



CHIEF JUSTICE
SUPREME COURT OF LIBERIA



JUDICIAL BRANCH
TEMPLE OF JUSTICE
MONROVIA, LIBERIA

IN THE HONOURABLE SUPREME COURT OF THE REPUBLIC OF LIBERIA
SITTING IN ITS OCTOBER TERM, A.D. 2019

BEFORE HIS HONOR: FRANCIS S. KORKPOR, SR.....CHIEF JUSTICE
BEFORE HER HONOR: JAMESETTA H. WOLOKOLIE.....ASSOCIATE JUSTICE
BEFORE HER HONOR: SIE-A-NYENE G. YUOHASSOCIATE JUSTICE

Alvin Teage JallohPetitioner)

Versus)

Olubankie King-Akerele, in her official capacity)
As Minister of Foreign Affairs, Christiana P. Tah,)
In her official capacity as Attorney General and)
Minister of Justice, and Milton Nathaniel Barnes)
In His official capacity as Liberia's Ambassador)
To the United States of America.....Respondents)

) The constitutionality of section
) 22.1 and 22.2 of the Alien and
) Nationality Law

JUDGMENT



When this case was called for hearing, Counsellors Seward Montgomery Cooper and Frank Musah Dean Jr., appeared for the petitioner. Counsellors Frederick Doe Cherue, Minister of Justice & Attorney General, Betty Lamin Blamo, Solicitor General, J. Daku Mulbah, County Attorney for Montserrado County appeared for the respondents.

Having carefully perused the petition and the returns thereto filed before this Court, listened to the oral arguments and contentions advanced by the counsels representing the parties and considered the laws cited and relied upon, it is hereby

ADJUDGED:

That the petitioner, a Liberian citizen, whose application for a travel document to enable him travel to Liberia was denied by the Liberian Embassy in Washington D.C., USA, on ground that because the petitioner had acquired an American citizenship, he needed to obtain a non-immigrant visa before he could travel to Liberia, is directly affected and therefore falls within the category of persons whose Liberian citizenship rights have suffered or are in danger of suffering from the Liberian Government's enforcement of Sections 22.1 and 22.2 of the Aliens and Nationality Law. Hence, the petitioner, as a party of interest, has standing to bring an action against the Government of Liberia;



That Article 95(a) of the Constitution of Liberia (1986) provides: "

"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 day 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, insofar 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."; and

That Section 22.2 of the Aliens and Nationality Law is in direct conflict with the requirements of Article 20(a) of the Liberian Constitution (1986), which provides in part:

"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 judgment consistent with due process of law..."

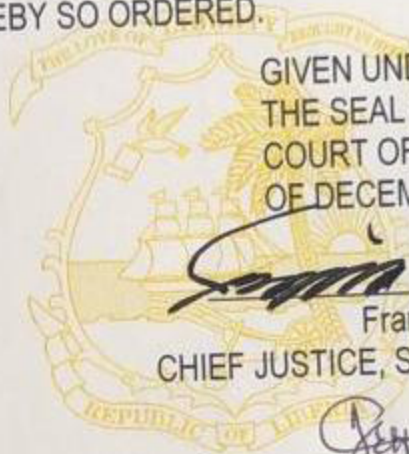
Contrarily, Section 22.2 of the Aliens and Nationality Law provides:

"The loss of citizenship under Section 22.1 of this title shall result solely from the performance by a citizen of acts or fulfillment of the conditions specified in such section, and without the institution by the Government of any proceedings to nullify or cancel such citizenship;" [Emphasis supplied] and

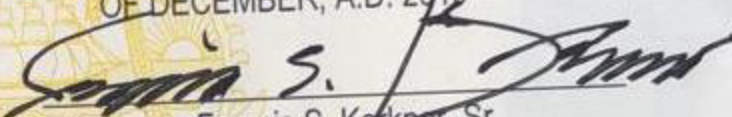
That the foregoing provision of Section 22.2 of the Aliens and Nationality Law which was enacted long before the promulgation of the 1986 Constitution of Liberia, being in conflict

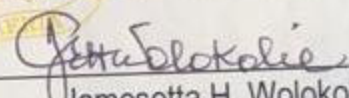
with and repugnant to Article 20(a) of the 1986 Constitution regarding due process, was deemed repealed within the contemplation of Article 95(a) of the Constitution, as at the time the Constitution came into being in 1986.

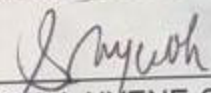
WHEREFORE and in view of the foregoing, the petition is hereby granted. Section 22.2 of the Aliens and Nationality Law, to the extent that it provides for loss of citizenship solely on account of the performance by a citizen of acts or fulfillment of the conditions specified in Section 22.1 without the institution by the Government of any proceedings to nullify or cancel citizenship in violation of the due process clause under Article 20(a) of the 1986 Constitution, is hereby declared null and void without any force and effect of law. The Clerk of this Court is ordered to send a mandate to the parties to this case informing them of this Court's Judgment. IT IS HEREBY SO ORDERED.



GIVEN UNDER OUR HANDS AND
THE SEAL OF THE SUPREME
COURT OF LIBERIA THIS 23rd DAY
OF DECEMBER, A.D. 2019


Francis S. Korkpor, Sr.
CHIEF JUSTICE, SUPREME COURT OF LIBERIA


Jamesetta H. Wolokolie
ASSOCIATE JUSTICE, SUPREME COURT OF LIBERIA


SIE-A-NYENE G. YUOH
ASSOCIATE JUSTICE, SUPREME COURT OF LIBERIA

NOTE: Messrs. Justice Joseph N. Nagbe and Yussif D. Kaba not having ascended to the Supreme Court Bench at the time this case was heard, did not participate in its hearing and determination. Hence, they did not sign this judgment.