

1983 Draft Constitution

We the People of the Republic of Liberia, Recognizing from many experiences during the course of our national existence that all of our People, irrespective of their history, traditions or ethnic background, are part of one common body politic, Acknowledging our gratitude to God, and acting within the exercise of our natural, inherent and inalienable right to establish a framework of government for the purpose of promoting unity, stability, peace, concord and tranquility, liberty, equality, justice and human rights under the rule of law with opportunities for political, social, economic and cultural advancement for ourselves and for our posterity, and, Being solemnly resolved to live in harmony, to practice fraternal love, tolerance and understanding as a people, fully mindful of our obligation to promote African unity, international peace and cooperation, Do hereby solemnly make, enact, establish and proclaim this Constitution for the Republic of Liberia.

- Article 1* All power is inherent in the people. All free governments are instituted by their authority and for their benefit and they have the right to alter and reform the same when their safety and happiness so require. In order to ensure democratic government which responds to the wishes of the governed, the people shall have the right at such period, and in such manner as provided for under this Constitution, to cause their public servants to leave office and to fill vacancies by regular elections.
- Article 2* This Constitution is the supreme and fundamental law of Liberia and its provisions shall have binding force on all authorities and persons throughout the Republic. Any laws, treaties, statutes, decrees and regulations found to be inconsistent with it shall to the extent of the inconsistency be void and of no legal effect. The Judiciary, pursuant to its power of judicial review, is empowered to declare any inconsistent laws to be unconstitutional.
- Article 3* Liberia is a unitary sovereign state divided into counties for administrative purposes. The form of government is Republican with three separate coordinate branches: the Legislative, the Executive and the Judiciary. Consistent with the principles of separation of powers and checks and balances, no person holding office in one of these branches shall hold office in or exercise any of the powers assigned to either of the other two branches; and no person holding office in one of the said branches shall serve on any of the Autonomous Public Agencies.
- Article 4* The principles contained in this Chapter, except as otherwise provided for in this Constitution, shall not be enforceable by any court, but shall nevertheless be fundamental in the governance of the Republic and shall serve as guidelines in the formulation of legislative, executive and administrative directives and policy-making and their execution.
- Article 5* The Republic shall:
- (a) aim at strengthening the national integration and unity of the people of Liberia, regardless of ethnic, regional or other differences, into one body politic; and the

Legislature shall enact laws promoting national unification and the encouragement of all citizens to participate in government;

(b) 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 as a whole;

(c) take steps, by appropriate legislation and decrees, to eliminate sectionalism and tribalism, and such abuses of power as the misuse of government resources, nepotism and all other corrupt practices.

Article 6 The Republic shall, because of the vital role assigned to the individual citizen under this Constitution for the social, economic and political well-being of Liberia, provide equal access to educational opportunities and facilities for all citizens to the extent of available resources. Emphasis shall be placed on the mass education of the Liberian people and the elimination of illiteracy.

Article 7 The Republic shall, consistent with the principles of individual freedom and social justice enshrined in this Constitution, manage the national economy and the natural resources of Liberia in such manner as shall ensure the maximum feasible participation of Liberian citizens under conditions of equality as to advance the general welfare of the Liberian people and the economic development of Liberia as a whole. All government and private enterprises shall be subject to such principles.

Article 8 The Republic shall direct its policy towards ensuring for all citizens, without discrimination, opportunities for employment and livelihood under just and humane conditions, and towards promoting safety, health and welfare facilities in employment.

Article 9 The Republic shall encourage the promotion of bilateral and regional cooperation between and among Liberia and the other African nations and the formation and maintenance of regional organizations aimed at the cultural, social, political and economic development of the peoples of Africa.

Article 10 The Republic shall ensure the publication and dissemination of the Constitution throughout the Republic and the teaching of its principles and provisions in the institutions of learning in Liberia.

Article 11

(a) All persons are born equally free and independent and have certain natural, inherent and inalienable rights, among which are the right of enjoying and defending life and liberty, of pursuing and maintaining the security of the person and of acquiring, possessing and protecting property, subject to such qualifications as provided for in this Constitution,

(b) All persons, irrespective of ethnic background, race, sex, creed, place of origin or political opinion, are entitled to the fundamental rights and freedoms of the individual, subject to such qualifications as provided for in this Constitution.

(c) All persons are equal before the law and are therefore entitled to the equal protection of the law.

Article 12 No person shall be held in slavery or forced labor within the Republic, nor shall any citizen of Liberia nor any person resident therein deal in slaves or subject any other person to forced labor, debt, bondage or peonage; but labor reasonably required in consequence of a court sentence or order conforming to acceptable labor standards, service in the military, work or service which forms part of normal civil obligations or service exacted in cases of emergency or calamity threatening the life or well-being of the community shall not be deemed forced labor.

Article 13

(a) Every person lawfully within the Republic shall have the right to move freely throughout Liberia, to reside in any part thereof and to leave therefrom subject however to the safeguarding of public security, public order, public health or morals or the rights and freedoms of others.

(b) Every Liberian citizen shall have the right to enter and to leave Liberia at any time and no Liberian citizen shall be expelled from Liberia or extradited to a foreign state for prosecution of a criminal offense. Non-Liberian residents may be expelled from Liberia or extradited to a foreign country for prosecution of a criminal offense in accordance with the provisions of an extradition treaty " or other reciprocal international agreements.

Article 14 All persons shall be entitled to freedom of thought, conscience and religion and no person shall be hindered in the enjoyment thereof except as may be required by law to protect public safety, order, health, or morals or the fundamental rights and freedoms of others. All persons who in the practice of their religions conduct themselves peaceably, not obstructing others and conforming to the standards set out herein, shall be entitled to the protection of the law. No religious denomination or sect shall have any exclusive privilege or preference over any other, but all shall be treated alike; and no religious tests shall be required for any civil or military office or for the exercise of any civil right. Consistent with the principle of separation of church and state, the Republic "shall establish no state religion, and no person, while serving as the leader of any religious denomination or faith shall at the same time hold any political office.

Article 15

(a) Every person shall have the right to freedom of expression. Being essential to the functioning of a free society, this is a preferred right which shall not be curtailed, restricted or enjoined by government save during an emergency declared in accordance with this Constitution.

(b) This right encompasses the people's right to hold opinions without interference and the right to knowledge. It includes freedom of speech and of the press, academic freedom to receive and impart knowledge and information and the right of libraries to make such knowledge available. It includes non-interference with the use of the mail, telephone and telegraph. It likewise includes the right to remain silent,

(c) In pursuance of this preferred right, there shall be no limitation on the public right to be informed about the government and its members.

(d) Access to state owned media shall not be denied because of any disagreement with or dislike of the ideas expressed, and denial of access may be appealed to a court of competent jurisdiction.

(e) This freedom may be limited only by judicial action in proceedings grounded in defamation or invasion of the rights of privacy and publicity or in the commercial aspect of expression in deception, false advertising and copyright infringement.

Article 16 No person shall be subjected to interference with his privacy of person, family, home or correspondence except by order of a court.

Article 17 All persons, at all times, in an orderly and peaceable manner, shall have the right to assemble and consult upon the common good, to instruct their representatives, to petition the Government or other functionaries for the redress of grievances and to associate fully with others or refuse to associate in political parties, trade unions and other organizations.

Article 18 All Liberian citizens shall have equal opportunity for work and employment regardless of sex, creed, religion, ethnic background, place of origin or political affiliation, and all shall be entitled to equal pay for equal work.

Article 19 No person other than members of the Armed Forces of Liberia or of the militia in active service shall be subject to military law, or made to suffer any pains or penalties by virtue of that law, or be tried by courts-martial.

Article 20 No person shall be deprived of life, liberty, security of the person, property, privilege or any other right except as the outcome of a hearing and judgment consistent with the provisions laid down in this Constitution and in accordance with due process of law. Justice shall be done without sale, denial or delay; and in all cases not arising in equity, in courts not of record, under courts-martial and upon impeachment, the parties shall have the right to trial by jury.

Article 21

a) No person shall be made subject to any law or punishment which was not in effect at the time of commission of an offense, nor shall the Legislature enact any bill of attainder or ex post facto law.

(b) No person shall be subject to search or seizure of his person or property, whether on a criminal charge or for any other purpose, unless upon warrant lawfully issued upon probable cause supported by a solemn oath or affirmation, specifically identifying the person or place to be searched and stating the object of the search; provided, however, that a search or seizure shall be permissible without a search warrant where the arresting authorities act in conjunction with the commission of a crime or in hot pursuit of a person who has committed a crime.

(c) Every person suspected or accused of committing a crime shall immediately upon arrest be informed in detail of the charges, of the right to remain silent and of the fact that any statement made could be used against him in a court of law. Such person shall be entitled to counsel at every stage of the investigation and shall have the right not to be interrogated except in the presence of counsel. Any admission or other statements made by the accused in the absence of such counsel shall be deemed inadmissible as evidence in a court of law.

(d) (i) All accused persons shall be bailable upon their personal recognizance or by sufficient sureties, depending upon the gravity of the charge, unless charged for capital offenses or other grave offenses as defined by law. (ii) Excessive bail shall not be required, nor excessive fines imposed, nor excessive punishment inflicted.

(e) No person charged, arrested, restricted, detained or otherwise held in confinement shall be subject to torture or inhumane treatment; nor shall any person, except military personnel, be kept or confined in any military facility; nor shall any person be seized and kept among convicted prisoners or treated as a convict, unless such person first shall have been convicted of a crime in a court of competent jurisdiction. The Legislature shall make it a criminal offense and provide for appropriate penalties against any police or security officer, prosecutor, administrator or any other public official acting in contravention of this provision; and any person so damaged by the conduct of any such public official shall have a civil remedy therefore, exclusive of any criminal penalties imposed.

(f) Every person arrested or detained shall be formally charged and presented before a court of competent jurisdiction within forty-eight hours. Should the court determine the existence of a prima facie case against the accused, it shall issue a formal writ of arrest setting out the charge or charges and shall provide for a speedy trial. There shall be no preventive detention,

(g) The right of habeas corpus, being essential to the protection of human rights, shall be guaranteed at all times, and any person arrested or detained and not presented to court within the period specified may in consequence exercise this right,

(h) No person shall be held to answer for a capital or infamous crime except in cases of impeachment, cases arising in the Armed Forces and petty offenses, unless upon presentment of an information; and in all such cases, the accused shall have the right to a speedy, public and impartial trial by a jury of the vicinity, unless such person shall, with appropriate understanding, expressly waive the right to a jury trial. In all criminal cases, the accused shall have the right to be represented by counsel of his choice, to confront witnesses against him and to have compulsory process for obtaining witnesses

in his favor. He shall not be compelled to furnish evidence against himself and he shall be presumed innocent until the contrary is proved beyond a reasonable doubt. No person shall be subject to double jeopardy.

(i) The right to counsel and the rights of counsel shall be inviolable. There shall be no interference with the lawyer-client relationship. In all trials, hearings, interrogatories and other proceedings where a person is accused of treason, a violation of national security or any other criminal offense, the accused shall have the right to counsel of his choice; and where the accused is unable to secure such representation, the Republic shall make available legal aid services to ensure the protection of his rights. There shall be absolute immunity from any government sanctions or interference in the performance of legal services as a counsellor or advocate; lawyers' offices and homes shall not be searched or papers examined or taken save pursuant to a search warrant and court order; and no lawyer shall be prevented from or punished for providing legal services, regardless of the charges against or the guilt of his client. No lawyer shall be barred from practice for political reasons.

(j) Any person who, upon conviction of a criminal offense, was deprived of the enjoyment of his civil rights and liberties, shall have the same automatically restored upon serving the sentence or satisfying any other penalty imposed, or upon an executive pardon.

Article 22

(a) Every Liberian citizen has the right to own property alone as well as in association with others; provided that only Liberian citizens shall have the right to own real property within the Republic.

(b) Private property rights, however, shall not extend to any mineral resources on or beneath any land or to any lands under the seas and waterways of the Republic. All mineral resources in and under the seas and other waterways shall belong to the Republic and be used by and for the entire Republic,

(c) Non-citizen missionary, educational and other benevolent institutions shall have the right to own property, as long as that property is used for the purposes for which acquired; property no longer so used shall escheat to the Republic.

(d) The Republic may, on the basis of reciprocity convey to a foreign government property to be used perpetually for its diplomatic activities. This land shall not be transferred or otherwise conveyed to any other party or used for any other purpose, except upon the expressed permission of the Government of Liberia. All property so conveyed may escheat to the Republic in the event of a cessation of diplomatic relations.

Article 23

(a) The property which a person possesses at the time of marriage or which may afterwards be acquired as a result of one's own labors shall not be held for or otherwise applied to the liquidation of the debts or other obligations of the spouse, whether

contracted before or after marriage; nor shall the property which by law is to be secured to a man or a woman be alienated or be controlled by that person's spouse save by free and voluntary consent.

(b) The Legislature shall enact laws to govern the devolution of estates and establish rights of inheritance and descent for spouses of both statutory and customary marriages so as to give adequate protection to the surviving spouses and children of such marriages.

Article 24

(a) While the inviolability of private property shall be guaranteed by the Republic, expropriation may be authorized for the security of the nation in the event of armed conflict or where the public health and safety are endangered or for any other public purposes, provided: (i) that reasons for such expropriation are given; (ii) that there is prompt payment of just compensation; (iii) that such expropriation or the compensation offered may be challenged freely by the owner of the property in a court of law with no penalty for having brought such action; and (iv) that when property taken for public use ceases to be so used, the Republic shall accord the former owner or those entitled to the property through such owner, the right of first refusal to reacquire the property.

(b) All real property held by a person whose certificate of naturalization has been cancelled shall escheat to the Republic, unless such person shall have a spouse and-or lineal heirs who are Liberian citizens, in which case the real property shall be transferred to them in accordance with the intestacy law.

(c) The power of the Legislature to provide punishment for treason or other crimes shall not include a deprivation or forfeiture of the right of inheritance, although its enjoyment by the convicted person shall be postponed during a term of imprisonment judicially imposed; provided that if the convicted person has minor children, the spouse or other relatives in the absence of a spouse, shall administer the same. No punishment shall preclude the inheritance, enjoyment or forfeiture by others entitled thereto of any property which the convicted person at the time of conviction or subsequent thereto may have possessed.

Article 25 Obligation of contract shall be guaranteed by the Republic and no laws shall be passed which might impair this right.

Article 26 Where any person or any association alleges that any of the rights granted under this Constitution or any legislation or directives are constitutionally contravened, that person or association may invoke the privilege and benefit of court direction or order or writ, including a judgment of unconstitutionality; and anyone injured by an act of the Government or any person acting under its authority, whether in property, contract, tort or otherwise, shall have the right to bring suit for appropriate redress. All such suits brought against the Government shall originate in a Claims Court; appeals from judgments of the Claims Court shall lie directly to the Supreme Court.

Article 27

(a) All persons who on the coming into force of this Constitution were lawfully citizens of Liberia shall continue to be Liberian citizens.

(b) In order to preserve, foster and maintain the positive African culture, values and character of Liberia, only persons who are Negro or of Negro descent shall qualify by birth or by naturalization to be citizens of Liberia.

(c) The Legislature shall, adhering to the above standard, prescribe such other qualification criteria for and the procedures by which naturalization may be obtained.

Article 28 Any person, at least one of whose parents was at the time of the person's birth a citizen of Liberia, shall be a citizen of Liberia; provided that where such person shall have acquired the citizenship of another country by virtue of having been born in that country or by virtue of one parent being a citizen of another country, that person must, upon attaining the age of eighteen years, renounce any other citizenship so acquired. Such declaration shall be made before a circuit court in Liberia or before a consular officer of the Republic, if made outside Liberia. A failure to make such renunciation within one year after attaining such age shall result in the forfeiture of Liberian citizenship.

Article 29

(a) No citizen of the Republic shall be deprived of citizenship or nationality of Liberia except as provided herein or by an act of the Legislature consistent with the provisions of this Constitution; and no person shall be denied the right to change citizenship or nationality.

(b) No Liberian female citizen, who by marriage acquires the citizenship of another country, shall lose her Liberian citizenship unless she renounces it.

Article 30 On application made on behalf of the Republic by an authorized official of Government, the circuit court may deprive a citizen of Liberia of his citizenship, whether he be a Liberian by birth or naturalization, on any one or more of the following grounds, and with such exceptions as set forth below;

(a) acquiring the citizenship of another country; or taking an oath or making an affirmative or other formal declaration of allegiance to a foreign state voluntarily;

(b) exercising a free choice to enter or serve in the armed forces of a foreign state, unless prior thereto such entry or service was specifically authorized by the President or the Legislature;

(c) voting in a political election of a foreign country;

(d) acquiring Liberian citizenship by fraud, misrepresentation, concealment of material facts or any other grossly improper or irregular practice; or

(e) making a formal renunciation of his Liberian citizenship before a diplomatic or consular officer of Liberia in a foreign state.

Article 31 The legislative power of the Republic shall be vested in the Legislature of Liberia which shall consist of two separate houses: A Senate and a House of Representatives, both of which must pass on all legislation. The enacting style shall be: "It is enacted by the Senate and House of Representatives of the Republic of Liberia in Legislature assembled."

Article 32 Citizens of Liberia who meet the following qualifications are eligible to become members of the Legislature: (a) have attained the age of 25 years; and (b) be domiciled in the constituency to be represented not less than one year prior to the time of seeking election

Article 33 Each member of the Legislature, before taking his seat and entering upon the duties of office, shall take and subscribe to a solemn oath or affirmation, before the presiding officer of the house to which was elected and in the presence of other members of that house, to uphold and defend the Constitution of the Republic and to discharge faithfully the duties of such office.

Article 34

(a) The Legislature shall assemble in regular session once a year on the first working Monday in January and shall sit for not less than 180 working days.

(b) The President shall, on his own initiative or upon receipt of a certificate signed by at least twenty-five per cent of the total membership of each house, and by proclamation, extend a regular session of the Legislature beyond the date for adjournment or call a special or extraordinary session of that body to discuss or act upon matters of national emergency and concern. When the extension or call is at the request of the Legislature, the proclamation shall be issued not later than forty-eight hours after receipt of the certificate by the President.

Article 35 A simple majority of each house shall constitute a quorum for the transaction of business, but a lower number may adjourn from day to day and compel the attendance of absent members. Whenever the House of Representatives and the Senate shall meet in joint session, the presiding officer of the House of Representatives shall preside.

Article 36 The Legislature shall have the power:

(a) to create new counties and other political sub-divisions, and readjust existing county boundaries;

(b) to provide for the security of the Republic;

(c) to provide for the common defense, to declare war and authorize the executive power to conclude peace; to raise and support the Armed Forces of the Republic, and to make appropriations therefor, provided that no appropriation of money for that use shall be for a longer term than one year; and to make rules for the governance of the Armed Forces of the Republic;

(d) to lay and collect taxes, duties, imposts, excise and other revenues, to borrow money, to issue currency and mint coins, and to make appropriation for the governance of the Republic, subject to the following qualifications: (i) all revenue bills, whether subsidies, charges, imposts, duties or taxes, and other financial bills, shall originate in the House of Representatives, but the Senate may propose or concur with amendments as on other bills. No financial charge shall be established, fixed, laid or levied on any individual, community or locality under any pretext whatsoever, except by legislative enactment; (ii) no monies shall be drawn from the treasury except in consequence of appropriations made by legislative enactment and upon warrant of the President; and no coin shall be minted or national currency issued except by the expressed authority of the Legislature. An annual statement and account of the receipt and expenditure of all public monies shall be submitted by the office of the President to the Legislature and published once a year; (iii) no loans shall be raised by the Government on behalf of the Republic or guarantees given for any public institution or authority otherwise than by or under the authority of a legislative enactment;

(e) to constitute courts inferior to the Supreme Court, including circuit courts, claims courts and such other courts with such prescribed jurisdictional powers as may be deemed necessary for the proper administration of justice throughout the Republic;

(f) to approve treaties, conventions and such other international agreements negotiated or signed on behalf of the Republic;

(g) to regulate trade and commerce between Liberia and other nations;

(h) to establish laws for citizen-ship, naturalization and residence;

(i) to enact the electoral laws;

(j) to establish various categories of criminal offenses and provide for the punishment thereof;

(k) to make all other laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the Government of the Republic, or in any department or officer thereof.

Article 37 Each bill or resolution which shall have passed both houses of the Legislature shall, before it becomes law, be laid before the President for his approval. If he grants approval, it shall become law. If the President does not approve such bill or resolution, he shall return it, with his objections, to the house in which it originated. In so doing, the President may disapprove of the entire bill or resolution or any item or items thereof. This veto may be overridden by the repassage of such bill, resolution or item thereof by a vote of two-thirds of the members voting in each house, in which case it shall become law. If the President does not return the bill or resolution within twenty days after the same shall have been laid before him it shall become law in like manner as if he had signed it, unless the Legislature by adjournment prevents its return. No bill or resolution shall embrace more than one subject which shall be expressed in its title.

Article 38 The Senators and Representatives shall receive from the Republic remuneration for their services to be fixed by law, provided that any increase shall become effective at the beginning of the next fiscal year.

Article 39 In the event of a vacancy in the Legislature caused by death, resignation, expulsion or otherwise, the presiding officer shall within 30 days notify the Electoral Commission thereof. The Electoral Commission shall not later than 90 days thereafter cause a by-election to be held; provided that where such vacancy occurs within three months prior to the holding of general elections, the filling of the vacancy shall await the holding of such general elections.

Article 40 Each house shall adopt its own rules of procedure, including the establishment of committees and subcommittees, provided, however, that the committees on revenues and appropriations shall consist of one member from each county. Each house shall enforce order, punish its members for unbecoming conduct, and with a vote of two-thirds of its membership, may expel a member upon trial and conviction of a criminal offense in a court of law or for misconduct. All rules adopted by the Legislature and all actions taken shall conform to the requirements of due process of law laid down in this Constitution. Each house shall publish a Journal of its proceedings and, should any five members request it, the vote of each member shall be recorded.

Article 41 The Legislature shall cause a census of the Republic to be undertaken every ten years.

Article 42 Neither house shall adjourn for more than five days without the consent of the other and both houses shall always sit in the same city.

Article 43 The business of the Legislature shall be conducted in the English language or, when adequate preparations shall have been made, in one or more of the languages of the Republic as the Legislature may by resolution approve.

Article 44 No member of the Senate or House of Representatives shall be arrested, detained, prosecuted or tried as a result of opinions expressed or votes cast in the exercise of the functions of his office. Members shall be privileged from arrest while attending at, going to or returning from sessions of the Legislature, except for treason, felony or breach of the peace. All acts done or performed or statements made in the chambers of the Legislature shall be privileged, and no legislator shall be punished therefor.

Article 45 The power to prepare a bill of impeachment is vested solely in the House of Representatives, and the power to try all impeachments is vested in the Senate. When the President, Vice-President or an associate justice is tried, the Chief Justice shall preside; when the Chief Justice, judges of subordinate courts or heads of autonomous commissions and agencies are tried, the most senior associate justice shall preside. No person shall be convicted but by the concurrence of two-thirds of the total membership of the Senate. Judgments in such cases shall not extend beyond removal from office and disqualification to hold public office in the Republic; but the party may be tried at law

for the same offense. The Legislature shall prescribe the procedure for impeachment proceedings which shall be in conformity with the requirements of due process of law.

- Article 46* Contempt of the Legislature shall consist of actions which obstruct the legislative functions or which obstruct or impede members or officers of the Legislature in the discharge of their legislative duties and may be punished by the house concerned by reasonable sanctions after a hearing consistent with due process of law. No sanction shall extend beyond the session of the Legislature wherein it is imposed, and any sanction imposed shall conform to the provisions on Fundamental Rights laid down in this Constitution. Disputes between legislators and non-members which are properly cognizable in the courts shall not be entertained or heard in the Legislature.
- Article 47* The Senate shall be composed of Senators elected for a term of eight years by the registered voters in each of the counties, but a Senator elected in a by-election to fill a vacancy created by death, resignation, expulsion or otherwise, shall be so elected to serve only the remainder of the unexpired term of office. Each county shall elect two Senators and each Senator shall have one vote in the Senate. Senators shall be eligible for re-election.
- Article 48* Immediately after the Senate shall have assembled following the first election under this Constitution, the Senators shall by lot be divided as equally as possible into two classes, in no one of which shall the two Senators from a single county be placed. The seats of the Senators of the first class shall be vacated at the expiration of the fourth year, and of the second class at the expiration of the eighth year from being sworn into office. In the interest of legislative continuity, one-half of the Senators shall be chosen every fourth year.
- Article 49* The Senate shall elect once every four years a President of the Senate who shall be the presiding officer of that body, a Vice-President of the Senate who shall preside in the absence of the President of the Senate, and such other officers as shall ensure the proper functioning of the Senate. The President, Vice-President and any other officers so elected may be removed from office for cause by resolution of a two-thirds majority of the members of the Senate.
- Article 50* The House of Representatives shall be composed of members elected for a term of four years by the registered voters in each of the legislative constituencies of the counties, but a member of the House of Representatives elected in a by-election to fill a vacancy created by death, resignation, expulsion or otherwise, shall be elected to serve only the remainder of the unexpired term of the office. Members of the House of Representatives shall be eligible for re-election.
- Article 51* The House of Representatives shall elect once every four years a Speaker who shall be the presiding officer of that body, a Deputy Speaker who shall preside in the absence of the Speaker, and such other officers as shall ensure the proper functioning of the House. The Speaker, the Deputy Speaker and any other officers so elected may be

removed from office for cause by resolution-of a two-thirds majority of the members of the House.

Article 52 The executive power of the Republic shall be vested in the President who shall be Head of State, Head of Government and Commander In Chief of the Armed Forces of Liberia. The President shall be elected by universal adult suffrage of registered voters in the Republic and shall hold office for a term of four years commencing at noon on the third working Monday in January of the year immediately following the elections. No person shall be elected President for more than two consecutive terms. He may however be a candidate after the lapse of at least one term.

Article 53 There shall be a Vice-President who shall assist the President in the discharge of his functions. The Vice-President shall be elected on the same political ticket and shall serve the same term as the President. He shall attend meetings of the cabinet and other governmental meetings and shall preside over such agencies and perform such functions as the President shall delegate or deem appropriate, provided that no powers specifically vested in the President by the provisions of this Constitution shall be delegated to the Vice President.

Article 54 No person shall be eligible to hold the office of President or Vice-President, unless that person is:

(a) a natural born Liberian citizen of not less than 35 years of age; and

(b) the owner of unencumbered real property valued at not less than twenty-five thousand dollars.

Article 55 The President and the Vice-President shall, before entering on the execution of the duties of their respective offices, take a solemn oath or affirmation to preserve, protect and defend the Constitution of the Republic and faithfully execute the duties of the office. The oath or affirmation shall be administered in joint convention of both houses of the Legislature by the Chief Justice or, in his absence, the most senior judicial officer.

Article 56 The President shall nominate and, with the consent of the Senate, appoint and commission:

(a) cabinet ministers, deputy and assistant cabinet ministers;

(b) ambassadors, ministers and consuls;

(c) the Chief Justice and associate justices of the Supreme Court and judges of courts of record from a panel submitted to him by the Judicial Service Commission;

(d) superintendents of counties from a list submitted to him by Committees of County Leaders; and

(e) members of the military from the rank of colonel or equivalent and above.

Article 57

(a) The Superintendents of counties shall: (i) be appointed from a panel of not less than three nor more than five names submitted by the Committees of County Leaders. Each Committee of County Leaders shall consist of the paramount chiefs within the county and one person from each legislative constituency chosen by the people of that constituency at the same time as election to the House of Representatives; (ii) be responsible to the President to facilitate administration in the counties and shall exercise executive powers only. They shall be subject to dismissal by the President upon his own initiative or upon the recommendations of the Committees of County Leaders.

(b) the Committee of County Leaders shall meet at least twice each year to review developments in the county, and after taking a sounding of public opinion and holding consultations with the superintendent, may inform the President through the Minister of Internal Affairs and make recommendations to him regarding the development and administration of the county. The report shall be published not later than ninety days from the date of its presentation to the President.

Article 58 The President shall appoint;

(a) magistrates and justices of the peace from a list of names submitted by the Judicial Service Commission;

(b) notaries public and such other officers of state as shall be consistent with the operation of an independent civil service and the functions of the Public Service Commission. Notaries public shall hold office for a term of two years but may be removed by the President for just cause. They shall be eligible for reappointment.

Article 59 All cabinet ministers, deputy and assistant cabinet ministers, ambassadors, ministers and consuls, superintendents of counties and other government officials, both military and civilian, appointed by the President pursuant to this Constitution shall hold their offices at the pleasure of the President.

Article 60 The President shall have the power to conduct the foreign affairs of the Republic and in that connection he is empowered to conclude treaties, conventions and similar international agreements with the concurrence of a majority of each house of the Legislature.

Article 61 The President shall, on the fourth working Monday in January of each year, present the administration's legislative program for the ensuing session, and shall once a year report to the Legislature on the state of the Republic. In presenting the economic condition of the Republic the report shall cover expenditure as well as income.

Article 63 The President and the Vice-President shall receive salaries which shall be determined by the Legislature and be paid by the Republic. Such salaries shall be subject to taxes as defined by law and shall neither be increased nor diminished during the period for which the President and the Vice-President shall have been elected.

Article 64 The President shall be immune from; any suits, actions or proceedings, judicial or otherwise, and from arrest, detention or other actions on account of any act done by him while President of Liberia pursuant to any provision of this Constitution or any other laws of the Republic. The President shall not, however, be immune from prosecution upon removal from office for the commission of any criminal act done while President.

Article 65 The President and the Vice-President may be removed from office by impeachment for treason, bribery and other felonies, violation of the Constitution or gross misconduct.

Article 66

(a) Whenever a person elected to the office of President dies before being inaugurated into office, the incumbent President shall act as President until new elections are held. The Electoral Commission shall within sixty days of the death conduct elections for a new President and a new Vice-President. No incumbent who serves as interim President pending such elections shall be a candidate in the new elections,

(b) Whenever the office of the President shall become vacant by reason of death, resignation, impeachment or otherwise, or the President shall be declared incapable of carrying out the duties and functions of his office in accordance with guidelines and procedures determined by the Legislature, the Vice-President shall succeed to the office of the President.

(c) Whenever the Vice-President-elect dies before being inaugurated or the office of the Vice-President becomes vacant by reason of death, resignation, impeachment, inability or other disability, the President elected on the same ticket with him shall, with the consent of the Senate, appoint, a new Vice-President who shall hold office until the next regular elections are held.

Article 67 Whenever the office of the President and of the Vice-President shall become vacant by reason of removal, death, resignation, inability or other disability of the President and the Vice-President, the Speaker of the House of Representatives shall be sworn in as Acting President until the holding of elections to fill the vacancies so created. Should the Speaker be legally incapable or otherwise unable to assume the office of Acting President, then the same shall devolve upon the President of the Senate. In any further line of descent, the office shall devolve in order upon the Deputy Speaker, the Vice-President of the Senate and members of the Cabinet in the order of precedence as established by law. The Electoral Commission shall within ninety days conduct elections for a new President and a new Vice-President.

Article 68 The judicial power of the Republic shall be vested in a court system which shall apply both statutory and customary laws in accordance with standards enacted by the Legislature. There shall be a Supreme Court and such subordinate courts as the legislature may from time to time establish. Judgments of the Supreme Court shall be final and binding and shall not be subject to review by any other branch of the Government. Nothing in this Article shall prohibit administrative consideration of a justifiable matter prior to review by a court of competent jurisdiction.

Article 69 The Supreme Court shall be the final arbiter of constitutional issues and shall exercise final appellate jurisdiction in all cases, both as to law and fact. The Legislature shall make no law nor create any exceptions as would deprive the Court of any of the powers granted herein as the final arbiter of disputes, whether emanating from courts of records, courts not of record, administrative agencies, autonomous public agencies or any other authority.

Article 70 The Supreme Court shall comprise one Chief Justice and four associate justices, a majority of whom shall be deemed competent to transact the business of the Court. If a quorum is not obtained to enable the Court to hear any case, a circuit judge in the order of seniority shall sit as an ad hoc justice of the Supreme Court.

Article 71 The Chief Justice and the associate justices of the Supreme Court shall, with the consent of the Senate, be appointed by the President from a panel consisting of qualified judges, practicing lawyers or law professors recommended to him by the Judicial Service Commission under appropriate qualification criteria drawn up by the Commission, provided that any person recommended shall be: (a) a citizen of Liberia; (b) of good moral character as determined by the Judicial Service Commission; and (c) a Counsellor of the Supreme Court Bar for a period of at least five years or one who has taught at an accredited law school for a period of five years or more.

Article 72 The judges of subordinate courts of record shall, with the consent of the Senate, be appointed by the President from a panel consisting of practicing lawyers and law professors recommended to him by the Judicial Service Commission under appropriate qualification criteria drawn up by the Commission, provided that any person recommended shall be: (a) a citizen of Liberia; (b) of good moral character as determined by the Judicial Service Commission; and (c) a Counsellor of the Supreme Court Bar for a period of at least three years or one who has taught at an accredited law school for a period of three years or more.

Article 73 The Chief Justice and the associate justices of the Supreme Court and all judges of courts of record shall, before assuming the functions of their office, subscribe to a solemn oath or affirmation to discharge faithfully and impartially the duties and functions of their office and to preserve, protect and defend the Constitution of the Republic. The oath or affirmation shall be administered by the President or his designee.

Article 74 The Chief Justice and the associate 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.

Article 75

(a) The justices of the Supreme Court and all other judges shall receive such salaries, allowances and benefits as shall be established by law. Such salaries shall be subject to taxes as defined by law, provided that they shall not otherwise be diminished. Allowances and benefits paid to justices of the Supreme Court and judges of subordinate courts may by law be increased but may not be diminished except under a national program enacted by the Legislature; nor shall such allowances and benefits be subject to taxation.

(b) The Chief Justice and the associate justices of the Supreme Court and judges of subordinate courts of record shall be retired at the age of seventy; provided, however, that a justice or judge who has attained that age may continue in office for as long as may be necessary to enable him to render judgment or perform any other judicial duty in regard to proceedings entertained by him before he attained that age.

(c) A justice or judge who has been retired and who shall have a total of not less than fifteen years of judicial service shall be pensioned at a rate equivalent to his full salary at the time of retirement. A justice or judge who has been so retired but who at the age of retirement shall have rendered less than fifteen years of judicial service shall receive such proportionate pension as shall by law be established by the Legislature under a general pension scheme.

Article 76 No judicial official shall be summoned, arrested, detained, prosecuted or tried civilly or criminally by or at the instance of any person or authority on account of judicial opinions rendered or expressed, judicial statements made and judicial acts done in the course of a trial in open court or in chambers, except for treason or other felonies, misdemeanor or breach of the peace. Statements made and acts done by such officials in the course of a judicial proceeding shall be privileged, and, subject to the above qualification, no such statements made or acts done shall be admissible into evidence against them at any trial or proceeding.

Article 77 In all matters of contempt of court, whether in the Supreme Court or in other courts, the penalties to be imposed shall be fixed by the Legislature and shall conform to the provisions on Fundamental Rights laid down in this Constitution.

Article 78 The Supreme Court shall from time to time make rules of court for the purpose of regulating the practice, procedures and manner by which cases shall be commenced and heard before it and all other subordinate courts. It shall prescribe such code of conduct for lawyers appearing before it and all other subordinate courts as may be necessary to facilitate the proper discharge of the court's functions. Such rules and code, however, shall not contravene any statutory provisions or any provisions of this Constitution.

Article 79

(a) Treason against the Republic shall consist of: (1) levying war against the Republic; (2) aligning oneself with or aiding and abetting another nation or people with whom Liberia is at war or in a state of war; (3) acts of espionage for an enemy state; (4) attempting by overt act to overthrow the Government, rebellion against the Republic, insurrection and mutiny; and (5) abrogating or attempting to abrogate, subverting or attempting or conspiring to subvert the Constitution by use of force or show of force or by any other means which attempts to undermine this Constitution.

(b) The Legislature shall have the power to declare the punishment for treason; provided, however, that such punishment shall not include a deprivation or forfeiture of the right of inheritance by the convicted person of any property although he may not be entitled to enjoyment thereof for as long as he continues to serve the term of imprisonment imposed after conviction in a court of competent jurisdiction. The right to the enjoyment of any property inherited or otherwise conveyed to or acquired by such convicted person shall be automatically restored upon serving the term of imprisonment or other punishment, or upon an executive pardon by the President. No punishment shall preclude the inheritance and enjoyment, or the forfeiture by others entitled thereto, of any property which the convicted person, at the time of conviction or subsequent thereto may have possessed or been seized.

Article 80

(a) Since the essence of democracy is free competition of ideas expressed by political parties and political groups as well as by individuals, parties may freely be established to advocate the political opinions of the people. Laws, regulations, decrees or measures which might have the effect of creating a one-party state shall be declared unconstitutional.

(b) All elections shall be by secret ballot and every Liberian citizen of sound mind, except members of the Police and the Armed Forces, being not less than eighteen years of age, shall have the right to be a member of a political party, to be registered as a voter and to vote in public elections and referenda under this Constitution.

(c) Every Liberian citizen shall have the right to be registered in a constituency of either his Liberian origin or residence, and have the right to vote in public elections only in the constituency where registered, either in person or by absentee ballot; provided that such citizen shall have a right to change his voting constituency only once in every ten years and must have been a resident in the constituency not less than one year.

(d) Each constituency shall have an approximately equal population of 20,000, or such number of citizens as the Legislature shall prescribe in keeping with population growth and movements as revealed by a national census; provided that the total number of electoral constituencies in the Republic shall not exceed one hundred.

(e) Immediately following a national census and before the next election, the Electoral Commission shall reapportion the constituencies in accordance with the new population

figures so that every constituency shall have as close to the same population as possible; provided, however, that a constituency must be solely within a county.

Article 81 As used in this Chapter, unless the context otherwise requires, an "association" means a body of persons, corporate or other, which acts together for a common purpose, and includes a group of people organized for any ethnic, social, cultural, occupational or religious objectives; a "political party" shall be an association with a membership of not less than five hundred qualified voters in each of at least six counties, whose activities include canvassing for votes on any public issue or in support of a candidate for elective public office; and an "independent candidate" shall be a person seeking electoral post or office with or without his own organization, acting independently of a political party.

Article 82 No association, by whatever name called, shall function as a political party, nor shall any citizen be an independent candidate for election to public office, unless:

(a) the association or independent candidate and his organization meet the minimum registration requirements laid down by the Electoral Commission and are registered with it. Registration requirements shall include filing with the Electoral Commission a copy of the constitution of the association and guidelines of the independent candidate and his organization, a detailed statement of the names and addresses of the association and its officers or of the independent candidate and the officers of his organization, and fulfillment of the provisions of sub-sections (b), (c), (d) and (e) hereof. Registration by the Electoral Commission of any association or independent candidate and his organization shall vest in the entity or candidate and his organization so registered legal personality, with the capacity to own property, real, personal or mixed, to sue and be sued and to hold accounts. A denial of registration or failure by the Electoral Commission to register any applicant may be challenged by the applicant in the Supreme Court;

(b) the membership of the association or the independent candidate's organization is open to every citizen of Liberia, irrespective of sex, religion or ethnic background;

(c) the headquarters of the association or independent candidate and his organization is situated: (i) in the capital of the Republic where an association is involved where an independent candidate seeks election to the office of President or Vice-President; (ii) in the headquarters of the county where an independent candidate seeks election as a Senator; and (iii) in the electoral center in the constituency where the candidate seeks election as a member of the House of Representatives or to any other public office;

(d) the name, objective, emblem or motto of the association or of the independent candidate and his organization is free from any religious connotations or divisive ethnic implications and that the activities of the association or independent candidate are not limited to a special group or, in the case of an association, limited to a particular geographic area of Liberia;

(e) the constitution and rules of the political party shall conform to the provisions of this Constitution, provide for the democratic elections of officers and/or governing body at least once every four years, and ensure the election of officers from as many of the regions and ethnic groupings in the country as possible. All amendments to the

constitution or rules of a political party shall be registered with the Electoral Commission no later than ten days from the effective dates of such amendments.

Article 83

(a) Parties or organizations which, by reason of their aims or the behaviour of their adherents, seek to impair or abolish the free democratic society of Liberia or to endanger the existence of the Republic shall be denied registration,

(b) Parties or organizations which retain, organize, train or equip any person or group of persons for the use or display of physical force or coercion in promoting any political objective or interest, or arouse reasonable apprehension that they are so organized, trained or equipped, shall be denied registration, or if registered, shall have their registration revoked.

Article 84

(a) Any citizen, political party, organization or association, being resident in Liberia, of Liberian nationality or origin, and not otherwise disqualified under the provisions of this Constitution, shall have the right to canvass for the votes for any political party or candidate at any election, provided that corporate and business organizations and labor unions are excluded from so canvassing, directly or indirectly in whatsoever form.

(b) A deposit, in an amount to be determined by the Electoral Commission, shall be paid by or on behalf of each candidate for an elective office, and said deposit shall be forfeited unless the candidate polls at least five per cent of the total votes cast in an election.

Article 85

(a) Any citizen or citizens, political party, association or organization, being of Liberian nationality or origin, shall have the right to contribute to the funds or election expenses of any political party or candidate; provided that corporate and business organizations and labor unions shall be excluded from making any contribution to the funds or expenses of any political party. The Legislature shall by law prescribe the guidelines under which such contributions may be made and the maximum amount which may be contributed.

(b) No political party or organization may hold or possess any funds or other assets outside of Liberia; nor may they or any independent candidates retain any funds or assets remitted or sent to them from outside Liberia unless remitted or sent by Liberian citizens residing abroad. Any funds or other assets received directly or indirectly in contravention of this restriction shall be paid over or transferred to the Electoral Commission within twenty-one days of receipt. Information on all funds received from abroad shall be filed promptly with the Electoral Commission,

(c) The Electoral Commission shall have the power to examine into and order certified audits of the financial transactions of political parties and independent candidates and their organizations. The Commission shall prescribe the kinds of records to be kept and the manner in which they shall be kept. The certified audits shall be conducted by a certified chartered public accountant, not a member of any political party.

Article 86

(a) Voting for the President, Vice-President, members of the Senate and members of the House of Representatives shall, be conducted throughout the Republic on the second Sunday in October.

(b) All elections of public officers shall be determined by an absolute majority of the votes cast. If no candidate obtains an absolute majority in the first ballot, a second ballot shall be conducted on the second Sunday following. The two candidates who received the greatest numbers of votes on the first ballot shall be designated to participate in the run-off election,

(c) The returns of the elections shall be declared by the Electoral Commission not later than fifteen days after the casting of ballots. Any party or candidate who complains about the manner in which the elections were conducted or who challenges the results thereof shall have the right to file a complaint with the Electoral Commission. Such complaint must be filed not later than seven days after the announcement of the results of the elections. The Electoral Commission shall, within thirty days of receipt of the complaint, conduct an impartial investigation and render a decision which may involve a dismissal of the complaint or a nullification of the election of a candidate. Any political party or independent candidate affected by such decision shall not later than seven days appeal against it to the Supreme Court. The Electoral Commission shall within seven days of receipt of the notice of appeal, forward all the records in the case to the Supreme Court, which, not later than seven thereafter, shall hear and make its determination. If the Supreme Court nullifies or sustains the nullification of the election of any candidate, for whatever reasons, the Electoral Commission shall within sixty days of the decision of the Court conduct new elections to fill the vacancy, if the Court sustains the election of a candidate, the Electoral Commission shall act to effectuate the mandate of the Court.

(d) Every political party shall, on September 1 of each year, and every candidate of such political party and every independent candidate shall, not later than thirty days prior to the holding of an election in which he is a candidate, publish and submit to the Electoral Commission detailed statements of assets and liabilities. These shall include the enumeration of sources of funds and other assets, plus lists of expenditures. Where the filing of such statements is made in an election year, every political party and independent candidate shall be required to file with the Electoral Commission additional detailed supplementary statements of all funds received and expenditures made by them from the date of filing of the original statements to the date of the elections. Any political party or independent candidate who ceases to function shall publish and submit a final financial statement to the Electoral Commission. All funds not used for the purpose for which they were solicited shall be deposited into the treasury of the Republic.

Article 87 The Legislature shall by law provide penalties for any violations of the relevant provisions of this Chapter, and shall enact laws and regulations in furtherance thereof not later than 1986; provided that such penalties, laws or regulations shall not be inconsistent with any provision of this Constitution.

Article 88 The President, as Commander In Chief of the Armed Forces, may order any portion of the Armed Forces into a state of combat readiness in defense of the Republic, before or after the declaration of a state of emergency, as may be warranted by the situation. All military power or authority shall at all times, however, be held in subordination to the civil authority and the Constitution.

Article 89

(a) The President may, in consultation with the Speaker of the House of Representatives and the President of the Senate, proclaim and declare the existence of a state of emergency in the Republic or any part thereof. Acting pursuant thereto, the President may suspend or affect certain rights, freedoms and guarantees contained in this Constitution and exercise such other emergency powers as may be necessary and appropriate to take care of the emergency, subject, however, to the limitations contained in this Chapter,

(b) A State of emergency may be declared only where there is a threat or outbreak of war or where there is civil unrest affecting the existence, security or well-being of the Republic amounting to a clear and present danger.

Article 90

(a) Emergency powers do not include the power to suspend or abrogate the Constitution, dissolve the Legislature, or suspend or dismiss the Judiciary; and no constitutional amendment shall be promulgated during a state of emergency. Where the Legislature is not in session, it must be convened immediately in special session and remain in session during the entire period of the state of emergency,

(b) The writ of habeas corpus shall remain available and exercisable at all times and shall not be suspended on account of any state of emergency. It shall be enjoyed in the most free, easy, inexpensive, expeditious and ample manner. Any person who suffers from a violation of this right may challenge such violation in a court of competent jurisdiction.

Article 91 The President shall, immediately upon the declaration of a state of emergency, but not later than seven days thereafter, lay before the Legislature at its regular session or at a specially convened session, the facts and circumstances leading to such declaration. The Legislature shall within seventy-two hours, by joint resolution voted by two-thirds of the membership of each house, decide whether the proclamation of a state of emergency is justified or whether the measures taken thereunder are appropriate. If the two-thirds vote is not obtained, the emergency automatically shall be revoked. Where the Legislature shall deem it necessary to revoke the state of emergency or to modify the

measures taken thereunder, the President shall act accordingly, and immediately carry out the decisions of the Legislature.

Article 92

(a) There shall be established the following Autonomous Public Agencies, the members of which shall not in the exercise of their duties be subject to the direction or control of any other person or authority except as provided in this Chapter: A. Public Service Commission; B. Judicial Service Commission; C. Electoral Commission; D. Office of the Auditor-General; and E. Ombudsman Commission.

(b) No person shall qualify for appointment as a member of any of the Autonomous Public Agencies unless he is a citizen of Liberia; be not less than twenty-five years of age; and meet such other requirements as are set forth in this Constitution and as the Legislature may by law prescribe;

(c) Members of the Autonomous Public Agencies shall receive salaries which shall be determined by the Legislature. Such salaries shall be subject to taxes as defined by law, but shall not otherwise be diminished during the period for which the members of the Autonomous Public Agencies are appointed.

(d) Members of the Autonomous Public Agencies shall not be removed from office before the expiration of the term for which they are appointed except by impeachment for proved misconduct, breach of duty, violation of their oath of office, or conviction in a court of law for treason, bribery or other infamous crimes.

(e) Each Autonomous Public Agency shall submit an annual report of its activities to the President and shall submit copies thereof to the Legislature. All such reports shall be made available to the public.

Article 93 The Public Service Commission shall consist of a chairman, a vice-chairman and three other members appointed by the President with the consent of the Senate. They shall serve for a term of five years, with eligibility for reappointment. The President shall designate the chairman and the vice-chairman, and shall administer the oath or affirmation required of the members.

Article 94 The Public Service Commission shall be empowered:

(a) to regulate and control the general organization of the various public services, and develop a public merit system with open competition for purposes of appointment to and promotion within the public service;

(b) to approve the appointments, promotions and dismissals of all persons to posts or grades in the public service, whether as officers or employees or on special contract and to fix and regulate their conditions of service;

(c) to exercise, through the relevant offices of the Public Service Commission, appellate jurisdiction in matters of discipline and grievances of persons employed in the public service; and

(d) to ensure the general well-being and good administration of the public service and the maintenance thereof in a high state of efficiency and merit.

Article 95 The Legislature shall by law define those services and institutions constituting the public service. It shall enact legislation providing for the training of public servants of all grades and providing for appropriate guidelines for appointment, open competition, promotion and retirement.

Article 96 The Judicial Service Commission shall consist of a chairman, a vice-chairman and three other members appointed by the President with the consent of the Senate. Three appointments shall be made from a panel comprising at least six persons recommended by the National Bar Association from among legal practitioners with at least ten years of law practice and law professors with at least ten years of combined practice and law teaching at accredited law schools. The other two members shall be members of the general public. Members of the Commission shall serve for a term of five years, with eligibility for reappointment. The President shall designate the chairman who shall be a lawyer, and the vice-chairman, and shall administer the oath or affirmation required of the members. No Member of the Commission shall during the period of his service as a Commissioner be permitted to engage in the practice of law. This shall however not preclude him from accepting appointment as a professor or lecturer of law at an accredited law school.

Article 97 The Judicial Service Commission shall be empowered:

(a) to recommend to the President candidates for judicial appointment and to advise as to their qualifications including justices of the Supreme Court, judges of subordinate courts of record, magistrates and justices of the peace;

(b) to recommend to the Chief Justice candidates for other positions in the judicial service and to advise as to their qualifications;

(c) to recommend to the House of Representatives impeachment of a judicial officer appointed by the President with the consent of the Senate; to recommend to the President the removal from office of a magistrate or justice of the peace; and to recommend to the Chief Justice the punishment or removal of other judiciary personnel; and

(d) to establish guidelines for the selection and removal of judicial officers and other judiciary personnel.

Article 98 All recommendations by the Judicial Service Commission for the impeachment, removal from office or any other punishment of judicial officials and personnel shall be based on thorough investigations conducted in accordance with due process of law. The report of the findings and results of all investigations shall be published.

Article 99 The Electoral Commission shall consist of a chairman, a vice-chairman and three other members, no two of whom shall be from the same county. They shall be appointed by the President with the consent of the Senate and shall serve for a term of five years: They shall be eligible for reappointment. The President shall designate the chairman and the vice-chairman, and shall administer the oath or affirmation required of the members. Electoral Commissioners shall not be members of any political party during their term of office; and to the extent possible membership on the Commission shall reflect the diversity of political views within the Republic.

Article 100 The Electoral Commission shall be empowered:

- (a) to organize and supervise all elections for public office;
- (b) to prescribe guidelines and regulations for the registration of political parties and independent candidates, and to register or deny the registration of such parties and candidates in accordance with the requirements set forth in this Constitution and the guidelines and regulations of the Commission;
- (c) to arrange for the annual and other periodic examinations and auditing of the records, financial statements and accounts of political parties and candidates, and to publish the reports of such examinations and audits for public information;
- (d) to demarcate the boundaries of legislative constituencies;
- (e) to arrange for the registration of persons qualified to vote and for the maintenance of a voters' register;
- (f) to administer election laws enacted by the Legislature; and
- (g) to make such rules and regulations as shall be necessary for the proper discharge of its functions.

Article 101

- (a) The President shall appoint, upon recommendation of the Public Service Commission and with the consent of the Senate, an Auditor-General who shall be a certified or chartered public accountant. The Auditor-General shall hold office for a period of nine years with eligibility for reappointment. He shall maintain a budget independent of the Executive and provided by the Legislature. He shall have the authority to appoint such personnel from a list of qualified candidates, submitted to him by the Public Service Commission, as may be necessary for the proper functioning of his Office,
- (b) The Legislature shall from time to time, and as it may deem appropriate, authorize the auditing of the Auditor-General.

Article 102 The Auditor-General shall be empowered to audit all accounts of all public offices and all public officers, including the courts, public corporations and authorities and all persons and bodies established by law and entrusted with the collection and administration of public monies and assets. The Auditor-General, or his designees shall, for that purpose, have access to all books, records and documents relating to those accounts. In addition to his annual reports, he shall submit such special reports as may be required by the President or the Legislature.

Article 103 No impeachment proceedings shall be initiated against an Auditor-General without a prior investigation and report of the Public Service Commission. Such investigation shall be in accordance with due process of law.

Article 104 The Ombudsman Commission shall consist of a chairman and two members, two of whom shall be lawyers, appointed by the President upon recommendation of the Judicial Service Commission and with the consent of the Senate. The qualification for appointment to the Commission, in addition to those stated in Article 92, shall be the same as for Justices of the Supreme Court of Liberia. Each member of the Commission shall serve for a term of five years, with eligibility for reappointment. The President shall designate the Chairman and administer the oath or affirmation required of the members.

Article 105 The Ombudsman Commission shall have the power;

(a) to investigate, on its own initiative or on complaint by any person, or cause such investigation to be carried out into any alleged misconduct in office by a public official or employee, whether involving action taken or omitted to be taken by any Government agency, public corporation, authority or institution set up or substantially funded by the Government, or any officer or employee of any of the foregoing;

(b) to investigate administrative acts of arbitrariness, unfairness, aggressiveness and inconsistency which have resulted into sufferings and injustices upon a party and for which there appears to be no reasonably available judicial remedy; and

(c) to recommend to the President or appropriate government agency, authority, commission or official, after thorough investigations conducted in accordance with the requirements of due process of law, measures or action to be taken to give redress to the aggrieved party.

Article 106 The Commission shall not be competent to inquire into or investigate any matter which is sub judice, which has been judicially determined to be privileged or over which other agencies have original jurisdiction and in which the complainant has failed to first exhaust the procedure available therein.

Article 107

(a) No person to whom this Article applies, whether elected or appointed to any public office, shall hold or perform any other regular full-time or part-time job or engage in any

professional activity in a private capacity for which such person receives regular remuneration or honorarium while he holds such public office, provided that this shall not apply to academic and teaching positions or welfare.

(b) No person to whom this Article applies, holding public office, shall demand or receive any other perquisites, emoluments or benefits, directly or indirectly, on account of any duty required of him; nor shall such person manage or engage, directly or indirectly, in any business which conflicts with or is likely to conflict with his official duties and functions or likely to cause him to compromise his public position.

(c) Every person to whom this Article applies shall within ninety days after the coming into force of this Constitution, or, if employed after the coming into force of this Constitution, then not later than ninety days after entering upon the functions of his office, and at such periods thereafter as may be prescribed in a code of conduct enacted by the Legislature, file with the Public Service Commission a written declaration duly sworn to setting forth separately total assets, including money, personal, real and mixed property owned, possessed or controlled by him and total liabilities.

(d) Persons to whom this Article applies include the President, Vice-President, members of the Legislature, justices of the Supreme Court and judges of subordinate courts, cabinet ministers, deputy and assistant cabinet ministers, members of Autonomous Public Agencies, officials of public corporations, agencies and other public employees.

(e) The Legislature shall, in extension of the above provisions, prescribe a code of conduct for all public officials and employees stipulating the acts forbidden and the penalties for violation thereof.

Article 108 This Constitution may be amended whenever a proposal by either (1) two-thirds of the membership of both houses of the Legislature, or (2) a petition submitted to the Legislature by not fewer than 10,000 citizens, which receives the concurrence of two-thirds of the membership of both houses of the Legislature, is ratified by two-thirds of the registered voters, voting in a referendum conducted by the Electoral Commission not sooner than one year after the action of the Legislature.

Article 109 Proposed constitutional amendments shall be accompanied by statements setting forth the reasons therefor and shall be published in the Official Gazette and made known to the people through the information services of the Republic. If more than one proposed amendment is to be voted upon in a referendum they shall be submitted in such manner that the people may vote for or against them separately.

Article 110 The limitation of the Presidential term of office to two consecutive terms, each of four years duration, is entrenched in this Constitution, and neither that limitation nor this Article is subject to amendment.

Article 111

(a) Notwithstanding anything to the contrary in this Constitution, any persons duly elected to any office provided for under this Constitution and under the laws in force immediately before the coming into force of this Constitution shall be deemed to have been duly elected for the purpose of this Constitution and to have assumed the position so occupied on the date of coming into existence of this Constitution,

(b) Notwithstanding anything to the contrary in this Constitution, the person so elected President of Liberia shall be inaugurated as President on the 12th day of April, 1985. This Constitution shall come in to force simultaneously with that inauguration.

(c) Notwithstanding anything to the contrary in this Constitution, the People's Redemption Council shall by decree convene a session of the newly elected Legislature before or on the 12th day of April, 1985, to enable the Senate and House of Representatives to organize and elect their officers. Such elections shall be conducted in accordance with the rules and procedures laid down by the Legislature under the suspended Constitution until changed by the new Legislature.

(d) Any person who, under the laws extant immediately before the coming into force of this Constitution; held an appointment or was acting in an office shall be deemed to have been appointed, as far as it is consistent with the provisions of this Constitution, to hold or to act in the equivalent office under this Constitution until appointments otherwise provided for under this Constitution shall have been made.

Article 112

(a) The Constitution of the Republic of Liberia which came into force on the 26th day of July, 1847, and which was suspended on the 12th of April, 1980, is hereby abrogated. Notwithstanding this abrogation, however, any enactment or rule of law in existence immediately before the coming into force of this Constitution, whether derived from the abrogated Constitution or from any other source shall, in so far as it is not inconsistent with any provision of this Constitution, continue in force as if enacted, issued or made under the authority of this Constitution.

(b) All treaties, executive and other international agreements and obligations concluded by the Government of the People's Redemption Council or prior governments in the name of the Republic prior to the coming into force of this Constitution shall continue to be valid and binding on the Republic unless abrogated or cancelled or unless otherwise inconsistent with this Constitution.

(c) All foreign and domestic debts or other loans and obligations contracted by the Government of the People's Redemption Council or prior governments, or any agency or other authority in the name of the Republic of Liberia prior to the coming into existence of this Constitution, shall continue to be binding on and enforceable by the Republic of Liberia.

Article 113 Notwithstanding anything to the contrary in this Constitution:

(a) the People's Supreme Court of Liberia, sitting in its October Term, 1984, shall, for the purpose of facilitating the continued disposition of cases before it, continue to sit en banc until the end of February, 1985. Thereafter only chamber sessions shall be held pending the coming into existence of this Constitution. The Court shall be dissolved twenty-four hours after the coming into force of this Constitution and the term of office of all justices shall be terminated. The President, immediately upon dissolution of the People's Supreme Court, shall appoint three circuit court judges who, as an ad hoc appellate court, sitting in chambers, shall have the power to issue remedial writs which shall await determination on the merits by the Supreme Court when constituted. Whenever a judge of the ad hoc court shall be the one against whom a remedial writ is sought, he shall be substituted by another circuit court judge for the purpose of deciding on the issuance of the writ. A majority of the judges must agree before any writ is issued. The new Supreme Court shall be established within six months of the coming into force of this Constitution.

(b) All subordinate courts operating prior to the effective of this Constitution shall continue to so operate, and all judges holding appointments in such courts shall continue to hold such appointments after the coming into existence of this Constitution until their successors are appointed and qualified; provided, however, that all such judges shall remain and preside in their respective resident circuits pending the reconstruction of the Supreme Court. The appointment by the President of judges of subordinate courts shall be made within nine months after the coming into force of this Con-All judges holding office prior thereto, unless reappointed, shall cease to hold office and their functions shall automatically devolve upon the newly appointed judges,

(c) Where any legal or administrative proceeding has been commenced, or a person seeks action by any authority or one acting under the authority of the Government, that matter may be carried on and completed by the person or authority having power or by his successor-in-office; and it shall not be necessary for any such proceeding to be commenced de novo. Any act completed by any person or authority having power under the existing law shall not be made the subject of review or commenced anew by anyone assuming the authority of that office after the coming into force of this Constitution.

Article 114

(a) No executive, legislative, judicial or administrative action taken by the People's Redemption Council or by any persons, whether military or civilian, in the name of that Council pursuant to any of its decrees shall be questioned in any proceedings whatsoever; and, accordingly, it shall not be lawful for any court or other tribunal to make any order or grant any remedy or relief in respect of any such act.

(b) No court or other tribunal shall entertain any action whatsoever instituted against the Government of Liberia, whether before or after the coming into force of this Constitution or against any person or persons who assisted in any manner whatsoever in bringing about the change of Government of Liberia on the 12th day of April, 1980, in respect of any act or commission relating to or consequent upon:

(i) the overthrow of the government in power in Liberia before the establishment of the government of the People's Redemption Council;

(ii) the suspension of the Constitution of Liberia of July 26, 1847;

(iii) the establishment, functioning and actions of the People's Redemption Council, the People's Supreme Court, the Special Military Tribunal and other organs established by the People's Redemption Council;

(iv) the imposition of any penalties, including the death penalty, or the confiscation of any property by or under the authority of the People's Redemption Council under a decree made by that Council in pursuance of but not limited to the measures undertaken by the Council to punish persons guilty of crimes and malpractices to the detriment of the Liberian nation, the people, the economy, or the public interest; and

(v) the establishment of this Constitution.

Article 115 The Legislature shall, by statute enacted no later than one year after the coming into force of this Constitution, prescribe the guidelines and determine the procedures under which the President shall, by reason of illness, be declared incapable of carrying out the functions and duties of his office.

1. This Schedule shall form and be an integral part of this Constitution and shall have the same force as any other provision thereof.
2. All public officials and employees, whether elected or appointed, holding office of public trust, shall subscribe to a solemn oath or affirmation as follows:

"I, do solemnly swear (affirm) that I will support, uphold, protect and defend the Constitution and laws of the Republic of Liberia, bear true faith and allegiance to the Republic, and will faithfully, conscientiously and impartially discharge the duties and functions of the office of.....-, to the best of my ability. (SO HELP ME GOD). "

COMPLETED THIS 28TH DAY OF JANUARY A.D. 1983 IN THE CITY OF MONROVIA,
REPUBLIC OF LIBERIA BY THE NATIONAL CONSTITUTION COMMISSION.

Amos Sawyer, Chairman
D.K. Wonsehleay, Co-Chairman
Robert G.W. Azango, Member J.
Gornee N. Barlefay, Member
J. Emmanuel Berry, Member
George D. Browne, Member
Augustus F. Caine, Member
H. Boima Fahnbulleh, Sr., Member
Bangaly Fofana, Member
Philip G. Gadegbeku, Member
Alfred V.W. Gayflor, Member

Isaac L. George, Member
J. Rudolph Grimes, Member
Abraham L. James, Member
Peter A. Johnson, Member
David Kpomakpor, Member
Henry G. Kwekwe, Member
Albert Porte, Member
Patrick L.N. Seyon, Member
J. Teah Tarpeh, Member
S. Byron Tarr, Member
B. Mulbah Togbah, Member
Wolor Topor, Member
Rebecca Ware-Wilson, Member
Tuan Wreh, Member