



Liberian Legislative Acts (Handbills)

Independent National Commission on Human Rights (INCHR) Act, Amendment of

Independent National Commission on Human Rights (INCHR) Act, Amendment of

AN ACT TO AMEND CERTAIN PROVISIONS OF ARTICLES VI, VIII, IX, XI AND XVII OF THE INDEPENDENT NATIONAL COMMISSION ON HUMAN RIGHTS ACT OF 2005

It is Hereby Enacted by the Senate and House of Representatives in Legislature Assemble:

Whereas, the Government of the Republic of Liberia, in order to ensure and provide a mechanism and an avenue for addressing issues relating to human rights in the country, determined by Act of the Legislature in 2005 upon the establishment of an independent National Commission on Human Rights;

Whereas, in the Act establishing the independent National Commission on Human Rights, certain provisions were noticed not to be in harmony with each other and with existing provisions of existing laws of Liberia;

Whereas, it is necessary to cure the disharmony and bring into harmony the various laws relating to and supportive of the independent National Human Rights Commission Act of 2005 and the functions delegated to the Commission there under; and

NOW, THEREFORE, The following amendments are hereby made to the Independent National Human Rights Act of 2005, and enacted into law:

Section 1: Subpoena and other quasi-Judicial powers

Article VI (4) of the 2005 Act creating the independent Commission on Human Rights is hereby amended to read as follows:

In case any person refuses to appear before the Commission thru a subpoena in the context of an inquiry or investigation, Commission shall apply to any circuit court sitting in criminal assizes for a writ of arrest to compel the appearance or attendance of such person before the Commission.

Section 2: Compensation of Victims of Human Rights Violations

Article VIII (1) of the 2005 Act creating the Independent National Commission on Human Rights is hereby amended to read as follows:

(a) The Commission shall recommend compensation for damages for the violation of the human rights of victims by the state, any of its functionaries or public servant, or any other persons such damages shall be paid within ninety (90) days of the date of the recommendation (s) for compensation, unless an appeal is taken there from as provided herein.

(b) Recommendation (s) made by the Commission and from which is taken shall be filed by the concerned appealing parties before the Claims Court or a circuit court sitting in civil assizes; for enforcement where the violator or violators fail to make payment to the victim and/or the Commission on behalf of the victim within the time specified. The Supreme Court shall be the final arbiter of all such claims.

(c) In the event the violator(s)' fail to make compensation, the commission shall advice victims whose rights have been violated by the State or any of its functionaries, public servants, other persons, to file a civil action before the Claims court or circuit court sitting in civil assizes for appropriate enforcement, redress in accordance with Article 26 of the constitution of Liberia.

(d) In the event the claims Court or circuit court sitting in civic assizes, upon the review process, determines that the amount compensation is excessive or not supported by law, it may modify, reverse or set aside the recommendation for compensation, which decision may be appealed to the Supreme Court of Liberia.

(e) Any Recommendation(s), if or when considered and accepted modify by the Claims Court or a circuit court sitting in civil assizes; shall be considered as an order of court and shall be paid within ninety (90) days of the date of the decision, unless appealed to the Supreme Court of Liberia.

(f) An appeal from the order of the Claims Court or a circuit court sitting in civil assizes shall be cognizable before the Supreme provided, however, that where the violator(s) admit to violation of the rights of the victim, such violators shall pay the amount stated in the order, within a reasonable time stated by the court but not later than sixty (60) days, to be held in an escrow account by the court, pending disposition of the appeal to the Supreme Court; and provided further that except with respect to such criminal matters which the statue has mandated the Supreme Court give priority to, appeals of human rights violation cases shall be given the next priority by the supreme court.

(g) The costs associated with any delays in adjudication shall be borne by the appealing party; however, upon final disposition, costs shall be underwritten by the losing party.

(h) Notwithstanding the investigative powers of the commission and its authority to make findings and recommendations it shall not exercise any prosecutorial powers or represent any parties to the proceedings, although it may be called upon by the Court to

make arguments in support of its findings and/or recommendations.

Section II: Composition of the Commission

Article IX (1) of the Independent National Commission on Human Rights Act of 2005 is hereby amended to read as follows:

(a) The Commission shall comprise a Chairperson and six other Commissioners who shall exercise powers conferred upon the Commission and perform the functions assigned to it under the Act. The Commissioners shall be full-time officials of the Commission and shall be barred from receiving any other benefits, perquisites, or emoluments from any other agency or Government consistent with the provisions of Article 90 (b) of the Liberian Constitution:

Section III: Meetings

Article XI (2) of the Independent National Commission on Human Rights Act of 2005 is hereby amended to read as follows:

(a) The Commission shall meet regularly and members of the public shall have immediate access to them at all reasonable times.

(b) The meeting of the Commission shall be held at the times and places determined by the Commissioners; provided that their first meeting shall be held at the time and place determined by the Chairperson.

Section IV: Non-Profit Tax Exempt Status

Article XVIII of the Independent National Commission on Human Rights Act of 2005 Act is amended to read as follows:

(a) The Commission shall be an autonomous entity and be considered as an “Exempt Person” accordance with chapter 1 section 9 of the revenue code of Liberia Act of 2000;

(b) The Government shall ensure appropriate budgetary support for the Commission in its annual budget.

(c) The Commission hereby authorized to seek additional funding from reputable international human rights institution and organizations to support its operations; provided, however, that such funds shall be reported to the Central Government to be allocated thru the National Budget Process.

Section V: Effective Date of Amendment

This Act shall take effect immediately upon publication in handbills.

ANY LAW TO THE CONTRARY NOT WITHSTANDING
