

OPENING ADDRESS OF HER HONOR SIE-A-NYENE G. YUOH.
CHIEF JUSTICE, SUPREME COURT OF LIBERIA
MARCH TERM, A.D. 2023
MARCH 13, 2023

Mr. President;

Madam Vice President;

Mr. Speaker & Members of the House of Representatives;

Mr. President Pro Tempore & Members of the Senate;

My Colleagues of the Supreme Court Bench;

Retired and Former Chief Justices & Associate Justices of the Supreme Court;

The Minister of Justice & Attorney General, R.L.

& Dean of the Supreme Court Bar;

The Doyen & Members of the Diplomatic & Counselor Corps;

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

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 National Association of Public Defenders;

Madam Court Administrator & Staff of the Judiciary;

Members of the Press;

Distinguished Guests, Ladies and Gentlemen:

Once again, we give thanks to God for His grace and mercy bestowed upon us, and for the opportunity to assemble for the Official Opening Ceremony of the March Term, A.D. 2023 of the Supreme Court, Republic of Liberia. It is only in Him and through Him that we breathe, move, and are sustained in the land of the living.

In counting our many blessings, We do not forget members of the Judiciary, now of sainted memories to include: His Honor G. Patrick Williams, Debt Court Judge, 9th Judicial Circuit, Bong County; Stipendiary Magistrate Joseph G. Wrokpoh of Grandcress Magisterial Court, 12th Judicial Circuit, Grand Kru County; Associate Magistrate Daniel G. Tarwan of Sorroken City Magisterial Court, 12th Judicial Circuit, Grand Kru County; Security Officer Jackson Bloah, 3rd Judicial Circuit Court, Sinoe County; Clerk David N. Doebah, 2nd Judicial Circuit, Grand Bassa County; Filing Clerk Beverly Gibson and Recorder Octavious Sackor of the Grievance & Ethics Committee; Security Officer John Neogor, Temple of Justice, Montserrado County; Accountant Samuel T. Swen of the Finance Department,

Temple of Justice; and Augustine Quoi, Sheriff, 8th Judicial Circuit, Nimba County. The Supreme Court, on behalf of the entire Judiciary, extends profound condolences to the bereaved families of these judicial workers and all families who are grief stricken at this time.

My Colleagues and I officially and warmly welcome Your Excellency Dr. George Manneh Weah, President of the Republic of Liberia and thank you for constantly gracing the Supreme Court Openings whenever you are invited. We also welcome Madam Vice President, Mr. Speaker, Mr. Senate Pro Tempore and Members of the 54th Legislature, Heads of Diplomatic Missions, International and National Development Partners and all guests to this ceremony.

I will be remiss if I fail to recognize and welcome our retired and former Chief Justices and Associate Justices of the Supreme Court who are here to grace this Official Opening Ceremony. Your presence is a constant reminder that you were once like us and that in time we too will be like you (smile). You are welcome.

We once again welcome Associate Justice Yamie Quiqui Gbeisay, Sr. to the Supreme Court Bench. His appointment and commissioning as Associate Justice brings the Bench to its full numerical strength. The Bench can now proceed to hear and disposed of more cases, and all things remaining equal, the issue of a quorum will not be a challenge anymore. We vividly recall, that due to the travel out of the bailiwick of the Republic by Mr. Justice Joseph N. Nagbe during the March Term, A.D. 2022, coupled with the retirement of Mr. Chief Justice, Francis S. Korkpor, Sr. in September, 2022, left the Supreme Court with a bare quorum or no quorum at all when another Justice had to recuse him/herself from sitting on a case.

Further, we welcome His Honor Nelson B. Chinneh as a Relieving Judge. We are optimistic that as a former Magistrate of extensive tenure and a Training Coordinator of the Judicial Training Institute, Judge Chinneh will enhance the functions of the circuit courts to which he will be assigned and the Judiciary in general.

We are grateful to God for His healing bestowed upon Judge Joe S. Barkon who sustained serious injuries to his body in July, 2022, which necessitated traveling abroad to seek medical treatment. Judge Barkon has since returned home with a

clean bill of health, and has already resumed his duties as the Resident Circuit Judge, 2nd Judicial Circuit, Grand Bassa County for the February Term 2023.

Last, but certainly not the least, the Supreme Court acknowledges friendly Government through their emissaries and our international partners who are present here with us. We appreciate your unwavering stand with us in promoting the rule of law and access to justice in Liberia. Over the years, you along with the Liberian Government undertook many projects for the Judiciary. Notable among projects is the creation of sexual offenses Divisions within the Criminal Courts. We are pleased to announce that, with the exception of the First Judicial Circuit, Montserrado County, currently four of such divisions have been created in the following Circuits:

1. Sexual Offenses Division, 7th Judicial Circuit, Grand Gedeh County
2. Sexual Offenses Division, 8th Judicial Circuit, Nimba County
3. Sexual Offenses Division, 9th Judicial Circuit, Bong County
4. Sexual Offenses Division, 10th Judicial Circuit, Lofa County

The sexual offenses divisions in the 8th and 9th Judicial Circuits, Nimba and Bong Counties, were funded by the Swedish Government through the UNDP Rule of Law Joint Program; while the sexual offenses divisions in the 7th and 10th Judicial Circuits, Grand Gedeh and Lofa Counties, were funded by the EU sponsored Spotlight Initiative through the UNDP. Your commitment is well commendable and we assure you that this Bench is prepared and willing to continue to work with you in any such endeavors.

Mr. President, Madam Vice President, Mr. Speaker, Mr. Senate Pro Tempore, Members of the Bar, Article 3 of the Constitution provides that “the form of the Government is Republican with three separate coordinate branches: the Legislature, the Executive, and the Judiciary.” Pursuant to Article 32(a) of the Constitution, the Legislature on the second working Monday in January, 2023, invited the Supreme Court to a reception following the formal opening of its Regular Session to commence the business of that August Body. Thereafter, and also, pursuant to Article 58 of the Constitution, on the Fourth working Monday of January 2023, which fell on January 30, 2023, the Supreme Court was again privileged to join the Legislature, sitting in Joint Session at the Capital Building, along with other Government Officials, members of the Diplomatic and Counselor Corps and a cross

section of the citizenry and residents of Liberia, to witness the President of the Republic of Liberia, His Excellency Dr. George Manneh Weah, present his administration's legislative program, and his report on the state of the Republic,

It is in the same light and in the Spirit of the Constitution that the Judiciary Law Rev Code 17:2.5 mandates that "the Supreme Court shall hold two terms annually, commencing on the Second Monday of October and on the Second Monday of March." It is in consonance thereof that Justices of the Supreme Court, Judges of subordinate courts, the Minister of Justice and Attorney General of the Republic of Liberia, the Liberian National Bar Association (LNBA) are gathered in these sacred walls to perform a legal tradition canonized not just by the Judiciary Law but also by established precedents practiced by our ancestors of the Black Gown Aristocracy. Hence, this Ceremony represents the balance in our tripartite system of Government as mentioned above regarding the convening of the Legislature; the President's Legislative Program and Report on the State of the Republic to the Legislature; and now the Opening Address of the Chief Justice setting forth the prospects and administrative plans of the Judiciary Branch of Government. We therefore crave your indulgence and patience as I outline the vision of the Judiciary under the Yuoh's Bench.

Mr. President, Madam Vice President, Mr. Speaker, Mr. Senate Tempore, Members of the Bar, Development Partners, Distinguished Ladies and Gentlemen, the Supreme Court and the entire Judiciary acknowledge the commitment of the Liberian Government to judicial independence, access to justice, peace, security, and adherence to the rule of law. To this end the Liberian Government has maintained its coordination with the Judiciary through budgetary allotments designed to support programs of the Judiciary and the construction of judicial Complexes located in the following counties:

1. Sixteenth Judicial Circuit, Gbarpolu County (2011)
2. Third Judicial Circuit, Sinoe County (2012)
3. Ninth Judicial Circuit, Bong County (2013)
4. Eighth Judicial Circuit, Nimba County (2016)
5. Eleventh Judicial Circuit, Bomi County (2017)
6. Seventh Judicial Circuit, Grand Gedeh County (2017) and

7. Soon to be dedicated, the Fourteenth Judicial Circuit, River Cess County, which is 95% completed.

Mr. President, Madam Vice President, Mr. Speaker, Mr. Senate Tempore, Members of the Bar, Development Partners, Distinguished Ladies and Gentlemen, we must emphasize that notwithstanding the above, there is still much work to be done in building Judicial Complexes to cover the remaining counties namely:

1. Second Judicial Circuit, Grand Bassa County
2. Fourth Judicial Circuit, Maryland County
3. Fifth Judicial Circuit, Grand Cape Mount County
4. Tenth Judicial Circuit, Lofa County
5. Twelfth Judicial Circuit, Grand Kru County
6. Thirteenth Judicial Circuit, Margibi County
7. Fifteenth Judicial Circuit, River Gee County

It is regrettable to note, that in recent times, some of our circuit courts were evicted from the portion of certain structures they shared with other institutions of the Executive Branch of Government and which are owned by the latter as Administrative Buildings and City Halls. A case in point was the eviction of the Seventh Judicial Circuit, Grand Gedeh County from the Administrative Building which necessitated the urgent relocation of that Circuit and the Magisterial Courts, as well other staff and offices to an abandoned quick-impact project structure, which was highly inadequate to accommodate them. As earlier mentioned Grand Gedeh County now has a judicial complex housing the 7th Judicial Circuit Court.

Those Circuit Courts that are presently inconveniently sharing Government Administrative Buildings or City Halls to conduct judicial business are:

- 1) Fourth Judicial Circuit Court, Maryland County
- 2) Fifth Judicial Circuit Court, Grand Cape Mount County
- 3) Thirteenth Judicial Circuit Court, Margibi County

Distinguished Ladies and Gentlemen, another unpleasant scenario to note regarding the infrastructure challenges being faced by the Judiciary is the renting of private homes to conduct the business of the courts which is heavily consuming the

Judiciary's budget. Below is a list of courts that are currently occupying rented private homes:

- i) The Debt Court, 15th Judicial Circuit, River Gee County
- ii) Revenue Court, 15th Judicial Circuit, River Gee County
- iii) Debt Court, 12th Judicial Circuit, Grand Kru County
- iv) Probate Court, Diankp Town, Jeadea Statutory District, Sinoe County
- v) Bunadin Magisterial Court, Nimba County
- vi) Chayee Town Magisterial Court, Grand Gedeh County, amongst others

Given this dire circumstance, this Bench is determined and resolved to work with the Legislature, the Executive and our international partners to mitigate this acute infrastructural constraint by appealing that more resources and technical expertise be diverted to the Judiciary to ensure continued funding of construction of judicial complexes until all the counties in the Republic have said complexes. This will certainly show a balance of equitable treatment of all the circuit courts within the Judiciary Branch of Government, and will definitely enhance access to justice, peace, security, adherence to the rule of law and most important, ensure the independence of the Judiciary.

I therefore submit that in the continuation of the construction of Judicial Complexes, for the next budget period or whenever there is a budget surplus, we start in the following order:

1. Tenth Judicial Circuit, Lofa County
2. Fourth Judicial Circuit, Maryland County
3. Second Judicial Circuit, Grand Bassa County
4. Thirteenth Judicial Circuit, Margibi County
5. Fifth Judicial Circuit, Grand Cape Mount County
6. Twelfth Judicial Circuit, Grand Kru County
7. Fifteenth Judicial Circuit, River Gee County

Distinguished Ladies and Gentlemen, as a means to obtain first-hand information, assess the conditions of Magisterial Courts and, evaluate the performance of Magistrates and their staff, Mr. Justice Yussif D. Kaba and I strategically toured several Magisterial Courts in Montserrado, Grand Bassa, Bomi, Gbarpolu, and

Grand Cape Mount Counties, since the magisterial courts are the first entry points for the general public into the formal court system.

We observed, that all the Magisterial Courts visited on the tour are in very deplorable conditions which pose serious health hazards to the Magistrates, staff and party litigants; and that these courts do not represent the image of the Judiciary or the National Government. These courts are housed in dilapidated, burnt or incomplete structures or squatting on the patio of private homes to conduct the business of the courts. Given these harsh working conditions we must applaud and commend these Magistrates, and as a National Government, commit ourselves to alleviate such extreme hardship and embarrassment facing this coordinate Branch of Government, the Judiciary.

Distinguished Ladies and Gentlemen, it is in light of this, that the Supreme Court, as was done in the case of Judicial Complexes for Circuit Courts, has prepared a prototype or architectural plan for the construction of modernized magisterial courts to replace the afore described structures which were built under the UNMIL quick-impact project. Let me quickly note here and it is public knowledge that the UNMIL quick impact project was a program designed to give immediate but temporary relief to the Judiciary at a time the Country was recovering from its civil crisis particularly our rural inhabitants. Now, for over 18 consecutive years of peace and tranquility coupled with the elections of Constitutional Governments, it is time that these structures of our Magisterial Courts be improved and elevated beyond the quick-impact stage to one that represents a National Government with a functioning Judiciary in every respect. Our proposed modernized magisterial courts will contain the following but not limited to:

- a) One large court-room for the Stipendiary Magistrate
- b) Two smaller court-rooms for the two Associate Magistrates
- c) One Stipendiary Magistrate Chambers with a bathroom
- d) Two Chambers for the two Associate Magistrates
- e) One Associate Magistrate bathroom
- f) Two general bathrooms
- g) Clerk office
- h) Filing clerk office and filing room
- i) Records rooms

- j) Public Defenders' Office
- k) City Solicitor's Office
- l) Two withholding cells (jails) with bathrooms
- m) Etc.,

Mr. President, Madam Vice President, Mr. Speaker, Mr. Senate Tempore, Members of the Bar, Development Partners, Distinguished Ladies and Gentlemen, my Colleagues and I are in agreement that there is a need for stronger coordination between and among the three (3) Branches of Government with regards to the establishment of Magisterial Courts and the appointment of Magistrates in order to create efficient magisterial services especially in rural Liberia. Article 34 (e) of the Constitution provides, "the Legislature shall have the power to constitute courts inferior to the Supreme Court, including circuit courts, claims courts and such other courts with such prescribed jurisdictional powers as may be deemed necessary for the proper administration of justice throughout the Republic."

In addition to the above, The Judiciary Law Rev Code 17:7.2 gives the President unfettered powers and discretion to expand the Magisterial Courts' jurisdiction, designate new Magisterial areas and appoint Magistrates as he deems fit. The said provision states thus:

"the President is empowered whenever in his discretion he shall deem it necessary and expedient, to extend the geographic area over which any presently established magisterial court has jurisdiction and to designate additional magisterial areas and establish magistrates' courts therein, the number and extent of which shall be such as he may decide."

In the exercise of their respective authorities under the above quoted laws, the Supreme Court has observed that the Legislature and Presidents, over the years have created many Magisterial Courts in counties that are geographically small and less populated resulting in the clustering of these Magisterial Courts in those counties. Example of this is Sinoe County. Sinoe is one of the smallest counties with a very small population but still has more Magisterial Courts than populated Counties like Montserrado, Nimba, Bong and Lofa. Regardless, Sinoe County has 33 Magisterial Courts to include a traffic court. Another example is Grand Kru County which has 28 Magisterial Courts. As a result of this, Magistrates in these counties are usually

competing with each other for cases since the number of Magisterial Courts required for those counties are way above the need of the Counties and in other instances so remote that it defeats access to justice.

Moreover, and detrimental to the Judiciary is the fact that most times these Magisterial Courts are created without the supporting budgetary allotments in terms of salaries for the newly appointed Magistrates and their staff; no allotment for infrastructure or logistics or other financial support to make these courts more visible and efficient. Still further, it is the Supreme Court, in situations like these, that is left with the full financial burden and embarrassment.

Mr. President, Madam Vice President, Mr. Speaker, Mr. Senate Tempore, the Bar, Development Partners, Distinguished Ladies and Gentlemen, over the years reports on the performance of the Judiciary and in particular the courts, have been discouraging and the nature of said reports have not changed. Hence, this Bench has embarked upon an activity styled, “Rebranding the Image of the Judiciary: Everyone Do His/Her Work As the Days of Warnings Are Over.”

The rebranding of the Liberian Judiciary seeks to create a strong positive image and perception of this branch of government which will evidently engender greater public trust and dependability in the judicial system of our country.

Our brand marks will entail improvement in the quality of judicial services provided in our courts across the country by elevating the quality of personnel (judicial and non-judicial) at the judiciary, whilst at the same time, working to improve the infrastructure that will provide a conducive work environment. It will also strengthen our systems of monitoring and evaluation on job performances to ensure that professionalism becomes the hallmark at the Liberian Judiciary rather than “business as usual”.

As part of our rebranding initiatives, the Liberian Judiciary will embark on massive public awareness of the functions of the Liberian Judicial System by using the various communications methods and tools to ensure that the Liberian people and other nationals residing within this Republic are fully educated on the workings of the Judicial system especially prior, during and after this crucial election period.

Mr. President, Madam Vice President, Mr. Speaker, Mr. Senate Tempore, Members of the Bar, Development Partners, Distinguished Ladies and Gentlemen, to monitor and evaluate the performance of our Magistrates and to enhance efficiency and restore order in our Magisterial Courts, the Bench has also evoked Section 7.5 of the Judiciary Law as amended in 2013 which law states:

“...A Stipendiary magistrate shall hold office for a period of four years and shall be eligible for reappointment, but he may be removed from office by the President prior to the expiration of his term of office for cause established by an investigation conducted by the Judiciary Inquiry Commission.”

It is a fact that the above quoted provision was relaxed due to the brain-drain in the legal profession during our civil crisis. Given the situation back then, it was necessary to have Magistrates in the Magisterial Courts to maintain access to justice and adherence to the rule of law. Now that we have moved far beyond the war days, we will be submitting to you, Mr. President a list of all acting Stipendiary and Associate Magistrates whose commissions are due for renewal. Going forward, the Supreme Court will closely collaborate with the Judiciary Inquiry Commission and the Office of the Court Administrator to conduct a thorough performance review of every Magistrate serving for four years in order to determine whether or not the said Magistrate is morally and professionally qualified to remain in our courts.

To our circuit and specialized court judges, my message to you remains the same, “...remember your solemn oath as judges;” remember that your position as a judge is one of tedious sacrifice rather than glamour, fame or wealth. This message is not unique to Liberia as in all jurisprudence across the globe there is a demand that judges be studious and focus on the perfect administration of the law in the courts rather than the challenges facing the courts.

I also reminded all of us as judges that upon acceptance of being appointed and commissioned, we willingly signed up for and accepted these challenges by solemn Oath to serve as judges. Every one of us, be it a Justice of the Supreme Court or judge of courts of records, swore by holy writ to administer justice and dispose of cases without delay, fear or for favor. Judges should never be deterred from the task at hand, or lower their standards, or deviate from their core values and judicial

obligations they have sworn to perform. In this regard, we must always be ready and unhesitant to perform to the best of our abilities, irrespective of rainy or sunny days. Hence, I again reecho the words of Chief Justice A. Dash Wilson Sr., in his Opening Address, March Term A.D. 1968: “the position of a judge is a sacrificial one, dominated only by the observance of his sacred oath of office, patriotic loyalty to the administration in power and a conscience that guides him continuously against injudicious speculations and gamble.” 19LLR 517 (1968).

On the other hand, it is a must and in consonance with the applicable law that we mandate the Ministry of Finance and Development Planning (MFDP) to fully comply with the spirit and intent of the Judicial Financial Autonomy Act (2006). This Bench will not allow the Judiciary to be treated as “a mere governmental agency”. The Judiciary is a Constitutional Branch of the Liberian Government and its budget, fiscal allotments, and salary disbursements are not subject to the whims and caprices of Ministers, Directors, and Supervisors of the MFDP.

Mr. President, Madam Vice President, Mr. Speaker, Mr. Senate Tempore, Members of the Bar, Development Partners, Distinguished Ladies and Gentlemen, let me read with emphasis, Section 21.3 of the Judicial Financial Autonomy Act (2006):

“the Supreme Court shall submit to the Bureau of the Budget annual estimates of the expenditure and appropriations, supplies and services including personnel, as well as funds appropriated for retirement pension and death benefits **necessary for the maintenance and operation of the courts** and such supplemental and deficiency estimates as may be required from time to time for the same purposes, according to law.

All such estimates shall be included in the National Budget estimates **without revision**, but subject to any recommendation of the Bureau of the Budget which may be included with the transmittal of the National Budget estimates from the President of Liberia to the Legislature for action thereon.

Upon the passage into law of the National Budget all appropriation of funds to be expended by the Judiciary Branch shall be disbursed by the Ministry of Finance to the Judicial Branch by four quarterly installments. The first of such installment to be disbursed at the beginning of the first quarter of the

year after the passage of the budget and quarterly thereafter – **in any event each installment must be disbursed to the Judicial Branch within 15 days of the beginning of each quarter.**

All such funds **shall be deposited in bank account(s) which shall be operated and administered by the Judicial Branch, under the overall supervision of the Chief Justice and according to the budget.”**

All persons whether legal or otherwise must agree that the essence of the above quoted law is to protect the Judiciary from undue financial or political influence from the other two Branches of Government while at the same time maintaining a strong, efficient, and robust Judiciary. Even the caption of the Judicial Financial Autonomy Act states that “it is to provide financial autonomy to the Judiciary.” In this regard the Supreme Court is very resolute and determined to protect the independence of the Judiciary through any and every legal means available including exercising its contempt powers where there is a violation of the Judicial Financial Autonomy Act (2006). All of this is in recognition and respect to the sacrificial services of our Judges who are disqualified from pursuing any business ventures pursuant to Cannons 6 and 31 which mandate as follow:

“The judge is a governmental paid official and must be paid adequately; he holds an exalted position which prevents him from engaging in any business pursuit, therefore he must be provided with the necessities of life and with every means by which he will be able to perform his judicial duties effectively, efficiently, and speedily. The judge must be encouraged and given the incentive to live a decent and dignified life that would prevent financial and domestic worries and enable him to repel temptation which is susceptible to human life. As priest of justice, a judge should not be given the cause to be corrupted in the performance of his judicial duties so as to be justified for any disciplinary action taken against him if found deficient in those qualities.”

“Judicial Canon Thirty-One: BUSINESS PROMOTION AND SOLICITATION FOR CHARITY

A judge should avoid giving ground for any reasonable suspicion that he is utilizing the power or prestige of his office to persuade or coerce

others to patronize or contribute, either to the success of his private business, enter into such private business ventures, or to charitable enterprises. He should not therefore, enter into such private business or pursue such a course of conduct, as would justify such suspicion, nor use the power of his office, the influence of his name to promote the business interest of others; he should not solicit for charities nor should he enter into any business relation which would in the normal course of events, reasonably bring his personal interest into conflict with the impartial performance of his official duties.”

Mr. President, Madam Vice President, Mr. Speaker, Mr. Senate Tempore, Members of the Bar, Development Partners, Distinguished Ladies and Gentlemen, in view of the above prohibition placed on judges, to include justices, the Supreme Court expects nothing less but full compliance with Judicial Financial Autonomy Act (2006) and in addition thereto, Article 72 (a) of the Constitution which states:

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

Distinguished Ladies and Gentlemen, the above quoted constitutional provision makes a keen distinction between salaries, allowances, and benefits, and unambiguously states how each ought to be treated by the National Government. Besides, this provision applies exclusively to Justices of the Supreme Court and judges of subordinate courts, and not the administrative staff of the Judiciary.

The 1st portion of the aforementioned provision of the Constitution specifically states that salaries of Justices and Judges are subject to taxation but cannot be diminished. The 2nd portion of the same provision which speaks to allowances and benefits, specifically states that allowances and benefits may by law be increased **but may**

not be diminished except under a national program enacted by the Legislature.
(emphasis supplied)

While the Constitution does not give an inference as to what constitutes a National Program, the term “national” as defined by the Black’s Law Dictionary, 9th ed., is “of or relating to a nation; nationwide in scope. On the other hand, a program is a set of related measures or activities with a particular long-term aim.

By these definitions, a National Program is a set of related measures or activities with a particular long-term aim that relates to an entire nation and its nationals and residents.

The Standardization Act targets only a specific group—government employees—rather than the nationals and residents of the Republic of Liberia, which includes the private sector. Therefore, by virtue of the fact that the Standardization Act targets only employees of the government, can it be classified as a National Program?

This is the law and simply put, salaries of Justices and Judges cannot be diminished by the Legislative and/or the Executive Branches of Government.

Mr. President, Madam Vice President, Mr. Speaker, Mr. Senate Tempore, Members of the Bar, Development Partners, Distinguished Ladies and Gentlemen, I recall that during the Opening Ceremony of the Supreme Court for the October Term A.D. 2022, I stated that my gender does not diminish the duties ascribed to the Office of Chief Justice, or the expectations of judges, lawyers, party litigants, judicial personnel and other persons interacting with the Judiciary. In light of this, and upon embarking on my duties as Chief Justice, my Colleagues and I immediately commenced the work of the Judiciary by expeditiously disposing cases heard during the said term. We held meetings with Government Officials from the Legislative and Executive Branches on matters pertaining to the Judiciary; we consulted with local and international partners on issues pertaining to gender equity, the rule of law, peace and security; we forged stronger professional network with the LNBA; and also held internal discussions with the National Association of Trial Judges of Liberia (NATJL), the Public Defenders Association, the Judiciary Staff Association on matters pertaining to the welfare of their members and improving the image of the Judiciary.

Example, during the 2022 October Term, the Court met with the Minister of Justice and members of the NATJL to brainstorm and took positive action in decongesting the Monrovia Central Prison in addition to the ongoing Magistrate Sitting Program. Thereafter, the Court met with the ECOWAS Parliamentary Oversight Mission to develop coordinated strategies to deescalate potential elections violence, and promote the rule of law. The Court held a consultative meeting with the Central Bank of Liberia (CBL) to discuss challenges facing the issuance of indemnity/appeal bonds and criminal appearance bonds; the UNDP, Swedish Embassy, USAID, UN WOMEN, World Bank, and IDLO, paid courtesy visits to the Supreme Court for the purpose of strengthening our partnership and to discuss ways in improving judicial deliverables.

Mr. President, Madam Vice President, Mr. Speaker, Mr. Senate Tempore, Members of the Bar, Development Partners, Distinguished Ladies and Gentlemen, on April 14, 2021, the Supreme Court met with the Ministry of Justice, the Law Reform Commission and the Louis Arthur Grimes School of Law to forge a strong partnership in the codification of the Supreme Court Opinions and the Statutory Laws of the Republic. The Ministry of Justice, the Law Reform Commission, and the Louis Arthur Grimes School of Law entered into a partnership which saw the establishment of the Liberia Law Research Codification and Publication Center (LLRCPC). The LLRCPC was established to serve as a vehicle to accomplish the statutory duties of the Ministry of Justice and the Law Reform Commission in codifying the Laws of Liberia, both Statutory and Supreme Court Opinions as provided in Section 22.1 (d) of the Executive Law and Section 1.3(d) of the Law Reform Commission Act.

For over 18 years there has been no codification of the Statutory Laws, needless to say, Supreme Court Opinions and this has resulted into an acute scarcity of law books, and the gradual obliteration of our laws which are mostly on flying papers. Given the concerns raised from our discussions on this issue, this Bench has agreed that henceforth the Court is going to provide strong leadership and support to the codifications of the Opinions of the Supreme Court as the lack of recent Liberia Law Reports (LLR) is hindering the growth of our jurisprudence since many lawyers, judges, researchers and scholars are unable to have access to recent Court's Opinions. In fact, there are no codified laws, statutory and case within the Republic of Liberia for sale or otherwise.

We urge the Executive and the Legislative Branches to support this noble cause and prioritize the codification, publication, and dissemination of recent Legislative Statutes and Supreme Court Opinions. This will enlighten the public of existing laws; avoid ignorance of the laws; diminish the high speculation/doubts in our investment climate; create public confidence in government agencies; reduce domestic threat to the national security of the state; enhance adequate research and growth in the legal practice; and move the entire society towards a more enlightened age.

Mr. President, Madam Vice President, Mr. Speaker, Mr. Senate Tempore, Members of the Bar, Development Partners, Distinguished Ladies and Gentlemen, Article 65 of the Liberian Constitution vests in the Supreme Court and such subordinate courts as established by the Legislature the judicial power of the Republic. The said article also provides that judgments of the Supreme Court are final and binding and that they shall not be subject to appeal or review by any other branch of Government. This provision of the Constitution has three indispensable features, which are, a) the judgment of the Supreme Court brings closure and finality to a matter decided by the Court; b) that the decision is binding on all and sundry including authorities throughout the Republic and c) that the decision of the Supreme Court cannot be reviewed by any other authority.

Notwithstanding the clear and unambiguous language of the Liberian Constitution, it is disturbing to note that in recent times, the Supreme Court continues to receive reports of interference in the enforcement of courts' judgments to include the Supreme Court by either the members of the other two branches of Government or the public. Of one such unbecoming and unwarranted incident, I am pleased to report that the Supreme Court took a decisive stance, and as per its authority under the law, held six traditional officials of the Ministry of Internal Affairs in criminal contempt of court, who are currently serving six months jail terms. We do so not with any glamour or pleasure, but with a sense of ensuring and maintaining judicial independence and integrity; and to herald the message that the adherence to the rule of law is essential to the peace, security and stability of our Country.

I believe that it is important that I elevate the conversation on the growing waves of interference by the public and some members of the other branches of Government in this address so as to engender a collective approach to finding lasting solution(s)

to the problem which has the proclivity to undermine the rule of law, our peace and democracy. I report with distraught that it has defiantly become a new normal to witness a segment of the public enticed by misguided courage, obstructing the enforcement of courts' judgment either because the judgment is adverse to their interests or that they claim that they were not party to the cause out of which the judgment grew. More disappointingly, lawyers who ought to be officers of the law also, under a pretext of providing zealous, rather than legal representation, take liberty in filing frivolous and unmeritorious petitions, all with the sole purpose of frustrating and delaying the enforcement of courts' judgment. It is high time that the Supreme Court must do the needful to curb, if not to eradicate, the dilatory tactics of lawyers in all such instances. The Court expects full adherence to the principle of law which states: "every court entering a decree retains jurisdiction until its judgment is fully satisfied; and that parties appearing before the courts are required to proceed in strict compliance with the order of the courts." *K&H Construction Company v. The Realty Trust of the late William E. Dennis, Sr.*, Supreme Court Opinion, March Term A.D. 2015; *JUPICA et al., v NEC*, Supreme Court Opinion, October Term A.D. 2014. In summary, the Supreme Court prefers that first, strict compliance and satisfaction be accorded its Mandate in terms of enforcement; and subsequently lawyers utilize the relevant provision of the law in pursuing their client's interest in the disputed property.

In this connection, I seize this moment to reiterate my unwavering stance on the strict administration of justice in the interest of peace, harmony and stability of our Country which I announced a few months ago during the November, 2022 Convention of the Liberian National Bar Association in the City of Paynesville, Montserrado County. "The time for warning is over; and it's now time to act". To this end, and in consultation with my esteemed Colleagues, I am pleased to announce that in the coming weeks, the Supreme Court shall embark on the constitution of review committees on the Revised Rules of Courts, the Code of Moral and Professional Ethics of Lawyers and the Judicial Cannons with the end purpose of reviewing the present instruments, identifying challenges and shortcomings, if any, and advancing recommendations with the view of bringing these instruments to terms with current realities to include, but not limited to dealing with the interference with the courts' judgments, curbing the wave of unmeritorious filing by lawyers and party litigants petition for a writ of prohibition and other remedial processes which often times are responsible for the protracted delay in the adjudication of cases, or

frustrating the execution of judgments in our courts. Mr. Justice Joseph N. Nagbe shall have oversight responsibility over these committees. We shall also be engaging relevant institutions of the Executive Branch of Government with respect to their roles in the enforcement of the judgments of the courts. But in the main time, we are calling on all courts of records deciding ejectment cases to assert their very best in utilizing the technical expertise of the Liberia Land Authority or other licensed land surveyors to first properly identify the property in dispute through an investigative survey before proceeding with a trial. This will help to create more awareness of the dispute, get all interested parties involved, and also aid in the enforcement process. After all, it is not *ultra vires* to have a survey report of the disputed property being made part of the records in an ejectment case.

Mr. President, Madam Vice President, Mr. Speaker, Mr. Senate Tempore, Members of the Bar, Development Partners, Distinguished Ladies and Gentlemen, I conclude this address on the note that the Opening of this March Term of Court, A. D. 2023, marks the peculiar silence and equanimity that comes before the storm of the General and Presidential Elections scheduled for the second Tuesday in October 2023. It is an undeniable fact that our election calendars are the most tumultuous and tedious times in the history of the Supreme Court. Hence, even in these quiet moments, the storms of election cases/challenges are quietly brewing and gathering strength at the National Elections Commission and elsewhere, and is preparing to dash upon the shore of the Supreme Court's dockets like a monstrous wave.

But be that as it may, the Supreme Court, like a light tower in the midst of a storm is well fortified and judicially poised to hear and dispose of all and any elections disputes regardless of the magnitude or underlying currents. We are resolved to dispense justice evenly without fear or favor. All we ask, is that party-litigants, political parties or independent candidates safe guard themselves with the best and astute lawyers who will exert their very best in prosecuting or defending a candidate/political party's interests. This instruction is in consonance with the Supreme Court's Opinion which states : *"it is incumbent on a candidate in an election to ensure that he has in place a qualified legal team so that in the event he believes that an election violation has occurred, he would be in the position to adequately take advantage of the law, especially with the timeframe prescribed by the law for asserting a challenge and timely appealing from any decision related to the challenge since electoral challenges are special proceedings which must be*

heard expeditiously.” Jonathon Boye Charles Sogbie v. NEC, Supreme Court Opinion, October Term A.D. 2016; Kamara v. NEC, Supreme Court Opinion March Term, A.D. 2017;

In view of the aforesaid, we further caution all political candidates that if your lawyer fails to perfect your appeal, the Supreme Court, via a motion from the opposing party, will dismiss your case; if your case is shrouded with mere allegations, speculations, and doubts, rather than evidence, the Supreme Court will reject your claim. As the elections draw closer, let it be known that this Bench will only be moved by strong and convincing evidence and not political ideologies, crowds or the recently created political slang of strong holds. The Supreme Court has consistently held that “the concept of a candidate claiming ‘stronghold’ over a particular election geographical locale, finds no factual or legal basis in judicial proceeding as it is completely doubtful, uncertain, and speculative in that only the electorates via their valid votes cast can determine whether or not a candidate is widely influential within a particular locale. Hence, this allegation being speculative and uncertain is untenable as voting in elections within our jurisdiction is done by secret ballot.” *Liberia Reconstruction Party v. NEC*, Supreme Court Opinion October Term A.D. 2011; *Koah v. Domah and NEC*, Supreme Court Opinion October Term A.D. 2017; *Collaborating Political Party v. NEC*, Supreme Court Opinion October Term A.D. 2020. We will continuously uphold this principle of law in deciding elections cases and will confirm or reject election results based upon evidence and nothing more, all of which is in consonance with our creed which states:

“the law makes no distinction between men when before it; the high and low here are both on an equal level. The law, while just, has no sympathy; it neither makes men rich nor poor; hence the claim to be rich can have no influence with it; and to plead poverty can awaken no sympathy.” East African Company v. Dunbar 1LLR 279, 280 (1895).

And I will add, that to plea ignorance of the law will not constitute an excuse.

As this Bench welcomes you to the dawn of the March Term 2023 let me reiterate our abiding conviction to administer the law transparently, expeditiously, and fearlessly to all citizens and residents alike.

And now, by the power vested in me as Chief Justice, I announce that the March Term A.D. 2023 of the Honorable Supreme Court, Republic of Liberia is duly opened for business. May God bless the Supreme Court and the entire Judiciary and safe the State.