

SEDITION IN THE LIBERIAN PENAL CODE

Sedition is mentioned in section 11.12 of chapter II of the Liberian Penal Code,^{1/} as amended on April 1, 1978, under Offenses Against Internal Security. This section reads as follows:

Section 11.12. 1) Offense. A person owing allegiance to Liberia has committed sedition, a felony of the second degree, if

- a) He advocates by word-of-mouth, writing or otherwise, sectionalism, countyism, tribalism, parochialism or the like, with the intent in so doing to incite the people to hostility, create disunity among the people and divide the Nation, or
 - b) He advocates rebellion, incites or in any way promotes insurrection against the authority of the Republic of Liberia, or
 - c) He writes or inspires the writing of any document to a foreign government or concern or any official thereof, making representation on any matter or matters properly the subject of internal inquiry and adjustment, or
 - d) He accuses the incumbent President of the Republic of Liberia of conduct which constitutes a violation of his Oath of Office, provided that at the time of such accusation:
(1) the conduct charged is untrue; and (2) the purpose of the actor is to thereby injure the President in his reputation and create contempt for the Presidency.
- 2) Grading. Any person convicted of sedition may be sentenced to imprisonment as provided in

^{1/} LIB Pen. C. of 1978 § 11.12.

sections 50.5(b) and 51.3.^{2/}

Despite the lack of information about: (1) the type of criticism made by the young Liberian and by the association organized by other Liberian students; (2) about the contents of the resolutions and documents forwarded to the President of Liberia and his ministers; and (3) about his expressions and speeches against the Liberian government during his participation in a demonstration, in front of the White House, criticizing the newly amended provisions of sedition; it is obvious from analyzing the provisions of the law and from consulting certain previous decisions of the Supreme Court of Liberia, that the activities of the young Liberian may put him under a Liberian criminal investigation.

A decision rendered by the Supreme Court of Liberia on May 28, 1954,^{3/} leads us to this conclusion. According to this decision, the appellants were charged with and sentenced for having committed the crime of sedition by: (1) convening certain secret meetings and at said meetings making certain inflammatory utterances; (2) writing a certain letter to the President of Liberia in which, besides heaping invectives upon the government

^{2/} Section 50.5(b) - For a felony of the second degree to be definite a term of imprisonment is to be fixed by the court, the maximum of which shall be five years. Section 51.3 deals with sentencing procedure.

^{3/} 12 Liberian Law Reports 59-102(1954).

of Liberia, they requested the President to order the Probate Court to register their articles of association, nunc pro tunc, and to postpone the general election, which, according to existing laws, was then due to be held on the first Tuesday in May of the same year; and (3) writing a certain letter to the Secretary General of the United States and British governments, reporting what they termed the oppressive and illegal treatment of their party and the aborigines by the government of Liberia, and craving the intervention of the United Nations, and the two foreign governments named, into the political or domestic affairs of this country.

Our search for a decision of the Supreme Court of Liberia based on the amendment of 1978, was unsuccessful-maybe it is too early for the court to have made a decision. The decision of 1954 was rendered, in accordance with the provisions of an enactment of 1914, as amended by a law of 1932, as follows:

It is hereby declared seditious for any citizen of Liberia, or other present resident within the territory of the Republic, who shall stir up rebellion or set on foot, incite or in any way promote insurrection against the authority of the Government of the Republic; or

- a) Who shall communicate by speech or in writing to any tribe, chief of a tribe, or other person any statement imputing to the Government unfairness in the treatment of the Native population, if untrue, or in any other class or section of the community with the intent in so doing to cause discontent and political unrest among them; or

- b) Who shall write or inspire the writing of any document to a foreign government or any official thereof making representation on any matter properly the subject of domestic inquiry and adjustment; or
- c) Who shall convene or promote the convening of any meeting, public or private, the object of which shall be to defy, subvert or overthrow the constituted authority of the Government; or
- d) Who shall write or speak in a disrespectful or defamatory manner of the incumbent of the Presidential Office with intent in so doing to show disrespect to the Head of State and degrade the office and thereby bring disintegration into the organization of Government.^{4/}

By comparing these two amendments, we notice that the decision of the Supreme Court of 1954, does not lose its effectiveness and actual character in 1978.

You will find enclosed the entire copy of the decisions of the Supreme Court, which will allow you to come to a conclusion concerning the liability for criminal prosecution for the actions mentioned in your letter.

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^{4/} Id., at 77.

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