



ASSOCIATE JUSTICE
SUPREME COURT OF LIBERIA



JUDICIAL BRANCH
TEMPLE OF JUSTICE
MONROVIA, LIBERIA

IN THE HONORABLE SUPREME COURT OF THE REPUBLIC OF LIBERIA
SITTING IN ITS MARCH 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, III.....ASSOCIATES JUSTICE
BEFORE HER HONOR: SIE-A-NYENE G. YUOH.....ASSOCIATE JUSTICE

Harrison S. Karnwea and Liberty Party.....	APPELLANTS) Appeal from the
) Decision of the
	VERSUS) National Elections
) Commission,
The National Elections Commission (NEC), represented) Barring Harrison S.
by and thru its Chairman, Cllr. Jerome G. Korkoya, and) Karnwea From
all Officers of NEC, all of the City of Monrovia, County) Contesting for the
of Montserrado, Republic of Liberia.....	APPELLEE) Ensuing Elections

J U D G M E N T

When this case was called for hearing, Counsellors Powo C. Hilton, D. Onesimus Barwon and James G. Innis, Jr., of Brumskine and Associates Law Firm appeared for the appellants. Counsellor Joseph N. Bliidi, In-House Counsel for the National Elections Commission, and Counsellors Frank Musa Dean and C. Alexander B. Zoe, appeared for the appellee.

Having listened to the arguments and contentions advanced by the parties, reviewed the records in the case; and being satisfied that sections 5.1 & 5.2 of the Code of Conduct are applicable to the position held by Co-appellant Harrison S. Karnwea, Sr., as Managing Director of the Forestry Development Authority, and his admission, as appeared on forms filled by him and filed with the National Elections Commission, that he had not resigned said position in accordance with the two years timeline prior to the ensuing October 2017 Elections prescribed by the Code, he was in violation of the Code.

This Court, having taken cognizance of the fact that Co-appellant Karnwea was nevertheless in substantial compliance with the Code in resigning the aforementioned position with the Forestry Development Authority, shortly following the decision of the Supreme Court in the case Selena Mappy-Poison v. Republic of Liberia, delivered on March 3, 2017, he thereby did



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not commit acts of an egregious nature against the Code of Conduct as to warrant the maximum penalty of disqualification prescribed for egregious conduct.

And being also conscious that Appellee National Elections Commission had failed to conduct a hearing and thereby afford the appellants the guaranteed due process of law opportunity mandated by the Constitution, statutory and case laws of the Republic, to determine the penalty to be imposed upon Co-appellant Harrison S. Karnwea, Sr. for his violation of the Code;

And acknowledging further that the records in this case, as certified to the Supreme Court, lack any evidence that the final decision of Appellee National Elections Commission in rejecting the application of Co-appellant Harrison S. Karnwea, Sr. and barring him from contesting the vice presidential position on Co-appellant Liberty Party ticket in the ensuing October 2017 Elections, was done by the Board of Commission, but rather that same appears on the records to have been done on the lone and sole signature of the Chairman of the Appellee, it is hereby

A D J U D G E D:

That the decision of Appellee National Elections Commission rejection of the application of Co-appellant Harrison S. Karnwea, Sr. to contest the office of vice president in the ensuing October 2017 Elections and barring him from any such contest of the aforesaid elective public office is hereby reversed.

That having determined that Co-appellant Harrison S. Karnwea, Sr., was in substantial compliance with the Code of Conduct Act and that his violation of the Code was not egregious in nature, as the term was determined, interpreted and applied by the Supreme Court in the case Selena Mappy-Polson v. Republic of Liberia which held the Code to be constitutional, and the case Abu Bana Kamara v. The National Elections Commission which elaborated upon the application of the term, and the penalty of disbarment not therefore applicable to him, the case is remanded to Appellee National Elections Commission to expeditiously conduct a due process of law hearing on the Application of Co-appellant Karnwea and make a determination, within forty-eight hours of receipt of the Mandate of the Supreme Court, of the level of the penalty, commensurate with the magnitude of the violation, to be imposed on Co-appellant Karnwea from the range of penalties outlined in the Code that fall below the penalty of disqualification which is applicable to only egregious violations of the Code.

That the standard laid herein, being that where an applicant has resigned his position prior to



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filing an application before the National Elections Commission to contest an elective public office, and thereby showing substantial compliance with the Code, as of the date of the decision of this Court in the *Polson* case, the violation not be considered egregious and that the National Elections Commission shall apply only the applicable penalty laid in the Code, short of disbarment or disqualification.

That henceforth, all alleged violations of the Code of Conduct must be investigated by the National Elections Commission consistent with due process of law and that any decision emanating therefrom must be signed by the majority members of the Board of Commissioners in accordance with the applicable laws.

The Clerk of this Court is hereby ordered to send a mandate to the National Elections Commission directing the Commission to resume jurisdiction over the case and give effect to this judgment.

GIVEN UNDER OUR HANDS AND SEAL OF THE HONOURABLE SUPREME COURT OF THE REPUBLIC OF LIBERIA THIS 20TH DAY OF JULY, A. D. 2017.

FRANCIS S. KORKPOR, SR.
CHIEF JUSTICE, SUPREME COURT OF LIBERIA

KABINEH M. JA'NEH
ASSOCIATE JUSTICE, SUPREME COURT OF LIBERIA

JAMESETTA HOWARD-WOLOKOLIE
ASSOCIATE JUSTICE, SUPREME COURT OF LIBERIA

PHILIP A. Z. BANKS, III
ASSOCIATE JUSTICE, SUPREME COURT OF LIBERIA

NOTE: Madan Justice Sie-A-Nyene G. Yuoh, having traveled on official business for the Court, was not present for the hearing of this case; hence, did not sign this judgment.