

**AN ACT TO AMEND THE CRIMINAL PROCEDURE LAW,  
TITLE 2 OF THE LIBERIAN CODES OF LAWS REVISED TO  
PROVIDE FOR SPECIAL CRIMINAL PROCEDURES FOR  
OFFENSES INVOLVING TERRORIST ACTS**

**APPROVED FEBRUARY 16, 2017**

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MINISTRY OF FOREIGN AFFAIRS  
MONROVIA, LIBERIA**

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TITLE 2 OF THE LIBERIAN CODES OF LAWS REVISED TO  
PROVIDE FOR SPECIAL CRIMINAL PROCEDURES FOR  
OFFENSES INVOLVING TERRORIST ACTS.**

**An Act to amend the Criminal Procedure Law, Title 2 of the Liberian Codes of Laws Revised to provide for "Special Criminal Procedures for Offenses Involving Terrorist Acts".**

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

**Section 1. Amended sections**

1. Liberian Codes of Laws Revised, Title 2. Criminal Procedure Law, Part II. Procedure in Criminal Actions, Chapter 10. Arrest, Summons and Notice to Appear, sub-section 10.2 is amended to add sub-section 3. Expanded Arrest Powers.
2. Liberian Codes of Laws Revised, Title 2. Criminal Procedure Law, Part II. Procedure in Criminal Actions, Chapter 11. Search and Seizure, sub-chapter 11.2 is amended to add sub-section (e). Search and Seizure involving instrumentality of terrorist acts and terrorist property.
3. Liberian Codes of Laws Revised, Title 2. Criminal Procedure Law, Part II. Procedure in Criminal Actions, Chapter 11. Search and Seizure, sub-chapter 11.5 is amended to add sub-section 4. Warrant to Intercept Communication.

**Section 2. Short title**

The short title for this law shall be "Special Criminal Procedures for Offenses Involving Terrorist Acts".

**Section 3. Protection for informants and witnesses**

Any person, group or entity providing information on any offense involving terrorist acts or acting as witness in said proceedings, where prosecution is sought or effected, has the right to remain anonymous and/or to seek or receive protection at all stages of the criminal procedure process. In any proceeding arising from offenses involving terrorist acts, of which crucial evidence was provided by an informant, the court, on its own motion or upon application by the prosecution, shall take all such necessary measures to ensure the physical protection of informants and witnesses and that the identity of the informant or witness shall remain anonymous for all intents and purposes.

**Section 4. Time limitation**

Time limitation, as provided for under Title 2, sub-section 4.2 of the Liberian Codes of Laws Revised, Criminal Procedure Law, shall not be applicable for offenses involving terrorist acts. Accordingly, for offenses involving terrorist acts, time limitation shall be as follows:

- 1) for offenses classified as felony of the first degree, there shall be no limitation of time. Prosecution may be commenced at any time it is known that a terrorist act is being planned or executed or any time after the offense has been committed;



- 2) for offenses classified as felony of the second degree, prosecution may be commenced within 10 years after the offenses has been committed.

### **Section 5. Definitions**

In this Act, unless the context otherwise requires:

- 1) "Funds or other assets" means financial assets, property of every kind, whether tangible or intangible, moveable or immovable, however acquired, and legal documents or instruments in any form, including electronic or digital, evidencing title to, or interest in, such funds or other assets, including but not limited to bank credits, travelers checks, bank checks, money orders, shares, securities, bonds, drafts, or letter of credit and any interest, dividends or other income on, or value accruing from or generated by such funds or assets.
- 2) "Person" means a natural person or legal person.
- 3) "Proceeds of crime" means any property or economic advantage derived from or obtained, directly or indirectly, through the commission of a criminal offense, or in connection there with. It shall include economic gains from the property and property converted or transformed, in full or in part to other property.
- 4) "Property" means the same as in the Financial Intelligence Unit Act of 2013, which is currency and assets of every kind, in any form, including electronic or digital, evidencing title to, or interest in, such assets, including but not limited to bank credits, travelers checks, bank checks, money orders, shares, securities, bonds, drafts, letters of credit, whether situated in Liberia or elsewhere and encompasses legal or equitable interest in any such property whether:
  - (a) Corporeal
  - (b) Moveable or immovable
  - (c) Tangible or intangible; and
  - (d) Legal document or instruments
- 5) "Terrorist" means natural person who:
  - (a) commits or attempts to commit terrorist acts by any means, directly or indirectly, unlawfully and willfully;
  - (b) participates as an accomplice in terrorist acts;
  - (c) organizes or directs others to commit terrorist acts; or
  - (d) contributes to the commission of terrorist acts by a group of persons, acting with a common purpose, where the contribution is made intentionally and with the aim of furthering the terrorist act or with the knowledge of the intention of the group to commit terrorist acts.
- 6) "Terrorist Act" means any act or threat of action or omission, within the meaning of Counter Terrorism Convention, whether committed inside or outside of Liberia which:
  - (a) causes death, endangers life or involves serious bodily harm to a person;

- (b) involves serious damage to property;
- (c) creates a serious risk to the health or safety of the public or a section of the public;
- (d) involves the use of firearms or explosives;

which involves releasing into the environment or any part thereof or distributing or exposing the public or any part thereof to -

- (i) any dangerous, hazardous, radioactive or harmful substance;
  - (ii) any toxic chemical;
  - (iii) any microbial or other biological agent or toxin;
- (e) is designed or intended to disrupt any computer system or the provision of services directly related to communications infrastructure, banking or financial services, utilities, transportation or other essential infrastructure;
  - (f) is designed or intended to disrupt the provision of essential emergency services such as police, civil defense or medical services;
  - (g) involves prejudice to national security or public safety;

And which act, threat of action or omission is intended, or by its nature and context, may reasonably be regarded as being intended to -

- (i) intimidate the public or a section of the public; or
- (ii) compels the Government, any international organization, or any other individual or group, to do or refrain from doing, any act, and
- (iii) is made for the purpose of advancing a political, ideological, or religious cause.

An act which is done for the expressed reasons supra and which -

- (a) disrupts any service or services; and/or
- (b) is committed in pursuance of a protest, demonstration or stoppage of work, shall not be deemed to be a terrorist act within the meaning of this definition, in so far as such act, threat of action or omission is not intended to result in any harm referred to in paragraphs, (a) to (e).

- 7) "Terrorist Group or Organization" means two or more terrorists working together for a common purpose, whether incorporated or unincorporated, whether or not known to lawful authorities, and whether or not based inside or outside of Liberia.

## **Section 6. Special Criminal Procedures for Offenses Involving Terrorist Acts.**

In pursuant to Section 2 of this Act, the following subsections: Section 10.2., subsection (3). Expanded Arrest Powers; Section 11.2 sub-section (e). Search and Seizure involving instrumentality of terrorist acts and terrorist property; sub-chapter 11.5 sub-section 4. Warrant to Intercept Communication; are hereby amended to read as follows:



## **10.2. Authority of peace officers and other government officials to make arrest.**

### **(3) *Expanded Arrest Powers:***

Notwithstanding the powers given the National Security Agency as contained in Section 6 of the Security Reform and Intelligence Act of 2011, arrest powers outlined in section [10.2(1) (2)] of the Criminal Procedure Law Title 2 of the Liberian Codes of Laws Revised, or other powers granted to specific agencies by statute, an officer of any law enforcement agency may initiate an investigation into offenses involving terrorist acts. The initiating agency is herein granted the power to effect arrest and may likewise cooperate, collaborate with or turn over to another agency where such cooperation, collaboration or turning over is mandated by law, or is necessary to enhance effectiveness. If the arrest is made without a warrant, the arresting officer shall secure a warrant within forty-eight hours after the arrest is made.

## **11.2 Property subject to search and seizure**

### **(e) *Search and seizure involving instrumentality of terrorist acts and/or terrorist property.***

- i. An officer of any law enforcement agency may effect search and seizure in regards to terrorist property or instrumentality of terrorist offense.
- ii. Any property traced and identified to be terrorist property or instrumentality of offenses involving terrorist acts shall be subject to search and seizure.
- iii. Where a law enforcement officer, concerned about the dissipation of funds intended for a terrorist, a terrorist group or organization, or where the law enforcement officer discerns the imperative to disrupt the flow of funds to terrorists or where search and seizure is necessary to prevent the commission of a terrorist act, such search and seizure shall be done immediately and without delay and without warrant. Notwithstanding the power conferred herein, the officer effecting the search and seizure shall, subsequently, immediately, and without unnecessary delay, conform to and comply with the provisions of the Provisional Remedies for Proceeds of Crime Act of 2013 or other provisions of the Criminal Procedure Law, Title (2) of the Liberian Codes of Laws Revised relative to search and seizure.

## **11.5 When warrant may be executed and method of gaining entrance**

### **(4) *Warrant to intercept communication related to planning, coordinating or executing terrorist acts***

- a) Where there is reasonable grounds to believe that a person has committed, is committing or is planning to commit any offense involving terrorist acts, a law enforcement agency may make an ex-parte application to a court of competent jurisdiction for a warrant *to-intercept*

*communication*, and said warrant, when granted, shall enable its officer(s) to:

- (i) intercept communication and/or conduct surveillance on any communication gadget used or being used to facilitate or coordinate terrorist activities;
- (ii) enter into any premise secretly so as to install any object, gadget or device necessary for interception of communication;
- (iii) mandate an information and/or communication technology service provider to intercept, grant access to and/or turn over to law enforcement any communication intended to coordinate terrorist acts;
- (iv) carryout undercover or covert information gathering by any audio-visual or other equipment.

**Section 7. Effective Date**

This Act shall become effective immediately upon publication into handbills.

**ANY LAW TO THE CONTRARY NOTWITHSTANDING**



-2016-

FIFTH SESSION OF THE FIFTY-THIRD LEGISLATURE OF  
THE REPUBLIC OF LIBERIA

HOUSE'S ENGROSSED BILL NO. 59 ENTITLED:

“AN ACT TO AMEND THE CRIMINAL PROCEDURE LAW, TITLE 2  
OF THE LIBERIAN CODES OF LAWS REVISED TO PROVIDE FOR  
“SPECIAL CRIMINAL PROCEDURES FOR OFFENSES INVOLVING  
TERRORIST ACTS”

On motion, Bill read. On motion, the Bill was adopted on its  
first reading and sent to Committee Room on Tuesday,  
November 22, 2016 @ 12:55 G.M.T.

On motion, the Bill was taken from Committee Room for its  
second reading. On motion under the suspension of the rule,  
the second reading of the Bill constituted its third and final  
reading, and the Bill was adopted, passed into the full force  
of the law, and ordered engrossed today, Tuesday, December  
6, 2016 @ 15: 13 G.M.T.

  
CHIEF CLERK, HOUSE OF REPRESENTATIVES, R.L.

2017


SIXTH SESSION OF THE FIFTY-THIRD LEGISLATURE OF  
THE REPUBLIC OF LIBERIA

SENATE'S ENDORSEMENT TO HOUSE'S ENGROSSED  
BILL NO: 59 ENTITLED:

AN ACT TO AMEND THE CRIMINAL PROCEDURE  
LAW TITLE 2 OF THE LIBERIAN CODES OF LAWS  
REVISED TO PROVIDE FOR “SPECIAL CRIMINAL  
PROCEDURES FOR OFFENSES INVOLVING  
TERRORIST ACTS.

On Motion, Bill read. On motion, the Bill was adopted on its first  
reading and sent to Committee Room on Wednesday, December 7,  
2016 at the hour of 11:35 G.M.T.

On motion, Bill taken from the Committee Room for its second  
reading. On motion, under the suspension of the rule, the second  
reading of the Bill constituted its third and final reading and the Bill  
was adopted, passed into the full force of the law and ordered  
engrossed today, Tuesday, February 14, 2017 @ 13:20 G.M.T.

  
SECRETARY, LIBERIAN SENATE, R.L.



-2017-

**ATTESTATION TO:**

**“AN ACT TO AMEND THE CRIMINAL PROCEDURE LAW, TITLE 2 OF  
THE LIBERIAN CODES OF LAWS REVISED TO PROVIDE FOR  
SPECIAL CRIMINAL PROCEDURES FOR OFFENSES INVOLVING  
TERRORIST ACTS”**



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**VICE PRESIDENT OF THE REPUBLIC OF LIBERIA/  
PRESIDENT OF THE SENATE**



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**SECRETARY, LIBERIAN SENATE**



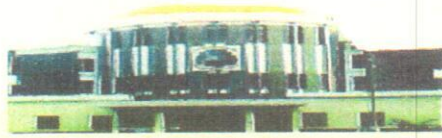
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**SPEAKER, HOUSE OF REPRESENTATIVES, R.L.**



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**CHIEF CLERK, HOUSE OF REPRESENTATIVES, R.L.**



# THE HONORABLE HOUSE OF REPRESENTATIVES

Capitol Building  
P.o. Box 9005  
Monrovia, Liberia  
Website: www.legislature.gov.lr



*Office of the Chief Clerk*

**-2017-**

SIXTH SESSION OF THE FIFTY-THIRD LEGISLATURE OF THE REPUBLIC OF LIBERIA

SCHEDULE OF HOUSE'S ENROLLED BILL NO. 2 ENTITLED:

“AN ACT TO AMEND THE CRIMINAL PROCEDURE LAW, TITLE 2 OF THE LIBERIAN CODES OF LAWS REVISED TO PROVIDE FOR THE SPECIAL CRIMINAL PROCEDURES FOR OFFENSES INVOLVING TERRORIST ACTS”

PRESENTED TO THE PRESIDENT OF THE REPUBLIC OF LIBERIA FOR EXECUTIVE APPROVAL.

APPROVED THIS: 16<sup>th</sup> DAY OF FEBRUARY A.D. 2017

AT THE HOUR OF 1:10 P.M.

THE PRESIDENT OF THE REPUBLIC OF LIBERIA



