

OPENING ADDRESS OF HIS HONOR FRANCIS S. KORKPOR, SR.  
CHIEF JUSTICE, SUPREME COURT OF LIBERIA  
OCTOBER TERM OF THE SUPREME COURT  
OCTOBER 11, 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 Guests, Ladies, and Gentlemen:

On behalf of my Colleagues of the Supreme Court Bench and the entire Judiciary, I welcome you to this ceremony marking the opening of the October A.D. 2021 Term of this Court. We are exceedingly grateful to God Almighty for His protection amid the Covid -19 global pandemic; we humbly pray for His continued guidance and gift of wisdom and fortitude as we commence this Term. We commence this Term with a quorum of four Justices; Mr. Justice Joseph N. Nagbe travelled to the United States of America for a brief respite and to seek medical attention. He is expected back soon.

Necrology:

During the last term of this Court, we lost to the cruel hands of death, His Honor Karmo Soko Sackor, former Associate Justice. He passed on June 14, 2021. Justice Sackor served on the Supreme Court Bench twice, first from 1995-1997 and from 1997-2003. His invaluable services to this nation through the Judiciary will forever be remembered.

We also lost His Honor George C. Katakpah, Resident Judge, Criminal Court "E", 9<sup>th</sup> Judicial Circuit, Bong County. He passed on May 7, 2021. Judge Katakpah served in various positions of trust within the Judiciary for the period of 12 consecutive years. He was Stipendiary Magistrate, Paynesville Magisterial Court; Instructor, James A.A. Pierre Judicial Institute; and National Jury Manager, Temple of Justice. On February 6, 2020, he was appointed by the President of Liberia, His Excellency George Manneh Weah, as Resident Judge, Sexual Offenses Division, Criminal Court "E", 9<sup>th</sup> Judicial Circuit, Bong County, a position he held until his demise.

We lost Her Honor Emma Shannon Walser, who passed on May 28, 2021. Judge Walser was Liberia's first female Circuit Judge; she served with distinction from 1971-1979.

We lost His Honor Richard K. Flomo, former Resident Circuit Judge, Ninth Judicial Circuit, Bong County. And we lost Brigadier General Jehu T. Stryker, former Marshall of the Supreme Court, who died in Valley Stream, New York, USA, on August 14, 2021.

Other members of the Judiciary who passed during the period in review are:

<b>No.</b>	<b>Name</b>	<b>Position</b>	<b>Assignment</b>	<b>Date of Death</b>
1.	His Honor Joseph R. Watson	Stipendiary Mag.	Montserrado County	May 15, 2021
2.	Stanilus Browne	Associate Mag.	River Gee County	July 27, 2021
3.	Harris G. Tobo	Associate Mag.	Sinoe County	September 7, 2021
4.	Emmanuel Tweh	Associate Mag.	Sinoe County	September 12, 2021
5.	Atty. James W. Bomosee	Public Defender	Bong County	June 22, 2021
6.	Berry P. Kpalleh	Magistrate Clerk	Sinoe County	April 2, 2021
7.	Yaneon Quarthy	Asst. Magistrate Clerk	Montserrado County	September 23, 2021
8.	Ephraim K. Saydenuh	Bailiff	Montserrado County	April 27, 2021
9.	Charles B. Jerbo	Bailiff	Sinoe County	June 21, 2021
10.	Mary Teh	Bailiff	River Gee County	April 25, 2021
11.	Maxwell David	Chauffeur	Montserrado County	July 22, 2021
12.	Manneh Seeboe	Expeditor	Montserrado County	August 19, 2021
13.	Roger O. Dee	Caretaker	Montserrado County	April 20, 2021
14.	Jeremiah Flomo	Security	Montserrado County	May 28, 2021
15.	Dweh Wallace	Security	Montserrado County	September 16, 2021

We extend profound condolences to the families of these fallen judicial workers and pray that God will grant eternal rest to their souls. Please rise for a minute of silence to their memory. May their souls rest in peace and may light perpetual shine on them.

On March 28, 2021, the President of the Republic of Liberia, His Excellency George Manneh Weah, appointed Counsellor Joseph M. Kollie, Sr. as Judge of the National Labor Court, Temple of Justice, replacing Her Honor Comfort S. Natt who had retired. We welcome Judge Kollie into the ranks and file of the Judiciary.

Human Resource Development:

We believe that the best approach to enhancing productivity and professionalism in the Judiciary is through the training of the human person. We therefore continue to undertake programs and activities in this direction.

1. The Judiciary scholarship program which we started in 2004 at the Louis Arthur Grimes School of Law, University of Liberia is still in effect. Under the program, the Judiciary provides scholarships along with quarterly stipends to deserving students. In turn, the recipients agree to work for the Judiciary upon graduation in positions such as Law Clerks, Magistrates, Associate Magistrates and Public Defenders, etc. During the period in review, nine (9) students were graduated, while 11 others are still pursuing study.
2. The Government of the People's Republic of China continues to assist the Judiciary by providing scholarships for judicial employees from time to time, to study in that country. Under the program, ten (10) employees of the Judiciary have already received master's degrees in various disciplines and are currently contributing immensely to the Judiciary and this nation. One employee is still studying, while two others have just been qualified and are doing online courses awaiting improvement in the global health condition to proceed to the People's Republic of China.
3. The James A. A. Pierre Judicial Institute (JI) in partnership with other international organizations conducted the following series of trainings for Judges, Magistrates and other judicial stakeholders during the period in review.
  - a. The International Development Law Organization (IDLO) sponsored a Trafficking-in-Person Workshop for Magistrates, Labor Commissioners, employees of the Ministry of Gender and civil society groups in Voinjama, Lofa County, from March 9-11, 2021. Twenty-two (22) persons participated in the workshop.
  - b. UNICEF and the Ministry of Justice sponsored a Hands-on-Training for the JI's Trainers' Training Module on Child Justice in Liberia at the Temple of

Justice in Monrovia for Judges, Prosecutors, and Lawyers on March 19, 2021. Five (5) trainers from the JI benefitted from the training.

- c. UNICEF and the Ministry of Justice also sponsored the Trial Session on Child Justice Training Module for Judicial Actors. Sixteen (16) participants, including Magistrates, Public Defenders, Women and Children Protection Section of the Liberian National Police, and the County Attorney of Margibi County took part in the training. The training was conducted in Kakata, Margibi County from March 23-26, 2021. Similar training was also conducted in Ganta, Nimba County, with twenty (20) participants in attendance.
- d. The IDLO sponsored Trafficking-in-Person Workshop was held in Zwedru, Grand Gedeh County, from March 30, to April 1, 2021. The workshop was attended by Magistrates, Labor Commissioners, employees of the Ministry of Gender and social workers. Similar workshop was also conducted in Buchanan, Grand Bassa County, from April 28-30, 2021.
- e. The JI, in partnership with the Office of UN Women in Liberia, conducted a three-day training in Ganta, Nimba County, from June 16–18, 2021; nineteen (19) of our Magistrates participated in the training which focused on issues involving the human rights of women.
- f. The United States Department of Justice (DOJ) supported by the United States Department of State Bureau of International Narcotics and Law Enforcement Affairs (INL) is facilitating and sponsoring the Judiciary's participation in the 43<sup>rd</sup> Annual Conference of the National Association of Women Judges (NAWJ) scheduled to be held in Nashville, Tennessee, USA, on October 6-9, 2021. NAWJ is a non-profit, non-governmental organization with a mission to promote the judicial role of protecting the rights of

individuals under the rule of law through strong, fair and committed judicial leadership. We designated Her Honor Ceaneh Clinton Johnson, Resident Judge, Criminal Court “E”, Montserrado County, to represent the Judiciary.

I am pleased to report that during the period in review, with support from the American Bar Association (ABA) and the United Nations Development Program (UNDP), the Judiciary completed the setting up of a Standard Operating Procedure (SOP) case flow management system to improve the coding and tracking of cases in the subordinate courts at the Temple of Justice, Monrovia. The system, which is a pilot project, was launched by the Supreme Court in collaboration with the ABA and UNDP on August 10, 2021. We hope to replicate the system in other courts throughout the country. Meanwhile, the ABA provided needed equipment such as a photocopier and a binder to facilitate the printing and binding of the Opinions of the Supreme Court.

I am also pleased to report that with funding from the US Government IDLO, in collaboration with the JI, produced the first Bench Book for Trafficking-in-Persons to be used by Judges and Magistrates as a guide to hearing and determining cases involving persons accused of human trafficking. His Excellency Michael A. McCarthy, the United States Ambassador to Liberia, and I officially launched the Bench Book on August 2, 2021, at the Temple of Justice.

#### Infrastructural Development:

Distinguished ladies and gentlemen, you will agree that adequate and user-friendly court facilities play a pivotal role in access to justice, independence of the Judiciary and strengthening capacity to deliver justice. Currently, a number of our courts are still being operated from premises owned by private individuals or the local government in the circuits wherein these courts are functioning. For what the Judiciary stands for, this practice is unwholesome. This is why we remain fully committed to erecting court facilities throughout

the country so that the Judiciary will operate from its own premises purposely designed with standard specifications.

In my Opening Address during the March, A. D. 2018 Term of this Court, I mentioned that that River Cess County was our greatest challenge in terms of court facilities. I said that the structure that houses the 14<sup>th</sup> Judicial Circuit in Cestos, River Cess County, was in deplorable and less than suitable condition and that the only two magistrate courts in that county were also in deplorable conditions and very far apart from one another, a situation which impedes easy access to justice. And I said that we will seek funding to construct a judicial complex along with two magistrate courts in River Cess County. It has been three years since then, but as the saying goes, it is better late than never. Today, I am very pleased to report that on September 23, 2021, the Judiciary broke ground for the construction of a judicial complex to house the 14<sup>th</sup> Judicial Circuit Court in Cestos, River Cess County. When completed, the complex will also house the Debt Court, Magistrate Court, Tax Court and Traffic Court, as well as the Sexual Offenses Division, Criminal Court “E.” The complex will provide offices for the County Attorney, Public Defenders and Probation and Parole Officers. The presence of these many judicial actors at one central location promotes easy and speedy access to justice.

Additionally, with funding from the UNDP, the Judiciary has completed the construction of a new Magistrate Court fully furnished and equipped in Yarkpah Town, Central River Cess County. This is a dream come true, as the citizens of that county will no longer travel long distances, either up North (to Monweh town) or down South (to Cestos City) in search of justice.

We express sincere gratitude to all friendly governments and international organizations for their continuous support to the Judiciary over the years, particularly the Government and people of the United States of America, the People’s Republic of China, the Government of

the Federal Republic of Germany, the Swedish Government, UNDP, UNICEF, LPAC, and IDLO, amongst others.

We are delighted to note that the project for the codification of our laws is again underway. A few months ago, at the request of the Ministry of Justice, the Law Reform Commission and the Louis Arthur Grimes School of Law, University of Liberia, the Supreme Court convened a meeting at which the Court was informed by the institutions that they had concluded an arrangement to revitalize the codification project. The result of this renewed effort was the birth of the Liberia Law Research Codification and Publication Center, Inc. (LLRCPC) with former Associate Justice Philip A. Z. Banks, III as the Chief Executive Officer. The Court was informed that the primary function of the center is to ensure the continued codification of the laws of Liberia, both statutory and opinions of the Supreme Court, a project which has not been undertaken for almost two decades.

The Court was further informed that already the center had completed work on volumes 43, 44 and 49 of the Liberian Law Reports, samples of which were presented to the Court for its inspection and approval for publication. We were further informed that with the completion of the volumes mentioned herein, the center is only waiting for funding to have them printed in mass quantity and made available to the legal community, and that work is in progress on volumes 45, 46, 47 and 48 of the Law Reports. We look forward to the early publication of those volumes so that they too can be available to the legal community, particularly to the courts and lawyers practicing before the courts.

We are also delighted with the further information that the center is proceeding with the codification of the nation's statutory laws, in updated and annotated form, and that to date volume I of the Liberia Code of Laws Revised (comprising the Constitution, title 1, Civil Procedure Law and title 2, the Criminal Procedure Law) and volumes II-A and II-B (comprising titles 3 to 8, being the Agricultural Law, the Alien and Nationality Law, the



Association Law, the Banking Law, the Commercial Bankruptcy Law, and Decedents Estates Law) and that work has also commenced on volumes III-A and III-B of the code. The center has informed us that it will shortly commence a training program in codification and legislative drafting.

We congratulate the center on this noble undertaking which will contribute to the continuity and uninterrupted publication of the Supreme Court Opinions in codified format. We assure the center of the Supreme Court's fullest cooperation.

Distinguished ladies, and gentlemen, pursuant to *Rule XIX of the Revised Rules of the Supreme Court of Liberia*, the Judiciary convened the fourth National Judicial Conference, at the Ministerial Complex in Congo Town, Monrovia, from June 7-11, 2021, under the theme: "The Law, Public Policy and the Economy". The Conference brought together Justices, Judges, Magistrates, Lawyers, financial experts and other stakeholders in the Judiciary. Amongst the issues discussed at the Conference was the need for the Judiciary to be left alone to operate as an independent body free from undue influences to ensure the fair and impartial administration of justice. The need for adequate budget support to the Judiciary was also discussed. We have set up a committee to implement the resolutions adopted from the Conference.

Let me briefly comment on these two issues highlighted above; first, the need for the Judiciary to operate devoid of undue influence. I have said time and again that we accept frank and candid criticisms of judicial actions and decisions. Such criticisms by themselves do not harm or pose a threat to the independence of the Judiciary. In fact, it may sound paradoxical, but it is true, that such criticisms actually help to carve and insulate the independence of the Judiciary. A constructive critique of our decisions and actions puts us on our guide to be fair at all times and decide cases by ourselves as impartial referees without seeking approval from the public, since public perception on a given matter is not

always within the pale of the law. As Chief Justice William Howard Taft of the United States Supreme Court once said:

“Nothing tends more to render judges careful in their decisions and anxiously solicitous to do exact justice than the consciousness that every act of theirs is to be subject to the intelligent scrutiny of their fellow men, and their candid criticism”.

But I submit that a deliberate misrepresentation of judicial decisions and/or actions ostensibly for political and other selfish reasons does not only hurt the Judiciary as an institution, it is a gross disservice to our nation. Many of our citizens take delight in casting aspersions on the reputation and characters of Justices, Judges and Magistrates without proof and compunction. A case in point is the recent malicious and damaging story written by Francis Nah and Yama Saylae against His Honor Rosevelt Z. Willie, Resident Circuit Judge, Criminal Court “A”, Montserrado County. Francis Nah and Yama Saylae are said to be the Managing Editor and Senior Staff respectively of the KION NEWS – 9 Liberia. Yama Saylae is also said to be an employee of the Independent Probe Newspaper. The two professed journalists, on August 28, 2021, wrote an article alleging that Judge Willie “was caught receiving bribe to release several domestic and dangerous terrorist members from the Monrovia Central Prison”. On August 29, 2021, Yama Saylae wrote another article accusing Judge Willie of “selling Liberian justice system for two hundred and fifty Liberian dollars.” The articles were published by Amen Nah and Francis Nah on their online platform on August 29, 2021.

Judge Willie denied the veracity of the articles and reported the case to the Press Union of Liberia (PUL) who, after conducting an investigation found that “every story written against Judge Willie was unfounded, baseless, false and misleading.” The investigation report, under the signature of Charles B. Coffey, Jr., President of PUL, further stated that the entire publication lacked accuracy and balance; that the writers failed to contact Judge Willie to get his side of the story; and that all the standards required of a journalist were violated or

ignored. The PUL investigation then mandated Francis Nah, Managing Editor of the KION NEWS-9 LIBERIA to use the same Amen Nah and Francis Nah online platform to retract the story and apologize to the Judge. In a letter dated September 23, 2021, Francis Nah apologized to Judge Willie and said that their reporter was “mislead” by their source.

We thank Judge Willie for reporting the matter and we thank the PUL for conducting a thorough investigation in the case. But I should note that this is just a minute example of the many misinformation and character assassination that members of the Judiciary endure from time to time. Many of such false stories and machinations go without redress. Unfortunately these are outlets and measures used by some members of the public to judge the Judiciary. In this case, Judge Willie had remedy under the law through the issuance of contempt proceedings or the outright filing of a defamation suit. But he elected not to exercise either option because of the predicted outcry from cynics of the Judiciary moving to MUSCLE PRESS FREEDOM!

As a result of publications like these, Justices, Judges and Magistrates continue to constantly receive threats of harm. The intent is to intimidate, create a chilling effect, and undermine the rule of law. As we see it, threats of physical harm to a person present the worst form of influence that can be exerted over that person. And it appears now that perpetrators have determined that mere accusations and verbal threats have not created their desired impact, so in recent times, they have embarked on putting their threatening words into action. On March 12, 2021, the home of Mr. Justice Joseph N. Nagbe was attacked by unknown people who threw what is referred to as a “petro-bomb” in his yard. And recently, the homes of Judges Roosevelt Z. Willie and Roland F. Dahn were targeted and viciously attacked by people believed to be armed robbers.

Of course, Justices, Judges and Magistrates will not shy away from their responsibility to do the right thing at all times. We will continue to decide cases based on the facts and laws

appertaining thereto and not on any pressure or influence. Notwithstanding, we call on the functionaries of the Government responsible for investigating such cases to become more robust in playing their rightful roles. It is not enough to just condemn these wanton acts; the cases must be handled to the logical conclusions. Let us not wait until a Justice, Judge or Magistrate becomes a fatal victim before actions are taken. In similar manner, we call on the Government for the protection of the ordinary citizens. Recent reports of killings, whether real, orchestrated or imagined, need to be fully investigated and appropriate actions taken.

Concerning financial support to the Judiciary, it is an understatement to say that the approved budget of US\$14,973,128.00 for the Judiciary for FY 2020/2021 is grossly inadequate. As a result, many of our reform programs and projects are on hold and all of us - Justices, Judges, Magistrates and the staff of the Judiciary are feeling severe pinch of this low budget allocation. Incidentally, Judges have filed an action against the Government at the Sixth Judicial, Civil Law Court, Montserrado County, the crux of which lies in inadequate financial support to the Judiciary. Because of this, I will not say more at this time. I take note however, that the Government has called for a conference with the Judges to resolve this case. We have no doubt that an amicable out of court resolution of the matter will be reached.

Let me close by calling on lawyers to vigorously attend to their clients' cases during this term of court. The Rules of this Court provides that "both parties shall, within five days after, or within fifteen days after service of the notice of completion of appeal, file their respective briefs." Most lawyers do not follow this rule. No excuses will be accepted from lawyers who fail to file briefs when their cases are called.

May God bless the Supreme Court and may He continue to save our Country.

I THANK YOU.