

Liberia

Recommendations to the International Reconstruction Conference, New York, 5 and 6 February 2004

The International Reconstruction Conference on Liberia taking place in New York on 5 and 6 February 2004 offers a unique opportunity to ensure that, following the Comprehensive Peace Agreement of 18 August 2003, post-conflict reconstruction in Liberia is based on good governance, the rule of law and respect for human rights.

More than 14 years of almost continuous conflict have not only resulted in destruction of the social and economic fabric of Liberia, but have also eroded the most fundamental human rights, including the right to life, the right not to be subjected to cruel, inhuman and degrading treatment and the right not to be arbitrarily arrested and detained. Institutions for the protection of human rights and implementation of the rule of law have collapsed. The protection and promotion of civil and political rights are not only important in their own right but are essential to ensure participation and accountability in the post-conflict reconstruction and development process.

Amnesty International is encouraged that the international community, including the United Nations (UN), the National Transitional Government of Liberia (NTGL), the European Union and international financial institutions such as the World Bank, is approaching the reconstruction of Liberia in a comprehensive, coherent and coordinated way. This is demonstrated by the importance accorded to the International Reconstruction Conference and the development of the ambitious Results-Focused Transition Framework (RFTF) for 2004-2005. Amnesty International welcomes the prominence and detail given to the protection and promotion of human rights in the RFTF.

Amnesty International urges participants at the International Reconstruction Conference to not only endorse and support those elements of the RFTF which concern the protection and promotion of human rights, but to also ensure that adequate funds are made available at an early date to achieve the results envisaged.

In particular, Amnesty International is highlighting the following areas (the numbering of which corresponds to the clusters and sectors identified in the RFTF¹).

¹ Draft of 13 January 2004

1.1 **UNMIL deployment**

Amnesty International welcomed UN Security Council Resolution 1509 (2003) of 19 September 2003 which gave a mandate to the UN Mission in Liberia (UNMIL) “*to protect civilians under imminent threat of physical violence, within its capabilities*”. It was clear to an Amnesty International delegation visiting Liberia in November 2003 that the presence of UNMIL peace-keeping forces had contributed to the protection of civilians. In areas where they had yet to deploy, however, civilians continued to be killed, raped, beaten, used as forced labour and driven from their homes.²

The initial pace of deployment of UNMIL troops following its official establishment on 1 October 2003 was slow. While recent weeks have seen significant progress, deployment in areas such as Nimba County, where civilians remain at risk as hostilities continue, is as yet only rudimentary.

Amnesty International considers it a matter of urgency that the full complement of 15,000 peace-keeping troops, with adequate logistical support, is achieved as soon as possible. UNMIL troops must deploy swiftly throughout Liberia and effectively implement their mandate to protect civilians. Therefore, those countries which have pledged to contribute troops to UNMIL should ensure that they are sent with a minimum of delay and those countries which have yet to contribute to UNMIL should consider doing so.

1.2 **Armed forces restructuring**

Restructuring and training of the armed forces is an essential element in the restoration of good governance, the rule of law and respect for human rights. The Liberian armed forces, including the Armed Forces of Liberia and elite paramilitary personnel such as the Anti-Terrorist Unit, as well as loosely defined militia, have been responsible for serious human rights violations, as have combatants of the armed opposition Liberians United for Reconciliation and Democracy (LURD) and the Movement for Democracy in Liberia (MODEL).

The Military Advisory Commission which is to oversee restructuring and training of the armed forces should develop a comprehensive training program which includes international human rights standards in law enforcement, including the UN Basic Principles on the Use of Force and Firearms.

Amnesty International urges that the Military Advisory Commission, with advice and support from UNMIL and other interested international partners, establishes an effective and

² 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.

fair screening program of potential recruits in order to ensure that former combatants who are alleged to have been responsible for violations of international human rights and humanitarian law are excluded, as specified in the Comprehensive Peace Agreement.

2.1 Disarmament, Demobilization, Reintegration and Rehabilitation

Implementation of the Comprehensive Peace Agreement and consolidation of peace, security and the rule of law are contingent on successful completion of the disarmament, demobilization, reintegration and rehabilitation (DDRR) program. All other initiatives aimed at reconstruction and restoration of basic human rights are predicated on effective DDRR and this therefore has to be the priority.

Of particular concern is the large number of children associated with fighting forces, estimated to number up to 20,000. The RFTF sets a goal of completing disarmament and demobilization of 15,500 former child combatants by the end of 2005, all of whom will be either reunited with their families or placed in community-based care.

Amnesty International urges that priority be given to the DDRR of former child combatants, including addressing their particular social, psychological and material needs, in order to ensure early and effective reintegration into their families and communities. Special arrangements have been devised for the disarmament and demobilization of child and female combatants in the DDRR program, as summarized in the First Report of the UN Secretary-General on UNMIL.³ Amnesty International urges that sufficient resources – financial, material and human – are made available to ensure that these arrangements are fully and effectively implemented.

3.1 Refugees, returnees and internally displaced people

The entire population of Liberia, some 3.3 million people, has been affected by the protracted conflict. There are an estimated 500,000 internally displaced people and it is anticipated that up to 350,000 Liberian refugees will return to Liberia if peace prevails. In addition, there are some 73,000 third country nationals in Liberia. All these groups have been particularly vulnerable to human rights abuses; their rights must be protected and effective remedies assured.

Ambitious plans to facilitate the safe, voluntary and sustainable return of Liberian refugees and internally displaced people to their homes over the next two years will require a substantial and long-term injection of resources, including to the UN High Commissioner for Refugees and non-governmental organizations, if the results envisaged in the RFTF by the end of 2005 are to be achieved.

³ S/2003/1175, 15 December 2003, paragraphs 24 and 25

Moves to achieve these results, however, must not be allowed to prejudice the continuing right to seek asylum. Even if the rate and pace of voluntary returns were to be relatively high, this would not diminish the need for an objective analysis of the situation on the ground and the application of international human rights standards.

4.3 **The judiciary**

Judicial institutions throughout Liberia have almost completely collapsed 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.

One of the most pressing priorities in ensuring good governance, the rule of law and respect for human rights is therefore the rehabilitation and re-establishment of the judicial system – both physical infrastructure and personnel – and guaranteeing its independence. Training for judges, prosecutors and members of the bar must include training in human rights law.

Amnesty International urges that there be adequate and long-term commitment from the international community to ensure the creation of a professional, independent and credible judiciary.

4.4 **Police**

The Liberian National Police Force requires complete restructuring and training. Riddled with corruption, it has functioned more as an instrument of repression than an enforcer of law and order. As with the armed forces, police officials have been responsible for serious human rights violations.

Similarly, therefore, there must be an effective and fair screening program of potential recruits to the new “Liberian Police Service” to ensure that those alleged to be responsible for human rights violations are not absorbed into the new force. Amnesty International is encouraged that the RFTF includes scrupulous vetting of candidates. Comprehensive training of the police force must include international human rights standards in law enforcement.

4.7 **Human rights**

The inclusion of comprehensive and detailed provisions in the RFTF for the protection and promotion of human rights as Liberia emerges from a conflict characterized by gross human rights abuses is to be commended.

The International Reconstruction Conference, which will be attended by representatives of the parties which signed the Comprehensive Peace Agreement as well as those who brokered it, provides an important opportunity to condemn continuing attacks on the civilian population and to insist that its signatories fulfil their obligations under that agreement to respect international human rights and humanitarian law.

UNMIL must include a strong human rights component, as envisaged by Security Council Resolution 1509 (2003), with adequate resources and expertise and full political support, to protect and promote human rights, including by monitoring and regularly and publicly reporting on the human rights situation. Such a human rights component should also play a role in institution-building, as well as training in international human rights and humanitarian law for the UNMIL peace-keeping force. It should also assist the NTGL in implementation of its obligations under international treaties to which it is a party.

Amnesty International believes that durable peace in Liberia will not be achieved unless those responsible for crimes against humanity, war crimes and other serious violations of international law committed during the conflict are held accountable and justice is achieved for the victims of these crimes.

The RFTF specifies that national reconciliation will be fostered through the Truth and Reconciliation Commission provided by the Comprehensive Peace Agreement. Such a 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 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 end impunity.

The Comprehensive Peace Agreement included a proposal that the NTGL consider a general amnesty to all those engaged or involved in military activities during the conflict, and the Chairman of the NTGL, Gyude Bryant, has publicly stated that he would favour such an amnesty. International law prohibits amnesty for crimes such as genocide, crimes against humanity, war crimes and other serious violations of international law.

Amnesty International is urging that those participating in the International Reconstruction Conference, including the UN, insist that impunity for crimes under international law committed during Liberia's conflict must end and that there can be no amnesty for such crimes.

Amnesty International believes that the international community, including the UN, must develop, in consultation with Liberian civil society, a long-term strategy to address

impunity. As a first step, Amnesty International has recommended an international, independent investigation to establish accountability for these crimes and to recommend an appropriate court to try those alleged to be responsible.

Amnesty International welcomes plans for the speedy establishment of the Independent National Human Rights Commission, as provided by the Comprehensive Peace Agreement. This Commission must, however, be able to operate with complete independence, be accessible to all, and have adequate and sustained resources to fulfil its mandate.

Amnesty International also fully supports the proposals included in the RFTF 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 specifically address the human rights of women and girls.

In conclusion, Amnesty International hopes that those participating in the International Reconstruction Conference on Liberia will respond urgently and generously to the reconstruction of Liberia, in particular to those areas referred to above, which are essential if Liberia and the international community are to seize this opportunity to consolidate the peace process and forge a future founded on human rights.