D Drameh for the 1<sup>st</sup> Defendant  
Mr Binga D. with A Ceesay for the 2<sup>nd</sup> 3<sup>rd</sup> and 4<sup>th</sup> Defendant  
Mr A Fatty for the AMICI (Activista- The Gambia and Transparency  
International)

ORDER

The Court finds and declares as follows:-

1. The inclusion of the sum of D54.4 million by the National Assembly in the Estimates of Revenue and Expenditure for 2021 contravened the provisions of Section 152 and 155 of the Constitution and violated Section 47 of the Public Finance Act;

2. Prayer (b) of the Plaintiff's writ of Summons is covered by the above declaration that Section 152 of the Constitution was violated by the said act of the National Assembly;
3. Prayers (c) (d) and (f) respectively for orders against the Auditor General, the Minister of Finance and Clerk of the National Assembly cannot be granted being in the nature of an interim order against the State and are hereby refused and dismissed;.
4. Accordingly the court hereby strikes out from the Appropriation Act 2021, the sum of D54.4 million which is a complement of the D246, 406, 737 allocated to the National Assembly and thereby leaving an outstanding sum of D192, 406, 737 of the allocation;
5. In the event that the disbursement has already been done any and all sums so disbursed should be recovered and/or retrieved forthwith; and
6. No order as to costs

GIVEN UNDER MY HAND AND SEAL OF THE COURT  
THIS 04<sup>TH</sup> DAY OF MAY 2021

  
.....  
Registrar of the Supreme Court

