

CHIEF JUSTICE CALLS ON LIBERIANS TO REEXAMINE THE JURY SYSTEM / *THE EVIDENCE BEHIND THE QUESTION, THE MISREADINGS CORRECTED, AND THE AMENDMENT PROCESS THE CONSTITUTION REQUIRES* - MY RECOMMENDATION.

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CAPITOL HILL, MONROVIA, LIBERIA - As the Republic's first lawyer and chief priest of justice, the Chief Justice is uniquely positioned to lead a national conversation about whether the continued use of jury trial remains practical, effective, and consistent with the demands of modern justice administration. That conversation is now open, and it deserves better than it has received so far. "All hands on deck" was an invitation to debate, not a decision.¹ The phrase that has traveled furthest, "abolish the jury system," was put to the country as a factual question, and it was announced for what it was: no decision at all.² This release reminds Liberians that the future of the jury belongs to every citizen, not to lawyers alone or to the courts.

In his remarks, the Chief Justice highlighted statistical and practical challenges associated with the jury system, noting instances where its operation has made the efficient delivery of justice difficult and, in some circumstances, impracticable. Against that backdrop, he suggested that thoughtful reform, modification, or, where appropriate, abandonment of certain aspects of the jury system should be openly considered.

¹*Address of the Chief Justice of the Republic of Liberia, delivered at the Opening of the October 2026 Term of the Honorable Supreme Court of Liberia, before the President, both Houses of the Legislature, the Bar and the general public (Oct. 2026) [hereinafter Chief Justice's Address].*

²*Id.*

It is worth saying plainly what a jury is, because the whole argument turns on it. A jury is a group of ordinary citizens - your neighbors, your market women, your teachers, your farmers - chosen at random and asked to decide whether the facts in a case have been proved. They are not court staff, and they owe no loyalty to any judge. That independence is the point of the system; it is also where the system can be attacked. Protecting it is therefore a question of public integrity, and not a matter for the courts alone. As the pages that follow show, Liberia now stands on this issue with a small minority of nations worldwide.

We note the mixed reactions of some prominent Liberians. In that same spirit of candor, this release provides complementary clarifications to the Chief Justice's address. It explains the reasons behind the intention to reform, and possibly abolish, the jury system. It also compares several jurisdictions and clearly states the current challenges facing our criminal and civil justice system that are attributable to the trial jury as provided for and guaranteed by our laws.

To address these challenges, the Chief Justice proposed that the country begin a national debate on possibly abolishing or reforming the jury system, as other countries have done. That is why he said, "No country is an island."

The concerns behind those words are real, and no one should pretend otherwise. Some misconstrued the Chief Justice's address, publicly claiming he meant corruption within the judiciary. The Chief Justice was not accusing judges of corruption; he was describing people outside the courts who buy or intimidate jurors. He said so himself: "Citizens called from the public to serve as jurors are not employees of the Judiciary; they are peers of the accused. Yet their conduct, whether good or bad, is regarded by the public as an act of the Judiciary."³ That single sentence is the gravamen of his case. Strangers contaminate the jury room, and the public then blames the courts. Asking how to shield the courts from a contaminated jury is not the same as admitting that the courts are themselves corrupt.

On another account, a citizen stated that we cannot dissolve the jury system because it is a fundamental right, and that dissolving it will not require simply legislative action; it will require a national referendum. On that point, she is right, and she says nothing different from the Chief Justice. The difference between them is one of order. She speaks as though "legislative action" and the referendum were two separate roads, when the Constitution makes them a single road that ends with the referendum.⁴ Article 91 is the prerequisite: no proposed change to the Constitution ever reaches the voters until the Legislature first

³*Chief Justice's Address, supra note 1.*

⁴*Constitution of the Republic of Liberia ch. XII, art. 91 (1986) [hereinafter Liberian Constitution].*

approves it by two-thirds of the members of both Houses, or until at least 10,000 citizens petition the Legislature and two-thirds of both Houses agree.⁵ A referendum is not a way of going around the Legislature or legislative action. It is the last step of a journey the Legislature must begin. When the Chief Justice asked the Legislature to “examine this question honestly and commission a constitutional reform,”⁶ he was not trying to bypass the people. He was describing the only lawful way of reaching them.

Both comments share one flaw. Each treats the address as though it were a ruling already handed down, rather than the opening of a discussion. The rest of this release sets out that discussion step by step, so that citizens can canvass the question with the facts and the Constitution in front of them. The conclusion is that the Chief Justice, as the chief priest of justice, understands precisely how the Constitution may be amended.

Nothing Has Been Abolished.

Let one thing be said clearly at the start, so that nothing that follows is misunderstood. The Chief Justice has not abolished the jury, and he cannot. No speech from his office, however heavy its subject or urgent its tone, can abrogate a right written into the Constitution. He did not abolish the jury; he placed the hard facts before the public and asked the public to think about them.

Importantly, the Chief Justice emphasized that abolishing jury trials is not an absolute proposition. Any discussion must be informed by the country's constitutional and statutory framework, including areas of law where jury trial may continue to serve a necessary and legitimate purpose. Existing constitutional and statutory provisions may therefore require careful review and, where necessary, legislative action before implementing any significant change.

The Chief Justice leads the Judicial Branch. He is not the Legislature, and he is not the voters. Article 3 of the 1986 Constitution separates government powers into “three separate coordinate branches: the legislative, the Executive and Judiciary.” It forbids anyone holding office in one branch from exercising another branch's powers.⁷ Article 2 declares the Constitution “the supreme and fundamental law of Liberia” and gives the Supreme Court the power to strike down laws that contradict it.⁸ It does not give the Court, or the Chief Justice, the power to rewrite the Constitution. Under Article 65, judicial power

⁵*Id.* art. 91 (requiring approval by two-thirds of the members of each House, or a petition of not less than 10,000 citizens followed by the concurrence of two-thirds of each House).

⁶Chief Justice's Address, *supra* note 1.

⁷*Id.*

⁸*Id.* art. 2.

belongs to the Supreme Court and to the lower courts the Legislature creates.⁹ When, therefore, the Chief Justice said, “I hereby call on the Liberian people to abolish the trial jury system,”¹⁰ he was addressing the only body with authority to decide. That is a constitutional precept, not a matter of preference. His words were not an order; they were a referral to the people, and they came with the groundwork that must precede any such referral.

The Road the Chief Justice Has Opened

The process the Chief Justice set in motion begins, as any honest inquiry must, with facts. The address did not open with opinion; it opened with an empirical record.¹¹ It set out jury tampering in the 8th Judicial Circuit, Nimba County, in 2022, where the deputy marshal assigned to the circuit was used as a conduit to contaminate the jury. It also set out the 7th Judicial Circuit, Grand Gedeh County, where, in *Republic of Liberia v. David Nagbe* (May Term, A.D. 2025), jury tampering was reported just four days after an acquittal. It set out the 11th Judicial Circuit, Bomi County, where, in *Republic of Liberia v. George Bongar* (May Term, A.D. 2026), tampering was reported nineteen days after an acquittal, and the 13th Judicial Circuit, Margibi County, where, in *Republic of Liberia v. Quita Dolo et al.* (May Term, A.D. 2026), it was reported while the trial was still going on. It set out Criminal Assizes “C,” where suspicion of tampering ended a US\$100,000 drugs case, and one further matter in which the presiding judge, His Honor Ousman F. Fieka, investigated and found gross jury tampering seven days after a verdict of acquittal.¹² From that record the Chief Justice drew a single conclusion, and he stated it without decoration: “A corrupt jury is worse than no jury at all.”¹³ Facts first, conclusions last. In this matter, the facts are on the record.

The second step is public debate, the one the Chief Justice expressly asked for. An address delivered before the President, both Houses of the Legislature, the Bar and the public opens a forum; it does not close one. “All hands on deck” means that everyone is needed. It does not mean “leave it to me.”

The third step is intellectual, and it must rest on evidence rather than sentiment. Before a nation decides a question this heavy, it should show how comparable countries reasoned

⁹*Id.* art. 65.

¹⁰*Chief Justice’s Address, supra note 1.*

¹¹*Chief Justice’s Address, supra note 1.*

¹²*Id.* (recording the instances of jury tampering in the 8th Judicial Circuit, Nimba County (2022); the 7th Judicial Circuit, Grand Gedeh County (May Term, A.D. 2025); the 11th Judicial Circuit, Bomi County (May Term, A.D. 2026); the 13th Judicial Circuit, Margibi County (May Term, A.D. 2026); Criminal Assizes “C”; and the matter investigated by His Honor Ousman F. Fieka).

¹³*Id.*

when they faced the same problem, and what the data says. The Chief Justice was blunt: “No country is an island.”¹⁴ That is a call for comparative jurisprudence, not for guesswork. He further observed that, in many jurisdictions, panels of judges have replaced jury trials, which are regarded as more efficient and better suited to resolving complex legal disputes. His intervention is therefore an intellectual contribution that asks citizens, legal practitioners, policymakers, and scholars to think beyond traditional assumptions and seriously reflect on the future of justice delivery in Liberia.

The Burden Is Not Confined to Criminal Cases

The Chief Justice's inquiry is not a criminal-case inquiry, and treating it as one would be a mistake. While Article 20(a) secures the right to trial by jury in criminal cases, it does not limit that right to them: it guarantees a jury “in all cases not arising in courts not of record,” and Section 22 of the Civil Procedure Law secures the same right in civil actions. That guarantee governs the trial of civil actions in the Civil Law Courts, including land disputes.¹⁵ Nor is that burden confined to criminal trials. The law requires that an action of ejectment, or a contest of title to land, be heard by a jury, and under our practice and procedure a single court cannot empanel two juries at the same time. The consequence is an arithmetic the courts cannot outrun. In the Civil Law Court, for example, when the judge has disposed of the jury trials set down for the Term, twenty or more new ones have already been filed behind them, and the cases that wait longest are very often the land cases on which families, towns and counties depend.¹⁶ It is no exaggeration, then, to say that compulsory jury trial contributes to the land crisis in this country. The delay, in other words, is a defect in the design of the institution, and not the indifference of the judge.

In the Chief Justice's view, this is one reason the Liberian people should reexamine whether the trial jury system should continue in the form they have received it. Article 1 of the 1986 Constitution declares that “All power is inherent in the people,” and that all free governments are instituted by their authority and for their benefit, so that the people “have the right to alter and reform” the same when their safety and happiness so require.¹⁷ That is not a power reserved for the ballot alone. It is the power by which a free people may reform the institution of the jury itself, so that the administration of justice answers to the wishes of the people. The Chief Justice has called upon the Liberian people to exercise that power.

¹⁴*Id.*

¹⁵*Liberian Constitution art. 20(a); Civil Procedure Law § 22 (Liberia).*

¹⁶*Judiciary of Liberia, Civil Law Court statistics (Term of Court, A.D. 2026) (on file with the Office of the Special Assistant to the Chief Justice).*

¹⁷*Liberian Constitution art. 1.*

This is precisely what the Chief Justice placed before the Liberian people at the opening of the October Term of Court on October 12, 2026. He did not put the jury question to the country as a criminal question alone. He put it as a question about the whole business of the courts, civil as well as criminal, and about whether the jury requirement should be modified, or, where the country is persuaded that the case for it is made, abolished, in those classes of case - land disputes above all - where it produces a delay that the courts cannot cure by their own hand.¹⁸ The asking changes nothing by itself; the Constitution's prescribed process changes the law, and that process belongs to the people.¹⁹

What the Rest of the World Has Already Decided

Comparisons are not ornaments in a debate of this gravity; they are evidence. And the evidence begins with a number that most Liberians have never been told. Of the 195 countries in the world, only an estimated 55, including Liberia, use a jury of citizens or laypersons to adjudicate criminal cases.²⁰ If that estimate holds, then some 140 countries, roughly seven in every ten, do not resolve criminal cases through a jury of citizens in the manner Liberia does.²¹

More recent commentary reinforces the impression. Legal professionals who follow comparative criminal procedure now describe the jury trial as relatively unusual globally, and the Institute for Government, surveying the field in 2025, counted only about 50 countries that use any version of jury trial.²² On that count, more than 70 percent of the world's countries have either never had a jury system or have abolished it.

The most comprehensive recent study of lay adjudication, published by Cambridge University Press, examined all 195 countries and territories and found that 125 of them, about 64 percent, involve lay persons as legal decision-makers in criminal cases.²³ That figure deserves to be read carefully, because it is easily mistaken for a measure of jury trial. It is not. It counts every form of lay participation: lay judges, lay assessors, and the

¹⁸Chief Justice's Address, *supra* note 1; Judiciary of Liberia, *Civil Law Court statistics (Term of Court, A.D. 2026)* (on file with the Office of the Special Assistant to the Chief Justice).

¹⁹Liberian Constitution art. 91.

²⁰Valerie P. Hans, *Jury Systems Around the World* (2008), <https://scholarship.law.cornell.edu/cgi/viewcontent.cgi?article=1378&context=facpub> [hereinafter Hans, *Jury Systems Around the World*].

²¹*Id.* (reporting that trial by jury in some civil and criminal adjudications is practiced in as many as 55 countries, including Liberia, which leaves approximately 140 countries that make no such provision for criminal adjudication).

²²Cassia Rowland, *David Lammy's Proposals for Judge-Only Trials Would Make England and Wales an Outlier*, Institute for Government (Nov. 28, 2025), <https://www.instituteforgovernment.org.uk/comment/david-lammy-proposals-judge-only-trials> [hereinafter Institute for Government] (counting approximately 50 countries that use any version of jury trial, and observing that most European countries, including France, Germany and Spain, do not use jury trials for most crimes).

²³Sanja Kutnjak Ivković, Shari Seidman Diamond, Valerie P. Hans & Nancy S. Marder, *Juries, Lay Judges, and Mixed Courts: A Global Perspective* (Cambridge Univ. Press 2021), <https://www.cambridge.org/core/books/juries-lay-judges-and-mixed-courts/global-perspectives-on-lay-participation/7BB39BDE7219B5001FBA2BE1494CA320> [hereinafter Cambridge Global Survey].

mixed benches on which lay people sit together with professional judges. The classic citizen jury, independent of the court and reaching its verdict on its own, accounts for only a small part of that total.²⁴ The two findings are therefore not in tension; they describe the same world from two angles. Lay participation is common. The citizen jury is not.

Honesty about the evidence requires one caution. No single authoritative roster exists of countries that use lay adjudication, because legal systems differ in kind, not merely in degree; some countries use lay jurors only for a narrow category of offenses, and scholars classify the same institution differently.²⁵ One country may keep a jury for a handful of grave offenses and try everything else before judges; another may call its lay members “jurors” although they deliberate and vote together with professional judges; a third may have abolished the citizen jury a century ago and retained nothing of it. The figures in this release are therefore estimates drawn from the best comparative research available, and not a census. The **Office of the Special Assistant** to the Chief Justice publishes its own survey as Annex A so it can be checked, contested, and corrected. No serious argument is afraid of being read closely.

The **citizen jury**, in the Anglo-American form Liberia inherited, survives today chiefly in common-law jurisdictions and in countries that were once British colonies or possessions, including the United States, the United Kingdom, Canada, Australia, New Zealand, and Ireland.²⁶ Spain maintains a limited statutory lay jury, the *tribunal del jurado*, confined to a narrow list of offenses, so citizens do not try ordinary crimes.²⁷ Beyond that small group, the institution is a rarity.

Consider the legal systems most often held up as models. Germany does not try ordinary criminal cases before a citizen jury; it uses panels of professional and lay judges, the

²⁴*Id.*; see also Introduction, *Chicago-Kent Law Review*, <https://scholarship.kentlaw.iit.edu/cgi/viewcontent.cgi?article=4366&context=cklawreview> (reporting the same survey’s finding that 125 of 195 countries, or 64 percent, use lay persons as legal decision-makers in criminal cases, but that most of them do so through mixed courts, lay judges, or assessors rather than through an independent citizen jury).

²⁵Cambridge Global Survey, *supra* note 26; Hans, *Jury Systems Around the World*, *supra* note 23 (explaining that countries use the term “juror” for any layperson who participates in legal decision-making, that some countries employ lay adjudication only for narrow categories of cases, and that there is accordingly no authoritative complete global roster).

²⁶Hans, *Jury Systems Around the World*, *supra* note 23 (surveying the common-law jurisdictions and former British possessions in which the citizen jury survives, among them the United States, the United Kingdom, Canada, Australia, New Zealand, and Ireland).

²⁷See Institute for Government, *supra* note 25; Hans, *Jury Systems Around the World*, *supra* note 23 (noting that Spain maintains a statutory lay jury, the *tribunal del jurado*, confined to a narrow list of offenses, and that its classification among jury jurisdictions varies with the definition employed).

Schöffen.²⁸ France reserves mixed judge-and-juror panels for its most serious offenses and leaves the rest to professional judges.²⁹ The Netherlands has never had a jury.³⁰

The jurisdictions that inherited British law have moved in the same direction. **India, Singapore, Malaysia, and Pakistan**, all sharing Liberia's common-law inheritance, no longer try ordinary criminal cases before citizen juries.³¹ South Africa abolished the jury in 1969.³² **Israel does** not use the Anglo-American jury for ordinary criminal trials.³³ **Japan** tried a jury, abandoned it in 1943, and replaced it in 2009 with a mixed lay-assessor system that is not a citizen jury in the Anglo-American sense.³⁴

Membership in the jury world is narrower still when the question is put precisely. The Office has compiled the comparative survey annexed to this release as Annex A. **It identifies 129 of the world's 195 countries** that do not try ordinary criminal cases before a full citizen jury, deciding them instead through professional judges or through mixed panels of judges and lay assessors.³⁵ A further eleven jurisdictions - among them Japan, South Korea, Italy, France, Spain, Belgium and Brazil - convene mixed benches on which lay and professional judges decide together.³⁶ Taken together, 140 countries, or about 72 percent of the community of nations, resolve criminal cases without a full citizen jury in the sense Liberia uses the term, leaving 55 that use some form of citizen or lay jury in criminal adjudication.³⁷ The survey is reproduced in full at the end of this release, region by region, so that any citizen may test it and, if it is wrong anywhere, correct it.

Why Nations Have Let the Citizen Jury Go

The more important question is not how many countries have let the citizen jury go, but why. The justifications recorded by the countries that abolished it are strikingly consistent, and they are the same concerns the Chief Justice placed before the Liberian people.

²⁸*Institute for Government, supra note 25 (describing Germany's panels of professional and lay judges, the Schöffen).*

²⁹*Id. (describing France's mixed judge-and-juror panels for its most serious offenses, and panels of judges for offenses attracting lesser sentences).*

³⁰*Cambridge Global Survey, supra note 26; Hans, Jury Systems Around the World, supra note 23 (identifying the Netherlands among the countries that have never maintained a jury system).*

³¹*See sources cited infra notes 42, 44, 45, and 50 (India, Pakistan, Singapore, and Malaysia respectively).*

³²*See Cambridge Global Survey, supra note 26 (recording South Africa's abolition of the jury in 1969).*

³³*See Institute for Government, supra note 25; Cambridge Global Survey, supra note 26 (Israel).*

³⁴*U.K. House of Lords Library, Jury Trials: International Models and Reform Proposals (July 27, 2026), <https://lordslibrary.parliament.uk/jury-trials-international-models-and-reform-proposals/> [hereinafter House of Lords Library] (Japan's abolition of its jury courts in 1943 and its subsequent mixed lay-assessor system).*

³⁵*See Annex A, infra (enumerating the countries that do not try ordinary criminal cases before a full citizen jury, compiled from the comparative sources cited in this release).*

³⁶*Id.*

³⁷*Id.; Hans, Jury Systems Around the World, supra note 23.*

Countries abolished the citizen jury on the conclusion that lay jurors were less reliable than professional judges, more expensive, more exposed to outside influence, or less suited to complex modern criminal cases. The specific trigger differed from country to country; the reasoning converged.

Germany is the oldest example, and the most instructive. Its 1924 reform abolished the citizen jury and substituted mixed panels of professional and lay judges. The change was justified in part on the view that jurors made serious errors in deciding both facts and sentence, and on a wider concern about juror competence - the argument that ordinary citizens lacked the legal training to assess evidence, apply legal standards, and decide difficult cases consistently. Cost was a second and explicit ground. Jury trials require summoning, paying, housing, and managing jurors, and they lengthen proceedings; the 1924 reform was presented as a money-saving measure at a moment of acute financial strain.³⁸

India's experience is the cautionary tale about publicity. The *Nanavati* prosecution became a national sensation; the jury's verdict was set aside on appeal, and the case left Indian lawmakers convinced that lay jurors could not withstand press coverage and public passion. India thereafter withdrew the citizen jury from its criminal courts.³⁹ The reformers' lesson was not that jurors were wicked, but that they were exposed. High-profile cases can expose jurors to newspaper coverage, public campaigns, or social pressure; and even in ordinary cases jurors may be influenced by ethnicity, religion, class, local loyalties, or sympathy for one side. Reformers in several Commonwealth countries came to see that exposure as a threat to impartial adjudication itself.⁴⁰

Pakistan, itself a former British colony, abandoned jury trial on the twin grounds of unreliability and the undue delay it injected into the adjudication of cases.⁴¹ Singapore abolished jury trials in 1969, concluding that professional judges were less susceptible to emotional influence and public sentiment than lay jurors and better suited to serious criminal cases.⁴²

³⁸House of Lords Library, *supra* note 37; Institute for Government, *supra* note 25 (summarizing Germany's 1924 reform, its abolition of citizen jurors, and the financial grounds advanced in support of the change).

³⁹Archit Chakravorty & Ananya Sharma, *Culmination of Jury Trials: A Closer Look*, 5 J. Legal Studs. & Res. (2019); see also *K.M. Nanavati v. State of Maharashtra* (India 1962), discussed in Chakravorty & Sharma, *supra* (the prosecution whose jury verdict of acquittal was set aside on appeal, and whose publicity persuaded Indian lawmakers that lay jurors could not withstand press coverage and public sentiment).

⁴⁰Chakravorty & Sharma, *supra* note 42; House of Lords Library, *supra* note 37 (noting the concern of Commonwealth reformers that juror exposure to media coverage and public sentiment threatened impartial adjudication).

⁴¹Feisal Naqvi, *A Jury of One*, Mondaq (June 19, 2018), <https://www.mondaq.com/court-procedure/707180/a-jury-of-one> (Pakistan).

⁴²Lee Kuan Yew, *Speech at the Second Reading of the Criminal Procedure Code (Amendment) Bill* (June 12, 1969), National Archives of Singapore, <https://www.nas.gov.sg/archivesonline/data/pdfdoc/lky19690612.pdf> (Singapore).

Japan's jury experiment was shorter still. Japan abolished its jury courts in 1943, arguing the system was flawed and its outcomes unpredictable; the mixed lay-assessor system Japan adopted in 2009 is not a full citizen jury.⁴³ South Korea's citizen-participation panels are likewise not independent citizen juries in the Liberian sense.⁴⁴

Hungary suspended trial by lay jury entirely in 1919 and has never restored it. **Czechoslovakia** withdrew jury jurisdiction over treason in 1923 and over libel in 1924, and the systems that succeeded it in the Czech Republic and Slovakia do not use an independent citizen jury in this sense.⁴⁵

South Africa abolished juries in 1969, reflecting a settled preference for judge-led adjudication and concern about lay decision-making.⁴⁶ Malaysia reached the same conclusion in 1995, after the Mona Fandey murder trial and the intense publicity surrounding it persuaded the government that media coverage would inevitably affect jurors.⁴⁷

Italy does not use an independent citizen jury; it uses a hybrid arrangement in which professional judges sit with lay judges who do not decide alone.⁴⁸ Nigeria's jury trials declined steadily after colonial rule, and Lagos abolished its jury law in 1975 in favor of judge-led bench trials; Nigeria has since operated a judge-driven criminal justice system.⁴⁹ Sierra Leone is the most recent to move, abolishing jury trials for serious offenses under its Criminal Procedure Act of 2024, on a stated justification of modernizing criminal procedure and aligning its courts with systems used elsewhere in Africa.⁵⁰

Nor is this a common-law story alone. Civil-law systems generally prefer trained judges or mixed courts precisely because they produce reasoned decisions, consistency, and closer supervision of the trial process.⁵¹ Among the countries most often cited as never having had a jury system at all are Chile, Mexico, and the Netherlands.⁵²

⁴³House of Lords Library, *supra* note 37 (Japan).

⁴⁴Cambridge Global Survey, *supra* note 26 (South Korea).

⁴⁵*Id.* (Hungary, 1919; Czechoslovakia, 1923 and 1924).

⁴⁶*Id.* (South Africa, 1969).

⁴⁷House of Lords Library, *supra* note 37 (Malaysia, 1995, following the Mona Fandey murder trial and the publicity surrounding it).

⁴⁸*Id.* (Italy's hybrid courts, in which professional judges sit with lay judges who do not decide alone).

⁴⁹Ngwu Godwin Emeka & Onyemaechi Titilayo Ogiri, A Case for the Adoption of Jury Trial in Nigeria, 4 *Scholars Int'l J. L., Crime & Just.* 677 (2021) (Nigeria; abolition of the Lagos jury law in 1975).

⁵⁰See Criminal Procedure Act, 2024 (Sierra Leone) (abolishing jury trials for serious offenses and aligning criminal procedure with systems used elsewhere in Africa).

⁵¹Cambridge Global Survey, *supra* note 26 (explaining that civil-law systems prefer trained judges or mixed courts because they yield reasoned decisions, consistency, and closer supervision of the trial process).

⁵²Hans, *Jury Systems Around the World*, *supra* note 23 (identifying Chile, Mexico, and the Netherlands among the countries commonly cited as never having had a jury system).

The case for abolition is strongest where a government prioritizes consistency, speed, cost control, and reasoned judgments grounded in evidence and law. That is not ideology; it is the plain arithmetic of administration. A court/bench that gives reasons can be reviewed on the record, and a bench that gives only a verdict cannot. A bench that sits without interruption finishes sooner. Salaried judges require no summoning, no housing, and no protection from those who would buy them. None of this says anything about the character of Liberian jurors. It is a statement about the design of an institution - and it is the design, not the citizen, that the Chief Justice has asked the country to examine.

None of this is offered as a verdict for Liberia, and the Chief Justice offers no such verdict. Comparative experience is evidence, not precedent. What the world's record establishes is narrower and more useful: that a nation can set aside the citizen jury without surrendering fair trial, due process, or the rule of law; that Liberia is not alone in asking the question; and that the question is now a mainstream question of comparative criminal procedure rather than an eccentric one. Whether Liberia should move, and how far, is for Liberians and for no one else.

Only then does the constitutional road open, and it opens with a committee. The Chief Justice invited the President, the Speaker and Members of the House of Representatives, the President Pro Tempore and Members of the Senate, the Liberian National Bar Association and the Chairman of the Law Reform Commission "to join this Court in examining this question honestly and commission a constitutional reform."⁵³ He called on all stakeholders, members of the Bar, civil society, academia, and the broader public, to participate constructively, and urged the Legislature, particularly its Judiciary Committee, to undertake comprehensive research, comparative analysis, and public consultations to determine the most appropriate path forward for the nation.⁵⁴ The Legislature, working with the Law Reform Commission and other justice-system stakeholders, has the authority to set up that inquiry and receive its findings. From the committee, the matter goes to the Legislature itself, through one of the two doors Article 91 opens. The findings and any draft proposal are presented; they are argued in committee, reported to both Houses, debated in plenary, and carried, or not carried, by the majorities Article 91 requires.⁵⁵ Nothing reaches the people that has not first survived that assiduous scrutiny.

If, and only if, those majorities are convinced, the proposals are drafted with the precision the subject demands and, under Article 92, accompanied by statements giving the reasons

⁵³Chief Justice's Address, *supra* note 1.

⁵⁴*Id.*

⁵⁵Liberian Constitution art. 91.

for them.⁵⁶ Article 92 then requires that they be published in the Official Gazette and made known to the people through the Republic's information services.⁵⁷ An honest process requires more than the constitutional minimum: town-hall meetings, bar and university panels, press and radio discussion, and sustained civic education, so a voter marks the ballot knowing exactly what it says. This stage of promulgation is where the public is properly brought in. The Elections Commission, an autonomous public commission under Article 89(b), runs the referendum, and under Article 91 it cannot be held sooner than one year after the Legislature acts, a year the Constitution deliberately sets aside for reflection.⁵⁸ If more than one proposal is on the ballot, Article 92 requires that people can vote for or against each one separately.⁵⁹

The vote is decided only in the manner the Constitution prescribes. A proposal becomes part of the Constitution when two-thirds of registered voters who vote in the referendum ratify it; that is the threshold Article 91 sets.⁶⁰ Only then can anything be put into effect: the enabling legislation, the rules of practice and procedure, and the accompanying arrangements for the changeover. One point raised in public discussion should be settled in fairness. Article 93, sometimes mistaken for the general amending provision, deals only with the two-term limit on the Presidency. The amendment article is Article 91 in Chapter XII of the Constitution.⁶¹

The Questions the Office Expects the Country to Ask

The Office expects the public discussion already underway to rest on comparison and evidence, and it invites every citizen to adduce what they know. Has jury tampering happened in other nations? How did they deal with it, and what followed? Did they abolish the jury outright, or modify it? Which cases in Liberia could be set aside for jury trial, and which could take another route? Could we try trial by referee? Could a set number of magistrates sit with a judge to determine cases in place of jurors, as Germany, France, Italy and Japan have done in one form or another? Which methods would suit Liberia best? And what are the advantages and disadvantages of leaving the system as it is, weighed against changing it?

These are the discussions the Chief Justice expects. The facts in his address are not a conclusion, and they are not a judgment of the Supreme Court. The address is the Chief

⁵⁶*Id. art. 92.*

⁵⁷*Id.*

⁵⁸*Id. art. 91.*

⁵⁹*Id. art. 92.*

⁶⁰*Id. art. 91.*

⁶¹*Id. art. 93; id. ch. XII, art. 91.*

Justice's own initiatory statement of position, offered to open a collective debate and to prepare the ground for action by the authority that has power to act.

The Right Stands Where the Constitution Placed It

Let every Liberian understand this: nothing has changed today. The right to trial by jury stands exactly where the Constitution places it, and it remains inviolate. Article 20(a) provides that "in all cases not arising in courts not of record, under courts-martial and upon impeachment, the parties shall have the right to trial by jury."⁶² Article 21(h) provides that "no person shall be held to answer for a capital or infamous crime except in cases of impeachment, cases arising in the Armed Forces and petty offenses, unless upon indictment by Grand Jury; and in all such cases, the accused shall have the right to a speedy, public and impartial trial by a jury of the vicinity, unless such person shall, with appropriate understanding, expressly waive the right to a jury trial."⁶³ Every criminal assize still sits with its jury. No accused person will be tried without one unless he or she personally and expressly gives up that right, as the Constitution itself allows.

Pending matters will proceed as the law requires. Meanwhile, the Judiciary will do what lies within its own powers: investigate and punish tampering, tighten supervision of jury commissioners and court officers, and improve how juries are administered. Tampering with a jury is a crime, and it will be sanctioned as one.

The Chief Justice is simply discharging his constitutional responsibility by drawing attention to a matter that directly affects the administration of justice. The Judiciary may have remained largely silent on this question for many years, but that silence should not be mistaken for evidence that all was well. The absence of public debate does not signify the absence of problems. It may reflect challenges that have long existed beneath the surface and now deserve careful examination to strengthen public confidence in the justice system.

The debate is now open, and it must remain constructive, with evidence-based argument and sober analysis informing every Liberian. Let the record be compared. Let the arguments be weighed.

The Chief Justice asked for all hands on deck. He did not ask anyone to abandon the Constitution, and he does not intend to. He asks only that the country do, openly and in proper constitutional order, the long, careful work any amendment of this Constitution

⁶²*Id.* art. 20(a).

⁶³*Id.* art. 21(h).

requires, work that begins with the facts he has placed before this country and culminates when the people of Liberia, voting freely, decide they should end.

The Chief Justice's remarks should therefore be understood not as a call for a predetermined outcome, but as an invitation to informed national dialogue on how best to ensure that the justice system remains fair, efficient, accessible and responsive to the needs of the Liberian people. The objective is not merely to debate the fate of the jury system, but to examine carefully whether existing structures continue to serve the interests of justice and the public good in a modern democratic society. Let the experience of the world inform that examination. Let the decision remain where the Constitution left it - with the people of Liberia.

ANNEX A

Comparative Survey of Lay Adjudication in Criminal Cases

The following survey identifies countries that do not try ordinary criminal cases before a full citizen jury as Liberia does. In these jurisdictions, verdicts are delivered by professional judges or by mixed panels of judges and lay assessors. The survey is compiled from the comparative sources cited in this release; it is offered for public scrutiny, and the Office welcomes correction. It is not a judgment on the quality of any nation's courts.⁶⁴

Africa - 41 Countries 1. Algeria 2. Angola 3. Benin 4. Botswana 5. Burkina Faso 6. Burundi 7. Cameroon 8. Chad 9. Congo (Republic) 10. DR Congo 11. Côte d'Ivoire 12. Egypt 13. Eritrea	Asia and the Middle East - 35 Countries 1. Afghanistan 2. Bahrain 3. Bangladesh 4. Brunei 5. Cambodia 6. China 7. India 8. Indonesia 9. Iran 10. Iraq 11. Israel	Europe - 33 Countries 1. Austria 2. Belarus 3. Bulgaria 4. Croatia 5. Cyprus 6. Czech Republic 7. Denmark 8. Estonia 9. Finland 10. Germany 11. Greece 12. Hungary 13. Iceland	The Americas - 20 Countries 1. Belize 2. Bolivia 3. Chile 4. Colombia 5. Costa Rica 6. Cuba 7. Dominican Republic 8. Ecuador 9. El Salvador 10. Guatemala 11. Guyana
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⁶⁴See Annex A, *infra*.

14. Ethiopia	12. Jordan	14. Italy	12. Haiti
15. Gabon	13. Kuwait	15. Latvia	13. Honduras
16. Gambia	14. Laos	16. Liechtenstein	14. Nicaragua
17. Kenya	15. Lebanon	17. Lithuania	15. Panama
18. Lesotho	16. Malaysia	18. Luxembourg	16. Paraguay
19. Madagascar	17. Maldives	19. Malta	17. Peru
20. Malawi	18. Mongolia	20. Moldova	18. Suriname
21. Mali	19. Myanmar	21. Monaco	19. Uruguay
22. Mauritania	20. Nepal	22. Montenegro	20. Venezuela
23. Mauritius	21. Oman	23. Netherlands	
24. Morocco	22. Pakistan	24. North Macedonia	
25. Mozambique	23. Philippines	25. Norway	
26. Namibia	24. Qatar	26. Portugal	
27. Niger	25. Saudi Arabia	27. Romania	
28. Nigeria	26. Singapore	28. Serbia	
29. Rwanda	27. Sri Lanka	29. Slovakia	
30. Senegal	28. Syria	30. Slovenia	
31. Seychelles	29. Taiwan	31. Sweden	
32. Sierra Leone	30. Thailand	32. Switzerland	
33. Somalia	31. Turkey	33. Ukraine	
34. South Africa	32. United Arab Emirates		
35. Sudan	33. Uzbekistan		
36. Tanzania	34. Vietnam		
37. Togo	35. Yemen		
38. Tunisia			
39. Uganda			
40. Zambia			
41. Zimbabwe			

Total: 129 countries without a full citizen jury for ordinary criminal trials.

Mixed Benches - 11 Jurisdictions

The remaining eleven jurisdictions identified in this survey convene mixed benches on which lay and professional judges decide together. They include Japan, South Korea, Italy, France, Spain, Belgium, and Brazil, along with a small number of other jurisdictions whose mixed courts scholars classify differently.⁶⁵

⁶⁵*Id.* (explaining that the classification of mixed courts varies among scholars, and that several of the countries listed in Annex A also use lay assessors alongside professional judges; the distinction drawn in the survey is between decision-making by professional judges, with or without assessors, and decision-making by an independent citizen jury).