



CHIEF JUSTICE
SUPREME COURT OF LIBERIA



JUDICIAL BRANCH
TEMPLE OF JUSTICE
MONROVIA, LIBERIA

IN THE HONOURABLE SUPREME COURT OF THE REPUBLIC OF LIBERIA
SITTING IN ITS OCTOBER TERM, A.D. 2017

BEFORE HIS HONOR: FRANCIS S. KORKPOR, SR.....CHIEF JUSTICE
BEFORE HIS HONOR: KABINEH M. JA'NEH.....ASSOCIATE JUSTICE
BEFORE HER HONOR: JAMESETTA H. WOLOKOLIE.....ASSOCIATE JUSTICE
BEFORE HIS HONOR: PHILIP A.Z. BANKS, IIIASSOCIATE JUSTICE
BEFORE HER HONOR: SIE-A-NYENE G. YUOHASSOCIATE JUSTICE

Charles Walker Brumskine, Harrison S. Karnwea)
Presidential & Vice Presidential Candidate, and)
All Representative Candidates of Liberty Party)
and the Liberty PartyPetitioners)
Versus)
The National Elections Commission (NEC) and the)
Board of Commissioners of the Republic of Liberia)
.....Respondents)

PETITION FOR THE WRIT
OF PROHIBITION

GROWING OUT OF THE CASE

Charles Walker Brumskine, Harrison S. Karnwea)
Presidential & Vice Presidential Candidate, and)
All Representative Candidates of Liberty Party.....Complainants)
Versus)
The National Elections Commission (NEC) and the)
Board of Commissioners of the Republic of Liberia)
.....Defendants)

VIOLATION OF THE CONSTITUTION AND
ELECTIONS LAW, FRAUDULENT ACTS
AND GROSS IRREGULARITIES DURING
THE OCTOBER 10, 2017 ELECTIONS

JUDGMENT

When this case was called for hearing, Counsellors Charles Walker Brumskine, James G. Innis, Jr., Powo C. Hilton and D. Onesimus Banwon of the Brumskine and Associates Law Offices, appeared for the petitioners. Counsellors Joseph N. Bliidi, Frank Musah Dean, Jr. and C. Alexander B. Zoe appeared for the respondents.

Having carefully examined the petition, the returns thereto and the arguments presented before this Court by counsels representing the parties, it is hereby

ADJUDGED:

That the law requires that the Constitution be interpreted in light of the entire document rather than a sequestered pronouncement, because every provision is of equal importance and even where there is an apparent discrepancy between the different provisions, the Court should harmonize them, if possible;

That Article 83 (c) of the Constitution of Liberia (1986) sets forth a series of events, all of which are linked together and all of which must be taken into consideration in interpreting what the framers of the Constitution intended when they linked the run-off election to "expiry of the time provided in Article 83(c)." Therefore, the more rational and legal interpretation under judicial construction is that the reference in Article 83(b) to "expiry of the time provided in Article 83(c)," refers to the totality of the events enumerated in Article 83(c), from the announcement of the final results by the NEC to the disposition of any challenge by the Supreme Court;

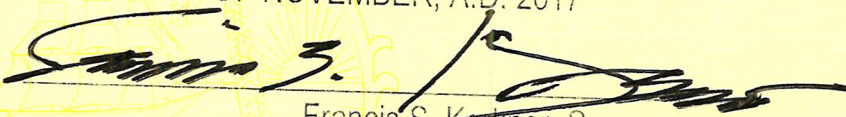
That the constitutional requirement, as mandated by Article 83(b), that only the two presidential tickets with the greatest number of valid votes cast on the first ballot should be designated to participate in the run-off election: thus, where the votes cast on the first ballot are still subject of allegations of gross irregularities and fraud, etc., before the NEC, the NEC was without legal authority to have designated any two presidential tickets for the run-off election;

That prohibition will lie where an administrative tribunal, though having jurisdiction over a matter, proceeds contrary to rules which ought to be observed at all times. In the instant case, the NEC has jurisdiction over the complaint filed by the petitioners, but by setting a date and proceeding to commence the conduct of the run-off election while the complaint of the petitioners was still pending before that body undecided, the NEC was proceeding by the wrong rules. Thus, prohibition will lie.

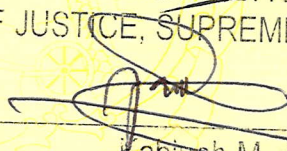
WHEREFORE, the alternative writ of prohibition ordered issued by the Justice in Chambers is upheld and sustained, and the peremptory writ of prohibition requested by the petitioners is hereby granted. The NEC is estopped and prohibited from conducting the run-off election until the complaint filed by the petitioners is investigated by the NEC and, if need be, the appropriate appeal process to the Supreme Court of Liberia is availed of and the matter is decided by the Supreme Court.

Given the critical nature of the complaint, subject of these prohibition proceedings, and its implication on the governance of the nation, the NEC is directed to give urgent attention to the expeditious hearing and determination thereof. AND IT IS SO ORDERED.

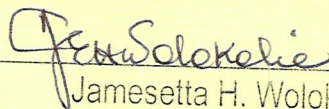
GIVEN UNDER OUR HANDS AND
THE SEAL OF THE SUPREME
COURT OF LIBERIA THIS 6th DAY
OF NOVEMBER, A.D. 2017



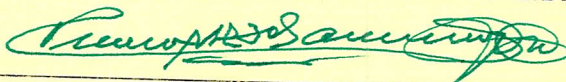
Francis S. Korkpor, Sr.
CHIEF JUSTICE, SUPREME COURT OF LIBERIA



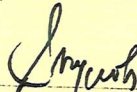
Kabinch M. Jareh
ASSOCIATE JUSTICE, SUPREME COURT OF LIBERIA



Jamesetta H. Wolokolle
ASSOCIATE JUSTICE, SUPREME COURT OF LIBERIA



Philip A. Z. Banks, III
ASSOCIATE JUSTICE, SUPREME COURT OF LIBERIA



Sie-A-Nyene G. Yuoh
ASSOCIATE JUSTICE, SUPREME COURT OF LIBERIA