

# **Liberia**

## **One year after Accra – immense human rights challenges remain**

On 18 August 2003 a Comprehensive Peace Agreement was concluded in Accra, Ghana, to end more than 14 years of internal armed conflict in Liberia. It was signed by all parties to the conflict – the former government of Liberia, the Liberians United for Reconciliation and Democracy (LURD) and the Movement for Democracy in Liberia (MODEL) – as well as political parties.

That agreement – and the international community's commitment to support its implementation – held out strong hopes not only for peace and rebuilding a devastated country but also for an end to the crimes against humanity, war crimes and other serious violations of international law perpetrated by all parties to the conflict against the Liberian people.

There is no doubt that failure to address impunity for these crimes in the past not only resulted in continuing human rights abuses but also prolonged the conflict. Durable peace will not be achieved unless those responsible for crimes under international law are held accountable and justice is achieved for the victims of these crimes.

The challenges to overcome almost total erosion of the most fundamental human rights of the Liberian people remain great and will require sustained commitment from the National Transitional Government of Liberia (NTGL) and the international community over a long period of time. After its visit to Liberia in June 2004 a mission of the United Nations (UN) Security Council concluded that "*the challenges of reconstruction and peace-building were so great that the international community would have to remain intensively engaged for some time to come*".<sup>1</sup>

In February 2004, at the International Reconstruction Conference on Liberia convened in New York and co-sponsored by the UN, the World Bank, the United States (US) and the NTGL, the international community addressed the enormous tasks of successfully consolidating the peace process and embarking on an ambitious two-year plan of post-conflict reconstruction. Amnesty International urged those participating in the conference to endorse and support plans to protect and promote human rights and to ensure that adequate funds were made available at an early date to achieve the results envisaged. The response of the

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<sup>1</sup> Report of the Security Council mission to West Africa, 20-29 June 2004, UN Doc. S/2004/525, 2 July 2004, para. 22.

international community was generous and exceeded expectations but the succeeding months have seen only limited fulfilment of the promises made.<sup>2</sup>

In July 2004 Amnesty International representatives visited Liberia to assess how far the aspirations of the peace agreement and the International Reconstruction Conference for restoring good governance, the rule of law and protection of human rights were on the way to being realized.<sup>3</sup>

## **Securing the peace**

Significant progress has been made towards creating a secure environment in which threats against the civilian population are minimized and humanitarian assistance is assured. It has, however, been fraught with difficulties and much remains to be done.

Until the disarmament, demobilization, rehabilitation and reintegration (DDRR) process is complete, the security situation will remain fragile. Although many combatants are tired of war and eager to disarm and demobilize, tensions within the parties to the conflict continue to pose a threat to the peace process. There is reported to be growing resentment among some combatants who perceive themselves as abandoned by their leaders now in the NTGL in Monrovia. Continuing internal disputes within the LURD, in particular about its leadership, have resulted in armed confrontations between different factions and have added to the climate of uncertainty.

While initially slow, deployment of peace-keeping forces of the UN Mission in Liberia (UNMIL) gathered pace from early 2004. By mid-July 2004, 14,000 of the full complement of 15,000 military personnel had been deployed and remaining forces were expected to arrive in August 2004. The anticipated total of 1,115 UNMIL civilian police officers was also expected to be soon reached, with gradual location throughout the country.

The restoration of government authority throughout the country is a long way from being achieved. UNMIL is continuing to work closely with national authorities to develop a strategy for a return of government officials to their areas of authority.

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<sup>2</sup> For further information, see *Liberia: Recommendations to the International Reconstruction Conference, New York, 5 and 6 February 2004* (AI Index: AFR 34/002/2004), published by Amnesty International on 4 February 2004.

<sup>3</sup> Amnesty International also visited Liberia in November 2003, shortly after the establishment of the United Nations Mission in Liberia. Observations and conclusions of that visit are included in *Liberia: "The goal is peace, to sleep without hearing gunshots, to send our children to school; that is what we want"*, (AI Index: AFR 34/024/2003), published by Amnesty International on 11 December 2003.

Cantonment sites for the disarmament and demobilization of combatants have been established at two locations near Monrovia, Tubmanburg in Bomi County, Gbarnga in Bong County, Kakata in Margibi County, Buchanan in Grand Bassa County (which is now closed), Tapeta in Nimba County and Zwedru in Grand Gedeh County. By 25 July 2004 almost 60,000 combatants – far exceeding an initial estimate of 53,000 – had been disarmed and demobilized.

There is common concern that the number of weapons surrendered is lower than expected and that those weapons handed in are of low quality: “*only the junk is being handed in; where are the new arms?*” Many suspect that heavy weapons were not being surrendered but transported across the borders into Guinea and Côte d’Ivoire. The UN Security Council mission, when it raised this issue, received assurances that the apparently high ratio of combatants to weapons reflected the fact that combatants had often shared weapons. Few are convinced by this explanation, however. It is widely accepted that many arms have been hidden; in some cases locations of hidden weapons have been divulged to UNMIL forces who have retrieved them.

There was also wide concern – expressed to Amnesty International representatives by both Liberian and international interlocutors – that resources devoted to disarmament and demobilization were not being matched by those for rehabilitation and reintegration. Rehabilitation and reintegration programmes, which are funded by voluntary contributions, have been inadequately planned and implemented, largely because of a dearth of resources. In May 2004 the UN Secretary-General, while noting steady progress in returning security and stability to Liberia, warned that: “*Without an effective reintegration programme, the entire disarmament, demobilization, rehabilitation and reintegration programme could be seriously undermined, possibly resulting in renewed insecurity in the country*”.<sup>4</sup>

Not only peace and security risk being jeopardized if former combatants are not successfully rehabilitated and reintegrated; human rights will also again be seriously threatened. The Independent Expert on Liberia, Charlotte Abaka, appointed by the UN Commission on Human Rights, highlighted this after visiting Liberia in May and June 2004: “*After more than 10 years of conflict, there are men and women, and unfortunately also children, who have known only violence... The real danger is, if they remain idle, they can regroup not only to destabilize Liberia but the whole of the sub-region*”.<sup>5</sup>

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<sup>4</sup> Third progress report of the Secretary-General on the United Nations Mission in Liberia, UN Doc. S/2004/430, 26 May 2004, para. 64.

<sup>5</sup> Press briefing on Liberia’s human rights situation, 23 July 2004.

## **Post-conflict: protecting human rights**

### ***Continuing human rights abuses***

The peace agreement was explicit: the parties to the conflict stated their commitment to “*promoting full respect for international humanitarian law and human rights*”.<sup>6</sup> Even after the peace agreement, however, civilians continued to live in fear of increasingly undisciplined and desperate groups of armed combatants. Killings, rape, beatings, forced labour and extensive looting remained the order of the day.<sup>7</sup>

Amnesty International representatives noted in November 2003 that the presence of UNMIL forces had contributed to protection of civilians in those few areas where they had at that time deployed. With more extensive deployment over subsequent months, a corresponding improvement in the security and safety of civilians has been evident.

While UNMIL forces have been deployed in main towns and along principal roads, civilians in villages further afield remain vulnerable to harassment and intimidation. In Nimba County, for example, where both former government and MODEL forces remain – with the “front line” at Graie – there is still some level of military activity despite an UNMIL presence at Tapeta. Former government forces still control territory, including along the Guinean and Ivorian borders, and combatants remain loyal to their commanders. Civilians still feel threatened and restricted, unable to move freely and harassed for food and other possessions by combatants.

Two areas of the country in particular had yet to see significant deployment of UNMIL forces: the south-eastern counties of Sinoe, Grand Kru, River Gee and Maryland, and large parts of Lofa County. In both areas MODEL and LURD combatants, respectively, had yet to be disarmed and demobilized. LURD forces also exerted control in Grand Cape Mount County, bordering Sierra Leone, and Gbarpolu and Bomi Counties. In areas where LURD combatants remain, their structures are intact.

An UNMIL official told Amnesty International representatives that LURD combatants were apprehending and beating civilians. In late June 2004, in Tubmanburg, LURD forces were reported to have confined a person in a cage for three days. They were also reported to be harassing civilians in Foya and Kolahun in Lofa County. The area around Voinjama, bordering both Guinea and Sierra Leone, was reported to be particularly insecure, with many Liberian civilians still seeking refuge in Sierra Leone.

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<sup>6</sup> Comprehensive Peace Agreement Between the Government of Liberia and the Liberians United for Reconciliation and Democracy (LURD) and the Movement for Democracy in Liberia (MODEL) and Political Parties, Accra, 18 August 2003

<sup>7</sup> For further information, see *Liberia: “The goal is peace, to sleep without hearing gunshots, to send our children to school; that is what we want.”* (AI Index: AFR 34/024/2003), published by Amnesty International on 11 December 2003.

Although substantial numbers of combatants remain to be disarmed and demobilized, their attention has in some cases shifted from combat to economic gain. LURD combatants around Tubmanburg are refusing to disarm and are exploiting resources on rubber plantations in Grand Cape Mount and Bomi Counties, notably the Guthrie Plantation. On 10 August 2004, the UNMIL Force Commander, Lieutenant-General Daniel Ishmael Opande, was reported to have said: “*For the last few weeks Guthrie has been a thorn in our side. There are a number of ex-combatants who have not disarmed*”.<sup>8</sup> MODEL combatants in the southeast are reported to be exploiting timber resources.

Civilians in the southeast are reported to be still subjected to harassment, intimidation and extortion. The remoteness of the area and limited access by both UNMIL and humanitarian agencies, however, make it difficult to obtain detailed and corroborated information.

In early July 2004 an UNMIL battalion was deployed in Harper, Maryland County, close to the border with Côte d’Ivoire. Although there are periodic patrols by UNMIL into the surrounding area, there is not yet a strong enough presence to deter abuses against the civilian population. The conduct of MODEL combatants is reported to have rapidly deteriorated from June 2004 as frustrations with both the slowness of the DDR programme and also with their erstwhile leaders in Monrovia grew.

A number of those whom Amnesty International’s representatives met in July 2004, including a senior UNMIL military officer, conceded that civilians were still vulnerable: MODEL forces looted shops, took food and livestock and imposed “taxes”. Roadblocks are set up by MODEL combatants who demand money and beat those who do not comply. In Maryland County, for example, MODEL forces were reported to have gone into villages, beaten and tied civilians, and taken rice and chickens. The situation in Grand Kru County appeared to give most cause for concern but the dispatching of an UNMIL patrol at the end of July 2004 was reported to have improved the situation. Reports of rape by combatants from these areas continued to be received which, although difficult to verify, were believed to be correct.

Others, however, claimed that these were isolated incidents. This apparent contradiction may be explained by civilians frequently being afraid to report abuses because of the continued presence of MODEL combatants. Several of those to whom Amnesty International representatives spoke believed that the paucity of information resulted from fear of reprisals by MODEL combatants who had yet to be disarmed and demobilized; a member of the National Transitional Legislative Assembly (NTLA) said that “*people will talk a little when UNMIL are deployed*”.

***Amnesty International’s recommendations:***

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<sup>8</sup> UN Integrated Regional Information Networks (IRIN), 10 August 2004

- those now in the NTGL should urgently and strongly condemn continuing attacks on the civilian population by combatants of the armed groups which they represent, and instruct commanders to enforce strict chain of command control and prevent human rights abuses;
- the NTGL should state categorically that those responsible for human rights abuses will be held accountable;
- the international community, including members of the Economic Community of West African States (ECOWAS), as brokers of the peace agreement, must insist that its signatories fulfil their obligations under that agreement to respect international human rights and humanitarian law.

### ***Rape and other forms of sexual violence***

Rape and other forms of sexual violence have become endemic in Liberia. Most of the women and girls abducted and forced to join fighting forces are believed to have suffered rape – frequently gang-rape – or other forms of sexual violence. Many have been forced to become the sexual partners, or “wives”, of their abductors after being raped. Some 73 per cent of women associated with fighting forces who have so far presented themselves for DDDR have reported that they experienced some form of sexual assault; this figure does not, however, include girls under 18 years.

An initial study on sexual and gender-based violence has been undertaken by the United Nations Development Programme (UNDP), together with Liberian non-governmental organizations grouped within the National Human Rights Center of Liberia (NHRCL). The purpose of the study was to document the extent of sexual violence during the conflict and identify the health, psychological and social consequences. The report is expected to be published shortly but an initial assessment indicates that between 60 and 70 per cent of the population had suffered rape or other forms of sexual violence. This high incidence of sexual violence is also borne out by those non-governmental organizations, both national such as the Concerned Christian Community and international such as the International Rescue Committee, who are assisting women and girls who have suffered sexual violence.

Although rape and other forms of sexual violence in the context of the armed conflict have decreased – but not been completely eradicated – women and girls remain vulnerable, especially in internally displaced people’s camps. Whereas during the conflict the perpetrators were combatants who attacked camps and abducted civilians, they are now within the displaced communities themselves. Measures identified to Amnesty International representatives in November 2003 as necessary to increase protection of women and girls in internally displaced camps – such as improved lighting, the location of latrines used by women and girls, better policing and increased awareness of sexual and gender-based violence – have, for the most part, yet to be implemented.

The extent of rape and other forms of sexual violence and its legacy require a dedicated and sustained response as Liberia emerges from conflict. Amnesty International fully supports the proposals included in the Results-Focused Transition Framework (RFTF) presented to the International Reconstruction Conference which aim to protect the rights of women and girls, including support for those who have been affected by sexual violence during the conflict, and the development of a strategy by relevant government ministries to address specifically the human rights of women and girls.<sup>9</sup> The Ministry of Gender and Development was to develop strategies, policies and plans by relevant ministries focusing on protection and human rights concerns of women and girls.

Amnesty International welcomes the appointment of a Senior Gender Adviser within UNMIL and the creation of a Gender Unit, which is in line with the recommendations made in UN Security Council Resolution 1325 (2000) of 31 October 2000 which urged “*the Secretary-General to ensure that, where appropriate, field operations include a gender component*”.<sup>10</sup>

The Gender Unit, together with the UNMIL Human Rights and Protection Section, is working to support the Ministry of Gender and Development, including by training staff in Monrovia, and those counties which are accessible, to develop gender-sensitive programmes.

The Ministry of Gender and Development, however, suffers from severe financial constraints in implementing specific projects: “*we are not able to play the role that we want to play...*”. It has created a sexual and gender-based violence unit, it hopes to establish a resource centre and is trying to ensure that more women enrol as police officers. There are also plans to have sexual and gender-based violence “brigades” in camps for the internally displaced. More, however, needs to be done: “*We wish that we could get women back on their feet... we would like to see more being done in communities*”.

***Amnesty International’s recommendations:***

- particular attention should be paid to the protection of the rights of women and girls, and special care provided – both immediately and over the longer term – to those affected by sexual violence during the conflict; those national and international agencies providing assistance to those affected should receive the necessary resources;
- the UNMIL Senior Gender Adviser and Gender Unit must have adequate resources – both personnel and financial – to ensure that the protection of women and girls is incorporated into all aspects of the peace-keeping operation;
- all allegations of rape and other forms of sexual violence should be promptly, thoroughly and independently investigated;

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<sup>9</sup> Liberia: National Transitional Government of Liberia, United Nations, World Bank: Joint Needs Assessment, February 2004,

[www.un.org/Depts/dpko/missions/unmil/Needs\\_Assessment\\_for\\_Liberia.pdf](http://www.un.org/Depts/dpko/missions/unmil/Needs_Assessment_for_Liberia.pdf)

<sup>10</sup> UN Doc. S/RES/1325 (2000), 31 October 2000.

- measures should be taken to ensure the security and protection of internally displaced people in accordance with international standards, including the UN Guiding Principles on Internal Displacement;
- the NTGL should state publicly that violence against women and girls is unacceptable and that the perpetrators will be brought to justice;
- the NTGL should ratify without delay the Protocol of the African Charter on the Rights of Women in Africa;<sup>11</sup>
- in order to ensure the protection of the rights of women and girls in the future, women must be involved in consolidation of the peace process, including future elections and government.

### ***UNMIL's mandate to protect civilians***

Resolution 1509 (2003) of 19 September 2003 which established UNMIL under Chapter VII of the UN Charter gave a clear mandate to UNMIL “to protect civilians under imminent threat of physical violence, within its capabilities”.<sup>12</sup>

Several interlocutors – from UN agencies and non-governmental organizations – questioned, however, whether this mandate was being pursued vigorously: “they don’t interpret their mandate in an extensive way... they don’t react strongly and effectively”.

Reports suggest an overemphasis on the protection and security of UNMIL and other UN personnel and assets in Monrovia to the detriment of the civilian population. There have been reports of some UNMIL contingents failing to assist civilians who were being openly harassed or threatened even when they were located nearby.<sup>13</sup> Some observers questioned whether junior ranks understood the rules of engagement.

In some cases there appeared to be a tension between the role of UNMIL forces in implementing the DDDR programme and fulfilling their protection mandate: for the first, there was a clear incentive to develop a conciliatory relationship with commanders but such an approach may inhibit a robust intervention in protecting civilians. This was described by one UNMIL official in the following terms: “Most peace-keepers have a close relationship with the LURD commanders; where they are deployed they are the only authorities... there is acquiescence with the LURD”. On the other hand, however, some UNMIL forces were reported to be actively patrolling areas under their control and forging a good relationship with both civilians and combatants or former combatants.

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<sup>11</sup> Liberia is among 28 countries which, as of May 2004, had signed the Protocol on the Rights of Women in Africa. For further information, see *The Protocol on the Rights of Women in Africa: Strengthening the promotion and protection of women’s human rights in Africa* (AI Index: IOR 63/005/2004), published by Amnesty International in June 2004.

<sup>12</sup> UN Doc. S/RES/1509 (2003), 19 September 2003.

<sup>13</sup> The Humanitarian Response in Liberia: Some Observations by the ICVA Coordinator, June 2004.

Several of those to whom Amnesty International representatives spoke – personnel of UNMIL and other UN agencies as well as international and national non-governmental agencies – raised concerns about the conduct of some UNMIL forces. Those complaints included sexual exploitation such as prostitution, and economic exploitation such as employing minors as domestic help. A member of a Liberian non-governmental organization said: “*This is a war situation; the economy has been destroyed. UNMIL are buying sex because of the economic situation*”.

Clear instructions have been given by the Special Representative of the Secretary-General for Liberia, Jacques Paul Klein, who heads UNMIL, to both the UNMIL Force Commander and the civilian Police Commissioner for all personnel to adhere to the Ten Rules: Code of Personal Conduct for Blue Helmets and other relevant directives. The Six Core Principles of the Inter-Agency Standing Committee on Emergencies, which apply to humanitarian personnel, should also apply to all UN peace-keeping personnel. There must be an effective mechanism to address seriously any complaints against UNMIL personnel. The complaints mechanism must be accessible, investigations undertaken promptly and appropriate disciplinary action taken. The UNMIL Force Commander informed Amnesty International representatives that responsibility lay with UNMIL sector commanders and that investigations are undertaken by both military and civilian police personnel when complaints are received.

***Amnesty International’s recommendations:***

- UNMIL forces should be deployed as early as possible to those areas of the country where they have yet to establish an effective presence, in particular in Sinoe, Grand Kru, River Gee and Maryland Counties and the north of Lofa County;
- UNMIL forces should be instructed to fulfil effectively and at all times their mandate to protect civilians;
- all UNMIL forces must be provided with appropriate training, including in human rights and international law standards, before they are deployed;
- the conduct of peace-keeping forces should comply at all times with the Six Core Principles and should be closely scrutinized;
- there should be an easily accessible complaints mechanism and any reports of human rights violations by members of UNMIL forces must be immediately investigated and appropriate action taken, including return to the contributing country.

***DDRR of children associated with fighting forces***

Amnesty International has consistently called for priority to be given to the DDRR of children associated with fighting forces, including addressing their particular social, psychological and

material needs, in order to ensure early and effective reintegration into their families and communities.<sup>14</sup>

The number of children associated with fighting forces expected to benefit from the DDRR process was 21,000, according to the Joint Needs Assessment prepared by the NTGL, the UN and the World Bank in February 2004.<sup>15</sup> Initial estimates of combatants, including children, were based on a number of assumptions and were to be reviewed during the implementation of DDRR. An accurate assessment of the number of combatants was hindered by failure of leaders of the parties to the conflict to provide lists of combatants. (This had been set as a pre-condition for the resumption of the DDRR programme after the debacle of early December 2003.)

Since the DDRR process resumed in mid-April 2004, far fewer children have arrived in cantonment sites than would have been expected. Of almost 60,000 combatants disarmed and demobilized by 25 July 2004, approximately 5,750 were under the age of 18 years: some 4,650 boys and 1,100 girls. (In approximately 75 per cent of cases parents had been traced and some 60 per cent had already been reunified with their families.)

A number of factors may contribute to this large discrepancy: many children had spontaneously returned home, some returning to school, and others have not heard about the DDRR process, because information has been inadequate, and therefore they do not know that they are eligible: “*There are still pockets of fighters who know nothing of DDRR*”. Concern must remain, however, that some children who should be incorporated into the DDRR programme are being prevented from doing so. This was confirmed by one child protection agency: “*children identified earlier are not going into the process; there are missing CAFF [children associated with armed conflict]*”. Other children are believed to be resisting inclusion in the DDRR programme because they fear the potential stigma of association with fighting forces.

Information obtained by Amnesty International’s representatives in July 2004 indicated that certain commanders of former government, LURD and MODEL forces still have children with them. In Nimba County, for example, children – both boys and girls – are reported to remain with former government and MODEL forces. Through various family-tracing programmes, where parents have provided the names of their missing children, they have been found still under the control of commanders. In some cases, child protection agencies have, through dialogue, secured their release. Some children, however, are now reported to be being used as labour, for example working on rubber plantations, notably the Guthrie Plantation, under the control of LURD forces.

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<sup>14</sup> For further information, see *Liberia: The promises of peace for 21,000 child soldiers* (AI Index: AFR 34/006/2004), published by Amnesty International on 17 May 2004.

<sup>15</sup> Liberia: National Transitional Government of Liberia, United Nations, World Bank: Joint Needs Assessment, February 2004, [www.un.org/Depts/dpko/missions/unmil/Needs\\_Assessment\\_for\\_Liberia.pdf](http://www.un.org/Depts/dpko/missions/unmil/Needs_Assessment_for_Liberia.pdf)

While in some cases commanders are preventing girls from leaving, or the girls are ashamed to return home, others remain with their commanders for economic reasons. When girls present themselves for DDRR and are asked what they need, they frequently reply school or “small business”. The resources required, however, to provide them with viable alternatives are not yet there.

Child protection agencies have expressed serious disquiet about several aspects of the DDRR of children. High among their concerns is the decision by the National Commission for DDRR (NCDDRR) to provide children associated with fighting forces with a “transitional subsistence allowance” (TSA) of US \$300 in cash.<sup>16</sup> They point out that this runs contrary to internationally recognized principles, policies and best practices for the demobilization of children associated with fighting forces and that it compounds an already difficult and complex process. There is a serious risk of money being diverted to commanders or used for purposes other than education and training. These fears have been borne out in practice.

Although, strictly, the TSA is paid to an identified parent or guardian, a child protection agency described how, nevertheless, it was open to abuse and encouraged the exploitation of children by adults, including their commanders. Arms have been taken from children and given to the commanders’ own children in order to obtain the TSA. A representative of the United Nations Children’s Fund (UNICEF) said: “*The children complain that their arms are taken away from them*”. This situation has arisen with former government, LURD and MODEL forces. In some instances, several children claimed that they wanted to be reunited with the same person. UNICEF is to review the entire process of DDRR for children.

Although the initial DDRR plan specified that priority was to be given to women and children at pick-up points and cantonment sites, in practice this has been compromised by the unexpectedly large numbers of combatants presenting themselves for DDRR.

The DDRR programme for children specifies explicitly that possession of an arm or ammunition should not be a prerequisite for a child to participate in the DDRR process:

*“Child combatants, children associated with the fighting forces and other accompanied and unaccompanied minors will be processed during the disarmament phase of the programme using the same procedures for adults.*

*The only exception applicable for children/women at this stage of the process is in the eligibility requirements. While every adult is required to comply with minimum eligibility criteria to be accepted in the programme, ALL CHILDREN MUST BE*

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<sup>16</sup> The NCDDRR comprises representatives of relevant NTGL agencies, the former Government of Liberia, the LURD, the MODEL, the UN, the African Union and the International Contact Group on Liberia. It is chaired by the Transitional Chairman, Gyude Bryant, and the Special Representative of the Secretary-General for Liberia, Jacques Paul Klein.

*ACCEPTED in the programme regardless of having submitted or not weapons or ammunition provided they come as part of a fighting unit with any of the groups.”<sup>17</sup>*

Apparently because of the larger than expected number of combatants presenting for DDRR, and to prevent the inclusion of those not eligible, the standard has since been raised by those administering the DDRR programme. For example, at the cantonment site in Tubmanburg, UNMIL officials explained to Amnesty International representatives that children, and women, were now required to surrender a weapon or ammunition. This was also reported to be the case in Zwedru where disarmament and demobilization began in early July 2004.

The specific measures for the DDRR of children envisaged a period of 21 days in the interim care centres to which disarmed and demobilized children are taken in order to separate them from their adult commanders. During this period their health, psychological and social needs are assessed and documentation for family tracing undertaken. The time spent in interim care centres should also include education, skills training, games and recreation, as well as a clear explanation of benefits for realistic expectation.

This period was, however, reported to have been reduced to five days which was regarded as wholly inadequate. A longer period is needed for children to be able to recount and discuss their experiences, which in the case of girls may include rape and other forms of sexual violence. A high percentage of girls associated with fighting forces – estimated at 75 per cent – are believed to have suffered sexual violence.

There are major deficiencies in the rehabilitation and reintegration of children. One child protection agency concluded that, far from learning from the failures of previous DDRR programmes in Liberia, “*we are doing worse than in 1997*”. A UN official directly involved in the DDRR process also raised the lack of funds for rehabilitation and reintegration, for all combatants, both children and adults: “*we need funds for rehabilitation and reintegration... many pledges are outstanding... the sooner this issue is raised the better ... otherwise it will be like 1997*”.

A child protection agency explained: “*the RR programmes are not working; programmes on the ground are just starting. They are going back to communities but there is nothing there; families, communities, schools have no support... How do you do reintegration when large numbers of people are still in IDP [internally displaced people] camps. So, children and the others end up on the streets of Monrovia...*”.

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<sup>17</sup> Liberian Disarmament, Demobilisation, Rehabilitation and Reintegration Programme: Strategy and Implementation Framework, prepared by the Draft Interim Secretariat (UNDP, UNMIL, World Bank, USAID, UNICEF, UNHCR, OCHA, World Vision), 31 October 2003, Annex B, <http://www.humanitarianinfo.org/liberia/coordination/sectoral/DDR/index.asp>

Without viable alternatives, children are forced into hazardous and exploitative means of survival such as prostitution, theft and drug-dealing. The Minister of Gender and Development remarked: *“Poverty is forcing little girls to do petty trading; they become much more vulnerable.”*

There are also related, serious concerns that children were being re-recruited. Having created bonds with commanders, it is difficult for them to detach themselves. The importance of effective rehabilitation and reintegration programmes for children in preventing re-recruitment was illustrated when Amnesty International representatives visited Buchanan in July 2004. By this time the cantonment site had been closed. A resident of Buchanan said: *“Many of the boys who have been demobilized are unable to find ‘an honest way of living’. These are the groups that they [MODEL combatants] are targeting for recruitment. They find some of the boys and offer them 500 dollars to go to Ivory Coast”.*

The UNDP Trust Fund for DDRR still experiences a shortfall, despite recent contributions. Additional resources are urgently needed to fund the DDRR process, in particular for social and economic reintegration opportunities for former combatants. Despite the deficiencies, however, projects are underway. Working with the NTGL, UN agencies, the US Agency for International Development (USAID) and non-governmental organizations are designing and implementing short-term programmes aimed at absorbing demobilized combatants pending a longer-term rehabilitation and reintegration programme. For example, in early July 2004, following an additional contribution to the Trust Fund, two further projects, designed to provide skills training for some 770 children associated with fighting forces and training and job placement for 1,324 former combatants, were approved.

Several Liberian civil society representatives were critical of an apparent lack of consultation by UNMIL on the DDRR process. Many of these groups have worked extensively with former combatants and have expertise and experience in assessing and addressing their needs, and those of their families and communities. Genuine reintegration has to involve whole communities, including former combatants. A recurring concern was that, while former combatants had to be reintegrated, they should not be seen to be given preferential treatment; rehabilitation and reintegration programmes should benefit the whole community. This was reflected in a comment by a UNICEF official: *“Support to local communities has to be for all children, not just former child soldiers.”*

***Amnesty International’s recommendations:***

- former government forces and those of LURD and MODEL should engage fully in the DDRR process by ensuring that all children remaining within their ranks are allowed to benefit; specifically, children should be assisted to reach cantonment sites and present themselves for disarmament and demobilization;
- the NCDDRR must ensure that the specific provisions of the DDRR programme for children associated with fighting forces, including those for girls and victims of sexual violence, are fully implemented;

- in particular, effective measures must be taken immediately to ensure that all children associated with fighting forces are admitted to the DDRR programme, irrespective of whether they have a weapon or ammunition;
- commitments made at the International Reconstruction Conference should be met fully and speedily, including sufficient funds to finance the DDRR programme in the immediate, medium and long term; in particular, sufficient funds should be dedicated to the DDRR of children associated with fighting forces from the UNDP Trust Fund for DDRR;
- there should be full involvement of relevant UN and non-governmental child protection agencies in all stages of the DDRR process and these agencies must have adequate resources to ensure the protection of children associated with fighting forces;
- the crucial importance of successful rehabilitation and reintegration must be reflected in the funding, planning and implementation of the DDRR programme for child associated with fighting forces.

## **UNMIL Human Rights and Protection Section**

UN Security Council 1509 (2003) which established UNMIL made specific provision for “*an adequate human rights presence, capacity and expertise within UNMIL to carry out human rights promotion, protection and monitoring activities*”.<sup>18</sup>

In view of the protracted and grave human rights crisis in Liberia, characterized by crimes against humanity, war crimes and other serious violations of international law, Amnesty International called for UNMIL to include a strong human rights component which would be fully integrated into all aspects of the UN operation.<sup>19</sup>

Despite the pressing human rights needs in Liberia, not least continuing abuses against civilians after the peace agreement, it has taken some considerable time since UNMIL was officially deployed in October 2003 to establish and staff the Human Rights and Protection Section. The full complement of staff envisaged is 48; it is intended that 30 human rights officers – 19 international and 11 national staff – will be deployed in each of Liberia’s 15 counties, with the remaining 18 based at UNMIL’s headquarters in Monrovia. As of July 2004, two child protection advisers had been recruited but a gender adviser had yet to be appointed.

The Human Rights and Protection Section has developed an ambitious and comprehensive plan of action. Among its activities are: monitoring and reporting on the

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<sup>18</sup> UN Doc. S/RES/1509 (2003), 19 September 2003.

<sup>19</sup> For further information, see *Liberia: Recommendations to the Security Council and Special Representative of the Secretary-General* (AI Index: AFR 34/018/2003), published by Amnesty International in August 2003.

human rights situation, paying particular attention to the plight of especially vulnerable groups such as children, women, the disabled and internally displaced people; training UNMIL forces and monitoring the conduct of UNMIL military and civilian staff; assisting the effective establishment and operation of the Truth and Reconciliation Commission and Independent National Commission on Human Rights; and training recruits for the new Liberian Police Service.

The Human Rights and Protection Section is working closely with national non-governmental human rights organizations and recognizes the importance of increasing their capacity. A priority is to build a national monitoring network with Liberian organizations.

Not all areas are yet sufficiently secure to have human rights officers based there, for example in Lofa County and the southeast. Two human rights officers are, however, already based in Gbarnga and another had recently begun to spend three days a week in Buchanan. Those to be assigned to Tubmanburg and Voinjama are still based in Monrovia. Human rights officers will also be based in Zwedru and Harper.

By July 2004, however, the Human Rights and Protection Section was far from fully staffed. Although almost the full complement of UNMIL military personnel had been deployed, only 60 per cent of civilian staff – which includes staff of the Human Rights and Protection Section – had been recruited and taken up their posts. The UN Security Council mission, following its visit to Liberia in June 2004, specifically recommended that the remaining civilian personnel, “including human rights officers”, be recruited and deployed as soon as possible.<sup>20</sup>

It is essential that all 48 human rights officers are recruited and put into place. Although deployment of human rights officers throughout the country will still depend on the prevailing security situation, it should move ahead as quickly as possible. It is particularly important in those areas of the country where human rights abuses against civilians are reported to be continuing but where detailed and verified information is difficult to obtain.

In addition to ensuring independent monitoring and documenting of human rights, Amnesty International has repeatedly called for UNMIL to provide regular public reports. The explicit references to developments in the human rights situation included in the UN Secretary-General’s progress reports on UNMIL are to be welcomed.<sup>21</sup>

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<sup>20</sup> Report of the Security Council mission to West Africa, 20-29 June 2004, UN Doc. S/2004/525, 2 July 2004, para 24.

<sup>21</sup> See First progress report of the Secretary-General on the United Nations Mission in Liberia, 15 December 2003, UN Doc. S/2003/1175, Second progress report of the Secretary-General on the United Nations Mission in Liberia, UN Doc. S/2004/229, 22 March 2004, and Third progress report of the Secretary-General on the United Nations Mission in Liberia, UN Doc. S/2004/430, 26 May 2004.

The Human Rights and Protection Section must enjoy full political support and adequate resources in order to fulfil its broad mandate. It is, however, facing serious constraints because of lack of funds. While costs of personnel and logistics are met from the UNMIL budget, which is financed by assessed contributions, costs of specific activities by the Human Rights and Protection Section depend on voluntary contributions pledged at the International Reconstruction Conference.

***Amnesty International's recommendations:***

- the full number of staff of the Human Rights and Protection Section should be recruited and put into place as soon as possible;
- human rights officers should actively monitor the human rights situation throughout the country, as far as the security situation allows;
- the Human Rights and Protection Section should make its reports public;
- adequate funding should urgently be provided to the Human Rights and Protection Section so that it can effectively undertake its planned activities.

## **Strengthening institutions for the protection of human rights**

The national legal and justice systems have all but collapsed completely as a result of the conflict and disregard for the rule of law by the government of former president Charles Taylor. Corruption and political interference have eroded public confidence in the judiciary. Most courts no longer function and much of the infrastructure has been destroyed or looted. A member of the Association of Female Lawyers of Liberia (AFELL) told Amnesty International representatives: “*We had high hopes in Accra, but it seems that we are in the same boat or even worse*”.

### ***The national justice system***

The legal and judicial systems face enormous problems. The RFTF set out a two-year plan to undertake a comprehensive review of the judicial system and lay the foundations for a professional, independent and credible judiciary. Among objectives to be achieved by the end of 2004 were: functioning criminal, civil, juvenile and magistrates’ courts in Monrovia and some counties; rehabilitation of the Supreme Court; training of judges, magistrates and justices of the peace; and training of prosecutors, public defenders and other members of the Bar.<sup>22</sup>

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<sup>22</sup> Liberia: National Transitional Government of Liberia, United Nations, World Bank: Joint Needs Assessment, February 2004, [www.un.org/Depts/dpko/missions/unmil/Needs\\_Assessment\\_for\\_Liberia.pdf](http://www.un.org/Depts/dpko/missions/unmil/Needs_Assessment_for_Liberia.pdf)

The judicial and human rights and protection components of UNMIL, together with UNDP, are working with the Ministry of Justice and the Chief Justice to address rehabilitation of the court system, initially courts in Monrovia, to be followed by others throughout the country. There is, however, serious under-funding for these projects and progress is therefore extremely slow and behind schedule. Acute frustration was expressed by the Deputy Minister for Legal Affairs, Liberian non-governmental organizations and representatives of the international community, including UNMIL personnel, about the parlous state of the national legal and judicial systems.

The Ministry of Justice is operating with a minimum of resources. As most other ministries, it still lacks the most basic facilities necessary to function effectively. Improved conditions of employment, including salaries, are needed to attract judges, lawyers and magistrates. The juvenile justice system needs to be overhauled in order to provide separate correction facilities and rehabilitation programmes.

The Independent Expert on Liberia stressed the importance of establishing strong institutions to protect civilians against human rights violations. Remarking that only one court was functioning in Liberia, she said: *“To have sustainable peace, to be able to protect civilians from human rights violations, there are certain institutions that have to be there”*.<sup>23</sup>

Although some lawyers are making strenuous efforts to pursue cases in the courts – including cases of rape and sexual assault – they are frustrated by structures which barely function. AFELL is attempting to broaden the current narrow legal definition of rape so that it includes forms of sexual abuse currently defined as sexual assault, a less serious offence which carries a lighter penalty. The inadequacies of the judicial system, however, are thwarting such initiatives: *“If the system doesn’t work, we can’t do anything...”*. A member of the Concerned Christian Community which is providing assistance to women and girls in internally displaced people’s camps who have suffered sexual violence echoed this sentiment: *“The people feel powerless; the judicial process is so slow. They feel that no one is speaking for them”*. In many cases, incidents of sexual violence are dealt with within the family and community. It was widely acknowledged, however, that the perpetrators had to be brought to justice, not least to act as a deterrent.

***Amnesty International’s recommendations:***

- there must be an adequate and long-term commitment by the international community to ensure the creation of a professional, independent and credible judiciary;
- urgent funding must be provided to rehabilitate courts in Monrovia and the counties, and judges, prosecutors and public defenders should be provided with adequate facilities so that they can carry out their duties with maximum efficiency.

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<sup>23</sup> Press briefing on Liberia’s human rights situation, 23 July 2004

## ***Independent National Commission on Human Rights***

The peace agreement, in Article XII, provided for the establishment of an Independent National Commission on Human Rights (INCHR) 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*”.

The peace agreement specifies that these basic civil and political rights include: “*the right to life and liberty, freedom from torture, the right to a fair trial, freedom of conscience, expression and association, and the right to take part in the governance of one’s country*”.

The Transitional Chairman, Gyude Bryant, announced the appointment of commissioners for the INCHR in late January 2004 without consultation with civil society and before enabling legislation setting out the Commission’s jurisdiction, composition and powers had been drafted and passed into law. Several non-governmental human rights organizations expressed disquiet at lack of consultation and transparency in the establishment of the INCHR and appointment of commissioners. Questions were raised about the appropriateness, including in terms of qualifications and experience, of some of the appointments. The UNMIL Human Rights and Protection Section assisted with the formulation of draft legislation which has been submitted for review by the NTLA.

The legislation guiding the work of the INCHR should be informed by the “Principles relating to the status of national institutions”, adopted in Resolution 1992/54 of the UN Commission on Human Rights and known as the Paris Principles.<sup>24</sup> The INCHR must be able to operate with complete independence, be accessible to all, and have adequate and sustained resources to fulfil its mandate. On 21 July 2004 new premises for the INCHR in Monrovia were officially opened. UNMIL has undertaken to assist the INCHR by providing an adviser who will be attached to the Commission and also to train its members in accordance with the Paris Principles.

### ***Amnesty International’s recommendations:***

- the independence and impartiality of the INCHR must be guaranteed and it must have sufficient resources to be able to carry out its mandate effectively.

## ***A new Liberian police force***

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<sup>24</sup> For further information on the pre-requisites for effective national human rights institutions, see also *National human rights institutions: Amnesty International’s recommendations for effective protection and promotion of human rights* (AI Index: IOR 40/007/2001), published by Amnesty International in October 2001.

Under Resolution 1509 (2003) UNMIL has a mandate to assist the NTGL in restructuring the police force, to develop a civilian police training programme and to assist in this training.

The RFTF outlined plans to rapidly establish an interim police force, staffed by well-vetted, trained and adequately equipped personnel, which would form the basis of a new, professional Liberian Police Service. There must be an effective and fair screening program of potential recruits to ensure that those alleged to be responsible for human rights violations are not absorbed into the new force. UNMIL civilian police officers, together with the NTGL, aim to train a 3,500-strong police force within two years and to have 1,900 new police officers by the time of elections in 2005.

A training programme for an interim police force of 400 officers began in January 2004 and on 12 July 2004 the training programme for the new Liberian Police Service was officially launched at the newly reopened Liberian Police Service Training Academy in Paynesville, Monrovia. In the recruitment drive for the Liberian Police Service, emphasis has been placed on the need for ethnic and gender balance.<sup>25</sup> The Transitional Chairman has urged more Liberian women to join the police force.

UNMIL civilian police officers have been operating with their national counterparts, including in responding to calls, investigating serious crimes, such as serial rapes and murders, and attending crime scenes, administering police records and undertaking community policing. Although these efforts have contributed towards re-establishing the rule of law, UNMIL civilian police have neither the resources nor the mandate to substitute the national police, who continue to lack basic logistics, including vehicles, to operate effectively. UNMIL civilian police do not have the authority to arrest or assume responsibility for law enforcement. This has led to frustrations among some Liberians: “*The number of CIVPOLs is small. Who is to do the job? The Liberian National Police are not trusted...*”.

Following her visit to Liberia the Independent Expert on Liberia called for priority to be given to a restructured police force: “*Sustainable peace and the protection of civilians against human rights violations depends on the existence of a strong national police force and strong independent human rights institutions*”.<sup>26</sup> She observed that the police force was seriously constrained by a lack of financial resources – a result of the failure of donor governments to meet pledges made in February 2004.

***Amnesty International’s recommendations:***

- the international community should commit adequate resources, including funding and experts, to a continuing programme to support the establishment of the Liberian Police Service; this programme should include comprehensive, practical training in

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<sup>25</sup> UNMIL press release, *Training programme for new Liberian police service launched*, UNMIL/PIO/92, 13 July 2004.

<sup>26</sup> Press briefing on Liberia’s human rights situation, 23 July 2004

international standards including those which relate to the rights of suspects, the use of force and firearms and torture and ill-treatment.

## **Ending impunity – “the propelling force of the conflict”**

A clear and unwavering message was articulated by Liberian civil society groups on the need to end impunity for the grave crimes under international law, including crimes against humanity and war crimes, committed during the conflict. A member of a Liberian non-governmental organization, Foundation for International Dignity (FIND), correctly and concisely summed up the importance of ending impunity: *“impunity is the propelling force of the conflict”*.

In a situation where peace remains fragile and the NTGL includes representatives of the parties to the conflict whose forces have perpetrated human rights abuses before and after the peace agreement – *“the perpetrators have been rewarded”*, as one civilian put it – it might have been expected to hear the refrain that, in order to secure peace in Liberia, people should move on, not re-open old wounds, forgive and forget. This was not, however, the most common response. On the contrary, there was a strong recognition that failure to hold the perpetrators of human rights abuses to justice in the past had not only resulted in continuing abuses but had also frustrated and undermined previous attempts to achieve peace. A member of civil society in Buchanan said: *“Even after 10 or 15 years, we need to hold people to account. The problem is that everyone is focusing on Charles Taylor. Those responsible must be brought to book... [if not] this problem will be an endless cycle of violence”*.<sup>27</sup>

Several Liberian civilians referred to the nexus between violence and wielding political power – *“the message is: if you want to be someone, you need a big gun”* and *“the more you kill, the more you excel”* – and emphasized the deterrent effect of bringing those responsible to justice: *“unless corrected, these things will be resurrected”*.

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<sup>27</sup> Charles Taylor relinquished power as President of Liberia on 11 August 2003 and travelled to Nigeria. He has been indicted for crimes against humanity, war crimes and other serious violations of international law by the Special Court for Sierra Leone. The charges are based on his active support to the armed opposition during Sierra Leone’s internal armed conflict. Amnesty International has protested strongly to the Nigerian government that it is violating its obligations under international law by failing to arrest Charles Taylor and surrender him to the Special Court. For further information, see *The Special Court for Sierra Leone: an open letter from Amnesty International to President Olusegun Obasanjo* (AI Index: AFR 44/002/2004), published by Amnesty International on 16 January 2004, and *Sierra Leone: Statement at the official opening of the court-house of the Special Court for Sierra Leone* (AI Index: AFR 51/004/2004), published by Amnesty International on 9 March 2004, and *Open letter to Permanent Representatives at the African Union (AU) regarding the case of Charles Taylor, former President of Liberia, indicted for crimes against humanity and war crimes* (AI Index: IOR 63/007/2004), published by Amnesty International on 5 August 2004.

Many in Liberia, however, acknowledge the difficulties of bringing judicial proceedings during the life-time of the NTGL against those alleged to have committed these crimes and conclude that “we shall have to wait until 2006”.<sup>28</sup>

### ***The Truth and Reconciliation Commission***

Article XIII of the peace agreement specifies that: “A *Truth and Reconciliation Commission shall be established to provide a forum that will address issues of impunity, as well as an opportunity for both victims and perpetrators of human rights violations to share their experiences, in order to get a clear picture of the past to facilitate genuine healing and reconciliation*”.

The Transitional Chairman announced the appointment of commissioners for the Truth and Reconciliation Commission (TRC) in late January 2004. As with the INCHR, however, these appointments were made without consultation with the NTLA or civil society organizations. Considerable disquiet was expressed about this process, perhaps justified when one of those appointed emerged as a high profile figure within the LURD, leading to calls for his resignation. The announcement of the appointment of the commissioners also preceded elaboration of enabling legislation specifying the mandate of the TRC, including its duties, powers, and temporal and geographical jurisdiction. The UNMIL Human Rights and Protection Section has assisted the NTGL in preparing draft legislation which formed the basis of consultation during July and August 2004. A revised draft is now being reviewed. (The commissioners earlier appointed by the Transitional Chairman will now be considered together with other nominations.)

The Transitional Justice Working Group, which comprises a number of non-governmental organizations, has undertaken a series of initial meetings in four counties – Montserrado, Bong, Bomi and Nimba – to obtain the views of the general population on the TRC and other transitional justice issues.<sup>29</sup> It has identified the need for an extensive campaign to raise public awareness: “*People don’t know what the issues are... they don’t know what a truth and reconciliation commission is.*” This is, however, a difficult task: very large numbers of people remain in camps for the internally displaced; in some locations, such as Tubmanburg where LURD commanders still hold sway, conditions are not conducive for such meetings; and in others practical difficulties, such as the absence of tables and chairs because they have been used for fire-wood, hinder effective meetings.

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<sup>28</sup> The NTGL assumed power on 14 October 2003. According to the peace agreement, presidential and legislative elections will be held no later than October 2005 and the elected government will be inaugurated in January 2006.

<sup>29</sup> Among organizations participating in the Transitional Justice Working Group are: the National Human Rights Center of Liberia; the Catholic Justice and Peace Commission; the Association of Female Lawyers of Liberia; the Foundation for International Dignity; the Center for Democratic Empowerment; the Foundation for Human Rights and Democracy; and Forerunners of Children’s Universal Rights for Survival, Growth and Development.

A truth and reconciliation commission may have an important role in establishing the facts and identifying those responsible for crimes under international law. It is not, however, sufficient and cannot be a substitute for a court of law to try alleged perpetrators of serious violations of international law. The experience of Sierra Leone, where the Special Court for Sierra Leone was established to try those bearing the greatest responsibility for crimes against humanity, war crimes and other serious violations of international law committed during that country's conflict, has demonstrated that more is needed than a truth and reconciliation commission to achieve justice and to end impunity. A member of civil society in Buchanan was adamant: "*The only thing that can solve Liberia's problem is a war crimes court*", a view which was roundly endorsed by others in Buchanan.

An encouraging development is that there appears to be little or no impetus towards taking forward the provision in the peace agreement for considering a general amnesty.<sup>30</sup> Although the Transitional Chairman and other members of the NTGL have publicly said that they would favour such an amnesty, the impression gained by Amnesty International's representatives in July 2004 was that there were no overt efforts to pursue this. The desire of Liberians for justice, so strongly articulated, leaves little room for consideration of an amnesty.

International law prohibits amnesty for crimes such as genocide, crimes against humanity, war crimes and other serious violations of international law and Amnesty International has consistently opposed, without exception, amnesties and similar measures of impunity which prevent the emergence of truth, a final judicial determination of guilt or innocence and full reparations to victims and their families.<sup>31</sup>

While Liberian civil society is becoming increasingly vocal in its call for an end to impunity, this has not yet been matched by the international community.

Although, following its visit to West Africa in June 2004, the Security Council mission reported that "*the mission agrees with its many interlocutors who insisted on the principle of no impunity for serious human rights abuses, or for those who have fanned the flames of conflict in their own territories or in their neighbours*", it stopped short of explicitly recommending that the Security Council insist that those responsible for these crimes be brought to justice before an appropriate court, limiting their recommendation to urging the Security Council "*to take the necessary measures at the appropriate time, including through the imposition of targeted sanctions against the individuals concerned*".<sup>32</sup>

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<sup>30</sup> Article XXXIV of the peace agreement states that: "*The NTGL shall give consideration to a recommendation for general amnesty to all persons and parties engaged or involved in military activities during the Liberian civil conflict that is the subject of this Agreement*".

<sup>31</sup> This jurisprudence and interpretation is discussed in *Sierra Leone: Special Court for Sierra Leone: denial of right to appeal and prohibition of amnesties for crimes under international law* (AI Index: AFR 51/012/2003), published by Amnesty International on 31 October 2003.

<sup>32</sup> Report of the Security Council mission to West Africa, 20-29 June 2004, UN Doc. S/2004/525, 2 July 2004, para. 63.

### ***Investigation of crimes under international law.***

Investigation and documentation of crimes under international law during the conflict must be a priority. Amnesty International supported the recommendation by the UN Secretary-General, in his report which preceded Security Council Resolution 1509 (2003) establishing UNMIL, for the establishment of a crime investigation capacity within UNMIL to help investigate serious violations of international humanitarian law or other serious crimes and to provide evidence to Liberian or other authorities, including the prosecutors of the Special Court for Sierra Leone. The UN Secretary-General recognized the importance of gathering and preserving evidence “*early on while it is still possible*”.<sup>33</sup>

The UNMIL Human Rights and Protection Section and civilian police, together with other UN agencies and non-governmental organizations, have begun to document serious violations of international human rights and humanitarian law committed during the conflict, including information on perpetrators, victims and witnesses. Members of the Concerned Christian Community emphasized the particular difficulties of documenting cases of rape and other forms of sexual violence – “*the perpetrators often cannot be identified, medical records and police reports don’t exist.*” – but is nevertheless collecting testimonies and data.

A central database was reported to have been designed for the systematic collation and storage of information. It is intended that this information will, according to the UN Secretary-General, “*facilitate future action against impunity*”.<sup>34</sup> It is unclear, however, whether there is a central system within UNMIL, or elsewhere, to coordinate these various initiatives. It has to be ensured that there is effective investigation, documentation and preservation of evidence and that information is efficiently collated, analysed and accessible in order to be used to identify and prosecute alleged perpetrators of crimes under international law committed during the conflict.

#### ***Amnesty International’s recommendations:***

- there should be unequivocal and explicit statements from the international community, including the UN Security Council, as well as the NTGL that there can be no impunity for crimes against humanity, war crimes and other serious violations of international law and that those responsible must be brought to justice;
- the international community, including the UN, in consultation with Liberian civil society, must develop a long-term strategy to address impunity;
- the investigation and documentation of crimes under international law committed during the conflict should be a priority and sufficient resources should be provided to UNMIL, other UN agencies, international and national non-governmental

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<sup>33</sup> Report of the Secretary-General to the Security Council on Liberia, UN Doc. S/2003/875, 11 September 2003, para.64.

<sup>34</sup> First Progress Report of the Secretary-General on the United Nations Mission in Liberia, 15 December 2003, UN Doc. S/2003/1175, para.55.

organizations to continue investigation and documentation of these crimes; these initiatives must be effectively coordinated in order to facilitate eventual prosecution.

## **Political and financial investment is urgently needed**

At the International Reconstruction Conference the international community made pledges totalling some US \$540 million. Only a small percentage of this amount has, however, been made available. This shortfall appears in part to be explained by wariness by the international community that the NTGL has the capacity to disburse these funds effectively and also a reluctance to contribute funds without guarantees that they will be channelled directly into the priorities for reconstruction identified in the RFTF.

Continuing lack of cohesion within the NTGL, political in-fighting within the parties now represented in government, coupled with allegations of corruption, are apparently deterring donor governments from meeting swiftly and fully the commitments they made in February 2004. The conclusion of one Liberian non-governmental organization which is undertaking vital work with those who have suffered as a result of the conflict was that: "*Liberia is slowly being written off*", especially as international attention is now eclipsed by the human rights and humanitarian crisis in Darfur in Sudan.

In early July 2004 the UN Office for the Coordination of Humanitarian Affairs reported slow progress in Liberia's reconstruction because of the failure of donor governments to meet the pledges made in February 2004 and expressed concern that, as a result, access to humanitarian assistance and basic services remained limited for the civilian population. In addition, the UN Security Council, following its visit to West Africa in June 2004, urged donors to disburse their pledges quickly.<sup>35</sup>

The Independent Expert on Liberia added her voice to these concerns and the impact on the protection of human rights: "*The disbursement of those pledges is so insufficient that many programmes are either stalled or progressing at a very slow pace*".<sup>36</sup>

On 4 August 2004 the Special Representative of the Secretary-General for Liberia warned that continuing political power-struggles and apparent lack of commitment to consolidation of the peace process were resulting in donor governments withholding much-needed funds.

While it is important that the international community provides financial and technical support, the NTGL has a primary responsibility to ensure that post-conflict reconstruction is based solidly on good governance, the rule of law and respect for human

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<sup>35</sup> Report of the Security Council mission to West Africa, 20-29 June 2004, UN Doc. S/2004/525, 2 July 2004, para. 22.

<sup>36</sup> Press briefing on Liberia's human rights situation, 23 July 2004.

rights. Unless the NTGL is seen to be steadfastly committed to these objectives, support and goodwill from the international community will quickly wane.

Immediate steps should be taken by the NTGL to demonstrate its commitment to the protection and promotion of human rights. These include completion of the process of ratification of the International Covenant on Civil and Political Rights and its First Optional Protocol, the International Covenant on Economic, Social and Cultural Rights and the Rome Statute of the International Criminal Court. The previous Liberian legislature, which subsequently ceded authority to the NTLA, was reported to have ratified these treaties on 8 October 2003 shortly before the NTGL came to power but, as of August 2004, the instruments of ratification had yet to be deposited with the UN.

***Amnesty International's recommendations:***

- commitments made at the International Reconstruction Conference should be met fully and speedily;
- the NTGL should cooperate fully with UNMIL, other UN agencies, national and international non-governmental organizations in all efforts to ensure good governance, the rule of law and respect for human rights;
- the NTGL should without delay complete the ratification process for the International Covenant on Civil and Political Rights and its First Optional Protocol, the International Covenant on Economic, Social and Cultural Rights and the Rome Statute of the International Criminal Court.