

## AN ACT

AMENDING TITLE 17 OF THE REVISED CODE OF LAWS OF LIBERIA, KNOWN AS THE JUDICIARY LAW OF 1972 BY ADDING THERETO A NEW CHAPTER TO BE KNOWN AS CHAPTER 25 ESTABLISHING CRIMINAL COURT "E" OF THE FIRST JUDICIAL CIRCUIT, MONTSERRADO COUNTY, AND SPECIAL DIVISIONS OF THE CIRCUIT COURTS OF OTHER COUNTIES OF THE REPUBLIC TO HAVE EXCLUSIVE ORIGINAL JURISDICTION OVER THE CRIMES OF RAPE, GANG RAPE, AGGRAVATED INVOLUNTARY SODOMY, INVOLUNTARY SODOMY, VOLUNTARY SODOMY, CORRUPTION OF MINORS, SEXUAL ABUSE OF WARDS AND SEXUAL ASSAULT RESPECTIVELY.



REPUBLIC OF LIBERIA

2008

ATTESTATION

"AN ACT AMENDING TITLE 17 OF THE REVISED CODE OF LAWS OF LIBERIA, KNOWN AS THE JUDICIARY LAW OF 1972 BY ADDING THERETO A NEW CHAPTER TO BE KNOWN AS CHAPTER 25 ESTABLISHING CRIMINAL COURT "E" OF THE FIRST JUDICIAL CIRCUIT, MONTSEERRADO COUNTY, AND SPECIAL DIVISIONS OF THE CIRCUIT COURTS OF OTHER COUNTIES OF THE REPUBLIC TO HAVE EXCLUSIVE ORIGINAL JURISDICTION OVER THE CRIMES OF RAPE, GANG RAPE, AGGRAVATED INVOLUNTARY SODOMY, INVOLUNTARY SODOMY, VOLUNTARY SODOMY, CORRUPTION OF MINORS, SEXUAL ABUSE OF WARDS AND SEXUAL ASSAULT RESPECTIVELY."

VICE PRESIDENT OF THE REPUBLIC OF LIBERIA/ PRESIDENT OF THE SENATE

SECRETARY, LIBERIAN SENATE, R.L.

SPEAKER, HOUSE OF REPRESENTATIVES, R.L.

CHIEF CLERK, HOUSE OF REPRESENTATIVES, R.L.

2008

THIRD SESSION OF THE FIFTY-SECOND LEGISLATURE OF  
THE REPUBLIC OF LIBERIA

SENATE'S ENDORSEMENT TO HOUSE'S ENGROSSED BILL  
NO. 32, ENTITLED:

"AN ACT AMENDING TITLE 17 OF THE REVISED CODE OF LAWS OF LIBERIA, KNOWN AS THE JUDICIARY LAW OF 1972 BY ADDING THERETO A NEW CHAPTER TO BE KNOWN AS CHAPTER 25 ESTABLISHING CRIMINAL COURT "E" OF THE FIRST JUDICIAL CIRCUIT, MONTSERADO COUNTY, AND SPECIAL DIVISIONS OF THE CIRCUIT COURTS OF OTHER COUNTIES OF THE REPUBLIC TO HAVE EXCLUSIVE ORIGINAL JURISDICTION OVER THE CRIMES OF RAPE, GANG RAPE, AGGRAVATED INVOLUNTARY SODOMY, INVOLUNTARY SODOMY, VOLUNTARY SODOMY, CORRUPTION OF MINORS, SEXUAL ABUSE OF WARDS AND SEXUAL ASSAULT RESPECTIVELY."

On motion, Bill read. On Motion, the Bill was adopted on its first reading and sent to Committee Room on Tuesday, August 26, 2008 @ 13:40 GMT.

On motion, Bill taken from the Committee Room for its second reading. On motion, under the suspension of the rule, the second reading of the Bill constituted the third reading and the Bill was adopted, ordered engrossed and passed into the full force of the law today, Tuesday, September 9, 2008 @ the hour of 13:45 GMT.

  
SECRETARY, LIBERIAN SENATE, R.L.

THIRD SESSION OF THE FIFTY SECOND LEGISLATURE  
OF THE REPUBLIC OF LIBERIA

HOUSE'S ENGROSSED BILL NO.32 ENTITLED:

"AN ACT AMENDING TITLE 17 OF THE REVISED CODE OF LAWS OF LIBERIA, KNOWN AS THE JUDICIARY LAW OF 1972 BY ADDING THERETO A NEW CHAPTER TO BE KNOWN AS CHAPTER 25 ESTABLISHING CRIMINAL COURT "E" OF THE FIRST JUDICIAL CIRCUIT COURT, MONTSERADO COUNTY, AND SPECIAL DIVISIONS OF THE CIRCUIT COURTS OF OTHER COUNTIES OF THE REPUBLIC TO HAVE EXCLUSIVE ORIGINAL JURISDICTION OVER THE CRIMES OF RAPE, GANG RAPE, AGGRAVATED INVOLUNTARY SODOMY, INVOLUNTARY SODOMY, VOLUNTARY SODOMY, CORRUPTION OF MINORS, SEXUAL ABUSE OF WARDS AND SEXUAL ASSULT RESPECTIVELY ."

On motion, Bill read. On motion, the Bill was adopted on its first reading and sent to Committee Room on Wednesday, August 27, 2008 @ 12:55 GMT during a Special Session.

On motion, Bill taken from the Committee Room for its second reading. On motion, under the suspension of the rule, the second reading of the Bill constituted the third reading and the Bill was adopted, passed into the full force of law and ordered engrossed today September 4, 2008 @ 12:55 GMT.

  
CHIEF CLERK, HOUSE OF REPRESENTATIVES

- (e) To take minutes of all hearings held during the session;
- (f) To issue all venire of juror; and
- (g) To provide the Supreme Court of Liberia monthly a summary of all cases tried in the immediate preceding period and whether an appeal therefrom has been taken.

#### **Section 25.11. APPOINTMENT OF SHERIFF AND MINISTERIAL OFFICERS**

The Minister of Justice and Attorney General of Liberia shall, with the approval of the President, appoint a Sheriff, Deputy Sheriff and such other Ministerial Officers of the Sexual Offences Court and Sexual Offences Divisions of each Judicial Circuit as and when a Clerk is being appointed thereto.

#### **Section 25.12. EXEMPTION OF GOVERNMENT AGENCIES AND OFFICERS FROM PAYMENT OF COURT FEES OR COSTS**

No judicial or ministerial officer, or other personnel of the Sexual Offences Court and the Sexual Offences Divisions shall charge or collect any fee from the Government, or any agency thereof, or any officer thereof acting in an official capacity, for any services rendered in any criminal cases, nor for the filing, recording or indexing of any official paper or other document, or for furnishing a transcript, certification or copy of any paper or other document to be used for official purposes.

#### **Section 25.13. SEAL OF COURT**

The Sexual Offences Court and each Sexual Offences Divisions of the Circuit Courts in the Counties shall have a distinctive Seal for authentication of its records and other official documents, which shall be judicially noticed at all times.

#### **Section 2. EFFECTIVE DATE OF ACT**

This Act shall take immediate effect upon publication in handbills.

**ANY LAW TO THE CONTRARY NOTWITHSTANDING**

shall during the period hold pre-trial conferences. The Court shall hold chambers session ten days before the regular sessions and ten days prior to the closing of the Court.

- (2) The Sexual Offences Divisions of the Circuit Courts of the counties shall meet regularly in quarterly sessions the same as the sessions of the Circuit Courts.

#### **Section 25.7. JURY SESSION AND EMPANELMENT**

- (1) A Jury, once empanelled for a case, shall sit until the case is determined

#### **Section 25.8. SUPREME COURT TO HAVE APPELLATE JURISDICTION**

Appeals from final decisions and other final determinations of Sexual Offences cases shall be to the Supreme Court of Liberia.

#### **Section 25.9. SEXUAL OFFENCES DIVISION OPEN FOR JUDICIAL BUSINESS AT ALL TIMES**

The Sexual Offences Court "E" and the Sexual Offences Division of each Circuit Court shall be considered open at all times for the adjudication of matters over which they exercise jurisdiction, including for the purpose of filing any pleading, motion or other material authorized by the Rules of Court or Statute, etc.

#### **Section 25.10. APPOINTMENT OF CLERKS**

- (1) The President shall nominate, and with the consent of the Senate, appoint a Clerk, and may also appoint an Assistant Clerk, of each the Sexual Offences Court and the Sexual Offences Division of the circuit courts of the counties being established hereunder at the same time as a Circuit Judge is being appointed thereto.
- (2) Such Clerk, and any Assistant Clerk, shall perform the following duties for the Sexual Offences Court and the Sexual Offences Divisions of the circuit courts of the counties to which they are appointed:
  - (a) To keep a docket of all pending cases,
  - (b) To maintain an orderly file of each Sexual Offences case containing all records and papers pertinent thereto;
  - (c) To maintain a written record of all fees and other sums collected during the preceding quarter;
  - (d) To issue and record all writs and other processes permitted by law, sign same with his or her name as Clerk, and seal them with the Court Seal;

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*It is enacted the Senate and House of Representatives in Legislature assembled.*

Title 17 of the Revised Code of Laws of Liberia, known as the Judiciary Law of 1972, is hereby amended by adding thereto a new chapter to be known as Chapter 25 establishing Criminal Court "E" of the Criminal Assizes of the First Judicial Circuit, to also be called and referred to as Sexual Offences Court" and Special Divisions of the Circuit Courts of the other counties of the republic, to also be called and referred to as "Sexual Offences Division". The Chapter shall have the following sections:

#### **CHAPTER 25 - SEXUAL OFFENCES DIVISION**

Section 25.1: Sexual Offences Division of the Circuit Court Established

Section 25.2: Jurisdiction

Section 25.3: Procedure

Section 25.4: Appointment and Tenure of Judges

Section 25.5: Power of Sexual Offences Division

Section 25.6: Sessions

Section 25.7: Jury Session and Empanelment

Section 25.8: Supreme Court to have Appellate Jurisdiction

Section 25.9: Sexual Offences Division Open for Judicial Business at All Times

Section 25.10: Appointment of Clerks

Section 25.11: Appointment of Sheriffs and Ministerial Officers

Section 25.12: Exemption of Government Agencies and Officers from Payment of Court Fees or Costs

Section 25.13: Seal of Court

#### **Section 25.1: Sexual Offences Division of the Circuit Court Established**

- (1) There is hereby established within the First Judicial Circuit Court, criminal Assizes, Montserrado County, Criminal Court "E", to be otherwise called Sexual Offences Court.
- (2) There is also hereby established in each county of the Republic of Liberia a separate and Special Division of the Circuit Court to be called Sexual Offences Division.

## **Section 25.2. JURISDICTIONS**

- (1) The Sexual Offences Court, Criminal Court "E" of the First Judicial Circuit, and the Criminal Divisions of the Circuit Courts of the other counties shall have exclusive original jurisdiction over all new cases of Sexual Offences initiated by formal charge made on and after the Effective Date of this Act under Subchapter D of Chapter 14 of the Penal Law, Title 26, namely the crimes of Rape, Gang Rape, Aggravated Involuntary Sodomy, Involuntary Sodomy, Voluntary Sodomy, Corruption of Minors, Sexual Abuse of Wards and Sexual Assault, and such other crimes as may from time to time be added as Sexual Offences to the aforesaid Sub-Chapter D of Chapters 14 and 16 of the Penal Law as well as trafficking in persons insofar as it involves sexual servitude (hereinafter referred to as "Sexual Offences"). Criminal Court "E" and the Sexual Offences Division of the Circuit Courts in the other counties shall also have exclusive original jurisdiction over all cases of Sexual Offences where an appeal is now pending and where the Supreme Court directs a new trial after the Effective Date of this Act.
- (2) Further pursuant to paragraph (1) above, all Sexual Offences cases previously venued before the Criminal Assizes of the First Judicial Circuit Court, except as to those wherein trials have commenced, shall be transferred to Criminal Court "E" immediately upon the said Court being operationalized.
- (3) The Sexual Offences Division of the Judicial Circuits, other than the First Judicial Circuit, shall have exclusive original jurisdiction over new cases of Sexual Offences that are initiated by formal charge made on and after the said Sexual Offences Division in each such Judicial Circuit commences operations. The Circuit Court in each other county of the Republic of Liberia shall continue to exercise original jurisdiction over all cases of Sexual Offences within such county until such time as the Sexual Offences Division of the Circuit Court therein commences operations.

## **Section 25.3. PROCEDURE**

The procedure and enforcement of the mandate and judgments of the Sexual Offences Court and the Sexual Offences Divisions of the Circuit Courts shall be the same as that of the Circuit Courts in criminal cases, provided that:

- (a) The jurisdiction of Magistrates in respect of Sexual Offences shall terminate upon the making of a charge of a Sexual Offence and the exercise of the power of arrest of the person or persons charged. There shall be no jurisdiction to conduct any preliminary or other investigations into any sexual Offence charge. Each sexual offence case shall be transferred to the Circuit Court within 72 hours of arrest;

- (b) The Circuit Court Judges appointed to Sexual Offences Division shall exercise the power to prohibit, by issuance of a stay order in the nature of a writ of prohibition, any exercise of jurisdiction by Magistrates regarding Sexual Offences except as specifically limited by sub-paragraphs (a) and (b) hereof;
- (c) Except for cases of Rape, which under section 14.70 of the Penal Law are required to be held in camera, the trial of Sexual Offence cases may be held in camera where the alleged victim is under 18 years of age and the protection of the victim warrants an in camera trial; provided that other Sexual Offence trials may be held in camera where requested by the State and where the court determines that the victim or a witness warrants protection;
- (d) Sexual Offences against a person under 18 years shall be deemed to be a grave offence pursuant to Article 21(d)(i) of the Constitution of the Republic of Liberia and shall only be bailable according to law;
- (e) The Court shall have authority to prohibit the publication of the names and addresses of rape victims and/or expunging of their names from the public records, as necessary for their protection and the prosecution of the offenders.
- (f) The Court shall have the further authority to grant other interim relief to minimize further risk to victims, including ensuring that where children are involved they will be placed in protective home or custody.

#### **Section 25.4. APPOINTMENT AND TENURE OF JUDGES**

- (1) The President shall nominate and, with the consent of the Senate, appoint and commission two judges of circuit court stature, who by assignment of the Chief Justice, shall preside over the Sexual Offences Court, Criminal Court "E" of the First Judicial Circuit, Montserrado County. The qualification criteria laid in Articles 69 (a) and (b), 71, and 72(b) of the Constitution.

#### **Section 25.5. POWER OF SEXUAL OFFENCES COURT AND SEXUAL OFFENSES DIVISIONS OF THE CIRCUIT COURTS**

The Sexual Offences Court and the Sexual Offenses Division of the Circuit Courts, and the judges thereof, shall have the power, authority and jurisdiction to issue orders in the nature of writs of prohibition, addressed to inferior courts not of record and their officers, in the exercise or aid of the appellate jurisdiction over said inferior courts.

#### **Section 25.6. SESSIONS**

- (1) The Sexual Offences Court, Criminal Court "E", First Judicial Circuit, Montserrado County shall convened in semi-annual sessions and shall run for a period of six months. The first session shall convene on the Second Monday in February and the second session on the Second Monday in August. The Court