

BEFORE THE HONORABLE SUPREME COURT OF THE REPUBLIC OF LIBERIA  
SITTING IN ITS MARCH TERM, A.D. 2020

BEFORE HIS HONOR: FRANCIS S.KORKPOR, SR .....CHIEF JUSTICE  
BEFORE HER HONOR: JAMESETTA H. WOLOKOLIE .....ASSOCIATE JUSTICE  
BEFORE HER HONOR: SIE-A-NYENE G. YUOH .....ASSOCIATE JUSTICE  
BEFORE HIS HONOR: JOSEPH N. NAGBE .....ASSOCIATE JUSTICE  
BEFORE HIS HONOR: YUSSIF D. KABA .....ASSOCIATE JUSTICE

Atty. Isaac W. Jackson, Jr. Deputy Commissioner Permanent )  
Representative to the International Maritime Organization (IMO), )  
Liberia Maritime Authority Liberia Permanent Mission, International )  
Maritime Organization London, United Kingdom ..... Petitioner )  
Versus )  
The Administration of the Liberia Maritime Authority (LMA) of the ) Petition for the Writ  
Republic of Liberia, and the Executive Branch of the Government ) of  
Of the Republic of Liberia, headed by His Excellency, Dr. George M. ) Prohibition  
Weah, President of the Republic of Liberia, of the City of Monrovia, )  
Republic of Liberia .....Respondents )

HEARD: April 17, 2019

DECIDED: September 4, 2020

MR. CHIEF JUSTICE KORKPOR DELIVERED THE OPINION OF THE COURT

On July 5, 2018, Attorney Isaac Jackson (petitioner), filed this petition for the writ of prohibition before our Colleague, Her Honor Jamesetta H. Wolokolie then presiding in Chambers, against the Liberia Maritime Authority (LMA) and the Government of the Republic of Liberia, represented by the Minister of Justice/Attorney General (respondents). The petitioner alleged in his petition that he was appointed in accordance with the LMA Act of 2010 by the former President of Liberia, Madam Ellen Johnson Sirleaf, to the position of Permanent Representative to the International Maritime Organization (IMO) on September 13, 2016; that in the organogram of the LMA, the position of Permanent Representative is equivalent to a Deputy Commissioner, which is a tenured position for the period of five years, but in the wisdom of former President Sirleaf, it was decided that the position and/or any person appointed to it should be referred to as Permanent Representative instead of Deputy Commissioner; and that in the past, successive presidents of Liberia had appointed Permanent Representatives to the IMO who also served as Deputy Commissioners. He referred to the appointments of Agnes Reeves Taylor (September 28, 1999) and Mohammed Dukuly (April 7, 2004), as Liberia's Permanent Representatives to the IMO who also served as Deputy Commissioners. The petitioner also stated in his petition that his appointment was based on a board recommendation; that the title "Permanent Representative" as stated on the organogram of the LMA was driven by the nature and scope of the job responsibilities of the person appointed to the position and assigned abroad at the IMO to represent the LMA. He maintained that since his appointment as Permanent Representative/Deputy

Commissioner, he has worked and placed Liberia in a leadership role of the IMO for the first time since the Country's membership with the said organization; that he was successful in ensuring that Liberia maintains her seat on the IMO Council; that as head of the Liberian delegation he is leading an effort along with eleven (11) other member States, co-sponsoring a document - Document C120/415, which he hopes will lead to a reform of the IMO Council, a reform from which Liberia will benefit; that relying on the period of his position which is five (5) years, he relocated his entire family to his area of assignment in London, United Kingdom, where his children are presently in school; that the respondents abruptly appointed another person, Moses O. Browne to the position of Permanent Representative/Deputy Commissioner, thereby attempting to remove the petitioner from his position and disarranging his family plan; that under the Act creating the LMA, the President of Liberia cannot remove and/or dismiss a Commissioner or Deputy Commissioner; and that in the instant case, the President of Liberia is without authority to remove him, since his position is equivalent to a Deputy Commissioner with a tenure of five (5) years which has not expired. The petitioner further maintained that the LMA Law provides for the removal of a Commissioner and Deputy Commissioners for cause; that the removal attempt by the current President of Liberia violates Article 89 of the Liberian Constitution and Section 7(7) of the LMA Act. The petitioner therefore prayed the Chambers Justice to prohibit the President of Liberia from violating the law by removing him from his office.

Upon the receipt of the petition for the writ of prohibition, Justice Wolokolie cited the parties to a conference and ordered them to stay all further proceeding(s) pending the outcome of the conference. And after the conference, she ordered the alternative writ of prohibition issued and further ordered the respondents to appear and file returns to show cause why the petitioner's petition should not be granted. She determined that constitutional issues were raised in the petition and the returns thereto, and since a lone Justice sitting in Chambers cannot pass on constitutional issues, she directed the Clerk of the Supreme Court to forward the petition to the Full Bench of the Supreme Court for hearing and determination. She also directed that the parties remain at status quo ante pending the determination of this case by the Full Bench of the Supreme Court.

In the returns filed by the Ministry of Justice, by and through the office of the Solicitor General, the respondents contended that the petitioner was appointed by the President of the Republic of Liberia and holds office at the pleasure of the President in accordance with Article 56(a) of the Constitution of Liberia; that the Legislature cannot enact a law which

takes away from the President his constitutional power to terminate the services of the petitioner as Liberia's Permanent Representative to the IMO; and that the LMA is not an autonomous commission established under Article 89 of the Constitution, therefore, the President has the constitutional authority to dismiss all officials appointed by him at the LMA. The respondents also contended that the petitioner's own exhibits attached to his petition placed him and his predecessors in the same category as any other "ambassador" of Liberia; that as an ambassador and a diplomat, the petitioner serves at the will and pleasure of the President of Liberia. The respondents acknowledged that the petitioner was appointed by former President Ellen Johnson Sirleaf as Liberia's Permanent Representative to the IMO on September 13, 2016, but denied that the position of Permanent Representative to the IMO is equivalent to a Deputy Commissioner post, since the letter signed by former President Sirleaf appointing the petitioner does not in any way state that he was appointed as Deputy Commissioner; that the reliance of the petitioner on precedents of the appointments of Agnes Reeves Taylor (September 28, 1999) and Mohammed Dukuly (April 7, 2004), as Liberia's Permanent Representatives to the IMO, even if these appointments were then equivalent to the positions of Deputy Commissioners, the same cannot now hold as those appointments were made before the Liberian Maritime Act of 2010, while the petitioner's appointment was made after the Liberia Maritime Act of 2010; that under Section 7(4) of the Liberia Maritime Act of 2010, the Permanent Representative to the IMO is not a Deputy Commissioner position, therefore, the person occupying it does not have tenure as claimed by the Petitioner. The respondents denied that the petitioner was recommended by the Board of the Liberia Maritime Authority to former President Sirleaf for appointment as Liberia's Permanent Representative to the IMO in accordance with the LMA Act of 2010.

While the case was pending before the Supreme Court *en banc*, the petitioner, Attorney Isaac Jackson, wrote a letter to the Chief Justice, His Honor Francis S. Korkpor, Sr., informing him that the order of the Justice in Chambers for the parties to remain at status quo ante pending the determination of the case by the Full Bench of the Supreme Court was not been adhered to by the respondents. He complained that he had not received his salary; and that the respondents have not renewed passports for him and his family, etc. This was a personal letter written to the Chief Justice which he could not act upon as a lone Justice in a case pending before the Full Bench of the Supreme Court. The Chief Justice however informed the petitioner's counsel to bring the issue to the attention of the Full Bench for proper action. Whereupon, the petitioner's counsel, Counsellor Arthur Johnson, made an application on the Minutes of this Court that the petitioner has not received his salaries for about three months; and that the respondents have failed, refused and/ or neglected to

renew the passports of the petitioner and his immediate family members who are with him at his assigned post in London, United Kingdom. The Court heard the information and immediately, at the same sitting, entered a ruling through the Chief Justice. Not only did the Court order the then Solicitor General, Counsellor J. Daku Mulbah, to ensure that the Ministry of Foreign Affairs renews the passports of the petitioner and his immediate family members, the Court also directed that the salaries of the petitioner be paid and that he remains in his assigned office and dwelling house and continue to enjoy all benefits and emoluments appertaining to his job pending the outcome of this case. Chief Justice Korkpor, speaking for the Court, specifically noted that no matter what the outcome of this petition for the writ of prohibition, the petitioner and his family are entitled to Liberian passports as a matter of right as citizens of Liberia. The main case was subsequently ordered proceeded with.

While awaiting an opinion to be delivered in the case, Attorney Isaac Jackson, the petitioner, appeared in Vol. 13, No. 071, Monday, April 22, 2019 Edition of the Front Page Newspaper and subsequently on local radio stations via telephone from London, United Kingdom and made reckless, unfounded, debasing and contemptuous statement against the Chief Justice to the effect that if he were to lose his case which is so plain and if anything happens to him and his family, his "blood will be on Francis Korkpor's hands." In the publication, he referred to the Chief Justice as a "spineless coward". This was a total "shocker", to say the least.

In reaction to the publication and the statement carried on several radio stations against the Chief Justice as indicated above, Counsellor Arthur Johnson, counsel for the petitioner, decided that he could no longer represent the petitioner. The Counsellor informed this Court that he had written a letter to the petitioner withdrawing his legal representation of him. We quote the letter:

“Dear Atty. Jackson:

Please accept my compliments, and I am constrained to have you informed of the withdrawal of my legal representation on your behalf in the Isaac Jackson versus The Government of Republic, Petition for the Writ of Prohibition which had been argued before the Honorable Supreme Court of Liberia pending ruling by the Court.

My withdrawal from the case stems from the fact of your media appearances both in electronic and print preempting and predicting the ruling of the Supreme Court and at the same time calling the high Court Chief Justice, Francis Korkpor and the Supreme Court into public ridicule. As you are aware of this publication made by you in the Front Page Newspaper, Vol. 13, No. 071, Monday April 22, 2029 with the story "Liberia IMO Representative vents anger at the Supreme Court Chief Justice Francis Korkpor `MY BLOOD WILL BE ON YOUR HANDS", it undermines the integrity and dignity of the highest Court and places it into disrepute.

As a lawyer before the High Court, I cannot continue to represent a client whose action disrespect the Court. It will show an appearance that I am in support of your action against the Supreme Court Chief Justice. Moreover, you were advised to stay away from the press during our last conversation. Doing this threatens my career as a lawyer because I am not a politician but rather a lawyer. As a Counsellor-At-Law and a member of the Honorable Supreme Court of Liberia, I am prohibited from supporting any act that undermines the dignity, credibility, and integrity of the Honorable Supreme Court of Liberia, and that is to say all Justices of the Supreme Court of Liberia.

In view of the above, please accept this withdrawal without any prejudice but for ethical reason as contained in the Code of Moral and Ethical Conduct of Lawyers.

With professional regards.

Arthur T. Johnson, Esq., BSc, BPA, MA, MPA (Cand.) MA (Cand.), Ph.D. (In View)  
Counsellor-At-aw  
Chief Executive Officer and Senior Legal Consultant  
Consortium of Legal Practitioners Incorporated  
Center Street, Opposite Exclusive"

It appears that the petitioner soberly reflected on his action and realized that what he did was totally wrong and uncalled for. He therefore wrote a letter dated September 4, 2019, in which he apologized to the Chief Justice and the entire Judiciary for his action. Here is an excerpt from the petitioner's letter of apology:

"September 4, 2019

His Honor, Francis S. Korkpor

Chief Justice, Supreme Court of Liberia Temple of Justice

Capitol Hill, Monrovia

May It Please Your Honor:

I present my compliments and sincerest apologies to you, and the entire Judiciary for statements made during the recent proceedings into the matter of grave concerns to me and my family. I deeply regret the comments which were borne out of the depths of frustrations and indignations to which my family and I are being subjected. In the just adjudication of this urgent matter, I look to the courts, as all responsible citizens should, for the deserved relief, and hope the courts will respond justly and timely, as always..."

We should say, at this point, that lawyers are obliged to show due deference to this Court and its Justices and to all subordinate courts and Judges presiding therein and avoid acts that tend to cast aspersions on the courts, Justices and Judges. The above quoted outburst spewed at the Chief Justice is indeed reprehensible. Although the petitioner realized his wrongdoing and offered apology, his apology in our view, did not go far enough to repair the hurt and damage caused by the unprovoked verbal assault and insult on the Chief Justice. But we shall revert to this later in this opinion.

This petition for the writ of prohibition presents the following three cardinal issues for our determination:

1. Whether or not the creation of tenure positions by the National Legislature is in violation of the power granted the President of Liberia under Article 56(a) of the Constitution of Liberia to appoint officials of Government who hold offices at the will and pleasure of the President?

2. Whether or not the position of Permanent Representative to the International Maritime Organization is a Deputy Commissioner position at the Liberia Maritime Authority and the occupant thereof is therefore entitled to tenure of five years?

3. Whether or not prohibition will lie given the facts and circumstances in this case?

We shall deal with the issues in the order in which they are presented, beginning with the first issue, whether or not the creation of tenured positions by the National Legislature is in violation of the power granted the President of Liberia under Article 56(a) of the Constitution to appoint officials of Government who hold offices at the will and pleasure of the President?

Article 56(a) of the Constitution of Liberia gives the President of Liberia the power and authority to appoint officials of Government, both in the military and civil authorities. Those appointed by the President in such capacities, as clearly mandated by that Article, hold their offices at the will and pleasure of the President. This means that the President has the authority to remove them from office with or without cause. Article 56(a) provides:

"All cabinet ministers, deputy and assistant cabinet ministers, ambassadors, ministers and consuls, superintendents of counties and other government officials, both military and civilians, appointed by the President pursuant to this Constitution shall hold their offices at the pleasure of the President".

Article 56(a) of the Constitution specifically names the officials of government the President can appoint and remove from office at his/her will and pleasure; the Article names all cabinet ministers, ambassadors, ministers and consuls, superintendents of counties and other government officials, both military and civilians appointed by the President.

There is another provision of the Constitution (Article 54) which also gives the President of Liberia the authority to appoint officials of government. Article 54 provides:

"The President shall nominate and, with the consent of the Senate appoint and commission:

- a) Cabinet ministers, deputy and assistant cabinet ministers;
- b) Ambassadors, ministers, consuls; and

- c) The Chief Justice and Associate Justices of the Supreme Court and judges of subordinate courts;
- d) Superintendents, other county officials and officials of other political subdivisions;
- e) members of the military from the rank of lieutenant or its equivalent and above; and
- f) Marshals, deputy marshals and sheriffs".

We must note that unlike Article 56(a) of the Constitution which grants express authority to the President to remove from office any person appointed by him/her with or without cause, the President does not have the authority to remove every official appointed by him under Article 54 of the Constitution. For example, the President cannot remove from office, the Chief Justice and Associate Justices of the Supreme Court and Judges of subordinate courts. As we see it, the framers of the Constitution in their wisdom, determined that to ensure confidence and credibility, certain high government offices, due to their critical natures, should be kept out of the overarching political power of the presidency.

Now, the Liberia Maritime Authority was established by an Act of the Legislature in 2010 as a body corporate wholly owned by the Government of Liberia. Under the Act, the Commissioners and Deputy Commissioners were given tenures for five (5) years. The Act provides that the Commissioner and Deputy Commissioners may be removed from office only for cause. The Legislature derived its authority for establishing the Liberia Maritime Authority from Article 89 of the Constitution of Liberia (1986) which provides:

"The following Autonomous Commissions are hereby established:

- A. CIVIL SERVICE COMMISSION;
- B. ELECTIONS COMMISSION; and
- C. GENERAL AUDITING COMMISSION

The Legislature shall enact laws for the governance of these Commissions and create other agencies as may be necessary for the effective operation of Government"[Emphasis supplied].

Under the above quoted Article, not only is the Legislature authorized to create other agencies as may be necessary for the effective operation of Government in addition to the Civil Service Commission, the Elections Commission and the General Auditing Commission which were created by the Constitution itself, the Legislature is also expressly authorized to enact laws for the governance of these Commissions. We hold that in the exercise of its authority granted by the Constitution to enact laws for the governance of other agencies necessary for the effective operation of Government, the Legislature may create an institution or agency of Government and make it independent from the overarching executive

influence, impact or interference of the presidency by giving tenure to its members, and this in no way violates the power granted the President under Article 56 of the Constitution.

The issue of whether or not an Act passed by the Legislature providing tenure for certain government offices is in violation of Article 56(a) of the Constitution which gives the President of Liberia the power to appoint officials of Government who hold offices at the will and pleasure of the President was settled in the case: *Martin Sallie Kollie v, The Executive Branch of Government*, decided during the October, 2018 Term of this Court. For good and sufficient reasons espoused in the Opinion delivered in that case, this Court held that the creation of tenure positions by the National Legislature is not in violation of the power granted the President of Liberia under Article 56(a) of the Constitution. So, in the instant case, the 2010 Act of the Legislature establishing the Liberia Maritime Authority and providing tenure for the Commissioner and Deputy Commissioners does not violate Article 56 of the Constitution which grants power to the President of Liberia to appoint certain officials of Government who serve at his will and pleasure.

That said, the primary question that arises in this case is whether or not the position of Permanent Representative to the International Maritime Organization to which the petitioner was appointed, is a Deputy Commissioner position at the LMA as contended by the petitioner such that the occupant thereof is therefore entitled to tenure of five years? This is the second cardinal issue for the determination of this case.

In addressing this issue, we take recourse to the letter written by former President Ellen Johnson Sirleaf appointing the petitioner which states:

"Republic of Liberia  
EJS/MOS/RL/476/2016 September 13, 2016

Atty. Isaac Jackson  
C/O Liberia Maritime Authority Monrovia, Liberia

Dear Atty, Jackson,  
I am pleased to advise that you are hereby appointed Permanent Representative to the International Maritime Organization (IMO), Liberia Maritime Authority, Republic of Liberia, effective, September 13, 2016.  
It is expected that you will take office immediately and if not already submitted you are required to file, by September 30, 2016, with the Anti-Corruption Commission the Declaration of Income, Assets and Liabilities.



Please accept my congratulations and my expression of trust in your ability to make a meaningful contribution in your area of responsibility as we strive to move our Country forward in a process aimed at enhancing peace, reconciliation and development.

Sincerely,

Ellen Johnson Sirleaf, President"

The quoted letter is clear on its face; it does not say, neither does it even infer that the petitioner was appointed as a Deputy Commissioner of Maritime Affairs. The position to which the petitioner was appointed under the authority of the letter is Permanent Representative to the IMO and nothing more.

The petitioner argued, however, that even though it is not stated in his letter of appointment, the position of Permanent Representative to the IMO is equivalent to a Deputy Commissioner position because, according to him, in the organogram of the LMA, the position of Permanent Representative is placed in line with Deputy Commissioners of Maritime Affairs and the occupant thereof reports to the Commissioner of Maritime Affairs, the same as the Deputy Commissioners. He also argued that the title "Permanent Representative" at the LMA is driven by the nature and scope of the job responsibilities of the person appointed to the position. We disagree with these positions advanced by the petitioner. An organogram, or graphical representation of an organization's structure does not by itself, confer title that which was not contemplated and conferred by the competent appointing power. Besides, we note that the organogram of the LMA relied on by the petitioner and annexed to his petition as "Exhibit P/3" in bulk is an old organogram of the LMA constructed in 1998, twelve years before the passage of the LMA Act of 2010. The new organogram of the LMA does not reflect the petitioner's position. Furthermore, a job title cannot necessarily be inferred from the scope of duty and responsibilities as the petitioner want us to believe. In law, what is not expressly stated is deemed withheld. So, the letter of appointment which conferred the title and position on the petitioner not having expressly stated that he was appointed as a Deputy Commissioner, there is no need to look elsewhere in search of the petitioner's position.

We should note that on the same day and date the petitioner was appointed as Permanent Representative to the IMO, four other persons were appointed as Deputy Commissioners of LMA. In separate letters dated September 13, 2016, Ms. Evon Clinton, Cllr. Margaret Ansumana, Mr. Emmanuel N. Reeves and Mr. Charles A. Gono, Jr. were all appointed by former President Ellen Johnson Sirleaf. In their letters, the former President referred, firstly, to Section 7 (4) of the LMA Act of 2010 as her authority for their appointments; secondly,

she specifically stated that those she appointed were recommended by the Commissioner of Maritime Affairs consistent with the LMA Act; and thirdly, the position of Deputy Commissioner was especially mentioned in their respective letters of appointment. This is a clear indication that the omission of the title "Deputy Commissioner" in the petitioner's letter of appointment which was written on the same day the letters appointing those named above were written, was done deliberately, since it was never the intent to appoint the petitioner as a Deputy Commissioner of Maritime Affairs.

The petitioner's reliance on the precedents of the appointment of Agnes Taylor by President Charles Taylor (September 28, 1999) and Mohammed Dukuly by Chairman C. Gyude Bryant of the erstwhile National Transitional Government of Liberia (April 7, 2004) is untenable because those appointments were clearly specified and designated. In the case of Agnes Taylor, her letter of appointment stated that she was appointed as "Deputy Commissioner of Maritime Affairs, Bureau of Maritime Affairs and Special Representative" to the IMO; while in the case of Mohammed Dukuly, he was also appointed as "Deputy Commissioner of Maritime Affairs and Liberia's Permanent Representative" to the IMO. The letter appointing the petitioner did not state that he was appointed as a Deputy Commissioner. Besides, it is important to note that the earlier appointments were made under the Liberian Maritime Law (Title 21, Liberian Code of Laws Revised), while the petitioner was appointed after the passage of the LMA Act of 2010. Under Sections Section 7 (1) & (4) of the LMA Act of 2010, the Commissioner of LMA is appointed by the President of Liberia upon recommendation of the Board of Directors of the LMA; while the Deputy Commissioners of LMA are appointed by the President based on recommendation from the Commissioner of Maritime Affairs as approved by the Board of Directors.

We quote Section 7 (1) & (4) of the LMA Act:

"Appointment and Powers of the Commissioner and Deputy Commissioners.

I. Appointment of the Commissioner. The Board of Directors shall recommend for the President's approval a Commissioner who shall be the Chief Executive Officer and who shall have general managing direction of the authority, superintendence of ships registered under the laws of the Republic of Liberia, and responsible for the enforcement and administration of the provisions of the Liberia Maritime Law and Regulations or any other maritime related laws".

(4) "Commissioner's Power of Appointment or Removal of Deputy Commissioners.

The Commissioner shall recommend to the President for appointment of, subject to the approval by the Board of Commissioners of the Authority, the Deputy Commissioner of the Authority to administer the Principal division of the Authority and to assist the Commissioner in the performance of his duties as set forth in this Act and the Liberia Maritime Law, The Commissioner may recommend to the President, subject to the approval of the Board of Directors, the removal of the Deputy Commissioner."

From the clear and unambiguous language of the provisions of the LMA Act, the President of Liberia was given the authority to appoint the Commissioner of Maritime Affairs based on recommendation from the Board of Directors; and Deputy Commissioners based on recommendations from the Commissioner, subject to the Board's approval. Although the petitioner contended in his petition that he was appointed to the IMO in accordance with the above quoted Section 7 (4) of the LMA Act, we see no evidence in the records to support this contention. In other words, the records do not show that the Commissioner of Maritime Affairs made recommendation to the President of Liberia, with approval from the Board of Directors of LMA for the petitioner's appointment by former President Sirleaf as Deputy Commissioner.

The petitioner further argued that in time past, all those who served in the position of Permanent Representative to the IMO also served as Deputy Commissioners and that this was the same trend followed by former President Ellen Johnson Sirleaf when she appointed him. To this argument we say again that the letter appointing the petitioner does not indicate that he should serve in the dual capacities of Permanent Representative and Deputy Commissioner. But even assuming that the petitioner was appointed as a Deputy Commissioner (which was not the case) those the petitioner referred to in time past who served in dual capacities as Deputy Commissioners and Permanent Representatives were considered, for all intent and purposes, diplomats at ambassadorial level and were given letters of credence and they served at the will and pleasure of the President.

Here are two clear examples, first a letter written by former Acting Minister of Foreign Affairs, Christopher Minikon, accrediting Mr. Gerald Ferguson Burns Cooper as Permanent Representative of Liberia to the IMO. We should note that in the letter, Mr. Cooper was referred to as "Ambassador." We quote the letter:

"REPUBLIC OF LIBERIA  
MINISTRY OF FOREIGN AFFAIRS  
MONROVIA, LIBERIA  
LETTER OF CREDENTIAL

Whereas, the Government of the Republic of Liberia has set up at the seat of the International Maritime Organization a Permanent Mission to maintain contact with the Secretariat of the Organization.

Now, therefore, the Government of the Republic of Liberia has appointed and by these presents, we do hereby confirm Ambassador Gerald Ferguson Burns Cooper as Permanent Representative of Liberia to the International Maritime Organization.

Ambassador Gerald F. B. Cooper is instructed to represent the Government of the Republic of Liberia in all activities of the International Maritime Organization.

He is also authorized to designate a substitute to act temporarily in his behalf as and when required after due notice to the Secretariat.

Given under my hands at the Ministry of Foreign Affairs, City of Monrovia, Republic of Liberia, this 10th day of September, in the Year of our Lord, One Thousand Nine Hundred and Ninety Seven, and of the Republic, the One Hundredth and Fifty.

Christopher Minikon

Acting Minister of Foreign Affairs"

The second example is another letter, also written by the Ministry of Foreign Affairs to the Secretariat of the IMO informing that body that the National Transitional Government of Liberia had appointed Mohammed M. Dukuly to serve as Deputy Commissioner of Maritime Affairs and Liberia's Permanent Representative to the IMO in place of Agnes Reeves Taylor who was recalled. We should also note that in the letter appointing him, Mr. Dukuly was referred to as Deputy Commissioner. This appointment was made before the LMA Act of 2010 was passed. We also quote that letter:

"REPUBLIC OF LIBERIA  
MINISTRY OF FOREIGN AFFAIRS  
MONROVIA, LIBERIA  
NTG L/M FA/2-2/0302/'04

The Ministry of Foreign Affairs of the Republic of Liberia presents its compliments to the Secretariat of the International Maritime Organization and has the honor to inform the latter that the National Transitional Government of Liberia has appointed Hon. Mohammed M. Dukuly to serve as Deputy Commissioner of Maritime Affairs and Liberia's Permanent Representative to the IMO, in place of Madam Agnes Reeves Taylor, who has been recalled for consultations.

In this connection, the National Transitional Government of Liberia through this Ministry should be very much grateful if the International Maritime Organization would grant Hon. Mohammed Dukuly all the necessary courtesies and assistance he so highly deserves to execute his duties. The Ministry of Foreign Affairs of the Republic of Liberia avails itself of the opportunity to renew to the International Maritime Organization the assurance of its highest consideration,

Monrovia April 20, 2004

The Secretariat

International Maritime Organization"

It is important to mention, at this juncture, that the position of Permanent Representative was not provided for under the Liberian Maritime Law (Title 21, Liberian Code of Laws

Revised); neither was it provided for under the LMA Act of 2010. So, from all indications, the established practice has always been for successive Liberian Presidents to appoint people who serve as the country's Permanent Representatives to the IMO. And it has been the practice, also, for Liberian Presidents to remove or recall at will, anyone so appointed.

The IMO is the United Nations specialized agency with responsibility for the safety and security of shipping and the prevention of marine and atmospheric pollution by ships. Liberia has the second largest shipping registry in the world. With this position and as a permanent maritime nation, Liberia established a Permanent Mission in London, United Kingdom in 1987 to represent the country's technical outreach to the IMO, while concurrently projecting its diplomatic aspirations at international level. The Permanent Representative ensures that the interest of Liberia and ship-owners flying the Liberian Flag are protected. A Permanent Representative is therefore a diplomat, as he is accredited to the international organization (in this case the IMO) at which he represents his country. He enjoys all immunities that a person serving in a diplomatic mission enjoys and carries the title "Ambassador." This is the reason why the petitioner in this case is referred to as "Ambassador Isaac Jackson". In keeping with the Vienna Convention and other international protocols to which Liberia is a signatory, it is the State that appoints and accredits the Permanent Representative, and it is that appointing State that has the power to recall or remove him/her; this is done by appropriately informing the international organization to which the Permanent Representative is assigned and the host country in which he/she resides.

Given all we have said hereinabove, we hold that the position of Permanent Representative to the IMO is not a Deputy Commissioner position at the Liberia Maritime Authority and a person appointed to that position is not entitled to tenure of five years. As a person appointed and assigned to an international organization, the Permanent Representative holds the status of a diplomat who may be recalled and or removed by the President of Liberia at will.

We address the final issue - whether or not prohibition will lie under the facts and circumstances in this case. We hold that prohibition will not lie under the facts and circumstances of this case. We have already determined that the position of Liberia's Permanent Representative to the IMO is not a Deputy Commissioner Position as contended by the petitioner; and that the President of Liberia has authority for the appointment and removal of an appointee to that position. The extraordinary writ of prohibition will not lie

where the act complained of is within the jurisdiction of the doer and there is no showing that a wrong rule was adopted in carrying on the act.

Before concluding this Opinion, we must revert to the aforementioned unprovoked assault and insult by the petitioner, Attorney Isaac Jackson, directed against the Chief Justice, His Honor Francis S. Korkpor, Sr. Lawyers, by their profession, are held at a higher standard in respect of unprofessional and unethical acts committed against the courts or the judges presiding therein. Even though Attorney Jackson apologized to the Chief Justice, the Supreme Court, and the entire Judiciary for his unbecoming action, we hold that the letter of apology he quietly wrote to the Chief Justice did not go far in making amends. For his egregious action, the petitioner, Attorney Isaac Jackson, is hereby suspended from the practice of law in the Republic of Liberia for the period of one calendar year commencing from the date of the Judgment in this case. He is ordered to write a letter of apology to the Chief Justice, the Supreme Court and the entire Judiciary and have same published three times in succession in two local dailies, one of which should be the Front Page Africa Newspaper. The failure of the petitioner, Attorney Isaac Jackson, to do as directed herein after a period of three months, the suspension imposed on him shall automatically turn into permanent disbarment from the practice of law in the Republic of Liberia.

WHEREFORE AND IN VIEW OF THE FOREGOING, the alternative writ of prohibition issued by the Justice in Chambers is hereby quashed and the peremptory writ prayed for denied. The Clerk of this Court is ordered to inform the parties in this case to give effect to this Judgment. And it is SO ORDERED.

Petition denied.