

# Liberland Laws and Provisions

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## Provisional Administration of Justice

### Part I: Criminal Justice in the Free Republic of Liberland

1. The criminal offences in the Free Republic of Liberland are tried in the Criminal Court.
2. The President of the Free Republic of Liberland, on behalf of the Preparatory Committee, appoints one person to be the judge in the Criminal Court.
3. The President of the Free Republic of Liberland, on behalf of the Preparatory Committee, appoints one person to be the Chief Prosecutor who prosecutes the criminal offences in the Free Republic of Liberland.
4. The appeals from the Criminal Court are heard in the Supreme Court where the verdict can be either confirmed or overruled.
5. The President of the Free Republic of Liberland, on behalf of the Preparatory Committee, appoints one person to be the Justice of the Supreme Court.
6. Any person appointed under this Part will remain independent from the President and the preparatory Committee.
7. Any appointment made under this Part might be terminated by the President at any time.
8. Any appointment made under this Part will expire 30 days after the first General Election.

## **Part II: General provisions**

1. Every person is criminally responsible according to his age and mental capability in comparison to an average person of the same age.
2. Subject to the provisions of this Code relating to the jurisdiction of particular courts, the following kinds of punishments may be imposed by a court on persons convicted of offences under this Code:
  - a. imprisonment,
  - b. financial restitution,
  - c. community work,
  - d. extradition.
3. Punishments listed in article 3 can be charged separately or together depending on the Judge's sense of justice and severity of the committed crime. The Judge specifies the length and the nature of the imprisonment or community work and the amount to be paid as fine or compensation or restitution to the victim.
4. The Judge orders extradition where defendant's country of origin recognises the authority of the Court.
5. The Judge orders imprisonment in lieu of extradition only where defendant's country of origin does not recognise the authority of the Court or where the defendant might be subject to torture or other inhuman treatment.
6. Person convicted of committing a misdemeanour may be charged with imprisonment if he or she commits the offence repeatedly.
7. A person who is procuring, assisting or attempting to commit a criminal offence is to be charged as if he committed the particular crime. The punishment must be adequate according to his contribution to the crime.

## **Part III: Rights of the defendant**

1. No person shall be convicted, sentenced, or imprisoned without due process of law.
2. No person shall be convicted and sentenced without the possibility to appeal.
3. The defendant has the right to a speedy and public trial.
4. The defendant has the right to be informed of criminal charges.
5. The defendant has the right to confront witnesses and to compel witnesses to appear in court.
6. The defendant has the right to the assistance of legal counsel free of charge where appropriate.
7. The defendant has the right to be presumed innocent until proven guilty.
8. The defendant has the right not to be compelled to be a witness against himself or herself.
9. The defendant has the right to inform family about the detention.
10. The defendant has the right to be provided with the services of an interpreter if he or she does not speak the language in which the criminal proceedings are conducted.

## **Part III: Criminal Offences**

### **Felonies**

#### **Murder**

1. Definition: Murder is a killing of another person with intention thereof or with intention to cause bodily harm
2. Sentencing: a. or d.

#### **Manslaughter**

1. Definition: Manslaughter is accidental killing of another person resulting from an act classified as another criminal offence under this Code other than inflicting bodily harm, or from negligence.
2. Sentencing: a. or d.

#### **Fraud**

1. Definition: Fraud is deliberately deceiving another person in order to secure unfair or unlawful gain.
2. Sentencing: a. or d. and b.

#### **Theft**

1. Definition: Theft is appropriating the property of another natural and/or legal person without consent, with intention to keep it, knowing it does not belong to oneself or being negligent as to that.
2. Sentencing: b. or c.

#### **False Imprisonment**

1. Definition: False imprisonment is substantially restricting the freedom of movement of another person with use of force or threat thereof.
2. Sentencing: a. or d.

#### **Burglary**

1. Definition: Burglary is trespassing to the property of another natural and/or legal person for the purposes of committing an act which is classified as another criminal offence under this Code.
2. Sentencing: a. or d. and b.

#### **Robbery**

1. Definition: Robbery is appropriating the property of another natural and/or legal person without consent, with intention to keep it, and with the use of force or threat thereof, knowing it does not belong to oneself or being negligent as to that.
2. Sentencing: a. or d. and b.

## **Bribery**

1. Definition: Bribery is offering a reward for a service where no payment is required, to any agent of the Public Administration.
2. Sentencing: c. and b.

## **Accepting Bribery**

1. Definition: Accepting Bribery is accepting a reward or an intention thereof and/or demanding a reward by any agent of the Public Administration in exchange for service where no payment is required.
2. Sentencing: a. or d.

## **Rape**

1. Definition: Rape is engaging in a sexual intercourse or any other sexual activity with another person without his or her consent.
2. Sentencing: a. or d.

## **Paedophilia**

1. Definition: Paedophilia is engaging in a sexual intercourse with a person under the age of 14; or filming any person under the age of 18 during his or her sexual intercourse or any other sexual activity; or procuring any person under the age of 18 to engage in prostitution.
2. Sentencing: a. or d.

## **Hijacking**

1. Definition: Hijacking is intentionally hijacking the property of another for the purposes of committing an act classified as another criminal offence under this Code.
2. Sentencing: a. or d.

## **Misdemeanour**

### **Damage to property**

1. Definition: Damage to property is causing damage to the property of another natural and/or legal person with intention thereof or due to negligence.
2. Sentencing: c. and b.

## **Assault**

1. Definition: Infliction of bodily harm is inflicting bodily harm, either physical or psychological, onto another person, with intention thereof or due to negligence.
2. Sentencing: c. and b.

## **Cruelty to animals**

1. Definition: Cruelty to animals is inflicting bodily harm onto any animal, exceeding the limits of disciplining, for the purposes of causing this animal to suffer, with intention thereof or due to negligence.
2. Sentencing: c.

## **Public nuisance**

1. Definition: Public nuisance is behaving in a manner which interferes with the rights of other people to use and/or enjoy public space.
2. Sentencing: c.

## **Polluting environment**

1. Definition: Polluting environment is causing pollution of the green areas, water, air, ground, including underground, of the Free Republic of Liberia.
2. Sentencing: c.

## **Disregarding a court order**

1. Definition: Disregarding a court order is acting with intention or negligently in a manner which amounts to the breach of a court order affecting the defendant.
2. Sentencing: c.

## **Perjury**

1. Definition: Perjury is giving a testimony in a court of law, under oath, which is false with intention thereof or due to negligence.
2. Sentencing: c. and b.

## **Part IV: Procedures**

### **Before the Trial**

1. A person accused of committing any of the misdemeanours is only prosecuted if the victim consents; person accused of any of the felonies must be prosecuted.
2. A person accused of committing any of the misdemeanours will not be prosecuted if he or she agrees to immediately leave the territory of the Free Republic of Liberia and not to come back.
3. A person suspected of committing one or more of the criminal offences listed in Part II might be detained by the Sheriffs for no more than 12 hours unless the Warrant is issued by the Judge of the Criminal Court, if it is plausible that he or she will try to escape or erase evidence.
4. The Judge of the Criminal Court can issue the Warrant upon the request made by the Chief Prosecutor if he or she considers the evidence submitted to give solid grounds to the possibility of conviction upon the criminal trial.
5. The Chief Prosecutor can request the Judge of the Criminal Court to issue the Warrant allowing detention of the accused if he knows of evidence which give grounds to a potential future conviction of the accused in the Criminal Court.
6. The Judge can issue a Warrant for detention with or without the possibility of bail.
7. The accused is indicted by the Chief Prosecutor and brought before the Judge in the Criminal Court if the Chief Prosecutor considers the evidence to be sufficient to secure conviction and that there is a strong public interest in the potential conviction.

## **Trial**

1. The defendant in the Criminal Court pleads 'guilty' or 'not guilty'.
2. The Judge in the Criminal Court examines the evidence submitted by the Chief Prosecutor and the defendant, including testimonies given by the witnesses called by the parties, and defences (if any) raised by the defendant.
3. The evidence submitted by either side cannot be obtained by torture, inhuman treatment, or any form of physical or psychological pressure.
4. The Judge weighs the credibility, relevance and the strength of the evidence submitted and gives the verdict of 'guilty' or 'not guilty' according to the law and the personal sense of justice.
5. The Judge determines the sentence taking into account all mitigating and/or aggravated circumstances surrounding the commitment of the offence.
6. The Judge sentences the defendant as provided in Part II and Part IV.
7. The defendant who was convicted in the Criminal Court can appeal from the verdict or from the sentence to the Supreme Court.
8. Witnesses called by either party to the criminal proceedings must appear in the Court, take an oath and testify the truth, whole truth and nothing but the truth.
9. In case of the appeal from the verdict, the Justice in the Supreme Court examines once again the evidence submitted by the Chief Prosecutor and the defendant and either confirms or overrules the verdict given in the Criminal Court.
10. In case of the appeal from the sentence, the Justice in the Supreme Court examines once again the circumstances in which the offence was committed and either confirms the sentence or imposes another sentences instead that he or she considers more appropriate.
11. The verdict and sentence given in the Supreme Court are final.

## **Execution**

24. The Sheriffs of the Free Republic of Liberia are responsible for ensuring that the verdict of the Court is complied with.