

OPENING ADDRESS OF HIS HONOR FRANCIS S. KORKPOR, SR.
CHIEF JUSTICE, SUPREME COURT OF LIBERIA
MARCH TERM A.D. 2018
MARCH 12, 2017

Mr. President;

Mr. Speaker & Members of the House of Representatives;

Mr. President Pro Tempore & Members of the Liberian Senate;

My Colleagues of the Supreme Court;

Former Chief Justices & Associate Justices of the Supreme Court;

Mr. SRSG & Members of United Nations Mission in Liberia;

The Doyen & Members of the Diplomatic Corps;

The Minister of Justice & Dean of the Supreme Court Bar;

Circuit and Specialized Court Judges;

The President & Members of the Liberian National Bar Association;

The President & Members of the Association of Female Lawyers;

The President & Members of the Association of Public Defenders;

The Court Administrator & Staff of the Judiciary;

Members of the Press;

Distinguished Guests, Ladies and Gentlemen:

We thank God Almighty for sparing our lives to witness and participate in yet another opening ceremony of this Court. On behalf of my Colleagues and the Judiciary, I am pleased to welcome all of you.

We especially welcome His Excellency George Manneh Weah, President of the Republic of Liberia, who is attending the opening program of the Supreme Court for the first time. We wish to use this occasion to formally congratulate him and his Vice President, Honorable Jewel Howard-Taylor on their election to the high and enviable offices of President and Vice President of the Republic of Liberia respectively.

We also congratulate the Speaker of the House of Representatives and the President Pro Tempore of the Liberian Senate on their election by their Colleagues to the leadership of the 54th National Legislature. The Judiciary avails itself to work with you, Mr. President, and your team of Executive Officials, as well as the Honorable men and women of the Legislative Branch of the Government in the true spirit of “coordination” as enshrined in Article III of the Constitution.

In the same vein, we formally congratulate Counsellor Frank Musa Dean on his preferment as Minister of Justice & Attorney General of the Republic of Liberia, and by extension, Dean of the Supreme Court Bar. Counsellor Dean is a distinguished legal practitioner and a seasoned member of the Supreme Court Bar. We look forward to a close working relationship with him on matters relating to the Judiciary and in the justice sector.

We regret to inform you, at this juncture, that 11 of our compatriots departed this world during the period of the last term of Court. They are:

No.	Names	Position	Date of Death	Assignment
1.	His Honor J. Hezekiah J. Cheyee	Probate Judge	November 20, 2017	Grand Gedeh County
2.	His Honor Edwin K. Gaylor	Stipendiary Magistrate	February 23, 2018	Montserrado County
3.	His Honor Benjamin M. Darpoh	Stipendiary Magistrate	November 13, 2017	Montserrado County

4.	His Honor Nixon B. Marzah	Stipendiary Magistrate	November 9, 2017	Nimba County
5.	Atty. Meawaseh Payebayee	Public Defender	November 8, 2017	Nimba County
6.	Samuel Smith	Filing Court	January 31, 2018	Montserrado County
7.	Alpha Morris	Bailiff	December 28, 2017	Margibi County
8.	Lamin Freeman	Chauffeur	February 23, 2018	Montserrado County
9.	Collins C. Gibson	Chauffeur	January 5, 2018	Montserrado County
10.	Francis Sio	Plumber	January 18, 2018	Montserrado County
11.	Joseph B. Nimene	Bailiff	February 25, 2018	Grand Kru County

We pay homage to these dedicated and committed Liberians for the invaluable services they rendered to their country through the Judiciary. And we extend profound sympathy to their families and pray that God will pardon them of their iniquities and grant eternal rest to their souls.

In my Opening Address at the start of the October 2016 Term, I informed you of the decision the members of this Court made not to take vacation beginning the March 2017 Term, until the Presidential and Representative Elections scheduled in October, 2017 were held and a new administration was inaugurated. The rationale was for the Full Bench of the Supreme Court to be available at all times to handle cases emanating from the National Elections Commissions (NEC) before, during and after the elections. True to our words we worked straight through the March Term to the October, 2017 Term without taking a break. And it was just less than three weeks ago that we adjourned the October 2017 Term *sine dine*.

During the October 2017 Term of Court, we heard and decided a total of (26) cases. Thirteen (13) of them were post-election cases to which we gave first priority; they were expeditiously heard and decided. Two of the election cases were remanded to the NEC with instructions to that Body to conduct recounts. Of the two cases remanded, we see that one is back at this Court on a bill of information alleging basically that the recount ordered by this Court is being wrongly carried out. This means that as at now, there is only one election case pending before us. We will hear and make determination in that case as soon as possible in keeping with law.

Prior to the elections, there were some Liberians who held the view that because there are 73 electoral districts in the country and because there were, on the average, about 12 contestants in each electoral district, decisions in election cases on appeal from the NEC would inundate the Supreme Court to the point that the Court would not cope. In other words, they believed that due to the expected huge number of election cases that would have been on appeal before this Court, the Court would not render opinions in the said cases on time. They predicted a total disaster! But they were wrong! We should say, first of all, that they completely underestimated the sense of good judgment of the Liberian people, particularly those who took part in the elections. From where we sit, we know that most Liberians do not embark on appeals unless they reasonably believe that the cause is justiciable. So, the notion that losing candidates in the past elections would have taken frivolous appeals which would have overwhelmed this Court was a fallacy. Secondly, the cynics overlooked the commitment made by the members of this Court to remain available and to promptly and meticulously decide all election cases.

And there were others, including presidential candidates who, for reasons only they knew, labeled the Supreme Court as a “partisan court”, a “prohibition court” or a “Pontius Pilate Court” etc. But we were not perturbed nor swayed. Under Judicial Canon # 16, “A Judge should not be swayed by partisan demands, public clamor, or consideration of personal popularity or notoriety, nor be apprehensive of unjust criticisms.” So, we remained focused on the task at hand and delivered. We carefully heard and timely decided the many contentious elections cases that came before us. Today, some of the critics are heaping praises on the Court.

Members of the Bar, distinguished ladies and gentlemen, at the opening of the last Term of Court on October 9, 2017, which was on the eve of the Presidential and Representatives Elections this is what I said on behalf of this Court said:

“Our courts, especially the Supreme Court, have an extremely important role to keep our country stable and on the path of democracy and ensure a peaceful transfer of power from this Government to another democratically elected government. Ours is manifested through the fair application of the rule of law to ensure the protection of all. We are quite aware that in order to avoid recourse to dissent and rebellion as experienced in our recent past, the rule of law must be based on the principle of justice where the freedom of the individual is guaranteed. The rule of law must provide a framework for the exercise of free choice and equal opportunity. So, we in the Judiciary will remain focused and fair in our judicial actions and decisions. We will abstain from all political frays and alignments during the elections in order to remain above reproach and uphold our independence and neutrality. It is important that by our judicial actions and decisions, we create an enabling environment for the free and fair conduct of the elections. We assure all that we shall dispense with fairness, transparency and impartiality, all cases growing out of the ensuring elections. We give the further assurance that the wishes of the Liberia people, as expressed through their ballots will be fully respected. Election is about mass participation for the electorate to decide; no court will act otherwise to suffocate the process.”

Today, we are proud of the pivotal role the Supreme Court played in the electoral process. Our decision to allow as many legally qualified candidates and /or political parties as possible in the electoral process, couple with the propriety of our opinions regarding election contests, was in the right direction. The Presidential and Representative Elections are over, our country experienced a smooth transition from one democratically elected Government to another and we now have a new administration to steer the affairs of our Country. Above all, the nation is at peace!

In a way, this Court has been vindicated. No longer does the public perceive the Supreme Court as a forum where justice is elusive as it was made to belief. Rather, the people now know that the Supreme Court is a place where everyone is equal before the law. The people further see the Court, in the words of the late C. Abayomi Cassel, former Attorney General of Liberia, as the rampart upon which the distressed climb for safety and the bulwark that restrains the strong, the wicked and traducers of liberty. We feel very elated about this

renewed surge of public confidence and will work assiduously to sustain the confidence. We can only give glory to God Almighty, for He gives wisdom, courage and fortitude to the members of this Court to continue to do the right things.

Members of the Bar, distinguished ladies and gentlemen, infrastructure and human resource developments remain two of the key priority areas under the reform agenda of the Judiciary. For purposes of accesses to justice and judicial independence, it is imperative that the Judiciary be properly housed and in its own premises. We shall continue to construct court houses in the country until all judicial circuits have judicial complexes and all magisterial districts have magistrate courts. In this regard, a number of judicial complexes and magistrate courts have already been built and are in use, while others are still under construction. The Government of Liberia has provided the bulk of the funding for the construction of these court facilities over the years. Some donor agencies and friendly nations have also assisted in the process. We thank the Government and those development partners for their support to the Judiciary.

On March 2, 2018, the judicial complex in Tubmanburg, Bomi County, funded by the Government, was dedicated by the President of Liberia, His Excellency George Manneh Weah. The complex houses the Eleventh Judicial Circuit Court, the Debt Court, Revenue Court, Traffic Court and the Magistrate Court of Tubmanburg, Bomi County, with offices for key judicial actors. This brings to five the number of judicial complexes that have been constructed and are in use throughout the country in recent years.

Currently, there is a judicial complex nearing completion in Zwedru, Grand Gedeh County; it will be dedicated this year.

We are constructing a fence around the premises that house the Twelfth Judicial Circuit Court in Barclayville, Grand Kru County, and will seek funding to construct an annex thereto to accommodate other subordinate courts, thereby transforming that facility into a full judicial complex.

Three of the four magistrate courts funded by the Swedish Government through the United Nations Development Program (UNDP), have been completed, they are: the magistrate court in Karnplay, Nimba County, the magistrate court in Vahun City, Lofa County and the magistrate court at the Omega Community, Montserrado County. We are experiencing undue delay in the completion of the magistrate court in Botota, Kokoya District, Bong County. The contractor is being engaged in this regard.

Under the UNMIL Quick Impact Project, two magistrate courts were constructed during the period in review; one in New Kru Town, Bushrod Island, and the other in Nyen, Todee District, Montserrado County. We are renovating the West Point Magistrate Court to provide chamber for the Stipendiary Magistrate, a file room, bathroom facilities and proper seating arrangements for lawyers and party litigants.

River Cess County remains our greatest challenge in our efforts to build court facilities around the country. The structure that houses the 14th Judicial Circuit Court in River Cess County is in a deplorable condition. And there are only two magistrate courts in that county which are not only also in deplorable conditions, but they are very far apart. This situation seriously impedes accesses to justice. We will seek funding to construct court facilities in that County to address the problem.

We will also seek funding to fix the unfinished structure in River Gee County which was intended to house the 15th Judicial Circuit Court.

Concerning human resource development, we are pleased to say that the James A. A. Pierre Judicial Institute has commenced the third cycle of the Professional Magistrates Training Program (PMPT) with the admission of sixty (60) candidates who were recruited through an aptitude test administered throughout the country. The candidates who are all college graduates will undergo intensive training for twelve calendar months in courses specially designed for magistrates. The objective has been, and still is to train and deploy a total of 300 persons as associate magistrates throughout the country. Upon completion of the academic studies, each of the candidates will be assigned to a sitting magistrate to learn

the art of magistrate court proceedings before graduation. The program has proved to be very successful in enhancing knowledge of the law and performance of associate magistrates who man our courts of first instance. We are grateful to USAID for donating funds along with essential items such as desktop computers with accessories, a heavy-duty Canon Photocopier and a color LaserJet Printer to the program. The donation was made through the Legal Professional Development and Anti-Corruption Program (LPAC).

The People's Republic of China, through a bilateral agreement with the Government of Liberia, granted a scholarship to Mr. Octavious Benjamin Klah, Sr., Budget Analyst at the Judiciary, who studied at the Dongbei University of Finance and Economics in China. He obtained a Master of Science (MSc) degree in financial management. Mr. Klah has since returned to Liberia and is rendering invaluable contribution to his nation through the Judiciary. We express sincere gratitude to the Government and People of the People's Republic of China for the support given to the Judiciary.

The Arab Republic of Egypt invited the Government of Liberia to participate in a training course in Cairo, Egypt on "Legal and Judicial Cadres from English Speaking African States. His Honor Scheaplor R. Dunbar, Relieving Judge, was designated and is currently attending the training program. We recall that similar invitation was extended to the Government of Liberia in 2016 to attend the Egyptian African Judicial Cooperation Program for African Women Judges in the field of Combating Terrorism and International Crime. We designated Her Honor Eva Mappy Morgan, Chief Judge, Commercial Court, and Her Honor Ciaeneh Clinton-Johnson, Resident Judge Criminal Court "E" who represented Liberia at the conference. We express sincere gratitude to the Government and people of the Arab Republic of Egypt for the continued efforts in assisting to build the human resource capacity of the Judiciary.

The National Association of Trial Judges of Liberia (NATJL) has informed us that it has now been granted full membership status to the International Association of Trial Judges (IAJ). We congratulate the NATJL for this achievement and hope that it will take full advantage of

the many opportunities that exist within the IAJ which includes training and judicial networking amongst the member states of that organization.

Recently, the issue of implementing the law entitled: *“An Act to Amend Section 13.4 of the New Judiciary Law to Provide for Pension for the Chief Justice and Associate Justices of the Supreme Court of Liberia”*, enacted and approved by the President of Liberia on August 1, 1988 and published into handbills on September 20, 1989 was raised before the Plenary of the Liberian Senate. This law provides for retirement pensions for Justices of the Supreme Court, Judges of Subordinate Courts and Stipendiary Magistrates who retire from the Judiciary in accordance with the Constitution and the New Judiciary. We are in close contact with the leadership of the Liberian Senate to ensure that the effort to have the law implemented is realized.

About three weeks ago, the Governor of the Central Bank of Liberia paid a courtesy visit at the Supreme Court at to acquaint us with the concerns of some commercial banks operating in the country. He intimated that cases involving some commercial banks who loaned huge amounts of money to individuals and institutions in Liberia are having their cases stalled at the lower courts and that a few of the cases were pending before the Supreme Court. We have instructed the lower courts concerned to expedite those cases which have implications for our economy. And we give the assurance that cases on appeal from the commercial banks to the Supreme Court which could not be heard during the last Term of Court because we gave priority to election cases would be assigned this Term of Court for hearing and determination.

Last year, the Government of Liberia decided to provide funds to strengthen certain strategic functionaries of the Government, including the justice and security sectors in preparation of UNMIL’s drawdown and eventual departure from Liberia. The total of US \$1,000,000 was earmarked for the Judiciary. We decided to use the amount to purchase vehicles for Judges of the Circuit and Specialized Courts, since the vehicles purchased for them about six years ago have outlived their usefulness and are completely worn out. But so far, only US \$500,000 of the amount has been made available. We purchased 12 all-weather Land Cruiser

Jeeps with this first trench of money for Circuit Judges. We have the 12 vehicles to Circuit Judges in remote and faraway circuits. We will exert every effort to have the Government provide the remaining amount and we will seek additional funds to purchase vehicles for all Circuit Judges, including Relieving Judges and Judges of Specialized Courts.

Members of the Bar, for this Term of Court, we have 246 cases on the active Trial Docket and 14 cases on the Motion Calendar. All Counsellors who have cases before this Court are advised to put in early requests to have their cases assigned and be in readiness for the hearing of arguments.

And now, by the power vested in me, I announce the March 2018 Term of this Court duly opened for business. May God bless the Supreme Court and may He save the State.

I THANK YOU.