

## Open Letter to President Sirleaf Regarding Justice Minister Christiana Tah's Contempt Ruling

**Dear Madam President:**

It was refreshing for me to listen to your Justice Minister, Christiana Tah's BBC magnanimous interview on January 24, 2014 – a day after the Liberian Supreme Court Denied her petition to reconsider the punishment they imposed on her for discharging her duties as the principal legal officer of the Republic of Liberia. Apparently, the court took umbrage at the Minister for exercising her statutory power to grant compassionate leave to a journalist who had been imprisoned for blowing the whistle against an allegedly corrupt Minister.

I will defer substantive comment about the absurdity of the court's ruling as I suspect that it could attract a tome of seasoned critiques in due course. However, embracing this development as a learning opportunity to help deepen our democratic practice, I write to address your confounding inaction and implicit abdication of authority as the Chief Executive of the sovereign State.

I have opted to write this letter under the cloak of a pen name, not for the fear of retribution, rather to illustrate the frustration that comes with trying to pierce a veil of secrecy. Your studied silence in the face of public outcry about the Liberian Supreme Court's incoherent ruling against your Minister of Justice, Christiana Tah, seems to confirm the consensus among discerning analysts regarding your complicity in orchestrating the witch-hunt.

As the Chief Executive of the State, it is not unreasonable for you to take responsibility for an action your Minister undertakes at your behest. Equivocating or sitting on the fence is not a viable option; insofar as it suggests your endorsement of the court's judgment, it signals your vote of no confidence in a Minister whose integrity and credibility is underscored by the action in question. If indeed the Minister has lost her principal's confidence, it is all the more telling that you have not relieved her of a crucial portfolio the effectiveness of which you surreptitiously undermine.

Beyond the realm of speculation, I took solace in the objective BBC interview as evidence that Minister Tah found the fortitude to carry on with her responsibilities to the extent possible under the circumstances. Her relentless commitment is reminiscent of your 2011 Harvard Commencement speech in which you resoundingly extolled the virtues of hope and resilience. In that speech, you also reflected on the costs of "self-confidence, sometimes called arrogance". Recalling "times when the burden of standing tall by one's convictions seemed only to result in failure," you insisted that "through it all, my experience sends a strong message that failure is just as important as success."

As the point of departure for my present observations, Madam President, I will borrow your acclamations of the dividends of peace, your tribute to "Liberian women who fought the final battle for peace," and your proclamation of both pride and humility "as the first woman President of my country – democratically elected" which you noted has allowed you to lead "national transformation, a change needed to address an environment characterize by such awesome challenges as ... dysfunctional institutions".

What are the prospects for the rule of law which is a fundamental condition for the transformation you espouse where the highest court of the land can get away with arbitrarily suspending the license of the government's chief legal officer under the pretext of a perceived slight? Listening to the questions that Minister Tah fielded in her BBC interview indicates that Liberians remain focused on how best she can facilitate their pursuit of justice.

While the Supreme Court's suspension of the Minister's license to practice is not a mere symbolic gesture, the obvious sense of obligation that impels her to persevere in going about her business in the best interest of the country is a testament of uncommon patriotism. This is especially given that you, the principal at whose behest she intervened to grant the contested compassionate leave has studiously remained silent in the court of public opinion throughout her petty, yet humiliating, ordeal with the Supreme Court.

Madam President, what's your story? Is it easier to blame your challenges on vested interests? What are these interests and who enabled their chieftains? Revisiting your Supreme Court appointees, what are their antecedents? Did you honestly expect that these entities would transcend their pasts sufficiently to evolve into objective custodians of justice or were the appointments a deliberate ploy to institutionalize a kangaroo court? If the Minister of Justice is denied Justice by your highest court, what hope is there for the ordinary Liberian?

***Do you not appreciate the profound threat that the judiciary's encroachment into executive powers constitute, not just to your administration, but to the rule of law which is bound to safeguard democratic consolidation in Liberia?*** My paramount concern is more about the collective good and less about how history will judge you for squandering a pristine opportunity to rebuild. But, I'd be remiss not to emphasize that there is yet time for you to course correct.

Madam President, we recall the length you went to endear yourself to the international community as a patriotic opposition leader committed to the essence of equity and fairness. I was one of millions ecstatic when you were elected Liberia's President and when you received the Nobel Peace Prize for advocating women's participation in peace-building (presumably on the assumption that women's participation makes a qualitative difference).

However, I must confess that I have had growing cause to ponder to what avail. What happened to the ideals that you championed as an activist and in your quest for office? Will the real Ms. Sirleaf please make herself known? Will you sacrifice the best interest of the nation for personal aggrandizement? Or will you summon up the courage to redeem the remaining years in your tenure to steer Liberia back on a course that gives it a meaningful chance to endure as a viable democracy?

To refresh my memory of why you earned my support, I revisited some highlights of your profile in the public domain. In a CCTV Faces of Africa footage entitled "Ellen Sirleaf: Mother of Liberia," you excoriated politicians to distinguished your own public service aspirations. As you put it,

*What I wanted to do was be a leader – a leader motivates people, inspires them and gets them to do things and politician just talks. ... It hasn't all been easy; I have had my share of failures, but I am so glad that the success has exceeded the failures and that is why I am where I am today; I was able to rise above the failures and rise above the difficulties. I hope I could send that message to every other woman or every*

*other person that it takes perseverance and commitment and dedication and hard-work and honesty – a combination of those values can get you there.*

Ironically, that video report was posted on the web on October 22, 2013, exactly a week after the Supreme Court heard proceedings indicting your Minister of Justice for contempt. In conclusion, the narrator clarified that your leadership has not escaped controversy, noting for example that you came “under fire for promoting 3 of [your] 4 sons into high positions”. A cursory review of official dispatches and popular testimonials on Liberia reveal sordid details of pervasive corruption and abuse of power throughout your government.

The 2012 Human Rights Report on Liberia which corroborates that officials engage in corrupt practices with impunity, relates the most serious human rights abuses to a lack of justice which stems from judicial inefficiency and corruption, etc. In delivering the 166th Independence Day National Oration on July 26, 2013, your own ruling Party chair, Varney Sherman, lamented that nearly ten years after the civil war and after two cycles of democratic elections, Liberians who have come to terms with the harsh reality “that peace is not necessarily the absence of war,” ask themselves whether the Government is sufficiently accountable and responsive to their needs.

Sherman proceeds to warn that

*“our country cannot be transformed when public service is evaluated by the Liberian people at large as the place where corruption exists, persists and is practiced as a matter of course and with impunity.”*

Hopes that your successive tenure will usher in a healing era of restorative justice and grassroots empowerment are increasingly eviscerated by your administration’s reenactment of chilling strategies that bear strong parallels with some of the conditions that culminated in the inhumane war.

Many who celebrated your democratic election as an antidote for amputation, castration, and other decidedly villainous modes of containing opposition have been astounded by your disdain, discipline and punishment of dissent. Yet, we know that dissent is the lifeline of democracy. What is the future of democratic practice where a civil society stalwart like the press is either alienated or co-opted or where the Bar – the iconic bulwark of justice – is unconscionably intimidated?

Is the assumption that the so-called “politics of the belly” which has become the hallmark of your administration overrides the public good? It is bad enough to imagine that a global goodwill ambassador such as yourself would stoop as low as purposefully installing roguish personnel in cardinal positions of power and normalize incestuous appointments which empower the likes of your sons to rid rough shod against all and sundry as if the affairs of a democratic polity are a birth-right entitlement.

If you care to take the pulse of your constituency, you will be dismayed to reckon how palpable sentiments for your resignation have grown. Yet, we know from experiences exemplified by the Arab Springs that a vacuum of power or unplanned succession could be a cure worse than the disease. Go figure, Madam President.

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