



LIBERIA

Whistleblowers in Liberia : overview of the legal framework and practices

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PARTNERSHIPS



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To this end, OCWAR-M works with civil society actors involved in the AML/CFT field. In partnership with PPLAAF, the project is implementing a training activity for investigative journalists and lawyers on whistleblower protection and cooperation with these key actors in the fight against financial crime, as part of which this report is published.

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LIST OF ACRONYMS

- AML/CFT: Anti-Money Laundering and Countering the Financing of Terrorism
- CPI: Corruption Perception Index
- CSO: Civil Society Organization
- CTRs : Currency transaction reports
- ECOWAS: Economic Community of West African States
- FATF : Financial Action Task Force
- FIU : Financial Intelligence Unit
- GIABA : Inter-Governmental Action Group against Money Laundering in West Africa
- LACC: Liberian Anti-Corruption Commission
- LCACC: Liberia CSOs Anti-Corruption Coalition
- ML/TF&PF : Money Laundering, Terrorist Financing and Proliferation Financing
- NGO: Non-Governmental Organization
- OCWAR-M: Organised Crime: West African Response to Money Laundering and Terrorism Financing
- PPLAAF: Platform to Protect Whistleblowers in Africa
- RWB: Reporters Without Borders
- STRs : Suspicious transaction reports

INTRODUCTION

In West Africa, transnational organized crime, including financial crime, poses a threat to the stability and security of states. Whistleblowers are essential in combating these crimes. They are individuals who disclose information about illegal, illicit, or contrary-to-public-interest activities that they have witnessed, particularly in the course of their duties, in order to stop them and bring about change. However, these disclosures can put their careers, freedom, and even lives at risk, and whistleblowers are often threatened or prosecuted by the individuals or organizations implicated by their revelations.

Although they play a key role in fighting financial crime, there are few laws in Africa protecting whistleblowers. To date, only about ten out of the continent's fifty-four states have enacted legal instruments to protect these actors, and even those may not always be effective.

Furthermore, to encourage whistleblowing and ensure its effectiveness, it is necessary to have robust laws governing several key areas, such as combating financial crime, freedom of the press, and access to information.

In the field of combating financial crime, the adoption and implementation of specific laws are necessary to enable authorities to rely on whistleblower disclosures to conduct investigations, prosecute offenders, and prevent future offenses. The existence of strong legislative mechanisms for fighting financial crimes enhances the credibility and legitimacy of whistleblowers.

Laws guaranteeing media freedom and freedom of expression are also essential to create an environment conducive to whistleblowing. These disclosures can only have a significant impact if they are disseminated to the public by free and independent media. The establishment of laws protecting media freedom creates an environment conducive to the dissemination of critical information and raises public awareness of the issues raised by whistleblowers.

Finally, laws guaranteeing access to information play a crucial role in promoting transparency and enabling whistleblowers to legally share the information they possess. Access to reliable and relevant information is essential for whistleblowers to document their allegations and provide tangible evidence of the wrongdoings they expose.

The purpose of this report is to assess the legal framework in Liberia in all these areas and analyze the whistleblowing environment in the country. It provides a detailed and critical legal analysis and proposes ways to improve existing legislation.

Through this report, PPLAAF also emphasizes the need for African states to establish progressive laws on whistleblowers to protect them and encourage potential whistleblowers to come forward.

This work is intended for whistleblowers, journalists, civil society organizations, anti-corruption agencies, lawyers, magistrates, professionals in the sector, and all stakeholders concerned or interested in whistleblowing and the fight against financial crime.

The Liberia report is one of fourteen reports drafted and published by PPLAAF as part of the OCWAR-M project.

LEGAL SOURCES

[Whistleblower Act of 2021](#)

[Constitution of the Republic of Liberia](#)

[Freedom of Information Act of 2010](#)

[Act to Establish the Liberian Anti-Corruption Commission, 2008](#)

[Act to Amend the Act of Legislation of 2008 Establishing the Liberia Anti-Corruption Commission, 2022](#)

[Anti-Money Laundering, Terrorist, Financing, Preventive, Measures And Proceeds of Crime Act 2021](#)

[Financial Intelligence Unit Act 2012.](#)

EXECUTIVE SUMMARY

In July of 2022, Liberia's House of Representatives passed the Whistleblower Act of 2021, which was signed into law by President George Weah in August. The law builds upon previous executive orders by Former President Ellen Johnson Sirleaf establishing protections for whistleblowers (Executive Order No. 22, Executive Order No. 43, and Executive Order No. 62). The law provides legal protections to whistleblowers employed in both private and public institutions who make protected disclosures. However, given how recently the law was passed, it remains to be seen whether it will be implemented effectively.

The Liberian Anti-Corruption Commission's (LACC) role in enforcing Liberia's anti-corruption law has been limited by its inability to independently prosecute corruption. Recent amendments to the law establishing the LACC's prosecutorial power independent of the Ministry of Justice should be implemented efficiently in order to strengthen the LACC's ability to hold corrupt actors accountable.

Since formal legal protections for whistleblowers were established only recently, there are few publicly reported cases of whistleblowers in Liberia. Effective enforcement of the Whistleblower Act and increased public awareness of the protections in the Act are key to encouraging individuals to blow the whistle on corruption in Liberia.

Tips for Whistleblowers:

- Liberia's Whistleblower Act includes legal protections for individuals who make disclosures in the public interest.
- Reports can be made to law enforcement agencies, public institutions, private institutions, and civil society organizations.

- The Liberia Anti-Corruption Commission has the power to investigate all acts of corruption in the private, public, and civil society sectors. Corruption can be reported on LACC's [website](#), although individuals are required to provide their name and email.

1. ANALYSIS OF THE LEGAL FRAMEWORK

1.1 WHISTLEBLOWER LAWS AND POLICIES

Whistleblower protection is a crucial aspect of the fight against financial crime. This section explores the laws, measures, and mechanisms implemented in Liberia to ensure the protection of whistleblowers. It examines the rights and guarantees afforded to whistleblowers, the protection mechanisms in place, as well as the persistent challenges related to this protection.

- Whistleblower Act of 2021

The Whistleblower Act provides legal protections to individuals employed in public or private institutions who disclose information in the public interest. Protected disclosures include information relating to the commission of a criminal offense, a miscarriage of justice, the endangerment of the health or safety of an individual, the degradation of the environment, price-fixing, and corruption, dishonesty, or serious maladministration in a governmental body or private institution.

Whistleblowers are legally protected from retaliation by employers, fellow employees, and other individuals—they may not be dismissed, suspended, reassigned, denied any right or privilege, subjected to discriminatory action, or blacklisted because they made disclosures.

In order to qualify for protections, whistleblowers must make disclosures with a reasonable belief that the information is true. However, disclosures are not protected if the individual making the disclosure is in violation of criminal law or other statutory provisions. Whistleblowers are protected from liability in civil, criminal, or administrative cases if they are acting under the Act's provisions, even if it is later determined that the information they disclosed was incorrect.

Disclosures may be made to law enforcement agencies, public and private institutions, civil society organizations, and “other persons who are capable of acting and investigating the disclosure.” Investigations undertaken in response to protected disclosures must be completed within 30 days.

While the institution receiving the disclosure must record the whistleblower’s identity, the law clarifies that the record must be made in a form that protects the identifying information of the whistleblower and ensures confidentiality pending investigation of the matter.

The law also outlines a whistleblower reward program, in which whistleblowers whose disclosures result in the recovery of an amount of money shall be rewarded with 5 percent of the amount recovered.

- Constitution of the Republic of Liberia

Article 15 of the Constitution guarantees the right to freedom of expression, which includes freedom of speech and the press. Freedom of expression may be limited only by judicial action in proceedings grounded in defamation or invasion of the rights of privacy and publicity.

Article 16 guarantees the right to privacy, providing that “no person shall be subjected to interference with his privacy of person, family, home, or correspondence except by order of a court of competent jurisdiction.”

1.2 LAWS AND MEASURES RELATED TO COMBATING FINANCIAL CRIME

This section focuses on the measures taken by the Liberian government to combat financial crime. It examines legislative reforms, policies, and initiatives aimed at promoting transparency, integrity, and accountability in the management of public affairs. While acknowledging the efforts made, it also highlights persistent challenges and prospects for improvement in the fight against financial crime in Liberia.

- Anti-Corruption laws and measures in Liberia
- Challenges and concerns in Liberia's fight against corruption

Corruption continues to be pervasive in Liberia. In [Transparency International's \[1\] 2022 Corruption Perceptions Index](#), which scores countries based on a scale of zero (highly corrupt) to one hundred (very clean) based on the perceived level of public sector corruption, Liberia scored a 26 and ranked 142nd out of 180 countries. Liberia's government recently passed whistleblower legislation and also has in place freedom of information and anti-corruption legislation. However, it remains unclear how effective these provisions are in practice. The Liberia Anti-Corruption Commission released a [strategic plan](#) for 2019 to 2024, which highlighted the Commission's goals to prevent, deter, and prosecute acts of corruption, institute anti-corruption education and corruption prevention systems, and elevate the fight against corruption to the forefront of Liberia's development agenda.

Former President Ellen Johnson Sirleaf's tenure involved several high-profile corruption [scandals](#). In her first term alone, over 20 government ministers were accused of corruption by the General Auditing Commission, but none were prosecuted. In the latter years of her presidency, Varney Sherman, a lawyer and former head of Sirleaf's political party, was tried for allegedly paying over \$950,000 in bribes on behalf of British firm Sable Mining to secure an iron ore concession. However, Sherman was acquitted in 2019 along with his co-accused. While George Weah entered office in 2018 committed to combating corruption, several members of his administration have been linked to prior cases of corruption and mismanagement.

In May 2023, Liberian authorities admitted to losing track of four men who were recently tried and acquitted following the seizure of \$100 million worth of cocaine. The surprising judgment by a criminal court in Monrovia, which ordered the return of seized money to the suspects, has raised concerns about the functioning of justice and its susceptibility to corruption. The case highlights the West African coasts' role as drug trafficking routes, and the incident has undermined efforts to combat illegal drug transit. The defendants have disappeared after their release, sparking indignation and perplexity. The incident has reinforced the perception of compromised justice and has prompted questions about the use of popular juries and the prevalence of bribery in trials.

- Act to Establish the Liberian Anti-Corruption Commission (LACC)

In 2008, the Liberian Anti-Corruption Commission (LACC) was established to investigate, prosecute, and prevent acts of corruption, as well as educate the public about the ills of corruption. The LACC is tasked with investigating all acts of corruption occurring in the public, private, and civil society sectors of Liberia, investigating the conduct of individuals committing corruption, prosecuting corruption in coordination with the Ministry of Justice, and designing and implementing administrative and legal measures aimed at eradicating corruption.

The Act defines corruption as “any act (...) by a public or private official in the discharge of official duties which, in order to satisfy the selfish desire or interest of the said official or other person or persons (...) ignores the established laws, regulations, and thereby, denies, deprives, and prevents the State (...) or persons (...) from receiving entitlement, consideration, and/or treatment.” Acts of corruption include bribery, embezzlement, extortion, fraud, influence peddling, insider trading, misuse of public property and vested authority, and any economic and financial crimes.

The 2008 Act was replaced in 2022 by a new version of the law[E1] . The new law has faced criticism for repealing the existing Act entirely, rather than merely amending it. Although the new law grants the new version of LACC with an expanded scope of operation and direct prosecutorial power, implementation of the law is likely to face serious resource constraints which could inhibit the efficient and effective creation of a new LACC. The new law also abrogates the competence of the new LACC, specifically with regard to the power to freeze assets, and limits LACC’s transparency by preventing it from sharing key information with the public.

- Money laundering legislation and enforcement

In Liberia, money laundering is driven by corruption, illicit trade, tax evasion, drug trafficking, smuggling, robbery, prostitution, and forgery. It involves various channels such as banks, cross-border cash movements, real estate, casinos, gambling sites, and insurance companies.

- Anti-Money Laundering and Combating the Financing of Terrorism Interim Measures Act 2021

The Anti-Money Laundering and Combating the Financing of Terrorism Act 2012 is to be repealed and substituted with the Anti-Money Laundering, Terrorist Financing, Preventive, Measures And Proceeds of Crime Act 2021, which has not yet been adopted by the Parliament.

The Act provides the definition of the offense of money laundering as follows:

"A person, body corporate, or other legal entity commits the offense of money laundering if, that person knowing or having reason to believe that property is the proceeds of crime: (a) converts or transfers the property with the intention of concealing or disguising its illicit origin, or aiding any person involved in the criminal conduct to evade legal consequences; (b) conceals or disguises the true nature, origin, location, disposition, movement, or ownership of the property; (c) acquires, possesses, or uses the property; (d) engages directly or indirectly engages in any transaction involving the property; (e) receives, possesses, conceals, disguises, transfers, converts, disposes of, removes from, or brings the property into Liberia; or (f) participates in, associates with, conspires to commit, attempts to commit, or aids, abets, or facilitates any of the above acts."

- Financial Intelligence Unit (FIU)

To comply with FATF/GIABA recommendations, the Liberian authorities established an autonomous Financial Intelligence Unit (FIU) in 2012 through the Financial Intelligence Unit Act 2012. The drafts of the new AML/CFT Act provides for the replacement of the FIU by the Financial Intelligence Agency (FIA) of Liberia.

The FIA serves as Liberia's central national agency responsible for receiving, requesting, and conducting preliminary investigations into suspected money laundering, terrorist financing, and other financial crimes. It analyzes and disseminates relevant information on these illicit activities. The FIA is also a member of GIABA, the institution of ECOWAS dedicated to promoting AML/CFT measures in West Africa.

The core functions of the Liberia FIA include analyzing suspicious transaction reports (STRs) and currency transaction reports (CTRs) sent by reporting entities, cooperating with law enforcement, prosecution, and judiciary, assisting in the development of appropriate legislation, issuing circulars to reporting entities, obtaining freezing orders for suspect accounts, and collaborating with GIABA.

- National AML/CFT Strategy and Action Plan 2022-2025

Liberia has adopted a National AML/CFT Strategy and Action Plan for the years 2022-2025, which aims to strengthen the AML/CFT framework, enhance risk-based supervision, improve investigation and prosecution of ML/TF & PF cases, facilitate asset recovery, foster cooperation, build capacity, raise awareness, and promote financial inclusion.

The objective of the measures is to enhance detection, deterrence, investigation, and prosecution of money laundering, terrorist financing, proliferation financing, and related offenses, in order to safeguard Liberia's financial system against illicit activities and corruption.

1.3 MEDIA RIGHTS AND FREEDOM OF EXPRESSION

Freedom of expression, press freedom, and media rights play a crucial role in whistleblowing. These fundamental rights enable whistleblowers and journalists to disclose sensitive information safely, shed light on wrongdoing, and protect the public interest. Respecting these rights promotes an environment conducive to transparency, accountability, and the disclosure of information in the public interest.

- Press freedom challenges persist in Liberia despite legal reforms

While the Constitution provides for freedom of speech and press, these rights are restricted in practice. Liberia also maintains criminal and civil libel laws, although the 2019 Press Freedom Act effectively decriminalized libel, sedition, and criminal malevolence. Defamation remains a civil offense. According to [Freedom House's \[2\] 2022 Country Report](#), investigative reporters are subject to threats from members of the government and investigative reporting can lead to media outlets being taken to court. In December 2020, journalists were harassed, threatened, and attacked while reporting on Senate elections. In June 2021, journalists Tojan Kiazolu and Hannah Geterminah were physically assaulted by police officers for taking photographs in a public area. In July of 2022, investigative reporter Bettie K. Johnson Mbayo was sentenced to a month in prison on a charge of "disorderly conduct" after she was physically attacked by a politician, Marvin Cole, and his employees. In [2023](#), Liberia scored 60/100 and was considered as "partly free" by Freedom House.

Liberia ranks 66th out of 180 countries surveyed in [Reporters Without Borders'\[3\] 2023 World Press Freedom Index](#). The report acknowledges that since the mid-2000s, the political stability in the aftermath of the Liberian civil war has favored the growth of the press. However, attacks on journalists have continued with impunity.

1.4 THE ACCESS TO INFORMATION ACT AND SECRECY LAWS

In this section, we will discuss the importance of access to public information for whistleblowers and journalists. These individuals who expose illicit behaviors within the public administration require reliable information to support their disclosures. The right to access public information ensures transparency and accountability, thereby providing enhanced protection to whistleblowers and journalists who can rely on concrete facts when disclosing sensitive information.

- Freedom of Information Act, 2010

The Freedom of Information Act of 2010 recognizes the right of access to information, especially information involving the public interest. Building on the Constitution, which provides that no limitation shall be placed on the public right to be informed about the government, the Act acknowledges that access to information is indispensable to democracy and good governance.

Under the law, any individual may request information from public bodies, as well as information from private bodies relating to public funding or services, without providing a reason. In addition, all public agencies are required to regularly publish information on their core functions, the nature of their activities and operations, and the information they possess.

Requests for information may be filed in writing, by electronic mail, orally, or by any alternative means. Individuals requesting information must provide reasonable detail enabling the relevant institution to identify the information. After a request is received by an institution, it has thirty days to respond.

It may only deny access to information where the information is exempted under law. Exceptions include information relating to national security, international relations, criminal investigations, trade secrets, personal information, or privileged communications. In the case of a denial, the applicant may appeal for internal review by a senior official. If the denial is affirmed by internal review, the applicant may appeal the decision to the Independent Information Commissioner. Finally, applicants have a right to judicial review of denials.

2. WHISTLEBLOWER CASES

The objective of this section is to list known and public cases of whistleblowers to assess the treatment afforded to whistleblowers in the country.

Few cases of whistleblowing that have been publicly reported in Liberia.

- Whistleblower exposes corruption at Bong-Mines Hospital

In March of 2023, Allison Tubah disclosed a corruption scheme at the Bong-Mines Hospital, where he worked as a Procurement Officer. Tubah revealed that \$80,000 intended for hospital renovations was diverted for personal use by three former officials of the hospital and their associates at the Health Ministry. Upon Tubah's discovery of the corruption, his supervisor, Administrator Alvin Sirleaf, threatened him with loss of employment. On March 13th, Tubah wrote to the Liberia Anti-Corruption Commission (LACC) requesting an independent investigation into the corruption.

- Mysterious death of whistleblower raises questions of foul play

In 2015, Michael Allison, a former consultant to the National Oil Company of Liberia, disclosed corruption involving senior officials of the Liberian government. Allison was expected to be a key witness in the corruption investigation; however, he drowned under suspicious circumstances before he could testify. Sources suggest that his death was a result of his role as a whistleblower and authorities did not rule out foul play.

3. RECOMMENDATIONS : WEAKNESSES AND NEEDED REFORMS

In this section, the focus will be on suggesting areas for improvement for the State regarding the protection of whistleblowers, current legislation against financial crime, the government's commitment to combating this problem, and the respect for individual liberties, including the right to information, freedom of the press and expression, as well as media rights.

Addressing gaps in the Whistleblower Act

While the Whistleblower Act lays the groundwork for whistleblower protection in Liberia, it lacks certain provisions that would provide more comprehensive protection. First, individuals may not make disclosures anonymously, which may de-incentivize disclosures from potential whistleblowers who are concerned about their identities being exposed. Second, there are no provisions addressing internal disclosures. Third, the law lacks a provision addressing disclosures to the media and the public. Finally, whistleblowers seeking compensation for dismissal or other losses must file a civil action of damage for retaliation, which is costly, does not guarantee compensation, and may not be resolved for a long period of time.

Due to the Act's recent passage, public awareness of its provisions should be promoted by educating the public on the legal protections afforded to whistleblowers under the Act, as well as whistleblowing more generally.

- How the law should be improved:

The Whistleblower Act should be amended to allow whistleblowers to make disclosures anonymously in order to protect them from possible reprisals. The Act should also include provisions requiring both public and private entities to develop procedures for handling internal disclosures.

In addition, the LACC's current lack of prosecutorial power has prevented it from effectively pursuing accountability for corrupt acts. In line with the amendments made in 2022, the LACC should be granted full prosecutorial power so that it can efficiently and independently investigate and prosecute corruption.

4. RESOURCES, SUPPORT AND ACTION CENTER

In this section, we will explore the landscape of civil society organizations, NGOs, and citizen movements that actively engage in promoting good governance. These entities represent valuable sources of knowledge and expertise, playing a crucial role in strengthening democratic practices.

Liberia Anti-Corruption Commission (LACC)

LACC is a government agency tasked with investigating and prosecuting acts of corruption.

Tubman Boulevard, Congo Town

Monrovia, Liberia

Tel: (+231) 77 028 2642

lacc.gov.lr

laccliberia@gmail.com

Liberia CSOs Anti-Corruption Coalition (LCACC)

LCACC is a coalition of civil society organizations that promotes transparency and accountability in Liberia's public sector and advocates for anti-corruption reforms.

1st Floor Old Sheila Cinema Building

Carey Street

1000 Monrovia, 10 Liberia

Tel: (+231) 77 017 2157

lcaccliberia.wixsite.com

lcacc.liberia@gmail.com

[1] Transparency International is a non-governmental organization (NGO) dedicated to combating global corruption. Founded in 1993 and based in Berlin, Germany, the organization advocates for transparency, accountability, and integrity in both public and private sectors. It conducts research, publishes reports, and promotes policy changes to address corruption worldwide. Transparency International is renowned for its Corruption Perceptions Index (CPI), which ranks countries based on perceived levels of corruption within their public sectors.

[2] Freedom House is an American non-governmental organization founded in 1941. Its main objective is to promote and defend democracy, human rights, and fundamental freedoms worldwide. Freedom House evaluates the state of political rights and civil liberties in each country and produces reports and indices to measure the degree of freedom and democracy.

[3] RWB is an international non-governmental organization founded in 1985 with the mission to defend press freedom, promote independent journalism, and protect journalists worldwide. The organization actively works to denounce censorship, repression, and infringements on freedom of expression. RSF regularly publishes a World Press Freedom Index, which assesses the state of media freedom in each country based on criteria such as pluralism of opinions, access to information, and safety of journalists.



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