

LIBERIA



No impunity for rape – a crime against humanity and a war crime

PEACE REQUIRES JUSTICE FOR LIBERIAN WOMEN AND GIRLS

“I deplore the fact that sexual and gender-based violence continue to be used as a weapon of war in African conflicts... Every effort must be made to halt this odious practice, and bring the perpetrators to justice.”¹

Kofi Annan, United Nations Secretary-General, 6 July 2004

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

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

Among the most serious crimes were rape and other forms of sexual violence against women and girls. There can be no impunity for these crimes and the perpetrators must be brought to justice.

Failure to address impunity for these crimes in the past not only resulted in continuing human rights abuses but also prolonged the conflict. Durable peace will not be achieved in Liberia unless those responsible for crimes under international law are held criminally responsible, truth is established and victims obtain full reparations. In addition, adequate and sustained assistance must be provided to the women and girls who have suffered sexual violence. Effective measures must also be taken to prevent a recurrence of these crimes.

¹ *Africa cannot develop unless women exercise real power, says Secretary-General in message to Addis Ababa session, Press Release, UN Doc. SG/SM/9408, AFR/991, 6 July 2004.*

The challenges facing Liberia in consolidating the peace process, rebuilding a devastated country and overcoming an almost total erosion of the most fundamental human rights – including those of women and girls – remain daunting and will require commitment from the National Transitional Government of Liberia (NTGL) and the international community over a long period of time.²

While Liberian women have suffered so greatly during the conflict and are entitled to full redress for the crimes committed against them, they are also vital to the reconstruction of Liberia which is based on good governance, the rule of law and respect for human rights – including their own.

THE NATURE AND SCALE OF SEXUAL VIOLENCE DURING THE ARMED CONFLICT

"War has always dealt cruelly with women, but the nature of violent conflict in the world has changed in the past decades in ways that are taking an even greater toll on women and children."³

Carol Bellamy, Executive Director of UNICEF, 25 November 2004

Widespread, as well as systematic, rape

Rape and other forms of sexual violence have become endemic in Liberia. While it is impossible to establish with any degree of accuracy the exact numbers of women and girls – of all ages – who have been affected by sexual violence, it has been pervasive throughout the conflict.

Sexual violence, however, increased dramatically from the beginning of 2003, as fighting worsened and spread to previously unaffected parts of the country. Deliberate attacks on the civilian population, including in the capital, Monrovia, intensified as LURD forces advanced. Among those bearing the brunt of the fighting were hundreds of thousands of internally displaced people and refugees from neighbouring Sierra Leone in camps in Montserrado County which were overrun in turn by forces of the former government and LURD.

Women and girls were seized, raped, abducted, forcibly recruited to fight and subjected to sexual slavery. The fighting during three successive attacks by LURD forces on Monrovia in June and July 2003, when more than a thousand people died and many more were injured, was also characterized by widespread rape and other forms of sexual violence. The inhabitants of Monrovia and Montserrado County dubbed these attacks "World Wars I, II and III".

² For further information on the implementation of the peace agreement during the subsequent year, see Amnesty International, *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), 11 December 2003, and Amnesty International, *Liberia: One year after Accra – immense human rights challenges remain* (AI Index: AFR 34/012/2004), 18 August 2004.

³ *Women in armed conflict at extreme risk of sexual violence. Impunity for rape and sexual violence must end immediately.* Press Release, UNICEF, 25 November 2004.

A.B., a Sierra Leonean refugee, had fled to Liberia in 1991 when the internal armed conflict in Sierra Leone began. She was in the refugee camp known as VOA in Montserrado County when both former government and LURD forces attacked the camp in June 2003.

"In World War I, when LURD entered the camp, there was fierce fighting between the rebels and government forces. People were trying to run away and things were taken by LURD. When they retreated and government soldiers returned, it was worse – they caused mayhem. They killed and raped many people, including old people. I experienced the same thing [rape] which has given me pain in the system which is still there. Everyone ran to Mamba Point [Monrovia], thinking that it would be safe. I was with my husband in Greystones [compound] during World War II and World War III. My husband was killed in a rocket attack; 30 pieces of shrapnel went into his body. My son was also badly injured in the attack."

In early August 2003, as casualties among civilians in Monrovia rose inexorably and the capital faced an unprecedented humanitarian crisis, the Acting United Nations (UN) High Commissioner for Human Rights, Bertrand Ramcharan, issued an emergency report. He singled out for particular mention the rape of women and girls: *"The widespread nature of this crime, the involvement of senior military officials and the impunity which perpetrators enjoy suggest that rape is used as a weapon of war to instil terror among the civilian population"*.⁴

Several reasons explain the difficulty in establishing with any accuracy the scale of sexual violence perpetrated by combatants during the conflict. In addition to the reluctance of many women and girls to recount their experiences, because of shame and stigma associated with rape, prolonged insecurity in many parts of the country has hindered access by humanitarian organizations, making it impossible to document incidents of sexual violence. Many crimes have gone unreported. In addition, there is no way of knowing how many women deliberately killed by combatants during the conflict may also have been raped or subjected to other forms of sexual violence before they were killed.

An initial study of sexual and gender-based violence during the conflict was undertaken in early 2004 by the United Nations Development Programme (UNDP), together with Liberian non-governmental organizations grouped within the National Human Rights Center of Liberia. The study covers the period from December 1989 to August 2003 when the most recent peace agreement was signed. The purpose of the study was to document the extent of sexual violence during the conflict and identify the health, psychological and social consequences: *"Our main goal is advocacy for the victims of such abuse. The international community is providing funds to assist the ex-combatants. They will get money, medical treatment, skills training and food for their reintegration into society. The question remains, what specialized assistance is needed for their victims"*.⁵

⁴ 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. 13.

⁵ Awa Dabo, Human Rights and Protection Officer, United Nations Development Programme – Liberia, Press Release, UNDP, 2 March 2004.

A preliminary analysis of information collected indicated that between 60 and 70 per cent of the population had suffered some form of sexual violence during the conflict. (Although predominantly directed against women and girls, findings indicated that some men and boys had also been subjected to sexual violence.) Sexual violence documented included: rape, including gang-rape and rape of children; the insertion of foreign objects; and being stripped and publicly displayed.

This high incidence of sexual violence is corroborated by data compiled by other non-governmental organizations, both national such as the Concerned Christian Community and international such as the International Rescue Committee and Médecins Sans Frontières, who are assisting women and girls affected by sexual violence.

For example, the International Rescue Committee has reported that between October 2003 and April 2004 it had assisted almost 1,000 women and girls in camps for internally displaced people and refugees, as well as the general community, in Montserrado County, who had experienced gender-based violence. The majority of assaults – 63 per cent – were rapes committed by armed combatants: 376 women or girls had been gang-raped and 247 had been raped by one man. Forty-four women had suffered another form of sexual assault in the context of the conflict.⁶

An initial assessment of information gathered by the International Rescue Committee among Liberian refugees in Sierra Leone found that approximately 75 per cent of the women included in the survey had suffered some form of sexual violence, including rape, sexual harassment and being stripped, before being displaced from their homes in Liberia.⁷ Most of this sexual violence had been perpetrated by armed combatants and, in the vast majority of cases, the perpetrator was unknown to the victim.

Amnesty International representatives visited Liberia in November 2003 and again in July 2004. During both visits they met and spoke to women and girls who had been raped. Many were reluctant to talk of their deeply traumatic experiences. Several said that they felt ashamed of what had happened to them and spoke of the stigma and rejection which they had subsequently faced.

No protection anywhere

The threat of sexual violence against women and girls has existed wherever they have found themselves: in their homes and villages; in the streets of Monrovia; and in camps for refugees and the internally displaced where they had sought safety.

At the VOA camp Amnesty International representatives spoke to a number of Sierra Leonean refugees who had been caught in the escalating violence during the first six months of 2003. Among them was a 22-year-old, J.S., a mother of one child.

“LURD rebels killed my father in Cape Mount [Grand Cape Mount County]; they tied and beat and killed him. LURD forces came to this camp and four of them raped me. They told

⁶ International Rescue Committee, Liberia, *Situation analysis of gender-based violence*, April 2004.

⁷ International Rescue Committee, Liberia, *Situation analysis of gender-based violence*, April 2004.

me to run away and so I fled. Since then I have been bleeding and I have pain in my stomach. I have received some treatment but I am still bleeding."

The majority of the women and girls who had been raped by combatants were attacked in their own homes or within their village. Systematic looting of property was invariably accompanied by rape.

F.C., aged 38, a mother of four children, was at home in her village near Gbarnga, Bong County, when LURD forces attacked in July 2003.

"When the fighting began, I was beaten and raped by five "dissidents" [LURD combatants]. Since then I haven't had a period. My stomach hurts when I eat. After they raped me, they forced me to go with them. Five other women were with me. They accused us of being Charles Taylor people and supporting Taylor's soldiers. I was afraid; anything they told me, I would do. I had a six-month-old baby but it got sick and died; there was no treatment. I spent two days with the soldiers. Then I escaped one day when I went to get water. I don't know where my husband is; he was not at home when the soldiers came."

A 14-year-old girl, Y.D., was abducted from Ganta, Nimba County, in March 2003 by former government militia as she was on her way to school.

"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."

A father described to Amnesty International representatives in November 2003 how his elder daughter was abducted by LURD forces from their home in Duala, Monrovia, on 7 June 2003.

"Government forces retreated and LURD took over; they made a patrol of the area and then came back at 10.30 and told me to open the door. They said, 'Who's there with you?' I had two children, daughters, a small one and a big one. They saw the small one and said, 'Where's the other one?' There was a lot of shouting. The older one was lying on the ground, covered. She was fully dressed, wearing trousers. Commander 'Muppet' said, 'Take this one.' I said that she was sick and my wife, who was pregnant, tried to intervene. They took my daughter. Another girl was with them. They went around collecting a group of girls. They tried to get into a compound and told the girls to wait outside. My daughter ran away and hid between an old building and a fence. Commander 'Alligator' told 'Muppet' to stop. I don't know what happened to the other girl."

Raped not once, but repeatedly

Women and girls have described being repeatedly raped during the same incident. Others have been raped on several different occasions during Liberia's successive – and almost continuous – armed conflicts since December 1989.

A Sierra Leonean refugee, K.K., was raped while in the VOA camp in June 2003.

"During World War I, I was raped by government troops. They came to the camp disguised as LURD rebels. They came into my house and said, 'mother-fucker, come outside'. I was then raped at gunpoint by five soldiers. My baby son was caught by a bullet and died. The soldiers took everything. I don't think that there were commanders; they were generals for themselves. I fled to Bushrod Island but the St Paul bridge was closed and there was heavy fighting. I went to a community centre and stayed there until the end of the war. There was a lot of harassment and looting there by renegade government militia. I want to return to Sierra Leone but I will need help when I get there."

H.S., from Bomi County, recounted her ordeal at Wilson Corner internally displaced camp, Montserrado County.

"I came to the camp one and half years ago. My husband [a civilian] was killed by LURD forces, leaving me with five children. I am disabled so I could not run away when government soldiers attacked the camp in World War II. Two soldiers came into my house and raped me. I have had stomach pains ever since but have not had any treatment. Afterwards I left the camp. Many of those who stayed were forced to go to Tubmanburg by the LURD."

A 27-year-old woman who had been raped in 1990 when aged 14 and again in 1994 when she was gang-raped by three different men described the circumstances of yet another rape to a Médecins Sans Frontières staff member in June 2003.

"The day before yesterday, I went to the bush to look for wood. There were three government soldiers with guns. One of them saw me and asked, 'Where are you going?' I said I was looking for wood. Then he told me, 'You are assigned to me for the day'. I was very afraid. He forced me to go far into the bush and he undressed me. Then he raped me. When I got dressed afterwards he took 50 Liberian dollars from me. I came back to the camp and yesterday I felt very sick. My stomach is very painful, but I don't have any money to go for treatment."⁸

⁸ Médecins Sans Frontières, *Liberia: Enough is enough – International Women's Day 2004*, 5 March 2004, www.msf.org.

A.S., from Bomi County, who was in Perry Town internally displaced camp in Montserrado County, had been raped on two separate occasions by former government forces. She was clearly traumatized and felt deep shame, fearing the reaction of others in the camp if they became aware of what had happened to her.

"During World War I was in Klay [Bomi County] but in World War II I fled into the bush with my four-year-old son. Three soldiers caught me and two other women and forced us to go with them. I had to cook for the soldiers. They hit me on my side with a gun. I put down my son and then two men raped me. Then I came to Perry Town but when World War III broke out, I ran away to Blamasee [an internally displaced people's camp]. I was sleeping behind a school building when two soldiers came and raped me. I couldn't fight. Since then my stomach hurts. I have seen a doctor and told them what happened and I was given some medicine."

"You do or die"

Many women and girls had been threatened with death if they resisted rape or other forms of sexual violence.

In November 2003 Amnesty International representatives visited an internally displaced people's camp at Plumkor, near Brewerville, Montserrado County, where a Liberian non-governmental organization, Women and Children Rehabilitation Resource Centre, provided psycho-social counselling to a large number of former child soldiers, both girls and boys. Although most had fought with the LURD, some had been with former government forces or militia. In an introductory address, and surrounded by other children, one boy representing his colleagues said publicly: *"Young women have been raped; if they refused, they would be killed. 'You do or die' has become slang in Liberia"*.

D.K., aged 30, from Grand Cape Mount County, but internally displaced in Perry Town camp, was raped in July 2003.

"During World War III, four government soldiers forced my door open and demanded money. I said that I didn't have any. They forced me onto the bed and cut my panties with scissors. They kicked me in the stomach and then raped me. They threatened to kill me. My stomach has hurt since then. No man wants me because of the condition I have. Because of the pain, I can't do hard work. There isn't a good clinic in the camp and I have no money for medicine."

At a disused and dilapidated former government building in Monrovia housing several hundred former combatants with government forces and those associated with them, including women and children, several adolescent girls who had been abducted from Ganta by former government militia in March 2003 gave accounts of their ordeals; all had all been raped, including E.B., aged 14.

"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 [have sex] 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."

"The young girls are the most... Old ladies, too"

Women and girls of all ages – including very young girls, pregnant women and elderly women – have been raped or subjected to other forms of sexual violence.

It is difficult to ascertain the most common age of those assaulted since information is only available about those women and girls who have reported sexual assault and/or sought assistance. The majority of women and girls seeking help from the International Rescue Committee in Montserrado County from October 2003 to April 2004 were aged between 21 and 40, but they also included girls under 10 years and women over 50 years.

During discussions organized by the International Rescue Committee with internally displaced people in a number of camps in Montserrado County in October and November 2003, the following comments were made: *"The young girls are the most"*; *"Some can even rape baby girl if they get the chance"*; *"Old ladies, too"*; and *"They like seven to 11 year olds"*.⁹

M.H., aged 29, from Bomi County, was pregnant when former government forces raped her. Amnesty International representatives met her in Wilson Corner internally displaced people's camp.

"I was pregnant and running away from the camp near St. Paul bridge. Three government soldiers caught me and raped me. They beat me and my unborn baby died. All my belongings were stolen."

Internally displaced people whom Amnesty International representatives met in camps in Kakata, Margibi County, and Totota, Bong County, described how they had fled continuing insecurity in the region around Sanoyie, Bong County in the months following the peace agreement. Their villages had been first attacked and looted by LURD forces in August and September 2003 and then, as they fled, their remaining possessions were taken by former government forces based around Sanoyie. Former government forces were continuing to loot farms and villages in the Sanoyie area, accompanied in some cases by beatings, rape, abductions and forced labour. K.C., aged 35, who had fled to E.J. Yancey camp near Totota, described what she had witnessed:

"Every day and night the soldiers came to take our food, our clothes. They beat. They could come to the market and shoot, making people run away and then take their goods. I left there yesterday because of the beating and looting. I saw one woman who had given birth in the morning and was raped in the evening. Her baby died. Girls were also raped."

⁹ International Rescue Committee, Liberia, *Situation analysis of gender-based violence*, April 2004.

M.S., also aged 35 and from Sanoyie, provided a similar account.

“They raped one of my sisters who had just delivered a baby. She died. Rape is going on but there is a lot more beating. My husband was beaten and all my possessions were taken by government militia. Some of the soldiers were aged about 14.”

E.W., a 54-year-old mother of seven children and with five grandchildren, from Gbarnga, was at the internally displaced peoples’ camp in Kakata. She described the rape of her 15-year-old granddaughter.

“The rebels came into the town and my house was hit by a rocket and burned down. My 12-year-old son was killed. I ran away but the rebels stopped me and took all my belongings. While I was running to Kakata, we stopped at Cottingham College campus. My granddaughter was raped by rebels. I begged and cried for them to stop. I became separated from her and have not seen her since.”

Frequently, combatants who forced their way into homes to loot then proceeded to rape all the women and girls in the house. In some cases, three generations of women in a household were reported to have been raped. Other family members were also forced to watch as a woman or girl was raped.

Amnesty International representatives met H.B., from Bomi County, a week after she had arrived in Perry Town camp.

“I was in Bomi County in World War I when government soldiers came to my house. My husband was cut and tied up. I was raped by two men in front of him – I was pregnant. I was in pain for week and later I had a difficult birth. The soldiers took everything.”

P.M. had also sought refuge in Perry Town camp.

“I was raped in front of my family by four LURD rebels during World War II. My grandmother and father were killed at the same time. The rest of the family were told to laugh.”

Rape was frequently accompanied by killings, torture and ill-treatment, abduction and forced recruitment. E.G., aged 40, had fled to the camp in Kakata following an attack on Gbarnga by LURD forces in July 2003.

“I heard heavy gun-fire as the rebels attacked and I ran into the bush. The rebels said, ‘those who are supporting Charles Taylor government, we will deal with you people’. Two LURD rebels beat me and another one carried me into the bush and raped me. I stayed in the bush for two days and then went back to town to look for my family. My four children who had stayed behind said that their father was killed in front of them. The rebels said, ‘We will kill your pa and you go tell your ma; aren’t you the ones giving place to Charles

Taylor? We will treat you like a dog and kill you.’ I left Gbarnga with my four children and came to Kakata.”

Abduction, rape and sexual slavery

Thousands of women and girls were abducted during the conflict. They were forced to fight, carry ammunition, prepare food or carry out other tasks. They were also raped and forced to provide sexual services. Women and older girls were actively engaged in fighting, while younger girls provided domestic services as cooks or cleaners or carried arms and ammunition. With little or no military training, they were sent directly to the front line where they risked being killed or wounded. Those resisting recruitment or refusing to comply with their commanders’ orders – including to have sex – risked being beaten or killed.¹⁰

B.D., aged 18, 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 in November 2003, she had a 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.”

While some women associated with fighting forces had themselves undergone rape and other forms of sexual violence, they in turn captured other women and girls to provide sexual services to male combatants, whether voluntarily or by force.

For example, T.S., aged 23, whom Amnesty International representatives met at Plumkor internally displaced people’s camp, 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 in turn captured and abducted other girls. She described her own experience and that of other girls who had been abducted and forced to join the ranks of LURD forces.

¹⁰ For further information on the recruitment and use of child soldiers, see Amnesty International, *Liberia: The promises of peace for 21,000 child soldiers* (AI Index: AFR 34/006/2004), 17 May 2004, and Amnesty International, *Liberia: One year after Accra – immense human rights challenges remain* (AI Index: AFR 34/012/2004), 18 August 2004.

"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."

Following the peace agreement and as plans progressed for the disarmament and demobilization of combatants, it was difficult to estimate the number of women and girls associated with fighting forces – in whatever capacity. This was largely because leaders of the three parties to the conflict failed to provide lists of combatants among their ranks, despite this being a precondition for the resumption of the disarmament, demobilization, rehabilitation and reintegration (DDRR) programme in mid-April 2004 after an aborted start in December 2003. Initial estimates, based on a number of assumptions and intended to be reviewed as the DDRR programme progressed, put the total number of combatants – men, women and children – at some 53,000. This figure included some 2,000 women and 21,000 girls and boys under the age of 18.¹¹ It quickly became apparent, however, as disarmament and demobilization advanced that the figure of 53,000 was well below the actual number of combatants.

The disarmament and demobilization phase of DDRR officially ended on 31 October 2004. According to figures provided by the National Commission on Disarmament, Demobilization, Rehabilitation and Reintegration (NCDDRR) on 7 November 2004, a total of 98,113 combatants had been disarmed, of whom 87,306 had also been demobilized.¹² Of these 20,319 were adult women and 10,912 were children under the age of 18 (2,414 girls and 8,498 boys).¹³ By the end of November 2004, 98 per cent of disarmed and demobilized children were reported to have been reunited with their parents or other family members.

THE PERPETRATORS

Information gathered by Amnesty International and also by other international and national non-governmental organizations demonstrates clearly that rape and other forms of sexual violence have been perpetrated by

¹¹ Liberia: National Transitional Government of Liberia, United Nations, World Bank: Joint Needs Assessment, February 2004, p.41, www.un.org/Depts/dpko/missions/unmil/Needs_Assessment_for_Liberia.pdf

¹² www.humanitarianinfo.org/liberia/coordination/sectoral/DDR/index.asp.

¹³ The large discrepancy between the number of children who had been disarmed and demobilized by 31 October 2004 and an original estimate of 21,000 may be explained by a number of factors: many children had spontaneously returned home; others were not aware of the DDRR process; some were prevented by commanders from presenting themselves for disarmament and others resisted inclusion in the DDRR programme because of fear of potential stigma. For further information, see Amnesty International, *Liberia: One year after Accra – immense human rights challenges remain* (AI Index: AFR 34/012/2004), 18 August 2004.

forces of the former government, the LURD and the MODEL. Over the period of the conflict which resumed in 1999, after a brief respite, however, former government forces and militia appear to have been the most serious offenders.

Among those organizations which have compiled information on the incidence of rape and other forms of sexual violence is the Concerned Christian Community which provides medical, psycho-social and practical assistance to those affected by sexual violence, in particular in the populous internally displaced people's camps in Montserrado, Margibi and Bong Counties.

According to information compiled by the Concerned Christian Community in July 2004, of 3,004 women who had been raped or otherwise sexually assaulted by armed combatants, the attacks in 1,556 cases had been carried out by former government forces and militia, in 1,104 cases by LURD forces, and in 11 cases by MODEL forces. In another 333 cases, those who had been raped were unable to identify the armed group to which their attackers belonged. Another 444 women had suffered other forms of violence which the Concerned Christian Community categorized as "assault and battery".

The apparent low prevalence of abuse by MODEL combatants reported to the Concerned Christian Community is explained by the fact that MODEL forces were based in the south and east of the country in Grand Bassa, River Cess, Sinoe, Grand Kru, Maryland, River Gee, Grand Gedeh and Nimba Counties.

Amnesty International representatives visited Saglepie in Nimba County in November 2003. Testimonies from internally displaced people described killings, beatings, abduction and rape by MODEL forces as they advanced northwards from Tapeta towards Graie and other villages during October and November 2003. Much of the violence appeared to be ethnically motivated, with attacks by predominantly Krahn MODEL fighters against civilians from the Mano and Gio ethnic groups who were perceived to have supported former president Charles Taylor.

Several people described abductions of family members by MODEL forces; their fate remained unknown.

"They attacked Gblonar on 10 November [2003]. They burned it down. I don't know where my parents are. They carried people away. I don't know what MODEL are doing to them. They took one woman's 18-year-old daughter; she was pregnant."

A 60-year-old man, V.V., described an attack by MODEL forces on Graie on 1 November 2003.

"I was on the farm. I heard that MODEL had entered Graie. After a few days I got information that the fighting had stopped. People started to go back to Graie. MODEL had burned most of the houses in Graie. They had tied some people, beat them with cutlasses. They stripped people – both men and women."

On 3 November 2004, a few days after the official ending of the disarmament and demobilization process, forces of the former government of Liberia, LURD and MODEL were officially dissolved and, in principle, ceased to exist. All three groups are represented in the NTGL in senior ministerial positions.

RAPE – A CRIME AGAINST HUMANITY AND A WAR CRIME

“Perpetrators of sexual violence during armed conflict are violating international law. States must hold them accountable, and there must be resources for victims to seek justice.”¹⁴

Carol Bellamy, Executive Director of UNICEF, 25 November 2004

Rape and other forms of sexual violence committed by combatants during armed conflict – whether international or non-international – are recognized as crimes against humanity and war crimes under international criminal law and are acknowledged to be among the most serious crimes.

The Rome Statute of the International Criminal Court (Rome Statute), adopted on 17 July 1998, defines rape, sexual slavery, enforced prostitution, enforced sterilization, forced pregnancy and any other form of sexual violence as war crimes, whether committed in an international or non-international armed conflict.¹⁵ When such crimes are committed as part of a widespread or systematic attack against any civilian population, they are crimes against humanity.¹⁶

Abuses of the human rights of women in situations of armed conflict are contrary to the fundamental principles of international human rights and humanitarian law. All abuses of this kind, including crimes of sexual violence such as rape and sexual slavery, require a particularly effective response. In Liberia, the systematic way in which rape and other forms of sexual violence have been used, and committed so extensively with impunity, indicates deliberate strategies by government and armed opposition forces to use rape and other forms of sexual violence against women and girls as a weapon of war and to instil terror.

Under international law applicable in time of armed conflict, individuals fighting with all parties involved are criminally responsible for any acts which contravene treaty-based or customary law and are required to provide full reparations to victims. Rape and other forms of sexual violence are prohibited under common Article 3 of the Geneva Conventions of 1949 which applies to both international and non-international armed conflict either as a matter of conventional international law or as a fundamental principle of law. Common Article 3 expressly forbids: “(...) *violence to life and person, in particular murder of all kinds, mutilation, cruel treatment and torture; (...) outrages upon personal dignity, in particular, humiliating and degrading treatment (...)*”.

¹⁴ *Women in armed conflict at extreme risk of sexual violence. Impunity for rape and sexual violence must end immediately.* Press Release, UNICEF, 25 November 2004.

¹⁵ Rome Statute, Article 8(2)(b)(xxii) and (e)(vi).

¹⁶ Rome Statute, Article 7(1)(g).

Additional Protocol II to the Geneva Conventions, to which Liberia acceded on 30 June 1988 and which further clarifies the scope of common Article 3, applies to non-international armed conflicts. Article 4 prohibits: *“violence to life, health and physical and mental well-being of persons, in particular murder as well as cruel treatment such as torture, mutilation and any form of corporal punishment; collective punishments; taking of hostages; acts of terrorism; outrages upon personal dignity, in particular humiliating and degrading treatment, rape, enforced prostitution and any form of indecent assault; slavery and the slave trade in all its forms; pillage; [and] threats to commit any of the foregoing acts”*.¹⁷

Acts of violence against women amounting to crimes against humanity and war crimes are subject to universal jurisdiction. This means that, under international law, the authorities in any country where people suspected of such crimes are found can – and must – investigate them, regardless of where the crimes were committed. If there is sufficient admissible evidence, that state should prosecute the suspects, extradite them to a state able and willing to do so in a fair trial, without recourse to the death penalty, or surrender the suspects to an international criminal court.

Rape and other crimes of sexual violence committed during armed conflict may also amount to violations of various provisions of other international treaties such as the UN Convention on the Elimination of all Forms of Discrimination against Women (CEDAW), the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and the Convention on the Rights of the Child, as well as regional treaties such as the African Charter on Human and Peoples’ Rights.

CEDAW, which Liberia ratified in 1984, sets out a detailed mandate to secure equality between women and men and to prohibit discrimination against women. In 1992, the Committee on the Elimination of All Forms of Discrimination against Women adopted General Recommendation No. 19 which confirmed that the definition of discrimination against women contained in Article 1 of the Convention included violence against women: *“The definition of discrimination includes gender-based violence, that is, violence that is directed against a woman because she is a woman or that affects women disproportionately. It includes acts that inflict physical, mental or sexual harm or suffering, threats of such acts, coercion and other deprivations of liberty.”*¹⁸ The Optional Protocol to CEDAW, which Liberia signed in September 2004 but has yet to ratify, offers women a direct means for seeking redress at the international level for violations of their rights under CEDAW.

Liberia is also a state party to the African Charter on Human and Peoples’ Rights which specifies that: *“Every individual shall have the right to the respect of the dignity inherent in a human being and to the recognition of his legal status. All forms of exploitation and degradation of man particularly slavery, slave trade, torture, cruel, inhuman or degrading punishment and treatment shall be prohibited”*.¹⁹ Liberia has also signed, but not yet ratified, the Protocol to the African Charter on Human and Peoples’ Rights on the Rights of Women in Africa, which was adopted by the African Union in 2003. The Protocol specifically obliges states to adopt appropriate and effective measures to enact and enforce laws to prohibit all forms of violence against women,

¹⁷ Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II), Article 4.

¹⁸ CEDAW General Recommendation No.19 (Violence against Women), UN Doc. A/47/38, 29 January 1992, para. 6.

¹⁹ African Charter on Human and Peoples’ Rights, Article 5.

including unwanted or forced sex, and to punish the perpetrators of violence against women and implement programmes for the rehabilitation of women victims. It also provides for women to have equal access to justice and equal protection before the law. Article 11 of the Protocol specifically relates to the protection of women in armed conflicts. The Protocol is not yet in force; it requires ratification by 15 countries before it can enter into force.²⁰ Pending a final decision on ratification, however, under international law, Liberia is obliged not to defeat the object and purpose of the Protocol.

Those responsible for crimes against humanity, war crimes and other serious violations of international law, including rape and other forms of sexual violence, must be brought to justice, in accordance with internationally recognized fair trial standards. Speaking on the occasion of the International Day for the Elimination of Violence against Women on 25 November 2004, the Executive Director of the United Nations Children's Fund (UNICEF) said: "*Rape is being used as a weapon of war, often with complete impunity. In the interest of human rights, human decency and human dignity this must end... Perpetrators of sexual violence during armed conflict, as well as those who authorize attacks, must be prosecuted.*"²¹

BRINGING THE PERPETRATORS TO JUSTICE

"One of our key challenges is to bring perpetrators of violence against women to justice through international tribunals, mixed tribunals and national courts."²²

UN Secretary-General, 13 October 2004

"The Security Council strongly condemns the continued acts of gender-based violence in situations of armed conflict. The Council also condemns all violations of the human rights of women and girls in situations of armed conflict and the use of sexual exploitation, violence and abuse... The Council stresses the need to end impunity for such acts as part of a comprehensive approach to seeking peace, justice, truth and reconciliation."²³

UN Security Council, 28 October 2004

Despite the prevalence of rape and other forms of sexual violence during Liberia's conflict, not only has no one been prosecuted for these crimes, but it also remains unclear if, how and when those responsible will be held criminally responsible and when reparations will be made to the thousands of women and girls who have been affected. The NTGL currently has no policy to bring to justice the perpetrators of crimes against humanity, war crimes and other serious violations of international law, and to provide full reparations to victims and their families. Neither has there been any expression of resolute commitment by the international community to end impunity for such crimes in Liberia.

²⁰ For further information, see Amnesty International, *The Protocol on the Rights of Women in Africa: Strengthening the promotion and protection of women's human rights in Africa* (AI Index: IOR 63/005/2004), June 2004.

²¹ *Women in armed conflict at extreme risk of sexual violence. Impunity for rape and sexual violence must end immediately.* Press Release, UNICEF, 25 November 2004.

²² Women and peace and security, Report of the Secretary-General, UN Doc. S/2004/814, 13 October 2004, para. 85.

²³ Statement by the President of the Security Council, UN Doc. S/PRST/2004/40, 28 October 2004.

The UN Security Council, Secretary-General, Commission on Human Rights and the High Commissioner for Human Rights have repeatedly called for those responsible for crimes of sexual violence to be brought to justice.

UN Security Council Resolution 1325 (2000) on women, peace and security was explicit on the need to end impunity; in the resolution, the Security Council: *“Emphasizes the responsibility of all States to put an end to impunity and to prosecute those responsible for genocide, crimes against humanity, and war crimes including those relating to sexual and other violence against women and girls, and in this regard stresses the need to exclude these crimes, where feasible, from amnesty provisions”*.²⁴

The Secretary-General, in his subsequent report in 2002 to the Security Council based on a study requested by Resolution 1325 (2000), called on the Security Council to ensure that such crimes were excluded from amnesty provisions included in agreements to settle conflicts.²⁵ In the Secretary-General’s follow-up report to the Security Council on women, peace and security in October 2004, which assessed progress and identified gaps and challenges in implementation of Resolution 1325 (2000), he called on the international community to: *“End impunity for genocide, crimes against humanity and war crimes, including sexual and gender-based violence...”*.²⁶

In the Secretary-General’s address on 6 July 2004 to an African Union session on gender in Addis Ababa, Ethiopia, he deplored the use of sexual and gender-based violence as a weapon of war in Africa’s conflicts. He stressed the need to bring those responsible to justice: *“Every effort must be made to halt this odious practice, and bring the perpetrators to justice”*.²⁷

The UN Commission on Human Rights, at its 60th session in 2004, adopted a resolution on Liberia in which it expressed its deep concern: *“at the serious violations of human rights and international humanitarian law that continue to be perpetrated against the civilian population, particularly women and children;... at the extent of the sexual violence perpetrated against women and children;... [and] at the culture of impunity, which is a consequence of the improper functioning of the justice system”*. The Commission urgently requested the NTGL: *“to take a firm stand against impunity and to bring to justice those responsible for violations of human rights and international humanitarian law in Liberia”*.²⁸

In his emergency report on the worsening human rights crisis in Liberia in August 2003, the then Acting UN High Commissioner for Human Rights stressed the importance of ending impunity: *“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”*.²⁹ Among those remedies is the Special Court in Sierra Leone whose own internal armed conflict was inextricably linked to that in Liberia.

²⁴ UN Doc. S/RES/1325 (2000), 31 October 2000, para. 11.

²⁵ Report of the Secretary-General on women, peace and security, UN Doc. S/2002/1154, 16 October 2002, para. 25.

²⁶ Women and peace and security, Report of the Secretary-General, UN Doc. S/2004/814, 13 October 2004, para. 87(b).

²⁷ *Africa cannot develop unless women exercise real power, says Secretary-General in message to Addis Ababa session*, Press Release, UN Doc. SG/SM/9408, AFR/991, 6 July 2004.

²⁸ UN Commission on Human Rights Resolution 2004/83, adopted on 21 April 2004.

²⁹ 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.

The Special Court for Sierra Leone – a major step forward

The Special Court for Sierra Leone, which was established by the Sierra Leone government and the UN by an agreement signed on 16 January 2002, has set an important example.³⁰ 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.

The Statute of the Special Court categorizes as crimes against humanity those crimes committed as part of a widespread or systematic attack against any civilian population and specifically includes: "rape, sexual slavery, enforced prostitution, forced pregnancy and any other form of sexual violence".³¹

Eleven people associated with all three 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 (CDF), which fought for the government against the RUF and AFRC – have been indicted by the Special Court.³² They include the former president of Liberia, 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 indictments against RUF and AFRC defendants, as well as Charles Taylor, specifically include sexual violence: "Widespread sexual violence committed against women and girls included brutal rapes, often by multiple rapists".³³ (The Prosecution has appealed against a decision by the Trial Chamber on 2 August 2004 not to allow an amendment to the indictment of the CDF defendants to include crimes of sexual violence.) On 7 May 2004 the Trial Chamber of the Special Court approved a motion by the Prosecution to add a new count of "forced marriage" to the indictments against the RUF and AFRC defendants.

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. Nigeria granted him refugee status and has repeatedly refused to surrender him to the Special Court. Amnesty International has protested strongly to the Nigerian government that it is violating its obligations under international law.³⁴

³⁰ This agreement followed a decision by the UN Security Council to establish such a court; see UN Doc. S/RES/1315 (2000), 14 August 2000.

³¹ Statute of the Special Court for Sierra Leone, Article 2. www.sc-sl.org/scsl-statute.html.

³² 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.

³³ www.sc-sl.org.

³⁴ For further information, see Amnesty International, *The Special Court for Sierra Leone: an open letter from Amnesty International to President Olusegun Obasanjo* (AI Index: AFR 44/002/2004), 16 January 2004, Amnesty International, *Sierra Leone: Statement at the official opening of the court-house of the Special Court for Sierra Leone* (AI Index: AFR 51/004/2004), 9 March 2004, and Amnesty International, *Open letter to Permanent Representatives at the African Union (AU) regarding the case of Charles Taylor, former President of Liberia, indicted for crimes against humanity* (AI Index: IOR 63/007/2004), 5 August 2004. On 22 September 2004 Amnesty International applied to the Nigerian Federal High Court to submit an *amicus curiae* brief demonstrating that the decision by the Nigerian government to grant refugee status to Charles Taylor violates Nigeria's obligation under international law and that it had an obligation to surrender a person indicted for crimes under international law or to submit the case to its prosecuting authorities. For further information, see Amnesty International, *Nigeria: Amnesty International seeks to intervene in case reviewing asylum granted to former Liberian president Charles Taylor* (AI Index: AFR 44/029/2004), 22 September 2004, and Amnesty International, *Nigeria: Amicus Curiae brief submitted to the Federal High Court reviewing refugee status granted to Charles Taylor* (AI Index: AFR 44/030/2004), 23 September 2004.

The irony is surely not lost on Liberians that Charles Taylor has been indicted for crimes of sexual violence committed during Sierra Leone's conflict, but that neither he nor any other alleged perpetrator of similar crimes in Liberia has yet been held to account. A member of civil society in Buchanan, Grand Bassa County, whom Amnesty International representatives met in July 2004, remarked: "*The only thing that can solve Liberia's problem is a war crimes court*".

No amnesty for rape during the armed conflict

International law prohibits amnesty for crimes such as genocide, crimes against humanity, war crimes and other serious violations of international law. Amnesty International has consistently opposed, without exception, amnesties and similar measures of impunity which prevent the emergence of truth, a final judicial determination of guilt or innocence and full reparations to victims and their families.³⁵

It is, therefore, a matter of deep concern to see a reference to a general amnesty in the peace agreement: "*The NTGL shall give consideration to a recommendation for general amnesty to all persons and parties engaged or involved in military activities during the Liberian civil conflict that is the subject of this Agreement*".³⁶

Such a recommendation for amnesty, if seriously considered and granted, is contrary to international law and runs directly counter to the will of the international community. In his report on women, peace and security in October 2002, the UN Secretary-General called on the Security Council to: "*Ensure that amnesty provisions included in conflict settlement agreements reached under the auspices of the Security Council exclude impunity from all war crimes, crimes against humanity and genocide, including gender-based crimes*".³⁷

Similarly, in his report on transitional justice and rule of law in conflict and post-conflict situations in August 2004, the Secretary-General called for peace agreements and Security Council resolutions and mandates to: "*Reject any endorsement of amnesty for genocide, war crimes, or crimes against humanity, including those relating to ethnic, gender and sexually based international crimes*".³⁸ During a debate on this report by the Security Council on 6 October 2004 Juan Méndez, Special Adviser of the UN Secretary-General on the Prevention of Genocide, representing the International Center for Transitional Justice (ICTJ) of which he is President, commended the report's rejection of amnesty for international crimes.³⁹ He added: "*A peace settlement that rejects impunity is a legal and moral imperative, but it must also address the grievances that*

³⁵ This jurisprudence and interpretation are discussed in Amnesty International, *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), 31 October 2003. On 13 March 2004 the Special Court for Sierra Leone ruled that the general amnesty provided by the peace agreement signed by the Sierra Leone government and the Revolutionary United Front in Lomé, Togo, in July 1999 was "ineffective" in preventing international courts, such as the Special Court, or foreign courts from prosecuting crimes against humanity and war crimes. For further information see Amnesty International, *Special Court for Sierra Leone: A historic decision to reject amnesty for crimes under international law* (AI Index: AFR 51/006/2004), 18 March 2004.

³⁶ 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, Article XXXIV, www.usip.org/library/pa/liberia/liberia_08182003_cpa.html.

³⁷ Report of the Secretary-General on women, peace and security, UN Doc. S/2002/1154, 16 October 2002, para. 25.

³⁸ The rule of law and transitional justice in conflict and post-conflict societies, UN Doc. S/2004/616, 23 August 2004, para. 64(c).

³⁹ An international non-governmental organization, the ICTJ assists countries pursuing accountability for past mass violations of international human rights and humanitarian law. It works in societies emerging from repressive rule or armed conflict, as well as in established democracies where historical injustices or systemic abuse remain unresolved. <http://ictj.org/>.

gave rise to the conflict in the first place. That is why it is important to resist the blackmail of those who threaten to continue to fight and commit atrocities unless they are given immunity".⁴⁰

This was reiterated by the UN High Commissioner for Human Rights, speaking at the Security Council debate on women, peace and security on 28 October 2004: *"The pressure for political agreement to resolve a conflict too often led to reluctance to bring perpetrators to justice"*.⁴¹

During visits to Liberia, Amnesty International representatives have made clear to members of the NTGL, including its Chairman, Gyude Bryant, that international law prohibits amnesty for crimes such as genocide, crimes against humanity, war crimes and other serious violations of international law. The Special Representative of the Secretary-General for Liberia, Jacques Paul Klein, has also consistently repeated this message in Monrovia, including directly to the Chairman of the NTGL.

Considerable ambiguity remains about the NTGL's position in relation to the recommendation for a general amnesty in the peace agreement. Initially, the Chairman and other NTGL members stated publicly that they would favour such an amnesty but when Amnesty International representatives visited Liberia in July 2004 the impression gained was that there was no overt political effort to pursue a general amnesty. On 18 October 2004, however, at a meeting organized by civil society organizations to review implementation of the peace agreement by the NTGL, the Minister of Justice, Kabineh Ja'neh, was reported to have stated that, while there should be no impunity for those who had committed *"heinous crimes"*, there was also the need to weigh prosecution of the perpetrators against the need for national reconciliation.

Some reticence to take concrete measures to pursue those alleged to have been responsible for crimes against humanity and war crimes is unsurprising. Peace has yet to be consolidated and the security situation remains volatile – demonstrated by violent disturbances which erupted in Monrovia on 28 October 2004. In addition, the NTGL includes representatives of the parties to the conflict whose forces perpetrated human rights abuses before and after the peace agreement.

Counsellor Frances Johnson-Morris, Chair of Liberia's National Electoral Commission, remarked in September 2004: *"Such crimes cannot and must not go unpunished. However, it is regrettable that the perpetrators of the heinous crimes have been rewarded with state power and high-profile jobs as a result of a peace agreement reached among the warring factions on August 18, 2003."*⁴²

Many in Liberia, among Liberian civil society and international interlocutors, acknowledge the difficulties of bringing judicial proceedings against those alleged to have committed these crimes during the life-time of the NTGL. On 5 March 2004 the Chairman of the NTGL 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 assume power. According to the

⁴⁰ UN Doc. S/PV.5052, 6 October 2004.

⁴¹ *Day-long Security Council debate on issue of women, peace, security; problems of oppression, exploitation stressed*, Press Release, UN Doc. SC/8230, 28 October 2004.

⁴² Counsellor Frances Johnson-Morris speaking at United Nations Development Fund for Women/International Legal Assistance Consortium Conference: "Peace needs women and women need justice", New York, 15-17 September 2004.

peace agreement, presidential and legislative elections will be held no later than October 2005 and the elected government will be inaugurated in January 2006. One observer remarked to Amnesty International representatives in Monrovia in July 2004: “*we shall have to wait until 2006*”.

Amnesty International appreciates that in fragile post-conflict environments a sensible sequencing of activities is required; this should never, however, be pursued at the cost of providing an effective amnesty to the perpetrators of crimes under international law.

Far from underpinning peace, the experience of Sierra Leone has shown that granting amnesties and failing to hold perpetrators criminally responsible for crimes under international law undermines it. The peace agreement signed in Lomé, Togo, in July 1999 granted a general amnesty to all those involved in the Sierra Leone conflict; it also gave prominent government positions to leaders of the parties of the conflict who had been responsible for serious crimes under international law. The peace process in Sierra Leone had collapsed within less than a year. The UN Secretary-General at the time acknowledged that the amnesty in the Lomé peace agreement was difficult to reconcile with the goal of ending impunity. He subsequently reaffirmed this position: “*the granting of amnesties to those who committed serious violations of international humanitarian and criminal law is not acceptable. The experience of Sierra Leone has confirmed that such amnesties do not bring about lasting peace and reconciliation*”.⁴³

Recommendations

- The international community, including the UN Security Council, as well as the NTGL, should state unequivocally and explicitly that there can be no impunity for crimes against humanity, war crimes and other serious violations of international law, that those responsible must be brought to justice and that victims and their families must obtain full reparations.
- The UN Secretary-General, the Security Council and the NTGL should state publicly that the general amnesty referred to in the Comprehensive Peace Agreement cannot apply to crimes against humanity, war crimes and other serious violations of international law, including rape and other forms of sexual violence committed against women and girls during the conflict.

“Even after 10 or 15 years, we need to hold people to account.”

The importance of prosecuting the perpetrators of crimes against humanity and war crimes is widely recognized among most in Liberian civil society. There is a strong recognition that failure to bring the perpetrators to justice in the past had not only resulted in continuing abuses but had also frustrated and undermined previous attempts to achieve peace. This was articulated repeatedly to Amnesty International representatives during their visit to Liberia in July 2004, including by a member of civil society in Buchanan, Grand Bassa County: “*Even after 10 or 15 years, we need to hold people to account... Those responsible must be brought to book... [if not,] this problem will be an endless cycle of violence*”.

⁴³ Report of the Secretary-General to the Security Council on the protection of civilians in armed conflict, UN Doc. S/2001/331, 30 March 2001, para. 10.

Others emphasized the deterrent effect of bringing those responsible to justice. This point was also made by the Executive Director of the United Nations Population Fund (UNFPA), Thoraya Obaid, during the UN Security Council debate on women, peace and security on 28 October 2004: "*The massive and systematic violation of human rights would continue as long as perpetrators remained free and had no fear of paying the consequences for the crimes they had committed.*"⁴⁴

The national justice system in Liberia, however, has all but collapsed completely as a result of the conflict and disregard for the rule of law by the government of former president Charles Taylor. Corruption and political interference have eroded public confidence in the judiciary. Most courts no longer function and much of the infrastructure has been destroyed or looted. Even if the political will existed on the part of the NTGL, there is little likelihood in the short or medium term that national courts would have the capacity to try alleged perpetrators of crimes under international law in accordance with international standards, in the absence of the international community providing sufficient resources as part of a comprehensive, long-term action plan to end impunity.

A Transitional Justice Working Group, comprising a number of non-governmental organizations, has been formed to encourage and inform debate on issues relating to transitional justice in Liberia, including the need to end impunity for serious crimes under international law.⁴⁵ A survey initiated by the Transitional Justice Working Group to gauge the opinions of the Liberian people was undertaken in August and September 2004. More than 1,000 people in all counties were interviewed. An analysis of the results showed that, while those interviewed were in favour of having a written record of the conflict, for example, through the establishment of a truth commission, this was not felt to be sufficient to address the crimes committed during the conflict. There appeared to be a strong wish to hold to account the leaders and commanders of fighting forces who had been responsible for these crimes and for the victims to receive reparations. The results of the survey also revealed an acknowledgement, however, that the national justice system would not have the capacity to do this and that a special court – composed of both Liberian and international officials – would be necessary.

International courts and mixed tribunals will, however, only try a handful of those responsible for crimes against humanity, war crimes and other serious violations of international law. The international community must assist Liberia to rebuild and reform its national justice system so that it can investigate and prosecute, in fair trials and without recourse to the death penalty, all crimes committed during the conflict, regardless of which side committed them and the position or rank of the perpetrator, and ensure full reparations for victims. The long-term commitment of the international community is essential; it is a shared responsibility to ensure justice for crimes under international law – which are crimes against the international community as a whole.

⁴⁴ *Day-long Security Council debate on issue of women, peace, security; problems of oppression, exploitation stressed*, Press Release, UN Doc. SC/8230, 28 October 2004.

⁴⁵ Among organizations participating in the Transitional Justice Working Group are: the National Human Rights Center of Liberia; the Catholic Justice and Peace Commission; the Association of Female Lawyers of Liberia; the Foundation for International Dignity; the Center for Democratic Empowerment; the Foundation for Human Rights and Democracy; and Forerunners of Children's Universal Rights for Survival, Growth and Development.

Recommendations

- The NTGL, and the subsequent elected government of Liberia, should, in cooperation with the UN, other intergovernmental organizations, states and non-governmental organizations, develop and implement a long-term action plan to restore justice and the rule of law and to end impunity for crimes under international law; such an action plan should include specific benchmarks with realistic schedules for their attainment.
- The UN, donor governments, the World Bank and other lending institutions must provide sufficient resources over the long term to assist Liberia to develop and implement effective transitional justice mechanisms.

The Truth and Reconciliation Commission

The Comprehensive Peace Agreement provides for the establishment of a truth and reconciliation commission: *“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”*.⁴⁶

A truth and reconciliation commission may have an important role in establishing the facts, identifying the reasons for the violations, identifying those responsible for crimes under international law, assessing what is required to rebuild civilian criminal justice systems, and making concrete recommendations for law reform and reforms in the civil and criminal justice systems. It is not, however, sufficient and cannot be a substitute for a court of law to try alleged perpetrators of serious violations of international law.

The experience of Sierra Leone, where the Special Court for Sierra Leone was established to try those bearing the greatest responsibility for crimes against humanity, war crimes and other serious violations of international law committed during that country’s conflict, has demonstrated that more is needed than a truth and reconciliation commission to achieve justice for the victims and to end impunity.

During the debate by the UN Security Council on 6 October 2004 on the UN’s role in justice and the rule of law in conflict and post-conflict situations, the Special Adviser of the UN Secretary-General on the Prevention of Genocide, representing the ICTJ, said that: *“There is an increasing consensus among legal practitioners that truth and justice are not mutually exclusive alternatives. The temptation to establish a truth commission as a substitute for accountability should be resisted, however.”*⁴⁷

Recommendation

- While pursuing the option of a truth and reconciliation commission, the NTGL must also, together with the international community, develop and implement a long-term action plan to end impunity.

⁴⁶ 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, Article XIII, www.usip.org/library/pa/liberia/liberia_08182003_cpa.html.

⁴⁷ UN Doc. S/PV.5052, 6 October 2004.

Investigation and documentation of sexual violence

Investigation and documentation of crimes under international law during the conflict – including rape and other forms of sexual violence – must be a priority in order to build a solid foundation for eventual prosecution of the alleged perpetrators of those crimes. Amnesty International supported the recommendation by the UN Secretary-General, in his report which preceded Security Council Resolution 1509 (2003) establishing UNMIL, for the establishment of a crime investigation capacity within UNMIL to help investigate serious violations of international humanitarian law or other serious crimes and to provide evidence to Liberian or other authorities, including the prosecutors of the Special Court for Sierra Leone. The UN Secretary-General recognized the importance of gathering and preserving evidence “*early on while it is still possible*”.⁴⁸

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

A central database was reported to have been designed by UNMIL 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*”.⁴⁹ It is unclear, however, whether there is a central system within UNMIL, or elsewhere, to coordinate various initiatives. It is also unclear what security measures have been taken to protect information or how effective such measures may be. Effective investigation, documentation and preservation of evidence must be ensured in order to identify and prosecute alleged perpetrators of crimes under international law. It is essential that information is gathered in a systematic way and is of the standard required for potential evidence in criminal proceedings; those involved in investigating and documenting crimes committed during the conflict must therefore have appropriate training and experience.

At the UN Security Council debate on women, peace and security on 28 October 2004, the Executive Director of UNFPA urged the international community to take steps: “*to ensure that incidents of sexual violence were recorded and that evidence was gathered and preserved and that perpetrators of gender-based violence were brought to justice*”.⁵⁰

Recommendations

- The UN Security Council should indicate that investigation and documentation of crimes under international law committed during the conflict are a priority, and ensure that sufficient resources are provided to UNMIL, other UN agencies, international and national non-governmental organizations to continue investigation and documentation of these crimes.

⁴⁸ Report of the Secretary-General to the Security Council on Liberia, UN Doc. S/2003/875, 11 September 2003, para. 64.

⁴⁹ First Progress Report of the Secretary-General on the United Nations Mission in Liberia, 15 December 2003, UN Doc. S/2003/1175, para. 55.

⁵⁰ *Day-long Security Council debate on issue of women, peace, security; problems of oppression, exploitation stressed*, Press Release, UN Doc. SC/8230, 28 October 2004.

- UNMIL must ensure effective coordination of investigation and documentation in order to facilitate eventual prosecution, and effective measures must be put in place to ensure the protection of information.
- Effective, on-site training must be provided for all those involved in investigation and documentation of crimes committed the conflict, including crimes of sexual violence.

MEETING THE NEEDS OF SURVIVORS OF SEXUAL VIOLENCE

"The Council emphasizes the urgent need for programmes that provide support to survivors of gender-based violence."⁵¹

UN Security Council, 28 October 2004

Increasing recognition of the need for protection and support for survivors of rape and other forms of sexual violence has emerged from the experience of the International Criminal Tribunals for the former Yugoslavia and Rwanda. It is also reflected in various provisions of the Rome Statute.⁵² Such protection and support is also essential to assist prosecutors in investigating and prosecuting cases.

Survivors of rape and other forms of sexual violence and the families of victims of such crimes are entitled to full reparations, including restitution, compensation, rehabilitation, satisfaction and guarantees of non-repetition. A particularly pressing issue is ensuring effective rehabilitation.

The physical, psychological and social consequences of 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."⁵³

Awa Dabo, UNDP Human Rights and Protection Officer, Liberia, 2 March 2004

Rape is a brutal crime. Sexual violence, including rape, can result in severe physical injury and psychological trauma which frequently require medical, surgical or psychological responses and which may have long-term consequences.

The physical health consequences of rape and other forms of sexual violence are many and serious: sexually transmitted infections, including HIV, syphilis, gonorrhoea, other communicable diseases, unwanted pregnancies, including among young girls, and in severe cases vesico-vaginal fistula and other injuries to the reproductive system which can result in infection, pain and social isolation.

⁵¹ Statement by the President of the Security Council, UN Doc. S/PRST/2004/40, 28 October 2004.

⁵² Rome Statute, Articles 42(9), 43(6) and 68.

⁵³ Awa Dabo, Human Rights and Protection Officer, United Nations Development Programme - Liberia, Press Release, UNDP, 2 March 2004.

In November 2003, the international non-governmental organization Refugees International reported that in some clinics in Monrovia all female patients tested positive for at least one sexually transmitted infection: most had been raped by either former government militia or LURD forces.⁵⁴

Médecins Sans Frontières, in response to the needs of the large numbers of women and girls affected by sexual violence, established a programme in October 2003 in three internally displaced people's camps near Monrovia; by March 2004, 300 patients were being cared for. Liberian Médecins Sans Frontières staff, many victims of the conflict themselves, were working to alert women and girls to the availability of free medical care and to support and encourage them to seek treatment. Many experienced a deep sense of shame as a result of rape, making them reluctant or reticent to seek medical care or other support.

Among sexually transmitted infections being treated are gonorrhoea, chlamydia and syphilis. Preventive measures are also taken. Vaccinations are given against hepatitis B and patients arriving within three days of a sexual assault can be given post-exposure prophylaxis – a short-term course of antiretroviral drugs – to reduce the risk of contracting HIV.⁵⁵ Many women, however, only come forward for treatment long after the rape or other forms of sexual assault and are therefore unable to benefit from this treatment.

The spread of HIV/AIDS has been aggravated by the widespread sexual and gender-based violence during the conflict, huge population displacement and the erosion of family and community structures, the increase in untreated sexually transmitted infections and low education and awareness levels. The prevalence of HIV/AIDS, currently estimated at between 10 and 12 per cent of the adult population, is rising.⁵⁶ In June 2004, UNDP authorized three grants totalling US \$24.3 million aimed at increasing the capacity of the Liberian health care system to provide care, support and treatment for people living with HIV/AIDS, tuberculosis and malaria.

Those who have suffered rape or other forms of sexual violence may also experience long-term sexual health problems. Gynaecological problems, such as pelvic inflammatory disease, may lead to infertility or complications in childbirth. Menstrual periods may become heavier and longer, be accompanied by severe pain, or may cease altogether. Difficulties in maintaining normal sexual relations, for physical or psychological reasons, may also emerge.

Amnesty International met many women in internally displaced people's camps in November 2003 who were still suffering pain and other physical complaints as a result of sexual assault.

P.P., aged 25, from Tubmanburg, Bomi County, fled from Wilson Corner camp when government forces attacked it in June 2003.

"Government soldiers came. I was sick. They wanted to carry [abduct] me. They threatened to shoot me. I was afraid. They grabbed me and pulled me and started to beat me. They said, 'I will use

⁵⁴ Liberia: Major effort needed to address gender-based violence, Refugees International, 19 January 2004, www.refintl.org.

⁵⁵ MSF, Liberia: Enough is enough – International Women's Day 2004, 5 March 2004, www.msf.org.

⁵⁶ Liberia: National Transitional Government of Liberia, United Nations, World Bank: Joint Needs Assessment, February 2004, p.51, www.un.org/Depts/dpko/missions/unmil/Needs_Assessment_for_Liberia.pdf.

[rape] you. *Be my woman'. They beat me and kicked me in the stomach, then just left me. My stomach still hurts and my periods have stopped but I am not pregnant."*

M.C., aged 35, from Bomi County, but displaced to Wilson Corner camp, was raped by government forces in June 2003.

"Two men raped me. I am bleeding all the time. I haven't been to hospital. There is no medical care."

M.M., aged 38, a mother of five children, was in Gbarnga in August 2003 when LURD forces attacked the town. She fled to Kakata and had not seen her husband since the attack.

"The LURD hit Gbarnga. They raped me. Many LURD wanted to rape. Two LURD raped me. I still have pains in my stomach and in my spine. LURD took everything from the house; I escaped with my life. I walked from Gbarnga to Kakata. But then government militia took the few things that were left; they beat and looted. I arrived here with nothing."

A.B., a mother of three children, from Bomi County, had sought refuge in Perry Town camp.

"Charles Taylor people hurt me; they beat me and raped me. Ten people raped me. Since then I have been ill. I feel pain; all my body hurts. I have a discharge but there is no medicine."

K.L., a Sierra Leonean refugee with an eight-year-old daughter, was in the VOA camp in June 2003 when it was attacked first by LURD and then by government forces.

"LURD didn't give any problems; they didn't loot. But then government troops came – Charles Taylor people. There was heavy fighting, shooting. Charles Taylor people came knocking about. They threatened to kill me and asked me to follow them. They took me and my friend and put us on the floor. They had guns. Three men raped us both. I later had a discharge. I got some medical treatment but I still have problems. I am embarrassed to go back home [to Sierra Leone]."

Equally damaging, but less visible, are the psychological and emotional consequences of sexual violence. These may manifest themselves in loss of self-esteem, depression and anxiety, chronic fatigue, inability to sleep, isolation and withdrawal. In some cases, survivors resort to drug or alcohol use to numb physical and emotional pain.

The social consequences associated with sexual violence can be devastating: stigma resulting in rejection by families and communities, breakdown of family life, isolation and withdrawal from social and community life.

The physical and psychological consequences of sexual violence may require specialized and long-term treatment by qualified and experienced personnel. In Liberia, assistance is being provided by a number of

international and national non-governmental organizations. These initiatives merit recognition, support and expansion.

The International Rescue Committee, for example, has provided assistance in nine camps for the internally displaced and three refugee camps in Montserrado County, as well as in selected sites within Monrovia where a high need for immediate services had been identified. Support is available to help women talk about their experiences, to provide information about the consequences of violence and their options and choices, to help them identify the problems which have arisen as a result of the violence and then to gain access to the necessary services and resources.⁵⁷

The provision of health facilities in Liberia, including hospitals and primary health centres, is among the worst in the world. According to estimates by the UN, the World Bank and the NTGL, less than 10 per cent of the Liberian population has access to “any kind of health care”, and these mainly in urban and safe areas.⁵⁸ A debilitated infrastructure, lack of funds, deterioration of support systems, and progressive undermining of the public sector workforce have all contributed to this parlous state. Health facilities with appropriate services to meet the needs of women and girls affected by sexual violence remain inaccessible to many. The situation is further aggravated by women’s lack of money for transport, medical treatment and drugs.

Restoring a primary health care system which can deliver health care through clinics and community-based initiatives across the country and, in particular, in under-served rural areas, has been identified as an urgent priority.

Recommendations

- UNDP, UNMIL, other relevant UN agencies and the NTGL should ensure a coordinated international and national response to the care of those affected by sexual violence – both immediately and over the long term.
- The NTGL and the international community should ensure that, as a matter of urgency, adequate resources are devoted to rehabilitation of the health care system.
- National and international agencies providing assistance to those affected by sexual violence during the conflict should receive the necessary resources to provide specialist care.
- The NTGL, together with relevant UN agencies and non-governmental organizations, should make concerted efforts to end stigmatization of and discrimination against survivors of sexual violence; public awareness and education programmes on sexual and gender-based violence should be strengthened and supported.

⁵⁷ International Rescue Committee, Liberia, *Situation analysis of gender-based violence*, April 2004

⁵⁸ Liberia: National Transitional Government of Liberia, United Nations, World Bank: Joint Needs Assessment, February 2004, p.51, www.un.org/Depts/dpko/missions/unmil/Needs_Assessment_for_Liberia.pdf .

Sustained commitment and resources needed

The extent of rape and other forms of sexual violence and its legacy require a dedicated and sustained response from both the international community, including the UN, the African Union, states and non-governmental organizations, and the NTGL.

The peace agreement specifically identified women and children as at-risk groups or war victims who had been severely affected by the conflict. It committed the NTGL to paying particular attention to their rehabilitation and, with the support and assistance of the international community, to design and implement programmes to meet their needs.⁵⁹

The need to deliver consistent care to those affected by sexual violence was emphasized in the UN Secretary-General's report on women, peace and security of October 2004. He specifically called on the UN General Assembly: "*to ensure adequate human and financial support to programmes that provide care and support through legal, economic, psycho-social and reproductive health services to survivors of gender-based violence*".⁶⁰

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 the international community to address the tasks of successfully consolidating the peace process and embarking on an ambitious two-year plan of post-conflict reconstruction. Deliberations at the conference were based on a Results-Focused Transition Framework (RFTF) for 2004-2005.⁶¹

Amnesty International urged the participants at the International Reconstruction Conference not only to endorse and support those elements of the RFTF which concern the protection and promotion of human rights – such as restructuring and training of the armed forces and police, rebuilding the national justice system, establishing an independent national human rights commission, meeting the needs of children associated with armed forces, and protecting the rights of women and girls, including support for those affected by sexual violence during the conflict – but also to ensure that adequate funds were made available at an early date to achieve the results envisaged.⁶²

At the conference the international community made generous pledges totalling some US \$520 million, considerably in excess of the US \$487.7 million estimated as necessary to implement fully the RFTF by the end of 2005. This initial encouraging response, however, has failed to be fully transformed into financial contributions. By October 2004 less than half the pledges made – US \$244 million – had been redeemed, thus severely restricting the ability of UNMIL, other international actors and the NTGL to meet objectives set by the RFTF.

⁵⁹ 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, Article XXXI, www.usip.org/library/pa/liberia/liberia_08182003_cpa.html.

⁶⁰ Women and peace and security, Report of the Secretary-General, UN Doc. S/2004/814, 13 October 2004, para. 88.

⁶¹ 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.

⁶² For further information, see Amnesty International, *Liberia: Recommendations to the International Reconstruction Conference, New York, 5 and 6 February 2004* (AI Index: AFR 34/002/2004), 4 February 2004.

A chorus of voices within the UN has called for commitments made in February 2004 to be fully met. The UN Security Council, following a visit to West Africa in June 2004, urged donors to disburse their pledges quickly.⁶³ In early July 2004 the UN Office for the Coordination of Humanitarian Affairs reported slow progress in Liberia's reconstruction because of donor governments' failure to meet their pledges and expressed concern that, as a result, access to humanitarian assistance and basic services remained limited for the civilian population. The same month, the Independent Expert on Liberia, appointed by the UN Commission on Human Rights, added her voice to these concerns and the impact on the protection of human rights: "*The disbursement of those pledges is so insufficient that many programmes are either stalled or progressing at a very slow pace*".⁶⁴

In his address to the UN Security Council on 15 September 2004, as it considered the Secretary-General's fourth progress report on UNMIL, the Special Representative of the UN Secretary-General for Liberia, who heads UNMIL, warned of the potential impact if funds remained unforthcoming: "*I cannot overstate the importance of ensuring that donors move quickly to disburse the remaining pledges if Liberia is to have a chance at national recovery*".⁶⁵

Among programmes yet to be started, progressing only slowly or halted completely because of lack of funds are likely to be those envisaged in the RFTF to provide support – both medical and material – to women and girls affected by sexual violence during the conflict, and to enhance the protection of women and girls from sexual and gender-based violence.

While it is important that the international community provides adequate and sustained financial and technical support for Liberia's recovery, the NTGL has a primary responsibility to ensure that post-conflict reconstruction is based solidly on good governance, the rule of law and respect for human rights. Unless the NTGL is seen to be steadfastly committed to these objectives, support and goodwill from the international community will quickly wane.

The shortfall in the funds so far contributed by international donors appears in part to be explained by wariness on the part of the international community that the NTGL has the capacity to disburse these funds effectively and also a reluctance to contribute funds without guarantees that they will be channelled directly into the priorities for reconstruction identified in the RFTF. Continuing lack of cohesion within the NTGL, political in-fighting within the parties now represented in government, coupled with allegations of corruption, have apparently deterred donor governments from meeting swiftly and fully the commitments made in February 2004. On 4 August 2004 the Special Representative of the UN Secretary-General for Liberia warned that continuing political power-struggles and apparent lack of commitment to consolidation of the peace process were resulting in donor governments withholding much-needed funds. Similarly, the UN Under-Secretary-General for Peacekeeping Operations, Jean-Marie Guéhenno, visiting Monrovia in November 2004, cautioned that donor governments would be unwilling to offer funds unless there was confidence that "*the basics that make a country trustworthy*" were in place.

⁶³ Report of the Security Council mission to West Africa, 20-29 June 2004, UN Doc. S/2004/525, 2 July 2004, para. 22.

⁶⁴ Press briefing on Liberia's human rights situation, 23 July 2004.

⁶⁵ Briefing to the Security Council on the Fourth Progress Report of the Secretary-General on UNMIL, New York, 15 September 2004.

Recommendations

- Donor governments should meet fully and speedily commitments made at the International Reconstruction Conference on Liberia.
- The NTGL should cooperate fully with UNMIL, other UN agencies, international and non-governmental organizations, and ensure that all funds provided by the international community for the reconstruction of Liberia are dispensed appropriately and in a timely way into those areas identified as a priority;
- The NTGL should demonstrate tangibly its commitment to implementation of the Comprehensive Peace Agreement, and also to good governance, the rule of law and respect for human rights.

DDRR – the particular needs of women and girls

The serious consequences of the shortfall of funds for Liberia's reconstruction are nowhere more evident and disquieting than in the DDRR programme. The UN Secretary-General, Security Council and the Special Representative of the Secretary-General for Liberia have repeatedly stressed the grave threat to the entire peace process if adequate rehabilitation and reintegration opportunities for former combatants are not provided.

Addressing the Security Council on 15 September 2004, the Special Representative of the Secretary-General for Liberia identified a shortfall of almost US \$42.5 million in the UNDP Trust Fund for DDRR and warned: *"As for the reintegration of ex-combatants, I have to remind the Council that one of the key factors that left Liberia vulnerable and insecure after its first civil war in the late 1990s was the failure by the international community to ensure proper funding for the reintegration of former combatants. We must avoid repeating the same mistake. The entire DDRR programme is an integral part of the peace process. Separating the funding of its two components [disarmament and demobilization, and rehabilitation and reintegration] is creating serious problems which could lead to the collapse of the whole programme."*⁶⁶

The Security Council, in Resolution 1561 (2004), which renewed UNMIL's mandate for a further year until 19 September 2005, specifically called on the international community to: *"respond to the continuing needs for funds for the critically important rehabilitation and reintegration phase and to fulfil pledges made at the International Reconstruction Conference on Liberia held on 5 and 6 February 2004."*⁶⁷ On 4 November 2004 UNDP called for an urgent injection of additional funds – some US \$58 million – towards rehabilitation and reintegration programmes.

This deficiency in funds will have a direct impact on the successful DDRR of women and girls which, of itself, presents particular challenges. Women and girls associated with fighting forces have to overcome the complex psychological, physical and social consequences of sexual violence and other forms of physical abuse, forced "marriage", pregnancy and childbirth. The manner of their recruitment and the various roles which they

⁶⁶ Jacques Paul Klein, The Special Representative of the Secretary-General and Coordinator of United Nations Operations in Liberia, Briefing to the Security Council on the Fourth Progress Report of the Secretary-General on UNMIL, New York, 15 September 2004.

⁶⁷ UN Doc. S/RES/1561 (2004), 17 September 2004, para. 3.

assumed with fighting forces – either voluntarily or by force – can limit their ability to be identified for and participate in DDDR programmes. It is therefore essential to ensure that women and girls – many of whom have experienced sexual violence – are brought into the DDDR programme as a result of a specific and clearly defined gender-sensitive focus, and that the needs of women, girls, young mothers and their children are met.

In his report of October 2004 on the implementation of Security Council Resolution 1325 (2000), the UN Secretary-General noted that DDDR programmes had increasingly acknowledged and provided support to women and girls as combatants, abductees, supporters of armed groups, wives and dependants of male combatants.⁶⁸ He cited UN Security Council Resolution 1509 (2003), which established UNMIL, as being the first time that the Security Council had called for a DDDR programme which specifically included attention to the special needs of children and women.⁶⁹

The DDDR programme elaborated for Liberia by UN agencies, including the United Nations Development Fund for Women (UNIFEM), UNICEF, UNDP, the United Nations High Commissioner for Refugees (UNHCR), the World Bank, USAID and the international non-governmental organization World Vision, recognized the particular difficulties facing women and girls and made specific provisions for them. It was recognized that women often face different reintegration challenges to those of men: *“the critical constraint is that women ex-combatants tend to melt into the communities for fear of stigmatization”*.⁷⁰

Measures identified as necessary in the DDDR process for women and girls in Liberia included: separate registration for DDDR of women and men; separate and secured living quarters in cantonment sites; separate hygiene facilities; women with babies and young children to stay with their children; women and girls to receive specialized reproductive health information and services; pregnant women and those with disabilities to be provided with adequate care; counselling services for those who had been subjected to sexual and gender-based violence, such as rape; educational information and training on women’s rights, human rights and skills training; and reintegration programmes to equip women and girls with the necessary skills for their full integration into the community.

A high percentage of women presenting themselves for disarmament and demobilization at cantonment sites after DDDR resumed in mid-April 2004 had experienced some form of sexual assault. Data available in July 2004 indicated a figure as high as 73 per cent; this figure excluded girls under the age of 18 years. A similarly high percentage had contracted sexually transmitted infections.

The World Health Organisation (WHO) has been responsible for initial medical screening at cantonment sites. UNFPA, international non-governmental organizations, notably the International Rescue Committee, and Liberian non-governmental organizations have contributed towards addressing the needs of women associated with fighting forces who had experienced sexual violence during the conflict. Clinics and specific sexual and

⁶⁸ Women and peace and security, Report of the Secretary-General, UN Doc. S/2004/814, 13 October 2004, para. 66.

⁶⁹ UN Doc. S/RES/1509 (2003), 19 September 2004, para. 3(f).

⁷⁰ Liberian Disarmament, Demobilisation, Rehabilitation and Reintegration Programme: Strategy and Implementation Framework, prepared by the Draft Interim Secretariat (UNDP, UNMIL, World Bank, USAID, UNICEF, UNHCR, OCHA, World Vision), 31 October 2003, Annex B, <http://www.humanitarianinfo.org/liberia/coordination/sectoral/DDR/index.asp>.

gender-based violence centres have been provided by the International Rescue Committee to dispense care and services related to sexual and gender-based violence, safe motherhood, the prevention and management of sexually transmitted infections, including HIV, and family planning. UNFPA personnel have also provided sensitization and awareness training on reproductive health and contraception, sexually transmitted infections, including HIV, and psycho-social counselling. Contraceptive pills and condoms are distributed.

Some reservations have been expressed, however, by those agencies providing this assistance and support that some non-governmental organizations wishing to assist survivors of rape and other forms of sexual violence may not have the appropriate training, experience and capacity and could actually exacerbate their trauma.

Coordination and implementation of the DDDR process is the responsibility of the NCDDRR, established in accordance with peace agreement.⁷¹ During the DDDR process, which officially ended on 31 October 2004, the UNMIL Senior Gender Adviser and Gender Unit regularly visited the various cantonment sites to monitor the process and the facilities provided for women presenting for disarmament and demobilization and assess whether the specific provisions for women were being met. Recommendations were made by the Gender Unit to remedy deficiencies, for example, in the priority and facilities accorded to pregnant women and those with babies. In general, however, the Gender Unit considered that the gender perspective of the DDDR programme had been reasonably well adhered to.

Specific arrangements were also put in place for children associated with fighting forces. A high percentage of the girls – estimated at 75 per cent – were believed to have suffered sexual violence. Strenuous efforts have been made by child protection agencies, such as UNICEF, Save the Children Fund-UK and the Christian Children's Fund, to implement fully the provisions in the DDDR programme for children. It has not, however, been without deficiencies, not least in the provision of effective programmes for rehabilitation and reintegration.⁷²

A child protection agency explained in July 2004: *"the RR programmes are not working; programmes on the ground are just starting. They are going back to communities but there is nothing there; families, communities, schools have no support... So, children and the others end up on the streets of Monrovia..."*. Without viable alternatives, children are forced into hazardous and exploitative means of survival such as prostitution, theft and drug-dealing. The Minister of Gender and Development, Vabah Gayflor, remarked to Amnesty International representatives: *"Poverty is forcing little girls to do petty trading; they become much more vulnerable."*

⁷¹ 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 Chairman of the NTGL and the Special Representative of the Secretary-General for Liberia. The International Contact Group on Liberia was formed in September 2002 and comprises representatives of the UN, the European Union, the African Union, the Economic Community of West African States (ECOWAS), France, Morocco, Nigeria, Senegal, the United Kingdom and United States. It is coordinated by ECOWAS.

⁷² For further information, see Amnesty International, *Liberia: the promises of peace for 21,000 child soldiers* (AI Index: AFR 34/006/2004), 17 May 2004, and Amnesty International, *Liberia: One year after Accra – immense human rights challenges remain* (AI Index: AFR 34/012/2004), 18 August 2004.

In addition, concerns were expressed that the period of 21 days that children were to spend in interim care centres had been reduced to five days, regarded by child protection agencies as wholly inadequate. A longer period is needed for children to be able to recount and discuss their experiences, which in the case of girls may include rape and other forms of sexual violence. (Interim care centres were designed to support rapid disarmament and demobilization and to separate children from their adult commanders. In addition, they provided facilities for documentation for family-tracing; medical care and psycho-social counselling, including specialized counselling for victims of sexual violence; and education, skills training, games and recreation.)

While conceding that “on several fronts, the DDR process currently underway in Liberia provides an example of progress”, UNIFEM concluded in a report published in October 2004 that: “the advances made on paper have not been sufficient to ensure participation if those advances are not accompanied by sufficient funds and programmes that are aimed specifically at women and girl combatants, supporters and dependants”.⁷³

Recommendations

- The NCDDRR must ensure that the specific provisions of the DDR programme for women and children are fully implemented, including for those women and girls who have suffered sexual violence.
- The international community and the NCDDRR must ensure that the crucial importance of successful rehabilitation and reintegration is reflected in the funding and implementation of the DDR programme for women and children.
- There should be full involvement of relevant UN and non-governmental women’s organizations and child protection agencies in all stages of the DDR process and these agencies must have adequate resources to ensure appropriate care for and protection of women and girls.

CONTINUING VULNERABILITY OF WOMEN AND GIRLS

“Conflict exacerbated gender-based violence and the likelihood of impunity”.⁷⁴

Louise Arbour, UN High Commissioner for Human Rights, 28 October 2004

Securing the peace

In July 2004 Amnesty International representatives visited Liberia to assess how far the aspirations of the peace agreement and the International Reconstruction Conference had been realized. Despite indisputable progress, major challenges remained in ensuring respect and protection of human rights, including those of women and girls.⁷⁵ Since then, however, there have been further advances. Deployment of UNMIL has finally

⁷³ UNIFEM, *Getting it Right, Doing it Right: Gender and Disarmament, Demobilization and Reintegration*, October 2004, www.womenwarpeace.org/issues/ddr/gettingitright.pdf.

⁷⁴ *Day-long Security Council debate on issue of women, peace, security; problems of oppression, exploitation stressed*, Press Release, UN Doc. SC/8230, 28 October 2004.

⁷⁵ For further information, see Amnesty International, *Liberia: One year after Accra – immense human rights challenges remain* (AI Index: AFR 34/012/2004), 18 August 2004.

reached full capacity – and with 15,000 peace-keeping troops is currently the largest peace-keeping operation worldwide – and UNMIL forces have been deployed to almost all areas of the country. By November 2004 disarmament of some 98,000 combatants, including women and children, had been achieved and forces of the former government of Liberia, the LURD and the MODEL officially dissolved.

Uncertainties remain, however, which undermine the confidence of both Liberians and the international community that Liberia has finally, after 14 years, emerged from conflict and is firmly on course for peace and reconstruction. High among concerns is the comparatively small quantity and poor quality of arms and ammunition surrendered by former combatants. Many suspect that heavy weapons were not surrendered but were transported across the borders into Guinea and Côte d'Ivoire. It is widely accepted that many arms have been hidden. In addition, disaffection among those combatants who had yet to be disarmed and demobilized by 31 October 2004 remained a potential destabilizing factor. The continuing possession of arms and underlying volatility became alarmingly apparent when serious rioting erupted in Monrovia on the night of 28 October 2004, apparently instigated by former combatants. Although eventually quelled by UNMIL peace-keeping forces, the disturbances resulted in at least 16 deaths, many more injured and serious destruction of property. There were also reports of rapes during the violence.

The difficulties which persist in establishing effective state authority throughout the country, the deficiencies of rehabilitation and reintegration programmes, and the major challenges which remain in ensuring effective law enforcement and administration of justice add to the climate of uncertainty. In such an environment, the human rights of women and girls remain precarious.

Recommendation

- The UN, ECOWAS, as broker of the Comprehensive Peace Agreement, and the wider international community must insist that the signatories representing the parties to the conflict fulfil their obligations under that agreement to respect international human rights and humanitarian law, including by giving clear and unambiguous instructions to their former forces.

Women and girls remain at risk of sexual violence

Women and girls in Liberia remain vulnerable to sexual violence and sexual exploitation. Although now not directly related to continuing hostilities, rape and other forms of sexual violence have been exacerbated by the conflict. The increase in rape, and domestic violence, was acknowledged by the UNMIL Senior Gender Adviser when she met Amnesty International representatives in July 2004. Because of the pervasive nature of sexual violence during the conflict, and continuing impunity for these crimes, prevention of sexual violence must be a major consideration in efforts towards post-conflict reconstruction.

Sexual violence against women and girls which is committed by non-combatants not only continues during armed conflict but is also exacerbated. Rape and other forms of sexual violence against women and girls in internally displaced people's camps reported to Amnesty International representatives in July 2004 was committed by other residents in the camps rather than by combatants or former combatants. Living conditions

in camps for the internally displaced and refugees have contributed considerably to the risks of sexual violence. Added to this is the increased vulnerability to sexual exploitation which results from loss of social and economic independence. In such situations, women and girls are vulnerable to being forced to exchange sex for goods and assistance such as food or protection.

Measures identified to Amnesty International representatives in November 2003 as necessary to increase protection of women and girls in internally displaced people's camps – such as improved lighting, the location of latrines used by women and girls, better policing and increased awareness of sexual and gender-based violence – had, for the most part, yet to be implemented when they returned in July 2004.

An assessment undertaken by the International Rescue Committee in March 2004 of the risks to women and girls in seven internally displaced people's camps in Montserrado County identified several deficiencies.⁷⁶ They included: overcrowded conditions, resulting in reduced privacy and increased risk of sexual assault; inadequate lighting at night; no adequate separation of latrines and bathhouses for men and women; absence of easy and safe access to latrines and bathhouses for women and girls; and poor or unequal access to resources leading to greater risk of sexual exploitation.

Conditions in internally displaced people's camps in Liberia fall far short of the Sphere Humanitarian Charter and Minimum Standards in Disaster Response (Sphere Standards), developed by international and national non-governmental organizations.⁷⁷ UN agencies, the Liberia Refugee Repatriation and Resettlement Commission (LRRRC) and international non-governmental organizations have intervened to ensure the safety of many women and girls in internally displaced camps, but the lack of a designated lead agency with a specific mandate to protect internally displaced people has resulted in inconsistent and *ad hoc* efforts to provide protection.

As implementation of the peace agreement, notably disarmament and demobilization, has progressed, plans have been made to resettle some of the several hundred thousand of internally displaced people to their home counties. By November 2004, the NTGL had declared six of Liberia's 15 counties to be safe for the displaced population to return. More than 260,000 people were estimated in May 2004 to be in internally displaced peoples' camps in Liberia, although this number is likely to have been further increased by continuing spontaneous returns of Liberians who had sought refuge in neighbouring and other countries in the region. (Some 340,000 refugees are scattered around the region. In October 2004 UNHCR officially began a three-year voluntary repatriation programme.)

Until women and girls are safely resettled in their homes, within their families and communities, they will remain at increased risk of rape and other forms of sexual violence. In addition, however, long-term programmes are needed to combat sexual and gender-based violence, which have been exacerbated by the conflict. Because of the pervasive nature of sexual violence during the conflict, reintegration and rehabilitation programmes must include measures to prevent sexual violence. This was recognized by the UN Secretary-

⁷⁶ International Rescue Committee, Liberia, *Situation analysis of gender-based violence*, April 2004.

⁷⁷ www.sphereproject.org.

General in his report to the UN Security Council on Liberia of 11 September 2003, which anticipated the establishment of UNMIL.⁷⁸

Recommendations

- The NTGL should state publicly and unequivocally that rape and other forms of sexual violence against women and girls are criminal offences and that the perpetrators will be brought to justice.
- All allegations of rape and other forms of sexual violence should be promptly, thoroughly and independently investigated.
- Urgent measures should be taken by the NTGL and UN agencies to ensure the security and protection of internally displaced people in accordance with international standards, including the UN Guiding Principles on Internal Displacement, and also the Sphere Standards.
- The international community should ensure that UNHCR and other agencies providing protection and assistance to returning refugees and internally displaced people have sufficient resources to do this effectively.
- Particular care should be given to vulnerable groups within internally displaced and returning refugee populations, such as women and children, in order to ensure that medical treatment and psycho-social support is provided to those who have suffered sexual violence.

UNMIL's mandate to protect civilians

As implementation of the peace agreement has progressed the threat of violence against the civilian population has receded but has not been completely eradicated.

Resolution 1509 (2003) of 19 September 2003 which established UNMIL under Chapter VII of the UN Charter gave a clear mandate to UNMIL: "*to protect civilians under imminent threat of physical violence, within its capabilities*".⁷⁹ Although hostilities between the parties to the conflict have ended, there is still need for acute vigilance by UNMIL peace-keeping troops in protecting the civilian population.⁸⁰ UNMIL's mandate to protect civilians should be interpreted specifically to encompass protection of women and girls from rape and other forms of sexual violence.

In addition, however, there also needs to be scrupulous scrutiny of the behaviour of UNMIL peace-keeping forces and that of other UNMIL personnel in order to ensure that they are not responsible for sexual violence or sexual exploitation of women and girls.

⁷⁸ Report of the Secretary-General to the Security Council on Liberia, UN Doc. S/2003/875, 11 September 2003, para. 46

⁷⁹ UN Doc. S/RES/1509 (2003), 19 September 2003, para. 3(j).

⁸⁰ For further information on implementing human rights in international peace-keeping operations, refer to Amnesty International, *Peace-keeping and human rights* (AI Index: IOR 40/01/1994), January 1994, which includes a 15-point programme.

Several of those to whom Amnesty International representatives spoke in July 2004 – personnel of UNMIL and other UN agencies as well as international and national non-governmental agencies – raised concerns about the conduct of some UNMIL forces. Complaints included sexual exploitation such as prostitution, and economic exploitation such as employing minors as domestic help. A member of a Liberian non-governmental organization said: *"This is a war situation; the economy has been destroyed. UNMIL are buying sex because of the economic situation"*.

An international non-governmental organization expressed concern to Amnesty International representatives in July 2004 that UNMIL military personnel were not treating the issue of sexual exploitation with sufficient seriousness: effective systems to prevent sexual exploitation had to be established and implemented.

Clear instructions have been given by the Special Representative of the UN Secretary-General for Liberia to both the UNMIL Force Commander and the civilian Police Commissioner for all personnel to adhere to the Ten Rules: Code of Personal Conduct for Blue Helmets and other relevant directives. All UN military and civilian personnel must be trained in and comply with the standards set out in the UN Secretary-General's Bulletin on special measures for protection from sexual exploitation and sexual abuse of 2003.⁸¹ Training in relevant standards is provided by both the UNMIL Gender Unit and the Human Rights and Protection Unit.

In his report in April 2004 on special measures for protection from sexual exploitation and sexual abuse, the UN Secretary-General concluded that: *"The intention of the Secretary-General in promulgating the bulletin on protection from sexual exploitation and sexual abuse was to ensure that all categories of personnel serving under the United Nations flag would be fully aware of the standards of conduct expected of them, and that they would abide by them in the areas of prevention of sexual exploitation and sexual abuse. In addition, the Secretary-General calls on Member States to incorporate the core principles enshrined in the bulletin into the standards and codes of conduct for their national armed forces and police forces. He also seeks the support of Member States in ensuring that military personnel serving with United Nations peacekeeping operations are held accountable for any acts of sexual exploitation and abuse."*⁸²

Both the UN and states have a responsibility to prevent and punish crimes of sexual violence by peace-keeping forces and to provide reparations to victims and their families. There must be effective mechanisms at both international and national levels to address seriously any complaints against UNMIL personnel. The complaints mechanism must be accessible, investigations undertaken promptly and appropriate disciplinary action taken, including investigations and prosecutions of these crimes and adequate reparations.

Any member of UNMIL, whether military or civilian, suspected of being responsible for sexual exploitation or abuse must be immediately suspended from duty and investigations initiated; the outcome of these investigations should be made public. Countries contributing military or civilian personnel to UNMIL should ensure that any allegations of sexual exploitation or abuse are brought to justice, in accordance with international standards for fair trial, before national courts and appropriate reparations provided to the victims.

⁸¹ UN Doc. ST/SGB/2003/13, 9 October 2003.

⁸² Special measures for protection from sexual exploitation and sexual abuse, Report of the Secretary-General, UN Doc: A/58/777, 23 April 2004, para. 14.

The UNMIL Force Commander informed Amnesty International representatives in July 2004 that responsibility lay with UNMIL sector commanders and that investigations are undertaken by both UNMIL military and civilian police personnel when complaints are received. The Special Representative of the Secretary-General for Liberia must ensure that all relevant directives are effectively implemented throughout the peace-keeping operation.

Recommendations

- The Special Representative of the UN Secretary-General for Liberia and the UNMIL Force Commander must instruct UNMIL forces to fulfil effectively and at all times their mandate to protect civilians; this mandate should be interpreted specifically to include protection of women and girls from sexual violence.
- All UNMIL troop-contributing states must train peace-keeping forces in human rights and international law standards, including in respect to the rights of women and children, before they are deployed; this training should include the principles set out in the UN Secretary-General's Bulletin on special measures for protection from sexual exploitation and sexual abuse; such training should continue during their deployment.
- All peace-keeping forces must comply at all times with the Ten Rules: Code of Personal Conduct for Blue Helmets, the UN Secretary-General's Bulletin, and the UN's policy of "zero tolerance" for such abuses.
- UNMIL must establish an easily accessible complaints mechanism and any reports of human rights violations by members of UNMIL forces must be immediately investigated and appropriate action taken, including criminal investigations and prosecutions and award of reparations.

POST-CONFLICT RECONSTRUCTION AND PROTECTING THE RIGHTS OF WOMEN

"The Council further requests the Secretary-General to mainstream a gender perspective in all aspects of post-conflict reconstruction programmes ... and to ensure that all policies and programmes in support of post-conflict constitutional, judicial and legislative reform, including truth and reconciliation and electoral processes, promote the full participation of women, gender equality and women's human rights."⁸³

UN Security Council, 28 October 2004

The protection of the human rights of women and girls must be at the centre of all efforts to rebuild a country bearing the scars of years of abuse of the most fundamental human rights. Full participation of Liberian women themselves in these efforts must be encouraged and facilitated.

⁸³ Statement by the President of the Security Council, UN Doc. S/PRST/2004/40, 28 October 2004.

Women at the centre of post-conflict reconstruction

"The women of Liberia know the cost of conflict, of failed states and ruined economies ... Despite these experiences they have taken responsibility for sustaining their families and communities"⁸⁴

Dr Noeleen Heyzer, Executive Director of UNIFEM, 10 May 2004

"Although Liberian women have and continue to play vital roles in the search for peace in our long-running civil war, they continue to be marginalized and under-represented in key decision-making positions."⁸⁵

Counsellor Frances Johnson-Morris, Chair, Liberian National Electoral Commission, September 2004

Resolution 1325 (2000) called for a gender perspective to be incorporated into the negotiation and implementation of peace agreements. It specifically called for the inclusion of: "(a) *The special needs of women and girls during repatriation and resettlement and for rehabilitation, reintegration and post-conflict reconstruction; (b) Measures that would support local women's peace initiatives and indigenous processes for conflict resolution, and that involve women in all of the implementation mechanisms of the peace agreements; (c) Measures that ensure the protection of and respect for human rights of women and girls, particularly as they relate to the constitution, the electoral system, the police and the judiciary*".⁸⁶

As the conflict worsened from the beginning of 2003 and human rights abuses against civilians escalated, women in Liberia from all sectors of society began a vocal campaign for peace. A delegation of Liberian women from the Mano River Women Peace Network took part in the negotiations in Accra which began in June 2003, and was one of the groups representing civil society which subsequently signed the peace agreement in August 2003 as witnesses.

In his most recent report on the implementation of Resolution 1325 (2000), the UN Secretary-General more specifically urged international stake-holders and civil society to: "*Systematically use the Convention on the Elimination of All Forms of Discrimination against Women as a guiding framework in programmes and other support in post-conflict countries*" and also to: "*In consultation with women and girls, plan and implement specific initiatives for women and girls and systematically incorporate gender perspectives in the planning, implementation and monitoring of all reconstruction programmes and budgets to ensure that women and girls benefit directly from resources mobilized through multilateral and bilateral resources*".⁸⁷

In May 2004 women from throughout Liberia met in Monrovia for a week-long "National Women's Conference on Peace and Socio-Economic Recovery in Liberia". The conference aimed to develop a national

⁸⁴ *Rebuilding of Liberia must involve full participation of women*, Press Release, UNIFEM, 10 May 2004.

⁸⁵ Counsellor Frances Johnson-Morris speaking at United Nations Development Fund for Women/International Legal Assistance Consortium Conference: "Peace needs women and women need justice", New York, 15-17 September 2004.

⁸⁶ UN Doc. S/RES/1325 (2000), 31 October 2000, para. 8.

⁸⁷ Women and peace and security, Report of the Secretary-General, UN Doc. S/2004/814, 13 October 2004, paras. 63(b) and 63(c).

framework for the participation of women in the post-conflict reconstruction of Liberia.⁸⁸ Participants included representatives of women's organizations, professional and businesswomen, traditional leaders, youth, the elderly, internally displaced people and refugees. The conference was expected to reinforce moves towards the inclusion of women in political office, legal reform and the development of government policies on issues crucial to women.

The Executive Director of UNIFEM, Dr Noeleen Heyzer, described the conference as a celebration of the courage and resilience of Liberia's women and emphasized the critical importance of their participation and leadership in all phases of the country's recovery: "*This conference is a statement by the women of this country of their right to be partners in charting Liberia's transition process*".⁸⁹ She listed four priorities for ensuring an environment that encouraged participation by women: reform of the security sector to meet the special needs of women during post-conflict reconstruction; re-establishment of the rule of law and inclusion of a gender perspective in constitutional, legislative and judicial reform; increased support for women in leadership positions in national institutions; and economic security for women.

In his report on women, peace and security of October 2002, the UN Secretary-General specifically called for women's groups and networks to be actively involved in the process of post-conflict reconstruction, particularly at decision-making levels.⁹⁰ The NTGL and the National Transitional Legislative Assembly, established in accordance with the Comprehensive Peace Agreement, have, respectively, three and four women members.

The special needs and contribution of women in justice and transitional justice mechanisms have been recognized in theory but have rarely been put effectively into practice. A culture of genuine participation and consultation with women's organizations and civil society on major government policies, in particular those which directly affect the lives of women, needs to be developed at all levels of national, regional and local decision-making.

Recommendation

- In order to ensure the protection of the rights of women and girls in the future, women must be fully involved in the consolidation of the peace process, including future elections and government.

The goals of the Results-Focused Transition Framework

Among the areas of post-conflict reconstruction included in the RFTF were the protection of civilians, especially women, increased access to effective primary health care and promotion of health, particularly women's health.

In terms of the protection of women and girls, the RFTF set as an objective both a fully functioning Ministry of Gender and Development, with adequate resources to develop and implement its work. Proposals

⁸⁸ The conference was organized by the Ministry of Gender and Development and supported by UNDP-Liberia, UNIFEM, UNMIL and other UN agencies.

⁸⁹ *Rebuilding of Liberia must involve full participation of women*, Press Release, UNIFEM, 10 May 2004.

⁹⁰ Report of the Secretary-General on women, peace and security, UN Doc. S/2002/1154, 16 October 2002, para. 60.

included support for those affected by sexual violence during the conflict, and development of a strategy by relevant government ministries to address specifically the protection of the rights of women and girls.⁹¹

Plans to be achieved by the end of 2004 included: development of a strategy to mainstream gender into all ministries; nationwide public information and awareness on implementation of projects; support for those affected by sexual violence during the conflict; and the establishment of a children's unit.

When visiting Liberia in July 2004, Amnesty International representatives met the Minister of Gender and Development who outlined plans in accordance with the RFTF. Focus groups on sexual and gender-based violence have been established which, among other things, plan to coordinate information-gathering about incidents of sexual and gender-based violence and monitor the prevention and response activities of various actors, including the police and judicial system, and medical and psycho-social services. There were also plans to have sexual and gender-based violence "brigades" in camps for the internally displaced.

While several important initiatives have been taken, the Ministry of Gender and Development faces severe financial constraints. By November 2004 much remained to be done to meet the targets set by the RFTF for the end of the year, not least because of the tardiness in international donors fulfilling pledges made in February 2004. The Minister of Gender and Development remarked in July 2004 that: "*we are not able to play the role that we want to play...*".

The UNMIL Gender Unit and Human Rights and Protection Section

The appointment of a Senior Gender Adviser within UNMIL and the creation of a Gender Unit is in line with the recommendations made in UN Security Council Resolution 1325 (2000) which urged the Secretary-General: "*to ensure that, where appropriate, field operations include a gender component*".⁹² In addition, UN Security Council 1509 (2003) made specific provision for: "*an adequate human rights presence, capacity and expertise within UNMIL to carry out human rights promotion, protection and monitoring activities*".⁹³

The Gender Unit, together with the Human Rights and Protection Section, is working to support the Ministry of Gender and Development to strengthen the Ministry's capacity, including by training staff in Monrovia, and those counties which are accessible, to develop gender-sensitive programmes. One such programme, developed with a number of Liberian women's organizations, including the Women in Peace-building Network, the Liberia Women Initiative, the Mano River Women Peace Network and the Association of Female Lawyers of Liberia, is aimed at dispelling the stigma surrounding rape and other forms of sexual violence.

The Senior Gender Adviser and Gender Unit are, however, constrained in their activities because of lack of resources. No funds have been specifically allocated to the Gender Unit for gender-related projects. The activities of Liberian women's organizations are also curtailed because of a dearth of resources.

⁹¹ 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 .

⁹² UN Doc. S/RES/1325 (2000), 31 October 2000.

⁹³ UN Doc. S/RES/1509 (2003), 19 September 2003.

The Human Rights and Protection Section has developed an ambitious and comprehensive plan of action. Among its activities are: monitoring and reporting on the human rights situation, paying particular attention to especially vulnerable groups such as women, children, the disabled and internally displaced people; training UNMIL forces and monitoring the conduct of UNMIL military and civilian staff; assisting the effective establishment and operation of the Truth and Reconciliation Commission and Independent National Commission on Human Rights; and training UNMIL personnel – military and civilian – as well as the Liberian police.

The Human Rights and Protection Section is according particular attention to the protection of the rights of women and girls. It provides “training of trainers” workshops for representatives of women and youth groups. Issues covered during these sessions are the provisions for the protection of women in international human rights treaties such as CEDAW, the Convention on the Rights of the Child, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the International Covenant on Civil and Political Rights. Sexual and gender-based violence is specifically addressed.

Delays, however, continue in the recruitment of the full complement of staff of 48 for the Human Rights and Protection Section, which includes a gender adviser and two child protection advisers. It is intended that two human rights officers will be deployed in each of the 15 counties, with the remaining 18 in Monrovia. This delay can be expected to have had reduced the capacity of the Human Rights and Protection Section to monitor and promote the protection of the rights of women and girls. As of 12 November 2004, 39 staff had been recruited. In his fourth progress report on UNMIL, the UN Secretary-General emphasized the importance of early recruitment of all posts within the Human Rights and Protection Section: “*While considerable work has been done in the area of human rights, there has, admittedly, been some delay in the recruitment of qualified personnel. It is therefore important that the process of identifying, recruiting and inducting human rights personnel be accelerated in the coming weeks.*”⁹⁴

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

Recommendations

- The UN Security Council must ensure that the UNMIL Senior Gender Adviser and Gender Unit have adequate resources – both personnel and financial – in order to incorporate effectively the protection of women and girls into all aspects of the peace-keeping operation.
- The relevant UN departments should recruit the full complement of staff of the Human Rights and Protection Section as soon as possible and provide adequate funding to enable the section to undertake effectively its activities.

⁹⁴ Fourth progress report of the Secretary-General on the United Nations Mission in Liberia, UN Doc. S/2004/725, 10 September 2004, para. 37.

- Human rights officers should continue to actively monitor the human rights situation throughout the country, as far as conditions allow, paying particular attention to the rights of women and girls; all human rights officers should have gender expertise and report all allegations of sexual and gender-based violence.
- UNMIL should make public the regular reports of the Human Rights and Protection Section.

Reform and rehabilitation of the national justice system

"... the entire system is still facing enormous infrastructural, logistical, material and human resources challenges. I therefore appeal to the Security Council to urge donor governments to assist in supporting Liberia to rebuild its rule of law system".⁹⁵

Jacques Paul Klein, Special Representative of the UN Secretary-General for Liberia, 15 September 2004

While, generally, the debilitated state of the judicial and legal systems currently precludes addressing impunity for crimes under international law committed during the conflict before national courts, more specifically these deficiencies seriously militate against access by women to justice and reparations for the crimes committed against them, including rape and other forms of sexual violence.

The RFTF prescribed a comprehensive review of the justice system and initiatives to build public trust and confidence in the justice system and the rule of law. It aimed to lay the foundations for a professional, independent and credible judiciary and to re-establish the mechanisms needed to facilitate the rule of law. Among objectives envisaged by the end of 2004 were: functioning criminal, civil, juvenile and magistrates' courts in Monrovia and some counties; rehabilitation of the Supreme Court; training of judges, magistrates and justices of the peace; training of prosecutors, public defenders and other members of the Bar; and rehabilitating the law school facilities.⁹⁶ Most of these objectives had yet to be reached by December 2004.

The Ministry of Justice is operating with a minimum of resources; as most other ministries, it still lacks the most basic facilities necessary to function effectively. The judicial and human rights and protection components of UNMIL, together with UNDP, are working with the Ministry of Justice and the Chief Justice to address rehabilitation of the court system, initially courts in Monrovia, to be followed by others throughout the country. There is, however, serious under-funding for these projects and progress is therefore extremely slow and behind schedule.

In July 2004 the Independent Expert on Liberia stressed the importance of establishing strong institutions to protect civilians against human rights violations. Remarking that only one court was functioning

⁹⁵ Jacques Paul Klein, The Special Representative of the Secretary-General and Coordinator of United Nations Operations in Liberia, Briefing to the Security Council on the Fourth Progress Report of the Secretary-General on UNMIL, New York, 15 September 2004.

⁹⁶ 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.

in Liberia, she said: *"To have sustainable peace, to be able to protect civilians from human rights violations, there are certain institutions that have to be there".*⁹⁷

Although some lawyers are making strenuous efforts to pursue cases in the courts – including cases of rape and sexual assault – they are frustrated by structures which barely function. The Association of Female Lawyers of Liberia is attempting to broaden the existing narrow legal definition of rape so that it includes forms of sexual abuse currently defined as sexual assault, a less serious offence which carries a lighter penalty. The inadequacies of the judicial system, however, are thwarting such initiatives. A member of the Association of Female Lawyers of Liberia, speaking to Amnesty International representatives in July 2004, said: *"If the system doesn't work, we can't do anything..."*. During the meeting organized in October 2004 by civil society to review progress by the NTGL in implementation of the peace agreement, the Minister of Justice was reported to have said that the criminal law on rape would be reviewed.

Police response to reports of rape is erratic and inconsistent. In many cases, incidents of sexual violence are dealt with within the family and community. A member of the Concerned Christian Community which is providing assistance to women and girls affected by sexual violence remarked in July 2004: *"The people feel powerless; the judicial process is so slow. They feel that no one is speaking for them"*.

The UN Secretary-General, in his most recent report on women, peace and security, specifically urged the development of measures to ensure that: *"all programmes and policies in support of the rule of law, including constitutional, judicial and legislative reform, promote gender equality and women's human rights"*.⁹⁸

During the Security Council debate on women, peace and security, the UN High Commissioner for Human Rights also emphasized the importance of strong legal and judicial institutions for the protection of women: *"The violations women experienced would never be dealt with appropriately until justice issues received sufficient attention The international community and national governments must address more effectively impunity and the reconstruction of justice systems ... Reconstruction of effective justice systems rarely received the financial support that went with the delivery of humanitarian assistance or even rebuilding physical and economic infrastructure. Support for the establishment of any justice system should involve women and include gender-sensitive procedures"*.⁹⁹ The High Commissioner called on the Security Council to use all its influence to generate the political will, as well as the financial support, to protect women's rights and ensure their access to justice, including through the rebuilding of a justice sector which was responsive to their needs.

Liberia ratified the Rome Statute on 22 September 2004. By ratifying the Rome Statute, the Liberian government has committed itself to investigating and prosecuting crimes of genocide, crimes against humanity and war crimes. It must now review and amend national laws to ensure that these crimes can be investigated

⁹⁷ Press briefing on Liberia's human rights situation, 23 July 2004.

⁹⁸ Women and peace and security, Report of the Secretary-General, UN Doc. S/2004/814, 13 October 2004, para. 63(a).

⁹⁹ *Day-long Security Council debate on issue of women peace and security; problems of oppression, exploitation stressed*, Press Release, UN Doc. SC/8230, 28 October 2004.

and prosecuted by national courts and that it can cooperate fully with the International Criminal Court.¹⁰⁰ The penal code should be amended to define rape and other crimes of sexual violence in a way which is consistent with evolving international law.

Recommendations

- The international community must provide an adequate and long-term commitment to the reform and rehabilitation of the national justice system, including by meeting pledges made at the International Reconstruction Conference.
- Lawyers, magistrates, criminal investigation police officers and other judicial officers should be specifically trained and courts effectively equipped in order to document cases of sexual violence and initiate legal action.
- The international community must provide urgent funding to rehabilitate courts in Monrovia and the counties, and judges, prosecutors and public defenders should be provided with adequate facilities so that they can carry out their duties with maximum efficiency.
- The NTGL should ensure that legislation prohibits violence against women and provides appropriate punishments for perpetrators; national legislation should conform to international law and definitions of offences, including the definition of rape contained in the Rome Statute.
- The NTGL should take effective action to end impunity for perpetrators of rape and other forms of sexual violence, as part of the wider reform and reconstruction of the national justice system.

The NTGL's obligations under international law

In a significant move towards the protection of human rights, on 22 September 2004, in addition to the Rome Statute, the Chairman of the NTGL signed, ratified and acceded to a number of other treaties and protocols.¹⁰¹ These included the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights. It also acceded to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and its Optional Protocol.

In addition, it signed, among others, the Optional Protocol to CEDAW, the Optional Protocol to the International Covenant on Civil and Political Rights, and the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict.

Each of these treaties is relevant to the prevention of sexual and gender-based violence and the judicial response to such violence. Strenuous efforts must be made by the NTGL to adhere to its obligations

¹⁰⁰ The International Criminal Court relies on states which have ratified the Rome Statute to investigate and prosecute people accused of genocide, crimes against humanity and war crimes in their national courts; the Court will step in when national courts are unable or unwilling to do so.

¹⁰¹ For full details of the human rights instruments which Liberia either signed, ratified or acceded to on 22 September 2004, see *OCHA welcomes Liberia's significant steps to protect its citizens*, Press Release, UN Doc. AFR/1032, IHA/948, 22 September 2004.

under these international treaties, including, where necessary, implementation of those obligations in national legislation and vigorous enforcement of such legislation. The NTGL should also provide officials with effective training and instructions on how to implement and enforce these treaties and develop, in close consultation with civil society, training and public awareness programmes on the rights which they enshrine.

Recommendations

- The NTGL should ratify without delay the Optional Protocol to the Convention on the Elimination of all Forms of Discrimination against Women, as well as the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa.
- The NTGL should adhere strictly to its obligations under international human rights treaties, including those which guarantee the rights of women and girls; where necessary, those obligations should be implemented in national legislation.
- The Office of the UN High Commissioner for Human Rights and UNMIL should provide technical assistance to the NTGL in order to strengthen its capacity to fulfil its obligations under these treaties.