

**REPORT  
TO  
PRESIDENCY COMMITTEE  
INTERNATIONAL ASSOCIATION OF JUDGES  
REGARDING  
THE APPLICATION FOR MEMBERSHIP OF THE  
NATIONAL ASSOCIATION OF TRIAL JUDGES OF LIBERIA**

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**June 2017**

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Judge David O. Carter of the United States and Judge Nazeem Joemath of South Africa present the following report to the Presidency Committee of the International Association of Judges regarding the application of National Association of Trial Judges of Liberia (NATJL) for membership in the International Association of Judges. We have reviewed the application submitted by the National Association of Trial Judges of Liberia, its incorporating documentation, and the constitutional and legislative factors governing the judiciary of Liberia.

The information presented has been gathered in numerous ways:

First, an in-country assessment undertaken by Judge David O. Carter (“the Rapporteur”) in Liberia in January 2017, including numerous interviews by the Rapporteur of human rights organizations and the staff of the U.S. Embassy in Liberia.

Second, a review of the Application and accompanying documents of the National Association of Trial Judges of Liberia.

Third, a review of documents such as the [Poverty Reduction Strategy](#) (2008-2011) (“PRS”), the Republic of Liberia Judiciary Strategic Plan (2009-2011) (“JLSP”) (attached as Appendix G), Judicial Financial Autonomy Act (2006) (attached as Appendix F), [Liberia Comprehensive Peace Agreement \(2003\)](#) (“CPA”), the International Crisis Group Reports ([January 2004](#), [December 2004](#), [2006](#)), and the [Liberia Truth and Reconciliation Commission Final Report](#) (2009).

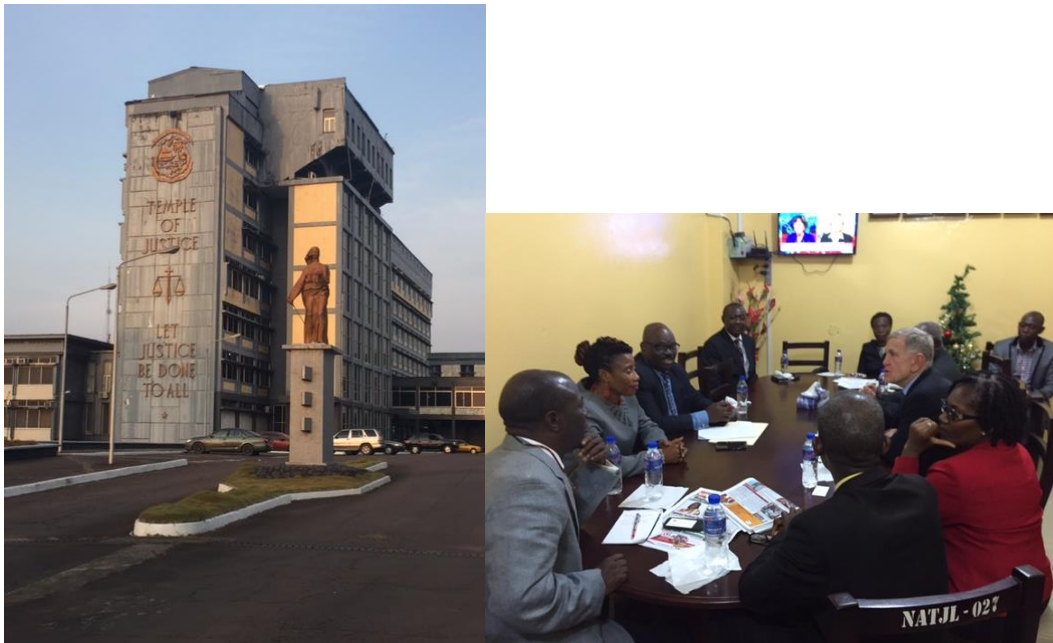
Fourth, a subsequent meeting between the Rapporteur and Judge Roosevelt Willie of Liberia in the United States in April 2017.

**REPORT AND RECOMMENDATION**

Through this Report, we strongly recommend the admission of Liberia as a member of the International Association of Judges. Liberia has been hard-hit by the

devastation of civil war and by the Ebola epidemic. Regardless of these tragedies, Liberia is a model of progress. Liberia has implemented constitutional, structural, and procedural reforms that have led to a startling transformation. We are convinced of the independence of the judiciary. Liberians are increasingly turning to the courts for resolution of disputes, rather than engaging in self-help.

This Report is submitted after a visit to Liberia by Judge David O. Carter of the United States on the dates of January 16–23, 2017. Consultations were held with and arranged by Judge Roosevelt Willie, President of NATJL. Judge Willie constituted a nine-person working committee to coordinate the activities of the Rapporteur. The Committee consisted of: His Honor James E. Jones, Chairman; His Honor Yamie M. Gbeisay, Co-Chairman; His Honor John L. Griggs, Secretary; Her Honor Eva Mappy Morgan; Her Honor Cecelia Grandoe Rogers; Her Honor Sally Fofana Brown; His Honor U. Milton Fahnbulleh; Her Honor Nancy F. Sammy, Ex-Official; His Honor Tweh Wesseh, Ex-Official. The itinerary for January 15–23 is attached as Appendix A, and summarized below.



On the first day of the visit, the Rapporteur met with the Officers of the NATJL, who represent all judges and magistrate judges of Liberia. Following this meeting, the Rapporteur met with the working committee listed above, which was formed especially for the purposes of this Application.

The meeting with the Committee was followed by a meeting with the Supreme Court of the Republic of Liberia. The Honorable Francis S. Korkpor, Sr., Chief Justice presided over the meeting, which was attended by the entire court, including Associate Justices Kabineh M. Ja'neh, Jamesetta H. Wolokollie, Philip A. Z.

Banks III, and Sie-A-Nyene G. Yuoh. This was a lengthy meeting that covered every conceivable topic, from judicial independence to the relationship with the executive and legislative branches. Also discussed were the development of electronic case management, the formation of specialized courts, and the rapid improvement of the quality of the judiciary.



The Rapporteur then met with Boma Jack, the United Nations' rule of law specialist since 2004, who has an extensive knowledge about the transformation of the Liberian judiciary.



The second day, the Rapporteur met with Ambassador Christine Elder at the United States Embassy.



The Rapporteur then visited the University of Liberia campus, where he met with the dean of Louis Arthur Grimes School of Law, T. Nabala Warner. Mr. Warner is a graduate of Yale and a human rights lawyer. This was an excellent discussion about the legal training of judges and lawyers, as well as the reconciliation process. This conversation also included a review of the law review and moot court programs at the law school, the sitting magistrate judge program, alternative dispute resolution, and the specialized courts that deal with the abuse of women.



This was followed by a meeting at the Ministry of Justice office with the Minister of Justice and Attorney General Frederick D. Cherue. Among the many areas of discussion were efforts to relieve prison overcrowding, “fast tracking” of minor cases, pre-trial proceedings, and the independence of prosecutors. The Attorney General shared that the biggest successes have been in his efforts to match qualified prosecutors with qualified judges in rural areas. The Rapporteur and the Attorney General also discussed judicial security and the problem of corruption, as well the Attorney General’s efforts to eradicate corruption.



This was followed by a meeting at the Judicial Institute in Monrovia, Liberia. The Rapporteur met with Moses S. Soribah, Acting Executive Director and William Buckson Kollie, Sr., Training Coordinator. The Rapporteur has previously served on the Board of the Federal Judicial Center to develop judicial training for the federal courts of the United States. The training capability and capacity of the Institute was very impressive.



Next, the Rapporteur visited with Cllr. G. Moses Paegar, the President of the Liberia National Bar Association as well as the Executive Members of the Association. The meeting took place at the Bar Association office in Monrovia. The Rapporteur and the Association discussed the Association’s coordinated efforts at reform and the interplay between the Association and the judiciary.



On the third day of the visit, the Rapporteur met with the House of Representatives Committee on the Judiciary. The Chairman is the Honorable Worlea-Saywah Dunah, and the Co-Chair is the Honorable Neremiah M.N. McCauley, who also is a former judge. This meeting was also attended by Representative Members Lester Pape and Ricks Toweh. These meetings inspired great confidence in the rapporteur that the independence of the judiciary was guaranteed, particularly because of the commitments made by legislators to the rapporteur that they understood and respected the need for independence and were pledged to uphold it. In addition, the rapporteur discussed the judicial salary process, and found it to be fair and adequate and subject to good faith review on a periodic basis.





Following this meeting, the Rapporteur had a meeting with the NATJL National Executive Committee (“NEC”). This Committee has power to make decisions on behalf of the entire association. The purpose of this meeting was to make the Committee available to the Rapporteur to answer any questions or follow-up inquiries.



Next, the Rapporteur met with April O’Neill, Deputy Director, Democracy and Governance Office, USAID-Liberia. Also present was Don Cinnamond from USAID. The purpose of this meeting was to inquire about the availability of long-term funding for the continued implementation and training of prosecutors and judges.

That evening, there was a going-away dinner sponsored by the NATJL. In attendance were stakeholders from the Ministry of Justice, House Committee on the Judiciary, the Supreme Court, the Grimes Law School, the Judicial Institute, and the Liberia Bar Association. The Rapporteur made remarks expressing his appreciation for the comprehensive agenda and the efforts made throughout the week. He also noted the openness of dialogue he experienced. The program for this event is attached at Appendix B.



On the fourth day, the Rapporteur visited the rural areas around Monrovia with Judge Roosevelt Willie.





Finally, on the fifth day, the Rapporteur met with Deborah Lindholm, who is the founder of the Foundation for Women. The Rapporteur and Ms. Lindholm discussed women's access to justice through the court system, as well as access to

professional careers in the legal sector. Also present were doctors who were at the forefront of the battle against Ebola. At the same time, the Rapporteur met with Theodore Parnall from the University of New Mexico, who is involved in rural education efforts. These individuals reported that access and equality have been improving in Liberia. A letter from Ms. Lindholm describing the progress she has seen in Liberia is attached as Appendix E.



## **MEMBERSHIP CRITERIA**

The Regulations made under the Constitution of the IAJ provide in Article 11 for the criteria and manner of admission of new members. This Article provides:

1. Only one association or national representative group of each Country may be admitted to the International Association of Judges.
2. The Association or group applying must be representative of the judiciary of its Country. There is no requirement, however, that its membership should include any specified minimum percentage of the judiciary of the Country in question. Nor is there a requirement that the association or group should have a formal constitution.
3. The association or group applying must furnish proof that its activities and its principles accord with those of the International Association of Judges, as embodied in its Constitution.
4. In every case, before membership is granted, the Central Council must be satisfied that the association is independent from executive and legislative powers in its own country.
5. The achievement of judicial independence in the concerned country should not be considered a criterion for admission of members. However, in circumstances where judicial independence has not been achieved, the association must demonstrate that it is making concerted efforts to achieve judicial independence.

6. The fundamental procedural rules governing the admission of new members are determined by the Presidency Committee, adopted by the Central Council and attached to this Regulation. The memorandum goes on to state: “In the case of application for ordinary membership it is obvious that the aspirant association must demonstrate that both it and the judiciary of the country concerned generally has actually achieved and maintains independence.”

In light of these guidelines, we have gathered and weighed evidence in light of the objectives of the IAJ. Those objectives are set out in Article 3 of the IAJ Constitution, which states:

The objects of the Association are as follows:

- (a) to safeguard the independence of the judicial authority, as an essential requirement of the judicial function and guarantee of human rights and freedom.
- (b) to safeguard the constitutional and moral standing of the judicial authority.
- (c) to increase and perfect the knowledge and the understanding of Judges by putting them in touch with Judges of other countries, and by enabling them to become familiar with the nature and functioning of foreign organizations, with foreign laws and, in particular, with how those laws operate in practice.
- (d) to study together judicial problems, whether these are of regional, national or universal interest, and to arrive at better solutions to them.

Our Report follows.

Date: May 10, 2017

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The Honorable Nazeem Joemath  
Magistrate, Department of Justice  
and Constitutional Development,  
South Africa

*David O. Carter*

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The Honorable David O. Carter  
United States District Court  
Central District of California

## INVESTIGATORY QUESTIONS

### Introduction

#### 1. Number of judges in the country, size of the population

The population of Liberia is estimated to be approximately 4.4 million people. The capital, Monrovia, has a population of approximately 1.7 million people. Monrovia's population more than doubled during the civil war, as people sought safety from the extreme conflict in rural areas. The geographical area of Liberia comprises 43,000 square miles.

There are 351 (Circuit, Specialized and Magistrate) Judges in Liberia. Liberia's court system is divided into three levels:

1. The Courts of first instance, this includes Magisterial Courts and Courts of the Justice of the Peace. (JP).
2. The Circuit and Specialized Courts and
3. The Honorable Supreme Court of the Republic of Liberia

Justice of the Peace Court has been suspended temporarily by the President of Liberia on Executive Order. This action was taken due to the wide spread irregular behaviors of Justice of the Peace, who were basically illiterate and untrained. The JP Courts and Supreme Court are the only Constitutional Courts of Liberia. Administrative tradition hearing bodies also exist in rural areas of the Country, whose decisions in those areas are subject to judicial proceedings de novo, at the instance of a dissatisfied party from such decision.

Circuit Court Judges, who are now all law school graduates are appointed to the Judicial Circuit within each county and some even have Masters Degrees.

The Supreme Court is comprised of the Chief Justice and four Associate Justices. There is no intermediate appellate court at the present time.

Circuit Court Judges are appointed to the political subdivisions of the country ("counties"), and are law school graduates. There are Circuit Judges that are Specialized Judges and there are Relieving Judges. The Circuit Court Judges that are Specialized Judges preside over special courts, such as the Commercial Court, Tax Court, Debt Court, among others. The Relieving Judges are assigned to any impacted Court within the County.

Some Magistrate Judges are law school graduates and some are not. The

international community—primarily through monetary contributions from Sweden, Germany, and the United States—has undertaken training of Magistrate Judges to supplant illiterate and untrained magistrates, where many of the Magistrate Judges could neither read nor write. There was an initial training cycle from 2010 – 2011 of the first 60 Magistrate Judges, who were commissioned and have taken-up assignment. A second cycle commenced in July 2016 and is on-going. Upon successful completion within 12 months of intense judicial training, they are to be commissioned and deploy in rural areas. Meanwhile, commitment for a third training cycle of 90 magistrates to be trained over the next two years is being secured.

Individuals being trained in these cycles are non-law university graduates who undergo the training at the Judicial Training Institute for a period of one year. They also represent the best University graduate/applicants who successfully passed a merit-based test.

The non-law school graduate Magistrate Judges are the best university graduates who passed a merits-based test. These non-law school graduate magistrates are all being assigned primarily to rural areas to supplant the illiterate and untrained Magistrate Judges. The efforts of the Liberian government and the international community have accelerated the capacity of the judiciary.

## **2. How many judges at first instance, second instance, and final appeal/top level?**

The Courts of first instance are Magistrates and Justice of the Peace Courts. The Court of second instance includes circuit and specialized courts and finally, the court of last or third instance is the Honorable Supreme Court of Liberia. There are three (3) Relieving Judges who are assign to any Circuit Court where the assigned Circuit Judge is incapacitated by either absence, ill-health or otherwise.

Monrovia has Criminal Courts A, B, C, D, and E. There is particular interest in the bolstering of Circuit Court E, which contains two (2) Judges. This is often referred to as the “Rape Court,” but the correct title is the “Sexual Offenses Court.”

Magistrate Courts are Courts of first instance along with the Justice of the Peace Court, which is temporarily suspended by Executive Order. Labor Court, Probate Court, Debt Court, Tax Court and Commercial Court are Specialized Courts of Second instance as Circuit Courts. The repertoire considers these to be functionally courts of first instance.

The Juvenile and Traffic Courts are Magistrate Courts of first instance.

There are five members of the Supreme Court. There are no intermediate appellate

courts at present. Appeals are presently taken directly from the Circuit Court to the Supreme Court. There is pending legislation to create an appellate (intermediate) court devoted exclusively to appeals.

Funding for the creation of the intermediate appellate Court should be considered when, it is legislated.

Summary of number of Judges at the various instances:

First Instance:	
a) Non-Law graduate Magistrates.....	262
b) Non-Law graduate Specialized Judges.....	21
c) Law graduate Magistrates.....	28
Sub-total.....	311
Second Instance:	
a) Law graduate Circuit Judges.....	24
b) Law graduate Specialized Judges.....	11
Sub-total.....	35
Third Instance:	
a) Law graduate Justices of the Supreme Court....	5
Sub-total.....	5
GRAND TOTAL.....	351

**3. Is your country a member of the UN, the European Council, or any analogous body?**

Liberia is a member of the United Nations, the African Union, the Minor River Union, and the Economic Community of West African States.

**4. What are the situations, if any, in which court proceedings are not open to the public or press?**

All Court proceedings are open to the public and press, with the exception of crimes involving sexual offenses against minors.

**5. Are all of your Supreme Court decisions published and accessible to the public?**

All Supreme Court decisions are published and accessible to the public. Chief Justice Francis S. Korkpor, Sr. shared good news with Judge Carter during this visit. The Chief Justice had wanted not only the publication of decisions but also the quick disbursement of the Supreme Court’s decisions to the public and the press. The newspapers coverage of the courts has been sporadic. The Liberian

Telecommunications Authority (LTA) donated hardware and software valued at over \$130,000.00 USD to the judiciary. The World Bank made an assessment to implement a pilot electronic justice (“e-justice”) project. This grant will be used to develop an electronic case management and information system for the Commercial Court and an integrated approach to automating the entire case management process from case filing to judgment and enforcement. Chief Justice Francis S. Korkpor, Sr. noted this donation is the first of its kind in the history of the judiciary and noted it would enhance transparency for the public, as well as the efficiency of the court.

**6. Which of your courts, if any, have the jurisdiction to declare legislation unconstitutional? Do resulting remedies include striking down the legislation in question?**

The Supreme Court of Liberia has the jurisdiction to declare legislation unconstitutional. There are not separate courts of causation and constitutional courts in Liberia. The power of the court of causation and the constitutional court reside in one body: the Supreme Court of Liberia.

Article 65: “The judicial power of the republic shall be vested in a Supreme Court . . . Judgments of the Supreme Court shall be final and binding and shall not be subject to appeal or review by any other body.”

Article 66: “The Supreme Court shall be the final arbiter of constitutional issues and shall exercise final appellate jurisdiction in all cases . . . The legislature shall make no law nor create exceptions as would deprive the Supreme Court of any of the powers granted herein.”

The entirety of the Constitution of Liberia is attached as Appendix C.

**Judicial Appointments**

**7. How many judge’s posts are vacant at the moment?**

No judicial posts are vacant at the moment. But, there is a dramatic transition taking place during these last few years and going forward. In 2008, the government of Liberia developed a [Poverty Reduction Strategy](#) which sought to provide political stability and economic recovery. The PRS had four thematic pillars. The third pillar was “strengthening governance and rule of law” under the judiciary along with other stakeholders responsible for the rule of law.

The pertinent document is entitled, The Judiciary of the Republic of Liberia Strategic Plan, 2009–2011 (“JLSP”) (Appendix G), which sought “value drivers” to implement the constitutional mandate of the judiciary to protect the rights and dignity of all citizens and to regain the respect for the rule of law lost by numerous coups and the

civil war.

One of the three value drivers is competent and well trained human capital. This value driver states that the recruitment of judges, magistrates, and judicial officers will be based on competence, commitment, and defined manpower needs and description.

The rapid infusion of qualified law graduates Magistrate Judges and non-law graduate Magistrate Judges (who are University graduates) is transplanting the rural/traditional practices that were often filled by Justices of the Peace and lay tribal people who could neither read nor write and employed traditional practices, such as “trial by ordeal.”

The Minister of Justice (“MOJ”) has reaffirmed a halt on the recruitment of Justices of the Peace and banned trial by ordeal and “sassy-wood,” a cruel traditional method of extracting evidence from an accused person. The MOJ will not use evidence from trial by ordeal or sassy-wood in the prosecution of any cases.

The judiciary has also recruited and deployed public defenders who are law school graduates in each of the 15 counties. The MOJ has also employed prosecutors, who are law school graduates, in each of the counties.

This rapid influx of public defenders, prosecutors, and qualified Magistrate Judges is quickly replacing traditional practices in the rural areas.

**8. How are new judges appointed—by an independent tribunal, by the chief justice, or otherwise? What input, if any, do current judges have into new judicial appointments?**

The President nominates judges to the Legislature. These nominees are forwarded to the Senate Committee on Judiciary, where the nominee is screened in hearings and then submitted to the entire Senate for a vote of confirmation. If the Senate confirms, then the nominee is passed to the President for appointment.

The process of nominating someone begins with input from the Liberian National Bar Association (LNBA). The President of the Liberian Bar Association however shared that the Bar Association had not been actively solicited for input in the last few years.

Further hereto, the Chief Justice recommends to the President upon consultation with the Liberian National Bar Association on the candidate’s “ Good Standing” prior to such lawyer recommendation to the President of the Republic of Liberia for possible. The phrase “Good Standing” as used earlier herein represents knowledge



of the candidate's ethical standing or records, years of practice of law, financial standing with reference to his/her Bar due payment and moral uprightness.

**9. Are the criteria for appointment based on merit alone? If not, what other criteria are considered?**

**Education:**

All Circuit judges must be graduates of the Louis Arthur Grimes School of Law in Liberia, or another qualified law school as recognized. The Magistrate Judges are both law graduates and non-law graduates, as discussed above.

**Criteria:**

The criteria for appointment are set forth in the Constitution of the Republic of Liberia.

Article 68: "The Chief Justice and the Associate Justices of the Supreme Court shall, with the consent of the Senate, be appointed and commissioned by the President, provided that any person so appointed shall be: (1) a citizen of Liberia, (2) a counselor of the Supreme Court who has practiced for at least 5 years."

Article 69: "The judges of subordinate courts of record shall, with the consent of the Senate, be appointed and commissioned by the President, provided that any person so appointed shall be: (a) a citizen of Liberia and of good moral character; and (b) an Attorney-at-Law who has practiced for at least 3 years, or a counselor of the Supreme Court Bar."

It appears to this repertoire that the criteria for appointment to become a judge are based on merit.

**10. Is there equality of opportunity for appointment by all qualified applicants? Are judicial vacancies advertised?**

There is equality of opportunity for appointment by all qualified applicant. There did not appear to be any gender or religious discrimination. There were numerous women and religious minorities appointed to the bench. The population of Liberia is approximately 85% Christian (including Mormons and Seventh Day Adventists), 12% Muslim, and a small percentage animist and other.

Further hereto, Judicial vacancies are advertised such that, it is made known to various stakeholders within the Justice Sector to include the Liberian National Bar Association (LNBA) and the National Association of Trial Judges of Liberia (NATJL) which are mother institutions of lawyers and Judges in Liberia and clothed with knowledge of individual lawyers and Judges ethical standing and professional characters.

**11. When judicial appointments are made, must certain quota requirements be respected? E.g. is there a requirement that a certain proportion of judiciary be female or members of a certain ethnic group, either for the judiciary in general or for certain courts?**

There are no quota requirements for any proportion of the judiciary to be female or a member of any certain ethnic group.

**12. Are some judges appointed part-time or for a fixed term? If so, how many and at what level of the judiciary?**

There are no part-time judges. All Magistrate Judges have renewable four-year terms. Circuit and Supreme Court Judges serve until they reach the age of seventy years. These judges hold office during “good behavior.” This is set forth in the Constitution of the Republic of Liberia.

Article 71: “The Chief Justice and the Associate Justices of the Supreme Court and the judges of subordinate courts of record shall hold office during good behavior. They may be removed upon impeachment and conviction by the Legislature based on proved misconduct, gross breach of duty, inability to perform the functions of their office, or conviction in a court of law for treason, bribery or other infamous crimes.”

Article 72(b): “The Chief Justice and the Associate Justices of the Supreme Court and Judges of subordinate courts of record shall be retired at the age of seventy; provided, however, that a justice or judge who has attained that age may continue in office for as long as may be necessary to enable him to render judgment or perform any other judicial duty in regard to proceedings entertained by him before he attained that age.”

**13. If current judges are able to make recommendations on the appointment of the new judges, what happens if the appointing authority does not follow these recommendations?**

As earlier stated, the National Association of Trial Judges of Liberia is most often consulted on these appointments by the Chief Justice, Republic of Liberia prior to his/her recommendation to the President of the Republic. However, such inputs are not binding by law.

### **Judicial Remuneration and Benefits**

**14. What is the process for setting judicial salaries and benefits?**

Liberia has an enviable record re: judicial salaries. It is codified in Article 72(a). Most importantly, the Constitution does not allow for diminishment and ensures judicial independence. The repertoire visited with the Chair, Co-Chair and members of the House Judiciary Committee. They were Hon. Worlea-Saywah Dunah, Hon. Neremiah M.N. McCauky, Lester Pape and Ricks Toweh. These meetings inspired great confidence in the rapporteur that the salary process is fair and adequate, and subject to good faith review on a periodic basis.

Prior to the civil war, judges received meager compensation with no salary and the possibility for salary diminution. After the civil war, there has been salary review and the House has responded with periodic pay increases of more than 500%, which has provided for adequate salaries. These increases occurred in 2014 and 2016. A judge's salary is approximately \$5,000.00 USD per month, with additional benefits of gasoline, calling cards, resettlement funds for out-of-Circuit assignments, medical, and insurance.

**15. Can the government reduce judicial salaries and benefits because it is unhappy with judicial decision or actions?**

The government cannot reduce judicial salaries and benefits because it is unhappy with judicial decisions. This is codified in the Constitution of the Republic of Liberia. The rapporteur, Judge Carter is of the opinion, after meeting with the Chairman, Co-Chairman and members of the House Judiciary Committee, that there has never been any vindictive action toward the judiciary because of decisions that have been made.

Article 72(a): "The Justices of the Supreme Court and all other judges shall receive such salaries, allowances and benefits as shall be established by law. Such salaries shall be subject to taxes as defined by law, provided that they shall not otherwise be diminished. Allowances and benefits paid to Justices of the Supreme Court and judges of subordinate courts may by law be increased but may not be diminished except under a national program enacted by the Legislature; nor shall such allowances and benefits be subject to taxation."

An example of non-punishment of the judiciary was displayed during my meetings with members of the Committee. The Chairman of the Senate Judiciary Committee, Hon. Cllr. Varney H. Sherman had recently been indicted for bribery. These allegations were not for any alleged wrongdoing while in office, but related to the time he was a practicing lawyer. The Hon. Cllr. Sherman has not recused himself at this time, and so the host judges would not meet with him. The rapporteur saw this as an example of the independence and ethics of the judiciary.

**16. How do judicial income and benefits compare with the income and benefits of lawyers in your country?**

Historically, private practice was more profitable than being a judge, but increasingly lawyers want to become members of the judiciary. There is a new sense of prestige and a good salary with benefits, which have made a judicial position very attractive and much sought after.

**17. Is judicial remuneration in any way dependent upon volume of cases handled by a given judge in a given year?**

Judicial remuneration is not dependent upon the volume of cases handled by a judge in a given year. However, in a recent meeting held with the Chief Justice of the Republic of Liberia, His Honor Francis S. Korkpor, Sr., he disclosed to the National Association of Trial Judges of Liberia that, henceforth, judicial remuneration shall be depended upon the volume of cases handled by a Judge in a given year. Further, he insisted that the 2016 increment was the last general increment of the Judiciary and that increment henceforth will be based on merit, integrity, tenure, Returns and the ability of a given Judge to write 'good judgment'.

**18. Is there an assembly of judges/judicial council which makes decisions affecting judicial administration? If so, how are members of that council selected and by whom?**

No. However, input is usually sought from the National Association of Trial Judges of Liberia (NATJL) and the Liberian National Bar Association (LNBA) on appointment of Judges. Additionally, administrative disciplinary measures are first investigated by the Judiciary Inquiry Commission (JIC) and recommendations therefrom made to the Supreme Court before final decisions can be taken against a Judge or a Magistrate. With that said, an accused Judge or Magistrate has the right to appeal to the Supreme Court if he/she deems so necessary. It is also important to note that the component of the JIC consists of the following: two Judges, two members of the Civil Society, one member of the LNBA representing the Grievance and Ethics Commission (JIC), who serves as Secretary to the JIC.

**19. If selection is by election, is the election secret or open?**

For the NATJL whose leadership is consulted, such leadership is routinely elected by the membership, during its National Trial Judges Conference, which takes place every two years; while the leadership of the LNBA is also periodically elected. On the other hand, the membership of the JIC is selected by the Supreme Court from a cross- section of the Liberian Society.

**20. Who sets the judicial budget? Does the judiciary have a role? If so, who and in what manner?**

At the commencement of every budget period, the Budget Section of the Judiciary solicits priority inputs from Court/Judges and other areas of the Judiciary; to include Departments of Personnel, Maintenance, Transport, etc. and a proposed Judiciary Budget is prepared and submitted to the Ministry of Finance, Development and Planning (MFDP). The MFDP has responsibility to prepare the Draft National Budget for submission to the National Legislature, which is responsible to review and pass it into law. Consistent with the Financial Autonomous Act of the Judiciary, the MFDP to which all Sectors Draft Budget are submitted has no authority to alter the draft budget submitted by the Judiciary but can only make plausible recommendations for consideration by the National Legislature.

**21. Does it court have its own budget?**

Each court has its own budget, but it is regulated by the Supreme Court by and through the Court Administrator's Office. The use of the budget is based upon the request of the Presiding Circuit Court Judge.

**22. Who is responsible for hiring and paying court staff?**

In the event of a vacancy, the Department or Section affected, informs the Office of the Court Administrator, who then notifies the Department of Personnel/Human Resource. Depending on the nature of the position so vacant, either an advertisement is made in the electronic or the public is notified of such vacancy through the Civil Service Agency (CSA). For example, a vacancy such as a Departmental Head is advertised in the newspaper, while a vacancy such as a clerk is usually submitted to the CSA for an aptitude test prior to employment.

**23. How long does (i) an average criminal case take to complete from the time the charge is laid until the time a decision is rendered, and (ii) an average civil case or other types of case take, from the process is issued until judgment?**

A. An average criminal case may take between two to twelve months (2 months -12 months) to complete from the time the charge is laid until the time a judgment is rendered.

B. An average civil case may take between one to six months (1 month -6 months) to complete from the time the suit is instituted until the time the final ruling is made. Nevertheless, the time may be lengthened or shortened due to the specific nature of each case. For example, a criminal matter involving the charge of "Murder" may take a longer time while a matter involving the charge of "Simple Assault" may take less than two months. With regards to civil matters, while a simple debt case may take about a month to be disposed of, an "Action for damages may take up to six months.

**24. Are records kept of the volume of cases handled by a given court or a given judge in a year?**

Yes, records are kept of the volume of cases handled by each Judge. Judges are required to submit quarterly report of cases filed, determined, and pending. These reports have never been used as a basis to penalize any Judge.

**25. Has your government used the withholding of operating funds as a means of exercising control over the judiciary?**

No.

**Assignment of Cases**

**26. Who assigns cases? Is there a statutory complaint process about assignment of cases available to judges or the public?**

At the Circuit level, the Judges assigned cases, while at the magisterial level, it is the Stipendiary Magistrate or Associate Magistrate. There are four (4) Terms of courts within a year and these are: February Term, May Term, August Term and November Term, respectively. When a Term begins, the Judge in consultation with the Prosecution and Defense lawyers assigned cases, where indictment has been drawn. Additionally, for civil cases at the Circuit level, the law provides that all complaint must be filed ten (10) days prior to the opening of court so as to placed the Court on notice of the Petitioner's Petition and also afford the adverse party reasonable opportunity to file his/her responsive pleading within the said ten days; prior to the opening of court. The law provides at the Magisterial level, for criminal cases, the complainant may file a direct verbal complain to the Magistrate or through the Liberia National Police (LNP) Office as a result of which, the police, upon investigative findings may prepare an official charge sheet and have same forwarded along with the complainant to the Magisterial court for prosecution. While in civil cases, the complainant files a direct complaint with the Magistrate and upon which, the Magistrate may order the issuance of a writ of summons requesting the appearance of the defendant in answer to the plaintiff's complaint.

**Discipline**

**27. What are the criteria for the removal of a judge from office?**

Consistent with Article 71 of the Liberian Constitution "the Chief Justice, Associate Justices and Judges of the subordinate courts of records shall hold office during good behavior". They may be removed upon impeachment and conviction by the legislature based on proven misconduct , gross breach of duty, inability to perform

the functions of their office, a conviction in a court of law for treason, bribery or other infamous crime.

**28. Who handles the disciplinary procedures for judges and what sanctions may be imposed for disciplinary offenses?**

The Supreme Court has set up a committee named and styled “The Judiciary Inquiry Commission” (JIC), responsible for investigating misconduct or ethical transgression. Upon findings of magnitude of ethical transgression, the JIC recommends to the Supreme Court such sanctions as suspension or removal from office of the Judge or Magistrate. The Judge or Magistrate so accused is given ‘due process’ throughout the investigation.

Such punitive measures as fines or suspension can be instituted by the Supreme Court but for removal from Office of a Judge, the Constitution of Liberia delegates this responsibility to the Legislature; hence, any recommendation of such nature must be made to the National Legislature. While for a Magistrate, recommendation for removal is sent to the President of the Republic of Liberia for his/her consideration. It is important to note here that the Judge so accused has the right to due process at all levels: JIC, Supreme Court, and the National Legislature (for impeachment hearings).

**29. In situations where a judge is at risk of being removed from office, does he or she have the right to be fully informed of the charges, to be represented at the hearing, to make a full defense, and to be judged by an independent tribunal.**

Yes. In a situation where a Judge is accused of an ethical transgression, he/she is accorded the right to due process such as notice of the misconduct leveled against him/her, notice of appearance and notice to be represented by a counsel of his/her choice at every stage of the hearing.

**30. During the last 20 years, how many judges have been removed from office, and for what reasons?**

Two Judges were removed from office for gross breach of duty as spelt out in the Constitution Article 71. One assumed jurisdiction over a matter over which he did not have jurisdiction and behaved unethically. The other was found to have granted an insufficient criminal appearance bond in a drug matter, which provided an opportunity for the defendants to escape the country during the pendency of the matter, thus preventing the aggrieved party, the Republic of Liberia, from redress.

**31. Can judges be removed from office or have their salaries reduced as a consequence of making a decision which is unpopular with the government.**

Not as a matter of law, although it has occurred in Liberia's immediate past. There were three such situations during the Presidency of the late William V.S. Tubman, involving Associate Justice T. M. Stewart and President Samuel K. Doe, involving Chief Justice Emmanuel Gbalazeh and later Chief Justice Chea Chepoh.

### **Evaluation of Sitting Judges**

#### **32. Is there any evaluation of the performance of a judge in his or her office? If so, who performs the evaluation?**

Yes, there is a means of evaluation of the performance of Judges and Magistrates and that is done through the Court Administrator's Office. The Quarterly Report from Judges, which includes also Reports of Magistrates from their Circuits are used as a means of evaluating them. Additionally, there is a Judiciary Monitoring and Evaluation Team, which carries out visitation to each Circuit/Court unannounced to assess attendance, Court records and management of the Courts.

#### **33. What are the criteria for elevation (i) to the higher court, (ii) to an office such a president of a court or chief justice?**

While there is no provision under Liberia's laws governing promotion, the present government headed by President Ellen Johns Sirleaf has nevertheless requested recommendation of the Liberia National Bar Association (LNBA) and the Supreme Court of Liberia.

### **Continuing Education of Judges**

#### **34. Does your judicial training address legal issues, judicial skills, and social context (i.e. training in how to treat all litigants with respect)?**

The James A. A. Pierre Judicial Institute is a government entity operating under the Judicial Branch of government. Since its establishments in 2008, it has been to a large extent donor-driven. The physical facilities currently used by the institute are provided by the Judiciary. The Judiciary has since taken over the salaries/allowance of staff, and other administrative costs.

This transition to the institute controlling salaries of staff has given the institute more autonomy over curriculum. This ownership by the staff has led to the training center developing programs to address judicial skills and social context. The issue of "social context" is being addressed by the institute through (1) the development of a vision, mission, and core values, (2) an institute of excellence dedicated to quality training of judicial sector personnel to engender trust in the judicial system, and (3)



development of research materials, such as a training manual on sexual and general-based violence for judicial personnel.

The briefing notes from the Rapporteur's January 19, 2017 meeting at the Pierre Judicial Institute Briefing Notes are attached as Appendix D.

**35. Who develops and offers continuing education to judges? What role do judges have in selection of topics, participation as lectures and otherwise in the teaching of their colleagues?**

The James A.A. Pierre Judicial Institute established by the Supreme Court of Liberia develops and offers continuing education to Judges and Magistrates. When preferred topics are drawn up by the Judicial Institute, they are submitted to the office of the National Association of Trial Judges of Liberia (NATJL) for input. The office of the NATJL in consultation with other Judges may retain, modify, or delete some of the topics as may be necessary. The names of Judges with competency in certain topic or subject matter are then forwarded along with the approved topics to the Judicial Institute as facilitators and training schedules are drawn-up indicating the venue of such training; inclusive of the date and selected topics. Thereafter, the participating Judges are highlighted and notified of such training exercise.

**Judge's Association**

**36. When was the judge's association founded?**

The history regarding the formation of the National Association of Trial Judges of Liberia (NATJL) is very scanty. One version states that, prior to 1980, there existed a Body to run the affairs of Judges within the Judiciary, but there is no record of leadership and activities. The Body however, remained dormant from 1980 up to and including some parts of the war-years, before Justice M. Wilkins Wright, then Civil Law court Judge, led the Organization. However, the Association, again, became inactive for few years after Justice Wright's leadership. In 1987, the Former Ad-hoc Chief Justice of the Honorable Supreme Court of Liberia, William B. Metzgar, then a Judge, reorganized the Judges and headed the Association until 2003, when Judge J. Boima Kontoe was requested to serve as an Interim President with responsibility to draw up a Constitution. Judge Kontoe faithfully executed the said mandate, and the Constitution named and styled the Organization as "National Association of Trial Judges of Liberia (NATJL)". Judge Yussif D. Kaba, Resident Circuit Judge, Sixth Judicial Circuit, Montserrado County became its first democratically elected President from 2007-2009. Other past Presidents since the re-organization of the Association are: Judge James Ws. Zotaa, Jr. 2010-2012, Judge James E. Jones, 2012-2016, and Judge Roosevelt Z. Willie, 2016 to present.

**37. Number of members in the association:**

There are 386 members of the NATJL.

**38. Is membership in the association limited to judges only?**

Yes, the membership of the NATJL is only limited to Circuit Judges, Specialized Court Judges and Magistrates.

**39. Is the judges association a not-for-profit society/company/organization established by law? Is it a private society/company/organization, or a public law organization?**

Yes, it is a not for profit organization. Notwithstanding, the National Association of Trial Judges is an organization not exclusively incorporated but created by provisions of our laws providing for the creation or existence of the Judiciary Branch of Government, which primarily comprises of Courts presided over by duly commissioned Judges and place them within various jurisdiction of our Country with purpose for interpretation and application of the laws. These Judges formed, organized, named and styled themselves collaboratively as an organization reflecting the named “National Associations of Trial Judges of Liberia” (NATJL) operating within and under coverage of the Judiciary Branch of Government as an institution created by constitutional provision of the laws of the Republic of Liberia. Nevertheless, the NATJL, even though functions on the coverage of the Judiciary Branch of the Liberian Government, it is independent of the Supreme Court of Liberia and other branches of the Liberian Government.

**40. Is membership in the organization mandatory? If not, are all judges entitled to belong should they choose to do so?**

Yes, membership in the organization is mandatory as long as one is appointed as a Judge or Magistrate, inducted, and continues to serve in that capacity.

**41. Are there other judge’s associations in existence in the county? If so, how many judges belong to that association that do not belong to the applicant association?**

No. There is no other Judges Association in the Republic of Liberia, besides the National Association of Trial Judges in Liberia (NATJL).

**42. Is the judge’s association a corporate member of another national or international association of judges?**

No. The NATJL is not a member of any Corporate Association. However, those of NATJL’s members who are lawyers are part of Liberia National Bar Association

(LNBA). Additionally, one of NATJL's members participated in the formation of the West Africa Judges Association (WAJA), whose objective is to unite and incorporate all West African Judges into one body. The selection of that member to participate in that meeting was done solely by the Supreme Court of Liberia and not the NATJL. The By-laws and Constitution of WAJA has yet to be approved.

**43. How is the judge's association funded? Is it by membership fees or by funding from another branch of state or from another type of source?**

NATJL is one hundred percent funded by its members through dues of a 2% of their . This amount is used to cover NATJL's expenditures for activities such as salary for staffs and programs activities.

**Attempts at Improper Influence**

**44. What is the ambit of the minister of justice's power of supervision over judges?**

The Ministry of Justice has developed the "fast track" program discussed above, and created an independent prosecutor's office, independent of judicial influence. The Ministry of Justice and the Judiciary have undertaken efforts to develop and perpetuate the independence of both bodies.

**45. Does the legislature or executive attempt to influence the judiciary? In what ways?**

No. The relevant constitutional provisions are:

Article 66: "The Supreme Court shall be the final arbiter of constitutional issues and shall exercise final appellate jurisdiction in all cases . . . The legislature shall make no law nor create exceptions as would deprive the Supreme Court of any of the powers granted herein."

Article 72(a): "The Justices of the Supreme Court and all other judges shall receive such salaries, allowances and benefits as shall be established by law. Such salaries shall be subject to taxes as defined by law, provided that they shall not otherwise be diminished. Allowances and benefits paid to Justices of the Supreme Court and judges of subordinate courts may by law be increased but may not be diminished except under a national program enacted by the Legislature; nor shall such allowances and benefits be subject to taxation."

**Level of Public Confidence in the Judiciary**

**46. What is the current level of public confidence in the judiciary insofar as it can be gauged?**

Although there is no formal measurement, in our opinion the level of confidence is high and growing. As a result of the many positive developments discussed above, the public has gained confidence in the judiciary and is increasingly turning to the courts to resolve disputes, as opposed to using self-help.

**47. What is the attitude of parliament, the executive, and the civil service toward the judiciary? Have any problems arisen in that regard in the last 5 years?**

**i) Parliament**

The level of public confidence in regards to the attitude of parliament, commonly refer within our jurisdiction as the “National Legislature of the Republic of Liberia” is in so far cordial; in that over the immediate past ten (10) years up to present, the Liberian National Legislature has always referenced the Judiciary Branch in matters of Judicial interpretation, particularly during constitutional crisis or issue consistent with the doctrine of ‘Judicial review’. For example, the “Code of Conduct”, which enactment became controversial, resulted into its recent judicial review by the Honorable Supreme Court, when a citizen desirous of participating in the pending 2017, Presidential and Legislative elections challenged its constitutionality. The Honorable Supreme Court subsequently declared the said Code of Conduct Constitutional. This decision strongly fosters public confidence in the judiciary and few others instances

**ii) Executive**

As to the Executive, attitude substantiating confidence in the Judiciary can be drawn from the adjudication of electoral disputes numerously forwarded from the National Election Commission (NEC), an arm operating within the Executive Branch of the Liberian government and responsible for conducting elections and related electoral disputes therefrom. However, when aggrieved parties are dissatisfied with rulings therefrom and other administrative agencies from the Executive, they are referred to the Judiciary for final resolution. The amicable determination of these matters emanating from administrative agencies within the Executive has always boosted the Executive confidence and foster positive attitude from the Executive toward the judiciary as is required by practice within our jurisdiction and in keeping with universally acceptable standard of coordination amongst the branches of a democratic governmental system as ours.

**iii) Civil Service**

In regards to the civil service, its attitude towards the Judiciary relative to confidence has been somehow cordial. Somehow in that, at some point, they are singing praises to the Judiciary and at other times seriously criticizing it.

As we are aware, there are always two sides to a judicial coin, that is, the party in whose favor a court's judgment is rendered will sing praises on the judiciary, while on the other hand, the one against whom such decision is made as being liable or guilty at times condemn the judiciary. In this regard, there is often public outcry, where there is interest in a pending matter before a court and the outcry is often intended to sway or influence the anticipated decision of the Court. When such public outcry is not yielded to by the court based on the law and the principle of judicial neutrality, the Court is again condemned. Accordingly, the attitude of public confidence in the judiciary can be favorable at times and unfavorable in some instances from the examples stated hereinabove. Notwithstanding, the attitude of confidence remains cordial.

**48. In what circumstances have your judges used criminal law or contempt proceedings to control public criticism of their decisions?**

From a careful assessment of our Judges or courts activities as it relates the used of "Contempt proceedings" or the Criminal law to specifically control public criticism of their decision, there is no such account. What can be accounted for here is that contempt proceedings are often used to maintain or re-instate the lost respect integrity and/or dignity of the court or judiciary. As we are aware, contempt under our jurisdiction "is the power of the court to punish for acts tending to bring or bringing the court to disrepute", which our courts often exercise. What remains clear is that the public is in the know of the Courts authority to punish for contempt and in which respect their criticism are often respectfully channeled. Consistent with the principle of democracy as our system of governance subscribes, public criticism respectfully channeled is often tolerated at all times.

**Problems Faced by the Judiciary**

**49. What do you think are the greatest problems faced by your courts and their judges at this time? What is the most important reformed you would like to see introduced?**

The greatest problem faced by Liberia's courts and the judges are overcrowded court dockets. The trial period of a Court Term is 42 days and there are four such terms in a year, which is insufficient to hear as many cases as possible (depending on the duration of a single case). NATJL has informed the Supreme Court bench and the LNBA, so that the Bar can work out a bill to the National Legislature for a reduction in the number of Court Terms to either two or three to allot more days to a single Term.

The overcrowded court dockets are also a huge problem faced by the Supreme Court and therefore LNBA is also working on a bill to be submitted to the National

Legislature for the establishment of three intermediary courts of appeal to be established in three regions, so as to reduce the number of appeal cases being sent directly to the Supreme Court of Liberia.

# APPENDIX A

NO.	DAY/DATE/TIME	ACTIVITY	STAKE HOLDERS	VENUE	RESPONSIBLE PERSON (S)	REMARKS
1	SUN - TUES 15 - 17 JAN, 5:00PM	ARRIVAL	IAJ RAPPORTEURS	ROD HOTEL	NATJL RAPPORTEURS COMMITTEE	JUSTICE JOEMATH ARRIVES SUN. 15 JAN JUDGE CARTER ARRIVES TUES 17-Jan
2	WED. JAN 18 9:30AM - 10:30AM	BRIEFING	NATJL OFFICERS	NATJL CONFERENCE ROOM	IAJ RAPPORTEURS AND NATJL OFFICERS	ACQUAINTANCE MEETING
3	WED. JAN. 18 10:AM - 11:00AM	COFFEE BREAK	"	"	"	"
4	WED. 18 JAN. 11:00AM - 12:30PM	MEETING	SUPREME COURT BENCH	CHIEF JUSTICE CHAMBERS	THE SUPREME COURT & IAJ RAPPORTEURS	TO BE ACCOMPANIED BY NATJL COMMITTEE
5	WED. 18 JAN. 12:30 - 2:00PM	LUNCH	NATJL OFFICERS	T B D	IAJ RAPPORTEURS AND NATJL OFFICERS	T B D
6	WED. 18 JAN. 2:00PM - 4:00PM	MEETING	UNMIL RULE OF LAW OFFICE	UNMIL HEAD QUARTERS	HEAD OF UNMIL RULE OF LAW OFFICE	TO BE ACCOMPANIED BY NATJL COMMITTEE
7	THURS. 19 JAN. 9:30AM - 10:30AM	MEETING	DEAN, LOUIS ARTHUR GRIMES SCHOOL OF LAW	UNIVERSITY OF LIBERIA CAMPUS	DEAN OF THE LAW SCHOOL AND IAJ RAPPORTEURS	TO BE ACCOMPANIED BY NATJL COMMITTEE
NO.	DAY/DATE/TIME	ACTIVITY	STAKE HOLDERS	VENUE	RESPONSIBLE PERSON (S)	REMARKS
8	10:45AM-12:00PM	MEETING	MINISTER OF JUSTICE	MINISTRY OF JUSTICE	MINISTER OF JUSTICE AND IAJ RAPPORTEURS	TO BE ACCOMPANIED BY NATJL COMMITTEE



9	THURSDAY 19 JAN 12:00PM - 1:00PM	LUNCH	NATJL	T B D	I A J RAPORTEURS AND N A T J L
10	THURSDAY 19 JAN 1:00 - 2:00PM	MEETING	JUDICIAL INSTITUTE ACTING DIRECTOR	IN THE DIRECTOR'S OFFICE	I A J RAPORTEURS AND N A T J L
11	THURS. DAY 19 JAN 2:00PM - 4:00PM	MEETING	PRESIDENT AND EXECUTIVE COMMITTEE MEMBERS, LIBERIA NATIONAL BAR ASSOCIATION	THE B A R OFFICE	I A J RAPORTEURS AND B A R
12	FRI. 20 JAN. 10:00AM - 11:00AM	MEETING	HOUSE COMMITTEE ON JUDICIARY	CAPITOL BUILDING	I A J RAPORTEURS AND HOUSE COMMITTEE ON JUDICIARY
13	FRI. 20 JAN. 11:00PM - 12:30PM	LUNCH AND MEETING	NATJL NATIONAL EXECUTIVE COMMITTEE (NEC)	NATJL C CONFERENCE ROOM	I A J RAPORTEURS AND NATJL/NEC
14	FRI. 20 JAN. 5:00PM - 7:30AM	FAREWELL DINNER	ALL STAKE HOLDERS WHO PARTICIPATED IN THE DISCUSSIONS	TEMPLE OF JUSTICE BANQUET HALL	N A T J L

# APPENDIX B

*Officers of the National Association of Trial Judges of Liberia (NATJL)*



*His Honor Roosevelt E. Willie  
President (NATJL)*



*Her Honor Nancy F. Sammy  
Vice President (NATJL)*



*His Honor Tweh Wasseh  
General Secretary (NATJL)*



*His Honor Nelson B. Chineh  
Treasurer (NATJL)*



*His Honor Clarence Weah  
Chaplain (NATJL)*



*Farewell Program in Honor of  
Judge David O. Carter  
Of the  
International Association of Judges (IAJ)  
Rome, Italy*



*Held in the  
Banquet Hall, 6th Floor, Temple of Justice*

*Friday, January 20, 2017*

*From 5:00pm - 7:30pm*



His Honor Francis S. Korkpor Sr.  
Chief Justice  
Supreme Court, Republic of Liberia



His Honor Kalanoh M. Jahnah  
Associate Justice  
Supreme Court, Republic of Liberia



Her Honor Jamesetta H. Wokokallie  
Associate Justice  
Supreme Court, Republic of Liberia



His Honor Philip A. E. Banks III  
Associate Justice  
Supreme Court, Republic of Liberia



Her Honor Sie-A-Nyano G. Yuoh  
Associate Justice  
Supreme Court, Republic of Liberia

ORDER OF PROGRAM

1. Opening Prayer ..... His Honor Clarence N. Weah  
Chaplain, NATJL
2. Welcome Remarks ..... His Honor James E. Jones  
Chairman, NATJL & IAJ Rapporteur Committee
3. Interlude of Music ..... Musician
4. NATJL & IAJ Relationship ..... His Honor Roosevelt E. Willie  
President, NATJL
5. Interlude of Music ..... Musician
6. Statements from Honoree ..... a. Judge David O. Carter
7. Interlude of Music ..... Musician
8. Remarks ..... i. UNMOL Rule of Law Office  
ii. Acting Director, Judicial Institute  
iii. Dean, Louis Arthur Grimes Law School  
iv. President, Liberia National Bar Association (LNBA)  
v. The Minister, Ministry of Justice R.L.  
vi. Chairman, House Committee on Judiciary  
vii. His Honor Francis S. Korkpor Sr.  
Chief Justice, Supreme Court, Republic of Liberia
9. Interlude of Music ..... Musician
10. Vote of Thanks ..... Her Honor Nancy F. Sammy  
Vice President, NATJL

!!!!!!!!!!!!!!!!!!!!!!Dinner/Social Time!!!!!!!!!!!!!!!!!!!!!!

# APPENDIX C

## **Constitution of the Republic of Liberia**

### **PREAMBLE**

We the People of the Republic of Liberia:

Acknowledging our devout gratitude to God for our existence as a Free, Sovereign and Independent State, and relying on His Divine Guidance for our survival as a Nation;

Realizing from many experiences during the course of our national existence which culminated in the Revolution of April 12, 1980, when our Constitution of July 26, 1847 was suspended, that all of our people, irrespective of history, tradition, creed, or ethnic background are of one common body politic;

Exercising our natural, inherent and inalienable rights to establish a framework of government for the purpose of promoting unity, liberty, peace, stability, equality, justice and human rights under the rule of law, with opportunities for political, social, moral, spiritual and cultural advancement of our society, for ourselves and for our posterity; and

Having resolved to live in harmony, to practice fraternal love, tolerance and understanding as a people and being fully mindful of our obligation to promote African unity and international peace and cooperation,

Do hereby solemnly make, establish, proclaim, and publish this Constitution for the governance of the Republic of Liberia.

### **CHAPTER I STRUCTURE OF THE STATE**

#### **Article 1**

All power is inherent in the people. All free governments are instituted by their authority and for their benefit and they have the right to alter and reform the same when their safety and happiness so require. In order to ensure democratic government which responds to the wishes of the governed, the people shall have the right at such period, and in such manner as provided for under this Constitution, to cause their public servants to leave office and to fill vacancies by regular elections and appointments.

## **Article 2**

This Constitution is the supreme and fundamental law of Liberia and its provisions shall have binding force and effect on all authorities and persons throughout the Republic.

Any laws, treaties, statutes, decrees, customs and regulations found to be inconsistent with it shall, to the extent of the inconsistency, be void and of no legal effect. The Supreme Court, pursuant to its power of judicial review, is empowered to declare any inconsistent laws unconstitutional.

## **Article 3**

Liberia is a unitary sovereign state divided into counties for administrative purposes. The form of government is Republican with three separate coordinate branches: the Legislative, the Executive and Judiciary. Consistent with the principles of separation of powers and checks and balances, no person holding office in one of these branches shall hold office in or exercise any of the powers assigned to either of the other two branches except as otherwise provided in this Constitution; and no person holding office in one of the said branches shall serve on any autonomous public agency.

## **CHAPTER II GENERAL PRINCIPLES OF NATIONAL POLICY**

### **Article 4**

The principles contained in this Chapter shall be fundamental in the governance of the Republic and shall serve as guidelines in the formulation of legislative, executive and administrative directives, policy-making and their execution.

### **Article 5**

The Republic shall:

- a. aim at strengthening the national integration and unity of the people of Liberia, regardless of ethnic, regional or other differences, into one body politic; and the Legislature shall enact laws promoting national unification and the encouragement of all citizens to participate in government;
- b. preserve, protect and promote positive Liberian culture, ensuring that traditional values which are compatible with public policy and national progress are adopted and developed as an integral part of the growing needs of the Liberian society;

c. take steps, by appropriate legislation and executive orders, to eliminate sectionalism and tribalism, and such abuses of power as the misuse of government resources, nepotism and all other corrupt practices.

#### **Article 6**

The Republic shall, because of the vital role assigned to the individual citizen under this Constitution for the social, economic and political well being of Liberia, provide equal access to educational opportunities and facilities for all citizens to the extent of available resources. Emphasis shall be placed on the mass education of the Liberian people and the elimination of illiteracy.

#### **Article 7**

The Republic shall, consistent with the principles of individual freedom and social justice enshrined in this Constitution, manage the national economy and the natural resources of Liberia in such manner as shall ensure the maximum feasible participation of Liberian citizens under conditions of equality as to advance the general welfare of the Liberian people and the economic development of Liberia.

#### **Article 8**

The Republic shall direct its policy towards ensuring for all citizens, without discrimination, opportunities for employment and livelihood under just and humane conditions, and towards promoting safety, health and welfare facilities in employment.

#### **Article 9**

The Republic shall encourage the promotion of bilateral and regional cooperation between and among Liberian and other nations and the formation and maintenance of regional organizations aimed at the cultural, social, political and economic development of the peoples of Africa and other nations of the world.

#### **Article 10**

The Republic shall ensure the publication and dissemination of this Constitution throughout the Republic and the teaching of its principles and provisions in all institutions of learning in Liberia.

### **CHAPTER III FUNDAMENTAL RIGHTS**

#### **Article 11**

a. All persons are born equally free and independent and have certain natural, inherent and inalienable rights, among which are the right of enjoying and



defending life and liberty, of pursuing and maintaining and security of the person and of acquiring, possessing and protecting property, subject to such qualifications as provided for in this Constitution.

b. All persons, irrespective of ethnic background, race, sex, creed, place of origin or political opinion, are entitled to the fundamental rights and freedoms of the individual, subject to such qualifications as provided for in this Constitution.

c. All persons are equal before the law and are therefore entitled to the equal protection of the law.

### **Article 12**

No person shall be held in slavery or forced labor within the Republic, nor shall any citizen of Liberia nor any person resident therein deal in slaves or subject any other person to forced labor, debt bondage or peonage; but labor reasonably required in consequence of a court sentence or order conforming to acceptable labor standards, service in the military, work or service which forms part of normal civil obligations or service exacted in cases of emergency or calamity threatening the life or well-being of the community shall not be deemed forced labor.

### **Article 13**

a. Every person lawfully within the Republic shall have the right to move freely throughout Liberia, to reside in any part thereof and to leave therefrom subject however to the safeguarding of public security, public order, public health or morals or the rights and freedoms of others.

b. Every Liberian Citizen shall have the right to leave and to enter Liberia at any time. Liberian citizens and non-Liberian residents may be extradited to foreign country for prosecution of a criminal offense in accordance with the provisions of an extradition treaty or other reciprocal international agreements in force. Non-Liberian residents may be expelled from the Republic of Liberia for cause.

### **Article 14**

All persons shall be entitled to freedom of thought, conscience and religion and no person shall be hindered in the enjoyment thereof except as may be required by law to protect public safety, order, health, or morals or the fundamental rights and freedoms of others. All persons who, in the practice of their religion, conduct themselves peaceably, not obstructing others and conforming to the standards set out herein, shall be entitled to the protection of the law. No religious denomination or sect shall have any exclusive privilege or preference over any other, but all shall be treated alike; and no religious tests shall be required for any civil or military

office or for the exercise of any civil right. Consistent with the principle of separation of religion and state, the Republic shall establish no state religion.

### **Article 15**

a. Every person shall have the right to freedom of expression, being fully responsible for the abuse thereof. This right shall not be curtailed, restricted or enjoined by government save during an emergency declared in accordance with this Constitution.

b. The right encompasses the right to hold opinions without interference and the right to knowledge. It includes freedom of speech and of the press, academic freedom to receive and impart knowledge and information and the right of libraries to make such knowledge available. It includes non-interference with the use of the mail, telephone and telegraph. It likewise includes the right to remain silent.

c. In pursuance of this right, there shall be no limitation on the public right to be informed about the government and its functionaries.

a. Access to state owned media shall not be denied because of any disagreement with or dislike of the ideas express. Denial of such access may be challenged in a court of competent jurisdiction.

b. This freedom may be limited only by judicial action in proceedings grounded in defamation or invasion of the rights of privacy and publicity or in the commercial aspect of expression in deception, false advertising and copyright infringement.

### **Article 16**

No person shall be subjected to interference with his privacy of person, family, home or correspondence except by order of a court of competent jurisdiction.

### **Article 17**

All persons, at all times, in an orderly and peaceable manner, shall have the right to assemble and consult upon the common good, to instruct their representatives, to petition the Government or other functionaries for the redress of grievances and to associate fully with others or refuse to associate in political parties, trade unions and other organizations.

### **Article 18**

All Liberian citizens shall have equal opportunity for work and employment regardless of sex, creed, religion, ethnic background, place of origin or political affiliation, and all shall be entitled to equal pay for equal work.

## **Article 19**

No person other than members of the Armed Forces of Liberia or of the militia in active service shall be subject to military law, or made to suffer any pains or penalties by virtue of that law, or be tried by courts-martial.

## **Article 20**

a. No person shall be deprived of life, liberty, security of the person, property, privilege or any other right except as the outcome of a hearing judgment consistent with the provisions laid down in this Constitution and in accordance with due process of law. Justice shall be done without sale, denial or delay; and 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.

b. The right of an appeal from a judgment, decree, decision or ruling of any court or administrative board or agency, except the Supreme Court, shall be held inviolable. The legislature shall prescribe rules and procedures for the easy, expeditious and inexpensive filing and hearing of an appeal.

## **Article 21**

a. No person shall be made subject to any law or punishment which was not in effect at the time of commission of an offense, nor shall the Legislature enact any bill of attainder or ex post facto law.

b. No person shall be subject to search or seizure of his person or property, whether on a criminal charge or for any other purpose, unless upon warrant lawfully issued upon probable cause supported by a solemn oath or affirmation, specifically identifying the person or place to be searched and stating the object of the search; provided, however, that a search or seizure shall be permissible without a search warrant where the arresting authorities act during the commission of a crime or in hot pursuit of a person who has committed a crime.

c. Every person suspected or accused of committing a crime shall immediately upon arrest be informed in detail of the charges, of the right to remain silent and of the fact that any statement made could be used against him in a court of law. Such person shall be entitled to counsel at every stage of the investigation and shall have the right not to be interrogated except in the presence of counsel. Any admission or other statements made by the accused in the absence of such counsel shall be deemed inadmissible as evidence in a court of law.

d.

- i. All accused persons shall be bailable upon their personal recognizance or by sufficient sureties, depending upon the gravity of the charge, unless charged for capital offenses or grave offenses as defined by law.
- ii. Excessive bail shall not be required, nor excessive fines imposed, nor excessive punishment inflicted.
- e. No person charged, arrested, restricted, detained or otherwise held in confinement shall be subject to torture or inhumane treatment; nor shall any person except military personnel, be kept or confined in any military facility; nor shall any person be seized and kept among convicted prisoners or treated as a convict, unless such person first shall have been convicted of a crime in court of competent jurisdiction. The Legislature shall make it a criminal offense and provide for appropriate penalties against any police or security officer, prosecutor, administrator or any other public or security officer, prosecutor, administrator or any other public official acting in contravention of this provision; and any person so damaged by the conduct of any such public official shall have a civil remedy therefor, exclusive of any criminal penalties imposed.
- f. Every person arrested or detained shall be formally charged and presented before a court of competent jurisdiction within forty-eight hours. Should the court determine the existence of a prima facie case against the accused, it shall issue a formal writ of arrest setting out the charge or charges and shall provide for a speedy trial. There shall be no preventive detention.
- g. The right to the writ of habeas corpus, being essential to the protection of human rights, shall be guaranteed at all times, and any person arrested or detained and not presented to court within the period specified may in consequence exercise this right.
- h. 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. In all criminal cases, the accused shall have the right to be represented by counsel of his choice, to confront witnesses against him and to have compulsory process for obtaining witnesses in his favor. He shall not be compelled to furnish evidence against himself and he shall be presumed innocent until the contrary is proved beyond a reasonable doubt. No person shall be subject to double jeopardy.
- i. The right to counsel and the rights of counsel shall be inviolable. There shall be no interference with the lawyer-client relationship. In all trials, hearings, interrogatories and other proceedings where a person is accused of a criminal offense, the accused shall have the right to counsel of his choice; and where the

accused is unable to secure such representation, the Republic shall make available legal aid services to ensure the protection of his rights.

There shall be absolute immunity from any government sanctions or interference in the performance of legal services as a counselor or advocate; lawyers' offices and homes shall not be searched or papers examined or taken save pursuant to a search warrant and court order; and no lawyer shall be prevented from or punished for providing legal services, regardless of the charges against or the guilt of his client, no lawyer shall be barred from practice for political reasons.

j. Any person who, upon conviction of a criminal offense, was deprived of the enjoyment of his civil rights and liberties, shall have the same automatically restored upon serving the sentence and satisfying any other penalty imposed, or upon an executive pardon.

## **Article 22**

a. Every person shall have the right to own property alone as well as in association with others; provided that only Liberian citizens shall have the right to own real property within the Republic.

b. Private property rights, however, shall not extend to any mineral resources on or beneath any land or to any lands under the seas and waterways of the Republic. All mineral resources in and under the seas and other waterways shall belong to the Republic and be used by and for the entire Republic.

c. Non-citizen missionary, educational and other benevolent institutions shall have the right to own property, as long as that property is used for the purposes for which acquired; property no longer so used shall escheat to the Republic.

d. The Republic may, on the basis of reciprocity, convey to a foreign government property to be used perpetually for its diplomatic activities. This land shall not be transferred or otherwise conveyed to any other party or used for any other purpose, except upon the expressed permission of the Government of Liberia. All property so conveyed may escheat to the Republic in the event of a cessation of diplomatic relations.

## **Article 23**

a. The property which a person possesses at the time of marriage or which may afterwards be acquired as a result of one's own labors shall not be held for or otherwise applied to the liquidation of the debts or other obligations of the spouse, whether contracted before or after marriage; nor shall the property which by law is to be secured to a man or a woman be alienated or be controlled by that person's spouse save by free and voluntary consent.

b. The Legislature shall enact laws to govern the devolution of estates and establish rights of inheritance and descent for spouses of both statutory and customary marriages so as to give adequate protection to surviving spouses and children of such marriages.

#### **Article 24**

a. While the inviolability of private property shall be guaranteed by the Republic, expropriation may be authorized for the security of the nation in the event of armed conflict or where the public health and safety are endangered or for any other public purposes, provided:

(i) that reasons for such expropriation are given;

(ii) that there is prompt payment of just compensation;

(iii) that such expropriation or the compensation offered may be challenged freely by the owner of the property in a court of law with no penalty for having brought such action; and

(iv) that when property taken for public use ceases to be so used, the Republic shall accord the former owner or those entitled to the property through such owner, the right of first refusal to reacquire the property.

b. All real property held by a person whose certificate of naturalization has been cancelled shall escheat to the Republic unless such person shall have a spouse and/or lineal heirs who are Liberian citizens, in which case the real property shall be transferred to them in accordance with the intestacy law.

c. The power of the Legislature to provide punishment for treason or other crimes shall not include a deprivation or forfeiture of the right of inheritance, although its enjoyment by the convicted person shall be postponed during a term of imprisonment judicially imposed; provided that if the convicted person has minor children and a spouse, the spouse or next of kin in the order of priority shall administer the same. No punishment shall preclude the inheritance, enjoyment or forfeiture by others entitled thereto of any property which the convicted person at the time of conviction or subsequent thereto may have possessed.

#### **Article 25**

Obligation of contract shall be guaranteed by the Republic and no laws shall be passed which might impair this right.

#### **Article 26**

Where any person or any association alleges that any of the rights granted under this Constitution or any legislation or directives are constitutionally contravened, that person or association may invoke the privilege and benefit of court direction, order or writ, including a judgment of unconstitutionality; and anyone injured by an act of the Government or any person acting under its authority, whether in property, contract, tort or otherwise, shall have the right to bring suit for appropriate redress. All such suits brought against the Government shall originate in a Claims Court; appeals from judgment of the Claims Court shall lie directly to the Supreme Court.

## **CHAPTER IV CITIZENSHIP**

### **Article 27**

- a. All persons who, on the coming into force of this Constitution were lawfully citizens of Liberia shall continue to be Liberian citizens.
- b. In order to preserve, foster and maintain the positive Liberian culture, values and character, only persons who are Negroes or of Negro descent shall qualify by birth or by naturalization to be citizens of Liberia.
- c. The Legislature shall, adhering to the above standard, prescribe such other qualification criteria for the procedures by which naturalization may be obtained.

### **Article 28**

Any person, at least one of whose parents was a citizen of Liberia at the time of the Person's birth, shall be a citizen of Liberia; provided that any such person shall upon reaching maturity renounce any other citizenship acquired by virtue of one parent being a citizen of another country. No citizen of the Republic shall be deprived of citizenship or nationality except as provided by law; and no person shall be denied the right to change citizenship or nationality.

## **CHAPTER V THE LEGISLATURE**

### **Article 29**

The legislative power of the Republic shall be vested in the Legislature of Liberia which shall consist of two separate houses: A Senate and a House of Representatives, both of which must pass on all legislation. The enacting style shall be: "It is enacted by the Senate and House of Representatives of the Republic of Liberia in Legislature assembled."

### **Article 30**

Citizens of Liberia who meet the following qualifications are eligible to become members of the Legislature.

- a. for the Senate, have attained the age of 30 years and for the House of Representatives, have attained the age of 25 years;
- b. be domiciled in the country or constituency to be represented not less than one year prior to the time of the election and be a taxpayer.

### **Article 31**

Each member of the Legislature, before taking his seat and entering upon the duties of office, shall take and subscribe to a solemn oath of affirmation, before the presiding officer of the House to which such person was elected and in the presence of other members of that House, to uphold and defend the Constitution and laws of the Republic and to discharge faithfully the duties of such office.

### **Article 32**

- a. The Legislature shall assemble in regular session once a year on the second working Monday in January.
- b. The President shall, on his own initiative or upon receipt of a certificate signed by at least one-fourth of the total membership of each House, and by proclamation, extend a regular session of the Legislature beyond the date for adjournment or call a special extraordinary session of that body to discuss or act upon matters of national emergency and concern. When the extension or call is at the request of the Legislature, the proclamation shall be issued not later than forty-eight hours after receipt of the certificate by the President.

### **Article 33**

Simple majority of each House shall constitute a quorum for the transaction of business, but a lower number may adjourn from day to day and compel the attendance of absent members. Whenever the House of Representatives and the Senate shall meet in joint session, the presiding officer of the House of Representatives shall preside.

### **Article 34**

The Legislature shall have the power:

- a. to create new counties and other political sub-division, and readjust existing county boundaries;
- b. to provide for the security of the Republic;



c. to provide for the common defense, to declare war and authorize the Executive to conclude peace; to raise and support the Armed Forces of the Republic, and to make appropriations therefor provided that no appropriation of money for that use shall be for a longer term than on year; and to make rules for the governance of the Armed Forces of the Republic;

d. to levy taxes, duties, imports, exercise and other revenues, to borrow money, issue currency, mint coins, and to make appropriations for the fiscal governance of the Republic, subject to the following qualifications:

i. all revenue bills, whether subsidies, charges, imports, duties or taxes, and other financial bills, shall originate in the House of Representatives, but the Senate may propose or concur with amendments as on other bills. No other financial charge shall be established, fixed, laid or levied on any individual, community or locality under any pretext whatsoever except by the expressed consent of the individual, community or locality. In all such cases, a true and correct account of funds collected shall be made to the community or locality;

ii. no monies shall be drawn from the treasure except in consequence of appropriations made by legislative enactment and upon warrant of the President; and no coin shall be minted or national currency issued except by the expressed authority of the Legislature. An annual statement and account of the expenditure of all public monies shall be submitted by the office of the President to the Legislature and published once a year;

iii. no loans shall be raised by the Government on behalf of the Republic or guarantees given for any public institutions or authority otherwise than by or under the authority of a legislative enactment;

a. to constitute courts inferior to the Supreme Court, including circuit courts, claims courts and such courts with prescribed jurisdictional powers as may be deemed necessary for the proper administration of justice throughout the Republic;

b. to approve treaties, conventions and such other international agreements negotiated or signed on behalf of the Republic;

c. to regulate trade and commerce between Liberia and other nations;

d. to establish laws for citizenship, naturalization and residence;

e. to enact the election laws;

f. to establish various categories of criminal offenses and provide for the punishment thereof;

g. to enact laws providing pension scheme for various categories of government officials and employees in accordance with age and tenure of service; and

h. to make other laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the Government of the Republic, or in any department or officer thereof.

### **Article 35**

Each bill or resolution which shall have passed both Houses of the Legislature shall, before it becomes law, be laid before the President for his approval. If he grants approval, it shall become law. If the President does not approve such bill or resolution, he shall return it, with his objections, to the House in which it originated. In so doing, the President may disapprove of the entire bill or resolution or any item or items thereof. This veto may be overridden by the re-passage of such bill, resolution or item thereof by a veto of two-thirds of the members in each House, in which case it shall become law. If the President does not return the bill or resolution within twenty days after the same shall have been laid before him it shall become law in like manner as if he had signed it, unless the Legislature by adjournment prevents its return.

No bill or resolution shall embrace more than one subject which shall be expressed in its title.

### **Article 36**

The Senators and Representatives shall receive from the Republic remuneration for their services to be fixed by law, provided that any increase shall become effective at the beginning of the next fiscal year.

### **Article 37**

In the event of a vacancy in the Legislature caused by death, resignation, expulsion or otherwise, the presiding officer shall within 30 days notify the Elections Commission thereof. The Elections Commission shall not later than 90 days thereafter cause a by-election to be held; provided that where such vacancy occurs within 90 days prior to the holding of general elections, the filling of the vacancy shall await the holding of such general elections.

### **Article 38**

Each House shall adopt its own rules of procedure, enforce order and with the concurrence of two-thirds of the entire membership, may expel a member for cause. Each House shall establish its own committees and sub-committees; provided, however, that the committees on revenues and appropriations shall consist of one

member from each County. All rules adopted by the Legislature shall conform to the requirements of due process of law laid down in this Constitution.

### **Article 39**

The Legislature shall cause a census of the Republic to be undertaken every ten years.

### **Article 40**

Neither House shall adjourn for more than five days without the consent of the other and both Houses shall always sit in the same city.

### **Article 41**

The business of the Legislature shall be concluded in the English language or, when adequate preparations shall have been made, in one more of the languages of the Republic as the Legislature may by resolution approve.

### **Article 42**

No member of the Senate or House of Representatives shall be arrested, detained, prosecuted or tried as a result of opinions expressed or votes cast in the exercise of the functions of his office. Members shall be privileged from arrest while attending, going to or returning from sessions of the Legislature, except for treason, felony or breach of the peace. All official acts done or performed and all statement made in the Chambers of the Legislature shall be privileged, and no Legislator shall be held accountable or punished therefor.

### **Article 43**

The power to prepare a bill of impeachment is vested solely in the House of Representatives, and the power to try all impeachments is vested solely in the Senate. When the President, Vice President or an Associate Justice is to be tried, the Chief Justice shall preside; when the Chief Justice or a judge of a subordinate court of record is to be tried, the President of the Senate shall preside. No person shall be impeached but by the concurrence of two-thirds of the total membership of the Senate. Judgements in such cases shall not extend beyond removal from office and disqualification to hold public office in the Republic; but the party may be tried at law for the same offense. The Legislature shall prescribe the procedure for impeachment proceedings which shall be in conformity with the requirements of due process of law.

### **Article 44**

Contempt of the Legislature shall consist of actions which obstruct the legislative functions or which obstruct or impede members or officers of the Legislature in the discharge of their legislative duties and may be punished by the House concerned by reasonable sanctions after a hearing consistent with due process of law. No sanctions shall extend beyond the session of the Legislature wherein it is imposed, and any sanction imposed shall conform to the provisions on Fundamental Rights laid down in the Constitution. Disputes between legislators and non-members which are properly cognizable in the courts shall not be entertained or heard in the Legislature.

#### **Article 45**

The Senate shall composed of Senators elected for a term of nine years by the registered voters in each of the counties, but a Senator elected in a by-election to fill a vacancy created by death, resignation, expulsion or otherwise, shall be so elected to serve only the remainder of the unexpired term of office. Each county shall elect two Senators and each Senator shall have one vote in the Senate. Senators shall be eligible for re-election.

#### **Article 46**

Immediately after the Senate shall have assembled following the elections prior to the coming into force of this Constitution, the Senators shall be divided into two categories as a result of the votes cast in each county. The Senator with the higher votes cast shall be the Senator from a county shall be placed in the same category. The seats of Senators of the first category shall be vacated at the expiration of the ninth year. In the interest of legislative continuity, the Senators of the second category shall serve a first term of six years only, after the first elections. Thereafter, all Senators shall be elected to serve a term of nine years.

#### **Article 47**

The Senate shall elect once every six years a President Pro Tempore who shall preside in the absence of the President of the Senate, and such shall officers as shall ensure the proper functioning of the Senate. The President Pro Tempore and other officers so elected may be removed from office for cause by resolution of a two-thirds majority of the members of the Senate.

#### **Article 48**

The House of Representatives shall be composed of members elected for a term of six years by the registered voters in each of the legislative constituencies of the counties, but a member of the House of Representatives elected in a by-election to fill a vacancy created by death, resignation or otherwise, shall be elected to serve

only the remainder of the unexpired term of the office. Members of the House of Representatives shall be eligible for re-election.

#### **Article 49**

The House of Representative shall elect once every six years a Speaker who shall be the presiding officer of that body, a Deputy Speaker, and such other officers as shall ensure the proper functioning of the House. The speaker, the Deputy Speaker and other officers so elected may be removed from office for cause by resolution of a two-thirds majority of the members of the House.

### **CHAPTER VI THE EXECUTIVE**

#### **Article 50**

The Executive Power of the Republic shall be vested in the President who shall be Head of State, Head of Government and Commander-in-Chief of the Armed Forces of Liberia. The president shall be elected by universal adult suffrage of registered voters in the Republic and shall hold office for a term of six years commencing at noon on the third working Monday in January of the year immediately following the elections. No person shall serve as President for more than two terms.

#### **Article 51**

There shall be a Vice-President who shall assist the President in the discharge of his functions. The Vice-President shall be elected on the same political ticket and shall serve the same term as the President. The Vice-President shall be President of the Senate and preside over its deliberations without the right to vote, except in the case of a tie vote. He shall attend meetings of the cabinet and other governmental meetings and shall perform such functions as the President shall delegate or deem appropriate; provided that no powers specifically vested in the President by the provisions of this Constitution shall be delegated to the Vice-President.

#### **Article 52**

No person shall be eligible to hold the office of President or Vice-President, unless that person is:

- a. a natural born Liberian citizen of not less than 35 years of age;
- b. the owner of unencumbered real property valued at not less than twenty-five thousand dollars; and
- c. resident in the Republic ten years prior to his election, provided that the President and the Vice-President shall not come from the same County.

### **Article 53**

a. The President and the Vice-President shall, before entering on the execution of the duties of their respective offices, take a solemn oath or affirmation to preserve, protect and defend the Constitution and laws of the Republic and faithfully execute the duties of the office. The oath or affirmation shall be administered in joint convention of both Houses of the Legislature by the Chief Justice or, in his absence, the most senior Associate Justice.

b. In an emergency where the Chief Justice and the Associate Justice are not available, such oath or affirmation shall be administered by a judge of a subordinate court of record.

### **Article 54**

The President shall nominate and, with the consent of the Senate, appoint and commission-

a. cabinet ministers, deputy and assistant cabinet ministers;

b. ambassadors, ministers, consuls; and

c. the Chief Justice and Associate Justice of the Supreme Court and judges of subordinate courts;

d. superintendents, other county officials and officials of other political subdivisions;

e. members of the military from the rank of lieutenant of its equivalent and above; and

f. marshals, deputy marshals, and sheriffs.

### **Article 55**

The President shall appoint and commission Notaries Public and Justices of the Peace who shall hold office for a term of two years but may be removed by the President for cause. They shall be eligible for appointment.

### **Article 56**

a. All cabinet ministers, deputy and assistant cabinet ministers, ambassadors, ministers and consuls, superintendents of counties and other government officials, both military and civilian, appointed by the President pursuant to this Constitution shall hold their offices at the pleasure of the President.

b. There shall be elections of Paramount, Clan and Town Chiefs by the registered voters in their respective localities, to serve for a term of six years. They may be re-elected and may be removed only by the President for proved misconduct. The Legislature shall enact laws to provide for their qualifications as may be required.

#### **Article 57**

The President shall have the power to conduct the foreign affairs of the Republic and in that connection he is empowered to conclude treaties, conventions and similar international agreements with the concurrence of a majority of each House of the Legislature.

#### **Article 58**

The President shall, on the fourth working Monday in January of each year, present the administration's legislative program for the ensuing session, and shall once a year report to the Legislature on the state of the Republic. In presenting the economic condition of the Republic the report shall cover expenditure as well as income.

#### **Article 59**

The President may remit any public forfeitures and penalties suspend and fines and sentences, grant reprieves and pardons, and restore civil rights after conviction for all public offenses, except impeachment.

#### **Article 60**

The President and the Vice-President shall receive salaries which shall be determined by the Legislature and be paid by the Republic. Such salaries shall be subject to taxes as defined by law and shall neither be increased nor diminished during the period for which the President and the Vice-President shall have elected.

#### **Article 61**

The President shall be immune from any suits, actions or proceedings, judicial or otherwise, and from arrest, detention or other actions on account of any act done by him while President of Liberia pursuant to any provision of this Constitution or any other laws of the Republic. The President shall not, however, be immune from prosecution upon removal from office for the commission of any criminal act done while President.

#### **Article 62**

The President and the Vice-President may be removed from office by impeachment for treason, bribery and other felonies, violation of the Constitution or gross misconduct.

### **Article 63**

- a. Whenever a person elected to the office of President dies or is otherwise incapacitated before being inaugurated into office, the Vice-President elected shall succeed to the office of President, and this accession shall commence a term.
- b. Whenever the office of the President shall become vacant by reason of death, resignation, impeachment, or the President shall be declared incapable of carrying out the duties and functions of his office, the Vice-President shall succeed to the of the President to complete the unexpired term. In such a case, this not constitute a term.
- c. The Legislature shall, no later than one year after the coming into force of this Constitution, prescribe the guidelines and determine the procedure under which the President, by reason of illness, shall be declared incapable of carrying out the functions of his office.
- d. Whenever the office of the Vice-President becomes vacant by reason of death, resignation, impeachment, inability or otherwise, the President shall, without delay, nominate a candidate who, with the concurrence of both Houses of the Legislature, shall be sworn in and hold office as Vice-President until the next general elections are held. Whenever the Vice-President elect dies, resigns, or is incapacitated before being inaugurated, the President elected on the same ticket with him, shall, after being inaugurated into office, nominate without delay a candidate who, with the concurrence of both Houses of the Legislature, shall be sworn in an hold office as Vice-President until the next general elections are held.

### **Article 64**

Whenever the office of the President and of the Vice-President shall become vacant by reason of removal, death, resignation, inability or other disability of the President and Vice-President, the Speaker of the House of Representatives shall be sworn in as Acting President until the holding of elections to fill the vacancies so created. Should the Speaker be legally incapable or otherwise unable to assume the office of Acting President, then the same shall devolve in order upon the Deputy speaker and members of the Cabinet in the order of precedence as established by law. The Elections Commission shall within ninety days conduct elections for a new President and a new Vice-President.

## **CHAPTER VII THE JUDICIARY**



## **Article 65**

The Judicial Power of the Republic shall be vested in a Supreme Court and such subordinate courts as the legislature may from time to time establish. The courts shall apply both statutory and customary laws in accordance with the standards enacted by the Legislature. Judgements of the Supreme Court shall be final and binding and shall not be subject to appeal or review by any other branch of Government. Nothing in this Article shall prohibit administrative consideration of the Justiciable matter prior to review by a court of competent jurisdiction.

## **Article 66**

The Supreme Court shall be final arbiter of constitutional issues and shall exercise final appellate jurisdiction in all cases whether emanating from courts of record, courts not of record, administrative agencies, autonomous agencies or any other authority, both as to law and fact except cases involving ambassadors, ministers, or cases in which a country is a party. In all such cases, the Supreme Court shall exercise original jurisdiction. The Legislature shall make no law nor create any exceptions as would deprive the Supreme Court of any of the powers granted herein.

## **Article 67**

The Supreme Court shall comprise of one Chief Justice and four Associate Justice, a majority of whom shall be deemed competent to transact the business of the Court. If a quorum is not obtained to enable the Court to hear any case, a circuit judge in the order of seniority shall sit as an ad hoc justice of the Supreme Court.

## **Article 68**

The Chief Justice and Associate Justice of the Supreme Court shall, with the consent of the Senate, be appointed and commissioned by the President; provided that any person so appointed shall be:

- a. a citizen of Liberia and of good moral character; and
- b. a counselor of the Supreme Court Bar who has practiced for at least 5 years.

## **Article 69**

The judges of subordinate courts of record shall, with the consent of the Senate, be appointed and commissioned by the President, provided that any person so appointed shall be:

- a. a citizen of Liberia and of good moral character; and

b. an Attorney-at-Law whom has practiced for at least 3 years, or a counselor of the Supreme Court Bar.

### **Article 70**

The Chief Justice and the Associate Justices of the Supreme Court and all judges of subordinate courts shall, before assuming the functions of their office, subscribe to a solemn oath or affirmation to discharge faithfully and impartially the duties and functions of their office and to preserve, protect and defend the Constitution and laws of the Republic. The oath or affirmation shall be administered by the president or his designee.

### **Article 71**

The Chief Justice and Associates Justices of the Supreme Court and the judges of subordinate courts of record shall hold office during good behavior. They may be removed upon impeachment and conviction by the Legislature based on proved misconduct, gross breach of duty, inability to perform the functions of their office, or conviction in a court of law for treason, bribery or other infamous crimes.

### **Article 72**

a. The Justices of the Supreme Court and all other judges shall receive such salaries, allowances and benefits as shall be established by law. Such salaries shall be subject to taxes as defined by law, provided that they shall not otherwise be diminished. Allowances and benefits paid to Justices of the Supreme Court and judges of subordinate courts may by law be increased but may not be diminished except under a national program enacted by the Legislature; nor shall such allowance and benefits be subject to taxation.

b. The Chief Justice and the Associate Justices of the Supreme Court and judges of subordinate courts of record shall be retired at the age of seventy; provided, however, that a justice of judge who has attained that age may continue in office for as long as may be necessary to enable him to render judgement or perform any other judicial duty in regard to proceedings entertained by him before the attained that age.

### **Article 73**

No judicial official shall be summoned, arrested, detained, prosecuted or tried civilly or criminally by or at the instance of any person or authority on account of judicial opinions rendered or expressed, judicial statements made and judicial acts done in the course of a trial in open court or in chambers, except for treason or other felonies, misdemeanor or breach of the peace. Statements made and acts done by such officials in the course of a judicial proceeding shall be privileged, and, subject

to the above qualification, no such statement made or acts done shall be admissible into evidence against them at any trial or proceeding.

#### **Article 74**

In all matters of contempt of court, whether in the Supreme Court or in other courts, the penalties to be imposed shall be fixed by the Legislature and shall conform to the provision on Fundamental Rights laid down in this Constitution.

#### **Article 75**

The Supreme Court shall from time to time make rules of court for the purpose of regulating the practice, procedures and manner by 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 functions. Such rules and code, however, shall not contravene any statutory provisions or any provisions of this Constitution.

#### **Article 76**

a. Treason against the Republic shall consist of:

1. levying war against the Republic;
2. aligning oneself with or aiding and abetting another nation or people with whom Liberia is at war or in a state of war;
3. acts of espionage for an enemy state;
4. attempting by overt act to overthrow the Government, rebellion against the Republic, insurrection and mutiny; and
5. abrogating or attempting to abrogate, subverting or attempting or conspiring to subvert the Constitution by use of force or show of force or any other means which attempts to undermine this Constitution.

The Legislature shall have the power to declare the punishment for treason; provided, however, that such punishment shall not include a deprivation or forfeiture of the right of inheritance by the convicted person of any property although he may not be entitled to enjoyment thereof for as long as he continues to serve the term of imprisonment imposed after conviction in a court of competent jurisdiction. The right to enjoyment of any property inherited or otherwise conveyed to or acquired by such convicted person shall be automatically restored upon serving the term of imprisonment or other punishment, or upon an executive pardon by the President. No punishment shall preclude the inheritance and

enjoyment, or cause the forfeiture by others entitled thereto, of any property which the convicted person at the time of any conviction or subsequent thereto may have possessed or been seized.

## **Chapter VIII POLITICAL PARTIES AND ELECTIONS**

### **Article 77**

a. Since the essence of democracy is free competition of ideas expressed by political parties and political groups as well as by individuals, parties may freely be established to advocate the political opinions of the people. Laws, regulations, decrees or measures which might have the effect of creating a one-party state shall be declared unconstitutional.

b. All elections shall be by secret ballot as may be determined by the Elections Commission, and every Liberian citizen not less than 18 years of age, shall have the right to be registered as a voter and to vote in public elections and referenda under this Constitution. The Legislature shall enact laws indicating the category of Liberians who shall not form or become members of political parties.

### **Article 78**

As used in this Chapter, unless the context otherwise requires, an "association" means a body of persons, corporate or other, which acts together for a common purpose, and includes a group of people organized for any ethnic, social, cultural, occupational or religious objectives; a "political party" shall be an association with a membership of not less than five hundred qualified voters in each of at least six counties, whose activities include canvassing for votes on any public issue or in support of a candidate for elective public office; and an "independent candidate" shall be a person seeking electoral post or office with or without his own organization, acting independently of a political party.

### **Article 79**

No association, by whatever name called, shall function as a political party, nor shall any citizen be an independent candidate for election to public office, unless:

a. the association or independent candidate and his organization meet the minimum registration requirements laid down by the Elections Commission and are registered with it. Registration requirements shall include filing with the Elections Commission a copy of the constitution of the association and guidelines of the independent candidate and his organization, a detailed statement of the names and addresses of the association and its officers or of the independent candidate and the officers of his organization, and fulfillment of the provision of sub-sections (b), (c), (d) and (e) hereof. Registration by the Elections Commission of any association or

independent candidate and his organization shall vest in the entity or candidate and his organization so registered legal personality, with the capacity to own property, real, personal or mixed, to sue and be sued and to hold accounts. A denial of registration or failure by the Elections Commission to register any applicant may be challenged by the applicant in the Supreme Court;

b. the membership of the association or the independent candidate's organization is open to every citizen of Liberia, irrespective of sex, religion or ethnic background, except as otherwise provided in this Constitution.

c. the headquarters of the association or independent candidate and his organization is situated:

i. in the capital of the Republic where an association is involved or where an independent candidate seeks election to the office of President or Vice- President;

ii. in the headquarters of the county where an independent candidate seeks election as a Senator; and

iii. in the electoral center in the constituency where the candidate seeks election as a member of the House of Representatives or to any other public office;

d. the name, objective, emblem or motto of the association or of the independent candidate and his organization is free from any religious connotations or divisive ethnic implications and that the activities of the association or independent candidate are not limited to a special group or, in the case of an association, limited to a particular geographic area of Liberia;

e. the constitution and rules of the political party shall conform to the provisions of this Constitution, provide for the democratic elections of officers and/or governing body at least once every six years, and ensure the election of officers from as many of the regions and ethnic groupings in the country as possible. All amendments to the Constitution or rules of a political party shall be registered with the Elections Commission no later than ten days from the effective dates of such amendments.

## **Article 80**

a. Parties or organizations which, by reason of their aims or the behavior of their adherents, seek to impair or abolish the free democratic society of Liberia or to endanger the existence of the Republic shall be denied registration.

b. Parties or organization which retain, organize, train or equip any person or group of persons for the use or display of physical force or coercion in promoting any political objective or interest, trained or equipped, shall be denied registration, or if registered, shall have their registration revoked.

c. Every Liberian citizen shall have the right to be registered in a constituency, and to vote in public elections only in the constituency where registered, either in person or by absentee ballot; provided that such citizen shall have the right to change his voting constituency as may be prescribed by the Legislature.

d. Each constituency shall have an approximately equal population of 20,000, or such number of citizens as the legislature shall prescribe in keeping with population growth and movements as revealed by a national census; provided that the total number of electoral constituencies in the Republic shall not exceed one hundred.

e. Immediately following a national census and before the next election, the Elections Commission shall reapportion the constituencies in accordance with the new population figures so that every constituency shall have as close to the same population as possible; provided, however, that a constituency must be solely within a county.

### **Article 81**

Any citizen, political party, organization, or association, being resident in Liberia, of Liberian nationality or origin and not otherwise disqualified under the provisions of this Constitution and laws of the land, shall have the right to canvass for the votes for any political party or candidate at any election, provided that corporate and business organizations and labor unions are excluded from so canvassing directly or indirectly in whatsoever form.

### **Article 82**

a. Any citizen or citizens, political party association or organization, being of Liberian nationality or origin, shall have the right to contribute to the funds or election expenses of any political party or candidate; provided that corporate and business organizations and labor unions shall be excluded from making and contribution to the funds or expenses of any political party. The Legislature shall by law prescribe the guidelines under which such contributions may be made and the maximum amount which may be contributed.

b. No political party or organization may hold or possess any funds or other assets outside of Liberia; nor may they or any independent candidates retain any funds or assets remitted or sent to them from outside Liberia unless remitted or sent by Liberian citizens residing abroad. Any funds or other assets received directly or indirectly in contravention of this restriction shall be paid over or transferred to the Elections Commission within twenty-one days of receipt. Information on all funds received from abroad shall be filed promptly with the Elections Commission.

c. The Elections Commission shall have the power to examine into and order certified audits of the financial transactions of political parties and independent

candidates and their organizations. The Commission shall prescribe the kinds of records to be kept and the manner in which they shall be conducted by a certified chartered public accountant, not a member of any political party.

### **Article 83**

a. Voting for the President, Vice-President, members of the Senate and members of the House of Representatives shall be conducted throughout the Republic on the second Tuesday in October of each election year.

b. All elections of public officers shall be determined by an absolute majority of the votes cast. If no candidate obtains an absolute majority in the first ballot, a second ballot shall be conducted on the second Tuesday following. The two candidates who received the greatest numbers of votes on the first ballot shall be designated to participate in the run-off election.

c. The returns of the elections shall be declared by the Elections Commission not later than fifteen days after the casting of ballots. Any party or candidate who complains about the manner in which the elections were conducted or who challenges the results thereof shall have the right to file a complaint with the Elections Commission. Such complaint must be filed not later than seven days after the announcement of the results of the elections.

The Elections Commission shall, within thirty days of receipt of the complaint, conduct an impartial investigation and render a decision which may involve a dismissal of the complaint or a nullification of the election of a candidate. Any political party or independent candidate affected by such decision shall not later than seven days appeal against it to the Supreme Court.

The Elections Commission shall within seven days of receipt of the notice of appeal, forward all the records in the case to the Supreme Court, which not later than seven days thereafter, shall hear and make its determination. If the Supreme Court nullifies or sustains the nullification of the election of any candidate, for whatever reasons, the Elections commission shall within sixty days of the decision of the Court conduct new elections to fill the vacancy. If the court sustains the election of a candidate, the Elections Commission shall act to effectuate the mandate of the Court.

d. Every political party shall, on September 1 of each year, and every candidate of such political party and every independent candidate shall, not later than thirty days prior to the holding of an election in which he is a candidate, publish and submit to the Elections Commission detailed statements of assets and liabilities. These shall include the enumeration of sources of funds and other assets, plus lists of expenditures. Where the filing of such statements is made in an election year, every political party and independent candidate shall be required to file with the Elections

Commissions additional detailed supplementary statements of all funds received and expenditures made by them from the date of filing of the original statements to the date of the elections. Any political party or independent candidate who ceases to function shall publish and submit a final financial statement to the Elections Commission.

#### **Article 84**

The Legislature shall by law provide penalties for any violations of the relevant provisions of this Chapter, and shall enact laws and regulations in furtherance thereof not later than 1986; provided that such penalties, laws or regulations shall not be inconsistent with any provisions of this Constitution.

### **CHAPTER IX EMERGENCY POWERS**

#### **Article 85**

The President, as Commander-in-Chief of the Armed Forces, may order any portion of the Armed Forces into a state of combat readiness in defense of the Republic, before or after the declaration of a state of emergency, as may be warranted by the situation. All military power or authority shall at all times, however, be held in subordination to the civil authority and the Constitution.

#### **Article 86**

a. The President may, in consultation with the Speaker of the House of Representatives and the President Pro Tempore of the Senate, proclaim and declare and the existence of a state of emergency in the Republic or any part thereof. Acting pursuant thereto, the President may suspend or affect certain rights, freedoms and guarantees contained in this Constitution and exercise such other emergency powers as may be necessary and appropriate to take care of the emergency, subject, however, to the limitations contained in this Chapter.

b. A state of emergency may be declared only where there is a threat or outbreak of war or where there is civil unrest affecting the existence, security or well-being of the Republic amounting to a clear and present danger.

#### **Article 87**

a. Emergency powers do not include the power to suspend or abrogate the Constitution, dissolve the Legislature, or suspend or dismiss the Judiciary; and no constitutional amendment shall be promulgated during a state of emergency. Where the Legislature is not in session, it must be convened immediately in special session and remain in session during the entire period of the state of emergency.



b. The writ of habeas corpus shall remain available and exercisable at all times and shall not be suspended on account of any state of emergency. It shall be enjoyed in the most free, easy, inexpensive, expeditious and ample manner. Any person who suffers from a violation of this right may challenge such violation in a court of competent jurisdiction.

### **Article 88**

The President shall, immediately upon the declaration of a state of emergency, but not later than seven days thereafter, lay before the Legislature at its regular session or at a specially convened session, the facts and circumstances leading to such declaration. The Legislature shall within seventy-two hours, by joint resolution voted by two-thirds of the membership of each house, decide whether the proclamation of a state of emergency is justified or whether the measures taken thereunder are appropriate. If the two-thirds vote is not obtained, the emergency automatically shall be revoked. Where the Legislature shall deem it necessary to revoke the state of emergency or to modify the measures taken thereunder, the President shall act accordingly and immediately carry out the decisions of the Legislature.

## **CHAPTER X AUTONOMOUS PUBLIC COMMISSIONS**

### **Article 89**

The following Autonomous Public Commissions are hereby established:

- A. CIVIL SERVICE COMMISSION;
- B. ELECTIONS COMMISSION; and
- C. GENERAL AUDITING COMMISSION

The Legislature shall enact laws for the governance of these Commissions and create other agencies as may be necessary for the effective operation of Government.

## **CHAPTER XI MISCELLANEOUS**

### **Article 90**

a. No person, whether elected or appointed to any public office, shall engage in any other activity which shall be against public policy, or constitute conflict of interest.

b. No person holding office shall demand and receive any other perquisites, emoluments or benefits, directly or indirectly, on account of any duty required by Government.

c. The Legislature shall, in pursuance of the above provision, prescribe a Code of Conduct for all public officials and employees, stipulating the acts which constitute conflict of interest or are against public policy, and the penalties for violation thereof.

## **CHAPTER XII AMENDMENTS**

### **Article 91**

This Constitution may be amended whenever a proposal by either (1) two-thirds of the membership of both Houses of the Legislature or (2) a petition submitted to the Legislature, by not fewer than 10,000 citizens which receives the concurrence of two-thirds of the membership of both Houses of the Legislature, is ratified by two-thirds of the registered voters, voting in a referendum conducted by the Elections Commission not sooner than one year after the action of the Legislature.

### **Article 92**

Proposed constitutional amendments shall be accompanied by statements setting forth the reasons therefor and shall be published in the Official Gazette and made known to the people through the information services of the Republic. If more than one proposed amendment is to be voted upon in a referendum they shall be submitted in such manner that the people may vote for or against them separately.

### **Article 93**

The limitation of the Presidential term of office to two terms, each of six years duration, may be subject to amendment; provided that the amendment shall not become effective during the term of office of the incumbent President.

## **CHAPTER XIII TRANSITIONAL PROVISIONS**

### **Article 94**

a. Notwithstanding anything to the contrary in this Constitution, any person duly elected to any office provided for under this Constitution and under the laws in force immediately before the coming into force of this Constitution shall be deemed to have been duly elected for the purpose of this Constitution and to have assumed the position so occupied on the date of coming into existence of this Constitution.

b. Notwithstanding anything to the contrary in this Constitution, elections for the President, Vice-President and members of the Legislature, prior to the coming into force of this Constitution, shall be held on the 3<sup>rd</sup> Tuesday in January 1985. The person so elected President of Liberia shall be inaugurated on the 12<sup>th</sup> day of April 1985. The President, Vice-President and members of the Legislature who are elected

for the first term prior to the coming into force of this Constitution, shall serve their respective terms less approximately three months. This Constitution shall come into force simultaneously with that inauguration.

c. Notwithstanding anything to the contrary in this Constitution, the People's Redemption Council shall by decree convene a session of the newly elected Legislature before the 12<sup>th</sup> day of April 1985, to enable the Senate and House of Representatives to organize and elect their officers. Such elections shall be conducted in accordance with the rules and procedures laid down by the Legislature under the suspended Constitution until changed by the new Legislature.

d. Any person who, under the laws extant immediately before the coming into force of this Constitution, held an appointment or was acting in an office shall be deemed to have been appointed, as far as it is consistent with the provisions of this Constitution, to hold or to act in the equivalent office under this Constitution until appointments otherwise provided for under this Constitution shall have been made.

## **Article 95**

a. The Constitution of the Republic of Liberia which came into force on the 26<sup>th</sup> day of July 1847, and which was suspended on the 12<sup>th</sup> day of April 1980, is hereby abrogated. Notwithstanding this abrogation, however, any enactment or rule of law in existence immediately before the coming into force of this Constitution, whether derived from the abrogated Constitution or from any other source shall, in so far as it is not inconsistent with any provision of this Constitution, continue in force as if enacted, issued or made under the authority of this Constitution.

b. All treaties, executive and other international agreements and obligations concluded by the Government of the People's Redemption Council or prior governments in the name of the Republic prior to the coming into force of this Constitution shall continue to be valid and binding on the Republic unless abrogated or cancelled or unless otherwise inconsistent with this Constitution.

c. All foreign and domestic debts or other loans and obligations contracted by the Government of the People's Redemption Council or Prior governments or any agency or other authority in the name of the Republic of Liberia prior to the coming into existence of this Constitution, shall continue to be binding on the enforceable by the Republic of Liberia.

## **Article 96**

Notwithstanding anything to the contrary in this Constitution:

a. The People's Supreme Court of Liberia and all subordinate courts operating prior to the effective date of this Constitution shall continue to so operate, and the Chief Justice, Associate Justices of the People's Supreme Court and judges of subordinate courts holding appointments in such courts shall continue to hold such appointments after the coming into existence of this Constitution until their successors are appointed and qualified; provided, however, that all judges of subordinate courts shall remain and preside in their respective resident circuits pending the reconstruction of the Supreme Court. The appointment by the President, with the consent of the Senate, of the Chief Justice and Associate Justices of the Supreme Court and judges of subordinate courts, shall be made as soon as possible after the coming into force of this Constitution. The Chief Justice and Associate Justices of the People's Supreme Court and judges of subordinate courts holding office prior thereto, unless reappointed, shall cease to hold office and their function shall automatically devolve upon the newly appointed Chief Justice, Associate Justices of the Supreme Court and judges of subordinate courts, respectively.

b. Where any legal or administrative proceeding has been commenced, or a person seeks action by any authority or one acting under the authority of the Government, that matter may be carried on and completed by the person or authority having power or by his successor-in-office; and it shall not be necessary for any such proceeding to be commenced de novo. Any act completed by any person or authority having power under the existing law shall not be made the subject of review or commenced anew by anyone assuming the authority of that office after the coming into force of this Constitution.

## **Article 97**

a. No executive, legislative, judicial or administrative action taken by the People's Redemption Council or by any persons, whether military or civilian, in the name of that Council pursuant to any of its decrees shall be questioned in any proceedings whatsoever; and, accordingly, it shall not be lawful for any court or other tribunal to make any order or grant any remedy or relief in respect or any such act.

b. No court or other tribunal shall entertain any action whatsoever instituted against the Government of Liberia, whether before or after the coming into force of this Constitution or against any person or persons who assisted in any manner

whatsoever in bringing about the change of Government of Liberia on the 12<sup>th</sup> day of April, 1980, in respect of any act or commission relating to or consequent upon:

i. The overthrow of the government in power in Liberia before the establishment of the government of the People's Redemption Council;

ii. The suspension of the Constitution of Liberia of July 26, 1847;

iii. The establishment, functioning and other organs established by the People's Redemption Council;

iv. The imposition of any penalties, including the death penalty, or the confiscation of any property by or under the authority of the People's Redemption Council under a decree made by the Council in pursuance of but not limited to the measures undertaken by the Council to punish persons guilty of crimes and malpractices to the detriment of the Liberian nation, the people, the economy, or the public interest; and

v. The establishment of this Constitution.

## **SCHEDULE**

1. This Schedule shall form and be an integral part of this Constitution and shall have the same force as any other provision thereof.
2. All public officials and employees, whether elected or appointed, holding office of public trust, shall subscribe to a solemn oath or affirmation as follows:

"I, \_\_\_\_\_, do solemnly swear (affirm) that I will support, uphold, protect and defend the Constitution and laws of the Republic of Liberia, bear true faith and allegiance to the Republic, and will faithfully, conscientiously and impartially discharge the duties and functions of the office of to the best of my ability. SO HELP ME GOD."

COMPLETED THIS 19<sup>TH</sup> DAY OF OCTOBER, A. D. 1983

IN THE CITY OF GBARNGA, BONG COUNTY, REPUBLIC OF LIBERIA

BY THE CONSTITUTIONAL ADVISORY ASSEMBLY

Edward Binyah Kesselly (Lofa County) Chairman

Charles H. Williams (Grand Bassa County) Deputy Chairman

# APPENDIX D



**JAMES A. A. PIERRE JUDICIAL INSTITUTE  
TEMPLE OF JUSTICE  
MONROVIA, LIBERIA**

## **BRIEFING NOTES**

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**JANUARY 18, 2017**

**JAMES A. A. PIERRE JUDICIAL INSTITUTE, 1<sup>ST</sup> FLOOR, TEMPLE OF JUSTICE, MONROVIA, LIBERIA**

## **TABLE OF CONTENTS**

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	<b>PAGE</b>
I. Executive Summary	3-5
II. Training Programs	5
III. Development of Research Materials	5-6
IV. Collaboration with Justice Actors and other Institutions	6
V. Donor Support and Collaboration	6
VI. Support from the Judiciary	7
VII. Some Achievements between 2010 and 2016	7
VIII. Challenges	7
IX. Efforts toward sustainability	7
X. Summary of Trainings conducted; 2010 - 2016	8-9
XI. The Institute at a Glance	10-13

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## **I. EXECUTIVE SUMMARY**

### **Background**

In 2008, the Supreme Court established the James A.A. Pierre Judicial Institute with the mandate to train all judicial officers and support staff. The Institute was established pursuant to Section 21.1 of the Judiciary Law of Liberia. The Institute was established to address the training needs of all judicial officers and staff within the Judiciary. The Institute's goal is to promote the highest level of professional standards of integrity, competence, and leadership within the Liberian Judiciary.

### **Mandate and functions of the Institute**

The mandate of the James A.A. Pierre Institute is to provide continuous professional judicial training to judicial personnel and other justice sector actors. The mandate of the Institute is captured in the Chief Justice's memo dated 19<sup>th</sup> March 2008 establishing the Institute and which provides that the functions and responsibilities of the Institute shall be to undertake the coordination of all judicial training of judiciary education programs in Liberia. This is to ensure that the contents of curricula for the training of judiciary personnel are not only standardized, but that they also conform to the training policy goals set by the Institute.

The functions of the Institute include:

- (a) Design, organize and conduct training programs, seminars, conferences, symposia and related programs for judges, magistrates, court clerks and other judicial personnel;
- (b) Promote legal skills training as an integral part of career development of judges, magistrates, administrative staff, and other justice sector actors;
- (c) Design, organize and conduct training and other capacity building programs that address other specific needs and problems within the justice system;
- (d) Promote and coordinate judicial training, research and development as an integral part of improving judicial administration and the rule of law with the aim of ensuring accessible, timely and effective justice;
- (e) Undertake research and produce publications, reports and recommendations in respect to relevant aspects of the law and administration of justice;
- (f) organize and conduct conferences, workshops, seminars and symposia for the purpose of enhancing skills of work efficiency and professional skills of personnel performing legal tasks in quasi-judicial bodies;
- (g) Undertake research and compilation of current law pursuant to any capacity building program for judicial sector actors;
- (h) Encourage national and international cooperation and networking in the performance of the functions of the Judicial Institute;

- (i) Do such other things as may be conducive and necessary for the attainment of the objects of the Institute.

### **Vision, Mission and Core Values**

#### **Vision**

An Institute of excellence, dedicated to quality training of justice sector personnel to engender public trust in the judicial system

#### **Mission**

To build the capacity of judicial sector actors through training and research and to promote judicial excellence

#### **Values**

- Integrity
- Efficiency
- Competence and Professionalism
- Innovativeness
- Teamwork

#### **Strategic Issues and Objectives to Address**

A number of strategic issues that the James A.A. Pierre Judicial Institute intends to address including its core mandate were identified to include:

- The need to develop customer focused curricula for Judges, Magistrates, judicial personnel and other judicial actors,
- The need to recruit qualified personnel with appropriate competencies, skills and experience to effectively respond to the dynamisms in the judicial sector and the introduction of new demand driven programs;
- The need for financial sustainability;
- The need to develop synergies with the Judiciary, Law School, the Liberia National Bar Association, the Law Reform Commission and other stakeholders locally, regionally and internationally to support ethics and continuing education;
- The need to keep abreast with technological changes and advancements;
- The need to secure own premises and thereby expand and improve the physical facilities;
- The need to secure operational, financial and legal autonomy through the enactment of a law.

## **II. TRAINING PROGRAMS**

After its establishment in 2008, the Institute proceeded to develop programs to meet the capacity building needs of the Judiciary. The following programs have been developed and are currently in full swing at the Institute:

1. The Quarterly Judges Training Program
2. The Quarterly Public Defenders Training Program
3. The Professional Magistrates Training Program
4. The In-Service Magistrates Training Program
5. The Court Clerks Training Program
6. The Computer Training Program

## **III. DEVELOPMENT OF RESEARCH MATERIALS**

During the period [2010 – present], several research materials were produced by the Institute through the support of development partners, to enhance the Institute's training programs. These research materials include:

- Compilation of Relevant Liberian Laws, a research material that appears in 3 volumes;
- Child Justice Training Manual, a training manual containing relevant international legal instruments on Juvenile Justice and the domestic legal framework;
- Liberian Juvenile Law – Questions and Answers
- Bringing A Case To Court, a research material on Police Investigation and Criminal Procedure for Magistrates and Police;
- A training Manual on Sexual and Gender-Based Violence for Judicial Personnel;
- Bench Book for Magistrates on Criminal Procedure;
- Liberian Criminal Jurisprudence;
- Liberian Property Jurisprudence;
- Liberian Labor Jurisprudence;
- Basic Study Book on Constitutional Law and International Law;
- Basic Study Book on Liberian Criminal Law;
- Training and Practice Manuals for Liberian Public Defenders

The production of these materials has been one of the major capacity-building undertakings of the Institute over the last 5 years. Given the high demand for these materials from the legal community, the Institute is in constant need for funding to continue reproduction of the materials. With the low budgetary support to the Institute, regular reproduction of these materials remains a challenge. The



availability of research materials constitutes an essential aspect of capacity building, and is crucial to achieving judicial reform.

#### **IV. COLLABORATION WITH JUSTICE ACTORS AND OTHER INSTITUTIONS**

On the national level, the Institute maintains very cordial relations with the following institutions:

- Ministry of Justice/Prosecution
- Liberian National Bar Association (LNBA)
- Louis Arthur Grimes School of Law
- Liberia National Police
- The Justice and Security Joint Program
- The Financial Intelligence Unit of Liberia (FIUL)

#### **V. DONOR SUPPORT AND COLLABORATION**

The achievements made thus far by the Institute over the years can be largely credited to the support of development partners. Prominent among these partners include the following:

- USAID
- UNMIL
- GIZ
- US State Department/INL-ROLI
- UNFPA
- UNDP
- UNICEF
- UNODC

Currently, only USAID, the U.S State Department/INL, UNMIL and UNDP are involved with the Institute.

#### **VI. SUPPORT FROM THE JUDICIARY/GOL**

The James A. A. Pierre Judicial Institute is a government entity operating under the Judicial Branch of government. Since its establishment in 2008, it has been to a large extent, donor driven. The physical facilities currently used by the Institute are provided by the Judiciary. The Judiciary has since taken over the salaries/allowances of staff, and other administrative costs. The Judiciary also provides minimum funding to support the training programs.

## **VII. SOME ACHIEVEMENTS BETWEEN 2010 AND 2016**

The following could be recounted as some achievements during the period [2010 – present]:

- Development of training programs to meet the capacity building needs of the Judiciary
- The effective implementation of trainings to various judicial actors during the period
- Identification of a site for the construction of the Institute
- Completion of a Draft Blueprint for the Institute’s new home
- Completion of the Draft Act to give the Institute legal status
- Development of research materials on various subject areas to enhance the training programs of the Institute
- The successful implementation of Cycle I of the Professional Magistrates Training Program (PMTP) – 60 Candidates were graduated, appointed and commissioned, and are currently serving at various courts across the country.
- The commencement of Cycle II of the Professional Magistrates Training Program

## **VIII. SOME CHALLENGES**

Challenges faced by the Institute include the following:

- Inadequacy of funding from Government
- Lack of logistics to support the Institute’s training and research activities
- Inadequate infrastructure to house the Institute
- Lack of opportunity for staff development

## **IX. EFFORTS TOWARD SUSTAINABILITY**

As the Institute grows, resource mobilization strategy is crucial to ensuring sustainability of its programs. We are grateful that the Draft Act and the Strategic Plan substantially deal with this issue. Hence, over the next two (2) years, it is envisaged that the Government will give the Institute full support to enable it measure up to the task to place the Judiciary on the trajectory of sustained reform.

## **X. SUMMARY OF TRAININGS CONDUCTED (2010-2016)**

CATEGORY	NO. OF TRAININGS	TOTAL NO. OF PARTICIPANTS	TOPICS	FUNDING AGENCY
<b>2010</b>				
Judges’ Training	4	189	Various	USAID/ABA
Public Defenders’ Training	3	60	Various	UNDP
Joint Training of Magistrates & City Solicitors	3	206	Various	UNICEF/GIZ
PMTP	1	61	Various	GIZ

7

<b>2011</b>				
Judges Training	2	73	Various	USAID/ABA
Public Defenders' Training	1	20	Ethics	Judiciary
Joint Training of Magistrates & City Solicitors	7	196	Various	UNICEF/GIZ
Clerks' Training	4	134	Record Keeping	USAID/ABA & GIZ
<b>2012</b>				
Judges Training	1	86	Various	SIDA/UNDP
Public Defenders' Training	1	12	Various	UNDP/PBF
Joint Training of Magistrates and City Solicitors	4	112	Various	US State Dept./INL
Clerks' Training Program	6	185	Various	US State Dept./INL, GIZ
<b>SPECIALY ARRANGED TRAININGS (2010 – 2012)</b>				
SGBV	2	47	Sexual and Gender-based Violence	UNFPA
RAPE LAW	1	120	Medical Implications of Sexual Assault	NRC
TOT on Juvenile Justice	1	14	Juvenile Justice	UNICEF
ADB Funded Training	1	N/A	Various	ADB
Customary Law Training	1	80	Customary Law	GIZ
Traffic Law Training	1	100	Vehicle and Traffic Law	GIZ
Child Justice Training	1	96	Various aspects of child justice	UNICEF
<b>2013</b>				
Public Defenders Training	2	24	Various	US State Dept./INL, UNODC
Clerks' Training Program	3	74	Various	GIZ, Judiciary, & UNDP
Joint Training of Magistrates & City Solicitors	1	30	Various	GIZ
Computer Training Program	1	7	Introduction to Computer & Window, Word, Excel, & Powerpoint	MOJ
Orientation Training for newly commissioned Judges and Magistrates	1	5	Various	Judiciary
<b>2014</b>				
Public Defenders Training	3	29	Various	UNODC

Recordkeeping	6	164	Various	US State Dept./INL
City Solicitors Training Program	1	18	Various	UNDP/PBO
Joint Training of Magistrates & City Solicitors	5	210	Various	UNMIL
Labor Commissioners Training	1	30	Various	MOL/GOL
Juvenile Justice Training	1	33	Various	MOJ/UNDP
Orientation for newly commissioned Judges	1	8	Various	Judiciary
Training on Criminal Conveyance of Land	1	61	The Act Against Criminal Conveyance of Land	Judiciary
Training on Money Laundering	1	60	Various	US Embassy
<b>2015</b>				
Court Inspectors' Training	1	12	Various	UNMIL
ToT for Judicial Institute Trainers	1	12	Various	UNMIL
Joint Training of Magistrates and City Solicitors	1	40	Various	Judiciary
Record Keeping Training	2	45	Various	Judiciary
Public Defenders' Training	1	29	Various	UNODC
<b>2016</b>				
Judges Training	2	57	Various	LPAC/USAID
Public Defenders' Training	3	34	Various	LPAC/USAID,
In-Service Magistrates Training	2	60	Various	UNDP
Jury Management Training	1	18	Various	UNMIL
ToT for JI Trainers	1	10	Various	UNMIL



**XI. THE INSTITUTE AT A GLANCE**



**Justice Philip A. Z. Banks, III, Chairman, Board of Governors, at a function of the Institute during the period**



**Atty. Moses S. Soribah  
Acting Executive Director**



**Atty. William B. Kollie, Sr.  
Training Coordinator**



**Cross Section of Judges during Training Session (Buchanan 2012)**



**Joint Training of Magistrates and City Solicitors (Buchanan 2012)**



**Joint training of Public Defenders and Prosecutors (Monrovia, 2012)**



**A cross section of clerks in training at the Institute**



**Cross section of clerical staff attending Computer Training at the Institute**



**A group photo of Judges, Magistrates, Donors, and Institute staff during a Child Justice training session in Monrovia**

# APPENDIX E

May 5, 2017

David –

I am honored to be able to submit my thoughts about Liberia to be included in this judicial membership application process.

I have been working in Liberia since December 2006. When I first landed on Christmas Eve of that year, I found a totally wrecked country after nearly two decades of senseless civil war. More than 250,000 people had died and 75% of the women had been raped. I had been working in international development since the mid-1990's, had been to many developing counties including three on the African continent, but nothing prepared me for the reality of Liberia.

The work of the Foundation for Women is microfinance, providing particularly women with access to capital to begin or expand some income generating activity. With more than 90% of the population at the time living on less than US\$1 per day, we had a sizable population to serve. And we began doing just that, eventually reaching more than 25,000 households in 14 of the 15 counties.

Despite the unbelievably challenges in Liberia, I was impressed by several things. There was a Minister of Gender & Development and a Special Prosecutor for Gender Crimes, particularly rape. The first female President of an African nation, Ellen Johnson-Sirleaf had been elected by the women of the country after they demanded peace and brought about the end of the civil war and she was supportive of them.

Over the past decade, Liberia has struggled to recover from so much devastation. The infrastructure is slowly being repaired. The UN Mission in Liberia, which at one time was the largest peacekeeping force in the world, left except for a small number in July 2016. Though most Liberians still do not have access to running water, electricity, nor sanitation, people are relieved; relieved that there is no more war. There is a sense of safety and an assurance that the country will not return to war.

The Foundation for Women and other NGOs have contributed greatly to the rebuilding. Schools have reopened after a generation missed the opportunity for an education. Some major roads have been repaired. The airport is functioning though few airlines service the country. Rule of law is largely in place. Power is slowly being restored.

And there are some very bright spots like my dear friend Judge Roosevelt Willie. For two years he studied at the Kroc School of Peace at the Institute of Peace & Justice on the campus of the University of San Diego. With a master's degree in peace and justice, he has raised the bar for the judiciary in the country. He and many returning Liberians, like our FFW Liberia COO David Beyan, have made a strong commitment to their country,

are standing for nation building and working hard even though they have options to live a much easier life in American and elsewhere.

Democratic elections will soon take place again in October 2017 to choose among other roles the next President of the republic. Free and fair elections will occur as the structure is in place.

Liberia has made good progress since the end of the war in 2003. There is still much to do, but I am very hopeful – and am committed to continue to work in this special country of just over 4 million people. Despite the war, poverty, Ebola and so many challenges, the people of the country are an inspiration – hopeful and trusting and forgiving and grateful and optimistic. If they can be, I pray the rest of the world will continue to stand next to them; the Foundation for Women always will.

If I can be of service in any other way in support of their application, please let me know.

Sincerely,



Birthplace: Earth  
Race: Human  
Politics: Freedom  
Religion: Love

Deborah Lindholm  
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[www.womenmovingmillions.org](http://www.womenmovingmillions.org) Refugee Circle Co-Chair

*“Faith is our assurance that there is a Divine plan of infinite love at work even in the most challenging moments, and that we are a part of that plan. Faith gives us the confidence to move ahead with vast visions in the face of enormous odds; it is an invitation to work in active partnership with the Divine in service of a better world.” -*

Women, Spirituality and Transformative Leadership

# APPENDIX F

## **Liberian Legislative Acts (Handbills)**

### **Financial Autonomy to the Judiciary (Amending Title 17)**

AN ACT TO AMEND CERTAIN PROVISIONS OF CHAPTERS 3, 7, 12, 14, 15, 18, AND 21 OF THE NEW JUDICIARY LAW TO PROVIDE FINANCIAL AUTONOMY TO THE JUDICIARY

IT IS ENACTED BY THE NATIONAL TRANSITIONAL LEGISLATIVE ASSEMBLY of the Liberia National Transitional Government of the Republic of Liberia in Legislature Assembled:

#### SECTION 1: Effective Date of Amendment

(a) That effective immediately after the passage and publication in handbills of this Act, Chapter 3 Section 3.14, Chapter 7 Section 7.9, Chapter 8 Section 8.10, Chapter 18 Section 18.4 and Chapter 21 Section 21.5 of the New Judiciary Law Title 17, Liberian Code of Laws Revised are hereby repealed.

(b) INA Decree Numbers 6 and 7 are hereby repealed.

#### SECTION 2

Section 21.3, Fiscal Appropriation of Chapter 21 of the New Judiciary Law is hereby amended and revised to read as follows:

##### Section 21.3: Fiscal Administration<sup>1</sup>. 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 appropriated 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.



## 2. Judiciary Account

Upon the passage into law of the National Budget all appropriation of funds to be expended by the Judiciary Branch shall be disbursed by the Ministry of Finance to the Judicial Branch by four quarterly installments the first such installment to be disbursed at the beginning of the first quarter of the year after the passage of the budget and quarterly thereafter - in any event each installment must be disbursed to the Judicial Branch within 15 days of the beginning of each quarter.

All of such funds shall be deposited in bank account(s) which shall be operated and administered by the Judicial Branch, under the overall Supervision of the Chief Justice and according to the budget.

## 3. Audits

The account(s) of the Judiciary Branch shall be subject to general audits by the Bureau of General Audit of the Republic of Liberia.

### SECTION 3

Section 21.6 of Chapter 21 of the New Judicial Law of Title 17 of the Liberian Code of Law Revised is hereby amended and revised to read as follows:

Section 21.6: Deposit of Fees, cost and other revenue collected by courts

#### 1. Courts costs, fees, fines etc.

The Supreme Court is hereby empowered to fix from time to time by rules and regulations all fees, costs, and per diem for Clerks of Courts in Civil actions, Magisterial Courts, Justice of the Peace Courts, allowance of costs to prevailing parties represented by Counsel in Civil Actions, Witness fees, Marshall Fees, Sheriff Fees, Juror Fees, and any other fees, costs, and per diem it deems proper and reasonable, taking into consideration the present circumstances of the Country. All such fees, costs and per diem shall be published by the Supreme Court and posted at each Court in the Republic, the same to take effect and be applicable no sooner than a period of three months from the date of publication of the same.

#### 2. Deposit of Funds

All such fees, fines, and costs shall be collected by the Judiciary and deposited into the account of the Judiciary, and the Minister of Finance shall be informed of the deposits such that the amount so deposited shall, from time to time, be deducted from the approved quarterly budgetary appropriation

### SECTION 4: Penalty

Non-compliance with the provisions contained within Section 21.3(2) above shall entitle the Supreme Court to hold the Minister of Finance or any other responsible Officer for Contempt of Court.

This Act shall take effect immediately upon publication in handbills.

**ANY LAW TO THE CONTRARY NOTWITHSTANDING**

**Approved: January 14th, 2006**

**Published: February 16th, 2006**

# APPENDIX G