



CHIEF JUSTICE
SUPREME COURT OF LIBERIA



JUDICIAL BRANCH
TEMPLE OF JUSTICE
MONROVIA, LIBERIA

JUDICIAL ORDER # 8

TO: All Circuit Courts and Specialized Courts Judges, Magistrates and Associate Magistrates, Counsellors and Attorneys, support staff of the Judiciary and the public in general.

WHEREAS, on April 8, 2020, the President of the Republic of Liberia, His Excellency George Manneh Weah, consistent with *Article 86 of the Constitution*, declared a state of emergency for the purpose of fighting the coronavirus disease in Liberia;

WHEREAS, on April 17, 2020, the Honorable Legislature, by JOINT RESOLUTION #002/2020, and in accordance with Article 88 of the Constitution, authorized and approved the state of emergency declared by the President for a period of sixty (60) days, however with modifications to some of the measures taken under the state of emergency;

WHEREAS, Article 87 of the Constitution provides, in relevant part:

- a. "Emergency powers do not include the power to suspend or abrogate the Constitution, dissolve the Legislature or suspend or dismiss the Judiciary;..." [Emphasis provided].
- b. "The writ of *habeas corpus* shall remain available and exercisable at all times and shall not be suspended on account of any state of emergency. It shall be enjoyed in the most free, easy, inexpensive, expeditious and ample manner. Any person who suffers from a violation of this right may challenge such violation in a court of competent jurisdiction".[Emphasis provided];

WHEREAS, given the foregoing clear and unambiguous language of the Constitution, the courts, for all intents and purposes, must remain operational during the period of a state of emergency; however, where a state of emergency directs (as in the instant case) that all

citizens and residents “remain at home” thereby curtailing the movement of party litigants to whom the courts exclusively cater, the functions of the courts themselves ought to be streamlined and limited accordingly, especially as a means of preserving life; and

WHEREAS, the Constitution of Liberia, at Article 75, vests in the Supreme Court of Liberia the authority and power to prescribe rules deemed by the Court as necessary to properly discharge the functions of the courts in the Republic;

NOW, THEREFORE, in an effort to curtail and eradicate the spread of the deadly coronavirus disease (COVID-19) in Liberia and in adherence to the state of emergency declared by the President and approved by the Legislature and the measures taken thereunder, the Supreme Court of Liberia has instituted the following measures within the courts of Liberia and the entire Judiciary Branch of Government with immediate effect:

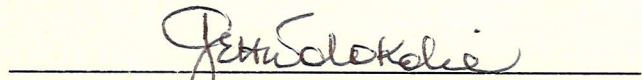
1. All courts in the Republic of Liberia are ordered and mandated to reduce activities to a bare minimum within their respective jurisdictions. Cases before the Supreme Court will be minimally assigned so that no more than four (4) Counsellors will be available for the presentation of arguments before the Court. The Court will concentrate more at this time on writing opinions in cases already heard and only urgent high profile cases of national concern and cases growing out of allegations of violation(s) of rights under this state of emergency will be prioritized.
2. Circuit and Specialized Courts are to give preference at this time primarily to petitions for the writ of *habeas corpus* and to other matters of alleged violations of the fundamental rights of citizens and residents growing out of this state of emergency; no more than two (2) cases are to be assigned per day for hearing (one case in the morning and the other in the afternoon) and only party litigants and their lawyers are permitted into the courtrooms. The public is advised to stay away to avoid overcrowding.
3. The preventive protocol of hand washing shall be strictly adhered to at all courts throughout the Republic; buckets for washing hands shall be provided at the entrances of all courts in the Republic. All Judges conducting hearings, whether in the courtrooms or chambers are to wear masks covering their noses and mouths; all Counsellors and party litigants entering court premises are to do the same; Court Officers have been mandated to strictly enforce these regulations and anyone refusing to adhere to them shall not be permitted on the premises of the courts.
4. Circuit Court Judges are urged to encourage party litigants to opt for bench trials instead of jury trials, where possible. However, where a party litigant insists on his/her/its right to trial by jury, the Judge **MUST** suspend the hearing of said case until the health situation in the country is declared safe.

5. Unless in cases involving non-billable offenses, all courts are to use available options under the law, i.e. personal recognizance, to avoid party defendants from being committed to prison. And under no circumstance shall a party infected with, or suspected of being infected with the coronavirus be committed to prison; instead, Health Authorities should be promptly contacted.
6. The Judiciary is temporarily scaling down its workforce at this time. Accordingly, each subordinate court is required to have a maximum of four (4) support staffs (Clerk, File Clerk, Bailiff and Sheriff) at work each day. This restriction does not include Court Security and Maintenance Workers where applicable.
7. Classes of the Professional Magistrate Training Program (PMTP-4) at the James A. A. Pierre Judicial Institute are hereby suspended with immediate effect until further notice.
8. During this period, normal court activities throughout the Republic shall be closed at 2:00PM, from Mondays to Fridays until further notice.
9. This Judicial Order shall remain in force and effect and shall be reviewed and revised from time to time as the situation requires.
10. ALL employees of the Judiciary Branch of Government, Counsellors and Attorneys and the general public are to take due note of these measures and observe their strict adherence.

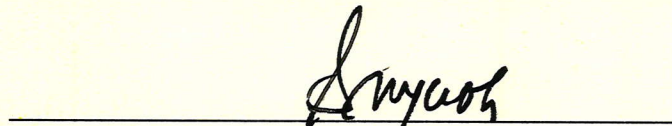
GIVEN UNDER OUR HANDS AND THE SEAL OF THE
SUPREME COURT OF LIBERIA THIS 21st DAY OF APRIL A.D.
2020.



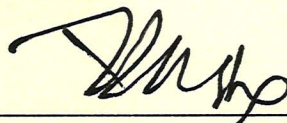
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