

## **2007 NATIONAL SMALLARMS CONTROL BILL OF LIBERIA.**

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## 1. PREAMBLE

- 1.1. Whereas the present Firearms Traffic Act does not adequately address the multiple problems created by the years of instability and armed conflict in the Republic of Liberia and countries bordering the Republic;
- 1.2. Whereas the uncontrolled possession of arms in Liberia is the major source of violent crimes and human rights violations;
- 1.3. Whereas in the current law (i.e. the 1956 Firearms Traffic Act) the non-inclusion of police participation in the control of firearms by the current firearms law undermines its effectiveness in controlling the flow of arms;

Now therefore, it is enacted by the House of Representatives and Senate in legislative assembly;

- 1.4. Title of Act - The provisions of this Chapter shall be cited as the "**National Small Arms Control Act**"

## 2. DEFINITION OF TERMS

Unless the context otherwise requires the following shall apply to terms used in this Act:

- 2.1 "Firearms" are all types of shotguns, rifles, guns and revolvers, as well as other devices, where a pressure of powder gases propels a bullet shell or other projectile, from the barrel towards its target it includes a prohibited firearm, a personal firearm and a muzzle-loading firearm of any of kind, irrespective of manufacture modification or improvisation, as well as any component part of any such firearm. Firearms include both light and small arms,
- 2.2 "Light weapons" means the following portable arms designed to be used by several people working together in a team: heavy machine guns, portable grenade launchers, mobile or mounted, portable anti-aircraft missile launchers, mortars with a caliber of less than 100 millimeters.<sup>1</sup>
- 2.3 "Small arms" means arms destined for personal use and include firearms and other destructive arms or devices such as an exploding bomb, an incendiary bomb or a gas bomb, a grenade, a rocket launcher, a missile a missile system or a mine, revolvers and pistols with automatic loading, rifles and carbines, machine guns, assault rifles and light machine guns.<sup>2</sup>
- 2.4 "Ammunition" are types of bullets, cartridges and projectiles intended for loading and firing. They include every and any explosive compound or substance used in procuring the discharge of firearms; ammunition for any firearm and any component part of any such ammunition; cartridges, munitions for small caliber weapons, projectiles and missiles for small arms, mobile containers with missiles or projectiles for anti-aircraft or anti-tank simple action systems ;

2.5 "Broker" shall mean anyone or entity that mediates between sellers and buyers of small arms and light weapons, and the activities of such persons or entity shall be referred to as brokerage.

' As contained in the ECOWAS protocol regarding the fight against the proliferation of small arms and light weapons, their munitions and other related material

<sup>2</sup> ibid

<sup>3</sup> ibid

2.6. "Other related materials" means components, parts, or spare parts for small arms or light weapons that are essential for its functioning.

2.7. "Transaction", when used with reference to firearms, shall mean any importation, purchase or sale of a rifle, shotgun, and revolver or pistol.

2.8. "Transaction", when used with reference to ammunition shall mean the importation, purchase or sale of any quantity or number of ammunition.

2.9. "Military style firearms and ammunition" shall mean such arms and ammunition and component parts thereof as may be used in conventional and non-conventional military operation or arms meant for or normally –used by the military.

2.10. "Commission" shall mean the Liberia National Commission on Small Arms.

### 3. IMPORTATION AND EXPORTATION OF FIREARMS

3.1 Any person, group, entity desiring to import firearms, gunpowder, gun caps, shots, cartridges, or other ammunition; of war or sport or any component part thereof into the Republic shall apply for a license from the **Commission with the advice of the Liberian National Police.**

3.2. No person, group or entity shall import or export, or cause be imported or exported, any small arms and Light weapon or ammunition, except in accordance with a license duly granted by the **Commission**; provided that a request for import or export of arms or ammunition may be granted and or refused at the discretion of Commission.

3.3. No person, group or entity shall import or cause to be imported any small arms and Light weapon or ammunition unless that person, group or entity declares the same to a customs officer or other prescribed officer at the port of entry: and

3.31 Unless he produces to such customs officer or other prescribed officer an import license duly issued by the Commission; and

3.3.2 The small arm and the light weapon or ammunition is exclusively for the purpose of hunting.

3.4 No person, group or entity shall Import or cause to be imported or exported or cause to be exported any small arm and light weapon or ammunition by any other port of entry, except by the Roberts International Airport and the Freeport of Monrovia.

3.5 No person, group or entity shall import or cause to be imported. export or cause to be exported any firearms or ammunition by post.

- 3.6 No other arm or ammunition shall be imported or cause to be imported or exported or cause to be exported apart from those recognized by the Liberia National Police and the **Commission** to be exclusively for the purpose of game hunting:
- 3.7 It shall be illegal for any person, group or entity to import or cause to be imported, or export or cause to be exported military weapons from Liberia.
- 3.8 All small arms and light weapons, and ammunition imported shall be marked and registered by the **Commission**, in order for it to be easily traceable, provided that each small arm and light weapon or ammunition shall carry a mark indicating country of origin and a code indicating country of destination.
- 3.9 The **Commission** shall, from time to time, issue such regulations as may be necessary for the control of import and export of firearms and ammunitions and for public safety.
- 3.10 No small arms and light weapon or ammunition or component parts thereof shall be imported to Liberia during the period of a civil conflict, other kinds of civil disturbances or a national emergency declared by law.
- 3.11 No consignment of arms, ammunition or related goods shall be delivered to the consignee during the night by customs, provided that no such delivery will take place unless the Liberia National Police has fully inspected the goods.

#### 4 MANUFACTURE AND REPAIR OF FIREARMS

- 4.1. No person shall manufacture, or assemble any firearms or ammunition, or component parts thereof without the consent of the Commission
- 4.2. No person, group, or entity shall repair small arms and light weapons or ammunition or component parts thereof, except, by a permit issued by the Commission. All such repairs shall be done at public armories or arsenals established for the purposes of the armed forces, provided that the record of each repaired Small arms and light weapon or ammunition shall be kept by the Commission.
- 4.3. All manufactured small arms and light weapons shall be marked and the record thereof kept by the Commission to ensure accountability

#### 5. POSSESSION, SALE AND TRANSFER OF FIREARMS

##### Possession

- 5.1 No person shall have in his possession or under his control any small arm and light weapon, except in accordance with a license issued by the **Commission**. Notwithstanding this provision, no license or permit shall be issued to an applicant if there is reason to believe that such applicant or holder of the license:
- 5.1.1. is under the age of eighteen;
  - 5.1.2. Is of unsound mind;
  - 5.1.3. Is not fit to have possession of the small arms and light weapon in question by reason of poor or defective eyesight;
  - 5.1.4. is a person of intemperate habits;
  - 5.1.5. Has during the previous five years been convicted of an offence involving violence or the threat of violence.

- 5.1.6. Is known to have committed human rights abuses, including rape, murder, theft, torture and other cruel, degrading and inhumane treatment of non-combatants.
- 5.1.7 Has not undergone safety and competency training, including training in the relevant regulatory small arms and light weapons laws.
- 5.1.8 There is no proof that the weapon will be stored in a safe place and separated from its ammunitions.
- 5.2. The owner of a small arms and light weapons for which a license or permit has been issued in accordance with the provisions of this Act shall be responsible for the safe custody of the small arm and light weapon to which the license or permit relates. Negligent or reckless handling of small arm and light weapon shall subject its owner to an appropriate penalty for any injury due to such negligence or recklessness as provided for by this Act or the Penal Law of Liberia.
- 5.3. Where a small arm and light weapon for which a license or permit has been issued is lost, stolen or destroyed, its owner shall within 24 hours notify the police on the circumstances of such loss, theft or destruction and shall at the same time surrender the license or permit for such action as the police may consider proper to account for the missing small arm and light weapon,
- 5.4. Immediately following the death of the holder of a license or permit, a person in lawful possession of a small arm and light weapon or ammunition in respect of which the deceased person held a license shall within 72 hours inform the police of his possession, provided that the person in legal possession of the small arm and light weapon or ammunition of a deceased may apply for a license or permit within a reasonable period after the burial of the deceased, not exceeding one month.
- 5.5. No person shall be in possession or control of any ammunition in respect of any firearm except in accordance with the terms and conditions of a license or permit issued by the Commission.
- 5.6. No application for licence shall be approved before the expiration of 21 days after the date of the application, and such licence shall be for a specific or named firearm
- 5.7 Each licence expires after twelve months from the day it was issued, renewal of such licence shall be subject to satisfactory periodic review of the use of the firearm in the preceding year.

### **Sale and Transfer**

- 5.8. No person, group, or entity shall by way of trade or other means of transfer buy, sell, give or receive or expose for sale or transfer or maintain possession of a small arm and light weapon or ammunition for sale or transfer, unless that person group or entity is duly registered as a small arm and light weapon dealer in accordance with this Act.
- 5.9. For this purpose of this section the **Commission** shall cause to be kept a register or registers of small arm and light weapon dealer and shall upon due application enter therein the name of any person, group or entity applying to be registered and each place where such applicant carries on business as a dealer; provided that no registration shall take place and any

registration done shall be revoked or cancelled, unless same is done by the **Commission** in the presence of one representative each of the **Police** and civil society

5.9.1. If the Commission is satisfied that the applicant cannot be permitted to carry on business as a small arm and light weapon dealer without danger to public safety or peace; or

5.9.2. If the premises on which the business is conducted does not meet the requirement for the conduct of such business as stated herein or as the **Commission**, shall from time to time, by regulations or guidelines determine

5.9.3 A person, group or entity seeking registration as a small arms and light dealer shall apply by the use of appropriate forms and shall meet other requirements as the **Commission** shall from time to time establish, provided that registration shall be for a period of one year ending June 30 each year.

5.9.4 A registered small arms and light weapons dealer's armory shall consist of the whole or the part of a strongly constructed building specially built for or modified for that specific purpose, and secured against unlawful entry; provided that the plans and specifications of such building shall first meet the approval of the ministries of Public Works and Defense.

5.10. A registered dealer of small arms and light weapons shall keep current the following records:

5.10.1. A file containing a record of licenses and permits for the import of arms and ammunition for which an application has been approved or rejected;

5.10.2. A file containing the type, caliber or bore, the maker's name and serial number, any distinguishing mark or letters, the number of each type of firearm imported, along with a reference to the import license under which it was imported, date of import and the authority under which it was withdrawn from the public armory;

5.10.3 A file of all dealings in small arms and light weapons, and ammunition made between the registered dealer and any other registered dealer or any manufacturer or repairer of firearms with details or description of the firearms, date of purchase or sale. name and address of purchaser or vendor.

## 6. MARKING AND TRACING

(2) 6.1 No person, whether a registered firearms dealer or not, shall, import sell or transfer any firearm unless there shall have been stamped alphanumerically, permanently, legibly in various main parts of the weapon, and at the very least on the part designated by the manufacturer as essential as well as on one other important part of the arm thereon, a "classical marking", which shall include a unique serial number, the manufacturer's identity, the identification of the country and year of manufacture, and information concerning the purchaser's identity and country of destination, if known at the time of manufacture, and a "security marking" on component parts that are not easily manipulated after the weapons

manufacture, and the falsification of which would render the weapon unusable, so as to identify the weapon in the event that the classical markings have been destroyed or falsified.

6.2 No person, whether a registered a registered small arms and light weapons dealer or not shall import, sell or transfer any ammunition unless there are alphanumerically markings, which shall include a unique lot number, the manufacturers identity, as well as the country and year of manufacture, information concerning the purchaser's identity and country of destination(if known at the time of manufacture), and shall feature at least once on the jacket(ie the cartridge) containing the powder or liquid used in the ammunition or explosive.

6.3 No person, whether a registered small arms and light weapons dealer or not, shall alter or render illegible the maker's name and or number or other prescribed particulars upon a firearm or ammunition without the previous consent in writing of the Commission.

6.4. All small arms and light weapons and their munitions and other related materials shall be systematically monitored by the Liberia National Police from their manufacturer until the final user in order to easily detect illegal manufacturing and trading or trafficking of small and light weapons.

## **7. PROHIBITION OF MILITARY STYLE WEAPONS**

7.1. **No government Department, authority, groups, agencies** or person shall import, export, sell, or purchase any military style firearms or ammunition or component parts thereof. **The government of Liberia can transfer small arms and light weapons into the territory of Liberia if it obtains an exemption certificate for each transfer from ECOWAS.**

7.2. No person not in active military service of the Republic shall keep or possess any military style small arms and Light weapons or ammunition, or component parts thereof except by written permission of the Minister of National Defense, The police shall seize any military style small arms and light weapons or ammunition found in the possession of any person, unless such possession is by a written consent of the Minister of National Defense. The refusal to surrender a military style small arms and light weapons or ammunition shall constitute a grave criminal offense as defined by law.

## **8. REGIONAL COLLABORATION**

8.1. In order to ensure cooperation between Liberia and its neighbors on the proliferation of small arms and light weapons, the Commission on Small Arms shall collaborate with its counterparts in neighboring countries by exchanging information on small arms and light weapons, trafficking with them on a quarterly basis every year.

## **9. REGULATING AGENCY: REGISTRATION AND CONTROL**

- 9.1 **The Commission with the technical advice of the Liberia National Police** shall be the agency responsible for the registration and control of the flow of small arms and light weapons throughout the Republic.
- 9.2. No import, export, manufactures sale, purchase, possession, transfer, repair of firearms or ammunition shall be done without a certificate, license or permit, whichever is applicable, from the **Commission**.
- 9.3. In order to limit the flow, possession, sale, transfer and the harmful effects of small arms and light weapons, the **Commission** shall, from time to time make regulations to strengthen its capacity, provided that such regulations are clear, simple and made public.
- 94 Due to increasing sophistication in the movement of small arms, the Commission shall have the flexibility to issue regulations containing procedures for importing, exporting, selling, buying repairing, possessing, transferring, whether temporarily or permanently, small arms and light weapons or ammunition, in order to remain effective in firearms control, provided that such regulations shall be issued in a timely fashion and made public.
95. The Liberian National Police shall create a small arms and light weapons Control Unit in the Liberia National Police with exclusive responsibility for the tracking and control of small arms and light weapons. The Firearms Control Unit shall be represented in every county for easy access for registration and tracking.
- 9.6. Military style firearms or ammunition shall be registered by the **Commission in collaboration with the Ministry of Defense**, upon seizure of such arms by the police, same shall be reported to the Armed Forces of Liberia within 24 hours.
- 9.7. All arms seized by the immigration, customs, and coast guard shall be immediately turned over to the Commission within twenty four hours of seizure, provided all military style firearms or ammunition received by the **Commission** shall be documented and turned over to the Armed Forces of Liberia within twenty four hours of receipt and documentation.
- 9.8. The Commission shall make a detailed annual report to the National Legislature regarding the import, export, sale purchase transfer, manufacture, repair, possession and crimes linked to the use of small arms and light weapons to enable government make effective policies for small arms and light weapons control
- 9.9 The police shall maintain an armory for the safekeeping of all civilian firearms and ammunition AIS arms and ammunition seized by the police shall be kept in such armory.

## 10 **BROKERAGE**

10.1. The National Commission on Small Arms and Light Weapons shall register all citizens and companies that are brokering small arms and light weapons, including financial agents and transportation agents.

10. 2 No person or company shall engage in the business of small arms and light weapons brokering in any capacity unless he is so registered and permitted to carry on the business, and all registered small arms and light weapons agent shall obtain an explicit authorization from the Commission for each individual transaction in which they are involved irrespective of where the arrangement takes place. The agent shall on application for license for



authorization provide full disclosure of relevant import and export license or authorization and associated relevant documents, the names and locations of all brokering and shipping agents involved in the transaction and the transit routes and points of the small arms and light weapons shipment.

10.3 All brokerage licenses shall be subject to annual renewal without exception and an annual renewal fee to be stipulated by the Commission.

## **11. Establishment of National Database and Register of Small Arms**

(1) The National Commission on Small Arms and Light Weapons shall establish a national computerized registers and database of small arms and light weapons. The following information shall be recorded in the national computerized register and database: (a) description of the product (type or model, caliber) and quantity (if it concerns a batch, (b) the content of the marking, (c) the names and addresses of the former and current owners and, when possible, successive owners, (d) the date of registration, (e) information concerning each transaction including: (i) the name and address of the shipper, the intermediary (where applicable), the consignee and the user indicated on the end-user certificate, (ii) the point of departure, transit and destination, as well as the customs references and the dates of departure, transit and delivery to the end-user, (iii) the export, transit and import licence (quantities and batches corresponding to the same licence as well as the validity of the licence), (iv) full details concerning the method of transportation and transporter(s), (v) the controlling agency or agencies (at point of departure, transit and entry), (vi) the nature of the transaction (commercial, non-commercial, private or public, conversion, repair), (vii) where applicable, the insurer and/or the financial institution intervening in the transaction.

## **12. ENFORCEMENT: PENALTY FOR VIOLATION OF FIREARMS LAW**

In addition to penalties defined by sub-sections 17.9, 17.10 and 17.11 of the Penal law, penalties for violation of the provision of this Act shall be as follows:

11.1. Illegal import of small arms and light weapons - The illegal import of small arms and light weapons or ammunition shall constitute a felony of the first degree and shall be punishable by imprisonment and fine to be determined by court, the maximum imprisonment of which shall not be more than ten years and the maximum fine shall be doubled the value of the imported small arms and light weapons or ammunition. Where the illegal import is for the purpose of aiding a rebellion, insurrection, war in another country, civil war, whether for political, ethnic, religious or cultural reasons, the punishment shall be life imprisonment, if the importer is an individual or a group, and the closure and seizure of assets where the importer is a corporation. Illegally imported arms or ammunition shall be seized by the police and destroyed.

11.2. Illegal export of small arms and light weapons - The illegal export of small arms and light weapons or ammunition shall constitute a felony of the first degree and shall be punishable by imprisonment and fine to be determined by court, the maximum imprisonment of which shall not be more than ten years and the maximum fine shall be doubled the value of the imported firearms or ammunition. Where the export is known by the exporter to be for the purpose of sponsoring, aiding, or facilitating war, civil war, insurrection or civil conflict, irrespective of whether such conflict is motivated by

ethnicity, religion, culture, politics, etc. the punishment shall be the imprisonment, if the exporter is an individual or group, and closure and seizure of assets if the exporter is a corporation.

- 11.3. Illegal manufacture - The illegal manufacture of firearms or ammunition shall constitute a felony of the first degree and shall be punishable by closure of business Imprisonment and fine to be determined by court, provided that the maximum imprisonment shall not be more than ten years and the fine shall not be more than doubled the value of goods manufactured, in the case of an individual or group and in the case of a corporation, the seizure of assets and closure of business.
- 11.4. Illegal repair or modification - The illegal repair or modification of firearms shall be a felony of the third degree and shall be punishable by imprisonment and fine, the maximum imprisonment of which shall not be than five years and the maximum fine of not more than doubled the value of the repaired firearm and cost of repair as well as the suspension of business for a period of not more than six months - where the culprit is an individual or group - and a fine and suspension of business for one year - where the culprit is a corporation.
- 11.5 Illegal possession of small arms and light weapons - The illegal possession of small arms and light weapons shall constitute a first-degree misdemeanor and shall be punishable by a definite term of imprisonment of not more than a year and seizure of the illegally possessed arm or ammunition. Where such possession is linked to armed rebellion, war, civil war or any form of criminal conspiracy, same shall constitute a felony of the first degree and punishable consistent with other provisions this section.
- 11.6 Illegal transfer, sale, purchase of small arms and light weapons - The Illegal transfer, sale, and purchase of small arms and light weapons shall constitute felony of the third degree and punishable by a fine, the maximum of which shall be the value of the small arms and light weapons or ammunition transferred, sold, or purchased, and imprisonment for not more than five years, where the culprit is an individual or group and the closure of business for not more than a years, where the culprit is a corporation. Where the transaction is linked to a war, civil war or conflict, insurrection, rebellion, mutiny or any criminal conspiracy, same shall constitute f felony of the first degree and be punished consistent with the punishment for first- degree felony provided under this section
- 11.7 For purpose of clarification, the transfer of small arms and light weapons or ammunition to a person licensed to operate a firearm without the consent of the police shall constitute a felony of the third degree and punished in accordance with section 11.6 hereinabove.
- 11.8 Illegal brokering shall be punishable by imprisonment and fine, the maximum of which shall be ten years and doubled the value of the goods.

