

**Liberia's Report on the Third Study Commission Questionnaire 2023
Taiwan**

For 2023, the Third Study Commission, which focuses on Criminal Law, decided to study "Mutual cooperation in the investigation of criminal cases and in the presentation of evidence".

In order to facilitate discussion and to assist us in learning from colleagues, we ask that each country answers the following questions:

1. Does your country have any legislation, or regulations, and/or court rules of procedure that are relevant to the topic of our focus this year - mutual cooperation in the investigation of criminal cases and in the presentation of evidence in a criminal proceeding at court? Please explain.

In 2012, the Liberian legislature amended Section 1, Part 1 of the Criminal Procedure Law, Title 2 of the Liberian Code of Laws Revised to add a new Chapter 9, dubbed: "Mutual Legal Assistance in Criminal Matters". The Chapter shall apply in relation to mutual legal assistance in criminal matters between the Republic of Liberia and foreign states.

2. In your country, when a crime is being investigated does the judiciary have any role (a) in the request for information from a foreign state and/or (b) in the provision of information to a foreign state?

No. Section 9.5.1 of the Act mentioned above provides that only the Ministry of Justice in collaboration with the Financial Intelligence Unit shall have the power to make requests on behalf of the Republic of Liberia through the Ministry of Foreign Affairs to the appropriate authority of a foreign state for legal assistance, and Liberia shall provide information to foreign States under its mutual assistance regime through the same channel.

3. If your answer to either 2 (a) or 2 (b) is yes, what legislation, regulations or rules of procedure apply to the decision of a judge involved at the investigation stage?

Not applicable.

4. What is the legislation or court rules that relate to the taking of evidence from a witness in a foreign state, or the giving of evidence from a witness in your country to a court in a foreign country? Please explain these including the role played by a judge in both scenarios.

There has been no legislation to address mutual legal assistance in Liberia until May 3, 2012, when the Liberian Legislature amended the Criminal Procedure Law to add chapter 9, titled: Mutual Legal Assistance in Criminal Matters. So far, that is the only legal provision by which Liberia can receive and offer mutual legal assistance to foreign states.

There is not much that a judge can do with respect to the mutual legal assistance regime in Liberia. Consistent with Section 9.5.2 of the Act, only the Ministry of Justice can make or

receive requests. Requests for mutual legal assistance and any communication received by the Ministry of Foreign Affairs shall be promptly transmitted to the Ministry of Justice. This requirement shall be without prejudice to the right of a State party to require that such requests and communications be addressed to it through diplomatic channels and, in urgent circumstances, where the State parties agree, through the International Criminal Police Organization, if possible.

5. As a judge, if you receive a request for assistance from a foreign country, whether at the investigation stage or in the context of a court proceeding (a hearing or a trial), is it relevant to your determination of whether and how to assist that the basic human rights, principles of natural justice, and/or rules of procedural fairness that exist in your country are respected? Please explain.

When a request for assistance from a foreign country is received, the judge receiving said request from the Minister of Justice who is authorized to receive all requests from foreign jurisdictions, is under a duty to ensure that basic human rights, principles of natural justice, and/or rules of procedural fairness that exist in Liberia are respected. Where the request is for an individual to be sent back to the requesting country for investigation or prosecution, the judge must ensure with all reasonableness that said individual is not wanted for political reasons by the requesting country. That is why in most cases, the Judge is expected to conduct a trial to determine that the reasons stated in the request are the true and correct reasons

6. Describe your own personal experience(s) as a judge that are relevant to the topic of our focus this year, whether it be presiding over an extradition hearing (a request to extradite an accused person to another country in order to be prosecuted in that other country), or receiving evidence in a court proceeding in your country from a witness who is testifying from another country and with the help of court officials in that other country, or helping to arrange for a witness in a court proceeding in another country to testify from a place in your own country, or responding to a request for assistance from an international court such as The Hague, or something else. These are just examples of things that you may have experienced; they are not meant to be exhaustive.

N/A