

OPENING ADDRESS OF HIS HONOR FRANCIS S. KORKPOR, SR.
CHIEF JUSTICE, SUPREME COURT OF LIBERIA
OCTOBER 2019 TERM
OCTOBER 14, 2019

Mr. President;

Mr. Speaker & Members of the House of Representatives;

Mr. President Pro Tempore & Members of the Senate;

My Colleagues of the Supreme Court;

Former Chief Justices & Associate Justices of the Supreme Court;

The Resident Coordinator & Staff of the United Nations in Liberia;

The Doyen & Members of the Diplomatic Corps;

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

Circuit and Specialized Court Judges;

The President & Members of the Liberian National Bar Association;

The President & Members of the Association of Female Lawyers;

The President & Members of the Association of Public Defenders;

The Court Administrator & Staff of the Judiciary;

Members of the Press;

Distinguished Guests, Ladies and Gentlemen:

As we gather here today to commence the October, 2019 Term of the Supreme Court, it is my pleasing duty, on behalf of my Colleagues and the Judiciary, to welcome all of you.

We thank God Almighty for the successful completion of the March 2019 Term and pray that He will continue to guide and give us wisdom as we work through this Term. We pray even more fervently that He remains steadfast in preserving peace and tranquility in our nation.

This is the first program marking the opening of the Supreme Court that Mr. Justice Yussif D. Kaba is participating in as an Associate Justice. He was appointed and subsequently seated on May 20, 2019, when the March Term had already commenced. It is therefore befitting that I formally welcome him to his seat of high honor on this Bench.

We express profound condolences to our Colleague, Madam Justice Jamesetta Howard Wolokolie for the demise of her dear mother, Mrs. Susannah Elizabeth Cummings in her 88th year. She died on August 21, 2019. May her soul rest in peace!

We express similar condolences to Counsellor Vivian Cherue and the Cherue Family for the passing of Counsellor Fredrick D. Cherue who departed this world on July 27, 2019. Counsellor Cherue ably served this nation in many prominent positions. He was an astute lawyer; former President of the Liberian National Bar Association; former Senator for River Gee County and former Minister of Justice/Attorney General of Liberia and Dean of the Supreme Court Bar. May his soul rest in peace!

The ever cruel and menacing hands of death also snatched away twenty members of the Judiciary family during the period in review. Those of our compatriots who were called by our Maker from labor to rest are:

<u>NO.</u>	<u>NAME:</u>	<u>POSITION:</u>	<u>DATE OF DEATH:</u>	<u>ASSIGNMENT:</u>
1.	His Honor George Q. Kwabo	Magistrate	September 9, 2019	River Gee County
2.	His Honor Henry Quire	Assoc. Magistrate	August 28, 2019	Maryland County
3.	Atty. Venegele M. Queelyin	Public Defender	May 1, 2019	Montserrado County
4.	Atty. Wondah Sondah	Public Defender	July 10, 2019	Montserrado County
5.	Willie Horace	Deputy Marshal	March-14-2019	Grand Bassa County
6.	Alhaji M.W. Mombo	Deputy Chaplain	Sept 7, 2019	Montserrado County
7.	Paul V. Banwon	Clerk	May 12, 2019	Rivercess County
8.	John B. Cephus	Asst. Clerk	May 3, 2019	Gbarpolu County
9.	Anthony M. Vincent	Research Officer	March-29-2019	Montserrado County
10.	Magnus F. Fahnbulleh	Accountant	March 3, 2019	Montserrado County

11. Albertha B. Hill	File Clerk	May 24, 2019	Montserrado County
12. James Wilson	A/C Technician	Sept 7, 2019	Montserrado County
13. John S. Parker	Bailiff	April 1, 2019	Montserrado County
14. Victor S. Topoe	Bailiff	June 15, 2019	Rivercess County
15. James Flomo	Bailiff	July 24, 2019	Nimba County
16. Cecelia Davies	Bailiff	August 27, 2019	Maryland County
17. James N. Togba	Bailiff	July 6, 2019	Sinoe County
18. Weedor Akoi	Caretaker	March 1, 2019	Lofa County
19. Wilson N. Toe	Caretaker	March 6, 2019	Montserrado County
20. Isaac Wreh	Caretaker	Sept 7, 2019	Montserrado County

We recognize and appreciate the invaluable services rendered by each and every one of these judicial workers and express deepest condolences to their respective families. May their souls rest in peace!

My Colleagues, Members of the Bar, distinguished ladies and gentlemen, I am pleased to report that the Judiciary remains intact and fully functional. The courts are carrying out their primary duties of hearing and deciding cases, despite the many daunting challenges facing us as a nation and people. During its March 2019 Term, the Supreme Court heard the total of thirty-five (35) cases and delivered Opinions and Judgments in twenty-nine (29) cases. Priority will be given to the remaining six cases; they will be amongst the advanced opinions for this Term.

Circuit Courts throughout the Country continue to execute assignments on a regular basis and make returns. Specialized courts and magistrate courts are also performing similar duties. Records show that from the last two quarters, there were one thousand twenty-three (1,023) cases on the dockets of the Circuit Courts of the Criminal Division. Out of this number, three hundred sixty (360) cases were disposed of; nine (9) cases were forwarded on appeal to the Supreme Court and six hundred and fifty-four (654) cases are pending.

In the Circuit Courts of the Civil Division, there were six hundred eighty-nine (689) cases on the dockets for the last two quarters; four hundred thirty-nine (439) cases were disposed of, one (1) case was forwarded on appeal to the Supreme Court, while two hundred fifty-one (251) cases are pending.

In the Specialized Courts in all judicial circuits there were six hundred seventy-nine (679) cases on the dockets; four hundred sixty-one (461) cases were disposed of, three (3) were forwarded on appeal and two hundred fifteen (215) cases pending.

In the Magistrate Courts in the various judicial circuits, there were four thousand six hundred ninety-three (4,693) cases on the dockets, out of which two thousand nine hundred six (2,906) cases were disposed of, one hundred seventy-one (171) forwarded on appeal, while one thousand six hundred sixteen (1,616) cases pending.

The Magistrate Sitting Program established by the Supreme Court and the Ministry of Justice at the Monrovia Central Prison (MCP) aimed at curbing the problem of prolonged detention without trial remains functional and effective. For the period in review, there were two hundred seventy-nine (279) cases of pre-trial detention reported at the MCP. Of this number, two hundred eleven (211) cases were heard and disposed of; sixty-six (66) cases were remanded, while two cases were transferred.

Graduation exercises of the Third Cycle of the Professional Magistrates Training Program (PMPT) at the James A.A. Pierre Judicial Training Program were conducted on May 10, 2019. Under the Program, college graduates are specially recruited and trained to serve as Associate Magistrates throughout the country. Graduates of the Third Cycle comprising fifty six (56) Associate Magistrates have been deployed. The Fourth Cycle of the program with funding from USAID through LPAC is in progress and graduation is expected in June, 2020.

Under the laws of Liberia, all persons, regardless of status, race, creed or orientation, have the right to be represented by counsel in a criminal case. Where the defendant in a criminal case is unable to retain the services of a lawyer, the State is under a legal duty to ensure that he/she has a lawyer at every stage of the trial. It is predicated on this right of the accused person that the Public Defenders Program was established. In 2008, the Program employed and assigned 20 lawyers at the First Judicial Circuit, Criminal Courts A, B, C, D, & E, Montserrado County and the criminal divisions of all circuit courts in the other

counties. Over the years, the program has steadily developed. Today we have a total of 41 Public Defenders. We thank the United Nations Development Program (UNDP) and other United Nations agencies who continue to support the program. We also thank USAID for its support to the program through LPAC.

Infrastructure development plays a critical role in strengthening judicial independence, access to justice and productive work output. This is why we remain committed to erecting court facilities throughout the country. In this regard, I am pleased to report that the construction, furnishing and equipping of the 7th Judicial Circuit Court Complex in Grand Gedeh County has been completed. However, the facility has not yet been dedicated due to bad road condition. Plans are being made for the dedication of the Complex in early 2020.

We are renovating and extending the premises of the 15th Judicial Circuit Court, River Gee County to transform it into a Judicial Complex. When completed, the facility will house the 15th Judicial Circuit Court, all Specialized Courts and the Magistrate Court in Fishtown, River Gee County. It will also provide offices for the County Attorney and Public Defenders. Work at the Complex is however slow at the moment due to the death of the Manager of the Contractor, ADI.

The Botota Magistrate Court, 9th Judicial Circuit, Bong County is yet to be completed. This is one of the four magistrate courts funded by the Swedish Government through the UNDP. The project started in 2016 and should have been completed the same year. The others are: the Vahum Magistrate Court, Lofa County; the Karnplay Magistrate Court, Nimba County; and the Omega Magistrate Court, Montserrado County which have long been completed and are in operation. The Judiciary sued the Contractor, SEMOH Group, for defaulting on the contract; the case was ruled in favor of the Judiciary at the lower court and the Contractor announced an appeal to the Supreme Court. As done in all other cases, this appellant will have a fair hearing and determination of its appeal during this October Term.

The Judiciary takes pride in enhancing its human resource capacity. Trainings, whether long or short, provide skills and knowledge essential for improving service delivery. During the period in review, some judges, senior and support staff of the Judiciary benefitted from many local as well as international seminars, workshops and conferences.

1. The United Nations Office on Drugs and Crime (UNODC) conducted a workshop in Monrovia from March 18-23, 2019. The workshop focused on enhancing the capacity of judges, as well as law enforcement and related agencies to effectively counter transnational organized crimes and illicit trafficking in Liberia. His Honor J. Boima Kontoe, Resident Circuit Judge, 9th Judicial Circuit, Bong County; His Honor Roosevelt Z. Willie, Resident Circuit Judge, Criminal Court "A"; and Stipendiary Magistrates James F. Dudu, J. Kennedy Peabody, Flomo B. Bana, Tweh Wesseh and Nelson B. Chineh represented the Judiciary at the workshop.
2. USAID, through INTERNEWS, conducted a workshop for Public Defenders in Monrovia from April 15-19 & 23-24, 2019. The training focused on strengthening the relationship between the media, especially judicial reporters and the Public Defenders on information sharing and how the two organizations can work together for the common good of the public.
3. The James A. A. Pierre Judicial Institute conducted training for Judges, Public Defenders and Clerks of Magistrate Courts. The training was aimed at improving judicial performance for effective service delivery. Support was provided by the Legal Professional Development and Anti-Corruption Program (LPAC) funded by USAID, the International Development Law Organization (IDLO) and the United Nations Development Program (UNDP). We thank USAID, LPAC, IDLO and UNDP for their supports.

4. His Honor Ousman F. Feika, Resident Circuit Judge, 5th Judicial Circuit, Grand Cape Mount County, and His Honor Onesimus Banwon, Resident Circuit Judge, 14th Judicial Circuit, River Cess County, participated in a one week training course in Cairo, Egypt from April 14-25, 2019. The training focused on a wide range of issues, including Comparative Study on Labor Law, Intellectual Property Rights and International Humanitarian Law, amongst others. I should note that over the years, many of our judges have and continue to benefit from this bilateral program. We thank the Government and People of the Arab Republic of Egypt for the support given to the Judiciary.
5. The Assistant Court Administrator, Cllr. Ernestine Morgan-Awar, headed a delegation of judicial employees to participate in a month long seminar on Cooperative Legal System Construction for Senior Management Personnel in the People's Republic of China. The other participants are: His Honor Jomah S. Jallah, Jr., His Honor John Lafayette Griggs, Cllr. Elisha T. J. Forkeyoh, Atty. Alice Kenkpen-Sirleaf, Atty. Edwina Edjerah Barchue, Atty. Lucretia Thomas-Anderson, and Atty JEUCONTE E. BERRY. Also, three staffers of the Judiciary: Faith Sulee Dixon, Court Reporter, Marcathy S. Hne, Jr. Assistant Clerk, Debt Court, Montserrado County and Peter S. Cephas, Chauffeur, Temple of Justice are currently in the People's Republic of China on the 2019/2020 Chinese Bilateral Scholarship Program in various fields of disciplines. We are grateful to the Government and people of the People's Republic of China for their continued support to the Judiciary.
6. His Honor Roosevelt Z. Willie, Resident Judge, Criminal Court "A", Montserrado County, participated in a two - day training workshop organized by the UNESCO Regional Office in Dakar, Senegal from September 24-25, 2019. The workshop focused on the implementation of the United Nations Plan of Action on the Safety of Journalists and issues of impunity and strengthening the capacity of judicial

institutions in West African countries on international and African jurisprudence on freedom of expression and the safety of journalists.

7. His Honor Ousman F. Feika, Resident Circuit Judge, 5th Judicial Circuit participated in an UNODC training of trainers workshop in Accra, Ghana from September 30 to October 4, 2019.
8. I have received an invitation to attend a conference of the Chief Justices of ECOWAS countries in Accra, Ghana from October 21-25, 2019. The theme of the conference is Economic Integration of the West Africa: Challenges and Prospects.

Members of the Bar, distinguished ladies and gentlemen, as we begin another Term of this Court today, let me assure all Liberians and foreign nationals within our borders of our unfettered commitment to ensure justice for all. We are aware that the Judiciary is the strongest pillar of government on which the tenets of democracy are anchored. We are aware that there can be no guarantee for individual freedom and protection against gross violations by citizens against other citizens, or arbitrary power by public officials against citizens and residents when the courts do not act to prevent or subdue these excesses. The primary duty of courts is to hear and decide cases; we always underscore fair and impartial decisions. Without the courts, there is no other adequate forum in our society to settle disputes. The resultant effect would be total breakdown of law and order and chaos. We are not unmindful that the decisions we make determine the fate of our fellowmen - their lives, liberties, properties and privileges. And we are not unmindful that we carry the heavy burden of protecting the economy of our nation on our shoulders by our decisions in matters involving private investments.

When those of us at the Supreme Court make decisions, they are final and there is no appeal. Article 65 of the Constitution provides in part that: "...Judgments of the Supreme Court shall be final and binding and shall not be subject to appeal or review by any other branch of Government..." What this means in effect is that from us, a dissatisfied party

litigant can only go to God. This is no small responsibility and we are fully aware of its effect and consequences. This is why on assuming these high offices of national trust in the Judiciary, we resolved that in the performance of our duties, the Constitution and statutory laws would be our only yardsticks, nothing more, and nothing less. We have and will continue to live by this commitment. As servants of the people, we shall ever remain humble and moderate even in the face of the enormous judicial powers at our disposal, but resolute and stern in our actions. We seek no personal glory or popular acclaim on account of the offices we occupy. And we seek no approval from any source for our actions; neither do we wait until there is an echo from the crowd backed by numbers before we can act. Judicial Canon # 16 warns that we “...should not be swayed by partisan demands, public clamor, or consideration of personal popularity or notoriety, nor be apprehensive of unjust criticisms.” Our actions and decisions are ours and ours alone, based purely on our inner convictions driven by settled principles of law. As we see it, the fewer the voices on the side of truth and the law, the more distinct and stronger our convictions and actions should be. In judicial matters, the five of us who sit on this Bench are equal in every respect, each person with one vote. So none is superior to the other; only the will of the majority prevails.

I have said before and I will say again – that under the laws of this Country, the Republic of Liberia, as a party litigant before court has no special rights and enjoys no special privileges that are not available to the ordinary citizens. The Republic is subject to all applicable laws and procedural rules of court and shall be treated as such. The only exception is when the application of the general rule would compromise national security or a vital national interest. Our people should therefore avoid violence and taking the laws into their own hands and resort to court actions as a means of settling disputes. Coming from the doldrums of war, our country needs peace and stability for its social and economic advancement. I submit that the tenets of democracy cannot survive and thrive in chaos and confusion.

Invited guests, distinguished ladies and gentlemen, amongst the cases decided during the last Term of this Court were cases emanating from the Grievance & Ethics Commission and the Judicial Inquiry Commission involving professional and ethical misconducts of lawyers and judges. Former Judge Richard Klah of the Commercial Court was adjudged in serious violation of the Judicial Canon as well as the Criminal Code of Liberia; he has since resigned his post. Justices and Judges are part of the same judicial family. So, it is often with heavy heart when this Court is constrained to sanction one of its own family members for serious ethical and/or professional misconduct. But as painful as it is, this has to be done to protect the image and integrity of the judicial system of our country which is larger than all of us. If the Judiciary must remain the “rampart” upon which the distressed climb for safety, we must continue to institute self-cleansing actions to rid ourselves of acts of improprieties. We hope that our recent decision will serve as deterrent for all.

Before closing this brief address, let me comment on a burning issue – the ongoing process of salary harmonization. We have followed, with keen interest, national discussions on the issue of salary harmonization to the point that the Legislature has promulgated: AN ACT TO ESTABLISH THE NATIONAL REMUNERATION STANDARDIZATION OF 2019. We should note that Article 72 (a) of the Constitution provides.

“The Justices of the Supreme Court and all other judges shall receive such salaries, allowances and benefits as shall be established by law. Such salaries shall be subject to taxes as defined by law, provided that they shall not otherwise be diminished. Allowances and benefits paid to Justices of the Supreme Court and judges of subordinate courts may be increased but may not be diminished except under a national program enacted by the Legislature; nor shall such allowances and benefits be subject to taxation.”

We should also note that Judicial Canon # 6 provides as follows:

Judicial Canon Six: JUDGE AS GOVERNMENT PAID OFFICIAL

The judge is a government paid official and must be paid adequately; he holds an exalted position which prevents him from engaging in any business pursuit, therefore he must be provided with the necessities of life and with every means by

which he will be able to perform his judicial duties effectively, efficiently, and speedily. The judge must be encouraged and given the incentive to live a decent and dignified life that would prevent financial and domestic worries and enable him to repel temptation which is susceptible to human life. As priest of justice, a judge should not be given the cause to be corrupted in the performance of his judicial duties so as to be justified for any disciplinary action taken against him if found deficient in those qualities.

In light of the foregoing, we advise and urge that any process of harmonizing or standardizing salaries of Government Officials and senior civil servants take into consideration requisite provisions of the law especially when applying to the Judiciary in order to ensure justice and equity.

We are prepared to work with and engage the requisite government functionaries to provide necessary input(s) for proper application of the Act to the Judiciary.

I advise all Counsellors whose clients have cases on the Docket for this Term to make early requests for the assignments of their cases.

May God Almighty bless us all and save our Country.

I THANK YOU.