

IN THE HONORABLE SUPREME COURT OF THE REPUBLIC OF LIBERIA,
SITTING IN ITS OCTOBER TERM, A.D. 2025

BEFORE HER HONOR : SIE-A-NYENE G. YUOH..... CHIEF JUSTICE
BEFORE HER HONOR : JAMESETTA H. WOLOKOLIE ASSOCIATE JUSTICE
BEFORE H I S HONOR : YUSSIF D. KABA ASSOCIATE JUSTICE
BEFORE H I S HONOR : YAMIE QUIQUI GBEISAY, SR..... ASSOCIATE JUSTICE
BEFORE HER HONOR : CEANEH D. CLINTON-JOHNSON..... ASSOCIATE JUSTICE

Judicial Inquiry Commission (JIC) Report on complaint filed by Mr. Prince Kanneh
against Judge Kennedy Peabody of the Sixth Judicial Circuit Court.

HEARD: November 14, 2024

DECIDED: August 14, 2025

MADAM JUSTICE CLINTON-JOHNSON DELIVERED THE OPINION OF THE COURT

The complainant, Mr. Prince Kanneh, filed a complaint with the Office of Her Honor, Sie-A-Nyene G. Yuoh, Chief Justice of the Republic of Liberia, against His Honor J. Kennedy Peabody, Sixth Judicial Court for Montserrado County in a letter dated February 24, 2022, stating that he was employed with one Bassam H. Jawhary who was the then executor of the late Milad R. Hage's property lying in Paynesville; that the complainant was oppressed, suppressed and threatened by the respondent and requested the intervention of the Chief Justice; that while he was in the employ of Bassam H. Jawhary, they acquired a piece of property lying and situated in Foday's Town, Roberts Field Highway, in the name of Momentum Engineering Group, Inc.; that his boss-man Bassam H. Jawhary gave 14.5 lots of land of the said respondent as a gift, for ruling in favor of the respondent at the Paynesville Magisterial Court; that he had been oppressed, suppressed and threatened because the respondent, in the exercise of his judicial authority, ordered a re-survey of the said company's land having title deed to the property bearing the 14.5 lots; that the respondent had included the company's 14.5 lots in the resurvey which took place on February 23, 2023; and that the complainant is pleading with the Chief Justice to give urgency to his complaint.

Upon receipt of the said complaint, the Chief Justice forwarded a copy of the complaint to the Judicial Inquiry Commission (JIC) for investigation and for subsequent submission of its findings and recommendations to the Supreme Court. The Judiciary Inquiry Commission (JIC) upon receipt of the complaint also forwarded a copy of the said complaint to the respondent, J. Kennedy Peabody requesting him to file his response and to submit necessary documentation in support of his side of the case.

In obedience thereto, the respondent filed his response and denied the allegations in the complaint and stated that at no time did he threaten the complainant as alleged and further averred that he met with the complainant for the first time, while on his way to Foday's Town for a resurvey, upon an invitation of Counsellor Sayma Syrenius Cephus at his residence; the respondent denied the complainant's ownership to the property of Momentum Engineering Group, Inc. and challenged the complainant to produce the Article of Incorporation for Momentum Engineering Group, Inc.; that he is the owner of 29 lots of land from the Administrators of the Interstate Estate of the late Gborgar Kaipaul, Gbarvwen Kaipaul, Sabah Kaipaul, and Garway William Sharpe and that he issued a title deed for 14.5 lots, while 14.5 lots to Momentum Engineering Group, Inc.; that at no time did he preside over a case involving Bassam H. Jawhary and Oumou Sirleaf Hage, wife of Milad R. Hage and Tony Hage at the Paynesville Magisterial Court, as alluded to by the complainant and was gifted 14.5 lots of land by Bassam H. Jawhary; that he knows Hassam H. Jawhary and they both had similar dream and vision to build homes for homeless people in Liberia, which necessitated the purchase of 29 lots of Land; that at no time has he ever oppressed, suppressed or threatened the complainant; and that, in fact it is the complainant who has sold two acres of the subject property to various persons who have cornerstones planted; that he served a resurvey notice on all parties, including those to whom the complainant had sold land to, and denied the complainant's appointment as his caretaker or an Attorney-In-fact to Bassam H. Jawhary, a majority shareholder and CEO of Momentum Engineering Group, Inc. to look after the property.

Subsequently, the Judicial Inquiry Commission (JIC) issued out notices of assignments for hearing of the complaint and the parties appeared and presented both oral and documentary evidence to substantiate their respective allegations. Thereafter, the JIC having reviewed the evidence, it submitted its finding and recommendations to the Supreme for appropriate action in consonance with standard precedents appertaining to such matter.

We quote the findings and recommendations of the JIC as follows to wit:

“Commission's Finding:

Having listened to the party's arguments and the testimonies of their witnesses, the commission wherewith finds as follows:

1. That between 2011-2012, that Jawhary allegedly transferred 14.5 lots as a gift to Magistrate Peabody, when he, Peabody was presiding over the case between Jawhary and some tenants of the Milad Hage's estate.
2. That reference to the land in question, the Commission discovered that Judge Peabody also own and possess 14.5 lot adjacent the 14.5 lot owned by the Momentum Engineering Group, Inc.
3. That Judge Peabody admitted that he purchased 29 lots of land from the intestate estate of the late Gborgar Kaipaul, Gbarwen Kaipaul, Sabah Kaipaul and Garway William Sharpe in 2011, and administrator of said estates also testify that it was Peabody who bought the land and not the Lebanese man.
4. That the Commission further discovered that the 14.5 lots in question in the name of Momentum Engineering Group is being claimed by Judge Peabody without legal authority, that is to say, a power of attorney to manage the property or a board resolution of the Momentum Engineering Group given title to the property. One wonders upon what legal basis the judge is claiming the property in question.
5. That the Commission also discovered assuming that Judge Peabody owned the 14.5 lot in the name of the engineering company and said lots have been encroached upon by Prince Kanneh or any person, the proper and legal procedure was to file appropriate action against the occupants, instead of conducting survey without reference to anyone especially, where Prince Kanneh has a deed in his possessing allegedly signed by Bassam Jawhary.
6. That the Commission discovered that the signature on the affidavit forwarded to the Commission by Bassam Jawhary is totally different from the signature the Commission subpoenaed from four commercial banks in Liberia.

The Commission concludes as follows:

The Commission concludes that the judge's entire action is unethical, in that as a sitting magistrate, he entertained and presided over case involving his intimate friend and simultaneously engaged in business transactions on behalf of his same friend, Bassam Jawhary. The judge also breached the Code of Ethics when he elected to seize the 14.5 lots of the Momentum Engineering Group from the complainant Prince Kanneh without any legal process. The action of Judge Peabody gives credence to Edith Hage's testimony, that he judge Peabody used his authority at Jawhary in applying the Milad Hage Estate Funds. The Commission sees and interpret the action of the Judge as what the complainant in his lay-man term referred to as thread, suppression and oppression of his right.

- a. *Judicial canon #12: GIFTS AND FAVORS: a judge should not accept any presents or favor from litigants, or from lawyers practicing before him or from others whose interests are likely to be submitted to him for judgement.*
- b. *Judicial canon #13: INCONSISTENT OBLIGATION: A judge should not accept inconsistent duties, nor incur obligation, pecuniary or otherwise, which will in any way interfere or appear to interfere with his devotion to the expeditious and proper administration of his official functions.*

- c. *Judicial Canon # 28: SELF INTEREST: a judge should abstain from performing or taking part in any judicial act in which his personal interests are involved. If he has personal litigation in the court for which he is assigned, or is resident, he need not resign judgeship on that account but he should of course, refrain from any judicial act in such a controversy*
- d. *Judicial Canon# 29 SOCIAL RELATIONS: It is not necessary to the proper performance of judicial duty that a Judge should live in retirement or seclusion, it is desirable that, so far as reasonable attention to the completion of his work will permit, he continues to mingle in social intercourse, and that he should not discontinue his interest in or appearance at meetings with members of the bar. He should, however, be particularly careful to avoid such action as may reasonably tend to awaken the suspicion that his social or business relations or friendships constitute an element influencing his judicial conduct.*
- e. *Judicial Canon# 35 ABUSE OF DISCRETION: a judge should be subject to disciplinary actions for the wanton and reckless abuse of discretion which become violative of the Constitution, statute and Laws.*
- f. *Judicial Canon# 38 A SUMMARY OF JUDICIAL OBLIGATION: In every particular case a judge's conduct should always be above reproach.....he should administer justice according to law, and deal with his appointment as a public trust; he should not allow other affairs or his private interests to interfere with the prompt and proper performance of his judicial duties nor should he administer the office for the purpose of advancing his personal ambitions or increasing his popularity.*

Recommendations:

Based on the facts, finding of this investigation, the Commission concludes, and recommends as follow;

1. The Commission therefore recommends that His Honor Judge Peabody be suspended for (12) Twelve months without pay.
2. That the ownership of the land should be determined by the court of competent Jurisdiction between Prince Kanneh and Momentum engineering Group.”

A brief summary of this report of the JIC is that the respondent judge’s conduct was unethical and breached Judicial Canons 12, 13, 28, 29, 35 and 38.

Upon receipt of the JIC’s Report, this Court cited the respondent to appear for the final hearing and determination for the matter. Counsellors Awia Vankan, Kuku Y. Dabor, Bhatu Cora Holmes-Varmah and Tommy Dougbah were appointed by this Court as *amici curiae* or friends of the Court to present the JIC’s Report and offer candid opinion/advice based on the facts and applicable laws controlling.

The *amici curiae* filed a brief before this Court, and took the position as follows:

“The *amici curiae* disagree with the Commission that Judge Peabody violated Judicial Canon twelve, Twenty-eight and Thirty-Five, which states, Judicial Canon Twelve-gifts and favour- states that “A judge should not accept any presents or favor from litigants, or from lawyers practicing before him from others whose interests are likely to be submitted to him for judgment”. There is no finding or conclusion by the Commission that Judge Peabody accepted or received present or gifts from any party.

Judicial Canon twenty-eight-self-interest- states that “A judge should abstain from performing or taking part in any judicial act in which his personal interests are involved. If he has personal litigation in the court of which he is assigned, or is resident, he need not resign his judgeship on that account but he should of course, refrain from any judicial act any such a controversy.” There is no evidence that Judge Peabody perform any judicial action in which he had person interest in the matter at stake. Request for the conduct of a survey was not a judicial action taken by Judge Peabody; neither did his rendition of judgment in the Paynesville Magisterial Court amount to self-interest, especially since decision was upheld upon judicial review by now Justice Kaba.

Judicial Canon thirty-Five- Abuse of Discretion – states that “A judge should be subject to disciplinary action for the wanton and reckless abuse of discretion which becomes violative of the constitution, statute and laws”. There is no evidence that Judge Peabody abuse discretion, since he made no ruling or took any judicial action, decision involving the Complainant.

The *amici curiae* therefore pray that the one year suspension without pay recommended by the Commission be reduced to three (3) months without pay. The *amici curiae* also agree that the land dispute be subjected to the appropriate forum or adjudication.

WHEREFORE AND IN VIEW OF THE FORGOING, the *amici curiae* pray this Honorable Court to uphold the conclusion of the Commission, with the modification stated herein.”

This Court says the sole issue that determines this matter is whether or not the recommendations of the Commission are supportive of law to warrant punishment.

As to the right to punish judges for unethical conduct, Article 75 of the 1986 Constitution of the Republic of Liberia states “The Supreme Court shall from time to time make rules of courts for the purpose of regulating the practice, procedure and manner in which cases shall be commenced and heard before it and all other subordinate courts. It shall prescribe such code of conduct for lawyers appearing before it and all other subordinate courts as may be necessary to facilitate the proper discharge of the court’s function. Such rules and code, however, shall not contravene any statutory provisions or any provision of this Constitution.”

Pursuant to this constitutional provision, the Judicial Inquiry Commission (JIC) was established for the investigation of complaint against judges and magistrates for conducts that are unprofessional and unethical. In its investigation, it has determined that the respondent is in breach of Judicial Canons 12, 13, 28, 29, 35 and 38. In this Court

determination as to whether or not there is a breach of the Judicial Canons 12, 13, 28, 29, 35 and 38, we state herein each of these named Judicial Cannon to ascertain its breach.

We now take a reminder of key points in the investigative proceedings concerning the respondent judge, in which the JIC held him liable for the breach of the stated Judicial Cannon.

According to the JIC's Report, the complainant stated that the respondent rendered judgment in favor of Bassam Jawhary when he handled a summary proceedings to recover possession of real property for Bassam and as a consequence, Bassam allegedly gave 14.5 lots of land to the respondent as a gift for handling the case at the Paynesville City Magisterial Court. During the hearing at the JIC, the respondent stated that he owned 29 lots of land and conveyed 14.5 lots of land to the Momentum Group Inc. However, the records before this Court reveal that the deed for the Momentum Group Inc. was signed by the Administrators of the Foday Town's Estates contrary to the respondent's assertion that he conveyed the said property because during argument and in answer to a question posed to the respondent as to the amount of land involved:

Justice Gbeisay

"Q. The land in question is how many lots"?

Judge Peabody,

"A. Its 29 lots, but I give Bassam because he has a company, and I give the company 14.5 lots, and I was left with 14.5 lots in my name...."

This testimony contradicts the testimony and the title deeds in the records; that is to say that it is not possible that the answer given in this testimony of the respondent judge that he give Bassam H. Jawhary 14.5 lots of land and that he was left with 14.5 lots in his name, when the certified records indicate that the 14.5 lots of land allegedly conveyed to the Momentum Group Inc. is from the Administrators of the Foday Town Estates and not the respondent in that the records do not have any evidence in terms of title deed to show that the respondent was the one who conveyed 14.5 lots of land to the Momentum Group Inc. nor does the record indicate or show any deed from the respondent to Bassam H. Jawhary.

The records also reveal that the respondent admitted and confirmed that he had presided over a case involving the same Bassam H. Jawhary in which he ruled in favor of Jawhary and his ruling was confirmed at the Civil Law Court. Also, the respondent own testimony show

there was a personal relationship between the respondent and the said Bassam H. Jawhary which the testimony of the respondent as stated above during argument, when he admitted on record that it was he who gave the 14.5 lots of land to the company, contrary to the testimony of his own witness that the entire transaction of both parcel of land was paid for by the respondent, buttressing the fact that respondent and the head of the Momentum have a long standing relationship as was claimed by the respondent himself and since he took over the entire transaction, he did not believe that the said Bassam could have conveyed any portion of that land without his knowledge.

This Court agrees with the Judicial Inquiry's Report, adjudging the respondent liable for the violation of these canons mentioned herein because of the involvement of the respondent in to a detailed financial relationship of a matter between his long standing relationship with Bassam H. Jawhary wherein that relationship was challenged as a basis for the involvement in a case of the transfer of title from the said Bassam H. Jawhary to the complainant. The respondent's own witness testified that the entire transaction of both parcel of land was paid for by the respondent, indicating that the said respondent did benefit from his long standing relationship and as such, he only stood to defend his interest while sitting in the seat of authority when he went to do a resurvey, and as alleged by the complainant, used that position to stop his right of possession to the deeds allegedly issued to the complainant and order by the same Bassam H. Jawhary; hence, the JIC's Report should not be disturbed and its findings and recommendations are sound in law because respondent's dealings in the manner just stated.

Considering the opinion of the *amici curiae* on this matter, we see that they are in partial agreement with the JIC's Report relative to Canons 12, 28 and 35, and that the punishment be reduced to three months without pay, instead of twelve calendar months. The *amici curiae* argued that they agreed with the JIC that the respondent acted unethically by including 14.5 lots of land belonging to the company in the conduct of the resurvey because the respondent did not own it nor was he authorized to act for the owner of the company for which he violated Judicial Canons 13, 29 and 38 but disagrees that the respondent violated Canons 12, 28 and 35. The records before us show that the complainant alleged the respondent gave judgment to Bassam H. Jawhary during a Summary Proceeding case before the respondent in the Paynesville Magisterial Court and that Bassam Jawhary offered to the respondent land as a gift for the judgment. As stated before, the respondent's witness testified that the entire transaction was paid for by the respondent; presumably, that it was Bassam who provided

the money for the purchase of the land in which he gave the company 14.5 lots and kept 14.5 lots for himself.

Additionally, the records further reveal that Edith Hage, the mother of Noah Hage, one of the beneficiaries of the “will” of Milad Hage, during the JIC hearing, accused the respondent of covering Bassam Jawhary who was using their estate’s money to buy properties for him. What is even pondering about the alleged selling of the land to Bassam Jawhary according to the records is that Bassam H. Jawhary during the conference on whatsapp contradicts the respondent’s claim that he gave the said land to Bassam H. Jawhary.

Furthermore, the respondent also made claim to the land belonging to the company without any proof of legal authority whatever, like the issuance of power of attorney to look after the property belonging to the company and coupled with the allegations of Edith Hage the mother of one of the beneficiaries of the Milad Hage’s estate who accused the respondent of covering Bassam H. Jawhary in using the estate’s money to acquire property for the respondent. The records clearly states that Edith Hage’s testimony was not rebutted by the respondent as can be seen in the minutes of the hearing. The law hoary with age remains a precedent that what is not denied is deem admitted. We are of the mind that the respondent violated these Canons mentioned above, and we are in full agreement with the JIC’s Report.

We are also in agreement with the JIC’s position that the complainant felt threatened, suppressed and oppressed due to the conduct of the respondent because the JIC report confirmed that the Chief Justice asked the public defense office to nominate a lawyer and the head of public defense office, Mr. Theophilus Debblay volunteered to represent the complainant to provide legal representation to him because other lawyers have been refusing to provide representations on his behalf for fear of going against the respondent judge; for this, the complainant stated being oppressed, suppressed and threatened because the respondent took unto himself the land belonging to the company that he was left to oversee and that the respondent, however, exercised his judicial power by conducting a resurvey of the said 14.5 lots of land belonging to the company. This Court says that the respondent was without any legal authority, according to the records, to represent or defend the company’s real property, to conduct a survey without notice to the complainant whose real property was conveyed to him by Bassam H. Jawhary according Bassam’s testimony. With all these testimonies, facts and circumstances, the respondent should have been careful to have avoided such connection which may reasonably tend to awaken the suspicion that his social or business relationship or friendships constitute an element influencing his judicial conduct.

We therefore hold that the respondent exhibited unethical conducts that warrant punishment, hence, we hereby affirmed both the JIC's Report and that of the amici curiae's recommendation with modification, that the respondent be suspended without salaries and benefits for the period of six (6) months as of this Judgment.

WHEREFORE AND IN VIEW OF THE FOREGOING, the recommendations of the Judicial Inquiry Commission is affirmed modification that the respondent is suspended for six (6) months without salary as of the rendition of this opinion. The Clerk of this Court is ordered to inform the parties of this decision. And It Is Hereby So Ordered.

Affirmed

WHEN THE CASE WAS CALLED FOR HEARING, COUNSELLORS TOMMY N. DOUGBAH, KUKU Y. DORBOR, BHARTUR CORA HOLMES VARMAH AND J. AWIA VANKAN APPEARED AS AMICI CURIAE. COUNSELLORS M. WILKINS WRIGHT, J. JOHNNY MOMOH AND JUDGE KENNEDY PEABODY APPEARED FOR THE RESPONDENT.