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Liberia

Violence, discrimination and impunity

Introduction

Sporadic outbreaks of violence continue to threaten the people of Liberia and their prospects of peace. Former rebel fighters who should have been disarmed and demobilized following the formal ending of internal conflict in 2003 have reacted with violence when they have not received their benefits. Voter registration centres were the target of a series of attacks in May 2005 in which aid workers were attacked and beaten.

The peace remains fragile. Intercommunal discrimination and rivalries have erupted into violence and rioting, resulting in deaths and severe injuries. Weapons still circulate illegally throughout the country. Ex-combatants have been manipulated by local politicians which has contributed to incidences of violence.

During the period of transition that has followed the conflict, insufficient funding and resources for demobilization programmes have left former combatants without effective vocational training or jobs. Those responsible for gross human rights violations during the conflict have still not been held to account, and impunity persists for the forces responsible for continuing violence in Liberia.

The asylum granted by Nigeria to former Liberian President Charles Taylor, despite a 17-count indictment against him for war crimes and crimes against humanity before the Special Court for Sierra Leone, flouts Nigeria's international legal obligations. Charles Taylor is accused of supporting armed rebels who committed massive human rights abuses in Sierra Leone throughout the 1990s. There is as yet no appropriate international or national mechanism for bringing to justice those responsible for the massive human rights abuses that took place during the conflict in Liberia.

As Liberia approaches presidential and legislative elections on 11 October 2005, and the prospect of a new government from January 2006, candidates of all political parties must demonstrate that human rights are central to their vision for Liberia.¹ Voters need to know where candidates stand on critical human rights issues if they are to hold the new government to its promises. Candidates must show clear commitment to the establishment of, and respect for, the rule of law; to the promotion of human rights; and to an end to impunity for human rights abuses by all sides to the conflict.

The international community must give greater support to the work of the UN Mission in Liberia (UNMIL), whose mandate comes up for review by the UN Security Council on 19 September 2005. More attention and resources are needed to address the central human rights issues of continuing violence, discrimination on ethnic grounds and impunity, but also to strengthen and reform the security forces and the justice system in Liberia.

¹ On election day, Liberians will vote in three separate ballots for the President and Vice-President, for 64 members of the House of Representatives and for 30 members of the Senate.

The peace agreement held out strong hopes for peace, for renewal after the devastation of war, and for an end to impunity for the appalling crimes perpetrated during the conflict. The last two years have seen great improvement in the security situation, but much remains to be done to ensure respect for human rights and the rule of law.²

After the peace agreement

The Comprehensive Peace Agreement, which ended the almost continuous internal conflict in Liberia between 1990 and 2003, was signed on 18 August 2003 by the then government; the two main armed opposition groups, the Liberians United for Reconciliation and Democracy (LURD) and the Movement for Democracy in Liberia (MODEL); and by all political parties. A transitional government was installed in October 2003 to lead the country into elections. A 76-member transitional legislative assembly was appointed by the transitional government from among members of the former government, LURD, MODEL and civil society.

UNMIL was established by the UN Security Council in 2003 to supervise the ceasefire, to provide security, to demobilize and disarm the combatants, and to assist the government in preparing for elections.³ By the time Amnesty International visited Liberia in May 2005, UNMIL peacekeeping troops were at full strength and fully deployed in all 15 counties throughout Liberia. The civilian component of the mission provides support to the government, including on human rights, elections, the police, judiciary and prisons, and on reforms in the security forces and the administration of justice. Its interventions have been effective in increasing the accountability of officials at the local level.

In May 2005, the UNMIL Human Rights and Protection Section began formulating a five-year National Human Rights Action Plan for Liberia in collaboration with: the Liberian Ministries of Justice, of Foreign Affairs, and of Gender and Development; Liberian civil society groups; the UN Development Programme (UNDP); and the international donor community. It is also beginning an audit of Liberian national laws so that they can eventually be brought into line with international human rights law and standards. In late 2004 Liberia ratified key international human rights treaties planned for incorporation into domestic law.⁴

² For further information on progress since the 2003 peace agreement, see *Liberia: One year after Accra – Immense human rights challenges remain*, 18 August 2004 (AI Index: AFR 34/012/2004).

³ Security Council Resolution 1509 (2003), on establishment of the UN Mission in Liberia (UNMIL), UN Doc. S/RES/1509 (2003), 19 September 2003.

⁴ Liberia **ratified** the International Covenant on Civil and Political Rights (ICCPR); the International Covenant on Economic, Social and Cultural Rights; the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Convention against Torture); the Optional Protocol to the Convention against Torture; and the Rome Statute of the International Criminal Court. Liberia also **signed**, but has not yet ratified, the Optional Protocol to the ICCPR; the Optional Protocol to the UN Convention on the Elimination of All Forms of Discrimination against Women; the Optional Protocol to the UN Convention on the Rights of the Child on the involvement of children in armed conflict; and the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families.

Civil society organizations have played a critically important role throughout the transition process, particularly in keeping the peace agreement on track, monitoring government reforms and persistently highlighting pervasive corruption. They have raised concerns with the transitional government through peaceful actions and legal channels, and worked closely with the international community. During her July 2005 visit to Liberia, Louise Arbour, the UN High Commissioner for Human Rights, credited “recent achievements...to ECOWAS, UNMIL, and for the most part to the Liberians themselves, who have demonstrated enormous resilience in their determination to live in peace”.⁵

Independent National Commission on Human Rights

The peace agreement provided for the establishment of institutions to address issues of accountability for human rights violations and of reconciliation – the Independent National Commission on Human Rights and the Truth and Reconciliation Commission.⁶

The Independent National Commission on Human Rights was set up to “monitor compliance with the basic rights guaranteed in the present Peace Agreement as well as promote human rights education throughout the various sectors of Liberian society, including schools, the media, the police and the military”.⁷

On 23 March 2005 the transitional government Chairman, Gyude Bryant, signed into law an act establishing the Commission.⁸ The UNMIL Human Rights and Protection Section had assisted in drafting it. The Act gives the Commission general competence to protect and promote human rights in Liberia and important powers to subpoena witnesses. Some of the key functions include :(Article IV sec. 6, 7, 8, 12, and 14):

- to draw the attention of the Government to human rights violations in any part of the country and make proposals for initiatives to put an end to such situations and, where necessary to express an opinion on the actions of the government in response to such violations.
- to promote and ensure the harmonization of national legislation, regulations and practices with the international human rights instruments to which the Republic of Liberia is a State party, and their effective implementation.
- to encourage ratification of these instruments which the Republic of Liberia has not yet ratified, or accession to those instruments, and to promote their implementation by the Government.

⁵ UNMIL Press release, “Institutional and attitudinal change key to Liberia’s development, says UN High Commissioner for Human Rights, 13 July 2005.

⁶ See Impunity chapter below for further information about the Truth and Reconciliation Commission.

⁷ Article XII, Comprehensive Peace Agreement.

⁸ An Act to repeal the act of 1997 creating the Liberian Commission on Human Rights and to create the Independent National Commission on Human Rights of Liberia, March 2005. For further information on the establishment of the Commission, see Liberia: *One year after Accra – Immense human rights challenges remain* (AI Index: AFR 34/012/2004), p. 18.

- to publicize human rights and efforts to combat all forms of discrimination, in particular ethnic discrimination, by increasing public awareness, especially through the dissemination of information and education and by making use of state and public media organs.
- to assist in educating public opinion and promoting awareness and respect for human rights and international humanitarian laws, treaties, and protocols to which Liberia is a party.

So far, the Commission has not been able to operate to its full potential. Despite efforts by some of its leaders, it has not received financial support from the international community and relies on a small budget allocated by government that covers only basic operating costs. Continued support from the UN in the form of technical expertise and training is needed to make the Commission a more viable institution.

Incomplete demobilization

There have been regular outbreaks of violence and rioting in Monrovia and other parts of Liberia during the transition period. Often the violence has arisen from repeated failures to provide reintegration benefits to fighters demobilized from armed groups.

In one instance, former fighters launched missiles and disrupted voter registration in Ganta, Nimba County, on 12 May 2005 when their reintegration and resettlement benefits were not provided on time. Their benefits included vouchers for skills training and school fees. The former fighters, chanting anti-government slogans, ransacked voter registration centres and carried away electoral materials. They attacked and beat aid workers and UNMIL staff members, and smashed humanitarian agency vehicles. This was the third outbreak of violence in a month in Nimba County by former combatants protesting at not receiving benefits.

The violence is linked to a variety of factors. These include an unfinished process of disarmament, demobilization, reintegration and resettlement (DDRR) that has neither completely broken the command structures of the warring factions nor adequately provided viable long-term employment or reintegration opportunities. Illegal arms trading continues to take place in Monrovia and in border areas of the country, feeding the continuing conflict. In addition, the transitional government has not adequately addressed the economic governance and security issues that threaten human rights and hinder full implementation of the peace agreement.

In June 2005 the UN Secretary-General reported that the most serious threat to the elections and the safety of UNMIL personnel came from former combatants who were “open to exploitation by manipulative political elements”.⁹ His report also referred to “organized

⁹Seventh Progress Report of the Secretary-General pursuant to Security Council resolution 1579 (2004) regarding Liberia, 16 June 2005, UN Doc. S/2005/391 sec.19: “The most serious threat to stability came from ex-combatants awaiting reintegration opportunities. Many of these ex-combatants held violent demonstrations to demand reintegration benefits and opportunities. They also threatened to disrupt the elections and to attack UNMIL personnel. Continued delays in providing these idle ex-

groups of ex-combatants with links to influential members of the former factions...illegally occupying the Guthrie rubber plantation”, highlighting the involvement of ex-combatants in illegal mining and exploitation of natural resources. After UN peacekeepers conducted searches for armed former fighters in Liberia, on 6 August 2005 the police announced that 23 people in Monrovia had been arrested for possession of illegal weapons. All 23 were reported to be former members of the previous government’s militia.

Figures made public by the UN in February 2005 estimated the total number of fighters who had been disarmed at close to 101,000, of whom 65,000 had not entered reintegration programmes.¹⁰ The 101,000 included members of the former government’s forces, and of LURD and MODEL. The demobilization of members of the present government’s armed forces started in July 2005 as a precursor to a restructuring of the whole force later in the year. A figure as high as 101,000 had not been anticipated in the budget, and there was practically no money available for rehabilitation and reintegration by the time disarmament and demobilization had been concluded. An estimated US\$39 million more is needed to ensure successful rehabilitation and reintegration, including through the provision of meaningful educational and vocational training. However, funds pledged by the USA, the European Commission and Sweden have not yet been received.

Ethnic tensions manipulated

During the internal armed conflict, the leaders of the various warring factions manipulated ethnicity as a means to recruit fighters. The inter-ethnic hatreds that were nurtured during the war have had a lasting impact, leading to large-scale violence that the authorities have had difficulty in controlling. Few attempts have been made in the transitional period to address this issue at its core. Amnesty International believes that the government must tackle it as a priority, and that it should be a central focus of the work of the Independent National Commission on Human Rights Commission – one of whose functions is to address discrimination – and of the Truth and Reconciliation Commission.

In one instance of intercommunal violence in late 2004, violence broke out in Paynesville, a suburb of Monrovia. A long-standing land dispute between two individual members of the Mandingo and Lorma ethnic groups sparked four days of rioting. Between 28 October and 4 November 2004 at least 20 people were killed, 200 were injured, and numerous girls and women were raped. Churches, mosques, homes and official buildings were damaged in Monrovia and in neighbouring counties including Margibi and Grand Bassa. A national emergency was declared and a curfew imposed. There were significant delays before the authorities responded to the violence, which was eventually quelled by the police with the support of the International Police Service of the UN Civilian Police (CIVPOL). At least 157

combatants with reintegration opportunities leave them open to exploitation by manipulative political elements, particularly during the electoral process.”

¹⁰ Report of the Secretary-General pursuant to Security Council resolution 1579 (2004) regarding Liberia, 7 June 2005, UN Doc. S/2005/376, Sections 31 and 32: The numbers included 68,162 men, 22,370 women, 8,523 boys, and 2,440 girls; and 612 foreign nationals including 308 Guineans, 242 Sierra Leoneans, 50 Ivoirians, seven Nigerians, four Malians, and one Ghanaian.

people were arrested. Of these, six were subsequently charged with setting fire to the home of the Minister of Justice, and were later released to await trial; the rest of the detainees were released without charge.

There is widespread belief among local people in Paynesville in allegations that individuals at the highest levels of the transitional government were personally involved in arming former soldiers during a series of meetings just before the violence broke out. If true, such actions would have been clearly illegal and in violation of the ceasefire and a UN arms embargo. Local people told Amnesty International in May 2005 that “hate speech” was circulated through mobile phone text messages and on the radio, inciting tensions and fomenting violence as people in Margibi County heard what was taking place in Monrovia.

In January 2005 the transitional government appointed a commission of inquiry, made up of 15 members of civil society, to look into the causes of the rioting. The commission presented its findings to the government in June 2005. While it reported no evidence of planning, it did identify ethnic discrimination against the Mandingo ethnic group as the most significant cause of the violence. The report stated:

“Of all the causes, both immediate and remote, the single most important cause of the October rioting was the negative attitude of many Liberians against Mandingo... Violence manifested itself through these tensions which played out through attacks on individuals, hate speech, rioting, the burning and destruction of mosques and churches and violence in communities.”

The findings of investigations into the cause of the rioting by the International Police Service have not been made public. In a report of June 2005 the UN Secretary-General acknowledged that ethnic clashes posed a threat to security, and cited instances of violence between the Gio and Krahn ethnic groups and between the Lorma and Mandingo communities over land.¹¹

Discrimination against the Mandingo community is rife, members of the community told Amnesty International in meetings in May 2005 with civil society organizations in Bong and Montserrado counties. They complained of being subjected to discrimination during the registration of voters for the October elections because of their names, appearance, speech or clothes. They said they had to produce more evidence that they were of Liberian nationality than other ethnic groups in Liberia. Voter registration guidelines require two people already registered to vote to vouch that the applicant is Liberian and a member of the community. Members of the Mandingo community told Amnesty International that they had asked for a meeting with officials of the National Elections Commission but had received no response.

Some local media organizations and non-governmental organizations reported similar allegations. However, government officials – including from the National Elections Commission – and some UN staff told Amnesty International that there had been only

¹¹ Seventh progress report of the Secretary-General on the UN mission in Liberia, UN Doc. S/2005/391, 16 June 2005, Para.23.

isolated instances of discrimination or denial of voter registration to Mandingo people, and that it was not a widespread problem.

Such differing perceptions are of concern. Amnesty International believes that, if officials are widely believed to have discriminated against a sector of the population, the government should make public its opposition to such discrimination on ethnic grounds, and should take action to investigate allegations of discrimination during voter registration and to prevent it during the October vote, for example by the deployment of monitors at ballot stations.

The slow pace of reform

The transitional government's lack of transparency and accountability on economic governance and security issues has threatened the transition process, concluded the governments and intergovernmental organizations at a donor meeting in Copenhagen in May 2005. The meeting was attended by representatives of the Economic Community of West African States (ECOWAS), and the International Contact Group on Liberia, a grouping of states formed in 2002. These governments and organizations proposed an anti-corruption plan largely aimed at limiting the powers of the transitional government. It restricted the government's power to grant contracts and its control of key sources of revenue; placed international supervisors in key ministries; and required the appointment of additional judges to strengthen the judicial system. After negotiations with the transitional government, an Economic and Governance Assistance Program was presented for the government's approval in August 2005 with the clear message that failure to accept it might put future funding at risk.

Additional pressure on the transitional government came with the renewal of international sanctions on Liberia's export of diamonds and timber by the UN Security Council in June 2005.¹² The renewal of sanctions was largely linked to the Security Council's concern that few of the reforms that have been imposed by the transitional government have met conditions sufficiently enough for proper resource management. The Security Council also noted serious concern about "*the increase in unlicensed mining and illegal exports of diamonds and the National Transitional Government of Liberia's agreement to and lack of transparency in, granting exclusive mining rights to a single company*".¹³

Liberian people have been strongly critical of the transition process. They had hoped to see faster improvement in their quality of life but have been severely affected by the rising prices of rice, fuel and cement. The late payment of salaries has resulted in several demonstrations and strikes. Vigilantism has increased because of the general lack of faith in the police and in response to the slow pace of reforms in the administration of justice. Criminal suspects have been assaulted or killed sometimes when there have been suspicions that the police have not fully investigated a case or courts have made unfair rulings or have been influenced by corruption. Civil society needs to play a greater role in reforms of the police and justice

¹² Resolution 1607 (2005) adopted on 21 June 2005, UN Doc. SC Resolution 1607 (2005)

¹³ Ibid sec.1

system so as to discourage vigilantism, to encourage respect for the rule of law, and to increase public awareness of the need for an effective, community-based police service.

The painfully slow pace of long-term reforms has impeded progress in addressing the threats of violence and impunity. The armed forces, police, judiciary and prison services all suffer from insufficient resources and training, lack of qualified personnel, and low levels of professionalism. Historically, the executive branch of government has threatened to deny these institutions independence from interference. More attention needs to be dedicated to their reform and restructuring so that they have the capacity, resources and security to address a deeply entrenched climate of impunity.

UNMIL has a mandate to focus on security reforms and support for the peace process. It works with the transitional government to monitor and restructure the police and to restructure the military. On the justice and prison systems, UNMIL is authorized to assist in developing a strategy to consolidate governmental institutions, including a national legal framework and judicial and correctional institutions.

In a June 2005 report, the UN Secretary-General acknowledged that the transitional government must be held accountable for the lack of attention and support given to the prisons, courts and the police. According to the report:¹⁴

Many of the re-opened courts are not complying with legal standards and are failing to observe fair trial of victims and suspects. Prisoners are detained in poor conditions, including in overcrowded prisons, and the rights of prisoners to due process, speedy trials and legal counsel are undermined by the poor operation or non-existence of courts. The only operational juvenile court is in Monrovia. A large number of cases are not tried, resulting in impunity for offenders. A lack of accountability, which is compounded by the failure of the Government to provide adequate logistical support to the courts and the police, has encouraged corruption and hampered the state's capacity to uphold the rights of victims and suspects."

Armed forces

Under the peace agreement, UNMIL is in charge of the country's security while the armed forces are restructured.¹⁵ All irregular forces were to be disbanded, and the new government forces to have a new command structure. The new armed forces were to be drawn from the ranks of the former government forces, the LURD and MODEL armed groups, as well as civilians with appropriate experience. The UN, ECOWAS, African Union and states in the International Contact Group on Liberia were requested to provide advisory staff, equipment, logistics and experienced trainers.

The restructuring process was originally intended to start in early 2005. The United States who did the initial assessment of the new army, recommended that the new army be 6,000

¹⁴ Seventh progress report of the Secretary-General on the UN mission in Liberia, UN Doc. S/2005/391, 16 June 2005, Para 59.

¹⁵ Article VII, Comprehensive Peace Agreement.

strong, and be selected after vetting of former soldiers and rebel fighters. However, support from the US government was dependent on the Liberian government's capacity to pay salaries and other costs in the long term, and the number of proposed troops was subsequently reduced to 2,000.

Funding shortfalls continue to contribute to delays in the restructuring. The peace agreement did not provide for the demobilization and payment of pensions to former members of the transitional government's armed forces, and the government is having difficulty in providing all the funding. It has been agreed that the restructuring cannot start until full demobilization has taken place. The restructuring is scheduled to take two years in its entirety, and will be overseen by the US Department of Defense and carried out by private training companies, Dyn Corps International and Pacific Architects and Engineers. These companies will be under contract to the US government and therefore bound by US laws.

Police

Under the peace agreement, UNMIL assists the transitional government in monitoring and restructuring the police in a way that is consistent with democratic policing; developing a civilian police training programme; and assisting in police training in cooperation with ECOWAS, international organizations and interested states.¹⁶ The deployment of an interim police force, composed of former police officers, began in late 2003. However, it has been unable to function effectively because of shortages of basic equipment such as vehicles, handcuffs and firearms. The International Police Service has been providing support on routine arrests, and UN Formed Police Units are rapid response units which are equipped with vehicles and firearms to provide backup in cases of large-scale violence or rioting.

The training of new police officers began in 2004 at the police academy. At the time of Amnesty International's visit to Liberia in May 2005, many of the new recruits had completed their theoretical training and were doing practical field work. The strategy, supported by the International Police Service, is for newly trained recruits to form the new service and for the interim police eventually to become redundant. Members of the interim force can apply to go through the vetting, recruitment and training process to join the new service.

By May 2005 the police should have been fully deployed throughout the country. However, human rights groups reported that in some rural areas, especially in the southeast, there was no police presence at all. In Bong, Margibi, Montserrado and Grand Bassa counties, Amnesty International saw interim and new police officers still working side by side. Visible tensions between officers were attributed by observers to differences over old and new ways of operating.

The selection and the vetting of police recruits is being carried out by the International Police Service in cooperation with the Ministry of Justice and with support from the UNMIL Human Rights and Protection Section. The initial part of the screening process is the submission of names to the Ministry of Justice to determine if there is any record of criminal activity or internal disciplinary concerns. Secondly, checks are made with the Special Court

¹⁶ Article VIII, Comprehensive Peace Agreement.

for Sierra Leone and others in the international community to find out if there have been any charges or accusations of war crimes or human rights violations. Lastly, the Liberian public is solicited for their input on each candidate, although many civil society organizations seem unaware of this opportunity of involvement in the vetting process.¹⁷

The justice system

UNMIL's mandate includes assisting the transitional government to develop, in cooperation with judicial institutions, a strategy for consolidating a national legal framework. The objective is to develop and implement pragmatic solutions for the problems and challenges facing Liberia's justice system – including re-establishment of the Law School – with the overall aim of restoring the rule of law. The Legal and Judicial Division of UNMIL, present since early 2004, has made assessments of the system, as have other UN agencies, the US Department of Justice, and international non governmental organizations such as the Open Society Justice Initiative. Despite the many assessments undertaken so far only the Legal and Judicial Division has provided support through technical expertise.

The assessments highlight the lack of sufficiently qualified personnel and a low level of professionalism, resources and incentives for judges, prosecutors, lawyers and others in the judicial system. There has been little oversight of their work in the past, contributing substantially to the lack of capacity in this sector. Few people in Liberia have access to the justice system. Prisons and police detention facilities are overcrowded, and most of the inmates are detained without charge or trial. Hardly any detainees and defendants can afford lawyers, and there are not enough lawyers to provide free legal counsel in such cases.

During her visit in July 2005, the UN High Commissioner for Human Rights stressed the importance of an independent and professional judiciary, and said the dysfunctional judicial system was having a severe impact on the creation of a human rights environment in Liberia.

In May 2005, local observers were concerned at the slow progress in addressing the lack of qualified personnel and that recruitment, vetting and training of judicial personnel was not taking place. On the 28 June the transitional government commissioned eleven circuit court judges and six specialized court judges. The judges will serve in criminal and specialized courts in Montserrado County and in circuit and specialized courts in eight other counties. Prior to the commissioning of these judges there had only been 11 circuit court judges in the country yet there had been 21 posts to fill. At least 7 of them had been of retirement age or in

¹⁷ According to the policy of the International Police Service Commissioner, "The Public Contract Office will be established to allow for any member of the public to make written complaints or objections on any person who is published in the local newspaper as a potential candidate for the LNP [Liberian National Police]. The PCO will forward any such complaints or objections to the Vetting Unit. If any complaints or objections are found such a candidate will be disqualified immediately." UNMIL CIVPOL IPS Commissioner's Policy, 2004 Registration, Vetting, Authorization and Deactivation of officers with police powers in Liberia – assessing eligibility, conduct and capacity of individual officers in security agencies or security units in Liberia. [July 2004]

poor health.¹⁸ Funding has been promised by the US Department of State, although it is unclear when it will be available.

Prisons

Prison conditions were severely affected by the war. Until the end of 2004, the only functioning prison was in Monrovia. Quick impact projects, with funds made available by UNMIL, have since rehabilitated more prisons. Overall, however, all of the prisons are categorized as uninhabitable, failing to meet UN standards such as the Standard Minimum Rules for the Treatment of Prisoners, the Basic Principles for the Treatment of Prisoners, and the Rules for the Protection of Juveniles Deprived of their Liberty.

So far 28 corrections officers have gone through a vetting and training process, and have been deployed throughout the country. The UN corrections team is working with national corrections officers to provide strategic advisory support. It cooperates with the International Committee of the Red Cross, the World Food Programme and other partners to ensure prisoners are provided with meals, blankets and mattresses. It provides training of corrections officers with the International Police Service, but independent funding is still needed to provide the infrastructure and resources that will enable staff to work effectively.

Impunity persists

The impunity enjoyed by both the perpetrators of serious human rights abuses during the war and by those instigating large-scale acts of violence threatens peace and human rights.

The Truth and Reconciliation Commission is a non-judicial mechanism to address impunity for past crimes. However, there has been little progress in creating an adequate mechanism for prosecution before the domestic courts of war crimes and crimes against humanity. One of the biggest challenges of the post-election period will be to find the most appropriate mechanism to bring those responsible to justice.

Truth and Reconciliation Commission

The peace agreement provided for the establishment of a Truth and Reconciliation Commission to “promote national peace, security, unity and reconciliation”¹⁹

The Commission is mandated to investigate gross human rights violations, violations of international humanitarian law and human rights abuses that occurred between January 1979 and 14 October 2003. The violations that come under the mandate of the Commission include, but are not limited to, massacres, sexual violations, murder, extrajudicial killings and “economic crimes, such as the exploitation of natural or public resources to perpetuate armed conflict”.²⁰

¹⁸UN Press release: *Rule of law extended in Liberia through the Commissioning of 17 New Judges* 05 July 2005

¹⁹ Article XIII, Comprehensive Peace Agreement.

²⁰ Ibid

On 12 May 2005 the Truth and Reconciliation Commission Act was passed by the transitional legislative assembly, after a long process of consultation with civil society organized by the UNMIL Human Rights and Protection Section, the UNDP and the Transitional Justice Working Group, a coalition of national non governmental organizations in Liberia. Under the Act, the Commission will be composed of nine commissioners, including at least four women, appointed by the Liberian head of state. The Act provides for commissioners already appointed by the transitional government to be vetted by a selection panel of seven national and international members (Sections 9 and 11). Vetting will be conducted by a “process of public scrutiny based on individual nominations and other petitions from the general public, institutions, and organisations”. If, as a result of this process, any of the appointed commissioners are not confirmed in their role, the selection panel will shortlist 15 new vetted candidates from nominations by remaining Commission members, to be appointed by the head of state. After appointment, the commissioners will be subject to confirmation hearings before the legislative assembly.

Consultative meetings with members of civil society in Gbarnga and Monrovia revealed high levels of support for the Truth and Reconciliation Commission. The fear that perpetuates a culture of silence remained a real impediment in addressing impunity. One human rights worker said “Everyone is afraid all the time – so we just keep our mouth shut”, and this sentiment was often repeated. Although people are interested in justice in the long term and recognize the importance of breaking the cycle of impunity, many felt strongly that it would take some time. They saw the Truth and Reconciliation Commission as a first step towards criminal prosecutions at a later date, when the country was more settled.

No sign of war crime prosecutions

There has been little public discussion about addressing past war crimes and crimes against humanity. The national judicial system is unlikely to be equipped to address international crimes in the near future. Progress is further hampered because many of the people suspected of responsibility for human rights abuses are ministers in the government or members of the legislative assembly. The continued presence of these individuals in powerful positions contributes to a culture of silence and hinders the fight against impunity.

The vetting process, to prevent those responsible for human rights abuses from entering the police, armed forces or prisons services, involves the provision of information about suspect individuals being passed to the major crimes unit of the Liberian police. This unit was established with the support of the International Police Service. However, it is unclear how the information on suspects passed to the police will be used in the future.

Civil society groups told the UN High Commissioner for Human Rights in July 2005 that Liberians expect a mechanism to be created to prosecute those responsible for war crimes and crimes against humanity during the war. This will need to be addressed in the post-election period if Liberia is to be successful in fighting impunity and encouraging respect for the rule of law.

Pressure to bring Charles Taylor to trial

By 11 August 2005, former Liberian head of state Charles Taylor had reached the second anniversary of his asylum in Nigeria. Despite a 17-count indictment for war crimes and crimes against humanity before the Special Court for Sierra Leone, he continues to be sheltered from prosecution by the Nigerian government.

Nigeria has come under pressure from African civil society organizations and governments, the UN, the US Congress and the European Parliament to surrender Charles Taylor to the Special Court for Sierra Leone. On 30 June 2005, 300 civil society organizations from thirteen countries across Africa joined with international human rights organizations in a coalition – the Campaign against Impunity – to urge the African Union to take the lead in ensuring that Charles Taylor faces prosecution. In response, Nigerian President Olusegun Obasanjo, currently Chair of the African Union, reiterated that he would not turn over Charles Taylor to the Court but said that the matter would be brought before the African Union and ECOWAS.

Further pressure came from West African countries on 3 July 2005, when the Liberian Minister of Justice, Kabineh Ja'neh, demanded that Nigeria provide a copy of the agreement under which Charles Taylor was allowed to leave Liberia and seek asylum in Nigeria. On 28 July, the leadership of the Mano River Union countries (Guinea, Liberia and Sierra Leone) signed a communiqué in Freetown, Sierra Leone, stating that some of Charles Taylor's activities in Nigeria were in breach of the terms of his asylum.

In February 2005 the European Parliament unanimously adopted a resolution urging Nigeria to hand Charles Taylor over to the Special Court. In May 2005 the US Congress, in a resolution introduced and adopted by the House of Representatives and later endorsed by the Senate, made the same appeal. The UN High Commissioner for Human Rights, while visiting several West African countries in July 2005, publicly stated that Charles Taylor should be surrendered to the Special Court for Sierra Leone. However, the UN Security Council failed to agree a resolution on 24 May 2005 to compel Nigeria to take this action.

Recommendations to election candidates

Amnesty International urges all candidates of all political parties taking part in the October 2005 elections to make public commitments to:

Be an advocate for human rights

- stand up for reforms, laws and practices that will respect, protect and fulfil the political, civil, economic, social and cultural rights for all in Liberia
- back the National Human Rights Action Plan and the development of a human rights culture in Liberia
- support the strengthening of the independence, impartiality and funding of the Independent National Commission on Human Rights Commission so that it can vigorously pursue human rights concerns, including ethnic discrimination, and facilitate bringing Liberian law in line with international human rights law. In particular, press for the UNMIL Human Rights and Protection section to provide technical expertise and training to the Commission

Protect civilians from continuing violence

- speak out against violence by former combatants and their exploitation by political leaders in the continuing violence. Support work with the international community to ensure that reintegration of former combatants is appropriately funded
- promote the rule of law in Liberia, and call for all those who have committed human rights abuses to be brought to justice
- oppose the resort to vigilantism as the answer to crime, and demand a system of policing and justice that will provide everyone in Liberia with safety and security
- take every opportunity to speak out against ethnic discrimination and intercommunal violence. Advocate measures by the Independent National Commission on Human Rights Commission, the Truth and Reconciliation Commission and within communities to confront inter-ethnic hatred
- support action to end illegal arm transfers, which violate the ceasefire agreement and the UN arms embargo, and to bring to justice those responsible for them

Encourage the involvement of civil society

- recognize the important contribution that civil society plays in the promotion of human rights and the rule of law. Invite the electorate to support you in your role of monitoring all branches of government to ensure that they fulfil their duties and act for the benefit of all in Liberia

- engage leading members of civil society and the broader public in debates about the reform of the security forces and the justice system, to encourage respect for the rule of law and public support for effective police and judicial services

Support the transitional reforms

- pledge support for the on-going reforms in the security sector and the administration of justice, in particular:
- back the vetting process for police, armed forces and prisons personnel, and recognize that institutions which perpetuated conflict or were responsible for human rights violations must be transformed to ensure their integrity and the respect of the electorate
- full demobilization of the **armed forces**
- reform and restructuring of the armed forces through vigilant vetting, recruitment and human rights training
- reform and restructuring of the **police** in a manner that respects human rights and the rule of law
- ensuring public awareness of the role of communities in the vetting process of the new police service
- a greater emphasis on community policing to encourage respect for the rule of law and public support for effective policing
- the creation of a professional, independent and credible **judicial system** through rigorous vetting, recruitment and human rights training
- immediate measures to ensure that detainees in police facilities are held in conditions and for periods of time that comply with the human rights provisions of the Liberian Constitution.
- reform the **prisons** to ensure that prisoners' basic human rights under the Constitution are fulfilled.

End impunity

- pledge the surrender of Charles Taylor to the Special Court for Sierra Leone where he faces a 17-count indictment for crimes against humanity and war crimes against the Sierra Leonean people
- pledge to take the lead on a consultative process with civil society and the international community on a mechanism to prosecute those suspected of war crimes and crimes against humanity in Liberia that guarantees fair trials and does not resort to the death penalty