



Justice and Peace Commission



Increasing Access to Justice in Partnership with the Ministry of Justice

The Justice and Peace Commission ('JPC') works with people and communities by providing information and education on rights and the law, assisting with interactions with government and court authorities, helping negotiate small-scale conflicts, and taking certain matters to the court. It works in partnership with The Carter Center, UNHCR, and Ministry of Justice. JPC staff work without asking for payment or consideration. What follows is a compilation of information meant to help answer legal questions that may arise in a community. For more information, or to report any concern you may have please contact your Grand Gedeh JPC monitors by email at jpcgrandgedeh@yahoo.com or by phone at one of the numbers included on the back of this page.

Courts and Police

The goal of the government is to create a society in which transparent laws are in charge, not big men or violence. The following questions address some of the most frequently asked questions regarding the criminal justice system.

If I pay a bond fee, do I get the money returned only if I am found innocent?

No. Bonds serve only as a guarantee to the court and as a matter of law should be returned upon conclusion of the trial regardless of the outcome.

Can the court charge me court fees?

When the case involves a criminal matter, no court fees may be charged. Fees should not be confused with bail. Bail is refunded to the accused party upon completion of the trial.

When the case involves a civil matter, a person may have to pay some small fees. The Constitution guarantees all citizens the right to justice without corruption. Always ask the court if your case is civil or criminal.

What is a criminal charge? What is a civil charge?

A criminal charge is usually a matter of security or public order – e.g. assault, theft, rape or murder.

A civil charge is a dispute or palava between two people –e.g. an issue of debt or property rights.

If I can't afford a lawyer, how can I access the court system?

The Constitution guarantees the right of every citizen to a lawyer in criminal cases whether or not one can afford it. The JPC has two lawyers available for its clients to use free of charge.

Can a magistrate judge every type of case?

No. Magistrates cannot judge cases worth a value of over 2000LD, or sexual crimes cases. Such cases should be referred to a higher jurisdiction.

What types of cases can tribal chiefs hear?

Tribal chiefs can hear civil cases only. Criminal cases should be directed to a formal court.

Can communities use sassywood to determine guilt or innocence?

Sassywood is not a transparent method of determining guilt or innocence. Because of this lack of transparency, the use of sassywood has been illegal in Liberia since 1916.

If I am unaware of a law can I still be charged with that crime?

Yes, ignorance of the law is no excuse. If you are unsure of a law contact one of your JPC monitors using the contact information provided at the end of this document.

Can I be put in jail without a charge?

All persons must be formally charged with a crime within 48-hours of imprisonment. All charges of arrest must be accompanied by a writ of arrest. It is every citizen's Constitutional right not to be seized or searched without a warrant approved by a court.

Land Use and Inheritance

Every citizen has the right to own property, but there are some limitation and rules that must be followed.

What procedures must be followed if I buy land?

First, the deed must be signed by the original owner in the presence of at least two witnesses. Next, one must make a Probate Court appearance

to have the deed publically legitimized. If there are no objections, the deed will be sent to Monrovia for the President's signature. When the deed returns it must be registered with the County Archives. If the deed is lost or destroyed one can travel to the Archive to retrieve a new copy.

What happens to my husband's property when he dies?

If a man dies the law says that his wife is entitled to 1/3 of his property – if he has more than one wife they split the 1/3 equally. His children, from any woman, split the remaining 2/3 of the property. The wife is not required to marry her husband's relative, nor does the relative have any right to the husband's property.

Marriage and Family

The interaction between traditional and formal laws has made marriage and family confusing. The below questions are meant to clarify some of this confusion.

Are traditional marriages and church marriages equal in the eyes of the law?

Yes. The only legal difference is that a traditional marriage allows a man to have more than one wife.

What happens when a couple decides to divorce?

The general rule is that husband and wives split property that they owned together when married 50/50. Property owned independently before the marriage is solely retained by that party.

Does a woman have to return a dowry if divorced?

No. A dowry is a gift. When a couple separates the gift need not be returned.

If a child is born out of wedlock, does the father have a right to the child?

No. If the couple is not married the child is legally for the woman. If the woman pursues the man for child support then the father has a right to the child.

Does a parent have the responsibility to support a child even if the child doesn't live with him/her?

Yes, no matter who takes the child – mother or father – both parents should pay the cost of supporting the child. This is called child support.

Is it okay to beat a child if he or she has done wrong?

It is only okay to use small force to discipline a child. Even so, there are better ways to discipline a child. A parent can send the child to bed or not allow him/her to watch a football game. Serious beatings are considered assault, a serious crime.

Sex Crimes

Sex crimes are criminal in nature and must be sent to a special Sex Crimes court. In 2006 a new rape law was passed – it has several significant changes from prior rape laws.

What does the new rape law say about rape?

Any penetration without consent is considered rape. Even with consent, sex is considered rape if one of the parties is under the age of 18. The new law also harshly punishes gang rape – one need not actually rape a person to be charged with rape, any participation by an accomplice, such as serving as a lookout, is enough to send a person to prison for life.

Can a woman rape a man?

Yes. Anytime there is sex without consent, the sex constitutes rape. The rape law includes all types of penetration, thus a woman can rape a man.

Can a husband rape his wife?

Yes. If the husband does not have the consent of his wife any penetration will be considered rape.

The JPC is here to keep you informed on the latest developments of law in Liberia. Please contact one of the following monitors if you have a legal question or if there is a conflict that needs to be addressed in your community.

- Anthony Thomas 06 819698
- Stephen Tarlue 06 309716
- Madeline Clark 06 593908
- Felicia Duncan 06 528124

Our radio programming runs twice weekly on SMILE FM (Zwedru) and PEACE FM (Toe Town). The JPC has representatives in Grand Gedeh, Sinoe, Maryland, River Gee, Grand Kru, Bong, Lufa and Nimba Counties.