

OPENING ADDRESS OF HIS HONOR FRANCIS S. KORKPOR, SR.
CHIEF JUSTICE, SUPREME COURT OF LIBERIA
OCTOBER 2020 TERM
OCTOBER 12, 2020

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 United the 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 of Liberia;

The President & Members of the Association of Public Defenders;

The Court Administrator & Staff of the Judiciary;

Members of the Press;

Distinguished Guests, Ladies and Gentlemen:

We are gathered here this morning in fulfillment of the Judiciary law, which sets the second Mondays in October and March of each year as the days the Supreme Court shall open for the conduct of business. I welcome Your Excellency, President George Manneh Weah and other distinguished guests, on behalf of my Colleagues of the Supreme Court Bench and the entire Judiciary, to the opening of the October 2020 Term of this Court.

We remain grateful to God Almighty for His bountiful blessings received during the March, 2020, Term of Court and we pray that He continues to guide, protect and give us wisdom as we embark on the works of this Term of Court.

Today's opening program is conducted via Zoom Link. And as you can see, we are not in the Chamber of the Supreme Court where the program usually takes place; we are in the Banquet Hall of the Supreme Court, 6th Floor. This is because seating arrangements in the Supreme Court Chamber, especially for the members of this Court does not allow for social distancing. We decided to do away with the usual large gathering. So, with the exception of the members of this Court along with few support staff, the Minister of Justice & Dean of the Supreme Court Bar and the President of the Liberian National Bar Association who are physically present, all invited guests, including the President of Liberia, the Speaker and President Pro-Tempore, members of the Diplomatic Corps, Counsellors, party litigants and the public at large are watching this program from afar. Items on the program have also been reduced and streamlined. For example, we have dispensed with the roll call of Counsellors of the Supreme Court, no choir was invited to sing, and the opening address for this term will be brief.

This rather unfamiliar opening protocol is due to the Corona Virus Pandemic. The killer virus hit our country in early April this year necessitating the President of Liberia to declare a State of Emergency on April 8, 2020 consistent with Article 86 of the Constitution of Liberia (1986) for a period of 60 days to fight the virus. This was followed on April 17, 2020, by Joint

Resolution #002/2020 of the Legislature authorizing and approving the State of Emergency for 60 days, however with modifications to some of the measures proposed.

The Constitution of Liberia, at Article 87, provides that “Emergency powers do not include the power to suspend or abrogate the Constitution, dissolve the Legislature or dismiss the Judiciary...” [Emphasis added.] So, our courts remained opened and fully functional. To join the fight in eradicating the virus from our country, and with the power granted the Supreme Court under Article 75 of the Constitution to prescribe rules deemed necessary to properly discharge the functions of the courts in the Republic, this Court promulgated Judicial Order #8 which, amongst other measures taken, directed all subordinate courts to a) reduce activities to a bare minimum within their respective jurisdictions; b) strictly observe guidelines put in place by Health Authorities such as washing hands, wearing masks and social distancing to prevent the spread of the virus; and c) encourage party litigants to opt for bench trial instead of jury trials.

However, after some time, it was brought to our attention that the continued suspension of jury trials was causing an increase in pretrial detention, especially for people charged with non-bailable offences. Consequently, the Full Bench of the Supreme Court met and lifted the suspension on jury trials. Notwithstanding this lifting of suspension on jury trials, all Courts were mandated to strictly adhere to measures as directed in Judicial Order #8, including the guidelines put in place by the Public Health Authorities of Liberia which were also outlined in Judicial Order #8. In this regard, we have made it a requirement for all who enter the premises of courts throughout the country to wash hands and wear masks. It is important that all of us join in to fight the deadly virus which, according to current global information, has affected about 37 million persons worldwide with a death toll of over 1 million persons.

During the March 2020 Term, the Supreme Court heard and delivered Opinions and Judgments in forty (40) cases. Magistrate courts, specialized courts and circuit courts throughout the country executed assignments on a regular basis and made returns on the number of cases heard and how they generally conducted the affairs of their respective courts. I am pleased to report that our courts are fully functioning.

On Friday, October 9, 2020, just three days ago, 59 men and women in Cycle #4 of the Professional Magistrate Training Program (PMTTP) were graduated from the James A.A. Pierre Judicial Institute as associate magistrates. With the exception of a few sitting stipendiary and associate magistrates who passed the entrance exams and were granted special dispensation by the Supreme Court to attend the Institute, the bulk of the candidates who took part in the training program were college graduates. They were specially recruited and trained for twelve months in substantive and procedural law. Amongst the graduates were two members of the Armed Forces of Liberia (AFL) who were admitted into the program based on a special arrangement between the Supreme Court and the High Command of the AFL. We are informed by the AFL that the two men will be assigned to the office of the Judge Advocate General.

After the academic courses, the candidates were assigned to sitting magistrates to observe the inner workings of magistrate courts before graduation. From these exercises, the candidates become well-rounded to assume the duties of associate magistrates. The intent is for them to replace people we inherited in magistrate courts with little or no knowledge in law who, one way or another, found their ways into judicial service as associate magistrates during the Liberian civil war. In the past 11 years, three cycles of the program were successfully conducted graduating 176 individuals who have been deployed in magistrate courts throughout the country. The training of this batch brings the number to 235 . This constitutes 78% of our target of 300 professionally trained associate magistrates we envisaged at the onset of the program. We shall now pause for a while to undertake a critical

assessment of the program before embarking on additional training(s). The program is making significant impact in improving the delivery of justice, as judicial service is being gradually enhanced in the magistrate courts which are the entry points into the Judiciary. Cycle IV was funded by the United States Agency for International Development (USAID) through the Legal Professional Development and Anti-Corruption Program (LPAC). We are grateful for this support to the Judiciary.

Distinguished ladies and gentlemen, we open Court today when the process of conducting Senatorial Election in our country is well underway. It is the inherent right of the people to choose their leaders through free and fair elections. Our Constitution grants every Liberian citizen the right to register and vote in public elections. Our constitution also grants to any citizen or political party, association or organization, being resident in Liberia, of Liberian nationality or origin and not otherwise disqualified under the provisions of the Constitution and laws of the land to have the right to canvass for the votes for any political party or candidate... It is through election that legitimacy is given to public officials to hold public offices. Article I of the Constitution of Liberia provides:

“All power is vested in the people. All free governments are instituted by their authority and for their benefit and they have the right to alter and reform the same when their safety and happiness so require. In order to ensure democratic government which responds to the wishes of the governed, the people shall have the right at such period, and in such manner as provided for under the Constitution, to cause their public servants to leave office and to fill vacancies by regular elections and appointments. “

We are aware that democratic governance is sustained and perpetuated through free and fair elections. We are aware of the critical role this Court must play by the decisions it makes in election and other matters not only to create the enabling condition for the people to exercise their rights to vote, but to keep our Country safe, stable and peaceful. And we are aware that our Branch of Government, the Judiciary, is indeed an important pillar of democracy; rightfully referred to as the anchor that holds a civilized government in balance. It has been said that

without a strong and independent Judiciary, “vested interest might suffer, sacred rights might be violated, constituted authority might be challenged, and in time, administrative chaos could result.” The role of the Judiciary is therefore sacrosanct in upholding the rule of law and sustaining a democracy.

We therefore assure all Liberians, political parties and associations or organizations that during the ensuing Senatorial and all other elections that shall take place in our country, this Court will continue to be fair in its actions and decisions. In deciding election or other cases, this Court has no friend or foe and proceeds without fear or favor regardless of what or who is involved. Now, a party may not agree with a decision of this Court, but certainly, there should be no doubt of the independence of this Court in arriving at every decisions. I Have said before and I say again, that we seek no approval from any source for our actions; neither do we wait until there is an echo from the crowd, back by numbers before we can act. Our actions and decisions are ours and ours alone, based purely on our inner convictions driven by settled principles of law. Over the years, we have remained on course in performing our duties and we shall continue to do so.

As I close this brief Opening Address, let me comment on the ongoing protest by some judicial workers. In 2019, the Legislature passed AN ACT TO ESTABLISH THE NATIONAL REMUNERATION STANDARDIZATION OF 2019. Under the application of the Act, the salaries of all government employees in all sectors, including judicial employees i.e., Justices and Judges were reduced. When the workers first raised the issue with me about a month ago, I acknowledged the concerns of the employees considering that a reduction in one’s income leaves a financial gap. I therefore set up a committee to meet with the employees, discuss and recommend the way forward.

While discussion was still going on, some of the employees resulted to protest actions. This prompted a meeting of the employees with the Full Bench of the Supreme Court. At that meeting which was also attended by representatives of the Ministry of Finance & Development Planning and the Civil Service Agency, explanations were provided by the representative of the Ministry of Finance & Development Planning regarding the salary cuts. The employees were especially informed that the cuts in salaries were not brought about by the Judiciary and that the cuts affected all employees in all government sectors.

Following these interactions, I informed the employees to designate representatives to engage with the team from the Ministry of Finance & Development Planning and the Civil Service Agency, as well as the Judiciary to have a full understanding of the impact of the harmonization process on their salaries and seek the way forward in easing the financial burden occasioned by the salary cuts. We take note of the appearance of the Minister of Finance & Development Planning, Hon. Samuel D. Tweah on Radio Okay FM on Tuesday, September 15, 2020, at which time he expressed Government's concern of the impact of the harmonization program on civil servants and committed that the Government, through Ministry of Finance & Development Planning was doing everything possible to address the issue. Subsequently, the Full Bench of the Supreme Court cited and met with the Minister of Finance on the matter. At that meeting, the Minister and his team presented a definitive plan in solving the problem and it was agreed that the plan be revealed to the work force of the Judiciary on Thursday, October 8, 2020. The meeting was however postponed to take place early this week.

Despite these efforts being made by both the Judiciary and the authorities of the Ministry of Finance & Development Planning and the Civil Service Agency, some employees of the Judiciary continue to stage sporadic protest actions, particularly targeting the Chief Justice and disrupting court proceedings. They are under the illusion that the deductions made in

their salaries are being deposited in the accounts of the Chief Justice and Associate Justices of the Supreme Court. This is absurd and ludicrous!

The Judiciary is a neutral ground where party litigants go to seek remedy within the ambit of the law. Protests, demonstrations, and strike actions, etc., disrupt court processes and deprive party litigants of unhindered right of access to justice; these are in violation of law and cannot be allowed to continue. The Stipendiary Magistrate of the Monrovia City Court has consistently reported to me that his court sessions are always disturbed and disrupted as a result of the protest actions. We have been tolerant thus far knowing, as stated earlier, that a cut in salary hurts because it leaves a financial gap and also because as custodian of the Constitution, the Supreme Court is aware that the people have the right to peacefully assemble and present their concerns/grievances to their leaders. But what is taking place now does not amount to peaceful assembly as contemplated by law. The violation of the rights of others in an attempt to assert what you believe to be yours is illegal.

As the Judiciary remains engaged with the Ministry of Finance & Development Planning in finding a lasting solution which will inure to their benefit, we call the employees to refrain from further protest actions.

.Distinguished ladies and gentlemen, it is with heavy heart that I inform you of the passing of the below listed employees of the Judiciary during the last term of Court, they are:

No.	Name	Position	Assignment	Date of Death
1.	His Honor George Q. Quiah	Traffic Court Judge	Grand Gedeh County	May 14, 2020
2.	John L. Vaye	Stipendiary Mag.	Nimba County	May 23, 2020
3.	Obeti Wesseh	Stipendiary Mag.	Grand Kru County	June 10, 2020
4.	Nathaniel Ben	Stipendiary Mag.	Sinoe County	August 4, 2020
5.	Attia T. Garjai	Associate Mag.	Grand Bassa County	June 6, 2020
6.	Alfred W. Sawh	Associate Mag.	Nimba County	July 18, 2020
7.	Albert Z. Burnette, Sr.	Senior Analyst	Montserrado County	July 21, 2020
8.	Gabriel S. Wiah	Magistrate Clerk	Grand Kru County	July 30, 2020
9.	Herbert Quermolue	Magistrate Clerk	Gbarpolu County	August 12, 2020
10.	Rufus G. Lehwoahn	Asst. Probate Clerk	Nimba County	August 2, 2020

11. William T. Dour	Secretary	Montserrado County	June 7, 2020
12. Diane S. Cassell	Recorder	Montserrado County	April 11, 2020
13. Comfort A. Snorton	Bailiff	Montserrado County	June 30, 2020
14. William H. Baker	Bailiff	Montserrado County	July 14, 2020
15. Ben S. Tokpah	Bailiff	Nimba County	July 19, 2020
16. Morris Tarr	Chauffeur	Montserrado County	July 27, 2020
17. John Chea	Security	Montserrado County	May 13, 2020

On behalf of the Judiciary, I extend profound condolences to the families of these fallen judicial workers and pray that God Almighty will grant eternal rest to their souls.

May the blessings of God continue upon this Court, and may He protect and prosper Liberia.

I THANK YOU.