



**Conference of the States Parties  
to the United Nations  
Convention against Corruption**

Distr.: General  
27 August 2015

Original: English

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**Implementation Review Group**

**Resumed sixth session**

St. Petersburg, 3-4 November 2015

Agenda item 2

**Review of implementation of the**

**United Nations Convention against Corruption**

**Executive summary**

**Note by the Secretariat**

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## II. Executive summary

### Liberia

#### 1. Introduction: Overview of the legal and institutional framework of Liberia in the context of implementation of the United Nations Convention against Corruption

Liberia signed the United Nations Convention against Corruption on 31 October 2003 and deposited its instrument of accession with the Secretary-General of the United Nations on 1 September 2005.

Liberia is a unitary sovereign State divided into counties for administrative purposes and has a republican form of government with three separate and coordinate branches: the legislative, executive and judiciary.

Article 65 of the Liberia Constitution vests the judicial power in the Supreme Court and such other subordinate courts. The courts apply both statutory and customary laws in accordance with the standards enacted by the Legislature. Judgements by the Supreme Court are final and not subject to appeal or review by any other branch of Government.

The principles of separation of powers, checks and balances prohibit a person holding office in any one of the three branches from holding office or exercising power assigned to any other branch.

The Constitution is the supreme and fundamental law of Liberia as set forth in article 2 of the Liberian Constitution and its provisions have a binding force and effect on all authorities and persons throughout Liberia. It states further that any laws, treaties, statutes, decrees, customs and regulations found to be inconsistent with it shall, to the extent of the inconsistency, be void and of no legal effect.

The Convention is not directly applicable but has to be domesticated by implementing legislation. Since 2012, several laws have been enacted for this purpose such as the Anti-Money-Laundering and Terrorist Financing Act, 2012 or the Mutual Legal Assistance in Criminal Matters Act, 2012.

The institution most relevant to the fight against corruption is the Liberia Anti-Corruption Commission (LACC). Other important institutions are the General Auditing Commission (Constitutional body) (GAC), the Public Procurement and Concessions Commission (PPCC), the Liberia Extractive Industries Transparency Initiative (LEITI) and the Governance Commission (GC).

#### 2. Chapter III: Criminalization and law enforcement

##### 2.1. Observations on the implementation of the articles under review

###### *Bribery and trading in influence (arts. 15, 16, 18 and 21)*

Active and passive bribery of public officials are criminalized in section 1.3.2 (a) and 1.3.2 (b) of the Act of Legislature prescribing a National Code of Conduct for all public officials and employees of the Government of the Republic of Liberia. The notion of undue advantage is missing in the legislation criminalizing active bribery; the term “benefit or reward” is used instead.

Liberia does not criminalize the bribery of foreign public officials and officials of public international organizations.

Section 12.53 of the 1976 New Penal Law criminalizes trading in public office and political endorsement. The term “thing of pecuniary value” is used and is therefore narrower than the notion of undue advantage as prescribed in article 18 of the United Nations Convention against Corruption. Part II of the Liberia Anti-Corruption Commission (LACC) Act of 2008 recognizes influence peddling and insider trading as acts of corruption which are punishable under the Laws of Liberia.

Section 5.2 of the LACC Act gives powers to LACC to investigate acts of corruption in the private sector, among which is bribery. However, bribery is only mentioned and is not specifically defined in Part II of the 2008 LACC Act.

*Money-laundering, concealment (arts. 23 and 24)*

The 2013 Anti-Money-Laundering and Terrorist Financing Act addresses the constituent elements of the laundering of funds, including conversion, transfer, concealment, disguise, acquisition, possession and use of property or proceeds of crime.

The Act also makes it a crime to participate in, associate with or conspire to commit, attempt to commit or to aid, abet or facilitate the commission of money-laundering.

Section 15.2 (1)(f) of the Anti-Money-Laundering and Terrorist Financing Act, 2012 reflects in large part the language of article 23, paragraph 1 (b)(ii), of the Convention but does not explicitly make reference to the notion of counselling.

Furthermore, section 15.3 of the Anti-Money-Laundering and Terrorist Financing Act provides a list of predicate offences for money-laundering, but it does not include all Convention offences.

Liberia provided copies of its money-laundering legislation to the Secretariat on 10 February 2015.

Criminal concealment is addressed under sections 15.5 and 15.7 of the Anti-Money-Laundering and Terrorist Financing Act.

*Embezzlement, abuse of functions and illicit enrichment (arts. 17, 19, 20 and 22)*

Liberia’s legislation criminalizes the theft of property in section 15.51 of the Penal Law. However, the notion of third-party beneficiaries and public and private funds and securities do not clearly appear in Liberia’s legislation.

Liberia’s legislation does not criminalize abuse of functions or illicit enrichment.

Section 15.51 of the Penal Law criminalizing the theft of property is too broad and does not specify which acts in the private sector amount to embezzlement in the private sector.

*Obstruction of justice (art. 25)*

Sections 12.40 and 12.41 of the New Penal Law 1976 criminalize respectively the tampering with witnesses and informants in proceedings and the tampering in criminal investigations in line with article 25 (a) of the Convention.

However, there is no law within the jurisdiction of Liberia that refers explicitly to physical force, threats or intimidation against a justice or law enforcement official to prevent them from exercising their duties.

*Liability of legal persons (art. 26)*

Section 3.2 of chapter 3 of the New Penal Law 1976 addresses corporate criminal liability where a corporation may be convicted of the commission of an offence. Such liability does not preclude the criminal liability of natural persons who commit the same offence as referred to in section 3.4 (2) of chapter 3 of the New Penal Law 1976.

Chapter 50, subsection 50.9 (2), of the New Penal Law permits the sentencing of a legal person to pay after the conviction of an offence.

*Participation and attempt (art. 27)*

Chapter 10 (2)(3)(4) of the New Penal Law addresses criminal facilitation, criminal solicitation and criminal conspiracy; chapter 10 (1) of the New Penal Law addresses criminal attempt. Section 3.3 (b) of the Criminal Procedure Law defines preparation as a substantial step in the commission of an offence; therefore, preparation can also be prosecuted as an offence in Liberia.

*Prosecution, adjudication and sanctions; cooperation with law enforcement authorities (arts. 30 and 37)*

Under chapter 50 of the New Penal Law, punishment is determined proportionate to the gravity of the offence, including ranges for both imprisonment and fines.

Among public officials, judges, parliamentarians, the President and the Vice-President all enjoy functional immunity under the provisions of the Constitution. Parliamentarians can be arrested in case of commission of felonies (art. 42 of the Constitution). As for the President and the Vice-President, they can be removed from office by impeachment for bribery and felonies, among others (art. 62 of the Constitution). Liberia has not provided many cases, though, to show the lifting of immunities of public officials in order to investigate, prosecute and adjudicate offences under the Convention.

Liberia did not provide any legislation addressing the discretionary power and independence of the public prosecutor in pursuing corruption cases.

Chapter 13 of the Criminal Procedure Law sets forth measures to allow any person to post bail, whether before conviction or pending appeal. However, the factors to be considered by a court when deciding on release pending trial or appeal, while taking into consideration the need to ensure the presence of the defendant at subsequent criminal proceedings, are missing in Liberia's legislation.

Article 35.5 of the Criminal Procedure Law of Liberia addresses the criteria to determine the date of release from prison on parole.

According to section 15.1 (g) of the National Code of Conduct for all public officials and employees, public officials accused of a corruption offence could be barred or suspended from duty with half pay. However, Liberia's legislation does

not address the disqualification of convicted persons from holding public office, including in a public enterprise.

Section 15.1 on sanctions for infringement of the National Code of Conduct for all public officials further provides for appropriate disciplinary actions to be taken against civil servants who breached this Code of Conduct. These sanctions are without prejudice to the penalties that may be imposed by any court of law where the conduct also amounts to a criminal offence.

Beside the parole system and due to lack of funding, Liberia does not have social reintegration measures for convicted persons through training options, socialization programmes or similar.

Liberia has no legislation addressing the cooperation with law enforcement authorities in line with article 37 of the Convention.

*Protection of witnesses and reporting persons (arts. 32 and 33)*

Liberia does not have relevant legislation on the protection of witnesses, experts and victims as well as reporting persons in place. Draft laws are currently being prepared to address these loopholes but no time frame has been presented regarding their adoption.

*Freezing, seizing and confiscation; bank secrecy (arts. 31 and 40)*

The legal mechanism that permits the court, upon conviction, to order the confiscation of property representing proceeds or instrumentalities of an offence, is set forth in section 7.120, subsection 2 of the Act to Amend the Civil Procedure Law to Provide Provisional Remedies for Proceeds of Crime (29 April, 2013) (AACPL). The LACC Act (2008) Part-IV, section 4.1 (f) also provides for the confiscation of assets of convicted persons upon a judicial determination that the assets or assets to be confiscated are the proceeds of the act or acts of corruption of which the person or persons is convicted. However, not all Convention offences are covered under the definition of acts of corruption contained in the LACC Act. Liberia's legislation therefore provides for a confiscation regime for proceeds of crime derived for certain Convention offences but not for all of them.

Section 5.2 (e) of the LACC Act provides for the identification, tracing and freezing of any assets and proceeds of acts of corruption and their confiscation. Not all Convention offences are covered under the definition of acts of corruption contained in the LACC Act, though. Furthermore, there is no reference to confiscation of property, equipment and other instrumentalities used in or destined for use for offences under the Convention.

Although no specialized body exists to manage frozen, seized or confiscated property, procedures are in place to regulate how certain assets are to be held or disposed of as set forth in the AACPL.

Section 7.120, subsections 3 (b) and (c), of the AACPL provide to some extent for the confiscation of transformed and intermingled property. As for section 7.120, subsection 2 of the AACPL provides for the confiscation of income and gains resulting from property.

Chapter 17, section 17.2, of the Criminal Procedure Law (CPL) provides for the obligation for the concerned person to produce before the court books, papers and documents designated in a *subpoena duces tecum*.

Section 7.120, subsection 5, of the AACPL provides for the court to allow any third party holding interest in the property to make representation to the court and be heard regarding that interest. The specific reference that states that the rights of bona fide third parties will be protected is missing though.

Liberia could not provide assurances that bank secrecy cannot be used to bar execution of a *subpoena duces tecum* but confirmed that the CPL addresses the issues of bank secrecy.

*Statute of limitations; criminal record (arts. 29 and 41)*

In Liberia, the statute of limitations period for felonies is five years, three years for misdemeanours and one year for any other offence, violation or infraction (section 4.2 of the CPL). The suspension of the statute of limitations is not addressed in Liberia's legislation though and no cases have been provided by Liberia.

Liberia's legislation is not in accordance with article 41 of the Convention on criminal record.

*Jurisdiction (art. 42)*

The Penal Code establishes Liberian jurisdiction for offences committed in Liberia. This also includes cases where the offence takes place on board a vessel or an aircraft of Liberian registry.

Liberia's legislation does not provide for jurisdiction to offences committed abroad against its nationals or by its nationals.

Paragraph 1.4 (1)(c) of the new Penal Law provides for extraterritorial jurisdiction over an offence when the accused participates outside Liberia in an offence against the laws of Liberia, committed in whole or in part within Liberia, or when the offence constitutes an attempt, solicitation, or conspiracy to commit an offence within Liberia.

Liberia's legislation does not provide for jurisdiction when the offence is committed against the State of Liberia. Liberia does not provide for jurisdiction either when the offence is committed abroad by a national or by a person that Liberia does not extradite.

Chapter 9 of the Mutual Legal Assistance in Criminal Matters Act provides for cooperation with foreign States in criminal investigations and proceedings but does not make a specific reference to the need for States to consult one another with a view to coordinating their actions.

*Consequences of acts of corruption; compensation for damage (arts. 34 and 35)*

The General Business Law in Liberia provides for the cancellation of investment incentives contracts and the annulment of concession agreements when there has been misrepresentation, fraud or another illegal act. Liberia has not provided any case law, though.

The Civil Procedure Law (chapter 2, subsection 2.18 (1)(3)) and the Commercial Code (section 2.73) provide respectively for actions based on fraud and remedies for fraud such as the claim for damages.

*Specialized authorities and inter-agency coordination (arts. 36, 38 and 39)*

Liberia has several specialized services responsible for law enforcement and combating corruption. The most prominent one is the Liberia Anti-Corruption Commission, whose mandate encompasses enforcement, education, prevention and administration. Liberia has not yet fully addressed the appropriateness of trainings and resources. The Commissioners can be removed by sole decision of the President (section 6-8 of the LACC Act).

The Liberian legislation provides for cooperation between its public authorities and its authorities responsible for investigating and prosecuting criminal offences (section 13.5 of the 2008 LACC Act) and section 67.14 of an Act to establish the Financial Intelligence Unit (FIU) (2012). However, Liberia hasn't provided any case illustrating such cooperation.

Section 67.5 of the 2012 Act establishing the FIU addresses the obligatory duty for financial institutions and private sector entities to report suspicious transactions. Liberia confirmed there were hotlines and other mechanisms for offences to be reported but did not provide a recorded number of reports received.

## **2.2. Successes and good practices**

Overall, the following successes and good practices in implementing chapter III of the Convention are highlighted:

- The extension to providing the information to law enforcement officers as stated in section 12.41 of the New Penal Law of 1976 (art. 25 (b))
- The adoption in 2010 by Liberia of a memorandum of understanding between law enforcement agencies/authorities (art. 38)

## **2.3. Challenges in implementation**

The following steps could further strengthen existing anti-corruption measures:

- Incorporate the notion of undue advantage in the legislation criminalizing active bribery (art. 15 (a))
- Criminalize/establish the active bribery of foreign public officials and officials of public international organizations as a criminal offence and consider criminalizing the passive bribery of foreign public officials and officials of public international organizations, taking into account article 2 of the Convention (art. 16)
- Amend the legislation to incorporate the notions of third-party beneficiaries and public and private funds and securities (art. 17)
- Consider amending the legislation on trading in influence (art. 18)
- Consider criminalizing abuse of functions and illicit enrichment (arts. 19 and 20)

- Consider amending the legislation to define bribery in the private sector in line with article 21 of the Convention
- Consider amending the legislation to be fully in line with article 22 of the Convention
- Amend the legislation to mention the concealment or disguise of rights with respect to property (art. 23, para. 1 (a)(ii))
- Amend the legislation to make a reference to counselling (art. 23, para. 1 (b)(ii))
- Amend the legislation to consider all Convention offences committed in the country and abroad as predicate offences (art. 23, para. 2 (b) and (c))
- Amend the text on obstruction of justice to bring it more fully in line with article 25 (b) of the Convention
- Continue to ensure that the criminal and non-criminal sanctions towards legal persons are effective, proportionate and dissuasive (art. 26, para. 4)
- Amend the legislation to be fully in line with article 29 of the Convention as far as the length of statute of limitations and its suspension are concerned
- Amend the legislation to ensure an appropriate balance between immunities accorded to all public officials and the possibility to investigate, prosecute and adjudicate Convention offences (art. 30, para. 2)
- Endeavour to amend its legislation to be fully in line with article 30, paragraph 3, of the Convention
- Amend the legislation to be fully in compliance with article 30, paragraph 4, of the Convention
- Consider adopting relevant measures to address the disqualification from holding public office of convicted persons (art. 30, para. 7)
- Endeavour to develop comprehensive policies on the rehabilitation and reintegration of prisoners into society (art. 30, para. 10)
- Amend the legislation to ensure that proceeds of all Convention offences can be confiscated (art. 31, para. 1 (a))
- In correlation with the recommendation made under article 31, paragraph 1 (a), of the Convention, amend the legislation to ensure that property, equipment and other instrumentalities used or destined for use for all Convention against Corruption offences can be confiscated (art. 31, para. 1 (b))
- In correlation with the recommendations made under article 31, paragraph 1 (a) and (b), amend the legislation to be fully in line with article 31, paragraph 2, of the Convention
- Consider implementing an updated administration system of frozen, seized or confiscated property in order to regularly produce statistics, reports and assessments (art. 31, para. 3)



- Amend the legislation to fully address the confiscation of proceeds of crime which have been transformed or converted, in part or in full, into other property (art. 31, para. 4)
- Amend the legislation to address confiscation of income and other gains of all kinds of property (art. 31, para. 6 of the Convention and bearing in mind the above recommendations made under article 31, paras. 1 and 4 of the Convention)
- Consider adopting a legislation which empowers its courts or other competent authorities to order that bank, financial or commercial records be made available or seized and which ensures that bank secrecy cannot be an obstacle for Liberia's courts to act (art. 31, para. 7)
- Liberia could adopt legislation in line with article 31, paragraph 8 of the Convention
- Ensure that bona fide third parties are adequately protected in freezing, seizure and confiscation cases (art 31, para. 9)
- Take appropriate measures to provide effective protections to witnesses, experts and victims (art. 32)
- Consider adopting and implementing whistle-blower legislation and appropriate measures to protect reporting persons effectively against any unjustified treatment (art. 33)
- Consider broadening the scope of the legislation and consider other remedial actions to corruption (art. 34)
- Ensure that the full independence of the LACC is guaranteed and that appropriate trainings and resources are provided (art. 36)
- Adopt appropriate measures to encourage the cooperation of participating offenders (art. 37)
- Take more active measures of cooperation with the private sector (art. 39, para. 1)
- Consider reinforcing measures to encourage its nationals to report to the national investigating and prosecuting authorities the commission of a Convention offence and to keep records of such reports (art. 39, para. 2)
- Liberia could adopt legal measures on the admissibility of foreign criminal records (art. 41)
- Liberia could establish its jurisdiction for offences described in article 42, paragraphs 2 (a), (b) and (d) and 4, of the Convention
- Liberia could ensure that the cited legislation also establishes its jurisdiction for offences addressed in article 23, paragraph 1 (b)(ii) of the Convention (art. 42, para. 2 (c))
- Establish its jurisdiction when the alleged offender is not extradited solely on the ground of his/her nationality (art. 42, para. 3)
- Specify in the legislation the need for States to consult one another with a view to coordinating their actions (art. 42, para. 5)

## **2.4. Technical assistance needs to improve the implementation of the Convention**

- Summary of good practices and lessons learned (art. 15 (b); and art. 16, para. 2)
- Model legislations (art. 15 (b); and art. 16, para. 2)
- Assistance in order to draft legislations (art. 15 (b); and art. 16, para. 2)
- Legal advice (art. 15 (b) and art. 16, para. 2)
- Need of forensic investigation training (art. 21 (b))
- On-site assistance by a relevant expert (art. 26, para. 4)
- Modern legislation that will put into place a well-defined and robust parole system (art. 30, para. 10)
- Capacity-building programmes for relevant legislative and investigating authorities are not yet provided (art. 40)

## **3. Chapter IV: International cooperation**

### **3.1. Observations on the implementation of the articles under review**

*Extradition; transfer of sentenced persons; transfer of criminal proceedings (arts. 44, 45 and 47)*

Section 8.3 of the CPL provides for the extradition of a fugitive if the offence charged is included in the provisions of the applicable extradition agreement. The principle of dual criminality is strict in Liberia.

No amendment has been made to extradition treaties pre-dating the Convention, to which Liberia is a party, and not all Convention offences are recognized as extraditable in those treaties.

Liberia makes extradition conditional on the existence of a treaty. Liberia does not consider the Convention as the legal basis for cooperation on extradition.

Liberia also confirmed that there is no minimum penalty requirement for extradition as long as an extradition agreement is in place. Furthermore, political offences are not extraditable in Liberia (chapter 8, section 8.3 of the Criminal Procedure Law (Extradition)). However, not all Convention offences are covered in extradition treaties to which Liberia is a party.

Chapter 8.8 of the CPL on extradition provides for the detention of a person in Liberia for whom extradition is requested or the enforcement of measures to guarantee the person's appearance during the extradition proceedings.

However, Liberia's legislation does not provide for the prosecution of nationals of Liberia in the case that Liberia does not extradite them. Liberia confirmed that it only extradites its nationals on the basis of a treaty with another State party for offences committed within the jurisdiction of that State party.

The 1986 Liberia Constitution is directly applicable and guarantees due process to any person for whom an extradition request has been made while proceedings are under way. The Constitution also provides for equality irrespective of ethnic background, race, sex, creed, place of origin or political opinion.

Liberia did not provide any relevant legislation confirming the acceptance of a request for extradition when the Convention offence considered also involves fiscal matters.

Liberia has not provided legislation establishing a duty of prior consultation before extradition is refused as prescribed under article 44, paragraph 1, of the Convention.

There are no agreements or arrangements on the transfer of sentenced persons or the transfer of criminal proceedings, and there has been no experience in this regard.

*Mutual legal assistance (art. 46)*

Paragraph 9.3 of the Mutual Legal Assistance in Criminal Matters Act (MLA Act) provides for mutual legal assistance (MLA) to the fullest extent possible with respect to investigations, prosecutions, judicial proceedings for serious crimes, money-laundering and its predicate offences and terrorism financing.

Both the Ministry of Justice and the Liberian Anti-Corruption Commission are the central authorities in charge of receiving requests for MLA. However, the Secretary General of the United Nations has not yet been notified of this designation (para. 9.5 (2) of the MLA Act).

Mutual legal assistance may be provided in certain cases without regard to the principle of dual criminality, except where coercive measures are involved. Bank secrecy and the fact that the request also involves fiscal matters are not a ground to deny an MLA request. However, mutual legal assistance may be denied if it could endanger the sovereignty, security, public order, or other national and essential interests of Liberia (para. 9.5 (3) of the MLA Act).

The mutual legal assistance provided for in Liberia's legislation consists of gathering witness depositions and statements, providing evidentiary items, locating and identifying persons, transferring detained persons as witnesses, and executing requests for searches, freezing, seizure, confiscation of proceeds of crime and recovery of assets (para. 9.6 (1) of the MLA Act).

The transmission of information relating to criminal matters without prior request is not explicitly reflected in the MLA Act of Liberia and Liberia has not provided any practice example.

Paragraph 9.11 of the MLA Act provides for privilege of foreign documents but does not explicitly provide for the notification or consultation with the transmitting State party of disclosure of information during its proceedings that is exculpatory to an accused person.

Liberia's legislation also provides for the speedy execution of a request for mutual legal assistance (para. 9.6 (2) of the MLA Act). As for paragraph 9.11 of the MLA Act, it provides for the confidentiality of the content of a mutual legal assistance request, except to the extent required to execute the request.

Liberia's legislation does not provide for the requirement to consult before refusing or postponing mutual legal assistance and Liberia hasn't provided any practice example.

Liberia has not provided examples of mutual legal assistance treaties.

*Law enforcement cooperation; joint investigations; special investigative techniques (arts. 48, 49 and 50)*

In order to strengthen international cooperation, Liberia has regulatory texts that provide for the exchange of information for purposes of law enforcement. The MLA Act also provides for exchange of information in connection with an investigation but no procedure to appoint a liaison officer has been launched. Liberia has not provided any case law though.

Liberia's legislation has not concluded agreements where joint investigations are provided for.

Paragraph 9.9 (3) of the MLA Act authorizes the use of special investigative techniques and mirrors the language of article 50, paragraph 1, of the Convention. However, Liberia has not provided any example of implementation.

### **3.2. Successes and good practices**

Overall, the following successes and good practices in implementing chapter III of the Convention are highlighted: the reviewers note as a success the recent adoption of the Mutual Legal Assistance in Criminal Matters Act, which provides for mutual legal assistance to the fullest extent possible.

### **3.3. Challenges in implementation**

The following steps could further strengthen existing anti-corruption measures:

- Amend its law on extradition to ensure that all offences under the Convention are extraditable (art. 44, para. 1)
- Liberia could amend the legislation to be fully in line with article 44, paragraphs 2 and 3, of the Convention
- Consider clarifying the current treaties on extradition to consider all Convention offences extraditable offences, or deem the offences included in any existing extradition treaty (art. 44, para. 4)
- Liberia could consider the Convention as a legal basis for extradition, or conclude more extradition treaties with other States (art. 44, para. 5)
- Seek to conclude treaties on extradition with other States parties to the Convention in order to implement article 44, paragraph 6 of the Convention
- Consider amending its legislation to expedite extradition procedures and to simplify evidentiary requirements (art. 44, para. 9)
- Ensure an obligation to prosecute its nationals where extradition is refused or allow for the extradition of its nationals (art. 44, para. 11)
- Amend the legislation to be fully compliant with article 44, paragraphs 12 and 13, of the Convention
- Ensure that the fundamental rights set forth in the Constitution are always provided for in practice in extradition treaties Liberia is party to (art. 44, paras. 14 and 15)

- Ensure that requests for extradition for a Convention offence which also involve fiscal matters are accepted and consider amending the legislation in this regard (art. 44, para. 16)
- Establish a duty of prior consultation before extradition is refused (art. 44, para. 17)
- Conclude more agreements in order to enhance the effectiveness of extradition (art. 44, para. 18)
- Consider concluding relevant agreements or arrangements on the transfer of sentenced persons (art. 45) and allow the transfer of criminal proceedings (art. 47)
- Ensure that mutual legal assistance is applicable for all offences under the Convention (art. 46, para. 1)
- Ensure that mutual legal assistance with respect to investigations, prosecutions and judicial proceedings for Convention offences is also possible when legal persons are involved (art. 46, para. 2)
- Consider formalizing measures on spontaneous information-sharing (art. 46, para. 4)
- Amend the legislation to foresee the notification or consultation with the transmitting State party for the disclosure of information during its proceedings that is exculpatory to an accused person (art. 46, para. 5)
- Designate only one central authority that shall have the responsibility and power to receive requests for MLA and either execute them or transmit them for execution. Notify the Secretary-General of the central authority designated for the purpose of mutual legal assistance (art. 46, para. 13)
- Consider specifying in law and treaties any requirements for conducting video testimony in Liberia for the purpose of hearing witnesses and transmitting evidence (art. 46, para. 18)
- Specify the limitations on use of evidence received pursuant to MLA requests and any situations where exculpatory evidence may be disclosed (art. 46, para. 1)
- Consider providing for the obligation for Liberia to inform the requesting State of MLA that it cannot comply with the requirement of confidentiality (art. 46, para. 20)
- Amend the legislation to provide for the obligation of Liberia to promptly inform the requested State party when the mutual legal assistance is no longer needed (art. 46, para. 24)
- Establish a requirement in law, treaties and practice to consult before refusing or postponing assistance (art. 46, paras. 25 and 26)
- Ensure that ordinary costs of executing a request are borne by the requested State party, unless otherwise agreed by the State parties concerned (art. 46, para. 28)

- Consider concluding bilateral or multilateral agreements or arrangements that would serve the purposes of, give practical effect to, or enhance the provisions of article 46 of the Convention
- Further enhance the channels of communication at the international level between Liberia and the foreign State party's competent law enforcement authorities for all Convention offences. Set up a database that allows the country to exchange information between law enforcement authorities both at a national and international level (art. 48, para. 1 (a))
- Ensure that all provisions contained in article 48, paragraph 1 (b), (c), (d) and (f) of the Convention are encompassed in Liberia's legislation
- Amend the legislation to enhance the effectiveness of its law enforcement cooperation to combat Convention offences through the exchange of personnel (art. 48, para. 1 (e))
- Consider entering into more bilateral and multilateral agreements or arrangements on direct cooperation between their law enforcement agencies (art. 48, para. 2)
- Endeavour to cooperate to respond to Convention offences committed through the use of modern technology (art. 48, para. 3)
- Consider concluding bilateral or multilateral agreements providing for joint investigative bodies in charge of handling Convention offences (art. 49)
- Consider concluding agreements for using special investigative techniques in the context of cooperation at the international level (art. 50, para. 2)
- Consider amending its legislation to be fully in compliance with article 50, paragraphs 3 and 4, of the Convention

#### **3.4. Technical assistance needs to improve implementation of the Convention**

The following technical assistance needs are noted:

- Summary of good practices/lessons learned (art. 48, para. 3)
- Technological assistance (e.g. set-up and management of databases/information-sharing systems) (art. 48, para. 3)
- Capacity-building programmes for authorities responsible for cross-border law enforcement cooperation (art. 48, para. 3)
- Development of an action plan for implementation (art. 48, para. 3)
- Model agreement(s)/arrangement(s) (art. 48, para. 3)