IN THE HONORABLE SUPREME COURT OF THE REPUBLIC OF LIBERIA
SITTING IN ITS MARCH TERM, A. D. 2023

BEFORE HER HONOR: SIE-A-NYENE G. YUOH ……..……..…..……...CHIEF JUSTICE
BEFORE HER HONOR: JAMESETTA H. WOLOKOLIE..……...ASSOCIATE JUSTICE
BEFORE HIS HONOR: JOSEPH N. NAGBE...……....ASSOCIATE JUSTICE
BEFORE HIS HONOR: YUSSIF D. KABA…….……....….ASSOCIATE JUSTICE
BEFORE HIS HONOR: YAMIE QUIQUI GBEISAY, SR.…….…...ASSOCIATE JUSTICE

In Re: Contempt Proceedings Against Counsellor Frank Musah Dean, Minister of Justice and Attorney General of the Republic of Liberia, and Dean of the Supreme Court Bar and Hon. Ledgerhood J. Rennie, Minister of Information, Cultural Affairs and Tourism.

Heard: June 20, 2023 Decided: August 11, 2023

MADAM CHIEF JUSTICE YUOH DELIVERED THE OPINION OF THE COURT

In an Opinion growing out of contempt proceedings against then Attorney General/Minister of Justice, C. Abayomi Cassell, the Supreme Court, in 1961 speaking through Mr. Chief Justice James A.A. Pierre in the case: *In Re C. Abayomi Cassell*, 14LLR 391, 403, 404 (1961), opined thus:

> "…the Judiciary is the anchor which holds stabilized government in balance; without it, vested interest might suffer, sacred rights [will] be violated, constituted authority [will] be challenged; and in fine, administrative chaos could result…The Judiciary is only as weak as the concept of those who imagine it to be so; and it is as strong as the will of those who worship within its shrine…"

We affirm and confirm this holding of the Supreme Court, and are of the view that same is epiphanic and true, not just to the faithful few of 1961 but also to the current worshippers and priests in Black Silk who revered the sacredness of these hallow walls and have sworn by holy writ to show due respect to the courts at all times regardless of their station or social status.

The present case is another classical example of another Attorney General/Minister of Justice and Dean of the Supreme Court Bar who has substituted his ethical responsibilities to the courts of Liberia with that of mudslinging in order to impugn and undermine the image of the Judiciary and to camouflage the ineptitude of the Institution he heads and as the chief prosecutor of all crimes in the Republic of Liberia.

The genesis of this case is traced to October 2022, when certain individuals Malam Conte, Adulai Djibril Djalo, Makki Admeh Issam, and Oliver A. Zayzay were indicted and charged with the crimes of Money Laundering, Unlicensed Possession of Controlled Drugs, Unlicensed Importation of Controlled Drugs and Criminal

Conspiracy. In keeping with the laws extant, they were tried before an empaneled jury who, after attending to the facts and circumstances of the case, returned a not guilty verdict on May 18, 2023, in favor of the defendants and against the State.

Immediately thereafter, that is, on May 20, 2023, the Co-contemnor, the Attorney General/Minister of Justice of the Republic of Liberia, and Dean of the Supreme Court Bar, Counsellor Frank Musah Dean, Jr. organized a press conference wherein, he expressed "shock" at the jury's verdict in the face of "overwhelming evidence"; blasted and demeaned the Liberian courts for "setting hard-core criminals free" in the face of overwhelming evidence and the efforts by international security collaboration that tracked and brought the perpetrators before the law; he accused the courts of undermining the efforts of law enforcement officers and being "highly compromised"; and then concluded on the note that the recent not guilty verdict subjected the courts to public ridicule and Liberia to international ridicule. The statement of Co-contemnor Dean being the crux of these contempt proceedings is quoted *verbatim* below to wit:

> "**JUSTICE MINISTRY CRITICIZES INFAMOUS DRUG TRIAL VERDICT**
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> The Ministry of Justice has described as appalling the not guilty verdict of Criminal Court "C" of the First Judicial Circuit of Montserrado County at the Temple of Justice, presided over by Judge A. Blamo Dixon in the one Hundred Million United States (100 Million USD) drug bust trial.
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> Justice Minister Frank Musa Dean, Jr. says the verdict clearly undermines the collective efforts of Liberia and its international coalition to clamp down on the illegal transit of illicit drugs using West Africa as the conduit to trade narcotics internationally from Latin America and elsewhere.
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> He said for Liberia to play its role effectively in this international fight against drug trafficking, money laundering, and other crimes associated with illicit drug transportation and sale, all three branches of the Government must take this fight as a collective responsibility and not just the Executive.
>
> If the Executive through the Joint Security of the country, working in concert with their international counterparts, is ramping up the strife to apprehend and bring to book illicit drug traffickers and money launderers, our drug laws must complement such efforts through appropriate legislations, and the courts must be ready to act in conformity with the laws and gravity of the breach of our laws, Liberia's Attorney General asserted.
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> He said it becomes worrisome and shameful, as in the case of the recent verdict, for the courts to be setting hardcore criminals free when the evidence is overwhelming in the face of international security

collaboration that tracked and brought the perpetrators of this heinous crime before the law.

There was One Hundred Million United States Dollars (100 Million USD) worth of drug stacked in a container that landed in Monrovia and the accused were caught red-handed attempting to take ownership of the container holding the illicit drug by attempting to bribe the businessman housing the container, yet the court through the empaneled 12-man jury said such brazen evidence did not warrant a guilty verdict. What more can the Joint Security and the Justice Ministry do to convince the court that the law was broken, he retorted.

Minister Dean said what is even more concerning and despicable is the fact that these kinds of verdicts only lend credence to the widely-held international and local perception that the Judiciary – namely the courts- are inherently compromised and it has again ignited the lingering debate of whether the judicial system should continue the age-old jury trial process when there are always talks about the unethical practice of jury tempering during such trials.

The Justice Minister said the ruling has also brought Liberia to international ridicule. He said even more lampooning is the fact that hours after the verdict and the release of the defendants by Judge A. Blamo Dixon, the four men have now absconded.

He wondered why the men would flee or hide if they truly believed that they had committed no criminal offence. This is sickening, he said.

The court ordered the return of the Two Hundred Thousand United States Dollars (200,000.00 USD), seized by the Joint Security during the arrest of the four men, so why are they not around to receive their money, if they know they have nothing to run from" the Attorney General Dean questioned.

Meanwhile, the Joint Security is now continuing to mount its search for the four men who continue to remain at large.

In October last year, a huge consignment of 520-kilograms drugs with a street value of about One Hundred Million United States Dollars (100 Million USD) was seized by the Joint Security of Liberia through an international security collaboration involving the American and Brazilian authorities.

For several years, West Africa has been a transit zone for narcotic drugs produced in Latin America destined for Europe and other parts of the world

Signed: Hon. Ledgerhood J. Rennie

MINISTER"

Counsellor Dean's demeaning comments of the courts quoted above were made available to the public, the print media and internet bloggers through the support and

technical expertise of Co-contemnor Ledgerhood J. Rennie, Minister of Information, Cultural Affairs and Tourism.

On May 30, 2023, the Supreme Court by virtue of its authority as the Head of the Judiciary and the Regulator of the practice of law in Liberia, being taken aback and shocked regarding the gravity of the statement and the anger portrayed and exuding from the words by the Attorney General/Minister of Justice and Dean of the Supreme Court Bar, ordered the Clerk of this Court to cite the two (2) ministers to show cause why they should not be held in contempt for the statement and the publishing thereof, especially growing out of a case that the State had lost.

The Court also appointed Counsellors Philip A.Z. Banks, III, Benedict F. Sannoh, Kuku Y. Dorbor, Denise S. Sokan and Aloysius T. Jappah as *amici curiae* or friends of the Court and instructed them to file brief(s).

An *amicus curia* is one who assists the court by offering insights not usually available to the parties. An *amicus curia* performs a valuable role for the court; he/she is a nonparty who presents an independent assessment of the matter before the court without necessarily siding with the court. Because an *amicus curia* is appointed by the court, he/she is often referred to as the friend of the court but in reality, he is also a friend to the party respondent, or as in this case, the contemnor. In Re: Judicial Inquiry Commission (JIC) Report, Supreme Court Opinion, October Term, 2015; In Re: Allison v. Counsellor Jones, Supreme Court Opinion, October Term A.D. 2012; In Re Judicial Inquiry on Logan Broderick, 40 LLR 263, 266 (2000); In Re: *C. L. Simpson*, 14 LLR 429, 432 (1961).

In compliance with the Supreme Court's Mandate, the contemnors filed a joint brief wherein they pleaded for mercy and prayed the Court to purge them of the contempt charges; that Counsellor Dean's comments were only intended to ignite the age-old debate about the efficacy of maintaining the jury system in Liberia and not to undermine the Judiciary.

Three of the *amici curiae*, Counsellors Denise Sokan, Kuku Dorbor, Benedict F. Sannoh, filed a joint Brief, and noted therein that Counsellor Philip A.Z. Banks, III who was appointed by the Court as an *amicus curia* fully participated in the discussions and drafting of their Brief, but did not sign same due to his absence from the bailiwick of the Republic; while appointed *amicus curia*, Counsellor Aloysius T. Jappah filed a separate Brief.

In their joint Brief, the *amici curiae*, Banks, Sannoh, Dorbor, and Sokan argued that although the general public is free to criticize or make post-trial comments regarding Opinions/decisions rendered by the Supreme Court or other subordinate courts; however, same must be confined to the facts and issues discussed in the case; that the statements attributed to the co-contemnor Minister of Justice, though made after the trial of the case was concluded, went far beyond the facts and circumstances of the said case and proceeded to make disparaging comments about the entire Judiciary and not just the Criminal Assizes "C", the court which exercised jurisdiction over the matter, nor the jury, noting that the Legislature and Judiciary had failed in the fight against drug trafficking and money laundering by leaving this fight exclusively to the Executive Branch; that the co-contemnor Minister of Justice recklessly disregarded

the truth and carelessly impugned the dignity and authority of the court when he stated that the "courts are setting hardcore criminals free in the face of overwhelming evidence," knowing fully well that it was a single court handling this matter and not the entire Judiciary; that the assertion by the co-contemnor Minister of Justice that these kinds of verdicts only lend credence to the widely-held international and local perception that the Judiciary – namely the courts are inherently compromised-is unfounded and a misguided attack on the entire Judiciary; that the co-contemnor Minister of Justice tacitly ascribed a lackadaisical attitude to the Judiciary and the Legislature in the fight against drug trafficking and money laundering when he stated that all three branches of the Government must take this fight as a collective responsibility and not just the Executive; that the co-contemnor Minister of Justice in his statement, imputed a "do-nothing approach" to the courts when he asserted that the courts must be ready to act in conformity with the laws and gravity of the breach of our laws, an inference that only the Executive Branch of Government is involved in the fight against drug trafficking in Liberia; that the co-contemnor's statements which were subsequently printed and published by the Minister of Information are extremely serious and the degree of imminence extremely high to the extent that it surpasses the limits on free speech and rises to the level of contempt of court; that the said statements have the tendency to lessen public confidence and credibility in the Judiciary, and to further bring the authority and administration of the law into disrepute, disregard and total disrespect; and that the contemnors' acts are contemptuous under the following holdings and precedents of this Court: In re C. Abayomi Cassell; In Re: Scott and Roberts; and In Re: Joseph K. Jallah.

For his part, Cllr. Jappah, in a separate *amicus curia* brief and during oral argument before this Court, asserts, among other things, that the co-contemnor's statement did not present a clear and present danger to the administration of justice as the said statement was made at the time when the trial had been concluded and there was no matter left before the Court for disposition, which he referred to as "post-trial comments"; that the Judiciary is yet to suffer any injury as a result of the statement made by the co-contemnor Minister of Justice; that the standards set in the *Scott case* should be applied to the instant case as they are analogous; Cllr. Jappah however, admits that some of the statements made by the co-contemnor Minister of Justice contain several misrepresentations as to the law and facts of the case; and prayed that the contemnors be purged of contempt.

This Court extends its thanks and appreciation to the *amici curiae* for their prompt response and acceptance to serve in this capacity. We observed the indepth research on the laws and precedent relative to the case, and applaud them for such dedication to their duty as "friends of the Court."

This Court notes that both *amicus curia* Jappah and the *amici curiae* Banks, Sannoh, Dorbor, and Sokan alluded to the principle of "clear and present danger," the former praying that the contemnors be purged because of the absence of the said principle in the statement by the contemnors, while the latter prayed that the contemnors be punished in contempt because the statement did present clear and present danger to the judicial system of Liberia. This doctrine of clear and present danger was espoused in the case: In Re: *Scott and Roberts*, 32 LLR, 313, 326-327 (1984), which referenced

17 C.J.S., *Contempt*, Section 8; 159 ALR 1389; and 2 L. Ed. 1718 of the United States of America. The Supreme Court speaking through Mr. Justice Gbalazeh, espoused thus: "…that before utterances can be punished as contempt, and as constituting a clear and present danger working a substantial evil in the administration of justice, the substantial evil must be extremely serious, and the degree of imminence extremely high…this applies to out-of-court statements, where some courts have emphasized the imminence of the danger and have said that freedom of speech and of the press should not be impaired through the exercise of the power to punish for contempt of court unless there is no doubt that the utterances in question constitute imminent, not merely a likely, threat to the administration of justice."

In further addressing the doctrine of clear and present danger, the Supreme Court stated that the "utterances, publication and circulation of the statement by the Minister of Justice, and the Editor of the New Liberian Newspaper Editor, Aletha Johnson, were derogatory, defamatory, ridiculous, impugning and an ultimate and direct attempt by the contemnors to bring the Judiciary of Liberia into national and international disrepute, drive away investors who must rely on the courts to protect their investments, and that by so doing, the contemnors are clearly bent on subverting the economy of the nation by inciting the public against the courts so that the government will be discredited and the business community and investors abroad would reach the conclusion that the rule of law does not exist in Liberia; and hence, as seen in the statement by the Minister of Justice, make the case for "punishment for out-of-court contempt, which in no way prejudice the rights to freedom of speech and of the press, as their freedom should not be interpreted as a license to exceed the constitutional liberty a citizen should enjoy; that the liberty of the press is the right to publish the truth with good motives, for justiciable ends, though reflecting on government, magistracy or individuals (In Re *C. Abayomi Cassel*, 14 LLR 391 (1961) ….and that the utterances put the Judiciary and the entire nation in imminent danger which presented a clear and present danger to the national good….especially as they were made by none other than the Minister of Justice of the Republic of Liberia and were published by the Government Newspaper, which facts gave them substantial credence."

In returning to the present case, and being mindful of the laws and principles of case laws narrated above, the Court having listened to the oral arguments and attended to the records, has found that both the contemnors and the *amici curiae* have acknowledged and recognized the Supreme Court's unquestionable and inherent powers of contempt pursuant to the laws in vogue. In fact, both the contemnors and the *amici curiae* are in complete agreement on the principle of law which states that:

> " One of the most important and essential powers of a court is the authority to protect itself against those who disregard its dignity and authority or disobey its orders, and this authority is appropriately administered through the court's power to punish for contempt. The power to punish for contempt is inherent in the very organization of all courts and is essential to the functioning of our judicial system. The power to punish for contempt is as old as the law itself, and has been exercised from the earliest times. In England it has been exerted when the contempt consisted of scandalizing the

> sovereign or his ministers, the law-making power, or the courts. The power to punish for contempt, so far as the executive department and the ministers of state are concerned, and in some degree so far as the legislative department is concerned, is obsolete, but it has been almost universally preserved so far as regards the judicial department. The power which the courts have of vindicating their own authority is a necessary incident to every court of justice, whether of record or not; and the authority for issuing attachments in a proper case for contempt out of court, it has been declared, stands upon the same immemorial usage as supports the whole fabric of the common law." *In re Ricks,* 4 LLR 58, (1934); *In Re C. Abayomi Cassell,* 14LLR 391 (1961); *In Re Scott and Roberts,* 32LLR 313 (1984); *Contempt Proceedings against Hon. Tah et al,* Supreme Court Opinion, October Term A.D. 2013.

Although we note a strong synergism among the lawyers on the courts' contempt power and the right of the court to exercise same; the contemnors however are pleading for mercy and praying this Court to purge them on grounds that they never intended to bring the Court into disrepute through their actions. In light of this plea, the Court must determine whether or not a disclaimer of intent plus a plea for mercy are sufficient to purge a contemnor of the charges of contempt. In answering this issue, we revert to the case: *In Re: Scott and Roberts,* 32LLR 313 (1984) which we have referenced herein above and find analogous to the present case.

The facts in the *Scott and Roberts case* reveal that Counsellor Jenkins K. Z. B. Scott, in his positions of Attorney General/Minister of Justice and Dean of the Supreme Court Bar, upon the State losing a case in the lower court, convened a press conference during which he accused the Liberian Judiciary of being corrupt. In his pronouncement at the press conference, the Minister alleged that public confidence in the Liberia Judicial System was at its lowest ebb ever, due to the unprofessional tendency of judges in the handling of cases; that lawyers and judges were soliciting payments from clients but failing to deliver services; that it was easier to prosecute a poor man successfully than to convict a rich man because of the unprofessional practice of most judges; that no rich person of recent times was known to have lost a case in the Liberian courts due highly to monetary considerations; and that a lot would be uncovered regarding jury tampering if the government had the funds to keep the jurors under surveillance. The utterances made by the Minister were carried in the Government owned newspaper, "The New Liberian".

The Supreme Court considered the utterances and the publication thereof to be contemptuous to the Judicial Branch of Government, and it cited both the Minister of Justice and the Editor-In-Chief of the New Liberian Newspaper in contempt of Court.

In their returns, the Minister of Justice and the Editor-In-Chief of the New Liberian Newspaper asserted that the utterances and publication were never intended to malign, impugn, or bring the courts or the Judiciary into national and international disrepute. They apologized to the Supreme Court, pleaded for mercy, and prayed to be purged of the contempt, as is now being done in the present case.

In the *Scott and Roberts case* the Supreme Court rejected the plea for mercy by the contemnors and held that they did intend to belittle and ridicule the courts and the entire Judicial System of Liberia. In addressing the respondents' plea for mercy, the Court held as follow:

> *"Intent in contempt [proceedings] is subjective and not objective as the intent or purpose [of the contemnors] must be ascertained from all the acts, words, and circumstances surrounding the occurrence. A disclaimer or disavowal of a contumacious intention or design [intended] to embarrass the due administration of justice is not a valid defense to a charge of contempt, especially where the facts constituting the contempt are admitted, or where a contempt is clearly apparent from the circumstances surrounding the commission of the act. Thus, it is ordinarily not a valid defense to a charge of contempt that the intentions of the alleged contemnor were good; or that he did not intend to violate the decree or order on which the charge is based, provided the terms of the decree or order are clear and unambiguous; or that he acted in good faith. The rationale is that if the rule were otherwise, one held in contempt might always purge himself by an assertion of good intention."*

We confirm and affirm that holding of the Supreme Court and hereby hold that a disclaimer of intent coupled with a plea for mercy by the contemnors in the present case, are insufficient to quash the charges of contempt and that want of intention is no excuse to purge contempt charges against a lawyer who has made opprobrious imputations to the courts and the Judiciary. We also hold that while it is true that contrition and apology do ameliorate the offense of contempt and mitigate the punishment therefor, same do not absolve the contemnor as the Supreme Court is not prepared to open a flood-gate wherein a contemnor will purge his/herself by disclaiming their intention and crying for mercy. Hence, the present case must be adjudged on the strength of the law and not sentiments.

The Ministry of Justice under the authority and supervision of the Attorney General/Minister of Justice, is charged with the statutory duty of instituting all legal proceedings on behalf of the Government; enforcing judgments rendered by the courts; and providing security for jurors during sequestration. In the process of defending suits on behalf of the Republic, the Ministry of Justice, as the prosecutorial arm of the Government, is required to procure all the necessary pieces of evidence to establish beyond reasonable doubt the guilt of an accused; otherwise the accused will be entitled to a discharge as it is evidence alone that enables a court to decide with certainty the matter in dispute. *RL v. Eid et. al*, 37 LLR 761, 764 (1995); *Morgan v. Barclay*, 42 LLR 259 (2004); *Kamara et. al v. The Heirs of Essel*, Supreme Court Opinion, March Term, A.D. 2012; *Williams v. RL*, Supreme Court Opinion, March Term, A.D. 2014;

In the instant case, we find that similar to the Scott case, the co-contemnor Minister of Justice Cllr. Frank Musah Dean Jr., after the State fell short of producing sufficient evidence to establish the guilt of the accused, proceeded to make disparaging comments against the entire Judiciary, completely neglecting to investigate the reasons for the State's failure to prove its case.

Even more baffling is the fact that the Minister of Justice in answering a question posed to him by the Bench during the hearing of these contempt proceedings admitted that he did not participate in the trial at the lower court; neither does the record show the conduct of any internal investigation by the co-contemnor Minister of Justice which established that the State procured sufficient evidence to find those accused guilty of the crimes charged nor is there any showing of jury tampering. In fact, the Minister mentioned in his Statement that "there are always talks about the unethical practice of jury tampering during such trials." It is an elementary principle of law that "a trial judge is under a mandatory duty to immediately suspend the trial and conduct an investigation whenever allegations of jury tampering are raised, and depending on the findings, disband the jury and award a new trial." *Camer Liberia Corporation v. A.H. Basma and Sons*, 32 LLR 100; *Fangi v. RL*, 42 LLR 74, 83; *Gould et.al v. RL*, Supreme Court Opinion, October Term, A.D. 2007; *Smith v. RL*, Supreme Court Opinion, March Term, A.D. 2009; *Sloan v. Intestate Estate of Parbai*, Supreme Court Opinion, March Term, A.D. 2010. The records are void of any complaint of jury tampering made by the Ministry of Justice during the conduct of the trial, hence, this Court is bewildered as to why the inference of jury tampering by the Minister of Justice. In fact, as stated earlier, it is the responsibility of the Ministry of Justice to provide security when the jury is sequestered.

Moreover, we find very preposterous the assertion of the co-contemnor Minister of Justice that his criticisms/comments were intended to ignite the age-old debate about abolishing the jury system in this jurisdiction. It is no doubt that the co-contemnor Minister of Justice is one of the erudite lawyers in this jurisdiction who has practiced before this Honorable Supreme Court for more than twenty-six (26) years. He is *au courant* with the jury system and the laws governing it and is also very knowledgeable about what is required to remedy or abolish same.

Further, if the co-contemnor Minister of Justice indeed intended to criticize the age-old jury system as he tried to impress upon this Court, we find it unthinkable that a lawyer of his caliber will accuse the entire Judiciary of "setting hardcore criminals free in the face of overwhelming evidence; and not complementing the efforts of the Executive in the fight against money laundering and drug trafficking" and reproach the Judiciary of not being ready to act in conformity with the laws and gravity of the breach of our laws, instead of directly addressing the said issue regarding the jury system. The Attorney General/Minister of Justice is fully *au courant* with the law, that courts are not parties to litigation and maintain their cool neutrality at all times and in all cases, and which neutrality can never be compromised. *Lone Star Insurance Company v. Cooper et. al*, 40 LLR 549 (2001); *Wright et.al v. RL*, Supreme Court Opinion, March Term 2010. As such, it is legally impermissible for the courts of this Republic to participate and/or interfere in Executive and Legislative functions and decision-making processes as same will bring into question the courts' neutrality. Hence, it is *ultra vires* for the courts to join the Executive and the Legislature in the legitimate exercise of their functions as asserted by the Attorney General/Minister of Justice, which will bring into question the courts' neutrality. Therefore, this Court can reasonably conclude that the co-contemnor Minister of Justice deliberately intended to undermine the dignity and integrity of the courts and to bring the entire

Judicial Branch of Government into public and international disrepute, with the intent of using the Judiciary as a scapegoat or cover-up for the derelict performance by the prosecution. In fact, in a plethora of cases, this Court has noted the dismal performance by the Ministry of Justice in the prosecution of cases, especially in the area of evidence. *Sirleaf v. RL*, Supreme Court Opinion, March Term 2012.

The Court further notes, that in seeking to achieve his goal of marketing his critical and injurious views of the Judicial Branch of Government, the Minister of Justice solicited the expertise of the co-contemnor, Ledgerhood J. Rennie, Minister of Information, Cultural Affairs and Tourism, a journalist with more than twenty (20) years of professional practice, who without any legal justification and in absolute disregard for the truth, proceeded to publish and circulate these comments about the Judiciary, only because the Minister of Justice was the person making the statement, neglecting to consider the damage to our Judicial system and the country as a whole. The co-contemnor being an accomplished professional was fully aware of the consequences of the said deliberate publication. In the *Scott and Roberts case*, the below is how the Supreme Court described the acts of a professional journalist similarly situated as the co-contemnor Minister of Information, Cultural Affairs and Tourism:

> "…to achieve his goal, the Justice Minister recruited the connivance of the Editor-In-Chief of the New Liberian Newspaper who, without any justification and in complete disregard for the truth, had said noxious materials boldly published and circulated nationwide , being unmindful of the damage it sought to do to our judicial system and to the country. This Court is of the opinion that the statements and publication made by the respondents were not accidental, for the said respondents are mature individuals, are of age and are rational beings that possess all the faculties of reasonable human creatures. Hence, they knowingly made and published said statement and did so without fear of the consequences. The said statement and publication were therefore deliberate and felonious, and cannot in any stretch of the imagination be assessed as being accidental…"

This Court is in total agreement with the above quoted Opinion and as to the present case hold that in due consideration of our laws of contempt, it is our candid opinion that the utterances of co-contemnor Minister Frank Musah Dean, Jr., Attorney General/ Minister of Justice were grossly contemptuous; and that the unprofessional publication of those utterances by co-contemnor Ledgerhood J. Rennie, Minister of Information, Cultural Affairs and Tourism, is similarly contemptuous to this Court which is the Head of the Judicial Branch of Government.

Before concluding this Opinion, we deem it necessary to comment on the recommendation of Cllr. Jappah who filed a separate brief, contending that the statement of the co-contemnor Minister of Justice is a post-trial comment and at such same falls within the realm of free speech; and that the standards set in the *Scott case* should be applied to the instant case.

It is the law that the Supreme Court is not bound to accept the recommendation of the *amicus curiae*. The *amicus curiae* are appointed to assist the Court by giving honest and professional advice to aid the Court in reaching a decision and the Court may or may not accept their advice. Ultimately, it is the decision of the Court that prevails. Con *In Re: Allison v. Jones, Supreme Court Opinion, October Term, A.D. 2012*; *In Re Contempt Proceedings Against Daniel Tubman, Clinton Brown, Miller Bondo, Varfee Sirleaf, Ernest White, Joseph Kollie, The Acting Paramount Chief of Fauhmah Chiefdom, Supreme Court Opinion, October Term, A.D. 2022.*

This Court therefore disagrees with the recommendation of Cllr. Jappah and is in full agreement with the majority *amici curiae* that for a comment or criticism of a court's decision to fall within the realm of post-trial comments/criticisms for the purpose of enjoying free speech protection, it must be confined to the facts and circumstances of the case being critiqued or scrutinized. This is not the case here, as the co-contemnor Minister of Justice in his comments went far beyond the case he is said to have discussed and proceeded to make derogatory remarks about the entire Judiciary. The co-contemnor Minister of Justice did not confine himself to the factual and legal issues discussed in the case out of which these contempt proceedings grow. Therefore, we shall neither refuse to punish the respondents merely because the co-contemnor Minister of Justice's comments/ criticisms were made after trial of the case had concluded when the records show the co-contemnor Minister of Justice deliberately attacked the entire Judiciary and accused it of acts capable of undermining the administration of justice and bringing the courts into public ridicule.

The Supreme Court has held that "public officers are not, merely by virtue of their office, immune from punishment for contempt…moreover, it has also been held that the fact that one holds an important public office does not render him immune from punishment for contempt, even though he would not be liable civilly for acts done or statements made in the course of his official duties…the Supreme Court would punish for contempt any deceptive practice which might have the tendency to reflect discreditably upon the Judicial Branch of the Government, or which might tend to belittle it or its decision, or which might show disrespect to it or its judges, or which might defy its authority…" In the present case, this Court is convinced that the Statement by the Minister of Justice and its publication by the Minister of Information, Cultural Affairs and Tourism have done substantial damage to the good name of our Judicial system and the entire nation, and that this was done unjustifiably. Hence, we hold that both Ministers are guilty of criminal contempt, which requires comparable punishment in order to deter others who might want to embark upon similar effrontery towards the courts of this Republic.

WHEREFORE, and in view of the foregoing, the contemnors are adjudged guilty of criminal contempt of the Judiciary Branch of Government. Considering that this is a first offense by the contemnors, and the Supreme Court having the responsibility to protect the courts of this Republic, the contemnors Cllr. Frank Musah Dean, Jr., and Minister Ledgerhood J. Rennie, are hereby ordered to separately publish once a week for three (3) weeks, in three (3) widely read newspapers of Liberia an apology to the Judiciary Branch of Government and to include therein a retraction of the May 20, 2023, statement within 72 hours as of the rendition of this Judgment and a copy of

each publication filed with the Clerk of this Court. Additionally, the contemnors are each fined the sum of $500.00 (FIVE HUNDRED UNITED STATES DOLLARS) to be paid into the Government's revenue within seventy-two hours as of the rendition of this Judgment, and to present a receipt therefor to the Marshal of this Court; failure of which the Clerk of this Court is ordered to issue a commitment to be placed in the hands of the Marshal for their imprisonment in the common jail of Montserrado County, until and unless they abide by the mandate herein . The Clerk of this Court is ordered to communicate to the contemnors the Judgment of this Court. IT IS SO ORDERED.

Contemnors adjudged guilty of criminal contempt.

When this case was called for hearing, Counsellor Frank Musah Dean, Jr., Attorney General/Minister of Justice, pro se and Counsellors Oswald N. Tweh, T. Negbalee Warner, and Pearl Brown Bull appeared for the contemnors. Counsellors Benedict F. Sannoh, Denise S. Sokan, Kuku Y. Dorbor, and Aloysius T. Jappah appeared as amici curiae.