

IN THE HONOURABLE SUPREME COURT OF THE REPUBLIC OF LIBERIA  
SITTING IN ITS OCTOBER TERM, A.D. 2016

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

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IN RE: JUDICIAL INQUIRY COMMISSION (JIC) REPORT: COMPLAINTS OF MR. MAGATTFRIED TEHMEH OF GBARNGA, BONG COUNTY AND HON. NETO Z. LIGHE SR., MINISTER OF LABOR, FOR AND ON BEHALF OF MR. HENRY NYESWAH DAVIS, LABOR COMMISSIONER OF BONG COUNTY, AGAINST HIS HONOR FRANCIS DANUWELI, DEBT COURT JUDGE FOR BONG COUNTY, REPUBLIC OF LIBERIA.

Heard September 7, 2016

Decided December 16, 2016

MR. CHIEF JUSTICE KORKPOR, SR. DELIVERED THE OPINION OF THE COURT.

This is a consolidation of two separate complaints filed against His Honor Francis A. Danuweli, Debt Court Judge for Bong County, alleging ethical and professional misconduct and gross misuse of judicial power. Under Section 6.3 *1LCL Revised, Civil Procedure Law*, when actions involving a common question of law or fact are pending before a court of record, the court, upon motion by any party or *sua sponte*, may order a joint trial of any or all the matters in issue or the consolidation of the actions; and it may make such other orders concerning proceedings therein as may tend to avoid unnecessary costs or delay. Because the issues in these two cases now before us involve common questions of law regarding alleged ethical and professional misconduct and gross misuse of judicial power by Judge Francis A. Danuweli, this Court decided to consolidate the cases to avoid costs or delay.

The first complaint against Judge Danuweli was filed in January, 2015 by Mr. M. Magattfried Tehmeh, a resident of Gbarnga, Bong County. We quote verbatim the letter of complaint as follows:

“M. Magattfried Tehmeh  
Gbarnga City, Bong County  
Liberia

His Honor  
Francis S. Korkpor, Sr.  
Chief Justice, Supreme Court of Liberia  
Temple of Justice  
Monrovia, Liberia

May It Please Your Honor:

I am Magattfried Tehmeh a resident and citizen of Bong County, Liberia and a Plaintiff before the Debt Court Judge of Bong County, His Honor, Francis A.

Danuweli in an action of Debt case against two gentlemen, Messrs. David Moore and Alex White as Defendants.

Your Honor, a trial was held and judgment taken in my favor since April 15, 2013. An appeal was announced and granted but the Defendant elected not to follow the appeal but to pay the amount; whereupon the bill of cost was drawn and the amount of US\$4,053.00 plus LD\$38,800 as expenses was taxed and agreed by the parties in the court. Based on the court's ruling, Co-defendant David Moore was to pay the sum of US\$730.00 plus L\$19,400.00; while Co-defendant Alex White was to pay the remaining amounts. The family of Co-defendant Alex White pleaded with me to settle this obligation in a manner and way we agreed on and the Court was informed.

Your Honor, my older brother, one Momo Tehmeh, called the Judge on the phone and agreed that he [Judge Danuweli] had received rubber stumps from the Co-defendant David Moore to the equivalent of the money and that he, the Debt Court Judge, will pay to me. Based on this agreement, Co-defendant David Moore was not placed under bond. At another point in time, my Lawyer, Atty. James K. Saybay also inquired from the Judge and he confirmed this information to the effect that he, the judge, has received rubber stumps from the Co-defendant and will pay the money to the plaintiff. The Judge then made the initial payment of US\$150.00 since July 10, 2013 leaving the balance of US\$580.00 plus L\$21,400.00 and had since refused to pay the balance to me. Every time I go to the court to request for this money the Judge will issue me writ of contempt of court evidenced by the one issued on the 19<sup>th</sup> day of September, A.D. 2013 herewith attached. The arrangement made to have Co-defendant Moore [pay his portion of the judgment amount] was entered into between him and Judge Danuweli. Mr. Moore has on several occasions informed me that he has given to Judge Danuweli most of the fertilizer and the rubber stumps agreed on and that I should contact him, the Judge for my money.

Your Honor, I really don't know how to get my money from the court because every time I go to the Court to collect my money, the Judge will order the clerk to issue writ [of arrest] and prepare a commitment against me to go jail.

Because of all of these I told the Judge I would complain him to the Chief Justice and he said to me *"carry me to the President and not the Chief Justice"*. I am a poor man and not able to reach the President of Liberia with such a high profile personality and have come to your Honor to please help me get my money from the Judge since indeed you are their boss in the Judiciary.

Sincerely yours,  
M. Magattfried Tehmeh"

Upon receipt of the complaint, the Chief Justice, in keeping with the practice and procedure relating to complaints filed against judges for alleged professional and ethical misconducts, forwarded the complaint to the Judicial Inquiry Commission (JIC) of the Supreme Court of Liberia, by and through our distinguished Colleague, Mr. Justice Kabineh M. Ja'neh, who then held the rotational chairmanship of the Commission, to investigate the complaint and thereafter submit its report to the Supreme Court of Liberia through the office of the Chief Justice. The JIC, in compliance with due process required by law, and consistent with the practice to afford all appearing before it the opportunity to a free, fair and impartial hearing, forwarded a copy of the complaint to the respondent Judge, His Honor Francis A. Danuweli,

and asked him to submit his formal returns. The respondent Judge submitted to the JIC his returns dated February 2, 2015, which we quote hereunder:

### JUDGE'S RETURNS

"February 2, 2015

May It Please Your Honor:

This acknowledges your letter of January 21, 2015 requesting me to make my returns to a complaint Mr. Tehmeh filed against me.

Firstly, I vehemently deny that I told him to carry my complaint to the President, not the Chief Justice. He threatened to carry my complaint to the Chief Justice because I had eaten his US\$730.00 and over L\$20,000.00 according to him. He came to the court and blasted at me. I did not do a thing to him. Co-defendant David Moore has not pay US\$730.00 and L\$19,400.00 or L\$21,000.00 to me for him. He has not given me rubber stumps and fertilizer worth that amount.

I have been very cordial and lenient with Mr. Tehmeh as I consider his brother, Momo Tehmeh to be my friend. Where will a decision be rendered by a court on April 15, 2013, a bill of cost prepared and you go to the same court and file a letter of withdrawal six month later?

Then who suppose to pay the co-defendant bill of cost? Mr. Tehmeh has failed to know that his friend or relative Co-defendant David White, whom he sued along with David Moore, should pay to court his share of government tax and other costs such as the successful Attorney fees.

Mr. Tehmeh has been coming to court without telling the court how his friend, David White will pay his shares of the bill of cost. Whenever I raise these issues with him, he will get vex and threaten to carry my complaint to the Chief Justice.

I never told anybody that David Moore was going to sell rubber stumps and fertilizers worth US\$730.00 and L\$21,400.00 to me and then give him those amounts. I only tried to help David Moore by buying some rubber stumps from him.

Why should I rely on David Moore who lives all the way in Kakata for that much rubber stumps and fertilizers when I can get rubber stumps around Gbarnga? The US\$150.00 we give him in Gbarnga was an amount David Moore himself paid in court. After that, David Moore gave me 1,547.00 rubber stumps at 20 cents per stump; 2 bags of fertilizers at US\$25.00 per bag, plus US\$180.00, totaling US\$539.00.

But because Mr. Tehmeh doesn't want us to discuss and settle the above named problems, the court is still holding the balance of US\$389.00 as we earlier give him US\$150.00.

Should Mr. Tehmeh come to court in Gbarnga to tell us who would pay the share of David White's bill [of cost], then we will give him the US\$389.00.

Thanks.

Yours,  
Francis A. Danuweli  
Judge  
Debt Court, Gbarnga, Bong County”.

Following the receipt of the foregoing returns from the respondent judge, the parties were cited to a hearing [before the Judicial Inquiry Commission] with the following members present:

1. His Honor Justice Kabineh M. Ja'neh..... Chairman
2. Cllr. George E. Henries..... Member
3. Cllr. Theophilus C. Gould..... Member
4. Judge James E. Jones..... Member
5. Judge J. Boima Kontoe..... Member
6. Judge Joseph S. Fayiah..... Member
7. Sis. Mary Laurene Brown..... Member
8. Rev. Emmanuel Bowier ..... Member

During the hearing, the complainant, Mr. M. Magattfried Tehmeh, and the respondent, Judge Francis A. Danuweli, appeared and were given the opportunity to narrate their respective stories. Each party was also allowed to produce witnesses and to confront and question the witnesses of the other party and to present document(s) relied upon, if any.

Mr. Tehmeh explained that he instituted an action of debt against two individuals, David Moore and Alex White before the Debt Court of Gbarnga, Bong County. He said that at the conclusion of regular trial in his case, the two defendants were jointly held liable for the sum of Four Thousand Fifty Three United States Dollars (US\$4,053.00) and Thirty Eight Thousand Eight Hundred Liberian Dollars (LD\$38,800.00). Of the total judgment amount aforesaid, according to him, the Debt Court of Gbarnga, Bong County, presided over by the respondent judge, held co-defendant David Moore personally liable for Seven Hundred Thirty United States Dollars (US\$730.00) and Nineteen Thousand Four Hundred Liberian Dollars (LD\$19,400.00), while Co-defendant Alex White, for his part, was incarcerated due to his failure to settle his obligation under the money judgment. According to the complainant, His Honor Francis A. Danuweli promised to pay him, the complainant, the amount of US\$730.00 and L\$19,400.00 in settlement of Mr. David Moore's obligation; that David Moore would give to Judge Danuweli a number of rubber stumps in consideration of the agreed amount to be paid by the Judge on Mr. Moore's behalf. The complainant also said that Judge Danuweli paid him the amount of US\$150.00 and since then he has refused to pay the balance due. Mr. Tehmeh further said that he made several attempts to collect his money from the Judge but to no avail; that on one occasion, he was instructed by the Judge to provide Two Thousand Liberian Dollars (L\$2,000.00) in order to issue a writ against Mr. David Moore; that he gave the money to the respondent judge but upon the arrival of the court officer in Margibi County to execute the writ, Judge Danuweli aborted the exercise by ordering the court officer to return to Gbarnga; that since that time, he has made several efforts to collect the balance money without success as Judge Danuweli has consistently refused to give him the money. In fact, he said that at the time of the filing of

this formal complaint, the Judge had resorted to threats to jail him if he ever makes any further request for the money; that to make good his threats, the judge issued a writ of contempt of court against him, copy of which he presented to the Judicial Inquiry Commission.

For his part, Judge Danuweli told the hearing that the complainant, Mr. Tehmeh, instituted an action of debt against David Moore and Alex White, and he ruled in favor of Mr. Tehmeh; that a bill of cost was prepared, but co-defendant Alex White could not pay the judgment amount and the cost of court, so he was jailed for failure to settle his obligation; that he (Judge Danuweli) entered an agreement with co-defendant David Moore to supply him (Judge Danuweli) rubber stumps in lieu of which he undertook to pay Mr. Tehmeh the amounts of US\$730.00 and L\$19,400.00 in settlement of co-defendant David Moore's indebtedness. Judge Danuweli admitted paying only US\$150.00 to Mr. Tehmeh even though he had received Five Hundred Thirty Nine United States Dollars (US\$539.00) worth of rubber stumps, fertilizers and cash from co-defendant David Moore. The Judge said he withheld the rest of the money (USD 539.00) against the cost of court because it was the complainant, Mr. Tehmeh, who pleaded with him to release co-defendant Alex White from detention on his failure to satisfy the money judgment and the cost of court.

The commission posed the following questions to the Judge:

Q/: "Are you withholding Mr. Tehmeh's Money paid by David Moore for the cost of court to be paid by David White?"

A/: "Indirectly. Because Mr. Alex White owes [the complainant] over US\$3,000.00 and he is not running after him for the money and the money includes cost of court and successful attorney fees. He pleaded with us for us to release co-defendant Alex White from prison and also asked that the case be withdrawn which I refused because we had prepared our bill of cost."

Q/: "What was the legal basis for incarcerating the Judgment debtor, co-defendant Alex White?"

A/: "This was because he failed to settle his obligation as contained in my ruling."

Q/: "What was the reason for issuing a writ of contempt against the complainant?"

A/: "I issued the writ of contempt because the complainant was openly disturbing the court by threatening to file a complaint against me."

Q/: "We see that you issued a writ of summons for contempt of Court against the complainant for the damage to your car by one Pewee. How does this matter relate to the damages complaint?"

The Chairman brought to the attention of the Commission that Judge Francis A. Danuweli issued the writ of summons for contempt for damages to his vehicle for hearing before the debt court, when instead, he should have filed a full complaint before the traffic court for the alleged damage done to his vehicle.

Q/: “Don’t you think that you should have recused yourself from a case that you are a party to?”

A/: “Yes, I should have.”

Q/: “You think that you as a judge should be in all kinds of shady deals?”

A/: “No, I should not be involved with shady deals; I only got involved to help solve the problem.”

Q/: “How much do you owe Mr. Tehmeh?”

A/: “I have about US\$300.00 plus for him.”

Q/: “We note that co-defendant David Moore gave you US\$539.00 worth of rubber stumps, fertilizers and cash and you only paid out US\$150.00 to Mr. Tehmeh on David Moore’s behalf. So where is the balance money?”

At that juncture and before the respondent Judge could answer the question, the Commission, through its Chairman, Mr. Justice Ja’neh, mandated the respondent Judge to pay Magatfried Tehmeh the sum of Five Hundred Thirty Nine United States Dollars (US\$539.00) on or before Saturday July 11, 2015 and send a copy of the payment receipt to the Commission on or before Monday, July 13, 2015. The Commission further mandated that Mr. Tehmeh receives the balance Twenty One Thousand Liberian Dollars (L\$21,000.00) between July 13 to 17, 2015.

Following the Commission’s mandate and instructions to Judge Danuweli, the hearing was adjourned. The Commission then made the following findings, conclusion and recommendation:

“Findings:

In the matter at bar, it is the commission’s finding that Judge Francis A. Danuweli clearly abused his exalted judicial office by trampling upon the rights of a party whose only “crime” was to avail himself to a court of law seeking relief. By his conduct to trade with a party before him, Judge Francis A. Danuweli violated Judicial Canon thirteen which states as follows:

“A judge should not accept inconsistent duties, nor incur obligation, pecuniary or otherwise, which will in any way interfere or appear to interfere with his devotion to the expeditious and proper administration of his official function.”

Judge Danuweli also offended Judicial Canon Twenty-Eight when he issued a writ with the view of entertaining a “traffic” matter involving his own vehicle. A judge is strictly prohibited from performing judicial function in matter of his personal interest. The Canon, inter alia, provides: “A judge should abstain from performing or taking part in any judicial act in which his personal interests are involved...”

Conclusion/Recommendation:

The penalty for violating any provision of the judicial canon is a fine, suspension, or impeachment and/or criminal prosecution. See Judicial Canon Thirty-Nine. We have considered the gravity of this reckless conduct on the part of Judge Danuweli and its

implication on public confidence in the judiciary. Hence, to serve as a deterrent, we recommend that Judge Danuweli be suspended from office for a period not less than six (6) months.”

While the first complaint against Judge Francis A. Danuweli was being concluded by the Judicial Inquiry Commission to be forwarded to the Supreme Court for consideration, a second complaint was filed against the same respondent Judge. In a letter dated May 26, 2015, Attorney Neto Zarzar Lighe, Sr., Minister of Labor, Republic of Liberia, filed a complaint addressed to the Chief Justice of the Supreme of Liberia, His Honor Francis S. Korkpor, Sr., for and on behalf of Mr. Nyeswah Davis, Labor Commissioner of Bong County, against Judge Danuweli, again raising serious unprofessional and unethical conduct and a gross misuse of judicial authority. We quote the letter of complaint:

“Republic of Liberia  
Ministry of Labor  
p. o. box 10-9040  
1000 Monrovia 10, Liberia

RL/MOL/NZL, M, 112/15

May 26, 2015

His Honor Francis S. Korkpor  
Chief Justice, Supreme Court of Liberia  
Temple of Justice, Capitol Hill  
Monrovia, Liberia

Your Honor:

I present my complaints and sincere best wishes, and want to draw your attention to issues bordering the lack of coordination, and the misuse of power; same which were meted against Commissioner Henry Nyesway, Labor Commissioner of Bong County by His Honor, Judge Francis A. Danuweli of the Debt Court of Bong County.

Your Honor, with dismay, I received news of the incarceration of the Labor Commissioner of Bong County on contempt charges on the night of May 25, 2015. My understanding of the matter is that the Judge of the Debt Court cited the Commissioner to a conference relative to allegation that the Commissioner was stalling a labor related case. This conference accordingly, was scheduled for February 19, 2015, but concomitantly, the 15 Labor Commissioners of Liberia were attending a WINROCK-ARCH sponsored Training-of-Trainers (TOT) workshop in Monrovia between February 19-25, 2015, for which the Commissioner could not attend said conference and the appropriate communication excusing him was made.

However, upon the return of the Commissioner to Gbarnga, Bong County, he was charged with contempt of Court and a fine of L\$500.00 (Five Hundred Liberian Dollars) was paid on the 23<sup>rd</sup> of May 2015. Surprisingly, on the 25<sup>th</sup> of May 2015, Judge Danuweli ordered the arrest of Commissioner Davis on a second contempt charge relative to the same issue at bar, and subsequently incarcerated him despite my intervention through Judge Boimah Kontoe of the 9<sup>th</sup> Judicial Circuit Court. The action by the Debt Court Judge points to semblance of the lack of coordination amongst government officials especially so, between the Judiciary and the Executive.

Your Honor, in the spirit of coordination and cordiality, I kindly request a probe into the matter so as to deter future recurrence.

Kind regards.

Very truly yours,  
Neto Zarzar Laghe, Sr. (Atty.)  
Minister”

The foregoing complaint was again forwarded to the Judicial Inquiry Commission by the Chief Justice. The Commission in turn sent a copy of the complaint as in keeping with the practice and procedure, to Judge Francis Danuweli with instructions that he files with the Commission, his formal returns or reaction to the complaint made against him. Here is Judge Danuweli’s returns or reaction to the second complaint:

#### JUDGE’S RETURNS

“This acknowledges receipt of your- self-explanatory letter dated July 13, 2015 against me to the Chief Justice from the Minister of Labor, Hon. Neto Zarzar Leihe, Sr.

As a response thereto, I hereby send you the following information/response. We received the attached communications against the Labor Commissioner from one Joseph M.K. Magbolleh, dated February 18, 2015 and Sayesaye Kollie, dated February 25, 2015 respectively.

The Labor Commissioner was cited as per the attached communication. He replied on the same day asking for one week excuse. After the one week, he refused to come to court. We were constrained to do a writ on him and [the] Labor Officer, one Sumoward for the case to be heard on March 24, 2015. Attached is photocopy of the said writ.

On the 24<sup>th</sup> day of March, 2015, the Labor Commissioner again failed to appear. (Attached hereto is a photocopy of the minutes of the court for the said March 24, 2015 sitting).

On the 25<sup>th</sup> day of March, 2015 he again did not show up. The case was suspended until Monday, March 30, 2015. He again did not come to court while the petitioner continued to come to court.

In the whole month [of] April 2015, he also never showed up.

Because of the gross disrespect towards the court, we were forced to do a writ of arrest on him for him to come to court. But he never cared.

He was therefore arrested and the Development Superintendent for Bong County, Hon. Sheriff accompanied him to court and promised to produce him in court on Monday, March 30, 2015.



On the above date, he again did not once again come. We called the Development Superintendent who said the Labor Commissioner had not gone to him for him to bring him to court.

We were therefore constrained to do another writ for him. (The photocopy of the said writ is once again hereto attached) according to the returns, he told the court officers that his Minister told him not to come to court.

On May 11, 2015, a writ of re-arrest was done and taken to him. But he still refused to receive it and also failed to come, telling the court officer that the case was before his boss. So he cannot come to court. At the same time, one Assistant Minister at the Ministry of Labor wrote me appealing to me to purge him. But as his attitude was too ridiculous and humiliating, I refused to purge him if he cannot come to court.

As the Labor Commissioner continued to disrespect the court, I was constrained to ask the Police to help bring him to court on the previous writ. (A photocopy of the letter to the Police is hereto attached).

The two men were brought to court by the Police officers as he refused to be brought by the court officers.

When he was brought by the police, he started saying in open court that I do not know law and don't know what I was doing. That's why I sent for him.

Because of the contemptuous attitude towards the court, I ordered his detention for few days. The Resident Judge called me on the case and sent his car for me and I went to him. He appealed to me on his behalf to release him. I agreed and promised to release him the following day. I ordered his release as I promised the Judge on the following day and he was brought to court and answered few questions from me and I purged him of the contempt and he left.

Since then, the Labor Commissioner is still refusing to honor citations from this court. He has not honored any of the below writs or citations for the next case; photocopies of which I hereby send to you.

No former Labor Commissioner has ever been so defiant to the court like the present one who doesn't respect the court or honor its citations. No past Labor Commissioner has ever told me that I don't know law as if I am not a law graduate. Perhaps he doesn't know that I also graduated from the L. A. Grimes Law School at the University of Liberia.

Thanks.

Respectfully yours,  
Francis A. Denuweli  
JUDGE, DEBT & NATIONAL LABOR COURT  
BONG COUNTY/RESPONDENT".

After conducting a full hearing into the complaint, the Commission made a report which we have reproduced below.

## “INVESTIGATION REPORT

Emanating from a citation dispatched by directive of the Chairman of the Judicial Inquiry Commission for the hearing of the Commission into the above captioned case, the following members of the commission were present:

1. His Honor Justice Kabineh M. Ja'neh..... Chairman
2. Cllr. George E. Henries..... Member
3. Cllr. Theophilus C. Gould..... Member
4. Judge James E. Jones..... Member
5. Judge Joseph S. Fayiah..... Member
6. Sis. Mary Laurene Brown..... Member

The complainant, the Minister of Labor, along with the Bong County Labor Commissioner, was present and the respondent [Judge] was also in attendance. The Chairman, His Honor Kabineh M. Ja'neh, gave an overview of the Commission's duties and functions. Hon. Neto Zarzar Lighe, Sr. was requested to summarize the complaint lodged against Judge Francis A. Danuweli. However, Hon. Neto Zarzar Lighe, Sr. stated that he filed the complaint on behalf of Mr. Henry Nyeswah Davis, Labor Commissioner of Bong County. The Commission granted Mr. Lighe's request to have Mr. Davis state the complaint, he being the person directly affected.

Mr. Davis recounted that as the assigned Bong County Labor Commissioner of the Ministry, he received a complaint from a gentleman. The complaint was that he worked for a private security guard services called SEGAL; that while he was on duty at the Cuttington Campus, an armed robbery took place from which he sustained serious injury. Mr. Davis said that he conducted an investigation into the matter and ruling was pending. Mr. Davis further stated that when the complainant inquired as to when the ruling would be made, he informed him that SEGAL did not have an office in Bong County and promised that after the rendition of the ruling copy thereof will be served on SEGAL at its Monrovia office.

According to Mr. Davis, he has been very busy with his job traveling between counties since he had this discussion with the complainant. At a later date, the Debt Court Judge, His Honor Francis A. Danuweli summoned him. Mr. Davis told the Commission that he told Judge Danuweli that he was on his way to Monrovia to attend a workshop for Labor Commissioners, organized by the Ministry of Labor; that upon his return, Judge Danuweli ordered a writ of arrest against him for contempt of court and imposed a fine which he paid. [He said] Judge Danuweli thereafter issued another summons but this time, Mr. Davis said that he informed the Ministry of Labor and a letter was written by the Ministry to Judge Danuweli on his behalf. Mr. Davis stated that the next morning, however, Judge Danuweli again issued contempt of court and he, the Labor Commissioner, was incarcerated.

For his part, Judge Danuweli explained that the court has had no problem with the Labor Commissioners for years until Mr. Davis was assigned as Labor Commissioner for Bong County. He explained that a fellow complained in February 2014, that the Labor Commissioner was delaying his case. Based upon the complaint, Judge Danuweli said he summoned the Labor Commissioner; he indicated that he was informed by a communication from Mr. Davis that he was in Monrovia attending a workshop and that he would appear before him upon his return to Gbarnga. But upon his return, Judge Danuweli said, Mr. Davis failed to appear before him for which he was incarcerated for disobeying the summons of the court.

The following questions were posed to the Judge:

Q/: How did Mr. Davis disobey the court?

A/: By his refusal to appear before the court after I summoned him.

Q/: When do you assume jurisdiction over a case or matter?

A/: I assume jurisdiction over a matter when it is not properly handle by the Labor Commissioner.

Q/: Do you know that when a matter is pending before the Labor Commissioner and you are dissatisfied with the handling, the proper procedure is to file a complaint with the Minister of Labor and the Minister may reassign the case for hearing with another Labor Commissioner?

A/: No, I have not seen that in the Labor law. In conclusion, I stand by everything I have said here and in my response.

#### Findings:

The Commission has found that Judge Danuweli proceeded to entertain the matter at bar without following laid down procedure governing labor matters pending before a Labor Commissioner. His action therefore to incarcerate the Labor Commissioner, is without any support of the law. Judge Danuweli's conduct constitutes an abuse of his office and transgression of ethical standards.

#### Conclusion/Recommendations:

The Commission observed, with a great deal of regrets, that Judge Danuweli was unable to recognize the egregious transgression and the abuse of power [he] committed. This makes repetition more likely. The Commission recalls that it recently concluded investigation in a complaint against Judge Danuweli and found his conduct grossly abusive. His conducts in both cases raise question of his ability, willingness and readiness to observe the Canon governing the conduct of every judge as priest of justice. For this case, there is no doubt that Judge Francis A. Danuweli is in violation of a number of Judicial Canons including (1) Judicial Canon Twenty Five which states as follows:

“A judge should be mindful that his duty is the application of the general law to particular instances, that our government is that of law and not of men, and that he violates his duty as an administrator of justice under such system if he seeks to do what he may personally consider substantial justice in a particular case and disregards the general law as he knows it to be binding on him. Such action may become precedent unsettling accepted principle and may have detrimental consequences beyond the immediate controversy. He should administer his office with due regard to the integrity of the system of the law itself, remembering that he is not a depository of arbitrary power, but a judge under the sanction of law.”

According to Judicial Canon Thirty-Nine, violation of any one of the Judicial Canon compels imposition of a “fine, suspension, Impeachment and/or prosecution in a court of law”. The Commission hereby recommends that Judge Danuweli be suspended for a period not less than six (6) months. During the period of suspension, it is further recommended that Judge Danuweli be ordered to attend

classes in Ethics and Professional conduct as a way to guide his future judicial conduct and improve his administration of justice.

DONE UNDER OUR HAND THIS 29<sup>TH</sup> DAY OF FEBRUARY, A.D. 2016.

7. HIS HONOR ASSOCIATE JUSTICE KABINA M. JA'NEH ....CHAIRMAN
8. HIS HONOR JOSEPH S. FAYIAH .....MEMBER
9. HIS HONOR JAMES JONES .....MEMBER
10. SISTER MARY LAURINE BROWNE.....MEMBER
11. HIS HONOR BOIMA KONTOE .....MEMBER
12. COUNSELLOR THEOPHILUS GOULD.....MEMBER”

On receiving reports from the Judicial Inquiry Commission with recommendation(s) for penalty to be imposed on a judge, this Court has adapted the practice and procedure wherein the affected judge is cited before the Full Bench to contest, if he/she wishes to do so, the recommendation(s) contained in the report. Accordingly, copies of the JIC's reports in the cases herein were transmitted to Judge Danuweli along with a notice of assignment for the hearing of the cases.

Three members of the Supreme Court Bar, Counselors Tiawan S. Gongloe, N. Oswald Tweh and Kathleen Pyne Makor were appointed as amici curiae, or friends of the Court to present an honest and candid legal opinion on the cases at hand, including the recommendations made for suspension. We wish to thank the lawyers involved for their services.

As stated earlier, the two complaints against the respondent judge were consolidated as have been done by this Court in a number of cases: *National Milling Co. of Liberia v. Pupo et al* [1987] LRSC 16; 34 LLR 467 (1987). *NPA v. Retirees of NPA* [1998] LRSC 18; 38 LLR 000 (1998).

The amici curiae, in their brief filed and argue before this Court, fully agreed with and endorsed the position taken by the Judicial Inquiry Commission, including the recommendations that the Judge be suspended for six months in each case.

Judge Danuweli, representing himself, made the following statement on the minutes of this Court:

“To err is human. I agree with the rulings of the Judicial Inquiry Commission. However, I appeal that the penalty be reduced”.

In the face of the facts and circumstances narrated in the complaints before us, there is no denial that the conducts of Judge Francis Danuweli complained of were in serious violation of multiple Judicial Canons as indicated by the Judicial Inquiry Commission. The evidence in the two complaints against him is overwhelming.

In the Magatfried Tehmeh case, he created a situation wherein he could not enforce his own judgment due to the personal interest he manifested in the matter for the purpose receiving pecuniary benefits, thereby becoming an indirect party to the suit. Had he remained neutral and acted solely in line with his judicial duty without entangling himself by undertaking to make payment on behalf of a party litigant before his court, the complainant would have had no reason to approach him for payment, and the issue of holding the complainant in contempt would have been avoided. A judge is under obligation to abstain from manifesting interest in matters before him. We are therefore in full agreement with the amici curiae in finding the recommendation of the Judicial Inquiry Commission consistent with Judicial Canon #13 which provides:

“A judge should not accept inconsistent duties, nor incur obligation, pecuniary or otherwise, which will in any way interfere or appear to interfere with his devotion to the expeditious and proper administration of his official function.

We are also in agreement with the amici curiae when they, in the complaint involving the Labor Commissioner, Henry Nyeswah Davis, concurred with the findings and recommendations of the Judicial Inquiry Commission that the act of Judge Danuweli in incarcerating the Labor Commissioner amounted to gross misuse of judicial power in violation of Judicial Canon #25 which states:

“A judge should be mindful that his duty is the application of the general law to particular instances, that our government is that of law and not of men, and that he violates his duty as an administrator of justice under such system if he seeks to do what he may personally consider substantial justice in a particular case and disregards the general law as he knows it to be binding on him. Such action may become precedent unsettling accepted principle and may have detrimental consequences beyond the immediate controversy. He should administer his office with due regard to the integrity of the system of the law itself, remembering that he is not a depository of arbitrary power, but a judge under the sanction of law.”

Under general power of its superintendence, an appellate court such as this Supreme Court, may exercise its administrative authority and take such actions as deemed necessary where a judge commits acts inimical to the ends of justice. And it has been held that:

“[A] judge, under certain circumstances, may be disciplined for conduct unbecoming a member of the judiciary; such conduct may be proved by evidence of specific major incidence or an accumulation of small, ostensibly innocuous incidents, which, when considered together, emerged as a pattern of hostile conduct unbecoming a member of the Judiciary.” *Section 42, 46 Am JUR 2d*

We take note that during the hearing of this case before us, the respondent judge stated on the minutes of this Court that he agreed with the rulings of the Judicial Inquiry Commission in the two complaints filed against him; his only request was to have the recommendation to have him suspended for a total of twelve (12) months reduced. We decline to grant this request. This is because firstly, despite his glaring wrong acts committed against the complainants in the two cases, the respondent judge showed no remorse from the beginning. While the matters were before the Judicial Inquiry Commission, he vigorously defended his actions as seen from the returns he filed.

Secondly, we hold that the actions of the respondent judge complained of are so callous and reprehensible that the recommended suspension for a total of twelve (12) months is quite appropriate. We hope this will create the deserved deterrence to him and other judges.

WHEREFORE, and in view of the foregoing, the recommendations of the Judicial Inquiry Commission to suspend Judge Danuweli for six (6) months for each offense to which recommendations the amici curiae agreed is hereby endorsed. The respondent Judge Francis A. Danuweli is hereby suspended as a Judge for a total period of twelve (12) calendar months as of the date of this opinion. All benefits, salaries and remuneration are hereby withdrawn from him with immediate effect.

Furthermore, he is ordered to pay the full amount owed the complainant, Mr. Magattfried Temeh, same being the amount of the value of rubber and related products he received from co –defendant David Moore which amount the Judge undertook to remit to the complainant herein and that he is to do so within the period of seventy two hours as of the date of this opinion. He is also directed to file with the Clerk of this Court receipts evidencing full and complete payment, failing which this Court shall take a more stringent action against him in keeping with law. Additionally, Judge Danuweli is hereby ordered to attend, during the period of his suspension, a course in Ethical Conduct of Judges designed by, and implemented under the supervision of the James A.A. Pierre Judicial Institute for a period of three months. The Clerk of this Court is ordered to send a mandate to all courts of the Republic informing them of the Judgment, and to have all the appropriate authorities informed to ensure compliance with the Judgment of this Court and that they will act consistent herewith. Costs are disallowed. AND IT IS SO ORDERED.

Ruling confirmed.

Counsellors Tiawan S. Gongloe, N. Oswald Tweh and Kathleen Pyne Makor appeared as amici curiae.

Judge Francis A, Danuweli appeared *pro se*.