

Geneva Centre for the
Democratic Control of Armed Forces
(DCAF)

Liberia's Security Sector Legislation

Compiled by
Dr. Thomas Jaye

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Dr. Thomas Jaye

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Geneva Centre for the Democratic Control of Armed Forces (DCAF):
rue de Chantepoulet 11, P.O. Box 1360, CH-1211 Geneva 1, Switzerland
Tel: +41 22 741 77 00; fax: +41 22 741 77 05; e-mail: info@dcaf.ch

Contents

Foreword	1
Introduction	3
Part I	
General Legislation	7
A. The Constitution of the Republic of Liberia	9
B. National Defense Law	52
C. Comprehensive Peace Agreement	
Comprehensive Peace Agreement between the Government of Liberia (GOL), The Liberians United for Reconciliation and Democracy (LURD), The Movement for Democracy in Liberia (MODEL) and the Political Parties	105
Part II	
Legislative Acts on Executive Oversight Institutions	135
A. Ministry of Justice	
The Executive Law, Chapter 22. Ministry of Justice, Subchapter A. Organization of Ministry, §22.1-14.	137
B. Ministry of National Defence	
The Executive Law, Chapter 24. Ministry of National Defense, §24.1-6.	144
C. Ministry of National Security	
An Act to Repeal Chapter 2, Sub-Chapter B of the Executive Law Establishing the Office of National Security and to Amend the Executive Law to Create and Establish in the Executive Branch of Government a Ministry to Be Known as the Ministry of National Security.	146
D. National Security Council	
An Act to Establish the National Security Council of the Republic of Liberia.	148

Part III	
Legislative Acts on Security Sector Agencies	153
A. Bureau of Immigration and Naturalization	
An Act Adopting A New Aliens and Nationality Law.	155
B. National Security Agency	
An Act Repealing Sub-chapter D of Chapter 1, Part 1 and Sub-chapter B of Chapter 22, Part II of the Executive Law in Relation to the Executive Action Bureau and the National Bureau of Investigation and Creating the National Security Agency.	158
C. National Fire Service	
The Executive Law, Chapter 22. Ministry of Justice, Subchapter A. Organization of Ministry, §22.8.3.	162
D. Drug Enforcement Agency	
An Act to Amend Chapter 22 of the New Executive Law to Provide for the Addition of Sub-Chapter F Creating and Establishing the Drug Enforcement Agency.	163
E. National Bureau of Investigation	
An Act to Amend the Provisions of the New Executive Law to Provide for the Re-establishment of the National Bureau of Investigation (NBI).	165
F. Liberian National Police	
An Act to Amend the Executive Law with Respect to the National Police Force.	169
Decree by the People’s Redemption Council of the Armed Forces of Liberia, Repealing Subchapter E of Chapter 22 of the Executive Law in Relation to the National Public Safety Institute and Creating Instead the National Police Training Academy.	172
G. Special Security Service	
An Act to Amend the Executive Law to Create a Special Security Service.	174
<i>About Thomas Jaye</i>	178

Foreword

Given the inglorious role of security institutions in the Liberian war and the associated incidence of gross human rights abuses by uniformed personnel, public confidence in statutory security institutions has suffered a marked decline. Many observers have expressed deep consternation at the impunity with which security institutions terrorized the very citizens they were constitutionally mandated to protect. Effective democratic oversight of the security sector was palpably lacking, marked by an all-powerful 'imperial presidency' with practically sole and absolute control of the armed forces and security services. The restoration of rule of law, an essential condition for peace and stability, rests on public confidence in security institutions, which is, in turn, a function of effective oversight to a large extent. Thus, the role of the legislature in ensuring accountability of security institutions through parliamentary oversight is crucial to the consolidation and sustenance of peace and stability. Effective parliamentary oversight is, indeed, an essential element in any viable peace consolidation agenda.

This publication is the result of an Interactive Needs Assessment on Parliamentary Oversight of the Security Sector in Liberia, which was held at the Kofi Annan International Peacekeeping Centre from the 28th to the 30th of March 2007. The event was part of the activities of the DCAF Africa Programme, in collaboration with the Conflict Security and Development Group, Kings College, University of London and the African Security Sector Network (ASSN). The objective was to facilitate a process which would enable Liberian legislators identify what they require in order to deliver effective parliamentary oversight of the security sector after protracted conflict. Report of the Interactive Needs Assessment is available at: http://www.dcaf.ch/news/diarydetailskms.cfm?param0_219=2007&lng=en&id=29378&nav1=2.

The need for easy access to the security laws of Liberia became apparent during the meeting, and this gap was identified as one of the areas of need to be addressed in addition to other practical tools. It is envisaged that, through effective oversight by their elected representatives, Liberians can effectively take the reins of

security governance, and in so doing, avoid further violent conflict. Such an outcome can only derive from the rule of law, and it is essential that legislators and other stakeholders (civil society, the media, Liberian security institutions and the general public) are aware of, and have easy access to the legal framework for security provision and governance in Liberia. This publication is a response to that need, and follows in the list of DCAF's publications of the security laws of several states undergoing security sector reform, including Ukraine, Georgia, Guatemala and Turkey.

DCAF and the author are grateful for the research assistance and administrative support of Cecilia Lazzarini and Jonas Loetscher in the preparation of this publication.

Adedeji Ebo

*Senior Fellow & Head of Africa Programme,
DCAF, Geneva.
16 January 2008*

Introduction

Context for Security Sector Reform in Liberia

After fourteen years of war and plunder, the people of Liberia have embarked upon the difficult and complex task of post-war reconstruction. Like other African countries emerging from war situations, Liberia finds itself faced with the consequences of its troubled past. Security Sector Reform (SSR) takes place against the background of a combination of the effects of Liberia's prolonged years of war and a history of poor security sector governance.

During the war years (1989-2003), the country experienced serious and widespread security problems with social, economic and political dimensions. Indeed, these problems affected every facet of Liberian life. For example, the entire state and societal structures collapsed; more than 200,000 people were killed; the economy was plundered; more than a million people were forced to flee their homes and communities either as internally displaced persons or as refugees; and the basic rights of the people were encroached upon through human rights abuses by the armed factions. Members of statutory security institutions, particularly of the Armed Forces of Liberia (AFL) served in all of the armed factions during the war.

While the current security situation is directly linked to the wartime, the broader problems within the country's security sector are rooted in the more than a century-old political history of Liberia. Throughout its history, the country has suffered from poor and flawed security sector governance and management. For example, security and justice providers were only answerable to the President. This encouraged cronyism, a lack of professionalism, accountability, transparency, and competence. Inevitably, this led to ineffective, incoherent and inefficient security system.

Worse still, because of many years of single party rule, the oversight role of the Legislature was seriously weakened and undermined. Before the 2005 elections, single parties dominated the country's politics including the Legislature: True Whig Party (1870s to 1980), National Democratic Party of Liberia (1985 to

1989), and the National Patriotic Party (1997 to 2003). The only exceptions were the various interim governments where representatives of the armed factions, political parties and civil society made up their respective interim legislative assemblies.

Given the above-mentioned conditions, successive governments created security agencies solely for purpose of regime security when this was deemed necessary. These agencies were approved without Legislature querying them. As a result, various laws were enacted without previous ones being given adequate consideration. This led to the duplication of roles and responsibilities.

Against the backdrop of the above, the new administration of Mrs. Ellen Johnson-Sirleaf has inherited serious security governance deficits that need to be addressed in order to avoid a relapse into armed violence in the country. It has inherited a factionalised and fragmented security sector that not only requires reform but also transformation. In addition, the SSR process which the country has embarked upon has led to the disbanding of the entire AFL and the subsequent demobilisation of its personnel. Similarly, personnel working for the Liberian National Police and the Special Security Services have also been demobilised.

Thus, the context for security sector reform in Liberia is rooted in both the duration of the war and more than a century of poor and defective security sector governance and management.

Significance of this Compendium

One of the challenges of security sector governance is that it must be rooted in the overall restructuring of the country's governance system and structures; it should be part of the overall legal and judicial reform process because of the legal implications of the laws on which a country's security sector is built.

A review of the existing security sector legislation of Liberia is therefore necessary in order to enact new laws which reflect the changing situation both within the country and the sub-region within which it is embedded. Accordingly, this compendium constitutes a major contribution to the overall SSR debates and processes in Liberia. It provides a comprehensive list of the

existing security legislation and thus aides those working on SSR issues in Liberia to be aware of the legal contexts and legislative basis for reforming the security sector.

In contradistinction to those who think that the SSR process in Liberia is purely linked to downsizing and technical aspects, the writing of new legislation that will clarify the roles and responsibilities of the new security architecture that will emerge out of this process is also required. This compendium is therefore a useful tool for researchers as well as practitioners working on SSR in the country.

Methodology

This Compendium comprises three categories of legal documents: Constitution of Liberia; Comprehensive Peace Agreement (CPA) of 18 August 2003; and the Legislation that established the various security agencies in Liberia.

A considerable amount of time was spent collecting these documents from various sources in Liberia during 2007. My colleagues from the Governance Commission, civil society groups, and heads of security agencies were helpful in locating these documents. Most of what is contained here was collected during an assessment of the security sector which I conducted for the then Governance Reform Commission (GRC) in 2006. The Commission has now been established by law as an autonomous agency and is responsible for providing intellectual leadership over reform issues in Liberia. The Executive Laws of Liberia proved of crucial importance in compiling this collection as it regulates many aspects of Liberia's security sector.

Thomas Jaye

Senior Research Fellow

Kofi Annan International Peacekeeping Training Centre (KA IPTC), Accra

20 December 2007

Part I

General Legislation

A. The Constitution of the Republic of Liberia¹

PREAMBLE

CHAPTER I – Structure of the State

CHAPTER II – General Principles of National Policy

CHAPTER III- Fundamental Rights

CHAPTER IV - Citizenship

CHAPTER V – The Legislature

CHAPTER VI – The Executive

CHAPTER VII - Judiciary

CHAPTER VIII – Political Parties and Elections

CHAPTER IX – Emergency Powers

CHAPTER X – Autonomous Public Commissions

CHAPTER XI – Miscellaneous

CHAPTER XII - Amendments

¹ The *Liberia 1984 constitution* replaced the *Liberia 1847 constitution* which was suspended on April 12, 1980, following the coup d'etat which overthrew the presidency of H. E. William R. Tolbert, Jr. The process of writing a new constitution began on April 12, 1981, when Dr. Amos Sawyer, a political scientist at the University of Liberia, was appointed chairman of the *National Constitution Committee (NCC)*, the 25-member body that was given the responsibility of drafting a new constitution for Liberia. The *NCC* completed its work in December 1982, and submitted the draft constitution to the *People's Redemption Council (PRC)* in March 1983. A 59-member *Constitutional Advisory Committee (CAA)* was then appointed to review the draft constitution. The *CAA* completed its work on October 19, 1983. On July 3, 1984, the new constitution was submitted to a national referendum and approved.

CHAPTER XIII – Transitional Provisions**SCHEDULE**

PREAMBLE

We the People of the Republic of Liberia:

Acknowledging our devout gratitude to God for our existence as a Free, Sovereign and Independent State, and relying on His Divine Guidance for our survival as a Nation;

Realizing from many experiences during the course of our national existence which culminated in the Revolution of April 12, 1980, when our Constitution of July 26, 1847 was suspended, that all of our people, irrespective of history, tradition, creed, or ethnic background are of one common body politic;

Exercising our natural, inherent and inalienable rights to establish a framework of government for the purpose of promoting unity, liberty, peace, stability, equality, justice and human rights under the rule of law, with opportunities for political, social, moral, spiritual and cultural advancement of our society, for ourselves and for our posterity; and

Having resolved to live in harmony, to practice fraternal love, tolerance and understanding as a people and being fully mindful of our obligation to promote African unity and international peace and cooperation,

Do hereby solemnly make, establish, proclaim, and publish this Constitution for the governance of the Republic of Liberia.

CHAPTER I**STRUCTURE OF THE STATE****Article 1**

All power is inherent in the people. All free governments are instituted by their authority and for their benefit and they have the right to alter and reform the same when their safety and happiness so require. In order to ensure democratic government which responds to the wishes of the governed, the people shall have the right at such period, and in such manner as provided for under this Constitution, to cause their public servants to leave office and to fill vacancies by regular elections and appointments.

Article 2

This Constitution is the supreme and fundamental law of Liberia and its provisions shall have binding force and effect on all authorities and persons throughout the Republic.

Any laws, treaties, statutes, decrees, customs and regulations found to be inconsistent with it shall, to the extent of the inconsistency, be void and of no legal effect. The Supreme Court, pursuant to its power of judicial review, is empowered to declare any inconsistent laws unconstitutional.

Article 3

Liberia is a unitary sovereign state divided into counties for administrative purposes. The form of government is Republican with three separate coordinate branches: the Legislative, the Executive and Judiciary. Consistent with the principles of separation of powers and checks and balances, no person holding office in one of these branches shall hold office in or exercise any of the powers assigned to either of the other two branches except as otherwise provided in this Constitution; and no person holding office in one of the said branches shall serve on any autonomous public agency.

CHAPTER II**GENERAL PRINCIPLES OF NATIONAL POLICY****Article 4**

The principles contained in this Chapter shall be fundamental in the governance of the Republic and shall serve as guidelines in the formulation of legislative, executive and administrative directives, policy-making and their execution.

Article 5

The Republic shall:

- a. aim at strengthening the national integration and unity of the people of Liberia, regardless of ethnic, regional or other differences, into one body politic; and the Legislature shall enact laws promoting national unification and the encouragement of all citizens to participate in government;
- b. preserve, protect and promote positive Liberian culture, ensuring that traditional values which are compatible with public policy and national progress are adopted and developed as an integral part of the growing needs of the Liberian society;
- c. take steps, by appropriate legislation and executive orders, to eliminate sectionalism and tribalism, and such abuses of power as the misuse of government resources, nepotism and all other corrupt practices.

Article 6

The Republic shall, because of the vital role assigned to the individual citizen under this Constitution for the social, economic and political well being of Liberia, provide equal access to educational opportunities and facilities for all citizens to the extent of available resources. Emphasis shall be placed on the mass education of the Liberian people and the elimination of illiteracy.

Article 7

The Republic shall, consistent with the principles of individual freedom and social justice enshrined in this Constitution, manage the national economy and the natural resources of Liberia in such manner as shall ensure the maximum feasible participation of Liberian citizens under conditions of equality as to advance the general welfare of the Liberian people and the economic development of Liberia.

Article 8

The Republic shall direct its policy towards ensuring for all citizens, without discrimination, opportunities for employment and livelihood under just and humane conditions, and towards promoting safety, health and welfare facilities in employment.

Article 9

The Republic shall encourage the promotion of bilateral and regional cooperation between and among Liberian and other nations and the formation and maintenance of regional organizations aimed at the cultural, social, political and economic development of the peoples of Africa and other nations of the world.

Article 10

The Republic shall ensure the publication and dissemination of this Constitution throughout the Republic and the teaching of its principles and provisions in all institutions of learning in Liberia.

CHAPTER III

FUNDAMENTAL RIGHTS

Article 11

- a. All persons are born equally free and independent and have certain natural, inherent and inalienable rights, among which are the right of enjoying and defending life and liberty, of

pursuing and maintaining and security of the person and of acquiring, possessing and protecting property, subject to such qualifications as provided for in this Constitution.

- b. All persons, irrespective of ethnic background, race, sex, creed, place of origin or political opinion, are entitled to the fundamental rights and freedoms of the individual, subject to such qualifications as provided for in this Constitution.
- c. All persons are equal before the law and are therefore entitled to the equal protection of the law.

Article 12

No person shall be held in slavery or forced labor within the Republic, nor shall any citizen of Liberia nor any person resident therein deal in slaves or subject any other person to forced labor, debt bondage or peonage; but labor reasonably required in consequence of a court sentence or order conforming to acceptable labor standards, service in the military, work or service which forms part of normal civil obligations or service exacted in cases of emergency or calamity threatening the life or well-being of the community shall not be deemed forced labor.

Article 13

- a. Every person lawfully within the Republic shall have the right to move freely throughout Liberia, to reside in any part thereof and to leave therefrom subject however to the safeguarding of public security, public order, public health or morals or the rights and freedoms of others.
- b. Every Liberian Citizen shall have the right to leave and to enter Liberia at any time. Liberian citizens and non-Liberian residents may be extradited to foreign country for prosecution of a criminal offense in accordance with the provisions of an extradition treaty or other reciprocal international agreements in force. Non-Liberian residents may be expelled from the Republic of Liberia for cause.

Article 14

All persons shall be entitled to freedom of thought, conscience and religion and no person shall be hindered in the enjoyment thereof except as may be required by law to protect public safety, order, health, or morals or the fundamental rights and freedoms of others. All persons who, in the practice of their religion, conduct themselves peaceably, not obstructing others and conforming to the standards set out herein, shall be entitled to the protection of the law. No religious denomination or sect shall have any exclusive privilege or preference over any other, but all shall be treated alike; and no religious tests shall be required for any civil or military office or for the exercise of any civil right. Consistent with the principle of separation of religion and state, the Republic shall establish no state religion.

Article 15

- a. Every person shall have the right to freedom of expression, being fully responsible for the abuse thereof. This right shall not be curtailed, restricted or enjoined by government save during an emergency declared in accordance with this Constitution.
- b. The right encompasses the right to hold opinions without interference and the right to knowledge. It includes freedom of speech and of the press, academic freedom to receive and impart knowledge and information and the right of libraries to make such knowledge available. It includes non-interference with the use of the mail, telephone and telegraph. It likewise includes the right to remain silent.
- c. In pursuance of this right, there shall be no limitation on the public right to be informed about the government and its functionaries.
- d. Access to state owned media shall not be denied because of any disagreement with or dislike of the ideas express. Denial of such access may be challenged in a court of competent jurisdiction.
- e. This freedom may be limited only by judicial action in proceedings grounded in defamation or invasion of the rights of privacy and publicity or in the commercial aspect of

expression in deception, false advertising and copyright infringement.

Article 16

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.

Article 17

All persons, at all times, in an orderly and peaceable manner, shall have the right to assemble and consult upon the common good, to instruct their representatives, to petition the Government or other functionaries for the redress of grievances and to associate fully with others or refuse to associate in political parties, trade unions and other organizations.

Article 18

All Liberian citizens shall have equal opportunity for work and employment regardless of sex, creed, religion, ethnic background, place of origin or political affiliation, and all shall be entitled to equal pay for equal work.

Article 19

No person other than members of the Armed Forces of Liberia or of the militia in active service shall be subject to military law, or made to suffer any pains or penalties by virtue of that law, or be tried by courts-martial.

Article 20

- a. No person shall be deprived of life, liberty, security of the person, property, privilege or any other right except as the outcome of a hearing judgment consistent with the provisions laid down in this Constitution and in accordance with due process of law. Justice shall be done without sale, denial or delay; and in all cases not arising in courts not of record, under courts-martial and upon impeachment, the parties shall have the right to trial by jury.

- b. The right of an appeal from a judgment, decree, decision or ruling of any court or administrative board or agency, except the Supreme Court, shall be held inviolable. The legislature shall prescribe rules and procedures for the easy, expeditious and inexpensive filing and hearing of an appeal.

Article 21

- a. No person shall be made subject to any law or punishment which was not in effect at the time of commission of an offense, nor shall the Legislature enact any bill of attainder or ex post facto law.
- b. No person shall be subject to search or seizure of his person or property, whether on a criminal charge or for any other purpose, unless upon warrant lawfully issued upon probable cause supported by a solemn oath or affirmation, specifically identifying the person or place to be searched and stating the object of the search; provided, however, that a search or seizure shall be permissible without a search warrant where the arresting authorities act during the commission of a crime or in hot pursuit of a person who has committed a crime.
- c. Every person suspected or accused of committing a crime shall immediately upon arrest be informed in detail of the charges, of the right to remain silent and of the fact that any statement made could be used against him in a court of law. Such person shall be entitled to counsel at every stage of the investigation and shall have the right not to be interrogated except in the presence of counsel. Any admission or other statements made by the accused in the absence of such counsel shall be deemed inadmissible as evidence in a court of law.
- d.
 - i. All accused persons shall be bailable upon their personal recognizance or by sufficient sureties, depending upon the gravity of the charge, unless charged for capital offenses or grave offenses as defined by law.
 - ii. Excessive bail shall not be required, nor excessive fines imposed, nor excessive punishment inflicted.
- e. No person charged, arrested, restricted, detained or otherwise held in confinement shall be subject to torture or inhumane

treatment; nor shall any person except military personnel, be kept or confined in any military facility; nor shall any person be seized and kept among convicted prisoners or treated as a convict, unless such person first shall have been convicted of a crime in court of competent jurisdiction. The Legislature shall make it a criminal offense and provide for appropriate penalties against any police or security officer, prosecutor, administrator or any other public or security officer, prosecutor, administrator or any other public official acting in contravention of this provision; and any person so damaged by the conduct of any such public official shall have a civil remedy therefor, exclusive of any criminal penalties imposed.

- f. Every person arrested or detained shall be formally charged and presented before a court of competent jurisdiction within forty-eight hours. Should the court determine the existence of a prima facie case against the accused, it shall issue a formal writ of arrest setting out the charge or charges and shall provide for a speedy trial. There shall be no preventive detention.
- g. The right to the writ of habeas corpus, being essential to the protection of human rights, shall be guaranteed at all times, and any person arrested or detained and not presented to court within the period specified may in consequence exercise this right.
- h. No person shall be held to answer for a capital or infamous crime except in cases of impeachment, cases arising in the Armed Forces and petty offenses, unless upon indictment by Grand Jury; and in all such cases, the accused shall have the right to a speedy, public and impartial trial by a jury of the vicinity, unless such person shall, with appropriate understanding, expressly waive the right to a jury trial. In all criminal cases, the accused shall have the right to be represented by counsel of his choice, to confront witnesses against him and to have compulsory process for obtaining witnesses in his favor. He shall not be compelled to furnish evidence against himself and he shall be presumed innocent until the contrary is proved beyond a reasonable doubt. No person shall be subject to double jeopardy.
- i. The right to counsel and the rights of counsel shall be inviolable. There shall be no interference with the lawyer-client

relationship. In all trials, hearings, interrogatories and other proceedings where a person is accused of a criminal offense, the accused shall have the right to counsel of his choice; and where the accused is unable to secure such representation, the Republic shall make available legal aid services to ensure the protection of his rights.

There shall be absolute immunity from any government sanctions or interference in the performance of legal services as a counsellor or advocate; lawyers' offices and homes shall not be searched or papers examined or taken save pursuant to a search warrant and court order; and no lawyer shall be prevented from or punished for providing legal services, regardless of the charges against or the guilt of his client, no lawyer shall be barred from practice for political reasons.

- j. Any person who, upon conviction of a criminal offense, was deprived of the enjoyment of his civil rights and liberties, shall have the same automatically restored upon serving the sentence and satisfying any other penalty imposed, or upon an executive pardon.

Article 22

- a. Every person shall have the right to own property alone as well as in association with others; provided that only Liberian citizens shall have the right to own real property within the Republic.
- b. Private property rights, however, shall not extend to any mineral resources on or beneath any land or to any lands under the seas and waterways of the Republic. All mineral resources in and under the seas and other waterways shall belong to the Republic and be used by and for the entire Republic.
- c. Non-citizen missionary, educational and other benevolent institutions shall have the right to own property, as long as that property is used for the purposes for which acquired; property no longer so used shall escheat to the Republic.
- d. The Republic may, on the basis of reciprocity, convey to a foreign government property to be used perpetually for its diplomatic activities. This land shall not be transferred or otherwise conveyed to any other party or used for any other

purpose, except upon the expressed permission of the Government of Liberia. All property so conveyed may escheat to the Republic in the event of a cessation of diplomatic relations.

Article 23

- a. The property which a person possesses at the time of marriage or which may afterwards be acquired as a result of one's own labor shall not be held for or otherwise applied to the liquidation of the debts or other obligations of the spouse, whether contracted before or after marriage; nor shall the property which by law is to be secured to a man or a woman be alienated or be controlled by that person's spouse save by free and voluntary consent.
- b. The Legislature shall enact laws to govern the devolution of estates and establish rights of inheritance and descent for spouses of both statutory and customary marriages so as to give adequate protection to surviving spouses and children of such marriages.

Article 24

- a. While the inviolability of private property shall be guaranteed by the Republic, expropriation may be authorized for the security of the nation in the event of armed conflict or where the public health and safety are endangered or for any other public purposes, provided:
 - i. that reasons for such expropriation are given;
 - ii. that there is prompt payment of just compensation;
 - iii. that such expropriation or the compensation offered may be challenged freely by the owner of the property in a court of law with no penalty for having brought such action; and
 - iv. that when property taken for public use ceases to be so used, the Republic shall accord the former owner or those entitled to the property through such owner, the right of first refusal to reacquire the property.
- b. All real property held by a person whose certificate of naturalization has been cancelled shall escheat to the Republic

unless such person shall have a spouse and/or lineal heirs who are Liberian citizens, in which case the real property shall be transferred to them in accordance with the intestacy law.

- c. The power of the Legislature to provide punishment for treason or other crimes shall not include a deprivation or forfeiture of the right of inheritance, although its enjoyment by the convicted person shall be postponed during a term of imprisonment judicially imposed; provided that if the convicted person has minor children and a spouse, the spouse or next of kin in the order of priority shall administer the same. No punishment shall preclude the inheritance, enjoyment or forfeiture by others entitled thereto of any property which the convicted person at the time of conviction or subsequent thereto may have possessed.

Article 25

Obligation of contract shall be guaranteed by the Republic and no laws shall be passed which might impair this right.

Article 26

Where any person or any association alleges that any of the rights granted under this Constitution or any legislation or directives are constitutionally contravened, that person or association may invoke the privilege and benefit of court direction, order or writ, including a judgment of unconstitutionality; and anyone injured by an act of the Government or any person acting under its authority, whether in property, contract, tort or otherwise, shall have the right to bring suit for appropriate redress. All such suits brought against the Government shall originate in a Claims Court; appeals from judgment of the Claims Court shall lie directly to the Supreme Court.

CHAPTER IV**CITIZENSHIP****Article 27**

- a. All persons who, on the coming into force of this Constitution were lawfully citizens of Liberia shall continue to be Liberian citizens.
- b. In order to preserve, foster and maintain the positive Liberian culture, values and character, only persons who are Negroes or of Negro descent shall qualify by birth or by naturalization to be citizens of Liberia.
- c. The Legislature shall, adhering to the above standard, prescribe such other qualification criteria for the procedures by which naturalization may be obtained.

Article 28

Any person, at least one of whose parents was a citizen of Liberia at the time of the Person's birth, shall be a citizen of Liberia; provided that any such person shall upon reaching maturity renounce any other citizenship acquired by virtue of one parent being a citizen of another country. No citizen of the Republic shall be deprived of citizenship or nationality except as provided by law; and no person shall be denied the right to change citizenship or nationality.

CHAPTER V**THE LEGISLATURE****Article 29**

The legislative power of the Republic shall be vested in the Legislature of Liberia which shall consist of two separate houses: A Senate and a House of Representatives, both of which must pass on all legislation. The enacting style shall be: "It is enacted by the Senate and House of Representatives of the Republic of Liberia in Legislature assembled."

Article 30

Citizens of Liberia who meet the following qualifications are eligible to become members of the Legislature.

- a. for the Senate, have attained the age of 30 years and for the House of Representatives, have attained the age of 25 years;
- b. be domiciled in the country or constituency to be represented not less than one year prior to the time of the election and be a taxpayer.

Article 31

Each member of the Legislature, before taking his seat and entering upon the duties of office, shall take and subscribe to a solemn oath of affirmation, before the presiding officer of the House to which such person was elected and in the presence of other members of that House, to uphold and defend the Constitution and laws of the Republic and to discharge faithfully the duties of such office.

Article 32

- a. The Legislature shall assemble in regular session once a year on the second working Monday in January.
- b. The President shall, on his own initiative or upon receipt of a certificate signed by at least one-fourth of the total membership of each House, and by proclamation, extend a regular session of the Legislature beyond the date for adjournment or call a special extraordinary session of that body to discuss or act upon matters of national emergency and concern. When the extension or call is at the request of the Legislature, the proclamation shall be issued not later than forty-eight hours after receipt of the certificate by the President.

Article 33

Simple majority of each House shall constitute a quorum for the transaction of business, but a lower number may adjourn from day to day and compel the attendance of absent members. Whenever

the House of Representatives and the Senate shall meet in joint session, the presiding officer of the House of Representatives shall preside.

Article 34

The Legislature shall have the power:

- a. to create new counties and other political sub-division, and readjust existing county boundaries;
- b. to provide for the security of the Republic;
- c. to provide for the common defense, to declare war and authorize the Executive to conclude peace; to raise and support the Armed Forces of the Republic, and to make appropriations therefor provided that no appropriation of money for that use shall be for a longer term than one year; and to make rules for the governance of the Armed Forces of the Republic;
- d. to levy taxes, duties, imports, exercise and other revenues, to borrow money, issue currency, mint coins, and to make appropriations for the fiscal governance of the Republic, subject to the following qualifications:
 - i. all revenue bills, whether subsidies, charges, imports, duties or taxes, and other financial bills, shall originate in the House of Representatives, but the Senate may propose or concur with amendments as on other bills. No other financial charge shall be established, fixed, laid or levied on any individual, community or locality under any pretext whatsoever except by the expressed consent of the individual, community or locality. In all such cases, a true and correct account of funds collected shall be made to the community or locality;
 - ii. no monies shall be drawn from the treasure except in consequence of appropriations made by legislative enactment and upon warrant of the President; and no coin shall be minted or national currency issued except by the expressed authority of the Legislature. An annual statement and account of the expenditure of all public monies shall be submitted by the office of the President to the Legislature and published once a year;

- iii. no loans shall be raised by the Government on behalf of the Republic or guarantees given for any public institutions or authority otherwise than by or under the authority of a legislative enactment;
- e. to constitute courts inferior to the Supreme Court, including circuit courts, claims courts and such courts with prescribed jurisdictional powers as may be deemed necessary for the proper administration of justice throughout the Republic;
- f. to approve treaties, conventions and such other international agreements negotiated or signed on behalf of the Republic;
- g. to regulate trade and commerce between Liberia and other nations;
- h. to establish laws for citizenship, naturalization and residence;
- i. to enact the election laws;
- j. to establish various categories of criminal offenses and provide for the punishment thereof;
- k. to enact laws providing pension scheme for various categories of government officials and employees in accordance with age and tenure of service; and
- l. to make other laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the Government of the Republic, or in any department or officer thereof.

Article 35

Each bill or resolution which shall have passed both Houses of the Legislature shall, before it becomes law, be laid before the President for his approval. If he grants approval, it shall become law. If the President does not approve such bill or resolution, he shall return it, with his objections, to the House in which it originated. In so doing, the President may disapprove of the entire bill or resolution or any item or items thereof. This veto may be overridden by the re-passage of such bill, resolution or item thereof by a veto of two-thirds of the members in each House, in which case it shall become law. If the President does not return the bill or resolution within twenty days after the same shall have been

laid before him it shall become law in like manner as if he had signed it, unless the Legislature by adjournment prevents its return.

No bill or resolution shall embrace more than one subject which shall be expressed in its title.

Article 36

The Senators and Representatives shall receive from the Republic remuneration for their services to be fixed by law, provided that any increase shall become effective at the beginning of the next fiscal year.

Article 37

In the event of a vacancy in the Legislature caused by death, resignation, expulsion or otherwise, the presiding officer shall within 30 days notify the Elections Commission thereof. The Elections Commission shall not later than 90 days thereafter cause a by-election to be held; provided that where such vacancy occurs within 90 days prior to the holding of general elections, the filling of the vacancy shall await the holding of such general elections.

Article 38

Each House shall adopt its own rules of procedure, enforce order and with the concurrence of two-thirds of the entire membership, may expel a member for cause. Each House shall establish its own committees and sub-committees; provided, however, that the committees on revenues and appropriations shall consist of one member from each County. All rules adopted by the Legislature shall conform to the requirements of due process of law laid down in this Constitution.

Article 39

The Legislature shall cause a census of the Republic to be undertaken every ten years.

Article 40

Neither House shall adjourn for more than five days without the consent of the other and both Houses shall always sit in the same city.

Article 41

The business of the Legislature shall be concluded in the English language or, when adequate preparations shall have been made, in one more of the languages of the Republic as the Legislature may by resolution approve.

Article 42

No member of the Senate or House of Representatives shall be arrested, detained, prosecuted or tried as a result of opinions expressed or votes cast in the exercise of the functions of his office. Members shall be privileged from arrest while attending, going to or returning from sessions of the Legislature, except for treason, felony or breach of the peace. All official acts done or performed and all statement made in the Chambers of the Legislature shall be privileged, and no Legislator shall be held accountable or punished therefore.

Article 43

The power to prepare a bill of impeachment is vested solely in the House of Representatives, and the power to try all impeachments is vested solely in the Senate. When the President, Vice President or an Associate Justice is to be tried, the Chief Justice shall preside; when the Chief Justice or a judge of a subordinate court of record is to be tried, the President of the Senate shall preside. No person shall be impeached but by the concurrence of two-thirds of the total membership of the Senate. Judgements in such cases shall not extend beyond removal from office and disqualification to hold public office in the Republic; but the party may be tried at law for the same offense. The Legislature shall prescribe the procedure for impeachment proceedings which shall be in conformity with the requirements of due process of law.

Article 44

Contempt of the Legislature shall consist of actions which obstruct the legislative functions or which obstruct or impede members or officers of the Legislature in the discharge of their legislative duties and may be punished by the House concerned by reasonable sanctions after a hearing consistent with due process of law. No sanctions shall extend beyond the session of the Legislature wherein it is imposed, and any sanction imposed shall conform to the provisions on Fundamental Rights laid down in the Constitution. Disputes between legislators and non-members which are properly cognizable in the courts shall not be entertained or heard in the Legislature.

Article 45

The Senate shall be composed of Senators elected for a term of nine years by the registered voters in each of the counties, but a Senator elected in a by-election to fill a vacancy created by death, resignation, expulsion or otherwise, shall be so elected to serve only the remainder of the unexpired term of office. Each county shall elect two Senators and each Senator shall have one vote in the Senate. Senators shall be eligible for re-election.

Article 46

Immediately after the Senate shall have assembled following the elections prior to the coming into force of this Constitution, the Senators shall be divided into two categories as a result of the votes cast in each county. The Senator with the higher votes cast shall be the Senator from a county shall be placed in the same category. The seats of Senators of the first category shall be vacated at the expiration of the ninth year. In the interest of legislative continuity, the Senators of the second category shall serve a first term of six years only, after the first elections. Thereafter, all Senators shall be elected to serve a term of nine years.

Article 47

The Senate shall elect once every six years a President Pro Tempore who shall preside in the absence of the President of the Senate, and such shall officers as shall ensure the proper functioning of the Senate. The President Pro Tempore and other officers so elected may be removed from office for cause by resolution of a two-thirds majority of the members of the Senate.

Article 48

The House of Representatives shall be composed of members elected for a term of six years by the registered voters in each of the legislative constituencies of the counties, but a member of the House of Representatives elected in a by-election to fill a vacancy created by death, resignation or otherwise, shall be elected to serve only the remainder of the unexpired term of the office. Members of the House of Representatives shall be eligible for re-election.

Article 49

The House of Representative shall elect once every six years a Speaker who shall be the presiding officer of that body, a Deputy Speaker, and such other officers as shall ensure the proper functioning of the House. The speaker, the Deputy Speaker and other officers so elected may be removed from office for cause by resolution of a two-thirds majority of the members of the House.

CHAPTER VI**THE EXECUTIVE****Article 50**

The Executive Power of the Republic shall be vested in the President who shall be Head of State, Head of Government and Commander-in-Chief of the Armed Forces of Liberia. The president shall be elected by universal adult suffrage of registered voters in the Republic and shall hold office for a term of six years commencing at noon on the third working Monday in January of

the year immediately following the elections. No person shall serve as President for more than two terms.

Article 51

There shall be a Vice-President who shall assist the President in the discharge of his functions. The Vice-President shall be elected on the same political ticket and shall serve the same term as the President. The Vice-President shall be President of the Senate and preside over its deliberations without the right to vote, except in the case of a tie vote. He shall attend meetings of the cabinet and other governmental meetings and shall perform such functions as the President shall delegate or deem appropriate; provided that no powers specifically vested in the President by the provisions of this Constitution shall be delegated to the Vice-President.

Article 52

No person shall be eligible to hold the office of President or Vice-President, unless that person is:

- a. a natural born Liberian citizen of not less than 35 years of age;
- b. the owner of unencumbered real property valued at not less than twenty-five thousand dollars; and
- c. resident in the Republic ten years prior to his election, provided that the President and the Vice-President shall not come from the same County.

Article 53

- a. The President and the Vice-President shall, before entering on the execution of the duties of their respective offices, take a solemn oath or affirmation to preserve, protect and defend the Constitution and laws of the Republic and faithfully execute the duties of the office. The oath or affirmation shall be administered in joint convention of both Houses of the Legislature by the Chief Justice or, in his absence, the most senior Associate Justice.
- b. In an emergency where the Chief Justice and the Associate Justice are not available, such oath or affirmation shall be administered by a judge of a subordinate court of record.

Article 54

The President shall nominate and, with the consent of the Senate, appoint and commission-

- a. cabinet ministers, deputy and assistant cabinet ministers;
- b. ambassadors, ministers, consuls; and
- c. the Chief Justice and Associate Justice of the Supreme Court and judges of subordinate courts;
- d. superintendents, other county officials and officials of other political sub-divisions;
- e. members of the military from the rank of lieutenant of its equivalent and above; and
- f. marshals, deputy marshals, and sheriffs.

Article 55

The President shall appoint and commission Notaries Public and Justices of the Peace who shall hold office for a term of two years but may be removed by the President for cause. They shall be eligible for appointment.

Article 56

- a. All cabinet ministers, deputy and assistant cabinet ministers, ambassadors, ministers and consuls, superintendents of counties and other government officials, both military and civilian, appointed by the President pursuant to this Constitution shall hold their offices at the pleasure of the President.
- b. There shall be elections of Paramount, Clan and Town Chiefs by the registered voters in their respective localities, to serve for a term of six years. They may be re-elected and may be removed only by the President for proved misconduct. The Legislature shall enact laws to provide for their qualifications as may be required.

Article 57

The President shall have the power to conduct the foreign affairs of the Republic and in that connection he is empowered to conclude treaties, conventions and similar international agreements with the concurrence of a majority of each House of the Legislature.

Article 58

The President shall, on the fourth working Monday in January of each year, present the administration's legislative program for the ensuing session, and shall once a year report to the Legislature on the state of the Republic. In presenting the economic condition of the Republic the report shall cover expenditure as well as income.

Article 59

The President may remit any public forfeitures and penalties suspend and fines and sentences, grant reprieves and pardons, and restore civil rights after conviction for all public offenses, except impeachment.

Article 60

The President and the Vice-President shall receive salaries which shall be determined by the Legislature and be paid by the Republic. Such salaries shall be subject to taxes as defined by law and shall neither be increased nor diminished during the period for which the President and the Vice-President shall have elected.

Article 61

The President shall be immune from any suits, actions or proceedings, judicial or otherwise, and from arrest, detention or other actions on account of any act done by him while President of Liberia pursuant to any provision of this Constitution or any other laws of the Republic. The President shall not, however, be immune from prosecution upon removal from office for the commission of any criminal act done while President.

Article 62

The President and the Vice-President may be removed from office by impeachment for treason, bribery and other felonies, violation of the Constitution or gross misconduct.

Article 63

- a. Whenever a person elected to the office of President dies or is otherwise incapacitated before being inaugurated into office, the Vice-President elected shall succeed to the office of President, and this accession shall commence a term.
- b. Whenever the office of the President shall become vacant by reason of death, resignation, impeachment, or the President shall be declared incapable of carrying out the duties and functions of his office, the Vice-President shall succeed to the of the President to complete the unexpired term. In such a case, this does not constitute a term.
- c. The Legislature shall, no later than one year after the coming into force of this Constitution, prescribe the guidelines and determine the procedure under which the President, by reason of illness, shall be declared incapable of carrying out the functions of his office.
- d. Whenever the office of the Vice-President becomes vacant by reason of death, resignation, impeachment, inability or otherwise, the President shall, without delay, nominate a candidate who, with the concurrence of both Houses of the Legislature, shall be sworn in and hold office as Vice-President until the next general elections are held. Whenever the Vice-President elect dies, resigns, or is incapacitated before being inaugurated, the President elected on the same ticket with him, shall, after being inaugurated into office, nominate without delay a candidate who, with the concurrence of both Houses of the Legislature, shall be sworn in an hold office as Vice-President until the next general elections are held.

Article 64

Whenever the office of the President and of the Vice-President shall become vacant by reason of removal, death, resignation,

inability or other disability of the President and Vice-President, the Speaker of the House of Representatives shall be sworn in as Acting President until the holding of elections to fill the vacancies so created. Should the Speaker be legally incapable or otherwise unable to assume the office of Acting President, then the same shall devolve in order upon the Deputy speaker and members of the Cabinet in the order of precedence as established by law. The Elections Commission shall within ninety days conduct elections for a new President and a new Vice-President.

CHAPTER VII

THE JUDICIARY

Article 65

The Judicial Power of the Republic shall be vested in a Supreme Court and such subordinate courts as the legislature may from time to time establish. The courts shall apply both statutory and customary laws in accordance with the standards enacted by the Legislature. Judgements of the Supreme Court shall be final and binding and shall not be subject to appeal or review by any other branch of Government. Nothing in this Article shall prohibit administrative consideration of the Justiciable matter prior to review by a court of competent jurisdiction.

Article 66

The Supreme Court shall be final arbiter of constitutional issues and shall exercise final appellate jurisdiction in all cases whether emanating from courts of record, courts not of record, administrative agencies, autonomous agencies or any other authority, both as to law and fact except cases involving ambassadors, ministers, or cases in which a country is a party. In all such cases, the Supreme Court shall exercise original jurisdiction. The Legislature shall make no law nor create any exceptions as would deprive the Supreme Court of any of the powers granted herein.

Article 67

The Supreme Court shall comprise of one Chief Justice and four Associate Justice, a majority of whom shall be deemed competent to transact the business of the Court. If a quorum is not obtained to enable the Court to hear any case, a circuit judge in the order of seniority shall sit as an ad hoc justice of the Supreme Court.

Article 68

The Chief Justice and Associate Justice of the Supreme Court shall, with the consent of the Senate, be appointed and commissioned by the President; provided that any person so appointed shall be:

- a. a citizen of Liberia and of good moral character; and
- b. counselor of the Supreme Court Bar who has practiced for at least 5 years.

Article 69

The judges of subordinate courts of record shall, with the consent of the Senate, be appointed and commissioned by the President, provided that any person so appointed shall be:

- a. a citizen of Liberia and of good moral character; and
- b. an Attorney-at-Law whom has practiced for at least 3 years, or a counselor of the Supreme Court Bar.

Article 70

The Chief Justice and the Associate Justices of the Supreme Court and all judges of subordinate courts shall, before assuming the functions of their office, subscribe to a solemn oath or affirmation to discharge faithfully and impartially the duties and functions of their office and to preserve, protect and defend the Constitution and laws of the Republic. The oath or affirmation shall be administered by the president or his designee.

Article 71

The Chief Justice and Associates Justices of the Supreme Court and the judges of subordinate courts of record shall hold office during good behavior. They may be removed upon impeachment and conviction by the Legislature based on proved misconduct, gross breach of duty, inability to perform the functions of their office, or conviction in a court of law for treason, bribery or other infamous crimes.

Article 72

- a. The Justices of the Supreme Court and all other judges shall receive such salaries, allowances and benefits as shall be established by law. Such salaries shall be subject to taxes as defined by law, provided that they shall not otherwise be diminished. Allowances and benefits paid to Justices of the Supreme Court and judges of subordinate courts may by law be increased but may not be diminished except under a national program enacted by the Legislature; nor shall such allowance and benefits be subject to taxation.
- b. The Chief Justice and the Associate Justices of the Supreme Court and judges of subordinate courts of record shall be retired at the age of seventy; provided, however, that a justice of judge who has attained that age may continue in office for as long as may be necessary to enable him to render judgement or perform any other judicial duty in regard to proceedings entertained by him before the attained that age.

Article 73

No judicial official shall be summoned, arrested, detained, prosecuted or tried civilly or criminally by or at the instance of any person or authority on account of judicial opinions rendered or expressed, judicial statements made and judicial acts done in the course of a trial in open court or in chambers, except for treason or other felonies, misdemeanor or breach of the peace. Statements made and acts done by such officials in the course of a judicial proceeding shall be privileged, and, subject to the above qualification, no such statement made or acts done shall be admissible into evidence against them at any trial or proceeding.

Article 74

In all matters of contempt of court, whether in the Supreme Court or in other courts, the penalties to be imposed shall be fixed by the Legislature and shall conform to the provision on Fundamental Rights laid down in this Constitution.

Article 75

The Supreme Court shall from time to time make rules of court for the purpose of regulating the practice, procedures and manner by which cases shall be commenced and heard before it and all other subordinate courts. It shall prescribe such code of conduct for lawyers appearing before it and all other subordinate courts as may be necessary to facilitate the proper discharge of the court's functions. Such rules and code, however, shall not contravene any statutory provisions or any provisions of this Constitution.

Article 76

- a. Treason against the Republic shall consist of:
1. levying war against the Republic;
 2. aligning oneself with or aiding and abetting another nation or people with whom Liberia is at war or in a state of war;
 3. acts of espionage for an enemy state;
 4. attempting by overt act to overthrow the Government, rebellion against the Republic, insurrection and mutiny; and
 5. abrogating or attempting to abrogate, subverting or attempting or conspiring to subvert the Constitution by use of force or show of force or any other means which attempts to undermine this Constitution.

The Legislature shall have the power to declare the punishment for treason; provided, however, that such punishment shall not include a deprivation or forfeiture of the right of inheritance by the convicted person of any property although he may not be entitled to enjoyment thereof for as long as he continues to serve the term of imprisonment imposed after conviction in a court of competent jurisdiction.

The right to enjoyment of any property inherited or otherwise conveyed to or acquired by such convicted person shall be automatically restored upon serving the term of imprisonment or other punishment, or upon an executive pardon by the President. No punishment shall preclude the inheritance and enjoyment, or cause the forfeiture by others entitled thereto, of any property which the convicted person at the time of any conviction or subsequent thereto may have possessed or been seized.

CHAPTER VIII

POLITICAL PARTIES AND ELECTIONS

Article 77

- a. Since the essence of democracy is free competition of ideas expressed by political parties and political groups as well as by individuals, parties may freely be established to advocate the political opinions of the people. Laws, regulations, decrees or measures which might have the effect of creating a one-party state shall be declared unconstitutional.
- b. All elections shall be by secret ballot as may be determined by the Elections Commission, and every Liberian citizen not less than 18 years of age, shall have the right to be registered as a voter and to vote in public elections and referenda under this Constitution. The Legislature shall enact laws indicating the category of Liberians who shall not form or become members of political parties.

Article 78

As used in this Chapter, unless the context otherwise requires, an "association" means a body of persons, corporate or other, which acts together for a common purpose, and includes a group of people organized for any ethnic, social, cultural, occupational or religious objectives; a "political party" shall be an association with a membership of not less than five hundred qualified voters in each of at least six counties, whose activities include canvassing for votes on any public issue or in support of a candidate for elective

public office; and an "independent candidate" shall be a person seeking electoral post or office with or without his own organization, acting independently of a political party.

Article 79

No association, by whatever name called, shall function as a political party, nor shall any citizen be an independent candidate for election to public office, unless:

- a. the association or independent candidate and his organization meet the minimum registration requirements laid down by the Elections Commission and are registered with it. Registration requirements shall include filing with the Elections Commission a copy of the constitution of the association and guidelines of the independent candidate and his organization, a detailed statement of the names and addresses of the association and its officers or of the independent candidate and the officers of his organization, and fulfilment of the provision of sub-sections (b), (c), (d) and (e) hereof. Registration by the Elections Commission of any association or independent candidate and his organization shall vest in the entity or candidate and his organization so registered legal personality, with the capacity to own property, real, personal or mixed, to sue and be sued and to hold accounts. A denial of registration or failure by the Elections Commission to register any applicant may be challenged by the applicant in the Supreme Court;
- b. the membership of the association or the independent candidate's organization is open to every citizen of Liberia, irrespective of sex, religion or ethnic background, except as otherwise provided in this Constitution;
- c. the headquarters of the association or independent candidate and his organization is situated:
 - i. in the capital of the Republic where an association is involved or where an independent candidate seeks election to the office of President or Vice- President;
 - ii. in the headquarters of the county where an independent candidate seeks election as a Senator; and

- iii. in the electoral center in the constituency where the candidate seeks election as a member of the House of Representatives or to any other public office;
- d. the name, objective, emblem or motto of the association or of the independent candidate and his organization is free from any religious connotations or divisive ethnic implications and that the activities of the association or independent candidate are not limited to a special group or, in the case of an association, limited to a particular geographic area of Liberia;
- e. the constitution and rules of the political party shall conform to the provisions of this Constitution, provide for the democratic elections of officers and/or governing body at least once every six years, and ensure the election of officers from as many of the regions and ethnic groupings in the country as possible. All amendments to the Constitution or rules of a political party shall be registered with the Elections Commission no later than ten days from the effective dates of such amendments.

Article 80

- a. Parties or organizations which, by reason of their aims or the behavior of their adherents, seek to impair or abolish the free democratic society of Liberia or to endanger the existence of the Republic shall be denied registration.
- b. Parties or organization which retain, organize, train or equip any person or group of persons for the use or display of physical force or coercion in promoting any political objective or interest, trained or equipped, shall be denied registration, or if registered, shall have their registration revoked.
- c. Every Liberian citizen shall have the right to be registered in a constituency, and to vote in public elections only in the constituency where registered, either in person or by absentee ballot; provided that such citizen shall have the right to change his voting constituency as may be prescribed by the Legislature.
- d. Each constituency shall have an approximately equal population of 20,000, or such number of citizens as the legislature shall prescribe in keeping with population growth

and movements as revealed by a national census; provided that the total number of electoral constituencies in the Republic shall not exceed one hundred.

- e. Immediately following a national census and before the next election, the Elections Commission shall reapportion the constituencies in accordance with the new population figures so that every constituency shall have as close to the same population as possible; provided, however, that a constituency must be solely within a county.

Article 81

Any citizen, political party, organization, or association, being resident in Liberia, of Liberian nationality or origin and not otherwise disqualified under the provisions of this Constitution and laws of the land, shall have the right to canvass for the votes for any political party or candidate at any election, provided that corporate and business organizations and labor unions are excluded from so canvassing directly or indirectly in whatsoever form.

Article 82

- a. Any citizen or citizens, political party association or organization, being of Liberian nationality or origin, shall have the right to contribute to the funds or election expenses of any political party or candidate; provided that corporate and business organizations and labor unions shall be excluded from making and contribution to the funds or expenses of any political party. The Legislature shall by law prescribe the guidelines under which such contributions may be made and the maximum amount which may be contributed.
- b. No political party or organization may hold or possess any funds or other assets outside of Liberia; nor may they or any independent candidates retain any funds or assets remitted or sent to them from outside Liberia unless remitted or sent by Liberian citizens residing abroad. Any funds or other assets received directly or indirectly in contravention of this restriction shall be paid over or transferred to the Elections Commission within twenty-one days of receipt. Information

on all funds received from abroad shall be filed promptly with the Elections Commission.

- c. The Elections Commission shall have the power to examine into and order certified audits of the financial transactions of political parties and independent candidates and their organizations. The Commission shall prescribe the kinds of records to be kept and the manner in which they shall be conducted by a certified chartered public accountant, not a member of any political party.

Article 83

- a. Voting for the President, Vice-President, members of the Senate and members of the House of Representatives shall be conducted throughout the Republic on the second Tuesday in October of each election year.
- b. All elections of public officers shall be determined by an absolute majority of the votes cast. If no candidate obtains an absolute majority in the first ballot, a second ballot shall be conducted on the second Tuesday following. The two candidates who received the greatest numbers of votes on the first ballot shall be designated to participate in the run-off election.
- c. The returns of the elections shall be declared by the Elections Commission not later than fifteen days after the casting of ballots. Any party or candidate who complains about the manner in which the elections were conducted or who challenges the results thereof shall have the right to file a complaint with the Elections Commission. Such complaint must be filed not later than seven days after the announcement of the results of the elections.

The Elections Commission shall, within thirty days of receipt of the complaint, conduct an impartial investigation and render a decision which may involve a dismissal of the complaint or a nullification of the election of a candidate. Any political party or independent candidate affected by such decision shall not later than seven days appeal against it to the Supreme Court.

The Elections Commission shall within seven days of receipt of the notice of appeal, forward all the records in the case to

the Supreme Court, which not later than seven days thereafter, shall hear and make its determination. If the Supreme Court nullifies or sustains the nullification of the election of any candidate, for whatever reasons, the Elections commission shall within sixty days of the decision of the Court conduct new elections to fill the vacancy. If the court sustains the election of a candidate, the Elections Commission shall act to effectuate the mandate of the Court.

- d. Every political party shall, on September 1 of each year, and every candidate of such political party and every independent candidate shall, not later than thirty days prior to the holding of an election in which he is a candidate, publish and submit to the Elections Commission detailed statements of assets and liabilities. These shall include the enumeration of sources of funds and other assets, plus lists of expenditures. Where the filing of such statements is made in an election year, every political party and independent candidate shall be required to file with the Elections Commissions additional detailed supplementary statements of all funds received and expenditures made by them from the date of filing of the original statements to the date of the elections. Any political party or independent candidate who ceases to function shall publish and submit a final financial statement to the Elections Commission.

Article 84

The Legislature shall by law provide penalties for any violations of the relevant provisions of this Chapter, and shall enact laws and regulations in furtherance thereof not later than 1986; provided that such penalties, laws or regulations shall not be inconsistent with any provisions of this Constitution.

CHAPTER IX**EMERGENCY POWERS****Article 85**

The President, as Commander-in-Chief of the Armed Forces, may order any portion of the Armed Forces into a state of combat readiness in defense of the Republic, before or after the declaration of a state of emergency, as may be warranted by the situation. All military power or authority shall at all times, however, be held in subordination to the civil authority and the Constitution.

Article 86

- a. The President may, in consultation with the Speaker of the House of Representatives and the President Pro Tempore of the Senate, proclaim and declare the existence of a state of emergency in the Republic or any part thereof. Acting pursuant thereto, the President may suspend or affect certain rights, freedoms and guarantees contained in this Constitution and exercise such other emergency powers as may be necessary and appropriate to take care of the emergency, subject, however, to the limitations contained in this Chapter.
- b. A state of emergency may be declared only where there is a threat or outbreak of war or where there is civil unrest affecting the existence, security or well-being of the Republic amounting to a clear and present danger.

Article 87

- a. Emergency powers do not include the power to suspend or abrogate the Constitution, dissolve the Legislature, or suspend or dismiss the Judiciary; and no constitutional amendment shall be promulgated during a state of emergency. Where the Legislature is not in session, it must be convened immediately in special session and remain in session during the entire period of the state of emergency.
- b. The writ of habeas corpus shall remain available and exercisable at all times and shall not be suspended on account

of any state of emergency. It shall be enjoyed in the most free, easy, inexpensive, expeditious and ample manner. Any person who suffers from a violation of this right may challenge such violation in a court of competent jurisdiction.

Article 88

The President shall, immediately upon the declaration of a state of emergency, but not later than seven days thereafter, lay before the Legislature at its regular session or at a specially convened session, the facts and circumstances leading to such declaration. The Legislature shall within seventy-two hours, by joint resolution voted by two-thirds of the membership of each house, decide whether the proclamation of a state of emergency is justified or whether the measures taken thereunder are appropriate. If the two-thirds vote is not obtained, the emergency automatically shall be revoked. Where the Legislature shall deem it necessary to revoke the state of emergency or to modify the measures taken thereunder, the President shall act accordingly and immediately carry out the decisions of the Legislature.

CHAPTER X

AUTONOMOUS PUBLIC COMMISSIONS

Article 89

The following Autonomous Public Commissions are hereby established:

- A. CIVIL SERVICE COMMISSION;
- B. ELECTIONS COMMISSION; and
- C. GENERAL AUDITING COMMISSION

The Legislature shall enact laws for the governance of these Commissions and create other agencies as may be necessary for the effective operation of Government.

CHAPTER XI

MISCELLANEOUS

Article 90

- a. No person, whether elected or appointed to any public office, shall engage in any other activity which shall be against public policy, or constitute conflict of interest.
- b. No person holding office shall demand and receive any other perquisites, emoluments or benefits, directly or indirectly, on account of any duty required by Government.
- c. The Legislature shall, in pursuance of the above provision, prescribe a Code of Conduct for all public officials and employees, stipulating the acts which constitute conflict of interest or are against public policy, and the penalties for violation thereof.

CHAPTER XII

AMENDMENTS

Article 91

This Constitution may be amended whenever a proposal by either (1) two-thirds of the membership of both Houses of the Legislature or (2) a petition submitted to the Legislature, by not fewer than 10,000 citizens which receives the concurrence of two-thirds of the membership of both Houses of the Legislature, is ratified by two-thirds of the registered voters, voting in a referendum conducted by the Elections Commission not sooner than one year after the action of the Legislature.

Article 92

Proposed constitutional amendments shall be accompanied by statements setting forth the reasons therefor and shall be published in the Official Gazette and made known to the people through the information services of the Republic. If more than one proposed amendment is to be voted upon in a referendum

they shall be submitted in such manner that the people may vote for or against them separately.

Article 93

The limitation of the Presidential term of office to two terms, each of six years duration, may be subject to amendment; provided that the amendment shall not become effective during the term of office of the incumbent President.

CHAPTER XIII

TRANSITIONAL PROVISIONS

Article 94

- a. Notwithstanding anything to the contrary in this Constitution, any person duly elected to any office provided for under this Constitution and under the laws in force immediately before the coming into force of this Constitution shall be deemed to have been duly elected for the purpose of this Constitution and to have assumed the position so occupied on the date of coming into existence of this Constitution.
- b. Notwithstanding anything to the contrary in this Constitution, elections for the President, Vice-President and members of the Legislature, prior to the coming into force of this Constitution, shall be held on the 3rd Tuesday in January 1985. The person so elected President of Liberia shall be inaugurated on the 12th day of April 1985. The President, Vice-President and members of the Legislature who are elected for the first term prior to the coming into force of this Constitution, shall serve their respective terms less approximately three months. This Constitution shall come into force simultaneously with that inauguration.
- c. Notwithstanding anything to the contrary in this Constitution, the People's Redemption Council shall by decree convene a session of the newly elected Legislature before the 12th day of April 1985, to enable the Senate and House of Representatives to organize and elect their officers. Such elections shall be conducted in accordance with the rules and procedures laid

down by the Legislature under the suspended Constitution until changed by the new Legislature.

- d. Any person who, under the laws extant immediately before the coming into force of this Constitution, held an appointment or was acting in an office shall be deemed to have been appointed, as far as it is consistent with the provisions of this Constitution, to hold or to act in the equivalent office under this Constitution until appointments otherwise provided for under this Constitution shall have been made.

Article 95

- a. The Constitution of the Republic of Liberia which came into force on the 26th day of July 1847, and which was suspended on the 12th day of April 1980, is hereby abrogated. Notwithstanding this abrogation, however, any enactment or rule of law in existence immediately before the coming into force of this Constitution, whether derived from the abrogated Constitution or from any other source shall, in so far as it is not inconsistent with any provision of this Constitution, continue in force as if enacted, issued or made under the authority of this Constitution.
- b. All treaties, executive and other international agreements and obligations concluded by the Government of the People's Redemption Council or prior governments in the name of the Republic prior to the coming into force of this Constitution shall continue to be valid and binding on the Republic unless abrogated or cancelled or unless otherwise inconsistent with this Constitution.
- c. All foreign and domestic debts or other loans and obligations contracted by the Government of the People's Redemption Council or Prior governments or any agency or other authority in the name of the Republic of Liberia prior to the coming into existence of this Constitution, shall continue to be binding on the enforceable by the Republic of Liberia.

Article 96

Notwithstanding anything to the contrary in this Constitution:

- a. The People's Supreme Court of Liberia and all subordinate courts operating prior to the effective date of this Constitution shall continue to so operate, and the Chief Justice, Associate Justices of the People's Supreme Court and judges of subordinate courts holding appointments in such courts shall continue to hold such appointments after the coming into existence of this Constitution until their successors are appointed and qualified; provided, however, that all judges of subordinate courts shall remain and preside in their respective resident circuits pending the reconstruction of the Supreme Court. The appointment by the President, with the consent of the Senate, of the Chief Justice and Associate Justices of the Supreme Court and judges of subordinate courts, shall be made as soon as possible after the coming into force of this Constitution. The Chief Justice and Associate Justices of the People's Supreme Court and judges of subordinate courts holding office prior thereto, unless reappointed, shall cease to hold office and their function shall automatically devolve upon the newly appointed Chief Justice, Associate Justices of the Supreme Court and judges of subordinate courts, respectively.
- b. Where any legal or administrative proceeding has been commenced, or a person seeks action by any authority or one acting under the authority of the Government, that matter may be carried on and completed by the person or authority having power or by his successor-in-office; and it shall not be necessary for any such proceeding to be commenced de novo. Any act completed by any person or authority having power under the existing law shall not be made the subject of review or commenced anew by anyone assuming the authority of that office after the coming into force of this Constitution.

Article 97

- a. No executive, legislative, judicial or administrative action taken by the People's Redemption Council or by any persons, whether military or civilian, in the name of that Council pursuant to any of its decrees shall be questioned in any proceedings whatsoever; and, accordingly, it shall not be lawful

for any court or other tribunal to make any order or grant any remedy or relief in respect or any such act.

- b. No court or other tribunal shall entertain any action whatsoever instituted against the Government of Liberia, whether before or after the coming into force of this Constitution or against any person or persons who assisted in any manner whatsoever in bringing about the change of Government of Liberia on the 12th day of April, 1980, in respect of any act or commission relating to or consequent upon:
 - i. The overthrow of the government in power in Liberia before the establishment of the government of the People's Redemption Council;
 - ii. The suspension of the Constitution of Liberia of July 26, 1847;
 - iii. The establishment, functioning and other organs established by the People's Redemption Council;
 - iv. The imposition of any penalties, including the death penalty, or the confiscation of any property by or under the authority of the People's Redemption Council under a decree made by the Council in pursuance of but not limited to the measures undertaken by the Council to punish persons guilty of crimes and malpractices to the detriment of the Liberian nation, the people, the economy, or the public interest; and
 - v. The establishment of this Constitution.

SCHEDULE

1. This Schedule shall form and be an integral part of this Constitution and shall have the same force as any other provision thereof.
2. All public officials and employees, whether elected or appointed, holding office of public trust, shall subscribe to a solemn oath or affirmation as follows:

" I, _____, do solemnly swear (affirm) that I will support, uphold, protect and defend the Constitution and

laws of the Republic of Liberia, bear true faith and allegiance to the Republic, and will faithfully, conscientiously and impartially discharge the duties and functions of the office of _____ to the best of my ability. SO HELP ME GOD."

COMPLETED THIS 19TH DAY OF OCTOBER, A. D. 1983
IN THE CITY OF GBARNGA, BONG COUNTY, REPUBLIC
OF LIBERIA BY THE CONSTITUTIONAL ADVISORY
ASSEMBLY

Edward Binyah Kesselly (Lofa County)
Chairman

Charles H. Williams (Grand Bassa County)
Deputy Chairman

B. National Defense Law²**TABLE OF CONTENTS**

Chapter	Page
1. Organization and Direction of Land Forces	531
2. Compulsory Military Service	535
Subchapter A. Compulsory Military Training	538
3. The Liberian National Guard	540
4. The Militia	541
5. The Militia Reserve	556
5-A. The Coast Guard Service	557
An Act to Define the Duties and Authority of the Liberian National Coast Guard	557
6. Training	560
7. Officers and Instructors	562
8. Army Property and Equipment	567
9. Courts Martial	569
10. Compensation and Perquisites	573
11. Firearms Traffic Act	576
12. Foreign Armed Vessels	581
13. Miscellaneous	583
An Act to Provide for the Construction of two Military Camps	586
An Act to Authorized the Re-organization and Expansion of the Army of the Republic	587
14. Repealers	587

***Chapter 1. ORGANIZATION AND DIRECTION OF
LAND FORCES***

- § 1. Composition of land forces.
- § 2. Appointment of Chief of Staff.
- § 3. Armed Forces Staff.
- § 3-A. Ranks.
- § 4. General Staff and Special Staff.

² Approved on 22 March 1956. The present version of the law is taken from the *Liberian Codes Revised*, Vol. IV, 1999, pp. 530-589.

- § 5. Inspector General.
- § 6. Assignment of Units
- § 7. Organization of administrative and tactical units.
- § 8. Training and administrative regulations.
- § 9. United States Army forms and regulations.
- § 10. Estimates of expenses.

§ 1. Composition of Land Forces.

The Republic shall consist of the following: (1) The Liberian National Guard (Third Brigade) as the first line of defense; the Militia as the second line of defense; and the Militia Reserve as the third line of defense.³

§ 2. Appointment of Chief of Staff.

The Commander-in-Chief shall appoint an officer as Chief of Staff to head the Armed Forces Staff created in section 3 of this Title. The Chief of Staff shall serve at the pleasure of the President. He shall have the rank and title of Lieutenant General.

§ 3. Armed Forces Staff.

All policies affecting the organization, training and distribution of troops of the Liberian National Guard, (Third Brigade), Militia, and Militia.

Reserve shall be prepared by a Board of Strategy, composed of the officers of the General Staff. There shall also be organized in the Ministry of National Defense a Bureau of Military Affairs which shall be composed of the officers of the Special Staff. The Board of Military Strategy and the Bureau of Military Affairs shall comprise the Armed Forces Staff of the Republic.⁴

³ *Prior legislation:* L. 19.39-40, ch. XIX. § 2 (ch. 1).

⁴ *Prior legislation:* L. 1954-55, Act Supplemental to an act relating to the L. military service of the Republic, §§ 1, 2; L. 1939-40, ch. XLX, §§ 3, 4 (ch. I). Power of Minister of National Defense to recommend uniforms and rank insignia, *see* Executive L., § 301-A.

Cross references:

Emergency powers of President to organize national defense, *see* Executive L., § 7 (a), (b), (c), (d), (e).

Superintendents of counties to adopt defense measures in case of unexpected invasion or Insurrection, *see* Local Government L., § 12 (e).

§ 3-A. Ranks.

The rank of the commander of the Corps shall be that of a Lieutenant General and the Commander of each Division shall be a Major General and that of the Commander of a Brigade shall be a Brigadier General. Each officer of the General and Special Staffs and each Officer of the Corps staff shall have the rank of Colonel. The officers of the Division and Brigade staffs shall each have the rank of a Lieutenant Colonel.⁵

§ 4. General Staff and special Staff.

The General Staff shall be composed of the following officers:

The Chief of Staff
 The Assistant Chief of Staff-G-1 Personnel
 The Assistant Chief of Staff-G-2 Intelligence
 The Assistant Chief of Staff-G-3 Operation and Training
 The Assistant Chief of Staff-G-4 Logistics

The Special Staff shall be composed of the following officers:

The Chief of Staff
 The Adjutant General
 The Chief of Finance
 The Inspector General

 The Provost Marshal General
 The Chaplain General
 The Surgeon General
 The Chief of Military and ROTC Affairs
 The Director of Women's Auxiliary Army Corps

The rank of all members of the General and Special Staffs other than the Chief of Staff shall be that of Lieutenant Colonel;

⁵ Section 3-A added to Chapter 1 by amendment to the National Defense Law, Approved May 27, 1966.

Prior legislation: L. 1954-55, Act supplemental to an act relating to the military service of the Republic, § 2 (5); L. 1939-40, ch. XIX, § 3 (ch. 1); § 1 (ch. XII).

Cross references:

Militia to be governed by policies and regulations by Chief of Staff, *see* sec. 70 of this Title. Type and amount of equipment for armed forces to be decided by Chief of Staff, *see* § 180 of this Title.

provided that no officer serving on the Staffs and of a higher rank shall be demoted because of the provisions of this section.⁶

§ 5. Inspector General.

An Inspector General shall inspect annually each tactical unit and note the progress of training and general efficiency of instructors and officers. He shall receive no extra compensation for such an assignment, but he shall be reimbursed for traveling costs incidental to the execution of such duty. He shall make recommendations for the transfer of officers within a unit, disbanding units, and reduction of strength of officers and men.⁷

§ 6. Assignment of units.

The assignment of units to Brigades and Divisions shall be controlled by regulations issued by the Militia Bureau upon the approval of the Chief of Staff.⁸

§ 7. Organization of administrative and tactical units.

The organization of administrative and tactical units shall be governed by a table of organization promulgated by the Chief of Staff.⁹

§ 8. Training and administrative regulations.

Training regulations and administrative regulations shall be prepared by the Chief of Staff with the cooperation of the United States Military Mission. Such regulations before promulgation shall be approved by the Minister of National Defense.¹⁰

⁶ *Prior legislation:* L. 1954-55, Act supplemental to an act relating to the military service of the Republic, § 2.

Cross references:

Rank of Presidential aides de camp, *see* Executive L., § 8.

Rank of Marshal of supreme Court, *see* Judiciary L., § 11.

Rank of Sergeants-at-arms of Legislature, *see* Legislative L., § 13.

⁷ *Prior legislation:* L. 1339-40, ch. XIX, §§ 13, 14 (ch. II).

⁸ *Prior legislation:* L. 1939-40, ch. XIX, § 10 (ch. II).

⁹ *Prior legislation:* L. 1939-40, ch. XIX, § 9 (ch. II).

Cross reference:

Organization of Militia pending change by regulation, *see* § 71 of Title.

¹⁰ *Prior legislation:* L. 1939-40, ch. XIX, § 15 (ch. II).

Cross references:

§ 9. United States Army forms and regulations.

The general tactics and discipline of the land forces of the Republic, the forms of proceedings in courts martial, and all forms of military process, order of reports, accounts and returns, shall be the same as those of the United States if not otherwise provided by law; provided, that the Articles of War of the United States Army shall be enforced only against those units in active service.¹¹

§ 10. Estimates of expenses.

Annual estimates of expenses shall be prepared for the Militia by the Militia Bureau, and for the Liberian National Guard by the commanding officer.¹²

Chapter 2. COMPULSORY MILITARY SERVICE

§ 20. Service compulsory.

§ 21. Registration required.

§ 22. Exemption and deferment from military service.

Subchapter A. Compulsory military training

§ 23. Compulsory military training of officers of the Armed Forces of Liberia.

§ 24. Right of Ministry to retain officers and enlisted men.

§ 25. Regulations for officers training

§ 26. Trainees subject to Military Law.

§ 27. Trainees to return to their places of employment.

§ 28. Number of trainees to be limited.

§ 20. Service compulsory.

All able bodied male citizens of the Republic of the ages below indicated, except those exempted under the provisions of section 22 of this Title and section 93 of the Education Law, shall be liable

Militia to be governed by regulations by Chief of Staff, *see* § 70 of this Title. Regulations applicable to the Frontier Force, *see* § 51 of this Title.

¹¹ *Prior legislation:* L. 1868-69, 3 (2nd), §§ 2, 3, 4; OBB 148, Act to Regulate the Militia, § 15.

¹² *Prior legislation:* L. 1939-40, ch. XIX, § 8 (ch. III).

to service in the armed forces of the Republic in one of the following classes:

The Liberian National Guard (Third Brigade) volunteers between the ages of sixteen and thirty-five who have enlisted for five years;

Class I of the Militia.....men aged sixteen to twenty

Class II of the Militia.....men aged twenty to thirty-five

Militia Reserve.....men aged thirty-five to forty-five

Every male citizen of the above stated ages shall be considered able bodied unless he shall produce to the Commander of the regiment in his district a certificate to the contrary issued by the Army surgeon and approved by the Commander-in-Chief.¹³

§ 21. Registration required.

Every male citizen of the Republic shall register for military service at the earliest opportunity after he shall reach his sixteenth birthday.

Appropriate regulations shall be issued by the Chief of Staff governing procedure for registration. Persons of military age who shall evade the registration requirements of this section or otherwise violate the regulations issued hereunder are liable to imprisonment at hard labor in a military camp for a period not exceeding one year. Other persons obstructing the provisions of this section shall be imprisoned at hard labor for not exceeding one year.¹⁴

§ 22. Exemptions and deferments from military service.

1. The following persons shall be exempted from military service except in cases of invasion or insurrection or other emergency proclaimed by the Commander-in-Chief: Members and ex-members of the President's Cabinet; Judges and ex-Judges of the

¹³ *Prior legislation:* L. 1939-40, ch. XIX, §§ 2, 3 (ch. II); Rev. Stat. (adopted L. 1929, ch. VII), 1141; L. 1914, 5 (2.d), § 3; L. 1875-76, 13, § 6; OBB 148, Act to Regulate the Militia, § 1; 1841 Digest, pt I, Act to Regulate the Militia, § 1, 2 Hub. 1495; Acts of 1839, Act to Regulate the Militia, § 2, 2 Hub. 1386. *Cross reference:* Power of President during emergency to mobilize able-bodied male citizens *see* Executive L., § 3.2 (c).

¹⁴ *Prior legislation:* L. 1939-40, ch. XIX, § 7 (ch. II); § 2, (ch. VII); Rev. Stat. (adopted L. 1929, ch. VII), § 1144; L. 1875-76, 13, § 4.

Supreme Court and Circuit Courts; members and ex-members of the Legislature; and, when employed in their respective callings, ordained ministers, physicians and surgeons, dentists and pharmacists, professors and instructors of universities and colleges and teachers of recognized schools.

2. All persons regularly employed on board the vessels of this Republic as seamen or supercargo shall be exempt from military duty when actually at work or when about to go to sea on any drill day; provided, however, that persons claiming exemption as seamen or supercargo shall register their names in the office of the Clerk of the Quarterly Session of the Circuit Court of the county where they reside; and on proof being furnished to the commander of the Militia that any person so registered has been unemployed in his calling for three months at any one time, he shall be compelled to do military duty; and provided, further, that every seaman and supercargo shall pay into the Bureau of Internal Revenues [Ministry of Finance] the sum of three dollars per annum.

3. Men of military age who are not exempted under any of the foregoing provisions of this section, and who are physically fit and gainfully employed may be deferred only for one year upon application of their employer. If exemption is granted, the employer shall pay into the Bureau of Internal Revenues a fee of one hundred dollars.¹⁵

¹⁵ *Prior legislation:* L. 1954-55, Act entitled: "Act providing for compulsory military training," § 9; L. 1930-40, ch. XIX, § 5 (a), (d) (ch. II); Rev. Stat. (adopted L. 1929, ch. VII), § 1142; L. 1894-95, 24, § 14; L. 1877-78, 11 (2nd); L. 1863-64, 20 (2nd); L. 1862-63, 14 (1st); OBB 148, Act to regulate the Militia, § 2; 1841 Digest, pt. 1, Act to regulate the Militia, § 2, 2 Hub. 1495; Acts 1841, Act reducing the amount to be paid by seamen to exempt them from military duty, 2 Hub. 1434; Acts 1840, Act to amend an act to regulate the Militia, 2 Hub. 1415; Acts 1839, Act to regulate the Militia, art. 3, 2 Hub. 1386.

Cross reference:

Number of men to be inducted annually for military training, *see* sec. 125 of this Title.

Subchapter A. COMPULSORY MILITARY TRAINING¹⁶**§ 23. Compulsory military training of officers of the Armed Forces of Liberia.**

The President is hereby authorized to establish an officer candidate school at Camp Naama, Bong County, under the direction of the Defense Ministry, and to establish other military schools at military camps for enlisted men upon the recommendation of the Chief of Staff through the Minister of National Defense. All able bodied male citizens of Liberia between the ages of 16 and 40 years shall be eligible for admission in the schools and shall undergo compulsory military training for a period of 3 to 6 months annually. The training shall commence in January and July each year. The courses to be taught shall be drawn up by General Staff of the Armed Forces of Liberia with the approval of the Minister of Defense.

§ 24. Right of Ministry to retain officers and enlisted men.

The Ministry of National Defense shall reserve the right to retain any of the officers and enlisted men who may be needed to fill vacancies in enlistment period subject to re-enlistment. All commissioned officers shall serve at the pleasure of the President.

§ 25. Regulations for officer training corps.

The Chief of Staff, with the approval of the Minister of National Defense, shall formulate regulations in all civilian institutions of learning for officers training corps.

§ 26. Trainees subject to Military Law.

Officers and enlisted men inducted for training under the provision of this Act shall during their period of training be subject to Military Law and shall receive the same salary, allowance, and benefits enjoyed by personnel of the Liberian National Guard of similar rank, except where Company Mess shall be organized in each camp in lieu of subsistence in cash.

¹⁶ Subchapter A, being Sections 23 to 28, was added to the National Defense Law by Legislative Act, ch. XXX. Entitled: "AN ACT TO AMEND THE NATIONAL DEFENSE LAW WITH RESPECT TO COMPULSORY MILITARY TRAINING," approved March 23, 1966.

The Ministry of National Defense shall provide in its annual budget sufficient funds to operate these schools.

§ 27. Trainees to return to their place of employment.

Officers and enlisted men already employed, when inducted into the Service to undergo military training, shall be protected to the extent that after the expiration of their training period, they shall return to their places of employment, government or otherwise, and it shall be obligatory by their employers to continue them as though the incident of their temporary absence had not occurred.

§ 28. Number of trainees to be limited.

The number of officers and enlisted men to be inducted each year for military training will be limited to the ability of the Government to provide shelter, subsistence, uniform, arms and ammunition, and hospitalization.¹⁷

Chapter 3. LIBERIAN NATIONAL GUARD¹⁸

- § 39. Liberian National Guard created.
- § 40. Duties of Liberian National Guard
- § 41. Supervision and command.
- § 42. Liberian National Guard to constitute Third Brigade.
- § 43. Civil authority of Superintendents over county units.
- § 44. Eligibility of service in the Liberian National Guard.
- § 45. Period of enlistment.
- § 46. Method of recruitment.
- § 47. Quarters and medical attendance.
- § 47-A. Compulsory chest x-ray examinations required.

¹⁷ Approved March 23, 1966.

¹⁸ The new Chapter 3 amending previous Chapter 3 which was captioned "The Liberian Frontier Force," added a new section 39 and amended sections 40-49, 51, 73, 83, 84, 121, 122, 140, and 144.

Cross reference:

Acceptance of gifts from aborigines by officers of the Frontier Force, *see* Aborigines L. § 310.

Members of Frontier Force not to impede aborigines in making complaints, *see* Aborigines L. § 313.

Conduct of members of Frontier Force towards aboriginal women and children, *see* Aborigines L., sec. 314.

- § 47-B. Penalty for issuance of false chest x-ray certificate.
- § 48. Contract for service with foreign officers.
- § 49. Reasons for discharge.
- § 50. Certificate of discharge.
- § 51. Regulations applicable to Liberian National Guard.

§ 39. Liberian National Guard created.

There is hereby created in the Armed Forces of the Republic, a Third Brigade to be known as the Liberian National Guard.

§ 40. Duties of the Liberian National Guard.

The Liberian National Guard shall be employed in maintaining order, law, peace and in preventing incursions and raids into the territories of neighboring states; and in keeping roads open to trade and travel. The Liberian National Guard shall also be utilized in such scientific service as the mapping of the interior of Liberia; the exploring of rivers and their watersheds; laying out of roads from the interior to the coast; and such other duties of a scientific and economic character as the President may require to be performed.

§ 41. Supervision and command.

The Liberian National Guard shall be organized under the direction and supervision of the Ministry of National Defense and shall be commanded by an officer of the rank of General in the Liberian army who shall be the senior officer of the entire National Guard. All orders from the Chief of Staff shall be issued to the commanding officer and orders from the Commander-in-Chief or the Minister of National Defense shall be issued to the commanding officer through the Chief of Staff. Reports from those officers in command on the frontiers shall be made to the commanding officer monthly, and he shall report quarterly to the Minister of National Defense, or oftener if required to do so. The commanding officer shall inspect the units of the National Guard semi-annually, and at such other times as the President may require. He shall reside permanently at the barracks in Monrovia.

§ 42. Liberian National Guard to constitute Third Brigade.

The Liberian National Guard shall constitute the Third Brigade of the armed forces and shall be composed of two or more regiments and auxiliary arms.

§ 43. Civil authority of Superintendents over county units.

The units of the Liberian National Guard stationed in the counties of Grand Cape Mount, Grand Bassa, Sinoe, Maryland. [Nimba, Lofa, Bong, Grand Gedeh, Bomi, Grand Kru, Rivercess and Margibi] shall be under the civil authority of the Superintendents of those counties, and units stationed in the hinterland shall be under the civil authority of the District Commissioners of those districts. Orders from the Ministry of National Defense to units stationed in the counties or provincial districts shall be transmitted to the commanders of those units through the Superintendents or District Commissioners.

§ 44. Eligibility for service in the Liberian National Guard.

No person shall be eligible to enlist in the Liberian National Guard nor shall be employed therein nor be in any wise attached thereto who is not a citizen or native of Liberia, except such aliens as may be from time to time employed as officers under statutory provisions.

The Minister of National Defense is hereby enjoined not to recommend for appointment to the Liberian National Guard any person or officer who would be disqualified from holding office on account of legal disability.

§ 45. Period of enlistment.

Able bodied males who are between the ages of sixteen and thirty-five and who are eligible under the provisions of Section 44 of this Title may enlist in the Liberian National Guard for five years with permission to re-enlist upon evidence of faithful service.

§ 46. Method of recruitment.

The President may cause the Minister of National Defense to open a recruiting office in each of the several counties and provincial

districts and in the territories.¹⁹ The Minister of National Defense shall give notice to each recruiting officer of the number of men required from his area, and shall supply such officers with printed notices calling for the enlistment of men to serve in the National Guard. The notices shall state the nature and term of service, the pay and allowance which each man will receive, the name of the local recruiting officer, and the space of time allowed for recruiting. Upon the receipt of such notices, the recruiting officer shall post them throughout his area, and shall immediately designate a convenient place where persons desiring to enlist may appear and register. He shall give diligent attention to the physical, as well as moral fitness of all persons applying for enlistment, and shall reject all applicants who in his judgment are unsuited to serve in the Liberian National Guard. He may require the services of a physician to pass upon the physical fitness of applicants whenever he may deem it necessary, and such physician shall be enlisted to a fee of one dollar for every examination made. All persons enlisted for service in the National Guard shall at the time of enlistment take the following oath before the recruiting officer:

.....do solemnly swear to serve the Republic of Liberia faithfully for a period of.... unless sooner discharged, by proper authority; to obey the officers and noncommissioned officers, appointed over me; to conform to all rules of the Liberian National Guard according to the Articles of War.

Each recruiting officer shall transmit to the Minister of National Defense the register of enlistment within ninety days from the publication of the notice of enlistment; but the Minister of National Defense may extend the term if he deems necessary. Upon receiving a notice from the recruiting officer that at least one-fourth part of the number of men required from his district has been enlisted, he shall without delay cause the enlisted men to be transported to the barracks in Monrovia and placed under the commanding officer of the Liberian National Guard.

¹⁹ The territories were abolished and replaced with counties under various Acts of the Legislature and Decrees of the people Redemption Council and the Interim National Assembly which ruled the country under military Government from 1980-1986. *See* Local Government Law, Chapter 2.

§ 47. Quarters and medical attendance.

Quarters and medical attendance shall be supplied free of charge to the entire National Guard.

§ 47-A. Compulsory chest x-ray examinations required.

All army recruits, officers and enlisted men serving in the Liberian National Guard shall submit to a chest X-Ray examination and obtain a certificate from a registered medical doctor stating that he is free from any infectious disease. All such chest X-Ray examinations given by a Registered Medical Doctor in any Government Institution shall be free of charge.²⁰

§ 47-B. Penalty for issuance of false chest X-Ray certificate.

Any Registered Medical Doctor who for any reason issues a certificate stating falsely that any army recruit, officer or enlisted man examined by him was free of infectious disease, shall upon complaint of the Medical Board, be subject to a fine of an amount not exceeding five hundred (\$500.00) dollars or his license suspended for a period not exceeding twelve months or both.²¹

§ 48. Contracts for service with foreign officers.

Contracts for service with any officers who may at any time be attached to the Liberian National Guard shall be executed by the Minister of National Defense under the direction of the President. Such contracts must contain a clause reserving to the Government the right to terminate them at any time for disobedience of orders, unofficerlike conduct, or for any other cause, which in the judgment of the Government renders such officer unfit for

²⁰ Added to the National Defense Law by Legislative session Act, ch. XXVI, constituting an amendment entitled: "AN ACT TO AMEND THE NATIONAL DEFENSE LAW WITH RESPECT TO MAKING CHEST X-RAY COMPULSORY FOR ARMY RECRUITS AND ENLISTED MEN OF THE LIBERIAN NATIONAL GUARD OF THE REPUBLIC OF LIBERIA," approved March 23, 1966.

²¹ Added to the National Defense Law by Legislative Session Act, ch. XXVI, constituting an amendment entitled: "AN ACT TO AMEND THE NATIONAL DEFENSE LAW WITH RESEPECT TO MAKING CHEST X-RAYS COMPULSORY FOR ARMY RECRUITS AND ENLISTED MEN OF THE LIBERIAN NATIONAL GUARD OF THE REPUBLIC OF LIBERIA," approved March 23, 1966.

service. Such a contract shall also contain a clause reserving to the Government the right to terminate it without cause by giving three months' notice, or three months' pay in lieu thereof.

§ 49. Reasons for discharge.

Enlisted men in the Liberian National Guard may be discharged for reason of: (a) Conviction by court martial; (b) sentence by a civil court; (c) incapacitation from duty due to misconduct; and (d) physical incapacity developed during the course of service.

§ 50. Certificate of discharge.

Each soldier who shall serve twenty days or more in the Army of the nation shall, upon being discharged, be furnished with a printed certificate of discharge which shall describe him according to the description given by the enlisting officer, and shall state if the discharge was honorable. Such a certificate shall be evidence of such service and that the discharge was honorable if so stated.²²

§ 51. Regulations applicable to Liberian National Guard.

The Liberian National Guard shall be subject to and governed by the "Manual of the Liberian National Guard" and by such other regulations as the Minister of National Defense with the approval of the President may have made or shall hereafter make.²³

Chapter 4. THE MILITIA

§ 70. Policies and regulations.

§ 70-A. Composition of Armed Forces.

§71. Organization of militia.

§72. Regiments of militia.

§73. Training requirements for Class I of militia.

§75. Trainees in Class I of militia entitled to return to their employment.

§76. Limit of service in Class II of the militia.

²² *Prior legislation:* Rev. Stat. (adopted L. 1929, ch. VII), § 1166; L. 1892-93, 8 (1st), § 3.

²³ *Prior legislation:* L. 1931-32, ch. IX; Rev. &at (adopted L. 1929, ch. VII), § 1086; L. 1908-09, 3, § 5.

- §77. Enrolment of active service.
 §78. Calling up of militia.
 §79. Requirement of quarterly drills.
 §80. Time and places of quarterly drills.
 80-A. Deferment of quarterly drills at places designated by the Minister.
 §81. Excuses from drills.
 §82. Loaded weapons on drill days forbidden.
 §83. Uniform of enlisted men.
 §84. Discharge of enlisted men in militia.

§ 70. Policies and regulations.

The Militia shall be governed by policies formulated by the Chief of staff and regulations issued by him from time to time.²⁴

§ 70-A. Composition of the Armed Forces.

The Armed Forces shall be comprised of a Corps of (2) two Divisions containing four (4) Brigades with four (4) Regiments in each Brigade, as follows:

FIRST BRIGADE

First Regiment
 Fifth Regiment
 Sixth Regiment
 Tenth Regiment

SECOND BRIGADE

Second Regiment
 Third Regiment
 Eleventh Regiment
 Fourteenth Regiment

THIRD BRIGADE

Fourth Regiment
 Eighth Regiment
 Ninth Regiment
 Fifteenth Regiment
 Sixth Regiment

FOURTH BRIGADE

Seventh Regiment
 Thirteenth Regiment
 Sixteenth Regiment
 Seventeenth Regiment

²⁴ *Prior legislation:* L. 1939-40, ch. XIX. § 2 (ch. 1).

§ 71. Organization of Militia.

The organization of each regiment of the Militia shall be as follows in time of peace:

		<i>Total</i>
Regimental Headquarters	4 officers and 34 enlisted men	38
3 Battalion Headquarters	each, 3 officer and 9 enlisted men	36
12 lettered companies	each, 3 officers and 95 enlisted men	1,176
Aggregate, officers and men		1,250

The Brigade Headquarters shall be composed as follows:

Brigade Commander.....	1
Brigade Chief of Staff	1
Brigade Adjutant General.....	1
Aide-de-Camp to Brigade Commander.....	1
One officer of rank of a First Lieutenant.....	1
Brigade Quarter Master General	1
Enlisted personnel.....	9
Aggregate	15

The Division Headquarters shall be composed as follows:

Division Commander.....	1
Division Chief of Staff.....	1
Division Adjutant General.....	1
Aide-de-Camp to Division Commander.....	1
Division Quarter Master General	1
An officer of rank of a Captain	1
Enlisted personnel.....	6
Aggregate.....	12

The foregoing provisions of this section shall be subject to modification from time to time according to the table of organization promulgated by the Chief of Staff under the provisions of section 7 of this Title or regulations issued under

section 70 of this Title concerning the strength or composition of the Militia: but in all cases the increase or decrease of staffs of the brigade or division shall be only upon recommendation of the brigade or division commanders and approval of the Minister of National Defense.²⁵

§ 72. Regiments of the Militia.²⁶

Subject to modification through regulations issued under the provisions of sections 7 and 70 of this Title, the regiments of the Militia shall be constituted as follows:

First Regiment: Male citizens resident in the City of Monrovia, Bushrod Island, Oldest Congo Town and Paynesville.

Second Regiment: Male citizens resident in Grand Bassa County.

Third Regiment: Male citizens resident in Since County, except the Sasstown Territory.

Fourth Regiment: Male citizens resident in the County of Maryland, except the Kroo Coast Territory and Buah

Fifth Regiment: Male citizens of Clay-Ashland, Louisiana, Millsburg, Harrisburg, Arthington, White Plains, Robertsville, Crozierville, Bensonville, Careysburg, Kingsville, Mount Coffee, Todee District and Mecca Chiefdom, Suehn Boje Clan and Suehn, Bor Clan in the Loffa-Gola Chiefdom.

Sixth Regiment: Male citizens resident in the Township of Georgia, Caldwell, Dixville, Barnersville, Gardnersville, Virginia, Brewerville and Johnsonville.

Seventh Regiment: Male citizens resident in the County of Grand Cape Mount.

Eighth Regiment: Male citizens resident in Grand Kru County.

Ninth Regiment: Male citizens resident in Grand Gedeh County.

²⁵ *Prior legislation:* L. 1939-40, ch. XIX, § 1, 2, 3 (ch. IX).

²⁶ Amended to the current reading by Legislative Sessions Act, ch. LXII entitled "AN ACT TO AMEND THE NATIONAL DEFENSE LAW TO CREATE ADDITIONAL UNITS OF THE ARMED FORCES OF THE REPUBLIC OF LIBERIA AND TO AMEND OTHER SECTIONS OF SUCH LAWS IN RELATION THERETO."

Tenth Regiment: Male citizens resident in Margibi County, with the following Divisions of Firestone Plantations Company: 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34 and 35.

Eleventh Regiment: Male citizens resident in the County of Margibi, with all other Divisions of Firestone Plantations Company, excluding Divisions 22-25, Montserrado County.

Twelfth Regiment: The Liberian National Guard.

Thirteenth Regiment: Male citizens resident in Bong County.

Fourteenth Regiment: Male citizens resident in Nimba County.

Fifteenth Regiment: Male citizens resident in the County of Grand Kru.

Sixteenth Regiment: Male citizens resident in Loffa County.

Seventeenth Regiment: Male citizens resident in Loffa-Gola, Dey, Gbarma District (now Bomi County), Royesville, Cheesemanburg, Montserrado County, except Bor and Boje Clans in Suehn Loffa-Gola Chiefdom.

§ 73. Training requirements for Class I of Militia.

Every able bodied male citizen between the ages of sixteen and twenty years who has not enlisted in the Armed Force shall be subject to compulsory military training in the Militia for the period of three consecutive months annually for two years. The training period contemplated under this section shall commence in each succeeding year on the 16th day of November or the first day thereafter not a Sunday or national holiday and end on the 15th day of February or the first day thereafter not a Sunday or national holiday. During this period the training will consist of instruction in military organization, close order drill, marksmanship, extended order drill, and characteristics and use of infantry weapons. At the end of the second year of training a trainee who has completed the course of training with merit shall receive a certificate which shall include a record of any proficiency attained. All trainees at the termination of the training course shall be transferred into Class II of the Militia where they shall serve on active duty until reaching the age limit of that class as stated in section 20 of this Title.²⁷

²⁷ *Prior legislation:* L. 1954-55, Act entitled: "An act providing for compulsory military service," § 5; L. 1939-40, ch. XIX, § 5 (ch. IX)

§ 74. Pay for trainees in Class I of Militia.

Enlisted personnel inducted for training under the provisions of the foregoing section shall receive during the period of their training the pay provided by Section 22 of this title, and the same allowance furnished enlisted men of the Liberian National Guard, except the company mess will be organized in each camp in lieu of the subsistence in cash system in force in that organization.²⁸

§ 75. Trainees in Class I of Militia entitled to return to their employment.

Enlisted personnel of Class I of the Militia, if already employed when inducted, may on the completion of each training period return to their place of employment, government or otherwise, and it shall be obligatory by their employers to continue them as though their temporary absence had not occurred.²⁹

§ 76. Limit of service in Class II of the Militia.

Members of Class II of the Militia shall not be required to serve beyond the age limit stated in section 20 of this Title.³⁰

§ 77. Enrolment for active service.

The commanding officer of each regiment shall appoint a suitable person whose duty it shall be to muster into the service every soldier who is to serve on active duty in the Militia by administering to each an oath or affirmation to the effect that he will uphold the Constitution and the laws of the Republic, that he will discharge the duties of a soldier, obey his superior officer, and continue in the service until regularly discharged. In all cases the enlisting officer shall take in writing the name, age, complexion, height, and occupation of the soldier, and the county of which he is a resident at the time of enlistment. No person on active duty in

²⁸ *Prior legislation:* L. 1954-55, Act entitled: "An act providing for compulsory military training," § 6.

²⁹ *Prior legislation:* L. 1954-55, Act entitled: "An act providing for compulsory military training," § 7.

Cross reference:

Government employees granted leave of absence with pay for training, *see* § 124 of this Title.

³⁰ *Prior legislation:* L. 1939-40, ch. XIX, §2 (ch. VI).

the Militia shall receive pay unless he shall have been mustered into the service in accordance with the provisions of this section.³¹

§ 78. Calling up of Militia

The calling up of the Militia for service in time of emergency and the penalties for evasion of duty by a person called up shall be governed by regulations.

All men called up for service in the Militia will be required to undergo physical examination upon reporting for service.³²

§ 79. Requirement of quarterly drills

Members of Class II of the Militia shall participate in the quarterly and monthly drills of the regiments to which they are attached. The President is authorized to provide penalties for a violation of this section.³³

§ 80. Time and places of quarterly drills

The Regiments of the Militia shall drill at the places indicated below from 6 to 11 a.m. and from 2 to 5 p.m.

First Regiment: In Monrovia on the second Thursday of February, May, August, and November of each year.

Second Regiment: At Edina on the Second Friday in February, at St. John River City on the Second Friday of May, at Lower Buchanan on the second Friday of August, and at Upper Buchanan on the Second Friday in November.

Third Regiment: In the City of Greenville on the Fourth Friday in February and August, and in the Township of Lexington on the Fourth Friday in May, and Louisiana on the Fourth Friday in November.

Fourth Regiment: On the City of Harper on the Second Friday in January and July, and in East Harper on the Second Friday of April and October.

³¹ Prior legislation: Rev. Stat. (adopted L. 1929, ch. VII), § 1166; L. 1892-93, 8 (1st), § 3.

³² Prior legislation : L. 1939-40, ch. XIX, §§ 1, 3 (Ch. VI)

³³ Prior legislation: L. 1938, ch. XXIII, § 2.

Fifth Regiment: At Millsburg on the Third Thursday of February and August and at Czozierville on the third Thursday of May and November.

Sixth Regiment: On the Fourth Thursday of February and August in the Township of Virginia, and on the fourth Thursday of May and November in the Township of Caklwell.

Seventh Regiment: In the city of Robertsport on the second Thursday of February, May and August, and in the Township of Tallah on the second Thursday in November.

Eight Regiment: In the Municipality of Grand Cess on the second Friday in January of each year and at Garraway on the second Friday in April, at Blebo on the second Friday in July, and at Barclayville on the second Friday in October.

Ninth Regiment: Battalions will perform military duty at their respective Battalion Headquarters on the second Friday in April, July and October. Only on the third Friday in January will they perform military duty alternatively at Zwedru and Webo, Grand Gedeh County.

Tenth Regiment: In the City of Kakata, Margibi County, on the third Friday in February, May, August and November each year.

Eleventh Regiment: In the city of Marshall, Margibi County, on the second Thursday in February of each year, and at Charlesville on the second Thursday in May and November, and at Schieffelin on the second Thursday in August.

Thirteenth Regiment: At Gbarnga on the first Thursday in February and August of each year and Salala on the first Thursday in May and November.

Fourteenth Regiment: At Sanniquellie on the first Friday in February and August of each year, and at Tappita on the first Friday in May and November of each year.

Fifteenth Regiment: At Bolloh Newtown, on the fourth Friday in February and August of each year, and at the Municipality of Sasstown on the fourth Friday in May and November of each year.

Sixteenth Regiment: At Voinjama on the third Friday in February and November at Zorzor on the third Friday in May and at Kolahun on the third Friday in August.

Seventeenth Regiment: At Klay on the fourth Friday in February and November, at Tubmanburg, Bomi County, on the fourth Friday in May, and at Amena on the fourth Friday in August of each year.

Officers drill shall be conducted on the day preceding parade from 2 to 4 p.m.³⁴

§ 80-A. Deferment of Quarterly drills at places designated by the Minister of National Defense.

For convenience of residents in remote areas, upon approval of the President, the Minister of National Defense, on recommendation of the Chief of Staff, shall designate time and places of quarterly drills for detachments and Battalions within the Regiments.

§ 81. Excuses from drills.

No member of the Militia claiming sickness shall be excused from participating in the required periods of drill unless he shall present a certificate from the surgeon of the Regiment to the commanding officer of his company or unless he shall appear before the court martial and declare his sickness or disability under oath.

All civil officers not exempted under section 22 (1) of this Title shall be excused from military duty on the days for regimental and

³⁴ Amended. L.1955-56, ch. XXIV, eff. Mar. 22, 1956.
Legis note: Provisions relating to Thirteenth, Fourteenth, and Fifteenth Regiments new.
Cross reference: Frontier Force to constitute Two Regiment, *see* sec. 42 of the Title.
Prior legislation: First Regiment: L. 1929, ch. IX; L. 1927-28, ch. XV.
 Fourth Regiment: OBB 236, Provisional Relations for the County of Maryland, § 4; L. 1946-47, ch. XXXIV
 Fifth Regiment: L. 1892-93, 6 (1st); L. 1946-47, ch. XXXIV.
 Sixth Regiment: L. 1927-28, ch. XV.
 Seventh Regiment: L. 1927-28, ch. XV.
 Eight Regiment: L. 1946-47, ch. XXXIV.
 Ninth Regiment: L. 1946-47, ch. XXXIV.
 Tenth Regiment: L. 1946-47, ch. XXXIV.
 Eleventh Regiment: L. 1954-55, Act to create the Marshall Detachment of a Regiment, § 1.
Cross Reference: Frontier Force to constitute Twelfth Regiment, sec. § 42 of this Title.

monthly drills if during the time for such drills, they are required to discharge duties pertaining to their civil offices.³⁵

§ 82. Loaded weapons on drill days forbidden.

Any member of the Militia who on drill day shall be in possession of a loaded gun of any kind, except revolvers, or of cartridges or any other ammunition for improved or other guns shall be fined twenty-five dollars. Any member of the Militia who on any drill day shall be in possession of a loaded revolver, razor, or knife of any description other than the ordinary pocket knife, shall be subject to court martial.³⁶

§83. Uniform of enlisted men.³⁷

The uniform for the enlisted men of the Militia when serving on active duty shall be the same as provided for the enlisted men of the Liberian National Guard.³⁸

§84. Discharge of enlisted men in Militia.

Section 49 of this Title relating to the reasons for discharge of enlisted men in the Liberian National Guard and Section 50 of this Title with regard to the granting of a certificate of discharge to such men shall apply with equal force and effect to enlisted men in Class I of the Militia.³⁹

³⁵ *Prior legislation:* Rev. Stat. (adopted L. 1929, ch. VII), § 1142; L. 1897-98, 7, § 3; L. 1877-78, 11 (2nd), § 2; L. 1875-76, 13, § 6; OBB 153, Supplement to an act entitled an act to regulate the Militia, § 7.

³⁶ *Prior legislation:* Rev. Stat. (adopted L. 1929, ch. VII), § 1158; L. 1902-03, 19 (2nd).

³⁷ *Cross reference:*
Power of Minister of National Defense to recommend uniforms and rank insignia, *see* Executive L. § 301-A.

³⁸ *Prior legislation:* L. 1939-40, ch. XIX, § 7 (ch. IX); Rev. Stat. (adopted L. 1929, ch. VIII), § 1169 (3); L. 1914, 5 (2nd), §1; L. 1877-78, 11 (2nd), § 3.

³⁹ *Prior legislation:* L. 1939-40, ch. XIX, § 6 (ch. IX); Rev. Stat. (adopted L. 1929, ch. VIII), § 1166, L. 1892-93, 8 (1st), § 3.

Chapter 5. THE MILITIA RESERVE

§ 100. Period of service.

§ 101. Regulations.

§ 102. Pay.

§ 100. Period of service.

Enlisted members in Class II of the Militia on reaching the age of thirty-five years shall be transferred to Class III known as the Militia Reserve, where they shall remain until the maximum age of forty-five years. While members of the Militia Reserve they shall be subject to recall to active duty in case of invasion or insurrection or other emergency proclaimed by the Commander-in-Chief.

Transfer to the Militia Reserve shall be approved by the Minister of National Defense upon reasonable request and recommendation of the Chief of Staff.⁴⁰

§ 101. Regulations.

Establishment of organization and units of the Militia Reserve shall be governed by regulations to be promulgated by the Militia Bureau.⁴¹

§ 102. Pay.

Members of the Militia Reserve shall receive no pay except when called to active duty.⁴²

⁴⁰ *Prior legislation:* L. 1939-40, ch. XIX, § 5 (ch. IX); § 2 (ch. X).

⁴¹ *Prior legislation:* L. 1939-40, ch. XIX, § 1 (ch. X).

⁴² *Prior legislation:* L. 1939-40, ch. XIX, § 3 (ch. X).

Chapter 5-A. THE COAST GUARD SERVICE

§ 110. Authorization of President to create Coast Guard Service

§ 111. Borrowing for creation of Coast Guard Service.

§ 110. Authorization of President to create Coast Guard Service.

The President of Liberia is hereby authorized and empowered to make such arrangements as may be necessary to have plans, specifications and drawings made, formulated and prepared to create a Coast Guard Service. He is further authorized and empowered to negotiate and conclude arrangements for the purchase of such naval vessels, their tackle, guns, ammunition, munitions, equipment, installations, and other accessories as are necessary to equip the Coast Guard Service in conformity with such plans, specifications and drawings.⁴³

§ 111. Borrowing for creation of Coast Guard Service.

The President is authorized and empowered to borrow money to use for the effectuation of the provisions of section 110 of this Title.⁴⁴

CHAPTER LI AN ACT TO DEFINE THE DUTIES AND AUTHORITY OF THE LIBERIAN NATIONAL COAST GUARD

It is enacted by the Senate and House of Representatives of the Republic of Liberia in Legislature assembled:

§ 1. That the Liberian National Coast Guard shall have law enforcement jurisdiction and shall make enquiries, examinations, inspections, searches, seizures, and arrests upon the high seas, and

⁴³ Added L. 1955-56, ch. XXIII, § 1, eff. Mar. 22, 1956.

Cross reference: Creation of office of Assistant Minister of Defense for Coast Guard operation, *see* Executive L. §303-A.

⁴⁴ Added L. 1955-56, ch. XXIII, § 2, eff. Mar.22, 1956.

Cross reference:

Taxes levied to pay off loans secured for establishment of the Coast Guard Service, *see* Revenue and Finance L. §§ 650-654, 660-664.

waters over which the Republic of Liberia has jurisdiction, for the prevention, detection, and suppression of violations of the laws of the Republic of Liberia. For such purposes commissioned, warrant, and petty officers of the Coast Guard may, at any time, go on board of any vessel subject to the jurisdiction, or to the operation of any law, of the Republic of Liberia, address enquiries to those on board, examine the ship's documents and papers, and examine, inspect, and search the vessel and use necessary force to compel compliance when from such enquiries, examination, inspection, or search, it appears that a breach of the law of the Republic of Liberia rendering a person liable to arrest is being or has been committed by any person, the person shall be arrested, or if escaping to shore, shall be immediately pursued and arrested on shore, or other lawful and appropriate action shall be taken; or if it appears a breach of the laws of the Republic of Liberia has been committed so as to render the vessel or any of the merchandise on board the vessel liable to forfeiture, or so as to render the vessel to a fine or penalty and if necessary to secure such fine or penalty, the vessel or the merchandise, or both, shall be seized.

§ 2. In order to render aid to distressed persons, vessels, and aircrafts on the high seas and waters over which the Republic of Liberia has jurisdiction and also with the view to rendering assistance to persons and property imperilled or endangered by floods and wrecks, the Coast Guard may:

- a. perform any and all acts necessary to rescue, aid persons, and protect and save property.
- b. take charge of and protect all property saved from marine or aircraft disasters or floods at which the Coast Guard is present, until such property is claimed by persons legally authorized to receive it or until otherwise disposed of in accordance with the laws of the Republic of Liberia or regulations governing the Liberian National Coast Guard Service, and care for bodies of those who may have perished in such catastrophes.
- c. destroy or tow into port sunken or floating dangers to navigation.

§ 3. The Liberian National Coast Guard shall make regular patrols along the Liberian coastal areas for the purpose of preventing

smuggling or the engagement in illegal practices by boats, canoes or all such crafts that ply on the waters over which the Republic of Liberia has jurisdiction.

§ 4. The Liberian National Coast Guard shall apprehend, arrest, detain, and turn over to the Ministry of Justice for prosecution any person or persons discharging dangerous explosives unlawfully within the harbour area and without the breakwaters.

§ 5. The Coast Guard shall apprehend arrest, detain, and turn over to the Ministry of Justice or Police Authorities for prosecution any person or persons found in possession of narcotic or other dangerous drugs.

Chapter 6. TRAINING⁴⁵

§ 120. Camps for Militia.

§ 121. Central training camp.

§ 122. Annual manoeuvres.

§ 123. Reduced rates for travel.

§ 124. Leave of absence for training.

§ 125. Number of men to be inducted for military training; assignment to camps.

§ 120. Camps for Militia.

A training camp shall be established near the headquarters of each of the infantry regiments of the First and Second Brigades of the Armed Forces for the purpose of training enlisted men of Class I and Class II of the Militia.⁴⁶

§ 121. Central training camp.

A central training camp shall be established for the training of officers of the Liberian National Guard, the Militia Reserve, and Cadets. All officers of the Armed Forces below the rank of Colonel shall attend this training camp and complete the course.

⁴⁵ *Cross reference:*

Training regulations to be prepared by Chief of Staff, *see* § 8 of this Title.

⁴⁶ *Prior legislation:* L. 1954-55, Act entitled: "An Act providing for compulsory military training," §§ 2, 4; L. 1939-40, ch. XIX, § 6 (ch. II); § 4 (ch. V).

Cross reference: Training requirements for Class I of Militia, *see* § 73 of Title.

At least once every two years, each unit of the Liberian National Guard shall receive training in the camp established under the provisions of this Section.

The central training camp shall be staffed and conducted by qualified commissioned and non-commissioned officers detailed from the National Guard and Militia.⁴⁷

§ 122. Annual manoeuvres.

Units of the National Guard stationed in each province shall take part in annual manoeuvres with the Militia units of the county or military district to which the station of the National Guard may be adjacent. The expense of the manoeuvres will be borne by the Government under such regulations as may be issued in relation thereto.⁴⁸

§ 123. Reduced rates for travel.

The Militia Bureau shall obtain from all common carriers in the Republic reduced rates for travel of officers and soldiers to and from training camps.⁴⁹

§ 124. Leave of absence for training.

All Government employees shall be granted leave of absence with pay when called to duty for training.⁵⁰

§ 125. Number of men to be inducted for military training; assignment to camps.

The number of men to be inducted each year for military training will be limited by the ability of the Government to provide adequate shelter, subsistence, uniforms, arms and ammunition and hospital accommodation. The trainees will be proportionately assigned to training camps in the counties and provinces of the

⁴⁷ *Prior legislation:* L. 1939-40, ch. XIX, §§ I, 2, 5, 7 (ch. V).

Cross reference: Training school for officers, *see* § 144 of this Title.

⁴⁸ *Prior legislation:* L. 1939-40, ch. XIX, § 3 (ch. V)

⁴⁹ *Prior legislation:* L. 1939-40, ch. XIX, § 9 (ch. V)

⁵⁰ *Prior legislation:* L. 1939-40, ch. XIX, § 10 (ch. V).

Cross reference:

Trainees in Class I of Militia entitled to return to their employment, *see* § 75 of this Title.

Republic in ratio determinable by the President, due regard being given to the seat of the First Brigade of the Armed Forces.⁵¹

Chapter 7. OFFICERS AND INSTRUCTORS

- § 140. Appointment of officers and instructors.
- § 141. Oath required of officers.
- § 142. Assignment of officers to units.
- § 143. Officers' training corps.
- § 144. Training school for officers.
- § 145. Age at which officers are to be honorably retired.
- § 146. When commissions may be vacated.
- § 147. Cap ornament and buttons.
- § 148. Rank insignia.
- § 149. Brigadier Generals.
- § 150. Aides for Major Generals and Brigadier Generals.
- § 151. Surgeon General and assistants.
- § 152. Chaplain General.

§ 140. Appointment of officers and instructors.

Vacancies occurring in the grade of officers of the National Guard shall be filled from the officers' training camp or cadet corps of the schools.

Appointment as an officer in the Militia and promotion to a higher rank in the Militia shall be for persons who have passed a qualifying test to be prepared and given by an examining Board. Such Board shall be appointed by the Minister of National Defense on recommendation by the Militia Bureau.

Only officers of the National Guard and Militia whose efficiency record justifies such appointment shall be instructors in the training camps and in the cadet corps.

Honor graduates of the officers' training camp will be selected as assistant instructors of the National Guard regiments.⁵²

⁵¹ *Prior legislation:* L. 1954-55, Act entitled: "An act providing for compulsory military training", § 8.

⁵² *Prior legislation:* L. 1939-40, ch. XIX, §§ 6, 7 (ch. V); §§ 1, 2 (ch. VIII); L. 1875-76, 13, § 3; OBB 148, Act to regulate the Militia, § 13.
Cross references:

§ 141. Oath required of officers.

All officers shall be required to take the following oath of allegiance:

.....do solemnly swear that I will support the Constitution and laws of the Republic of Liberia against all enemies, foreign and domestic, and defend the same against all enemies; that I will bear true faith and allegiance to the same; that I will obey the orders of the President of the Republic, the Minister of National Defense and all officers appointed over me according to the rules and articles of war; that I take this obligation freely, without mental reservation or purpose of evasion; that I will faithfully discharge the duty of the office of the Republic of Liberia upon which I am about to enter, so help me God.⁵³

§ 142. Assignment of officers to units.

Assignment of officers to units shall be by the Chief of Staff upon recommendation of the commanding officer of the respective units after appropriate examination.⁵⁴

§ 143. Officers' training corps.

The President is empowered to establish Officers' Training Corps in civilian institutions of learning. Regulations for Officers' Training Corps shall be prepared by the Chief of Staff and shall take effect on approval by the Minister of National Defense.⁵⁵

§ 144. Training school for officers.

To provide an adequate reserve of trained officers for the National Guard and Militia, the President is empowered to cause to be established at a suitable place, namely, the Booker Washington Institute at Kakata, a central military academy or college as a full

Organization of cadet corps in secondary schools, *see* Education L., § 93.
Commander-in-Chief to make all military appointments, *see* Executive L., § 300.

⁵³ *Prior legislation:* L. 1939-40, ch. XIX, § 3 (ch. VIII).

⁵⁴ *Prior legislation:* L. 1939-40, ch. XIX, § 16 (ch. II).

⁵⁵ *Prior legislation:* L. 1954-55, Act entitled: "An act providing for compulsory military training," § 2, 4.

time school for further training of officers of the armed forces who show aptitude and the desire to make the military service a career.⁵⁶

§ 145. Age at which officers are to be honorably retired.

An officer of the Armed Forces shall be honorably retired and placed on the Reserve Corps with pension of fifty per cent of the highest pay received during active duty at the age indicated: If a General, at seventy; if a Colonel, at sixty; if an officer of lesser rank than Colonel, at fifty-five, provided that such officer of lesser rank has served consecutively for fifteen years.⁵⁷

§ 146. When commissions may be vacated.

Officers may not vacate their commissions after undergoing training except for proper cause and then only upon permission of the Commander-in-Chief.⁵⁸

§ 147. Cap ornament and buttons.

The following cap ornament shall become the official insignia to be worn by commissioned officers of the Liberian Army when in uniform: The coat of arms of the Republic with crossed palm branches at the base, the "Lone Star" above with the scroll lettered "The Love of Liberty Brought Us Here" along the sides. The buttons shall be made in brass or gold gilt. This ornament is to be worn on the face of a uniform cap or helmet or service hat.

The buttons to be worn on the uniforms of commissioned officers shall be circular, of brass or gold gilt, and shall bear a representation of the coat of arms of the Republic. The buttons are to be worn by all commissioned officers of the Liberian Army while in military uniform.

It shall be unlawful for any officer to wear or display the cap insignia or the buttons described in the foregoing paragraphs while

⁵⁶ *Prior legislation:* L. 1954-55, Act entitled: "An act providing for compulsory military training," § 1; L. 1939-40, ch. XIX, § 5 (ch. I).

Cross reference:

Training camp for officers, *see* § 121 of this Title.

⁵⁷ *Prior legislation:* L. 1954-55, Act entitled "An act providing for compulsory military training," § 11.

⁵⁸ *Prior legislation:* L. 1939-40, ch. XIX, § 4 (ch. VIII).

in any form of civilian dress. An officer who violates this provision shall be fined not less than twenty-five dollars and not more than fifty dollars.

It shall be unlawful for any civilian or any enlisted man to use the cap insignia or the buttons described in the foregoing paragraphs. Any violation of this provision shall be punishable as impersonation of an officer under section 12.35 of the Penal Law.

All junior officers and enlisted men shall pay the proper respect to the insignia described in this section.⁵⁹

§ 148. Rank insignia.

The rank insignia of the commissioned and non-commissioned officers of the Army of the Republic shall be the same as that of the armed forces of the United States of America with these exceptions; that the rank insignia of a Colonel in the Armed Forces of the Republic shall be a silver coat-of-arms of the Republic; that of a Brigadier General, one silver star; that of a Major General, two silver stars, and an additional star to every higher rank in the Army.

The rank insignia of commissioned officers of the Army shall be worn on each shoulder loop of the coat or overcoat or on the shirt when worn without a coat. The chevron, the rank badge of non-commissioned officers, shall be worn on the sleeves between the elbow and the shoulders of the shirt, coat, overcoat, or fatigue uniform.⁶⁰

§ 149. Brigadier Generals.

Each Brigadier General shall inspect and drill his Brigade once a year and report its condition to the Major General, who shall

⁵⁹ *Prior legislation:* L. 1927-28, ch. XVI.

Cross reference:

Power of Minister of National Defense to recommend uniforms and rank insignia, *see* Executive L., § 301-A.

⁶⁰ *Prior legislation:* L. 1945-46, ch. II; L. 1877-78, 11 (2nd), § 3.

Cross reference:

Power of Minister of National Defense to recommend uniforms and rank insignia, *see* Executive L., § 301-A.

transmit the report to the Minister of National Defense for the inspection of the Commander-in-Chief.⁶¹

§ 150. Aides for Major General and Brigadier Generals.

The Major General shall be entitled to two aides and each Brigadier General to one.⁶²

§ 151. Surgeon General and assistants.

The Commander-in-Chief shall appoint and commission one Surgeon General for the Army whose rank shall be that of Colonel. He shall be Surgeon in Chief of the entire Army when in active service, and shall be entitled to two assistants.

All surgeons of regiments and brigades shall be subject to the orders of the Surgeon General, and shall report to him as Chief of his Department as often as may be required by him. The Surgeon General shall in turn be required to report the condition of the surgical corps to the Major General or army brigade officer who may be in command during active service.⁶³

§ 152. Chaplain General.

The Commander-in-Chief shall appoint a Chaplain General whose rank shall be that of Lieutenant Colonel.

⁶¹ *Prior legislation:* L. 1894-95, 24, § 8.

Cross reference:

Adjutant General a member of staff of Department of National Defense, *see* Executive L. §304.

⁶² *Prior legislation:* L. 1894-95, 24, § 10.

⁶³ *Prior legislation:* L. 1896-97, 32 (2nd); L. 1892-93, 20 (1st).

Chapter 8. ARMY PROPERTY AND EQUIPMENT⁶⁴

- § 180. Acquisition of supplies.
- § 181. Accounting for property and funds.
- § 182. Resale of Government property.
- § 183. Condemned property.
- § 184. Disposition of used property.

§ 180. Acquisition of supplies.

The type and amount of arms, equipment, and supplies for all Armed Forces of the Republic shall be decided by the Chief of Staff. Purchase of new arms and equipment shall be in accordance with regulations issued by the Militia Bureau with the approval of the Chief of Staff.⁶⁵

§ 181. Accounting for property and funds.

The property disbursing officer shall be accountable for all property issued to units for their use and shall make periodical returns thereof. He shall issue property to officers and units for their use and needs only upon a requisition in form prescribed by regulation.

All other property of the Army and funds appropriated for military purposes shall be strictly accounted for by the responsible officers of the Army in accordance with the accounting practices followed for government property and funds generally.⁶⁶

§ 182. Resale of Government property.

Resale of Government property to Army officers or units shall be controlled by appropriate regulations.⁶⁷

⁶⁴ *Cross references:*

Government arms to be stamped, *see* sec. 244 of this Title.
Control of traffic in firearms, *see* ch. 11 of this Title.

⁶⁵ *Prior legislation:* L. 1939-40, ch. XIX, §§ 1, 2, 3 (ch. IV).

⁶⁶ *Prior legislation:* L. 1939-40, ch. XIX, § 6 (ch. III); § 6 (ch. IV); L. 1897-98, 12 (2nd).

⁶⁷ *Prior legislation:* L. 1939-40, ch. XIX, § 4 (ch. IV).

§ 183. Condemned property.

Proceeds of sale of property condemned after use by the armed forces shall be deposited in the government depository.⁶⁸

§ 184. Disposition of used property.

Military property unserviceable through ordinary wear and tear in the military service shall be surveyed and disposed of as recommended by a survey officer appointed by the Minister of National Defense.⁶⁹

Chapter 9. COURTS MARTIAL

§ 200. General Courts Martial.

§ 201. Regimental Courts Martial.

§ 202. Notices of courts martial.

§ 203. Penalties for military offenses.

§ 204. Collection of military fines.

§ 205. New trials.

§ 206. Pay of officers at General Courts Martial.

§ 207. Pay of officers at Regimental Courts Martial.

§ 200. General Courts Martial.

A General court martial for each Brigade shall convened annually. It shall be composed of not less than three nor more than five field officers, and shall have a President, a Judge Advocate, a Brigade Major, and a clerk. The President shall be the Brigadier General of the Brigade or such Colonel as he may appoint; provided that in the case of the trial of a Brigadier General, the Major General shall preside over the court martial and may select the members from any or all Brigades.

The Brigade Major shall serve all citations under the direction of the Commander-in-Chief or General, and shall keep a transcript of all returns made to him in a book and shall file all such returns in his office.

⁶⁸ *Prior legislation:* L. 1939-40, ch. XIX, § 5 (ch. IV).

⁶⁹ *Prior legislation:* L. 1939-40, ch. XIX, § 7 (ch. IV).

The General Court Martial shall have jurisdiction within their respective Brigades over all offenses committed by officers above the rank of Captain and over all appeals from regimental courts martial, the judgments of which they shall have power to either affirm or reverse. Appeals may be had from the decision of a General Court Martial to the Commander-in-Chief.⁷⁰

§ 201. Regimental Courts Martial.

Courts martial for each of the respective regiments shall convene quarterly. They shall be composed of the Colonel of the regiment, who shall preside, and from two to four other commissioned officers of the staff or line, except that if the importance of the case warrants, the commanding officer of the Regiment may increase the number of officers composing the court to the number of eight. The Court shall also be attended by a Judge Advocate of rank not lower than Captain, a clerk, and a ministerial officer of the rank of Adjutant.

A Regimental Court Martial shall have cognizance of all military offenses committed within the regiment by privates or officers below the rank of Major, and may impose fines incurred for delinquencies at brigade, regimental, or company drills. Appeals may be taken from the decision of a Regimental Court Martial to the General Court Martial.⁷¹

§ 202. Notices of courts martial.

Notices shall be posted in three of the most public places of each of the settlements of the county by the Adjutant of the regiment at least ten days before the session of the court martial for all delinquents to appear before it. Such notice shall include a list of delinquents of the settlement or township in which the notice shall be posted. A general notice and catalogue of delinquents shall be

⁷⁰ *Prior legislation:* Rev. Stat. (adopted L. 1929, ch. VII), § 1160 (1); L. 1895-96, 19, §§ 1, 2, 3; L. 1884-85, 5, § 1; OBB 148, Act to regulate the Militia, § 9; 1841 Digest, pt. I, Act to regulate the Militia, § 9, 2 Hub. 1495; Acts 1839, Act to regulate the Militia, art. 20, 2 Hub. 1386.

⁷¹ *Prior legislation:* Rev. Stat. (adopted L. 1929, ch. VII), § 1160 (2); L. 1895-96, 19, § 7; OBB 148, Act to regulate the Militia, sec. 8; Acts 1846, Act to amend an Act entitled an Act to regulate the Militia, sec. 2, 2 Hub. 1662; 1841 Digest, pt. 1, Act to regulate the Militia, § 9, 2 Hub. 1495; Acts 1839, Act to regulate the Militia, art. 19, 2 Hub. 1386.

posted in the office of the Superintendent of the county and in the post offices.⁷²

§ 203. Penalties for military offenses.

The President shall prescribe by regulations the penalties to be imposed by courts martial for offenses within their jurisdiction. No sentence of death nor of dismissal from office shall be executed unless authorized by warrant of the President after a copy of the whole proceeding shall have been laid before him by the proper officer.⁷³

§ 204. Collection of military fines.

One or more suitable persons shall be appointed in each county as military collectors, whose duty it shall be to collect all fines assessed by courts martial or other military authority. They shall receive fifteen percent of all amounts collected by them.

The military collectors shall vigilantly and honestly collect all fines imposed by the respective courts martial and shall immediately pay them over to the Revenue Services. They shall issue therefor receipts in duplicate, one to be delivered to the Revenue Services and the other to be delivered to the person fined. The Revenue Services shall furnish receipt books in duplicate to the different military fine collectors. Each collector shall make a report to the Regimental Court Martial containing a list of the names of persons paying fines and the amounts paid by them. Any military collector who shall violate any of the provisions of this section shall be fined fifty dollars to be recovered by summary procedure in a court of appropriate jurisdiction.⁷⁴

⁷² *Prior legislation:* L. 1894-95, 24, § 13; L. 1862-63, 12 (1st), § 2; OBB 153, Supplement to an Act entitled an Act to Regulate the Militia, § 5.

⁷³ *Prior legislation:* L. 1938, ch. XXIII, §§ 2, 3; Rev. Stat. (adopted L. 1929, ch. VII), §§ 1157, 1161, 1162; L. 1897-98, 7, § 3; L. 1875-76, 13, § 9; L. 1868-69, 3 (2nd), § 4; OBB 148, Act to regulate the Militia, § 12; Acts 1846, Act to amend an Act entitled an act to regulate the Militia, § 3, 2 Hub. 1662; 1841 Digest, pt. I, Act to regulate the Militia, § 10, 2 Hub. 1495; Acts 1839, Act to regulate the Militia, art. 21, 2 Hub. 1386.

⁷⁴ Amended. L. 19-55-56, ch. VIII, eff. Feb. 23, 1956.
Legis note: Second sentence relating to requirement for bond omitted. That provision is now covered by Public Employment L., ch. 2.
Prior legislation: L. 1937, Ch. XXV, art. 7, § 1; Rev. Stat. (adopted L. 1929, ch. VII). § 1163; L. 1906-07, 35, L. 1895-96, 19, §§. 9, 10; L. 1883-84, 3 (2nd);

§ 205. New trials.

Any member of the armed forces who shall have been fined by a court martial, may be granted a new trial by the presiding officer at the next session of the court martial if there is sufficient evidence to show that the fine was illegally assessed owing to special circumstances in the case. If a new trial shall be granted, collection of the fine shall be stayed pending a determination against the defendant on the new trial.⁷⁵

§ 206. Pay of officers at General Courts Martial.

The per diem pay of officers attending the General Court Martial shall be as follows: The President, five dollars; members of the board, Judge Advocate, and ministerial officers, three dollars each; the clerk and judge Advocate's Assistant, two dollars each; guards, one dollar and twenty-five cents each.⁷⁶

§ 207. Pay of officers at Regimental Courts Martial.

The pay of officers and members of the Regimental Courts Martial shall be per day as follows:

President	\$3.00
Field Officers serving as members	2.00
Line Officers serving as members of the Board	1.50
Judge Advocate	2.00
Adjutant	1.50
Clerk....	\$1.25
Guards...	1.25 ⁷⁷

L. 1875-76, 13, §§ 7, 8; L. 1868-69, 3 (2nd), § 5; OBB 148, Act to Regulate the Militia, § 10.

⁷⁵ *Prior legislation:* OBB 148, Act to regulate the Militia, § 11

⁷⁶ *Prior legislation:* Rev. Stat. (adopted L. 1929, ch. VII), § 1167; L. 1884-85, 5, § 4; L. 1862-63, 12 (1st), § 1.

Cross reference:

Mileage payable for traveling on government business, *see* Public Employment L., § 81.

⁷⁷ *Prior legislation:* L. 1925-26, ch. XVI, §§ 1, 2; L. 1862-63, 12 (1st), § 1; OBB 148, Act to Regulate the Militia, § 9.

Chapter 10. COMPENSATION AND PERQUISITES⁷⁸

- § 220. Pay for members of the Armed Forces.
 § 221. Allowances and rations.
 § 222. Pensions for veterans of Armed Forces.
 §222-A. Pensions for widow and minor children of members of armed services killed in performance of duties.
 § 223. Hospitalization.
 § 224. Bounty land. (Repealed)

§ 220. Pay for members of the armed forces.

To insure uniformity in pay of personnel in the armed forces of the Republic, the following schedule shall govern and be the basis of calculation, it being understood that the terms mentioned in the schedule refer to accumulative service from the beginning of service and not to years of service in the grade mentioned:

Rank	<i>Under</i> 4 yrs.	<i>Over</i> 4 yrs.	<i>Under</i> 7 yrs.	<i>Over</i> 7 yrs.	<i>Over</i> 10 yrs.
Major General	\$3,000			\$4,700	\$5,000
Brigadier General	2,640	\$4,100			4,200
Colonel	2,400	3,000		3,500	3,600
Lieutenant Colonel	2,300	2,600		2,700	3,000
Major	2,200	2,350		2,400	
Captain	1,500	1,600		1,800	2,000
First Lieutenant	1,000	1,050		1,075	1,100
Second Lieutenant	900	925		970	990
Master Sergeant	500	550	600	650	750
First Sergeant	450	500	550	600	700
Staff Sergeant	400	415	420	430	
Sergeant	200	225	450	475	
Corporal	120	125	130	140	
Private First Class	90	95	100		
Private	80			90 ⁷⁹	

⁷⁸ *Cross reference:* Prepayment of postage not required of persons in armed services, *see* Postal Service L., § 53.

⁷⁹ *Prior legislation:* L. 1954-55, Act entitled "An Act providing for compulsory military training," § 10.

§ 221. Allowances and rations.

Allowances and rations for officers and privates in the Armed Forces shall be in accordance with annual budgetary appropriations.⁸⁰

§ 222. Pensions for veterans of armed forces.

An active serviceman in the Armed Forces of the Republic, upon a determination by the Board of Military Strategy that he has become incapacitated, shall be honorably discharged and pensioned.

Veterans of the Armed Forces, upon honorable discharge or retirement from the military or naval service of the Republic, shall receive yearly pensions of the following amounts:

Generals	\$300.00
Colonels	250.00
Majors	150.00
Captains and Lieutenants	100.00
Non-commissioned officers	75.00
Privates	50.00

A veteran of the Armed Forces who has been disabled from any cause during his period of active service shall receive a further grant of one hundred dollars per annum additional to the amount above indicated for the period during which his disablement continues. Before payment to a veteran of any part of such additional amount, the surgeon of the unit to which he was attached shall transmit to the Ministry of Finance a certified statement concerning the nature and extent of the injury and declaring that the veteran is thereby disabled.

Upon the death of any of the members of the Armed Forces of the ranks above named, a widow or minor child left by him shall receive fifty per-centum of the pension granted to the husband or parent. The Minister of Finance is hereby authorized to make such payments under warrant of the President, out of any money in the

⁸⁰ *Prior legislation:* L. 1939-40, ch. XIX, § 7 (ch. IX); L. 1929, ch.11; Rev. Stat. (adopted L. 1929, ch. VII), § 1165; L. 1925-26, ch. XVI, § 4; L. 1914, 5 (2nd), § 2; L. 1894-95, 24, § 11; L. 1892-93, 8 (1st), § 1; OBB 148, Act to Regulate the Militia, § 14; 1841 Digest, pt. I. Act to Regulate the Militia, § 11, 2 Hub. 1495; Acts 1839, Act to Regulate the Militia, art. 22.2 Hub. 1386.

public treasury, not otherwise appropriated, in equal monthly installments.⁸¹

§ 222-A. Pensions for widows and minor children of members of armed services killed in performance of duties.

In case of the death of an officer or member of the armed services as a result of wounds received or injuries inflicted in the course of actual service in the lawful discharge and execution of his duties, his widow and minor children shall receive a pension in a sum equal to the amount of compensation which the officer or member of the armed services was receiving at the time of his death.⁸²

§ 223. Hospitalization.

Hospitalization shall be furnished without charge when required to all members of the armed services when on active duty.⁸³

§ 224. Bounty land. (Repealed)

Chapter 11. FIREARMS TRAFFIC ACT

§ 240. Title of Act.

§ 241. Definitions of terms.

§ 242. Importation of firearms subject to permit.

§ 243. Sale of arms and ammunition.

§ 244. Government arms to be stamped.

§ 245. Trafficking in Government arms prohibited.

§ 246. Possession of Government arms prohibited.

⁸¹ *Prior legislation:* L. 1954-55, Act entitled “An Act providing for compulsory military training,” § 14; L. 1951-52, unnumbered chapter after ch. XXXVI, §§ 2, 3; L. 1943-44, ch. XXIV; L. 1939-40, ch. XIX, § 8 (ch. IX); L. 1915-16, ch. XXXVI; L. 1893-94, 20; L. 187778, 13 (2nd); L. 1862-63, 4.

Cross reference:

Age at which officers are to be honorably retired, *see* sec. 145 of this Title.

⁸² Added by L. 1957-58, ch. XLIII, § 2, eff. on pub.

Legis note: A provision which was the same as the above except that the “minor heirs” rather than the “minor children” were named as the recipients of the pension with the widow, was enacted by L. 1955 (E.S. June, ch. XI, eff. July 19, 1955. That chapter was repealed by L. 1957-58, ch. XLIII, § 3, eff. Mar. 21, 1958.

⁸³ *Prior Legislation:* L. 1939-40, ch. XIX, § 1 (ch. XI).

- § 247. Unauthorized disposition of Government arms by custodian prohibited.
- § 248. Registration of precision arms required.
- § 249. Sale of firearms and ammunition to aborigines regulated.
- § 250. Penalty for violations; forfeiture.

§ 240. Title of Act.

The provisions of this Chapter shall be cited as the “Firearms Traffic Act.”⁸⁴

§ 241. Definitions of terms.

In this Act, unless the context requires otherwise, the following meanings shall apply:

The “Executive Board” means the board set up by executive order of the President to implement the provisions of this Chapter.

“Firearm” or “arms” shall mean all arms of precision of any nature whatsoever, but shall not include flintlock guns with unrifled barrels.

“Ammunition” shall include every and any explosive compound or substance used in procuring the discharge of firearms or ordnance.

“Large transaction” when used with reference to firearms shall mean any importation, purchase or sale of more than one rifle, one shot gun, and one revolver or pistol in a single transaction.

“Large transaction” when used with reference to cartridges shall mean the importation, purchase, or sale of any quantity or number of cartridges exceeding five hundred in any one transaction.

“Large transaction” when used with reference to gunpowder shall mean any quantity of gunpowder in excess of fifteen pounds avoirdupois imported, sold, or purchased in any one transaction.

“Large transaction” when used with reference to moulded or chilled shot shall mean any quantity of such shot in excess of twenty-five pounds avoirdupois imported, purchased or sold in any one transaction.

⁸⁴ *Prior legislation:* L. 1917 (E.S.), 12, § 1.

A “Commercial permit” shall mean any permit for the importation of the articles contemplated in this Act for the purpose of traffic or the sale of such articles for profit.

“Government arms” and “Government ammunition” shall mean such arms and ammunition and gunpowder as may have been imported, purchased or acquired by the Government for the service of the Republic.⁸⁵

§ 242. Importation of firearms subject to permit.

Any person desiring to import firearms, gunpowder, gun caps, shots, cartridges, or munitions of war or sport into the Republic shall apply for a permit to the Executive Board. Such permit may be issued by the Board in its discretion after the President has given his approval. The Assistant Supervisor of Revenues in charge of customs shall be notified of and consulted with respect to the issuance of all commercial permits involving large transactions.⁸⁶

§ 243. Sale of arms and ammunition.

The sale of arms, ammunition, or gunpowder by an importer shall be made through the Executive Board under such regulations as it shall prescribe.⁸⁷

⁸⁵ *Prior Legislation:* L. 1917 (E.S.), 12 § 2.

⁸⁶ *Prior legislation:* Rev. Stat. (adopted L. 1929, ch. VII), § 866; L. 1917 (E.S.), 12, §§ 4, 5, 6; Crim. Code, § 136; L. 1913-14, 10 (1st); L. 1911-12, 517; L. 1904-05, 14; L. 1902-03, 35 (2nd); L. 1901-02, 29; L. 1892-93, 10 (2nd), § 1.

Cross references:

Inspection of imports by wharfinger to discover illegally imported firearms, *see* Revenue and Finance L., § 898.

Requirements on importation of dynamite, *see* Natural Resources L., § 81.

Requirements on importation of dynamite, *see* Natural Resources L. § 94(2).

Inspection of imports by wharfinger to discover illegally imported firearms, *see* Revenue and Finance L., § 898.

⁸⁷ *Prior legislation:* L. 1917 (E.S.), 12, §§ 7, 8.

Cross reference:

Profit on sale of imported firearms regulated, *see* General Business L., §§ 470, 471.

§ 244. Government arms to be stamped.

All guns and other munitions of war hereafter purchased or imported for Government purpose shall be stamped “R. L”.-under direction of the Minister of National Defense before they shall be used.⁸⁸

§ 245. Trafficking in Government arms prohibited.

Except by Government authority, no person shall import, sell, or purchase any Government arms or ammunition. Any person acting in contravention of this section shall be guilty of a misdemeanor and upon conviction shall be imprisoned for not less than six months and not exceeding two years, or be fined not less than one hundred dollars and not more than one thousand dollars for each offense.⁸⁹

§ 246. Possession of Government arms prohibited.

No person not in actual military service of the Republic shall keep or possess any Government arms or ammunition except by permission of the Ministry of National Defense. Government arms or ammunition in the illegal possession of any person shall be seized by any military officer or justice of the peace or magistrate and returned to the Ministry of National Defense through the nearest military post. Any person found in possession illegally of Government arms or ammunition who shall refuse or neglect upon demand to surrender such arms or ammunition shall be guilty of a misdemeanor and upon summary conviction before a magistrate or a justice of the peace shall be fined twenty-five dollars or imprisoned for a period not exceeding one month.⁹⁰

§ 247. Unauthorized disposition of Government arms by custodian prohibited.

Any keeper of an arsenal or other custodian of Government arms or ammunition who shall in any manner whatsoever except upon

⁸⁸ *Prior legislation:* L. 1901-02, 29, § 3.

⁸⁹ *Prior legislation:* L. 1917 (E.S.), 12, § 11; L. 1915-16, ch. XXXII; Crim. Code, § 108; L. 1901-02, 29, § 3; L. 1876-77, 7 (2nd), §§ 3, 4.

⁹⁰ *Prior legislation:* Rev. Stat. (adopted L. 1929, ch. VII), § 1179; L. 1917 (E.S.), 12, § 12; L. 1915-16, ch. XXXII; L. 1901-02, 29, § 4; L. 1876-77, 7 (2nd), § I.

the order of the Minister of National Defense or other authorized official, surrender, sell, lend, barter, or otherwise dispose of Government property in his custody, shall upon conviction be imprisoned at hard labor for a period not less than five years and not exceeding ten years and forfeit and pay to the Government twice the value of the articles of which he disposed.⁹¹

§ 248. Registration of precision arms required.

All arms of precision shall be registered by the owner, in Montserrado County with the office of the Executive Board, or outside Montserrado County, with the Superintendent of the County or Territory or with the District Commissioner, by description and number, and a certificate of registration shall be issued to the owner.

The Executive Board shall be notified by the registered owner of every transfer of a privately owned firearm. The purchaser of such firearm shall present the certificate of the original owner to the Executive Board and shall procure the issuance of a new certificate in his own name. Any person who shall be found in possession of an unregistered firearm shall be fined twenty-five dollars and be compelled to take out a certificate of registration. Any person who shall counterfeit or forge a certificate of registration shall be punished as provided in section 250 of this Title.

The only fee required for registration of firearms shall be twenty-five cents payable by affixing revenue stamps, and such fee shall be paid only on the original registration. All subsequent yearly registrations shall be effected by endorsement on the back of the form by the word "renewed," followed by the date and the signature of the official. No fee of any kind shall be required for the renewal of the registration of the same firearm.⁹²

§ 249. Sale of firearms and ammunition to aborigines regulated.

No person shall sell, transfer, or lend to any aborigine any firearms or ammunition without first obtaining a permit from the Executive

⁹¹ *Prior legislation:* L. 1917 (E.S.), 12, § 14; L. 1915-16, ch. XXXII.

⁹² *Prior legislation:* Hint. Reg. (app. L. 1949-50, ch. XXXVI), art 70; Rev. Stat. (adopted L. 1929, ch. VII), § 774; L. 1917 (E.S.), 12, § 13; L. 1909-10, 23; L. 1900-01, 25 (2nd); L. 1892-93, 10 (2nd), § 2.

Board. A record of sales or transfers made under this section shall be kept for inspection by the Executive Board. Any person violating the provisions of this section shall be guilty of a misdemeanor and upon conviction shall be fined five hundred dollars or be imprisoned for a period not less than six months nor more than three years, and in addition shall pay the cost of prosecution.⁹³

§ 250. Penalty for violations; forfeiture.

The penalty for violating any of the provisions of this Chapter except where penalties have hereinbefore been specifically prescribed, shall be a fine of not less than one hundred dollars and not exceeding five thousand dollars, or imprisonment for not less than six months nor exceeding ten years or by both fine and imprisonment.

All arms, ammunition, and gunpowder imported, sold, purchased, or transferred in contravention of prohibitions of this Chapter or regulations Issued hereunder shall be seized and forfeited to the Government; provided that a person who shall be found in possession of an unregistered firearm who shall be fined and shall secure a certificate of registration as provided in section 248 of this Chapter shall be permitted to retain the registered firearm.⁹⁴

Chapter 12. FOREIGN ARMED VESSELS

§ 260. Use of land and naval forces against armed vessels.

§ 261. Armed vessel to give bond on clearance.

§ 262. Detention by Collector of Customs.

§ 260. Use of land and naval forces against armed vessels.

In every case provided for in sections of the Penal Law and in every case of the capture of a vessel within the jurisdiction or protection of Liberia, and in every case in which any process

⁹³ *Prior legislation:* L. 1930-31, ch. V; L. 1917 (E.S.), 12, § 9; L. 1892-93, 10 (2nd), § 3.

Cross reference:

Restrictions on person trading in the tribal jurisdiction, *see* Gen. Business L., § 303(d), (e).

⁹⁴ *Prior legislation:* L. 1917 (E.S.), 12, §§ 10, 15.

issuing out of any court of the Republic is disobeyed or resisted by any person having custody of any vessel of war, cruiser, or other armed vessel of any foreign prince or state, or of any colony, district or people, or of any subjects or citizens of any foreign prince or state, or of any colony, district or people, it shall be lawful for the President to employ such part of the land, naval or air forces of Liberia or of the militia thereof for the purpose of taking possession of or detaining such vessel with her prizes, if any, in order to enforce the penalties provided in sections of the Penal Law and also to prevent the carrying on of any such expedition or enterprise from the territory or jurisdiction of the Republic against the territory or dominion of any foreign prince or state, or of any colony, district or people with whom the Republic of Liberia is at peace. The President may also employ such part of the land or naval forces of the Republic or the militia thereof as shall be necessary to compel any foreign vessel to depart from Liberia in all cases in which by the laws of nations or the treaties of the Republic she ought not to remain within Liberia.⁹⁵

§ 261. Armed vessel to give bond on clearance.

The owners or consignees of every armed vessel sailing out of the ports of Liberia belonging wholly or in part to citizens thereof, shall, before clearance, give bond to the Republic with sufficient security, in double the value of the vessel and cargo on board, including her armament, conditioned that the vessel shall not be employed by such owners to cruise or to commit hostilities against the subjects, citizens, or property of any foreign prince or state, or of any colony, district or people, with whom the Republic of Liberia is at peace.⁹⁶

§ 262. Detention by Collector of Customs.

The Collectors of Customs shall detain any vessel manifestly built for warlike purposes, and about to depart from Liberia, the cargo of which consists principally of arms and munitions of war, when the number of men shipped on board or other circumstances render it probable that such vessel is intended to be employed by the owners to cruise or to commit hostilities, upon the subjects,

⁹⁵ *Prior legislation:* Crim. Code, §§ 143, 144.

⁹⁶ *Prior legislation:* Crim. Code, §145.

citizens or property of any foreign prince or people with whom the Republic of Liberia is at peace. Such vessels shall be detained until the decision of the President is had thereon or until the owner gives bond or security as required by the preceding section.⁹⁷

Chapter 13. MISCELLANEOUS

§ 280. Liberian Order of Military. Service and Merit.

§ 282. Description of uniforms.

§ 280. Liberian Order of Military Service and Merit.

The President is hereby authorized to create and institute a military order to be styled the Liberian Order of Military Service and Merit, the membership of which shall comprise only one grade and be unlimited as to number. The said Order shall be conferred by the President at his pleasure only upon military officers who shall have rendered distinguished and meritorious service in the military forces of the Republic and upon men who, in the presence of the enemy, shall have displayed conspicuous bravery while in active service.

The insignia of said Order shall be a medal and clasp attached to a ribbon of the colors of the rainbow. The obverse of the medal shall represent a soldier of the Armed Forces standing *en garde* on one bank of a river, his Run pointing in the direction of a native village on the opposite bank. Behind and a little to the right of the soldier shall be an outline map of Liberia. The inscription of the border of this face of the medal shall be "We Will Defend It Against All Forces." The reverse shall represent in the foreground a closed hand holding a Liberian Flag, a sword, a gun, and a trumpet. Immediately behind these shall be a cannon by the wheel of which is a drum and branch of laurel growing upwards from the ground. The inscription on this side shall be "We Will Keep It."⁹⁸

⁹⁷ *Prior legislation:* Crim. Code, § 146.

⁹⁸ Approved June 1, 1962.
Prior legislation: L. 1914, 4 (1st).

Cross references:

Order of the Star of Africa, *see* Patriotic Observances L., § 61.

§ 282. Description of uniform.

Henceforth the uniforms to be worn by officers and enlisted men of the Armed Forces of Liberia shall be of the following description:

- a. Service uniformOlive drab
- b. Fatigue suit..... Forest green
- c. Army helmets..... Olive drab
- d. Shoes.....Black
- e. Belt & Tie.....Black
- f. Caps..... Black
- g. Socks..... Black
- h. Formal uniform..... White & Tropical Worsted (Shade-Olive drab)

Devices:

- a. Officers and enlisted men-----Coat of Arms of the Republic
- b. Enlisted men Liberian National Guard----Black, Fez cap and shoulder patches marked LNG.

Insignias: All chevrons of non-commissioned and commissioned officers of the Armed Forces of Liberia will carry a Blue background representing the training field with Gold Stripes thereon representing grades as indicated hereunder:

- a. Private First Class: One Gold Stripe old Stripes
- b. Corporal: Two Gold Stripes
- c. Sergeant: Three Gold Stripes
- d. Sergeant First Class: Three Gold Stripes and a Bar
- e. First Sergeant: Three Gold Stripes, and two Bars
- f. Master Sergeant: Three Gold Stripes, Three Bars and a Star
- g. Technicians: "T" placed on the blue background with the golden stripe indicates the technical training of any of the above grades.
- h. Shoulder Patch LNG: Shoulder patch to be three inches from each point in a diamond shape with one Star, the letters LNG on blue background with six alternate parallel red and white stripes.
- i. Warrant Officer: One Gold Elephant

Liberian Humane Order of African Redemption, *see* Patriotic Observances L., § 62. Most Venerable Order of Knighthood of the Pioneers of the Republic of Liberia, *see* Patriotic Observances L., § 63.

j.	Second Lieutenant	One Gold pepper Bird
k.	First Lieutenant	One Silver pepper Bird
l.	Captain	Two Silver pepper Birds
m.	Major	Gold Palm tree
n.	Lieutenant Colonel	Silver Palm tree
o.	Colonel	Coat of Arms
p.	Brigadier General	One Silver Star
q.	Major General	Two Silver Stars
r.	Lieutenant General.	Three Silver Stars
s.	General	Four Silver Stars,

Aiguillettes of all Aides shall be worn on the left shoulder except those of the President's, and shall be of the following description:

- a. The Commander-in-Chief's Aides: SIX STARS (President's Insignia) and 11 stripes as displayed on the flag of the Republic.
- b. The Adjutant General's Aide: FIVE STARS all 11 stripes as displayed on the flag of the Republic.
- c. The Major General's Aides: TWO STARS (The Major-General's Insignia) and 11 stripes as displayed on the flag of the Republic.
- d. Brigadier General's Aides: ONE STAR (The Brigadier General's Insignia) and 11 stripes as displayed on the flag of the Republic.
- c. The Insignias of other Aides shall correspond with the Insignia of officers to whom they are assigned.⁹⁹

⁹⁹ Section 282 was added to the National Defense Law by Legislative Sessions Act, ch. XXXVI, entitled "AN ACT TO AMEND THE NATIONAL DEFENSE LAW WITH RESPECT TO THE UNIFORMS FOR OFFICERS AND ENLISTED MEN OF THE ARMED FORCES OF LIBERIA," approved June 1, 1962.

CHAPTER XXII
AN ACT TO PROVIDE FOR THE CONSTRUCTION OF
TWO
MILITARY TRAINING CAMPS

§ 1. The President is hereby authorized to have constructed two military camps for the first and second Brigades respectively, in the following localities:

- (a) One camp in Montserrado County for the First Brigade: and
- (b) One camp in Sinoe County for the Second Brigade.

§ 2. The Minister of Finance is hereby authorized under warrant of the President to draw out of any moneys in the public treasury, not otherwise appropriated, sufficient sum to implement the provisions of this act.¹⁰⁰

CHAPTER XIV
AN ACT TO AUTHORIZE THE RE-ORGANIZATION
AND
EXPANSION OF THE ARMY OF THE REPUBLIC OF
LIBERIA.

It is enacted by the Senate and House of Representatives of the Republic of Liberia, in Legislature Assembled:

§1. The Minister of Defense of the Republic is hereby authorized to undertake a complete re-organization of the entire Army of the Republic and to bring it up to a standard which will satisfy the present military needs of the State.

§ 2. The Minister of Defense is further authorized to utilize the services of personnel of his Ministry and other experts that may be necessary to enable him to effect such re-organization.

§ 3. Upon the completion of such re-organization as is authorized by the provisions of this Act, the Minister of Defense shall submit

¹⁰⁰ Approved February 28, 1961.

his report to the President for his approval and submission to the Legislature for due consideration and Legislative action.¹⁰¹

Chapter 14. REPEALERS

§ 300. Statutes repealed.

The following statutes are hereby repealed:

Acts 1839, Act to regulate the Militia, 2 Hub. 1386	L. 1868-69, 3 (2nd)
Acts 1840, Act to amend an Act to regulate the Militia, 2 Hub. 1415	L. 1875-76, 13
Acts 1841, Act reducing the amount to be paid by seamen to exempt them from military duty, 2 Hub. 1434	L. 1876-77, 7 (2nd)
1841 Digest, pt. 1, Act to regulate the Militia, 2 Hub. 1495	L. 1877-78, 11 (2nd)
Acts 1846, Act to amend an act entitled an act to regulate the Militia, 2 Hub. 1662	L. 1877-78, 13 (2nd)
Old Blue Book 148, Act to regulate the Militia, art. I	L. 1883-84, 3 (2nd)
OBB 153, Supplement to an act entitled an act to regulate the Militia	L. 1883-84, 4 (1st)
OBB 215, Act pertaining to bounty land	L. 1884-85, 5
Old Blue Book 236, Provisional regulations for the County of Maryland.	L. 1892-93, 6(1st)
sec. 4	L. 1892-93, 8(1st)
L. 1864-65, 41 (1st)	L. 1892-93, 10 (2nd)
L. 1866-67, 59 (1st), sec. 3	L. 1892-93, 20 (1st)
	L. 1892-93, 20 (2nd)
	L. 1893-94, 20
	L. 1894-95, 24
	L. 1895-96, 19
	L. 1896-97, 11 (1st)
	L. 1896-97, 13
	L. 1896-97, 32 (2nd)
	L. 1897-98, 7
	L. 1858, 18
	L. 1860, 65 (1st)
	L. 1862-63, 4
	L. 1862-63, 6
	L. 1862-63, 12 (1st)
	L. 1862-63, 14 (1st)
	L. 1863--64, 20 (2nd)

¹⁰¹ Approved May 8, 1962.

- L. 1897-98, 12 (2nd)
 L. 1898-99, 6 (1st)
 L. 1898-99, 10 (2nd)
 L. 1899-1900, 43 (3rd), sec. 7
 L. 1900-01, 25 (2nd)
 L. 1901-02, 29
 L. 1902-03, 9 (2nd), sec. 2
 L. 1902-03, 19 (2nd)
 L. 1902-03, 35 (2nd)
 L. 1904-05, 14
 L. 1906-07, 9
 L. 1906-07, 23 (1st) in so far it affects military officers
 L. 1906-07, 35
 L. 1907-08, 23
 L. 1908-09, 3
 L. 1908-09, 50
 L. 1909-10, 23
 L. 1909-10, 48
 L. 1911-12, 39
 L. 1911-12, 57
 L. 1913-14, 10 (1st)
 L. 1914, 4 (1st)
 L. 1914, 5 (2nd)
 L. 1914, 9 (1st)
 L. 1915-16, ch. XXXII
 L. 1915-16, ch. XXXVI
 L. 1917 (E.S.), 12
 L. 1918-19, 17 (2nd)
 Crim. Code, secs. 108, 136, 143-146
 L.1925-26, ch. XVI
 L. 1927-28, ch. XV
 L. 1927-28, ch. XVI
 L. 1928, ch. X
 L. 1928, ch. XII
 L. 1929, ch. II
 L. 1929, ch. III
 L. 1929, ch. V
 Rev. Stat. (adopted L. 1929, ch. VII), secs. 774, 866, 1080-1090, 1091 (1st 4 pars.), 1141-1170, 1179, 1189 (5), 1190, 1295
 L. 1929, ch. IX
 L. 1930-31, ch. VIII
 L. 1931-32, ch. IX.
 L. 1938, ch. XXIII
 L. 1939-40, ch. XIX except sec. 5.(b), (c) (ch. II); sec. 12 (ch. II); secs. 3, 5, 7 (ch. III)
 L. 1941-42, ch. XXV
 L. 1943-44, ch. XXIV, in so far as it affects veterans of the Army and Navy
 L. 1945-46, ch. II
 L. 1946-47, ch. XXXIV Hint. Reg. (app. L. 1949-50, ch. XXXVI), art. 70
 L. 1951-52, unnumbered Chapter after ch. XXX-VI, secs. 2,
 L. 1954-55, Act entitled: "A Act providing for compulsory military training," except sec. 1
 L. 1954-55, Act supplemental to an Act relating to the military service of the Republic
 L. 1954-55, Act to create the Marshall Detachment of a Regiment to be named and styled as the Eleventh Regiment

C. Comprehensive Peace Agreement

Comprehensive Peace Agreement between the Government of Liberia (GOL), The Liberians United for Reconciliation and Democracy (LURD), The Movement for Democracy in Liberia (MODEL) and the Political Parties

Accra, Ghana, 18th August 2003

We, the Government of The Republic of Liberia, The Liberians United for Reconciliation and Democracy (LURD), The Movement for Democracy in Liberia (MODEL) and the Political Parties

Having met in Akosombo and Accra, Ghana, from 4 June, 2003 to 18th August 2003, to seek a negotiated settlement of the crisis in Liberia, within the framework of the ECOWAS Peace Process for Liberia, under the auspices of the current Chairman of ECOWAS, His Excellency John Agyekum Kufuor, President of the Republic of Ghana, and the mediation of General Abdulasalam Abubakar, former Head of State of Nigeria;

Gravely concerned about the current civil war that has engulfed our country leading to loss of innumerable lives, wanton destruction of our infrastructure and properties and massive displacement of our people;

Recalling earlier initiatives undertaken by the Member States of ECOWAS and the International Community, aimed at bringing about a negotiated settlement of the conflict in Liberia;

Moved by the imperative need to respond to the ardent desire of the people of Liberia for genuine lasting peace, national unity and reconciliation;

Reaffirming the objective of promoting better relations among ourselves by ensuring a stable political environment in which our people can live in freedom under the law and in true and lasting peace, free from any threat against their security;

Determined to concert our efforts to promote democracy in the sub-region on the basis of political pluralism and respect for fundamental human rights as embodied in the Universal Declaration on Human Rights, the African Charter on Human and People's Rights and other widely recognised international instruments on human rights, including those contained in the Constitution of the Republic of Liberia;

Guided by the principles of democratic practice, good governance and respect for the rule of law enunciated in the ECOWAS Declaration on Political Principles of 1991 and the ECOWAS Protocol on Democracy and Good Governance adopted in 2001;

Committed to promoting an all inclusive participation in governance and the advancement of democracy in Liberia, as well as promoting full respect for international humanitarian law and human rights;

Concerned about the socio-economic well being of the people of Liberia;

Determined to foster mutual trust and confidence amongst ourselves and establish mechanisms which will facilitate genuine healing and reconciliation amongst Liberians;

Also Determined to establish sustainable peace and security, and pledging forthwith to settle all past, present and future differences by peaceful and legal means and to refrain from the threat of, or use of force;

Recognising that the Liberian crisis also has external dimensions that call for good neighbourliness in order to have durable peace and stability in the Mano River Union States and in the sub-region;

Re-committing ourselves to the scrupulous observance of the Ceasefire and Cessation of Hostilities Agreement signed at Accra, Ghana on 17th June, 2003, which constitutes an integral part of this Peace Agreement and is thereby appended as Annex I to the present Agreement;

Re-calling the establishment in 2002, of an International Contact Group on Liberia to support the efforts of ECOWAS in bringing durable peace to Liberia;

Committed to the establishment of an orderly transition process, to prevent the outbreak of future civil conflict in Liberia and the consequences of conflicts;

Desirous of seeking international assistance and support in restoring peace and stability to Liberia;

HEREBY AGREE AS FOLLOWS:

PART ONE

Article I

DEFINITIONS

For the purpose of this Agreement:

"AU" means the African Union;

"Ceasefire Agreement" means the Ceasefire and Cessation of Hostilities Agreement signed by the GOL, the LURD and the MODEL on 17th June 2003;

"CMC" means the Contracts and Monopolies Commission;

"DDRR" means Disarmament, Demobilization, Rehabilitation and Reintegration;

"ECOWAS" means the Economic Community of West African States;

"EU" means the European Union;

"GOL" means the present Government of Liberia;

"GRC" means the Governance Reform Commission;

"ICGL" means the International Contact Group on Liberia;

"ICRC" means the International Committee of the Red Cross;

"IMC" means the Implementation Monitoring Committee;

"INCHR" means Independent National Commission on Human Rights established under Article XII of this Agreement;

"Irregular Forces" mean all forces that are not established in accordance with the Constitution and laws of the Republic of Liberia;

"Interposition Force" means the ECOWAS Mission in Liberia which will be part of the ISF;

"ISF" means the International Stabilisation Force established under paragraph 7 of the Ceasefire Agreement;

"JMC" means The Joint Monitoring Committee established under paragraph 6 of the Ceasefire Agreement;

"JVT" means the Joint Verification Team established under paragraph 3 of the Ceasefire Agreement;

"LNP" means the Liberian National Police;

"LURD" means Liberians United for Reconciliation and Democracy;

"MODEL" means Movement for Democracy in Liberia;

"NCDDRR" means the National Commission for Disarmament, Demobilization, Rehabilitation and Reintegration established under Article VI of this Agreement;

"NEC" means the National Electoral Commission;

"NTGL" means the National Transitional Government of Liberia;

"NTLA" means National Transitional Legislative Assembly;

"Parties" means the Parties to this Agreement;

"Political Parties" means Political Parties registered under the laws of the Republic of Liberia;

"The Agreement" means this Comprehensive Peace Agreement;

"Chairman" means the Head of the NTGL;

"Vice-Chairman" means the Deputy Head of the NTGL;

"TRC" means Truth and Reconciliation Commission established under Article XIII of this Agreement;

"UN" means the United Nations Organization;

"**UNCIVPOL**" means the United Nations Civil Police Component of the United Nations Stabilisation Force;

"**UNICEF**" means United Nations Children Fund;

"**UNHCR**" means the United Nations Office of the High Commissioner for Human Rights;

"**UNDP**" means the United Nations Development Programme.

PART TWO CESSATION OF HOSTILITIES

Article II

CEASEFIRE

The armed conflict between the present Government of Liberia (GOL), the Liberians United for Reconciliation and Democracy (LURD) and the Movement for Democracy in Liberia (MODEL) is hereby ended with immediate effect. Accordingly, all the Parties to the Ceasefire Agreement shall ensure that the ceasefire established at 0001 hours on 18th June, 2003, results in the observation of a total and permanent cessation of hostilities forthwith.

Article III

CEASEFIRE MONITORING

1. The Parties call on ECOWAS to immediately establish a Multinational Force that will be deployed as an Interposition Force in Liberia, to secure the ceasefire, create a zone of separation between the belligerent forces and thus provide a safe corridor for the delivery of humanitarian assistance and free movement of persons.
2. The mandate of the ECOWAS Interposition Force shall also include the following:

Facilitating and monitoring the disengagement of forces as provided under Article V of this Agreement;

- a. Obtaining data and information on activities relating to military forces of the parties to the Ceasefire Agreement and coordinating all military movements;
 - b. Establishing conditions for the initial stages of Disarmament, Demobilisation and Reintegration (DDR) activities;
 - c. Ensuring respect by the Parties for the definitive cessation of hostilities and all other aspects of the Ceasefire Agreement;
 - d. Ensuring the security of senior political and military leaders;
 - e. Also ensuring the security of all personnel and experts involved in the implementation of this Agreement in collaboration with all parties;
 - f. Monitoring the storage of arms, munitions and equipment, including supervising the collection, storage and custody of battlefield or offensive armament in the hands of combatants.
3. The Joint Monitoring Committee (JMC) established under the terms of the Ceasefire Agreement, and composed of representatives of ECOWAS, the UN, AU, ICGL and Parties to the Ceasefire Agreement shall continue to supervise and monitor the implementation of the Ceasefire Agreement.
 4. Prior to the deployment of the International Stabilisation Force, a representative of ECOWAS shall chair the JMC.
 5. The JMC shall:
 - a. Resolve disputes concerning implementation of the Ceasefire Agreement, including the investigation of any alleged violation and also recommend remedial action for confirmed ceasefire violations.
 - b. Submit for approval, its recommendations to the Implementation Monitoring Committee (IMC) referred to under Article XXVIII(2) and (3) in this Agreement which is seized with the responsibility of monitoring the implementation of this Peace Agreement.

6. The Parties shall provide the JMC with any relevant information on the organisation, equipment and locations of their forces, and such information will be kept confidential.

Article IV

INTERNATIONAL STABILIZATION FORCE

1. The GOL, the LURD, the MODEL and the Political Parties agree on the need for the deployment of an International Stabilization Force (ISF) in Liberia. Accordingly, the Parties hereby request the United Nations in collaboration with ECOWAS, the AU and the ICGL to facilitate, constitute, and deploy a United Nations Chapter VII force in the Republic of Liberia to support the transitional government and to assist in the implementation of this Agreement.
2. The ECOWAS Interposition Force is expected to become a part of the International Stabilisation Force.
3. The Parties request the ISF to assume the following mandate:
 - a. Observe and monitor the ceasefire;
 - b. Investigate violations of the security aspects of this Agreement and take necessary measures to ensure compliance.
 - c. Monitor disengagement and cantonment of forces of the Parties and provide security at disarmament/cantonment sites;
 - d. Collect weapons at disarmament sites and elsewhere and ensure that the weapons so collected are properly accounted for and adequately secured;
 - e. Assist in the coordination and delivery of humanitarian assistance to displaced persons, refugees, returnees and other war-affected persons;
 - f. Facilitate the provision and maintenance of humanitarian assistance and protect displaced persons, refugees, returnees and other affected persons;
 - g. Verify all information, data and activities relating to the military forces of the Parties;

- h. Along with ECOWAS and the International Contact Group on Liberia, provide advice and support to the Transitional Government provided for in this Agreement on the formation of a new and restructured Liberian Army;
 - i. Assist with security for elections;
 - j. Take the necessary means whenever the need arises and as it deems within its capabilities, to protect civilians, senior political and military leaders under imminent threat of physical violence;
 - k. Coordinate with ECOWAS in the implementation of this Agreement.
4. The Parties expect that units of the ISF shall be selected from countries acceptable to all the Parties to the Ceasefire Agreement.
5. The Parties to this Agreement call on the ISF to remain in place until otherwise determined by the UN Security Council and the elected Government of Liberia.

Article V

DISENGAGEMENT

1. There shall be immediate disengagement of forces of the Parties to the Ceasefire Agreement in line with the principles of that Agreement.
2. Disengagement of forces shall mean the immediate breaking of tactical contact between opposing military forces of the GOL, the LURD, and the MODEL, at places where they are in direct contact or within range of direct fire weapons.
3. Immediate disengagement at the initiative of all military units shall be limited to the effective range of direct fire weapons. Further disengagement to pull all weapons out of range shall be conducted under the guidance of the ISF. The Parties to the Ceasefire Agreement undertake to remain in their disengagement positions until the conclusion of cantonment plans by the International Stabilisation Force and the NCDDRR established under Article VI(8) of the Agreement. They are also responsible for armed groups operating within their territories.

4. Where immediate disengagement is not possible, a framework and sequence of disengagement shall be agreed upon by all parties to the Ceasefire through the Joint Monitoring Committee (JMC).
5. Wherever disengagement by movement is impossible or impractical, alternative solutions requiring that weapons are rendered safe shall be designed by the ISF.

PART THREE

Article VI

CANTONMENT, DISARMAMENT, DEMOBILIZATION REHABILITATION AND REINTEGRATION (CDDRR)

1. The Parties commit themselves to ensuring the prompt and efficient implementation of a national process of cantonment, disarmament, demobilization, rehabilitation and reintegration.
2. The ISF shall conduct the disarmament of all combatants of the Parties including paramilitary groups.
3. Following disengagement, all forces shall withdraw from combat positions to cantonment locations in accordance with the withdrawal and cantonment plan to be published by the International Stabilisation Force and the NCDDRR, no later than thirty (30) days after installation of the NTGL. The current Armed Forces of Liberia shall be confined to the barracks, their arms placed in armouries and their ammunition in storage bunkers.
4. All arms and ammunition shall be placed under constant surveillance by the ISF.
5. The JMC shall verify the reported data and information provided by the GOL, the LURD and the MODEL about their forces. All forces shall be restricted to the declared and recorded locations and all movements shall be authorized by the JMC and the ISF.
6. All combatants shall remain in the declared and recorded locations until they proceed to reintegration activities or

training for entry into the restructured Liberian armed forces or into civilian life.

7. The ISF is requested to deploy to all disarmament and demobilization locations in order to facilitate and monitor the program of disarmament.
8. There shall be an interdisciplinary and interdepartmental National Commission for Disarmament, Demobilization, Rehabilitation and Reintegration (NCDDRR), to coordinate DDDR activities.
9. The NCDDRR shall comprise representatives from relevant NTGL Agencies, the GOL, LURD, MODEL, ECOWAS, the United Nations, the African Union and the ICGL.
10. It shall oversee and coordinate the disarmament, demobilization, rehabilitation and reintegration of combatants, working closely with the ISF and all relevant international and Liberian institutions and agencies.
11. Upon the signing of the present Agreement, the Transitional Government provided for in this Agreement, shall request the International Community to assist in the implementation of the Cantonment, Disarmament, Demobilization, Rehabilitation and Reintegration program through the provision of adequate financial and technical resources.

PART FOUR SECURITY SECTOR REFORM

Article VII

DISBANDMENT OF IRREGULAR FORCES, REFORMING AND RESTRUCTURING OF THE LIBERIAN ARMED FORCES

1. The Parties agree that:
 - a. All irregular forces shall be disbanded.
 - b. The Armed Forces of Liberia shall be restructured and will have a new command structure. The forces may be drawn from the ranks of the present GOL forces, the LURD and the MODEL, as well as from civilians with appropriate

background and experience. The Parties request that ECOWAS, the UN, AU, and the ICGL provide advisory staff, equipment, logistics and experienced trainers for the security reform effort. The Parties also request that the United States of America play a lead role in organising this restructuring program.

2. The following Principles shall be taken into account in the formation of the restructured Liberian Armed Forces:
 - a. Incoming service personnel shall be screened with respect to educational, professional, medical and fitness qualifications as well as prior history with regard to human rights abuses;
 - b. The restructured force shall take into account the country's national balance. It shall be composed without any political bias to ensure that it represents the national character of Liberia;
 - c. The Mission of the Armed Forces of Liberia shall be to defend the national sovereignty and in extremis, respond to natural disasters;
 - d. All Parties shall cooperate with ECOWAS, the UN, the AU, the ICGL and the United States of America.
3. All Parties together shall organise Information, Education and Communication (IEC) programs to sensitise the Liberian public as to the mission and activities of the restructuring plan.

Article VIII

RESTRUCTURING OF THE LIBERIAN NATIONAL POLICE (LNP) AND OTHER SECURITY SERVICES

1. There shall be an immediate restructuring of the National Police Force, the Immigration Force, Special Security Service (SSS), custom security guards and such other statutory security units. These restructured security forces shall adopt a professional orientation that emphasizes democratic values and respect for human rights, a non-partisan approach to duty and the avoidance of corrupt practices.
2. The Special Security Units including the Anti-Terrorist Unit, the Special Operations Division (SOD) of the Liberian

National Police Force and such paramilitary groups that operate within organisations as the National Ports Authority (NPA), the Liberian Telecommunications Corporation (NTC), the Liberian Refining Corporation (LPRC) and the Airports shall be disarmed and restructured.

3. Until the deployment of newly trained national police, maintenance of law and order throughout Liberia shall be the responsibility of an interim police force.
4. The Parties call on the United Nations Civil Police components (UNCIVPOL) within the ISF to monitor the activities of the interim police force and assist in the maintenance of law and order throughout Liberia.
5. The Parties also call on UNCIVPOL and other relevant International Agencies to assist in the development and implementation of training programs for the LNP.
6. The interim police force will only be allowed to carry side arms.
7. All large calibre weapons shall be turned over to the ISF.

PART FIVE RELEASE OF PRISONERS AND ABDUCTEES

Article IX

RELEASE OF PRISONERS AND ABDUCTEES

All political prisoners and prisoners of war, including non-combatants and abductees shall be released immediately and unconditionally by the Parties.

Article X

ASSISTANCE TO THE INTERNATIONAL COMMITTEE OF THE RED CROSS AND RELEVANT NATIONAL AND INTERNATIONAL AGENCIES

All Parties shall provide the International Committee of the Red Cross (ICRC) and other relevant national and international agencies with information regarding their prisoners of war,

abductees or persons detained because of the war, to enable the ICRC and other relevant national and international agencies visit them and verify any details regarding their condition and status before their release.

Article XI

The Parties call on the ICRC and such other relevant national and international agencies to give all the necessary assistance to the released persons, including re-location to any part of Liberia.

PART SIX HUMAN RIGHTS ISSUES

Article XII

HUMAN RIGHTS

1. a. The Parties agree that the basic civil and political rights enunciated in the Declaration and Principles on Human Rights adopted by the United Nations, African Union, and ECOWAS, in particular, the Universal Declaration of Human Rights and the African Charter on Human and People's Rights, and as contained in the Laws of Liberia, shall be fully guaranteed and respected within Liberia.
- b. These basic civil and political rights include the right to life and liberty, freedom from torture, the right to a fair trial, freedom of conscience, expression and association, and the right to take part in the governance of one's country.
2. a. The Parties agree on the need for the establishment of an Independent National Commission on Human Rights (INCHR).
- b. The INCHR shall monitor compliance with the basic rights guaranteed in the present Peace Agreement as well as promote human rights education throughout the various sectors of Liberian society, including schools, the media, the police and the military.
3. The INCHR shall work together with local Liberian human rights and civil society organizations, international human

rights organisations and other relevant U.N. agencies to monitor and strengthen the observance of human rights in the country.

4. Technical, financial and material assistance may be sought by the INCHR from the U.N. Office of the High Commissioner for Human Rights (UNHCR), the African Commission on Human and People's Rights and other relevant international organizations.

Article XIII

TRUTH AND RECONCILIATION COMMISSION

1. A Truth and Reconciliation Commission shall be established to provide a forum that will address issues of impunity, as well as an opportunity for both the victims and perpetrators of human rights violations to share their experiences, in order to get a clear picture of the past to facilitate genuine healing and reconciliation.
2. In the spirit of national reconciliation, the Commission shall deal with the root causes of the crises in Liberia, including human rights violations.
3. This Commission shall, among other things, recommend measures to be taken for the rehabilitation of victims of human rights violations.
4. Membership of the Commission shall be drawn from a cross-section of Liberian society. The Parties request that the International Community provide the necessary financial and technical support for the operations of the Commission.

PART SEVEN HUMANITARIAN ISSUES

Article XIV

HUMANITARIAN RELIEF

1. a. The Parties re-affirm the commitment made in the Ceasefire Agreement, to provide security guarantees for

safe and unhindered access by all humanitarian agencies to vulnerable groups throughout the country, in order to facilitate the delivery of humanitarian assistance in accordance with international conventions, principles and norms governing humanitarian operations.

- b. Accordingly, the Parties agree to guarantee the security and movement of humanitarian personnel, that of their properties, goods transported, stocked or distributed, as well as their projects and beneficiaries.
2. The Transitional Government provided for in this agreement shall ensure the establishment of effective administrative and security infrastructure to monitor and support the implementation of these guarantees contained in subparagraph 1b of the present Article XIV.
3. The said Transitional Government shall request the International Community to assist in providing humanitarian assistance for those in need, including internally displaced persons, refugees and returnees.
4. The Parties shall ensure the presence of security guarantees for the safe return and resettlement of refugees and internally displaced persons and the free movement of persons and goods.

Article XV

INTERNATIONAL HUMANITARIAN LAW

The Parties undertake to respect as well as encourage the Liberian populace to also respect the principles and rules of International Humanitarian law in post-conflict Liberia.

PART EIGHT POLITICAL ISSUES

Article XVI

ESTABLISHMENT OF A GOVERNANCE REFORM COMMISSION

1. A Governance Reform Commission is hereby established. The Commission shall be a vehicle for the promotion of the principles of good governance in Liberia.
2. The mandate of the Commission shall be to:
 - a. Review the existing program for the Promotion of Good Governance in Liberia, with the objective of adjusting its scope and strategy for implementation;
 - b. Develop public sector management reforms through assessment, reforms, capacity building and performance monitoring;
 - c. Ensure transparency and accountability in governance in all government institutions and activities, including acting as the Public Ombudsman;
 - d. Ensure subsidiarity in governance through decentralisation and participation;
 - e. Ensure a national and regional balance in appointments without compromising quality and integrity;
 - f. Ensure an enabling environment which will attract private sector direct investment;
 - g. Monitor, assess and report to the NTLA on the implementation and impact of activities undertaken to encourage the practice of good governance in Liberia.
3. The Structure of the Commission shall be as follows:
 - a. The Commission shall be established as an independent Commission with seven (7) permanent members appointed by the Chairman and confirmed by the NTLA, from a list provided by civil society organisations. It shall have a chairperson who must be from the civil society. Its membership shall include women.
 - b. The members must have experience in one or more of the following:

Public Sector Management, Corporate Law, Finance and Auditing Regulations, Trade Policies and NGO activities. They must be men and women of known integrity with national and/or international experience.

4. The Commission shall submit quarterly reports directly to the NTLA who shall make recommendations thereon to the Chairman for action.
5. The NTGL calls on the UNDP, relevant international organisations and the ICGL to provide financial, logistics and technical support for the Commission.

Article XVII

CONTRACT AND MONOPOLIES COMMISSION (CMC)

1. A Contract and Monopolies Commission is hereby established in Liberia to oversee activities of a contractual nature undertaken by the NTGL.
2. Its mandate shall include:
 - a. Ensuring that all public financial and budgetary commitments entered into by the NTGL are transparent, non-monopolistic and in accordance with the laws of Liberia and internationally accepted norms of commercial practice;
 - b. Ensuring that public officers will not use their positions to benefit from any contract financed from public funds;
 - c. Publishing all tenders in the media and on its own website to ensure maximum competition and transparency. The Commission shall also publish on its website the result of tenders as well as a record of all commercial entities that have participated and succeeded in reviewing contracts;
 - d. Ensuring the formulation and effective implementation of sound macro-economic policies that will support sustainable development goals;
 - e. Collaborate with the international institutions to provide finance to Liberia in carrying out its functions.
3.
 - a. The Commission shall consist of five (5) members appointed by the Chairman, on the approval of the NTLA, from the broad spectrum of civil society, who may or may not be technocrats.
 - b. The members shall be persons of sound judgment and integrity who are independent of the commercial sector.

The members must have sufficient experience to be able to review contract documents and procedures to ensure that public funds are used without favour and with complete transparency.

- c. The members of the CMC shall be assisted by independent national and international experts.

Article XVIII

ELECTORAL REFORM

1. The Parties agree that the present electoral system in Liberia shall be reformed.
2. a. In this regard and amongst other measures that may be undertaken, the National Elections Commission (NEC) shall be reconstituted and shall be independent. It shall operate in conformity with UN standards, in order to ensure that the rights and interests of Liberians are guaranteed, and that the elections are organized in a manner that is acceptable to all.
- b. Appointments to the NEC shall be made by the Chairman with the advice and consent of the NTLA within three months from the entry into force of this Agreement. It shall be composed of men and women of integrity.

Article IX

ORGANISATION OF ELECTIONS

1. The Parties agree that, given the present circumstances, and until appropriate conditions are met, the Presidential and General elections scheduled for October, 2003 shall be postponed.
2. National elections shall be conducted not later than October, 2005.
3. In order to create appropriate conditions for elections, a re-demarcation of constituencies shall be carried out in order to take account of newly created Counties.
4. a. The Parties agree that the Transitional Government provided for in this Agreement shall request the United

Nations, the African Union, ECOWAS and other members of the International Community as appropriate, to jointly conduct, monitor, and supervise the next elections in the country.

- b. Voters education and registration programs shall be organized by the newly reconstituted NEC, in collaboration with other national and International organisations under the supervision of the United Nations.

Article XX

INTERIM PERIOD

1. a. With the exit of the President Charles Taylor of the Republic of Liberia, the GOL shall be headed by the Vice President for an interim period.
- b. The Vice President shall assume the duties of the current President for a period not beyond 14th October 2003, whereupon the Transitional Government provided for in this Agreement shall be immediately installed.

Article XXI

ESTABLISHMENT OF A TRANSITIONAL GOVERNMENT

1. An all-inclusive Transitional Government to be called the National Transitional Government of Liberia, (NTGL), is hereby established to replace the present Government of Liberia.
2. The NTGL shall be inaugurated and fully commence operations by 14th October, 2003 and its mandate shall expire on the third Monday of January 2006 when the next elected Government of Liberia shall be inaugurated.
3. Immediately upon the installation of the NTGL in Liberia, all cabinet Ministers, Deputy and Assistant Ministers, heads of autonomous agencies, commissions, heads of public corporations and State-owned enterprises of the current GOL shall be deemed to have resigned. This does not preclude re-appointment according to the appropriate provisions of this Agreement.

4. The authority of the NTGL shall be established and recognised throughout the territory of the Republic of Liberia, immediately upon its installation in Monrovia. The NTGL shall have control over the entire territory of Liberia.
5. The LURD, MODEL, and all irregular forces of the GOL shall cease to exist as military forces, upon completion of disarmament.
6. There shall be no restriction on members of the LURD and MODEL to engage in national politics through the formation of political parties or otherwise, save and except those restrictions imposed on all parties and associations by the relevant laws of Liberia.

Article XXII

MANDATE OF THE NATIONAL TRANSITIONAL GOVERNMENT OF LIBERIA

1. The primary responsibility of the NTGL shall be to ensure the scrupulous implementation of this Peace Agreement.
2. In addition to normal State functions, its mandate shall include the following:
 - a. Implementation of the provisions of the Ceasefire Agreement;
 - b. Overseeing and coordinating implementation of the political and rehabilitation programs enunciated in this Peace Agreement;
 - c. Promotion of reconciliation to ensure the restoration of peace and stability to the country and its people;
 - d. Contribution to the preparation and conduct of internationally supervised elections in October 2005, for the inauguration of an elected Government for Liberia in January 2006.

Article XXIII

STRUCTURE OF THE NTGL

The NTGL shall consist of three branches, namely:

- i. The National Transitional Legislative Assembly (NTLA);
- ii. The Executive; and
- iii. The Judiciary.

Article XXIV

THE NATIONAL TRANSITIONAL LEGISLATIVE ASSEMBLY (NTLA)

1. There is hereby established a National Transitional Legislative Assembly (NTLA) in Liberia which shall reflect a broad spectrum of the Liberian society.
2. The NTLA shall be unicameral in nature and shall replace, within the transitional period, the entire Legislature of the Republic of Liberia.
3. The NTLA shall have a maximum of Seventy-six (76) members who shall come from the following entities:
 - a. Each of the fifteen (15) Counties.
 - b. The present Government of Liberia, the LURD, MODEL, the Political Parties, Civil Society and Interest Groups including the National Bar Association, the Liberian Business Organisations, Women Organizations, Trade Unions, Teachers Union, Refugees, the Liberians in the Diaspora/America and the Youth.
4. The formula for the composition of the NTLA shall be as follows:

GOL -12 seats, LURD -12 seats, MODEL -12 seats, Political Parties -18 seats, Civil Society and Special Interest Groups -7 seats, Counties -15 seats.
5.
 - a. Selection of members of the NTLA shall be carried out in Liberia and shall be subject to internal consultations amongst the different entities identified in paragraphs 3 and 4 above.
 - b. The Mediation Committee from the Accra Peace Talks may be present during consultations for the selection of members of the Legislative Assembly and shall ensure that the members of the Assembly meet the criteria prescribed in Appendix 1 to Annex 2.

6. a. The NTLA shall elect a Speaker to head the Assembly as well as one (1) Deputy Speaker.
 - b. Guidelines for the elections are defined under Annex 2 which is attached to this Agreement and is an integral part of the Peace Agreement.
 - c. The Speaker and Deputy Speaker within the NTGL shall not contest for any elective office during the 2005 elections.
7. The NTLA shall have responsibility for the following:
 - a. Assuming responsibility for the country's legislative functions;
 - b. Approving the policies and programs of the NTGL for implementation by the Cabinet;
 - c. Encouraging and supporting the emergence of a new democratic space, particularly in the areas of human rights and freedom of expression.
8. Two-thirds (2/3) of members of the NTLA shall form the quorum for meetings of the Assembly.
9. The decisions of the NTLA shall require the approval of at least 51% of the entire membership of the NTLA.
10. The NTLA shall adopt rules of procedure for the conduct of its proceedings.

Article XXV

THE EXECUTIVE

1. The NTGL shall be headed by a person to be called the Transitional Chairman. The Transitional Chairman shall be assisted by a Transitional Vice-Chairman.
2. Selection of the Transitional Chairman and Vice-Chairman shall be by consensus arising from a process of consultations undertaken by the accredited delegates and observers to the Peace Talks. The selection procedure is defined in Annex 2 to this Agreement.
3. The positions of Chairman and Vice-Chairman shall be allocated to the Political Parties and the Civil Society.

4. The Chairman and Vice-Chairman, as well as all principal Cabinet Ministers within the NTGL shall not contest for any elective office during the 2005 elections to be held in Liberia.

Article XXVI

THE CABINET

1. The NTGL shall maintain the profile and structure of the Executive Branch of the present Government of Liberia.
2. In addition to the Commissions established by this Agreement, all existing public corporations and autonomous Agencies/Commissions shall operate under the present transitional arrangement, excluding the existing Commissions that have already been referred to under Articles XII and XIII of this Agreement.
3. The ministers, deputy and assistant ministers, heads of autonomous agencies, commissions, public corporations and state-owned enterprises, who should preferably be technocrats, shall be representatives of a broad cross-section of the Liberian society.
4. Allocation of ministerial positions, deputy and assistant ministerial positions, headship of autonomous agencies, commissions, public corporations and state-owned enterprises shall be made to the Parties to this Agreement through a process of negotiation. The allocations as agreed to by the Parties are contained in Annex 4 attached to the Agreement. Annex 4 is an integral part of this Agreement.
5.
 - a. The Parties shall forward to the Transitional Chairman within a period of seven (7) days, the name of one nominee for each position allocated to them.
 - b. The Transitional Chairman shall within a three (3) day period, forward from the individual list of nominees from the Parties, the candidate for each position, to the NTLA. The NTLA shall, within seven (7) days, confirm or reject the candidate from each of the Parties' list for each position.
 - c. Where the NTLA is unable to confirm a candidate from any of the Parties' list so submitted, the Chairman shall,

following the same procedure as in 'b' above and within three (3) days of receiving notification of non-confirmation from the NTLA, submit other name(s) which shall be obtained for the relevant Parties to the NTLA. The NTLA shall thereafter, within the same seven (7) day period, make a final selection thereon.

6. The mandate of the Cabinet shall include:
 - a. Implementation of the decisions of the NTGL.
 - b. Conduct of the usual activities of government ministries.
 - c. Initiation of policies and recommendation of same to the Transitional Chairman for approval.
7. The Parties call on the United Nations, the ECOWAS, the AU, the International Monetary Fund, the World Bank, African Development Bank and other international institutions in a position to do so, to assign trained personnel and international experts for the purpose of providing technical support and assistance to the NTGL, especially for the functioning of its ministries and parastatals.

Article XXVII

THE JUDICIARY

1. The Judiciary shall be the third organ of the NTGL. Its structure shall remain unchanged.
2. Immediately upon the installation of the NTGL, all members of the Supreme Court of Liberia i.e. the Chief Judge and all its Associate Justices shall be deemed to have resigned.
3. Under the NTGL, all new judicial appointments shall be made by the Chairman of the NTGL and approved by the NTLA. Nominations for such judicial appointments shall be based on a shortlist of candidates for each position recommended by the National Bar Association, including the female lawyers.
4. The Chief Justice and all Associate Justices within the NTGL shall not contest for any elective office during the 2005 elections to be held in Liberia.

Article XXVIII

NATIONAL BALANCE

The Parties shall reflect national and gender balance in all elective and non-elective appointments within the NTGL.

PART NINE

**POST-CONFLICT REHABILITATION AND
RECONSTRUCTION**

Article XXIX

INTERNATIONAL ASSISTANCE

1. In view of the recent appointment of the UN Secretary-General's Special Representative in Liberia, the Parties call for the urgent establishment of a consolidated United Nations Mission in Liberia that will have the resources to facilitate the implementation and coordination of the Political, Social, Economic and Security assistance to be extended under this Agreement.
2. The Parties also call on ECOWAS, in collaboration with the UN, AU, EU and ICGL, to set up a monitoring mechanism in the form of an Implementation Monitoring Committee (IMC) in Monrovia that will ensure effective and faithful implementation of the Peace Agreement by all the Parties.
3. The Parties agree on the need for regular joint meetings between this Implementation Monitoring Committee and representatives of the NTGL, in order to assess implementation of the provisions of this Agreement and agree on recommendations for enhanced implementation.
4. The Parties also agree on the need for ECOWAS, in collaboration with the UN, AU and International Community, to organise periodic donor conferences for resource mobilisation for post-conflict rehabilitation and reconstruction in Liberia.

Article XXX

REFUGEES AND DISPLACED PERSONS

1. a. The NTGL, with the assistance of the International Community, shall design and implement a plan for the voluntary return and reintegration of Liberian refugees and internally displaced persons, including non-combatants, in accordance with international conventions, norms and practices.
- b. Refugees or internally displaced persons, desirous of returning to their original Counties or permanent residences, shall be assisted to do so.
- c. The Parties commit themselves to peaceful co-existence amongst returnees and non-returnees in all Counties.

Article XXXI

VULNERABLE GROUPS

1. a. The NTGL shall accord particular attention to the issue of the rehabilitation of vulnerable groups or war victims (children, women, the elderly and the disabled) within Liberia, who have been severely affected by the conflict in Liberia.
- b. With the support of the International Community, the NTGL shall design and implement a program for the rehabilitation of such war victims.
2. a. The NTGL shall, in addition, accord special attention to the issue of child combatants.
- b. It shall, accordingly, mobilize resources with the assistance of the International Community, especially in cooperation with the Office of the U.N. Special Representative for Children in Armed Conflict, UNICEF, the African Committee of Experts on the Rights and Welfare of the Child and other relevant agencies, to address their special demobilization and re-integration needs.
3. The NTGL, in formulating and implementing programs for national rehabilitation, reconstruction and development, for the moral, social and physical reconstruction of Liberia in the

post-conflict period, shall ensure that the needs and potentials of the war victims are taken into account and that gender balance is maintained in apportioning responsibilities for program implementation.

PART TEN IMPLEMENTATION OF THE PEACE AGREEMENT

Article XXXII

RESPONSIBILITY OF THE PARTIES

1. The Parties to this Peace Agreement undertake that no effort shall be spared to effect the scrupulous respect for and implementation of the provisions contained in this Peace Agreement, to ensure the successful establishment and consolidation of lasting peace in Liberia.
2. The Parties shall ensure that the terms of the present Peace Agreement and written orders requiring compliance, are immediately communicated to all of their forces and supporters.
3. The terms of the Agreement shall concurrently be communicated to the civilian population by radio, television, print, electronic and other media. An Implementation Timetable for the Agreement is hereby attached as Annex 3.

Article XXXIII

ROLE OF THE INTERNATIONAL COMMUNITY

The Parties call on ECOWAS, the UN, the African Union and the International Contact Group on Liberia (ICGL), to use their good offices and best efforts to ensure that the spirit and content of this Peace Agreement are implemented in good faith and with integrity by the Parties.

Article XXXIV

AMNESTY

The NTGL shall give consideration to a recommendation for general amnesty to all persons and parties engaged or involved in military activities during the Liberian civil conflict that is the subject of this Agreement.

Article XXXV

SPECIAL PROVISIONS

1. a. In order to give effect to paragraph 8(i) of the Ceasefire Agreement of 17th June 2003 signed by the GOL, the LURD and the MODEL, for the formation of a Transitional Government, the Parties agree on the need for an extra-Constitutional arrangement that will facilitate its formation and take into account the establishment and proper functioning of the entire transitional arrangement.
- b. Accordingly, the provisions of the present Constitution of the Republic of Liberia, the Statutes and all other Liberian laws, which relate to the establishment, composition and powers of the Executive, the Legislative and Judicial branches of the Government, are hereby suspended.
- c. For the avoidance of doubt, relevant provisions of the Constitution, statutes and other laws of Liberia which are inconsistent with the provisions of this Agreement are also hereby suspended.
- d. All other provisions of the 1986 Constitution of the Republic of Liberia shall remain in force.
- e. All suspended provisions of the Constitution, Statutes and other laws of Liberia, affected as a result of this Agreement, shall be deemed to be restored with the inauguration of the elected Government by January 2006. All legal obligations of the transitional government shall be inherited by the elected government.

PART ELEVEN

Article XXXVI

SETTLEMENT OF DISPUTES

Any dispute within the NTGL, arising out of the application or interpretation of the provisions of this Agreement shall be settled through a process of mediation to be organised by ECOWAS in collaboration with the UN, the AU and the ICGL.

Article XXXVII

ENTRY INTO FORCE

The present Peace Agreement shall enter into force immediately upon its signature by the Parties.

IN WITNESS WHEREOF, the duly authorized representatives of the Parties have signed this Agreement.

Done at Accra, this 18th day of the month of August, 2003, in three original texts in the English and French languages, each text being equally authentic.

FOR THE GOVERNMENT OF THE REPUBLIC OF
LIBERIA (GOL)
FOR LIBERIANS UNITED FOR RECONCILIATION &
DEMOCRACY (LURD)
FOR NATIONAL PATRIOTIC PARTY
FOR LIBERIAN PEOPLE'S PARTY
FOR LABOR PARTY
FOR LIBERIAN ACTION PARTY
FOR NATIONAL DEMOCRATIC PARTY
FOR REFORMATION ALLIANCE PARTY
FOR TRUE WHIG PARTY
FOR LIBERIA NATIONAL UNION
FOR PROGRESSIVE PEOPLES PARTY
FOR UNITY PARTY
FOR NATIONAL REFORMATION PARTY
FOR LIBERIA UNIFICATION PARTY
FOR PEOPLE'S DEMOCRATIC PARTY
FOR FREE DEMOCRATIC PARTY

FOR ALL-LIBERIAN COALITION PARTY
FOR UNITED PEOPLE'S PARTY
FOR EQUAL RIGHTS PARTY
FOR NEW DEAL MOVEMENT

AS WITNESSES:

FOR INTER-RELIGIOUS COUNCIL FOR LIBERIA (IRCL)
FOR LIBERIAN BAR ASSOCIATION
FOR LIBERIA LEADERSHIP FORUM
THE MEDIATOR
FOR UNITED NATIONS
FOR THE EUROPEAN UNION
CO-CHAIR OF THE INTERNATIONAL CONTACT GROUP
ON LIBERIA
FOR THE MANO RIVER WOMEN PEACE NETWORK
(MARWOPNET)
FOR LIBERIANS IN DIASPORA
FOR CIVIL SOCIETY ORGANISATIONS IN LIBERIA
FOR ECOWAS
FOR THE AFRICAN UNION
FOR THE REPUBLIC OF GHANA
CO-CHAIR OF THE INTERNATIONAL CONTACT GROUP
ON LIBERIA

Part II

Legislative Acts on Executive Oversight Institutions

A. Ministry of Justice

The Executive Law, Chapter 22. Ministry of Justice, Subchapter A. Organization of Ministry, §22.1-14.¹⁰²

22.1. Creation of Ministry: Ministry of Justice

There shall be in the Executive Branch of Government a Ministry of Justice, which shall be headed by the Minister of Justice to be appointed by the President and with the advice and consent of the Senate.

22.2. Duties of Minister of Justice:

It shall be the duty of the Minister of Justice to ---

- (a) Procure the proper evidence for, and conduct, prosecute, or defend all suits and proceedings in the courts in which the Republic of Liberia or any officer thereof, as to such officer, is a party or may be interested;
- (b) Institute all legal proceedings necessary for law enforcement;
- (c) Furnish opinions as to legal Matters and render services requiring legal skill to the President and other agencies of the executive branch of the Government;
- (d) Oversee the codification of Liberian statutory law and the editing and printing of the Supreme Court opinions, and of such of the opinions of the Minister of Justice as he may deem valuable for preservation in book form;
- (e) Supervise the correctional system and the commitment and treatment of prisoners;
- (f) To the extent stated in the Aliens and Nationality Law, administer the laws relating to the admission, deportation., and naturalization of aliens, and the regulation of aliens within Liberia;

¹⁰² The *Executive Law* was approved by the Senate and House of Representatives of the Republic on Liberia on May 11, 1972 and published on June 9, 1972. The present section is taken from the *Liberian Codes Revised*, Vol. III, 1998, pp. 403-9 (electronic version).

- (g) Supervise the activities of the National Bureau of Investigation, the National Central Bureau, and the National police Force;
- (h) Oversee all Government activities relating to the prevention and control of fires;
- (i) Direct the administration of the Vehicle and Traffic Law.¹⁰³

22.3. Deputy Minister of Justice for Administration and Public Safety.

The Deputy Minister of Justice for Administration and Public Safety shall be appointed by the President by and with the advice and consent of the Senate. He shall be the principal assistant to the Minister of Justice and shall perform such specific duties as may be delegated to him by the Minister of Justice. In the event of disability, death, resignation or removal of the Minister of Justice, the Deputy Minister of Justice for Administration and Public Safety shall succeed to the duties of Minister of Justice as Acting Minister of Justice until the Minister of Justice shall return or until a successor is appointed.¹⁰⁴

22.4. Solicitor General.

The President, by and with the advice and consent of the Senate, shall appoint an officer learned in the law to be the Solicitor General. Subject to the direction and control of the Minister of Justice, the Solicitor General shall ---

- (a) Prepare and argue before the Supreme Court all cases to which the Government of Liberia or any officer thereof, as such officer, is a party; provided that the Minister of Justice may himself conduct any case if in his opinion the interest of the Government requires him to do so;

¹⁰³ *Prior legislation:* L. 1960-61, ch. XLII, § 2; 1956 Code 13:150, 151; L. 1946-47, ch. IV; L. 1933-34, ch. III, § 1, 2, 4; Rev. Stat., § 956; L. 1922-23, ch. V, § 1; L. 1882-83, 16, § 1; L. 1971-72.

¹⁰⁴ *Prior legislation:* L. 1971-72.

- (b) Have immediate supervision of the conduct of all litigation involving the Government of Liberia, including the activities of the County, Territorial and District Attorneys.¹⁰⁵

22.5. Assistant Minister of Justice for Litigation.

The President, by and with the advice and consent of the Senate, shall appoint an Assistant Minister of Justice for Litigation, who shall have the immediate supervision, under authority and control of the Minister of Justice, assisted by the Deputy Minister of Justice, of the prosecution of criminal proceedings, the conduct of all civil suits to which the Republic is a party, and the supervision of tire County, Territorial, and District Attorneys. The Assistant Minister of Justice for Litigation shall also investigate and settle all matters involving misconduct by Justices of the Peace, and shall perform such other duties as may be assigned him by the Minister of Justice.¹⁰⁶

22.6. Deputy Minister of Justice for Codification.¹⁰⁷

The President, by and with the advice and consent of the Senate, shall appoint a Deputy Minister of Justice for Codification, have the immediate supervision, subject to the control and direction of the Minister of Justice, of the following:

- (a) Review all draft contracts and legal documents referred to the Minister of Justice under section 10.9 of this title;
- (b) Prepare memoranda on legal questions referred by other agencies of the executive branch;
- (c) Render such other legal services as are requested by other agencies of the Executive Branch;

¹⁰⁵ *Prior legislation:* L. 1960-61, ch. XLII, § (13:154); 1956 Code 13:152; L. 1933-34, ch. III, § 5; 1922-23, ch. VIII; L. 1971-72.

¹⁰⁶ *Prior legislation:* L. 1960-61, ch. XLII, § 13:156), L. 1971-72

¹⁰⁷ The position of *Deputy Minister for Codification* was created by the *People's Redemption Council (PRC) decree No. 34*, issued on March 17, 1981 and published on June 2, 1981. The *PRC decree No. 34* amends the original section 22.6 of the *Executive Law* which provided for the position of *Assistant Minister of Justice for Codification*. Under the amendment, the Assistant Minister position was replaced with by that of *Deputy Minister of Justice for Codification*.

- (d) Be in charge of codification of Liberian statutes and preparation for publication of Supreme Court opinions;
- (e) Recommend from time to time such changes and needed reforms in the statutory law as are deemed necessary to modify or eliminate antiquated and inequitable rules of law and defects in practice and procedure;
- (f) Supervise and maintain direct control over the affairs of the library of the Ministry of Justice.¹⁰⁸

22.7. Assistant Minister of Justice for Rehabilitation.

The President, by and with the advice and consent of the Senate, shall appoint an Assistant Minister of Justice for Rehabilitation, who, under the direction and control of the Minister of Justice, shall administer the correctional institutions of Liberia and be in charge of the treatment and rehabilitation programs for convicted offenders.¹⁰⁹

22.8. Assistant Minister of Justice for Administration and Public Safety.

1. Appointment; duties. The administration of the internal affairs of the Ministry of Justice shall be in charge of an Assistant Minister of Justice for Administration and Public Safety, who shall be appointed by the President by and the advice and consent of the Senate. Administration of the Vehicle and Traffic Law and of Fire Services Bureau shall also be under the general supervision of this official.

2. Motor Vehicle Bureau. The Motor Vehicle Bureau shall henceforth function as a sub-agency in the Ministry of Justice. The Bureau shall be under the authority and direction of a Director and direction of a Director of Motor Vehicles, who shall be appointed by the President, by and with the advice and consent of the Senate, and whose duty it shall be, subject to the immediate supervision of the Assistant Minister of Justice for Administration and Public Safety, to oversee the administration of the provisions of the

¹⁰⁸ *Prior legislation:* L. 1960-61, ch. XLII, § 2 (13:172,174); 1957-58 Supp. 13:156-A; L.1955-56, ch. XVI; L. 1971-72. The position of the *Deputy Minister of Justice for Codification* was created by the *People's Redemption Decree No. 34*, issued on March 17, 1981.

¹⁰⁹ *Prior legislation:* L. 1960-61, ch. XLII, § 2(13:176, 177); L. 1971-72.

Vehicle and Traffic Law to the extent therein required. The President is also authorized to appoint, by and with the advice and consent of the Senate, a Deputy Director who shall perform such duties as may be assigned to him by the Director.

3. *Fire Services Bureau.* There shall be established in the Ministry of Justice a Fire Services Bureau which shall be under the immediate supervision of a Director who shall be appointed by the President with the advice and consent of the Senate. It shall be the duty of the Director, subject to the authority and control of the Minister of Justice and the immediate supervision of the Assistant Minister of Justice for Administration and Public Safety, ---

- (a) to oversee the operation of an efficient firefighting organization and take all necessary measures for fire prevention and control;
- (b) Inspect all public and private buildings to determine if they are fire hazards and in so far as possible eliminate hazardous conditions;
- (c) Assist the National Police Force in arson investigations;
- (d) Establish fire control units throughout the Republic;
- (e) Prepare statistical reports on the occurrence and cause of fires.

22.9. Assistant Minister of Justice for Taxation.

The President, by and with the advice and consent of the Senate, shall appoint an Assistant Minister of Justice for Taxation, who shall, under the direction of the Minister of Justice, be charged with the duty of enforcing the Tax Laws of the Republic and supervising, directing and handling all legal questions and matters arising out of tax delinquencies and prosecutions for violation of the Revenue Laws. The Division of Taxation shall also perform such other services and duties as may be assigned to it by the Minister of Justice.¹¹⁰

22.10. Deputy Minister of Justice for Economic Affairs and Assistant Minister of Justice for Commercial Transactions

The President, by and with the advice and consent of the Senate, shall appoint a Deputy Minister of Justice for Economic Affairs

¹¹⁰ *Prior legislation:* L. 1971-72.

and an Assistant Minister of Justice for Commercial Transactions, who shall, under the direction of the Minister of Justice, be charged with handling on behalf of the Liberian Government all matters involving all legal questions arising out of Commercial Transactions, including maritime matters, in which the Republic is a party. The **Division** of Commercial Transactions shall also perform such other services and duties as may be assigned to it by the Minister of Justice.¹¹¹

22.11. Commissioner of Immigration and Naturalization.

The President, by and with the advice and consent of the Senate, shall appoint a Commissioner of Immigration and Naturalization, who shall be in immediate charge, under the direction and control of the Minister of Justice for administration of the law relating to naturalization, admission, deportation, and registration of aliens.¹¹²

22.12. County, Territorial and District Attorneys.

1. *Appointment and duties.* The President, by and with the advice and consent of the Senate, shall appoint for each county, territory or chartered district an attorney who shall be the local representative of the Ministry of Justice. Subject to the authority and control of the Minister of Justice, he shall perform the following duties:

- (a) Conduct all civil and criminal actions in his jurisdiction to which the Republic is a party;
- (b) Exercise vigilance in locating all property subject to escheat and prosecute all claims of the Government relating to such property;
- (c) Perform such other duties as may be assigned to him by the Minister of Justice.

2. *Performance of duties in person.* Every County, Territorial and District Attorney shall perform his duties in person. Whenever it becomes necessary to have temporary assistance, he shall apply to the Minister of Justice. Any County, Territorial or District

¹¹¹ *Prior legislation:* L. 1961-62, ch. XXXIV, § 2(13:104); L. 1960-61, ch. XLII, § 2 (13:162, 163, 164, 165, 170, 171); L. 1971-72.

¹¹² *Prior legislation:* L. 1960-61, ch. XLII, § 3, 4(13:200), 3; 1956 Code 3:2, 3; L. 1954-55, ch. XVI, § 2; L. 1941-42, ch. LV, § 2(b), 3; L. 1971-72.

Attorney who shall secure assistance without approval of the Minister of Justice shall be guilty of official misconduct and shall be subject to prosecution under the appropriate provisions of the Penal Law.

3. Percentage of value of property escheated payable. Every County, Territorial and District Attorney shall in addition to the salary provided by law, receive from Government 7 ½ percent of the value of all property escheated by his efforts regardless of the dispositions made of the property.¹¹³

22.13. Assistant County Attorney for Montserrado County.

There shall be appointed by the President, by and with the advice and consent of the Senate, an Assistant County Attorney for Montserrado County who shall assist the County Attorney in the performance of his duties. He shall act for the County Attorney in case of his absence or disability.¹¹⁴

22.14. Organization of the Ministry

The Ministry of Justice shall be organized in such manner and with such other competent lawyers and other personnel as shall be determined by the Minister, subject to the approval of the President.¹¹⁵

¹¹³ *Prior legislation:* L. 1960-61, ch. XLII, § 2; 1956 Code 13:157,158; L. 1933-34, ch. III, § 7; Rev. Stat., § 592; L. 1882-83, 16, § 2, 3; L. 1971-72.

¹¹⁴ *Prior legislation:* 1960-61, ch. XLII, § 2(13:159); 1956 Code 13:159; L. 1952-53, ch. XXI.

¹¹⁵ *Prior legislation:* L. 1971-72.

B. Ministry of National Defence

The Executive Law, Chapter 24. Ministry of National Defense, §24.1-6.¹¹⁶

24.1. Establishment of Ministry; appointment of Minister.

There is hereby established in the Executive Branch of the Government a Ministry of National Defense. The immediate control of the Ministry, subject to the authority and direction of the President as Commander-in-Chief, shall be vested in the Minister of National Defense, who shall be appointed by the President, by and with the advice and consent of the Senate.

24.2. Duties of the Minister of National Defense: Annual Report

1. *Authority over Ministry.* Subject to the authority and direction of the President as Commander-in-Chief, the Minister of National Defense shall have complete authority over the armed forces of Liberia, including all matters relating to their training, operation administration, logistic support and maintenance, development, welfare, preparedness and effectiveness. The President shall however, make all military appointment[s].

2. *Report.* The annual report by the Minister of Defence to the Legislature shall contain abstracts of reports from each reporting unit commander.

24.3. Deputy Minister of National Defense for Administration

The President, by and with the consent of the Senate, shall appoint a Deputy for Administration who shall be the principal assistant to the Minister and who shall perform such duties as the Minister of National Defense may prescribe. In the case of the absence, death, resignation, or removal of the Minister of National Defense, the Deputy Minister shall, unless otherwise directed by the President,

¹¹⁶ The *Executive Law* was approved by the Senate and House of Representatives of the Republic of Liberia on May 11, 1972 and published on June 9, 1972. The present section is taken from the *Liberian Codes Revised*, Vol. III, 1972, pp. 412-4 (electronic version).

perform the duties of the Minister until a successor is appointed or until the Minister resumes his duties.

24.4. Assistant Minister of National Defense for Coast Guard Affairs

The President, by and with the advice and consent of the Senate, shall appoint an Assistant Minister of National Defense for Coast Guard Affairs. It shall be the duty of the Assistant Minister, subject to the authority and direction of the Minister of National Defense, to supervise the operation of the Coast Guard and coordinate its activities with other branches of the armed forces and perform such other duties as the Minister of National Defense may prescribe.

24.5. Assistant Minister of National Defense for Militia Affairs

The President, by and with the advice and consent of the Senate, shall appoint an Assistant Minister of National Defense for Militia Affairs. Such official shall have the following duties:

- (a) To supervise the operation of the Militia and coordinate its activities with the national defense program;
- (b) To perform such other duties as may be assigned by the Minister of National Defense.

24.6. Organization of Ministry

The Ministry of National Defense shall be organized in such manner and with such personnel as shall be determined by the Minister, subject to the approval of the President.

C. Ministry of National Security

An Act to Repeal Chapter 2, Sub-Chapter B of the Executive Law Establishing the Office of National Security and to Amend the Executive Law to Create and Establish in the Executive Branch of Government a Ministry to Be Known as the Ministry of National Security.¹¹⁷

It is enacted by the Senate and House of Representatives of the Republic of Liberia, in Legislature Assembled:

Section 1, Chapter 2, Sub-chapter B of the Executive Law establishing the Office of National Security is hereby repealed.

Section 2. The Executive Law is hereby amended by adding thereto Chapter 84 to read as follows:

Chapter 84. MINISTRY OF NATIONAL SECURITY

84.1. Ministry created, appointment of Minister, Deputy Minister, Assistant Ministers – The is hereby created and established in the Executive Branch of the Government a Ministry of National Security, which shall be headed by a Minister to be appointed by the President, by and with the advice and consent of the Senate. It shall be the duty of the Minister to prepare intelligence and security briefs for the President, monitor and give guidance on behalf of the President to the operational activities of the various security services, primarily the Presidential security operations and the counter intelligence and counter espionage operations of the security services. He shall coordinate the activities of all security services and shall prepare and implement rules and regulations pertaining to personnel, finance, logistics, training, operations and organizations necessary for the efficient operation of the security services, subject to the approval of the President.

¹¹⁷ Approved by the Senate and House of Representatives of the Republic of Liberia on September 6, 1979.

84.2. The President shall also appoint, by and with the advice and consent of the Senate, a Deputy Minister who shall be the principal assistant to the Minister and shall perform such duties as shall be delegated to him by the Minister. The President may also appoint, with the advice and consent of the Senate, such Assistant Ministers as would be required for the effective operations of the Ministry.

84.3 Organization. The Ministry of National Security shall be organized in such a manner and with such personnel as shall be determined by the Minister, subject to the approval of the President.

84.4 This Act shall take effect immediately upon publication in hand-bills.

**Any law to the contrary notwithstanding.
Approved: September 6, 1979.**

D. National Security Council

An Act to Establish the National Security Council of the Republic of Liberia.¹¹⁸

It is enacted by the Senate and the House of Representatives of the Republic of Liberia in Legislature assembled:

SECTION 1. Establishment: There is hereby established in the office of the President of the Republic of Liberia a council to be known the National Security Council (hereafter otherwise referred to as the “Council”).

SECTION 2. Membership: The National Security Council shall be composed of the following officials of government.

- 1) The President - Chairman
- 2) The Vice President - Co-Chairman
- 3) The Minister of National Defense - Member
- 4) The Minister of Justice - “
- 5) The Minister of Internal Affairs - “
- 6) The Minister of National Security - “
- 7) The Director of National Security Agency (NSA) - “
- 8) The National Security Advisor - Secretary

SECTION 3. Responsibilities: The National Security Council shall be responsible to advise the President of the Republic of Liberia on integrated domestic and foreign policies that will ensure National Security. In particular, it shall be the duty of the Council (a) to identify and define the National Security goals of the Republic in relation to national power; (b) to initiate or discuss proposed national security policies, including the consideration of alternative courses of action and to submit policy, recommendations for the approval and timely action of the President; (c) to constitute, organize, and supervise under the direction of the President the security and other agencies of government in a manner as to ensure their provision of

¹¹⁸ Approved by the Senate and the House of Representatives of the Republic of Liberia on March 12, 1999.

intelligence, counter-intelligence and other information that shall be necessary to fulfil the responsibilities of the Council; (d) to see to it that security policy decisions, made by the Council are implemented in a coordinated and integrated manner by all agencies of government involved; (e) to consider policies on matter of common interest to the agencies of government concerning national security and to make recommendations to the President as may be warranted; (f) to make from time to time, such recommendations and other reports as may be deemed appropriate by the Council or may be required by the President.

SECTION 4. Meetings: Meetings of the National Security Council shall be determined by the Chairman. Attendance shall be restricted to members herein provided for in this Act and such other individuals as may be designated by the Chairman.

SECTION 5. Secretary: The National Security Council shall have a secretary and the Advisor to the President on Security Affairs shall serve as the Council Secretary. He shall use his office with competent staff to carry out the work of the Council efficiently, the office staff shall be appointed by the secretary who shall also be the security advisor to the President of the Republic of Liberia.

SECTION 6. Duties and Responsibilities of the Secretary: The duties and responsibilities of the office of the secretary shall include:

- a. The planning of meetings of the Council, including the preparation of meeting agenda, background papers, briefing notes and citations;
- b. The recording, storage and retrieval of summaries of the proceedings of the Council
- c. The handling of the Council's correspondence and the facilitation and preparation of other necessary documents or reports;
- d. To ensure the coordinated and integrated implementation of all Council policy recommendations approved by the President of Liberia;
- e. To perform such other functions as may be assigned from time to time by the Chairman.

SECTION 7. Members, Personnel and Employees of the Council as Trustees of State Secrets:

Every member, personnel or employee of the National Security Council shall be deemed a trustee of the secrets of the Republic and when entering upon the duties of the Council shall be, in case of the members sworn by the Chairman and in the case of personnel and employees, by the Secretary, not to divulge any information which has come to his/her knowledge by reason of such membership or employment with the Council except as required in the course of duty. A violation of this Oath shall subject the offender(s) to a fine of \$100,000.00 or up to ten years imprisonment or both. This Oath shall be binding and enforceable on every member, personnel or employee of the Council for a period of twenty years after severance of his or her relationship with the Council.

SECTION 8. Reporting Requirements:

Upon request of the Council, all agencies of government of the Republic of Liberia shall be required to submit to the Council, through the office of the secretary who shall be the National Security Advisor to the President, such information as the Council may require.

SECTION 9. Supporting Group:

The President in his capacity as Chairman of the National Security Council shall have as a supporting group for and implement policy directives of the National Security Council, the following members:

- 1) The Minister of Justice
- 2) The Minister of National Defense
- 3) The Minister of National Security
- 4) The Director of National Security Agency (NSA)
- 5) The Director of National Police
- 6) The Director, Special Security Service (SSS)
- 7) The Chief of Staff, Armed Forces of Liberia
- 8) The Commissioner of Immigration
- 9) The National Security Advisor to the President
- 10) The G-2 Commander, Military Intelligence

SECTION 10. Finances:

To ensure the protection of its operations from public disclosure, the National security Council shall be authorized to withdraw on a quarterly basis allotment to the extent necessary for the maintenance of secrecy, any or all of the funds appropriated by the Legislature and deposit these funds in a separate account in a bank or banks designated by the Council with the approval of the Chairman who shall be the president of the Republic of Liberia. The Secretary shall also have the authority to set up and maintain its independent procurement, and accounting system. The accounts of the Council shall be audited annually or as circumstances may require by an assigned auditor of the office of the Bureau of General Auditing.

SECTION 11. The Act shall take effect immediately upon publication in handbills.

The law to the contrary notwithstanding
Approved: March 12, 1999

Part III

Legislative Acts on Security Sector Agencies

A. Bureau of Immigration and Naturalization

An Act Adopting A New Aliens and Nationality Law.¹¹⁹

It is enacted by the Senate and House of Representatives of the Republic of Liberia, in Legislature Assembled:

1. Title 3 of the Liberian Code of Laws of 1956, known as the Aliens and Nationality Law, as amended through the Fourth Regular Session of the Forty-Fifth Legislature, is hereby repealed, and there is enacted in lieu thereof a new Aliens and Nationality Law, to be title 4 of the Liberian Code of Laws Revised.

[...]

2.2. Commissioner of Immigration and Naturalization

The President, by and with the advice and consent of the Senate, shall appoint a Commissioner to head a Bureau of Immigration and Naturalization which shall be established in the Department of Justice to implement the provisions of this title. The Commissioner shall have the rank of Deputy Attorney General. It shall be the duty of the Commissioner of Immigration and Naturalization to assist the Attorney General in the administration of this title by performing the following duties, subject to the authority and direction of the Attorney General:

- a. To make determinations and rulings with respect to all questions concerning the law of immigration and naturalization of aliens;
- b. To keep adequate records with respect to immigration and naturalization;
- c. To prescribe such forms of bonds, reports, entries, and other papers as he deems necessary for carrying out his authority under the provisions of this title;

¹¹⁹ See *An Act Adopting a New Aliens and Nationality Law*, approved May 15, 1973 and with Amendments approved May 9, 1974. Published in the *Liberian Codes Revised*, Vol. II, pp. 97-8.

- d. To control and guard the boundaries and borders of the Republic against the illegal entry of aliens;
- e. To prepare for issuance by the Attorney General such rules and regulations as may be deemed advisable for the effective operation of the Bureau and the implementation of the immigration and nationality laws;
- f. To perform such other duties as are necessary for administering the provisions of this title.

2.3 Deputy Commissioner of Immigration and Naturalization

The President, by and with the advice and consent of the Senate, shall appoint a Deputy Commissioner to assist the Commissioner of Immigration and Naturalization in the performance of his duties.

2.4. Office of Immigration Appeals; Deputy Minister [of Justice] as Chief Appellate Review Officer

An Office of Immigration Appeals is hereby created for the purpose of hearing appeals from:

- a. Decisions of a hearing officer in exclusion proceedings under section 5.60 of this title;
- b. Decisions of a hearing officer in deportation proceedings under section 7.3 of this title;
- c. Order of the Commissioner imposing a civil penalty prescribed by any provisions of this title.

The Office of Immigration Appeals shall be composed of the Deputy Minister of Justice as Chief Appellate Review Officer and, when necessary, such qualified officials of the Ministry of Justice as may be designated by the Minister of Justice. In all cases, the appeal shall be heard by a single Appellate Review Officer only. Deputy Minister, in addition to being required to assign appeals expeditiously for hearing in accordance with statutory requirements and the regulations promulgated with respect thereto, shall act as Appellate Review Officer to the extent his other duties permit. No official of the Ministry who has made the initial administrative decision in the appeal involved or any official, who has made an initial administrative determination in a factually

related matter, shall act as Appellate Review Officer to review such determination.

2.5. Power of Immigration Officer

An immigration officer shall have the power, if within the scope of his assigned duties:

- a. To administer oaths;
- b. To take and consider evidence of or from any person or require by subpoena the attendance and testimony of witnesses and production of books, papers, and documents relating to the privilege of any person to enter, re-enter, reside in or pass through Liberia or concerning any matter which is material and relevant to the enforcement of this title;
- c. Where such action may be necessary, to make a written record of such evidence;
- d. To board and search any vessel, aircraft, railway car or other conveyance or vehicle in which he has reason to believe aliens are being brought into Liberia.

2.6. Court Order to Procure Evidence

Any Liberian court of competent jurisdiction and within the jurisdiction of which investigations or inquiries are being conducted by an immigration officer may, in the event of neglect or refusal of a person to respond to a subpoena issued under this title or refusal to appear and testify before an immigration officer, issue an order requiring such person to appear before an immigration officer, produce books, papers, and documents if demanded and testify. Any failure to obey such order of the court may be punished by the court as contempt.

2.7. Fees to Immigration Officer for taking oath prohibited

An immigration officer who charges or accepts a fee gratuity, or gift in any form for administering an oath in the course of his duties shall be subject to a fine of not more than \$500 or imprisonment for not more than six months, or both.

B. National Security Agency

An Act Repealing Sub-chapter D of Chapter 1, Part 1 and Sub-chapter B of Chapter 22, Part II of the Executive Law in Relation to the Executive Action Bureau and the National Bureau of Investigation and Creating the National Security Agency.¹²⁰

It is hereby enacted by the Senate and House of Representatives of the Republic of Liberia, in Legislature Assembled:

Section 1. Sub-Chapter D of Part I, Chapter I and Sub-Chapter B of Part II, Chapter 22 of the Executive Law are hereby repealed and a new Sub-Chapter D of Part I, Chapter I substituted in lieu thereof:

SUB-CHAPTER D. NATIONAL SECURITY AGENCY

Section 2.50. AGENCY CREATED; APOINTMENT OF DIRECTOR

There is hereby created to be established within the Republic a Security Service to be known as the National Security Agency. The operations of the National Security Agency shall be conducted under the direction and general supervision of a Director, who shall be appointed by the President by and with the advice and consent of the Senate. The Director shall be responsible to the President through the Minister of Justice for the administration of the Agency but shall report directly to the President should the President so direct.

Section 2.51 DUTIES OF THE DIRECTOR; NATIONAL SECURITY AGENCY (NSA)

The duties of the Director shall be as follows:

¹²⁰ Approved by the Senate and House of Representatives of the Republic of Liberia on 20 May, 1974.

- a. It shall be the duty of the Director to prepare intelligence and security briefs for the President;
- b. To report to the President through the Minister of Justice on all matters affecting the work of the Agency, as circumstances may require or as directed by the President;
- c. To carry out all operations assigned him;
- d. To select, investigate, hire and train according to rigid professional standards personnel required for the secure and efficient functioning of the Agency; and
- e. To protect intelligence sources and methods of operation from unauthorised disclosure.

Section 2.52 FUNCTIONS OF AGENCY

The functions of the National Security Agency shall be 1) to develop plans; 2) collect, analyze and disseminate over political, economic, cultural and sociological intelligence for the Republic of Liberia; and 3) provide all possible means for the adequate protection of the Government and the people of the Republic against subversion, espionage, sedition, adverse propaganda and sabotage. The Minister of Justice shall issue orders and regulations with the approval of the President with regards to the performance of such additional functions as circumstances may dictate for securing the safety of the State.

Section 2.53 OTHER PERSONNEL

In addition to the Director, the President may also appoint as many deputies and other persons as he may deem necessary to carry out effectively the functions of the Agency. Such additional personnel shall also be investigated and trained according to rigid professional standards.

Section 2.54 AUTHORITY OF THE AGENCY

In order to perform its duties effectively, the National Security Agency, shall, whenever it shall deem it necessary and subject to the approval of the President or his designee, have free and immediate access to all officials and employees of the Government and to all files, records and documents of any agency of the Government. The National Security Agency shall also be the sole

authority to coordinate the activities of all National Intelligence collecting services and receive, evaluate and disseminate the data as directed. The members of the Agency shall have police, subpoena or law enforcement powers in view of the fact that their jurisdiction includes the internal security of the Nation. No activities of this Agency will be publicised unless so directed by the President or his designee.

Section 2.55 OFFICERS AND EMPLOYEES OF THE AGENCY AS TRUSTEES OF STATE SECRETS

Every officer and employee of the National Security Agency shall be deemed a trustee of the secrets of the Republic and when entering the duties of the service, shall be sworn by the Director not to divulge any information which has come to his knowledge by reason of his employment with the Agency except as required in the course of duty. A violation of the oath required by this section shall subject the offender to a fine of Ten Thousand Dollars or up to seven years imprisonment or both.

Section 2.56 INDEPENDENCE OF THE AGENCY FROM GENERAL GOVERNMENT FINANCIAL ARRANGEMENTS

To preserve the National Security Agency from public disclosure of its operations, the Agency is authorized to withdraw to the extent necessary for the maintenance of secrecy, its yearly appropriations through the Ministry of Finance and deposit them in the Agency's own checking account in a Bank within the Republic to be designated by the President as the legal depository. The Agency is also authorized to develop and maintain its own procurement, accounting and auditing system separate from those of the general Government, but having the same control effect as the systems of the general Government. Its accounts shall be audited yearly or as circumstances may require by an auditor appointed by the President of Liberia.

Section 2.57 RETIREMENT AND DEATH BENEFITS

Retirement – Any officer or member of the National Security Agency who:

- a. Has served with good conduct for 25 consecutive years; or

- b. Has attained the age of 60, provided such officer or member has served in the National Security Agency or within other Security Agencies with good conduct for at least 15 consecutive years'; or
- c. Because of an injury or disability incurred in line of duty is permanently disabled from performing his duties in the National Security Agency, may be honourably retired, shall receive a pension in an amount equal to fifty percent of the compensation he was receiving at the time of his retirement for the remainder of his life. An officer or member of the National Security Agency shall be given credit toward retirement for the time he was employed in the Agency prior to the effective date of the retirement system.

Section 2.58 DEATH BENEFITS

Any dependent or dependents of a deceased officer or member of the National Security Agency shall receive one half the amount of any pension being paid to the deceased at the time of his death under the provisions of this section; or if the decedent died as a result of injuries or disability incurred in line of duty and before the commencement of pension payment, the dependent or dependents shall receive one half the amount of the pension to which the decedent would have been entitled under Paragraph 1 of this section had he lived. As used in this Paragraph, the term 'dependent' means the widow of the decedent so long as she remains unmarried; or if there is no widow or the widow remarries, or dies, the surviving child or children of the decedent during their minority.

Section 2. This Act shall; take effect immediately upon publication in had-bills.

Any law to the contrary notwithstanding

Approved: May 20 1974

C. National Fire Service

The Executive Law, Chapter 22. Ministry of Justice, Subchapter A. Organization of Ministry, §22.8.3.¹²¹

3. Fire Services Bureau. There shall be established in the Ministry of Justice a Fire Services Bureau which shall be under the immediate supervision of a Director who shall be appointed by the President with the advice and consent of the Senate. It shall be the duty of the Director, subject to the authority and control of the Minister of Justice and the immediate supervision of the Assistant Minister of Justice for Administration and Public Safety,

- a. To oversee the operation of an efficient fire fighting organization and take all necessary measures for fire prevention and control;
- b. Inspect all public and private buildings to determine if they are fire hazards and in so far as possible eliminate hazardous conditions;
- c. Assist the National Police Force in arson investigations;
- d. Establish fire control units throughout the Republic;
- e. Prepare statistical reports on the occurrence and cause of fires.

¹²¹ The *Executive Law* was approved by the Senate and House of Representatives of the Republic on Liberia on May 11, 1972 and published on June 9, 1972. The present section is taken from the *Liberian Codes Revised*, Vol. III, 1998, pp. 403-9 (electronic version).

D. Drug Enforcement Agency

An Act to Amend Chapter 22 of the New Executive Law to Provide for the Addition of Sub-Chapter F Creating and Establishing the Drug Enforcement Agency.¹²²

WHEREAS, under the provisions of the new penal Law of the Republic of Liberia, the cultivation, production, importation, distribution, sale or use of narcotic drugs and other psychotropic substances have been designated as criminal offences; and

WHEREAS, the Republic of Liberia has ratified and is party to various United Nations Conventions of 1961, 1971 and 1988 against narcotic drugs and psychotropic substances; and

WHEREAS, the Government of Liberia is deeply concerned about the magnitude of and the rising trend in the demand for and traffic in narcotic drugs and psychotropic substances which is adversely affecting the international image of the country and its people; and

WHEREAS, the Government of Liberia recognizes that illicit drug trafficking and other crimes undermine the legitimate economy and threatened the stability and security of the nation; and

WHEREAS, the Council of State, as the Transitional Executive Authority of the Republic of Liberia, recognizing these problems, did, on June 2, 1995, by a special policy instrument, create and establish the National Inter-Ministerial Drug Committee and its Secretariat to deal with all drug control matters on behalf of the Government of Liberia:

NOW, THEREFORE, it is enacted by the Senate and the House of Representatives in Legislature Assembled:

¹²² Approved on December 23, 1998.

SUB-CHAPTER F
THE DRUG ENFORCEMENT AGENCY (DEA)

Section 22.1000. There is hereby established as an autonomous agency within the Ministry of Justice, the Drug Enforcement Agency (DEA), which shall be headed by a Director appointed by the President with the advice and consent of the Senate.

Section 22.101. The President by and with the consent of the Senate shall appoint a Deputy Director for Administration and a Deputy Director of Operation of the Agency.

Section 22.102. It shall be the duty of the Director to conceive and formulate anti-drug policies; coordinate, collaborate and facilitate the efficient and effective enforcement of all domestic anti-drug legislations, United Nations International Conventions of 1961, 1971 and 1988 against Narcotic Drugs and psychotropic substances and protocols to which the Republic of Liberia is a party.

Section 22.103. In addition to regular and appropriate funding from the Government, the Agency is hereby authorized to independently identify possible sources of international assistance and pursue the mobilization of available financial and technical assistance.

Section 22.104. The National Inter-Ministerial Drug Committee (NIDC) is hereby dissolved.

Section 22.105. All functions and specialized personnel of the narcotic divisions of the Liberia National Police Force and the National Security Agency are hereby transferred to the Drug Enforcement Agency.

Section 22.106. This Act shall take effect immediately upon publication in handbills.

Any law to the contrary notwithstanding
Approved December 23, 1998

E. National Bureau of Investigation

An Act to Amend the Provisions of the New Executive Law to Provide for the Re-establishment of the National Bureau of Investigation (NBI).¹²³

Preamble

Whereas, the National Bureau of Investigation (NBI) was abolished by legislative enactment under the provisions of an Act Repealing Sub-Chapter D of Chapter 1, Part 1, and Sub-Chapter B of Chapter 22, Part II of the Executive Law in Relation to the Executive Action Bureau and the National Bureau of Investigation and creating the National Security Agency. Approved May 20, 1974, and published on August 30, 1974; and

Whereas, due to an increase in level as well as the quality and sophistication of crimes both locally and internationally, there is a need for a highly trained and equipped national investigative agency to combat these crimes; and,

Whereas, prior to its abolition, the NBI was the statutory agency empowered to investigate these major and specialised crimes; and,

Whereas, it has been determined that there is therefore a need for the NBI to be re-established;

Now therefore,

It is enacted by the Senate and the House of Representatives of the Republic of Liberia in legislature assembled:

Section 1. The New Executive Law is hereby amended to provide for the inclusion therein of Chapter 22, Sub-Chapter B, and Sections 22.50 to Section 22.53 and the addition of Section 22.54.

Section 22.50 Bureau is Established

There is hereby established a National Bureau of Investigation (NBI), which shall be headed by a Director, appointed by the President by and with the consent of the Senate. The Director

¹²³ Approved on December, 1998.

shall be responsible to the President through the Minister of Justice for the administration of the Bureau, but shall report directly to the President should the President so direct. The Bureau shall have its central office in the Capital and such field offices throughout the Republic as may be deemed necessary.

Section 22.51. Duties of the Director

The duties of the Director shall be as follows:

- a. To investigate major crimes including homicide (except vehicular homicides), illegal entries into the country, robbery, arson, rape, grand larceny, kidnapping, burglary, embezzlement, forgery, smuggling, violation of the narcotics law, counterfeiting, theft of government property.
- b. To conduct such other investigations as may from time to time be assigned him.
- c. To keep and maintain accurate and current records on known criminals within Liberia and to make such information available to the police and other security agencies of the Republic upon request.
- d. The Director shall compile and publish an annual report containing criminal statistics.
- e. To select, hire and train competent and qualified individuals according to international accepted professional standards to ensure the proper and efficient functioning of the Bureau.

Section 22.52. Organization of the Bureau

In addition to the Director, the Bureau shall have a Deputy Director for Administration who shall also be the principal deputy to the Director, a Deputy Director for Operations and a Deputy Director for Special Services appointed by the President by and with the consent of the Senate.

Section 22.53. Other Personnel

Members of the Bureau shall at all times be subject to rotation from place to place. All members shall, as a pre-requisite to becoming a permanent employee of the Bureau, be required to undergo a training program as shall be prescribed by the Bureau.

In order to ensure and enhance professionalism, staff promotion within the Bureau shall be determined by qualification, experience on the job, performance and written and other objective tests, which shall periodically be administered.

Section 22.54. Retirement and Death Benefits

1. Retirement Benefits

Any officer or member of the National Bureau of Investigation who:

- a. Has served with good conduct for at least 25 consecutive years; or
- b. Has attained the age of 55, provided such officer or member has served in the National Bureau of Investigation with good conduct for at least 15 consecutive years; or
- c. Because of an injury or disability incurred in line of duty is permanently disabled from performing his duties in the National Bureau of Investigation, may be honourably retired.

Any officer or member of the National Bureau of Investigation who has been honourably retired shall receive for the remainder of his life a pension in an amount equal to fifty percent of the compensation he was receiving at the time of his retirement.

An officer or member of the National Bureau of Investigation shall be given credit toward retirement for the time he was employed in the Bureau prior to the effective date of the establishment of this retirement system.

2. Death Benefits

Any dependent or dependents of a deceased officer or member of the National Bureau of Investigation shall receive the full amount of any pension being paid to the decedent at the time of the death.

As used in the foregoing, the term 'dependent' or 'dependents' means the widow of the decedent so long as she remains unmarried; or if there is no widow or the widow remarries, the surviving child or children of the decedent for the period of their minority.

Section 2. This Act shall take effect immediately upon publication in handbills.

**Any law to the contrary notwithstanding.
Approved December 1998**

F. Liberian National Police

An Act to Amend the Executive Law with Respect to the National Police Force.¹²⁴

It is enacted by the Senate and the House of Representatives of the Republic of Liberia, in Legislature Assembled:

Section 1. Section 22.70 of the New Executive Law is hereby amended to read as follows:

Sub-Section 22.70. National Police Force Created: Appointment of Director and Subordinates: There shall be established in the Ministry of Justice a National Police Force which shall be headed by a Director who shall be appointed by the President with the advice and consent of the Senate. The Director shall be directly responsible to the Minister of Justice and subject to his direction and control. The President, with the advice and consent of the Senate, may also appoint such Deputy Directors, Assistant Directors and other subordinates as may be required for the effective operation of the National Police Force.¹²⁵

Sub-Section 22.71. Headquarters and field posts.

The National Police Force shall have its headquarters in the Capital and as many field posts located throughout Liberia as may be necessary to carry out its functions.¹²⁶

Sub-Section 22.72. Personnel

Members of the National Police Force shall at all time be subject to rotation from place to place. All members of the National Police Force shall receive, as a prerequisite to admission, a basic training course of four months at the National Police Training Academy. A two-year probationary period, which shall include the period required for the basic training, shall be required of all members. Promotions within the Force shall be determined strictly

¹²⁴ Approved by the Senate and the House of Representatives of the Republic of Liberia on June 6, 1975 and published on June 12, 1975.

¹²⁵ *Prior Legislation:* L.11960-61, Ch. XLII, & 2 (13:192); L. 1971-72.

¹²⁶ *Prior Legislation:* L. 1960-61, Ch. XLII, & 2 (13:193).

in keeping with time serve[d] within grades, performance of duty, and results achieved on a written examination to be administered from time to time for this purpose.¹²⁷

Sub-Section 22.73: Retirement and Death Benefits

1. Retirement Benefits

Any officer or member of the National Police Force who:

- a. Has served with good conduct for at least 25 consecutive years; or
- b. Has attained the age of 55, provided such officer or member has served in the National Police Force with good conduct for at least 15 consecutive years; or
- c. Because of an injury or disability incurred in line of duty is permanently disabled from performing his duties in the National Police Force, may be honourably retired and, if retired, shall receive a pension in an amount equal to fifty percent of the compensation he was receiving at the time of his retirement for the remainder of his life. An officer or member of the National Police Force shall be given credit toward retirement for the time he was employed in the Police Force prior to the effective date of the retirement system.

2. Death Benefits

Any dependent or dependents of a deceased officer or member of the National Police Force shall receive the full amount of any pension paid to the decedent the time of his death under the provisions of this section or, if the decedent died as a result of injuries or disability incurred in line of duty and before the commencement of payments, the dependent or dependents shall receive the full amount of the pension to which the decedent would have been entitled under paragraph 1 of this section had he lived. As used in this paragraph, the term decedent means widow or if the widow remarries, the surviving child or children of the decedent during their minority.

¹²⁷ *Prior Legislation*. L 1960-61, Ch. XLII, & 2 (13: 196, 198).

Section 2. Chapter 22 of the New Executive Law is hereby amended by adding hereto Two New Sections to be sections 22.74 and 22.75 respectively to read as follows:

Sub-Section 74. General Duties of National Police Force: The National Police Force shall be employed for the detection of crimes, the apprehension of offenders, the preservation of law and order, the protection of life, liberty and property and the due enforcement of all laws and regulations with which they shall be directly charged.

Sub-Section 75. All persons recruited to serve in the National Police Force shall take the following oath:

I _____ do solemnly swear to faithfully and impartially discharge the duties which I am about to enter upon as a police officer of the Republic of Liberia; to obey the officers and non-commissioned officers appointed over me; to do equal right and justice to all men; to enforce the law to the best of my ability; and to conform to the rules and regulations of the National Police Force. So help me God.

Section 3. This Act shall take effect immediately upon publication in handbills.

Any law to the contrary notwithstanding.

Approved: June 6, 1975

Published by Authority Government Printing Office, Ministry of Foreign Affairs, Monrovia, Liberia, June 12, 1975.

Decree by the People's Redemption Council of the Armed Forces of Liberia, Repealing Subchapter E of Chapter 22 of the Executive Law in Relation to the National Public Safety Institute and Creating Instead the National Police Training Academy.¹²⁸

It is hereby decreed by the People's Redemption Council of the Armed Forces of Liberia as follows:

Section 1. Subchapter E of Chapter 22 of the Executive Law is hereby repealed.

Section 2. There shall be added to Chapter 22 of the Executive Law a new Subchapter E, to be entitled "National Police Training Academy", which shall read as follows:

Sub-Chapter E: National Police Training Academy, Section 22.90. Establishment; Direction:

There shall be established in the Ministry of Justice a National Police Training Academy, which shall be headed by a COMMANDANT, who shall be appointed by the Head of State, by and with the advice and consent of the People's Redemption Council. The Commandant shall direct all activities of the National Police Training Academy, under the direction and control of the Minister of Justice, through the Director of Police; he shall be ranked as a Deputy Director in the Liberia National Police. The Head of State by and with the advice and consent of the People's Redemption Council, shall appoint a Deputy Commandant for Administration, who shall be the principal assistant to the Commandant and shall perform such duties as shall be assigned to him by the Commandant. The Head of State shall also appoint a Deputy Commandant for Operation and other officials as may be required for the effective operation of the Academy.

Section 22.91: Functions

The National Police Training Academy shall have the following functions:

¹²⁸ Issued by the People's Redemption Council on June, 30, 1980 and published on November 9, 1981.

1. To train all members of the Liberia National Police in the various phases of law enforcement and crime detection and prevention; and
2. To train under special programs to be prescribed by the Liberia National Police all members of such agencies as the National Bureau of Immigration and Naturalization, the National Fire Service, etc. of the Ministry of Justice and other personnel involved in the internal security and public safety within the Republic of Liberia.

**Section 22.92: Status of Personnel Undergoing Training:
Expense of Training**

Members of the Liberia National Police and other law enforcement agencies upon assignment for training at the National Police Training Academy shall continue to be members of their respective law enforcement agencies; and except for the utilization of facilities at the Academy, all expense incurred in the technical training of the personnel of any agency shall be borne by that agency.

Section 3

This Decree shall take effect immediately upon the signature of the Head of State of the Republic of Liberia.

Issued this 30th Day of June, A.D. 1980

C-I-C Samuel K. Doe
Head of State and Chairman of the People's Redemption Council
of the Republic of Liberia

Published by Authority
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Monrovia, Liberia
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G. Special Security Service

An Act to Amend the Executive Law to Create a Special Security Service.¹²⁹

It is enacted by the Senate and House of Representatives of the Republic of Liberia, in Legislature Assembled:

Section 1: The Executive Law is hereby amended by adding thereto ten new sections to be Section 12.56 through 12.65 respectively, constituting a new Chapter to be Chapter 49 A to read as follows:

Chapter 49A – Special Security Service

Section 12.56 - Service Established: There is hereby created and established in the office of the Chief Executive, a Service to be known as the Special Security Service. The Special Security Service shall be conducted under the direction and supervision of a Director.

Section 12.57 – Functions of Service: The function of the service shall be:

- a. To protect and secure the President, his immediate family, other officials and visiting dignitaries (VIPS), to be designated by the President;
- b. To protect the Executive Mansion and grounds;
- c. To protect all documents, Top-Secret, Confidential and Informatory Materials;
- d. To security check all in-coming mails, packages and things addressed to or for use or consumption by the President and his household;
- e. To security check all means of transportation used by the President, his family and other VIPS;

¹²⁹ Approved by the Senate and House of Representatives of the Republic of Liberia on February 23, 1966 and published on February 26, 1966,

- f. To security check the residence of the President both temporary and permanent;
- g. To serve as liaison with other security agencies in matters pertaining to the screening of persons to be employed at the Executive Mansion and other services of the President; and
- h. Such other functions as may from time to time be delegated by the President.

Section 12.58 – Appointment and Duties of Director: The President with the advice and consent of the Senate shall appoint an administrative head of the Service who shall be designated as the Director. He shall be directly responsible to the Chief Executive for the total administration of the Special Security Service. The duties of the Director shall be as follows:

- a. To report directly to the President on all phases of the operation of the Service and all matters appertaining to the Service, as may be required or as directed by the President;
- b. To develop all operations required to carry out the functions of the Service;
- c. To select, investigate, hire and train personnel for the Service;
- d. To call on other Security Agencies for additional strength, whenever the need should arise for reinforcement of the Service. Such Agents, Detectives, Policemen and Soldiers assigned to the Service in accordance with the request of the Director, shall be under the complete command and supervision of the Director; and
- e. To develop, prepare and implement rules and regulations pertaining to personnel, finance, logistics, training, operations and organization necessary for the efficient operation of the Service, subject to approval of the President.

Section 12.59 – Appointment and Duties of Assistant Director: The President with the advice and consent of the Senate shall appoint an Assistant Director of the Special Security Service who shall be the principal assistant to the Director. He shall perform such duties as may be assigned him from time to time by the Director.

Section 12.60 – Other Officers and Employees of the Service:

The Director may appoint all such other officers and employees of the Service as he may deem necessary and assign their duties, subject to the approval of the President.

Section 12.61 – Employees of Service as Trustees of State

Secrets: Officers and employees of the Special Security Service shall be deemed Trustees of the secrets of the President and the Republic of Liberia and shall be sworn to secrecy by the Director when entering upon duty of the Service. Violation of such Oath, whether willing or not shall be considered a crime, and the violator shall immediately be dismissed from the Service and prosecuted under provisions prescribed in the Penal Law.

Section 12.62 – Power of the Service to Collect Information:

The Service shall have the power to request, demand and collect from any person natural or legal, residing in the republic, and from any Bureau or Agency of the Government, all information it may deem necessary to effectively carry out its functions. Any person, employee or official of any Bureau or Agency of the Government who receives from the Service a request for information which it is empowered to collect, and fails or refuses to comply with such request shall be penalised in keeping with provisions of Section 12.1 of the Penal Law.

Section 12.63 – Arrest Without Warrant:

In the performance of the functions of the Service, an Agent may arrest or cause to be arrested any person or persons committing a crime *flagrant delicto*, or aiding and abetting any crime or violation, or who may reasonably be suspected of the commission of a crime.

Section 12.64 – Compensations for Widows and Minor Children of Members of the Special Security Service killed or wounded in Performance of Duties:

In case of death of a member of the Special Security Service as a result of wounds received or injuries inflicted in the course of actual service in the lawful discharge and execution of his duties, his widow and minor children shall receive a pension in a sum equal to the amount of compensation which the member of the Special Security Service was receiving at the time of his death.

Section 12.65 – Compensation for Tenure of Service: Any member of the Special Security Service who shall serve with good conduct and behaviour for twenty-five (25) consecutive years regardless of age, or any member of the Service who because of necessity or circumstance beyond his control is unable to efficiently perform his functions shall be honourably retired and receive a pension of two-thirds (2/3) of his salary for the remainder of his natural life.

This section shall operate retrospectively commencing from the date of the establishment of said Service whereby all members at that time employed and who continue in the Service shall enjoy the benefit herein provided.

Section 2: This Act shall take effect immediately upon publication in handbills.

Any law to the contrary notwithstanding.

Approved February 23, 1966.

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February 26, 1966

About Thomas Jaye

Dr. Thomas Jaye is currently a Senior Research Fellow at the Kofi Annan International Peacekeeping Training Centre (KAIPTC). Before joining the KAIPTC, he served as Research Fellow at the Department of Political Science and International Studies (POLISIS) at the University of Birmingham in the UK. He holds a doctoral degree in International Politics from the Department of International Politics, University of Wales, Aberystwyth (UWA) where he worked on African security issues.

Since 2006, Dr. Jaye has been involved with the SSR process in Liberia where he was seconded by the KAIPTC to support the Governance Commission in developing a shared vision of national security and formulating a national security strategy. In this role he provides intellectual leadership over this process including the overall debates on SSR issues in the country. Over the years, he has collaborated closely with the Geneva Centre for Democratic Control of the Armed Forces (DCAF), the Conflict, Security and Development Group (CSDG) of King's College, University of London and the Africa Security Sector Network (ASSN), participating in general debates on this issue in Liberia and facilitating policy seminars for members of the Defence and Security Committees of the Liberian Legislature. He has written an assessment of the security sector and a report from the nationwide consultation on SSR for the Governance Commission.

Dr. Jaye is the author of "ECOWAS Intervention in the Liberian Civil War: Issues of Sovereignty, Strategy and Security" published by the Edwin Press in 2003 and as well as other publications on broader security issues.