

REPUBLIC OF LIBERIA) IN THE HOUSE OF REPRESENTATIVES OF THE
MONTSERRADO CO.) 54TH LEGISLATURE, CAPITOL BUILDING,
CAPITOL HILL, MONROVIA, LIBERIA

IN RE: AMENDED PETITION FOR IMPEACHMENT FOR THE
COMMISSION OF THE FELONIOUS CRIMES OF
THEFT OF PROPERTY, PERJURY, FRAUDS,
CORRUPTION, PROVED MISCONDUCT ABUSED OF
PUBLIC OFFICE, WANTON ABUSE OF JUDICIAL
DISCRETION, AND MISUSE OF POWER.

Between:

**Representatives Thomas T. Fallah of District No. 5 and
Acarous M. Gray of District No. 8, Montserrado
County Respectively.**

And

**His Honour Kabineh M. Ja'neh Associate Justice,
Supreme Court of Liberia**

PETITIONERS' AMENDED PETITION

Petitioners in the above-entitled Petition most respectfully pray the Honourable members of the House of Representatives of the 54th Legislature to order an immediate investigation against His Honour Kabineh M. Ja'neh, Associate Justice of the Honourable Supreme Court of Liberia and have a Bill of Impeachment proffered against him and submitted to the Honorable Senate for his impeachment and removal from the Office of Associate Justice of the Honorable Supreme Court of Liberia for legal and factual reasons as stated herein below:

1. Petitioners submit that they are elected Representatives of Districts No. 5 and 8, respectively, and members of the Honourable House of Representatives of the 54th Legislature of the Republic, representing and speaking for hundreds of thousands of Liberians residing in these electoral districts on all critical issues of national concern. Petitioners submit that they were duly re-elected during the last October, 2017 general and presidential elections, and subsequently sworn into office to perform such task, and as representatives of their respective districts, they do have the legal capacity or legal standing to raise any critical issue whether on the floor of the Honourable House of Representatives or in the public domain, openly challenge or demand the impeachment, removal or dismissal of any elected or appointed public official for official misconduct, felonious crimes, perjury, abuse of public office, misuse or abuse of power, misconduct and corruption on behalf of the people of Liberia in order to safeguard the stability and sanctity of the Liberian state.

2. Further to count 1 above, and because Article 71 of the 1986 Constitution expressly lays out the fundamental grounds upon which the Chief Justice and Associate Justices of the Supreme Court may be impeached, Petitioners submit that Justice Kabineh Mohammed Ja'neh, quite unmindful of his judicial power, authority and responsibility, and in the danger of debasing the respect ascribed thereto, has committed the felonious crimes of theft of property, perjury, official misconduct by falsifying what purports to be the minutes(records) and other documents from Honourable House of Representatives, and based on that, proceeded before a Justice of the Peace for Montserrado County and falsely swore under oath and deposed to purported minutes of the House of Representatives allegedly containing information of his possible impeachment that is still in the Committee Room, and thereafter, wantonly engaged in the unsavoury conduct of spreading false and malicious information about the activities of the Honorable House of Representatives based on the strength of the false and unsigned minutes that he has attached to his Petition for a Writ of Prohibition simply to unduly subject the constitutional responsibility of the Honorable House of Representatives to public mockery and ridicule based on the fictitious minutes and other documents that he has produced.

3. Petitioners submit further that Justice Kabineh Mohammed Ja'neh, Associate Justice of the Honorable Supreme Court of Liberia, should be impeached for committing the felonious crimes of Theft of Property, falsification of documents, perjury, frauds, and robbery on grounds that

during the 46th Day Sitting of the 54th Legislature and at the 1st Session of Honorable House of Representatives held on July 17, 2018, deliberations were held which included the reading of the Petition of a Bill of Impeachment against the aforesaid Associate Justice Ja'Neh for which regular legislative minutes were taken. Petitioners say at the close of the Legislative Session, the Impeachment Bill Petition was referred to a Special Committee of seven distinguished Representatives of the Honorable House of Representatives, headed Honorable Kanie A. Wesso. The Honorable House of Representatives is most respectfully requested to take legislative notice of its proceedings of July 17, 2018 session.

4. Further to count 3 above, Petitioners say no minutes or records of the proceedings of July 17, 2018, were ever distributed; no member of the Honorable House of Representatives received a copy of the Petition for Impeachment Bill or the documents attached thereto. Moreover, the Petition for the Bill of Impeachment has not been referred to Plenary of the Honorable House for its actions up to and including the time of this Amended Petition; it is yet to be made public because the Associate Justice Ja'neh has not been officially and formally cited or summoned, served and returned served with the legislative writ of summons. Petitioners most request this Honorable August Body to respectfully take legislative notice of the records of the Petition, procedures governing the taking and distribution of minutes as well as notice of the fact that the Petition for the Bill of Impeachment has not been brought before Plenary, meaning, it is still being debated and discussed in Committee Room.

5. Petitioners submit that Justice Ja'neh has forged, fabricated or stolen the minutes of the 1st Session of the Honorable House of its 46th Day Sitting of the Legislature, on grounds that for a party to designate an answer(pleading) with the legal phrase: "**Growing Out of**", it means that that party has been formally served and returned served with a complaint, application or a petition, something which has not happened in the case of Justice Ja'neh. Petitioners submit that the Petition for Impeachment Bill against Justice Ja'neh for THE FELONIOUS CRIMES OF THEFT OF PROPERTY, PEJURY, FRAUDS, CORRRPTION, PROVED MISCONDUCT ABUSED OF PUBLIC OFFICE, WANTON ABUSE OF JUDICIAL DISCRETION, AND MISUSE OF POWER has not been put on the floor before Plenary and has not been officially or formally served and returned served, yet, Justice Ja'neh has been able to demonstrate that he has already acquired the minutes of the July 17, 2018 Sitting, and has proven that

either he has broken into the Honorable House's record room, illegally gained access to all documents, stolen and taken away everything or for the purpose of mischief has decided to produce fake minutes, either to mock, ridicule and belittle this Honourable Body for the sole purpose of brazenly demonstrating his game of treachery either as a publicity stunt or mischief or both, which are absolutely incompatible with his status as Associate Justice of the Supreme Court of Liberia.

6. Petitioners submit that Justice Ja'neh having illegally acquired the documents, he proceeded to falsely designate a purported petition for a Writ of Prohibition as : **"His Honor Kabineh M. Ja'neh Associate Justice of the Supreme Court of Liberia versus The Honorable House of Representatives of the Republic of Liberia by and thru its Speaker Honorable Bhofal Chamba Growing Out Of The Case: Petition for The impeachment of His Honor Kabineh Mohammed Ja'neh Associate Justice of the Supreme Court of Liberia for Proved Misconduct, Abuse of Public office, Wanton Abuse of Judicial Discretion, Frauds and Misuse of Power and Corruption"** even though he knew or had reason to know that no formal service of the legislative writ of summons has been made upon him or discussed by Plenary, and a subsequent writ ordered issued, served and returned served upon him, yet Justice Ja'neh decided to display what purports to be an unsigned and unedited minutes of the Honorable House that are yet to be deliberated upon and corrected to form part of the Honorable House's archives just to gain false publicity and subject the House to public mockery, ridicule and disrepute.

7. Petitioners submit that Justice Ja'neh has committed the felonious crimes of Theft of Property and perjury under chapters 15.51 and 12.30 of New penal Code of Liberia by fabricating a fictitious minutes or stealing what purports to be minutes and falsely circulating them around the country and in the public media for his own selfish benefits, when he is fully aware that the Bill of Impeachment Petition against him is still in the Committee Room, and no minutes have been released; yet, Justice Ja'neh falsely subscribed to, swore and deposed under oath before a Justice of the Peace for Montserrado County that the fake minutes he presented and attached to his petition which are not signed and edited were true and correct to the best of his knowledge even though the Petition for his Impeachment has not been formally brought before Plenary, and no legislative writ has been ordered issued, served and returned served.

8. Petitioners say Justice Ja'neh fully aware of the false nature of the purported minutes, although fabricated by him, for which they are unsigned,

swore under oath and deposed that they were true and correct and based on this proceeded to have them attached to his Petition for a Writ of Prohibition, including what he perceived to be every document associated with the Petition for the Bill of Impeachment as a ploy to frustrate any efforts aimed at unraveling his judicious indiscretion, fraudulent activities, theft of property, which are posing a serious problem to the sanctity of the Liberian Judiciary; and for this reason, Justice Ja'neh must be made to account and subsequently impeached. Petitioners pray the Honorable House of Representatives to take legislative notice of copies of the fake minutes and other purported documents that are attached to Justice Ja'neh's Petition for the Writ of Prohibition.

9. Petitioners say though all of the documents attached to Justice Ja'neh's petition for a writ of prohibition which has been designated as **"Growing out of the Case of"** purport to be what the bill impeach contained as exhibits, but no formal service of the impeach petition has been served and returned served on Justice Ja'neh and the only way he could have obtained such documents is either by fabrication as shown by the unsigned minutes, theft or burglary. Petitioners say the bill of impeachment has not been brought to Plenary, and no order of the issuance of a legislative writ has been issued, yet, Justice Ja'neh is alleging to be in full possession of, and has effectively and succinctly quoted and attached purported records of the minutes of July 17, 2018 in his petition, and therefore, he is the best evidence to be called in and investigated to tell this Honorable House as to how he has obtained the purported minutes and other documents if they are not criminally fabricated.

11. Petitioners say the atrocious and criminal conduct of Ja'neh by fabricating, falsifying or stealing legislative minutes that are unsigned far exceeds the immunity bounds of Article 71 of the 1986 Constitution which expressly states: "The Chief Justice and Associates Justices of the Supreme Court and the judges of subordinate courts of record shall hold office during good behaviour. **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."

12. Petitioners say the constitutional guarantee of immunity to judges and justices under Article 71 of the 1986 Constitution is not absolutely free. However, the immunity becomes constitutionally sacrosanct when justices and justices express views or opinions or render judgments or rulings on matters of

law by applying **both statutory and customary laws in accordance with the standards enacted by the Legislature (Article 65 of the 1986 Constitution).** However, Petitioners say the immunity of judges or justices becomes a subject of public scrutiny and debate or a ground for removal or impeachment if they engage in official misconduct or proved misconduct by engaging in the abuse of office, misuse of power, corruption and other form of social vices that are incompatible with their offices, their statures in society and relations with people. This August body of Honourable lawmakers are requested to take legislative notice of the role of judges and justices in our society.

12. Petitioners say the wanton abuse of judicial discretion, misuse of power, falsification or fabrication of legislative documents, corruption, frauds by Justice Ja'neh is demonstrably shown in the case, **Austen Clarke v. ECOBANK Liberia Limited** as follows:

- a. That on March 13, 2013, the Management of ECOBANK Liberia Limited thru the Office of the City Solicitor, prayed the Monrovia Magisterial Court for a Writ of Defrauding Secure Creditor against Mr. Austen Clarke (now deceased) alleging that he (Clarke) credited the amount of US\$117, 695.61 (One Hundred Seventeen Thousand Six Hundred Ninety Five United States Dollars 61/100) from ECOBANK Liberia Limited and absconded the bailiwick of the Republic of Liberia. On the selfsame date, Mr. Austen Clarke was arrested on the basis of the false and malicious allegations made by ECOBANK Liberia Limited, handcuffed in the presence of the Liberian press which had been invited to photograph him, taken to court and the story of his alleged flight, subsequent arrest, arraignment before the Monrovia Magisterial Court at the Temple of Justice and incarceration at the Monrovia Central Prison was published in the local dailies (Daily Observer and others) as well as on the social media network (internet) around the world.
- b. That petitioner say Austen Clarke having been released after it was discovered that the basis of his arrest and humiliation on the basis of false allegations made by ECOBANK to the Monrovia City Court, Austen Clark later filed an Action of Damages for Wrong against the Management of ECOBANK Liberia Limited for the defamation of his character and loss of business opportunities as well as the mental anguish and disgrace he suffered as a result of his false and malicious arrest and imprisonment.

- c. That Petitioners say at the call of the case presided over by His Honor Judge J. Boima Kontoe, Assigned Circuit Judge of the June Term, A.D. 2017, on July 14, 2017, same being the 23rd day Jury sitting, the Management of ECOBANK Liberia Limited/Defendant through its lawyers waived jury trial in the following request: **“At this stage, one of Counsel for Defendant most respectfully begs leave of Court to say that in keeping with section 22.1, subsection 1 and 2 of our Civil Procedure Law to waive trial by jury since in fact same it is the right reserved under our law. And submits”**. This request was never objected to by Plaintiff, Austen Clarke’s Counsel, and same was subsequently granted by the Presiding Judge, His Honor J. Boimah Kontoe, whereupon, the Court proceeded to conduct a “bench trial” meaning without an empaneled trial jury which is consistent with law.
- d. Further, Petitioners say during the trial, Austen Clarke took the witness stand and testified to the effect that he did not at any point in time credit the amount of US\$117, 695.61 (One Hundred Seventeen Thousand Six Hundred Ninety Five United States Dollars 61/100) from ECOBANK Liberia Limited as alleged in the criminal writ of arrest against him, for which he was publicly handcuffed, photograph in plain view of the Liberian press at the behest of ECOBANK Liberia Limited and did not abscond the bailiwick of the Republic of Liberia.
- e. That Petitioners say after Plaintiff Clarke rested evidence, meaning after testifying and producing evidence, the witnesses for the Management of ECOBANK Liberia Limited (Defendant) in persons of Felix St. Jean (Legal Counsel) and one Shadrach Bornor (Recovery Officer from the Loan Department) appeared in open Court and testified to the effect that though Mr. Austen Clarke received loan from the Bank, they could not state or remember the exact amount, and what they knew was that Mr. Clarke was invited to the Bank and he appeared and there was a rescheduled payment term made on the loan. They further testified individually and jointly that following the rescheduled payment arrangement term of the loan whose amount is unknown, Mr. Clarke appeared to the Bank and made four separate payments for which he was thereupon issued official receipts by the bank for said payments.

- f. Petitioners say after the parties had rested with the production of evidence on both sides, the Presiding Judge, His Honour J. Boimah Kontoe, on the 14th day of September, A.D. 2017, ruled in the **Court's Final Judgment** and held Defendant (ECOBANK Liberia Limited) liable to Plaintiff in the amount of US\$700,000.00 (US Seven Hundred Thousand Dollars) as general damages, US\$150,000.00 (US One Hundred Fifty Thousand) as punitive damages and US\$150,000.00 (US One Hundred Fifty Thousand) as compensatory damages. The ruling was excepted to by one of ECOBANK's Legal Counsel, who said: **"To which of Your Honour, Defendant's Counsel vehemently excepts and announces an appeal to the Honourable Supreme Court sitting in its October Term A.D. 2017."** The exception was duly noted and appeal granted as a matter of constitutional right.
- g. Petitioners say four days following the rendition of Final Judgment on September 14, 2017, which the Defendant excepted to, and announced an appeal to the Honorable Supreme Court of Liberia sitting in its October A.D. 2017, the Defendant(ECOBANK) instead of filing its **Bill of Exception**, knowing that the case was a Bench Trial (non-jury trial), filed a Motion for New Trial to the Judge's Final Judgment.
- h. Petitioners say however on the 12th day following the rendition of Final Judgment by the Presiding Judge, His Honour J. Biomah Kontoe, Lawyers for Mr. Austin Clarke filed a Motion to Dismiss the Appeal announced by ECOBANK because there was no Bill of Exceptions filed by ECOBANK Lawyers. The **Court's Final Judgment** holding Defendant (ECOBANK Liberia Limited) liable to Plaintiff in the amount of US\$700,000.00 as general damages, US\$150,000.00 as punitive damages and US\$150,000.00 as compensatory damages was upheld and the appeal which had been announced was dismissed as in keeping with law. Thereafter, a Bill of Cost was ordered issued to be taxed by ECOBANK's Lawyers which they failed to do and based on their wanton failure, a Writ of Execution was ordered issued by the Clerk of Court, prepared and placed in the hands of the Sheriff to be served on the ECOBANK for the enforcement of the monetary judgment.
- i. Petitioners submit that following the issuance of the Writ of Execution, Lawyers representing ECOBANK filed a Petition for the

Writ of Certiorari before the Chamber Justice of the Supreme Court, His Honor, Kabineh M. Ja'neh who cited the parties to a conference. The parties met on the date of the conference and Austen Clarke's counsel informed Justice Ja'neh that the lower court having finally dismissed the appeal announced by ECOBANK, the Writ of Certiorari will lie where the matter had been disposed of and Final Judgment has been rendered, appeal announced and the Defendant (ECOBANK) had failed to follow the first step of the appeal process.

- j. Petitioners say Justice Ja'Neh knew or had reason to know that this is the law controlling in this jurisdiction, yet for either primary reasons or the pursuit of a narrowed agenda to arrogate unto himself the authority of lawmaking, willfully and deliberately ignored these arguments, and shamelessly elected to flout this settled principle of trial procedure which dictates that to every appeal announced to the Honorable Supreme Court of Liberia, there must be the filing of a Bill of Exceptions within ten days, by issuing the Alternative Writ of Certiorari because of his vested interest which are seemingly divided into short and long term gains at the detriment of party litigants, and thereby ordered Austen Clarke to file his Returns (answer) to the purported petition in complete violation of the Appeal Statute of Liberia.
- k. Petitioners further say the Honorable Supreme Court of Liberia speaking on the issue of appeal in the case, **Watamal v. Keita**, **41 LLR 36**, held that "The Writ of Certiorari will not be granted where adequate relief can be obtained through a regular appeal." And the Supreme Court also held in the case, **Vanply of Liberia Inc. versus Kandakai**, **22 LLR 241** that "Certiorari will not lie when an ordinary appeal has been abandoned without showing good cause or where the writ is sought to review the Final Judgment of a court." Petitioners say Justice Ja'neh was given these laws by Austen Clarke's lawyers and advised to not to issue the Alternative Writ of Certiorari but because he had developed a vested interest in the matter, he willfully decided to create a "bypass or a substitution" to the Appeal process in total violation of our law.
- l. That Petitioners say in the instant case, the trial court delivered its

Final Judgment on September 14, 2017 and ECOBANK excepted to the Court's Final Judgment and announced an appeal to the Honorable Court sitting in its October Term A. D. 2017, but failed, refused and neglected to file an approved Bill of Exceptions as required by law within ten(10) days as of the date and time of the rendition of the Final Judgment. How can ECOBANK then file a Petition for the Writ of Certiorari? Petitioner submit that the Supreme Court of Liberia has defined the writ of Certiorari as "***a special proceeding to review and correct decisions of officials, boards, or agencies acting in judicial capacity, or to review an intermediate order or interlocutory judgment of a lower court***". The word Interlocutory means provisional, interim, temporary and not final...something intervening between the commencement and the end of a suit which decides some point or matter, but is not a final decision of the whole controversy.

- m. Petitioners submit that the Writ of Certiorari ought not to have been issued by the Associate Justice because as member of the Court of last resort he is fully aware that the office of Certiorari is not to delve into matter that has already been disposed of, appeal announced and granted, and where the losing party failed, refused and neglected to perfect its appeal in keeping with law. First of all, Certiorari cannot be heard and or granted in a matter that has finally been disposed of because there is nothing pending before or left to be decided in the Court below, yet, despite this, Justice Ja'neh decided to make his own law by instigating ECOBANK's lawyers to bypass the appeal statute because he had vested financial interest into the matter to the detriment of Austen Clarke.

13. Petitioners say following the granting of the motion to dismiss appeal which brought the entire matter to finality, Justice Kabineh Mohammed Ja'neh fully knowledgeable of the law and the trial procedures and practices governing the appeal process, but determined to grossly abuse his judicial discretion, misuse his power, and take for granted the frailties of the powers of the Plaintiff and his legal counsel, as has been the case over the years, which has led to many cases remaining on courts' docket for decades unresolved, decided to instigate or surreptitiously instigated the opening up of the case before the Supreme Court of Liberia by means of a Petition for a Writ of Certiorari when he was the Justice Presiding in Chambers by assignment.

Justice Ja'neh unduly halted the enforcement of the judgement, grossly abused his judicial discretion, hijacked the administration of justice for reasons best known to himself and his conduct is not supported by **both statutory and customary laws in accordance with the standards enacted by the Legislature(Article 65 of the 1986 Constitution).**

14. Petitioners say Article 65 of the 1986 Constitution instructs that justices and judges must apply **both statutory and customary laws in accordance with the standards enacted by the legislature.** By being illegally seized of a matter already decided and concluded in the court below, Justice Ja'neh hijacked the administration of justice for his own personal gains and prevented the parties from even initiating discussions or from having a negotiated settlement, and therefore his conduct reduced the integrity of the Supreme Court to the whims and caprices of the defendant which is a **proved misconduct, gross breach of duty, inability to perform the functions of his office** by not allowing justice to be served where it belongs no matter the status of the party affected.

15. Further, Petitioners say Justice Ja'neh has engaged in **proved misconduct, theft of property, frauds, false acquisition of real property by hooked and crooked, gross breach of duty, inability to perform his functions beyond reproach and has surreptitiously connived with the late J. Neyma Constance Jr., to illegally acquire a piece property located in Sinkor, Monrovia which is owned by Madame Annie Yancy Constance, surviving wife of the late J. Nyema Constance Sr.**

16. Petitioners say the purported purchase of the subject property is further evidence of the perpetration of frauds, and theft of property and this is a further testament of proved misconduct, gross breach of duty, inability to delineate between right and wrong and a graphic demonstration of the lack of respect for the rights of others on grounds that the purported court's decree of sale which Justice Ja'neh allegedly relied upon states in one of the paragraphs as follows: "...And petitioner says further and prays court that he is the Administrator of the Intestate Estate of the late J. Nyema Constance, Sr., **by virtue of the issuance of LETTERS OF ADMINISTRATION granted by this Honorable Court in May 1960 under the gavel of His Honor Jehu Striker, then Judge, Monthly and Probate Court for Montserrado County, Republic of Liberia to administer the said estate.**" See attached a copy of the purported letters of administration marked as **"A-1"**

17. Petitioners say the purported letters of administration is fraudulent and speaks volumes of the shady conduct in which the purported purchase

was made because a court's decree of legitimization and the petition attached to this petition filed by the late J. Nyema Constance Sr., in 1960, show that J. Nyema Constance, Jr. from whom Justice Ja'neh purportedly bought the property in question was born on August 2, 1956 and legitimized on May 23, 1960 and therefore, he (J. Nyema Constance Jr.,) could not have been granted LETTERS OF ADMINISTRATION in May 1960 when he (Constance Jr.) was just four(4) years old, hence the entire sale is fraudulent and Justice Ja'neh knew or had reason to know of the false nature of the transaction, yet, he proceeded to acquire the property by the use of his office and position to the detriment of Madame Annie Yancy Constance and her children. Attached hereto are copies of petition for legitimization and court's decree of sale of the legalization of the late J. Nyema Constance Jr **marked as "A-2 In Bulk"**

18. Petitioners say by engaging in the fraudulent purchase of land, and using the authority of the Supreme Court to confirm and justify such fraudulent purchase, Justice Ja'neh has reduced and exposed the judicial sanctity of the Supreme Court and his office to public ridicule and mockery by demonstrating in clear terms that justice is no longer blind but belong to those who can afford it either by the use of their powers or authority and for this reason, he must be investigated, impeached and removed from office. Petitioners give notice to this august body that they will proudly and confidently prove these allegations.

19. Petitioners say Madame Yancy's property rights have been abused by a powerful and influential Associate Justice who has become both a player and a referee in a land dispute in which no lawyer dare take him on because he is an Associate Justice of the Supreme Court of Liberia and enjoys the luxurious trappings associated with such office and is hiding behind his office and status to sport with the rights of innocent Liberians.

20. That Petitioners say the entire transaction is a complete mockery and demonstrates how Justice Ja'neh has lowered the stature and character of the Supreme Court and his office to the extent that he wants people to believe that J. Nyema Constance Jr., born in 1956 and legitimized in 1960 was granted LETTERS OF ADMINISTRATION to administer the property of his father and mother who legitimized him while they were still alive. Petitioners say J. Nyema Constance Sr., was presumed dead after he went missing and has not been found since 1983 but Madame Annie Yancy Constance is still alive and therefore the purported sale is nothing but a fraudulent transaction carried out by Justice Ja'neh for which he must be impeached.

21. Petitioners say that the injustice of Justice Ja’Neh’s fraudulent purchase of the land owned by the late J. Nyema Constance, Sr. and his wife, Madame Annie Yancy Constance is so egregious and Justice Ja’Neh’s misuse of his judicial office to stifle any independent investigation into this fraudulent transaction has subjected the Supreme Court and the entire justice system to ridicule and mockery, as evidenced by satirical publications of the **Daily Observer** newspaper attached hereto at “A-3”. These satirical publications clearly accentuate the fact that Justice Ja’Neh has engaged in judicial misconduct, for which he should be impeached and removed from office.

22. Another reason why Justice Ja’Neh should be impeached and removed from office is his obstruction of revenue generated from the sale of petroleum products from going into the coffers of the Liberian Government for the purpose of construction and maintenance of roads. The facts are that pursuant to the Millenium Challenge Compact Liberia is scheduled to receive millions of United States dollars for the construction of new roads and the maintenance of existing roads but Liberia has to provide matching funds for these purposes. The Ellen Sirleaf Government decided to source the matching funds from a surcharge on each gallon of liquid petroleum products imported into Liberia. This proposal was submitted to the Legislature for enactment into law but was apparently delayed at the Legislature. So President Sirleaf, in exercise of her executive powers, ordered the Liberia Petroleum Refining Company (LPRC) to promulgate a regulation for the imposition of this surcharge and the LPRC Board of Directors complied. This new regulation provides that the surcharge on each gallon of petroleum product imported into Liberia is US\$0.50 (fifty cents US) – US\$0.25 for LPRC and US\$0.25 for the Road Fund, to be deposited into a Road Fund Account.

23. All importers, except SRIMEX Corporation and CONNEX Corporation, collected the surcharge and deposited it into the Road Fund Account. When LPRC decided to place some sanction on SRIMEX Corporation and CONNEX Corporation, SRIMEX Corporation, of which Justice Ja’Neh is a silent shareholder, ran to the Supreme Court and obtained the Writ of Prohibition to stop SRIMEX Corporation from paying over to the Road Fund Account the moneys which had been collected as surcharge on every gallon of liquid petroleum products imported into Liberia. Mr. Justice Ja’Neh wrongly and illegally influenced Retired Justice Banks to issue the Writ of Prohibition. Retired Justice Banks was so immensely embarrassed by the issuance of the Writ of Prohibition because there was no legal basis therefor that he issued a second Writ of Prohibition on the same matter, intended to explain the first Writ of Prohibition.

24. When Mr. Justice Ja’Neh assumed the office of Chambers Justice, he encouraged CONNEX Corporation to apply for its own Writ of Prohibition and he, Mr. Justice Ja’Neh ordered the issuance of that Writ of Prohibition, which again ordered that CONNEX Corporation should not pay over to the Road Fund Account the surcharges collected from the Liberian public on at the pump on each gallon of liquid petroleum product. Of course, when AMINATA Corporation discovered that SRIMEX Corporation and CONNEX Corporation had succeeded in getting Writs of Prohibition against delivery of the amounts collected to the Road Fund Account, said AMINATA Corporation decided to stop paying amounts it collected.

25. The reason why SRIMEX Corporation and CONNEX Corporation said that they would not pay over to the Road Fund Account amount collected at the pump as surcharge on petroleum products for the Road Fund Account is that the surcharge should have been imposed by the Legislature. Assuming their position is valid, then why did they collect the surcharges from the public in the first place? And if their position is correct, are SRIMEX Corporation and CONNEX Corporation in a better position than the Liberian Government to re-distribute the millions of US dollars collected back to the Liberian people who purchased petroleum products? Of course not! But then why did Mr. Justice Ja’Neh influence Retired Justice Banks to issue the first two Writs of Prohibition in favour of SRIMEX Corporation and he himself issued the third Writ of Prohibition in favour of CONNEX Corporation aside from the pecuniary interest he has in ensuring that the millions of US dollars collected by the two companies would be shared with him, especially what was collected by SRIMEX Corporation – a company in which he is a silent shareholder?

26. Petitioners say that it is only after the impeachment proceeding was first initiated and considering that this information about these illegal Writs of Prohibition would be revealed that SRIMEX Corporation and CONNEX Corporation ran to the Supreme Court, withdrew their respective Petitions of the Writ of Prohibition and entered into settlement agreement with the Liberian Government to repay monies which should have been in the Road Fund Account many, many months ago and which they are intended applying and appropriating to their personal use through the assistance of Mr. Justice Ja’Neh.

27. Petitioners say that Mr. Justice Ja’Neh’s conduct with respect to the Road Fund Account is official misconduct for which he should be impeached and removed from the office of Associate Justice of the Supreme Court, especially so when there are minutes of meeting with all importers,

called at the instance of the LPRC management where the surcharge imposition was funding the Road Fund Account was announced and Mr. Musa Bility, the CEO of SRIMEX Corporation expressly praised the regulation as an effective way of constructing new roads and maintaining existing roads. On what basis then did Justice Ja’Neh entertain a Writ of Prohibition except to be able to benefit, as a silent shareholder in SRIMEX Corporation from such unscrupulous and illegal withholding of funds which the public had paid for purposes of constructing new roads and maintaining existing roads?

28. Petitioners say that there are several other cases of corruption in which party litigants before the Honorable Supreme Court have been denied justice but to enumerate all of these cases of corruption in which Mr. Justice Ja’Neh has demanded compensation for performance of his judicial functions and duties would take so many pages; but Petitioners give notice that at the hearing of their Petition they shall present both witnesses and documentary evidence to prove these several other instances of corruption and fraud practiced by Mr. Justice Ja’Neh since he became an Associate Justice of the Supreme Court.

29. Petitioners say that it should be recalled that the late Melvin Page criticized Mr. Justice Ja’Neh’s performance and conduct on the Supreme Court Bench. At the hearing of this Petition, Petitioners shall cause the newspaper publication and other evidence of the complaints that the late Melvin Page had against Mr. Justice Ja’Neh to be brought to substantiate the fact that Mr. Justice Ja’Neh is not fit to continue to serve as an Associate Justice of the Supreme Court.

30. Petitioners also also that during the 53rd Legislature, at least one (1) formal complaint was levied against Mr. Justice Ja’Neh for an impeachable offense he had committed; but for some unknown reason, the Honourable Speaker of the House of Representatives did not present it to the House Floor for action. At the hearing of this Petition, Petitioners shall cause the Clerk of the House of Representatives to appear and testify to this previous complaint and present the documentary evidence, which accompanied it.

31. Petitioners further say that it should be recalled that the confirmation of Mr. Justice Ja’Neh as an Associate Justice was an uphill battle as he was first denied confirmation by the Liberian Senate and it was after several months that a motion for re-consideration was tested and he succeeded by the “skin of his teeth”. But after that narrow success, civil society organization filed their own Petition for the Writ of Prohibition against his induction into office; and some of the reasons alleged by civil society

organizations are what Mr. Justice Ja’Neh has proved himself to be – utterly and incorrigibly corrupt and intractably arrogant in his corruption and misuse and abuse of power. Copy of the Petition filed civil society organizations, which is part of the records of the Supreme Court, shall be presented to substantiate this Petition.

WHEREFORE, it is the prayer of the petitioners as follows:

1. That this Honourable august body will order an immediate investigation into the activities stated *inter alia* of Justice Kabineh M. Ja’neh consistent with the evidence provided, cite or summon him to show cause if any why he should not be impeached and removed from office, and thereupon prepare a Bill of Impeachment to be submitted to the Liberian Senate for a full hearing;
2. That if Mr. Justice Ja’Neh should be accorded his “due process” through a full hearing by the Liberian Senate and if he is unable to overcome the evidence against him, in keeping with the law controlling, the Liberian Senate should remove him from office and bar him from forever holding any public office in the Republic of Liberia during his remaining lifetime;
3. That in the absence of special rules for impeachment, this August Body will adopt the appropriate rules and procedures for the impeachment of Justice Ja’neh for theft of property, perjury, official misconduct, abuse and misuse of the office of Associate Justice of the Supreme Court;
4. That this August Body will take all necessary steps to write the appropriate authority while these impeaching proceedings are ongoing, to demand the immediate and unconditional suspension from office of Justice Ja’neh and the suspension of all salaries and benefits during the pendency of this impeachment proceeding, and to, if the end result of the impeachment proceeding is his removal from office, to order that Mr. Justice Ja’Neh be held criminally liable for his illegal and nefarious conduct during his term as Associate Justice of the Supreme Court; and
5. That this August Body will grant unto Petitioners all and any further relief that this body may deem just and appropriate as in keeping with the rules and procedures of impeachment.

Dated this 17th day of August 2018

Republic of Liberia)
Montserrado Co.)

In The Office of the Justice of The Justice of the
Peace for Montserrado County, Republic of Liberia

RE: PETITION FOR THE IMPEACHMENT JUSTICE KABINEH M. JA'NEH FOR THE
COMMISSION OF THE FELONIOUS CRIMES OF THEFT OF PROPERTY, PERJURY,
FRAUDS, CORRUPTION, PROVED MISCONDUCT ABUSED OF PUBLIC OFFICE,
WANTON ABUSE OF JUDICIAL DISCRETION, AND MISUSE OF POWER.

Between:

**Representatives Thomas T. Fallah of District No. 5 & Acarous M. Gray of
District No. 8, Montserrado County Respectively.**

And

His Honour Kabineh M. Ja'neh Associate Justice, Supreme Court of Liberia

PETITIONERS' AFFIDAVIT
TO THE AMENDMENT PETITION

PERSONALLY APPEARED BEFOR ME, a duly qualified Justice of the Peace for and operating within the City of Monrovia, County of Montserrado and Republic of Liberia at my office, Honourable Acarous M. Gray of District No. 8, one of Petitioners in the above-captioned Impeachment Proceeding and made Oath according to law that all and singular the allegations of both facts and law as are set forth in the foregoing and annexed Petitioners' Amended Petition are true and correct to the best of his knowledge and as to those matter of information he verily believes them to be true and correct.

Sworn and Subscribed To Before Me

This 17th day of August A.D. 2018

JUSTICE OF THE PEACE FOR MONT. CO.,
REPUBLIC OF LIBERIA.

Honourable Acarous M. Gray/AFFIANT