

SPECIAL REMARKS

By H.E. Ellen Johnson Sirleaf, President of the Republic of Liberia

At the National Conference on Enhancing Access to Justice

April 15, 2010 at the Administrative Hall

Gbarnga, Bong County, Liberia

Ministers and Officials of Government;

Honorable Justices of the Supreme Court;

Traditional Leaders;

Members of the Diplomatic Corps;

Conference Participants;

Friends:

I am pleased to appear before you today to address the Opening Session of the National Conference on Enhancing Access to Justice. The issue of access to justice in Liberia is very important to me and I believe that all of us – ministers, judges, lawyers, police officers, traditional leaders, civil society members, and citizens – must work together to ensure that Liberians enjoy access to free, fair, and timely justice. Our formal court system and our traditional system both play important roles in ensuring our citizens have access to justice, and I hope that this conference will mark the beginning of a process of identifying how to improve our justice system in all corners of Liberia.

The Formal Justice System:

Over the past several years, many have worked tirelessly to rebuild our justice system after a long period of decay. We have diligently worked side-by-side to open new courts, expand the rule of law throughout Liberia, and better educate our police, justice officials, and population. We have trained county attorneys and

public defenders that are now operating across Liberia, helping to ensure that all have access to courts. We have established a criminal court in Monrovia specifically devoted to preventing and prosecuting the most serious cases of domestic violence and rape. The University of Liberia is training and graduating a growing number of dedicated young lawyers who are ready to passionately defend the Constitution of Liberia and advocate for the rights of all Liberians.

However, much work remains to ensure that our progress towards improving access to justice and the rule of law continues. We must tirelessly and effectively combat the scourge of corruption that is pervasive in many levels of Liberian society. Corruption is one of the primary factors preventing our citizens from accessing affordable, fair, and transparent justice. By forcing victims to pay unauthorized fees, such as witness fees in criminal cases or outright bribes, rogue officials in our formal justice system can push justice out of reach for many Liberians. Such illegal conduct is hurting our effort to expand the level of development. This albatross, this major constraint on the Government progress and credibility, must be addressed forcefully, and only you in the Judiciary can do this.

We also must redouble our efforts to expand access to justice in rural areas. The Ministry of Justice and the Judiciary should continue to ensure more accessible and affordable courts. At the Third Annual Conference of the Judiciary that took place earlier this year, some of our best legal minds developed ways to enhance the formal justice system. I believe that many of the resolutions – such as increasing the jurisdiction of Magistrate’s Courts – will help us deliver timely and impartial justice to all. I don’t know the reasons for the delay, but implementation of the recommendations is critical. I also believe we should continue to prioritize the creation of a system of legal aid that helps victims interact with the formal justice system. The Ministry of Justice and other actors in the formal justice system, particularly our many committed civil society groups, should continue to work towards enabling justice proceedings in many of our native languages. This will increase access to our courts, and help to resolve many disputes before they escalate into larger problems.

Furthermore, we must better educate our population on the rule of law, on how our justice system functions, and on their rights and obligations under the law. The consultations that were held around the country in preparation for this conference – in Tubmanburg, Zwedru, Monrovia, and here in Gbarnga – and the work of other legal and traditional experts have confirmed that citizens are sometimes dissatisfied with the workings and results of our formal justice system. This dissatisfaction may

be based on the fact that they do not understand the result. They might not understand the difference between posting bail, and paying a bribe. They might not understand why a police investigation can take two or three months, or even longer, before the right suspect is arrested. To some, our formal justice system may be perceived as too adversarial and it may overlook some of our traditional values – such as reconciliation, compensation, and truth. I implore the Ministry of Justice, the Ministry of Internal Affairs, the Judiciary, the Ministry of Education, civil society partners, and others to continue to work together to educate our citizens on the procedures of our formal system to enable us all to have increased confidence in our shared system of justice.

I further urge all of us, today, to commit to working tirelessly towards a new era of justice in Liberia where our Constitution, civil liberties, and the rights of all Liberians will be protected and enforced – from the fishing communities of West Point, to farming communities in Voinjama; from the markets in Harper, to the hills in Nimba; from the lake in Cape Mount, to the villages and towns all across Liberia. Let all of us citizens of Liberia work together with the police, our judicial officers, our county government officials, our neighbors, and our friends to ensure that justice is delivered.

The Customary Justice System:

Our efforts, however, cannot stop with support only to our formal justice system. Our traditional leaders, many of whom are present here today, play an essential role in resolving disputes in Liberia. Our shared traditions inform who we are, where we came from, and where we are going together. When disputes arise in many parts of Liberia, it is our chiefs who are our first line of defense in resolving these disputes fairly and peacefully. I believe we all recognize that this system of conflict resolution plays a positive role throughout our country.

It is also clear that many of our brothers and sisters trust our traditional systems to impartially and justly resolve many of their disputes. Our chiefs and elders dispense justice that is more familiar to many of us. Our chiefs also resolve disputes in a manner that promotes social cohesion and understanding between individuals and amongst groups. Our traditional leaders also are able to access remote areas of Liberia far from our courthouse doors.

Indeed, the Republic of Liberia is founded upon these essential traditional values.

Our Constitution, the supreme law of our land, highlights the importance of our traditional laws. The Constitution requires our Government to “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.” Even our courts, our Constitution says, “shall apply both statutory and customary laws.”

The Constitution insists that we should promote “positive Liberian Culture.” Much like some of the challenges faced by our formal justice system in rebuilding from years of war, there are some aspects of our shared traditional system that we must work together to address. We must be careful to avoid using methods that violate due process rights and women’s rights explicitly guaranteed in our Constitution and throughout our legal codes. I hope this conference will advance the discussion of how we can progress with our traditional system and promote the equality enshrined in our Constitution.

Another area I hope this conference will address is the regulations governing our chiefs. The current regulations governing our customary system are greatly outdated. Some elements of the Hinterland Regulations are even based upon the unfortunate legacy of a time when all citizens of Liberia did not have equal rights. We must work together to clarify how we can practice both our formal and customary justice systems together, in accordance with our traditional values and the Constitution of Liberia.

Thus, I urge all of the participants of this conference to think about ways we can better integrate the traditional aspects of our society into our formal justice system. I firmly believe our Government should continue to promote traditional mechanisms as a way to help resolve their disputes, and I hope this conference will mark an important step in dissolving stereotypes and misconceptions. Indeed, our work to harmonize our formal and customary systems must bring out the positive aspects of both systems. Only when these two systems operate in harmony will Liberia be able to realize justice for all.

Towards a Customary and Formal Framework:

Fellow Liberians and Distinguished Guests:

If you look across Africa – from Ghana to Malawi, from Nigeria to Botswana – our peoples and governments have made significant progress in developing truly

African approaches to justice. In many countries, diverse groups have come together and developed ways to enhance access to justice for all people – the rich, the poor, ethnic minorities and majorities alike. This conference should be the beginning of such a process in Liberia. Through this collaborative process we will continue to move forward into the twenty-first century as ONE LIBERIA.

Many may ask what should our system of justice look like. Putting aside misconceptions and stereotypes, we should begin a discussion of what is best for all Liberians. We should ask each other how can we ensure that all Liberians will have access to justice they understand and believe in. We should ask each other how dedicated members of our formal and customary justice system can ensure all Liberians are afforded the rights under their Constitution.

I hope participants think creatively about what practices can be emphasized in our traditional and formal systems. We need to think hard about how the two systems interact: How can judges help chiefs and how can chiefs help judges? I believe that skilled attorneys and court administrators from our formal justice system can help our traditional leaders better resolve the most serious crimes. I also believe that our chiefs can help our justice system better promote reconciliation and harmony amongst our citizens.

Let us think creatively about other ways we can provide access to justice. Some countries, including our neighbors in Sierra Leone, have begun to embrace paralegals and other non-lawyers to help address the backlog of cases and encourage citizens to promote their rights. Other countries have allowed chiefs to hear a wide variety of disputes, thereby also reducing caseload in the formal justice system and promoting social reconciliation. We should critically examine recommendations that emerge from this conference, previous consultations, and future discussions with one question in mind: How will our suggestions concretely expand access to justice in Liberia and promote our citizens' rights?

There must be a discussion at this conference about how we can move forward from some of the most dangerous customary practices, such as sassywood. Determining guilt through methods that harm the suspect is immoral and illegal, and it can also lead to an incorrect result, because someone might confess to a crime they did not commit out of fear. Traditional communities should work with voices inside and outside of their communities to ensure that these practices are not used, and to find alternative ways of investigating so that the people can see that justice continues to be done.

I also believe there are certain types of cases that should only be resolved by our formal courts. Our Constitution and due process both require that brutal crimes, such as murder or rape of a child, cannot be compromised. The State has a compelling interest in punishing the commission of such crimes, and we must continue to do so in order to promote equality and justice for all. All too often our marginalized populations constitute the victims of these crimes, and we must work together to ensure that their voices are heard – both in the courtrooms of Monrovia and the *palava huts* of Fish Town.

Conclusion:

I am pleased to address the opening of this National Conference on Enhancing Access to Justice. I believe that continued progress in safeguarding the rule of law is critical for Liberia to remain a peaceful and increasingly prosperous country. And our rich justice systems – formal and customary – can contribute much in this quest.

Thank you and God bless you.