

## VP Howard-Taylor supports LNBA's call for respect for rule of law



VICE PRESIDENT JEWELL HOWARD-TAYLOR (LEFT) SPEAKING

Vice President Jewell Howard-Taylor has said she believes that the Liberian National Bar Association, LNBA, is working to ensure that it respects and upholds the interests of those who are in the profession, as was seen by the attendance of the Law Day

## Sinoe County Debt Court Judge Commissioned

Chief Justice Francis Korkpor has termed the service of a judge as one that requires much attention. "Be focused, because as a judge, you need to do your work. You will find hurdles, impediments, criticisms and so forth." Making remarks at the ceremony marking the seating of the Debt Court Judge of the Third Judicial Circuit Sinoe County Henry Nagbe, held at the Temple of Justice in Monrovia, the Liberian Chief Justice said, the fundamental thing that guides a judge is the law. Chief Justice Korkpor urged Judge Nagbe to ignore criticisms and talks from the public, if he

must execute his duty impartially. Quoting a familiar African allegory, Chief Justice Korkpor said "If you cannot withstand the heat in the kitchen, don't go there;" which can be interpreted as, if you do not want people to criticize and talk about you, do not serve in public office. He said there are stages or levels that an individual must pass before ascending to the judgeship of a country. The stages include nomination, appointment, confirmation and seating, adding that he was pleased that Judge Nagbe had gone through the various levels and was preferred as the best candidate. He recounted his professional relationship with Judge Nagbe,

celebrations in Monrovia. According to the Vice President, she strongly supports the calls of the President of Bar Association encouraging lawyers, government officials and Liberians to uphold the rule of law for the maintenance of peace and democratic growth. VP Howard-Taylor urged the leadership of the LNBA to continuously scrutinize how Liberia's fledgling democracy is growing and continue to provide its opinion on critical national issues. "Even if you are not called, I think it is important with this group of luminaries, to come up with different ways of looking at the laws that we create." She described the Liberian National Bar Association as a critical body that must commit to helping the nation stay the course by helping it look at the other side of laws passed, expressing the hope that the task will not be overwhelming for **SEE PAGE 11**

describing him as a man of morals and integrity; also cautioning the judge to serve without fear of favor, as he was going to serve his own people, among whom are his family and friends. The Chief Justice referenced the blind goddess with the scale of equilibrium and the sword in her hands as the guide Judge Nagbe must follow; admonishing him to recuse himself if the need arises, noting that if the judge does well he will be lauded but, if he went contrary to the expected norms, he would be reprimanded. C h i e f **SEE PAGE 11**

## Stand for the truth and do the right thing



JUDGE CEAINEH CLINTON-JOHNSON

## Judge Clinton-Johnson

opening ceremony, Judge Clinton-Johnson said judges, lawyers, and court workers owe it to the country to do something about the ills seen in the society. Judge Clinton-Johnson called on every Liberian to look at Liberia and see the responsibility each and every one has towards the country.

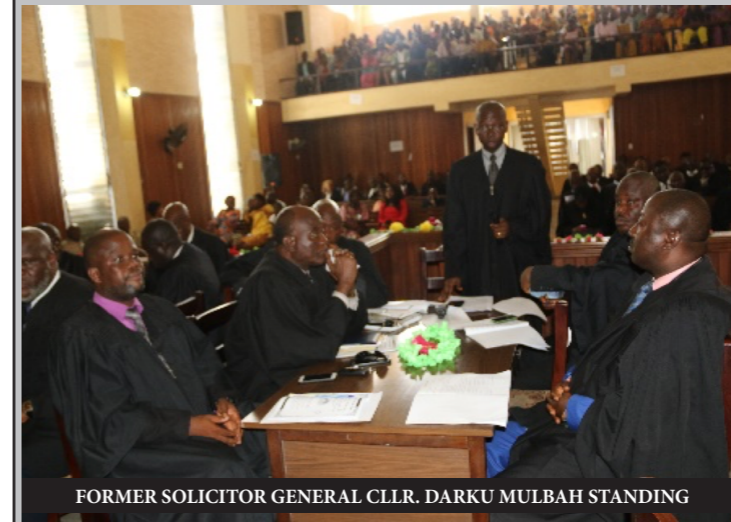
The Resident Circuit Judge of Criminal Court E, now assigned to the Civil Law Court for this Term of Court, noted that it was about time for the Judiciary to forget about the other branches of government and focus on itself.

"We are being perceived as being corrupt and it is not just the perception in the public. There is also an impression that we are being interfered with."

Judge Clinton-Johnson called on lawyers, judges, **SEE PAGE 2**

Civil Law courts A and B of the Sixth Judicial Circuit, Montserrado County, at the Temple of Justice in Monrovia have opened to the public for their June 2019 Term. The court, by law, sits for forty two days (42) per term. Presiding over Annex A and B this June 2019 term are Judge Yamie Quiqui Gbeisay and Judge Ceaineh Clinton-Johnson, respectively. Delivering the charge for both Civil Law Courts "A" & "B" at the formal

## Former Solicitor General calls for continued collaboration in the justice sector



FORMER SOLICITOR GENERAL CLLR. DARKU MULBAH STANDING

Liberia's former Solicitor General Cllr. Darku Mulbah says empowering the components of the Criminal Justice System will enable Liberia deal with the challenges in the rule of law sector.

Cllr. Mulbah noted that investing in the Police, the Judiciary and the Bureau of Corrections and providing the needed logistical support to each component in the Justice sector will enhance their joint ability to perform the tasks legally assigned them.

Cllr. Mulbah's statements were contained in his response to the charge of Circuit Judg **SEE PAGE 2**

## Stand for the truth and do the right thing



and court workers not to just sit there and allow fake news and information to be the order of the day, but instead, everyone needs to do something about it by investigating further.

Judge Clinton-Johnson disclosed that they are living in an era where fake news and information is the order of the day, and we will all be held responsible to do the right thing. “We took an oath to not make falsehood, have we forgotten that?” Judge Clinton-Johnson asked.

Judge Clinton-Johnson said the Judiciary is one of the most important branches of government, yet judicial officers and officials sit and allow influential people to come and manipulate them; knowing that it is wrong, but they do, because we allow them to.

“When you knowingly do the wrong thing you fail your conscience. We decide wrong and right and send people to jail, we determine whether people die

## Former Solicitor General calls for continued collaboration in the justice sector

es presiding over the May A.D. 2019 term of criminal courts of the First Judicial Circuit in Montserrado County.

To tackle the challenges of the justice sector adequately, the former chief prosecutor suggested that, every actor in the three into one system must play his role well because the responsibility is on the shoulder of each and every actor in the system.

“If the police are able to conduct free and fair investigation and we can have fair trials before the courts, then our people will have no reason to engage in mob violence or take the law into their hands.”

Cllr. Mulbah also said, if the last component of justice, the Bureau of Corrections is empowered to provide the needy skills to persons who will go contrary to the law and would now come to be reformed by the kind of programs that will be introduced to them, while they serve their prison sentence, they will come out to be new persons. Speaking further Cllr. Mulbah promised the Justice Ministry’s continuous working

or live. Let us all ask ourselves and reflect on how we have violated our oath and let us do the right thing.”

The judge claimed that some lawyers provide fake evidence before the court and cause judges to rule based on those evidences thereby causing the public to have doubts in the judicial system.

She urged lawyers to stand for the truth and do the right thing, adding that by doing so it will show that ‘we are ready to move the country ahead.’

In her charge, Judge Clinton-Johnson noted that the issue of land is prevailing amongst the cases assigned at the Civil Law Court and she used the opportunity to call on the government to do something about land disputes in the country.

She then reminded lawyers that their duty is to represent their clients and not to win cases as being perceived by many.

In conclusion, Judge Clinton-Johnson warned that she and her colleague Judge Gbeisay, will be sober and will carry out their judgments without any influence, noting that the Supreme Court will aid them in the performance of their duty.

Buttressing his colleague in a brief remark, Judge Yamie Quiqui Gbeisay warned lawyers to be time conscious and reemphasized that he will remain rigid and consistent with the law in exercising his duty.

He later fined magistrates and assistant magistrates who were absent from the court’s opening US \$ 100 and \$50 respectively.

relationship with the judiciary, as the quest to improve Liberia’s rule of law status can only be realized if the justice sector actors work as they are expected by law. “If a judge is not looking at a particular person to favor in any matter, if jurors sitting on a matter would not favor any party, if the lawyers will not employ any delay tactics that will prolong and sometimes deny the case from reaching a logical conclusion, then indeed, we will have our people to have confidence in the system.”

Cllr. Mulbah urged actors in the justice system to work collaboratively for the benefit of every individual who will make use of the criminal justice system as a means of finding redress to their problems and the image of the Liberian government at large.

“We came together as actors of the justice system, the judiciary and the executive headed by the ministry of justice. We said we wanted to engage and address most of the problems we had in the system. We all agreed to work together and we saw each **SEE PAGE 3**

## Just report the truth ...CJ urges judicial reporters

of Internews Tawedzegwa Musitini said his institution is committed to continuous and progressive collaborations with all stakeholders when it comes to media development in Liberia.

Mr. Musitini said an informed society is a progressive society and that training is a continuous development which is part of every profession.

“Because of the training and collaboration, more and more improvement will be seen in the way judicial issues are reported” the acting Internews boss maintained.

He noted, journalists have the right

to give people information, but information that is true, information that is objective and information that is progressive for the good of the people and the Country.

Other speakers included the president of the Association of Judicial Reporters and a participant of the workshop Abednego Davis and Joyclyn Weah, respectively.

Ms. Weah said she learned from the workshop that development comes when a vibrant judiciary exists, and justice is dispensed fairly, regardless of who’s involved and what their positions are.

Abednego Davis for his part,

praised the Judiciary and USAID through Internews, for the workshop and appealed for further training opportunities to enhance the capacity of Judicial Reporters.

Mr. Davis also appealed to the Judiciary, Internews and other well-meaning organizations to assist the association with computers, printers, legal dictionary and law books, to ease their work.

He described judicial reporters who underwent the training as “small lawyers” and that they really need the materials listed above to work as “small lawyers,” even though they are journalists.

## VP Howard-Taylor supports LNBA’s call for respect for rule of law

the leadership of the LNBA, led by Cllr. Tiawan Gongloe.

According to VP Howard-Taylor, the Liberian National Bar Association is supposed to put in place an environment where the legal exchange of ideas is carried out; where people come from different sides to discuss some of the critical national issues affecting Liberia.

“I look forward to seeing such a robust engagement because, again it will bring to the table other opinions as we continue to move our country and democracy forward” the vice president noted.

Touching on the Code of Conduct,

which was passed by the 53rd Legislature VP Howard –Taylor encourages the Liberian National Bar Association to consider amending the document, because it is not a perfect instrument.

“Whatever the shortfalls are, I think we can amend it. We are looking forward to the creation of the Office of the Ombudsman. Because in the end who do you report the cases to? That office has not yet been created and it will be a political tussle. But I believe that the office of the ombudsman is a critical office that must be established as per the law.”

The Vice President said the rule of

law ensures that no one has more privilege than any other person and that’s where the Liberian National Bar Association comes in and ensure the adherence of everyone to national justice, to peaceful living and to fairness.

“I think the LNBA in these critical times cannot remain silent on the critical national issues. Its opinion must be made known. Discussions must be held at citadels of learning, so that we learn and we grow as we move forward.”

The Vice President made the remarks at this year’s Law Day Celebration in Monrovia on May 4, 2019.

## Sinoe County Debt Court Judge Commissioned

Nagbe to stay clear of politics and be guided by the law even if it involves himself (Chief Justice) or his relatives, adding that the judge would be building the image of the Judiciary by doing so. “Whatever you do will tell on the Judiciary as a whole; I am commissioning you to be an ambassador for the

Judiciary to Sinoe County.” Responding, the honoree, Judge Nagbe thanked President George M. Weah and Chief Justice Francis Korkpor, Sr. for his preferment. Judge Nagbe promised to adhere to the canons that govern the Judiciary and carry out the tasks he has been called to, with all his power and ability.

The Debt Court Judge, promised to work to promote the image of the judiciary through his judgments despite the fact that it is humanly impossible to render judgment that pleases all parties in a case. Judge Nagbe has meanwhile given his word to do his best by working extra hours, noting that the only guide to man is his conscience.

## Justice Minister wants the rights of common people protected

The former Resident Civil Law Court Judge also promised to always uphold the cordial relationship he has always had with lawyers and other judges while serving at the circuit court level.

Justice Kaba said, at the beginning of his life's career, he learnt that the science of moderation is a good tool to work with and he has used it since then.

He described his preferment to the Supreme Court Bench as a sign of destiny, maintaining that nothing happens by mistake even though most times when an unfavorable thing happens, people call it bad luck.

Supporting his belief in destiny, Justice Kaba narrated the following anecdote about a king who was a hunter. "One day while preparing

for hunting he cut off his finger. He then started to feel bad and his servant told him that everything works for the good. Seeing his finger and feeling the pain, he got furious and put the servant in prison, and left for hunting without the servant. While he was out hunting, he came across some savages who caught him to use him as a sacrifice, but due to the loss of his finger he was spared, since he was not considered a whole human.

When he returned, he went straight to the prison and freed his servant. Then he asked his servant, why did you say everything works for good when I put you in prison for advising me? The servant replied, indeed everything works for good because if you had not put me in prison, I would have followed you

and I would have been used for the sacrifice in your stead."

Associate Justice Kaba was the Resident Judge of the Civil Law Court of the Sixth Judicial Circuit in Montserrado County before he was nominated, appointed, confirmed and commissioned to serve as Associate Justice at the Supreme Court of Liberia.

Associate Justice Kaba is the only Justice on the current bench who had real practical experience as a judge in a lower court before being appointed to the high court.

He brings that wealth of experience that spans over 20 years of work within the Judiciary including his short stay at the ECOWAS Community Court of Justice completing the term of Justice Wilkins Wright.

## We are all advocates of the truth, Judge Mappy Morgan tells Journalists

authorized to speak to the press through interviews, especially about ongoing cases.

She promised to relay the message about the outcome of the training to the leadership of National Association of Trial Judges of Liberia, NATJL.

"I will go back and tell my own president, Willie, that you judicial reporters and some of you, who are here, are very well prepared now, so that when we say something is subjudice, you know what we mean. If we say the matter is continued that means we are not going any further, it's just adjourned."

You guys know the terminologies now, she said, and I hope that you will begin to work on furthering your knowledge."

The weeklong training for Judicial Reporters focused on improving the understanding of the reporters on how to report ethically and professionally on the Judiciary to promote public understanding

of the judiciary and sustainable development,

Judge Mappy Morgan praised the Chief Justice for opening an office at the Judiciary for reporters covering the courts as well as creating the Judicial Information Division which has responsibility to help disseminate information to the public about the workings of the entire Judicial System.

Spotlighting the training, Judge Mappy Morgan said the discussions were robust, very spirited and highlighted The Role of the Judiciary in the Context of the Rule of Law, Legal Jargons, the meaning of Contempt. The learned judge noted that contempt was not something that was just thrown around, rather it should be used judiciously, that even the personal dignity of judges is subordinated to liberty or freedom of an individual. "So we are cautioned as judges not to just hold people in contempt because they have expressed an idea.

Had that been so, the Chief Justice himself would not have had a press team downstairs that says seek out the truth, search! Have the lawyers, have the judges be transparent. Have the lawyers, have the judges be ethical. Keep them on their toes."

The participants described the training as cardinal to the enhancement of their reportorial duties and lauded the Judiciary, Internews and USAID for the organizing such training.

They appealed to the Judiciary to request further trainings from Internews, USAID and other partners for the membership of the Association of Judicial Reporters as a way of further enhancing their capabilities to ethically and professionally cover events at the Judiciary.

Some 30 journalists benefitted from the workshop facilitated by lawyers, judges and senior media practitioners and sponsored by USAID through Internews.

## The Judiciary EDITORIAL

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.

## We are all advocates of the truth, Judge Mappy Morgan tells Journalists

The Chief Judge of the Commercial Court of Liberia in Monrovia says judges, lawyers and media practitioners are not adversaries; instead they are all advocates of the truth.

Judge Eva Mappy Morgan

said though judges do not normally grant interviews to journalists when requested, it does not mean that they (judges) are hiding something from the journalists or they are adversaries.

Speaking on behalf of the National Association of Trial Judges of Liberia,

## Former Solicitor General calls for continued collaboration in the justice sector

one not looking at where we were from. We are all part of the government and whatever goes wrong reflects on the entire government."

According to Cllr. Mulbah the collaboration paid off because the system was able to hear the highest number of cases ever in its recent history. "I believe it wouldn't have happened if we had not agreed to work together. I call on all of us again to come together to be able to make progress and address those issues that the system is being faced with, so that Liberia can be a better place," Cllr. Mulbah appealed.

Also making remarks at the program, the Coordinator of the Public Defense Program Cllr. James C. R. Flomo called on the Judiciary to improve on the number of public defenders, especially in rural areas.

Cllr. Flomo warned that

with insufficient number of public defenders to adequately cover the courts across the country, there was no way Liberia could enhance access to justice and promote the rule of law in the rural parts of Liberia.

He admonished magistrates to work on the issue of over crowdedness in the various prisons by hearing cases before sending people to jail. "To the court of first instance, overcrowding is still an issue. We should not just jail a person base on hearsay, instead, let us listen to the case before going ahead to jail a person."

Cllr. Flomo also cautioned that it is better to deal with cases according to their importance to avoid putting strain on the justice system and called for dialogue amongst justice actors as a way of promoting collaboration in the quest for rule of law and justice in Liberia.



JUDGE MAPPY MORGAN

NATJL, at the end of a weeklong training for judicial reporters, Judge Mappy Morgan stressed that judges are not traditionally

# From The Courts

## COURT COST, FEES AND FINES THE TRUE ESSENCE

Fees being paid for the registration and processing of cases at various courts within the Republic of Liberia, were not introduced by the current Bench of the High Court. Court cost, fees and fines have been an integral part of our jurisprudence from the inception of the Liberia Judiciary in 1847; and are only applicable to civil cases and not criminal cases (except in rare instances of fines), in which the Republic of Liberia represents the interests of the victims of crimes against the perpetrators of criminal offences and they are guarded by the Judiciary law of Liberia. On December 7, 2015, the Supreme Court, in collaboration with the Liberian National Bar Association and in line with Section 23.6.1 of the Financial Autonomy Act of February 16, 2006, promulgated and standardize the court costs, fees and fines of the courts so that

they reflect current day realities. Another reason for the Supreme Court's standardization decision of the fees charged for taking civil matters to court was to ensure that the amount charged was not left to the discretion of the judges and magistrates, since they were charging varying amounts for the registration of cases. Even though the registration of civil cases was standardized in the past, during the civil unrest in the country, that standard was broken and amounts to be paid by party litigants were left to the discretion of individual judges and magistrates. The Revised Schedule of Court Costs, Fees and Fines promulgated by the Supreme Court, which amends amounts in Section 7.9 of the Judiciary Law titled Fees in Magisterial Courts, charges Ten United States Dollars (US\$10.00) for the Filing of first paper in any

action or proceeding. The Section also charges Ten United States Dollars (US\$10.00) for Issuing of summons and Issuing a citation or Order to show cause in lieu thereof, in summary proceeding. Section 7.9 in the Judiciary Law published June 20, 1972 and approved May 10, 1972 titled FEES, states that: "Except where a greater fee is allowed by another statute for the same service, party requiring services in a civil action in a magisterial court shall pay the following fees for the services herein specified, payable in advance." With the standardization and publication of the fees it is expected that no magistrate or judge will overcharge any party litigant an amount not established by law. That will be a violation of the rule on the registration of cases and punishment could be meted out to violators.

It is also the law that all such court cost, fees and fines MUST be paid directly into the Judiciary accounts provided, or directly into government revenue account and ONLY flag receipts or deposit slips be presented to the court concerned. It is a universal standard that courts require payments for civil matters which are usually matters that involve one individual against another, groups of individuals and breach of contracts, divorce, personal injury cases, property matters amongst several others. The full and revised schedule of Court Cost, Fees and Fines is published on the Judiciary website at [www.judiciary.gov.lr](http://www.judiciary.gov.lr)

## Judge Gbeneweleh calls for respect for rule of law



JUDGE PETER W. GBENEWELEH

A circuit judge has said that all Liberian Citizens, including government officials, are subject to the law and are under the equal protection of law.

SEE PAGE 5

## Former Chief Justice calls for review of 2014 Code of Conduct

the Ombudsman in the 2014 Code of Conduct. Recorded in Part V Section 5.2 (l) of the LACC statute, the learned Liberian jurist claimed, the LACC statute listed as one of the functions of the commission, leading the implementation of Liberia's anticorruption strategy including the code of conduct for public servants.

She described the above section of the LACC law as a perfect attempt to account for the code of conduct, legislated (6) six years later with no repealer and no reference to the LACC statute, in the absence of legislation as mandated by the Constitution. In view of the points mentioned supra, former Chief Justice Scott submitted to her colleagues,

that was why the conversation initiated by the LNBA on the code of conduct is commendable and needs to continue hereafter in the national discourse. The former Chief Justice of the Supreme Court of Liberia spoke on the theme: Implementation of the 2014 Code of Conduct Act, its implication and challenges.

## Justice Minister wants the rights of common people protected

Liberia's Minister of Justice and Attorney General, Cllr. Frank Musa Dean has said that Liberia as a country needs justices, judges and lawyers who will jealously protect the rights of the common people without fear or favor. "At the entrance of the Temple of Justice there is a statue of the lady of justice that is blindfolded with a balanced scale in her hand, which symbolizes how justicesshould be dispensed." Cllr. Dean warned that decisions emanating from the courts across the country should be unpolitical and free from biases if they should gain the respect and trust of the Liberian people and foreign nationals within Liberia's territorial confines.

The Justice Minister, who is also Dean of the Supreme Court Bar, made the statements at programs marking the seating of Associate Justice Yussif D. Kaba on the Bench of the Supreme Court of Liberia, in the chambers of the High Court at the Temple of Justice in Monrovia. Cllr. Dean Praised President George Manneh Weah for the preferment of Associate Justice Kaba to fill the vacancy created as a result of the impeachment of Associate Justice Kabineh M. Ja'neh by the Liberian Legislature.

According to the Justice Minister, Justice Kaba's ascendency to the level of the Supreme Court Bench, from the circuit is a milestone that should be seen as a motivation to other judges and lawyers in the Judiciary, noting that the position of justice is reserved for a deserving few. He congratulated Associate Justice Kaba and wished him God's guidance in performing his new role on the Supreme Court Bench and called on judges throughout Liberia to endeavor to pursue justice as a way of strengthening the rule of law and promoting access to justice and democracy. Speaking earlier at the ceremonies, Liberia's Chief Justice, His Honor Francis S. Korkpor, Sr. on behalf of his colleagues, welcomed Associate Justice Yussif D. Kaba to the Supreme Court Bench, expressing delight in his preferment by the Liberian leader. Chief Justice Korkpor detailed a number of the honoree's achievements including his term at the ECOWAS Community Court Justice in Nigeria, when he completed the term of Liberia's representative on the court of Justice Micah Wilkins Wright.



Other accomplishments of Justice Kaba within the Judiciary the Chief Justice mentioned were service on the Supreme Court Bench during the Transitional regime and his over twenty (20) years of service at the Circuit Court level amongst others. In response to the remarks made at the ceremonies Justice Kaba pledged to maintain his independence irrespective of tribal and religious affiliations and promised to continue his respect for the rule of law even at the level of the Supreme Court. Justice Kaba who has been very passionate about an independent and impartial Judiciary, said in a recent charge, that the lack of independence in the judiciary breeds partiality which results in miscarriage of justice; and any judicial institution lacking this level of independence, will not only fail to win the trust and confidence of the governed, but also, will serve as a disincentive to

SEE PAGE 10

## Former Chief Justice calls for review of 2014 Code of Conduct

Former Chief Justice of Liberia, Her Honor Gloria Musu Scott, has recommended a complete and thorough review of the 2014 Code of Conduct and the statutes of all integrity institutions and agencies established by the government of Liberia.



FORMER CHIEF JUSTICE GLORIA MUSU SCOTT

Former Chief Justice Scott said the object of the review of the Code of Conduct and other integrity statutes is to harmonize and amend the laws so that they are in compliance with the relevant provisions of the 1986 Constitution, which seeks to prevent corruption and guarantees honesty, credibility, integrity and accountability in the governance of the state.

Delivering the keynote address at the 2019 Law Day celebrations at the Temple of Justice in Monrovia, the former Chief Justice alleged that Part X (10) of the 2014 Code of Conduct was self-defeating and less than the mandated purpose stipulated in Article 90 of the Liberian Constitution.

Put simply in part, Article 90 of the 1986 Constitution states that “A person elected or appointed to public office should avoid any activity that is against public policy or that raises a conflict of interest. Secondly, a public official shall not demand or receive bribes or personal benefits for doing their

work. And that the Legislature shall prescribe a Code of Conduct for public officials setting out offences and penalties for violations.”

Though Part X of the Code of Conduct covers asset declaration and registration of personal interests, former Chief Justice Scott lamented that it glaringly lacks the constitutional intent to prevent and monitor corruption and the questionable acquisition of wealth by public officials.

The operation of Part 10 of the code revealed, she told the gathering, that declaration is not publication and that compliance with Part 10 of the 2014 Code of Conduct exposes a process and procedure which protect the privacy of public officials and prevent easy access to public scrutiny and monitoring of the accumulation of wealth by public officials.

Further dissecting the Code, former Justice Scott declared as another major weakness of the integrity document, its failure to list the Office of the Ombudsman statutorily authorized to implement the said code as a lawful depository of the assets and interest declared by public officials, rather, the code listed the three branches of government as depositories.

“Access to the declared assets even by the office of the Ombudsman, may be obtained only by court order. To maintain a court order, the one making the request must have a standing. That is the law and procedure laid down in the Code of Conduct.”

According to former Chief Justice

Scott, the listed depositories have no obligation to present copies of the receipts of declared assets and interests to the Office of the Ombudsman to evidence that a said declaration of asset has been accordingly deposited.

It took the Legislature 28 years to legislate the Code of Conduct after it was mandated by the 1986 Constitution, yet the public has no information whatsoever about the location, function and operation of the Ombudsman Office created by the code, meaning the implementation of provisions of the code which ensure honesty, transparency, integrity, ethics and accountability in the public sector continues to remain lifeless, dormant and un-implemented, former Chief Justice Scott maintained.

She suggested to her colleagues that Liberia needed to consider how to implement the code of conduct, bearing in mind the constitutional stipulation and mandate as provided for in the respective provisions which are direct responses to the perennial national outcry against corruption, nepotism, bribery and conflict of interest by public officials.

The proposition on how to implement the Code of Conduct as suggested by Justice Scott, is based on the fact that her examination of the code also failed miserably to reveal defined qualifications, powers and authorities of the Office of the Ombudsman which is mandated legally to implement the code.

Shifting her attention to other integrity agencies and the decrees creating such institutions in Liberia, the former Chief Justice disclosed that the functions of the Liberia Anti-Corruption Commission is in conflict with those of

SEPTEMBER

## Judge Gbeneweleh calls for respect for rule of law

Judge Peter W. Gbeneweleh believes that Liberians must always uphold and respect the Rule of Law, which is one of the keys for sustainable peace, security and national development in Liberia. The resident circuit judge of the 12th Judicial Circuit of Grand Kru, assigned at Criminal Court C, made the statements while delivering the joint charge of Criminal Courts of the First Judicial Circuit in Montserrado County, during the opening of the May A.D. 2019 term of court.

Criminal Court “C” according to Section 3.2 of the New Judiciary Law “shall have jurisdiction of offenses against property, narcotic and hallucinogenic drugs. All persons charged with any of the offenses shall enjoy the right of jury trial, except a jury trial is waived, and if convicted, shall have the right of appeal to the Honorable, the Supreme Court of Liberia. This Court shall in no way exercise any quasi jurisdiction over civil matters directly or indirectly.”

Deliberating on the theme: “Equipping the Justice Sector in Enhancing the Rule of Law in Liberia,” Judge Gbeneweleh defined Rule of Law as ... “the authority and influence of law in society, especially when viewed as a constraint on individual and institutional behavior; the principle whereby all members of a society (including those in government) are considered equally subject to publically disclosed legal codes and processes.” He noted that the components of the Criminal Justice System play a vital role in the enhancement of the Rule of Law in Liberia, but added that the three-into-one system has serious challenges that needed to be addressed. “Considering the tasks and constraints of the

three components of our system, it is incumbent upon government to provide adequate budgetary appropriation to the Judiciary and the Ministry of Justice to provide the basic logistical supports that will enable our justice sector to perform its constitutional and statutory duties and responsibilities in Liberia.”

Judge Gbeneweleh used the joint charge to appeal to the Legislative and Executive Branches of Government to provide adequate budgetary appropriation to the Judiciary and the Ministry of Justice so as to remedy some, if not all, of the concerns of the justice sector. “We have the strong conviction that the provision of adequate budgetary appropriation to the Judiciary and the Ministry of Justice will enable the administrations of the Judiciary and the Ministry of Justice to provide the necessary and basic logistical supports to the Justice Sector in Liberia.”

Some of the logistical needs of the Police and the Judiciary the Judge Gbeneweleh itemized respectively include vehicles, forensic laboratory and arms to adequately fight crimes across Liberia; and vehicles for specialized judges, magistrates and public defenders working across the country.

The assigned Criminal Court C Judge also called for the assignment of court reporters with modern recording system/equipment in all Circuit Courts in Montserrado County to enhance the speedy hearing and determination of cases. Moreover, Judge Gbeneweleh wants government provide adequate funding for basic skills training programs at the Monrovia Central Prison to rehabilitate the inmates at the facility. Despite the above listed challenges, Judge Gbeneweleh promised that magistrates and

judges will always remain resolute and committed in the discharge of their judicial functions and duties effectively and efficiently.

He reminded judges and magistrates that they are agents of peace and called on them to always discharge their judicial duties with a high level of neutrality, fairness, impartiality, transparency and professionalism, so as to restore public confidence in the Judicial System.

“As we discharge our duties as judges, magistrates and jurors,” Judge Gbeneweleh cautioned, “let us be reminded of the Biblical Book of Leviticus Chapter 19: 15 which states “Be honest and just when you make decisions in legal cases; do not show favoritism to the poor or fear the rich.”

The components of the criminal justice system are the Police, the Court and the Bureau of Correction. The Police, according to Article 21 (f) of the 1986 Constitution of Liberia, primarily protect lives and properties; it arrests, interrogates and forwards suspects to court within 48 hours.

The Court, which is the second component of the Criminal Justice System, the judge’s charge continued, issues the appropriate writ charging an accused for the commission of an offence; the court also hears and determines a matter consistent with due process of law as provided for in Article 20 (a) of the 1986 Constitution.

He further mentioned that the Bureau of Corrections, which is the third component of the Criminal Justice System, has the primary duty for the rehabilitation of a convict by providing the skilled training that will transform the convict to contribute meaningfully to the Liberian Society after serving a prescribed sentence.

# SEATING OF YUSSIF D. KABA AS ASSOCIATE JUSTICE OF THE HONORABLE SUPREME COURT



# Just report the truth ...CJ urges judicial reporters

“Let me say that we are a friend of the media. The work you do and what we do should complement each other. We need you in order to get to the public what has been done in the court. And, as we say, you need us to be able to sell your newspaper. But some-

anywhere in the Judiciary, the Chief Justice added, you must understand that the most important customers and clients of the judiciary are party litigants, and we--members of the Judiciary-- cannot allow what has not been said, or what has been filed but has not

Chief Justice Korkpor however noted that it was incorrect for media practitioners, especially journalists covering the courts, to report about the Judiciary as though it is against the press, thereby making judicial actors appear media unfriendly.



According to the Chief Justice, despite his human rights background and notwithstanding the flexibility his bench has allowed since he took the helm of authority at the Judiciary, he has been the target of wrong reporting.

But, what your wrong reporting actually affects, he maintained, is the system--the judicial system--which we are all under obligation to protect.

Chief Justice Korkpor lauded the judicial reporters and others who attended the training for availing themselves to acquire the knowledge provided and urged them to always verify any doubtful information about the courts through the Public Information Office of the Judiciary.

He also lauded USAID through Internews for funding the training and recommended that there was need for more of such training to

times you make us look like monsters.”

Those were the words of the Chief Justice of Liberia, His Honor Francis S. Korkpor, Sr. when he spoke at the end of a five-day workshop conducted by the Judiciary through its Public Information Section and Internews.

The Specialized Judicial Reporting Training for journalists covering the Judiciary and Judicial Public Affairs Officers was part of the Liberia Media Development (LMD) program funded by USAID.

Making closing remarks at the ceremony, Chief Justice Korkpor encouraged the reporters to use the skills acquired to report truthfully about happenings in the Judiciary. “We are not enemies to anybody... I just want you to report the truth. That’s all. Just report the truth. We don’t do anything in secret at the Judiciary.”

Although nobody will stop you from getting information from

been passed upon to go into the press because it could prejudice a party’s position.

Chief Justice Korkpor, who in the past served as the Director of the Catholic Justice and Peace Commission (JPC), further said some of them (justices & judicial officials) come from a human rights



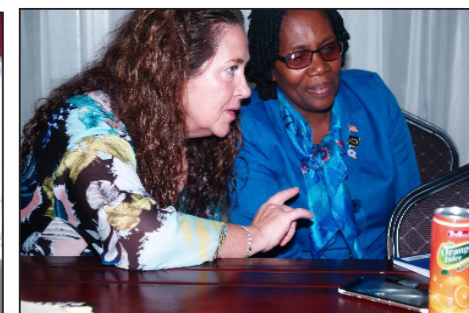
background and had in the past taken up cases on behalf of newspapers, even pre-financing those cases when the newspapers were taken to court.

enhance the capacity of judicial reporters and strengthen their reportage for the good of Liberia. Also speaking at the program, the Acting Chief of Party **SEE PAGE 15**

# JUDICIAL INSTITUTE GRADUATION 2019



# ASSOCIATION OF JUDICIAL REPORTERS TRAINING



# LAW DAY CELEBRATION 2019



# JUDICIAL INSTITUTE GRADUATION 2019

