

Questionnaire Liberia

Foreword by Researcher

I deemed it practical to give a short introduction on the Liberian Judicial System as well as its constitutional framework by pointing out a few historical, structural and legal specialities.

Due to its historical background¹, political and military disruptions and years of civil war, the formal Liberian justice system is markedly weak. The discrepancy between the law on the books and the law in action is probably more distinct than in many other countries of West-Africa (especially Ghana and Nigeria), as the formal judicial system earns only a minimum of trust amongst the population of Liberia. A study by the United States Peace Institute² revealed that in civil disputes of a total of 3181 cases, 59% are not taken to any forum for resolving the issue, 38% of the cases are taken to the informal /customary forum and only 3% of the civil disputes (2% of criminal disputes) are taken to the formal judicial forum of Magistrate Courts at the lowest instance. According to the International Development Law Organisation³, out of 320 Magistrate Judges, 30 can offer some kind of judicial training.

Financial shortages make it extremely difficult to train judicial officers. The Judicial Training Institute (JTI) of Liberia explained that almost the entire salaries of the judiciary are paid by external donors (in the past mainly by the American Bar Association). The JTI was to a large extent financed by the GIZ, whose Programme in Liberia was terminated at the end of 2013. Most stakeholders are aware that revision and reform processes need to be expedited but they are still moving rather moderately. A striking example therefor is that the Constitution of 1986 in Art 26 provided for the establishment of Claims Courts allowing citizens to claim their rights under the Constitution. However, the government has not yet (been able to) set up such Claim Courts. A bill for their establishment was introduced to the House of Representatives in 2012 but has not lead to any result until the time of writing.⁴

Since this questionnaire is trying to capture the role of the Constitutional Court of the Country, in particular in relation to other branches of Government, it is notable that in Liberia, the Executive enjoys rather extensive judicial powers. Regarding customary law and within different subject matters, executive agencies are granted judicial and quasi-judicial authorities. Hearing Officers, which are appointed by government agencies to adjudicate disputes brought before them.⁵ The practice finds its foundation in the 1986 Constitution which anticipates that agencies may decide cases. Article 65 reads: *"Nothing in this article shall prohibit administrative consideration of the justiciable matter prior to review by a court of competent jurisdiction."* As this provision shows and unlike the formal customary law system, the executive judicial functions are integrated into the formal judicial system for its decisions are subject to review, with appeals lying to a competent Circuit Court.⁶

The formal customary law corpus, however, functions parallel to the formal courts system (which is in part also empowered by the Constitution to apply customary law) and is supervised by the Ministry of Internal Affairs. Decisions of customary courts are not subject to review by the highest Court of the Country but stay within the ambit of the Executive (yet the Constitution stipulates that the Supreme Court shall be final arbiter of justice from all courts of record and not of record).

¹ The Republic of Liberia was created through former African-American Slave Settlers who first arrived in 1821. For a long period of time, the formal court system existed only in a certain area, whereas the biggest part of Liberia was ruled by the so called Hinterland Regulations through customary law.

² USIP (2009)

³ IDLO (2011)

⁴ See <http://legislature.gov.lr/content/house-petitioned-establish-claims-courts-liberia>

⁵ Discussed in more detail under conflicts between state bodies below

⁶ See for example: *GIZ v Nat et al [2010]*

Even though the questionnaire focusses on the law on the books rather than the juridical reality on the ground, it is nevertheless advisable, when reading this report, to bear in mind the points outlined in the introduction and to be aware that certain provisions or practices may be to an extent inconsistent with others.⁷

CONTENT

I. Introduction

II. The relevance of different legal systems as a source of inspiration for judicial systems in West Africa

1. Common Law (to be answered by researchers for Ghana, Liberia, Nigeria, Sierra Leone, Gambia)

General Structure	
What are relevant features of the Common Law system with regard to constitutional review and the institutional setting allowing for constitutional review?	<p>The institutional setting allowing for constitutional or judicial review is first and foremost the separation of powers within the government structure. There must be an executive, legislative as well as a judiciary and checks and balances mechanisms must be in place. Additionally, the judiciary must be empowered to assess actions of the legislature and executive.</p> <p>The British Common Law (CL) system is based on:</p> <ul style="list-style-type: none"> - Common law, i.e. judgements as rules - Principle of equity - Statutes/Acts of Parliament <p>Of relevance within the British Common Law system is the doctrine of Parliamentary Supremacy, as opposed to constitutional supremacy in e.g. the United States (US). The Parliamentary model of governance in the United Kingdom (UK) has evolved through an unwritten constitutional tradition. <u>Constitutional review</u> (in the sense of a <u>review of the constitution</u>) is therefore not possible per se. <i>Sensu lato</i>, the constitution of the UK can however be regarded as a set of principles and laws governing the UK.⁸ Along these lines, <u>judicial review</u> of judgements, subsidiary law or the exercise of power by a government authority does exist.⁹ Yet, underlying the doctrine of Parliamentary Supremacy¹⁰, Acts of Parliament (and therefore judicial review of constitutional matters) cannot be reviewed;¹¹ which can be said to create an imbalance among the three branches of government.¹²</p>

⁷ The New Judiciary Law for example is in conflict with the Constitution as regards the qualifications of Justices of the Peace and the condition under which may be removed. See Warner (2012) and New Judiciary Law Sec 8.5.; Art 55 C.R.L.; also, the mere fact that customary cases are not subject to review by courts of record is in contradiction with the Constitution.

⁸ It hereby depends on how "constitution" is defined. Following the definition of Thomas Paine ("*a Constitution is a Thing antecedent to Government, and a Government is only the Creature of a Constitution. The Constitution of a Country is not the act of its Government, but of the People constituting a Government*") the British Constitution might well be defined as a set of rules and practices, inherent to Common Law. Lord Justice Laws in the *Thoburn* case in 2002 states that there may be a special class of "constitutional statutes" such as the Bill of Rights, Magna Carta, the Human Rights Act 1998 etc.

⁹ The High Court may exercise judicial review as outlined in the Civil Procedure Rules, Part 54.

¹⁰ There is a growing shift towards the attitude that the British "constitution" cannot be determined by Parliament only (as indicated in cases such as *Anisminic* or *Belmarsh*). Lord Mance suggests in *Ahmed* that in the absence of any judicial review, some acts of government would not be sustained by the courts due to their fundamental inconsistency with basic principles of British Law. However, up to this date, courts do not have the authority to exercise judicial review over parliamentary legislation. Even though a move to giving more powers to the judiciary is recognisable (not only through the establishment of the Supreme Court of the UK), seen from a traditionalist perspective, as Edlin (2013) argues, Britain will restrain from developing an unconstrained judicial activism such as in the US.

¹¹ This also results in tensions between the doctrine of Parliamentary Supremacy and the incorporation of European Law.

	<p>The US Common Law system is based on a presidential model of government provided for in a written constitution. The mere fact that a written constitution exists, allows the possibility for its <u>review</u> (i.e. amendment/alteration). In the case of the US Constitution, the requirements for a modification are set forth in Article V of the US Constitution.¹³ Furthermore, the US system is based on the principle of constitutional supremacy, which assures that any legislative or executive action must be consistent with the constitution and can therefore be made subject of <u>judicial review</u>. The US constitution does not explicitly establish the power of judicial review. However, as the US is a country based on common law (in the sense of judges as law makers), the case of Marbury v Madison established the precedent for <u>judicial review</u>. It is stated that, <i>“the theory of every [such] government must be, that an act of the legislature, repugnant to the constitution, is void. [...] It is emphatically the province and duty of the judicial department to say what the law is”</i></p> <p>Options of judicial review (of constitutional matters) in common law countries:</p> <ol style="list-style-type: none"> 1. Preliminary review of legislation within the legislative process. 2. Abstract/incidental review of primary and delegated/administrative legislation or acts/omissions of public authorities <p><u>Limits to judicial review in Common Law Countries:</u></p> <p>Jurisdiction stripping: According to Art. III § 2 of the US Constitution, the appellate jurisdiction of the Supreme Court is regulated by the Congress. The Congress may not strip the U.S. Supreme Court of cases that fall under original jurisdiction, the Congress can only limit the appellate jurisdiction of the court.</p> <p>Ouster Clauses (partial or total): Clause included in a piece of legislation which excludes the possibility of judicial review. Ouster clauses can nevertheless be pronounced as unconstitutional (or incompatible with fundamental common law principles) and thus declared as null.</p>
To what extent and in what ways is the legal system of the respective country (still) influenced	The Liberian <u>institutional setting</u> is based more on the American Common Law system than the British one, which is

¹² There cannot be said to be a distinctive separation of powers. However, in line with the changes regarding the doctrine of Parliamentary Supremacy (e.g. establishment of Supreme Court, intrusion of European Union), a clearer division of the three branches of government is evolving.

¹³ *“The Congress, whenever two thirds of both Houses shall deem it necessary, shall propose Amendments to this Constitution, or, on the Application of the Legislatures of two thirds of the several States, shall call a Convention for proposing Amendments, which, in either Case, shall be valid to all Intents and Purposes, as Part of this Constitution, when ratified by the Legislatures of three fourths of the several States, or by Conventions in three fourths thereof, as the one or the other Mode of Ratification may be proposed by the Congress; [...]”*

by the Common Law system insofar (related to constitutional review / institutional setting allowing for constitutional review?)

due to Liberia's historical ties to the United States (i.e. return and settlement of former African American Slaves). Hence, there is a **written constitution, giving the President considerable powers** (e.g. power to appointment and remove most state officials).

Art 3 of the 1986 Constitution of the Republic of Liberia¹⁴ states that the form of government is Republican with **three separate coordinate branches**: the Legislative, the Executive, and the Judiciary. It furthermore explicitly indicates **the separation of powers and checks and balances**. A person is only ever allowed to hold office in one of the branches of government.

Regarding the Sources of Law, it is clearly indicated in the *General Construction Law*, that common law, besides customary law, is a valid source of law in Liberia. Sec. 40 reads: *"Except as modified by laws now in force and those which may hereafter be enacted and by the Liberian common law, the following shall be, when applicable, considered Liberian law: (a) the rules adopted for chancery proceedings in England, (b) the **common law and usages of the courts of England and of the United States of America**, as set forth in case law and in Blackstone's and Kent's Commentaries and in other authoritative treatises and digests"*

Regarding Judicial Review:

Unlike the US Constitution, the C.R.L. provides for **Judicial review** of legislation and acts of government in two Articles explicitly: Art 2 and Art 26.

Art 2 states that *"**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 26 C.R.L. says *"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.**"*

¹⁴ Henceforth referred to as „the Constitution“ or C.R.L.

<p>What are relevant features of the Common law system with regard to the judiciary</p>	<ul style="list-style-type: none"> - Rule of Law - Independent Judiciary - Hierarchy of Courts - Common law (i.e. case law), judges/judgements able to make law (as opposed to civil law systems, where judges merely interpret law) <ul style="list-style-type: none"> - Lower Courts are bound to follow decisions (underlying the principles of stare decisis, <i>ratio decidendi</i> and <i>obiter dictum</i>) - Adversarial system of court proceedings <p>⇒ These principle are all inherent/applied in Liberia</p>

3. Religious / Customary / Mixed Legal Systems

NOTE: Customary law is often applied without being formally recognized and without supervision. Justices of Peace¹⁵ are / were (according to the International Crisis Group¹⁶) close to 90 % illiterates. As a consequence, they often rely/relied on customary standards rather than the codified statutory law or common law. It was reported by the Judicial Training Institute of Liberia, that Justices of the Peace were regularly abusing their powers (making judgments without reference to laws, working without permits, “incarcerating” people at their homes ect.), and were therefore withdrawn their licences.

Religious / Customary elements in the judicial system	
<p>Does the judicial system in the respective country have religious courts / customary courts?</p>	<p>Yes it does.</p> <p>According to the <i>New Judiciary Law</i>, Customary Courts exist but operate parallel to the national court system.</p> <p>Chapter 1 §1.1 <i>New Judiciary Law</i>: “The judicial power of this Republic, except for Tribal Courts, whose organization and exclusive jurisdiction over tribal persons in tribal matters as set forth in the Local Government Laws, shall be embodied in a unified judicial system”</p>
<p>Do (lower) courts apply / accept customary law or religious law?</p>	<p>Yes, they do.</p> <p>According to Art 65 of the Constitution the “<i>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.</i>”</p> <p>Furthermore, the <i>New Judiciary Law</i> explains how in certain counties formal courts (here magistrate courts) have jurisdiction to decide tribal customary law cases, while functioning as a tribal court:</p>

¹⁵ Justices of the Peace (JP) derive their legitimacy through the New Judiciary Law, which explains that JPs are assigned an area over which each justice has territorial jurisdiction and within which he hold courts for the trial of actions or special proceedings and exercise the other incidents of his office. Many of them don’t even have a court building, let alone office material or legislation.

¹⁶ International Crisis Group 2006

	<p>The <i>New Judiciary Law</i> in § 7.3 (e) reads: “<i>In tribal matrimonial causes in certain magisterial areas. The magisterial courts in the following magisterial areas: Bondiway, Bomi Hill, Bong, Mano River, Lamco, Gedetarbo and African Fruit Company, in addition, shall have jurisdiction within their respective areas of matrimonial causes arising under tribal customary law, provided that appeals from decisions in each cause shall be taken within the tribal courts system as if such decisions had been made in the court of a Paramount Chief. “</i></p> <p>However, generally – Customary law is administered in a complete parallel court structure.¹⁷ Next to the official court system of the judiciary, <u>customary law is regulated and supervised under the Ministry of Internal Affairs.</u> Local Commissions and Superintendents perform the functions of executive oversight over customary law in Liberia.</p> <p>The <i>Executive Law</i> in Chapter 25, § 25.2 empowers the Minister of Internal Affairs to manage tribal affairs and all matters arising out of tribal relationships;</p> <p>to oversee the orderly functioning of tribal government and to draft rules and regulations to effectuate this purpose. The rules and regulations include provisions relating to tribal domestic relations, regulating and setting procedures in tribal trials, regulating cultural institutions and societies, and stating the schedules of fees to be allowed in tribal courts (§ 25.2.(i)); to supervise the elections of Paramount, Clan Chief and Town Chiefs in cooperation with the Elections Commission (§ 25.2.(j)); to review the budget of tribal treasurers and supervise tribal authorities in the keeping of proper records (§ 25.2.(k)); to administer the system of tribal courts (§ 25.2(l)); and to oversee the collection and publication of the laws and customs of the Liberian tribes (§ 25.2.(m)).</p>
<p>Does customary law or religious law have a formal status in the country (or does it exclusively exist in a parallel system and is not addressed in the constitution)?</p>	<p>Yes, the Constitution of Liberia recognizes customary law as a valid source of law.</p> <p>Art 2, Art 5 and Art 65 of the Constitution see customary law as a valid source of law by speaking of “customs”, “traditional values” and “tribal matters”.</p>
<p>Are customary courts established under the constitution / a statute? Are they part of the regular court system? Are appeals from them taken to the regular court system? If yes, what is the appeals procedure?</p>	<p>It has to be said, that the customary justice system in Liberia is somewhat jumbled. Certain statutes, regulations and the Constitution conflict with each other¹⁸ so that many experts are of the view that the justice system is in need of clarification and revision.¹⁹</p>

¹⁷ See Warner (2012)

¹⁸ E.g. the Customary Law System is not subject to review by any court of record. The final level of appeal is the Ministry of Internal Affairs (practiced and defined in the *Rules and Regulations Governing the Hinterland of Liberia*). The Constitution in Art 66 empowers the Supreme Court to be the final arbiter of justice of all courts of record or not of record, which makes the customary practice and their underlying rules conflict clearly with the Constitution.

¹⁹ According to Mr. Barbu Jallah of the Law Reform Commission, also indicated in IDLO (2011), USIP (2009) and International Crisis Group (2006)

	<p>In principle, customary law is applied in three realms:</p> <ol style="list-style-type: none"> 1. Formally, within Magistrate Courts, to a limited extent²⁰ (see e.g. § 7.3. <i>New Judiciary Law</i> above), 2. Formally, within the ambit of the Ministry of Internal Affairs (see <i>Executive Law</i> Chapter 25 above), 3. Informally: It is reported by the US Institute for Peace, which undertook extensive research on customary law in Liberia, that “informal” customary law exists parallel to the formal justice system AND the formal customary law system. It consists of individuals or groups who derive their authority solely from the community²¹ (e.g. Masters, Zoes, Imams).²² <p>The appeals-structure of the formal customary law under the Ministry of Internal Affairs is as follows:</p> <p>Court of Town Chiefs - Court of Clan Chiefs - Court of Paramount Chiefs - Administrative Courts of District Commissioners / County Superintendents. Last appeals go directly to the Ministry of Internal Affairs.</p> <p>Though “formal” the recognized customary law system under the Ministry of Internal Affairs operates completely parallel to the formal Courts of Record of the Judiciary.</p>
--	--

III. Historical Background of Constitutional Justice in West Africa

Development of Judicial Systems	
<p>Has the judicial system / the system of judicial review (and the relevant institutions) changed in comparison to the one included in the independence constitution? If so in what respects?</p> <p>Is there an autonomous constitutional review in the country (only focusing on the constitutional question of a case)? If so, since when?</p>	<p><u>Constitutional History of Liberia:</u></p> <ul style="list-style-type: none"> - Constitution / Understanding / Compact of 1820, between repatriates and the American Colonization Society (ACS) - Constitution of 1839, adopted by the board of directors of the ACS on January 5, 1839 - Declaration of Independence of July 16, 1847 - Constitution of July 26, 1847 (as amended through May, 1955) - Draft Constitution of 1983, submitted by the National Constitution Drafting Commission after the suspension of the 1847 Constitution as part of a military coup by Samuel Doe. The draft constitution provided, amongst other things, for an independent judicial service commission (JSC), which was later on slashed by the military government. - The Constitution of 1986. On July 3, 1984, the revised Constitution, based on the draft Constitution of 1983, was submitted to a national referendum, where it was

²⁰ Liberia’s judiciary has three levels. Magisterial courts are the courts of first instance throughout the country. Above the magisterial courts are 20 circuit courts with one civil law court and five dedicated criminal courts in Montserrado County, each handling different types of crimes, and one general circuit court in each of the remaining 14 counties. There are five additional specialized courts located in Montserrado County, handling probate, debt, labor disputes, traffic violations and juvenile issues. Above those courts is the Supreme Court. See point IV. 1 below

²¹ Widely reported but undesirable are hereby trials by ordeal, see for example USIP (2009)

²²USIP (2009)

	<p>approved. However, it was amended to the needs of the military government, by slashing e.g. the establishment of a JSC. After elections in 1985, the constitution came into force on January 6, 1986.</p> <p>The first Constitution (which was in fact a compact) of 1820 was very basic and concentrated on the rights of the American Settlers. There was no government as such, only the American Colonization Society (ACS) which ruled the settlers through its agents. The judicial system was based on the American common law, as stated in Article 6: <i>“The common law as in force and modified in the United States, and applicable to the situation of the people, shall be in force in the Settlement.”</i></p> <p>After the Declaration of Independence in 1847, a constitution based on the model of the US Constitution came into force, without a provision for judicial review. However, it establishes Liberia as a free, sovereign republic with separation of powers and an independent judiciary, as well as a Supreme Court.</p> <p>It is only in the Constitution of 1986, that the Constitution is declared the supreme law of the country and constitutional review is established:</p> <p>Article 2: <i>“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.”</i></p>
--	---

(Political Control)

IV. Different Models of Constitutional Justice

1. Different Judicial Review Institutions

What kind of judicial institutions are available in the respective country	
Which institution is considered “the highest court” in the country?	The Supreme Court .
Does the “highest court” in the country also stand at the top of the regular court system? Or is it a separate institution?	<p>Yes, it stands at the top of the court system. Art 66 C.R.L. specifies: <i>“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.”</i></p>
Are there various highest courts in the	There are the following Courts in Liberia ²³ :

²³ See *New Judiciary Law*

<p>country dependent on the issue to be addressed (e.g. highest court of administration, highest tax court)</p>	<ul style="list-style-type: none"> - Magisterial courts are the courts of first instance throughout the country. - Above the magisterial courts are 20 Circuit Courts with one civil law court and five dedicated criminal courts in Montserrado County, each handling different types of crimes, and one general circuit court in each of the remaining 14 counties. - There are five additional specialized courts located in Montserrado County, handling probate, debt, labour disputes, traffic violations and juvenile issues. - The Supreme Court is the final appellate court of all courts in Liberia.
<p>Which courts can question the constitutionality of acts (act administrative) or of laws (act legislative / statutory provisions / law organic)?</p>	<p>Art 2 C.R.L. “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.”</p> <p>Article 66 C.R.L. “The Supreme Court shall be <u>final arbiter</u> of constitutional issues”</p> <p>The Supreme Court was traditionally of the opinion that only the Supreme Court may pronounce (part-) legislation as unconstitutional and therefore void (as e.g. Justice Barclay’s separate opinion in <i>Fazzah v. Nat’l Economy Committee</i> or <i>Morris v. Reeves.</i>)</p> <p>However, more recently, the Supreme Court interpreted the constitution differently. The word “final” in Article 66 C.R.L is “<i>the Supreme Court shall be the <u>final</u> arbiter..</i>” infers that the matter must have been arbitrated by a lower court before. See <i>re Petition of Benjamin Cox and Gonsahn v. Vinton.</i>²⁴ In theory it is therefore allowed for lower courts to address constitutional issues, in practice it has not yet taken place.</p> <p>At the same time, lower courts <i>may decline</i> to decide constitutional issues. However in such cases they must resolve factual issues without interpreting and applying the constitution to the facts. This may only be done by the Supreme Court. See <i>In re Petition of Benjamin Cox.</i></p> <p><u>In regards to fundamental rights</u>, in accordance with Article 26 C.R.L., a violated person may bring a suit in a Claims Court.²⁵</p> <p><i>“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</i></p>

²⁴ Confirmed by Williams and Barbu (2009) and the Law Reform Commission Liberia

²⁵ For more detail see point on Fundamental Rights below

	<i>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.</i>
Does the country have a judicial commission / judicial council (self-governing body of the judiciary), etc.	There are judicial commissions in the sense of review commissions (Constitutional Review Commission, Law Review Commission). However, there is no independent Judicial (Service) Commission which is responsible for a pre-selection of particular offices. The establishment of such a commission is nevertheless in discussion. Interestingly, a JSC was provided for in the 1983 Draft Constitution, which was later on amended.

2. Systems of Control

If a lower court assumes that a regulation relevant to the case before it violates the Constitution, what can it do?	
Nothing, no power to question the constitutionality of the law/regulation.	<p>Lower courts may decline to decide constitutional issues; in such cases they must resolve the factual issues, while refraining from interpreting and applying the constitution to the facts. Those questions are then decided by the Supreme Court.</p> <p>The Supreme Court was traditionally of the opinion that only the Supreme Court may pronounce (part-) legislation as unconstitutional and therefore void (as e.g. Justice Barclay's separate opinion in <i>Fazzah v. Nat'l Economy Committee</i> or <i>Morris v. Reeves</i>.)</p> <p>More recently, the Supreme Court interpreted the constitution differently than before. The word "final" in Article 66 C.R.L is "<i>the Supreme Court shall be the final arbiter.</i>" infers that the matter must have been arbitrated by a lower court before.²⁶</p> <p>See <i>Gonsahn v. Vinton</i> and <i>re Petition of Benjamin Cox</i>, whereby Justice Belleh argues: "<i>Whilst the Constitution of Liberia makes this Court the final arbiter of constitutional issues, it does not prohibit courts of records clothed with relevant authority from passing upon constitutional issues raised before them.</i>"</p> <p>This has however, not (yet) taken place.</p>
If the court has serious doubts about the constitutionality of the law/regulation related to a specific case, it might pause the proceedings and requests a statement of constitutionality from another institution (constitutional court, constitutional council, etc.), which may declare the regulation/law for unconstitutional. What is the referral procedure in this case?	<p>A lower Court should first dispose of factual issues in a case before it, certifying the constitutional issue involved and transferring it to the Supreme Court since the Supreme Court cannot take evidence, see <i>Gonsahn v. Vinton</i>.</p> <p>Furthermore, see argument above.</p>
The lower court may declare the regulation (administrative acts/legislative acts / statutes / law organic) to be inapplicable in	See above.

²⁶ Confirmed by Williams and Barbu (2009) and the Law Reform Commission Liberia

the specific context.	
The lower court declares the regulation/law to be unconstitutional.	See above
Any other action	See above

- [a. Diffuse System of Constitutional Review: The Supreme Court
b. Concentrated System of Review: The Constitutional Court
c. Hybrid Systems of Constitutional Review]

V. Some Relevant Aspects of Judicial Independence

1. Independence of the Judiciary vs. Independence from the Judiciary – the Judiciary as Legislature
2. The Administration of the Highest Court and its Budget

Administration of the Judiciary	
Which body / institution is administering the "highest court"?	<p>According to the <i>New Judiciary Law</i>, the Chief Justice has general administrative power over the judicial branch.</p> <p>Under him, there is a Court Administrator as counsellor of the Supreme Court who is responsible to, and serves directly under the Chief Justice as administrative assistant to him or her, in all phases of his or her administration of the Judicial Branch of Government.</p> <p>The duties include:</p> <ul style="list-style-type: none"> - the collection of judicial data and preparation of court statistics; - supervision of all judiciary personnel throughout the country, except judges who report to the Chief Justice or the Court; - fiscal management of the courts and the Branch of Government, all under the Chief Justice's direction; - to see that the offices of all clerks of courts of record function according to rules governing court administration, as promulgated by the Supreme Court, - and basically to assist the Chief Justice in performance of all duties which his/her administrative responsibilities impose upon him/her. <p>The Court Administrator prepares and submits to the Chief Justice, an annual report of the administrative operations of the Judicial Branch.²⁷</p>
Is the Ministry of Justice involved in the administration of the "highest court"? If so, to what extent? Or is it administered by the judiciary (self-governing body)?	No , the Ministry of Justice is not involved in the administration of the Supreme Court.
Is there a body within the Judiciary / highest court that is responsible for administering the resources? To whom is this body accountable? Is there any kind of external oversight?	The Office of the Court Administrator is responsible and accountable directly to the Chief Justice .

²⁷ Chapter XVI, Part 2 Rules of the Supreme Court and Chapter 31, New Judiciary Law

What kind of role does the judiciary / the constitutional court has in the process of drafting / approving its budget	
What kind of involvement does the “highest court” has in devising its budget (who originally submits its budget)?	The <i>New Judiciary Law Amendment Act</i> (2006) specifies in Section 21.3., Fiscal Administration: 1. 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 ”
Who might have the right to alter the budget (of the highest court) within the approval procedure? Can the highest court effectively ask for more resources to fulfil its duties adequately?	<p>The Legislature. By statement of the Judicial Training Institute Liberia, the proposed budget of the judiciary is regularly cut within the process of its approval. <u>Process in short and ever since 2009:</u> The Judiciary submits its proposed budget to the Ministry of Justice (before 2009 to the Bureau of the Budget in the Office of the President). The Ministry of Justice, under the authority of the President, prepares the National Budget which is subsequently submitted by the President to the Legislature, where it is subject to review and amendment.</p> <p><u>In more detail:</u> Until 2009, and according to § 2.4 of the <i>Executive Law</i>, there is a Bureau of the Budget in the Office of the President. The law specifies, that it is the duty of the Director of the Budget to prepare the annual budget for the Government and any proposals for supplemental or deficiency appropriations, as required by the Revenue and Finance Law. Yet, ever since the approval of the Public Finance Management Act (PFM Act) in 2009, the Ministry of Justice is responsible for the preparation of the Budget and for all technical matters related to the proper functioning of the public finance Management System.²⁸ Since the new law (<i>PMFA</i>) is in conflict with the <i>Executive Law</i>, and in accordance with Sec 49. <i>PFMA</i> (see footnote), the new regulations prevail. Hereby, the Minister of Justice serves under the President who has overall responsibility for all policy matters related to the National Budget and public financial management system of the Republic of Liberia. He furthermore has the authority to submit the proposed annual budget to the Legislature.</p> <p>The <i>Public Finance Management Act</i> in Sec 16. specifies the Modification of Proposed Budget by the Legislature:</p>

²⁸ There are indications that the bureau of the budget was moved from the Office of the President to the ministry of Justice. See: <http://allafrica.com/stories/200809030902.html>, Also, section 49 of the Public Finance Management Act contemplates that, where any law or regulation in existence on the effective date of this Act contains provisions that are in conflict with any provision(s) of the Public Finance Management Act, they are deemed repealed to the extent of the conflict or inconsistency and the Public Finance Management Act is determinative of the matter in question. A specific Amendment Act to the *Executive Law* has not been passed

	<i>“In reviewing the Proposed Budget submitted by the President, the Legislature may, in coordination with the Minister, introduce amendments, providing explanation for each amendment proposed, indicating how the amendment are to be applied in the detailed estimates, and indicating how the proposed changes remain consistent with the declared fiscal and development objectives of the government, and ensuring that the Budget remains true to the spirit of allocation efficiency.”</i>
In how far do court statistics (case workloads, etc.) play a role in the determination of the budget	They do play a role in the preparation of the budget by the Judiciary ²⁹ by helping the Judiciary to calculate its estimated expenditures.
Is the budget (of the highest court) an integral part of the overall budget or is it separated?	It is an integral part.

3. Judicial Commission / Judicial Council

Judicial Commission / Judicial Council	
Is there any institution like a Judicial Commission / Judicial Council (see also IV.1= self-governing body)?	There are several Commissions within the Judiciary, including a Judicial Inquiry Commission, Constitutional Review Commission, Law Reform Commission. However, there is no independent Judicial (Service) Commission which is responsible for a pre-selection of public offices. The establishment of such a commission is nevertheless in discussion. Interestingly, a JSC was provided for in the 1983 Draft Constitution, which was later on amended. It was explained by the Law Reform Commission, that the Liberian Bar Association helps the President to select Justices of the Supreme Court. This practice takes place without legal basis.
If so, what are the tasks of the Judicial Commission / Judicial Council? (might be a considerable discrepancy between common law approach and civil law approach)	See above
What are the criteria of eligibility for membership?	-
How is the Judicial Commission / Judicial Council composed?	-
Do ex-officio members have the same authorities like other members?	-
Who selects members of the Judicial Commission / Judicial Council?	-
What kind of relation exists between the “highest court” and the Judicial Commission / Judicial Council?	-

²⁹ According to information given by the Judicial Training Institute Liberia

4. Challenges of Neutrality and Impartiality

VI. Composition

Composition of Constitutional Courts / Supreme Courts	
Eligibility: (a) minimum age / (b) maximum age / (c) legal education / (d) special legal qualification (e.g. sitting judge; being an expert in one legal system (for example Sharia law)/ (e) years of professional experience / (f) limitations (no party membership, no other positions while sitting in the court) / (g) other requirements	<p>Art 67 of the Constitution specifies that the Supreme Court is comprised of one Chief Justice and four Associate Justices (Art 67 C.R.L)</p> <p>According to Art 68, a person appointed to the office of Chief Justice or Associate Justice, must be a citizen of Liberia and of good moral character; and a counsellor of the Supreme Court Bar who has practiced for at least 5 years.</p> <p>§ 2.4. of the <i>New Judiciary Law</i> states that:</p> <p><i>“No person shall be appointed or hold office as a Justice of the Supreme Court who has not been a citizen of Liberia for at least ten years immediately previous to his appointment, who has not attained the age of thirty years, and who is not a counsellor at law licensed to practice in the Supreme Court and engaged in the active practice of law for at least seven years next preceding his appointment. Active practice of law, as used herein, shall include judicial service, governmental service and teaching of law.”</i></p>
Selection of Constitutional Court / Supreme Court Judges: all judges selected in the same manner? / who / which institution is involved in the selection process?/ Is there a complete replacement of judges or a partial replacement	<p>According to Art 68 C.R.L. and § 2.3. of the <i>New Judiciary Law</i>, the President nominates and appoints, with consent of the Senate, the Justices of the Supreme Court.</p> <p>Art 68 C.R.L stipulates: <i>“The Chief Justice and Associate Justice of the Supreme Court shall, with the consent of the Senate, be appointed and commissioned by the President [..]”</i></p> <p>§ 2.3. of the <i>New Judiciary Law</i> reads:</p> <p><i>“The President shall nominate and by and with the consent of the Senate, appoint a Chief Justice and four Associate Justices of the Supreme Court, any three of whom shall constitute a quorum at any regular term. They will hold office during good behavior.”</i></p>
Selection of Constitutional Court / Supreme Court Judges: if selected in different processes: who / which institutions are involved in the respective processes?	-
How many institutions are involved in the selection process?	2 , the President and the Senate.
Sequence of the selection process (recommendation, advise; election, consultation; appointment; co-option)	The President nominates (with informal advice by the Liberian Bar), Senate confirms and President appoints.
What are the terms of office	<p>A Justice of the Supreme Court has to be at least 30 years and must retire by the age of 70 years; they hold office during good behaviour.</p> <p>Art 72 b. C.R.L. stipulates: <i>“The Chief Justice and the Associate Justices of the Supreme Court and judges of subordinate courts of</i></p>

	<p><i>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.</i>³⁰</p> <p>Art 71 C.R.L. reads: <i>“The Chief Justice and Associates Justices of the Supreme Court and the judges of subordinate courts of record shall hold office during good behaviour. 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.”</i></p>
Is a re-selection possible?	No.
Is the representation of minorities guaranteed (are ethnic, linguistic, religious differences to be considered)? How?	In practice there is a policy which says that justices of the Supreme Court should always be of different ethnicities. However, there is no legislation passed, or rule created to that end.
Is the opposition involved in the selection process?	They are involved by way of the confirmation by the Senate.

- [1. Eligibility for Appointment as a Constitutional Court Judge / Supreme Court Judge
2. Selection of Judges of the Constitutional or Supreme Court
3. Terms of Office
4. Representation of Minorities]

VII. Competences

The Supreme Court explained: *“[A]n unconstitutional law is no law. It confers no rights; it imposes no duty; it affords no protection; it creates no office. It is, in legal contemplation, as inoperative as though it had never been passed.”* In *re Hon. Bailey*, citing *Norton v. Shelby County*.

1. Preliminary Review

Preliminary Review (reviewing the constitutionality of a bill before it becomes law)	
Available?	Not as such, particularly not by the Supreme Court. Judges or Legal experts only play consultative roles. Bills are being reviewed constantly within the legislative process, by especially committees.
Who can trigger the procedure (or is it part of the legislative process) (who has standing)? What is required to take action?	Bills can be reviewed after the first reading by a committee as well as in public hearings. External experts (who may also be of the judiciary) can be invited to committee meetings or public hearings and thereby give their input to the bill and its impacts. Likewise after the second hearing in either one of the houses, members may propose amendments. ³¹

³⁰ A referendum for constitutional amendment was held in 2011. The proposal of amendment included an extension of the terms of office of justices of the Supreme Court to the age of 75 years. However, the amendment was not ratified.

³¹ For more detail see *Legislative Law*. A handy overview of the legislative process is given in Breutz (2006).

At which state of the legislative process can the preliminary review be triggered?	See above.
Applicable to all bills / drafts?	Yes.
Also consultative opinions available?	ONLY consultative options available.

2. Abstract Review

Abstract Review	
Available?	<p>Generally said, the Supreme Court does not decide cases or interpret meanings of legislation outside the context of a case. The Liberian common law requires that there is a plaintiff with sufficient nexus to the claim sought to be adjudicated (see <i>Gonsahn v. Vinton</i>).</p> <p>However, exceptional circumstances allow the court to take action himself, without the usual requirement of existence of a case and nexus. This may happen when the Supreme Court deems that an act threatens judicial independence. It may then decide that legislation is unconstitutional so as to defend the Judicial Branch.</p> <p>In the history of Liberia this has happened twice: <i>In re Act of the Legislature of Liberia approved January 20, 1914</i>, and <i>Re Sections 12.5 & 12.6 of the New Judiciary Law</i>. In the former case, Chief Justice Dossen explained that the Act in question, “would violate a cardinal principle of the Organic Compact which is the foundation of our political society, and in its effect and operation interfere with that independence and separateness of the co-ordinate branches of the Government positively enjoined by the Constitution and which is the spirit and genius of this Democratic Institution. For the benefit of both bench and bar as well as for the information and enlightenment of the public on such an important issue as the Act under review presents, we deemed it proper to have a full discussion of the Act by the bar.”</p> <p>The Supreme Court also took up proceedings without having a direct nexus to the dispute in <i>re the report of the Judicial Inquiry Commission in the matter of the investigation of the judicial and ethical conduct of Judge Paye [2013]</i> whereby Judge Payne was accused of gross unethical behaviour.</p> <p>The court explained: “Ordinarily, the genesis of such proceedings is lodged in complaints filed by a party aggrieved by the conduct of a trial judge [...]. The instant proceedings, however, is the direct result of a case determined by the Honorable Supreme Court on appeal from the ruling of the Justice in Chambers, in which the Court determined that the records showed the commission of such gross ethical transgressions by the respondent trial judge and one of counsels for one of the parties that (a) a judicial enquiry was warranted by the Judicial Inquiry Commission, as to the respondent trial judge, and (b) an investigation was warranted by the Grievance and Ethics Committee into the conduct of counsel, a member of the Liberia National Bar Association in the same matter. In both situations, although the Court felt that the</p>

	<p>conduct, shown by the records before it, brought shame and disgrace to the dignity, integrity and sanctity of the Judiciary, it also felt that the persons named therein should be given the opportunity to defend against the allegations or provide justifiable reasons for the conduct.”</p> <p>The Supreme Court may furthermore initiate proceedings in cases of contempt of the highest court (hereby being a party to the case making it not exactly “abstract review”). Examples therefore are: <i>re Contempt Proceedings against Sieh (Front Page)</i> [2011] or <i>re Parker</i> [2010]. In the latter case, Supreme Court Justice Wolokolie was assaulted by a public officer (Mrs Parker), not recognising Wolokolie. The Justice henceforth summoned Mrs. Parker to appear before the Supreme Court for contempt of the Court.</p>
Who can trigger the procedure (who has standing)? What is required to take action?	The Supreme Court may trigger the procedure if it deems it important enough (threatening the independence of the judiciary).
Applicable to all laws (or are there any restrictions: (organic laws?)?)	No legislation or precedent to answer this questions.
What kind of judgments may be rendered (nullification; directions to the legislature to fix the unconstitutional parts of a law within a specific period of time; others)?	Court may declare the law /parts of the law as unconstitutional.

3. Specific or Incidental Review

Incidental Review	
Available (are courts authorized to review the constitutionality of laws)?	<p>Yes.</p> <p><u>Requirements:</u></p> <p>1. Person must have nexus to the case in question. Only person who was directly injured has standing (<i>Gonsahn v Vinton, Morgan v. Barclay, et al.</i>)</p> <p>2. If Petitioners have not directly raised a constitutional issue, the Supreme Court is not bound to decide the case: <i>“A court will not pass upon the question of the unconstitutionality of an act of the Legislature unless the party raising the issue specifically designates the particular portion of the Constitution which he claims is violated by the legislative act; it is necessary to particularize to the fullest extent possible”</i> cited in <i>Catholic & Peace Commission et al v RL</i> [2006]</p>
What happens if the court is of the view that a law relevant to the case at hand is unconstitutional? Can the court not apply that law or declare it unconstitutional?	The court may declare the law as unconstitutional and not apply it.
Is the doctrine of “stare decisis” legally applied (precedent)?	Yes it is.
Are there restrictions to incidental review (testing the constitutionality of a regulation / law as part of deciding the case at hand)?	No.

4. Direct Action before the Constitutional or Supreme Court (individual complaint)

Direct action	
Available?	<p>Yes. Exclusively when the case has constitutional importance/ challenges the constitutionality of legislation or acts of government.</p> <p>Example cases: <i>re Petition of Cox [1990]</i> or <i>Bauchau v USA et al [2000]</i> where the plaintiff was an individual of Belgian nationality.</p> <p>According to Art. 2 and 66 of the Constitution the constitutionality of acts of government can be challenged in the Supreme Court (compare IV above: The Supreme Court was traditionally of the opinion that only the Supreme Court may pronounce (part-) legislation as unconstitutional and thereby void (as e.g. Justice Barclay’s separate opinion in <i>Fazzah v. Nat’l Economy Committee [1943]</i>; or <i>Morris v. Reeves [1978]</i>).</p> <p>However, more recently, the Supreme Court interpreted the constitution differently. The word “final” in Article 66 C.R.L is “<i>the Supreme Court shall be the final arbiter..</i>” infers that the matter must have been arbitrated by a lower court before. In <i>re Petition of Benjamin Cox [1990]</i>. See also <i>Gonsahn v. Vinton [1992]</i>.³²)</p> <p>However, where a person alleges that any of his constitutional rights were violated, he has to bring his suit in a Claims Court. From there, appeals lie directly to the Supreme Court (Art.26 C.R.L). It seems to be the practice, that when claiming a constitutional right (it being a constitutional matter), petitioners may also turn to the Supreme Court directly. In it is explained: “A court will not pass upon the question of the unconstitutionality of an act of the Legislature unless the party raising the issue specifically designates the particular portion of the Constitution which he claims is violated by the legislative act; it is necessary to particularize to the fullest extent possible”</p> <p>Note (Klagebeitritt AG): The Attorney General has the right to intervene in cases of public interest, i.e. cases of constitutional importance, as regulated in § 5.64. Duty of court when constitutionality questioned of the Civil Procedure Law:</p> <p><i>“When the constitutionality of an act of the Legislature affecting the public interest is drawn into question in any action to which the Republic of Liberia or an officer, agency, or political subdivision thereof is not a party, the court shall so notify the Attorney General or a County, District, or Territorial Attorney, who shall have the right to intervene in support of the constitutionality of the statute”</i></p>
Who can trigger the procedure (who has	Persons wishing to contest the validity of legislation on

³² Confirmed by Williams and Barbu (2009)

standing)?	constitutional grounds must show a NEXUS to the allegations; they must show that they are in immediate danger of sustaining, some direct injury as a result of its enforcement. (<i>Gonsahn v. Vinton [1992]</i>)
What is required to take action (i.a. exhaust the access to ordinary courts first)?	See above.
Are there restrictions to the right of individual complaint can highest courts decide whether or not they take a case? If so, what are the criteria?)?	If and only if the person has standing, it is the duty of the Supreme Court to hear and decide a case on which the constitutionality of an act is contested. <i>“Whenever the constitutionality of a statute is challenged, it is the duty of the Supreme Court to test the said statute as applied to a given case by the Constitution” (In re C. Abayomi Cassell [1961])</i>

5. Limits on the Review of Constitutionality

Limits of Review	
Are there explicit limitations to the review of the constitutionality (for example international treaties, laws approved by referendum, laws that were valid before the constitution came into force, legislation past under emergency power, limitation to manifestly unconstitutional acts)?	There is no limitation to review any particular act or legislation per se. However, political issues are non-justiciable; cases which are “political questions” are to be solved outside the court. ³³

6. Review of Constitutional Amendments (formal regularity and substance)

Review of Constitutional amendments	
Is it possible to review amendments to the constitution itself?	yes
If so, is the review limited to a formal review of the process followed for amendment? or is a review on the substance of the constitution also permitted?	Both are permitted.
Does the constitution contain immutable clauses (provision that are excluded from constitutional amendment)?	Article 91 C.R.L. defines the conditions of amendment of the constitution: The 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 at least 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 93 C.R.L. sets a limit on the president’s term of office by saying that it may be subject to amendment; <i>“provided that the amendment shall not become effective during the term of office of the incumbent President.”</i>

³³ Williams and Barbu (2009)

	<p>Further exceptions are:</p> <p>Article 87 C.R.L:</p> <p><i>“Emergency powers do not include the power to suspend or abrogate the Constitution, dissolve the Legislature, or suspend or dismiss the Judiciary; and no constitutions amendment shall be promulgated during a state of emergency.”</i></p> <p>Article 66 C.R.L.:</p> <p><i>“The Legislature shall make no law nor create any exceptions as would deprive the Supreme Court of any of the powers granted herein.”</i></p>
Who can trigger the procedure (who has standing)? What is required to take action?	Same procedure as with review of any other piece of legislation.

7. Unconstitutional Omission

Unconstitutional Omission	
Is it possible to take action against constitutional obligations that haven't been implemented?	Generally yes, Omission is considered a crime.
Who can trigger the procedure (who has standing)? What is required to take action?	<p>According to the Constitution in Article 26: Any person or any association which 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.³⁴</p> <p>However, the General Principles of National Policy are explicitly said to be guidelines which makes more or less unjusticiable. Art 4 states that <i>“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.”</i></p>
What kind of judgments may be rendered (instruction to the legislature / executive to take action (within a specific period of time); declaration that a law only insufficiently implements a constitutional obligation; court “implements” the obligation by rendering a specific right to the claimant; others)?	-

8. Conflicts between State Bodies

³⁴ Confirmed by Mr. Barbu, who explained that in principle a case could originate in a lower court but would most probably not succeed.

Conflicts between State Bodies	
<p>Does the court have jurisdiction to decide whether or not a certain task falls within the authority of a state body or to interpret the limits of authority also in relation to other bodies, be it horizontally (between different institutions at the national level) or vertically (between national institutions and institutions from the province / local institutions)?</p>	<p>Yes, the Supreme Court has jurisdiction to decide cases within and between state bodies.</p> <p>Procedure of case WITHIN an agency /state body: According to the <i>Administrative Procedure Act</i>, in the <i>Executive Law</i>, each state agency appoints one or more “hearing officers”³⁵ who may “adjudicate” matters brought before them. As the Administrative Procedure Law shows, hearing offers are provided with judge-like powers, such as:</p> <ul style="list-style-type: none"> (a) administer oaths and affirmations, (b) issue subpoenas authorized by law, (c) rule upon offers of proof and receive relevant evidence, (d) take or cause depositions to be taken whenever the ends of justice would be served thereby, (e) regulate the course of the hearing, (f) hold conferences for the settlement or simplification of the issues by consent of the parties, (g) dispose of procedural requests or similar matters, (h) make decisions or recommend decisions in conformity with section 82.5 of this title, and (i) take any other action authorized by agency rule consistent with this chapter. <p>The aggrieved person may ask for review of the ruling of a hearing officer and turn to a Circuit Court or the Labour Court for redress. Proceedings for review must be instituted by filing a petition in the Circuit Court within 30 days after the final determination of the agency (§82.8.2. <i>Executive Law</i>). Appeals from there lie to the Supreme Court of Liberia. A case in which a matter originated at an agency with a hearing officer is for example: <i>Sandolo v LACE [2007]</i></p> <p>Matters BETWEEN state bodies are first and foremost tried to be solved outside the courtroom. According to Moses Soribah, disputes between state agencies can be heard by the President, as she is the Head of the Executive Branch. Also, according to the Administrative Code of Conduct for members of the executive branch, Ministers and heads of agencies and autonomous bodies with Ombudsman function may “adjudicate” disputes.</p> <p>Whenever a case arises in which a Ministry is part, the Supreme Court has original jurisdiction (Art 66. C.R.L). In cases emanating from courts of record, courts not of record, administrative agencies, autonomous agencies or any other authority, the Supreme Court has final appellate jurisdiction.</p>
<p>Who can trigger the procedure (who has standing)? What is required to take action (how)?</p>	<p>See above.</p>

³⁵ "Hearing Officer means an officer of an agency who is designated by statute or the head of the agency to hold hearings either prior to the making of a determination by the agency or subsequent thereto" (§ 82.1. (g) *Executive Law*)

9. Elections

Elections	
Does the Court have electoral competence/jurisdiction? What is the scope of that competence/jurisdiction: presidential, legislative or all types of elections? What kind of issues does the court have power over: declaring results, resolving disputes over election results, candidate eligibility, voter roll, etc?	<p>Yes it does, in two different ways:</p> <ol style="list-style-type: none"> 1. Art 79 (a) C.R.L. explains that a denial of registration or failure by the Elections Commission to register any applicant as a political party may be challenged by the applicant in the Supreme Court. 2. According to 83 (c) C.R.L., and § 6.3 of the <i>New Elections Law</i>, any party or candidate who complains about the manner in which the elections were conducted or who challenges their results has the right to file a complaint with the Elections Commission. Appeals thereof lie directly to the Supreme Court.
Who can trigger the procedure (who has standing)? What is required to take action?	<p>Any party or candidate who complains about the manner in which the elections were conducted or who challenges their results.</p> <p>Steps required:</p> <ol style="list-style-type: none"> 1. A complaint must be filed not later than seven days after the announcement of the results of the elections. 2. The Elections Commission within thirty days of receipt of the complaint conducts an impartial investigation and renders a decision which may involve a dismissal of the complaint or a nullification of the election of a candidate. 3. Any political party or independent candidate affected by such decision may, not later than seven days after the decision of the Elections Commission appeal against it to the Supreme Court. 4. Within seven days of receipt of the notice of appeal, the Elections Commission must forward all the records in the case to the Supreme Court, which not later than seven days thereafter, will hear the case and make its determination. 5. If the Supreme Court nullifies or sustains the nullification of the election of any candidate, for whatever reasons, the Elections commission must, 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 must act to effectuate the mandate of the Court.
If the court is not empowered, is there another institution that settles electoral disputes?	The Elections Commission settles disputes in the first instance. Appeals go directly to the Supreme Court. See above.

10. Fundamental Rights

Fundamental Rights (see also individual complaint)	
Are (all?) alleged human rights abuses subject to review before a court?	Yes, they are; with “human rights” being the list of fundamental rights in Chapter III of the Constitution. If a person’s human rights are violated by a party other than the government or its agencies, the aggrieved person may turn to a lower Court.

	<p>All suits brought against the Government should, according to Art 26 C.R.L. originate in a Claims Court. However, as indicated in the foreword of this report, the Government has not (yet) (been able to) create such Claims Courts.</p> <p>The Supreme Court, however, sees itself as the final arbiter of constitutional issues and therefore obliged to declare whether a person’s constitutional rights were violated, and if they were, to declare the act as unconstitutional.</p> <p>Alternative options where the violated person can turn to are other persons /Institutions with Ombudsman or quasi-legal functions such as Hearing Officers within the state agencies or Independent National Commission on Human Rights.</p>
<p>Is there any other kind of institution where aggrieved individuals may turn to (human rights commission, Ombudsperson)? How is its institutional relation to the (highest) courts?</p>	<p>First and foremost the Independent National Commission on Human Rights, which hears and considers complaints and petitions concerning human rights violations brought before it by individuals or third parties, associations or organisations. According to Article VI of its Act³⁶, the Commission has all the powers of a civil court trying a suit under the Civil Procedure Law of Liberia.</p> <p>The Commission may at any time apply to a Circuit Court for a writ of arrest or to compel the accused to appear before it.</p> <p>Where human rights violations are committed by the state or any of its functionaries, the Commission may furthermore approach the Supreme Court (in constitutional matters) or the Circuit Court concerned for such directions or orders (Art VI 9 (b) INCHR Act).</p>
<p>Who can trigger the procedure (who has standing: also NGOs / consumer protection organizations on behalf of individuals)? What is required to take action (how)?</p>	<p>Article 26 of the C.R.L. stipulates that 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.</p> <p>It is however necessary, whether person, association or organisation, that the party has sufficient nexus to the crime committed.³⁷ The group seeking review must have suffered an injury (see also Abstract Review above). In <i>Concerned Sector</i></p>

³⁶ Act to Repeal the Act of 1997 Creating the Liberia Commission on Human Rights and to Create the Independent National Commission on Human Rights of Liberia, Approved 11 March 2005. Henceforth referred to as “INCHR Act”

³⁷ See also: *Center for Law and Human Rights Education et al. vs. Monrovia City Corporation*

	<p><i>Youth v LISGIS et al [2010]</i> the Supreme Court explains: “A group or organization can also have standing as a representative of its members in bringing a suit. But the group or organization must allege facts sufficient to make out a case or controversy as if the members themselves had instituted the suit. A mere interest in a problem, no matter how qualified the group or organization is in evaluation the problem, is <u>not sufficient by itself</u> to render a group or organization adversely affected or aggrieved for the purpose of giving it standing to obtain judicial decision. Only a real party in interest has the right to question the constitutionality of a statute or ordinance before the court.”</p> <p>In constitutional matters it is by all means necessary to state the provision violated: <i>“A court will not pass upon the question of the unconstitutionality of an act of the Legislature unless the party raising the issue specifically designates the particular portion of the Constitution which he claims is violated by the legislative act; it is necessary to particularize to the fullest extent possible”</i> cited in: <i>Catholic & Peace Commission et al v RL [2006]</i></p> <p>If Petitioners have not directly raised a constitutional issue the Supreme Court is not bound to decide the case.</p>
<p>With regard to social rights, does the highest court in the country have jurisdiction to offer less than attributed by lower courts (<i>reformation in peius</i>) (example: right to water in the constitution, but how many litres/day as a minimum threshold: If lower court admits 30 l/d, but the complainant wants 40 l/d and appeals can the highest court also overturn the lower court to the negative, only offering 25 l)?</p>	<p>In principle yes; § 51.18 of the <i>Civil Procedure Law</i> states that a court reversing or modifying a final judgment of any court of record or affirming such a reversal or modification may order restitution of property or rights lost by the judgment, except that where the title of a purchaser in good faith and for value would be affected, the court may order the value or the purchase price restored or deposited in court.</p>
	<p>Limits to fundamental rights:</p> <p>“Where the exercise of one’s civil right proves dangerous and pernicious to society the halting of it is not unconstitutional. Therefore, when convening a mass political rally is found to be dangerous to others, it can be restrained in the interest of public order.” <i>Republic of Liberia v. Grand Coalition [1986]</i>.³⁸</p>

11. Other Powers of Supreme Courts / Constitutional Courts

Other powers	
Conduct of referenda	<p>According to Art 91, the 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</p>

³⁸ Cited in Williams and Barbu (2009)

	<p>not sooner than one year after the action of the Legislature. Results may be questioned at the Supreme Court.</p> <p>The last referendum to amend the constitution took place in 2011, seeking to amend articles 52 (c), 72 (b), and 83 (a) & (b) of the Constitution³⁹. All four propositions did not pass the threshold of two-thirds of the registered voters and were therefore not ratified. A petition was later on filed at the Supreme Court in which the Court ruled that the 4th Proposition has passed.</p>
constitutionality and dissolution of political parties	<p>Yes, the Supreme Court may decide on the constitutionality of political parties at second instance:</p> <ol style="list-style-type: none"> 1. Art 79 (a) C.R.L. explains that a denial of registration or failure by the Elections Commission to register any applicant as a political party may be challenged by the applicant in the Supreme Court. <p>Art 80 (b) C.R.L. stipulates that 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.</p>
impeachment procedures for the president	<p>According to Article 43 of the Constitution, 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. In impeachment cases of the President the Chief Justice presides and two thirds of the total membership of the Senate is necessary for his/her impeachment.</p>
(binding) interpretation of the constitution	yes
Others?	-

VIII. Standing

1. Who (see under VII.)

Table Structure

2. How (see under VII.)

Table Structure

IX. Form and Effects of Judgments (Authority of the Judgments) of the highest court

Authority of Judgments	
Is a judgment written together or rather exists of various parts, individually by each judge?	The judgement is written together, the conclusion held by a majority of the court is delivered by one single judge.
If judgments are written together, is it possible to identify single judges (in general or through dissenting/concurrent opinions)?	One judge delivers the majority opinion , which is signed by the majority of members of the bench. A dissenting opinion , such as defined in <i>LAMCO JV Operating Co. v Azzam et al [1983]</i> is a "separate opinion in which a particular judge announces his

³⁹ Joint Resolution 001 (2010)

	<p><i>dissent from the conclusion held by a majority of the court, and expounds his own views.”</i></p> <p>As the lead judgement it is commonly written “<i>Justice X delivered the opinion of the Court</i>”.</p> <p>As dissenting opinion it is commonly written: “<i>Justice X (who concurs with Justice Y) dissents.</i>”</p> <p>The majority judgement is delivered without the other judges expounding their views, unless a concurring justice disagrees only on the reason for the decision but not the decision itself. In such case, the justice <u>may</u> write a concurring opinion outlining his reasoning. The judges supporting the majority judgement <u>sign</u> the opinion of the judge delivering the majority judgement.⁴⁰ It is only the dissenting opinion which is delivered separately by one or two judges.⁴¹</p>
<p>Do the judgments have <i>erga omnes</i> or <i>inter partes</i> effects (with regard to VIII. 2-4; 7-8)?</p>	<p>Judgements of constitutional relevance have <i>erga omnes</i> effects.</p>
<p>Do the judgments have effects for the future only (<i>ex-nunc</i>), do they have even retroactive effects (<i>ex-tunc</i>) or is the effect deferred in order to give the legislation time to adjust the legislation to the court’s decision.</p>	<p>Judgement have effect for the future only, the principle of <i>nullum crimen sine lege</i> applies as Article 21 (a) of the Constitution explains:</p> <p><i>“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.”</i></p> <p>In constitutional matters, judgments have immediate effect, as pointed out in <i>Re C. Abayomi Cassell [1961]</i> :</p> <p>If a decision is against a statute “<i>the law immediately loses its authority, its usefulness and its validity, and becomes a nullity. In such cases there is no necessity for legislative repeal or for removal from the statute books to give effect to the invalidity of the statute.</i>”</p>
<p>What legal authority does the judgment have to the relevant groups (below) considering that they have been part of the process?</p>	<p>According to Art 2 C.R.L., the Constitution is the supreme and fundamental law of Liberia and its provisions have binding force and effect on all authorities and persons throughout the Republic – with exception of the president while in office, as defined in Art 61 C.R.L.:</p> <p><i>“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.”</i></p> <p>A similar exception does also apply for members of the legislative and the judiciary. The <i>Legislative Law</i> in Chapter 2, §31 reads:</p> <p><i>“No judge or magistrate or justice of the peace or officer who administers the law shall issue or cause to be issued any writ of</i></p>

⁴⁰ See for example *TRADEVCO v Mathies*

⁴¹ Since there a the Supreme Court *en banc* counts 5 Judges only, the dissenting opinion can only ever be delivered by a maximum of two persons.

	<p><i>attachment or other legal precept against any member of the Legislature or the members of his family living in his household or his servants or clerical staff during the session of the Legislature or for thirty days before or thirty days after such session, except for treason, felony, or breach of the peace.</i></p> <p>Art 73 C.R.L: <i>“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.”</i></p>
<p>In general, who (see below) is affected how by the judgments of the Constitutional Court?</p>	<p>See above: According to Art 2 C.R.L., the Constitution is the supreme and fundamental law of Liberia and its provisions have binding force and effect on all authorities and persons throughout the Republic.</p>

- [1. On Citizens
- 2. On Administrations
- 3. On other Judicial Institutions
- 4. On Political Institutions
- 5. On Military]

X. Control of the Constitutional Jurisdictions

Note: Influence of the Attorney General:

The Attorney General is given a special role of advice which is explained in *re Abayomi Cassell [1961]*: *“Although the Constitution and the law do not require the Attorney General to give advice either to the President or to any head of a department without previous request, nevertheless, in the proper performance of his duties he should advise on any matters which adversely affect public rights, whether asked to do so or not. **It is a duty of the Attorney General to prepare opinions on all matters of proper moment, or which involve public interest; and although these opinions might not have the weight of judicial decisions, they nevertheless serve to guide the government in proper and lawful administration”***

Control of the Constitutional Jurisdiction	
<p>Political control (see selection of judges; terms of office)</p>	<p>The political control by the executive is immense.</p> <p>Art 68 C.R.L states: <i>“The Chief Justice and Associate Justice of the Supreme Court shall, with the consent of the Senate, be appointed and commissioned by the President [..]”</i></p> <p>There is no Judicial Service Commission which makes an independent pre-selection. The President has the sole power to nominate and appoint the justices of the Supreme Court, with</p>

	<p>consent of the Senate. At the time of writing, the Presidents Party (Unity Party) is the Party with the most seats in the Senate (11 of 30 seats – all other parties have no more than 3 seats each).</p>
<p>Removal / dismissal of highest judges (at all / only by judicial decision within the judiciary / by external institutions?)</p>	<p>Impeachment procedures of Justices of the Supreme Court take place in the legislature; with the Senate having the power to try impeachment cases.</p> <p>Art 71 C.R.L. holds: <i>“The Chief Justice and Associates Justices of the Supreme Court and the judges of subordinate courts of record shall hold office during good behaviour. 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.”</i></p> <p>According to Art 43 of the Constitution, the Chief Justice presides in cases where Associate Justices are to be tried. In cases where the Chief Justice himself is to be tried, the President of the Senate presides. A person may only be impeached by the concurrence of two-thirds of the total membership of the Senate.</p> <p>Judgements in such cases do not extend beyond removal from office and disqualification to hold public office in the Republic; but the party may be tried in a court for the same offense.</p> <p>In the history of Liberia, one Chief Justice was impeached: Chief Justice Chea Cheapoo in 1987 after he accused President Samuel Doe to have unconstitutionally released a couple arrested by Cheapoo.</p>
<p>What are the criteria for the removal of highest judges (e.g. proven legal misbehavior)</p>	<p>Proved misconduct, gross breach of duty, inability to perform the functions of their office, treason, bribery or other infamous crimes.</p>
<p>May decisions of the highest court be overruled by another institution (legislature)? What are the requirements?</p>	<p>No, as Art 65 C.R.L. states:</p> <p><i>“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.”</i></p>
<p>Amending the constitution in light of a decision of the highest court.</p>	<p>No, According to Art 1.2. an amendment of the Constitution can be initiated in two ways, by either:</p> <ul style="list-style-type: none"> - the Legislature: a two-thirds majority of the membership of each House of the Legislature is required or - the people: a petition by not fewer than 10.000 citizens. The petition by the people needs to be approved by two-thirds of the membership of both Houses of the Legislature.

1. Independence vs. Accountability
2. Political Control
3. Constitutional Amendment

4. Removal / Impeachment of Judges
5. Overruling of Decisions]

XI. Conclusion

Bibliography

Breutz (2006): *Handbook on Legislation and Law Drafting for the Republic of Liberia*, Dr. I. Breutz, Office of the European Commission in Liberia 9th European Development Fund and Konrad Adenauer Foundation, Hamburg/Monrovia March 2006. Available at: http://www.agora-parl.org/sites/default/files/handbook_parliament-liberia_mar06.pdf

Edlin, D. (2013): *Will Britain Have a Marbury?* Published on: UK Constitutional Law Blog (7th June 2013); available at: <http://ukconstitutionallaw.org/2013/06/07/douglas-edlin-will-britain-have-a-marbury/>

IDLO (2011): *Traditional Justice: Practitioners' Perspectives' Working Paper Series*, Copyright, International Development Law Organization 2011, available at: <http://www.idlo.int/Publications/WP2rawls.pdf>

International Crisis Group (2006): *Liberia – Resurrecting the Justice System*, Africa Report N°107 – April 2006, available at: <http://www.crisisgroup.org/~media/Files/africa/west-africa/liberia/Liberia%20Resurrecting%20the%20Justice%20System.pdf>

USIP (2009): *Looking for Justice: Liberian Experiences with and Perceptions of Local Justice Options*, United States Institute of Peace, Peaceworks No. 6, first published 2009. Available at: <http://dspace.cigilibrary.org/jspui/bitstream/123456789/26163/1/Looking%20for%20Justice%20%20Liberian%20Experiences%20with%20and%20Perceptions%20of%20Local%20Justice%20Options.pdf?1>

Warner, N.T. (2012): *Legal Methods – Introduction to the Liberian Legal System, Legal Research and Writing*, published by Louis Arthur Grimes School of Law, University of Liberia, Monrovia, February 2012

Williams, C.D. and Barbu, J.A. (2009): *A Commentary on the Meaning of the Constitution of the Republic of Liberia*.

Zeon, A.P. (2010): *Comment on the Supreme Courts of Liberia's Review Power as it Relates to Internal Legislative Matters: Analysis of Selected Cases*, in LRLawJl 4; (2010) 7 Liberian Law Journal 27

Legislation:

Constitutions:

Compact of 1820 / Constitution for the Government of the African Settlement at Liberia / available at: http://www.onliberia.org/Downloads/Liberia_1820.pdf

Constitution of 1839, adopted on January 5, 1839, available at: http://www.onliberia.org/Downloads/Liberia_1839.pdf

Constitution 1847, adopted on July 26, 1847 (as amended through May, 1955), available at: http://www.onliberia.org/Downloads/Liberia_1955.pdf

Constitution of 1986, adopted on on January 6, 1986, available at: http://www.onliberia.org/Downloads/Liberia_1986.pdf

Declaration of Independence of July 16, 1847, available at: http://www.onliberia.org/con_declaration.htm#

Draft Constitution of 1983, available at: http://www.onliberia.org/con_1983_1.htm#

Others:

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 (Amending Title 17) - Liberian Legislative Acts (Handbills); 13 January 2006

Civil Procedure Law – Title 1 – Liberian Code of Law Revised, 1972

Elections Law - Title 11 - Liberian Code of Laws Revised, 1984

Executive Law - Title 12 - Liberian Code of Laws Revised, Approved: May 11, 1972, Published: June 9, 1972

General Construction Law - Title 15 - Liberian Code of Laws Revised, 2000

Independent National Commission on Human Rights (INCHR) Act, Amendment of Act of 1997 Creating the Liberia Commission on Human Rights and to Create the Independent National Commission on Human Rights of Liberia, Approved 11 March 2005

New Judiciary Law - Title 17 - Liberian Code of Laws Revised, Approved May 10, 1972, Published June 20, 1972

Joint Resolution 001 (2010) of the Senate and House of Representatives of the 52nd Legislature of the Republic of Liberia, Proposing a Constitutional Referendum to amend articles 52 (c), 72 (b), and 83 (a) & (b) OF THE 1986

Legislative Law – Title 19 – Liberian Code of Law Revised, 2000

New Elections Law, approved on January 29, 1986 and amended on January 2003 and December 23, 2004

Public Finance Management Act of 2009

Rules and Regulations Governing the Hinterland of Liberia, January 7, 2001

Rules of the Supreme Court –Title 65- Revised Rules of the Supreme Court, 2009

Case Law:

United Kingdom

A and Others v Secretary of State for the Home Department [2004] UKHL 56

Her Majesty's Treasury v Mohammed Jabar Ahmed and Others [2010] UKSC 2

Thoburn v Sunderland City Council [2002] 3 WLR 247

United States

Marbury v Madison [1803] 5 U.S. 137

Liberia:

Bauchau v USA et al [2000] LRSC 7; 40 LLR 58 (2000)

Catholic & Peace Commission et al v RL [2006] LRSC 18

Center for Law and Human Rights Education et al. vs. Monrovia City Corporation [1998] LRSC 20; , 39 LLR 32 (1998)

Concerned Sector Youth v LISGIS et al [2010] LRSC 40

Gonsahn v. Vinton, 37 LLR 47, 56-57 (1992), attached to the report

Fazzah v. Nat'l Economy Committee, 8 LLR 85, 105 (1943)

LAMCO JV Operating Co. v Azzam et al [1983] LRSC 49; 31 LLR 23 (1983) (6 July 1983)

Morgan v. Barclay, et al. [2004] LRSC 22; 42 LLR 259 (2004)

Morris v. Reeves, 27 LLR 334, 337 (1978))

Norton v. Shelby County, 118 U.S. 426 (1886)

Ogembe v Usman, SC. 156/2011

re Act of the Legislature of Liberia approved January 20, 1914, 2 LLR 157 (1914)

re C. Abayomi Cassell [1961] LRSC 22; 14 LLR 391 (1961), attached to the report

re Contempt Proceedings against Sieh (Front Page) [2011] LRSC 10

re Hon. Bailey, 36 LLR 803, 815 (1990)

re Parker [2010] LRSC 8

re Petition of Benjamin Cox, 36 LLR at 850 (1990), attached to the report

re Sections 12.5 & 12.6 of the New Judiciary Law, 24 LLR 37 (1975), attached to the report

re the report of the Judicial Inquiry Commission in the matter of the investigation of the judicial and ethical conduct of Judge Paye [2013] LRSC 3

Republic of Liberia v. Grand Coalition, 34 LLR 70, 79-80 (1986)

Republic of Liberia v. Leadership of the Nat'l Bar Ass'n, 40 LLR 635, 655 (2001)

Sandolo v LACE [2007] LRSC 18

TRADEVCO v Mathies et al [1999] LRSC 32; 39 LLR 637 (1999)

(Unless otherwise indicated, the cases can be found on www.liberlii.org. For cases mentioned under II please refer to the Bibliography of the Questionnaire on Nigeria)