

The Republic of Liberia, represented by and through the Minister of Justice,
INFORMANT, Versus **Valentine Ayika**, Nigerian National of the City of Monrovia,
RESPONDENT

LRSC 39

BILL OF INFORMATION

JUDGMENT

When this case was called for hearing, Counsellor J. Daku Mulbah, County Attorney for Montserrado County, Ministry of Justice, and Counsellor M. Wilkins Wright, Special Consultant to the Ministry of Justice, in association with Counsellors Emmanuel B. James and Rosemarie B. James, of the International Group of Legal Advocates and Consultants, appeared for the informant. Counsellor Theophilus C. Gould of the Kemp and Associates, Inc. and Counsellor T. Dempster Brown of the Center for the Protection of Human Rights appeared for the respondent.

Having heard the legal arguments, examined the facts contained in the records, studied the circumstances and contentions raised, reviewed the laws cited and relied upon by the parties, it is hereby

ADJUDGED:

- a) That the act of Valentine Ayika, the respondent, in filing before the ECOWAS Community Court of Justice an application to remove from the Liberian Supreme Court a matter over which the Supreme Court of Liberia had assumed and acquired jurisdiction, the intent being to divest the Supreme Court of Liberia of authority conferred on it by the Liberian Constitution for reason stated by the respondent, that he cannot get justice before the Liberian Supreme Court, impugns the image and integrity of the Supreme Court of Liberia. Such act is unlawful, contemptuous and void ab initio with no legal and binding effect on the Supreme Court of Liberia. Although the respondent is guilty of contempt for such action, this Court has decided not to impose a penalty for contempt on him;
- b) That no foreign court has the authority to divest the Liberian Supreme Court of jurisdiction vested in it by the Constitution, and any decision of such court is unconstitutional, null and void ab initio, and not binding on the Supreme Court of the Republic of Liberia;
- c) That as the Protocol upon which the ECOWAS Community Court of Justice relies for the exercise of jurisdiction over the Republic of Liberia, not having been ratified by the Liberian Legislature, a mandatory requirement of the Liberian Constitution for the Protocol to be binding on the Republic, the said Protocol is not binding on the Republic of Liberia.

d) That even were a protocol or any instrument is ratified by the Liberian Legislature, no aspect of it can divest the Supreme Court of Liberia of jurisdiction conferred on it by the Constitution of Liberia, and insofar as any such provision(s) of any protocol seeks to divest the Liberian Supreme Court of jurisdiction of a matter of which it has become seized, such provision(s) of such protocol would be unconstitutional and unenforceable.

Accordingly, we hold that the decision of the ECOWAS Community Court of Justice entered against the Republic of Liberia on June 5, 2012, in the Valentine Ayika case is not binding on the Republic of Liberia.

The Clerk of this Court is hereby ordered to send a mandate informing the parties to this case of this ruling and decision of this Court. The Clerk is further ordered to assign the petition for writ of error out of which this bill of information grows for expeditious hearing and determination by this Court. And it is so ordered.

GIVEN UNDER OUR HANDS AND THE SEAL OF THE SUPREME COURT OF LIBERIA THIS 15th DAY OF JULY, A.D. 2013.

Note: Mr. Justice Banks recused himself from the hearing and determination of this case; hence did not sign this judgment.

Madam Justice Yuoh had not ascended to the post of Associate Justice of the Supreme Court when this case was heard; hence, she did not sign this judgment.

[Please see pdf for signatures]