

Criminal Code

(...)

§ 1.4. Territorial applicability

1. Extraterritorial jurisdiction. Except as otherwise expressly provided, extraterritorial jurisdiction over an offense exists when:

- (a) The offense is treason, or is espionage or sabotage by a national of Liberia;
 - (b) The offense consists of a forgery or counterfeiting, or an uttering of forged copies or counterfeits, of the seals, currency, stamps, passports, or public documents issued by the Government of Liberia;
 - (c) The accused participates outside Liberia in an offense against the laws of Liberia committed in whole or in part within Liberia or the offense constitutes an attempt, solicitation, or conspiracy to commit an offense within Liberia;
 - (d) The offense involves entry of person or property into Liberia;
 - (e) The offense is committed by a public officer or employee who is outside the territory of Liberia because of his official duties or by a member of his household residing abroad; or
- Jurisdiction is conferred upon Liberia by treaty.

2. Offense committed partly within Liberia. A person is subject to prosecution in Liberia for an offense which he commits partly within Liberia. An offense is committed partly within Liberia if either the conduct which is an element of the offense or the result which is such an element, occurs within Liberia. In homicide, the "result" is either the physical contact which causes death or the death itself; and if the body of a homicide victim is found within Liberia, the death is presumed to have occurred within Liberia.

(...)

§ 2.1. Requirement of voluntary conduct

A person commits an offense only if he voluntarily engages in conduct, including an act, an omission, or possession, in violation of a statute which provides that the conduct is an offense.

§ 2.2. Kinds of culpability

A person engages in conduct--

- (a) "purposely" if, when he engages in the conduct, it is his conscious object to engage in conduct of that nature or to cause the result of that conduct;
- (b) "knowingly" if, when he engages in the conduct, he knows or has a firm belief unaccompanied by substantial doubt that he is doing so, whether or not it is his purpose to do so;
- (c) "recklessly" if he engages in the conduct in conscious and clearly unjustifiable disregard of a substantial likelihood of the existence of the relevant facts or risks;
- (d) "negligently" if he engages in the conduct in unreasonable disregard of a substantial likelihood of the existence of the relevant facts or risks;
- (e) "willfully" if he engages in the conduct purposely or knowingly, unless further requirements appear from the definition of the offense;
- (f) "culpability" if he engages in the conduct purposely, knowingly, recklessly, or negligently.

§ 2.3. Requirement of culpability

1. Culpability generally required. Except as provided in paragraph 5, a person is not guilty of an offense unless he acted purposely, knowingly, recklessly, or negligently, as the law may require, with respect to each material element of the offense.

2. Degree of culpability required when not specified. If a statute or regulation thereunder defining a felony or misdemeanor does not specify any culpability and does not provide explicitly that a person may be guilty without culpability, the culpability that is required is established if the person acts purposely, knowingly, or recklessly with respect thereto.

3. *Specified culpability requirement satisfied by higher culpability.* If conduct is an offense if a person engages in it negligently, the conduct is an offense also if a person engages in it purposely, knowingly, or recklessly. If conduct is an offense if a person engages in it recklessly, the conduct is an offense also if a person engages in it purposely or knowingly. If conduct is an offense if a person engages in it knowingly, the conduct is an offense also if a person engages in it purposely.

4. *Knowledge or belief that conduct is an offense not required.* Except as otherwise expressly provided or unless the context otherwise requires, knowledge or belief that conduct is an offense is not an element of the conduct constituting the offense.

5. *No requirement of culpability for infractions.* The requirement of culpability prescribed by paragraph 1 does not apply to offenses which constitute infractions unless the requirement involved is included in the definition of the offense or the court determines that its application is consistent with effective enforcement of the law defining the offense.

§ 2.4. Ignorance or mistake negating culpability

Ignorance or mistake as to a matter of law or fact is a defense if the ignorance or mistake negatives the purpose, knowledge, belief, recklessness or negligence required to establish a material element of the offense. Although ignorance or mistake would otherwise afford a defense to the offense charged, the defense is not available if the defendant would be guilty of another offense had the situation been as he supposed. In such case, however, the ignorance or mistake of the defendant shall reduce the grade and degree of the offense of which he may be convicted to those of the offense of which he would be guilty had the situation been as he supposed.

(...)

§ 3.1. Accomplices

1. *Liability defined.* A person is guilty of an offense committed by the conduct of another person when:

- (a) Acting with the kind of culpability required for the offense, he causes or aids an innocent or irresponsible person to engage in such conduct; or
- (b) With the purpose that an offense be committed, he commands, induces, procures, or aids such other person to commit it or having a legal duty to prevent its commission, he fails to make proper effort to do so. A person is liable under this paragraph for the conduct of another person when he is either expressly or by implication made not accountable for such conduct by the statute defining the offense or related provisions, because he is a victim of the offense or because the offense is so defined that his conduct is inevitably incident to its commission.

2. Defense precluded. Except as otherwise provided, in any prosecution in which liability of the defendant is based upon the conduct of another person, it is no defense that:

- (a) The defendant does not belong to the class of persons who, because of their official status or other capacity or characteristic, are by definition of the offense the only persons capable of directly committing it.
- (b) The person for whose conduct the defendant is being held liable has been acquitted, has not been prosecuted or convicted, or has been convicted of a different offense, or is immune from prosecution, or for some other reason cannot be brought to justice.

3. Affirmative defense of renunciation and withdrawal. It is an affirmative defense in a prosecution under paragraph (1) that, under circumstances manifesting a voluntary and complete renunciation of his culpable intent, the defendant attempted to prevent the commission of the offense by taking affirmative steps which substantially reduced the likelihood of the commission thereof. A renunciation is not "voluntary and complete" if it is motivated in whole or in part by (a) a belief that circumstances exist which increase the probability of detection or apprehension of the defendant or an accomplice or which make more difficult the consummation of the offense, or (b) a decision to postpone the offense until another time or to substitute another victim or another but similar objective.

§ 3.2. Corporate criminal liability

1. *Liability defined.* A corporation may be convicted of the commission of the offense if:

- (a) The conduct constituting the offense is engaged in by an agent of the corporation while acting within the scope of his employment and in behalf of the corporation unless the offense is one defined by a statute which indicates a legislative purpose not to impose criminal liability on corporations if the law governing the offense designates the agents for whose conduct the corporation is accountable or the circumstances under which it is accountable, such provisions shall apply.
- (b) The offense consists of an omission to discharge a specific duty of affirmative performance imposed on corporations by law, or
- (c) The conduct constituting the offense is engaged in, authorized, solicited, requested, commanded, or recklessly tolerated by the board of directors or by a high managerial agent acting within the scope of his employment and in behalf of the corporation.

2. *Definition.* As used in this section:

- (a) "corporation" does not include an entity organized *as* or by a governmental agency for the execution of a governmental program;
- (b) "agent" means any director, officer, servant, employee or other person authorized to act in behalf of the corporation;
- (c) "high managerial agent" means an officer of a corporation or any other agent of a corporation having duties of such responsibility that his conduct may fairly be assumed to represent the policy of the corporation.

3. *Defense.* In any prosecution of a corporation for the commission of an offense included within the terms of paragraph (1)(a) of this section other than an offense for which absolute liability has been imposed, it shall be a defense if the defendant proves by a preponderance of evidence that the high managerial agent having supervisory responsibility over the subject matter of the offense employed due diligence to prevent its commission. This paragraph shall not apply if it is plainly inconsistent with the legislative purpose in defining the particular offense.

§ 3.3. Criminal liability of associations other than corporations

A partnership, joint stock company, or unincorporated association, including a cooperative association, may be convicted under circumstances corresponding to those set forth in section 3.2 with respect to corporations.

(...)

§ 10.1. Criminal attempt

1. *Offense.* A person is guilty of criminal attempt if, acting with the kind of culpability otherwise required for commission of an offense, he purposely engages in conduct constituting a substantial step toward commission of the offense. A substantial step is any conduct, whether act, omission, or possession, which is strongly corroborative of the firmness of the actor's intent to complete the commission of the offense. Factual or legal impossibility of committing the offense is not a defense if the offense could have been committed had the attendant circumstances been as the actor believed them to be.

2. *Conduct designed to aid another to commit a crime.* A person who engages in conduct intending to aid another to commit an offense is guilty of criminal attempt if the conduct would establish his complicity under Section 3.1 were the offense committed by the other person, even if the other is not guilty of committing or attempting the offense.

3. *Renunciation.* it is a defense to prosecution under this section that, under circumstances manifesting a voluntary and complete renunciation of his culpable intent, the defendant avoided the commission of the offense attempted by abandoning his culpable effort and, if where abandonment was insufficient to accomplish such avoidance, by taking further steps which prevented the commission thereof. A renunciation is not "voluntary and complete" if it is motivated in whole or in part by (a) a belief that a circumstance exists which increases the probability of detection or apprehension of the defendant or

an accomplice or which makes more difficult the consummation of the offense, or (b) a decision to postpone the offense until another time or to substitute another victim or another but similar objective.

4. Grading. Criminal attempt is an offense of the same class as the offense attempted, except that (a) an attempt to commit a felony of the first degree shall be a felony of the second degree, and (b) whenever it is established by a preponderance of the evidence at sentencing that the conduct constituting the attempt did not come dangerously close to commission of the offense, an attempt to commit a felony of the second degree shall be a felony of the third degree and an attempt to commit a felony of the third degree shall be a misdemeanor of the first degree.

§ 10.2. Criminal facilitation

1. Offense. A person is guilty of criminal facilitation who, believing it probable that he is rendering aid to a person who intends to commit a crime, engages in conduct which provides such person with means or opportunity for the commission thereof and which in fact aids such person to commit a felony. This section does not apply to a person who is either expressly or by implication made not accountable by the statute defining the felony facilitated or related statutes.

2. Defense precluded. It is no defense to a prosecution under this section that the person whose conduct the defendant facilitated has been acquitted, has not been prosecuted or convicted, has been convicted of a different offense, is immune from prosecution, or for some other reason cannot be brought to justice.

3. Grading. Facilitation of a felony of the first degree is a felony of the third degree. Facilitation of a felony of the second degree or felony of the third degree is a misdemeanor of the first degree.

§ 10.3. Criminal solicitation

1. *Offense.* A person is guilty of criminal solicitation if he commands, induces, entreats, or otherwise attempts to persuade another person to engage in conduct which if committed would be a felony, whether as principal or accomplice, with the purpose of promoting or facilitating the commission of that crime, and under circumstances strongly corroborative of that purpose.

2. *Defense.* It is an affirmative defense to a prosecution under this section that, if the criminal object were achieved, the defendant would be a victim of the offense or the offense is so defined that his conduct would be inevitably incident to its commission or he otherwise would not be guilty under the statute defining the offense or as an accomplice under Section 3.1

3. *Defense precluded.* It is no defense to a prosecution under this section that the person solicited could not be guilty of the offense because of lack of responsibility or culpability, or other incapacity or defense.

4. *Renunciation and withdrawal.* It is an affirmative defense to a prosecution under this section that the defendant, after soliciting another person to commit a felony, persuaded him not to do so or otherwise prevented the commission of the felony under circumstances manifesting a complete and voluntary renunciation of the defendant's criminal intent. A renunciation is not "voluntary and complete" if it is motivated in whole or in part by (a) a belief that a circumstance exists which increases the probability of detection or apprehension of the defendant or another or which makes more difficult the consummation of the crime or (b) a decision to postpone the crime until another time or to substitute another victim or another but similar objective.

5. *Grading.* Criminal solicitation shall be subject to the penalties provided or attempt in Section 10.1(4).

§ 10.4. Criminal conspiracy

1. Offense. A person is guilty of conspiracy to commit a crime if, with the purpose of promoting or facilitating its commission, he agrees with one or more persons to engage in or cause the performance of conduct which constitutes the crime, and any one or more of such persons does an act to effect the objective of the conspiracy.

2. Scope of conspiratorial relationship. If a person knows that one with whom he agrees or has agreed will agree with another to effect the same objective, he shall be deemed to have agreed with the other, whether or not he knows the other identity.

3. Conspiracy with multiple criminal objectives. If a person conspires to commit a number of crimes, he is guilty of only one conspiracy so long as such multiple crimes are the object of the same agreement or continuous conspiratorial relationship.
4. Duration of conspiracy. A conspiracy shall be deemed to continue until the crime which is its object is committed or the agreement that it be committed is abandoned by the defendant and by those with whom he conspired. A conspiracy shall be deemed to have been abandoned if no overt act to effect its objectives has been committed by any conspirator during the applicable period of limitations. If an individual abandons the agreement, the conspiracy is terminated as to him only if and when he timely advises those with whom he has agreed of his abandonment or by timely informing a law enforcement officer of the existence of the conspiracy.
5. Defense. It is an affirmative defense to a prosecution under this section that, if the criminal object were achieved, the defendant would not be guilty under the statute defining the offense or as an accomplice under Section 3.1.
6. Defense precluded. It is no defense to a prosecution under this section that the person with whom such person is alleged to have conspired has been acquitted, has not been prosecuted or convicted, has been convicted of a different offense, is immune from prosecution, or for some other reason cannot be brought to justice.
7. Renunciation and withdrawal. It is an affirmative defense to a prosecution under this section that the defendant after agreeing with another that one or more of the conspirators will engage in criminal conduct, persuaded him or them not to engage in such conduct or otherwise prevented the commission of the crime under circumstances manifesting a voluntary and complete renunciation of his criminal intent. A renunciation is not "voluntary and complete" if it is motivated in whole or in part by (a) a belief that a circumstance exists which increases the probability of detection or apprehension of the defendant or another conspirator or which makes more difficult the consummation of the crime, or (b) a decision to postpone the crime until another time or to substitute another victim or another but similar objective
8. Liability as accomplice. Accomplice liability for offenses committed in furtherance of the conspiracy is to be determined as provided in Section 3.1.
9. Grading. The penalties provided for criminal attempt in section 10.1 (4) shall be applicable to persons convicted of conspiracy.

(...)

§ 11.3. Armed insurrection

1. *Engaging in armed insurrection.* A person has committed a second degree felony if he engages in an armed insurrection with the purpose of overthrowing, supplanting or changing the form of the Government of Liberia.
2. *Leading armed insurrection.* A person has committed a first degree felony if he organizes, directs, leads, or provides a substantial portion of the resources of an armed insurrection within paragraph 1 hereof or any part of such insurrection.
3. *Attempt, conspiracy; facilitation; solicitation.* A person may be convicted of an attempt or conspiracy to violate this section or of facilitating or soliciting a violation of this section, only if he engages in such conduct when the armed insurrection is in progress or is impending.

§ 11.4. Advocating armed insurrection

A person has committed a third degree felony if, with the purpose of inducing or otherwise causing others to engage in armed insurrection in violation of Section 11.3, he

- (a) Advocates the desirability or necessity of armed insurrection under circumstances in which there is substantial likelihood his advocacy will imminently produce a violation of section 11.3; or
- (b) Organizes an association which engages in the advocacy prohibited subparagraph (a), or as an active member of such association, facilitates such advocacy.

§ 11.5. Paramilitary activities

A person has committed a second degree felony if he knowingly engages in, or purposely facilitates para-military activities not authorized by law. "Paramilitary activities" means acquisition, caching, use, or training in the use, of weapons for political purposes by or on behalf of an organization.

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§ 11.13. Mercenarism

1. Offense. The crime of mercenarism is committed, a felony of the first degree, by an individual, a group, an association, representative or representatives of a State and the State itself with the intent of opposing by armed violence a process of self-determination or the territorial integrity of another State when the following acts are perpetrated:

(a) The sheltering, organizing, financing, assisting, equipping, training, promoting, supporting or employing armed forces partially or wholly and consisting of persons not nationals of the country being invaded or attempting to invade and merely or solely for money, personal gain, material or other reward; or

(b) The enlisting, enrolling or attempting to enroll in the said armed forces; or

(c) The allowing of the activities referred in subsection (1) (a) to be carried out in any territory under the jurisdiction of another State or in any place under its control; or

(d) The affording of facilities for transit, transportation or other operations for the armed forces and activities referred to be in Subsection (1) (a).

2. Grading: Mercenaries shall not in this Republic enjoy the status of combatants and shall not be entitled to the prisoners of war status. Assuming command over or giving orders to mercenaries shall be considered as an aggravating circumstance.

If the act of mercenarism results in the death of any non-participant in such mercenarism, other than a mercenary, the person convicted may be sentenced to death or life imprisonment as provided in Sections 50.5 and 51.3. In the case of a State, such act of mercenarism shall be regarded as a declaration of war against the Republic of Liberia (d).

(...)

§ 14.23. Recklessly endangering another person

A person commits a misdemeanor of the first degree if he recklessly engages in conduct which creates a substantial risk of death or serious bodily injury to another. There is risk within the meaning of this section if the potential for harm exists, whether or not a particular person's safety is actually jeopardized. Recklessness and a substantial risk shall be pre-sumed where a person knowingly points a firearm at or in the direction of another, whether or not the actor believes the firearm to be loaded.

§ 14.24. Terroristic threats

A person is guilty of a felony of the third degree if he threatens to commit any crime of violence with the purpose to terrorize another or to cause evacuation of a building, place of assembly, or facility of public transportation, or otherwise to cause serious public inconvenience, or in reckless disregard of the risk of causing such terror or inconvenience.

(...)

§ 14.51. Terrorism

A person has committed a felony of the first degree, a capital offense, if he unlawfully, deliberately or intentionally attempts to discharge, or discharges fire-arm, grenades, bombs, time-bombs, missiles, explosives, or other lethal devices which are likely to cause bodily injury, or place such person or group of persons in a building, outdoors or in the open air space, or are in a vehicle, whether or not such explosive device cause bodily injury or death to another.

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§ 15.2. Reckless burning or exploding

A person commits a felony of the third degree if he purposely starts a fire or causes an explosion, whether on his own property or another's and thereby recklessly:

- (a) Places another person in danger of death or bodily injury; or
- (b) Places a building or occupied structure of another or a vital public facility in danger of destruction.

(...)

§ 15.4. Release of destructive forces

1. *Causing catastrophe.* A person who causes a catastrophe by explosion, fire flood, collapse of a building, release of poison gas, radioactive material or other dangerous and difficult-to-confine force or substance, commits a felony of the second degree if he does so purposely or knowingly, or a felony of the third degree if he does so recklessly.

2. *Risking catastrophe.* A person is guilty of a misdemeanor of the first degree if he recklessly creates a risk of catastrophe in the employment of fire, explosives or other dangerous means listed in paragraph 1.

3. *Failure to prevent catastrophe.* A person who knowingly does an act which causes or which he knows is likely to cause the release of any dangerous or difficult-to-confine force or substance or assents to the doing of such act is guilty of a misdemeanor of the first degree if he knowingly or recklessly fails to take reasonable measure to prevent the catastrophe.

4. *Definition of "catastrophe."* Catastrophe as used in this section means serious bodily injury to ten or more persons or substantial damage to ten or more separate habitations or structures, or property loss in excess of \$50,000.

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§ 15.33 Hijacking

Any person or group of persons who threatens, or attempts to threaten any person or group of persons of any operator of an aircraft, train, automobile or other vehicles with a deadly weapon, whether or not such aircraft, train, automobile or vehicle is stationary or in locomotion, or who diverts the normal course of such aircraft, train, automobile or other vehicles, or holds such person or group of persons as hostage for reward, hope of reward, or makes unlawful demand, have committed the capital offense of hijacking, a felony of the first degree.

2. Jurisdiction - Hijacking is an offense repugnant to international law and any person or group of persons charged with the capital offense of hijacking are triable in the courts of competent jurisdiction in Liberia.

§ 15.34 Penalties for Armed Robbery, Terrorism and Hijacking

Any person or group of PERSONS who shall be convicted of the capital offenses of armed robbery, hijacking or terrorism, shall be sentenced in the following manner:

1. Following a conviction of the crime of armed robbery or hijacking under Sections 14.54 and 15.32 of this Act, the felons shall be sentenced to a term of imprisonment for a period of not less than ten (10) calendar years, nor more than fifteen (15) calendar years where no property damage or person injury ensues from the acts of the offender or offenders;

2. Any accused convicted of armed robbery or hijacking under Sections 14.54 and 15.32 of this Act shall be sentenced to a term of imprisonment of not less than fifteen (15) calendar years, nor more than twenty (20) calendar years where person injury is a sustained and/or valuables taken away as a result of the act of the felon or felons.

3. In the event death ensues, the accused convicted under Sections 14.54 and 15.32 of this Act shall be sentenced to death by hanging in a public place designated by the trial court; and

4. Any person or group of persons convicted under Section 15.33 of this Act shall be sentenced to death by hanging in a public place designated by the trial court, regardless of whether or not death ensues, personal injury is sustained, property is damaged, or valuables are received by the convicted person or group of persons.

(...)

§ 17.10. Supplying firearms, destructive devices and ammunition for criminal activity and to ineligible persons

1. Supplying for criminal activities. A person has committed a third degree felony if he:

(a) Knowingly supplies a firearm, destructive device or ammunition to a person who intends to commit a crime with the aid thereof or while armed therewith; or

(b) Procures or receives such matter with like intent.

2. Supplying to ineligible persons. A person has committed a third degree felony if he supplies a firearm, destructive device or ammunition to any person who, under Section 17.9, is ineligible to possess it, or to a person who is under any court adjudication declaring him to be a mental defective or mentally incompetent.

3. Definitions. The definitions prescribed in paragraph (2) of Section 17.9 apply to this section.