

AN ACT TO ESTABLISH THE LIBERIAN NATIONAL RED CROSS SOCIETY

CHAPTER I

SECTION I

That from and immediately after the passage of this Act, there is hereby established the Liberian National Red Cross Society.

1.2 The Society is a corporate body with legal personality.

1.3 The Society shall at all times act in accordance with its Constitution, By-Law and status adopted by the General Assembly of the Society.

1.4 In addition to rendering assistance to the medical services of the armed for Tin times of armed conflict, the objective of the National Society is to prevent and alleviate human suffering with complete impartiality, making no discrimination as to nationality, race, gender, religious beliefs, language, class or political opinions.

1.5 In order to achieve its mission as detailed in the previous paragraph, the Society shall carry out the functions as defined in its statutes, international treaties to which the Republic of Liberia is a party and the resolutions of the International Federation of Red Cross and Red Crescent Societies.

SECTION II

2.1 The Society shall comply with its duties as a component of the International Red Cross and Red Crescent Movement and as a member of the International Federation of Red Cross and Red Crescent Societies.

SECTION III

3.1 The National Society shall comply within the limits laid down by its objectives and functions properly as it deems fit, It may accept any conveyance of real estate to its use or benefit.

3.2 The National Society may in accordance with its objectives and functions accept unrestricted contributions and assistance in any form from individuals, the public authorities and private or public bodies. It may accept as agent or trustee funds or property in trust, or earmarked for particular use, provided that such is within the general scope of its objectives and functions.

3.3 The National Society may constitute and administer any reserve, insurance or other funds for its staff or any of its activities.

3.4 The Real properties exclusively used for nonprofit purposes shall be tax exempted. The Liberia National Red Cross Society shall enjoy duty free privileges on all goods imported into the Republic of Liberia for humanitarian purposes.

3.5 Donations made to the Society by any individual or legal body shall benefit from tax exemption.

3.6 The Government of Liberia (GOL) shall make provision for covering the cost of any service or activities which shall be entrusted to the Society within the scope of its objective and functions. The Conditions for the implementation of such services or activities shall be laid down in an agreement between the Society and the relevant government functionary.

3.7 The Government of Liberia shall in recognition of the role of the LNRCS also provide annual budgetary support to the Society to facilitate its work.

SECTION IV

4.1 The Society shall be authorized to use as its emblem a red cross on a white background for all the purposes foreseen by the International Conference of the Red Cross and Red Crescent. In conformity with the Geneva Conventions of 1949, the present law and the regulation on the use of the emblem by National Societies adopted by the International Conference of the Red Cross and Red Crescent

4.2 Any use of the emblem of the Red Cross other than foreseen in the Geneva Conventions of 1949 or in paragraph 1 of the 1949 Geneva Protocol, is prohibited and will be punished in accordance with the present law of the penal code of a specific law repressing abuse of the Red Cross emblem.

CHAPTER II: LAW ON THE PROTECTION OF THE RED CROSS EMBLEMS, SIGNS AND SIGNALS

SECTION V: The Rules on the use and protection of the Red Cross and other protected emblems, signs and signals

Scope of Protection

Having Regards to:

- The Geneva Conventions of 12 August 1949, their Additional Protocols 1 and II of 8 June 1977, including annex 1 to Additional Protocol I as regards the regulations concerning identification of medical units and transports, and Additional Protocol II of 8 December 2005
- The Regulations on the use of the Emblem of the Red Cross or the Red Crescent by the National Societies, as adopted by the 20th International Conference of the Red Cross, and subsequent amendments; the provisions of the Jaw recognizing and defining the status of the National Red Cross Society of Liberia

The following are protected by the present law:

- the emblems of the Red Cross, the Red Crescent and the red crystal on a white background
- the designations, 'red cross', 'red crescent' and 'red crystal'
- the distinctive signals for identifying medical units and transports

SECTION VI: Protective use and Indicative use

6.1 In time of armed conflict, the emblem used as a protective device is the visible sign of the protection conferred by the Geneva Conventions and their Additional Protocols on medical personnel and medical units and transports. The dimensions of the emblem shall therefore be as large as possible.

6.2 The Emblem used as an indicative device shows that a person or an object is linked to a Red Cross or Red Crescent institution. The emblem shall be of a small size

CHAPTER III: RULE ON THE USE OF THE EMBLEM

SECTION VII: Protective use of the emblem

Use by the medical service of the armed forces

7.1 Under the control of the Ministry of Defense, the medical service of the armed forces of the Republic of Liberia shall both in peace time and in time armed conflict use the emblem of the Red Cross to mark its medical personnel, medical units and transports of medical personnel and equipment on the ground, at sea and in the air.

7.2 Religious personnel attached to the armed forces shall be afforded the same protection as medical personnel and shall be identified in the same way.

SECTION VIII: Use on Hospitals and other Civilian Medical Units

8.1 With the express authorization of the Ministry of Health, and under its control, civilian medical personnel, hospitals and other civilian medical units, as civilian medical transports, assigned in particular to the transport and treatment of the wounded, sick, and shipwrecked, shall be marked by the emblem, used as a protective device, in time of armed conflict.

8.2 Civilian medical personnel shall wear armbands and carry identity cards displaying the emblem. The Ministry of Health of the Republic of Liberia shall issue these armbands and identify cards.

8.3 Civilian religious personnel attached to hospitals and other medical units shall be identified in the same way.

SECTION IX: Use by the Liberia National Red Cross Society

9.1 The Liberia National Red Cross Society is authorized to place medical personnel, land medical units and transports at the disposal of the medical service of the armed forces. Such personnel, units and transports shall be subject to military laws and regulations and may be authorized by Ministry of Defense to display the emblem of the Red Cross as a protective device.

9.2 Such personnel shall wear armbands and carry identity cards in accordance with Article 9.1 of Section IX above.

9.3 The Liberia National Red Cross Society is authorized to use the emblem as a protective device for its humanitarian operations in accordance with section 10 of the present law.

SECTION X: Indicative use of the emblem

10.1 The Liberia National Red Cross, Society is authorized to use the emblem as an indicative device in order to show that a person or an object is linked to the National Society. The dimensions of the emblem shall be small, so as to avoid any confusion with the emblem employed as a protective device.

10.2 The Liberia National Red Cross Society shall apply the regulations on the use of the emblem of the Red Cross, the Red Crescent or the Red Crystal by the National Societies.

10.3 National Red Cross Societies of other countries, present on the territory of the Republic of Liberia with the consent of the Liberia National Red Cross Society be entitled to use the emblem under the same conditions.

SECTION XI: International Red Cross and Red Crescent Organizations

Use by the International Organizations of the International Red Cross and Red Crescent Movement

11.1 The International Committee of the Red Cross and the International Federation of Red Cross and Red Crescent Societies may make use of the emblem of the "red cross", "red crescent" and "red crystal" at any time and for their activities.

CHAPTER IV: CONTROL AND PENALTIES

SECTION XII: Control measures

12.1 The authorities of the Republic of Liberia shall at all times ensure strict compliance with the rules governing the use of the emblems of the Red Cross, the Red Crescent and the Red Crystal, and the names 'Red Cross', 'Red Crescent' and 'Red Crystal', and their distinctive signals. They shall exercise strict control over the persons authorized to use the said emblems, names and signals.

12.2 They shall take every appropriate step to prevent misuse and in particular,

a) by disseminating the rules in question as widely as possible among the armed forces, the police forces, the authorities and the civilian population.

b) by issuing instructions to national civilian and military authorities on the use of the distinctive emblems in accordance with the Geneva Conventions and their Additional Protocols and by providing for the necessary penal, administrative and disciplinary sanctions in cases of misuse

SECTION XIII: Role of the Liberia National Red Cross Society

13.1 The Liberia National Red Cross Society shall cooperate with the national authorities in their efforts to prevent and repress any misuse of the emblems. It shall be entitled to inform the competent authority of such misuse and to participate in the relevant criminal, civil or administrative proceedings.

SECTION XIV: Misuse of the emblem as an indicative device in peacetime and in time of armed conflict

14.1 Anyone who willfully and without entitlement has made use of the emblem of the Red Cross, the Red Crescent or the Red Crystal the words 'Red Cross', 'Red Crescent' or 'Red Crystal' a

distinctive signal or any other sign designation or signal which constitutes an imitation thereof or which might lead to confusion irrespective of the aim of such use

14.2 Anyone who in particular, has displayed the said emblems or words on signs, posters, announcements, leaflets or commercial documents, or affixed them to goods or packaging or has sold, offered for sale, or placed in circulation goods thus marked shall be fined or imprisoned in accordance with the New Penal Laws of Liberia.

14.3 If the offense is committed by the management of a corporate body (commercial firm, association, etc.), the punishment shall apply to the persons who committed the offense or those who ordered the offense to be committed.

SECTION XV: Misuse of the emblem as a protective device in time of armed conflict

15.1 Anyone who has willfully committed or given the order to commit acts resulting in the death of or causing serious harm to the body or health of an adversary by making perfidious use of the Red Cross, the Red Crescent, the Red Crystal or a distinctive signal, has committed a war crime and shall be punished by imprisonment in accordance with the New Penal Laws of Liberia. The perfidious use of the red crystal under the same conditions shall be subject to the same penalty.

Perfidious use means appealing to the good faith of the adversary, with the intention to deceive him and make him believe that he was entitled to receive or was obliged to confer the protection provided for by the rules of international humanitarian law.

15.2 Anyone who in time of armed conflict has used willfully and without entitlement the Red Cross the Red Crescent, the Red Crystal or a distinctive signal or any other sign or signal which constitutes an imitation thereof or which might lead to confusion, shall be punished in accordance with the New Penal Code of Liberia.

SECTION XVI: Misuse of the white cross on a red background

Owing to the confusion which may arise between the arms of Switzerland and the emblem of the red cross, the use of the white cross on a red ground or of any other sign constituting an imitation thereof, whether as a trademark or commercial mark or as a component of such marks, or for a purpose contrary to fair trade, or in circumstances likely to wound Swiss national sentiment, is likewise prohibited at all times; offenders shall be punished in accordance with the laws of Liberia.

SECTION XVII: Interim Measures

17. The authorities of the Republic of Liberia shall take the necessary interim measures. The authorities may in particular order the seizure of objects and material marked in violation of the present law, demand the removal of the emblem of the Red Cross the Red Crescent or the Red Crystal and of the words, Red Cross, Red Crescent or Red Crystal at the cost of the instigator of the offense and order the destruction of the instruments used for their reproduction.

SECTION XVIII: Registration of associations, trade names and trademarks

18.1 The registration of associations and trademarks and the filing of trademarks, commercial marks and industrial models and designs making use of the emblem of the Red Cross, the Red Crescent or

the Red Crystal or the designation, Red Cross, Red Crescent or Red Crystal in violation of the present law shall be refused.

18.2 Persons making use of the Red Crystal or the designation, Red Crystal or of any sign constituting an imitation thereof, prior to the adoption of Additional Protocol II shall be permitted to continue such use provided that the said use shall not be such as would appear in time of armed conflict to confer the protection of the Geneva Conventions and their Additional Protocols, and provided that such rights were acquired prior to the entry into force of this Act.

CHAPTER V: APPLICATION AND ENTRY INTO FORCE

SECTION XIX

The Liberia National Red Cross Society, Ministry of Defense and Ministry of Health are responsible for the application of the present law.

SECTION XX

This Act shall take effect immediately upon publication in handbill.

ANY LAW TO THE CONTRARY NOTWITHSTANDING

Approved: August 21st, 2008

Published: August 28th, 2008