

OPENING ADDRESS OF HIS HONOR FRANCIS S. KORKPOR, SR.
CHIEF JUSTICE, SUPREME COURT OF LIBERIA
MARCH 2021 TERM
MARCH 8, 2021

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 Minister of Justice & Dean of the Supreme Court Bar;

The Doyen & Members of the Diplomatic Corps;

The President & Members of the National Association of Trial Judges;

The President & Members of the Liberian National Bar Association;

The President & Members of the Association of Female Lawyers;

The President & Members of the National Association of Public Defenders;

Madam Court Administrator & Staff of the Judiciary;

Members of the Press;

Distinguished Ladies and Gentlemen:

I am pleased, on behalf of my esteemed Colleagues of the Supreme Court Bench, to welcome all of you to this ceremony marking the formal opening of the March 2021 Term of this Court. Again, as always, we thank God Almighty for his bountiful blessings He continues to shower on this Bench. He gives us wisdom to discern; fortitude to make pronouncements and take

actions; and above all, He gives us life to remain amongst the living. What a kind and merciful God He is! We beseech Him for more graces.

It was just five days ago that this Court adjourned, *sine dine*, its October 2020 Term. And today, we are opening for the dispatch of business in the March 2021 Term. The law does not say when this Court should adjourn. On our own determination, whenever it is practical, considering the task at hand, we decide when to close. However, the law makes it mandatory that we open on the second Mondays in October and March each year to commence proceedings. It was necessary that we remained open as long as possible during the outgoing Term to hear and decide cases emanating from the Special Senatorial and Referendum Elections conducted on December 8, 2020. Election cases are time bound; we heard and decided all election cases brought before us before closing.

So, the Justices of this Court did not have any vacation. Work without rest is not healthy, especially for the members of this Court who are all above “three scores.” I am therefore hoping that that during this March Term (which is a longer Term) we can find the appropriate time to allow Justices to take a break for about two weeks.

Like the opening ceremony of the October Term 2020, today’s program is also being conducted via Zoom Link. Our nation is still battling with the COVID-19 pandemic. Moreover, the news of the re-emergence of the deadly Ebola virus in neighboring Guinea is very alarming, so we must take every precaution. We are advised by health experts that the best method of combating these diseases is through prevention. Therefore, the preventative protocols of washing hands and wearing masks enunciated in Judicial Order # 8 promulgated by this Court on April 21, 2020 is still in force and effect.

During the October 2020 Term, we lost a number of our compatriots who, while here with us, diligently work in the service of the Judiciary. We lost Counsellor A. W. Octavius Obey. Counsellor served in many key government positions including County Attorney for Nimba

and Montserrado Counties; Solicitor General, Republic of Liberia; and Resident Circuit Judge, Criminal Court “A,” Temple of Justice, etc.

We lost Counsellor Farmere G. Stubblefield who was a strong and long-time member of the Grievance and Ethics Committee of the Supreme Court of Liberia. He passed on January 30, 2021. We are informed that his remains will be interred on March 12, 2021 in Monrovia. We urge all lawyers to attend the funeral.

And we also lost John T. Toryor, Director of Procurement of the Judiciary. He was a very dedicated and committed worker.

Other judicial workers who were called from labor to res during the period in review are:

No.	Name:	Position:	Assignment:	Date of Death:
1.	His Honor Franklin J. Trueh	Stipendiary Mag.	Naplah Mag. Court, G/Kru Co.	Oct. 30, 2020
2.	Mr. Francis Kenyue	Probate Clerk	Rivercess County	Dec. 11, 2020
3.	Ms. Melvina Nalor	Caretaker	Gbarpolu County	Oct. 20, 2020

May their souls rest in peace!

Members of the Bar, distinguished ladies and gentlemen, the Supreme Court, as head of the Judiciary, is clothed with the authority to regulate the practice of law in Liberia. Article 75 of the Constitution of Liberia (1986) vests in the Supreme Court the power to make rules of court to regulate the practice of law and prescribe a code of conduct for lawyers and all subordinate courts to facilitate the proper discharge of courts’ functions. In these respects, *the Code for Moral and Ethical Conduct of Lawyers and Judicial Cannons for the Moral and Ethical Conduct of Judges*, promulgated by this Court provides penalties for the violation of the Code or Cannons which include fine, suspension, impeachment and/or prosecution in a court of law, depending on the gravity of the violation.

During the October 2020 Term, we heard and decided 32 cases. Amongst them were cases emanating from the Judicial Inquiry Commission (JIC) and the Grievance & Ethics Committee

(GEC) in which complaints of ethical and professional misconducts were filed against judges and lawyers. After conducting hearings into the complaints, some judges and lawyers were found to be in the wrong. When the cases travelled to the Supreme Court it was established that indeed, the conduct of the judges and lawyers found wanting were so outrages. We were therefore constrained to take decisions against them as follows:

- A. His Honor Peter G. Massey, Debt Court Judge, Fourteenth Judicial Circuit, Rivercess County was suspended for one calendar year with salaries, benefits and other emoluments withheld during that period; he was ordered to return all items, subject of the complaint to its rightful owner or pay the value in lieu thereof;
- B. His Honor Daniel K. Konah and His Honor Albert Dologoma, Stipendiary Magistrate and Associate Magistrates, both of the Eighth Judicial Circuit, Nimba County were suspended for three and six months respectively for unethical and unprofessional conducts; and
- C. Attorney Joseph Sackor Doe was suspended from the practice of law directly and indirectly for the period of one year.

This is not the first time this Court has taken such actions against judges and lawyers. Over the years, reports of ethical transgressions of judges and lawyers have been scrupulously investigated by the JIC and the GEC and appropriate actions taken by the Supreme Court. By these actions, this Court has regularly sanctioned Judges and lawyers. In more egregious cases, we have recommended the removal of those whose acts are inimical to the core values of the Judiciary.

However, in all cases, before appropriate actions are taken, a formal complaint is filed, the accused judicial actor is furnished with a copy, investigation is conducted by the body responsible, and hearings are conducted by the Supreme Court as the last step before penalties are imposed. This is necessary to accord the accused judicial actors the cardinal principle of due process.

On December 9, 2020, the United States Treasury Department, in a statement captioned: “Treasury Sanctions Corrupt Actors in Africa and Asia”, placed the Global Magnitsky Designations on several individuals in some countries including Liberia. In the statement, the Treasury Department declared that Counsellor Harry Varney Gboto-Nambi Sherman, a prominent lawyer, Liberian Senator, and Chairman of the Liberian Senate Judiciary Committee, “offered bribes to multiple judges associated with his trial for a 2010 bribery scheme and had an undisclosed conflict of interest with the judge who ultimately returned a not guilty verdict in his favor in 2019”. The statement further said that the Counsellor had “routinely paid judges to decide cases in his favor...” and that his “acts of bribery demonstrated a larger pattern of behavior to exercise influence over the Liberian judiciary and the Ministry of Justice”.

The statement, no doubt, casts serious aspersions not only on the integrity and credibility of the Counsellor named and the judges alluded to therein, but also on the Liberian Judiciary as an institution responsible for the fair and impartial hearing and disposition of cases. Following consultations with the United States Embassy near Monrovia, the Judiciary issued a statement to the effect that the Judiciary, as an institution, maintains a zero tolerance for bribery and all other forms of corrupt practices. As such, it does not and will never allow or condone the act of any lawyer, party litigant or anyone whatsoever, desiring to “exercise influence” over the Judiciary. The statement from the Judiciary also said that the information contained in the release issued by the US Treasury Department, without more, was insufficient to serve as a basis for the Supreme Court to apply sanctions against the referenced judicial actors. In other words, the Supreme Court is not privy to the required information to apply punishment. Some cynics see the position of the Judiciary as defending acts of bribery. This is not true!

During the period in review, a number of activities and programs were undertaken to improve conditions within the Judiciary for the effective administration of justice:

1. Pretrial detention is still a major challenge for our justice system. Records show that pretrial detainees make up a staggering number of Liberia's prison population; this is a human rights violation. The Magistrate Sitting Program at the Monrovia Central Prison (MCP) was designed to address this challenge, especially in cases that had remained undecided beyond statutory periods. In this regard, the Judiciary is working along with the Ministry of Justice and some International Non-governmental Organizations (NGOs), including the America Bar Association (ABA) to alleviate the problem. On December 17, 2020, I visited the MCP to hold meeting with judicial and prison authorities against persistent report received that some Magistrates and Public Defenders in Monrovia were not honoring their scheduled visits to the Prison to take appropriate actions in cases of detainees who have remained in jail beyond statutory periods without trials. The Country Director of the ABA attended the meeting. As a result of my visit, things are improving. Magistrates, Prosecutors and Public Defenders are now regularly attending the Magistrate Sitting Program and current reports from the MCP show a steady decline in the number of pretrial detainees. The ABA has informed us that it is exploring the possibility of facilitating corrections personnel to promptly deliver detainees in ten (10) magistrate courts in Montserrado County. The ABA has also ordered the purchase of laptops, desktops, monitors, printers and related equipment and supplies to be distributed to Public Defenders, Correction Officers and Criminal Court "E". These equipment are intended to facilitate the work of the named judicial stakeholders in attending to the problem of pretrial detention.

We are also working in collaboration with the ABA to install on the premises of circuit courts and some select magistrate courts throughout the Country, signboards depicting the need to fight corruption within the Judiciary. Further, the ABA is working with the Office of the Court Administrator to bind the Opinions of the Supreme Court. We thank the American Government for the support provided to the Judiciary through the ABA.

2. Rule XIX (Part I) of the Rules of the Supreme Court requires that a National Judicial Conference be held at least once a year. The last Judicial Conference was held in 2010. Since then, we have consistently requested budgetary appropriations for the holding of National Judicial Conferences, but the requests have been denied on grounds of inadequate funds. We have again requested funding to hold a National Judicial Conference for 2021 because there are so many burning issues regarding rule of law and the administration of justice that need to be discussed and definitive actions taken. Although no formal reply to my letter of request has been received, I am reliably informed that funds are being allocated for this purpose.
3. We continue to experience delays in the adjudication of cases both at the circuit and the magistrate court levels due to lack of a good and dependable system of coding and tracking cases. These delays undermine easy access to justice. To address the situation, we are pleased to report that with funding and technical support from the United Nations Development Program (UNDP), the Judiciary has now developed a Standard Operating Procedure (SOP) case flow management system. This is a pilot project which will begin in the First and Six Judicial Circuits, Montserrat County as well as the Magistrate Sitting Program at the MCP. We hope to replicate it in other courts throughout the Country.
4. Also, through funds provided by the UNDP, a magistrate court is being constructed in Yarpah Town, Central District, Rivercess County. We are informed that the project will be completed soon. We thank the UNDP for its continuous support to the Judiciary.
5. The James A.A. Pierre Judicial Institute (JI) conducted a two-day intensive training for thirty-eight (38) Public Defenders to enable them acquire skills in the preparation of appellate briefs for the Supreme Court.

6. The JI has concluded arrangements with UNICEF to conduct four regional trainings on Child Juvenile Justice Program in Liberia. These trainings are scheduled to roll out on March 23, 2021, in Kakata, Margibi County. We thank UNICEF for its support to the Judiciary.
7. The JI, with support from the International Development Law Organization (IDLO) has also concluded the preparation of a Bench Book for Judges and Magistrates, and the compilation of a comprehensive curriculum for judicial officers in Liberia on Trafficking in Persons and Migrant Smuggling and How to Effectively Adjudicate Cases of Trafficking in Persons in Liberia. The rollout is scheduled to be conducted in five counties, Lofa, Grand Gedeh, Nimba, Bong and Grand Bassa. We thank the IDLO for its support.
8. Three judicial employees, Patrick Karmon, Information Communication Technology (ICT) Director, Augustine F. Nah, Jr., Assets Management Officer (AMO) and Romeo L. Quoi, ICT Officer, have completed their studies in the People's Republic of China and are now back home making contributions to their nation through the Judiciary. We thank the Government of the People's Republic of China for its continuous support to the Judiciary.
9. We have nominated His Honor Scheaplor R. Dunbar, Relieving Judge, Republic of Liberia to attend a 16-hour Virtual Training on Anti-corruption and Asset Recovery Course scheduled for March 15-18, 2021, to be conducted by the United States Department of Justice (DOJ), supported by the US Department of State's Bureau of International Affairs (INL). The objective of the course is to introduce to prosecutors, investigators and judges the conceptual framework for the enforcement of election crimes and related corruption cases. The course will explore three types of crimes: cyber election offenses; campaign financing violations and ballot fraud.

10. Due to the retirement of Her Honor Munah Sio, Judge of the Juvenile Court, Montserrado County, the President of Liberia, His Excellency George Manneh Weah, on October 2, 2020 appointed Atty. Lucrezia Thomas-Anderson as Judge of the Juvenile Court, Montserrado County. She has since been commissioned and seated. Judge Thomas-Anderson served as a Public Defender prior to her appointment. We welcome her into the ranks and files of the Judiciary.
11. The President of Liberia, His Excellency, George Manneh Weah, on October 19, 2020 also appointed Cllr. Robertson P. Mehn as Judge of the Debt Court, 9th Judicial Circuit, Nimba County, replacing the late Judge John Newon. Judge Mehn also served as a Public Defender prior to his appointment. We Welcome him into the ranks and files of the Judiciary.
12. On February 27, 2021, the President of Liberia, His Excellency George Manneh Weah dedicated the Judicial Complex in Zwedru, Grand Gedeh County. The complex was constructed under the administration of former President Ellen Johnson Sirleaf. It was scheduled to have been dedicated last year by President Weah. But unfortunately, the President's nationwide tour was postponed. We will make request for the appropriate budgetary allotments to construct a) a parameter fence around the complex; b) construct living quarters for the Resident Circuit Judge and the assigned judge; and c) construct an annex to house Criminal Court "E" to deal with gender-based violence cases.
13. We are happy to report that the New Pension Law is in now full force and effect for Justices and Judges. All Justices and Judges who honorably retired from the Judiciary are now benefiting from the law.

Members of the Bar, distinguished ladies and gentlemen, it is incumbent on all Liberians to protect and preserve the sanctity and dignity of their public institutions, especially institutions such as the Supreme Court, which is a direct creature of the Constitution, the organic law of

the land. Those of us who are in leadership at these institutions today are transient managers; we will soon fade out and wither away, but the institution will remain forever. So, it is the institution, and not those in leadership therein that really matters. This is why we always welcome constructive criticisms on the Opinions we deliver because it is good for the development of our jurisprudence. But it is patently wrong when one's emotion, flowing from sheer hatred against or political conjecture about the head of an institution is allowed to becloud his/her judgement when criticizing the institution. Some Liberians even go as far as calling on foreign governments and international organizations not to provide needed support to their public institutions. This is unpatriotic!

For about two years now, there has been a systematic and orchestrated pattern of vicious lies and verbal attacks directed at me to besmear me. Until now, I have ignored all such attacks and remained silent and focused. But when lies, speculations and innuendos reach a point to have the propensity of affecting the credibility of the institution one heads, then it becomes necessary for him to speak. So, let me today comment on a few of the lies for the benefit of the public.

1. It was reported and widely circulated that I am to be the Vice-Presidential running mate to President George Mannah Weah in 2023. Therefore, my judicial actions and decisions are being influenced by my political inclinations. This report is untrue, farfetched and ludicrous. I stand by all Judgments I sign as a Justice of this Court of last resort to be correct based on how I understand the facts and applicable laws in every given case. I have no doubt that my Colleagues do the same. And let me be categorical and state for the records that I have had no talk with President Weah, his political party or any other person or political party concerning my being a Vice Presidential running mate. And if, in the event such offer is made, I will respectfully decline. I want Liberians to know that I have no particular penchant for power; mine is service to my country. God and the people of this nation have honored me with public

service for which I am extremely grateful. On retirement from the Supreme Court on September 5, 2022, I will go into private life and will seek no elective office. If, at that time, I am still in good health, by the grace of God, I will serve my community, Church and Country in other capacities.

2. It was also reported that while working at the Ministry of Justice in the late 1970's as a Research Coordinator at the Bureau of Corrections during the administration of President William R. Tolbert, I "tortured political prisoners." This report, intended to injure my character and reputation with the international community, is also just not true. Firstly, I am not aware that there were political prisoners in jail at the time during the tenure of President Tolbert. I recall that during his administration a group of people from Maryland County (including Anderson, Nancy, Nyenpan and Taryonon, etc.) were arrested, imprisoned and convicted for ritualistic killings. And they were subsequently hanged. But they were not political prisoners. The next group of people incarcerated during the Tolbert era were the late Gabriel Baccus Mathews, Oscar Quiah and Senator Commany Wisseh, etc. They were arrested after what is known as the "rice riot" in Monrovia on April 14, 1979, and subsequently granted executive pardon. They too, were not political prisoners. Secondly, at the time of my employment, the organigram of the Bureau of Rehabilitation (known as Bureau of Corrections today) consisted of the Minister of Justice/Attorney General; an Assistant Minister for Rehabilitation; and a Superintendent of Prison. There is no way that a mere Coordinator like me would be responsible for and implement a grave decision such as torturing political prisoners. Those who know me well know my human rights records in this country before, during and after the Liberian civil war.
3. It was reported that I was denied visa to travel to the United States and that my entire family and I have been banned from travelling to the USA. A fellow, purported to be the head of a Transitional Justice group in Liberia who claims to be my nephew went

on the radio and stated emphatically that he knows this to be true. Now, where is this coming from? First, I do not know this gentleman; and second, his statement is a complete sham and hoax. This is a classic example of how far a man can stoop in an attempt to defame and destroy another man.

Members of the Bar, distinguished ladies and gentlemen, as I bring this Opening Address to a close, let me implore all Liberians to treat the Supreme Court with objectivity, devoid of partisan politics because the members of this Court do not belong to any political party. We took oath to do justice and we will continue to do so irrespective of who or what is involved. Ours is a difficult job the outcome of which sometimes puts us at odd with our countrymen, some, our good friends. But this is the nature of what we must do for the greater good of our nation.

I urge all Counsellors who have cases before us this Term to make early requests for assignments.

And now, by the power vested in me, I announce the March 2021 Term of this Court duly opened for business.

May God bless this Court and may He save the State.

I THANK YOU.