



**“AN ACT TO AMEND AND RESTATE AN ACT TO
ESTABLISH THE LIBERIA ANTI-CORRUPTION
COMMISSION AND TO RE-ESTABLISH THE
LIBERIA ANTI-CORRUPTION COMMISSION”**

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AN ACT

**TO AMEND AND RESTATE AN ACT TO ESTABLISH
THE LIBERIA ANTI-CORRUPTION COMMISSION AND
TO RE-ESTABLISH THE LIBERIA ANTI-CORRUPTION
COMMISSION**



REPUBLIC OF LIBERIA

**AN ACT TO AMEND AND RESTATE AN ACT TO ESTABLISH THE
LIBERIA ANTI-CORRUPTION COMMISSION AND TO RE-
ESTABLISH THE LIBERIA ANTI-CORRUPTION COMMISSION**

PREAMBLE

WHEREAS, corruption in both the public and private sectors of the Liberian society has undermined the institutional framework of good governance; and as a consequence, has hampered sustainable socio-political tranquility and retarded the economic development and growth of Liberia;

REALIZING that, due to the debilitating consequences of corruption, the people of Liberia have declared corruption as public enemy number one and resolved to combat and eradicate it;

ACKNOWLEDGING that, Government has adopted an anti-corruption policy and a comprehensive strategy that outlines the preventative, educational and enforcement measures to be taken to combat corruption in Liberia; and specifically provide for the establishment of an independent anti-corruption commission to investigate and prosecute cases of corruption; and


RECALLING Chapter 10, Article 89 of the 1986 Constitution of Liberia empowers the Legislature to enact laws for the creation of agencies and commission as may be necessary for the effective operation of Government; and Chapter 11, Article 90 of the Constitution which empowers the Legislature to prescribe a code of conduct for the public domain and to stipulate penalties and mechanisms for violations thereof:

NOW THEREFORE:

It is enacted by the Senate and House of Representatives of the Republic of Liberia in Legislature assembled:

PART - I: SHORT TITLE

Section 1.1 This Act to amend and restate An Act to Establish the Liberia Anti-Corruption Commission and to Re-establish the Anti-Corruption Commission shall also be cited as the New Anti-Corruption Commission Act.



PART - II: DEFINITION

For the purpose of this Act, the following words or phrases shall have the following meaning:

- a. **Acts of Corruption** means: Bribery, unlawful rewarding of public servants, unlawful compensation for assistance in government matters, trading in public office and political endorsement (as those offenses are defined in Chapter 12, Subchapter D of the Penal Law); official oppression, unlawful disclosure of confidential information, speculation or wagering on official action or information (as those offenses are defined in Chapter 12, Subchapter E of the Penal Law); and theft of property, theft of services, misapplication of entrusted property, defrauding of secured creditors, issuance or passing of bad checks, forgery or counterfeiting, facilitation of counterfeiting, obtaining or using deceptive writings fraud on the internal revenue, misuse of public money or record, theft and/or illegal disbursement and expenditure of public money, possession, distribution, transportation and /or use of tools and materials for counterfeiting purposes, banker receiving unauthorized deposit of public money, individually unauthorizedly making deposit of public money (as those offenses are defined by Chapter 15, Subchapter D, Subchapter E and Subchapter F of the Penal Law) and any other economic and financial offenses, which may hereafter be defined and enacted into law.
- b. **Civil Society** means: persons and/or organizations not employed in the service of the Government of Liberia, motivated by conscience and compassion, who advocate for social causes, general welfare and wellbeing of all person(s) or select-group of person(s).
- c. **Civil Society Organization(s)** means: not-for-profit, non-governmental associations of individuals, incorporated or unincorporated, which, motivated by shared values and conscience, engage in organized advocacy for social causes, general welfare and wellbeing of all persons or select-group of person(s).
- d. **Commission** means: the Liberia Anti-Corruption Commission
- e. **Commissioner** means: a member of the Commission, including its Chairperson and Vice Chairperson.
- f. **Corruption** means: The act of doing something with an aim or intent to give some advantage inconsistent with official duty and the rights of others; a fiduciary or official use of a station or office to procure some benefit either personally or for someone else, contrary to the rights of other or in violation of law. Any act or acts, decision or decisions or use of public resource or resources by a public or private official in the discharge of official duties and/or responsibilities which, in order to satisfy the selfish desire or interest of the said

official or other person or persons, natural or legal, ignore the established laws, regulations, and thereby, denies, deprives, and prevents, the State or person or persons natural or legal, from receiving entitlement, consideration, and/or treatment.

- g. **County of origin** means: the political sub-division (county) of Liberia, where a person was born, or where his/her father/mother was born.
- h. **Executive Chairperson** means: the chief executive/head of the Commission.
- i. **Private sector** means: the socio-economic sector of Liberia outside of the political structure of governance of Liberia and the persons (natural or legal) who conduct business in that sector.
- j. **Public sector** means: the political structure of the Government of Liberia, including, but not limited to, agencies, commissions and authorities of the Government of Liberia and all persons employed therein, compensation directly or indirectly by resources of the State and who perform the duties and responsibilities of their respective offices as required by law, regulations, guidelines, procedures, policies and generally acceptable standards, without any motivation or stimulation for profits.

PART - III: ESTABLISHMENT OF THE COMMISSION

- Section 3.1 That from and immediately after the passage of this Act, the Commission established under the Anti-Corruption Commission Act (2008) is abolished.
- Section 3.2 That from and immediately after the passage of this Act, there shall be established a new independent and autonomous Commission in Government to be known as the Liberia Anti-Corruption Commission (LACC), hereafter referred to as the "Commission", which shall be the successor to the Liberia Anti-Corruption Commission established by law in 2008; and which shall have the functions and powers as are conferred upon it by this Act.
- Section 3.3 Offices: The Commission shall have its head office in the City of Monrovia or any of its immediate environs, and it may establish branches in all other parts of Liberia, as approved by the Legislature; and appoint and/or assign investigators and staff anywhere in Liberia.

PART - IV: POWERS OF THE COMMISSION

- Section 4.1 The Commission shall have a common seal, and the powers:

- a. To sue and be sued in its own name;
- b. To enter into contracts and acquire, hold and alienate movable or immovable property by lawful means;
- c. To issue citations in accordance with law requesting the appearance of any persons under investigation or any person deemed by the Commission to be a witness to corruption or to have evidence about any act of commission;
- d. To, independently and in the name of the Republic of Liberia, investigate and prosecute any and all acts of corruption;
- e. To pursue sanctions and penalties, as provided by law, through courts of competent jurisdiction and cause to be expeditiously executed judgments of courts of competent jurisdiction regarding any and all acts of corruption;
- f. To establish counterpart and technical relationships with similar and other agencies, institutions and organizations in Liberia and abroad, as may be necessary for the effective discharge of its functions;
- g. To compile, verify, maintain and update a comprehensive assets declaration register for all employees of the Liberian Government pursuant to the Code of Conduct Act of 2014, with the addition that all requirements by said Code of Conduct Act of 2014 for the registration of assets of employees of the Government of Liberia with any other authority are hereby repealed and nullified.
- h. To issue citations to persons required to declare their income, assets and liabilities pursuant to the Code of Conduct Act of 2014, who have failed to submit such declaration, and to advise the competent authorities of the persons in default.
- i. To recommend sanctions of persons required to declare their income, assets and liabilities pursuant to the Code of Conduct Act of 2014, who fail to declare or who make false declaration of income, asset and liability, notwithstanding other sanctions or measures provided by the laws of Liberia.
- j. To establish counterpart and technical relationships with similar and other agencies, institutions and organizations in Liberia and abroad, as may be necessary for the effective discharge of its functions;

PART - V: FUNCTIONS OF THE COMMISSION

Section 5.1 The Commission shall have the broad mandate and functions to implement appropriate measures and undertake programs geared toward investigating, prosecuting, combatting and preventing acts of corruption, including educating the public about the ills of corruption and the benefits of its eradication.

Section 5.2 Without limiting the generality of Section 5.1 above, the Commission shall have the following specific functions:

- a. To investigate all acts of corruption discovered or reported to have occurred in the public, private, and civil society sectors of Liberia with the aim of identifying the person(s) and the extent of the loss of or damage to any public and/or private property as a result of such act of corruption;
- b. To investigate the conduct of any person, irrespective of office or status, natural or otherwise, if the conduct of the person(s) constitute an act of corruption;
- c. To examine and investigate any information, matter or report that indicates or raises suspicion about the conduct, action or decision of a public official or private person or organization in line of official duty and in the context of the definition of corruption;
- d. To prosecute all offences involving acts of corruption and, in particular, without prejudice to the generality of the foregoing, all offences falling within the jurisdiction of the Criminal Courts of the First Judicial Circuits of Montserrado County, and the Corruption and Related Economic & Financial Offences Divisions of the Circuit Courts established in the other counties;
- e. To execute the judgment of any court of competent jurisdiction regarding the disposition of and/or treatment to be accorded to assets and proceeds of corruption after a final judgment, including the judgment of the Supreme Court;
- f. To serve as the primary agency of the Government of Liberia authorized to make and receive requests for the purpose of international mutual legal assistance in the combat against corruption;

- g. To adopt, design and/or implement appropriate administrative and legal measures, as well as educational programs, aimed at eradicating and preventing acts of corruption;
- h. To advise and assist public, private and civil society institutions relative to designing and implementing procedures and systems that are appropriate to reducing the likelihood of the occurrence of corruption;
- i. To encourage and foster the effective participation of civil society organizations and the entire nation in the combat against corruption, and, in so doing, work with them in developing sensitization programs about both the ills of corruption and the benefits of preventing, combating and eradicating corruption;
- j. To serve as the agency of Government of Liberia with primary responsibility for the investigation of all acts of corruption and, in so doing, to promote and coordinate the collaboration of all law enforcement agencies of the Government of Liberia in the discharge of their activities as they relate to combating corruption, including but not limited to:
 - i. Tracing and monitoring, pursuant to court order, the movement and whereabouts of persons or organizations suspected or accused of being involved in acts of corruption,
 - ii. Tracing and monitoring, pursuant to court order, the movement of liquid and solid assets and valuables of persons or organizations suspected or accused of being involved in acts of corruption, and
 - iii. Building data-banks, maintaining databases, and sharing the contents of the data on persons or organizations convicted of acts of corruption without violating the fundamental rights of person(s) or organization(s) as enshrined in the Constitution;
- k. To conduct research, survey and related studies about: (1) the dimensions, manifestations, and causes and effects of corruption; and (2) the practices, procedures and systems of governance and management that need to be adopted and promoted to combat, eradicate and prevent acts of corruption;

- l. To lead the implementation of the Anti-corruption Strategy of Liberia, including the relevant provisions of the Code of Conduct Act of 2014;
- m. To carry out and discharge any and all of its functions and operating procedures to be established hereafter by the Commission in accordance with law;
- n. To serve as the agency of the Government of Liberia for the purpose of commencing legal proceedings on behalf of and in the name of the Government of Liberia, or of any public body, organization or entity to recover any loss suffered by the Government or such public body, organization or entity or any benefit received by any person or persons, natural or legal, as a result of any act of corruption, which the Commission may discover in the course of any investigation pursuant to this Act, whether or not anyone has been charged with or convicted of any criminal offence in relation to such conduct.
- o. To institute and operate the assets declaration and verification regime of Government of Liberia, pursuant to the Code of Conduct Act of 2014. In the performance of this function, the Commission has the authority to:
 - i. receive and maintain the declarations of income, assets and liabilities submitted by public officials;
 - ii. verify the accuracy of such declarations;
 - iii. allow or deny access to such declarations upon application to the Commission, subject to the condition that the Commission shall make disclosure of a person's declaration only where the Commission is satisfied that such disclosure is in the interest of the general public or where such disclosure is mandated/required by a court order;
 - iv. develop asset declaration guidelines and forms;
 - v. issue rules for the administration of the asset declaration and verification regime as it deems necessary for the effective implementation of this Act and the Code of Conduct Act of 2014;
 - vi. Recommend to the Legislature for enactment into law sanction(s) for breach of the asset declaration guideline.

PART - VI: COMPOSITION, APPOINTMENT AND TENURE

Section 6.1 **Composition:** The Commission shall be composed of seven (7) individual members known as Commissioners; one of whom shall be appointed as Executive Chairperson, one as Vice Executive Chairperson, who shall be the principal deputy to the Executive Chairperson and shall act as Executive Chairperson in the absence of the Executive Chairperson. The broad mandates of the Commission shall be:

Section 6.2. **Departments:** The Commission shall be organized into four (4) principal departments, as follows: (1) Administration and Supervision; (2) Monitoring and Investigation; (3) Prosecution; and (4) Education and Prevention.

Section 6.3. **Department of Administration and Supervision:** The Department of Administration and Supervision shall, without limiting the generality of its power and authority, be responsible to:

- a. manage and run the day-to-day affairs and operations of the Commission;
- b. manage the asset, income and liability regime of this Act and the Code of Conduct Act of 2014; and
- c. supervise the personnel and logistics, materials and equipment of the Commission.

Section 6.4. **Department of Monitoring and Investigation:** The Department of Monitoring and Investigation shall, without limiting the generality of its power and authority, be responsible to:

- a. monitor all suspicious acts of corruption and for investigating acts of corruption to determine whether there is probable cause that any person or organization or entity is engaged in acts of corruption; and
- b. file reports of its monitoring activities and investigations to the Executive Chairperson and the Department of Prosecution.

Section 6.5. **Department of Prosecution:** The Department of Prosecution, without limiting the generality of its power and authority, shall be responsible to:

- a. evaluate the investigative reports from the Department of Monitoring and Investigation to determine whether the evidence

produced by the reports present probable cause that the person(s), organization(s) and/or entity(ies), who/which were subject of the monitoring/investigation were engaged in acts of corruption; and

- b. to prosecute such person(s), organization(s) and entity(ies) whenever a determination is made that any act of corruption has been committed. Provided that the Department of Prosecution shall present its findings in a report to the entire Board of Commissioners, which shall make a decision thereon by a majority vote of all commissioners, including the Executive Chairperson as a member of the majority, and in the absence or incapacity of the Executive Chairperson, the Vice Executive Chairperson.

Section 6.6. Department of Education and Prevention: The Department of Education and Prevention shall, without limiting the generality of its power and authority, be responsible to

- a. undertake research into the causes, manifestation and dimensions of corruption in Liberia; and
- b. advise on approaches, program and practices needed to be adopted by the Government of Liberia, private and public institutions, organizations and entities to prevent and combat corruption; design and implement programs aimed at educating and sensitizing the public about the menace of corruption and its debilitating effect on the social fabric of Liberia and the economy of Liberia and what should be done to prevent and combat corruption.

Section 6.7 Appointment of the Commissioners: The seven (7) commissioners shall be Liberian citizens, nominated by the President of Liberia, from a list of fourteen (14) candidates (two for each position) pre-selected by an Ad-hoc Committee established by Section 6.10 below, and confirmed by the Liberian Senate. The Executive Chairperson shall be a lawyer with not less than five (5) years of active experience as a trial lawyer or judge and the Vice Executive Chairperson shall be a professional accountant or auditor, with not less than five (5) years professional experience as a forensic auditor or accountant. The other five (5) commissioners shall be a mixed of lawyers, accountants, criminal justice professional and any other Liberian of repute whose educations and professional qualification span a period of not less than five (5) years. The President may consult civil society and/or civil society organizations pursuant to the partnership between Government of Liberia, on the one hand, and civil society and/or civil society organizations, on the other hand during the

process of nominating any Liberian citizen for preferment as a commissioner.

Section 6.8 Qualification: Each member of the Commission shall be a Liberian citizen of not less than thirty (30) years of age, of good moral character with education and professional training and/or experience in law, law enforcement, criminal justice, accounting, auditing, internal control, compliance, transparency and access to information. Experience in advocacy for integrity and good governance, the prevention and combating of corruption, and its related social menace will be desirable, but not necessary. The membership of the Commission shall also be drawn to reflect the broad spectrum of society; provided further that no two (2) Commissioners shall have the same County of origin and all seven (7) and not more than four (4) commissioners shall be of the same gender.

Section 6.9. Delegation of Powers and Authority to the Commissioners;

- a. In addition to being the chief executive officer and overall head of the Commission, the Executive Chairperson shall be directly responsible for the Department of Administration and Supervision of the Commission.
- b. In addition to being the principal deputy to the Executive Chairperson of the Commission, the Vice Executive Chairperson shall be directly responsible for the Department of Education and Prevention.
- c. Three (3) of the other five (5) commissioners shall be jointly responsible for the Department of Monitoring and Investigation Department of the Commission.
- d. Two (2) of the other five (5) commissioners shall be jointly responsible for the Department of Prosecution of the Commission.

Section 6.10 Ad-hoc Committee Composition: The pre-selection of candidates for the position of commissioner shall be carried out by an ad-hoc committee set up by the President of Liberia. The Ad-hoc Committee shall be composed of nine (9) persons, a Chairperson appointed by the President of Liberia, and the eight (8) others (one each) from the following institutions/organizations: General Auditing Commission; - Governance Commission; Liberian National Bar Association; Press Union of Liberia; Liberia Business Association; anti-corruption advocate of Civil Society Organization; Liberia Institute of Certified Public Accountants, and the international donor community, which provides technical

assistance to Liberia in the area of prevention of and combatting corruption. Persons selected to the Committee must possess impeccable business and professional reputation, high moral values and qualities, excellent public reputation, and must never have been convicted of any crime. In the event that any organization to which the right is reserved to nominate a person as a member of the Ad-hoc Committee fails or neglects to timely do so, the right is reserved to the President of Liberia to make the appropriate appointment so as to expedite the work of the Ad-hoc Committee.

Section 6.11 Ad-hoc Committee Process: The Ad-hoc Committee shall publicize the opening of the period for submission of applications for appointment of Commissioners. Within [15] working days from the deadline for submission of applications, the Ad-hoc Committee shall evaluate the candidates against criteria laid in this Act, prioritizing good moral character and proven records as trial law practice, accounting and auditing, criminal justice investigation and advocacy. By a majority vote, the Ad-Hoc Committee shall establish a vetted list of at least fourteen (14) Liberians for the seven (7) commissioners of the new Liberia Anti-Corruption Commission; and whenever a vacancy occurs on the Liberia Anti-Corruption Commission, the number of vetted Liberians shall be a maximum of [4] times the number of open Commissioner positions for interview. No more than two candidates from the Ad-hoc Commission shall originate from the same county and no less than a quarter shall be from the same gender. The interviews shall take place within thirty (30) working days from the deadline for submission of applications and may be video/audio recorded. The recordings shall be placed on the official website of the Presidency immediately after the end of the last interview. A member of the Ad-hoc Committee may participate in its meeting remotely through videoconference. By a majority vote, the Ad-hoc Committee shall pre-select two (2) candidates for each Commissioner position and submit said list of candidates to the President of Liberia for his nomination to the Liberian Senate for confirmation. In case the composition of the Commission is at risk of imbalance for gender or county of origin, at least one (1) of the selected candidates shall be from a gender or county potentially underrepresented. The Ad-hoc Committee shall submit the list of candidates to the President of Liberia within thirty-five (35) working days from the deadline for submission of applications.

Section 6.12 Confirmation: A Person nominated to serve on the Commission who is an active member of any political party shall publicly resign before confirmation by the Liberian Senate, and appointment by the President of Liberia. He/she shall, during the confirmation process, declare his/her

assets and any property interest, which declaration, unless found to be questionable, shall not prejudice his/her nomination.

Section 6.13 Oath of office: All members of the Commission shall, before assuming their offices subscribe to a solemn oath or affirmation as required by the Constitution of Liberia.

Section 6.14 Tenure: For the appointment of the seven (7) Commissioners after the effective date of this Act, the Executive Chairperson and three (3) of the Commissioners shall serve for a term of seven (7) years. The Executive Vice Chairman and two (2) of the Commissioners shall serve for a term of five (5) years each. Thereafter, each Commissioner shall serve for a term of seven years, unless it is an appointment to complete the term of a Commissioner. In this latter event, the new Commissioner shall complete the term of the Commissioner whom he/she replaces. Each Commissioner shall be eligible for reappointment for one additional term except where the Commissioner is 70 years old; and in that case, such Commissioner shall retire from office.

Section 6.15 Resignation: A commissioner may resign his or her office by serving a written notice on the President. A resignation shall become effective upon being received and accepted by the President.

Section 6.16 Removal: A Commissioner may be removed from office only in the event where he/she has become mentally or physically incapable of performing his/her duties, or is indicted for the commission of a crime, or engages in any act of gross and egregious misconduct. The evidence for removal of a Commissioner from office shall be presented by the President of Liberia to the Liberian Senate; and such removal shall take effect only upon the passing by simple majority of a resolution of the Liberian Senate.

Section 6.17 Where a vacancy occurs in the membership of the Commission, the President shall within ninety (90) calendar days of the occurrence of the vacancy, nominate a replacement, to serve the unexpired term of the predecessor of said vacant position, to the Liberian Senate for confirmation consideration as provided for by this Act. Provided that the filling of the vacancy shall comply with the same procedural requirements as the appointment of a Commissioner to a new term.

PART - VII: DUTIES OF THE COMMISSIONERS AND MEETINGS

Section 7.1 Duties: Except as provided in Part IV above, all powers of the Commission are vested in the seven (7) Commissioners provided for in

this Act, all acting as a Body. The Commissioners shall be responsible for the formulation of policies and the implementing of all activities and programs of the Commission, including:

- a. To make, approve, alter or repeal policies, procedures and systems governing or to govern the administration and operations of the Commission;
- b. To create, merge and/or eliminate offices, committees and divisions of the Commission, and to effect any and all organizational changes in connection therewith;
- c. To conclude and submit the annual budget and work program(s) of the Commission; and
- d. To select and remove, pursuant to the provisions of this Act, the Executive Director and other senior officers of the Commission.

Section 7.2

Meetings: The Commissioners shall meet as frequently as necessary for the effective discharge of the mandate of the Commission, but not less than once a month, using the following general guidelines:

- a. The Commissioners may adopt necessary bylaws or such internal rules as appropriate to provide for the calling of regular meetings and special meetings, the determination of quorum (provided that either the Executive Chairperson or the Vice Executive Chairperson shall be a member of the quorum), and to prescribe the conditions under which notice for meetings may be required, served or dispensed with in each case;
- b. A meeting of the Commissioners shall be convened by the Executive Chairperson, or in his/her absence, by the Vice Executive Chairperson.
- c. All meetings of the Commissioners shall be presided over by the Executive Chairperson or, in his/her absence, by the Vice Executive Chairperson;
- d. Decisions of the Commission shall be by a simple majority of the votes of the members present, in person or virtually as a quorum, and voting. The Executive Chairperson, or in his/her absence the Vice Executive Chairperson, shall vote only to break a tie.


PART - VIII: ADMINISTRATION AND MANAGEMENT

Section 8.1 The Chairperson of the Commission shall head the administration and management of the Commission, and as such shall also be known as and referred to as the Executive Chairperson.

Section 8.2 The Executive Chairperson of the Commission shall:

- a. Serve as the Chief Executive Officer of the Commission, and be responsible, along with the other Commissioners, acting as a body, for the implementation of approved policies and programs of the Commission;
- b. Control, supervise and direct the administrative operation of the Commission;
- c. Serve as the official head and spokesperson of the Commission; and
- d. Preside over all meetings of both the Commission and the management team of the Commission.
- e. For the purpose of carrying out the functions of his/her office, have the powers to act, contract, and sign instruments and documents, for the Commission and may, with the approval of the other Commissioners acting as a body, delegate such powers to other officers.

Section 8.3 **The Secretariat:** A secretariat shall be established to render technical, professional, administrative, and clerical assistance and support to the Commission in pursuit of its mandate. The Secretariat shall:

- a. Be headed by an Executive Director, appointed by the Commission under a written contract to serve for a term of three (3) years, subject to as many renewals and on such conditions as the Commission may determine.
- b. Have the duty and function of heading the Secretariat of the Commission and, in such capacity, to assist the Executive Chairperson in managing the affairs and operations of the Commission.
- c. Serve as Secretary to the Commission. 

Section 8.4 **Qualification:** To be qualified for appointment as Executive Director, an individual must be of good moral standard and must satisfy the following minimum requirements:

a. Is substantively knowledgeable about or experienced in at least one or more of the following discipline:

i. Accounting, Economic or Management

ii. Law, Political Science or any of the social science

iii. Criminal justice/fraud investigation

b. The Executive Director shall be recruited through a competitive and transparent recruitment process accompanied by appropriate public vetting.

c. The Executive Director shall not hold membership in any political party. He/she shall, before assuming his or her office: (1) declare his or her assets, liabilities and all interests in property (real and/or personal); and (2) subscribe to a solemn oath or affirmation to faithfully and impartially discharge the duties and functions of his or her office.

Section 8.5 **Resignation:** An Executive Director or any staff employed by the Commission may at any time resign his/her position by a written instrument of resignation addressed to the Executive Chairperson. A resignation is effective upon being received and accepted by the Executive Chairperson.

Section 8.6 **Removal:** The Executive Director or any staff appointed by the Commission under a definite contract may be dismissed for cause in accordance and/or for any breach of the Code of Conduct Act of 2014.

Section 8.7 **Others:** The Commission shall have the power to create divisions within each of the four (4) Departments of the Commission, merge any two or more of the existing divisions, and take any other actions as may be necessary for the proper management of the affairs of the Commission.

a. Each division shall be headed by a line manager who shall be appointed by the Executive Chairperson, subject to the approval of the Commission.

- b. In addition to the Executive Director and line managers, the Commission shall also employ or hire the services of staff, investigators, consultants, and experts as may be necessary for the proper performance of its functions.

PART - IX: REMUNERATION AND CONDITION OF SERVICE

- Section 9.1 **Remuneration:** All five (5) members of the Commission as well as the Executive Director and other staff to be employed by the Commission shall carry out their duties and functions and serve the Commission on a full time basis.
- Section 9.2 The Commissioners, the Executive Director and all other persons employed by the Commission shall receive compensations and benefits as shall be determined by the Commission through the National Budget processes, including legislative appropriation and approval. The salaries of the Commissioners shall not be reduced except where such reduction is necessitated by a general governmental austerity program, which affects all employees of the Government of Liberia.
- Section 9.3 **Condition of Service:** As soon as possible and after its establishment and staffing, the Commission shall promulgate a personnel policy to provide for a clear policy of meritorious hiring, compensation, promotion and training.
- Section 9.4 The Commission shall also promulgate an internal Code of Conduct for Commissioners and staff of the Commission, which shall also comply with the Code of Conduct of 2014. The internal Code of Conduct shall prescribe the minimum acceptable conduct expected of all members and staff of the Commission and the consequence(s) for any breach thereof. The internal Code of Conduct for the Commission shall also establish effective dispute resolution, procedures, including mechanism for the fair and speedy investigation, hearing and determination of any and all contested matters involving Commissioner and staff of the Commission.

PART - X: CONDUCT AND COORDINATION OF INVESTIGATION

- Section 10.1 A key function of the Commission shall be to investigate any and all acts, information and reports of corruption brought to its attention and/or discovered through its monitoring process.

- Section 10.2** Except as otherwise provided in this Act, the Commission's power to investigate acts of corruption shall not be limited by any means, person(s) or process except by the requirement(s) of law, including in particular the Criminal Procedure Law and rules of evidence therein, and to the extent of its available resources. Provided, however, that the Commission may from time to time coordinate with other investigative agencies of the Government, especially the Ministry of Justice and the Liberia Revenue Authority, in the discharge of its investigative power.
- Section 10.3** An investigator employed by the Commission shall be deemed authorized to investigate acts, cases, information or reports of corruption duly assigned to him/her. The Commission shall issue official identification devices to all its investigators.
- Section 10.4** For the purpose of exercising the power of investigation conferred on the Commission by this Act, the investigators of the Commission shall have the powers, privileges, rights and immunities of a police officer in respect of arrest and detention of persons as well as search and seizure. Provided however the rights of a person, as provided by the Constitution and the Criminal Procedure Law shall apply to the exercise of such powers, rights and privileges. In case of competing investigations on corruption between the Commission and other agencies of the Government of Liberia, the Commission will have a preferential right in the collection of evidence where such investigation relates to corruption or acts of corruption.
- Section 10.5** In compliance with the rights of the individual provided in the Constitution, the Commission shall formulate, adopt and publish, within ninety (90) days of the coming into force of this Act, as part of its operating procedures, adequate and appropriate rules and procedures, to govern the investigation and interrogation of suspect(s) of corruption by the Commission in order to promote compliance with law and transparency, as well as to instill public confidence in the process.
- Section 10.6** Each investigator shall make and file a written report of the findings of every investigation conducted by him/her. The report of an investigation shall include appropriate recommendations and the basis for such recommendation(s). Said report must be in conformity with rules of evidence.
- Section 10.7** Individual or individuals, institution or institutions providing false, and misleading information to the commission against other individual or individuals, institution or institutions shall themselves be prosecuted for providing misleading information. On conviction, such person shall be sentenced to imprisonment for a period of not less than three (3) months or more than six (6) months.

Section 10.8 Persons required to declare their income, assets and liabilities pursuant to the Code of Conduct Act of 2014 who enter false data in their declaration of interests, income, assets and liabilities shall be criminally liable, as provided for by law. Further, in those cases, the persons shall also be sanctioned pursuant to the relevant provisions of the Code of Conduct Act of 2014. Where the person omits to file his/her declaration of income, assets and liabilities, the sanction provisions of the Code of Conduct Act of 2014 shall apply.

Section 10.9 In order to safeguard the presumption of innocence rights of persons who are target of an investigation, the Commission shall have a duty to maintain strict confidentiality and non-public disclosure of all investigation, in any form or forum whatsoever, until upon indictment by a grand jury. It shall be an act of gross misconduct under this Act for any Commissioner to intentionally disclose an investigation or an investigation report prior to indictment by a grand jury. Any other employee of the Commission who intentionally discloses an investigation or an investigation report shall be subject to termination of his/her services.

Section 10.10 The Commission shall ensure that all investigations conducted by the Commission shall conform to due process, established procedures, and processes; and findings derived therefrom, shall be governed by the rules and laws of evidence in vogue, as spelled out in the Criminal Procedure Law of Liberia and international best practice which ought to be observed at all times.

PART - XI: CONDUCT AND COORDINATION OF PROSECUTION

Section 11.1. During the conduct of monitoring and investigation of acts of corruption, all agencies of the Liberian Government shall cooperate and coordinate with the Commission to obtain evidence.

Section 11.2. During the course of the prosecution of acts of corruption, the Ministry of Justice, especially its Bureau of Litigation (headed by an Assistant Minister of Justice for Litigation) and its Bureau of Taxation (headed by an Assistant Minister for Taxation) shall provide whatever assistance and coordination deemed necessary and appropriate for the effective prosecution of corruption cases.

PART - XII: FINANCIAL MATTERS

Section 12.1 The work of the Commission shall be financed through the National Budget by legislative appropriations. It shall be the responsibility of the Executive Chairperson to ensure that the annual budget of the

Commission is prepared and submitted in time for appropriation by the Legislature.

Section 12.2 The Commission may also request and receive technical assistance, donations or grants from Liberia's development partners and other international multilateral institutions in furtherance of its operations; provided that: (i) the Minister of Finance and Development Planning shall be informed in writing whenever such assistance, donation or grant is made; and (ii) no such assistance, donation or grant is requested or received on condition that the Commission performs any function or discharge any duty suggested by the donor and which might be directed against a Liberian in the absence of probable cause for commission of an act of corruption. Notwithstanding, these amounts are to form part of the Commission's budget.

Section 12.3 The Commission shall adopt a system of sound accounting and financial management policies and practices in conformity with financial regulations of the Government of Liberia and generally accepted accounting principles to ensure prudent and efficient management of funds. The Commission shall specifically cause to be kept proper books and records of accounts for funds and resources received and expenditure incurred during its fiscal year.

Section 12.4 The financial statement of the Commission shall be prepared, audited and published within three months following the end of the financial year. Semi-annual, unaudited financial reports of the Commission shall also be prepared and made presented to the President of Liberia and the Legislature and made available to donors and the public upon request.

Section 12.5 The Commission shall be subject to financial and system audits by the General Auditing Commission. The Audit Reports shall be submitted to the Legislature and the President of Liberia.

PART - XIII: INDEPENDENCE AND COOPERATION

Section 13.1 The Commission shall be independent in all its operations. It shall enjoy financial autonomy and operational independence; and shall generally formulate policies and discharge its functions without regards to political, religious or other social concerns, except to the extent reasonably necessary to further the Commission's general mandate to investigate, prosecute and generally combat corruption.

Section 13.2 In furtherance of the independence of the Commission, the full amount of each annual budgetary appropriation made for the Commission in the

National budget shall be disbursed to the Commission on a quarterly basis in advance.

Section 13.3 The Executive Chairperson, Vice Executive Chairperson, Commissioners, Executive Director, managers, and all staff and investigators of the Commission shall be free of undue interference in the discharge of their duties.

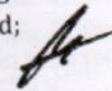
Section 13.4 Investigator shall enjoy independence in respect of the scope of their investigations, including the findings and conclusions thereof. Neither the Executive Chairperson, Vice Executive Chairperson, or any other Commissioner or anyone outside of the Commission shall seek to influence the findings and/or conclusions of an investigation report. Only a supervising officer shall contact an investigator in respect of the status of an on-going investigation or the content of an investigation report.

Section 13.5 In the performance of its functions, the Commission may:

- a. Cooperate with other national and international, public and private institutions in the design and/or implementation of specific measures and programs;
- b. Coordinate and collaborate with other law enforcement agencies, including the Ministry of Justice and existing law enforcement agencies of the Government of Liberia; and
- c. In consequence of such coordination and cooperation, as indicated above, accept the inputs of such private and public bodies in deciding the content, methodology and timing of its actions.

PART - XIV: ANNUAL REPORTS

Section 14.1 The Commission shall, within three months after the end of any fiscal year, submit to the President and Legislature, an annual report, indicating the following:

- a. The number and summaries of investigations carried out during the year with indication of their findings and status;
 - b. The number of corruption cases investigated by the Commission, the final reports of those investigation and the number of prosecutions commenced and/or concluded;
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- c. The monetary value of corruption cases investigated and/or prosecuted by the Commission;
 - d. A summary of the state of the Commission and its finances; and
 - e. Any other matter that may be required by the Legislature.
- Section 14.2 Notwithstanding the provision of Section 14.1, the Commission shall report quarterly to the President of Liberia and the Legislature on progress made in the pursuance of its mandate.
- Section 14.3 The Commission shall submit such and other reports as are requested by the President of Liberia and the Legislature.
- Section 14.4 The Commission shall publish its annual report and other reports for the consumption of the general public. The annual report and other reports of the Commission may be published in the local print and electronic media and on the internet, and in such other manner as the Commission may determine, taking into consideration the need to reach more members of the public.

PART - XV: REPEALS AND AMENDMENTS

- Section 15.1 From and immediately after the passage of this Act, Sections 22.2(a) and 22.2(b) of the New Executive Law of Liberia are hereby amended to remove the exclusivity granted the Ministry of Justice to prosecute, defend, and institute all suits of corruption in which the Republic of Liberia is a party, or is necessary for law enforcement. Further, all provisions of the New Executive Law authorizing existing law enforcement agencies, except National Security Agency, the Financial Intelligence Unit and the Ministry of Justice, to investigate suspected acts of corruption are hereby repealed. The exceptions provided under this Section shall not hinder the authority and prosecutorial powers of the Commission, which will have full authority to investigate and prosecute any corruption case coming to its awareness, as provided in this Act and any subsequent legislation. The National Security Agency, the Financial Intelligence Unit and the Ministry of Justice will provide to the Commission relevant and appropriate assistance deemed necessary for the successful investigation and prosecution of corruption cases.

PART - XVI: TRANSITIONAL PROVISION

- Section 16.1 The Commissioners confirmed by the Senate under the Anti-Corruption Commission Act (2008) in office at the time of the passage of this Act shall temporarily perform the powers and functions under this Act until

the appointment of the successor Commissioners pursuant to Part VI of this Act. Additionally, these Commissioners are also eligible to appointment as Commissioners pursuant to this Act provided that they comply with the requirements of this Act and are subjected to the vetting process through the Ad-hoc Committee.

Section 16.2 The function provided in Section 5.2(d) is suspended until such a time that the Commissioners are appointed pursuant to the process provided in Section 6.7 of this Act.

PART - XVII: EFFECTIVE DATE

Section 17.1 The Act shall take effect immediately upon publication into handbills.

ANY LAW TO THE CONTRARY NOTWITHSTANDING

- 2022-

FIFTH SESSION OF THE FIFTY-FOURTH
LEGISLATURE OF THE REPUBLIC OF LIBERIA

SENATE'S ENDORSEMENT TO HOUSE'S
ENGROSSED BILL N0: 15 ENTITLED:

"AN ACT TO AMEND AND RESTATE AN ACT TO
ESTABLISH THE LIBERIA ANTI-CORRUPTION
COMMISSION AND TO RE-ESTABLISH THE LIBERIA
ANTI-CORRUPTION COMMISSION"

On Motion, Bill was read. On motion, the Bill was
adopted on its 1st reading and sent to committee Room on
Tuesday, November 2, 2021 at the hour of 13:15 GMT.

On motion, Bill taken from the Committee Room and sent
to Conference Committee on Tuesday, May 17, 2022. On
motion under the suspension of the rule, the Conference
Committee report was adopted and passed into the full
force of the law and ordered engrossed today, Thursday,
July 21, 2022 @ 16:25 G.M.T.



SECRETARY OF THE SENATE, R.L

- 2022-

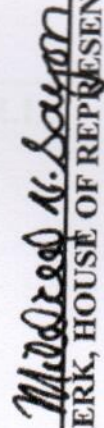
FIFTH SESSION OF THE FIFTY-FOURTH
LEGISLATURE OF THE REPUBLIC OF LIBERIA

HOUSE'S ENGROSSED BILL N0: 15 ENTITLED:

"AN ACT TO AMEND AND RESTATE AN ACT TO
ESTABLISH THE LIBERIA ANTI-CORRUPTION
COMMISSION AND TO RE-ESTABLISH THE LIBERIA
ANTI-CORRUPTION COMMISSION"

On Motion, Bill was read. On motion, the Bill was
adopted on its 1st reading and sent to committee Room on
Thursday, May 13, 2021 at the hour of 14:02 GMT.

On motion, Bill taken from the Committee Room and sent
to Conference Committee on Tuesday, May 24, 2022. On
motion under the suspension of the rule, the Conference
Committee report was adopted and passed into the full
force of the law and ordered engrossed today, Tuesday,
July 19, 2022 @ 16:38 G.M.T.



CHIEF CLERK, HOUSE OF REPRESENTATIVES, R.L

-2022-

ATTESTATION

“AN ACT TO AMEND AND RESTATE AN ACT TO ESTABLISH THE
LIBERIA ANTI-CORRUPTION COMMISSION AND TO RE-ESTABLISH
THE LIBERIA ANTI-CORRUPTION COMMISSION”

for Albert Chie

VICE PRESIDENT OF THE REPUBLIC OF LIBERIA/
PRESIDENT OF THE SENATE

[Signature]

SECRETARY, LIBERIAN SENATE, R.L

[Signature]

SPEAKER, HOUSE OF REPRESENTATIVES, R. L.

Mildred W. Bayon

CHIEF CLERK, HOUSE OF REPRESENTATIVES, R.L.

Good



SECRETARY OF THE SENATE



The Liberian Senate

CAPITOL BUILDING, CAPITOL HILL, MONROVIA, LIBERIA
WEST AFRICA

-2022-

FIFTH SESSION OF THE FIFTY-FOURTH LEGISLATURE OF THE REPUBLIC OF LIBERIA

SCHEDULE OF SENATE'S ENROLLED BILL NO. 15 ENTITLED:

"AN ACT TO AMEND AND RESTATE AN ACT TO ESTABLISH THE LIBERIA ANTI-CORRUPTION COMMISSION AND TO RE-ESTABLISH THE LIBERIA ANTI-CORRUPTION COMMISSION"

PRESENTED TO THE PRESIDENT OF THE REPUBLIC OF LIBERIA FOR EXECUTIVE APPROVAL

APPROVED THIS: 22ND DAY OF JULY A.D. 2022

AT THE HOUR OF 3:30 PM

THE PRESIDENT OF THE REPUBLIC OF LIBERIA