

REPUBLIC OF LIBERIA IN THE HONORABLE SUPREME COURT OF LIBERIA
SITTING IN TS OCTOBER A.D. 2024 TERM

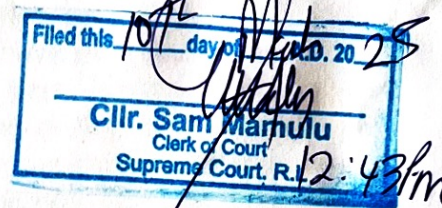
CHAMBERJUSTICEJOHNSON

National Kehkeh and Motorbike Riders
Welfare and Advocacy Organization
(NAKEMOR) represented by and thru
the Solidarity and Trust for a New Day
(STAND) represented by its Chief
Executive Officer Mulbah K. Morlu of
the City of Monrovia, Republic of
LiberiaPETITIONER

VERSUS

The Government of Liberia represented
by the Minister of Justice & Attorney-
General N. Oswald Tweh, the Solicitor-
General, Augustine Fayiah, Deputies and
Assistant Ministers, including the
Liberia National Police headed by
Inspector General Gregory Coleman and
other security agencies acting under their
control and authority of the City of
Monrovia, County of Montserrado,
Republic of LiberiaRESPONDENTS

PETITION FOR A WRIT OF
PROHIBITION



Petitioner's Petition

AND NOW COME THE PETITIONER in the above entitled cause of action and most respectfully prays Your Honor and this Honorable Court for the issuance of the **ALTERNATIVE/PROVISIONAL WRIT OF PROHIBITION** to restrain, inhibit, and prohibit the within named Respondent and its agents to *immediately refrain from all actions and activities including illegally barring the members of Petitioners from entering the city of Monrovia, Duala Market and other areas with the Republic of Liberia, confiscating their Kehkehs and motorbikes and imposing hefty fines in total violation of Petition's rights under Article 13 of the 1986 Constitution, the Vehicle of Traffic Law of Liberia and other laws as legitimate motor vehicle license holders, for the following factual and legal reasons as showeth to wit:*

1. And because Petitioner, Solidarity & Trust for a New Day (STAND) represented by and thru its Chief Executive Officer, Mulbah K. Morlu having been duly designated by National Kehkeh and Motorbike Riders Welfare and Advocacy Organization (NAKEMOR) through a Board resolution, is hereinafter referred to as the **[THE PETITIONER]**, and has the legal standing and capacity to bring this action for and on behalf of NAKEMOR as a matter of law. **Attached hereto and marked as "Exhibit P/1"** is a copy of the Board Resolution and articles of incorporation of NAKEMOR.
2. And because the Government of Liberia represented by the Minister of Justice and Attorney-General, the Solicitor-General, Deputy and Assistant Ministers and the Liberia National Police hereinafter collectively referred to as **THE RESPONDENT**, is the sovereign authority responsible through the Liberia National Police and other security apparatus for the enforcement of all vehicle and traffic laws, statutory laws of the Republic of Liberia including but not limited to laws that defend, protect and uphold the rights of every citizen to move freely without any hindrance save a state of emergency in case of national security concern duly ordered as in keeping with the 1986 Constitution.
3. And Petitioners says that this petition is being filed with a sense of **National Urgency** as it is lodged before Your Honor and this Honorable Court in the face of growing

unease, uproar, serious commuters transportation crisis, hardships and severe headache for commuters throughout Liberia, a shamefully orchestrated campaign hatched by the Liberia National Police with the apparent acquiescent approval of the Ministry of Justice to unduly and publicly punish innocent Liberian citizen by restricting and illegally barring Kehkehs and Motorbikes from entering Monrovia; from plying major highways crowded with commuters as a subterfuge only intended to harass intimidate Kehkeh and motorbikes riders and illegally confiscate their motorbikes and kehkehs under the pretext of enforcing a so-called "no go zone" in certain parts of Liberia, i.e. **Monrovia, city, Duala and other parts of Liberia.**

4. By the obvious conduct being displayed and demonstrated by the RESPONDENT to bar and restrict the free movement and entry of Petitioner's members in the city of Monrovia, Duala Market and other parts of Liberia, the Respondent's conduct is repugnant to the provisions of Article 13 of the 1986 Constitution.
5. Petitioner says Article 13 of the 1986 Constitution expressly states:(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..."Your Honor is most respectfully requested to take judicial notice of the law.
6. Petitioner submits that on the 19th day of February, 2025, an incident involving a truck driver and one of petitioner's member occurred at the Gabriel Tucker Bridge, Johnson Street, down town Monrovia that pathetically and emotionally led to the accidental death of the latter (a motorcyclist), thereby creating a state of pandemonium and during which some members of petitioner (motorcyclist and Kehkeh riders) allegedly went on the rampage, chasing and attacking several police officers, a situation that has already been condemned and described as unformatted and unacceptable by Petitioner's members and a call for an investigation made to avert recurrence.
7. Petitioner says it recognizes the sanctifies of the members of the Liberia National Police and their invaluable services to the Liberian State in protecting life and property but questions the rationale of the police using an isolated incident of an alleged lawlessness by few members of petitioner to witch-hunt and incriminate over 200,000 other members collectively and thereby proceed to blame and indict the entire organization as lawless for such illegal act absent due process. Petitioner says the purported "no go zone action undertaken by the Respondent infringes upon Petitioner and member rights to free movement and is in total contravention of Article 13 of the 1986 Constitution.
8. Petitioner submits that its members are motorbikes and Kehkeh riders duly designated under Title 8, Liberian Codes of Law Revised-Vehicle and Traffic Law, **Subchapter B titled: "ISSUANCE, EXPIRATION, AND RENEWAL" subsection 2.20 titled: "License requirement" to acquire:** A "license to operate motor vehicles" includes an instruction permit, an operator's license, a chauffeur's license, and a license to operate heavy vehicles." Subsection **2.20 titled: " License requirement" provides:** "No person, except those hereinafter expressly exempted, shall operate any motor vehicle unless such person holds a valid license as an operator, chauffeur, or operator of heavy vehicles. No person shall operate a motor vehicle as a chauffeur unless he holds a valid chauffeur's license, and no person shall operate a heavy vehicle unless he holds a license to operate heavy vehicles." Your Honor is further requested to take judicial notice of the law.

9. Petitioner says having being designated by law under **Title 38, Liberian Codes of Law Revised-Vehicle and Traffic Law**, as motor vehicles operators within the Republic of Liberia, petitioner says its members were made to acquire driver's licenses, insurance policies for their motorbikes and Kehkehs in order to be allowed as bona fide motor vehicles operators to ply the streets of the Republic of Liberia uninterruptedly. Attached hereto and marked as "Exhibit P/2" in Bulk are few of their drivers' licenses and insurance policy certificates to form a cogent part of this petition.
10. Petitioner says that Article 20(a) of the 1986 Constitution expressly states: "***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 the provisions laid down in this Constitution and in accordance with due process of law...***" Not having accorded Petitioner's members their due process rights under the circumstance, the unilateral action taken by the Respondent violates Petitioner's rights under Article 13 of the 1986 Constitution and therefore a petition for a writ of prohibition will surely lie as matter of law.
11. Petitioner also most respectfully submits that the Writ of Prohibition will issue especially, as in this case, where it has been duly established that without the declaration of a state of emergency or the commission of any crime by Petitioner, where its members are collectively indicted for acts allegedly committed by few members and for this reason barred from accessing or entering the city of Monrovia and its environs and the Duala Market and other places within the Republic of Liberia not under a state of emergency by law.
12. Further, Petitioner says a petition for a writ of prohibition will further lie because the Respondent, acting outside of the pale of law have illegally and arbitrarily confiscated and are withholding over 700 motorbikes and Kehkehs belong to petitioner's member absent due process. Petitioner says that this Honorable Supreme Court has articulated in a countless number of its Opinions that a writ of prohibition will be granted to prevent ***great outrage upon settled principle of law and procedure***, in cases where wrong, damage, and injustice are likely to follow such action.
13. **Petitioner says that** it has become egregiously palpable that Respondents herein are threatening and plotting to illegally and permanently bar all motorbike and Kehkeh riders from plying the streets of Monrovia on their own terms and condition irrespective of the fact that the law protects petition and its members. Petitioner hereby submits that a petition for a writ of prohibition will lie to prevent what the petitioner reasonably believes to be a real threat and well-orchestrated plot solely designed to illegally remove Petitioner and its members from the streets of Monrovia and thereby deprive them of their livelihoods. **See the case: Togba v. Republic of Liberia, 35 LLR 389, 400 (1988).**

WHEREFORE AND IN VIEW OF THE FOREGOING, IT IS THE PRAYER OF Petitioner as follows:

1. That Your Honor will order issued the Alternative Writ of Prohibition, directing RESPONDENT to refrain from any and all actions and activities including illegal confiscation and withholding of Petitioner's members motorbikes and Kihkehs unjustifiably;

2. That Your Honor will order a STAY on all actions by the Respondent, i.e. the ministry of justice and the Liberia National Police in falsely declaring Monrovia and the Duala Market a "No Go Zone" for motorbikes and Kehkehs riders;
3. That Your Honor will order returned unconditionally the Over 700(seven hundred) motorbikes and Kehkehs illegally seized and that in the possession of the Respondent at various Police Stations around the Country and will order the parties to return to STATUS QUO ANTE, pending the full determination of the is matter; and
4. That Your Honor will cause a Conference to be followed by a HEARING, and, thereafter, issue the Peremptory Writ as a matter of law;
5. That Your Honor will pass any order, and issue any instruction mandating the Respondents to refrain from holding and conducting secret sessions in contravention of the House's Rule; and
6. That Your Honor will grant unto Petitioner all and any further relief that Your Honor may deem just and equitable in the premise.

RESPECTFULLY SUBMITTED:

**PETITIONER by and thru his legal counsel
AFDASA Consultancy Inc., 4th Street, Sinkor
Top of Air Cote D'Ivoire
Mobile:+231777909053**



**Cllr. SAYMA SYRNIUS CEPHUS, Esq.
GLOBAL LEAD COUNSEL
Defense Counsel/JCC/IRMCT/Rule 42 & 43/
The Hague, Netherlands/Arusha, Tanzania**

REPUBLIC OF LIBERIA] IN THE OFFICE OF THE JUSTICE OF THE
MONTSERRADO COUNTY] PEACE, FOR AND IN MONTSERRADO

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Welfare and Advocacy Organization
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PETITIONER'S AFFIDAVIT

PERSONALLY APPEARED BEFOFE ME, a duly qualified Justice of the Peace for and operating
within the City of Monrovia, County of Montserrado and Republic of Liberia, at my office, Mr.
Mulbah K. Morlu, Chief Executive Officer(CEO) of Solidarity and Trust for a New Day(STAND),
Petitioner in the above entitled cause of action and made OATH according to law that all and
singular the allegations of both laws and facts as are set forth and contained in the annexed
PETITIONER'S PETITION are true and correct to the best of his knowledge and belief and as to
those matters of information, he verily believes them to be true and correct.

SWORN AND SUBSCRIBED TO BEFORE ME

This 10th day of April A.D. 2025

Justice of the Peace, Montserrado County, R./L.



Mulbah K. Morlu
MULBAH K. MORLU/DEPONENT.