

# The Judiciary

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## Supreme Court Acknowledges Challenging Time as Justice Ja'neh Faces Impeachment



**T**he Supreme Court of Liberia has acknowledged that it is experiencing what it calls “a challenging time.” In the address delivered at the opening of the March 2019 Term of the Supreme Court, the Chief Justice of Liberia said “it is no secret that this court is going through a challenging time.”

Chief Justice Francis S. Korkpor, Sr.’s statement about the challenges the high court of Liberia is going through was in clear reference to the impeachment proceeding against the most senior associate justice on the Korkpor Bench. According to the Chief Justice, “the impeachment trial going on at the Liberian Senate involving Mr. Justice Kabineh M. Ja’neh, a member of this **SEE PAGE 2**

Court, is unprecedented in the history of our country.” “To the best of my recollection,” Chief Justice Korkpor noted, “no impeachment proceeding in our nation has

## Training critical for functional Judiciary

...Justice Minister asserts

**T**he Minister of Justice/Attorney General of the Republic of Liberia says the Ministry welcomes the training of judicial officials, especially magistrates at the James A. A. Pierre Judicial Institute at the Temple of Justice in Montserrado County.

Justice Minister, Cllr. F. Musa Dean, emphasized that in order to have a functioning and credible judicial system and increase access to justice, those responsible for dispensing justice must have the requisite training, education and skills to understand and apply the law. Cllr. Dean stated that the Ministry of Justice will continue to compliment the training efforts of the Judiciary with the quarterly workshops and other specialized trainings in the legal field for state

prosecutors.

Responding to the address of Chief Justice Francis S. Korkpor, Sr. at the opening of the March 2019 Term of the Supreme Court on Monday, March 11, 2019, Cllr. Dean agreed that the proceeding against Justice Kabineh Ja’neh was unprecedented, adding that these are indeed challenging times for the Judiciary.

He however expressed confidence that with divine providence, the process-the impeachment proceeding-would be steered along a safe path, that justice will ultimately be served.

“During our response at the October Term of this court,” Cllr. Dean reminded the Supreme Court, “we told you that we were reviewing various provisions of the Criminal Procedure Law with the aim of introducing amendments to ensure the efficient delivery of justice to our people, vital to enhancing access to **SEE PAGE 2**



CLLR. FRANK MUSA DEAN

# Supreme Court Acknowledges Challenging Time as Justice Ja'neh Faces Impeachment



taken on the form of a full blown trial before the Senate.”

He told the guests at the Supreme Court opening ceremonies at the Temple of Justice in Monrovia, that his role as the presiding officer is mandated by the Liberia Constitution at Article 43.

Article 43 of the Liberian Constitution states in relevant part that “...When the President, Vice President or an Associate Justice is to be tried; the Chief Justice shall preside...”

Speaking further to really clarify and make the public understand fully what is obtaining, Chief Justice Korkpor explained that the Liberian Senate tries the proceeding and is the sole judge of whether or not the Justice has committed an impeachable offense.

Since the Constitution provides that such impeachment trials be conducted in keeping with due process, the Chief Justice's role, as a presiding officer is to ensure that the trial is in keeping with due process of law as constitutionally mandated.

Despite such constitutional mandate, Chief Justice Korkpor said he has heard and read and continue to hear and read many accusations, innuendoes and speculative views about his role in the impeachment process.

“And some of these comments are coming from people who ought to know better” he added in his usually calm tone.

The Chief Justice maintained that he will for now refrain from making any substantive comments regarding his role, as the matter is being tried; but assures that the truth will emerge in the end.

Among the several issues reported by the Chief Justice at the Opening of the March 2019 Term of the Supreme Court, were the appointment of judges to subordinate and specialized courts, the construction

of judicial complexes, the training and pending graduation of more associate magistrates, the training of judges and support from friendly governments and organizations, as well as the critical issue of the impeachment proceeding.

In response to the Chief Justice's address, the National Bar Association praised the Supreme Court for the many progress made in the various areas reported and lauded the Swedish Government, other friendly governments, UNDP and organizations assisting the Judiciary. The President of the Liberia National Bar Association, LNBA, Cllr. Tiawan S. Gongloe said the Bar agreed that the Supreme Court is going through a challenging period.

Cllr. Gongloe noted the challenging period the Supreme Court is going through results from efforts by some members of the House of Representatives to impeach Associate Justice Kabineh Ja'neh.

“The impeachment of Justice Ja'neh is the second time that a member of the Supreme Court bench has gone through an impeachment proceeding.”

The LNBA president named Chief Justice Chea Cheapo as the first member of the court to have been impeached almost unanimously by the Senate in 1987.

According to Cllr. Gongloe, the Samuel Doe regime refused the resignation of Chief Justice Cheapo and impeached him for detaining Judge Harper Bailey.

He further noted that the current impeachment trial is not only challenging, but troubling because it has the potential to lower the bar of impeachment and that it may serve as a precedent for the easy impeachment and removal of elected and other high officials of government.

Cllr. Gongloe reminded the Supreme Court, that the Judiciary is the only source of hope for the survival of Liberia's

democracy and the sustenance of its peace and security.

He promised that the LNBA will support

and cooperate with the court as long as it performs its duty as the custodian of democracy, peace and security in Liberia.

## Training critical for functional

justice and the rule of law.”

The Justice Minister disclosed that the process was well underway and would soon reach the level of validation.

Meanwhile, Cllr. Dean used the occasion to call on judges of the various courts and lawyers to emulate the example of the Commercial Court by taking full advantage of chapter 12 of the Civil Procedure Law relating to pre-trial conference.

“This provision allows the judge working with the lawyers to simplify the issues to be decided, limit the number of witnesses, dispose of cases fairly and quickly, ultimately dispensing justice more efficiently and reduce the court's docket.” According to the Attorney General, “the BAR must play a leading role for developing training programs for lawyers and must set up a system to monitor the performance of lawyers. Lawyers who are found wanting in knowledge and experience of the law must be made to submit to the tutelage of more experienced and knowledgeable lawyers.”

“The proliferation of lawyers without the proper skills if left unchecked, will pose a danger to the populace,” Cllr. Dean maintained.

On another issue, Minister Dean urged courts to discourage the filing by lawyers of unmeritorious claims and suits.

Cllr. Dean wants lawyers filing motions intended to delay cases berated, shamed and rebuked by judges, noting that the practice of holding a hearing for every motion or application must be abandoned. He suggested that a judge can rule on a



motion without a formal hearing and may refer lawyers filing frivolous motions and claims to the disciplinary committee of the BAR.

These reforms combined with training of magistrates, city solicitors and other judicial officers will go a long way in improving the Judiciary and enhancing access to Justice, Cllr Dean stressed.

The Justice Minister formally congratulated Cllr. Tiawan Gongloe for his election as President of the Liberian National Bar Association, LNBA, adding that he found him to be a man of proven integrity and with fine character, qualities very rare in Liberia today.

Considering Cllr. Gongloe's experience as a practicing lawyer and his years of service at the Justice Ministry, Cllr. Dean said the new Bar President has a unique perspective of the challenges of the noble, legal profession and the Judiciary.

Cllr. Dean expressed confidence that Cllr. Tiawan Gongloe's leadership at the LNBA will bring integrity and even temperament to the Bar and in so doing will build on the achievements of his predecessor and increase the activities and workings of the Bar.

# The Judiciary

## EDITORIAL

### Advancing Freedom of Information and the Right to Know

The Judiciary Branch of the Liberian Government is the final arbiter of constitutional issues and exercises final appellate jurisdiction in all cases whether emanating from courts of records, courts not of records, administrative agencies and so forth.

Since its creation, ordinary Liberians have had difficulty understanding its functions.

In light of this difficulty, the Judiciary under the administration of Chief Justice Francis S. Korkpor, Sr. has established the Public Information Department tasked with the responsibility to inform and educate the public about the Liberian Judiciary.

One of such mediums being the publication of a quarterly newsletter, "The Judiciary." The publications will provide basic education on the workings of the courts and events within the Judiciary, as well as provide basic legal education that will enlighten the public on the Rule of Law.

"The Judiciary" will also serve as a medium to create awareness that repositions the Judiciary Branch in a way that maintains its dignity and respect, in addition to the Judicial website ([www.judiciary.gov.lr](http://www.judiciary.gov.lr)) which is one the most significant platforms for legal and academic research in Liberia.

It is our goal that this newsletter will bring the administration of justice closer to the public and promote understanding that will engender respect for the rule of law in Liberia.



ASSOCIATE JUSTICE SIE-A-NYENE G. YUOH LEADS ECOWAS COURT DELEGATION TO THE CAPITOL BUILDING

# RECOMMIT TO PUNCTUALITY

## Justice Yuoh Admonishes Judges and Lawyers



Members of the National Trial Judges Association and lawyers practicing before the several circuits in Liberia have been admonished to recommit themselves to being studious, punctual, analytical and impartial in their administration of justice and their overall deportment before the courts.

Associate Justice Sie-A-Nyene G. Yuoh said as judges and lawyers, it was incumbent upon them to constructively take steps to enhance the rule of law and accord equal rights to citizens and residents of Liberia alike.

"Moreover, you must ensure that justice is administered expeditiously, inexpensively and speedily in accordance with the constitution and the statutory laws of Liberia, and that the intent of the law must always be construed to promote justice and equity without procrastination."

These were the words of Associate Justice Sie-A-Nyene G. Yuoh at the opening of the February A. D. 2019 Term of Court at the 5th Judicial Circuit in Grand Cape Mount County.

Referencing the Supreme Court's opinion in the case Yate and Brown versus Republic of Liberia, delivered in October 2015 and bordering on criminal cases, Justice Yuoh reminded judges and lawyers that the Supreme Court of Liberia has mandated that Circuit Judges trying criminal cases should first conduct sentencing hearing before sentencing a convicted defendant as required by law.

Justice Yuoh also used the occasion to remind judges and lawyers of the New Jury Law of 2012, which mandates the Jury Management Office to utilize the data bases of the National Election Commission, NEC, and the Liberia Institute of Geo-Information Service, LISGIS, for jury selection.

This means prospective jurors are no longer requested from the municipalities through the sheriffs of courts like before.

She at the same time advised Attorneys-At-Law to be in good standing with their local bars and the

national bar for the procurement of their professional licenses, because the Supreme Court will not admit any attorney to its Bar without meeting the basic requirements and being in good standing with both the local and the national bars.

Also speaking at the ceremony, the newly commissioned Resident Circuit Judge of the 5th Judicial Circuit in Grand Cape Mount County, Ousman Fritz Feika vowed to execute the mandate given him by the Chief Justice of the Supreme Court of Liberia unblemished and consistent with law.

The judge's solemn commitment to the execution of his duties and responsibilities were made when he delivered his first Charge during the opening of the February Term A. D. 2019 of Court at the 5th Judicial Circuit, Grand Cape Mount County.

Judge Feika's charge warned against the unlawful request for the payment of 'a bail bond fee' by judges before approving a valid bail bond proffered by a defendant.

According to the judge, several opinions of the Supreme Court have held that the purpose of a bail bond in a case, where allowed by law, is to ensure that no one is punished before being actually tried and final judgment rendered.

"Hence, the concept regarding maintaining the innocence of an accused person until proven guilty by a court of competent jurisdiction will be undermined if care is not taken in this regard, and that as judges, they are under obligation to approve valid bail bonds without requesting 'bond fees' before approving such bonds."

Judge Feika has therefore pronounced that under his stewardship, "no one accused of a bailable offense will be required by any magistrate to pay any fee for the approval of a bail bond in order to secure the temporary release of an accused person pending final adjudication of the case."

He has vowed to ensure that lawyers from the county regularly attend the opening sessions of the 5th Judicial Circuit.

# From The Courts



## Dispense Justice to promote peace amongst your people, Justice Nagbe urges judge



**A**ssociate Justice, Joseph N. Nagbe has advised the Judge of the 14th Judicial Circuit Court in Cestos City, River Cess County, to dispense justice fairly as a way of promoting peace amongst his people. Justice Nagbe who has oversight responsi-

bility for River Cess, Sinoe and Grand Gedeh Counties said "the debate about peace anywhere in the world centers around justice. Where there is no justice there is no peace."

Justice Nagbe made the statement in Cestos City at the opening of the February A.D. 2019 Term of court which coincided

with the seating of the appointed Resident Circuit Judge of the 14th Judicial Circuit Court, His Honor D. Onesimus Banwon. Justice Nagbe described Judge Banwon as one who comes to the position with great experience, though not as a judge, but as a former County Attorney for both River Cess and Grand Bassa Counties for sever-

al years.

"I am convinced that his stay at this court will promote justice, will promote peace."

Because justice goes to recognizing the rights of party litigants without favor or without regret, Justice Nagbe urged Judge Banwon and other judges to dispense justice in accordance with law.

He noted by regret he meant that judges should not give a right to a party litigant if that party litigant does not deserve it under the law; then in that case they will be promoting peace in their various counties and jurisdictions.

The Associate Justice told the new Resident Circuit Judge of the 14th Judicial Circuit that he was an eye of the judiciary because he was interpreting the law in River Cess County.

"Your ability to stem the evil of the society is involved. Your ability to speak truth to the power that be if the power that be is not following the law, is involved. Read the law and apply it," Justice Nagbe cautioned. He further admonished Judge Banwon not to take the position of a judge lightly, because the job is demanding and the character of the judge is involved.

Justice Nagbe urged Judge Banwon to strike a balance in the performance of his duties for the promotion of peace and justice in the county.

The Associate Justice also called on the people of River Cess County to respect the authority of Judge Banwon whom he said was 'their own son.'

## ECOWAS Court discusses its mandates in Liberia



**T**he Community Court of Justice of the Economic Community of West African States, ECOWAS, has concluded a weeklong awareness and sensitization campaign in Liberia, with a call on Liberians to take advantage of the opportunities available at the Community Court, ECCJ.

Headed by its President, Honorable Justice Edward Amoako Asante (Ghana), the ECCJ delegation, comprising other justices and officials of the court, was in Liberia from 16th to 23rd March, 2019, and met with various stakeholders including law students, lawyers, civil society, judicial and justice actors, amongst others.

According to the ECCJ's President, Honorable Justice Asante, the Liberia visit was aimed at engaging Liberians and other stakeholders on the workings of the court and explaining to them its mandates to deepen their understanding of the functions and operations of the ECCJ.

Speaking at the session held for law students and members of Liberian National Bar Association at the

Temple of Justice, Justice Asante said, "We have observed from experience that many lawyers who appear before us are not familiar with the peculiar mode of practice before the ECCJ, a situation which affects the quality of presentations and representations."

Dealing with the situation of lawyers' unfamiliarity with the practice before the court provided a rationale for the ECCJ officials to put in place a technical presentation focusing on the mandates, jurisdiction, practice and procedures, as well as the mode of filing cases for the promotion of justice.

"For the students, this will enable them strengthen the foundation in the preparation of legal practice and the demonstration of the court's desire to strengthen the knowledge of ECOWAS Laws amongst this category of ECOWAS citizens as they arrange the golden blocks for their future legal career," Justice Asante added.

He however stated, that until the ECCJ succeeded in its campaign to integrate ECOWAS laws in the curriculums of law institutions, for training of lawyers as a long term mode of inculcating the sub-regional laws into the minds of ECOWAS citizens, awareness campaigns would serve in the short term to

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# ECOWAS COURT OF JUSTICE'S AWARENESS VISIT TO LIBERIA

A PICTORIAL



# ECOWAS COURT DELEGATION MEETS WITH LAYWERS, JUDGES, MAGISTRATES & JUSTICES OF THE SUPREME COURT

A PICTORIAL



# Opening of the March Term of the Supreme Court in Pictorial



# Opening of the March Term of the Supreme Court in Pictorial



## Judge Suggests Establishment of Regional Appeal Courts for Liberia

**T**he Resident Circuit Judge of the 15th Judicial Circuit Court in River Gee County has recommended the establishment of five (5) regional courts of appeal in Liberia.

His Honor, George W. Smith suggested that the establishment of regional appeal courts across Liberia will reduce the huge number of cases on the docket of the Supreme Court, which has overwhelmed the high court for years.

“We are well aware that the Supreme Court’s docket is exceedingly overcrowded; the Supreme Court is overwhelmed with influx of appeals from our trial courts of record; party litigants from far-away circuits do not take advantage of their right of appeal to the Supreme Court due to time and costs of travel to the Supreme Court all the way to the Nation’s Capital City of Monrovia; and bad lawyers do abuse the right of appeal to the Supreme Court by filling unmeritorious and frivolous appeals calculated to “hang” or keep cases in abeyance.”

Judge Smith described the challenges enumerated above as few of the crucial difficulties Liberian courts, including the Supreme Court, have to confront daily in the speedy disposition of cases.

But, the River Gee Circuit Judge noted, the challenges could be surmounted if the National Legislature amended Articles 20(b) and 66 of the

Constitution to establish regional courts of appeal, whereby appeals to the Supreme Court of Liberia will not be a matter of right, but rather by the permission of the Supreme Court.

According to the recommendations contained in Judge Smith’s February 2019 Charge, delivered to a cross section of citizens and residents of Fish Town, River Gee County, the five (5) courts of appeal could be headquartered in Zwedru, Gbarnga, Kakata, Bentol and Monrovia.

The Zwedru Appeal Court, Judge Smith suggested, could have appellate jurisdiction over the 3rd, 4th, 7th, 12th and 15th Judicial Circuits in Sinoe, Maryland, Grand Gedeh, Grand Kru and River Gee Counties respectively; while the Gbarnga Appeal Court of appeal could dispose of appeals from the 9th Judicial Circuit, Bong County; 8th Judicial Circuit, Nimba County; 10th Judicial Circuit, Lofa; and 16th Judicial Circuit, Gbarpolu County.

Another appeal court, the charge continued could have its headquarters in Kakata, Margibi County to provide appellate services to the 13th Judicial Circuit, Margibi County; the 2nd Judicial Circuit, Grand Bassa; and 14th Judicial Circuit, River Cess County; whereas Bentol City in Montserrado County was proposed to host one of the regional appeal courts, with the mandate of disposing of appeals from the 1st Judicial Circuit, Montserrado

County; 5th Judicial Circuit, Grand Cape Mount County; and 11th Judicial Circuit, Bomi County.

The last appeal court Judge Smith proposed could be situated in Monrovia, the nation’s capital, to decide appeals from the Civil Law Court, 6th Judicial Circuit, Montserrado County; the Commercial Court, National Labor Court, and other specialized courts in Montserrado County.

“The jurisprudence or philosophy of establishing a court of appeal is that the decisions of this court, with a 3-panel judges sitting, would be final, because there is no right of appeal to the Supreme Court.” In other words, Judge Smith argued, appeal to the Supreme Court is only granted by leave or permission of the Supreme Court and not because the appealing party has the right to appeal.

He further reasoned that with courts of appeal established in Liberia, the Liberian Supreme Court, like supreme courts in other common law jurisdictions with courts of appeal, will then focus on its original jurisdiction and may only hear appeals of very important cases of public interest; such as those involving the Constitution, election matters; and capital cases like treason, armed robbery, hi-jacking, terrorism, murder and other capital offences.



# Judge Suggest Establishment of Regional Appeal Courts for Liberia

Judge Smith claimed that some Liberians may argue that Liberia is too small and has no money to create appeal courts, but contended that the argument against the establishment of such courts in the country with a population of 4.7 million and an area of 43,000 square miles was a weak one. "The good business climate, investment and economic development benefits that will accrue to Liberia with the establishment of appeal courts in Liberia outweighs the Liberia-too-small and no-money argument."

Judge Smith narrated that The Gambia, the smallest West African common law country with a population of merely 2 million and an area of 4,363 sq. mi. has a court of appeal. He also named other

smaller common law US States which have courts of appeal like Connecticut, Oklahoma and Kentucky with populations of 3.6 million, 3.9 million and 4.5 million, respectively, as examples.

Regarding the issue of money, the Circuit Judge noted, that the creation of courts of appeal will bring money to Liberia because cases, including those relating to the enforcement of contracts, will be disposed of expeditiously; thus creating a good business climate for investment and economic development.

Judge Smith said his recommendation for the creation of appeal courts was sparked by the World Bank's recognized indicators relative to the ease of doing business in 190 countries, including Liberia.

According to the World Bank, the challenges to getting loans from banks and other financial institutions by businesses and individuals; the challenges to resolving insolvency or bankruptcy of businesses and the challenges to enforcing contracts between banks or other financial institutions, as lenders, and businesses and individuals, as borrowers are factors affecting the ease of doing business in Liberia and the other 189 countries.

Judge Smith spoke on the theme: Courts of Appeal, A Key to Speedy Disposition of Cases - A Desideratum for Good Business Climate in Liberia.

## Judge vows to push for creation of magistrate courts

The Resident Circuit Judge of the 14th Judicial Circuit Court in River Cess County has vowed to ensure access to justice throughout the county by initiating the process leading to the

noticeable to all who may have visited the structure known to have been once completely dilapidated.

Judge Banwon, who delivered his Charge after being officially seated as Resident Judge by Associate Justice Joseph N.

to man the institutions of justice upon their establishment.

"Success in the creation of Magisterial Districts in the administrative districts of the county, as envisioned, depends to a very large extent on the availability

to plague us as a people, our quest for growth and development in every aspect of our existence will perpetually remain unrealized."

He called on judges like himself and magistrates to always render justice void of any considerations and biases, stressing that where there is justice, there is peace and where there is injustice, anarchy and chaos reign.

According to Judge Banwon, justice is inarguably the bedrock of social, economic and infrastructural development in any society, noting that it was therefore imperative that judges and magistrates make it their duty at all times, to uphold in practical terms, the basic tenants of legal justice to achieve the development objectives of the county.

"Unless River Cess places the issue of justice at the center of its development initiatives by tenaciously adhering to and supporting the rule of law," he warned, "the county will not achieve the CDC Government's pro-poor agenda for prosperity and development."

Judge Banwon pleaded with the prosecution and defense lawyers of the county to work towards the speedy disposition of cases on the trial docket for the February 2019 term of court.

Responding to the charge, River Cess County Attorney, Attorney George Deray agreed with Judge Banwon and Justice Nagbe that justice produces peace and peace is a lead way to development.

Attorney Deray promised to work with the defense team and the court to ensure cases on its docket are dealt with expeditiously and legally.

The County Attorney named rape, sexual based violence and illegal possession of drugs as offenses on the increase in River Cess County, noting that he has made contact with the SGBV unit at the Justice Ministry to commence prosecution of sexual assault cases in River Cess.

Also responding to the Judge's Charge, the acting president of the River Cess Bar, Atty. James Baipay Seekpee called the attention of the court to evidence gathering as a major problem being experienced by prosecution.

Atty. Seekpee alleged that community people were not helpful to investigators and prosecutors seeking evidence to prosecute crimes even if they had information that could help.

On the issue of access to justice, Atty. Seekpee appealed to the Legislative caucus of the county to work with other local and national authorities to help set up



establishment of magisterial courts across the county.

Judge D. Onesimus Banwon said he will endeavor to collaborate with other actors of Liberia's governance system to establish the relevant institutions of justice in the county, including the construction of a Judicial Complex in Cestos City.

"The Chief Justice, His Honor Francis S. Korkpor, Sr. has unequivocally assured us that with the cooperation of the Legislative Caucus of River Cess County in terms of financial contribution, the Judiciary is willing and prepared to construct a Judicial Complex during the 2018/2019 budget year," Judge Banwon added. According to Judge Banwon, the creation of magistrate courts in the other administrative districts of the county will make justice accessible and satisfy the people's quest for justice.

These commitments were contained in the judge's first charge delivered at the opening of the February Term A. D. 2019 of the 14th Judicial Circuit Court. The event, which was attended by scores of citizens of River Cess County, took place in the refurbished circuit courtroom

**"Success in the creation of Magisterial Districts in the administrative districts of the county, as envisioned, depends to a very large extent on the availability of trained magistrates as well as clerical staff to man those courts,"**

of trained magistrates as well as clerical staff to man those courts," he maintained. Judge Banwon used the occasion to encourage the citizens of River Cess County who are university graduates to get enrolled either at the James A. A. Pierre Judicial Institute or the Louis Arthur Grimes School of Law to acquire legal knowledge and serve their

Nagbe, was quick to mention that while they were determined to improve the justice system of the county, River Cess was faced with the monumental challenge of the acute shortage of trained manpower

county. "It is our firm conviction," he told the gathering, "that unless we begin to harness our human resources as a county, in taking up those challenges that continue



## Judge Dunbar warns against discussion of unconcluded cases in the media

The Sixth Judicial Circuit, Civil Law Court of Montserrado County, has frowned on what it describes as an upsurge in the discussion of cases pending before it in the press and on radio talk shows.

Delivering the charge of Civil Law Courts A and B, Judge Scheaplör R. Dunbar said cases pending before the courts are sub judice.

“This means lawyers and party litigants are prohibited from taking to the press to discuss the merits and demerits of the case even before the court can hear the matter and enter a ruling or judgment.”

Some lawyers, Judge Dunbar alleged, are under the mistaken belief that by taking their cases to the press, they will mount enormous pressure on the judge or magistrate to rule one way or the other.

Judge Dunbar’s statements were made during the opening of the March 2019 Term of the Civil Law Court at the Temple of Justice in Monrovia.

He told the courtroom full of lawyers, magistrates, jurors, journalists and members of the public that the belief held by some lawyers that mounting pressure on judges through the media can make them rule otherwise is obviously not true. “Cases are won or lost not on the basis of public sentiment, but based purely on the facts of each case and the controlling laws.”

The Civil Law Court “B” Judge maintained that it was therefore unprofessional for lawyers to advise or encourage their clients to discuss the merits of their cases on radio talk shows.

In most instances, Judge Dunbar lamented, the facts of the cases are distorted and insults are rained on judges and magistrates by talk show hosts and the public.

He called such act on part of the media and the public as an illegal practice and demanded that it be stopped.

Referencing RULE 1 OF THE CODE OF MORAL AND PROFESSIONAL ETHICS of lawyers, Judge Dunbar warned that it was unprofessional for a lawyer to engage, advise, initiate or otherwise participate directly or indirectly in acts

that undermine or impugn the authority, dignity and integrity of courts or judges. In another development, Judge Dunbar has proposed the recruitment of law clerks to assist judges of the Civil Law Courts speedily dispose of cases on their very overcrowded dockets.

“I propose that the Judiciary, the Law School and the LNBA should collaborate in a pilot project under which senior law students, as part of their academic requirements, will put in few hours a week at the Civil Law Courts to assist the presiding judges to conduct legal research and in assisting to prepare the first drafts of court rulings, orders and judgments.”

Judge Dunbar stated that the project would assist the Civil Law Court judges, in a timely manner, dispose of the huge number of matters on the dockets of the Sixth Judicial Circuit Court.

The judge’s charge also urged prospective jurors and ministerial officers of the courts to play their respective roles with dedication and commitment to assist the courts dispense justice properly.

He urged prospective jurors to be punctual whenever they are hearing cases and work with the courts to dispose of many cases as possible during the March term.

The judge warned ministerial officers against taking money from lawyers to serve assignments and refusing to serve the court precepts for which such amounts were given them.

“In some instances, some bailiffs will connive with party litigants to make false returns to court precepts. This ugly behavior must stop.”

Speaking further, the judge said the Civil Law Courts will not hesitate to punish any ministerial officer engaging in such ugly behavior.

Judge Dunbar said the court relies heavily on ministerial officers to hear and determine cases, and as such, court precepts must be served in a timely manner and the returns thereto must always be correct.

Officials of the Montserrado Bar, the National Bar Association and state lawyers responded to the judge’s charge,

# Assign cases as they come

## ...LNBA recommends to Supreme Court

The Liberia National Bar Association, LNBA has admonished the Supreme Court to assign cases in the sequence the cases are received instead of awaiting lawyers to request for assignment of their cases.

“In that case,” Cllr. Tiawan Gongloe, President of the LNBA believes “the Court and the parties will know which lawyer is not ready for a case and the blame will not go to the Court or its clerical staff.”

Cllr. Gongloe’s statement comes in the wake of the Chief Justice’s report to the public during the opening of the March 2019 Term of the Supreme Court of Liberia.

The Chief Justice’s report puts the number of cases on the Supreme Court’s active trial docket and its motion calendar to 310 and 15 respectively.

In the report, the Supreme Court urged counselors to put in early requests for the assignment of their cases and get ready for the argument of such cases.

But, the LNBA President suggested that

III Part 1 (a) Entry of Cases, state clearly how cases should be entered upon the docket of the high court.

According to the rules referenced above, “The clerk shall enter upon the docket all cases appealed to or pending in this court in the order of their filing. No case shall be entered on the docket until all of the records and papers connected therewith including briefs shall have been sent up and filed in the office of the clerk. The clerk in making of the docket shall give the title and nature of every case.”

Section 15.2 of the Civil Procedure Law of Liberia also states in relevant part under the Method of Calendaring, how cases in the lower courts should form part of their dockets.

The rule is similar to the Supreme Court’s rule on docketing of case and stipulates that “The cases docketed for a term of court shall be docketed in order of the date on which the clerk receives proof of service, except that cases entitled to preference shall be accorded priority over others.”



the court assigns cases on its docket chronologically to ensure fair play and transparency in the system.

The revised rules of the Supreme Court under the topic “The Docket,” at Chapter

However, there are some exceptions to the rules of the lower courts which are provided in Section 15.3 under Trial Preferences as enumerated below in subsections (a) to (c).

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at the ceremony held in Civil Law Court A, in the presence of Judge Yussif D. Kaba and Judge George W. Smith of the 15th Judicial Circuit in River Gee County.

They agreed that lawyers should stop discussing the merits of cases being heard by the courts so that trials are not derailed as a result of public sentiments.

The Secretary General of the Liberia National Bar Association, Cllr. Bobby Livingstone said the LNBA was in agreement with the Civil Law Courts and promised to conduct workshops to educate journalists covering the courts on what to report about cases pending before them.

Even though Montserrado County Attorney Edwin Martins supports the positions of the courts, he noted that journalists had a responsibility to report court events to the public, and as such, they should be guided as to the specific and germane issues to report.

On the recruitment of Law Students to assist the courts research the law and draft

rulings, Cllr. Martins differed with Judge Dunbar and proposed that members of the LNBA be recruited to perform such duties because they are trained to manage sensitive legal information.

Also reacting to Judge Dunbar’s charge was the Assistant Court Clerk and Legal Assistant at the Registry Department of the ECOWAS Community Court, (ECC), Barrister Duke Ekpenyeng, who was in the country along with the President and Justices of the ECC.

Barrister Ekpenyeng said the importance of the judicial system cannot be over emphasized because it plays a pivotal role in the protection and promotion of human rights.

He expressed the hope that the public confidence in the Judiciary will not be eroded, urging greater cooperation and collaboration amongst all actors of the Justice System for the promotion of justice across Liberia and ECOWAS sub-region.

# Assign cases as they come

- (a) An action brought by or against the Republic of Liberia or a political subdivision or municipal corporation of the Republic, or an officer or agency of the Republic on application of any such party;
- (b) An action for which a preference is provided by statute;
- (c) An action in which the interest of justice will be served by an early trial, including cases in which a material witness is about to depart from the country.

These rules are however silent on the form and manner of Assignment of Cases by both the Supreme Court and Judges of subordinate courts. It has therefore been the practice of lawyers making written or oral applications to the courts to have their cases assigned for hearing. On the issue of the performance of the Judiciary, Cllr. Gongloe said the LNBA was compelled to speak on the numerous complaints about the delay in

the disposition of cases at all levels of the Judiciary.

Cllr. Gongloe highlighted that handing down decisions on cases heard by the Supreme Court and subordinate courts across the country has been a major stumbling block to dispensing justice in Liberia.

“There are some cases before the Supreme Court, currently, in which arguments took place more than two years ago and yet, this court has not delivered any opinion in those cases.”

The LNBA President decried the protracted period it takes for the courts to deliver judgments in cases heard, noting that justice delayed is justice denied.

Cllr. Gongloe requested that the Supreme Court set the standard by speedily disposing cases it has heard so that lower courts can follow suit.

# IDLO to support Liberia revise action plan against human trafficking



global level.”

Despite its downgraded position, the IDLO boss believes Liberia can do better at fighting trafficking in persons because the country has the laws, legal framework and the capacity to respond.

To correct some of the challenges Liberia is facing, Madam Mugadza noted, the IDLO Liberia Office will next year commence working very closely with the National Anti-Human Trafficking Taskforce, convened by the Labor and Justice Ministries to support the National Action Plan on responding to trafficking in persons.

Prevention, Protection, Prosecution and Partnership are the pillars of the National Action Plan which has been in place for a five (5) year period without much achievement.

Madam Mugadza disclosed that IDLO is currently working with the taskforce to revise and come up with a new action plan on trafficking in persons for Liberia for the period 2019-2023, with a strong focus on strengthening prevention, prosecution

and protection of survivors.

“What we really hope to achieve with the process is to start a conversation that says how we use the courts to be able to better respond and to begin to build this body of evidence that says in fact, there is this robust judicial response to the problem of trafficking in Liberia.”

Also speaking at the ceremony, the Acting Executive Director of the James A. A. Pierre Judicial Institute lauded the IDLO for sponsoring the training which focused on Human Trafficking, Jury selection and the New Jury Law, Financial Crimes and the Judicial Process, among others.

Attorney Moses Soribah told the gathering that the training was crucial for judges and magistrates since they will hear trafficking, financial crime and cybercrime cases in their respective courts.

Attorney Soribah said trafficking is a serious challenge because of Liberia’s many porous borders.

# Jury service critical to Liberia’s advancement



help them understand the case individually.

He cautioned the prospective jurors to be impartial, independent and unassisted by persons not part of their panel as they help the courts decide the fate of party litigants.

“Through participating in the jury system, you are playing a direct role in the implementation of justice in Liberia,” Cllr. Tweh concluded.

Also making a brief remark at the ceremony was the Country Director of the American BAR Association, ABA, Liberia

Office, Dr. Michelle T. Washington.

Dr. Washington said the role of jurors is so important in United States of America and Liberia that only judges can overturn their decisions. There are few instances in which a jury’s verdict can be set aside, and one of such instances is when the evidence adduced at the trial does not support or is grossly contrary to the verdict of the jury. Dr. Washington told the prospective jurors to remember that their position is so important and asked them to take up the courage to make decisions that may not be popular but independent.

# ECOWAS Court discusses its mandates in Liberia



the enforcement of the court’s judgment with member states through their execution procedures.

During a press conference that climaxed the sensitization activities, the delegation appealed to the Liberian media to continue the awareness campaign through their reportage via their various mediums as a means of further explaining the significance of the Community Court to the Liberian people.

The Community Court of Justice was created pursuant to the provisions of Articles 6 and 15 of the Revised Treaty of the Economic Community of West African States (ECOWAS). The Mandate of the Court is to ensure the observance of law and of the principles of equity and the interpretation and application of the provisions of the Revised Treaty and all other subsidiary legal instruments adopted by Community.

The Court is composed of five (5) independent Judges who are persons of high moral character, appointed by the Authority of Heads of State of Government, from nationals of Member States, for a four-year term of office, upon recommendation of the Community Judicial council.

Justice Asante urged the LNBA, the oldest Bar Association in Africa, to rally the support of ECOWAS member states to address the challenges and limitations against enforcement of the decisions of the court.

Considering the potential negative impact the non-enforcement of the court’s decisions can have on the relevance of the court on the minds of the community citizens, Justice Asante hinted, it was imperative for stakeholders to exert pressure on member states that have not designated their focal authorities for the enforcement of the courts decisions to do so.

The ECCJ President also called for similar pressure to be mounted on member states to domesticate the instruments of the ECCJ to facilitate

## Jury service critical to Liberia's advancement Chief Justice Francis Korkpor

In fulfillment of the New Jury Law of Liberia, backed by the Liberian Constitution, hundreds of Liberians have undergone orientation for jury service during the February 2019 Term of court in Montserrado County.

Article 20 (A) of the Liberian Constitution states in part "...and in all cases not arising in courts not of record, under courts martial and upon impeachment, the parties shall have the right to trial by jury."

The orientation program, organized by the Jury Management Office of the Judiciary, took place Friday February 1, 2019 at the Temple of Justice in Monrovia.

Prospective jurors are no longer requested from the municipalities like before, but randomly selected from the databases of government ministries and agencies, civil society organizations, corporate institutions and the roster of eligible voters.

Simply put, their (jurors) key role is to assist the Judiciary make decisions on matters brought before the courts, in support of citizens' participation in the Judiciary—a key pillar of the Open Government Partnership initiative or OGP.

Chief Justice Korkpor told the prospective jurors that the only way Liberia will advance is if they took up the challenge and courage to make fair

and impartial decisions if they were selected to serve.

In a brief statement, the Chief Justice warned the prospective jurors against making unfair and partial decisions because the consequences of such judgments will not be blamed on jurors but rather on the Judiciary.

"You come here, those of you who will be selected. You will sit on maybe a criminal case or on a civil case. Your action or inaction will have far reaching effect. If you look at the facts like this, and say because somebody has influenced you, so you will not say the truth, then you have done wrong."

Even though Chief Justice Korkpor acknowledged the imperfection of the Judiciary in the administration of justice, he added that jurors worsen the situation if they make the wrong decisions based on external influences.

He urged them to be people of courage, character and independence in their actions as a way of avoiding the temptation of being tempered with by lawyers and party litigants.

Delivering the keynote address on the theme "Questioning Witnesses by Jurors" Cllr. N. Oswald Tweh said Liberia has a history where jurors take notes during trials and ask questions, a trend that is now being globally accepted.



Cllr. Tweh, who is the Managing Partner of the Pierre, Tweh and Associates, Incorporated law firm, noted that jury questions during trials bring about clarity and understanding of the testimonies of witnesses as well as jurors' engagement with the trials.

According to Cllr. Tweh, jury questions sometimes expose the leanings and biases of a particular juror or jurors hearing a case.

The learned lawyer advised the prospective jurors to ask questions that will clarify a witness's testimony, bring out the truth, and **SEE PAGE 11**

## IDLO to support Liberia revise action plan against human trafficking

Although the Liberian Government has not fully complied with the least standards for the elimination of trafficking, it was said to be making frantic efforts to conform to the principles, despite limited resources.

The International Development Law

Organization, IDLO, Liberia Country Office said Liberia made efforts in 2017 at fighting trafficking in persons but, the country's status has been downgraded for failure to enhance the fight in 2018.

IDLO is an international organization that partners with institutions to enhance access to justice for the most vulnerable

in the society and also works with various justice actors to respond to key issues working against the most vulnerable getting justice.

Teresa Mugadza, IDLO's Country Director for Liberia disclosed that the US State Department Report on Trafficking in Persons placed Liberia in what is described as 'Tier 2 watch list,' because it appeared that the country was not doing enough to fight trafficking in persons during the last reporting period.

Madam Mugadza made the statements in February 2019, at the opening of a quarterly training of judges and magistrates undertaken by the James A. A. Pierre Judicial Institute and sponsored by the IDLO.

As a Tier 2 country in the Trafficking in Persons Report of 2017, produced by the US State Department, Liberia was considered a country that had legislations responding and working towards eradicating trafficking in persons.

However, the report states, that the government did not demonstrate overall increasing efforts compared to the previous reporting period.

Among other things, the report recommends that Liberia increases efforts to investigate, prosecute, and convict traffickers; as well as train and equip law enforcement, immigration officials, and social workers to identify, investigate, and prosecute trafficking offenses.

Provision of operation and victim protection budgets to the anti-trafficking task force, finalization of the national referral mechanism, training of law enforcement and social workers on implementation and the expansion of victim services – particularly for victims outside the capital– are some of the key recommendations Liberia needs to enhance.

"And if," Madam Mugadza said, "Liberia has been identified as one of the countries that is both a source of trafficking in persons, as well as a destination country for persons that are trafficked, then the question of trafficking in persons has become very important; not just from an international development perspective, but also from an international relations and policy perspective, because how you are perceived in the comity of nations is how you are responding to the issues that are happening at the" **SEE PAGE 11**



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