

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

BEFORE HIS HONOR : YAMIE QUIQUI GBEISAY, SR.....CHIEF JUSTICE
BEFORE HER HONOR: JAMESETTA H. WOLOKOLIE.....ASSOCIATE JUSTICE
BEFORE HIS HONOR : YUSSIF D. KABA.....ASSOCIATE JUSTICE
BEFORE HER HONOR: CEAINEH D. CLINTON-JOHNSON.....ASSOCIATE JUSTICE
BEFORE HIS HONOR : BOAKAI N. KANNEH.....ASSOCIATE JUSTICE

Samuel D. Tweah, Former Minister of Finance & Development)
Planning, Counsellor Nyenati Tuan, Former Acting Minister of Justice,)
Stanley S. Ford, Former Director of Financial Intelligence Agency, D.)
Moses P. Cooper, Former Comptroller, Financial Intelligence Agency,)
and Jefferson Karmoh, Former National Security Advisor.....Petitioners)

Versus

) PETITION FOR
) RE-ARGUMENT
)

His Honor Roosevelt Willie, Assigned Circuit Judge First Judicial)
Circuit Criminal Assizes “C” for Montserrado County, sitting by special)
assignment, and the Republic of Liberia by & thru the Ministry of)
Justice and Liberia Anti-Corruption Commission of the City of Monrovia)
Montserrado County, Liberia.....Respondents)

GROWING OUT OF THE CASE

Samuel D. Tweah, Former Minister of Finance & Development)
Planning, Counsellor Nyenati Tuan, Former Acting Minister of Justice,)
Stanley S. Ford, Former Director of Financial Intelligence Agency, D.)
Moses P. Cooper, Former Comptroller, Financial Intelligence Agency,)
and Jefferson Karmoh, Former National Security Advisor.....Petitioners)

Versus

) PETITION FOR
) THE WRIT OF
) PROHIBITION
)

His Honor Roosevelt Willie, Assigned Circuit Judge First Judicial)
Circuit Criminal Assizes “C” for Montserrado County, sitting by special)
assignment, and the Republic of Liberia by & thru the Ministry of)
Justice and Liberia Anti-Corruption Commission of the City of Monrovia)
Montserrado County, Liberia.....Respondents)

Heard: January 6, 2026

Decided: February 12, 2026

MR. JUSTICE KANNEH DELIVERED THE OPINION OF THE COURT

The original petition for the writ of prohibition into an alleged case of economic sabotage, theft of property, money laundering, criminal facilitation, and criminal conspiracy against Samuel D. Tweah, Former Minister of Finance & Development Planning, Counsellor Nyenati Tuan, Former Acting Minister of Justice, Stanley S. Ford, Former Director of the Financial Intelligence Agency, Moses P. Cooper, Former Comptroller of the Financial Intelligence Agency and Jefferson Karmoh, Former National Security Advisor was heard on November 17, 2025 and decided on December 18, 2025, in which case this Court denied the petitioners’ petition for the writ of prohibition and ordered the trial court to resume jurisdiction and proceed with the trial in keeping with the law.

The original petition for a writ of prohibition was filed by Samuel D. Tweah et. al, requesting the Court to prohibit, reverse, enjoin, and vacate rulings and orders issued by the respondent judge of the First Judicial Circuit Court, Criminal Assizes “C,” Montserrado County. The petitioners essentially contended that the trial judge erroneously ruled by denying their motion to dismiss the indictment based on immunity as actors or operatives of the National Security Council (NSC). The Justice in Chambers issued the alternative writ; however, upon discovering that the case was flooded with constitutional issues, forwarded same to the Full Bench, noting that the constitutional issues raised are too significant for a single Justice to decide. Hence, the Opinion and Judgment of this Court.

Following the Judgement and Opinion of this Court in the original petition for the writ of prohibition, the petitioners, being dissatisfied with the decision of the Court, filed a thirty-three-count petition for re-argument contending essentially as follow to wit:

That the petitioners were members of the National Security Council (NSC) created under the National Security and Reform Intelligence Act when they performed the acts out of which the indictment against them grows; that the said National Security Council (NSC) is resident in the Office of the President and therefore the members of the Council enjoy the immunity of the President; that this Court in making its determination into the petitioners’ petition for the writ of prohibition relied on Section 2(g) of the National Security and Reform Intelligence Act which provides for the members of the National Security Agencies and not members of the NSC as provided under Section 3(b) of the said act; that officials under Section 3 (b) of the National Security Reform and Intelligence Act of 2011 serve as principal advisers on national policy rather than operational agents; that the petitioners being members of the National Security Council under the National Security act of 2011 enjoy functional immunity; hence, they (petitioners) are therefore entitled to immunity from prosecution and the issuance of subpoena against them to answer for alleged criminal offenses was contrary to law.

Having stated the petitioners’ basic contentions with the December 18, 2025 Opinion of this Court, we also deem it necessary to quote both Sections 2 (g) and 3 (b) of the National Security Reform and Intelligence Act of 2011 herein below:

Section 2, sub-section (g) of the 2011 National Security Reform and Intelligence Act (NSRI), provides that: “The President in his or her capacity as Chair of the NSC shall have as a supporting group for the implementation of the policy directives of the NSC the following members: The Minister of Justice, The Minister of National Defense, The Director of the National Security Agency, The Director of National Police, The Director of Executive Protection Services, The Chief of Staff, Armed Forces of Liberia, The Commissioner, Bureau of Immigration and Naturalization, The National Security Advisor to the President, and The G-2 Commander, Military Intelligence.”

Section 3 (b) of the National Security Reform and Intelligence Act provides as follows, to wit:

The National Security Council shall compose of the following officials of Government:

- 1) President of Liberia (Chairman)
- 2) Vice President (Co-Chair)
- 3) Minister of National Defence
- 4) Minister of Justice
- 5) Minister of Foreign Affairs
- 6) Minister of Finance
- 7) Minister of Internal Affairs
- 8) Director General, National Security Agency
- 9) National Security Advisor (Secretary)
- 10) Director, Liberia National Police

This Court having reviewed the petition and the relevant provisions of the law on which the petitioners rely, have made the following observations:

That the composition of the NSC as enshrined in Section 3 (b) does not expressly grant any member immunity from suits;

That the immunity enjoyed by the President springs from the Constitution (article 61) and is not transferable to third parties;

That the National Security Council (NSC) being resident in the Office of the President does not presuppose that any member thereof enjoys the immunity of the President;

That while the funds of the NSC are to be expended by members of the NSC for national security purposes, the law frowns at the abuse thereof which can be investigated and subsequently prosecuted;

That while the Vice President may chair the Council in the absence of the President, such provision or allowance is not so provided for other members of the Council.

That assuming Section 2(g) is substituted for Section 3(b) which provides for the composition of the NSC, we do not see how same will affect the outcome of the December 18, 2025 Opinion of this Court as Section 3(b) does not grant any express immunity for members of the National Security Council. Hence, the petitioners have not stated any law or fact overlooked by the Court for the purpose of changing the outcome of this case. The mere citation of section 2(g) instead of section 3(b) amounts to an error that is harmless without changing the substance of the opinion.

This Court had held in several of its Opinions that “it is not within the province of the Supreme Court to add or subtract from legislation where the meaning is so plain; *Multinational Gas and Petrochemical Company v. Crystal Steamship Corporation*, 27 LLR, 198, 205 (1978); *Pioneer Construction Company v Her Honor Morgan et al*, Supreme Court Opinion, March Term, 2015; *Najib Kamand v. Ding Shu Jun*, Supreme Court Opinion, March Term 2023. Accordingly, Section 3 (b) of the National Security Council not having expressly stated that members of the NSC have immunity from suits, we will refrain from legislating such addition into the statute.

It is the law that a petition for re-argument is not intended to challenge the Opinion and Judgment of the Supreme Court on points of law and facts raised and already decided by the Court simply because the petitioners are of the opinion that the Court is wrong in its conclusion of the law and facts. This Court would be setting a very ugly precedent detrimental to its dignity and repugnant to good society if it would permit parties to a suit before it to determine the relevancy of law controlling the case. As the determination and interpretation of the law is for the Court, to permit a party to the case to determine the relevancy of the law would amount to a surrender of this most important office of the Court to the whims and notions of such party; that re-argument is permissive and not mandatory; it may or may not be allowed; it is conditional, not absolute; it is ordered *only if good cause therefor is shown*. And that a petition for re-argument will not lie where the crux of the petition is to state how the Court should have ruled rather than stating some point of law or fact

overlooked by the Court. *United States Trading Company v. Williams and Wray*, 37 LLR 674 (1994).

WHEREFORE, AND IN VIEW OF THE FOREGOING, the petitioners' petition for re-argument is hereby denied. The Clerk of this Court is ordered to send a Mandate to the court below commanding the judge presiding therein to resume jurisdiction over this case and give effect to this Judgment. AND IT IS HEREBY SO ORDERED.

Petition denied.

When this case was called for hearing, Counsellors Arthur T. Johnson, Micah Wilkins Wright, Norris Tweah and James N. Kumeh appeared for the petitioners. Counsellors Augustine C. Fayiah, Solicitor General of the Republic of Liberia, and Counsellors Richard Scott, County Attorney, Jerry D.K. Galarwolu and Joel Elkanah Theoway of the Ministry of Justice, appeared for the respondent.