

Liberia

The promises of peace for 21,000 child soldiers

“Children continue to be the main victims of conflicts. Their suffering takes many forms. Children are killed, made orphans, maimed, abducted, deprived of education and health care, and left with deep emotional scars and trauma. Forced to flee from their homes, refugees and internally displaced children are especially vulnerable to violence, recruitment, sexual exploitation, disease, malnutrition and death. Children are being recruited and used as child soldiers on a massive scale. Girls face additional risks, particularly sexual violence. These egregious violations of children’s rights take place in a pervasive climate of impunity.”¹

Unsteady steps towards peace

The children of Liberia have suffered to a devastating degree the deprivations enumerated by the United Nations (UN) Secretary-General, Kofi Annan, in his most recent report to the UN Security Council on children and armed conflict. One of the most urgent challenges as Liberia emerges – still only shakily – from protracted internal armed conflict is to respond adequately to the needs of the very large number of children under the age of 18 years who have had their young lives blighted by the violence and destruction which has racked Liberia almost continuously since late 1989. They have been denied their most fundamental rights, including their rights to family life, food, health and education.

The conflict in Liberia has been characterized by crimes against humanity, war crimes and other serious violations of international law. Prominent among those crimes has been the recruitment and use of tens of thousands of girls and boys as child soldiers.

An emergency report on Liberia issued by the Acting UN High Commissioner for Human Rights, Bertrand Ramcharan, on 8 August 2003, as the capital, Monrovia, was engulfed by violence and an unprecedented humanitarian disaster, stated that: *“One out of every 10 Liberian children may have been recruited into the war effort. Liberian children have suffered all kinds of atrocities, sexual violence, disruption of schooling and forced displacement”*.²

¹ Children and armed conflict, Report of the Secretary-General, UN Doc. A/58/546-S/2003/1053, 10 November 2003, para.24.

² Report of the United Nations High Commissioner for Human Rights and follow-up to the World Conference on Human Rights, Situation of human rights and fundamental freedoms in Liberia, UN Doc. E/CN.4/2004/5, 12 August 2003.

A Comprehensive Peace Agreement was signed by the former government of Liberia, both armed opposition groups, the Liberians United for Reconciliation and Democracy (LURD) and the Movement for Democracy in Liberia (MODEL), together with political parties, in Accra, Ghana, on 18 August 2003. On 19 September 2003 the UN Security Council decided in Resolution 1509 (2003) to deploy a large UN peace-keeping operation: the UN Mission in Liberia (UNMIL). It has a mandate, under Chapter VII of the UN Charter, to support implementation of the cease-fire and peace agreement, to protect civilians, to facilitate humanitarian assistance, to contribute to the protection and promotion of human rights, and to assist the restructuring and training of the Liberian security forces.³

These developments provided hope of finally ending a conflict which has devastated the country and the lives of its people. Many challenges remain, however.

Implementation of the peace agreement has started fitfully: civilians have continued to be killed, raped, beaten, used as forced labour and driven from their homes, their property looted; the cease-fire has been repeatedly violated and fighting has continued in some parts of the country; commitment to implementation of the peace agreement by some of its signatories has been questionable; the power-sharing transitional government is undermined by continuing political tensions both within and between the parties to the conflict; deployment of the full complement of 15,000 UN peace-keeping troops has been slow and has yet to reach all parts of the country; and the disarmament, demobilization, rehabilitation and reintegration (DDRR) process is only now beginning to get under way after being aborted almost as soon as it started in December 2003.⁴

The delay in deployment of peace-keeping troops throughout the country has prevented UNMIL from effectively implementing its mandate to protect civilians and also from moving ahead rapidly with disarmament and demobilization of combatants, including child soldiers.

There are an estimated 21,000 child soldiers in Liberia. While many left their commanders and units after the peace agreement and the deployment of UNMIL, an unknown number remained in areas either only recently or not yet reached by UNMIL forces.

As the National Transitional Government of Liberia (NTGL), which came to power on 14 October 2003, and the international community advance – albeit hindered by numerous obstacles – towards consolidating peace and rebuilding Liberia, priority must be given to the swift DDRR of these children. Their needs – health, social, psychological, educational and material – are specific and require a dedicated and sustained response.

³ UN Doc. S/RES/1509 (2003), 19 September 2003.

⁴ 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.

An urgent and adequate response to the plight of child soldiers is necessary not only to reinforce Liberia's peace process but also, in a conflict which has had wide ramifications on the peace and stability of neighbouring Côte d'Ivoire, Guinea and Sierra Leone, to contribute to ending years of insecurity and conflict in West Africa.



A child soldier with former government forces fires into the air in Monrovia in disturbances following the abortive start of DDDR in December 2003. ©AP

The imperative of effectively responding to Liberia's child soldiers has not gone unacknowledged by the international community. It was stressed repeatedly at the International Reconstruction Conference on Liberia which took place in New York on 5 and 6 February 2004 and is prominent in efforts by the UN Secretary-General and Security Council to tackle conflict and insecurity in West Africa. That recognition must, however, be backed by both immediate action and long-term commitments by the NTGL and the international community.

There have so far been few signs of political will on the part of the NTGL and the international community to bring to justice those responsible for the crimes against humanity, war crimes and other serious violations of international law which occurred during the conflict – including the recruitment and use of child soldiers.

The use of child soldiers in Liberia

Who is a child soldier?

The Cape Town Principles, as observed by the UN Children's Fund (UNICEF), define a child soldier as any person under 18 years who is part of any kind of regular or irregular armed force in any capacity, including but not limited to cooks, porters, messengers and anyone accompanying such groups, other than family members. The definition includes girls recruited for sexual purposes and for forced marriage. It does not, therefore, only refer to a child who is carrying or has carried arms.⁵ Application of this broad definition is important: possession of a weapon is not a prerequisite for a child soldier to benefit from the DDDR process.

The use of child soldiers – all sides responsible

The involvement of children in conflict has a devastating effect on their physical and mental integrity. There are higher casualty rates among children because of their inexperience, fearlessness and lack of training. Because of their size and agility, children may be sent on particularly hazardous assignments. Frequently ill-treated or even killed by their commanders, they have no protectors. Adult combatants who commit human rights abuses, including crimes against humanity and war crimes, involve children in those crimes. In addition to the inevitable risks of death or serious injury in combat, children suffer disproportionately from the general rigours of military life, especially in the bush, and are particularly vulnerable to disease and malnutrition. The full extent of the impact of the severe psychological consequences of active participation in hostilities, with children witnessing and at times also committing atrocities, may only become apparent over a long period.

Children in Liberia have been cynically used as child soldiers because they are perceived as cheap and expendable, and easier to condition into fearless killing and unquestioning obedience. It takes a matter of moments to abduct and forcibly recruit children; it takes years, however, for former child soldiers to be fully rehabilitated and reintegrated into their families and communities and able to resume their lives.

All parties to the Liberian conflict have abducted children, both girls and boys and some as young as seven years, and forced them to fight, carry ammunition, prepare food or carry out other tasks. Girls have been raped and forced to provide sexual services. Older girls have been actively engaged in fighting, while younger ones have provided domestic services as cooks or cleaners or carried arms and ammunition. Many child soldiers have been given drugs and alcohol to induce aggression and inhibit fear. With little or no military training, they have been

⁵ Cape Town Principles and Best Practices on the Recruitment of Children into the Armed Forces and on Demobilization and Social Reintegration of Child Soldiers in Africa (Cape Town, 27-30 April 1997), www.unicef.org/emerg/Cape_Town_Principles.pdf

sent directly to the front line where many have been killed or wounded. Those resisting recruitment or refusing to comply with their commanders' orders risked being beaten or killed.⁶

A 23-year-old woman, T.S., whom Amnesty International representatives met at Plumkor internally displaced people's camp, near Brewerville, Montserrado County, on 16 November 2003, described how she had been abducted from another internally displaced people's camp, Ricks Institute, by LURD forces in April 2003. She was taken to Bomi County, given a gun and, without any training, forced to fight. She described her own experience and that of other girls who had been abducted and forced to join the ranks of LURD forces.

"I captured other girls and brought them back to Bomi. They did it to me so I had the intention of paying back. I captured nine girls, beat them and tied them. I fought in Monrovia in June and July. Many of the girls died in the fighting. Some were captured and killed by government forces. During World War I, I lost six girls mainly because they were not familiar with the area and were captured by government soldiers. In World War II I lost two girls in 'face-to-face' fighting. Some of the girls were ordered to cook and carry food to the front line and were killed at that time. Girls from 11 years old were captured and were part of my group. Even the small girls fought. The youngest in the camp is now 13. Many of the girls were raped when they were captured but once I had my own girls, I wouldn't let it happen. The men didn't take the girls by force to rape them. They would have to ask me if there was a girl they liked and they wanted to take her. In many cases I agreed and the girls would go with them. I had 46 girls under my command."

In many cases, child soldiers themselves have been responsible for killings, torture, rape and other forms of sexual violence, looting – and abducting and forcibly recruiting other children.

Fighting forces of all sides have included a substantial percentage of children: of an estimated 53,000 combatants, 21,000 are believed to be children, that is, close to 40 per cent. This number also includes some 2,000 women.⁷

In the UN Secretary-General's report to the Security Council on children and armed conflict of 26 November 2002, the government of Liberia at that time and the LURD were

⁶ For further information, see *How to fight, how to kill*, published by Human Rights Watch in February 2004.

⁷ Liberia: National Transitional Government of Liberia, United Nations, World Bank: Joint Needs Assessment, February 2004, p.41. Estimates of the total number of combatants vary. These figures are to be reviewed during implementation of the DDDR program. www.un.org/Depts/dpko/missions/unmil/Needs_Assessment_for_Liberia.pdf

“named and shamed” as recruiting and using child soldiers.⁸ In his subsequent report on children and armed conflict of 10 November 2003, the MODEL was added.⁹ Far from registering a decline in the use of child soldiers in Liberia, the Secretary-General, in his report on ways to combat sub-regional and cross-border problems in West Africa of 12 March 2004, acknowledged that the practice had not stopped and that there was growing evidence that parties to conflicts elsewhere in West Africa had been engaged in it.¹⁰

The conflict in Liberia has forced vast numbers of civilians to flee their homes. During 2003 it was estimated that more than 500,000 were internally displaced and another 300,000 living as refugees in neighbouring countries. LURD forces abducted and recruited children from internally displaced people’s camps in Liberia, especially those in Montserrado County as they advanced towards Monrovia during 2003. They were also reported to have abducted children from refugee camps in Guinea. MODEL recruited children from refugee camps in Côte d’Ivoire and further swelled their ranks with children as they advanced towards Buchanan, Grand Bassa County, over which they took control on 26 July 2003.

A.K., now aged 15 years, described in December 2003 how he had joined the LURD two years earlier.

“I was in a refugee camp in Macenta [Guinea] when they came. They gave me a gun to fight for my country because Taylor was against Mandingo people.”



Children at an internally displaced people’s camp in Kakata, Margibi County, November 2003. ©AI

⁸ Report of the Secretary-General on children and armed conflict, UN Doc. S/2002/1299, 26 November 2002, Annex.

⁹ Children and armed conflict, Report of the Secretary-General, UN Doc. A/58/546-S/2003/1053, 10 November 2003, Annex 1.

¹⁰ Report of the Secretary-General on ways to combat subregional and cross-border problems in West Africa, UN Doc. S/2004/200, 12 March 2004, para.II(11)(18).

A young woman, M.M., described to Amnesty International representatives in November 2003 how she and her 11-year-old son were abducted by LURD forces from Cheesemanburg, Bomi County, in February 2003.

“I was selling doughnuts in the market on 4 February 2003 when I was captured by the LURD. My son was conscripted by LURD. I was taken to Bomi by LURD. I had a one-month-old baby who later died in Bomi. I had to do cooking and other chores for the fighters, including drawing water. LURD also captured other boys and girls and some died on the road. I am afraid to return to Bomi to get my son.”

A member of a non-governmental organization providing humanitarian assistance to areas controlled by the MODEL around Buchanan reported in December 2003 that there were many children among MODEL forces.

“Most of MODEL’s fighters are children. Even some commanders are young men. Those we talked to are tired of it all. Many simply want to go back to school.”

While children living in internally displaced people’s camps have been particularly vulnerable to forced recruitment, many children were also abducted from the street, market places, their homes or schools.

A 12-year-old boy, R.J., from Gbarnga, Bong County, described to Amnesty International representatives his abduction with other boys by former government forces in May 2002 and his involvement in the three successive attacks by LURD forces on Monrovia in June and July 2003, termed World Wars I, II and III by the inhabitants of Monrovia and Montserrado County.

“I was playing football outside with some other young boys. Government soldiers came and said rebels had reached Lofa bridge. Commander Fasou [phonetic] was in charge of the group and they picked up 24 young boys. We were tied and put in a truck and carried to Lofa highway. I was taught how to shoot an AK 47. I fired a gun but I am not sure if I hit anyone. Some of my friends went to fight; some were wounded and some died. I was a ‘Small Boys Unit’ deputy commander. I wasn’t beaten or ill-treated but soldiers harassed civilians, beat them and looted their things. The commander told the small boys not to do this but those behind the commander were doing it. During World War I, we came to Monrovia. While I was fighting, I saw my aunt, who was displaced, running. I asked where my mother was and she said that she had gone to Buchanan. I asked my commander for permission to take my aunt to the displaced camp. Then, I returned and fought in World War II. During World War III we ran out of ammunition. People were saying Charles Taylor should leave. We were not receiving any new supplies.”

I asked my commander if I could go to find my aunt and look for my mother. Then ECOMIL came and Taylor left. In September my commander let me go and I came with my aunt to 'Titanic'. We are suffering here with no toilet, no safe drinking water or a hand pump. I want to go back to school."



Bullet-riddled advertisement near Mesurado bridge, Monrovia. The bridge was the scene of particularly heavy fighting in June and July 2003. ©AI

Liberian women protesting against the worsening conflict in the early months of 2003 and calling for peace drew particular attention to the growing practice of forcible recruitment. Hundreds of women, including those from internally displaced people's camps, gathered in Monrovia in April 2003. They spoke of rampant forcible conscription of boys and young men. A woman representing internally displaced women described former government forces roaming the camps daily, forcibly recruiting boys and young men. She also spoke of random shooting by former government forces at the camps as boys and men tried to flee their abductors.

"Our sons and husbands were dragged out of their camps into unmarked vehicles and taken away to unknown destinations".

The widespread practice of forcible recruitment during early 2003 prompted condemnation by the European Union (EU) and the United States (US) on 16 April 2003. In a joint declaration by the EU Presidency, the EU and the US deplored the practice of forced recruitment of refugees and other civilians to fuel the conflicts in both Liberia and Côte d'Ivoire: *"Forced recruitment of refugees and other civilians compromises the neutrality, non-combatant status and security of entire communities of refugees and civilians. While many of the recruits may be young men, girls and women also find themselves pressed into servitude. We also note*

particularly and deplore both forced and voluntary recruitment of children into the conflict".¹¹ The EU and the US condemned these practices and called on all parties involved to cease them.

In the months following UNMIL's deployment on 1 October 2003, assessment missions carried out by UNMIL and humanitarian agencies, including into areas of the country until recently inaccessible, revealed large numbers of injured people, mostly children, which was consistent with the widespread use of child soldiers.

During the escalation of the conflict, especially in Monrovia in June and July 2003, there was a marked increase in forcible recruitment of children by all sides. Addressing the UN Security Council on 20 January 2004 as it considered the Secretary-General's most recent report on children and armed conflict, the Executive Director of UNICEF, Carol Bellamy, referred to the humanitarian crisis in Monrovia in 2003 as an example of where efforts to draw international attention to the outrages perpetrated against children had fallen far short of what was required.



Amnesty International representative interviewing internally displaced people in Kakata, Margibi County, November 2003. ©AI

An Amnesty International delegation which visited Liberia in November 2003 met many former child soldiers, both girls and boys, who recounted their ordeals. Former child soldiers at Plumkor internally displaced people's camp were being assisted by a small Liberian non-governmental organization which provided counselling, helped them to come to terms with what had happened to them, and prepared them for the DDRR process. The organization had successfully united children associated both with former government and LURD forces. One former child soldier, addressing a large group, paid tribute to the organization and described the state of mind of his companions.

"Many children are traumatized, with nothing in their minds and no skills... We regret what has happened and promise never to go back to soldiering."

¹¹ Joint Declaration by the Presidency on behalf of the European Union and the United States on the humanitarian situation, especially the practice of forced recruitment, in Liberia, 14 April 2003.

The same organization was assisting former child soldiers at a half-completed, now derelict Ministry of Health building, near the centre of Monrovia, dubbed the “Titanic”, which housed in deplorable conditions some 400 former government militia and others associated with them.

J.K., a boy aged 14 years, from Bong County, was captured by former government forces in June 2003. An Amnesty International representative spoke to him at the “Titanic” on 16 November 2003.

“I was working on the farm and heard that soldiers were coming, so my father told me to hide. But I was caught. The soldiers tied me and beat me and took me to a barracks in Lofa County. There were many small boys in Lofa, more than the adults. Many were killed by bullets and rockets. They gave me an arm and told me how to use it... I used an AK 47; the adults used RPGs and other bigger weapons. I fired the gun but am not sure if I killed people. On the road enemy soldiers came and I tried to run away but a rocket hit my leg. Four people were wounded and some others died in the attack. Government soldiers came and took me to Phebe hospital. After a week and two days an ambulance from JFK hospital came to pick me up. At JFK they amputated my leg. The soldiers gave me a little money while I was in hospital so I paid my way to come to ‘Titanic’ from JFK. I want to go to school and start a small business.”



Children at the “Titanic” unofficial internally displaced people’s camp in Monrovia, November 2003. ©AI

There were a large number of children at the “Titanic”. Girls and boys, some as young as eight years, described how they had been abducted from their schools or villages and forced to fight, carry ammunition or cook food. The majority of girls and women had been raped after they were abducted and forcibly recruited and while serving with former government militia. They remained at risk of further sexual violence in the insecure, cramped and poorly lit conditions of the camp.

Sexual violence against girls

Rape and other forms of sexual violence have become endemic in Liberia. Most of the girls and women 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 young girls were assigned to a particular combatant to provide sexual and other services.



Internally displaced people in Sagleipie, Nimba County, December 2003. ©AI

While prevalent throughout Liberia’s conflict, the incidence of rape and other forms of sexual violence increased dramatically during 2003, particularly during the LURD advances on Monrovia in June and July 2003. Girls were seized from their families, raped and subjected to sexual slavery by former government forces and militia and LURD forces. Girls and women in internally displaced people’s camps in Montserrado County were particularly vulnerable to abduction and rape, although the incidence of rape by government militia in Monrovia also increased.

While visiting Liberia in November 2003, Amnesty International representatives spoke to many girls and women who had been subjected to rape and other forms of sexual violence. Often, however, it was difficult for them to recount their experiences. A large number still suffered from physical and psychological trauma as a result of their ordeal.

B.D., aged 18 years, from Bomi County, was captured by LURD forces in February 2003 and forced to become the “wife” of a LURD combatant. When Amnesty International representatives met her, she had a two-month-old baby boy.

“I was captured on 4 February 2003 in Cheesemanburg market where I was selling fish. The LURD fighters were shooting between themselves and one 21-year-old boy came to take me from the market to be his ‘wife’. I was forced to join him to save my life. I didn’t receive any training but I was

given a gun to fight. I fought in February, March and April, before World War I. By World War I my stomach was getting big so I fled to Monrovia. My 'husband' was fighting. I ran to Seighbeh camp. People pointed at me and said that I was a fighter. I was with other boy and girl fighters. I came to the camp [Plumkor] but fighting broke out again and LURD said that we should go to our villages. I went home and had my baby. There was no medical treatment in the village so I returned to the camp. People still point us out. My 'husband' was still in Monrovia and when he came to the camp they beat him severely and he ran away and hid. He came back and we were thrown out of the house because we were fighters. Now we don't have anything. I want to go back to school and have some training, like tie-dye."

At the "Titanic" several adolescent girls recounted how they had been abducted from Ganta, Nimba County, by former government militia in March 2003; they had all been raped, including E.B., aged 14 years.

"I was coming from church on Sunday morning. They abducted five girls coming from church. They took us to the front line. We had to cook and carry ammunition in the bush. They treated us bad; if I didn't go with them, they would kill me...They brought me to Monrovia and left me here. I want to go to school. I want to go back to Nimba to my people."

Another 14-year-old girl, Y.D., was also abducted from Ganta in March 2003 by former government militia.

"I was going to school in Ganta when they captured me. I had to carry ammunition through the bush to the front line. I was treated badly. I had to steal to get food but if you were caught you were beaten and put in the sun. When we slept, the men came over and took off our underwear and abused us. Several men abused us. I want to go back home and go to school and do petty trading."

The UN Development Programme (UNDP), together with Liberian non-governmental organizations grouped within the National Human Rights Center of Liberia, has begun to document the extent of sexual violence during the conflict and to identify the health, psychological and social consequences. An initial assessment of findings in early March 2004 indicated that some 40 per cent of the civilian population had suffered some form of sexual abuse, such as rape, including gang-rape and rape of children, the insertion of foreign objects, and being stripped and put on public display.¹²

¹² Although predominantly directed against girls and women, findings indicated that boys and men had also been subjected to sexual violence.

*“We have young girls who have been infected with AIDS. We have women who became pregnant and have been ostracized by their families and their communities.”*¹³

Commitments made in the Comprehensive Peace Agreement

The Comprehensive Peace Agreement contained commitments by all parties to promote “full respect for international humanitarian law and human rights”.¹⁴

Specifically, it stated in Article IX that all political prisoners and prisoners of war, including non-combatants and those abducted, should be released immediately and unconditionally. All children who had been abducted by former government, LURD and MODEL forces and either forced to fight or perform other tasks such as carrying looted goods, harvesting crops or cooking, as well as girls forced to become sexual partners, should therefore have been immediately allowed to leave their captors. This has, however, yet to become a reality for a large number of children.

Some child soldiers, particularly those active in and around Monrovia, were subsequently allowed to leave their commanders and units or simply fled. While some have found and returned to their families, others have made their way to internally displaced people’s camps or remain on the streets. Many, however, have remained in the ranks of former government, LURD and MODEL forces.

Commitments made by the LURD leadership in a statement on 30 June 2003 to release child soldiers and end recruitment and use of children appeared to have made little difference in practice: “*Military commanders are herein strictly instructed to release/discharge any military personnel under the age of eighteen...Commanders and/or recruiting officers suspected of recruiting child soldiers thus abusing the rights of the child shall be dealt with accordingly*”. Similarly, the Minister of National Defense in the NTGL and a representative of the former government, Daniel Chea, was reported to have said in September 2003: “*We have no child soldiers – except in one or two cases where local commanders have received young volunteers eager to defend their country. We have a strict policy against using child soldiers and we follow it*”.

The peace agreement, in Article XXXI, identified particularly vulnerable groups or victims who had been severely affected by the conflict. These included children, women, the elderly and the disabled. It specified that the NTGL would give particular attention to the issue of child soldiers by addressing their special demobilization and reintegration needs. It was recognized that this would require assistance from the international community and, in

¹³ Awa Dabo, UNDP Human Rights and Protection Officer, UNDP press release, 2 March 2004.

¹⁴ 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.

particular, cooperation with the office of the Special Representative of the UN Secretary-General for Children and Armed Conflict, UNICEF and other relevant agencies.

Convention on the Rights of the Child – fulfilling commitments

Liberia ratified the UN Convention on the Rights of the Child in 1993. During the subsequent decade, however, Liberian children have been denied their most fundamental rights.

On 17 May 2004 the UN Committee on the Rights of the Child begins its thirty-sixth session during which it will consider Liberia's initial report on the measures taken to implement its obligations under the Convention.¹⁵ This report, which was due in 1995, was adopted by the Liberian authorities in 2000 and subsequently submitted to the Committee.¹⁶ The situation in Liberia subsequently evolved considerably, not least resurgence and escalation of conflict with grave consequences for rights of children.

At its Pre-sessional Working Group in February 2004, the Committee provided a preliminary list of major issues to be addressed during dialogue with the NTGL, including, specifically, child soldiers and their rehabilitation.¹⁷ In addition, a number of areas where additional information was sought from the NTGL were identified: DDRR of child soldiers, the medical and psychological care of children who had been victims of the conflict; and family reunification or alternative care for children who had lost or become separated from their parents.

The Committee's consideration of Liberia's report offers an important opportunity to highlight the plight of Liberia's children and to consider ways of strengthening implementation of the rights enshrined in the Convention. Review of the report will lead to the adoption of the Committee's concluding observations which usually identify positive aspects, factors impeding implementation, principal areas of concern and recommendations. The concluding observations provide an opportunity to urge the NTGL to undertake concrete measures to improve the situation of children in Liberia and, at the same time, to encourage the international community to support the NTGL's efforts to meet its commitments. The report of the UN Secretary-General on children and armed conflict of 10 November 2003 specifically recommends that the Committee use the occasion of country reports and reviews to promote monitoring and accountability.¹⁸

¹⁵ The thirty-sixth session of the Committee on the Rights of the Child takes place from 17 May until 4 June 2004.

¹⁶ Initial reports of States parties due in 1995: Liberia, UN Doc. CRC/C/28/Add.21, 22 September 2003.

¹⁷ List of issues to be taken up in connection with the consideration of the initial report of Liberia (CRC/C/65/Add.24), UN Doc. CRC/C/Q/LIB/1, 13 February 2004.

¹⁸ Children and armed conflict, Report of the Secretary-General, UN Doc. A/58/546-S/2003/1053, 10 November 2003, para.97.

The NTGL's responsibility to end the use of child soldiers

Under the Convention on the Rights of the Child, the NTGL is legally obliged not to recruit and use children under the age of 15 years as combatants. In theory, there is no conscription in Liberia. The minimum age of voluntary recruitment is 16 years; this has, however, not been enforced in practice.

An important element of post-conflict reconstruction in Liberia is a new, professional, well-trained army. The peace agreement stated explicitly that all irregular forces would be disbanded and that the Armed Forces of Liberia (AFL) would be reformed with a new command structure.¹⁹ Assistance is requested from the international community, including the UN, the African Union, the Economic Community of West African States (ECOWAS) and the International Contact Group on Liberia.²⁰ Such assistance would include the provision of advisers, equipment, logistics and training. It specifically requests the US to take a lead in restructuring the armed forces. A Military Advisory Commission was to be established in early 2004, with the new, restructured armed forces deployed by the end of December 2005.

This offers an important opportunity for concrete measures by the NTGL to ensure that no child under the age of 18 is recruited by the armed forces. Liberia should ratify without delay the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict which raises the age for participation in hostilities to 18 years, and enact legislation making 18 years the minimum age for military recruitment.

Those countries providing assistance and training for the new armed forces should ensure that recruits do not include any child under the age of 18 years.

Disarmament, demobilization, rehabilitation and reintegration

Implementation of the peace agreement and consolidation of peace, security and the rule of law in Liberia are contingent on successful completion of the DDRR program. All other initiatives aimed at post-conflict reconstruction and restoration of basic human rights, including those of children, are predicated on effective DDRR.

The importance of completely disarming fighters and destroying weapons was made repeatedly to Amnesty International representatives in November 2003, including by internally

¹⁹ Comprehensive Peace Agreement, Article VII.

²⁰ The International Contact Group on Liberia was formed in September 2002 and held its first working session on 19 December 2002 in Dakar, Senegal. It comprises representatives of the UN, the EU, the African Union, ECOWAS, France, Morocco, Nigeria, Senegal, United Kingdom and US. It is coordinated by ECOWAS and meets regularly in Monrovia.

displaced people from Sanoyie, Bong County, where villages continued to be attacked and looted by former government forces: *“If the arms are not taken from them, this place will not be in peace”*.

Continued delays in disarmament and demobilization, and provision of the financial incentive that it offers former combatants, have aggravated a still precarious security situation. In March 2004 MODEL combatants in Tapeta, Nimba County, threatened harassment of international humanitarian agencies in the area in protest at the delays. Similarly, former government forces fired their weapons at night near Maimu internally displaced people’s camp in Totota, Bong County, and threatened to loot the camp if disarmament and demobilization were further postponed. In early April 2004 LURD combatants, also angered by the delay in disarmament and demobilization, were reported to have harassed civilians and stolen money and property at unofficial checkpoints on the road between Totota and Gbarnga.

The role of UNMIL

A critical role of UNMIL in fulfilling its mandate to support implementation of the peace process is overseeing an effective DDRR program. Responsibility for the DDRR program must be assumed at the highest political level within the office of the Special Representative of the UN Secretary-General for Liberia, Jacques Paul Klein, who heads UNMIL.

The start of the DDRR process has been fraught with difficulties. While officially beginning on 1 December 2003, it was quickly aborted as it emerged that facilities available at the cantonment site at Scheffelin, to the east of Monrovia, were inadequate to cope with the numbers of former government forces presenting themselves for disarmament and demobilization. They were also angered that the full disarmament and demobilization allowance of US\$300 was not to be paid immediately but in instalments. This resulted in rioting in Monrovia on 7 and 8 December 2003 which left about 12 people dead.

Although expected to recommence on 20 January 2004, further delays in the arrival of the full complement of UNMIL forces, their deployment at key locations throughout the country and the construction of cantonment sites resulted in further postponement, with UNMIL unwilling to specify a date for resumption. It was recognized that a sensitization program was needed before disarmament and demobilization were pursued further and the three parties to the conflict were requested to submit names of combatants to UNMIL.

By April 2004, however, UNMIL troops had gradually expanded across the country, with the exception of parts of Lofa and Nimba Counties, and were expected to soon reach the maximum strength of 15,000 troops. Construction had commenced on cantonment sites in Monrovia, Tubmanburg, Gbarnga and Buchanan and disarmament and demobilization were tentatively scheduled to begin at these sites in mid-April 2004. This represented, however, only four of an anticipated 10 cantonment sites.

It is important that UNMIL has sufficient time to establish and equip cantonment sites and, more particularly, for child protection agencies to be able to set up interim care centres for children. All disarmament and demobilization camps must have adequate facilities including food, water and sanitation, medical and age-screening facilities. In all cases, the specific protection needs of children, including girls, must be addressed. Given the very large number of children who are expected to benefit from the DDRR process, it must be ensured that child protection agencies have adequate resources.

Resolution 1509 (2003) recognized that particular attention needed to be paid to the needs of child soldiers and women. In his report to the UN Security Council on Liberia of 11 September 2003, which anticipated the establishment of UNMIL, the Secretary-General stressed that the rights, protection and well-being of children should remain a priority throughout UNMIL's peace-keeping and peace-building activities.²¹ He specified that there should be two child protection advisers to assist the Special Representative of the Secretary-General for Liberia in advocating against the recruitment and use of child soldiers and seeking the cooperation of parties to the conflict in the DDRR of child soldiers.

Meeting the needs of child soldiers

“Disarmament, demobilization and reintegration for child soldiers should be open to all children associated with fighting forces, including victims of sexual violence, slavery and other forms of exploitation, as well as those currently in refugee and internment camps.”²²

A comprehensive DDRR program has been elaborated by a number of UN agencies and others which includes specific arrangements for the DDRR of children.²³ Its implementation is to be coordinated by a National Commission for Disarmament, Demobilization, Rehabilitation and Reintegration (NCDDRR), as provided for by Article VI of the peace agreement.²⁴

The previous disarmament and demobilization process which took place in Liberia in the late 1990s was seriously deficient in returning former child soldiers to their families and communities. While up to 20,000 child soldiers were estimated to be involved in the conflict

²¹ Report of the Secretary-General to the Security Council on Liberia, UN Doc. S/2003/875, 11 September 2003, para.83.

²² Report of the Secretary-General on ways to combat subregional and cross-border problems in West Africa, UN Doc. S/2004/200, 12 March 2004, para.II(7)(14).

²³ The DDRR program was elaborated by UNMIL, UNDP, UNICEF, UN Office for the Coordination of Humanitarian Affairs, UN High Commissioner for Refugees (UNHCR), World Health Organization, UN Development Fund for Women (UNIFEM), World Food Program, US Agency for International Development, the World Bank and an international non-governmental organization, World Vision.

²⁴ 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.

which ended in 1997, little more than 4,000 were reported to have been fully disarmed, demobilized and reintegrated into their communities. As a result, with the resumption of hostilities, rapid re-mobilization of children was possible because many were to some degree still under the control of local commanders.

Specific objectives of the DDRR program for children include: access to health care, education, skills training; family-tracing and reunification; increased awareness and improved capacity of families and communities to protect children; and enhanced capacity of non-governmental organizations and agencies to address the immediate and longer-term needs of former child soldiers. A tracking system to monitor former child soldiers during and after reintegration has been devised by child protection agencies. The NCDDRR, together with UNMIL, must ensure that these provisions are met fully.

While a child soldier is defined as under 18 years, it is important that the DDRR process also incorporates former child soldiers who may have recently reached the age of 18. This was specifically recommended by the UN Secretary-General in his report on ways to combat sub-regional and cross border problems in West Africa: *“Some of the key programmes available to children in the disarmament, demobilization and reintegration process, particularly psychosocial counselling, family reunification, and educational opportunities, should also be made available to young adults who were recently child soldiers”*.²⁵

UNICEF and child protection agencies are working to provide interim care centres for demobilized children. These are designed to support rapid disarmament and demobilization and to separate children from their adult commanders. They also provide: documentation for family tracing; medical care and psycho-social counselling, including specialized counselling for victims of sexual violence; clear explanation of benefits for realistic expectation; and education, skills training, games and recreation.

It is estimated that, in order to cater for all demobilized children, at least four interim care centres will be needed for each cantonment site, totalling some 40 interim care centres. Sufficient funding needs to be obtained to ensure the establishment and effective operation of interim care centres. The layout of cantonment sites must take into account the special needs of women and children. Some concerns have been expressed by child protection agencies that the current construction of cantonment sites does not adequately segregate facilities for women and children.²⁶

Former child soldiers are to be separated as quickly as possible after registration at cantonment sites. No distinction will be made between child soldiers fighting with former government, LURD or MODEL forces and disarmament and demobilization will be irrespective of whether the child holds a weapon or not.

²⁵ Report of the Secretary-General on ways to combat subregional and cross-border problems in West Africa, UN Doc. S/2004/200, 12 March 2004, para.II(7)(14).

²⁶ Save the Children UK Emergency Statement: Liberia, 6 April 2004, www.savethechildren.org.uk

They will then be transferred to an interim care centre where their health, psychological and social needs are addressed. Family reunification together with efforts to promote access to education and skills training opportunities are at the centre of the social and economic reintegration of former child soldiers. UNICEF aims to ensure that at least 60 per cent of all demobilized children have opportunities for formal primary and secondary education or non-formal education such as accelerated learning, vocational skills training, apprenticeships and life-skills training. UNICEF also expects that 65 per cent of demobilized children will be reunified with their parents or other family members through tracing and reunification services. Children whose families cannot be traced will require alternative care arrangements such as foster and group care, which will include provision of support to the families and communities taking in the children.



Family tracing centre at Perry's Town internally displaced people's camp, Brewerville, Montserrat County, November 2003. ©AI

The specific needs of girls

“Special attention has to be paid to the needs of girls, who have often been overlooked in assistance programs and disadvantaged by social stigma.”²⁷

Successful DDRR of girls presents particular challenges. Often, fighting forces do not disclose the presence of child soldiers, especially girls, within their ranks, thus preventing them from

²⁷ Report of the Secretary-General on ways to combat subregional and cross-border problems in West Africa, UN Doc. S/2004/200, 12 March 2004, para.II(7)(14).

benefiting from the DDRR process. Generally, it is more difficult to persuade fighting forces to release girls and reintegration is more difficult. Many struggle with the psychological, physical and social consequences of sexual and other forms of physical abuse, forced “marriage”, pregnancy and childbirth and may be stigmatized because of their association with fighting forces.

Previous experience of DDRR in Liberia demonstrated the difficulties of ensuring full participation of girls in the DDRR process. A study undertaken by Save the Children showed that, while it was estimated that the number of girls involved in conflict from 1989 to 1997 could have been as high as 5,000, hardly any girls were demobilized. Girls faced greater barriers to participating in the official DDRR process and greater difficulties related to family reunification and were more vulnerable to exclusion and prostitution.²⁸

It is therefore essential that explicit provision is made for the needs of girls, young mothers and their children in the DDRR process. Counselling, education and training aimed at rehabilitation and reintegration of girls should take into consideration the differences in experiences of girls, as compared to boys. Because of the high rates of sexual violence in Liberia, reintegration programs must include measures to prevent sexual violence.

Specific attention needs to be given to: opportunities at cantonment sites for abducted girls and women, and/or sexual partners of male combatants, to register independently; medical care, including treatment for physical and psychological injuries as a result of sexual abuse; and initiatives to promote family reunification as well as economic independence in order to reduce the likelihood of prostitution.

The DDRR program elaborated for Liberia recognizes the difficulties facing girls and women. Separate camps or areas within cantonment sites are to be provided. Assistance and support will be given using a network of women’s organizations with expertise in counselling victims of sexual violence, reproductive health and psycho-social support. Access to health care, basic education, skills training and personal development counselling are to be provided to all demobilized girls and women.

Access to education is key for the successful rehabilitation and reintegration of former child soldiers, both girls and boys, and reducing the risk of re-mobilization. In Liberia, however, the gender-based differential among children enrolled in schools is enormous, with girls greatly disadvantaged. Gender-based violence and sexual exploitation have exacerbated this differential; fewer girls enrol in school and more drop out of school.²⁹

²⁸ *When children affected by war go home. Lessons learned from Liberia*, Save the Children Fund, 2003, www.savethechildren.org.uk

²⁹ Liberia: National Transitional Government of Liberia, United Nations, World Bank: Joint Needs Assessment, February 2004, p.53, www.un.org/Depts/dpko/missions/unmil/Needs_Assessment_for_Liberia.pdf

In addition to the severe psychological trauma resulting from sexual violence, many of the girls abducted, raped and forced to become the sexual partners of combatants have contracted sexually transmitted diseases, including HIV/AIDS. In November 2003, some clinics in Monrovia reported that all female patients tested positive for at least one sexually transmitted disease: most had been raped by either former government militia or LURD forces.³⁰ Treatment is needed for sexually transmitted diseases such as gonorrhoea, chlamydia and syphilis. A number of national and international non-governmental organizations, including Médecins Sans Frontières (MSF), the International Rescue Committee and Save the Children, are providing medical and psycho-social care.³¹

Amnesty International welcomes the appointment of an adviser on gender issues within UNMIL and hopes that this post will enjoy sufficient authority and resources to ensure that responses to the specific issues relating to girls and women, including in the DDDR program, are informed, coordinated and supported.

Ensuring adequate resources for DDDR of children

Article VI of the peace agreement calls for prompt and efficient implementation of a national process of cantonment and DDDR of all combatants: former government forces, the LURD and the MODEL, as well as para-military groups and other militia.

The International Reconstruction Conference on Liberia

On 5 and 6 February 2004 an International Reconstruction Conference, co-sponsored by the UN, the World Bank and the US, took place in New York. It brought together the NTGL and international community to address the enormous task of successfully consolidating the peace process and embarking on an ambitious two-year plan of post-conflict reconstruction.

The importance of responding to the needs of Liberia's child soldiers was highlighted by participants, including the UN Secretary-General: *"If you do not disarm and reintegrate them into society, if you do not give them prospects for making a decent living, if you do not help recovery and reconstruction, you're not really going to be able to succeed"*. The US Secretary of State Colin Powell added: *"These boys and girls have known more horrors in their young lives than anyone, let alone a child, should ever have to endure... We must help these children. If we help these deeply traumatized children to live in hope, then there is hope for all of Liberia"*.

³⁰ *Liberia: Major effort needed to address gender-based violence*, Refugees International, 19 January 2004, www.refintl.org

³¹ *Liberia: Enough is enough – International Women's Day 2004*, published by MSF on 5 March 2004, www.msf.org

Deliberations at the conference were based on a Results-Focused Transition Framework (RFTF) for 2004-2005.³² The RFTF demonstrated a comprehensive, coherent and coordinated approach to post-conflict reconstruction in Liberia by the international community, including the UN, the NTGL, the EU and international financial institutions such as the World Bank.

The conference offered a unique opportunity to press for post-conflict reconstruction to be based on good governance, the rule of law and respect for human rights. Amnesty International urged participants not only to endorse and support those elements of the RFTF which concern the protection and promotion of human rights, but also to ensure that adequate funds were made available at an early date to achieve the results envisaged.³³ This included the DDRR of child soldiers, and, in particular addressing their social, psychological, educational and material needs, in order to ensure early and effective reintegration into their families and communities.



A mural subtitled “keeping children from war”, Monrovia, November 2003. ©AI

According to the RFTF, all child soldiers will be disarmed and demobilized during 2004. During this year, it is aimed to reunify 10,500 child soldiers with their families through

³² 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

³³ 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.

family-tracing programs or place them in community-based care, with reunification of the remaining 10,500 completed by the end of 2005.

Pledges totalling US\$522 million for post-conflict reconstruction and humanitarian assistance over two years were made at the conference. This figure exceeded the estimated US\$487.7 million required to achieve the priorities identified in the RFTF.³⁴ Some major donors made pledges for 2004 only, indicating that further funds might be made available for 2005. Other forms of assistance were also offered including training, technical assistance and reduction of Liberia's large external debt.

By early March 2004, pledges amounting to US\$11.3 million had been made to the UNDP Trust Fund for DDDR, US\$8 million of which had been received. It was expected that these funds would be depleted by the end of June 2004. Additional resources are therefore urgently needed to fund the DDDR process.³⁵

Sustainability and long-term commitment

While immediate disarmament and demobilization of child soldiers remains a priority, the needs of child soldiers and their families and communities do not end there. Post-conflict reconstruction is a long-term process taking many years. Rehabilitation and reintegration are the most complex and important part of the DDDR process and require adequate planning, effective management and sustained resources.

A crucial element is returning children to school. In Resolution 1539 (2004) on the protection of children in armed conflict the UN Security Council called upon all states and the UN system to “*recognize the important role of education in conflict areas in halting and preventing recruitment and re-recruitment of children*”.³⁶

Children must be given the prospect of an education or some vocational training and of eventually earning a living. Limited opportunities for Liberia's children have forced them into hazardous and exploitative means of survival such as prostitution, theft and drug-dealing. Education is also a vital means of breaking links with commanders in fighting forces, of helping children to protect themselves, and is invariably the priority for the children themselves. Almost all the children to whom Amnesty International representatives spoke in November 2003 said that they wanted to go to school. Many had received little or no education before being recruited as child soldiers.

³⁴ The RFTF was complementary to the UN Consolidated Inter-Agency Appeal for Liberia, which requested US\$179.1 million for humanitarian activities during 2004 and which remains under-funded.

³⁵ Second Progress Report of the Secretary-General on the United Nations Mission in Liberia, UN Doc. S/2004/229, 22 March 2004, para.24.

³⁶ UN Doc. S/RES/1539 (2004), 22 April 2004.

Liberia's education system has been among the weakest in sub-Saharan Africa for more than 20 years: more than half of Liberian children do not go to school. Hundreds of schools were damaged or destroyed by fighting, or occupied by civilians fleeing the violence. According to UNICEF, all schools had closed by early 2003.

In October 2003 UNICEF, with support from other UN agencies, UNMIL, the NTGL and non-governmental organizations, launched an intensive, emergency "back to school" program aimed at getting 750,000 children – including thousands of former child soldiers – back to school. Before the launch of the program, UNICEF urged former government, LURD and MODEL forces to release child soldiers from their ranks. By mid-March 2004, several thousand teachers had been trained, a teachers' guide had been published and around 7,600 "school-in-a-box" kits had been distributed providing school supplies to some 577,000 children.³⁷

The RFTF considered at the International Reconstruction Conference included specific objectives to provide universal access to quality education. These included: rehabilitating primary and secondary schools in need; improving access to quality basic education; and defining and implementing a new policy in education.

In his report on ways to combat sub-regional and cross-border problems in West Africa, including child soldiers, the UN Secretary-General recommended that UN agencies devise a concerted strategy to educate children about the harmful effects of becoming fighters at a young age, even if most combatants become fighters against their will. This would involve an attempt to break the culture of youth violence by using role models, including well-known singers, soccer players and actors who have played cinema action heroes. Former fighters should also be invited to schools to recount their regret at having wasted their formative years.³⁸

In January 2004, as part of UNICEF's efforts to assist former child soldiers and other children affected by the conflict, including its campaign to return children to school, George Weah, world-famous Liberian football player and UNICEF goodwill ambassador, visited Liberia to help focus international attention on the plight of children. During his stay, he visited interim care centres, met former child soldiers and hundreds of other children. One of those he met, A.B., now aged nine years, described how he had become separated from his parents in Lofa County after an attack on his village in late 1999. He followed LURD combatants simply in order to survive and, aged seven years, was given a gun.

"To hold guns is not good for children. You cannot sleep good, you cannot eat good food...Now I see that I will have a good future by going to school."

³⁷ Second Progress Report of the Secretary-General on the United Nations Mission in Liberia, UN Doc. S/2004/229, 22 March 2004, para.47.

³⁸ Report of the Secretary-General on ways to combat subregional and cross-border problems in West Africa, UN Doc. S/2004/200, 12 March 2004, para.II(10)(17).

George Weah subsequently made a plea at the International Reconstruction Conference for support for UNICEF's "back to school" program.

*"The kids want to be in school. Today they sit on the floor with no benches, but they don't even care about the benches, they just want to educate themselves. They are willing to go to school, but we need the facilities for them to go to school and UNICEF is doing very well in helping us in that capacity."*³⁹



UNICEF goodwill ambassador George Weah plays football with children associated with fighting forces, January 2004. © UNICEF/HQ04-0032/Christine Nesbitt

A regional approach to ending the use of child soldiers

The conflict in Liberia is not simply an "internal" armed conflict; it has acquired a regional dimension involving, in particular, Côte d'Ivoire, Guinea and Sierra Leone. Arms and fighters have crossed back and forth across the borders between the four countries. Peace in Liberia is essential for maintaining peace in West Africa; conversely, any increase in hostilities across Liberia's borders could undermine efforts to maintain peace in Liberia.

³⁹ www.unicef.org/infobycountry/liberia

The UN has recognized that in order to restore peace and security to West Africa, there has to be a coordinated approach across the region, with harmonization of UN efforts, including those of UN peace-keeping operations: UNMIL, the UN Mission in Sierra Leone (UNAMSIL) and the UN Mission in Côte d'Ivoire (MINUCI). UNMIL and the NTGL have continued to explore ways of addressing the regional dimensions of Liberia's conflict.

In his report on ways to combat sub-regional and cross-border problems in West Africa, the UN Secretary-General specifically addresses the increasing use and proliferation of child soldiers and small arms.⁴⁰ The report recognizes that peace processes in West Africa during the 1990s were undermined by incomplete DDR of combatants, including child soldiers. This jeopardized successful implementation of peace agreements and increased the chances of a return to violence.

Following debate of these issues on 25 March 2004, the UN Security Council stressed the importance of a regional approach in the preparation and implementation of DDR programs. It invited UNMIL, UNAMSIL and MINUCI, the governments concerned, appropriate financial institutions, international development agencies and donor countries to work together to harmonize individual country DDR programs within a regional strategy and "to pay special attention to the specific needs of children in armed conflict".⁴¹

In Resolution 1539 (2004) on the protection of children in armed conflict, the Security Council expressed its intention to "take appropriate measures, in particular while considering subregional and cross-border activities, to curb linkages between illicit trade in natural and other resources, illicit trafficking in small arms and light weapons, cross-border abduction and recruitment, and armed conflict, which can prolong armed conflict and intensify its impact on children."⁴²

Arming the children

The proliferation of small arms in West Africa has contributed not only to continuing conflict and repeated failure of successive peace agreements in the region, but has also encouraged and facilitated the recruitment and use of child soldiers, as well as other serious human rights abuses against the civilian population. The widespread availability of modern lightweight weapons enables even the youngest child to use weapons efficiently.

The UN Security Council has imposed – and repeatedly renewed – sanctions on Liberia which prohibit all sales or supply of arms and related *matériel* to any recipient in Liberia,

⁴⁰ Report of the Secretary-General on ways to combat subregional and cross-border problems in West Africa, UN Doc. S/2004/200, 12 March 2004.

⁴¹ Statement by the President of the Security Council, UN Doc. S/PRST/2004/7, 25 March 2004.

⁴² UN Doc. S/RES/1539 (2004), 22 April 2004.

including the MODEL and the LURD, most recently in Resolution 1521 (2003) adopted on 22 December 2003.⁴³

Consecutive reports of the Panel of Experts on Liberia, established to monitor compliance with the sanctions, provide ample evidence that military assistance has continued to reach Liberia.⁴⁴ It is widely acknowledged that the LURD has received military assistance from the government of Guinea, and that MODEL has received similar assistance from the government of Côte d'Ivoire.⁴⁵



LURD child soldiers, Monrovia, July 2003. ©Martin Adler/Panos Pictures

Although security is slowly returning to Liberia, Amnesty International believes that there should be no premature lifting of sanctions prohibiting the supply of arms, ammunition and other military support to Liberia. The political climate is still uncertain and DDRR is in its early stages. Throughout Liberia's conflict, the provision of arms, ammunition, combatants and

⁴³ UN Doc. S/RES/1521 (2003), 22 December 2003.

⁴⁴ Report of the Panel of Experts appointed pursuant to paragraph 25 of Security Council resolution 1478 (2003), concerning Liberia, UN Doc. S/2003/937, 28 October 2003, Report of the Panel of Experts appointed pursuant to paragraph 4 of Security Council resolution 1458 (2003), concerning Liberia, UN Doc. S/2003/498, 24 April 2003, Report of the Panel of Experts appointed pursuant to Security Council resolution 1408 (2002) paragraph 16, concerning Liberia, UN Doc. S/2002/1115, 25 October 2002.

⁴⁵ See, for example, *Weapons Sanctions, Military Supplies, and Human Suffering: Illegal Arms Flows to Liberia and the June-July 2003 Shelling of Monrovia*, published by Human Rights Watch on 3 November 2003, www.hrw.org

training has directly contributed to the gross human rights abuses perpetrated against Liberian civilians.

The UN Security Council, while considering ways to combat sub-regional and cross-border issues, including child soldiers, in West Africa on 25 March 2003, urged: “*all States, in particular those in the region and those with a capacity to export arms, to ensure that arms embargoes are fully implemented in the sub-region*”.⁴⁶ This applies to the sanctions against Liberia specified in Resolution 1521 (2003), as well as the ECOWAS Moratorium on the Importation, Exportation and Manufacture of Small Arms and Light Weapons which was signed in Abuja, Nigeria, on 31 October 1998 by ECOWAS heads of state and government. In his report on ways to combat sub-regional and cross-border problems in West Africa, the Secretary-General noted obstacles preventing effective implementation of the moratorium, including continuing conflicts which create extra demand, violations of the moratorium, lack of political will, weaknesses in national security institutions and lack of financial resources. He specifically recommended that ECOWAS member states consider, before the expiry of the current moratorium in 2004, the adoption of a legally binding instrument.⁴⁷

A violation of children’s rights and a war crime

The recruitment and use of children under the age of 15 as combatants is prohibited by both international human rights law and international humanitarian law (the laws of war). The gravity and extent of the practice has been recognized by the international community, including the UN Secretary-General and Security Council, and recommendations have been made to bring it to an end.

Security Council Resolution 1460 (2003) of 30 January 2003 on the protection of children in armed conflict supported the Secretary-General’s call for “an era of application” of international norms and standards for the protection of children affected by armed conflict.⁴⁸ In its subsequent resolution on this issue, Resolution 1539 (2004), the Security Council requested the UN Secretary-General to devise, preferably within three months, an action plan for a systematic and comprehensive monitoring mechanism in order to provide timely, objective, accurate and reliable information on the recruitment and use of child soldiers for consideration in taking appropriate action against the parties concerned. It also called on the parties named in the annex of the Secretary-General’s report of 10 November 2003 – which includes former Liberian government forces, the LURD and the MODEL – to prepare within three months

⁴⁶ Statement by the President of the Security Council, UN Doc. S/PRST/2004/7, 25 March 2004.

⁴⁷ Report of the Secretary-General on ways to combat subregional and cross-border problems in West Africa, UN Doc. S/2004/200, 12 March 2004, para.II(5)(12).

⁴⁸ UN Doc. S/RES/1460 (2003), 30 January 2003. See also Report of the Secretary-General on children and armed conflict, UN Doc. S/2002/1299, 26 November 2002.

concrete, time-bound plans to halt the recruitment and use of children, in close collaboration with UN peace-keeping operations and country teams.⁴⁹

All parties to the conflict in Liberia – former government forces, the LURD and the MODEL – are bound by the provisions of Article 3, common to all four Geneva Conventions of 1949, to which Liberia is a party. Under common Article 3, the fundamental rules for the protection of those taking no active part in hostilities, which each party to the conflict is “*bound to apply, as a minimum*”, apply to “*armed conflict not of an international character*” (internal armed conflict). People who take no active part or who have ceased to take an active part in hostilities must be treated humanely in all circumstances.

In addition, Additional Protocol II to the Geneva Conventions relating to the protection of victims of non-international armed conflicts specifies that: “*Children who have not attained the age of fifteen years shall neither be recruited in the armed forces or groups nor allowed to take part in hostilities*”.⁵⁰

The Rome Statute of the International Criminal Court, which came into effect in July 2002, provides jurisdiction to the International Criminal Court to prosecute those charged with genocide, crimes against humanity, war crimes and other serious violations of international law. Included in the list of war crimes is “*conscripting or enlisting children under fifteen into national armed forces or using them to participate actively in hostilities*” and, in the case of an internal armed conflict, “*conscripting or enlisting children under the age of fifteen years into armed forces or groups or using them to participate actively in hostilities*”.⁵¹

The previous Liberian legislature, which subsequently ceded authority to the National Transitional Legislative Assembly (NTLA), was



A former child soldier at an internally displaced people’s camp near Monrovia, November 2003. ©AI

⁴⁹ UN Doc. S/RES/1539 (2004), 22 April 2004.

⁵⁰ Article 4(3)(c) Additional Protocol II of 8 June 1997 relating to the Protection of Victims of Non-International Conflicts, to which Liberia acceded in 1988.

⁵¹ Rome Statute of the International Criminal Court, Article 8(2)(b)(xxvi) and Article 8(2)(e)(vii).

reported to have ratified the Rome Statute and other international human rights treaties on 8 October 2003 shortly before the NTGL came to power but, as of April 2004, the instruments of ratification had yet to be deposited with the UN.⁵²

The UN Convention on the Rights of the Child states that: “*States Parties shall take all reasonable measures to ensure that persons who have not attained the age of fifteen years do not take a direct part in hostilities*”, adding that: “*States parties shall refrain from recruiting any person who has not attained the age of fifteen years into their armed forces*”.⁵³ The Convention also obliges states parties to take “*all appropriate measures to promote physical and psychological recovery and social reintegration of a child victim of: any form of neglect, exploitation, or abuse; torture or any other form of cruel, inhuman or degrading treatment or punishment; or armed conflicts*”.⁵⁴

Amnesty International believes that voluntary or compulsory recruitment or participation in hostilities, whether by the government or armed opposition groups, ultimately jeopardize the physical and mental integrity of anyone below the age of 18 years. It therefore actively opposes the voluntary or compulsory recruitment, as well as participation in hostilities, of children below 18 years by governments and armed opposition groups.

A major achievement in preventing the use of children in armed conflict is the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict which raises the age for participation in hostilities, for both government armed forces and armed political groups, from 15 to 18 years. It was adopted by the UN General Assembly on 25 May 2000 and entered into force on 12 February 2002. It has, however, yet to be either signed or ratified by Liberia.

The International Labour Organization (ILO) Convention 182 on the Worst Forms of Child Labour, ratified by Liberia on 2 June 2003, also prohibits “*forced or compulsory recruitment of children for use in armed conflict*”. The term “child” applies to all those under the age of 18 years. The African Charter on the Rights and Welfare of the Child, which also defines a child as a person under 18, specifically prohibits the recruitment and use of children in both international and internal armed conflicts. Article 22(2) requires states parties to “*take all necessary measures to ensure that no child shall take a direct part in hostilities and refrain in particular from recruiting any child*”. Liberia has signed but not yet ratified the African Charter on the Rights and Welfare of the Child. By signing, however, Liberia is bound to ensure that its actions are consistent and compatible with the objects and purposes of the treaty.

⁵² The International Covenant on Civil and Political Rights and its First Optional Protocol, and the International Covenant on Economic, Social and Cultural Rights were also reported to have been ratified on 8 October 2003. Liberia signed the Rome Statute of the International Criminal Court in 1998.

⁵³ Convention on the Rights of the Child, Article 38(2) and Article 38(3).

⁵⁴ Convention on the Rights of the Child, Article 39.

Many of the children who have been abducted and forcibly recruited in Liberia have also been victims of deliberate and arbitrary killings, beatings and other forms of torture or ill-treatment, and forced labour. Girls have been raped and forced into sexual slavery. These abuses constitute the most serious violations of international humanitarian law, notably the Geneva Conventions.⁵⁵

Ending the “pervasive climate of impunity”

Those responsible for crimes against humanity, war crimes and other serious violations of international law, including the recruitment and use of child soldiers, must be brought to justice, in accordance with internationally recognized fair trial standards. Although recruitment and use of children under 15 years violates both international human rights and humanitarian law, no one in Liberia has yet been brought to justice for these crimes.

In Resolution 1539 (2004), the UN Security Council recalled “*the responsibilities of States to end impunity and to prosecute those responsible for genocide, crimes against humanity, war crimes and other egregious crimes perpetrated against children*”.⁵⁶ The Security Council should, however, go further and insist that those responsible for these crimes, including the recruitment and use of child soldiers, be brought to justice.

Prosecution of those recruiting and using children as combatants has been rare. In his most recent report on children and armed conflict, the UN Secretary-General emphasized the importance of the establishment of the International Criminal Court both as a deterrent and also for the prospect of actual prosecution, recommending that: “*Specific steps should now be taken to ensure that persons responsible for crimes against children will be among the first to be prosecuted by the ICC*”.⁵⁷

The Special Court for Sierra Leone – a major step forward

An important precedent has been set by the Special Court for Sierra Leone, the first international court to indict people for the crime of recruiting – forcibly or otherwise – children under the age of 15 years and using them to participate actively in hostilities. The Special Court was established by the Sierra Leone government and the UN by an agreement signed on 16 January 2002. This followed a decision by the UN Security Council in August 2000 to establish

⁵⁵ Children are also protected from ill-treatment and torture by the International Covenant on Civil and Political Rights, where instruments of ratification have yet to be deposited by Liberia with the UN, and the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment which Liberia has yet to ratify. The provisions of the African Charter on Human and Peoples’ Rights, which Liberia has ratified, also apply.

⁵⁶ UN Doc. S/RES/1539 (2004), 22 April 2004.

⁵⁷ Children and armed conflict, Report of the Secretary-General, 10 November 2003, UN Doc. A/58/546-S/2003/1053, para.105(i).

such a court.⁵⁸ The Special Court has a mandate to try those who bear the greatest responsibility for crimes against humanity, war crimes and other serious violations of international law during Sierra Leone's internal armed conflict after 30 November 1996.

By April 2004, 11 people associated with all three of the country's former parties to the conflict – the armed opposition Revolutionary United Front (RUF) and the Armed Forces Revolutionary Council (AFRC), as well as the Civil Defence Forces, which fought for the government against the RUF and AFRC – had been indicted by the Special Court.⁵⁹ The charges against them include murder, rape, extermination, acts of terror, enslavement, looting and burning, sexual slavery, attacks on UN peacekeepers and humanitarian workers, and conscription of children into an armed force. Trials are expected to begin in May or June 2004.

The Statute of the Special Court specifically includes, in Article 4(c), as a serious violation of international humanitarian law: “*conscripting or enlisting children under the age of 15 years into armed forces or groups or using them to participate actively in hostilities*”. All those indicted so far by the Special Court are accused of having “*routinely conscripted, enlisted and/or used boys and girls under the age of 15 to participate in active hostilities*”. Also indicted by the Special Court is former Liberian president Charles Taylor who is accused of supporting the RUF in order to destabilize Sierra Leone and gain access to its mineral wealth, notably diamonds. The indictment against Charles Taylor also specifically includes responsibility for conscripting or enlisting children under the age of 15 years into armed forces or groups or using them to participate actively in hostilities. Despite his indictment, Charles Taylor left Liberia for Nigeria on 11 August 2003 with implicit guarantees from the Nigerian government that he would be neither prosecuted in Nigeria nor surrendered to the Special Court. Amnesty International has protested strongly to the Nigerian government that it is violating its obligations under international law.⁶⁰

It was estimated that more than 10,000 children under the age of 18 years, both girls and boys, had been used as child soldiers in Sierra Leone.⁶¹ With estimates of at least twice that number, the extent of the recruitment and use of child soldiers in Liberia far exceeds that experienced in Sierra Leone. It remains unclear, however, how and when those responsible for

⁵⁸ UN Doc. S/RES/1315 (2000), 14 August 2000.

⁵⁹ Indictments against two other people – former RUF leader Foday Sankoh who died in July 2003 and former RUF commander Sam Bockarie who was killed in Liberia in May 2003 – were withdrawn in December 2003. For further information, see www.sc-sl.org

⁶⁰ 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. Amnesty International also raised this issue before the African Commission on Human and Peoples' Rights in November 2003.

⁶¹ For further information, see *Sierra Leone: Childhood – a casualty of conflict* (AI Index: AFR 51/069/2000), published by Amnesty International on 31 August 2000.

recruiting and using child soldiers or other war crimes against children, such as rape of girls and sexual slavery, will be held to account.

In his emergency report on the worsening human rights crisis in Liberia in August 2003, the Acting UN High Commissioner for Human Rights stressed the importance of ending impunity for these crimes.

*“This culture of impunity cannot be allowed to stand. We owe it to the people of Liberia to provide them with the same remedies now available to victims of similar crimes in other countries”.*⁶²

Justice for the Liberian people

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, including the recruitment and use of child soldiers, are held accountable and justice is achieved for the victims of these crimes.

This has been borne out by statements by the UN Secretary-General, for example, on 11 March 2003, at the inauguration of judges for the International Criminal Court.

*“There are times when we are told that justice must be set aside in the interests of peace. It is true that justice can only be dispensed when the peaceful order of society is secure. But we have come to understand that the reverse is also true: without justice, there can be no lasting peace”.*⁶³

When publicly briefing the Security Council on 16 September 2003, shortly before the Security Council adopted Resolution 1509 (2003) establishing UNMIL, the Special Representative of the Secretary-General for Liberia said that: *“An essential part of the healing and rebuilding process is the bringing to justice of those who have committed violations of international law. Without justice, there can be no healing. Without justice, those who believe that they can act with impunity will be tempted to do so again. Without justice, Liberia cannot bring to closure this dark past and look to a brighter future”.*

The peace agreement included a proposal that the NTGL consider a general amnesty to all those engaged or involved in military activities during the conflict: Article XXXIV states that: *“The NTGL shall give consideration to a recommendation for general amnesty to all*

⁶² Report of the United Nations High Commissioner for Human Rights and follow-up to the World Conference on Human Rights, Situation of human rights and fundamental freedoms in Liberia, UN Doc. E/CN.4/2004/5, 12 August 2003, para.28.

⁶³ International Criminal Court judges embody ‘our collective conscience’ says Secretary-General to inaugural meeting in The Hague, Press Release, UN Doc. SG/SM/8628, L/3027, 11 March 2003.

persons and parties engaged or involved in military activities during the Liberian civil conflict that is the subject of this Agreement”.

The Transitional Chairman of the NTGL, Gyude Bryant, has publicly stated that he would favour such an amnesty. In meetings with Amnesty International representatives in New York in September 2003 and in Monrovia in November 2003, the Special Representative of the Secretary-General for Liberia gave reassurances that he had made clear to the Transitional Chairman that such an amnesty cannot apply to crimes under international law.

International law prohibits amnesty for crimes such as genocide, crimes against humanity, war crimes and other serious violations of international law.⁶⁴ Such amnesties deny the right of victims to justice and are inconsistent with the duty to bring to justice those responsible for such violations, as recognized in the Preamble to the Rome Statute of the International Criminal Court.⁶⁵ Amnesty International has consistently opposed, without exception, amnesties, pardons and similar measures of impunity that prevent the emergence of truth, a final judicial determination of guilt or innocence and full reparations to victims and their families.

The NTGL should make it clear that it will abide by its international obligations and encourage an atmosphere in which Liberian civil society can openly discuss the issue of impunity and explore ways in which it can be most effectively and appropriately addressed. In this it should receive political and practical support and advice from the international community, including through its representatives in UNMIL, the Office of the UN High Commissioner for Human Rights and other relevant UN agencies.

At the International Reconstruction Conference, the UN Secretary-General gave commitments on behalf of the international community that it would assist the people of Liberia in pursuing justice.

“The United Nations is strongly committed to working closely with all Liberians to establish the rule of law, to build an independent judiciary, to

⁶⁴ 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.

⁶⁵ The states parties to the Rome Statute affirm “*that the most serious crimes of concern to the international community as a whole must not go unpunished and that their effective prosecution must be ensured by taking measures at the national level and by enhancing international cooperation*”, determine *to put an end to impunity for the perpetrators of these crimes and thus to contribute to the prevention of such crimes*” and recall “*that it is the duty of every State to exercise its criminal jurisdiction over those responsible for international crimes*”. Rome Statute of the International Criminal Court, Preamble, paras 4 to 6.

promote transparency, and to pursue justice for the crimes and abuses that have been committed.”⁶⁶



Seven-year-old girl at an internally displaced people’s camp in Sagleipie, Nimba County, November 2003. ©AI

The RFTF, considered at the International Reconstruction Conference, specifies that national reconciliation will be fostered through the Truth and Reconciliation Commission provided for by the peace agreement. Article XIII of the 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*”.

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 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 to end impunity.

Despite the peace agreement, stability and security in Liberia remain fragile. Fighting has continued in parts of the country and deployment of the full complement of UNMIL forces was only expected to be achieved in April 2004. The NTGL includes representatives of the parties to the conflict whose forces have perpetrated human rights abuses, including the recruitment and use of child soldiers, committed both before and after the peace agreement. While the NTGL has stated that those committing crimes after the peace agreement would be held accountable, there has been a muted response to calls for addressing impunity for crimes

⁶⁶ UN strongly committed to working with Liberians to establish rule of law, promote transparency, pursue justice, Secretary-General tells Reconstruction Conference, Press release, UN Doc. SG/SM/9150, AFR/828/DEV/2462, 6 February 2004.

committed before 18 August 2003. On 5 March 2004 the Transitional Chairman was reported to have ruled out the establishment of any special court to try crimes against humanity and war crimes before the mandate of the NTGL ends in January 2006 when an elected president and government will take power.

Such a climate does not readily encourage open and frank debate by civil society groups of the need to end impunity. Reticence is unsurprising, although there have been some outspoken proponents of the need to hold to account perpetrators of crimes under international law during the conflict. Without exception, Liberian civilians and non-governmental organizations whom Amnesty International representatives met in Liberia in November 2003, including lawyers, women's groups, human rights groups and members of the NTLA, spoke in no uncertain terms of the need to bring to justice those responsible for crimes against humanity, war crimes and other serious violations of international law. They included a prominent member of civil society who spoke to Amnesty International representatives on 17 November 2003.

“Impunity must be addressed now. The main thrust of Charles Taylor’s time in power was impunity – this has to come to an end.”

A Transitional Justice Working Group, comprising a number of non-governmental organizations including the National Human Rights Center of Liberia, the Catholic Justice and Peace Commission and the Association of Female Lawyers of Liberia, has been formed to encourage and inform debate on issues relating to transitional justice in Liberia, including the need to bring to justice the perpetrators of serious crimes under international law.

Amnesty International believes that the international community, including the UN, must develop, in close 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 propose an appropriate court to try those alleged to have been responsible.

Amnesty International has also 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*”.⁶⁷

The human rights component of UNMIL, together with other UN agencies and non-governmental organizations, has begun to document serious violations of international human rights and humanitarian law committed during the conflict, including information on

⁶⁷ Report of the Secretary-General to the Security Council on Liberia, UN Doc. S/2003/875, 11 September 2003, para.64.

perpetrators, victims and witnesses. A central database has 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”.⁶⁸

This monitoring and documentation should expose the extent of human rights abuses against children, including their use as child soldiers, and those responsible for these crimes.

Accountability and the best interest of the child

Child soldiers in Liberia have been responsible for gross human rights abuses, including killings, torture, rape and other forms of sexual violence, as well as the abduction and forcible recruitment of other children.

Some of the children whom Amnesty International representatives met in November 2003 openly acknowledged that they had committed human rights abuses.

P.K., now 13 years old, from Zorzor, Lofa County, was first captured by former government forces in 2002. Amnesty International representatives spoke to him at the “Titanic”.

“Government soldiers came and forced me and my father to join them. My father refused so they cut his throat. They beat me and tied me and forced me to join the fighters. First, I carried ammunition but then they gave me a gun and said that I should join the ‘Small Boys Unit’. There were more than 10 small boys with me but there were 50 adults. I was sometimes beaten for misbehaving. While I was fighting, the LURD captured me in Lofa. They tied me and cut my foot to mark me in case I ran away. I had to fight with the LURD but while I was fighting I saw a friend with the soldiers so I ran back to the government side. I went to Gbarnga and fought in a village behind Gbatala. My commander brought captured LURD fighters and told me to kill them. I tied them and cut their throats or shot them. I killed more than seven people. I came to Monrovia with my commander during World War I. Then I heard that ECOMIL were disarming people. My commander took my weapon and I came to this camp. My mother is still in the village. I want to go home and do business selling goods.”

In a situation where crimes have been committed by children who have been terrorized and brutalized into submission, complex questions of criminal responsibility are raised.⁶⁹ While recognizing the need for justice and accountability, former child soldiers must be treated in

⁶⁸ First Report of the Secretary-General on the United Nations Mission in Liberia, 15 December 2003, UN Doc. S/2003/1175.

⁶⁹ For further information, see *Child soldiers: criminals or victims* (AI Index: IOR 50/002/2000), published by Amnesty International in December 2000.

accordance with the principles of juvenile justice. These place the best interest of the child as a priority, recognize the special factors and needs of childhood, and place an emphasis on rehabilitation and reintegration rather than punishment. In conformity with the Convention on the Rights of the Child, arrest, detention or imprisonment of a child must be in accordance with the law and shall only be used as a measure of last resort and for the shortest appropriate period of time. Any child who is detained should be held separately from adults, unless it is in the child's interests to remain with a particular adult, for example, a parent.

Child soldiers will not be brought to trial before the International Criminal Court, as the Statute bars it from exercising jurisdiction over any person who was under 18 years at the time the crime was committed.⁷⁰ The Prosecutor of the Special Court for Sierra Leone, David Crane, has stated specifically that children will not be prosecuted by the Special Court, despite the fact that its statute would allow prosecution of a child aged from 15 to 18 years. Speaking to Sierra Leonean school children on 1 November 2002, in Kabala, Koinadugu District, Northern Province, where many children had been abducted and forcibly recruited by the armed opposition, he said: "*The children of Sierra Leone have suffered enough both as victims and perpetrators. I am not interested in prosecuting children. I want to prosecute the people who forced thousands of children to commit unspeakable crimes*".

This position reflected that previously taken by the Coalition to Stop the Use of Child Soldiers shortly after the inception of the Special Court in August 2000.⁷¹ The Coalition had urged the Special Court to give priority to the prosecution of those who had recruited children as combatants, rather than the children themselves: "*There is no doubt that children have participated in some of the most brutal acts in Sierra Leone. However, many of these children were forced to commit atrocities under threat of death, and often given drugs and alcohol to desensitize them to violence. The focus of prosecution should be those who recruited and used the children.*"⁷²

This position was also echoed by UNICEF goodwill ambassador George Weah in February 2004 while attending the International Reconstruction Conference.

"You know they are very young – these former child soldiers – and they talk about going back to the community and they hope that people will accept them. What happened to them is not their fault and I don't think that they

⁷⁰"The Court shall have no jurisdiction over any person who was under the age of 18 at the time of the alleged commission of a crime", Rome Statute of the International Criminal Court, Article 26.

⁷¹ The Coalition to Stop the Use of Child Soldiers was established in May 1998. It brings together national, regional and international organizations and networks in Africa, Asia, Europe, Latin America and the Middle East. Its founding organizations were Amnesty International, Defence for Children International, Human Rights Watch, International Federation Terre des Hommes, International Save the Children Alliance, Jesuit Refugee Service, the Quaker United Nations Office-Geneva and World Vision International.

⁷² *Sierra Leone: Special Court should prosecute child recruiters* (AI Index: AFR 51/078/2000), Joint Statement: Coalition to Stop the Use of Child Soldiers, 5 October 2000.

*should be blamed for their actions. We need to condemn those who put them into the situation of war.*⁷³

A 10-year-old boy, E.G., from Bong County, who had been recruited by former government forces, described to Amnesty International representatives in November 2003 how he had been caught up in the conflict.

“I don’t know where my parents are; I am with my aunt. I was in my village when armed men came. They tied my mother and my father and put them in the sun. I got angry and decided to join the fighters. I fought for one year with government forces. I was shown how to fire a gun and how to take cover. There were more than 20 small boys with me, from seven to 20. There were more adults than children. I used to beat people, tie people and kill people. I fought in Lofa. After that Commander Benjamin Yeaten brought me to Monrovia. I want to go back to school and learn a trade.”

As the issue of ending impunity for the crimes against humanity, war crimes and other violations of international law committed during Liberia’s conflict is pursued, lessons should be learnt from other international and internationalized courts. Precedent should be drawn from the provisions of the Rome Statute of the International Criminal Court and its Rules of Procedure and Evidence in relation to crimes against children and child perpetrators.⁷⁴ Experience in Sierra Leone, where the Special Court has operated alongside Sierra Leone’s Truth and Reconciliation Commission, should also be drawn upon. Child protection advisers within UNAMSIL, together with UNICEF, have developed expertise and devised guidelines for addressing the sensitive issues surrounding the involvement of children in these two transitional justice mechanisms.

Amnesty International’s recommendations

Amnesty International is urging that the NTGL, leaders of parties to the conflict and the international community implement swiftly and effectively the following recommendations in order to end the recruitment and use of child soldiers in Liberia and to meet the particular needs of former child soldiers.

⁷³ www.unicef.org/infobycountry/liberia

⁷⁴ The Prosecutor of the International Criminal Court has announced that he is conducting a preliminary examination of crimes in Ituri, Democratic Republic of the Congo, and is taking steps towards an investigation of crimes in northern Uganda; both situations involve widespread recruitment and use of child soldiers.

Recommendations to the NTGL:

- the recruitment and use of children under the age of 18 years as combatants should be publicly condemned and the highest priority given to the immediate disarmament and demobilization of all child soldiers;
- the NCDDRR should ensure that every effort is made by all relevant actors to encourage the DDDR of children;
- the NCDDRR must ensure that the specific provisions made in the DDDR program for former child soldiers, including those for girls and victims of sexual violence, are fully implemented;
- priority should be given to rehabilitating schools, improving access to basic education and encouraging vocational training and higher education;
- the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict should be ratified without delay; in addition, the African Charter on the Rights and Welfare of the Child, already signed, should be ratified;
- no child under the age of 18 years should be recruited into the new armed forces; legislation making 18 years the minimum age for military recruitment should be enacted and strictly enforced;
- effective measures should be taken to implement recommendations of the UN Committee on the Rights of the Child, anticipated after the Committee's thirty-sixth session, including by identifying priorities relating to child soldiers and defining strategies to implement those priorities;
- national laws and international and regional treaties on the promotion and protection of the rights of the child should be implemented and enforced;
- the NTGL should rule out the possibility of any amnesty for crimes against humanity, war crimes and other serious violations of international law, and work with civil society and the international community to bring those alleged to be responsible for these crimes to justice.

Recommendations to leading representatives of former government forces, the LURD and MODEL:

- the recruitment and use of children under the age of 18 years should be publicly condemned and commanders instructed to release without delay all children associated in any way with their forces;

- 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 from the DDRR process; specifically, child soldiers should be assisted to reach cantonment sites and present themselves for disarmament and demobilization.

Recommendations to UNMIL:

- there should be full involvement of relevant UN and non-governmental child protection agencies in all stages of the DDRR process;
- UNMIL child protection and gender advisers should play a prominent role in ensuring that programs to address the specific needs of children, including girls, in the DDRR process are effectively coordinated and implemented;
- adequate security measures must be put into place at cantonment sites and interim care centres in order to ensure the protection of vulnerable groups such as women and children;
- all troops participating in UNMIL should be fully trained in international human rights and humanitarian law, including in children's and women's rights, and also in relation to the specific needs of child soldiers;
- the UNMIL human rights component, together with other UN agencies and Liberian non-governmental organizations, should continue to investigate and document human rights abuses committed during Liberia's conflict, with a view to eventual prosecution of those responsible.

Recommendations to the international community, including the UN Security Council and donor countries:

- commitments made at the International Reconstruction Conference on Liberia in February 2004 should be met fully and speedily, including sufficient funds to finance the DDRR program in the immediate, medium and long term;
- in particular, sufficient funds should be dedicated to the DDRR of child soldiers from the UNDP Trust Fund for DDRR;
- priority should be given to rehabilitating schools, improving access to basic education and encouraging vocational training and higher education;

- there should be effective coordination between UNMIL, UNAMSIL and MINUCI to detect and deter the movement of child soldiers within West Africa and to develop a regional approach to DDDR;
- the ban on the sale or supply of arms and related *matériel* to any recipient in Liberia should be maintained and enforced, with the exception of that intended solely for support or use by UNMIL, and all governments should take all necessary measures to enforce this ban;
- all governments should take all necessary measures to comply with UN Security Council Resolution 1521 (2003) of 22 December 2003, as well as to implement the ECOWAS Moratorium on the Importation, Exportation and Manufacture of Small Arms and Light Weapons;
- the international community, including the UN Secretary-General and Security Council, should state categorically that there can be no amnesty for crimes against humanity, war crimes and other serious violations of international law, and add that, if any effect is given to the recommendation in the Comprehensive Peace Agreement for considering an amnesty, it cannot apply to crimes under international law;
- those responsible for grave breaches of international human rights and humanitarian law during Liberia's conflict, including the recruitment and use of children as combatants, should be brought to justice;
- sufficient resources should be provided to UNMIL, other UN agencies and Liberian non-governmental organizations to continue investigation and documentation of crimes under international law, including against children, committed during the conflict, in order to facilitate eventual prosecution.