

**OPENING ADDRESS OF HIS HONOR FRANCIS S. KORKPOR, SR.
CHIEF JUSTICE, SUPREME COURT OF LIBERIA
MARCH TERM
MARCH 9, 2015**

Mr. Defense Minister & Acting Head of the Cabinet

Mr. Speaker & Members of the House of Representatives;

Mr. President Pro Tempore & Members of the Liberian Senate;

My Colleagues of the Supreme Court Bench;

Former Chief Justices & Associate Justices of the Supreme Court Bench;

Mr. Minister of Justice/Attorney General & Dean of the Supreme Court Bar;

Ambassadors & Other Members of the Diplomatic Corps;

Circuit & Specialized Court Judges;

The President & Members of the Liberian National Bar Association;

The President & Members of the Female Lawyers Association;

Staff of the Judiciary;

Members of the Press;

Distinguished Ladies & Gentlemen:

In accordance with the Judiciary Law which provides that the Supreme Court opens for the conduct of business on the second Mondays of March and October each year, we are gathered here today for the program marking the

formal opening of the March, 2015 term of this Court. We open Court today with a quorum of four Justices; Mr. Justice Philip A.Z. Banks, III, travelled to the United States of America when this Court adjourned *sine dine* for a brief respite. He is expected to be with us soon.

On behalf of my other Colleagues who are here, and on behalf of the Judges of Courts of records and non-records the entire Judiciary and I, I welcome all of you. Let me take this time to particularly welcome and at the same time congratulate Honorable Armah Z. Jallah, the new President Pro Tempore of the Liberian Senate and Honorable Varney Gbotonambi Sherman, the new Chairman of the Senate Committee on Judiciary. We also congratulate Counselor Benedict F. Sannoh on his appointment as Minister of Justice & Attorney General of the Republic of Liberia. We look forward to close working relationships with all of you.

Following confirmation by the Honorable Liberian Senate, His Honor Roosevelt Willie, Stipendiary Magistrate assigned to the James A.A. Pierre Judicial Institute, was appointed as Resident Circuit Judge of Criminal Court "A." by the President of Liberia replacing the late His Honor James W. Zotaa. We congratulate Judge Willie and welcome him in the ranks and files of the Judiciary.

We must thank God for his manifold blessings bestowed upon us as a people and as a nation. But we must thank Him, most of all, for sparing our lives from the Ebola scourge. When we met here for the opening of this Court on October 13, 2014, the devastating effect of the pandemic had reached alarming proportions, such that the disease was posing a clear danger to the

survival of our nation. At that time I recounted the number of times in our modern history that our country had been put to serious trials. And I said that just as we did in the past in the face of the other serious trials we would, together, fight, contain and eventually stop the calamitous effect of the Ebola virus on our nation. Today, we are happy that the virus has not only been contained, but it is almost totally eradicated. This was due, first and full most, to the collective resolve and resilience of the Liberian people. We thank them for this strong show of unity. We also thank those members of the international community who physically worked with us, as well as those who provided material and financial assistance in fighting the virus. Until the virus is completely wiped out of Liberia and the country is declared free of it, let us continue to heed the advice of health authorities on prevention methods. Let us not be complacent.

Members of the Bar, distinguished ladies and gentlemen, during the period in review, we lost Counselor Johnnie N. Lewis, former Chief Justice of the Supreme Court of Liberia. He died on January 15, 2015. In 2006, when President Ellen Johnson Sirleaf, then a new democratically elected President reconstituted the Supreme Court after more than 15 years of civil war, she appointed Counsellor Johnnie N. Lewis as Chief Justice, along with four other Counselors as Associate Justices: J. Emmanuel Wureh, Francis S. Korkpor, Sr., Gladys K. Johnson and Kabineh M. Ja'neh. Mr. Justice Wureh left us for the great beyond in the first year of our tenure; Madam Justice Johnson was honorably retired; Mr. Chief Justice Lewis, on account of illness, requested early retirement. He was subsequently retired before his demise. Chief Justice Lewis was an eminent jurist as manifested by his insightful opinions.

He undertook many infrastructure developments within the Judiciary. Though he is no more, his memories will certainly live on.

We also lost other dedicated Liberians who served in the Judiciary, they are:

<u>NAME</u>	<u>POSITION</u>	<u>ASSIGNMENT</u>	<u>DATE OF DEATH</u>
Eddie Peabody	Revenue Judge	Gbarpolu County	February 8, 2015
Johnny Blaine	Assoc. Magistrate	Montserrado County	February 13, 2015
Atty. Amos K. Kollie	Public Defender	Montserrado County	February 13, 2015
Carsor Massah	Deputy Marshal	Bomi County	December 19, 2014
Lawrence Jackson	Revenue Clerk	2 nd Judicial Circuit	February 6, 2015
Elsie Barbour	Bailiff	Criminal Court "A"	December 25, 2014
Agnes Slebo	Caretaker	Montserrado County	January 9, 2015

We pray that God Almighty will grant eternal rest to these fallen judicial workers who passed during the period in review. AMEN!

Members of the Bar, ladies and gentlemen, on ascending to the leadership of the Supreme Court, we acknowledged the many problems and challenges confronting the Judiciary: Problems of inadequate infrastructures, incentives and logistics; untrained manpower; inadequate budgetary allocation; and lack of public confidence in the Judiciary, etc. We recognized that in the face of scarce resources and given that there are other competing national interests, we could not address all of the problems; at least not at the same time.

We therefore set as our first priority goal, the restoration of public confidence in the court system. We believe that public confidence is essential for the Judiciary to be and remain the anchor of our democracy. The court serves as the sanctuary for those who are injured and in search of justice. The court is a forum that equalizes mankind. The rich, the poor, the strong, the weak and the powerful are all considered equal before the court. The late C. Abayomi Cassel, former Attorney General of Liberia once said: "Courts are not only the ramparts upon which the distressed climb for safety, but they are the bulwarks of liberty as they restrain the strong, the wicked and traducers of liberty."

We believe that there can be no guarantee for individual freedom and protection against gross violations by citizens against other citizens, or arbitrary power by public officials against citizens when the courts are not strong to act decisively. Building an edifice of democracy with respect for law, social justice, equity and human rights therefore requires a fully functioning, fair and independent judicial system as its strongest pillar.

For a democracy to take root and flourish, the rule of law must be upheld. And for a nation like ours coming from a prolong civil war to avoid recourse to violence and rebellion, the rule of law must be based on the principle of justice where the freedom of everyone is guaranteed and protected.

This means that the Judiciary should be a place where every aggrieved person should feel free and comfortable to come for redress. And when they come, they should be treated not on the basis of who they are, or what they have, but based on the facts and applicable laws of the causes they present.

When people can receive true justice in the courts, confidence is restored not only in the judicial system, but also in entire governmental system. And there is less confusion in the society.

Thus, from the very onset, my Colleagues and I resolved and embarked on taking steps to restore full confidence in the Judiciary. Key amongst the steps was the decision we took in 2013, suspending judges and lawyers who were found in violation of ethical and professional conducts. By that decision, we sent a clear message to all judges, lawyers and the support staff of the Judiciary that no acts of ethical and professional transgressions would be tolerated. By that decision, we raised the bar of self-cleansing and self-examination at a higher level within the Judiciary.

Then we issued Judicial Order #4 which requires all Circuit and Specialized Court Judges, in the determination of cases before them, to make detail rulings containing clear and concise summaries of the facts and the evidence, the relevant law relied upon, and the rationale upon which the rulings are made. This Judicial Order is intended to ensure that judges do not overlook serious issues raised by parties through their counsels; that they understand the cases before them, "avoid the suspicion of arbitrary conclusion, promote confidence in their intellectual integrity and contribute useful precedent to the growth of the law." Judicial Order #4 was issued against the backdrop that some judges were not exhibiting considerable industry commensurate with the duties imposed on them to fairly interpret and apply the law.

In order to further ensure judicial transparency and accountability, thereby increasing public confidence in the dispensation of justice, we determined

that it was necessary to include civil society's representation on the Judicial Inquiry Commission and the Grievance & Ethics Committee. Doing this required the amendment of the Rules of Court which limited the membership of these judicial bodies to only judges and lawyers. Accordingly, on November 13, 2013, the Supreme Court issued another Judicial Order, Judicial Order #6 authorizing the Chief Justice, in consultation with the other members of the Court, to expand and increase the composition of the mentioned bodies to a number not in excess of nine for each body, and appoint people from the civil society who are not lawyers to fill the slots of the increase. Pursuant thereto, I appointed prominent Liberians from diverse backgrounds who graciously accepted to serve and are now serving with credit on the Judiciary Inquiry Commission and the Grievance and Ethics Committee.

We are concluding plans and preparations for a second division of the Civil Law Court to provide for the speedy handling of civil cases. This will go a long way in alleviating the perennial problem of overcrowded docket of that Court. We have determined that one judge cannot effectively handle the workload at the Civil Law Court.

Studies have shown that acceptable work conditions enhance productivity. In this regard, we have not relented in striving to improve the lots of judicial workers in terms of infrastructure developments, logistics, salaries and incentives. At the same time, judicial workers, especially judges are constantly reminded of their corresponding duty to remain independent, impartial and above reproach in all judicial dealings. We conduct workshops

and seminars for support staff and judges from time to time to improve the ways we dispense justice.

Members of the Bar, distinguished ladies and gentlemen, we submit that these and other steps we are taking to restore public confidence in the Judiciary are gradually yielding the desired results. In our country today citizens and foreign residents alike are looking more and more to the courts for redress, settlement of disputes and adjudication of rights. When cases are finally decided by the Supreme Court, the people accept the outcomes and comply, even if they do not necessarily agree with the decisions. This is good for our country. It is better for the people to talk than to fight. This is a mark of a true civilized society wherein laws, and not men, govern.

What this means is that the people must be heard whenever they have grievances, and let the courts alone determine their fates. This is the role ascribed by the Constitution to the Judiciary Branch of Government. Our law is a law that hears before it condemns.

In my opening address during the October, 2014 term of this Court, when a state of emergency was then in place for the purpose of fighting the Ebola virus, I urged all citizens and foreign nationals within our borders to remain law abiding and seek recourse to the law. I assured them that the Judiciary would perform its duty as the anchor of the Government to which the people look for redress of their grievances and guaranty of their freedoms and liberties even in time of state of emergency. Today, we again assure that the Judiciary will not be aligned; the Judiciary will continue the path of

independence, and dispense justice with fair play, equity and strict adherence to the rule of law, devoid of any outside influence.

But while we are making efforts to restore credibility and integrity in the Judiciary, a handful of our citizens, and some members of the print and electronic media are bent on discrediting our efforts. Whenever their preferred party to litigation loses or whenever they are dissatisfied with the outcome of a case, they attribute such loss to nefarious intent and conduct of the court and spread falsehood about the Judiciary. They issue threats and other vile means to blackmail judges.

Our people must know that a judicial proceeding is not a football game or any game for that matter, wherein there may be a tie or draw. In a judicial proceeding, it is either all or nothing, that is, one side wins, while the other side loses, unless both sides settle their disagreement before a final judgment is rendered in the proceeding. Obviously, a loser in a judicial proceeding and his/her supporters are not expected to be happy with the outcome of the proceeding. But their disagreement does not entitle them to insult, vilify or threaten the judge who made the decision under the guise of freedom of speech and of the press. Let me talk briefly on freedom of speech and of the press.

The right to freedom of speech and of the press and the limitation thereof are provided for in *Chapter III, Article 15(a) and (e) of the Liberian Constitution(1986)*.

Article 15 (a) provides:

“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.”

Article 15(e) provides:

“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.”

The phrase “being fully responsible for the abuse thereof” as contained in Article 15 (a) suggests that there are certain aspects of the right to freedom of speech and of the press which are prohibited by law. Thus, while recognizing that the *liberty of the press and free expression* of citizens are essential to democratic society, the framers of our *Constitution* provided in *Article 15(e)* that this freedom may be limited only by judicial action in judicial proceedings.

Clearly, the provisions of subsections (a) and (e) of *Article 15 of our Constitution*, were intended to serve as disincentives for the abuse of the right to freedom of speech and of the press. Notwithstanding, this Court has, in recent years, observed with alarming regularity the blurring of the lines between the right to freedom of speech and of the press and the abuse of that right. This is constantly done through outright falsehood and invectives spouted out by print and electronic media institutions, talk shows, and

bloggers etc. This has the propensity to cause the citizens of this nation to look on the Judiciary and judicial officers with unjustified suspicion and disdain, and bring the Judiciary into public distrust. Such conduct, we say, does not augur well for our country and has to stop.

Let me hasten to say that we in the Judiciary respect and hold in high esteem the provisions of our Constitution granting freedom of expression to the people. And we welcome criticisms of judicial acts and decisions because this is not only permissible, but it is and desirable under a constitutional democracy like ours. We submit that judges are not any less immune to public scrutiny than ordinary citizens and members of the other branches of the Government. In fact, as I have indicated, where it is established that a judge or judicial worker is involved in any act of impropriety, appropriate penalty is administered as we have done in the past. But what cannot be accepted are outright lies innuendos intended to cast expressions on, and erode public confidence in the Judiciary and judicial officials.

The law gives this Court the authority to punish for any act which offends its dignity. Indeed, all courts in other jurisdictions have such authority. Let this be a notice to all.

Members of the Bar, ladies and gentlemen, a number of activities in the Judiciary were suspended due to the Ebola crisis. Now that the situation has significantly improved, we are now ready to forge ahead. We are embarking on the construction of two judicial complexes and a number of magisterial courts. We have already broken ground for a judicial complex in Tubmanburg, Bomi County where construction is soon to begin. Plans are

underway to break ground for the other judicial complex to be constructed in Sanniquellie, Nimba County.

During the October, 2014 term we heard and disposed of 27 cases. These include election cases.

For this term, we have 182 cases on our active trial docket and 38 cases on the motion calendar. Counselors are urged to put in early requests to have their cases assigned and be in readiness for hearing of arguments.

May God continue to bless this Court and save our Country.

I THANK YOU.