



**“AN ACT TO PROTECT WITNESSES TO BE
KNOWN AS WITNESS PROTECTION ACT OF 2021”**

APPROVED: JULY 29, 2022

**PUBLISHED BY AUTHORITY
MINISTRY OF FOREIGN AFFAIRS
MONROVIA, LIBERIA**

PUBLISHED: AUGUST 12, 2022

AN ACT



**TO PROTECT WITNESSES TO BE KNOWN AS
WITNESS PROTECTION ACT OF 2021**

REPUBLIC OF LIBERIA

WITNESS PROTECTION ACT OF 2021

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

WITNESS PROTECTION PROGRAM

Section 1. Establishment of the Agency

There is hereby established an autonomous agency in the Executive branch of Government to be named and styled: Witness Protection Unit (WPU).

Section 2. Structure & Tenure

1. The Witness Protection Unit shall be headed by a Director and Deputy Director who shall be appointment by the President based on the recommendation of a vetting committee comprised of the Ministry of Justice, Liberia Anti-Corruption Commission, Independent National Commission on Human Rights (INCHR) with the advice and consent of the Senate;
2. The Director and Deputy Director shall hold office for a period of three (3) years subject to reappointment;
3. The Director and Deputy Director may be removed from office upon advice/recommendation of the Minister of Justice, and/or the LACC for cause;
4. The Witness Protection Unit shall also have other personnel such as protection officers, psycho-social counsellors and relevant staff as may be needed and appointed by the Director;
5. There shall be a finance officer and an auditor appointed by the Director of WPU, consistent with prevailing government policy.
6. The Director may request other agencies to second staff to give support whenever necessary to enhance the work of the WPU.
7. The staffing structure of the Unit shall be approved by the Civil Service Agency.

Section 3. Power and Function

The Witness Protection Unit (WPU) shall administer the witness protection program in collaboration with the Ministry of Justice (MOJ) and the Liberia Anti-Corruption Commission (LACC) in three stages as follows:

1. ***The Investigation and Pre-Hearing***

- a. Maintain complete anonymity and minimum exposure for witnesses;
- b. As may be necessary, delay the disclosure of the identity and identifying information on a witness for as long as possible, provide advance notice if exposure is necessary, and request the court to allow redaction of names, addresses and identifying information regarding the witness;
- c. Once disclosure is made during investigation, exposure of the witness should be reduced through the use of safe houses, temporary relocation, minimum movement, provision of guards, and other methods to ensure security;
- d. If need be, provide protection for immediate family members as identified by the potential witness;
- e. Enter into Memorandum of Understanding setting out the rights and obligations of both parties.

2. ***Hearing***

- a. Request the court to allow redaction of names, address and other relevant information regarding the identity of the witness, where necessary;
- b. Provide adequate physical security and psycho-socio support for the witness in response to the risk level;
- c. Provide secure premises (hardened, guarded and protected), as the situation requires;
- d. In order to protect the identity of the witness, request court for special security measures consistent with the risk level of the witness, including but not limited to the following measures:
 - i. customized court room design, where the public gallery is separated from the court by bullet proof glass;
 - ii. Special and different entrances for all court actors, the judges, counsel, the accused and the witnesses;
 - iii. Stringent search procedures at all entrances to the courtroom;
 - iv. Suitable placement of the witness from the public;
 - v. Moveable screens to shield the witness from the public;
 - vi. Mandatory use of pseudonyms for the witness (anonymous testimony);

- vii. Presence of a resource person/welfare officer for psychological counselling and support;
- viii. in-camera proceedings;
- ix. Use of witness's pre-trial statement in place of court testimony;
- x. Mandatory orders prohibiting photography;
- xi. Orders to expunge inadvertent disclosure of witness's name or identity;
- xii. Use of techniques of facial and voice distortion;
- xiii. Use of closed circuit television or video conferencing;
- xiv. Providing safe movement for witness

3. **Post-Trial**

- a. In consultation with the witness, long-term security and care shall be provided;
- b. Maintain regular contacts and continuous threat and risk assessments;
- c. Witnesses may be relocated temporarily or permanently;
- d. A person whose protection has not been terminated under this Section shall not disclose his/her former identity for any purpose, and it shall be unlawful for that person in any proceedings or for any purpose in the Republic of Liberia, to claim that his/her new identity is his/her only identity.

Section 4. Witness Protection Program Eligibility Criteria

- 1. The Witness Protection Program is essential for specific types of cases including:
 - a. organized crime;
 - b. drug trafficking;
 - c. any serious felony that could result in retaliation against a witness;
 - d. any civil or administrative proceeding that could jeopardize a witness's safety.
- 2. Admission into the Witness Protection Program:

The following persons are eligible to be admitted into the witness protection program:

- a. A person who has knowledge of or information on the commission of a crime and has testified, is testifying or, is willing to testify. Such testimony must be considered credible and certain in coming, meaning that the witness isn't going to back out of giving that testimony in court.
- b. A person whose testimony is determined to be essential to the successful prosecution of a criminal case and in which the witness's life or the life of his/her family is at risk.
- c. An accused who is discharged from an information or criminal complaint by the court in order that he/she may be a State witness.
- d. A person who has been vetted and successful following guidelines and procedures set by the WPU.

3. Disqualification from the Witness Protection Program:

The following persons are not eligible to be admitted into the witness protection program:

- a. A person whose testimony cannot be substantially corroborated in its material points.
- b. A witness who is a hostile witness.
- c. A person who does not meet the guidelines and procedures set by the WPU.

Section 5. Termination of Witness Protection

A witness protection program may be terminated upon:

1. A formal request by the witness to the Director of the Witness Protection Unit.
2. A written directive issued by the Director of the Witness Protection Unit, if:
 - a. The witness deliberately breaches a requirement or undertaking relating to the witness protection program;
 - b. The witness's conduct or threatened conduct is, in the opinion of the Director of the Witness Protection Unit likely to threaten the security or compromise the integrity of the witness protection program; or
 - c. The circumstances that gave rise to the need for protection and assistance for the witness have ceased to exist, and Director of the Witness Protection Unit is of the opinion that, in all circumstances of the case, the protection and assistance should be terminated.

3. A decision by the Director of the Witness Protection Unit to terminate protection and assistance under the witness protection program takes effect when the witness is notified of the decision to terminate protection; or If the witness abandons the program without notice for a period of seven (7) days during which diligent effort has been made to locate the witness.

Section 6. Restoration to normal life

1. The Director of the Witness Protection Unit may take such action as is necessary to restore the former identity of a person whose protection and assistance under the witness protection program has been terminated.
2. Unless the Director makes an order in the interest of justice that provides to the contrary, or the proceedings relate to an offence against this Act, a person who acquires information in the ordinary course of official duties relating to the administration of the witness protection program cannot be required in any proceedings in any court, tribunal, commission of inquiry, legislative or administrative inquiry, however describe to disclose such information.

Section 7. Offences relating to Witness Protection and Penalty

1. Unless explicitly authorized by the act, no person shall disclose information about the identity of a person who is or has been a witness included in the witness protection program; or compromises the security of such person;
2. Violation of subsection 6.1 hereinabove shall be Felony of the First degree and punishable by imprisonment for a period not less than five (5) years or more than ten (10) years.
3. Notwithstanding the provisions of Subsections 6.1 and 6.2 above, information about a current or former participant in a witness protection program may be disclose by the Director of the Witness Protection Unit, if such disclosure served the course of justice and public good. Such disclosure can only be made to the Attorney General of the Republic.
4. A witness who testifies falsely shall be prosecuted for contempt and perjury. If it is a state witness, his/her immunity shall be removed and be subject to contempt or criminal prosecution.

Section 8. General Provision

The Witness Protection Unit shall be funded through the Government budgetary process and may receive assistance from external partners provided that no assistance from a partner that result in a conflict of interest shall be allowed.

Section 9. This Act shall take effect immediately upon publication into handbills.

ANY LAW TO THE CONTRARY NOTWITHSTANDING

-2021-

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

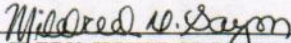
HOUSE'S ENGROSSED BILL NO. 17 ENTITLED:

**“AN ACT TO PROTECT WITNESSES TO BE
KNOWN AS WITNESS PROTECTION ACT OF
2021”**

“On motion, Bill read. On motion, the Bill was adopted on its first reading and sent to Committee Room on, Thursday, May 13, 2021 @ 14:18 G.M.T.

On motion, Bill Read. On motion, the Bill was adopted on its Second Reading and sent to Committee Room on, Tuesday, May 24, 2022 at the hour of 14:22 G.M.T.

On motion, Bill read. On motion, the Bill was adopted on its third and final reading and the Bill was adopted, passed into the full force of the law and ordered engrossed today, Thursday, July 21, 2021 @ 17:18 G.M.T.



CHIEF CLERK, HOUSE OF REPRESENTATIVES, R.L.

-2022-

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

**SENATE ENDORSEMENT TO HOUSE'S ENGROSSED
BILL NO. 17 ENTITLED:**

**“AN ACT TO PROTECT WITNESSES TO BE
KNOWN AS WITNESS PROTECTION ACT OF
2021”**

On motion, Bill read on its 1st reading, Thursday, July 22, 2021 at the hour of 11:50 GMT. On motion, Bill read on its second reading and adopted and sent to Committee Room on Tuesday, August 3, 2021 at the hour of 12:45 GMT.

On motion, Bill taken from the Committee Room. On motion the Bill was adopted on its second reading. On motion under the suspension of the rule, the second reading of the Bill constituted its third and final reading and the Bill was adopted, passed into the full force of the law and order engrossed today, Thursday, July 21, 2021 at the hour of 14:00 GMT.



SECRETARY OF THE SENATE, R.L.

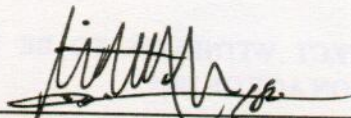
-2022-

ATTESTATION TO:

**“AN ACT TO PROTECT WITNESSES TO BE
KNOWN AS WITNESS PROTECTION ACT OF
2021”**



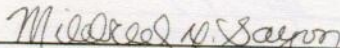
for _____
VICE PRESIDENT OF THE REPUBLIC OF LIBERIA/
PRESIDENT OF THE SENATE



SECRETARY, LIBERIAN SENATE



ACTING SPEAKER, HOUSE OF REPRESENTATIVES, R.L.



CHIEF CLERK, HOUSE OF REPRESENTATIVES, R.L.



THE HONORABLE HOUSE OF REPRESENTATIVES

Capitol Building
P.O. Box 9005
Monrovia, Liberia
Website: www.legislature.gov.lr



Office of the Chief Clerk

-2022-

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

SCHEDULE OF HOUSE'S ENROLLED BILL NO. 30 ENTITLED:

**“AN ACT TO PROTECT WITNESSES TO BE KNOWN AS
WITNESS PROTECTION ACT OF 2021”**

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

APPROVED THIS: 29th DAY OF July A.D. 2022

AT THE HOUR OF 2:00 PM

THE PRESIDENT OF THE REPUBLIC OF LIBERIA