CONSTITUTION OF THE NATIONAL ASSOCIATION OF PROSECUTORS OF LIBERIA

PREAMBLE

We, as lawyers exercising the functions of Government prosecutors and for the purpose of improving the inviolability of our duty for the advancement of the rule of law free of favoritism and our legal system, do hereby designate, constitute, and promulgate this Constitution and Bye-Laws of the National Association of Prosecutors of Liberia.

ARTICLE I: NAME

The name of this body shall be the National Association of Prosecutors of Liberia (NAPL).

ARTICLE II: AIMS AND OBJECTIVES

The aims and objectives of this Association shall be as follows:

1. To promote the welfare or well-being of its members;
2. Seek to encourage and advance harmonious working relationship between and amongst the Liberia National Bar Association , Ministry of Justice and the Judiciary;
3. To advance the effective administration of justice and contribute to the development of the law through continuous legal education of its members;
4. To develop contact and foster cordial working relationship between the Association and those sharing similar objectives;

5. To ensure that Government prosecutors observe and adhere to the code of moral and ethical conduct governing lawyers;
6. To promote camaraderie amongst its members;
7. To promote greater appreciation for the function of State prosecutors in Liberia;
8. To promote and maintain of law and order throughout Liberia.

ARTICLE III: PRINCIPAL OFFICE

The principal office of the Association shall be in the City of Monrovia while the offices of the County Attorneys will be used as sub-offices in the various counties capitals.

ARTICLE IV: EMBLEM

The Association shall have an emblem which shall be unique and symbolizing the legal existence of the Association. The design of the emblem shall be made by the National Executive Committee (NEC) of the Association and approved by the National State Prosecuting Attorneys Conference (NASPAC).

ARTICLE V: MEMBERSHIP

Membership of the Association shall be all State prosecuting Attorneys of Liberia classified as follows:

CATEGORY A MEMBER:

Shall be a member who is a law school graduate from a recognized school of law and now serves as a State prosecuting

attorney in Liberia, duly admitted as Attorney-At-Law or Counselor-At-Law;

CATEGORY B MEMBER:

Shall be a member who is not a graduate of a recognized school of law but who is a graduate of the James A. A. Pierre Judicial Institute and other law schools providing similar legal trainings and serves as State prosecuting attorney in Liberia;

CATEGORY C MEMBER:

Shall be a member who is neither a law school graduate but who is a student of a recognized law school and serves as State prosecuting attorney in Liberia.

ARTICLE VI: DUTIES AND RESPONSIBILITIES OF MEMBERS

All members of the Association shall be required to:

a) Support the Association in achieving its aims and objectives as enshrined in this Constitution and Bye-laws;
b) Be present in all general meetings;
c) Promote the positive image of the Association through honesty, integrity, and good deportment.

ARTICLE VII: MEMBERSHIP DUES

Every member of the Association shall pay a monthly due of twenty United States dollars(20.00) or its equivalent in Liberian dollars, which shall be deducted from the monthly salary/allowance of each member and placed in an account of the Association.

ARTICLE VIII: EQUAL RIGHTS

All members of the Association shall have and enjoy equal rights and privileges, except as provided for under this Constitution and Bye-laws.

ARTICLE IX: SPECIAL LEVIES

Special levies may be made on members, when necessary, by a resolution of two-third members of the National Executive Committee sitting;

ARTICLE X: OFFICERS

The National Association of Prosecutors of Liberia shall have the following Executive Officers:

A. President
B. Vice President
C. General Secretary
D. Assistant General Secretary
E. Financial Secretary
F. Treasurer
G. Chaplain

ARTICLE XI: QUALIFICATION OF OFFICERS

(A) President and Vice President. Shall be Counselors-At-Law who are graduates of a recognized law school and admitted to the National Bar;

(B) General Secretary. Shall be a member who is either an Attorney-At-Law or Counselor-At-Law and is a graduate of a recognized law school and admitted in the National Bar;

(C) Financial Secretary. Shall be a member who has background in the field of finance, an Attorney-At-Law or Counselor- At - Law and is a graduate of a recognized law school and admitted to the National Bar;

(D) Assistant General Secretary, Treasurer and Chaplain. Shall be members who are Counselors- At-Law or Attorneys-At-Law and graduates of a recognized law school and admitted to the national Bar;

(E) County Coordinators shall be members who are Counselor- At-Law or Attorney-At-Law , graduate of a recognized law school and admitted to the National Bar and serving as County Attorneys.

ARTICLE XII: THE DUTIES AND RESPONSIBILITIES OF THE EXECUTIVE OFFICERS

SECTION 1: THE PRESIDENT

1. The president shall be Chief Executive Officer of the Association and shall preside over all Businesses of the National Association of Prosecutors of Liberia Conference;

2. The president shall have the power to recommend to the Executive Committee for investigation an elected official(s) found in breach of his/her duties or other ethical conduct, and if found guilty, the National Executive Committee shall

recommend the appropriate disciplinary action(s) including removal from office based on the gravity of the offence;

3. In the event where the President is found in breach of his/her duties or other ethical conduct, the National Executive Committee shall constitute an investigative board to conduct an investigation and recommend appropriate disciplinary action to the National Executive Committee;

4. The President shall, in consultation with the National Executive Committee appoint the Chairman and members of standing committees; as well as, ad hoc committees and shall dissolve such ad hoc committees upon completion of their tasks;

5. The President shall supervise and direct all other officers and committees for effective discharge of their duties;

6. The President in consultation with the National Executive Committee shall approve all financial transactions and sign contracts with other institutions;

7. The President shall serve as chief Spokesperson of the Association on any matter of public interest or special interest to the Association;

8. The President shall be elected for a two year term and shall be legible for re-election once from the dated of expiration of his/her two year term of office;

9. The President shall ensure that the provisions in this Constitution and Bye-laws are faithfully supported , upheld and defended;

10. The President shall submit an annual budget to the National Executive Committee, who shall approve same no later than thirty (30) days following deliberations and requisite adjustments;

11. The President shall report annually on the State of affairs of the Association during the National Association of Prosecutors of Liberia Conference held on the last Monday in October of each year.

SECTION 2: THE VICE PRESIDENT

1. The Vice President shall, in the absence of the President, preside over businesses of the Association over which the President, by this Constitution and Bye-laws, has power to preside;

2. The Vice President shall carry out all other duties and functions that may be assigned to him/her by the President and as per the provisions of this Constitution and Bye Laws;

3. The Vice President shall succeed the President in the event of death, impeachment, resignation, travel, disability and inability to perform the duties and functions of the office of President;

4. The Vice President shall be elected for a two-year term and shall be eligible to succeed himself/herself not more than once;

SECTION 3: THE GENERAL SECRETARY

1. The General Secretary shall be the official scribe of the Association and shall perform all duties assign to him/her by the President;

2. He/she shall take minutes and keep records of the proceedings of all Executive Committee meetings and the National Association of Prosecutors of Liberia Conference;

3. The Chief Scribe shall keep an update registry of the members of the Association;

4. He/she shall, as head of the Secretariat shall serve as custodian of all official records of the Association.

SECTION 4: THE ASSISTANT GENERAL SECRETARY

1. The Assistant Secretary shall serve under the supervision of the National General Secretary and shall work in line with the terms and duties as that of the National General Secretary;

2. He/she shall serve in the capacity and perform the duties and functions of the General Secretary in the event of absence, death, impeachment, resignation or inability to perform the functions and duties of the office of the General Secretary;

3. Perform other duties as may be assigned by the General Secretary.

SECTION 5 : THE FINANCIAL SECRETARY

1. The Financial secretary shall, be the custodian of all financial documents of the Association;

2. He/she shall be responsible to prepare all documents relating to financial transactions of the Association and prepare a quarterly financial report to be submitted to the President;

3. He/she shall prepare and submit the draft annual budget to the President for onward submission to the National Executive Committee of the Association;

4. He/she shall under the direct supervision of the President;

5. In the event of death or incapacity of the financial secretary a special election shall be held to fill the vacancy;

SECTION 6 : THE TREASURER

1. The Treasurer shall also keep the financial documents of the Association;

2. He/she shall be responsible to collect funds and have same deposited in the Association's account;

3. He/she shall account for all dues , fees, special levies as well as the funds collected from members and other sources;

4. The President and the Treasurer shall be signatories to all of the Association's bank account;

5. The Treasurer shall keep, or cause to be kept , full and accurate accounts of receipts and disbursement in books belonging to the Association;

6. The treasurer shall disburse the funds of the Association as may be ordered by the President and taking proper receipts for such disbursements;

7. The Treasurer shall collect all monthly dues from members and all monies due, donations, charity, grants, loans and shall disburse the funds of the Association under the direction of the President;

8. In the event of death or incapacity of the Treasurer a special election shall be held to fill the vacancy;

SECTION 7: THE CHAPLAIN

1. He/she shall perform all religious functions of the Association;

2. He/she shall invoke Devine blessings at all sessions of the Association;

3. He/she shall work assiduously to promote peace, unity and friendship amongst members of the Association;

4. The chaplain is to connect with members of the Association who are in need of guidance and provide counseling and solace to members who are ill; also, provide grief counseling, etc.
5. In the event of death or incapacity of the Chaplin a special election shall be held to fill the vacancy;

SECTION B: THE COUNTY COORDINATORS

1. All County Attorneys shall serve as County Coordinators and shall not be elected;
2. They shall run the affairs of the Association in the counties and make periodic reports to the President of the Association;

ARTICLE XIII : TENURE OF ELECTED OFFICERS

1. The Officers and elected members of the Association shall be elected by its members and shall hold office for two years. The terms of office shall be from January 1st through December 31st;

ARTICLE XIV : ELECTIONS

1. General and Presidential elections of the Associations shall be conducted on the last Friday of October of each election year;

2. Elections shall be conducted by simple majority of the total votes cast;

3. All elected officers shall be inducted into office of the 31st of December of each election year;

4. Special elections for vacant positions shall be held fourteen days after the court's term in which the position became vacant;

ARTICLE XV : PRINCIPAL ORGANS

The Association shall comprise of the following principal organs:

1. The National Association of Prosecutors Conference
2. The National Executive Committee
3. National Secretariat
4. Standing Committees
5. Ad-hoc Committees

SECTION I : NATIONAL ASSOCIATION OF PROSECUTORS CONFERENCE

1. The Supreme authority of the National Association of prosecutors of Liberia shall be vested in the National Association of Prosecutors Conference which shall be convened once a year for the purpose of establishing and setting general policies of the Association and acting upon reports. The conference shall be vested with the authority to amend the Constitution and Bye-Laws of the Association when so required;

2. The conference shall be held on the last Monday of October of each year, the time and venue shall be decided by the National Executive Committee;

3. The National Association of Prosecutors Conference shall receive report from the President, which report shall include, but not limited to, activities and financial position of the Association for the period he/she presides over the affairs of the Association;

4. The National Association of Prosecutors Conference shall constitute a committee that will examine the report of the President along with the recommendations therein contained and, if necessary, make further recommendations for adoption by the Conference.

5. The National Association of Prosecutors Conference shall be held with the leadership and majority members of the Association in attendance.

SECTION 2 : NATIONAL EXECUTIVE COMMITTEE

1. The National Executive Committee shall comprise of 17 members comprising of all County Attorneys, the President of the Association and the head of the Roving Prosecution unit of the Ministry of Justice;

2. The Chairman of the National Executive Committee shall be elected from amongst the membership, except that the President of the Association shall be the secretary to the committee;

3. The Chairman of the National Executive Committee shall serve for the period two years and may continue for another two terms;

4. The National Executive Committee shall be the highest administrative decision making body of the Association and shall work in accordance with the Association's Bye-Laws and Constitution, which governs the entire Association in the Republic of Liberia;

5. The National Executive Committee shall be subject to the powers of the National Prosecuting Attorneys Conference and shall report to said Conference during its annual assembly;

6. The Quorum for the transaction of business of the National Executive Committee (NEC) shall be twelve (12) members of the entire membership of the committee;

7. The National Executive Committee shall approve the annual budget of the Association;

8. At the request of the President of the Association, the National Executive Committee (NEC) shall meet and make decisions that could otherwise be cognizable before the National Prosecuting Attorneys Conference; and where necessary, make appropriate recommendations to the Association;

9. In the event where vacancy is created within the National Executive Committee due to death, resignation, incapacity, or any other reason, the person assuming the position from which the vacancy was created automatically assumes the position of National Executive Committee member;

10. The NEC shall make all necessary arrangements for the hosting of the National Convention or for any general, National, regional and international meeting;

11. The NEC shall develop specific plans, programs and policies for the purpose of making the Association and its activities useful and beneficial to the members in their professional work;

12. The NEC shall approve policy governing loans, death and other benefits affecting the general welfare of its members.

SECTION 3 : THE NATIONAL SECRETRIAT

1. The National Secretariat shall be headed by the Secretary General and shall comprise of other staff as may be required for the effective operation of the Association;

2. The line personnel of the Secretariat shall be vetted by the Secretary General and appointed by the President;

3. There shall be employed Office Manager who shall coordinate the day-to-day activities of the Association's office in consultation with the Secretary General and the President;

SECTION 4 : STANDING COMMITTEES

The Association shall have the following standing committees:

(a) Ways and Means committee

(b) Auditing Committee
(c) Education and Awareness committee
(d) Welfare Committee
(e) Grievance and Ethics Committee

SECTION 4 (a) : THE WAYS AND MEANS COMMITTEE

The Ways and Means committee shall have the primary responsibility of planning, organizing and executing programs with the objective of generating funds for the support of the Association's budget. All such programs shall be subjected to the approval of the National Executive Committee. The Treasurer shall serve as secretary to the committee.

SECTION 4 (b) : THE AUDITING COMMITTEE

The Auditing Committee shall have the responsibility to review all financial reports of the Association at regular interval of time with the view of ensuring accountability and transparency. The Committee shall submit audit report annually to the President for review and consideration by the National Executive Committee. The Committee shall also conduct audits of all out-going officers of the Association at the end of a tenure or resignation of any officer before the inauguration of any elected officers or anyone succeeding to a vacant seat. The chairperson of this committee must be a bona fide member of the Association and must have background in auditing/accounting.

SECTION 4 (c) : THE EDUCATION AND AWARENESS COMMITTEE

The Education and Awareness Committee shall organize, coordinate, conduct and implement continuing legal education activities sponsored or co-sponsored by the Association. The

Committee shall cooperate, when appropriate with the Louis Arthur Grimes School of Law, other recognized law school, the Liberian National Bar Association (LNBA) and other national and international organizations concerned with continuing legal education. This committee is also charged with the responsibility to solicit local and international scholarships for training of its members.

SECTION 4(d): THE WELFARE COMMITTEE

The Social Welfare Committee shall study, sponsor research, provide information and make appropriate recommendations on:

a. Visit with the sick, shut-in, and retired members of the Association.

b. This Committee shall submit an annual report to the National Executive Committee through the Office of the President regarding the welfare and Special needs of those visited;

c. Shall formulate guidelines for the management, operation and promotion of the welfare programs for members of the Association;

d. The following individuals shall benefit from the Association's welfare program:

CATEGORY A : MEMBERS OF THE ASSOCIATION

a. In the event a member of the Association dies, the Association shall give to the member's family the amount of one thousand five hundred United States dollars (1500) or

its equivalent in Liberian dollars; while in the event of a condition of critical illness of a member, the Association shall give an amount of one thousand United States dollars (1000) or its equivalent in Liberian dollars to cater for his/her welfare from the Association's account;

b. As to weddings and graduation from a recognized degree program involving a member, the Association shall contribute the amount five hundred United States dollars or its equivalent in Liberian dollars to the program;
c. All members of the Association shall be entitled to loan through the Association's loan scheme which shall operate on the basis of interest at a percent approve by the NEC.

CATEGORY B: HUSBAND WIFE AND CHILD OF A MEMBER

a. In the event the husband, wife or child of a member dies, the Association shall give the amount of five hundred United States dollars or its equivalent in Liberian dollars to the member.

SECTION 4 (e)): THE GRIEVANCE AND ETHICS COMMITTEE:

a. The Grievance and Ethics Committee shall exercise jurisdiction over and shall hear, investigate and adjudicate any and all written complaints lodged against a colleague prosecuting Lawyer. All such complaints shall be addressed to the president of the Association. In the event

where the complaint is against the President, the complaint shall be addressed to the Chairman of the National Executive Committee;

b. It shall be within the competence of the committee to employ the means of fact findings, conciliation, mediation, arbitration or adjudication in relation to any written complaint made against a Lawyer. Copy of such complaint shall be furnished the accused Lawyer.

c. The records of the proceedings and the files of the committee shall be treated as confidential and appropriate sanctions shall be imposed by the Association for the unauthorized disclosure of their contents.

d. The committee shall not be bound by the strict rules of evidence; however, every effort shall be made to accord the litigants due process, and any evidence offered or admitted shall be relevant , material and within the res gestae.

e. The committee shall hear and render decision in a complaint within 30 days upon receipt of said complaint. Such decision of the committee shall be final and binding unless an appeal is taken to the Association before the expiry 10 days after rendition of the committee decision .And, such appeal shall be heard by the National Executive Committee; which committee shall issue its decision on the matter in the period of one month.

SECTION 4 F: ELECTIONS COMMISSION

a. The Elections Commission shall consist of five members to be headed by a Chairman;
b. It shall have the responsibility to conduct elections of the Association;
c. It shall have the responsibility to conduct voter registration to determine the membership of the Association;
d. It shall have the power to determine eligible voters;
e. It shall set guidelines for the conduct of all elections.

SECTION 4 (e): ADVISORY COMMITTEE

a. The Advisory Committee shall comprise of past presidents and interim leaders of the Association, who shall have the responsibility to advise elected officers, the National Executive Committee and the entire Association on issues relevant to the development of the Association. They shall be invited to all programs of the Association and given distinguished seating accommodations.

SECTION 5 : THE TENURE OF MEMBERS OF STANDING COMMITTEES

Members of Standing Committees shall serve for a period of two years and may be reappointed by succeeding administration with the advice and consent of the National Executive Committee; except for the chairperson of the Auditing Committee who shall serve for a period of three (3) years.

ARTICLE XV: AD HOC COMMITTEES

The president shall appoint Ad-hoc Committees from time to time for a specified period to carry out particular functions and tasks for the growth, wellbeing and development of the Association. The Committee appointed shall be immediately dissolved upon the completion of said tasks.

ARTICLE XVI: AMENDMENT

1. This Constitution and Bye-laws shall be amended by two third (2/3) valid votes cast in an election of members of the National Association of Prosecutors Conference. The amended Constitution shall be adopted by the National Association of Prosecutors Conference and signed by the President with the day and dated of its adoption; it shall come into force and effect immediately following its adoption.

2. It shall be the responsibility of the National secretariat to print, publish and distribute copies of the amended Constitution to members of the Association within thirty (30) days after its adoption.

REVIEWED THIS 2ND DAY OF NOVEMBEER A.D. 2015 IN THE CITY OF MONROVIA, MONTSERRADO COUNTY, REPUBLIC OF LIBERIA.

RESPECTFULLY SUBMITTED:

MEMBERS OF THE CONSTITUTION REVIEW COMMITTEE

1. Atty. G. T. Harris Wowoah ……. Chairman
2. Atty. Daniel T. Dweh ……Co-chairman
3. Atty. Abraham W. Simpson ……Secretary
4. Atty. Adelyn P. Cooper ……Member
5. Atty. Joyce Tarpeh ……Member
6. Cllr. Serena Garlawolo ……..Member

ADDOPTED THIS ____ DAY OF _____ A. D. 2015 IN THE CITY OF MONROVIA MONTSERRADO COUNTY, REPUBLIC OF LIBERIA

SIGNED:_____
PRESIDENT, NATIONAL ASSOCIATION OF PROSECUTORS OF LIBERIA