



CHIEF JUSTICE
SUPREME COURT OF LIBERIA



JUDICIAL BRANCH
TEMPLE OF JUSTICE
MONROVIA, LIBERIA

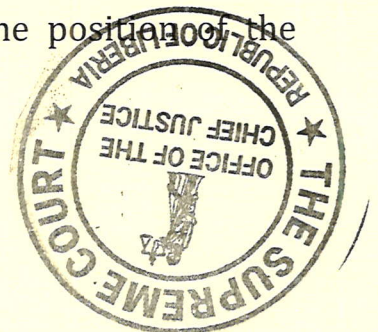
July 19, 2024

**STATEMENT ON THE STATE OF THE JUDICIARY FROM THE
HONORABLE SUPREME COURT OF LIBERIA
SITTING IN ITS MARCH TERM, A. D. 2024**

Today, the Supreme Court of Liberia expresses its disappointment and disapproval of the treatment meted out to the Judiciary Branch of Government by the other two Branches of Government; namely, the Executive and Legislative Branches in regards to the budget appropriation to this Branch.

It can be recalled that upon the passage of the 2024 fiscal budget, in which the Liberian Judiciary was appropriated an amount of US\$17 million and a one-off contingency amount of US\$3million, which total amount constitutes a meager 2.8% of the National Budget, the Judiciary, through the Supreme Court, rejected said budget and viewed the appropriations of US\$17 Million as an imposition by both the Legislative and Executive Branches of Government on a Co-Equal Branch of the same Government. The Full Bench of the Supreme Court subsequently brought this to the attention of His Excellency President Joseph N. Boakai, as Head of Government of the Republic, predicated upon which, His Excellency, the President, convened a meeting amongst the three Branches of the Government, on Sunday, June 23, 2024, to address the budgetary issue of the Judiciary, among other issues relating to the other two Branches.

At that meeting, which was attended by the President and members of his cabinet, the Speaker of the House of Representatives and members of the House's leadership, the Pro-Tempore of the Senate and members of the Senate's leadership and the Full Bench of the Supreme Court along with the leadership of the National Association of Trial Judges of Liberia, I, as Chief Justice, speaking on behalf of the Judiciary, reiterated the position of the



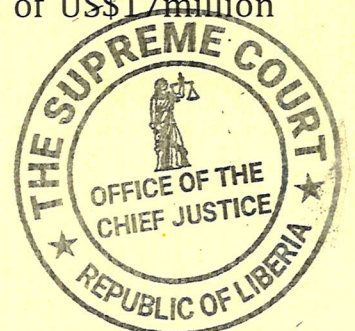
Supreme Court regarding the budgetary appropriations made for this Branch in the 2024 National Budget. The position of the Supreme Court is premised on Section 21.3 of the New Judiciary Law (as amended 2006), titled, The Financial Autonomy Act which provides thus:

1. "Judiciary Budget: 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 appropriate 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".

This provision is in consonance with article 72 (a) of the Constitution of Liberia, which clearly enunciates the remuneration of Justices of the Supreme Court and Judges of subordinate courts.

It is within this legal framework that the Supreme Court, at the beginning of the budget process, submitted a budget estimate of US\$31million to the Ministry of Finance and Development Planning for inclusion in the National Budget. However, contrary to the Act quoted *supra*, without any legal authority, and reference to the Supreme Court, the Minister of Finance disregarded the budget estimates submitted by the Supreme Court and instead submitted a different budget estimate of US\$17million to the Legislature for the Judiciary. The Legislature, upon passage of the budget, appropriated a contingent amount of US\$3million which the Ministry of Finance and Development Planning termed as a "one-off/non-recurrent" appropriation meant only for judges' benefits. The amount of US\$17million



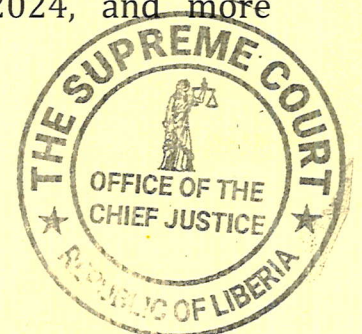
plus the one-off/non-recurrent amount of US\$3million contingency constituting 2.8% of the National Budget was rejected by the Supreme Court at the meeting of the three Branches of Government, convened by the President.

At the end of the meeting, the President mandated that an upward review of the Judiciary's Budget be done in accordance with the referenced law quoted herein, and this was agreed by the Legislature for which the Speaker of the House of Representatives committed to have the Ways & Means, Finance, and Budget Committees of both Houses meet with the technical team of the Judiciary to recast the Judiciary's budget within two weeks as of the date of the meeting.

Sadly, it has been far over five weeks since that meeting and no one from either the Ministry of Finance and Development Planning or the relevant committees of the Legislature has followed up with the Judiciary as was agreed upon by all present at that meeting.

On July 5, 2024, just over a week ago, the Supreme Court again took the liberty to write to the President, as Head of Government, expressing its utmost disappointment and dismay about this situation which is contrary to the spirit of the tripartite meeting held on June 23. This posture of the Legislature and Executive leaves us to wonder if indeed the commitment made at the meeting to have the three Branches of Government work in coordination, collaboration and mutual respect to uphold the rule of law is sincere.

As we speak today, the Public Procurement and Concession Commission has refused to approve the procurement plan of the Judiciary which was drawn up based on our original estimates submitted to the Ministry of Finance and Development Planning thereby leaving the operations of the courts throughout the country, including the Supreme Court stranded. At this point, the Judiciary is unable to procure any operational materials, to facilitate the travel of judges to their assigned circuits for the ensuing August Term of Court which is scheduled to officially open on August 12, 2024, and more



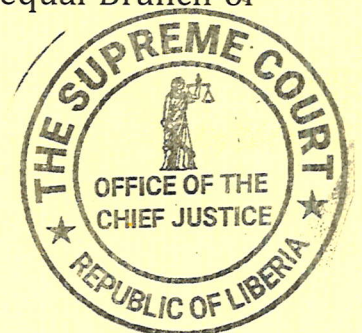
importantly, the present budgetary appropriation provides no opportunity to restore the judges' salaries which is an issue pending before this court.

Whilst the Supreme Court acknowledges and upholds the power bestowed upon the Legislature to *"make appropriations for the fiscal governance of the Republic"* as enshrined in Article 34(d) of the Liberian Constitution [1986], this Court has also upheld the long standing principle of constitutional interpretation which states in part, *"the Constitution must be interpreted in light of the entire document rather than a sequestered pronouncement, as every provision of the constitution is of equal importance. None of the provisions of the Constitution should be interpreted to nullify or substantially impair the other provisions....."*

It is within this legal context that Chapter VII of the Liberian Constitution [1986] and the supporting statutes within the New Judiciary Law, impose a legal obligation upon the Judiciary Branch to effectively and efficiently manage the Supreme Court of Liberia and all of its administrative units to include 22 Circuit Courts across the 15 political subdivisions of this country along with its judges and staff, 75 Specialized Courts across the 15 political subdivisions of this country with their judges and staff as well as 160 Magisterial Courts also across the 15 political subdivisions of this country with their magistrates and staff in order to ensure that the Rule of Law prevails within the borders of our country.

We reiterate that the lack of adequate financial support to the Judiciary by the National Government over the years, have resulted to deteriorating infrastructure (as many of our courts, including this very Temple of Justice building are in deplorable conditions), lack of logistics and worsening conditions of service at the Judiciary and this is substantially impairing the duty of the Judiciary Branch of Government as mandated by the provisions of Chapter VII of the Liberian Constitution [1986] referred to *supra*.

Evidently, it appears to us that both the Legislative and Executive Branches of the Liberian Government do not regard the Judiciary as a Co-equal Branch of



the same government with attending needs and responsibilities as they have remained unresponsive to the concerns raised by this Branch of Government regarding the appropriation of a meager 2.8% of the National Budget to the Judiciary (the 2nd largest and decentralized Branch of Government). This, the Judiciary views as unfair, unjust, and an attempt by the other two Branches of Government to further render the Liberian Judiciary ineffective and inefficient.

We, as the Supreme Court of Liberia, and Head of the Judiciary Branch of Government, are fully cognizant of our power of Judicial Review and the Constitutional power to strike down any law which runs contrary to the Constitution or any other existing statute, such as the Budget Law. We have stayed our actions in the spirit of cooperation and coordination amongst the three Branches of Government. Unfortunately, we might be constrained to take actions to compel compliance to include but not limited to Article 2 of the Constitution of Liberia (1986).

It is our hope that this situation be addressed immediately by the President of Liberia, as Head of Government, and the leadership of the Legislature to avoid a constitutional crisis as this Bench will not accept such treatment of indifference and imposition from our Co-Equals of the Government.

