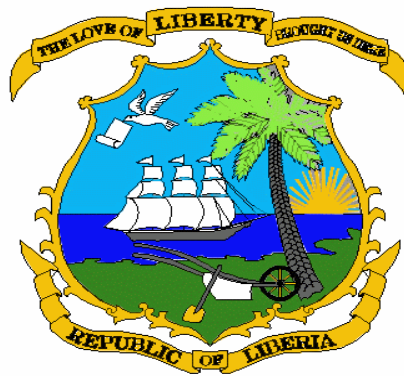


AN ACT

**AMENDING AND RESTATING AN ACT TO ESTABLISH
THE LIBERIA ANTI-CORRUPTION COMMISSION TO
BE KNOWN AS THE NEW ANTI-CORRUPTION
COMMISSION ACT (2021)**



REPUBLIC OF LIBERIA

AN ACT AMENDING AND RESTATING AN ACT TO ESTABLISH THE LIBERIA ANTI-CORRUPTION COMMISSION

PREAMBLE

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

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

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

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

NOW THEREFORE:

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

PART-I SHORT TITLE

Section 1.1 This Act amending and restating An Act to Establish the Liberia Anti-Corruption Commission shall also be cited as the New Anti-Corruption Commission Act (2021).

PART -II DEFINITION

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

Corruption	<i>Any act or acts, decision or decisions or use of public resource or resources by a public or private official in the discharge of official duties and/or responsibilities which, in order to satisfy the selfish desire or interest of the said official or other person or persons, natural or legal, ignore the established laws, regulations, and thereby, denies, deprives, and prevents, the State or person or persons natural or legal from receiving entitlement, consideration, and/or treatment.</i>
Acts of Corruption	<i>Bribery, embezzlement, extortion, fraud, influence peddling, insider trading, misuse of entrusted public property and vested authority, illicit enrichment, and any economic and financial crimes, which are now provided for under the Penal Code of Liberia, or may, hereafter, be defined and enacted.</i>
Civil Society	Citizens who, motivated by conscience and compassion, advocate for social causes, general welfare and wellbeing of all person(s) or select-group of person(s).
Civil Society Org.	Not-for-profit, non-governmental associations of individuals, incorporated and unincorporated who, motivated by shared values and conscience, engage in organized advocacy for social causes, general welfare and wellbeing of all persons or select-group of person(s).
Public Sector	The agencies of government and all persons employed therein who are paid with state funds perform duties and responsibilities defined by laws, regulations, guidelines, procedures, policies and acceptable standards; performance of actors in this sector is not stimulated by profit motive; but rather by a desire to serve the public and be paid for doing so.
Private Sector	Citizens who (individually, incorporated or unincorporated) invest their time, talent, financial and material resources to make a profit.
Chairperson	Head of the Commission appointed by the President with the consent of the Senate.
Commission	The Liberia Anti-Corruption Commission
Commissioner	A member of the Commission who is appointed by the President with the consent of the Senate.
County of origin	The county of birth of one's father; or county of birth of one's mother where there is no father.

PART – III ESTABLISHMENT OF THE COMMISSION

Section 3.1 That from and immediately after the passage of this Act, the Commission established under the Anti-Corruption Commission Act (2008) is abolished.

Section 3.2 That from and immediately after the passage of this Act, there shall be established a new independent Commission in Government to be known as the new Liberia Anti-Corruption Commission (LACC), hereafter referred to as the “Commission” which shall have the functions and powers as are conferred upon it by this new LACC Act.

Section 3.3 Offices: The Commission shall have its Head Office in the City of Monrovia, and it may establish branches in all other parts of Liberia; and appoint and/or assign investigators and staff anywhere in Liberia.

PART – IV POWERS OF THE COMMISSION

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

- a. To sue and be sued in its own name;
- b. To enter into contracts and acquire, hold and alienate movable or immovable property by lawful means;
- c. To issue citations in accordance with law requesting the appearance of any persons under investigation but not otherwise arrest;
- d. To cause the arrest and detention of any person or persons in pursuance of its function; provided that any such arrest or detention shall be based on probable cause and upon a prior warrant issued by a court of competent jurisdiction;
- e. To cause the freezing of assets of person or persons being investigated or prosecuted for alleged act or acts of corruption; provided the freezing of asset or assets of any accused person or persons is, at all times, authorized by a prior order or warrant issued by a Court of competent jurisdiction.
- f. To cause the confiscation of assets of convicted person(s) upon a judicial determination that the asset or assets to be confiscated are the proceeds of the act or acts of corruption of which the person or persons is convicted of; provided further that the confiscation is

ordered at the end of all judicial proceedings, including, if taken, necessary appeal to the Supreme Court of Liberia;

- g. To establish counterpart and technical relationships with similar and other agencies, institutions and organizations in Liberia and abroad, as may be necessary for the effective discharge of its functions;
- h. Compile, verify, maintain and update a comprehensive assets declaration register for all government employees defined under Part X, Section 10.1 of the Code of Conduct of 2014.
- i. To issue summons to comply to the persons required to declare their income, assets and liabilities pursuant to section 15.1 of the Code of Conduct Act 2014 who have failed to submit such declaration, and to advise the competent authorities of the persons in default.
- j. To recommend sanctions of persons required to declare their income, assets and liabilities pursuant to Section 15.1 of the Code of Conduct Act 2014 who fails to declare or makes a false declaration of income, asset and liability under that Act, notwithstanding other sanctions or measures provided by the laws of Liberia.

PART V: FUNCTIONS OF THE COMMISSION

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

Section 5.2 Without limiting the generality of Part V, Section 5.1 above, the Commission shall have the following specific functions in accordance with law:

- a. To investigate all acts of corruption discovered or reported to have occurred in the public, private, and civil society sectors of Liberia subsequent to the passage of this Act with the aim of identifying the person(s) and the extent of the loss of or damage to any public and/or private property as a result of the subject act of corruption;
- b. To investigate the conduct of any person, irrespective of office or status, natural or otherwise, if the conduct of the person(s) constitute corruption;

- c. To examine and investigate any information, matter or report that indicates or raises suspicion about the conduct, action or decision of a public or private official in line of official duty and in the context of the definition of corruption herein provided;
- d. To prosecute all offences involving acts of corruption and, in particular, without prejudice to the generality of the foregoing, all offences falling within the jurisdiction of the Criminal Courts of the First Judicial Circuit, and the Corruption and Related Economic & Financial Offences Divisions of the Circuit Courts established in the other counties;
- e. To develop and/or adopt appropriate measures consistent with law to identify, trace and freeze any assets and/or proceeds of acts of corruption and ensure the confiscation, in court of law, of said assets and proceeds there from;
- f. To serve as an agency of Government of Liberia authorized to make and receive requests for the purpose of international mutual legal assistance in the fight against corruption;
- g. To adopt, design and/or implement appropriate administrative and legal measures as well as educational programs aimed at eradicating and preventing acts of corruption;
- h. To advise and assist public, private and civil society institutions relative to designing and implementing procedures and systems that are appropriate to reducing the likelihood of the occurrence of corruption;
- i. To encourage and foster the effective participation of civil society organizations and the entire nation in the fight against corruption, and in so doing work with them in developing sensitization programs about both the ills of corruption and the benefits of preventing, fighting and eradicating corruption;
- j. To serve as the agency of Government of Liberia with primary responsibility for the investigation of all acts of corruption and, in so doing, to promote and coordinate the collaboration of all law enforcement agencies of government in the discharge of their activities as they relate to combating corruption, including but not limited to;

- i. Tracing and monitoring the movement and whereabouts of persons accused of being involved in acts of corruption, and
 - ii. Building data-banks, maintaining databases, and sharing the contents of the data on persons or organizations convicted of acts of corruption without violating the fundamental rights of person(s) or organization(s) as enshrined in the Constitution of the Republic of Liberia;
- k. To conduct research, survey and related studies about both (1) the dimensions, manifestations, and causes and effects of corruption; and (2) the practices, procedures and systems of governance and management that need to be adopted and promoted to combat, eradicate and prevent acts of corruption;
- l. To lead the implementation of the Anti-corruption Strategy of Liberia, including the Code of Conduct for Liberian Public Servants;
- m. To carry out and discharge any and all of its functions and operating procedures to be established hereafter by the Commission in accordance with law;
- n. To serve as the agency of the Government of Liberia for the purpose of issuing civil proceedings on behalf of and in the name of the Government of Liberia, or of any public body, to recover any loss suffered by the Government or such public body, or any benefit received by any person or persons, natural or legal, as a result of conduct that the Commission may discover in the course of any investigation under this Act, whether or not anyone has been charged with or convicted of any criminal offence in relation to such conduct.
- o. To institute and operate the Asset declaration and verification regime of Government, pursuant to Part 10 of the Code of conduct Act 2014. In the performance of this function, the Commission has the authority to:
- i. receive and maintain the declarations of income, asset and liability submitted by public officials;
 - ii. verify the accuracy of such declarations;

- iii. allow or deny access to such declarations upon application to the Commission, subject to its satisfaction that such access is in the interest of the general public;
- iv. develop asset declaration guidelines and forms;
- v. issue rules for the administration of the asset declaration and verification regime as it deems necessary for the effective implementation of this Act.
- vi. Recommend sanction for breach of the Asset declaration guideline.

PART- VI COMPOSITION, APPOINTMENT AND TENURE

Section 6.1 **Composition:** The Commission shall be composed of five (5) individual members known as Commissioners; one of whom shall be appointed as Executive Chairperson and CEO, one as Vice Chairperson who shall act as Chairperson in the absence of the Chairperson. The broad mandates of the Commission shall be:

- a. Enforcement (consisting of investigation and prosecution of acts of corruption);
- b. Education and Prevention; and
- c. Administration

Section 6.2 **Appointment:** The five (5) Commissioners shall be nominated by the President, from a list of (10) Candidates pre-selected by an Adhoc committee established in section 6.4, and confirmed by the Senate. The Chairperson, who shall be a lawyer and Vice Chairperson, who shall be a professional accountant or auditor, shall be appointed by the President, among a list of (4) Candidates identified by the Adhoc committee within the main list of (10) Candidates. The President may consult the civil society pursuant to the partnership between Government and said civil society in the fight against corruption. Upon being confirmed by the Liberian Senate, the Commissioners shall subsequently be appointed and commissioned to their respective offices by the President.

Section 6.3 **Qualification:** Each member of the Commission shall be a Liberian citizen of not less than thirty (30) years of age, of good moral character in the community, and with proven records in anti-corruption advocacy or

professional training and/or experience in law, law enforcement, accounting, auditing, internal control, compliance, transparency and access to information, integrity, good governance, the prevention and fight against corruption, or related fields. The membership of the Commission shall also be drawn to reflect the broad spectrum of society; provided further that no two (2) Commissioners shall have the same County of origin and all five (5) shall not be of the same gender; at least two Commissioners shall be of either male or female gender.

Section 6.4 **Adhoc Committee Composition:** The pre-selection of candidates for the position of Commissioner shall be carried out by an ad-hoc committee set up by the President. The Committee shall be composed of seven [7] persons, a Chairperson appointed by the President, and six (6) others from the following institutions: Civil Service Agency; General Auditing Commission; Two [2] persons nominated from a list submitted by donors which have been providing technical assistance to Liberia in the area of prevention of and countering to corruption during the last three years; and two [2] persons nominated from a list submitted by reputable Liberian anti-corruption civil society organizations. Persons selected to the Committee must possess an impeccable business reputation, high professional and moral qualities, excellent public reputation and at least five years of experience in anticorruption investigation or prosecution, including having such experience in other countries.

Section 6.5 **Adhoc Committee Process:** The Adhoc Committee shall publicize the opening of the period for submission of applications for appointment of Commissioners. Within [15] working days from the deadline for submission of applications, the Adhoc Committee evaluates candidates against criteria laid out in section 6.3, prioritizing good moral character and proven records in anti-corruption investigations, prosecutions and advocacy. By a majority vote, the committee establishes a long list of a maximum of [4] times the number of open Commissioner positions for interview, with no more than half originating from the same county and no less than a quarter from the same gender. The interviews shall take place within [30] working days from the deadline for submission of applications and are recorded by video/audio. The recordings are placed on the official website of the Presidency immediately after the end of the last interview. A member of the Adhoc Committee may participate in its meeting remotely through videoconference. By a majority vote, the Adhoc Committee pre-selects two [2] candidates for each Commissioner position to submit to the President for nomination, and appointment following confirmation by the Senate. In case the composition of the Commission is at risk of imbalance for gender or county of origin, at least one [1] of the selected candidates shall be from a gender or county potentially underrepresented. The Adhoc Committee submits the list of candidates to

the President within [35] working days from the deadline for submission of applications.

- Section 6.6 **Confirmation:** A Person nominated to serve on the Commission who is an active member of any political party shall publicly resign before confirmation by the Liberian Senate, and appointment by the President of the Republic of Liberia. He or she shall, during the confirmation process, declare his or her assets and property interest which, unless found to be questionable, shall not prejudice the nominee.
- Section 6.7 **Oath of office:** All members of the Commission shall, before assuming their offices subscribe to a solemn oath or affirmation as required by the Constitution of Liberia.
- Section 6.8 **Tenure:** The five (5) Commissioners appointed by the President shall serve for a term of five (5) years each, and shall be eligible for reappointment for one additional term of five (5) years only.
- Section 6.9 **Resignation:** A commissioner may resign his or her office by serving a written notice on the President. A resignation shall become effective upon being received and accepted by the President.
- Section 6.10 **Removal:** A Commissioner may be removed from office only in the event of he or she becoming mentally or physically incapable of performing his or her duties, or committing a crime or a proven act of gross misconduct; and such removal shall take effect only upon the passing by simple majority of a resolution of the Liberian Senate, upon a petitioned by the President.
- Section 6.11 Where a vacancy occurs in the membership of the Commission, the President shall within ninety (90) calendar days of the occurrence of the vacancy, nominate a replacement, to serve the unexpired term of the predecessor of said vacant position, to the Liberian Senate for confirmation consideration as provided for by this Act.

PART VII: DUTIES OF THE COMMISSIONERS AND MEETINGS

- Section 7.1 **Duties:** All powers of the Commission are vested in the five (5) Commissioners provided for in this Act, all acting as a Body. The Commissioners shall be responsible for the formulation of policies and the implementing of all activities and programs of the Commission, including:

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

Section 7.2 **Meetings:** The Commissioners shall meet as frequently as necessary for the effective discharge of the mandate of the Commission, but not less than once a month, using the following general guidelines:

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

PART VIII: ADMINISTRATION AND MANAGEMENT

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

Section 8.2 The Executive Chairperson of the Commission shall:

- a. Serve as the Chief Executive Officer of the Commission, and be responsible for the other Commissioners, acting as a body, for the

implementation of approved policies and programs of the Commission;

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

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

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

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

- a. Is substantively knowledgeable about or experienced in at least one or more of the following discipline:
 - i. Accounting, Economic or Management
 - ii. Law, Political Science or any of the social science

iii. Criminal justice/fraud investigation

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

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

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

Section 8.6 **Removal:** The Executive Director or any staff appointed by the Commission under a definite contract may be dismissed for cause in accordance with the Labor Law and Practices of Liberia and for any breach of the Code of Conduct for Liberian Public Servants.

Section 8.7 **Functional Divisions:** For the purpose of enhancing the ability of the Commission, the Commission shall be divided into at least three (3) functional divisions with specific responsibilities as indicated below:

a. **Administrative Division:** This Division shall have the responsibility of running the day-to-day affairs of the Commission, including the supervision of personnel and the logistical duties of the Commission.

b. **The Enforcement Division:** This Division shall consist of two sub-units, namely, the Investigation Unit and the Prosecution and Legal Unit.

i. **The Investigation Unit** shall be responsible for discharging the investigative functions of the Commission and handling of all matters concerning mutual legal assistance in respect of act(s) of corruption.

ii. **Legal Unit** shall be responsible to advise and discharge the legal activities including programs granted the Commission under this Act.

- c. **The Education and Prevention Division:** This division shall be responsible to undertake research into the causes, manifestation and dimensions of corruption, especially in Liberia, and advising on approaches and practices needed to be adopted by public and private institutions to prevent corruption. The Division shall also be responsible for designing and implementing programs aimed at educating and sensitizing the public about corruption and what can be done to prevent and combat corruption.
- d. **Others:** The Commission shall have the power to create new divisions, merge any two or more of the existing divisions, and take any other actions as may be necessary for the proper management of the affairs of the Commission.
- e. Each of the three functional divisions shall be headed by a line manager who shall be appointed by the Executive Chairperson, subject to the approval of the Commission.
- f. In addition to the Executive Director and line managers, the Commission shall also employ or hire the services of staff, investigators, consultants, and experts as may be necessary for the proper performance of its functions.

PART IX: RENUMERATION AND CONDITION OF SERVICE

- Section 9.1 **Remuneration:** All five (5) members of the Commission as well as the Executive Director and other staff to be employed by the Commission shall carry out their duties and functions and serve the Commission on a full time basis.
- Section 9.2 The Commissioners, the Executive Director and all other persons employed by the Commission shall receive compensations and benefits as shall be determined by the Commission through the National Budget processes, including legislative appropriation and approved. The compensation of the Commissioners shall be determined in light of the nature of the challenges involved in combating corruption.
- Section 9.3 **Condition of Service:** As soon as possible and after its establishment and staffing, the Commission shall promulgate a personnel policy to provide for a clear policy of meritorious hiring, compensation, promotion and training.

Section 9.4 The Commission shall also promulgate an internal Code of Conduct for Commissioners and staff of the Commission, which shall also comply with the Code of Conduct for Liberian Public Servants. The internal Code of Conduct shall prescribe the minimum acceptable conduct expected of all members and staff of the Commission and the consequence(s) for any breach thereof. The internal Code of Conduct for the Commission shall also establish effective dispute resolution, procedures, including mechanism for the fair and speedy investigation, hearing and determination of any and all contested matters involving Commissioner and staff of the Commission.

PART X: CONDUCT AND COORDINATION OF INVESTIGATION

Section 10.1 A key function of the Commission shall be to investigate any and all acts, information and reports of corruption brought to its attention.

Section 10.2 Except as otherwise provided in this Act, the Commission's power to investigate acts of corruption shall not be limited by any means, person(s) or process except by the requirement(s) of law, including in particular the Criminal Procedure Law and rules of evidence therein, and to the extent of its available resources, provided, however, that the Commission may from time to time coordinate with other investigative agencies of the Government in the discharge of its investigative power.

Section 10.3 An investigator employed by the Commission shall be deemed authorized to investigate acts, cases, information or reports of corruption duly assigned to him/her. The commission shall issue to all investigators identification device.

Section 10.4 For the purpose of exercising the power of investigation conferred on the Commission by this Act, the Manager of Investigation Unit of the Enforcement Division shall have the powers, privileges, rights and immunities of a police officer in respect of arrest and detention of persons as well as search and seizure. The criminal procedures of Liberia shall apply to the exercise of such powers, rights and privileges. In case of competing investigations on corruption between the Investigation Unit of the Enforcement Division of the Commission and other agencies, the Commission will have a preferential right in the collection of evidence.

Section 10.5 In compliance with the rights of the individual provided in the Constitution, the Commission shall formulate, adopt and publish, within ninety (90) days of the coming into force of this Act, as part of its operating

procedures, adequate and appropriate rules and procedures, to govern the investigation and interrogation of suspect(s) of corruption by the Commission in order to promote compliance with law and transparency as well as to further public confidence.

Section 10.6 Each investigator shall make and file a written report of the findings of every investigation conducted by him or her. The report of an investigation shall include appropriate recommendations and the basis for such recommendation(s). Said report must be in conformity with rules of evidence.

Section 10.7 Individual or individuals, institution or institutions providing false, and misleading information to the commission against other individual or individuals, institution or institutions shall themselves be prosecuted for providing misleading information.

Section 10.8 Persons required to declare their income, assets and liabilities pursuant to Section 15.1 of the Code of Conduct Act 2014 who enter false data in their declaration of interests, income, assets and liabilities shall be criminally liable, as provided under Liberia's Penal Code. Further, in those cases, the persons will also be sanctioned under the terms of Section 10.3 of the Code of Conduct. Where the persons omit to file their declaration of income, assets and liabilities, the sanction of Section 10.3 of the Code of Conduct will be applied.

Section 10.9 In order to safeguard the presumption of innocence rights of personnel who are target of an investigation, the Commission shall have a duty to maintain strict confidentiality and non-public disclosure of all investigation, in any form or forum whatsoever, until upon indictment by a grand jury. It shall be an act of gross misconduct under Section 6.10 for any Commissioner determined to have intentionally disclose an investigation or an investigation report prior to indictment by a grand jury. Any other employee of the Commission that intentionally discloses an investigation or an investigation report shall be subject to termination.

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

PART XI: CONDUCT AND COORDINATION OF PROSECUTION

[REPEALED]

PART XII: FINANCIAL MATTERS

- Section 12.1 The work of the Commission shall be financed through the National Budget by legislative appropriations. It shall be the responsibility of the Chairperson to ensure that the annual budget of the Commission is prepared and submitted in time to appropriate for agencies of Government.
- Section 12.2 The Commission may also request and receive technical assistance, donations or grants from Liberia's Development Partners and other international multilateral institutions in furtherance of its operations; provided that no such assistance, donation or grant is requested or received on condition that the Commission performs any function or discharge any duty determined by the donor against the interest of a Liberian(s) which is not a priority of the Commission. Notwithstanding, these amounts are to form part of the Commission's budget.
- Section 12.3 The Commission shall adopt a system of sound accounting and financial management policies in conformity with financial regulations of the Government of Liberia and generally accepted accounting principles to ensure prudent and efficient management of funds. The Commission shall specifically cause to be kept proper books and records of accounts for funds and resources received and expenditure incurred during its fiscal year.
- Section 12.4 The financial statement of the Commission shall be prepared, audited and published within three months following the end of the financial year. Semi-annual, unaudited financial reports of the Commission shall also be prepared and made available to donors and the public upon request.
- Section 12.5 The Commission shall be subject to financial and system audits by the General Auditing Commission. The Audit Reports shall be submitted to the Legislature and the President.

PART XIII: INDEPENDENCE: COOPERATION

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

- Section 13.2 In furtherance of the independence of the Commission, the full amount of each annual budgetary appropriation made for the Commission in the National budget shall be disbursed to the Commission on a quarterly basis.
- Section 13.3 The Chairperson, Vice Chairperson, Commissioners, Executive Director, Managers, and all staff and investigators of the Commission shall be free of undue interference in the discharge of their duties.
- Section 13.4 Each investigator shall enjoy independence in respect of the scope of his or her investigation, including the findings and conclusions thereof. Neither the Executive Chairperson nor the Executive Director, managers, nor any Commissioners or anyone else shall seek to influence the findings and/or conclusions of an investigation report. Only a supervising officer shall contact an investigator in respect of the status of an on-going investigation.
- Section 13.5 In the performance of its functions, the Commission may:
- a. Cooperate with other national and international, public and private institutions in the design and/or implementation of specific measures and programs;
 - b. Coordinate and collaborate with other law enforcement agencies, including the Ministry of Justice and existing law enforcement agencies of the Government of Liberia; and
 - c. In consequence of such coordination and cooperation, as indicated above, accept the inputs of such private and public bodies in deciding the content, methodology and timing of its actions.

PART XIV: ANNUAL REPORTS

- Section 14.1 The Commission shall, within three months after the end of any fiscal year, submit to the President and Legislature, an annual report, indicating the following:
- a. The number and summaries of investigations carried out during the year with indication of their findings and status;
 - b. The number of corruption cases investigated by the Commission and forwarded to the Ministry of Justice for prosecution along with an

indication of the number of such cases that have been or are being prosecuted;

- c. The monetary value of corruption cases investigated and/or prosecuted by the Commission;
- d. A summary of the state of the Commission and its finances; and
- e. Any other matter that may be required by the Legislature.

Section 14.2 Notwithstanding the provision of Section 14.1, the Commission shall report quarterly to the President and the Legislature on progress made in the pursuance of its mandate.

Section 14.3 The Commission shall submit such and other reports as are requested by the Legislature and the Chairperson shall deem necessary.

Section 14.4 The Commission shall publish its annual report and other reports for the consumption of the general public. The annual report and other reports of the Commission may be published in the local print and electronic media and on the internet, and in such other manner as the Commission may determine, taking into consideration the need to reach more members of the public.

PART XV: REPEALS AND AMENDMENTS

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

PART XVI: TRANSITIONAL PROVISION

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

temporarily perform the powers and functions under this Act until the appointment of the successor Commissioners pursuant to Part VI of this Act. Additionally, these Commissioners are also eligible to apply and go through the vetting process leading to the selection of new Commissioners pursuant to Part VI of this Act.

Section 16.2 The function provided in Section 5.2(d) is suspended until such a time that the Commissioners are appointed pursuant to the process provided in Section 6.2 of this Act.

PART XVII: EFFECTIVE DATE

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

ANY LAW TO THE CONTRARY NOTWITHSTANDING