

THE NATIONAL PATRIOTIC FRONT OF LIBERIA (NPFL), by and thru its leader, CHARLES G. TAYLOR, and Representative JOHN T. RICHARDSON, and **THE CONCERNED CITIZENS MOVEMENT OF GBARNGA**, by and thru its Chairman, DAVID G.

B. WYMAH, Petitioners, v. **THE LIBERIA NATIONAL TRANSITIONAL GOVERNMENT (LNTG)**, by and thru the Members of the Council of State or the Ministry of Justice, LAVELI SUPUWOOD, Minister of Justice, SAMUEL S. DOME, Minister of Internal Affairs, and TOM WOEWIYU, Minister of Labour, Respondents.

MANDAMUS PROCEEDINGS

Heard: April 18, 1995. Decided: July 28, 1995.

1. The Supreme court is the final arbiter of all issues arising from any or all of the peace accords which were agreed to by the warring parties for the proper functioning of the Interim Government in achieving the objective of peace.
2. The Liberia National Transitional Government, not established by the free will and consent of the Liberian people, is not a constitutional government in the strictest sense. It is a government created by an agreement made between parties to the Liberian civil war.
3. The Interim Government may at best be styled as a government of necessity; that necessity being the need to restore peace to our land so that a government of law and order can be established.
4. The Cotonou Accord does not only bind the parties to it, but the people of Liberia are beneficiaries of this Accord and deserve to have their rights thereunder protected and secured. It is the constitutional obligation of this Court to protect these rights.
5. The Cotonou Accord is an agreement between the parties to the civil war, and is not an accord that requires ratification.
6. The Supreme Court has the right under the law to interpret a peace accord which creates rights and obligations between the parties thereto.
7. The Executive provision of the Liberian Constitution never contemplated nor implied a "collective presidency."
8. The privileges and immunities under Article 61 of the Liberian Constitution is not

applicable to a collective Presidency.

9. Mandamus cannot lie against executive officers of the government unless some specific act or thing which the law requires to be done has been omitted.

10. The Cotonou Accord is not a law of the Republic of Liberia. Hence an omission to perform any specific act or thing which the Accord requires to perform is not a ground for the issuance of a writ of mandamus.

11. The Cotonou Accord provides remedies for violation by any party of any of the terms and conditions under said document, and must be followed to the letter.

12. Mandamus is not a proper proceeding to effect the removal of ministers under the Cotonou Accord. Their removal may be obtained under Section G of Article 8 of the Accord in accordance with the procedure therein provided.

13. Liberian law grants to the President the power to nominate and appoint certain public officers or officials with the advice and consent of the Senate. Some officials may be appointed by the President without the advice and consent of the Senate.

14. The President has the power to remove those nominated and appointed by him, the exception being members of the judiciary and judges of subordinate courts.

15. Appointments made by the President or the Chief Executive are governed by his free choice and discretion which may not be controlled by the judiciary or a judicial officer.

16. The Court has no power under Liberian Law to remove officials of government appointed by the President or the Executive.

17. The process of removing officials of government is generally entrusted to the official discretion of the person possessed with the power to appoint such officials. Consequently, if such right is not properly exercised, the appointing powers are themselves subject to be removed by the appropriate authority. Such authority, under the Constitution, is the Liberian Legislature.

This petition for a writ of mandamus was filed by the National Patriotic Front of Liberia (NPFL) against the Liberia National Transitional Government (LNTG), requesting the Court to compel the LNTG to remove three cabinet ministers, Laveli

Supuwood, Samuel S. Dokie, and Tom Woewiyu, Ministers of Justice, Internal Affairs, and Labour respectively, from their respective cabinet positions. The petitioner contends that they being an original signatory to both the Cotonou and Akosombo accords, and they having the entitlement to name cabinet officials to the Transitional Government as a party, have the right to remove those appointed, due to acts inimical to the interest of the appointing party; hence, the writ of mandamus will lie against the respondents to remove the ministers who betrayed the trust of petitioner.

Additionally, petitioner argued that the Cotonou Accord is a legal contract which grants legal rights of all parties to said contract and that mandamus is the only remedy which can enforce the petitioner's right under the Accord. Petitioner also averred that mandamus will lie to compel the LNTG to remove the three ministers from office and that failure of the Court to do same will defeat the objective of the unity government.

In their returns to the petition, the respondents averred that the NPFL has no legal standing to sue because she is not a creature before the law, as the NPFL was dissolved by the Cotonou Accord; and that the petitioner is no longer in existence because she is a warring faction and has been accordingly disarmed. The respondents also prayed the Court to dismiss the petition in that it conflicted with article 61 of the Liberian Constitution which prohibits proceedings, judicial or otherwise, being brought against the President; that the five councilmen who are exercising collective presidency are immune from suits or court process; and that the Cotonou Accord needs to be ratified before this Court can take cognizance of it as part of the law of Liberia. Further, the respondents contend that the appointment and dismissal of cabinet ministers are executive functions which do not fall within the providence of the judiciary, consistent with the doctrine of separation of powers.

In view of the constitutional arguments submitted by both parties, the Supreme Court was therefore challenged by two constitutional questions: (a) whether or not mandamus is the proper writ to compel the removal from office of the three cabinet ministers in the LNTG under the Cotonou Accord? and (b) whether or not the Supreme Court can compel the appointing powers to effect the removal of a public official from office under our law? As to the first issue, the Court held that mandamus is not a writ which is issued against public officials, and that as a general rule, courts are reluctant to direct a writ of mandamus against executive officers of the government, unless some specific act or thing which the law requires to be done has been omitted. As to the second issue, the Supreme Court held that it does not

possess the power under Liberian law to order the removal of officials who hold public office when they act in any manner inimical to the peaceful existence of the state. The right to remove them is possessed by their appointing powers, and such rights cannot be derogated from the executive and conferred on the Judiciary. Accordingly, the petition for mandamus was denied.

Francis Y. S. Garlawolu for petitioners. *David D. Gbala* and *Pei Edwin Gausi* for respondents.

MR. CHIEF JUSTICE BULL delivered the opinion of the Court.

This petition for a writ of mandamus was filed by the National Patriotic Front of Liberia (NPFL) against the Liberia National Transitional Government (LNTG), by and thru the Chairman and Members of the Council of State, by and thru the Ministry of Justice; and Laveli Supuwood (Minister of Justice), Samuel S. Dokie (Minister of Internal Affairs), and Tom Woewiyu (Minister of Labour), respondents.

The petitioners have alleged that the National Patriotic Front of Liberia is one of the original signatories to both the Cotonou and Akosombo Accords, as well as to the Clarification to the Akosombo Accord; that the Cotonou Accord provided for the formation of an interim government of inclusion whereby each of the signatories to said Accord would be entitled to name ministers to certain positions in the cabinet; that upon taking their cabinet positions as appointees of petitioner NPFL, Respondents Supuwood, Dokie and Woewiyu renounced their allegiance to the NPFL and disassociated themselves from that warring faction; that Respondents Supuwood, Dokie and Woewiyu formed an armed group called the "Central Revolutionary Committee" which "connived" and "conspired" with other armed groups in Monrovia, the Capital City, calling themselves "coalition forces" to wage war on Petitioner NPFL in Gbarnga.

Petitioners further averred that mandamus will lie to compel Respondent LNTG to remove from office, these correspondent cabinet ministers (Supuwood, Dokie and Woewiyu); that should these officials continue to hold their positions, this would defeat the purpose and clear objective of the government of inclusion.

Finally, petitioners averred that the Cotonou Accord is a legal contract which grants legal rights to the parties to said contract and that mandamus is the only remedy which petitioner can rely on to enforce its rights under the accord.

In their returns to the petition, respondents averred that the NPFL has no legal

standing to sue because the NPFL was dissolved by the Cotonou Accord; also that the NPFL should no longer be in existence because this warring faction should have been disarmed; that this mandamus proceeding should be dismissed because the petition is unconstitutional since it violates Article 61 of the Liberian Constitution which prohibits suits and proceedings, judicial or otherwise, being brought against the President, and that the five Councilmen who are exercising "collective presidency" are immune from suits or court process "as in this case"; that the Cotonou Accord relied upon by the petitioners as the basis for this petition in mandamus is not a part of the body of laws of Liberia which this Court is empowered to interpret because this document was not ratified by the Legislature; that the appointment and dismissal of cabinet ministers are executive functions which the judicial branch cannot interfere with under the doctrine of separation of powers enshrined in our Constitution; that the petition raises political issues which are not cognizable before this Court, and that the ministers in question are political appointees of the Executive Branch; and that the judiciary cannot dictate who the executive should appoint or dismiss within the executive branch of Government.

Even though the Ministry of Justice filed returns to the petition in mandamus on behalf of the government and the respondent ministers, this Court observed that one member of the Council of State of the LNTG, in person of the Honourable Isaac Saye Mussah, the Council Member appointed to the said Council of State by Co-petitioner National Patriotic Front of Liberia (NPFL), filed separate returns which this Court finds unique and interesting. In his returns, Councilman Mussah averred the following:

- "1. That the ultimate goal or mandate of the LNTG was to disarm all warring parties, thus creating an armed free society, conducive to the holding of free and fair democratic elections,
2. That contrary to the mandate of the Cotonou Accord that created the LNTG, inclusive of the Council of State, three of NPFL's appointed Ministers, Co-respondents Supuwood, Dokie, and Woewiyu, arbitrarily defected from the appointing organization and formed a warring faction while holding public offices.
3. That there being no political consensus by the Council of State to accept the replacement notice of the three respondents, Co-respondent Mussah holds that it is the judiciary that has the proper authority to decide whether or not it is proper for a cabinet minister to use the color of his office to form an armed group. Hence, Co-respondent Mussah indulges these proceedings, considering the peculiar nature of

same. Co-respondent submits that he has made every effort to remove these warring ministers, in the interest of peace, from office, but no consensus has been reached with the Chairman of the Council.

4. That in keeping with the spirit and intent of the Cotonou Accord, any of the parties thereto may recall any of their appointees, including Councilman, except Justices of the Supreme Court of Liberia, who are to hold office for life as confirmed by the Cotonou Accord, as evidenced by the precedent set as regards the recall of Bismarck Kuyon by the then IGNU, D. Musuleng Cooper by NPFL, and Thomas Ziah by ULIMO".

The facts in this mandamus proceeding now under review raises some very interesting issues, some constitutional, others not. We believe that all of these issues were very ably and eloquently argued before this Court by both counsels for petitioners and respondents and do merit consideration by this Court. We shall attempt to address some of these issues in this opinion as we deem necessary. However, we perceive that there are only two primary issues raised that need to be discussed in detail by this Court, in order to determine this matter. The issues are the following:

1. Is mandamus the proper proceeding to compel the removal from office of the three cabinet ministers serving in the Liberia National Transitional Government (LNTG) for alleged unbecoming conduct in violation of the terms embodied in the Cotonou Accord; and
2. Can the Supreme Court of Liberia compel the appointing powers of the state to effect the removal of a public official from office under Liberian laws?

In considering these crucial issues, we must focus upon the several meetings/conferences which were held by Liberians and their African brothers, aimed at resolving one of the greatest tragedies of the twentieth century. That tragedy being the total disintegration of the single nation that stood out on the West Coast of Africa as a pioneer fostering democracy, and as a leader in laying the basis for the liberation of the peoples of this great African Continent by their acceptance of democratic principles and ideals.

The first of such conferences was the one held in Banjul, the Gambia in 1990, consisting of only Liberians. At this conference, even though some of the provisions of the Constitution relating to the Legislative and Executive Branches of the

Government were suspended, yet, the Liberian Government was restructured at said conference on the general principles set forth in the Liberian Constitution. The following are the cardinal principles which emerged out of Banjul: (a) that during the period of an Interim Government, the Constitution of Liberia would remain supreme except for the suspended portion; (b) that due process of law will remain in force; and (c) that the judiciary will be respected and its integrity upheld, etc. The Banjul conference was the most representative conference of Liberians and by virtue of its representative nature, it was given the mandate to elect an interim government.

The second conference of equal significance was the All Liberia Conference held in Virginia, Montserrado County, in March 1991. At this conference, the Interim Government of National Unity (IGNU) was established with Dr. Amos Sawyer as President. Again the Constitution of Liberia was used as the basis to form the first Interim Government. The Virginia Conference endorsed the Banjul suspension of the provisions of the Constitution relating to the executive and legislative branches of the government. The suspension of these provisions of the Constitution was intended to facilitate the functioning of the Interim Government during these critical times. The conferences realized that a strict adherence to certain provisions of our Constitution, especially, some of the powers, rights, and immunities of the executive and legislative branches, would impede the smooth achievement of the peace objective.

Next came the meeting of the warring factions held in Cotonou, Republic of Benin in July 1993, with the Chairman of ECOWAS, the representative of the United Nations Secretary General and the OAU Eminent Person, representing the Secretary General of the Organization of African Unity. It was at this meeting that the Cotonou Accord was executed by all of the warring parties to the Liberian civil conflict. This Accord is believed to be the final written document which will achieve our objective to end the civil war, to effect disarmament and produce a fair and free democratic election of a truly constitutional government that will function under the rule of law with justice for all. Each of these meetings alone, and together, attest to the burning desire of the people of Liberia to end their sufferings. Also, the several meetings recognized the supremacy of the Liberian Constitution. The participants at these several conferences also recognized the right and obligation of the Supreme Court which was created under the Constitution to interpret our laws, including the constitution, as well as protect the rights of the people of this land which are guaranteed to each and every citizen and resident under the Constitution.

It follows, therefore, that the Supreme Court must be the "final arbiter" of all issues

arising from any or all of the several documents or accords which were agreed to by the warring parties for the purpose of serving as fundamental guidelines that would govern the proper functioning of the Interim Government in achieving the objective of peace. The "Cotonou Accord" executed between the three major warring parties in the Liberian civil conflict contain guidelines which govern the Liberia National Transitional Government (LNTG). Therefore, whenever this court is called upon to interpret such Accords, we must do so bearing in mind the clear and primary need to strengthen and preserve the efforts which our ECOWAS leaders are continuing to exert to restore peace and good government in our land so that the people of this nation may live unmolested and unfettered.

Respondents contend and argue before this Court that copetitioner, National Patriotic Front of Liberia (NPFL), has no legal standing to maintain this mandamus proceeding before the Supreme Court because under the Accord, the NPFL was dissolved; that the entire proceeding should be dismissed because the Constitution of Liberia prohibits suits against the President of Liberia and also that the Cotonou Accord does not form part of the body of the laws of Liberia. This court says that the Cotonou Accord is nothing more than an agreement between the parties to the civil war to end the war and to find a solution to restore constitutional government in Liberia through free and fair elections under the Liberian Constitution. All agreements between parties provide for rights and obligations which the parties by law may enforce, and obtain redress for any violation, before the proper forum. The Cotonou Accord is no exception. The Liberia National Transitional Government is not a constitutional government in the strictest sense. It is a government created by an agreement made between parties to our civil war. Unlike a constitutional government, it is not established by the free will and consent of the Liberian people. This Interim Government may at best be styled as a government of necessity. That necessity being the need to restore peace to our land so that a government of law and order can be established. These warlords and their followers have enslaved the Liberian people by fear derived from the barrel of their guns. For more than five years, they have deprived us of law and order and have removed freedom and justice from our society. Tyranny and naked power without the rule of law is our daily companion. The Cotonou Accord is an example of the awareness of these tyrants of war that justice and freedom must be restored to this land if our state will continue to exist. The Cotonou Accord then does not only bind the parties to it, but the people of Liberia are also beneficiaries of this Accord and deserve to have their rights thereunder protected and secured. It is the constitutional obligation of this Court to protect these rights.

Whilst it is true that under the Accord, the National Patriotic Front of Liberia (NPFL) must be disarmed, it is also a fact that NPFL exists as a warring faction and this warring faction is a party to the Accord, as are all of the other signatories to that document. Therefore, the NPFL and each of the other parties to the Accord are entitled to enforce its rights under said Accord.

Respondents also contend that the Accord needs to be ratified before this Court can take cognizance of it as a part of the body of the laws of Liberia. The Cotonou Accord is an agreement between the parties to the Civil war. The Accord is not an agreement that requires ratification. This court therefore has every right under the law to interpret this agreement which as created rights and obligations between the parties thereto.

As mentioned earlier, we believe that only two issues require major consideration by this Court and we shall now proceed to discuss these issues. Issue No. 1. Is mandamus the proper proceeding to compel the removal from office of three cabinet ministers serving in the LNTG for alleged unbecoming conduct in violation of the terms embodied in the Cotonou Accord?

The agreement referred to as the Cotonou Accord is very clear in its terms in stating the objectives of the parties to said agreement as well as the rights and obligations thereunder. A basic objective of the Accord among many others, is the agreement by the parties to a cease-fire. The Accord also provides what remedy is available to the parties in the event of a violation of any of its terms. For example, Article 4 (1), under section C of the Accord, defines the terms and conditions of the cease-fire agreed to by the parties to the Accord. This article contains prohibitions which the parties have imposed upon themselves during the cease-fire; Article 5 (2) under section D spells out what are violations under the Accord; and Article 8, under section G, provides for the use of ECOMOG of its peace enforcement powers to ensure compliance with the terms and conditions of the Accord. We shall quote below these articles and sections:

SECTION C

ARTICLE 4

TERMS AND CONDITIONS

The parties hereby state further that they have agreed to the cease-fire stipulated above on the following terms and conditions:

Prohibition upon the Parties:

The parties agree not to:

- a) import any weapons and war-like materials by any means into Liberia
- b) use the period of the cease-fire to engage in any military build-up whether in manpower or armaments; or
- c) engage in any other activity that would violate or result in the violation of the cease-fire.

SECTION D

ARTICLE 5

ACTS OF VIOLATION

2. The following acts shall constitute violation of the cease-fire:
- a) importation of arms and ammunition, incendiary devices and other war-related items;
 - b) changing or improvement of existing positions or fortification or alterations of existing positions;
 - c) attack (whether with conventional or unconventional weapons) against the position of any warring faction by another, or firing at an individual of a warring faction established to have been carried out at the instance of the authority of the warring party to which he/she belongs;
 - d) the systematic use of conventional or unconventional weapons (i.e. knives, cutlasses, bows and arrows, etc.)
 - e) recruitment and training of combatants and/groups of persons after the effective date of this Agreement;
 - f) any proven use of communication devices, facilities or propaganda-designed-to-ignite or having the effect of inciting hostilities between any of the warring parties;
 - g) planting of mines and incendiary devices subsequent to the effective date of the ceasefire; refusal to disclose the existence of, or places where such devices or mines have been planted; and deliberate failure to cooperate or furnish maps (where available) where such devices have been hidden;
 - h) obstruction of the implementation of any of the provisions of the agreement by

any party or its authorized agent;

i) harassment or attack upon the ECOMOG, the UN Observer Mission of the Joint Ceasefire Monitoring Committee; and

j) obstruction of the activities of the ECOMOG, UN Observer Mission of the Joint Ceasefire Monitoring Committee.

SECTION G ARTICLE 8 PEACE ENFORCEMENT POWERS

1. It is also agreed upon that the ECOMOG shall have the right to self-defense where it has been physically attacked by any warring faction hereto.

2. There shall be established upon deployment of the ECOMOG and the full contingent of the UN Observer Mission, a Violation Committee consisting of one person from each of the parties hereto and the ECOMOG and UN Observer Mission, chaired by a member of the UN Observer Mission.

3. All violations of the cease-fire shall be reported to the UN Observer Mission/Observers who shall immediately upon receipt of the information of violation, commence an investigation and make findings thereof. In the event the violations can be cured by the UN Observer, they shall pursue such a course. However, should such a course not be possible, the UN Observer, shall submit their findings to the Violation Committee. The Violation Committee shall invite the violating party (ies) for the purpose of having such party(ies) take corrective measures to cure the violations within such time frame as may be stipulated by the Committee. Should the violating party not take the required corrective measure, the ECOMOG shall be informed thereof and shall thereupon resort to the use of its peace enforcement powers against the violator."

The petitioners before us have requested this Court to order the Council of State of the Liberia National Transitional Government to remove the respondents cabinet ministers from office for acts which they contend violated the terms of the agreement which enabled the ministers to occupy the positions which they now hold. In other words, petitioners believe that these public officers or officials have committed an act or have permitted acts to be done which by law works a forfeiture of their office.

This Court has not observed anywhere in the papers before us a denial by the respondents of the commission of the acts which petitioners have complained of against them. Instead, the respondents have strongly contended that the mandamus

proceeding should be dismissed because the petition is unconstitutional since it violates Article 61 of the Constitution which grants immunity to the President of Liberia from suits, arrest, detention, or other actions on account of any act done by him while President of Liberia. Also, respondents claim that in as much as the five Councilmen of the Liberia National Transitional Government (LNTG) are Collective Presidents, they are entitled to enjoy this constitutional immunity granted to a President under the Constitution.

It is even reasonable to believe that that portion of the Constitution relating to the Executive was suspended at the Banjul and Virginia Conferences for the simple reason that it was envisioned that the Chairman and Members of the Council of State of the Liberia National Transitional Government may have the occasion to claim immunity against judicial proceedings, as they now are claiming, for violations of their obligations under these Accords, which were executed to achieve peace. This Court says that besides the fact that the Executive provision of the Constitution is under suspension, the Liberian Constitution never contemplated or implied a "Collective Presidency." More than that, even if we could equate the Council of State of the Liberia National Transitional Government with an Executive, as contemplated under the Constitution, and Members of the Council of State of the Liberia National Transitional Government (LNTG), for any act done by them as "Collective Presidents of Liberia, " we do not believe that Article 61 of our Constitution is applicable in this case.

However, we believe that the Council of State does exercise some executive powers under the Accord which created their office and its functions. We also believe that as executive officers of the Liberia National Transitional Government, the present Government of the Republic of Liberia, and the Members of the Council of State are expected to perform duties which they are by law obligated to perform. Even so, mandamus is not a writ which is issued against public officers as a matter of course. As a general rule, courts are reluctant to direct a writ of mandamus against executive officers of the government unless some specific act or thing which the law requires to be done has been omitted. 55 C.J.S., *Mandamus*, §118 (1948). We do not believe that these officials of the Council of State of the Liberia National Transitional Government have omitted to perform any specific act or thing which Liberian laws, statutes, or Constitution require this Council to perform. The agreement under which all of the parties exist and are operating, makes provision for the remedy of violation of any of its terms. We do not regard the Cotonou Accord as a law of the Republic of Liberia. It is our opinion that the provision of the Accord relating to violation quoted above in this opinion must be pursued as a first step to achieve the objective which

petitioners seek by this mandamus proceeding.

The entire civil war is a violation of the constitutional and human rights of the Liberian people. But the people are helpless to prevent this violation simply because they are neither organized to bear arms in their defense, nor is there an army consisting of Liberian nationals possessed with the will to defend the Liberian people. It is for these reasons that the leaders of West Africa came together and established the Cease-fire Monitoring groups (ECOMOG) to aid in defending the defenseless people of Liberia. As already mentioned above in this opinion, the Cotonou Accord provides remedies for violation by any party of any of the terms and conditions under said document. This Accord must be followed to the letter. The violation of which petitioners complained of is not unique to those respondents alone. All of the parties to the several Accords, including petitioners herein, have committed and continue to commit violations of their agreements with impunity. Unless these Accords are enforced in accordance with the expressed wishes of these parties, we, the people of Liberia will not achieve the peace which we so urgently need.

For the reasons mentioned above, we do not believe that mandamus is the proper proceeding to effect the removal of these ministers. Their removal may be obtained under Section G of Article 8 of the Cotonou Accord in accordance with the procedure therein provided to correct violations committed by any of the parties to the Accord. Issue No. 2 Can the Supreme Court compel the appointing powers to effect the removal of a public official from office under Liberian law?

Liberian law grants to the President the power to nominate and appoint certain public officers or officials with the advice and consent of the Senate. Some officials may be appointed by the President without the advice and consent of the Senate. LIB. CONST., Art.54: Executive Law, Rev. Code 12:10. The same law empowers the President to remove those nominated and appointed by him, the exception being members of the judiciary which includes Supreme Court Justices and judges of subordinate courts. Appointments made by the President or the Chief Executive are governed by his free choice and discretion which may not be controlled by the judiciary or a judicial officer. Some officials appointed by the President may be removed from office by the process of impeachment conducted by the Liberian Legislature with the Chief Justice of the Supreme Court presiding. The Court has no power under Liberian Law to remove officials of government appointed by the President or the Executive. The process of removing officials of government is generally entrusted to the official discretion of the person possessed with the power to appoint such officials. 52 AM JUR 2d., *Mandamus*, § 284.

Our nation is undergoing a period without precedent among the nations of the world today. Indeed the undertaking embarked upon by the ECOWAS nations in their attempt to resolve the Liberian problem is the first of its kind, not only in this subregion of Africa, but also in the entire world. How well we receive and support this effort of our brothers in Africa will set the standard to be followed in the future. We in the judiciary give credit to this venture and strongly believe that those in political authority in Liberia during this period are duty bound to ensure that this African experiment in conflict resolution shall prove effective. This court therefore calls upon all of the warring factions to adhere strictly to every Accord and agreement which they have accepted in the hope that peace will be restored in our home land. All those who violate these agreements as well as those who condone such violations are equally guilty of betraying the trust of the people of Liberia and should be prohibited from continuing to hold the public office which they occupy. The judiciary does not possess such power under Liberian laws, to remove public officials who hold the power to appoint certain officials and to remove them when they act in any manner inimical to the peaceful existence of the state. The right to remove public officials from office is possessed by the appointing powers. Consequently, if such right is not properly exercised, the appointing powers are themselves subject to be removed by the appropriate authority. Such authority, under the Constitution, is vested in the Liberian Legislature.

In view of all that we have said, the writ of mandamus is hereby denied. Costs are disallowed. And it is hereby so ordered.

Petition denied.