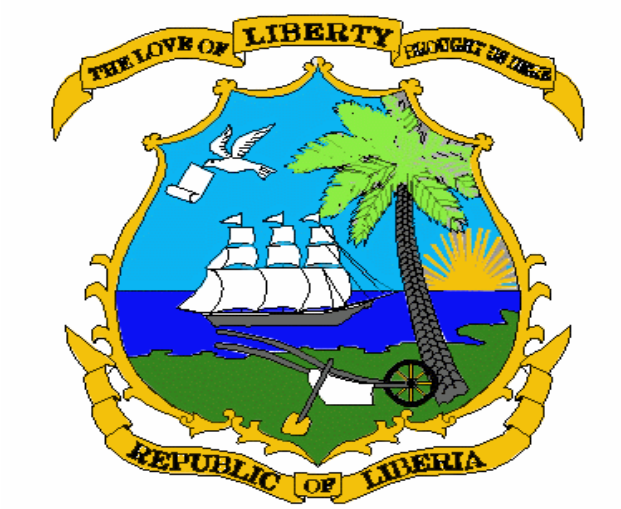
AN ACT

ESTABLISHING A WAR AND ECONOMIC CRIMES COURT FOR LIBERIA



REPUBLIC OF LIBERIA

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PREAMBLE

WHERAS, as a sovereign nation established on the principles of law and democracy, the Republic of Liberia is a part of the comity of nations, a founding member and signatory to several international organizations and treaties that uphold and mandate respect for fundamental human rights, the rule of law and democracy; and,

WHEREAS, the Republic has, since its establishment, been governed by constitutions and statutory laws that establish principles for state governance, the rights of citizens and other nationals within the Republic, and for upholding the rule of law at all times; and,

WHEREAS, in furtherance of these principles, the Republic's current Constitution of 1986 provides for the manner and procedures to alter the government if the people so desire, and conversely placed on every government the responsibility to ensure that the people are governed consistent with the principles laid down in said Constitution; and,

WHEREAS, during the evolution of the Republic, situations developed and culminated into the violent overthrow of two constitutionally elected governments, the most recent being on April 12, 1980, by members of the Armed Forces of Liberia under the banner of the People's Redemption Council; and,

WHEREAS, on April 6, 1986, the Republic transitioned to a civilian government along with the institution of the current Constitution; and,

WHEREAS, notwithstanding the conditions provided in Article 1 of the 1986 Constitution for the removal of officials of government from office and reforming the government, a civil war was launched by the National Patriotic Front of Liberia on December 25, 1989 against the government then existing; and,

WHEREAS, studies have shown that the civil war was a response to unsatisfactory and inadequate governance, entrenched impunity, and inhumane treatment mainly by the government against citizens and other persons considered as opposing the government; and,

WHEREAS, studies have established further that the Republic experienced diverse forms of civil conflicts for twenty-four years commencing from January 1979 and running up to August 2003; and

WHEREAS, while the civil conflicts generally affected Liberia's stability and growth, they became well pronounced and heightened over almost fourteen years between the period of December 24, 1989, when the National Patriotic Front of Liberia invaded the Country and August 2003, when the warring factions finally ceased hostilities due to the installation of the National Transitional Government of Liberia (NTGL) that grew out of the Accra Peace Agreement of August 2003; and,

WHEREAS, during the period of the civil war, egregious human right abuses, dehumanization, and atrocities against the unarmed civilian population, especially women and children, and combatants arrested and under the control of their captors were carried out by members of various warring factions and armed groups; and,

WHEREAS, the civil war was finally concluded from the entry into force of the Accra Comprehensive Peace Agreement **(ACPA)** executed by parties to the civil war comprising

the Government of Liberia and warring factions at the Accra Peace Conference in August 2003, in the City of Accra, the Republic of Ghana; and,

WHEREAS, the ACPA provided for the establishment of a Truth and Reconciliation Commission **(TRC)** as one of the mechanisms for redressing the wrongs committed during the twenty-four years of civil conflicts, and assuring reconciliation and peace in the Republic; and,

WHEREAS, the TRC was established through an Act by the National Transitional Legislative Assembly **(NTLA)** of the NTGL entitled to "of An Act to Establish the Truth and Reconciliation Commission **(TRC)**, of Liberia, 2005", Approved 10 June 2005 and Published 22 June 2005, with power to, inter alia, conduct hearings and establish the truth as to the actions of individuals during these years of civil conflict, in order to "promote national peace, security, unity and reconciliation," and at the same time make it possible to hold perpetrators accountable for gross human rights violations and violations of International Humanitarian Law (IHL), International Human Rights Law (IHRL) and Egregious Domestic Law Violations (EDVL) that occurred in Liberia between January 1979 and 14 October 2003; and,

WHEREAS, the TRC presented its Preliminary Report, Volume I in December 2008, and subsequently its Final Report, Volume II, together with its Appendices and Specialized Reports, Vol. III, in December 2009 to the Government and peoples of the Republic; and,

WHEREAS, these volumes contained findings on the root causes of the Liberian conflicts, impact of the conflict on women and children and the general Liberian society; and determinations of persons responsible for the massive commission of Gross Human Rights Violations **(GHRV)**, and violations of International Humanitarian Law **(IHL)**, International Human Rights Law **(IHRL),** International Criminal Law (**ICL**), and Egregious Domestic Law Violations **(EDLV)**; and,

WHEREAS, the Report also made determinations and proffered recommendations to include criminal prosecution of persons and members of armed groups, rebel groups or warring factions and their financiers, leaders, commanders, combatants and advisors, etc. associated with them for these egregious domestic crimes, gross violations of human rights, and serious humanitarian law violations in Liberia between 1979 and October 14, 2003, as necessary and desirable to redress impunity, promote peace, justice, security, unity and genuine national reconciliation; and,

WHEREAS, the Report recommended the establishment of a criminal court specifically with the authority and having the competence and jurisdiction to adjudicate criminal responsibility of individuals, armed groups and other entities that are determined to be responsible for 'egregious' domestic crimes, 'gross' violations of human rights and 'serious' humanitarian law violations, except that full protection be provided to all child soldiers or children involved with armed forces to the extent that civil and criminal or public sanctions are barred against them; and;

WHEREAS, the recommendations further provided for prosecution of economic crimes, as gross human rights violations, all those persons, natural and legal, determined to have committed economic crimes during the period of the Liberian conflicts; and,

WHEREAS, the Report also recommended that due to the limited time the TRC had to execute its mandate, further investigation into economic crimes related activities in the Republic is necessary and appropriate; and,

WHEREAS, this aspect of the recommendations has, from review, not been implemented to allow for the prosecution of those found to have engaged in economic crimes as war crimes by a war crimes court ; and,

WHEREAS, the Report provided that since, consistent with international standards, amnesty for the commission of heinous crimes is unacceptable, immoral and promotes impunity, no amnesty should be granted to any individual determined to have committed gross human rights violations, and violations of humanitarian and human rights laws, as well as such other crimes in Liberia except for children, since these raise the presumption of liability or responsibility for the crimes committed; and,

WHEREAS, non-derogation of rights during periods of emergency or armed conflict applies to the Liberian conflict situation; and,

WHEREAS, Prosecution mechanism is desirable to fight impunity and promote justice and genuine reconciliation; and,

WHEREAS, Common Article 3 and Protocol II of the Geneva Convention, having been ratified by the Government of Liberia apply to Liberia; and,

WHEREAS, the Report further recommends the immediate enactment of a comprehensive Witness Protection Statute for the express purpose of securing protection, whether domestic or external for witnesses of the court, but to date, such statute has not been enacted; and

WHEREAS, the Republic of Liberia recognizes its solemn duty to investigate and preserve evidence of war crimes, crimes against humanity, and serious human rights violations committed during the Liberian civil crises between 1979 and 2003; and

WHEREAS, Liberia is bound by its international obligations to ensure accountability, impartiality, and independence in the investigation of such crimes for which the establishment of an Independent Investigative Unit for Liberia (IIU-L) is necessary to secure evidence, protect victims and witnesses and support future prosecution before the War and Economic Crimes Court (WECC) for Liberia; and

WHEREAS, there is a necessity to capacitate the human resource of the WECC and its future residual mechanism that will be managed by specialized and sustainable Liberian

capacity to investigate, prosecute and adjudicate war crimes, crimes against humanity and serious violation of human rights committed in Liberia between 1979 and 2003; and

WHEREAS, a specialized structure is required within the court system to provide this management in the form of a "Pioneer Accountability Program (PAP)" with the authority to undertake capacity building initiatives for persons engaged in evidence gathering and other specialized activities; and

WHEREAS, the administration of hybrid and special courts, and the effective functioning of the WECC require a permanent and independent Registry to ensure administration, finance, cooperation, and continuity of the court's operations; and

WHEREAS, the Registry is necessary for the pre-operationalization of the court, and its post-operationalization period as an integral part of the residual mechanism of the WECC; and;

WHEREAS, these steps or cautions will reconcile the court, enhance the Rule of Law and provide adequate mechanism for justice and eliminating impunity;

NOW THEREFORE, "It is enacted by the Senate and the House of Representatives of the Republic of Liberia, in legislature assembled."

PART I: PRELIMINARIES

CHAPTER 1 - TITLE, PURPOSE AND APPLICATION/SCOPE

Section 1.1 - Title and Short Title

1.1.1 **Title**: This Act is entitled An Act to Establish an Extraordinary War Crimes Court for Liberia (2026).

1.1.2 **Short Title**: This Act may be referred to as Liberia War Crimes Court Act.

Section 1.2 - Purpose of the Act: This Act is enacted to:

1.2.1. Establish an internationalized domestic, competent war crimes court vested with the authority to hear and determine all allegations of atrocities and egregious human rights violations committed in the Republic of Liberia and during Liberia's civil war up to October 2003.

1.2.2. Prosecute persons accused of committing domestic and international war crimes and other forms of human rights violations against the people of Liberia during the period of the civil crisis in Liberia.

1.2.3. Combat the culture of impunity in Liberia emanating from grave atrocities and war crimes perpetrated by persons against whom there is evidence, and an indictment is found, for the commission of such crimes in Liberia during the Country's civil crisis and war, thereby securing for victims' justice as a means of fostering peace and reconciliation, and ensuring that Liberia adheres to, respects, and protects prevailing international human rights and humanitarian law standards.

Section. 1.3. Application/Scope: This Act is applicable to all:

1.3.1. Offenses defined herein as war crimes, crimes against humanity, and gross violation of Human Rights committed in Liberia during the period January 1979 to October 2003.

1.3.2. Natural persons whether they were members of warring factions, business entities and other organizations or not, who are accused of the systematic abuse of other persons and the commission of offenses constituting war crimes or other crimes under this Act.

1.3.3. Legal persons, whether they were corporate entities, organizations, or other juridical persons, that facilitated the exploitation of Liberia's natural resources, or through which civil war-related economic crimes were committed during the conflict era from January 1979 to October 2003.

CHAPTER 2
DEFINITIONS AND ABBREVIATIONS

Except otherwise expressly provided in this Act, the following words and abbreviations shall have the meaning(s) ascribed to them herein, and such meaning(s) shall supersede any other meaning commonly ascribed to them. Where there is interpretative conflicts, the Elements of Crimes adopted by the Assembly of States Parties of the ICC shall take precedence.

Section. 2.1 Meanings of Words:

2.1.1. **Acts of Terrorism**: The perpetrator engaged in any act which is a violation of the criminal laws of the Republic of Liberia and which may endanger the life, physical integrity or freedom of, or cause serious injury or death to, any person, any number or group of persons or causes or may cause damage to public or private property, natural resources, environmental or cultural heritage and is calculated or intended to:

1. Intimidate, put in fear, force, coerce or induce any government, body, institution, the general public or any segment thereof, to do or abstain from doing any act, or to adopt or abandon a particular standpoint, or to act according to certain principles; or,

2. Disrupt any public service, the delivery of any essential service to the public or to create a public emergency; or,

3. Create general insurrection in a State.

2.1.2. **Attacking Civilians:** The act of directing an attack on a civilian population or individual civilians not taking direct part in hostilities with the intent to make said civilian population or individual civilians not taking direct part in hostilities the object of the attack, such that the conduct took place in the context of and was associated with an armed conflict not of an international character and the perpetrator was aware of factual circumstances that established the existence of an armed conflict.

2.1.3. **Attacking objects or persons using the distinctive emblems of the Geneva Conventions:** The perpetrator attacked one or more persons, buildings, medical units or transports or other objects that were using, in conformity with international law, a distinctive emblem or other method of identification indicating protection under the Geneva Conventions, with the intent that such persons, buildings, units or transports or other objects so using such identification be the object of the attack, and the conduct took place in the context of and was associated with an armed conflict not of an international character. The perpetrator was aware of factual circumstances that established the existence of an armed conflict.

2.1.4. **Chief Investigator** means the head of the IIU-L appointed under this Act.

2.1.5. **Crimes** means war crimes, crimes against humanity, and serious human rights violations committed between 1979 and 2003.

2.1.6. **Collective Punishment**: The perpetrator inflicts a general penalty, pecuniary or otherwise, on the population on account of the act or acts of individuals for which it cannot be regarded as jointly and severally responsible because punishment is personal and can only be imposed on the perpetrator(s).

2.1.7. **Committee:** The Special Evaluation Committee representing the various groups authorized to vet and recommend persons for appointment as judges for the Court.

2.1.8. **Crimes against humanity**: Any of the acts stipulated in section 3.9 of this Act committed as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack**.**

2.1.9. **Cruel Treatment**: Where the perpetrator inflicted severe physical or mental pain or suffering upon one or more persons who were either *hors de combat*, or were civilians, medical personnel, or religious personnel taking no active part in the hostilities, being fully aware of the factual circumstances that established this status, and the conduct took place in the context of and was associated with an armed conflict not of an international character; the perpetrator was aware of factual circumstances that established the existence of an armed conflict.

2.1.10. **Deportation or Forcible Transfer of Population:** Where a perpetrator deported or forcibly transferred or displaced, without grounds permitted under international law, one or more persons lawfully present in the area from which they were deported or transferred to another state or location, by expulsion or other coercive acts, and the perpetrator was aware of the factual circumstances that established the lawfulness of such presence.

2.1.11. **Deputy Investigator** means the deputy head of the IIU-L.

2.1.12. **Division** means the Division of War and Economic Crimes Court within OWECC-L.

2.1.13. **Enforced Disappearance of Persons:** The arrest, detention or abduction one or more persons by, or with the authorization, support or acquiescence of, a state, political or military organization, followed by a refusal to acknowledge that deprivation of freedom, or to give information on the fate or whereabouts of such person or persons, with the intention of removing them from the protection of the law for a prolonged period of time, whether or not the arrest or detention may have been lawful under certain circumstances at a certain point.

2.1.14. **Enforced Prostitution:** Where a perpetrator caused one or more persons to engage in one or more acts of a sexual nature by force, or by threat of force or coercion, such as that caused by fear of violence, duress, detention, psychological oppression or abuse of power, against such person or persons or another person, or by taking advantage of a coercive environment or such person's or persons' incapacity to give genuine consent; and the perpetrator or another person obtained or expected to obtain pecuniary or other advantage in exchange for or in connection with the acts of a sexual nature, under circumstances in which such person or persons were or may be incapable of giving genuine consent if affected by natural, induced or age related incapacity.

2.1.15. **Enforced Sterilization:** A person has committed the crime of Enforced Sterilization where he or she deprived one or more persons of biological reproductive capacity when:

1. The conduct was neither justified by the medical or hospital treatment of the person or persons concerned nor carried out with their genuine consent.

2. The deprivation is not intended to include birth-control measures which have a non-permanent effect in practice.

3. It is a defense where genuine consent was obtained except that genuine consent does not include consent obtained through deception or if the person so sterilized was or may be incapable of giving genuine consent if affected by natural, induced or age-related incapacity.

2.1.16. **Enslavement**: Where the perpetrator exercised any or all of the powers attaching to the right of ownership over one or more persons, such as by purchasing, selling, lending or bartering such a person or persons, or by imposing on them a similar deprivation of liberty, in particular women and children.

2.1.17. **Extermination:** The killing of one or more persons, by any mean including the intentional infliction of conditions of life, such as the deprivation of access to food and medicine, calculated to bring about the destruction of part of a population, where the conduct constituted, or took place as part of, a mass killing of members of a civilian population.

2.1.18. **Gender**: Refers to the two sexes, male and female, within the context of Liberian society, and does not indicate any meaning different from the above.

2.1.19. **Grave Atrocities** means severe crimes such as genocide, crimes against humanity, or war crimes.

2.1.20. **Imprisonment or other Serious Deprivation of Physical Liberty**: Where a perpetrator, being aware of the factual circumstances that established the gravity of his or her conduct, intentionally imprisoned one or more persons or otherwise severely deprived one or more persons of physical liberty amounting to a violation of fundamental rules of international law.

2.1.21. **IIU-L** means the Independent Investigative Unit for Liberia.

2.1.22. **Mercenaryism**: The crime of mercenaryism is committed by an individual, a group, an association, representative or representatives of a state and the state itself with the intent of opposing by armed violence, a process of self-determination or the territorial integrity of another State when the following acts are perpetrated:

1. Sheltering, organizing, financing, assisting, equipping, training, promoting, supporting or employing armed forces partially or wholly and consisting of persons not nationals of the country being invaded or attempting to invade and merely or solely for money, personal gain, material or other reward; or,
2. Enlisting, enrolling or attempting to enroll in the said armed forces; or,
3. Allowing of the activities referred to in sub-section 1 above to be carried out in any territory under the jurisdiction of another State or in any place under its control; or,
4. Affording of facilities for transit, transportation or other operations for the armed forces and activities referred to in Sub-section 1 of this section.

2.1.23. **Murder:** Where a person purposely or knowingly caused the death of one or more human beings or caused the death of one or more human beings under circumstances manifesting extreme indifference to the value of human life.

2.1.24. **Mutilation**: The act of permanently dismembering one or more persons by severing a limb or other part from the entire body, or by permanently disabling or removing an organ or appendage, where the conduct was neither justified by the medical, dental or hospital treatment of the person or persons concerned nor carried out in such person's or persons' interests; and that such person or persons were either out of combat action due to injury or other disability/hors de combat, or were civilians, medical personnel or religious personnel taking no active part in the hostilities.

2.1.25. **Outrages upon Personal Dignity**: The perpetrator humiliated, degraded or otherwise violated the dignity of one or more persons such that the severity of the humiliation, degradation or other violation was of such degree as to

be generally recognized as an outrage upon personal dignity, where such person or persons were either *hors de combat*, or were civilians, medical personnel or religious personnel taking no active part in the hostilities, and the perpetrator was aware of the factual circumstances that established this status, the conduct took place in the context of and was associated with an armed conflict not of an international character; the perpetrator being aware of factual circumstances that established the existence of an armed conflict. For this crime, 'persons' can include dead persons, and it is understood that the victim needs not personally be aware of the existence of the humiliation or degradation or other violation. This element considers relevant aspects of the cultural background of the victim.

2.1.26. **Oversight Committee** means the independent body established under this Act to supervise the IIU-L.

2.1.27. **Participant** means a person admitted to the PAP.

2.1.28. **Persecution:** The conduct of a perpetrator severely depriving, contrary to international law, one or more persons of fundamental rights, where he or she targeted such person or persons by reason of the identity of a group or collectivity or targeted the group or collectivity as such, based on political, racial, national, ethnic, cultural, religious, gender or other grounds that are universally recognized as impermissible under international law.

2.1.29. **Pillage** The perpetrator appropriated certain property or he or she acted in a manner to deprive the owner of the property and to appropriate it for private or personal use; the appropriation was without the consent of the owner, and the conduct took place in the context of and was associated with an armed conflict not of an international character as well as that the perpetrator was aware of factual circumstances that established the existence of an armed conflict in a situation where the victim may be incapable of giving genuine consent.

2.1.30. **Rape** Where a person or perpetrator invades the body or any part of the body of the victim resulting in penetration, however slight, with a sexual organ, or of the anal or genital opening of the victim with any object or any other part of the body, by force, threat of force or coercion, including causing fear of violence, duress, detention, psychological oppression or abuse of power, against such person or another person, or by taking advantage of a coercive environment; or the invasion was committed against a person incapable of giving genuine consent.

a) The concept of 'invasion' is intended to be broad enough to be gender neutral.
b) It is understood that a person may be incapable of giving genuine consent if affected by natural, induced or age-related incapacity.

2.1.31 **Registrar** means the chief officer of the Registry appointed by the President of the Republic upon recommendation of the President of the Court and approval of the Legislature, responsible for the overall administration and functioning of the Registry.

2.1.32 **Registry** means the administrative organ of the War and Economic Crimes Court responsible for administration, finance, judicial support, and logistical services including court management, detention, translation, interpretation, outreach, budgeting, and reporting.

2.1.33. **Republic** means the Republic of Liberia and may be interchanged with the word "Liberia."

2.1.34. **Residual Mechanism** means the continuing institutional framework established after the closure of the Court to preserve its records, enforce sentences, protect victims and witnesses, and maintain cooperation with national and international justice institutions

2.1.35. **Sentencing or Execution Without Due Process** The perpetrator passed sentence or executed one or more persons who were either *hors de combat*, or were civilians, medical personnel or religious personnel taking no active part in the hostilities, and the perpetrator was aware of the factual circumstances that established this status, and that there was no previous judgment pronounced by a court, or the court that rendered judgment was not regularly constituted, did not afford the essential guarantees of independence and impartiality; or the court that rendered judgment did not afford all other judicial guarantees generally recognized as indispensable under international law. The perpetrator was aware of the absence of a previous judgment or of the denial of relevant guarantees and the fact that they are essential or indispensable to a fair trial. The conduct took place in the context of and was associated with an armed conflict not of an international character. The perpetrator was aware of factual circumstances that established the existence of an armed conflict.

2.1.36. **Sexual Slavery** Where a person exercised any or all of the powers attaching to the right of ownership over one or more persons, such as by purchasing, selling, lending or bartering such a person or persons, or by imposing on them a similar deprivation of liberty, and the perpetrator caused such person or persons to engage in one or more acts of a sexual nature.

2.1.37. **Sexual Violence** A person shall have committed sexual violence where he or she engages in an act of a sexual nature against one or more persons or caused such person or persons to engage in an act of a sexual nature by force, or by threat of force or coercion, using threat of violence, duress, detention, psychological oppression or abuse of power, against such person or persons or another person, or by taking advantage of a coercive environment or such person's or persons' incapacity to give genuine consent.

2.1.38. **Special Investigation Fund** means the financing mechanism established under this Act.

2.1.39. **Taking of Hostages** The perpetrator seized, detained or otherwise held hostage one or more persons, threatened to kill, injure or continue to detain such person or persons, intended to compel a State, an international organization, a natural or legal person or a group of persons to act or refrain from acting as an explicit or implicit condition for the safety or the release of such person or persons who were either *hors de combat*, or were civilians, medical personnel or religious personnel taking no active part in the hostilities. The perpetrator was aware of the factual circumstances that established this status. The conduct took place in the context of and was associated with an armed conflict not of an international character, and the perpetrator was aware of factual circumstances that established the existence of an armed conflict.

2.1.40. **Territorial Confines of Liberia** means the land surface, territorial water (12-nautical-mile zone), and airspace (12-nautical-mile) of Liberia.

2.1.41. **Torture** shall constitute any act committed by the perpetrator which constitutes torture under the Convention Against Torture, which defines torture as any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind … when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in official capacity.

2.1.42. **Court** means the Extraordinary War Crimes Court for of Liberia.

2.1.43 **Using, Conscripting or Enlisting Children in Armed Conflict** The perpetrator conscripted or enlisted one or more persons under the age of fifteen years, into the national armed forces or used such person or persons to participate actively in hostilities, if they knew or should have known that such person or persons were under the age of fifteen years; and the conduct took place in the context of and was not associated with an international armed conflict, in which the perpetrator was aware of factual circumstances that established the existence of an armed conflict.

2.1.44 **Victims and Witnesses Unit** means the specialized unit within the Registry mandated to provide protective measures, security arrangements, counselling, and other appropriate assistance for victims and witnesses appearing before the Court, including those at risk due to their testimony.

Section 2.2. Meanings of Abbreviations

2.2.1. **ACPA/CPA:** Accra Comprehensive Peace Accord/Comprehensive Peace Accord.

2.2.2. **EDLV:** means Egregious Domestic Law Violation.

2.2.3. **GHRV:** means Gross Human Rights Violation.

2.2.4. **ICL:** means International Criminal Law

2.2.5. **IHL:** International Humanitarian Law.

2.2.6. **IHRL:** International Human Rights Law.

2.2.7. **NTGL:** National Transitional Government of Liberia.

2.2.8. **NTLA**: National Transitional Legislative Assembly.

2.2.9. **PAP**: means the Pioneer Accountability Program

2.2.10. **TRC**: Truth and Reconciliation Commission established under Article XIII of the ACPA.

2.2.11. **TLA:** Transitional Legislative Assembly as a part of the NTGL.

2.2.12. **VWU:** Victims and Witnesses Unit.

PART II: THE WAR AND ECONOMIC CRIMES COURT FOR LIBERIA

CHAPTER 3 - ESTABLISHMENT, COMPETENCE AND SEAT OF THE WAR AND ECONOMIC CRIMES COURT FOR LIBERIA

3.1 **Establishment:** There is hereby established within the Republic of Liberia, a war crimes court to be known and styled "The War and Economic Crimes Court for Liberia as a hybrid national and international stand-alone court.

3.2 **Competence of the Court:** The court shall have the necessary powers and jurisdiction to:

3.2.1 Prosecute persons against whom there is evidence and who have been indicted for gross violations of human rights, serious violations of international humanitarian law, international criminal law, Liberian law and egregious crime against the people of Liberia as enumerated by this statute during the period January 1979 to October 2023.

3.2.2 Prosecute, pursuant to subsection of this section, those leaders who, in committing such crimes, threatened the establishment and implementation of the peace process of Liberia.

3.2.3 Request, within the scope of the Common Article 3 and the Protocol II of the Geneva Convention, which has been ratified by the Government of Liberia, prosecution by a contributing state, of any transgressions by peacekeeping instrument in force between a state that contributed peacekeepers to Liberia and the Government of Liberia and warring factions or agreements between Liberia and other governments or regional organizations. In the absence of such agreement, provided that the peacekeeping operation were undertaken under such arrangement, such prosecution must be within the primary jurisdiction of the contributing of sending state.

3.2.4 To, in the event the contributing or sending state is unwilling or unable genuinely to carry out an investigation or prosecution, if authorized by the Security Council on the proposal of any state, exercise jurisdiction over such persons.

3.2.5 To hold individual or individually responsible persons responsible for commission of any of the crimes referred to in section 3.9 of this Act, any person who planned, instigated, ordered, committed or otherwise aided and abetted the in the planning, preparation of execution of such crime.

Section. 3.3 **Temporal and Territorial Jurisdiction:** The court shall have the necessary temporal and territorial jurisdiction:

3.3.1 The court shall have jurisdiction over grave atrocities and offenses committed during the period January 1979 to October 2003, as specified in the Act.

3.3.2 The court shall have jurisdiction over grave atrocities and offenses committed in the territorial confines of the Republic of Liberia, territory of neighboring countries in respect of serious violations of internal humanitarian law committed by Liberia citizens.

Section. 3.4 **Governmental or Other Status not a Defense:** The status of an accused person shall not be a defense against prosecution, relieve such person of criminal responsibility or mitigate punishment irrespective of; nor shall it be a defense that war crimes ere not previously defined under Liberian law and therefore such designation herein amount to ex post facto law

3.4.1 The official position of said accused or convicted person, whether as head of state or Government, provided first that said head of state has been removed through constitutional means from such status, or as a responsible government official; or,

3.4.2 The fact that any of the acts referred to in section 3.9 of this Act was committed by a subordinate of the person on trial or convicted is he or she knew or had reason to know that the subordinate was about to commit such

acts, or had done so and the superior had failed to take the necessary and reasonable measure to prevent such acts or to punish the perpetrator; or,

3.4.3 The fact that an accused person acted pursuant to an order of a government or of a superior, except that such circumstance may be considered in mitigation of punishment if the Court determines that justice so requires.

Section. 3.5 **Administrative Jurisdiction:** The court shall have the necessary temporal and territorial jurisdiction:

3.5.1 The Court shall have administrative jurisdiction and competence to adjudicate final administrative acts of the institutions and or bodies of the Republic, determine the legality of individual and general administrative acts taken under state authority, resolve property disputes arising from the conflicts, and levy tort penalties in accordance with Liberian law and international standards on matters directly arising from actions of persons involved in the civil war.

3.5.1 For all matters before it, the Court shall be competent to:

a. Take a final and legally binding position on the implementation of domestic and international law including Liberian criminal or penal law, international law and treaties, customary international law and general principles of law.

b. Decide any issue relating to international and inter-entity criminal law enforcement, including relations with Interpol and other international police institutions, such as decisions on the transfer of convicted persons, and on the extradition and surrender of persons under its authority, requested from any authority in Liberia by foreign states or international courts or courts.

c. Decide any conflict of jurisdiction between the Court and any other courts.

d. Initiate criminal proceedings for crimes defined under the Act.

Section. 3.6 **Exceptions to jurisdiction of the Court:** Notwithstanding its broad jurisdiction provided in this Act, the Court shall:

3.6.1 Not have or exercise any jurisdiction, and therefore not prosecute any person who was at the time he or she committed any of the crime prescribed in this Act, below 15 years of age.

3.6.2 Any child recruited between the ages of 15 and 18, who committed grave atrocities after attaining or becoming age 18

years, shall be liable for such offense, and brought before the Court to account for his or her act.

3.6.3 Any person who recruits and enlist a child or children under the age of 15 years into armed forces or groups or use them to participate actively in hostilities shall be liable for war crimes.

Section 3.7 Jurisdictions Comparable to Other Statutory, Regional, and International Courts: Generally, the Court shall:

3.7.1 Have and exercise concurrent jurisdiction with other statutory courts as a trial court, except as to its appellate chamber authority as herein provided.

3.7.2 Have and exercise, as an Extraordinary Court, primacy over all other statutory courts of the Republic and may, at any stage of a proceeding in any of such courts, formally request that court to defer to its competence in accordance with this Act and its Rules of Procedure and Evidence.

3.7.3 Be the primary venue for prosecuting grave atrocities committed in the territorial confines of Liberia consistent with the temporal jurisdiction, with no regional or international court having primacy or appellate jurisdiction over the court.

3.7.4. In the event that the court is unable to prosecute grave atrocities, the International Criminal Court (ICC) and other international courts exercising universal jurisdiction, may prosecute grave atrocities committed in Liberia and by Liberian citizens.

3.7.5. May establish relationship with the ECOWAS Court of Justice, the African Court on Human and Peoples' Rights, including any other Court to the extent possible for enhancing accountability for grave atrocities with the intent to promote global peace and justice.

3.7.6 **Non bis in idem:** Have the power and exercise the authority to declare that no person already tried by the Court for an offense herein can be subject to or undergo any other trial for the same offense tried.

3.7.8 **Nonapplication of double jeopardy:** Have the power and exercise jurisdiction to try any person who was previously tried by a statutory court for the acts referred to in section 3.9 of this Act if:

a. The act for which the person was tried was characterized as an ordinary crime; or,
b. The statutory court's proceedings reflect that it was designed to shield, and in fact did shield, the accused from international criminal responsibility or the case was not diligently prosecuted.

3.7.9. **Amnesty:** An amnesty previously granted to any person falling within the jurisdiction of the Court in respect of the crimes referred to in Section 3.9 of this Act shall not be a bar to prosecution by the Court for the commission of war crimes.

Section 3.8 Penalties: To impose penalty on a person convicted of a crime under this Act, the court shall take into account the gravity of the action of the person, and whether he or she has already served a penalty imposed by the circuit court from a previous conviction of the crime as provided under Chapter 3 of the Criminal Procedure Law, and the extent to which such penalty has already been served.

Section 3.9 Enumeration of Crimes to be Prosecuted: In furtherance, and not in limitation of the provisions under this section, the court shall specifically have powers and jurisdiction over:

3.9.1 All crimes against humanity, as part of a widespread or systematic attack against any civilian population or captured combatants, to include:

a. Murder
b. Extermination and/or Collective Punishment
c. Enforced Disappearance of Persons or Genocide
d. Enforced Sterilization
e. Enslavement
f. Deportation
g. Imprisonment or other Serious Deprivation of Physical Liberty
h. Torture
i. Cruel Treatment
j. Mercenaryism
k. Forcible Deportation or Forcible Transfer of Population
l. Sexual violence: Acts of rape, sexual slavery, enforced prostitution, forced pregnancy and other forms of sexual offenses.

m. Mutilation which may be determined based on the status of a mutilated person is traceable to the perpetrator and the latter was aware that his conduct would cause the mutilation.
n. Persecution: Ill-treatment meted against persons on political, racial, ethnic, or religious grounds
o. Other inhumane acts such as attacking civilians, attacking objects or persons using distinctive emblems of the Geneva Conventions, or any ill-treatment that falls within the general principle of abuse of persons as prohibited under the rules of war.

3.9.2 Violations in relation to the Geneva Conventions and of Additional Protocol II, and persons who committed or ordered the commission of the below serious violations under said article comparable to the principles of the Geneva Conventions of 12 August 1949 for the Protection of War Victims, and of Additional Protocol II thereto of 8 June 1977:

a. Violence upon or against persons, including sentencing and carrying out executions without previous judgment consistent with due process of law; taking or endangering of life by any means including murder, cruel and inhumane treatment such as torture or any other form of corporal punishment void of a decision of a regularly constituted court and not within the scope of provisions of this Act; and threat to the mental health of persons, such as taking of hostages and acts of terrorism.

b. Collective guilt and punishments including the taking of hostages and mass killings and deprivation of fundamental rights.

c. Acts of terrorism and dehumanization including outrages upon personal dignity, humiliating and degrading treatment, rape, enforced prostitution and any form of indecent assault.

d. Loot, plunder, booty or any other form of pillage.

e. Threats to commit any of the acts under this subsection.

3.9.3 Other serious violations of international humanitarian law as follows:

a. Intentionally directing attacks against the civilian population or any individual civilian not taking direct part in hostilities.

b. Intentionally directing attacks against personnel, installations, material, units or vehicles involved in humanitarian assistance as long as they are entitled to the protection given to civilians or civilian objects under the international law of armed conflict.

c. Intentionally directing attacks against peacekeeping missions, installations or peace-keeping personnel consistent with the Charter of the United Nations, or against persons or objects bearing emblems of the Geneva

Convention, under the international law of armed conflict or any agreement growing out of the peace-keeping mission.

d. Conscripting or enlisting children under the age of 15 years into armed forces or groups or using them to participate actively in hostilities.

3.9.4 Crimes under Other Liberian Laws to include in particular:

a. Offences relating to the abuse of children, especially girls, under the "Act to Establish The Children's Law, 2011" which provides for the respect, protection, promotion, and provision of the development, participation, and protection of every child in Liberia.

b. Art IV of the Children's Act which provides for Children and Situations of Vulnerability.

c. Part II, Specific Offenses, of Title 26, Volume IV of the Liberian Code of Laws Revised of 1976, specifically:

i. Chapter 11, Offenses Against Internal Security;

ii. Chapter 13, Offenses Against Civil Rights;

iii. Chapter 14, Offenses Involving Danger to Persons; and,

iv. Chapter 16, Offenses Against Property.

Section 3.10. Economic Crimes

The court shall have the power to prosecute all persons who committed any of the below crimes set forth in the Liberian Code of Laws Revised of 1976, and which were committed during the period from January 1979 to August 2003:

3.10.1 Crimes contained in Chapter 15, Subchapter F. Economic Sabotage:

a. Fraud on the internal revenue of Liberia (section 15.80);
b. Misuse of public money, property or record (Section 15.81);
c. Theft and/or illegal disbursement and expenditure of public money (Section 15.82); and
d. Possession, distribution, transportation and/or use of tools and materials for counterfeiting purposes (Section 15.83).

3.11 Seat of the Court:

3.11.1 **Permanent Seat**: The permanent seat of the War and Economic Crimes Court for Liberia shall be in Liberia, at a site designated by the Government of Liberia exclusively for that purpose.

3.11.2 **Alternative Seats**: The court may, during its processes, establish temporary seats within the Republic to conduct hearings as it shall deem necessary.

CHAPTER 4 - ORGANS AND COMPOSITION/JUDGES OF THE WAR AND ECONOMIC CRIMES COURT FOR LIBERIA

Section 4.1. Organs: The War and Economic Crimes Court for Liberia shall have the following organs or divisions:

4.1.1 The Registry: This shall be the administrative division of the court as established under Chapter Five of this Act.

4.1.2. Two chambers consisting of:

a. An Appeals Division which shall exercise jurisdiction and determine all appeals emanating from trial proceedings.

b. A Trial Division, referred to as the court, which shall be the court of first instance, responsible to try all persons indicted for commission of war crimes enumerated in section 3.9 of this Act.

c. Office of the Prosecutor: Headed by a Chief Prosecutor, this office shall be responsible to investigate and prosecute individuals as provided in section 3.2 of this Act.

d. Office of the Defense Attorney: Headed by a Chief Defense Attorney, this office shall be responsible to provide defense services to persons accused of committing grave atrocities brought before the criminal court and unable to secure legal services.

Section 4.2. Composition/Judges: The Trial Chamber and an Appeals Chamber as provided in subsection 4.1.1 of this chapter, shall be comprised of ten (10) independent full-time judges for the determination of cases, as follows:

4.2.1 For the limited purpose of the Court and especially as to its international characteristic, non-Liberian judges shall constitute a part of the panel of judges for each of the chambers, provided no chamber shall have more than two non-Liberian judge at any time.

4.2.2 In furtherance of the above, all non-Liberian judges shall be nominated to the United Nations by their countries through their National Bars Association which shall certify that the nominee is in good standing and has actively participated in the trial of war crimes either as a prosecutor, defense counsel, or judge for not less than ten (10) years.

4.2.3 The Trial Chamber shall comprise three (3) judges; the two Liberian judges shall be appointed by the President of Liberia from a list of seven (7) Counsellors-At-Law vetted and submitted to the President by a Special Evaluation Committee comprising three (3) representatives of the Liberian

National Bar Association (LNBA), two (2) Representatives each from the Liberian Council of Churches, National Muslims Council of Liberia, Independent National Commission on Human Rights of Liberia, National Civil Society Council of Liberia, Ministry of Justice, and the Office of the United Nations High Commissioner for Human Rights. Notwithstanding the procedures for appointing the judges, at least one of the three shall be from one of the genders.

4.2.4 The Appeals Chamber shall comprise Five (5) judges, two of whom shall be a non-Liberian female and a non-Liberian male . The other three Liberian judges, at least one of whom shall be from one of the genders, shall be appointed by the President of Liberia from a list of nine (9) Counsellors-At-Law vetted and submitted to the President by the Special Evaluation Committee prescribed in subsection 3 of this section.

4.2.5 There shall be two Alternate Liberian judges, one for each of the Chambers, who shall be similarly vetted and appointed by the President; they shall immediately assume the roles and powers and perform the duties of a judge who is temporarily or permanently incapacitated, except that a non-Liberia Judge shall be appointed in the same manner provided herein for such judges.

4.2.6 No member of the Special Evaluation Committee shall have been a member, financed, supported, advised, or aligned with any warring group; a nominee or committee for committee membership or a committee member shall not be disqualified because a person said to have been a part of any of these groups may be closely connected with or is a relative of a such nominee of member.

4.2.7 Notwithstanding the provision of subsection 4.2.6 of this section, any person recommended or serving as a representative of his or her institution on the Committee is required to fully disclose any conflict of interest or potential situation that may cause him or her not to be independent, and thereby allow substitution by the respective institution; failure to do so shall amount to obstruction of justice and shall be punishable under the penal laws of Liberia.

Section 4.3 Qualification of Judges and Conditions of Service

Qualification: In addition to his or her status as a Counsellor-At Law and member of the Bar of the Supreme Court of Liberia, a licensed attorney/barrister, qualified to practice or is practicing law in his or her country, and a person of high moral character, integrity and impartiality who has expertise in public international law, constitutional law, juvenile justice or Liberian criminal law:

4.3.1 A Liberian Judges of the Trial Chamber must:

a. Have been a member of the Supreme Court Bar for at least Seven (7) years with a track record of continuous that shows active practice of law before the Supreme Court.

b. Be a member in good standing with the Liberian National Bar Association and licensed during the last twelve (12) years to practice law in the Republic.

c. Not have financed, supported, counseled, or defended any person or persons tried in any court for the commission of any of the crimes enumerated in this Act.

d. Not have directly participated in any act constituting any of the crimes stipulated in this Act, being a member of, financed, supported or advised any warring faction, armed group or person bearing or publicly known to bear greater responsibility for the commission of any of the crimes enumerated in this Act either as a warring faction leader or commander, or a person named for prosecution or other penalty in the Final Report of the TRC.

e. Not have been convicted of any infamous crime or liable for ethical breach that caused his or her suspension as a judicial officer or lawyer.

f. Not have any evidence against him or her or be a subject of public perception that he or she is alleged to have committed any violations of human rights law or humanitarian law or played any role in supporting armed conflict in Liberia.

4.3.2. A Non-Liberian Judge for the trial chambers must:

a. Be at least an Attorney/Barrister, who possesses the qualifications required in his or her respective country for appointment to the highest judicial office(s), and is independent in the performance of his or her function without accepting or seeking instructions from any government or any other source.

b. Have appreciable experience in international law to include international humanitarian and human rights laws, criminal and juvenile justice or related.

4.3.3 A judge of the appeal chambers must:

a. Have been a member of the Supreme Court or High Court Bar of their respective countries for at least twelve (12) years with a track record of continuous active of law practice of law before the Supreme Court or High Court.

b. Have met the requirements to serve as a Justice of the Supreme Court of Liberia or Justice of the High Court or Superior Court Judge in his or her country.

c. Have met all requirements of a Judge of the Trial Chamber.

Section 4.4 Conditions of Service – Judges, Prosecutors and Court Staff

Each judge shall serve within the Chambers to which he or she has been appointed and undertake full responsibilities as a member of the panel of judges for the Chamber provided that:

4.4.1 The judges of each chamber shall elect at their first sitting, a Chief Judge based on a simple majority, who shall be Presiding the Judge of the Chamber.

4.4.2 The chief judge shall, in addition to his or her adjudicatory functions, administer the Chambers if elected Presiding Judge.

4.4.3 If elected presiding Judge of the appeals chambers, also serve as President of, and administer the entire court, in addition to presiding over proceedings of the Appeals Chambers.

4.4.4 If appointed as an alternate judge, attend all proceedings, and whenever required by the presiding judge, replace a judge if that judge is unable to continue sitting, pending the formal appoint of a successor as provided herein.

4.4.5 No judge shall take any other employment or be employed by any other entity or hold office in political organs, political associations or foundations connected to such associations, or be involved in any political or party activities whatsoever. Professorial duties or research of a juridical nature are exceptions to this rule.

4.4.6 Judges will receive salaries commensurate with those of justice cstices of the Supreme Court except that the benefits of judges of the trial Chamber shall be not less than fifty percent of those of the judges of the Appeal Chambers whose benefits shall be the same as justices of the Supreme Court. All other privileges and immunities shall be the same as judges of the Supreme Court of Liberia.

4.4.7 The prosecutor, deputy Prosecutor(s) and the registrar as well as international staff and consultants shall receive such salaries and allowances commensurate with international standards as decided by the entirety of the court, taking into account situations in Liberia.

4.4.8 Salaries and allowances shall of judges of the court shall not be diminish except through a national salary rationalization process, nor shall allowances be taxable.

4.4.9 The Registrar will determine a salary scale for Liberia staff commensurate with professional staff of the Supreme Court of Liberia, subject to approval by the president of the xourt.

4.4.10 Expatriates appointed to assist the court in its administrative functions (i.e., international experts) shall be entitled to full diplomatic privileges and immunities of foreign diplomatic personnel.

4.5 Tenure:

Each judge shall be appointed for a three-year term and shall be eligible for reappointment for an additional term, and each term shall expire the day preceding the anniversary when the judge was commissioned by the President of Liberia, provided however that such term may be terminated earlier upon:

4.5.1 Voluntary resignation, as confirmed by the court.

4.5.2 Permanent inability to perform the duties of a judge due to illness, disability or other health conditions certified by a competent medical board and decided by the plenum of the court.

4.5.3 Removal by the Legislature as provided in the Liberian Constitution upon request of the court through its President.

4.5.4 For non-Liberian judges, recall by the sending country for any act incompatible with the status of a judge of the Court complained through its President.

CHAPTER 5 - THE REGISTRY

Section 5.1 Establishment of the Registry

There is hereby established a Registry of the court as the principal organ responsible for the administration, finance, and non-adjudicatory services of the Court. It shall remain in existence as an integral part of the residual mechanism of the court.

Section 5.2 Mandate of the Registry

5.2.1 The registry shall provide administrative, judicial, and logistical support to the court, including but not limited to:

a. Court management and scheduling of proceedings.
b. Detention services and custodial arrangements.
c. Translation and interpretation services.
d. Outreach and public information.
e. Budgeting, financial management, and progress reporting.
f. Cooperation with national and international institutions.

5.2.2 The registry shall ensure the smooth administration of the court and its residual mechanism.

Section 5.3 Composition of the Registry

The Registry shall consist of:

5.3.1. The Registrar

a. The Registrar shall be appointed by the President of the Republic upon recommendation of the President of the Court.

b. The Registrar shall serve a term of three (3) years and may be reappointed for one additional term.

c. The Registrar shall exercise authority over all administrative, financial, and support functions of the court, subject to the rules of the court.

Section 5.4 Staff Members

a. Staff members shall be appointed by the President of the court in consultation with the judges of the Trial Chambers.

b. Staff members shall perform functions necessary for the effective operation of the registry, including administration, finance, logistics, and judicial support.

Section 5.5 Victims and Witness Unit (VWU)

a. The VWU shall provide protective measures, security arrangements, counselling, and other appropriate assistance for victims and witnesses appearing before the Court.

b. The VWU shall operate in consultation with the office of the prosecutor and the witness protection of the office established by Act of the Legislature.

c. Personnel shall include experts in trauma, particularly trauma related to crimes of sexual violence and violence against children.

Section 5.6 Functions of the Registry

5.7.1 The registry shall:

a. Prepare and manage the annual budget of the court, approved by the appropriate authorities.

b. Submit periodic progress reports to the president of the court, the Legislature, and the public.

c. Facilitate cooperation with national institutions, international organizations, and foreign governments.

d. Promote respect for the rights and welfare of victims, witnesses, and detainees.

e. Maintain records, archives, and documentation of the court's proceedings for historical and legal purposes.

Section 5.7 Continuity and Residual Mechanism

5.7.1 The registry shall continue to function as part of the residual mechanism, ensuring the preservation of records, enforcement of sentences, and protection of witnesses and victims.

5.7.2 The registry shall remain the custodian of the court's archives and shall facilitate ongoing cooperation with national and international justice institutions.

5.7.3 Reduce post-trial petitions for review submitted to the residual court and take the appropriate actions for their judicial determination.

Section 5.8 Accountability and Oversight

5.9.1 The Registrar shall be accountable to the President of the court and shall, in additional to the quarterly reports, submit a report annually to the Legislature on the functioning, finances, and progress of the registry.

5.9.2 The registry shall operate under conditions prescribed in this Act, and other conditions that may be prescribed by the rules of court and in accordance with the Constitution and laws of Liberia.

PART III: TRIAL PROCEDURES AND RULES OF EVIDENCE

CHAPTER 6 - TRIAL OF CASES

Section 6.1 Proceedings Before Trial

The Criminal Procedure Code of Liberia may be applicable to the prosecution of cases before the court, except that:

6.1.1 The procedure for the Special Court for Sierra Leone shall govern in the prosecution of cases before the Court.

6.1.2 The court shall promulgate additional rules for all pre-trial proceedings which shall not be inconsistent with the SCSL but may provide for additional processes for expediting the affairs of the court.

6.1.3 All trials before the Court shall be based on indictments drawn through the Office of the Prosecutor in accordance with the rules promulgated by the Court.

6.1.4 The Prosecutor shall also:

a. Be responsible for investigation and prosecution of persons who bear the greatest responsibility for serious violations of international humanitarian law and crimes pursuant to this Act, committed in the Republic between January 1979 and October 2003.

b. Act independently as a separate organ of the court, and shall not be subject to, seek or receive instructions from any Government or from any other source.

c. Have the power to question suspects, victims, and witnesses, to collect evidence and to conduct on-site investigations, in collaboration with the IIU-L but shall not override the decisions of the IIU-L.

d. In carrying out the tasks in this subsection, be assisted as may be appropriate, by the deputy prosecutors appointed by the president of the court.

Section 6.2 Trial Procedures

6.2.1 In all trials before the court, the rights of the accused especially the presumption of innocence shall be fully upheld, and the accused shall be entitled to the constitutionally guaranteed right of due process of law. All accused persons shall be:

a. Equal before the court.
b. Entitled to a fair and public hearing, subject to measures ordered by the court for the protection of victims and witnesses.
c. Presumed innocent until proved guilty according to the provisions of this Act.
d. Entitled to the following minimum guarantees, in full equality:

i. To be informed promptly and in detail in a language which he or she understands of the nature and cause of the charge against him or her; ii. To have adequate time and facilities for the preparation of his or her defense and to communicate with counsel of his or her own choosing;

ii. To be tried without undue delay, in his or her presence, and to defend himself or herself in person or through legal assistance of his of her own choosing;

iii. To have legal assistance assigned to him or her, in any case where the interests of justice so require, and without payment by him or her in any such case if he or she does not have sufficient means to pay for it;

iv. To examine, or have examined, the witnesses against him or her and to obtain the attendance and examination of witnesses on his or her behalf under the same conditions as witnesses against him or her;

v. To have the free assistance of an interpreter if he or she cannot understand or speak the language used in the court;

vi. Not to be compelled to testify against himself or herself or to confess guilt;

vii. To be informed, if he or she does not have legal assistance, of the right contained in this subsection.

Section 6.3 Judgement

6.3.1 All judgements shall be rendered by majority of the judges of the trial chamber court or of the appeals chamber and shall be delivered in public.

6.3.2 Every judgment shall be accompanied by a reasoned opinion in writing, to which separate concurring or dissenting opinions may be appended.

6.3.3 At the rendition of judgment, the defendant, if found guilty, shall have the right to announce an appeal, after excepting to the judgment, directly to the appeals chambers, to be heard upon schedule of the appeals chamber. The court no later than 30 days thereafter transfer the certified copies of the records to the appeal chamber after taxing by the counsels of both parties

6.3.4 Announcement of an appeal shall not operate as a stay for purposes of continuous detention of the accused; the arrest and detention at the issuance of the indictment shall continue pending final decision of the Appeals Chamber.

Section 6.4 Penalties

6.4.1 The court shall impose upon a convicted person, imprisonment for a specified number of years. While practices in the courts of Liberia will be applied in determining the terms of imprisonment, the court shall, as appropriate, have recourse to the practice regarding prison sentences in the International Criminal Court for Rwanda, the Special Court for Sierra Leone, and the sentencing practices of other internationalized or hybrid courts to determine the most appropriate penalty.

6.4. In imposing the sentences, the court shall consider such factors as the gravity of the offence, whether the person has already served a penalty imposed by a circuit court from a previous conviction of the crime as provided under the applicable domestic or international law, and the individual circumstances of the convicted person.

6.4.3 In addition to imprisonment, the court shall impose appropriate sanctions for crimes, including forfeiture of the property, proceeds and any assets

acquired unlawfully or by criminal conduct as a result of the civil war, and their return to their rightful owner(s) or to the Republic.

Section 6.5 Proceedings After Trial

6.5.1 **Appeals/Appellate Proceedings:** All appeals shall be cognizant before the Appeals Chambers whose decision shall be final, considering the extraordinary nature of the Court, which shall expeditiously make a final determination.

a. **Who may appeal:** Appeals are reserved to persons accused of committing any of the crimes enumerated in this Act, tried and found guilty, except that the prosecutor may be entitled to appeal upon certain legal grounds consistent with the Rules of the court.

b. **Grounds for appeal:** Appeals shall be made by convicted persons and heard on the following grounds:

i. A procedural error;

ii. An error on a question of law invalidating the decision; or,

iii. An error of fact which has occasioned a miscarriage of justice.

c. **Decision of the Appeals Chamber**: The appeals chamber may affirm or modify a decision of the court and thereby conclude the matter, or it may reverse the decision and order a new trial of the entire case or determination of certain issues.

d. **Standard for determining Appeals**: The judges of the appeals chamber shall be guided by the decisions of the Appeals Chamber of the International Courts for the former Yugoslavia and for Rwanda but, in the interpretation and application of the laws of Liberia, they shall be guided by the decisions of the Supreme Court of Liberia.

6.5.2 Review After Sentencing:

a. Where a new fact has been discovered which was not known at the time of the proceedings before the court or the appeals chamber and which could have been a decisive factor in reaching the decision, the convicted person or the prosecutor may file an application for review of the judgement, in the form of a petition to the appeals chamber.

b. The appeals chamber may reject the application if the chamber considers it to be unfounded; if it determines that the application is meritorious, it may, as appropriate.

i. Order the court to reconvene the trial and determine the application pursuant to the circumstances that require the taking of the evidence.
ii. Retain jurisdiction over the matter and decide the issues raised in the application.

6.5.3 Enforcement of Sentence

a. **Imprisonment**, **Venue:** Imprisonment shall be served in Liberia in a separate facility designated or provided by the Republic, appropriately situated and adequately secured for such purpose. Where however circumstances so require that imprisonment be served in another state, then:

i. Imprisonment may be served in any state, called the Receiving State, which has concluded an agreement with the court for the custody of persons against whom sentences have been imposed by the court, and has concluded an agreement for the enforcement of sentences with the International Criminal Court for Rwanda, the International Criminal Court for the former Yugoslavia, or the Special Court for Sierra Leone, and which has indicated to the Registrar of the courtits willingness to accept convicted persons.

ii. The court may conclude similar agreements for the enforcement of sentences with other states, including but not limited to States that have agreement with the Special Court for Sierra Leone, the International Criminal Court for Rwanda (ICTR), the International Criminal Court for the former Yougoslavia (ICTY), or the International Criminal Court through the President of the court.

b. **Conditions of Imprisonment**: Whether in Liberia or in a Receiving State, conditions of imprisonment shall be governed by the laws of the State of enforcement subject to the supervision of the Court. The State of enforcement shall be bound by the duration of the sentence, subject to Section 6.4 of this Act.

6.5.4 Pardon or Commutation of Sentences

a. **Eligibility for pardon or Commutation of sentence:** If, pursuant to the applicable laws of the Receiving State the convicted person is eligible for pardon or commutation of sentence, that state shall notify the President of the court accordingly.

b. **Decision of the court Necessary:** There shall only be pardon or commutation of sentence if the president of the court, with approval of majority of the judges of the Appeals Court, so decides, in the interest of justice and the general principles of law.

Section 6.6 Counsellors and Attorneys-at-Law

6.6.1 To appear or practice before the Court, an attorney must be licensed or certified to practice law in Liberia, consistent with the rules and procedures established by the Supreme Court and the statutory laws of the Country.

6.6.2 Notwithstanding the restrictions on the practice of law in Liberia, because of the peculiar nature of the proceedings, and the court's hybrid characteristic, and in furtherance of its limited purpose, subject to the provisions of Sections 4.2 and 4.3 of this Act, and consistent with international law standards, attorneys licensed in other jurisdictions with a recognized and functioning bar association that is recognized by the court may be specially admitted for the purpose of representing an accused or serving as a prosecutor. A non-Liberian lawyer permitted to practice before the Court shall not engage in any other act or perform any other professional service that constitutes the practice of law in Liberia, nor shall be subject to the rules governing lawyers in Liberia. He or she shall however be referred to he or her jurisdiction for reprimand and not investigated or penalized in Liberia for any ethical misconduct.

6.6.3 Procedures for special admission of attorneys and for recognition of licensing authorities for attorneys shall be established by the court in its rules of evidence and procedure.

6.6.4 The court will shall in its rules of evidence and procedure the qualifications for attorneys that seek to appear before it and will have the authority to impose sanctions upon any attorney that appears before it; except for those that have been accorded diplomatic privileges and immunities, provided also that their

actions do not violate their status such that they are barred from further appearing before the court.

CHAPTER 7 - RULES AND PROCEDURES OF EVIDENCE

Section 7.1: Evidentiary Matters

The Evidence Law of Liberia shall be applicable to proceedings of the court except that:

7.1.1 The Rules of Procedure and Evidence of the International Criminal Court for Rwanda obtaining at the time of the establishment of the Court shall be applicable mutatis mutandis to the conduct of the legal proceedings before the Court.

7.1.2 The judges of both chambers may collectively amend the rules of procedure and evidence or adopt additional rules where the applicable Rules do not, or do not adequately, provide for a specific situation. In so doing, they may be guided, as appropriate, by the Criminal Procedure Code of Liberia of 1976.

CHAPTER 8 - CONDUCT OF OFFICIAL BUSINESS

Section 8.1 Official/Working Language

The working language of the court shall be English; however, where the use of a Liberian or foreign language becomes necessary, a certified interpreter shall be hired for that purpose in accordance with the Civil Procedure Law.

Section 8.2 Annual Report

The President of the court shall submit an annual report on the operation and activities of the Entirety of the court to the Government of Liberia, not later than each anniversary of the establishment of the court, a copy each shall be submitted to the President of Liberia, the House of Representatives, and the Senate through their respective heads.

Section 8.3 The Budget/Fiscal Support to the Court

8.3.1 The Court shall have its own budget, which shall derive funded for but the Government of Liberia and voluntary contributions from donor/partner states, international institutions, non-governmental organizations, and individuals.

8.3.2 By its nature and work, the court shall have financial autonomy; its budgetary allocation shall be fully financed at the commencement of its operation and each fiscal period and shall be maintained in an account separate from any government managed account.

8.3.3 The President of the court shall be responsible for managing the budget of the Court; he or she shall be assisted by the registrar.

PART IV: INDEPENDENT INVESTIGATIVE UNIT FOR LIBERIA (IIU-L) AND PIONEER ACCOUNTABILITY PRO GRAM (PAP)

CHAPTER 9 - INDEPENDENT INVESTIGATIVE UNIT FOR LIBERIA (IIU-L)

Section 9.1 Establishment and Legal Status

There is hereby established alongside the registry the Independent Investigative Unit for Liberia (IIU-L). It shall:

9.1.1 Be an autonomous body with distinct legal personality, independent from all other investigative institutions in Liberia.

9.1.2 Have primacy over any investigative body similarly situated whose mandate overlaps with its jurisdiction.

9.1.3 Authorize the transfer to it of any case within its jurisdiction pending before another court.

Section 9.2 Mandate and Jurisdiction

The IIU-L shall investigate war crimes, crimes against humanity, and serious human rights violations committed between January 1979 and October 2003, gather and compile evidence for use by prosecutors.

9.2.1 The jurisdiction of the IIU-L shall extend to:

a. Conduct within Liberia;
b. Conduct outside Liberia directly linked to crimes committed within Liberia, including planning, financing, or support networks.

9.2.2 Investigations shall prioritize any person(s) bearing the greatest responsibility for systematic or serious violations, and other liabilities irrespective of official position or immunities under domestic law.

Section 9.3 Structure and Leadership

9.3.1 The IIU-L shall be headed by a chief investigator, assisted by a deputy investigator, appointed by the President of Liberia.

9.3.2 The Unit shall consist of the following offices:

a. Immediate Office of the Chief Investigator.
b. Investigation Office.
c. Victims and Witnesses Office.
d. Criminal Analysis Office.

e. Evidence Preservation Section

Section 9.4 Procedures and Standards

9.4.1 The IIU-L shall adopt Standard Operating Procedures (SOPs) governing investigations, evidence collection, forensic analysis, witness interviewing, and data management.

9.4.2 A binding Code of Conduct shall regulate ethical obligations, impartiality, confidentiality, and anti-corruption standards.

9.4.3 The IIU-L shall develop strategies including:

a. Case Prioritization Strategy;

b. Gender Strategy integrating gender analysis into investigative work; and

c. Psychosocial approaches for engaging witnesses and other persons.

Section 9.5 Oversight and Accountability

9.5.1 An Oversight Committee shall be established to supervise the IIU-L.

9.5.2 The Committee shall comprise representatives of:

a. The Government of Liberia.

b. ECOWAS, African Union, and United Nations.

c. Liberian National Bar Association (LNBA).

d. Civil Society Organizations (CSOs); and

e. Recognized Victims Representative Group.

9.5.3 The Committee shall receive periodic reports, oversee management and budgetary matters, and advise on efficiency and disciplinary actions.

Section 9.6 Appointment and Selection

9.6.1 All appointments shall be by the President of the Republic upon recommendation of an independent Selection Panel.

9.6.2 The chief investigator shall a Liberian.

9.6.3 The Selection Panel shall be appointed and overseen by the Oversight Committee.

Section 9.7 Financing

9.7.1 The IIU-L shall be financed through a Special Investigation Fund managed by the Oversight Committee.

9.7.2 Sources of financing shall include:

a. Appropriations by the Legislature;

b. Publicly declared donations from vetted entities;

c. Recovered assets: the Oversight Committee shall prescribe the manner of such support.

Section 9.8 Investigative Powers

9.8.1 The Chief Investigator shall have authority to:

a. Initiate investigations.

b. Gather evidence through interviews, documents, and forensic analysis.

c. Summon witnesses and compel documentation.

d. Conduct searches and seizures in accordance with their SOPs and Liberian law.

e. Access classified information under strict conditions of confidentiality.

f. Establish specialized investigative teams.

g. Prepare comprehensive reports for prosecutorial authorities.

9.8.2 All government bodies with investigative powers shall provide support to the IIU-L upon request.

9.8.3 Cooperation shall be formalized through Memoranda of Understanding, ministerial directives, and protocols.

Section 9.9 Partnerships and International Cooperation

9.9.1 The IIU-L may enter into bilateral and multilateral agreements with national, regional, and international entities.

9.9.2 The IIU-L shall benefit from frameworks such as the African Union Transitional Justice Policy.

9.9.3 Technical assistance may include forensic expertise, witness protection, cybersecurity, budgeting, and SOP development, etc.

Section 9.10 Evidence Management and Handover

9.10.1 The IIU-L shall collect, analyze, and preserve evidence in accordance with its mandate.

9.10.2 The IIU-L shall produce analytical reports to support future prosecutions.

9.10.3 All evidence, case files, and analytical products shall be formally handed over to the chief prosecutor's office.

CHAPTER 10 - PIONEER ACCOUNTABILITY PROGRAM (PAP)

Section 10.1 Establishment

There is established within the Office for the Establishment of the War and Economic Crimes Court for Liberia (OWECC-L) a programme to be known as the **Pioneer Accountability Program** (PAP). It shall be a specialized capacity-building structure to prepare a cadre of qualified experts to investigate, prosecute and adjudicate war crimes, crimes against humanity and related serious offences in the Liberian context.

Section 10.2 Mandate

10.2.1 The PAP shall:

a. Develop and maintain a Liberian cadre of investigators, prosecutors, judges, defense counsel, registry personnel and witness protection officers with advanced, context-specific skills.

b. Design thematic practical training modules and programs. in investigations, prosecutions and adjudication of international crimes committed in Liberia between 1979 and 2003.

c. Develop mechanism to strengthen institutional capacity and professional standards for a financially sustainable, Liberian-led accountability mechanism.

d. Prepare correctional and detention systems for the secure and humane management of high-risk and high-profile detainees who may be indicted by the Court or the National Anti-Corruption Court (NACC).

10.2.2 The PAP shall include vetting and selection of participants, curriculum design, training delivery, practical exercises, mentorship and immersion placements, monitoring and evaluation, certification, and preparation for phased integration into relevant investigative and judicial bodies.

Section 10.3 Administration and Governance

10.3.1 The Division of War and Economic Crimes Court within OWECC-L shall be the central coordinating and managing body for the PAP and shall have primary responsibility for the administration, management and oversight of the PAP.

10.3.2 OWECC-L, acting through the Division, shall:

a. Conduct ongoing training needs assessments;
b. Develop, approve and periodically review PAP curricula and module content;
c. Identify, vet and admit participants;
d. Maintain comprehensive participation and training records;
e. Coordinate logistical arrangements and training venues;

f. Liaise with national, regional and international partners and experts;
g. Develop and implement an evaluation and monitoring framework; and
h. Document lessons learned and recommend programmatic improvements.

10.3.3 OWECC-L shall report quarterly on PAP activities, progress and resource needs to the oversight authority designated by this Act at such intervals and in such form as that authority may require.

Section 10.4 Eligibility, Vetting and Admission

10.4.1 Subject to subsection 10.4.2, service on the PAP shall be open to:

a. Former judicial actors and former police officers who performed investigative duties;
b. Specialized investigators and practitioners with human rights investigative experience;
c. Persons with experience in case management, registry functions or witness protection; and
d. Current judicial actors or police officers temporarily seconded or detached to full-time training pursuant to a memorandum of understanding between OWECC-L and the Ministry of Justice.

10.4.2 OWECC-L shall develop and publish qualification requirements for admission that ensure gender representation and diversity; a minimum level of specialized skills and competencies; demonstrable good conduct and integrity; commitment to the full training cycle and to post-training obligations where applicable; and capacity and willingness to transfer knowledge to peers.

10.4.3 OWECC-L shall implement a transparent vetting and selection process that includes application, verification of qualifications, integrity checks and competency assessments. Final selection of participants shall be made by a panel designated by OWECC-L and shall be merit-based while reflecting the Program's diversity objectives.

Section 10.5 Curriculum, Modules and Training Methodology

10.5.1 The PAP curriculum shall be modular and shall combine theoretical instruction, practical exercises, simulations, mentorship and immersion placements. Each module shall specify learning objectives, practical exercises, assessment criteria and indicators for monitoring participants' progress and module impact.

10.5.2 The PAP shall include, at minimum, the following modules developed with a focus on the Liberian context:

a. **Evidence Identification and Management**, including TRC materials, NGO archives, foreign proceedings, media and UN reports, evidence assessment, authentication and chain of custody protocols.

b. **Conflict-Related Sexual Violence (CRSV)**, including forensic evidence collection, establishing evidentiary links, command responsibility and modes of liability.

c. **Children Associated with Armed Forces and Groups**, including recruitment, use, exploitation and related offences.

d. **Trauma-Informed and Gender-Sensitive Approaches**, including victim-centred strategies and psycho-social considerations.

e. **Witness and Victim Security**, including risk assessment, protective measures, confidential information protocols, witness protection planning and threat assessment.

f. **Practical Investigative Exercises**, including archiving, case-mapping, case management, criminal analysis, non-invasive techniques, metadata and call data analysis, mock investigations and evidence handover.

g. **Forensic Investigations**, including exhumation best practices, simulated grave-site management, skeletal trauma analysis and handling aged or degraded remains.

h. Prosecution Strategy and Case Prioritization, including Liberia-specific prioritization criteria.

i. **Financial Investigations and Asset Recovery**, including tracing illicit wealth and economic pillage.

j. **Mutual Legal Assistance and International Cooperation**, including drafting requests and activating cooperation procedures.

10.5.3 Practical components shall include mock interviews, trial advocacy, witness examination and cross-examination, cognitive interviewing, geospatial and timeline analysis, immersion and mentorship placements, and simulation of Liberia-specific investigative and prosecutorial challenges.

10.5.4 Participants shall be assessed through written and practical examinations, performance in simulations and other assessment tools determined by OWECC-L. Successful completion of assessments shall be a condition for certification under Section 10.7.

Section 10.6 Partnerships, Memoranda and Secondments

10.6.1 OWECC-L shall identify and enter into partnerships with national, regional and international institutions, training providers, professional associations

and civil society organizations to support curriculum delivery, technical expertise, mentorship and resource mobilization.

10.6.2 OWECC-L shall enter into memoranda of understanding as necessary, including with the Ministry of Justice for detachment and secondment of active investigators and prosecutors, and with the Liberian National Bar Association to facilitate participation of legal practitioners. Each memorandum shall specify terms of secondment or participation, duration, obligations of the parties and protections for Participants.

Section 10.7 Monitoring, Evaluation, Records and Certification

10.7.1 OWECC-L shall develop and implement an evaluation framework to monitor Participant progress, module effectiveness and overall Program impact, including pre- and post-training assessments, practical performance evaluations and periodic follow-up assessments.

10.7.2 OWECC-L shall maintain secure and comprehensive records for each Participant, including admission documents, attendance, assessment results and certificates, and shall store and manage such records in accordance with applicable confidentiality, data protection and witness protection requirements.

10.7.3 Participants who successfully complete the Program and satisfy assessment requirements shall receive a certificate issued by OWECC-L. Certificates shall be recognized for consideration in appointments, secondments and integration into IIU-L and the Court, subject to applicable laws and regulations.

Section 10.8 Corrections and Detention Preparedness

10.8.1 OWECC-L shall coordinate with the Ministry of Justice and other relevant authorities to identify and address infrastructure and capacity gaps in the Liberian correctional system necessary for the secure, humane and lawful management of high-risk and high-profile detainees.

10.8.2 During Phases 1 and 2 of PAP implementation, OWECC-L shall ensure planning and preparedness for detention of individuals who may be indicted by the court or NACC, including security arrangements, segregation protocols, medical and psycho-social care and legal safeguards consistent with national and international standards.

Section 10.9 Implementation Phases, Transitional Measures, Resource Mobilization and Commencement

10.9.1 The PAP shall be implemented in phases as follows:

a. **Phase 1- Scoping and Admission**: mapping of needs, outreach, vetting and admission of Participants;

b. **Phase 2 - Initial Training Cycles**: delivery of core modules, practical exercises and mentorship;

c. **Phase 3 - Integration into IIU-L**: eligible and certified Participants may be considered for integration into IIU-L; and

d. **Phase 4 - Integration into Court**: eligible and certified Participants may be considered for integration into SWECCL.

10.9.2 OWECC-L shall map existing national, regional and international initiatives that contribute to PAP activities and shall incorporate relevant resources and expertise. Initial training sessions shall commence upon admission of Participants who commit to the full training cycle and required practical assessments.

10.9.3 OWECC-L shall identify and pursue funding and resource partnerships necessary for the sustainable operations of the PAP and shall include budgetary requirements in its annual submissions to the oversight authority.

10.9.4 This Chapter shall come into force on the date of commencement of this Act or such other date as the Minister responsible for justice may by statutory instrument appoint.

Section 10.10 General Provisions

10.10.1 Participation in the PAP and any certification issued under this Chapter shall not prejudice any person's rights under the Constitution or other laws of Liberia.

10.10.2 OWECC-L shall review the PAP and this Chapter at intervals not exceeding three years and shall submit appropriate recommendations for legislative or administrative amendments to the oversight authority.

10.10.3 The Minister of Justice may issue regulations for the better carrying into effect of the provisions of this Chapter.

CHAPTER 11 - FINAL PROVISIONS

Section11.1 Superseding Authority and Effective Date

11.1.1 **Primacy of the Act:** The primacy of this Act and the provisions therein shall be upheld by all authorities and persons and all of its provisions shall supersede any other law on any of the subjects herein.

11.1.2 **Primary Applicable Laws:** The primary applicable laws prescribed for all subject-matter offenses in this Act are Customary International Criminal

Law and all treaty obligations ratified by the republic of Liberia; and for procedural matters, the rules and procedures herein shall apply.

11.1.3 **Effective Date:** This Act shall take effect immediately upon publication into Handbills.

ANY LAW TO THE CONTRARY NOTWITHSTANDING.