

REPUBLIC OF LIBERIA)  
MONTSERRADO COUNTY)

**CHARGE DELIVERED BY:**  
**HER HONOR MAMEITA JABATEH- SIRLEAF, ESQ.**  
**RESIDENT JUDGE CRIMINAL ASSIZES "D"**  
**TEMPLE OF JUSTICE, CAPITOL HILL**  
**MONROVIA, LIBERIA**

**IN THE NAME OF GOD ALMIGHTY, THE MOST GRACIOUS, THE MOST MERCIFUL:**

Her Honor  
Sie-A-Nyene G. Yuoh  
Chief Justice  
Supreme Court of Liberia  
The President and Members of National Association of Trial Judges,  
The President and Members of the Liberia National Bar Association,  
The President and Members of the Montserrado Bar Association,  
The President and Members of the Prosecutors Association of Liberia,  
The President and member of the Public Defender Association of Liberia,  
Members of the fourth Estate, Prospective Jurors,  
Party Litigants, Distinguished Ladies and Gentlemen

I bring you greetings from my Colleagues Judges of the First Judicial Circuit Court. I am also honoured to be mandated by my Colleagues to deliver the Charge for this Term of Court. I would like, on behalf of all my Colleagues assigned Judges of the First Judicial Circuit, Criminal Assizes A,B,C,D and E on my own behalf to wish you all a warm and cordial Court Term.

For our Charge today, I seek your indulgence to use this opportunity to discuss the issue of concern to me in particular and perhaps to my Colleagues Judges of the first Judicial Circuit Criminal A,B,C,D and E, and that issue is the transformation of Land disputes into Armed robbery or Rape as a strategy to keep one opponent in pre-trial detention. Land facilitates human activities that it sometime plays some role during war and civil violence, example Isreal – Gaza war. Land- related issues figure into many form of violent disputes around the world. Land is an important economic asset and source of livelihood; it is also closely linked to community identity, history and culture. Therefore communities can readily mobilize around land issues, making land a cardinal and potential source of conflict. It therefore goes without saying that land is the object of competition in a number of potentially overlapping ways: as an economic asset, as a connection with identity and social legitimacy, and as political identity. Competition over land and its resources is at the

center of the nexus between land and conflict. Competition can occur between any number and type of identity groups, whether based on ethnicity, religion, class, gender, or generation. When that competition involves groups of people, rather than individuals, the risk of larger-scale violence increases. However land is often not the sole cause of conflict; other factors, such as ethnic or religious tensions or political marginalization contribute to conflict. A land use conflict is a situation where there is a disagreement on the use of or ownership of a certain piece of land and/or a belief that people's rights or well-being are being threatened by an action or undertakings of another, or the inaction of another party. This in my opinion is quite different from Armed Robbery or Rape.

THE DANGER THAN is, transforming land conflict into an Armed Robbery or Rape just to manipulate the legal system to charge an innocent person with a non bailable Crime/offense; all because you want to manipulate the Judicial System by swabbing charges. From where I sit, I now tent to believe that when land issues lacks adequate legal, institutional, and customary remedy, it becomes a commodity easily subject to manipulation and abuse. The objective may be achieved, but more often it is not. Land conflicts can be persistent which can be addressed within the existing legal framework. Land disputes may or may not reflect some broader conflict. The legal remedy is certainly expensive and time consuming and the parties often have quite different understandings of the nature of the conflict. And only a legal minded individual can diagnose its resolution. Therefore, It is disheartening to note that when people are manipulating the system to turn land dispute into armed robbery or rape at times some of the unethical and unprofessional lawyers due to perhaps their vested interest assist to keep an opposing party in jail under the pretence of being an armed robber or rapist. These evil genius will do everything necessary to PURSUE an indictment against that person. I am saying this because I have seen cases come before me in which the Government of Liberia charged the Defendant with Armed Robbery but as I peruse the case file, I came to the conclusion that there wasn't adequate evidence of armed robber; rather the matter was a clear land dispute. To correct this situation, I think the way forward is for lawyer to stop manipulating the Judicial System and put forth the national interest which will bring about peace and stability in the Country.

The point we are stressing is that lawyers should utilize the legal profession for the public good with humanity and in consonance with their Oath and Ethics. In short, the profession should be utilized to promote public interest. Because the Court is duty bound to intervene where it smells an attempt on the part of those who have power to prosecute others to abuse the power in their hands. And the Court should prevent the abuse and unfairness in criminal proceedings and ensure that Justice is done. Section 15.32 of our Criminal Statute defines Armed Robbery as "A person has committed a capital offense of armed robbery which is a felony of the first degree if, in the process or course of committing theft, he threatened to kill, kills, or inflicts bodily injury upon a person or group of persons, or places such person or group of person in imminent danger or peril of life under gun point, or by means of explosives weapons, or other lethal devices or instruments." And whereas Rape is when a person intentionally penetrates another's vagina, anus or mouth with a penis, without the other person's consent. Now tell me by what means can a land conflict be turn into an armed robbery or rape. For the legal profession to remain noble, lawyers must respect the tenets of this profession. We want to warn you that lawyers, especially prosecutors who knowingly and intentionally metamorphic land dispute into Armed Robbery or Rape to desist, else they will be reprimanded seriously. You should now know that the Court has been silent and will not be silent on the abuse of human rights.

Finally, with the authority vested in us by Her Honor Sie-A-Nyene G. Yuoh, Chief Justice of the Supreme Court of Liberia to hold and preside over the August Term of the first Judicial Circuit Criminal Assizes A,B,C,D and E, we now declare this Term of Court open for the Transaction of legal business.

**And is hereby so ordered!**