

**REPUBLIC OF LIBERIA,**  
**IN THE LEGISLATURE ASSEMBLED**

*An Act of the National Legislature:  
To Amend Certain Provisions of the Amendment to the Penal Law and to provide for a Witness Protection  
Program.*

**AN ACT**

**TO PROTECT WITNESSES**

**WITNESS PROTECTION ACT OF 2021**

## **WITNESS PROTECTION**

### **WITNESS PROTECTION PROGRAM**

#### **1.1 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**

- a. 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, LACC, Independent National Human Rights Commission (INHRC) with the advice and consent of the Liberian Senate;
- b. The Director and Deputy Director shall hold office for a period of three (3) years subject to reappointment;
- c. The Director and Deputy Director may be removed from office upon advice/recommendation of the Minister of Justice, and/or the LACC for cause;
- d. The Witness Protection Unit shall also have other personnel such as protection officers, psycho-socio counsellors and relevant staff as may be needed and appointed by the Director;.
- e. There shall be a finance officer and an auditor appointed by the Director of WPU, consistent with prevailing government policy.
- f. The Director may request other agencies to second staff to give support whenever necessary to enhance the work of the WPU
- g. 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:

##### **Section 3.1: 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.

### **Section 3.2: 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 actor, 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' 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

### **Section 3.4: 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 or 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 or her new identity is his or her only identity.

#### **Section 4: Termination of Witness Protection**

A witness protection program may be terminated upon:

- a. A former request by the witness to the Director of the witness protection unit.
- b. A writing directive issued by the Director of the Witness Protection Unit, if:
  - I. The witness deliberately breaches a requirement or undertaking relating to the witness protection program;
  - II. 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
  - III. The circumstances that gave rise to the need for protection and assistance for the witness have ceased to exist, and the Director of Witness Protection unit is of the opinion that, in all circumstances of the case, the protection and assistance should be terminated.
- c. 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) day during which diligent effort has been made to locate the witness.

#### **Section 5: Restoration to normal life**

- a. 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.
- b. 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 6: Offences relating to witness protection & Penalty**

- a. Unless explicitly authorized by the act, no person shall disclose information about the identity of a person who is or has been a witness under the witness protection program; or compromises the security of such persons;
- b. Violation of 6a 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.
- c. Notwithstanding the provision of section 36 a and b 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.

## **Section 4. 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.

THIS ACT SHALL TAKE EFFECT IMMEDIATELY UPON PUBLICATION INTO HAND-BILLS.

**ANY LAW TO THE CONTRARY NOTWITHSTANDING**