



**Fact-Finding/Needs  
Assessment Mission  
to Liberia**

11-16 May 1998



*International Commission of Jurists*

JUST-REP-2-LR\*FAC

---

The *International Commission of Jurists* (ICJ) permits free reproduction of extracts from any of its publications provided that due acknowledgement is given and a copy of the publication carrying the extract is sent to its headquarters at the following address:

*International Commission of Jurists (ICJ)*

*P.O.Box 216*

*81 A, avenue de Châtelaine*

*CH - 1219 Châtelaine/Geneva*

*Switzerland*

*Telephone : (4122) 979 38 00; Fax : (4122) 979 38 01*

*e.mail: [info@icj.org](mailto:info@icj.org)*

---

## CONTENTS

Introduction .....	7
Historical Background .....	8
Structure of the State .....	11
The Executive .....	11
The Legislature .....	11
The Judiciary .....	12
The Courts and the Application of Substantive Laws .....	12
Judicial Independence .....	13
Legal and Judicial Protection of Human Rights .....	14
The Bar and related Bodies .....	17
The Role of Local Non-Governmental Organizations .....	18
International Governmental and Non-Governmental Organizations .....	20
<i>Dearth of Human Resources</i> .....	23
<i>Reasons for the Acute Dearth of Judicial Personnel</i> .....	25
Recommendations .....	31
Conclusion .....	35
Appendix I The Terms of Reference for the Mission .....	37
Appendix II Agenda for the Mission .....	39
Appendix III Preliminary Observations of the CIJ .....	41
Appendix IV The Constitution of the Republic of Liberia .....	45

## INTRODUCTION

At the request of the Chief Justice of the Republic of Liberia, The Honourable Gloria M. Scott, the International Commission of Jurists (ICJ) sent a mission to Liberia from Monday, 11 to Saturday, 16 May 1998, to assess the needs of the Judiciary with a view to making observations on how justice can be properly administered and the rule of law revitalized and reestablished in the Republic of Liberia.

The mission was conducted by Honourable Justice A.M. Ahmadi, Former Chief Justice of India, Mr. Sam Okudzeto, President of the Ghana Bar Association, and Mr. Raymond C. Sock, Legal Practitioner and former Solicitor-General and Legal Secretary of The Gambia and Ms. Tokunbo Ige, Legal Officer for Africa at the ICJ.

The mission had frank and in-depth discussions with the Chief Justice and Associate Justices of the Supreme Court of Liberia, Judges of Subordinate Courts, the Minister of Justice, the human rights community, the Liberia Bar Association, representatives of the European Commission's Aid Coordination Office, the Liberia Human Rights Commission, the Ambassador of the United States of America, some of the members of the Senate and House of Representatives and the Association of Female Lawyers of Liberia. In spite of its tight schedule, the mission was able to visit subordinate courts in Kakata in Margibi County and Gbarnga in Bong County, one of the strongholds of Charles Taylor during the civil war, located about two hours by car from the capital, Monrovia. The agenda of the mission can be found in the appendix to the report.

The ICJ is extremely grateful to the Chief Justice and Justices of the Supreme Court of Liberia, Counsellor Benedict Sannoh who assisted in the preparation of the mission, the Bar Association, The President and members of the Senate for their contribution towards ensuring the mission's success.

## HISTORICAL BACKGROUND

Founded in 1847, Liberia, Africa's oldest Republic, was perceived as endowed with all the necessary institutions for the development and maintenance of democracy, the rule of law and the protection of fundamental rights and freedoms. This perception was based on the assumed political goodwill and sense of civic responsibility of those freed slaves who took control of the helm of government for many decades during Liberia's historical development.

However, with the gradual emergence in Liberia of a neopaternalistic State, it became evident that the basic ingredients of a democratic state were being deliberately side-lined as considerations of clan and ethnic relationships became paramount in gaining access to meaningful participation in the political, social and economic development of Liberia. The separation of powers and the checks and balances put in place since 1847 became rapidly blurred and all opposition discouraged. Liberia became de facto divided into "Congo" and "Country"; the "Congo" being the ruling descendants of freed slaves concentrated in Montserrado County, including the capital, Monrovia, and the "Country" being the disregarded majority of indigenous Liberians living in the provincial areas who became increasingly vociferous in their demand for greater political participation and self-determination.

It was, thus, not surprising that in 1980 The True Whig Party Government which had been in power for over three decades and was then led by Dr. William R. Tolbert was overthrown in a violent and bloody military coup d'Etat by a relatively unknown sergeant, Master Sergeant Samuel K. Doe. Contrary to the expectations of most Liberians that the coup d'Etat had ushered in an era of democratic government in which all would meaningfully participate, Samuel Doe and his band of coup plotters proceeded to systematically emasculate all semblance of democratic government. The Constitution was suspended, Marshall Law imposed, political parties and activities banned, press freedom curtailed and labour organisations suppressed.

Five years later, bowing to international pressure, Master Sergeant Samuel K. Doe, lifted the ban on political parties and activities as the country prepared for general elections. With control over a very uneven political field tilted to his advantage and fraudulent electioneering malpractices, Sergeant Doe emerged as winner and was inaugurated as a civilian President in 1986. What followed was an era of tyranny, censorship and dictatorship as President Doe sought to further entrench and consolidate his power through extra judicial executions, arbitrary arrests and detentions, corruption, nepotism and exploitation of public office. The ugly head of tribalism and ethnicity reared itself once more as the seeds of civil upheaval found fertile soil to germinate in Liberia under the presidency of Samuel Doe.

Realising that the anarchy under President Doe had plunged the country into a critical mass state, the National Patriotic Front of Liberia launched an incursion into Liberia in December 1989. Six months later Liberia exploded and became rapidly engulfed in a full blown civil war which was to last seven years. The government of Dr. Doe fragmented and collapsed and the Judiciary collapsed also. The senseless killings and rampant destruction by warring factions which followed and evidence of which are clearly seen in Liberia today, led the Economic Community of West Africa States (ECOWAS) in an effort to obviate further destabilization of the sub-region and return peace to Liberia to intervene militarily by despatching in August 1990 a peace keeping force referred to as the "Economic Community Monitoring and Observation Group" (ECOMOG). It has been estimated that over two hundred thousand Liberians lost their lives, over a million externally displaced as refugees in the sub-region, while another one million remained internally displaced.

During the seven years of the civil war, Liberians with the support of ECOWAS and the United Nations had striven to end the conflict through conferences and peace agreements. Liberians yearned for an end to the conflict and the establishment of a

democratically elected government bolstered by a strong judiciary, the rule of law and respect for fundamental rights and freedoms. Yet, it became obvious that the insatiable greed for power of the warring factions was an obstacle that had to be surmounted first as peace agreements were systematically violated and disregarded. It was, therefore, not surprising that it took over twenty seven broken agreements before the warring factions could agree to end the conflict and prepare for general elections under the Abuja Peace Agreement of September 1996.

Following general elections on January 19, 1997 based on a proportional representation model, Liberians by an overwhelming majority of seventy five (75) per cent elected Dr. Charles Ghankey Taylor as President, and on August 2, 1997 he was inaugurated as the twenty second President of the Republic of Liberia. In his inaugural address, President Taylor assured Liberians of his unwavering commitment to the rule of law and respect for human rights in the following words:

“... following our years of national tumult, it is all too proper that we reassure all our citizens and foreign residents of our unwavering commitment to the rule of law and respect for human rights.”

Counsellor Gloria Musu Scott, former Probate Court Judge, former tax Court Judge, former Minister of Justice, former Chairman of the Ad Hoc Elections Commission and Vice Chairperson of the Independent Elections Commission, was appointed as the twenty second Chief Justice of the Republic of Liberia.

## I. STRUCTURE OF THE STATE

Liberia is a unitary sovereign state divided into counties for administrative purposes. At present there are thirteen counties in the Republic.

The form of government is Republican with three separate coordinate branches: the Legislature, the Executive and the Judiciary. Consistent with the principles of separation of powers, checks and balances, no person holding office in one of these branches shall hold office in or exercise any of the powers assigned to either of the other two branches.<sup>1</sup>

### 1.1. The Executive

The Executive power of the Republic is vested in the President, who is also the head of the government and Commander in Chief of the Armed Offices.<sup>2</sup> The Chief Justice and Associate Justices of the Supreme Court and Judges of subordinate courts, are appointed by the President with the consent of the Senate.<sup>3</sup>

### 1.2. The Legislature

By virtue of Article 29 of the Liberian Constitution legislative power is vested in the Legislature of Liberia which consists of two separate houses: A Senate and a House of Representatives, both of which have a say in regard to all legislation. Each county elects two Senators. Hence there are twenty six Senators in the Legislature. The election of Members of the House is by County and Constituency, with each constituency of approximately 20,000 citizens, electing one representative. There at present 64 representatives in the House.

It is however important to note that the July 17, 1997 elections

---

1 Constitution of Liberia(1986) Article 3.  
2 *Ibid.* Art 50.  
3 *Ibid.*, Article 54.



for the Legislature was done on the basis of proportional representation. Under this model, and as a result of President Taylor's National Patriotic Party (NPP) winning 75% of the electoral votes, it has absolute control of both the Senate and the House of Representatives.

With the Executive and the Legislature under the effective control of the President, the constitutional concept of separation of powers, checks and balances will have meaning only when there is a vibrant civil society to serve as a countervailing thrust of power, and there is in place an independent and effective judicial system.

### **1.3. The Judiciary**

Article 65 of the Constitution vests the judicial power in the Supreme Court and the subordinate courts of the Republic.

## **II. THE COURTS AND THE APPLICATION OF SUBSTANTIVE LAWS**

The courts in the adjudication of disputes apply the Constitution and the statutory laws of the Republic. While there may be general customs applicable to a very large sector of the country, particular sectors of the country have particular customs and usages. Hence the court also apply customary laws of Liberia in the adjudication of disputes, except that a custom sought to be relied on must be specially pleaded and the matter in dispute shown to be within the custom relied on. However, it was decided in *Karpeh vs Manning*, 5LLR 162(1936) that a custom or usage repugnant to the express provisions of a statute is void.

Liberia is a common law jurisdiction, therefore the courts and the lawyers are not limited to the Constitution, statutory and customary laws. Unless a statute has been enacted to the contrary, the common law of England applies and by virtue of an Act

passed by the Legislature in the early days of the Republic, forms the basis of the Liberian jurisprudence.<sup>4</sup> Notwithstanding, the common law remains subordinate to Liberian statutes.<sup>5</sup>

Treaties, become domestic law when ratified by the Legislature, therefore no separate enabling legislation is required. However the courts in Liberia seldom refer or rely on treaties, conventions, and other international instruments for reliance in the adjudication of disputes. This is due to several factors including the fact that many judges are not conversant with the several treaties which may have relevance to a case before them.

### III. JUDICIAL INDEPENDENCE

The Constitution of the Republic has in Article 71, entrenched certain safeguards to enhance the independence of the judiciary. The Justices of the Supreme Court, as well as judges of subordinate courts do not serve at the will and pleasure of the President. Once nominated, confirmed by the Senate and appointed by the President, Justices of the Supreme Court hold their offices "during good behaviour". They can only 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 crime.

Judges cannot be summoned, arrested, detained, prosecuted or tried civilly or criminally by or at the instance of the other branches of government on account of judicial opinions rendered or expressed, judicial statements made, and judicial acts done in the course of trial.<sup>6</sup> However these provisions have not proven

---

4 See Liberia Statutes, *Old Blue Book*, under Judiciary, Article VI, page 126, sec 7. See also Acts Leg. Lib., 1857-61, pp. 72-3. See also *Nyema vs Nyema*, 2LLR 425 (1923).

5 *Crawford vs Republic*, 1LLR 214; *Pritchard vs Parker* 2LLR 426.

6 Constitution of Liberia (*supra*) Article 73

adequate to enhance judicial independence. Independence of the Liberia Judiciary is threatened by several factors such as inadequate budgetary appropriation from the central government and its control by the executive, the existing process of appointment of judges and the system for the enforcement of judicial decisions. These issues are dealt with later in this report in the context of the present dearth of judicial personnel.

Regarding the enforcement of decisions of the Court, under the laws of Liberia, enforcement of the decisions of the court is carried out by the Sheriff in the case of Circuit courts or by the Marshall in the case of the Supreme Court. However both the Marshall and the Sheriff are not judicial officers, but are employees of the Executive branch of government, assigned to the judiciary. Hence the execution of the judgements of the courts is actually executive in nature. In the past there have been some problems with the execution of judgments of the court, especially the debt court. In one case, the Company decided to close down its operations instead of complying with the judgement of the court, as affirmed and confirmed by the Supreme court. No action has up to date been taken by the Court. This type of defiant conduct is not only a challenge to the judiciary, but has the tendency of undermining its integrity and authority.

#### **IV. LEGAL AND JUDICIAL PROTECTION OF HUMAN RIGHTS**

##### **4.1. Fundamental rights**

Chapter III of the Constitution of Liberia sets forth an array of fundamental liberties and freedoms, to which all citizens and residents within its borders are entitled without discrimination. The rights enumerated under this Chapter incorporates almost all of the civil and political rights enumerated in the Universal Declaration of Human Rights as well as the International

Covenant on Civil and Political Rights, to which Liberia is a signatory.

It is interesting to note that the Constitution of Liberia at independence in 1847 had a bill of rights entrenched therein for the protection of human rights.

Where any person or association alleges that any of the rights granted under the constitution or any legislation or directives are violated, that person or Association may invoke the privilege and benefit of court direction, order or writ, including a judgement of unconstitutionality. Furthermore, anyone injured by an act of the government or any person acting under its authority shall have the right to bring suit for appropriate redress.<sup>7</sup>

#### **4.2. Judicial process**

In matters involving criminal procedure, Liberian Courts apply not only the constitution but also the Criminal Procedure Law, Title 1 of the Liberia Code of Laws (1972) enacted by the Legislature of the Republic. This statute provides the mechanism to be followed by the courts from the time the accused is brought under the jurisdiction of the court up to final judgement and through appeal. The constitutional right to habeas corpus, to bail, to counsel of his choice, to be presumed innocent until guilt is established beyond reasonable doubt, and the right not to be compelled to give evidence against himself, to due process of law, to appeal, among others, are all limitations on the judiciary and are designed to ensure that the rights of the accused are protected.<sup>8</sup>

The exercise of the right to bail poses a problem in practice. The requirement that the accused upon being arraigned must post a bond to be approved by the court, has provided an avenue for some magistrates and Justices of the Peace to demand excessive

---

7 Constitution of Liberia, chapter III, Article 26.

bails, and commit accused persons to jail when they do not have the means to required for bail.

#### **4.3. Defense Counsel provided by the State**

Even though the constitution grants the right to counsel of one's choice, access to legal services by the poor remains a difficult problem. Most people because of poverty, cannot afford to hire a lawyer. Article 21(i) of the Constitution provides that where the accused is unable to secure legal representation, the Republic shall make available legal aid services to ensure the protection of his rights. In an attempt to fulfil this mandate, the state through the judiciary has in its employ some lawyers, referred to as "defence counsels", charged with the responsibility to represent indigent persons before the courts. However the number of defence lawyers is so few and so grossly inadequate to meet the needs of the people. With low moral occasioned by low salaries and poor incentives, state defense attorneys are hardly found when most needed.

#### **4.4. Defense lawyers retained by the accused:**

Defense lawyers, retained by the accused are free to provide legal services to those accused of crime without any interference from the government. Article 21(i) of the Constitution provides that there shall be absolute immunity from any governmental sanctions or interference in the performance of legal services as a counsellor or advocate.

#### **4.5. Legal Aid by Human Rights Organizations:**

Over the years, some human rights Organizations have stepped in to fill the gap by providing free but quality legal aid to people whose rights are violated but cannot afford to retain a lawyer. Even with this additional service, the problem of accessibility of the poor to legal services remain a major problem

in Liberia. Most of the human rights organizations are based in Monrovia, and their lawyers, are not willing to take up assignments outside Monrovia. Where they do, they remain in the county head quarters. Hence the bulk of the Liberian people who live in the counties have no access to lawyers.

## **V. THE BAR AND RELATED BODIES**

### **5.1. The Role of the Liberian Bar Association**

Under the umbrella of the National Bar Association, each county or political subdivision of the Republic has a local bar association. Membership in the local Bar automatically qualifies a lawyer as a member of the National Bar. Judges and Justices of the Supreme Court are routinely selected from among the members of the Bar.

Under the laws of Liberia, only Liberian citizens who are graduates of the Louis Arthur Grimes School of Law, University of Liberia or other recognized law schools abroad, can qualify for admission into the Bar. As a collectivity, the National Bar has over the years been strong advocates for judicial independence; for improving the condition of the courts and the judges; and for the promotion and protection of human rights and fundamental freedoms in Liberia. The Bar works very closely with the Chief Justice in activities pertaining to bringing about judiciary reform. Hence the National Bar is and remains an indispensable pillar to the judiciary.

### **5.2. Prosecution**

The Ministry of Justice is the prosecutorial arm of the government of Liberia. Prosecutions of all criminal offenses against the people of Liberia, and all civil matters to which Liberia is a party, must be instituted or defended by the Ministry of Justice

through the Solicitor General of the Republic or the attorney of the county in which the crime took place or the civil matter is pending.

### **5.3. The National Human Rights Commission**

On October 27, 1997, the President of the Republic, Dr. Charles Taylor, in fulfilment of his pledge to establish a Human Rights Commission, signed into Law an Act creating a Liberia Commission on Human Rights.

Under the Act the Commission has three broad mandates; vis: (i) Protection of human rights, (ii) promotion of human rights and (iii) education.

However the Act has been criticized for several reasons among which are that it does not address the question of past abuses; that the Commission does not have subpoena powers and that the commission was not given powers to investigate the Police and other security agencies, among others.

In April 1998, some representatives of civil society upon a series of consultations petitioned the Legislature to amend the Act by incorporating thereto a series of proposed amendments. At the time of the Mission, the petition and the proposed Act passed through their first reading, and had been referred to the Senate Committee on the Judiciary. It is expected that public hearings will be conducted on the proposed Act.

## **VI. THE ROLE OF LOCAL NON-GOVERNMENTAL ORGANIZATIONS**

One of the positive legacies emerging out of the seven year civil conflict is a vibrant civil society. While it is true that concern

---

8 Art 20 a,b, and 21 d,g,h.

for human rights has been at the core of Liberia's historical development, yet the promotion and protection thereof was never from an institutional perspective.

Since 1990, over twelve human rights organizations have been organized to ensure the promotion and protection of human rights in Liberia. Prominent among these are the Liberia Human Rights Chapter; the Liberia Watch for Human Rights, the Association of Female Lawyers; the Catholic Justice and Peace Commission; the Methodist Human Rights Commission; the National Human Rights Monitors; the Civil rights Association of Liberia; and the Center For Law and Human Rights Education.

These groups are engaged in various activities including monitoring, documentation, and reporting of human rights violations; provision of legal aid to those who cannot afford to hire legal counsel; advocacy; and human rights education among others.

Although some of the groups have branches and affiliates in the counties, most of the groups are Monrovia based. Recently, in an effort to minimize overlapping of activities, maximize collaboration, and foster a more coordinated approach to addressing serious human rights violations and national issues bordering on Human rights, two umbrella groups have been formed. The Liberia Federation of Human Rights Organizations, and the National Human Rights Center.

In addition to the several Human Rights Organizations, there are also a myriad of other civic organizations in Liberia involved in civic education, women empowerment and democratization. Among these are the Center For Democratic Empowerment (CEDE), chaired by former President Amos C. Sawyer; the Liberia Women Initiative (LWI), the Concerned Women of Liberia, NAWOCO, students groups, religious organizations, Political parties; and the Press.



The emergence of these institutions and their sustained efforts even in the face of adversity, have contributed immensely towards building a countervailing thrust of power, which has helped to keep the government in check in the exercise of its powers and within the constitutional boundaries. However, the activities of many of these groups are threatened by lack of resources, and in some cases lack of training.

## **VII. INTERNATIONAL GOVERNMENTAL AND NON-GOVERNMENTAL ORGANIZATIONS**

During the course of the Civil conflict, the international community through various organisations contributed immensely in the area of humanitarian assistance, human rights, peace building and supporting the judiciary.

Prominent among these are the United Nations Development Project (UNDP), UNICEF, UNHCR, the United Nations Observer Mission to Liberia (UNOMIL), the European Union (EU), the Government of United States of America through USAID and US Information Service Programmes.

Other international institutions that have actively collaborated with local groups and institutions include the Carter Center of Emory University, which has maintained an office in Liberia; Save the Children (UK), Catholic Relief Services (CRS), Lutheran World Service/Federation; the National Democratic Institute, and the International Federation of Electoral systems. There remains the need for these and other institutions to provide support to local civic organizations for capacity building and sustainability of their various activities.

### ***The Mission's Findings and Observations The Impact of the Civil War on the Judiciary***

For a better appreciation of the Findings and Observations of the Mission, it is necessary to contextualize them against the

backdrop of the debilitating impact of the civil war on the judiciary.

Realising the important role the Supreme Court was to play in hearing and determining all disputes arising out of the general and presidential elections, the warring factions apportioned among themselves the power of appointing Justices of the Supreme Court, with each appointing one such Justice.

The Chief Justice, Associate Justices and Judges of Subordinate Courts were appointed and dismissed at the whim and caprices of the warring factions with total disregard for the constitutional provisions on their appointments, independence and security of tenure.

We were informed that in less than seven years between 1990 and 1997 the Supreme Court witnessed five changes in the office of Chief Justice and a staggering drop-out rate of Associate Justices who have returned to private practice. Interference in the judiciary by the warring factions were rampant while the judiciary and the rule of law were reduced to their lowest ebb in the history of the country. The same situation obtained at the level of subordinate courts. These appointments coupled with the continuous interferences by the warring factions and the Council of state, during the transition period undermined judicial independence and weakened the judiciary.

During the civil war, the Temple of Justice which houses the Supreme Court and other subordinate courts was scourged, gutted by fire and heavily looted. Today what was once a magnificent edifice of justice and the rule of law now stands as a painful reminder of the destructive nature of civil wars.

Across the road, the University of Liberia, with its once famous Louis Arthur Grimes School of Law, responsible for the training of most Liberian lawyers, is struggling to regain its footing, while in the rural areas court buildings, where they once existed, have been totally destroyed or abandoned.

We observed during our visit to the Supreme Court complex that the library had been completely looted and destroyed. There were no records or books either for reference or research available. No precedents are available to assist the judges and lawyers in handling their cases. The Law School suffered the same fate and discussions with many senior lawyers in private practice revealed similar stories of looted or burnt libraries.

The only library available is the incomplete one at the secretariat of the Bar Association.

As remarked by Dr. Kathleen List, Acting Political Counsellor at the United States Embassy, during the two-day consultative meeting at the Supreme Court, "... Given current conditions, establishing the rule of law throughout Liberia would not be an easy task. Despite promising efforts to rehabilitate the Justice Sector, the effects of the civil war remain prevalent. Inadequate facilities and material resources are real problems. They affect the everyday working of Judges, Lawyers and Court Personnel" (Human Rights Review, Tuesday, April 28 May 4, 1998 at p.3).

#### *The Present State of the Judiciary*

When we met the Chief Justice, Honourable Gloria M. Scott and the Associate Justices of the Supreme Court we were impressed by their courage, determination and genuine commitment to create a legal climate in which the rule of law and respect for fundamental rights and freedoms would flourish and be sustained by a strong, vibrant and independent judiciary.

As one of the first steps in this direction, the Supreme Court held a two-day consultative meeting from 23rd to 24th April 1998 on the theme "Strategies to Obtain Qualified Personnel to Serve in Judicial Positions". Another meeting to review the Rules of Court, which were last reviewed in 1972, was also in the pipeline.

In her opening remarks at the two-day consultative meeting, attended by Association Justices, Judges of Courts of Record and

non-record, Counsellors of the Supreme Court Bar, Attorneys-at-Law and other member of the judicial community, Her Honour Chief Justice Gloria M. Scott said:

“We believe that this meeting and the one scheduled next month are very important in that this court desires to ensure that the Judiciary is very practical and should develop the capacity to review its structure, procedures, and professional requirements and standards of ethical conduct of judges and lawyers, taking into consideration the needs and realities of our country” (Human Rights Review, Tuesday April 28 May 4, 1998 at p. 2).

Such an exercise in self-introspection by the Judiciary proved invaluable as participants were able to identify the obstacles militating against the re-establishment of a strong and independent judiciary worthy of the confidence of Liberians and to map out strategies, both short and long term, to surmount those obstacles.

During our meeting with the Chief Justice and Associate Justices of the Supreme Court, the Chief Justice gave us a detailed briefing on the general state of the judiciary, the problems identified during the two-day consultative meeting and strategies to resuscitate the judiciary as one of the important pillars of a democratic government.

The concerns expressed by the Chief Justice and Associate Justice were echoed and re-echoed by other members of the judicial community and are here presented thematically.

#### **A. Dearth of Human Resources:**

Established in 1951 and operative in 1954, the Louis Arthur Grimes School of Law of the University of Liberia was responsible for the training of lawyers in Liberia and thus met the needs of the legal profession and society. As more and more trained lawyers emerged from the corridors of the Law School, the apprentice

system for lawyers was abolished and the Louis Arthur Grimes School of Law has since then served as the only institution for training lawyers in Liberia.

However, during the seven years of civil war, the population of Liberia's legal community dropped drastically as many lawyers fled abroad and all academic activities at the University of Liberia came to an abrupt halt. The effect today is the glaring dearth of lawyers, who are required, now more than ever before, for the smooth operation of the machinery of justice and the reestablishment of the rule of law and fair play in Liberia.

The present acute shortage of lawyers in Liberia has been accentuated by the provisions of the New Judiciary Law which require that judges of specialized courts and magistrates must be lawyers with the requisite number of years of legal practice. To comply with the qualification requirements of the New Judiciary Law, the judiciary now needs a total number of 148 lawyers, of which 51 are to serve as judges of specialized courts and 97 as stipendiary magistrates. In addition, the judiciary needs suitably qualified lawyers to serve as legal counsel, judges of circuit courts and on the bench of the Supreme Court as more and more lawyers are reluctant to join the bench for reasons which we shall look into later in this Report.

The Ministry of Justice which is responsible for the provision country-wide of prosecuting attorneys is also faced with an acute shortage of well trained and competent lawyers to serve as such. The number of prosecuting attorneys available to the Ministry of Justice is inadequate to serve even the courts of Monrovia, the seat of government, let alone the courts in the rest of the country.

To complete the vicious circle, the one institution on which Liberia has depended for the training of lawyers, the Louis Arthur Grimes School of Law now needs well-groomed and competent lawyers to serve as instructors and professors.

This endemic shortage of lawyers in the Liberian judicial community, felt through the length and breadth of Liberia, was graphically described by Her Honour Chief Justice Gloria M. Scott in her opening remarks at the consultative meeting. She said,

Considering the present membership of the National Bar Association is it possible to obtain 148 lawyers for Judicial service and there remains a surplus to supply the legal needs of the Ministry of Justice which needs are also country wide and match the needs of the Judiciary? Will there be a sufficient surplus of lawyers to also engage in private legal practice nation wide? Will there also be a surplus of lawyers to serve as instructors and professors of the Louis Arthur Grimes School of Law? Will there be a surplus of lawyers to meet the legal policy needs of Government? You and I clearly know that the answers to all of these questions are in the negative. No! we must acknowledge that the legal profession has a very serious shortage of lawyers (Ibid.).

#### **B. Reasons for the Acute Dearth of Judicial Personnel**

Apart from the contributing factor of suspension of legal training at the Law School during the civil war which has resulted in an urgent need to train judicial personnel at all levels, the following important reasons for the nonavailability of lawyers were highlighted during discussions with the various sectors of the legal community:

##### ***(i) Low Salaries and Poor Incentives***

These were identified as significantly contributing to the reluctance of qualified and experienced lawyers to take up judicial appointments; they prefer the greener pastures of private practice, particularly in Monrovia, where most of them reside. This may be understandable when one considers that at present Circuit Judges receive a monthly salary of approximately US\$17 and that it was only in this fiscal year's (1998-99) budget that provision was made

for the payment of hardship allowances to judges of the subordinate courts. Such an incentive will not go far in ameliorating the conditions of judges when a bag of rice, the staple food of Liberians, costs approximately US\$25.

Consequently, some judges engage in private businesses and other economic activities to supplement their salaries and thereby expose themselves to temptations to be corrupt, an unfortunate fact admitted by most, if not all the judges we spoke to.

*(ii) Lack of Respect and Protection for Judges*

Judges have not been allocated official cars and consequently have no policemen or guards to protect them. This has left judges open to ridicule and abuses thereby exacerbating the already low morale in the judiciary and the lack of enthusiasm to serve on the bench. We were told that there are instances when judgments of the courts are flouted with impunity. It would appear that some members of the other branches of the State regard themselves as superior to members of the judiciary, and thus unwilling to cooperate in the proper administration of justice.

A case in point is the Dokie Case. Mr. Dokie, his wife and sister-in-law were brutally murdered and the accused were tried at the circuit court in Bong County. The prosecution having dismally failed to adduce sufficient evidence and to get their principal witness to testify in Court, the presiding judge was left with no alternative but to acquit and discharge the accused. No appeal has been lodged by the prosecution.

It is noteworthy that in Dokie Case the presiding circuit judge was afforded some police protection as is usual, we were told, in such sensational cases in which the executive has an interest.

Another example of the high-handedness displayed by certain members of the executive branch is the flogging of Mr. Kormah Bryemah by some police officers reported in the Human Rights Review, Tuesday, April 28-May 4, 1998. Although Mr. Bryemah is

not a judge or a lawyer, he was appointed to exercise quasi-judicial powers as a Commissioner on the Human Rights Commission with wide investigative powers. Mr. Bryemah's flogging by the police allegedly on the order of the Police Director, Joe Tate, led to the redistribution by the United States Government of a US\$75 million package from which the Police was to benefit. The grant will be re-directed to other sectors to the exclusion of the Police.

*(iii) Lack of Material Resources*

As a result of the prolonged civil war, many law libraries were destroyed. Apart from private law libraries maintained by some senior private legal practitioners, the Bar Association, the Supreme Court and the law school there are no law libraries to which judges and lawyers can refer in the course of litigation or research. Opinions of the Supreme Court are hard to come by and the statutes embodying the laws of Liberia are missing, thus making the law of the land inaccessible to the majority of both judges and lawyers.

The codification of the laws of Liberia which was undertaken in cooperation with Cornell University in Ithaca, New York, stopped in 1979 and nothing has been done since then to get it back on course. Consequently, judges on circuit in the counties outside Montserrado County have to come to Monrovia to do research and prepare judgments. This coupled with an obsolete court recording system whereby court proceedings are typed by secretaries using old and noisy typewriters in court obviously means long delays in the delivery of justice. Lawyers involved in such cases are obliged to check and settle the records of court proceedings at the end of each sitting.

*(iv) Absence of Mechanism for the Involvement of the Judicial Community in Judicial Appointments*

The Constitution of Liberia vests the power of appointing and commissioning the Chief Justice, Associate Justices of the Supreme



Court and judges of subordinate courts in the President with the consent of the Senate. In other common law jurisdictions such a power of appointment is exercisable by the President on the advice of a Judicial Service Commission in which the judicial community is represented. This mechanism allows members of the judicial family, who are aware of the calibre of their members for selection and appointment to the Bench, to submit the names of those members regarded as both ethically and academically suitable for appointment as judges.

In Liberia, however, presidential appointments of members of the Bench are sometimes based on criteria other than the moral, ethical and academic fitness of the appointees, thus leaving the door wide open for executive control and interference in the delivery of justice.

During the two day consultative meeting, participants identified the non-involvement of the Bar Association in the appointment of judges as one of the reasons for the low morale in the judiciary and the reluctance of suitably qualified lawyers to join the Bench, members of which have no security of tenure and are subject to arbitrary dismissals.

The extent of interference in judicial appointments by some members of the executive is demonstrated by attempts made by them to obstruct the commissioning of some judicial appointees by the President even after their appointments with the consent of the Senate. This has given rise to a debate in the judicial family as to whether an appointee who has not been commissioned by the President can assume judicial office.

***(v) Lack of Control by the Judiciary Over its Budget***

In Liberia the budget of the government is determined by the executive and approved by the legislature with little or no input from the judiciary. However, we were informed that recently the President Pro Tempore of the Senate and the Chief Justice have

had consultations prior to the approval of the budget as to the needs of the judiciary, and intend to continue such consultations.

Although this is a welcomed development, it does not, however, ensure full control by the judiciary over the expenditure of budgetary allocations which is controlled by the executive and is based on projected revenues. Consequently there have been occasions when access to budgetary allocations has been denied to the judiciary by relatively junior members of the executive. This, obviously militates against the independence of the judiciary.

*(vi) Need for Infrastructural Development*

The effects of the civil war on the infrastructure are clearly visible throughout Liberia. Roads are peppered with pot-holes, telephone and electricity lines have been cut and dismantled and petrol (gas) stations are not functioning.

As stated earlier, the judiciary has not been spared the scourges of the war. When we visited the Kakata Circuit Court in Margibi County we were ushered to the top floor of an incomplete two-storey structure used as the court room. There were no windows, doors or even railings on the stairs leading to the second floor. The corrugated iron roof, with no ceiling, was dotted with so many holes that we were informed court sessions are inevitably suspended when it rains. The furniture of the court room consisted of old rickety chairs and benches and an outmoded typewriter precariously perched on a slanting desk, most of which we were informed were acquired by those using the court. To make matters worse, we were told that the owner of the incomplete structure housing the court room had the day prior to our visit issued a notice to quit.

The circuit court in Gbarnga in Bong County was different, having recently undergone extensive renovation giving it the appearance of a court in preparation for the hearing of the Dokie Case. The magistrate court, however, was not equally blessed

housed as it was in an old building bereft of furniture and typewriters. Although, we were told, the county had made 4 acres of land available to the judiciary the structures thereon were so dilapidated that they could not be used.

Many counties are left with the charred remains of court premises and in some of those counties with court buildings there are no judges as they are inaccessible by road except with the use of 4-wheel drive vehicles, which circuit judges do not have. In one instance, a circuit judge, who was assisted up to a certain point to get to his court, found out he could proceed no further because there was no road.

Many judges on circuit have to ask for lifts from counsel, and when they get to their destinations they are obliged to seek accommodation in private homes with all the attendant consequences of exposure to corruption. A circuit usually covers a period of 62 days excluding Saturdays and Sundays and is made of 10 days in chambers, followed by 42 days of trial sessions and another 10 days in chambers. Chambers work is devoted to the making of interim orders which are appealable to the Supreme Court. However, with no means of communication between circuit judges in chambers and the Supreme Court, the system of appealing against interim orders made in chambers during a circuit becomes cumbersome and dilatory. In Margibi County we were told there were 15 to 20 cases pending hearing by the circuit judge.

Faced with all these constraints, it is a miracle that the Chief Justice, Honourable Gloria M. Scott, was able both to open circuit courts and magistrates courts in all 13 counties and to get the government committed to the construction of court houses and residences for judges and other judicial personnel in 5 counties and the renovation of the existing facilities in 6 counties. This will surely enable judges to concentrate on their work and thus facilitate the administration of justice particularly in the provinces.

## **RECOMMENDATIONS**

On Friday, 15th May 1998, the Mission held a press conference at the Banquet Hall of the Supreme Court during which short-term recommendations were made for implementation by the appropriate Liberian authorities including judges and lawyers.

### **1. Material Resources**

In the press statement appended hereto, the Mission, as a matter of urgency, called upon judges and lawyers with copies of the statutes to make them available and the Government of Liberia to assist the judiciary to restore the rule of law.

In the medium and long terms, however, it will be necessary to refurbish the libraries of the Supreme Court and subordinate courts and the Louis Arthur Grimes School of Law. Opinions of the Supreme Court of the United States and reference books, and other relevant material for legal research are needed. In this regard we would suggest that institutions like the American Bar Association and the Library of Congress be approached for the provision of law books and reprints of volumes 1 to 6 of the Statutes of Liberia which are presently missing. Meanwhile, the resumption of the codification of the laws with the assistance of Cornell University should be actively pursued.

### **2. Training**

One of the most felt and articulated needs of the judiciary is the need for the training of judicial personnel at all levels of the judiciary. The Mission in its press statement called upon the Bar Association and higher level judges to undertake the training of judicial personnel through short term refresher courses and regular continuing education particularly in areas outside Monrovia. The Mission notes that there are judges and lawyers willing to undertake such training pro bono. The Mission also notes the interest demonstrated by the American Government in

facilitating the conduct of short refresher courses, seminars and workshops for judicial personnel and in awarding scholarships for both undergraduate and graduate studies in law.

To fill the present vacancies in the Specialized Courts and Magistrates Courts created by the New Judiciary Law, the Mission endorses the recommendation of the two-day consultative meeting for "the most knowledgeable and experienced Associate Magistrates to act as stipendiary until qualified persons can be found and appointed" and for judges in the same localities with specialized courts "to preside over these courts until qualified persons are found" (Human Rights Review).

Medium and long terms strategies to ensure the availability of sufficiently trained lawyers for judicial appointments must include the resuscitation of the Louis Arthur Grimes School of Law as a viable institution for the training of lawyers, magistrates and justices of the peace. The establishment of a National Service Code Programme at the Law School, under which counties would nominate deserving citizens of such counties for a law degree programme conditioned on their returning to their respective counties to take up judicial assignments, and the establishment of a one year training programme for magistrates and Justices of the Peace are some of the strategies discussed during the consultative meeting and which deserve to be pursued pending the availability of funds.

Given the present financial constraints facing the Government of Liberia, the Mission recommends that the legal expertise and resources in the sub-region, particularly in jurisdictions with a common law foundation, should be tapped.

This may require an amendment to the provisions of the Liberian Constitution which restricts judicial appointments to only Liberian citizens. Many countries such as The Gambia, Zambia, Seychelles, Botswana with a small legal community and similar problems have benefited from this kind of initiative.

Similarly, teachers for the Law School may need to be recruited from outside Liberia as a short term measure.

Information available to the Mission shows that Liberia's present national budget cannot support any of the suggestions made above. These measures are crucial for the development of civil society and for strengthening the administration of justice so as to induce foreign investments needed to rebuild the economy.

The Mission spent considerable time with the Chief Justice and her four colleagues, holding in-depth discussions on how to meet their short term needs. Their eagerness to reestablish a proper system for the administration of justice, we believe, deserves encouragement by an early assistance along the lines suggested in this report.

The Chief Justice acknowledged the support they had received from the Government of the United States of America and the American Bar Association which made it possible for their Supreme Court to function.

With the advent of human rights organizations, there have been attempts to train Paralegals so that basic legal services can be provided at the community level throughout the country. However the events of the civil war and the low level of security in many parts of the country frustrated the implementation of this project. Now that peace has returned, and the country is again unified, the need to have legal services accessible to all throughout Liberia cannot be underestimated. The ability to protect ones defensible interests is at the core of the right to development and self determination and must be enhanced. The availability of Paralegals in every town in Liberia must be made a reality. The ICJ through its *Legal Officer for Africa*, has expressed interest in collaborating with Liberia in this program.

### **3. Review of Process for Judicial Appointment**

Bearing in mind that judicial impartiality and independence are vital elements of a democracy, the Mission recommends the establishment of a mechanism through which the Bar Association can have an input into the selection of persons for judicial appointments. This can be done by the establishment of a Judicial Service Commission, to be chaired by the Chief Justice and comprising representatives of the executive, the Bar Association and the public with a remit to screen all applicants and nominees for judicial appointments and advise the President as to their suitability or otherwise for judicial appointments.

The establishment of such Commission may in the long term necessitate an amendment to the 1986 Constitution or the promulgation of a new law in consonance with the relevant constitutional provisions. In the short and medium terms, it should be feasible to set up some administrative mechanism through which the opinions of the Bar Association on potential judicial appointees could be filtered through the Chief Justice to the President. Such a move will help in re-building public confidence in the judiciary and bolster its impartiality and independence.

### **4. Financial Autonomy**

While appreciating the fact that the judiciary cannot hope to have all its financial requirements met in the face of severe budgetary constraints, the Mission recommends that the judiciary be regularly consulted in the preparation of budgetary allocations and that once allocations for the judiciary are approved the judiciary should have direct control of its disbursement. The Chief Justice should not have to depend on the approval or otherwise of a relatively junior member of the executive before disbursement. Control by the executive of the judicial purse strings could and often does mean control over the judiciary and ultimately over the dispensation of justice.

Liberia now more than ever before needs to send a strong and clear signal to the world of her "unwavering commitment to the rule of law and respect for human rights" as declared by President Charles Ghankay Taylor on the 2nd of August 1997 in his inaugural address to the nation.

Finally, the Mission reiterates its appeal to the international donor community, particularly those who have already made commitments, to expedite the provision of necessary assistance for the strengthening of the judiciary as this is the cornerstone on which a sustainable democracy can be built.

## **CONCLUSION**

For a country emerging from war, with a legacy of violence, gross human rights abuses, weak democratic institutions, building an edifice of democracy with respect for human rights under the rule of law, requires an independent judiciary as its first and firmest pillar. An independent judiciary is the cornerstone of any democratic society. There is a need for the international community to come to the aid of Liberia in this endeavour.



## **APPENDIX I**

### **THE TERMS OF REFERENCE FOR THE MISSION**

The return of Liberia to a stable democratic polity after several years of war requires the establishment of new democratic institutions and an independent judiciary; of encouraging human rights education and implementing human rights for all. The observance of the Rule of Law being the cornerstone for the sustenance of a true democracy. The emergence of a political/legal culture propitious to the enjoyment of basic human rights requires international assistance at all levels from grassroots to government.

The International Commission of Jurists (ICJ) has experience in providing advisory services and other forms of technical assistance in the field of human rights. It has provided such services in many developing nations, particularly in new democracies.

#### **Terms of Reference**

I. To consult with government and local officials; members of the judiciary; non-governmental organisations; civil society, including women's groups; and others involved with the legal promotion and protection of human rights in Liberia with a view to:

- (i) examine the feasibility of assisting in the strengthening of the judiciary and the legal system in general through organising training seminars/workshops for the judiciary and the legal community focusing on various issues including the domestic implementation of international human rights norms;
- (ii) assess possibilities for assisting the authorities in developing human rights norms and monitoring their subsequent implementation;

- (iii) assess the need for the provision of legal services for disadvantaged groups and marginalized sectors of society such as the rural and urban poor, women, etc.;
- (iv) assess the need for strengthening, and in what form, emerging local non-governmental human rights organisations and civil society groups, women's rights groups, minority groups, etc., and enhancing their effectiveness;
- (v) assess needs relative to the publication and dissemination of human rights materials in Liberia;

2. Prepare a workplan and report of the Preliminary Mission's findings, conclusions and recommendations in consultation with the relevant bodies in Liberia. The report and workplan will be submitted to the European Union and other donors with the view of conducting a follow-up.

## APPENDIX II AGENDA FOR THE MISSION

### *Monday, 11 May 1998*

Arrival of Mission

19.00

Working dinner / Social event

### *Tuesday, 12 May 1998*

9.30 - 11.00

Meeting with Chief Justice & Associate Justices

11.00 - 12.00

Meeting with Judges of Subordinate Courts

12.00 - 14.00

Lunch with Chief Justice

14.00 - 15.00

Meeting with Minister of Justice

15.00 - 17.00

Meeting with the Human rights community

### *Wednesday, 13 May 1998*

10.00 - 12.00

Meeting with the Bar Association and participants

12.00 - 14.00

Lunch with the Bar Association

14.00 - 15.00

Meeting with European Union

15.00 - 16.00

Meeting with the National Human Rights Institution

16.00 - 17.00

Meeting with Ambassador of the USA

### *Thursday, 14 May 1998*

09.00 - 11.00

Trip to Gbarnga to visit courts Kakata

19.00

Dinner Meeting with Donor and Diplomatic Community (To be arranged)

***Friday, 15 May 1998***

**10.00 - 11.00**

Meeting with the Legislature

**11.00 - 12.00**

Meeting with Swiss / Dutch /UK  
Mission

**12.00 - 14.00**

Lunch with Legislature

**16.00 - 17.00**

Meeting with AFELL, CENTER,  
JPC and Press

***Saturday, 16 May 1998***

**Departure**

### APPENDIX III PRELIMINARY OBSERVATIONS OF THE ICJ

The International Commission of Jurists (ICJ) mission took place from Monday, 11 to Saturday, 16 May 1998 at the request of the Chief Justice of the Republic of Liberia, Mrs Gloria Scott.

The purpose of the mission in response to the request received is to assess the needs of the judiciary in order to ensure that justice is properly administered and that the Rule of Law is formerly re-established in Liberia.

It is an accepted fact that democracy and socio-economic development can only be sustained when a society is governed by the Rule of Law.

The Rule of Law is a dynamic concept for the expansion and fulfilment of which Jurists are primarily responsible and which should be employed not only to safeguard and advance the civil and political rights of the individual in a free society, but also to establish social, economic, educational and cultural conditions under which his legitimate aspirations and dignity may be realized.

The ICJ subscribes to the universally accepted notion that good governance and development are indivisible and they contribute towards the realization of human rights. This objective cannot be achieved without strict adherence to respect for a constitutional order understood within the framework of a government with limited powers observing the Rule of Law and the guarantee and protection of the independence of the judiciary. It should be noted that human rights are not given by States, they (States) rather have the duty to ensure the full enjoyment of these rights to ensure development.

Furthermore, the Independence of the Judiciary shall be guaranteed by the State and it is the duty of all governmental and

other institutions to respect and preserve the independence of the judiciary.

The report of our mission will make short, immediate and long-term recommendations for implementation by the appropriate authorities which will include the International community.

However, to ensure that the emerging Liberian democratic structure is being built on a solid foundation, there is an urgent need to embark upon some concrete action for the strengthening of the judiciary:

- i. In a democratic form of government founded on the Rule of Law, there must be a well defined set of laws in existence for the people to adhere to. In Liberia, as a result of the prolonged war, a large number of Statutes were lost and today the Country is virtually devoid of those sets of laws. We recommend that a process of reconstruction of the laws be embarked upon within the shortest delay. To this end, we call upon judges, lawyers and others who may have copies of some of these laws to make them available and that the Government of Liberia as a matter of priority provide the necessary assistance to the judiciary in order to restore a semblance of the Rule of Law.
- ii. A justice system cannot function effectively in the absence of well trained judges and lawyers. Short term refresher courses and regular continuing education programmes need to be conducted. The mission calls upon the Bar Association and higher level judges to commit their time to imparting this much needed training, particularly in the areas outside Monrovia.
- iii. Judicial impartiality and independence are vital elements of a democracy. A gradual march in that direction is already being undertaken. However, there is a need to

involve the judicial community in the process of the appointment of judges.

- iv. Financial autonomy of a judiciary is a pre-requisite for its independence. The budget for the judiciary of Liberia, once approved must be placed under the direct control of the judiciary for disbursement.

The mission appeals to the International Donor Community, particularly those who have already made commitments, to expedite the provision of necessary assistance for the strengthening of the judiciary as this is the cornerstone on which sustainable democracy can be built.

**APPENDIX IV**  
**THE CONSTITUTION OF THE REPUBLIC OF LIBERIA**

	<b>Table of Contents</b>	<b>Page</b>
	Preamble .....	57
Chapter I	Structure of the State .....	58
Chapter II	General Principles of National Policy .....	59
Chapter III	Fundamental Rights .....	60
Chapter IV	Citizenship .....	69
Chapter V	The Legislature .....	70
Chapter VI	The Executive .....	78
Chapter VII	The Judiciary .....	83
Chapter VIII	Political Parties and Elections .....	87
Chapter IX	Emergency Powers .....	94
Chapter X	Autonomous Public Commissions .....	95
Chapter XI	Miscellaneous .....	96
Chapter XII	Amendments .....	96
Chapter XIII	Transitional Provisions .....	97
	Schedule .....	102



# CONSTITUTION OF THE REPUBLIC OF LIBERIA

## PREAMBLE

### CHAPTER I STRUCTURE OF THE STATE

Article		Page
1.	Power of the People .....	.58
2.	Supremacy of the Constitution .....	.58
3.	Counties of the Republic and Form And Branches of Government .....	.58

### CHAPTER II GENERAL PRINCIPLES OF NATIONAL POLICY

4.	Effects of General Principles and Policy .....	.59
5.	Principles on Unity and Culture .....	.59
6.	Principles on Equality in Educational Opportunities .....	.59
7.	Principles on Management of National Economy .....	.60
8.	Principles on Non-discrimination in Employment Opportunities .....	.60
9.	Principles on Regional and Bilateral Cooperation .....	.60
10.	Publication, Dissemination and Teaching of the Constitution .....	.60

**CHAPTER III  
FUNDAMENTAL RIGHTS**

11.	a. Right to Life, Liberty, Security and Property	..60
	b. Entitlement to Fundamental Rights	.....61
	c. Right to Equal Protection of the Law	.....61
12.	Prohibition Against Slavery and Forced Labor	..61
13.	a. Right to Freedom of Movement	.....61
	b. Right to Leave and Enter the Republic and Extradition of Liberian Citizens and Non-Liberian Residents	.....61
14.	Right to Freedom of Thought, Conscience and Religion	.....62
15.	a. Right to Freedom of Expression	.....62
	b. Scope of Right to Freedom of Expression	....62
	c. Right of Public to be Informed	.....62
	d. Right of Access to State Owned Media	.....62
	e. Limitation of Freedom of Expression	.....62
16.	Right to Privacy	.....63
17.	Right to Peaceful Assembly and Association	...63
18.	Right to Equal Opportunity for Work and Employment	.....63
19.	Right not to be Subject to Military Law	.....63
20.	a. Right to Jury Trial and Due Process of Law	...63
	b. Right to Appeal	.....64
21.	a. Prohibition of Retroactive Law, Bill of Attainder and Ex Post Facto Law	.....64
	b. Prohibition Against illegal Search or Seizure	..64
	c. Right to be Informed of Charges and Right to Remain Silent	.....64
	d. i. Right to Bail	.....65
	ii. Prohibition Against Excessive Bail, Fines and Punishment	.....65

	e. Prohibition Against Torture or Inhumane Treatment .....	.65
	f. Right to be Presented before Court .....	.65
	g. Right to Writ of Habeas Corpus .....	.65
	h. Right to an Indictment by A Grand Jury when Charged with Infamous or Capital Offense ...	.65
	i. Inviolability of Right to Counsel .....	.66
	j. Right to Enjoyment of Civil Rights and Liberties After Service of Penalty or Upon Pardon .....	.66
22.	a. Right to Own Property .....	.66
	b. Scope of Right to Own Property .....	.67
	c. Right of Non-Citizen Missionary, Educational and Benevolent Institutions to Own Real Property	.67
	d. Right of Republic to Convey Real Property To Foreign Government .....	.67
23.	a. Property Right of Spouse in or After Marriage	.67
	b. Legislative Enactment of Laws on Devolution of Estates .....	.67
24.	a. Right of Republic to Expropriate Private Property .....	.68
	b. Forfeiture of Property Right by Denaturalized Citizens .....	.68
	c. Prohibition Against Inclusion of Forfeiture of Right of Inheritance in Punishment for Crime	.68
25.	Prohibition Against Impairment of Right to Contract .....	.69
26.	Right to Sue the Republic or other Persons for Fundamental Rights Violations .....	.69

**CHAPTER IV  
CITIZENSHIP**

27.	a. Citizenship on Coming into Force of Constitution .....	.69
	b. Eligibility for Citizenship by Birth and Naturalization Restricted to Negroes .....	.69
28.	Legislature to Prescribe Standard for Citizenship ..	.70

**CHAPTER V  
THE LEGISLATURE**

29.	Establishment of Legislature .....	.70
30.	Qualifications for Membership of Legislature ...	.70
31.	Oath of Members .....	.70
32.	a. Sessions of Legislature .....	.71
	b. Right of President to extend Session for Emergency .....	.71
33.	Quorum .....	.71
34.	Powers of Legislature .....	.71
35.	Veto of Proposed Legislation by President .....	.73
36.	Remuneration for Members of Legislature .....	.74
37.	By-Election to Fill Vacancy .....	.74
38.	Power of Legislature to Adopt Own Rules .....	.74
39.	Legislature to Authorize Census .....	.75
40.	Adjournment of Legislature .....	.75
41.	Languages to Conduct Business .....	.75
42.	Immunity of Members of Legislature .....	.75
43.	Impeachment Power of Legislature .....	.75
44.	Contempt of the Legislature .....	.76
45.	Term of Office of Senators .....	.76

46.	Staggering of Senatorial Terms .....	.76
47.	Election of Officers of Senate .....	.77
48.	Term of Office of Members of House of Representatives ..	.77
49.	Election of Officers of House of Representatives ....	.77

**CHAPTER VI  
THE EXECUTIVE**

50.	Establishment of the Office of President and Tenure of Office of President .....	.78
51.	Establishment of the Office of Vice President And Prescribing Term of Office .....	.78
52.	Qualifications for Election to Office of President And Vice-President .....	.78
53.	Oath of President and Vice-President .....	.79
54.	Appointment Power of President .....	.79
55.	Appointment Power of President of Notaries Public and Justices of the Peace .....	.80
56.	a. Removal Power of the President .....	.80
	b. Elections and Removal of Chiefs .....	.80
57.	Presidential Power to Conduct Foreign Affairs ....	.80
58.	President to Present Annual Legislative Programs ..	.80
59.	Power of President to Pardon .....	.81
60.	Compensation for President and Vice-President ...	.81
61.	Immunity of President .....	.81
62.	Removal of President and Vice-President from Office	.81
63.	a. Accession to Presidency by Vice-President-Elect After the Death or Inability of President-Elect ..	.82
	b. Completion of an Unexpired Presidential Term by Vice-President .....	.82

	c. Guidelines and Procedures to declare the President Incapable to carry out the Duties of His Office . . . . .	.82
	d. Power of President to Nominate a Vice-President . . . . .	.82
64.	Accession to the Presidency in the Event of Vacancy in Offices of the President and the Vice-President . . . . .	.82

**CHAPTER VII  
THE JUDICIARY**

65.	Vesting of Judicial Powers in the Supreme Court . . . . .	.83
66.	Supreme Court to Have Final Appellate Jurisdiction . . . . .	.83
67.	Composition of Supreme Court . . . . .	.84
68.	Qualifications for Appointment as Justices of Supreme Court . . . . .	.84
69.	Qualifications for Appointment as Judges of Subordinate Courts . . . . .	.84
70.	Oaths of Justices and Judges . . . . .	.85
71.	Tenure and Impeachment of Justices and Judges . . . . .	.85
72.	a. Salaries and Allowance of Justices and Judges . . . . .	.85
	b. Retirement age of Justices and Judges . . . . .	.85
73.	Immunity of Justices and Judges . . . . .	.86
74.	Contempt Power of Courts . . . . .	.86
75.	Power of Supreme Court to Make Rules of Court and Prescribe Code of Conduct for Lawyers . . . . .	.86
76.	a. Definition of Treason . . . . .	.86
	b. Legislature to Prescribe Punishment for Treason . . . . .	.87

**CHAPTER VIII**  
**POLITICAL PARTIES AND ELECTIONS**

77.	a. Establishment of Political Parties . . . . .	.87
	b. Conduct of Elections and Eligibility Criteria for the Exercise of the Right to Vote . . . . .	.88
78.	Definition of "Association", "Political Parties" And Independent Candidate . . . . .	.88
79.	a. Criteria for Registration as a Political Party Or Independent Candidate . . . . .	.88
	b. Membership of Political Party or Independent Candidate's Organization . . . . .	.89
	c. Location of Headquarters of Political Party and Independent Candidate . . . . .	.89
	d. Limitation on Name, Objective, Emblem and Motto of Political Party and Independent Candidate . . . . .	.89
	e. Constitution and Rules of Political Party and Independent Candidate . . . . .	.90
80.	a. Power of Elections Commission to Deny Registration of Political Party or Independent Candidate . . . . .	.90
	b. Power of Elections Commission to Revoke Registration of Political Party or Independent Candidate . . . . .	.90
	c. Right of Citizen to Vote and Change Constituency . . . . .	.90
	d. Creation and Limitation of Constituency . . . . .	.90
	e. Right of Elections Commission to Reapportion Constituencies . . . . .	.90
81.	Right of Citizen, Political Party, Organization or Association to Canvass for Votes in an Election	91

82.	a. Right of Citizen, Association or Organization To Contribute Funds to Political Party or Independent Candidate . . . . .	91
	b. Prohibition on Possession of Funds Outside the Republic or Contribution From Outside the Republic to any Political Party or Independent Candidate . . . . .	91
	c. Power of Elections Commission to Examine And Audit the Books of Political Parties or Independent Candidates . . . . .	92
83.	a. Time for Conducting General Elections . . . . .	92
	b. Elections of Public Officers to be Determined by Absolute Majority . . . . .	92
	c. Power of Elections Commission to Declare Results of Elections and Right of Appeal by Any Aggrieved Party or Candidate . . . . .	92
	d. Publication of Statements of Assets and Liabilities by Political Parties and Independent Candidates . . . . .	93
84.	Legislature to Provide Penalties for Violation Of Chapter and Enact Laws in Furtherance Of Constitution . . . . .	93

**CHAPTER IX  
EMERGENCY POWERS**

85.	Power of President to Order Armed Forces into State of Combat Readiness . . . . .	94
86.	a. Power of President to Declare State Of Emergency . . . . .	94
	b. Conditions Under which State of Emergency may be Declared . . . . .	94



- 87. a. Limitations on Use of Emergency Powers ...94
- b. Right to Writ of Habeas Corpus not  
Affected by State of Emergency .....95
- 88. The Establishment of Autonomous Public  
Commission and Power of Legislature to Enact  
Laws for their Governance .....95

**CHAPTER X  
AUTONOMOUS PUBLIC COMMISSIONS**

- 89. The Establishment of Autonomous Public  
Commissions and Power of Legislature to  
Enact Laws for their Governance .....95

**CHAPTER XI  
MISCELLANEOUS**

- 90. a. Prohibition Against Conflict of Interest ....96
- b. Prohibition Against Public Officials  
Demanding and Receiving Perquisites  
For Duties Legally Required .....96
- c. Power of Legislature to Prescribe Code of  
Conduct Against Conflict of Interest .....96

**CHAPTER XII  
AMENDMENTS**

- 91. Initiation and Process of Amendment .....96
- 92. Publication of Proposal for Amendment and  
Separately Itemizing Amendments Sought ....97
- 93. Limitation of Presidential Terms of Office ....97

**CHAPTER XIII**  
**TRANSITIONAL PROVISIONS**

- 94. a. Persons Elected Prior to Promulgation of Constitution to be Considered Duly Elected Under Constitution .....97
- b. Swearing in of Newly Elected President on April 12,1985 and Coming Into Force of Constitution .....97
- c. Convening of Newly Elected Legislature .....98
- d. Position of Persons Appointed Prior to Coming into Force of Constitution .....98
- 95. a. Abrogation of Constitution of July 26, 1847 ...98
- b. Status of Treaties, Executive and Other Agreements Concluded by prior Government 98
- c. Status of Foreign and Domestic Debts Concluded by Prior Governments .....99
- 96. a. Continuity of Judiciary After the Coming Into Force of the Constitution and Power Of President to Appoint .....99
- b. Legal Proceedings Concluded not to be Commenced Anew .....100
- 97. a. Prohibition Against Question in Judicial or Other Forums of Actions taken by or in the Name of People's Redemption Council .....100
- b. Prohibition Against Court Entertaining any Action which Brought Change of Government On April 12, 1980 or any Other Act by People's Redemption Council .....100

**SCHEDULE**

- 1. Schedule to Form Integral Part of Constitution 102
- 2. Oaths for Public Officials .....102

## P R E A M B L E

We the People of the Republic of Liberia:

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

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

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

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

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

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

### **Article 1**

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

### **Article 2**

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

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

### **Article 3**

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

## **CHAPTER II**

### **GENERAL PRINCIPLES OF NATIONAL POLICY**

#### **Article 4**

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

#### **Article 5**

The Republic shall:

a) aim at strengthening the national integration and unity of the people of Liberia, regardless of ethnic, regional or other differences, into one body politic; and the Legislature shall enact laws promoting national unification and the encouragement of all citizens to participate in government;

b) preserve, protect and promote positive Liberian culture, ensuring that traditional values which are compatible with public policy and national progress are adopted and developed as an integral part of the growing needs of the Liberian society;

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

#### **Article 6**

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

**Article 7**

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

**Article 8**

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

**Article 9**

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

**Article 10**

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

**CHAPTER III  
FUNDAMENTAL RIGHTS**

**Article 11**

a) All persons are born equally free and independent and have certain natural, inherent and inalienable rights, among which are

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

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

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

#### **Article 12**

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

#### **Article 13**

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

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

#### **Article 14**

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

#### **Article 15**

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

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

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

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



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

**Article 16**

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

**Article 17**

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

**Article 18**

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

**Article 19**

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

**Article 20**

a) No person shall be deprived of life, liberty, security of the person, property, privilege or any other right except as the outcome of a hearing judgment consistent with the provisions laid

down in this Constitution and in accordance with due process of law. Justice shall be done without sale, denial or delay; and in all cases not arising in courts not of record, under court martial and upon impeachment, the parties shall have the right to trial by jury.

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

#### **Article 21**

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

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

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

d) (i) All accused persons shall be bailable upon their personal recognizance or by sufficient sureties, depending upon the gravity of the charge, unless charged for capital offenses or grave offenses as defined by law.

(ii) Excessive bail shall not be required, nor excessive fines imposed, nor excessive punishment inflicted.

e) No person charged, arrested, restricted, detained or otherwise held in confinement shall be subject to torture or inhumane treatment; nor shall any person except military personnel, be kept or confined in any military facility; nor shall any person be seized and kept among convicted prisoners or treated as a convict, unless such person first shall have been convicted of a crime in a court of competent jurisdiction. The Legislature shall make it a criminal offense and provide for appropriate penalties against any police or security officer, prosecutor, administrator or any other public official acting in contravention of this provision; and any person so damaged by the conduct of any such public official shall have a civil remedy therefor, exclusive of any criminal penalties imposed.

f) Every person arrested or detained shall be formally charged and presented before a court of competent jurisdiction within forty-eight hours. Should the court determine the existence of a prima facie case against the accused, it shall issue a formal writ of arrest setting out the charge or charges and shall provide for a speedy trial. There shall be no preventive detention.

g) The right to the writ of habeas corpus, being essential to the protection of human rights, shall be guaranteed at all times, and any person arrested or detained and not presented to court within the period specified may in consequence exercise this right.

h) No person shall be held to answer for a capital or infamous crime except in cases of impeachment, cases arising in the Armed Forces and petty offenses, unless upon indictment by a Grand Jury; and in all such cases, the accused shall have the right to a

---

speedy, public and impartial trial by a jury of the vicinity, unless such person shall, with appropriate understanding, expressly waive the right to a jury trial. In all criminal cases, the accused shall have the right to be represented by counsel of his choice, to confront witnesses against him and to have compulsory process for obtaining witnesses in his favor. He shall not be compelled to furnish evidence against himself and he shall be presumed innocent until the contrary is proved beyond a reasonable doubt. No person shall be subject to double jeopardy.

i) The right to counsel and the rights of counsel shall be inviolable. There shall be no interference with the lawyer-client relationship. In all trials, hearings, interrogatories and other proceedings where a person is accused of a criminal offense the accused shall have the right to counsel of his choice; and where the accused is unable to secure such representation, the Republic shall make available legal aid services to ensure the protection of his rights.

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

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

## **Article 22**

a) Every person shall have the right to own property alone as well as in association with others; provided that only Liberian

citizens shall have the right to own real property within the Republic.

b) Private property rights, however, shall not extend to any mineral resources on or beneath any land or to any lands under the seas and waterways of the Republic. All mineral resources in -and under the seas and other waterways shall belong to the Republic and be used 6Y and for the entire Republic.

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

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

### **Article 23**

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

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

#### Article 24

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

- (i) that reasons for such expropriation are given,
- (ii) that there is prompt payment of just compensation;
- (iii) that such expropriation or the compensation offered may be challenged freely by the owner of the property in a court of law with no penalty for having brought such action; and
- (iv) that when property taken for public use ceases to be so used, the Republic shall accord the former owner or those entitled to the property through such owner, the right of first refusal to reacquire the property.

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

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

#### **Article 25**

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

#### **Article 26**

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

### **CHAPTER IV CITIZENSHIP**

#### **Article 27**

a) All persons who, on the coming into force of this Constitution were lawfully citizens of Liberia shall continue to be Liberian citizens.

b) In order to preserve, foster and maintain the positive Liberian culture, values and character, only persons who are Negroes or of Negro descent shall qualify by birth or by naturalization to be citizens of Liberia.

c) The Legislature shall, adhering to the above standard, prescribe such other qualification criteria for and the procedures by which naturalization may be obtained.

**Article 28**

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

**CHAPTER V  
THE LEGISLATURE**

**Article 29**

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

**Article 30**

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

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

**Article 31**

Each member of the Legislature, before taking his seat and



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

#### **Article 32**

a) The Legislature shall assemble in regular session once a year on the second working Monday in January.

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

#### **Article 33**

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

#### **Article 34**

The Legislature shall have the power:

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

- c) to provide for the common defense, to declare war and authorize the Executive to conclude peace; to raise and support the Armed Forces of the Republic, and to make appropriations therefor provided that no appropriation of money for that use shall be for a longer term than one year; and to make rules for the governance of the Armed Forces of the Republic;
- d) to levy taxes, duties, imposts, excise and other revenues, to borrow money, issue currency, mint coins, and to make appropriations for the fiscal governance of the Republic, subject to the following qualifications:
  - (i) all revenue bills, whether subsidies, charges, imposts, duties or taxes, and other financial bills, shall originate in the House of Representatives, but the Senate may propose or concur with amendments as on other bills.  
No other financial charge shall be established, fixed, laid or levied on any individual, community or locality under any pretext whatsoever except by the expressed consent of the individual, community or locality. In all such cases, a true and correct account of funds collected shall be made to the community or locality;
  - (ii) no monies shall be drawn from the treasury except in consequence of appropriations made by legislative enactment and upon warrant of the President; and no coin shall be minted or national currency issued except by the expressed authority of the Legislature. An annual statement and account of the receipt and expenditure of all public monies shall be submitted by the office of the President to the Legislature and published once a year;
  - (iii) no loans shall be raised by the Government on behalf of the Republic or guarantees given for any public institution or authority otherwise than by or under the authority of a legislative enactment;

- e) to constitute courts inferior to the Supreme Court, including circuit courts, claims courts and such other courts with such prescribed jurisdictional powers as may be deemed necessary for the proper administration of justice throughout the Republic;
- f) to approve treaties, conventions and such other international agreements negotiated or signed on behalf of the Republic;
- g) to regulate trade and commerce between Liberia and other nations;
- h) to establish laws for citizenship, naturalization and residence;
- i) to enact the election laws;
- j) to establish various categories of criminal offenses and provide for the punishment thereof;
- k) to enact laws providing pension scheme for various categories of government officials and employees in accordance with age and tenure of service; and
- l) to make all other laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the Government of the Republic, or in any department or officer thereof.

#### **Article 35**

Each bill or resolution which shall have passed both Houses of the Legislature shall, before it becomes law, be laid before the President for his approval. If he grants approval, it shall become law. If the President does not approve such bill or resolution, he shall return it, with his objections, to the House in which it originated. In so doing, the President may disapprove of the entire bill or resolution or any item or items thereof. This veto may be

overridden by the repassage of such bill, resolution or item thereof by a vote of two-thirds of the members in each House, in which case it shall become law. If the President does not return the bill or resolution within twenty days after the same shall have been laid before him it shall become law in like manner as if he had signed it, unless the Legislature by adjournment prevents its return.

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

#### **Article 36**

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

#### **Article 37**

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

#### **Article 38**

Each House shall adopt its own rules of procedure, enforce order, and with the concurrence of two-thirds of the entire membership, may expel a member for cause. Each House shall establish its own committees and sub-committees; provided, however, that the committees on revenues and appropriations shall consist of one member from each County. All rules adopted by the Legislature shall conform to the requirements of due process of law laid down in this Constitution.

**Article 39**

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

**Article 40**

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

**Article 41**

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

**Article 42**

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

**Article 43**

The power to prepare a bill of impeachment is vested solely in the House of Representatives, and the power to try all impeachments is vested solely in the Senate. When the President, Vice President or an Associate Justice is to be tried, the Chief Justice shall preside; when the Chief Justice or a judge of a

subordinate court of record is to be tried, the President of the Senate shall preside. No person shall be impeached but by the concurrence of two- thirds of the total membership of the Senate. Judgments in such cases shall not extend beyond removal from office and disqualification to hold public office in the Republic; but the party may be tried at law for the same offense. The Legislature shall prescribe the procedure for impeachment proceedings which shall be in conformity with the requirements of due process of law.

#### **Article 44**

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

#### **Article 45**

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

#### **Article 46**

Immediately after the Senate shall have assembled following the elections prior to the coming into force of this Constitution, the

Senators shall be divided into two categories as a result of the votes cast in each county. The Senator with the higher votes cast shall be the Senator of the first category and the Senator with the lower votes cast shall be Senator of the second category; provided that no two Senators from a county shall be placed in the same category. The seats of Senators of the first category shall be vacated at the expiration of the ninth year. In the interest of legislative continuity, the Senators of the second category shall serve a first term of six years only, after the first elections. Thereafter, all Senators shall be elected to serve a term of nine years.

#### **Article 47**

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

#### **Article 48**

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

#### **Article 49**

The House of Representative shall elect once every six years a Speaker who shall be the presiding officer of that body, a Deputy.

---

Speaker, and such other officers as shall ensure the proper functioning of the House. The Speaker, the Deputy Speaker and other officers so elected may be removed from office for cause by resolution of a two-thirds majority of the members of the House.

## **CHAPTER VI THE EXECUTIVE**

### **Article 50**

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

### **Article 51**

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

### **Article 52**

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



a) a natural born Liberian citizen of not less than 35 years of age;

b) the owner of unencumbered real property valued at not less than twenty-five thousand dollars; and

c) resident in the Republic ten years prior to his election, provided that the President and the Vice-President shall not come from the same County.

#### **Article 53**

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

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

#### **Article 54**

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

a) cabinet ministers, deputy and assistant cabinet ministers;

b) ambassadors, ministers, consuls; and

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

d) superintendents, other county officials and officials of other political sub-divisions;

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

f) marshals, deputy marshals, and sheriffs.

**Article 55**

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

**Article 56**

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

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

**Article 57**

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

**Article 58**

The President shall, on the fourth working Monday in January of each year, present the administration's legislative program for

the ensuing session, and shall once a year report to the Legislature on the state of the Republic. In presenting the economic condition of the Republic the report shall cover expenditure as well as income.

**Article 59**

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

**Article 60**

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

**Article 61**

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

**Article 62**

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

---

**Article 63**

a) Whenever a person elected to the office of President dies or is otherwise incapacitated before being inaugurated into office, the Vice-President elect shall succeed to the office of President, and this accession shall commence a term.

b) Whenever the office of the President shall become vacant by reason of death, resignation, impeachment, or the President shall be declared incapable of carrying out the duties and functions of his office, the Vice-President shall succeed to the office of the President to complete the unexpired term. In such a case, this shall not constitute a term.

c) The Legislature shall, no later than one year after the coming into force of this Constitution, prescribe the guidelines and determine the procedures under which the President, by reason of illness, shall be declared incapable of carrying out the functions of his office.

d) Whenever the office of the Vice-President becomes vacant by reason of death, resignation, impeachment, inability or otherwise, the President shall, without delay, nominate a candidate who, with the concurrence of both Houses of the Legislature, shall be sworn in and hold office as Vice-President until the next general election are held. Whenever the Vice-President elect dies, resigns, or is incapacitated before being inaugurated, the President elected on the same ticket with him, shall, after being inaugurated into office, nominate without delay a candidate who, with the concurrence of both Houses of the Legislature, shall be sworn in and hold office as Vice-President until the next general elections are held.

**Article 64**

Whenever the office of the President and of the Vice-President shall become vacant by reason of removal, death, resignation,

inability or other disability of the President and the Vice-President, the Speaker of the House of Representatives shall be sworn in as Acting President until the holding of elections to fill the vacancies so created. Should the Speaker be legally incapable or otherwise unable to assume the office of Acting President, then the same shall devolve upon the President Pro Tempore of the Senate. In any further line of descent, the office shall devolve in order upon the Deputy Speaker and members of the Cabinet in the order of precedence as established by law. The Elections Commission shall within ninety days conduct elections for a new President and a new Vice President.

## **CHAPTER VII THE JUDICIARY**

### **Article 65**

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

### **Article 66**

The Supreme Court shall be the 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 county is a party. In all

such cases, the Supreme Court shall exercise original jurisdiction. The Legislature shall make no law nor create any exceptions as would deprive the Supreme Court of any of the powers granted herein.

**Article 67**

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

**Article 68**

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

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

**Article 69**

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

- a) a citizen of Liberia and of good moral character; and
- b) an Attorney-at-Law who has practiced for at least 3 years, or a counsellor of the Supreme Court Bar.

#### **Article 70**

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

#### **Article 71**

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

#### **Article 72**

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

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

judicial duty in regard to proceedings entertained by him before he attained that age.

**Article 73**

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

**Article 74**

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

**Article 75**

The Supreme Court shall from time to time make rules of court for the purpose of regulating the practice, procedures and manner by which cases shall be commenced and heard before it and all other subordinate courts. It shall prescribe such code of conduct for lawyers appearing before it and all other subordinate courts as may be necessary to facilitate the proper discharge of the court's functions. Such rules and code, however, shall not contravene any statutory provisions or any provisions of this Constitution.

**Article 76**

- a) Treason against the Republic shall consist of:
  - (1) levying war against the Republic;



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

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

## **CHAPTER VIII POLITICAL PARTIES AND ELECTIONS**

### **Article 77**

a) Since the essence of democracy is free competition of ideas expressed by political parties and political groups as well as by

individuals, parties may freely be established to advocate the political opinions of the people. Laws, regulations, decrees or measures which might have the effect of creating a one-party state shall be declared unconstitutional.

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

#### **Article 78**

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

#### **Article 79**

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

a) the association or independent candidate and his organization meet the minimum registration requirements laid down by the Elections Commission and are registered with it. Registration requirements shall include filing with the Elections

Commission a copy of the constitution of the association and guidelines of the independent candidate and his organization, a detailed statement of the names and addresses of the association and its officers or of the independent candidate and the officers of his organization, and fulfillment of the provisions of sub-sections (b), (c), (d) and (e) hereof. Registration by the Elections Commission of any association or independent candidate and his organization shall vest in the entity or candidate and his organization so registered legal personality, with the capacity to own property, real, personal or mixed, to sue and be sued and to hold accounts. A denial of registration or failure by the Elections Commission to register any applicant may be challenged by the applicant in the Supreme Court;

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

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

- (i) in the capital of the Republic where an association is involved or where an independent candidate seeks election to the office of President or Vice-President;
- (ii) in the headquarters of the county where an independent candidate seeks election as a Senator; and
- (iii) in the electoral center in the constituency where the candidate seeks election as a member of the House of Representatives or to any other public office;

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

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

#### **Article 80**

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

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

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

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

e) Immediately following a national census and before the next elections, the Elections Commission shall reapportion the

constituencies in accordance with the new population figures so that every constituency shall have as close to the same population as possible; provided, however, that a constituency must be solely within a county.

#### **Article 81**

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

#### **Article 82**

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

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

---

c) The Elections Commission shall have the power to examine into and order certified audits of the financial transactions of political parties and independent candidates and their organizations. The Commission shall prescribe the kinds of records to be kept and the manner in which they shall be kept. The certified audits shall be conducted by a certified chartered public accountant, not a member of any political party.

### Article 83

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

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

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

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

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

d) Every political party shall, on September 1 of each year, and every candidate of such political party and every independent candidate shall, not later than thirty days prior to the holding of an election in which he is a candidate, publish and submit to the Elections Commission detailed statements of assets and liabilities. These shall include the enumeration of sources of funds and other assets, plus lists of expenditures. Where the filing of such statements is made in an election year, every political party and independent candidate shall be required to file with the Elections Commission additional detailed supplementary statements of all funds received and expenditures made by them from the date of filing of the original statements to the date of the elections. Any political party or independent candidate who ceases to function shall publish and submit a final financial statement to the Elections Commission.

#### **Article 84**

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

## **CHAPTER IX EMERGENCY POWERS**

### **Article 85**

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

### **Article 86**

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

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

### **Article 87**

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



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

#### **Article 88**

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

### **CHAPTER X AUTONOMOUS PUBLIC COMMISSIONS**

#### **Article 89**

The following Autonomous Public Commissions are hereby established:

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

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

## **CHAPTER XI MISCELLANEOUS**

### **Article 90**

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

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

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

## **CHAPTER XII AMENDMENTS**

### **Article 91**

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

#### **Article 92**

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

#### **Article 93**

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

### **CHAPTER XIII TRANSITIONAL PROVISIONS**

#### **Article 94**

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

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

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

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

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

#### **Article 95**

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

b) All treaties, executive and other international agreements and obligations concluded by the Government of the People's

Redemption Council or prior governments in the name of the Republic prior to the coming into force of this Constitution shall continue to be valid and binding on the Republic unless abrogated or cancelled or unless otherwise inconsistent with this Constitution.

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

#### **Article 96**

Notwithstanding anything to the contrary in this Constitution:

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

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

**Article 97**

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

b) No court or other tribunal shall entertain any action whatsoever instituted against the Government of Liberia, whether before or after the coming into force of this Constitution or against any person or persons who assisted in any manner whatsoever in bringing about the change of Government of Liberia on the 12th day of April, 1980, in respect of any act or commission relating to or consequent upon:

- (i) the overthrow of the government in power in Liberia before the establishment of the government of the People's Redemption Council;
- (ii) the suspension of the Constitution of Liberia of July 26, 1847;
- (iii) the establishment, functioning and other organs established by the People's Redemption Council;

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

## SCHEDULE

1. This Schedule shall form and be an integral part of this Constitution and shall have the same force as any other provision thereof.

2. All public officials and employees, whether elected or appointed, holding office of public trust, shall subscribe to a solemn oath or affirmation as follows:

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



## NATIONAL CONSTITUTION COMMISSION

1.	Amos Sawyer,	Chairman
2.	D. K. Wonsehleay,	Co-Chairman
3.	Robert G. W. Azango	Member
4.	J. Gornee N. Barlefay	"
5.	J. Emmanuel Berry	"
6.	George D. Browne	"
7.	Augustus F. Caine	"
8.	H. Boirria Fahnbulleh, Sr.	"
9.	Bangaly Fofana	"
10.	Philip G. Gadegbeku	"
11.	Alfred V. W. Gayflor	"
12.	Isaac L. George	"
13.	J. Rudolph Grimes	"
14.	Abraham L. James	"
15.	Peter A. Johnson	"
16.	David Kpomakpor	"
17.	Henry G. Kwekwe	"
18.	Albert Porte	"
19.	Patrick L. N. Seyon	"
20.	J. Teah Tarpeh	"
21.	S. Byron Tarr	"
22.	B. Mulbah Togbah	"
23.	Wolor Torpor	"
24.	Rebecca Ware-Wilson	"
25.	Tuan Wreh	"

## CONSTITUTIONAL ADVISORY ASSEMBLY

1. Edward Binyah Kesselly (Lofa County) Chairman
2. Charles H. Williams (Grand Bassa County) Deputy Chairman
3. Archibald F. Bernard (Montserrado County) Secretary General
4. Richard K. Flomo (Bong County) Assistant Secretary General

### Montserrado County

5. Stephen H. Kolison, Sr. Member
6. James Nagbe Doe "
7. James N. Nagbe "
8. Rocheforte L. Weeks "
9. Pearl Brown-Bull "
10. Jonathan E. M. Gibson "
11. Zoe Ethel Norman "
12. Walter Yedebabuo Wisner, Jr. "

### Marshall Territory

13. R. Francis Okai, Jr. "

### Bomi Territory

14. Samuel Dwelu Hill "
15. K. Ballah M. Davis, Sr. "

### Gibi Territory

16. David S. Menyongai "
17. Flomo Shadrach Daniel, II "

### Grand Bassa County

18. A. Wilmot McCritty, I "
19. Abba G. Karnga "
20. Thomas L. Griggs, "
21. Joseph L. Barchue, Sr. "

### Rivercess Territory

22. T. Gbegbe Roberto Dole "

**Sinoe County**

- |                               |        |
|-------------------------------|--------|
| 23. Nelson William Broderick  | Member |
| 24. Charles N. Wiah           | "      |
| 25. Lawrence S. Bestman       | "      |
| 26. Jenkinson T. Nyenpan, Sr. | "      |

**Sass Town Territory**

- |                      |   |
|----------------------|---|
| 27. Dennis J. Weagbe | " |
|----------------------|---|

**Maryland County**

- |                               |   |
|-------------------------------|---|
| 28. Nathaniel Bleh Seton, Sr. | " |
| 29. James Klabo Giko          | " |
| 30. Christian W. Baker        | " |
| 31. J. Barney Taylor          | " |

**Kru Coast Territory**

- |                           |   |
|---------------------------|---|
| 32. Charles Barzee Coffey | " |
|---------------------------|---|

**Grand Cape Mount County**

- |                                |   |
|--------------------------------|---|
| 33. A. Kini Freeman            | " |
| 34. Christopher K. Kandakai, I | " |
| 35. Ernest K. Metzgar          | " |
| 36. Victor Lamina Yates        | " |

**Grand Gedeh County**

- |                                  |   |
|----------------------------------|---|
| 37. Harry T. Faber Nayou         | " |
| 38. Philip Karyeyon Deah         | " |
| 39. Robert Bloh Toe, Sr.         | " |
| 40. Emmanuel B. Neewray          | " |
| 41. Doquinee Jarpee Andrews, Jr. | " |

**Nimba County**

- |                          |   |
|--------------------------|---|
| 42. J. Patrick K. Biddle | " |
| 43. John Wiemi Bartuah   | " |
| 44. James W. Zotaa, Jr.  | " |
| 45. J. Gbarmie Sahn      | " |
| 46. Jenkins G. W. Wongbe | " |
| 47. Peter A. Gbelia, Sr. | " |

---

**Nimba County Contd**

48. Stephen B. Daniels, Sr.	Member
49. Samuel B. Wogbeh	"

**Bong County**

50. John Flurno Bakalu, Sr.	"
51. James Y. Gbarbea	"
52. Waiter T. Gwenigale	"
53. Salome Giddings-Hall	"
54. Manyu M. Kamara	"

**Lofa County**

55. Edward S. Mends-Cole	"
56. J. Edward Koenig	"
57. Frederick K. Gobewole	"
58. James M. Hargrave	"
59. Keikura Bayoh Kpoto	"

## *Members of the International Commission of Jurists*

### **President**

Claire l'Heureux-Dubé  
Judge of the Supreme Court of Canada

### **Vice - Presidents**

Dalmo de Abreu Dallari  
Professor of Law, São Paulo, Brazil  
Enoch Dumbutshena  
Former Chief Justice of Zimbabwe  
Desmond Fernando  
Barrister; President, International Bar Association, Sri Lanka  
Lennart Groll  
Former Judge, Stockholm Court of Appeal, Sweden  
Ewa Letowska  
Professor, Institute of Legal Studies, Polish Academy of Sciences, Poland  
Theo C. van Boven  
Professor of Law, Maastricht University, Netherlands

### **Members of the Executive Committee**

Kofi Kumado (Chairperson)  
Professor of Law, University of Ghana  
Dato' Param Cumaraswamy  
Advocate; UN Special Rapporteur on the Independence of Judges, Jurors and Lawyers, Malaysia  
Vera V. de Melo Duarte Martins  
Judge at the Supreme Court, Cape Verde  
Diego Garcia-Sayan  
Executive Director, Andean Commission of Jurists, Peru  
Lord Goodhart, Q.C.  
Member, House of Lords, United Kingdom  
Asma Khader  
Advocate, Jordan  
Jerome S. Shestack  
President, American Bar Association, USA

### **Members of the Commission**

Solomy Balungi Bossa  
Judge, High Court, Uganda  
Antonio Cassese  
Judge, President, International Tribunal for the former Yugoslavia, Italy  
Arthur Chaskalson  
Judge, President, Constitutional Court of the Republic of South Africa  
Lord Cooke of Thorndon  
Privy Councillor; former President of the Court of Appeal, New Zealand  
Marie José Crespin  
Member of the Constitutional Council, Senegal  
Rajeev Dhavan  
Advocate; Professor of Law; Director, Public Interest Legal Support and Research Centre, India  
Jochen A. Frowein  
Director, Max Planck Institute for Comparative Public Law and International Law, former Vice-President of the European Commission of Human Rights, Germany  
Gustavo Gallon  
Ad Hoc Judge, Constitutional Court of Colombia;  
Professor of Law; Director, Colombian Commission of Jurists, Colombia  
Ruth Gavison  
Professor of Law, Hebrew University, Jerusalem; President, Association for Civil Liberties, Israel  
Asma Jahangir  
Advocate; UN Special Rapporteur on Summary Executions, Chairperson, Human Rights Commission, Pakistan  
Maurice Kamto  
Professor of Public Law, Cameroon  
Michael D. Kirby, AC, CMG  
Judge, High Court of Australia  
Gladys V. Li, Q.C.  
Former Deputy High Court Judge, Hong Kong  
Daniel Henri Marchand  
Professor of Social Law, France  
Florence N. Mumba  
Judge at the International Tribunal for the former Yugoslavia, Zambia  
Adnan Buyung Nasution  
Advocate; former Member of Parliament, Indonesia  
Pedro Nikken  
Former Judge at the Interamerican Court of Human Rights;  
Professor of international law, Venezuela  
Manfred Nowak  
Professor of Public Administration; Austria  
Elisabeth Odio Benito  
Judge at the International Tribunal for the former Yugoslavia, Costa Rica  
Bertrand G. Ramcharan  
UN Coordinator, Regional, Political & Security Cooperation; Adjunct Professor, Columbia University School of International Affairs (New York), Guyana  
Margarita Retuerto Buades  
Member, Human Rights Committee; Consejo General del Poder Judicial, Spain  
Hipólito Solari Yrigoyen  
Former Senator; President of the Organization *New Human Rights*, Argentina  
László Sólyom  
Judge, President, Constitutional Court of the Republic of Hungary  
Daniel Thürer  
Professor of International Law, Swiss Confederation  
Yozo Yokota  
Professor of Law; Member of the UN Sub-Commission on Prevention of Discrimination and Protection of Minorities, Japan  
José Zalaquett, Chile  
Advocate; Professor of Law, Chile

### **Honorary Members**

Arturo A. Alafritz, Philippines  
Boutros Boutros-Ghali, Egypt  
William J. Butler, United States of America  
Rudolf Machacek, Austria  
Norman S. Marsh, United Kingdom  
Haim H. Cohn, Israel  
J.R.W.S. Mawalla, Tanzania  
Alfredo Etcheberry, Chile  
Keba Mbaye, Senegal  
Jean Flavien Lalive, Switzerland  
Fali S. Nariman, India  
Tai-Young Lee, Republic of Korea  
Sir Shridath S. Ramphal, Guyana  
P. Telford Georges, Bahamas  
Joaquín Ruíz-Giménez, Spain  
Hans-Heinrich Jescheck, Germany  
Lord Shawcross, United Kingdom  
P.J.G. Kapteyn, Netherlands  
Tun Mohamed Suffian, Malaysia  
Christian Tomuschat, Germany  
Michael A. Triantafyllides, Cyprus

### **Secretary-General**

Adama Dieng

The International Commission of Jurists (ICJ), headquartered in Geneva, is a non-governmental organization in consultative status with the United Nations Economic and Social Council, UNESCO, the Council of Europe and the OAU. Founded in 1952, its task is to defend the Rule of Law throughout the world and to work towards the full observance of the provisions in the Universal Declaration of Human Rights. It is composed of up to 45 distinguished jurists from around the world and has 80 national sections and affiliated organisations.



**International Commission of Jurists**

P.O. Box 216 - 81 A, avenue de Châtelaine  
CH-1219 Châtelaine/Geneva/Switzerland  
Tél. (+41 22) 979 38 00 - Fax (+41 22) 979 38 01  
e-mail [info@icj.org](mailto:info@icj.org)