

CORRECTED AND ADOPTED

IN THE HONORABLE SUPREME COURT OF THE REPUBLIC OF LIBERIA
MARCH TERM, A.D. 2017

PRESENT: HIS HONOR FRANCIS S. KORKPOR, SR.,.....CHIEF JUSTICE
 “ HIS HONOR KABINEH M. JA’NEH,.....ASSOCIATE JUSTICE
 “ HER HONOR JAMESETTA H. WOLOKOLIE,....ASSOCIATE JUSTICE
 “ HIS HONOR PHILIP A. Z. BANKS, III.,.....ASSOCIATE JUSTICE
 “ HER HONOR SIE-A-NYENE G. YUOH,.....ASSOCIATE JUSTICE

WEDNESDAY, JUNE 7, 2017
13TH DAY’S SESSION

The Honorable Supreme Court of the Republic of Liberia, sitting in its March Term, A. D. 2017, met this morning at the hour of 10:00 a.m., for the transaction of business with His Honor Francis S. Korkpor, Sr., Chief Justice, presiding.

Mr. Justice Kabineh M. Ja’neh did not sit.

Madam Justice Jamesetta Howard Wolokolie travelled.

OFFICERS OF COURT PRESENT.

COUNSELLORS PRESENT: G. Moses Paegar, Albert S. Sims, Luther N. Yorfee, J. Daku Mulbah, Frederick Doe Cherue, Betty Lamin Blamo, Joseph N. Blidi, Seward M. Cooper, F. Musah Dean, Jr., C. Alexander B. Zoe, Roland F. Dahn, Abraham B. Silah, and T. Negbalee Warner,

His Honor Francis S. Korkpor, Sr., ordered and the Marshal cried the opening of the day’s session. Thereafter, the Court was led in devotion by Rev, J. Joel Gould, Chaplain, Supreme Court of Liberia.

A motion for the correction and adoption of the minutes of Tuesday, May 2, 2017, 7th day’s session, and the minutes of Thursday, May 4, 2017, 8th day’s session, was made by Counsellor Albert S. Sims of the Sherman & Sherman Inc., and seconded by Counsellor Abraham B. Sillah of the Heritage Partners & Associates, Inc.

The following corrections were made to the minutes of Tuesday, May 2, 2017, 7th day’s session, by the Bench:

Page 5: *“Ques: Is Dr. Lincoln Brownell your client?”*

Ans: Not in this case, Your Honors, but Dr. Brownell is my client in another case”

Page 7 : *“Note: Madam Justice Sie-A-Nyene G. Yuoh recuses herself from the hearing and determination of this matter, as the present bill of information is an outcome of a decision she made while presiding as Justice in Chambers”*

The following corrections were made to the minutes of Thursday, May 4, 2017, 8th day's session, by the Bench:

Page 3: *“THE COURT: The Court will enter upon the records and make the appropriate decision in this matter. Ruling Reserved. Matter suspended.”*

Page 5: *“SUBMISSION: “At this stage, Counsel for informant most respectfully requests Your Honors to purge him of contempt of Court for his failure to appear...”*

Page 7: *“At this stage, Mr. Mackinley Kerkula, Office Administrator of the Tulay & Associates Law Firm who had also been cited, was questioned by the Court and warned to always give court precepts serious attention whenever they are served on his law firm.”*

THE COURT: *“With the corrections made by the Bench, the minutes of Tuesday, May 2, 2017, 7th day's session, and the minutes of Thursday, May 4, 2017, 8th day's session, are adopted.”*

THE CASE: IN RE: THE CONSTITUTIONALITY OF SECTIONS 22.1 & 22.2 OF THE ALIEN AND NATIONALITY ACT IS CALLED FOR HEARING.

REPRESENTATIONS: *“Petitioner is represented by Dunbar & Dunbar Law Offices, Dean and Associates Law Firm and Counsellor Seward M. Cooper, and present in Court are Counsellors Frank Musah Dean, Jr., and Seward M. Cooper. And respectfully submit.” “The respondents are represented by the Ministry of Justice and present in Court are Counsellors Betty Lamin Blamo, Solicitor General, J. Daku Mulbah, County Attorney for Montserrado County, and Frederick Doe Cherue, Minister of Justice & Attorney General, Ministry of Justice. And respectfully submits.”*

EACH SIDE WAS GIVEN ONE (1) HOUR AND THIRTY (30) MINUTES TO ARGUE

Counsel for petitioner argued as per their brief and presented the following issues for determination by the Bench:

- “1. Does petitioner have standing to challenge the constitutionality of sections 22.1 (Subsections a, b, c, d,) and 22.2 of the Alien and Nationality Act of Liberia?
2. Are sections 22.1 (Subsections a, b, c, d,) and 22.2 of the Alien and Nationality law, which automatically deprive a Liberian citizen naturalizing in a foreign country of his/her Liberian Citizenship without a prior hearing by a competent tribunal and a judgment consistent with the due process, inconsistent with Article 20 (a) of the Constitution, and as such, unconstitutional?

3. *Does petitioner's alleged taking of an oath of naturalization containing a renunciation clause, if true, constitute his voluntary relinquishment of his Liberian citizenship per se, and as such, excuses the government from complying with Article 20(a) and other provisions of the Constitution of Liberia?*
4. *Does the government have the burden, as a matter of law, to prove that a Liberian citizen who has naturalized did so with the intent to relinquish his or her Liberian Citizenship, before depriving such citizen of his Liberian citizenship in keeping with due process?*
5. *Are the challenged statutes also unconstitutional because they violate Articles 11(e) and 95(a) of the Constitution of Liberia?"*

The following questions were posed to counsel for the petitioner by the Bench:

Ques: Is the petitioner contending that he is a Liberian Citizen?

Ans: Yes, Your Honors, and that his Liberian citizenship cannot be taken away from him without due process.

Ques: Don't you think that by his action of acquiring another citizenship, the law has deprived him of his Liberian citizenship?

Ans: I disagree with you, Your Honors.

Ques: Can this Court take evidence in this case?

Ans: Yes, Your Honors. This case is against an Ambassador, so the Supreme Court constitutionally has original jurisdiction over it.

Ques: Do you know how the petitioner travelled to Liberia and did he travel with a Liberian passport or an American passport?

Ans: I do not have an answer to that question, Your Honors. Our interaction has been with the petitioner's attorney-in-fact.

Ques: Does the State have to institute an action against a Liberian who admits acquiring another citizenship?

Ans: Yes, Your Honors, to ascertain whether it was his/her intention to give up his/her Liberian citizenship.

Ques: Was it at the instance of the Liberian government that your client (Petitioner) changed his citizenship from Liberian to American?

Ans: Our client did not change his citizenship.

Ques: What would be the essence of due process if there is an admission?

Ans: Citizenship is a fundamental right that cannot be easily taken away except by due process, Your Honors.

Ques: Is dual citizenship allowed in America?

Ans: Yes, Your Honors.

Ques: Did the petitioner go to the Liberian Embassy or did he see the information on the internet?

Ans: Your Honors, he saw the announcement exhibited as P/2 on the internet and approached the embassy and he was required to obtain a visa before entry in Liberia.

Counsel for petitioner rested on the opening.

Counsel for respondents argued as per their brief and presented the following issues for determination by the Bench:

- “1. *Whether the Constitution of the Republic of Liberia (1986) confers on the Liberian Legislature, the power to enact laws which provides for the manner and means by which a citizen of Liberia shall lose his citizenship or nationality?*
2. *Whether sections 22.1 (Subsections a, b, c, d,) and 22.2 of the Alien and Nationality law(1973) though enacted prior to the passage of the 1986 Constitution of the Republic of Liberia violate any provision of that Constitution, and more specifically Articles 20(a), 13(b) and 11(c)?*
3. *Whether Article 28 of the Constitution of the Republic of Liberia (1986) is in consonance with Article 27 (a)?*
4. *Whether the Constitution of the Republic of Liberia (1986) or any law currently in force in Liberia requires that the Government of Liberia inquire whether a Liberian citizen who takes up another citizenship has the intent to retain his/her Liberian Citizenship, prior to his or her deprivation of citizenship?*
5. *Whether the challenged statutes were abrogated or repealed by Article 95(a) of the Constitution of the Republic of Liberia?”*

The following questions were posed to one of counsels for respondents by the Bench:

Ques: Does the law recognize different categories of Liberian citizenship?

Ans: Yes, Your Honors. Liberian citizenship can be acquired by birth and through naturalization.

Ques: Does the Constitution of Liberia give the Legislature the right to take away one's Liberian citizenship?

Ans: Yes, Your Honors.

Ques: Do you accept that citizenship is a fundamental right?

Ans: Yes, Your Honors.

Ques: Do you know of the whereabouts of the petitioner?

Ans: No, Your Honors.

One of counsels for respondents rested on the opening argument.

Counsel for respondents in closing prayed the Honorable Supreme Court to grant the prayer of the respondents as contained in the respondents' brief. And respectfully submitted.

The following questions were posed to one of counsels for petitioner by the Bench during the closing argument:

Ques: Is there any specific law in the United States of America that expressly grants dual citizenship?

Ans: Yes, Your Honors. American case laws and the United States State Department regulations recognize dual citizenship.

Ques: How does the American system treat people with permanent residence status; are they allowed to join the United States Army?

Ans: Yes, Your Honors.

Ques: Did you ask the attorney-in-fact of the whereabouts of the petitioner?

Ans: Your Honors, conversation with one client are subject to attorney/client privilege.

One of counsels for petitioner in closing prayed the Honorable Supreme Court to grant the prayers as contained in the petitioner's brief. And respectfully submitted.

THE COURT: "RULING RESERVED, MATTER SUSPENDED."

At this stage, the Chief Justice informed the Court that the second case on the day's agenda will not be called for argument, but will be re-assigned to a later date to be determined by the Court.

THE CASE: OLUBANKE KING-AKERELE OF THE CITY OF MONROVIA, REPUBLIC OF LIBERIA, APPELLANT, VERSUS EZZAT N. EID AND THE INTERNATIONAL ALUMINUM FACTORY, REPRESENTED BY AND THRU ITS PRESIDENT, EZZAT N. EID ALSO OF THE CITY OF MONROVIA, LIBERIA, APPELLEES. ACTION OF EJECTMENT IS CALLED FOR HEARING.

REPRESENTATIONS: *"Appellant is represented by the Law Offices of Zoe & Partners, and the Yonah, Obey & Associates Law Offices, and present in Court are Counsellors C. Alexander B. Zoe and Roland F. Dahn. And respectfully submit."* *"The appellees are represented by the Sherman & Sherman Inc., and present in Court are Counsellors Luther N. Yorfee, Albert S. Sims, and G. Moses Paegar. And respectfully submits."*

THE COURT: *"The hearing of this case is postponed to Thursday, May 11, 2017, at the hour of 10:00 a.m., for reason that the appellee's brief was filed just this morning, May 10, 2017, and has just been distributed to the Justices by the Clerk of Court at the call of the case. Obviously, we cannot hear this case because the Justices have not read the brief."*

For late filing of brief, the Sherman & Sherman Inc. is fined the amount of US\$100.00 (One Hundred United States Dollars) to be paid into Government revenue within 72 hours, and a copy of the receipt of payment deposited with the Marshal of this Honorable Court.. And it is hereby so ordered. Matter suspended."

There being no other matters to claim the attention of the Court, His Honor Francis S. Korkpor, Sr., Chief Justice, ordered Alhaji Mustapha Wollor Mombo, Assistant Chaplain, Supreme Court of Liberia, to give the benediction. The Marshal was ordered to adjourn the Court to meet on Thursday, May 11, 2017, at the hour of 10:00 a. m. And said order was carried out.

Respectfully Submitted:

Atty. Sam Mamulu
ACTING CLERK, SUPREME COURT, R.L.

