

Liberia

“The goal is peace, to sleep without hearing gunshots, to send our children to school; that is what we want.”

The comprehensive peace agreement signed in Accra, Ghana, on 18 August 2003, the inauguration of the power-sharing National Transitional Government of Liberia (NTGL) and the deployment of what will be the largest current United Nations (UN) peace-keeping operation should augur well for the people of Liberia who have suffered appalling human rights abuses for so many years.

Major challenges remain, however, and the efforts of the international community which achieved these significant gains must be maintained and reinforced. Much more needs to be done – and urgently – to ensure that the fundamental human rights of all Liberians are respected.

An Amnesty International delegation visited Liberia from 5 to 19 November 2003. It found that men, women and children in areas where UN peace-keeping troops have yet to deploy continue to be killed, raped, beaten, used as forced labour and driven from their homes, their possessions looted by one group of fighters after another. Those responsible are from all the three parties to the conflict which signed the peace agreement – the former government of Liberia, the Liberians United for Reconciliation and Democracy (LURD) and the Movement for Democracy in Liberia (MODEL) – and which are now represented by senior ministers in the NTGL.

On 22 December 2003 the UN Security Council is scheduled to consider the UN Secretary-General's report on progress towards implementation of the peace agreement and of Security Council Resolution 1509 (2003) which established the UN peace-keeping operation in Liberia. The Security Council must give urgent attention to a still alarming level of human rights abuses against civilians and take measures to ensure that every possible effort is made to protect them.

An elusive peace: civilians remain at risk and need protection

Despite the peace agreement, peace has yet to become a reality for large sections of the civilian population. An uneasy calm has prevailed in the capital, Monrovia, after the devastating events of June and July 2003 when more than a thousand civilians died in cross-fire or as a result of deliberate indiscriminate shelling by LURD and former government forces. This relative calm was, however, punctuated from 8 December 2003 by rioting by armed former government militia, underlining the hesitancy and uncertainty which surrounds implementation of the peace agreement. In other parts of the country civilians continue to live in fear of increasingly undisciplined and desperate groups of armed fighters. Combatants were required by both the cease-fire agreement of 17 June 2003 and the peace agreement of 18 August 2003 to remain in areas which they held at that time; this has been blatantly and

consistently ignored as many make final attempts to grab the remaining spoils of war. Hundreds of thousands of people remain internally displaced, with numbers still increasing daily as civilians flee killings, rape, beatings, forced labour and extensive looting.

“Bring everything or we will kill you... dead bodies can’t talk.”

Former government forces looting Sanoyie, Bong County, on 14 November 2003, according to a witness interviewed by Amnesty International delegates on 15 November 2003

The official disarmament and demobilization program began faltering on 1 December 2003. Many combatants have yet to be persuaded to surrender their weapons and turn their backs on violence and commitment to disarmament and demobilization by some leaders of parties to the conflict also remains far from convincing.

In Bong, Grand Bassa and Nimba Counties attacks on civilians by former government militia, the LURD and the MODEL continue. In addition, LURD forces around Gbarnga, Bong County, and MODEL forces in Buchanan, Grand Bassa County, are using civilians as forced labour to harvest crops or carry looted goods.

On 8 November 2003 Amnesty International delegates met civilians displaced to Kakata, Margibi County. They described how their villages in Bong County were attacked and looted by LURD forces in August and September 2003 and how, as they fled, their remaining possessions were taken by former government forces based around Sanoyie. According to civilians displaced from Sanoyie to Totota, Bong County, whom Amnesty International delegates met in several camps around Totota on 15 November 2003, these forces continue to loot farms and villages in the Sanoyie area, accompanied in some cases by beatings, rape, abductions and forced labour.

In Nimba County hostilities between former government militia and MODEL forces have continued. Amnesty International delegates visited Saglepie on 14 November 2003 when civilians carrying their few remaining possessions were seen to be still arriving. Testimonies from internally displaced people described killings, beatings 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 appears to be ethnically motivated, with attacks by predominantly Krahn MODEL fighters against civilians from the Mano and Gio ethnic groups who are perceived to have supported former President Charles Taylor.



Amnesty International delegate interviewing internally displaced people in Kakata, Margibi County, on 8 November 2003 ©AI

The peace agreement is explicit: the parties state their commitment to "promoting full respect for international humanitarian law and human rights". On 13 November 2003 the National Transitional Legislative Assembly (NTLA) passed a resolution which recognized that continuing hostilities violated the peace agreement and resulted in "fear, death, destruction, untold human suffering and frustration of efforts of humanitarian agencies that are working to bring relief to the Liberian people". It called on all parties involved in fighting in Nimba County and other parts of the country to halt all military activities.

"The goal is peace, to sleep without hearing gunshots, to send our children to school; that is what we want."

A Liberian woman who attended the peace negotiations in Accra interviewed by Amnesty International delegates on 12 November 2003

Amnesty International delegates met senior members of the NTGL – some still awaiting conformation of their appointments by NTLA. In addition to the Transitional Chairman, Gyude Bryant, they met the Minister of Foreign Affairs and the Minister and Deputy Minister of National Defense, who, respectively, represent the MODEL, the former government and the LURD. They admitted that human rights abuses were continuing; what is absent, however, as far as Amnesty International was able to ascertain, is any clear, authoritative instructions to the perpetrators to cease these abuses. Amnesty International delegates impressed strongly on members of the NTGL their responsibility to instruct commanders of combatants associated with former government forces, the LURD and MODEL to abide by the peace agreement and, in particular, to cease attacks on the civilian population. While it appears in some areas that chain of command structures have collapsed, this does not abrogate those members of the NTGL representing the three parties to the conflict from their responsibilities.

Amnesty International's recommendations:

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

Urgent deployment of additional UNMIL forces

Amnesty International welcomed Security Council Resolution 1509 (2003) of 19 September 2003 which established the United Nations Mission in Liberia (UNMIL) under Chapter VII of the UN Charter. The resolution gave a clear mandate to UNMIL "to protect civilians under imminent threat of physical violence, within its capabilities."

It is clear that the presence of international troops deployed since 4 August 2003, when ECOWAS forces authorized by the UN Security Council diffused the crisis in Monrovia, has afforded some protection to civilians. The security situation in Monrovia and other areas under UNMIL control is relatively stable, although it is widely accepted that former combatants in these areas have retained easy access to their weapons, as demonstrated only too clearly as riots broke out in Monrovia on 8 December 2003. Internally displaced people interviewed by Amnesty International delegates in camps along the main route from Monrovia to Totota, indicated that the threat of attack has substantially reduced since peace-keeping troops deployed along the road in September 2003. Many emphasized that it would not be safe to return to their homes until UNMIL troops have been more widely deployed.

“If the arms are not taken from them, this place will not be in peace.”

Internally displaced man from Sanoyie, Bong County, interviewed by Amnesty International delegates on 15 November 2003

The ability of UNMIL to implement its mandate to protect civilians is, however, seriously hampered. Only about a third of the 15,000 troops envisaged in Resolution 1509 (2003) have so far arrived in Liberia, frustrating efforts to fulfil its mandate to contribute towards implementation of the cease-fire and peace agreements and provide protection to civilians. Although several countries have pledged to contribute troops to UNMIL, their arrival and deployment in Liberia has been delayed. On the basis of current information from potential troop-contributing countries, UNMIL is unlikely to reach its full strength until March 2004 at the earliest. This is too long to wait for civilians who daily face threats to their lives and livelihoods.

“They are killing our people...We don’t want food from the UN; we need peace, then we can produce our own food.”

Woman in Sagleipie, Nimba County, interviewed by Amnesty International delegates on 14 November 2003

Senior UNMIL officials, including the Special Representative of the Secretary-General for Liberia, Jacques Paul Klein, and the UNMIL Force Commander, Lieutenant-General Daniel Opande, whom Amnesty International delegates met in Monrovia, have expressed frustration at the inability to deploy peace-keeping troops more widely and implement UNMIL’s mandate more effectively. While there is no questioning of the urgency to protect civilians, without additional troops it largely remains an intent rather than a reality. In addition to an increased number of troops, it was stressed that they must be accompanied by adequate and appropriate equipment and logistical support.

Amnesty International’s recommendations:

- those countries which have pledged to contribute troops to UNMIL should ensure that they are sent to Liberia with a minimum of delay;
- countries which have yet to undertake to contribute to UNMIL should consider doing so in order to ensure that the full complement of 15,000 is reached as early as possible;

- additional forces, with adequate logistical support, should be swiftly deployed to those areas where civilians are currently most at risk, especially in Bong and Nimba Counties, in order to provide protection to the civilian population;
- all UNMIL troops must be provided with appropriate training, including in human rights and international humanitarian law standards, before they are deployed.

A strong human rights component within UNMIL

In his report on Liberia to the Security Council of 11 September 2003 (S/2003/875), the UN Secretary-General identified "the improvement of the human rights situation and the protection of civilians, including women and children" as a priority area of support to be provided by the UN presence in Liberia. He therefore proposed the establishment of a human rights and protection component within UNMIL with a mandate to, among other things, monitor and publicly report on the human rights situation, undertake "credible and robust" protection activities and provide training for law enforcement officers, government officials and UN troops. The Secretary-General also proposed that the human rights component include two child protection advisers and that a senior gender adviser be part of the office of the Special Representative of the Secretary-General.

Resolution 1509 (2003) reflected some of the strong human rights recommendations made in the Secretary-General's report and provided for "an adequate human rights presence, capacity and expertise within UNMIL to carry out human rights promotion, protection and monitoring activities".

UNMIL was officially established on 1 October 2003. In addition to the urgent priority of deploying additional troops, equal attention must be given to establishing the human rights presence envisaged in Resolution 1509 (2003).



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

While in Liberia, Amnesty International delegates were encouraged by support from senior UNMIL officials for a strong human rights section. Plans were being developed to create a substantial human rights section within UNMIL. A human rights officer from the Office of the UN High Commissioner for Human Rights was in Monrovia to advise on implementation of UNMIL's human rights mandate. It is expected that a significant number of human rights officers will eventually be based in each of Liberia's 15 counties, as UNMIL deployment progresses and

the security situation improves. While recruitment of some posts has begun, in the past it has often taken a considerable time to recruit human rights officers and other personnel for human

rights components of UN peace-keeping operations. Not more than four or five were expected to be in place by December 2003, at the earliest. The situation in Liberia demands that recruitment of these posts is handled speedily so that human rights officers arrive in Liberia with a minimum of delay.

As the cease-fire and peace agreements continue to be violated by all parties to the conflict, human rights abuses against civilians are occurring on a daily basis. These must be reported publicly to demonstrate to combatants that their actions are being closely watched and recorded, to exert pressure on the NTGL and to strengthen the message that perpetrators will be brought to justice. Public reporting will also serve as a confidence-building measure at a time when friction between the various parties is still apparent.

The UN Secretary-General's report of 11 September 2003 stated that the human rights component of UNMIL should include "*monitoring and public reporting on the human rights situation and humanitarian law.*" On 16 September 2003, shortly before the UN Security Council adopted Resolution 1509 (2003), the Special Representative of the Secretary-General for Liberia, while briefing the Security Council, stated clearly his intention to give priority to the improvement of the human rights situation and protection of civilians, especially women and children: "*I assure this Council that human rights protection will include monitoring and public reporting on the current situation in this regard*".

Jacques Paul Klein has on several occasions commented publicly on the human rights situation. On 6 November 2003, for example, he issued a public statement condemning "*the serious atrocities committed by combatants against civilians in Nimba County*", adding that UNMIL was keeping a record of those who committed these atrocities against civilians for possible future prosecution. These initiatives must now be reinforced by regular, detailed reports which are made public, submitted to the UN Secretary-General and the High Commissioner for Human Rights, and substantively reflected in the Secretary-General's three-monthly reports on UNMIL to the Security Council, the first of which is due on 19 December 2003.

Amnesty International recommendations:

- the human rights presence within UNMIL envisaged in Resolution 1509 (2003) must be established as a matter of urgency;
- the structure, size and mandate of the human rights presence should reflect the strong human rights recommendations made by the Secretary-General, including in particular regular and public reporting on the human rights situation.

Ending impunity

While in Liberia, Amnesty International delegates received detailed and harrowing accounts from the victims of the human rights abuses by all sides which have characterized the conflict, as well as from those agencies and organizations, both international and national, which are assisting them. Many described the three "world wars" when LURD forces successively advanced into Monrovia during June and July 2003 and more than a thousand people died.

Thousands of civilians have been killed and tortured; thousands of women and girls have been raped and many forced into sexual slavery; and thousands of children, both boys and girls, have been forcibly recruited to fight. These are war crimes on a vast scale.

Amnesty International delegates obtained the testimonies of women and girls who had been raped, sometimes repeatedly and sometimes in front of their families; of children who had been abducted and forced to fight; and of survivors whose entire families had been killed during the deliberate indiscriminate shelling of Monrovia in June and July 2003.

At a refugee and internally displaced people's camps in the Brewerville area, 10 kilometres outside Monrovia Sierra Leonean refugees and internally displaced people described deliberate attacks and counter-attacks by LURD and former government forces during which inhabitants of the camps were killed, raped, abducted and forced to fight or carry looted goods.

At the internally displaced people's camp at Plumkor, Amnesty International delegates interviewed several former child combatants, some as young as 10 years, who had been abducted by both former government and LURD forces and forced to fight. Little or no military training was given to child combatants and large numbers are believed to have been killed as they were sent to the frontline. At an unofficial internally displaced people's camp in Monrovia housing several hundred former government militia and others associated with them, Amnesty International delegates met boys and girls who had been abducted from their schools or homes by government militia and forced to fight or carry ammunition. Several adolescent girls recounted how they had been taken directly from their school in Ganta, Nimba County, in March 2003; most had been raped.



Unofficial internally displaced people's camp in Monrovia housing several hundred former government militia and others associated with them ©AI

There can be no impunity for crimes against humanity, war crimes and other serious violations of international humanitarian law. Those responsible for crimes under international law must be brought to justice. Amnesty International has welcomed statements by the UN Secretary-General, the Security Council, the Special Representative of the Secretary-General for Liberia and the Acting High Commissioner for Human Rights that those responsible for such crimes will be held individually accountable.

Article XXXIV of the peace agreement states that: "The NTGL shall give consideration to a recommendation for general amnesty to all persons and parties engaged or involved in military activities during the Liberia civil conflict that is the subject of this agreement". The Transitional Chairman, Gyude Bryant, has stated publicly that he would favour such an amnesty.

Since the peace agreement and the inauguration of the NTGL, the question of addressing impunity for human rights abuses committed during some 14 years of conflict appears to have receded from public debate. While the NTGL has stated that those committing crimes since the peace agreement will be held accountable, there has generally been a muted response to calls for addressing impunity for crimes committed before 18 August 2003. Many appear to hold the view that the political and security situation remains too fragile to pursue the perpetrators of human rights abuses and bring them to justice at this stage.

Justice and sustained peace are not mutually exclusive. On 11 March 2003, at the inauguration of judges for the International Criminal Court, the UN Secretary-General stated: *"There are times when we are told that justice must be set aside in the interests of peace. It is true that justice can only be dispensed when the peaceful order of society is secure. But we have come to understand that the reverse is also true: without justice, there can be no lasting peace"*.

The same message has been repeated by the Special Representative of the Secretary-General; at his briefing to the UN Security Council on 16 September 2003, he said: *"An essential part of the healing and rebuilding process is the bringing to justice of those who have committed violations of international law. Without justice, there can be no healing. Without justice, those who believe that they can act with impunity will be tempted to do so again. Without justice, Liberia cannot bring to closure this dark past and look to a brighter future."*

"They abducted five girls coming from church. They took us to the frontline. We had to cook and carry ammunition in the bush. They treated us bad; if I didn't go with them, they would kill me... I want to go to school. I want to go back to Nimba to my people."

14-year old girl abducted and raped by former government militia in March 2003, interviewed by Amnesty International delegates on 16 November 2003

In the current climate nervousness among some civil society groups is unsurprising. Without exception, however, Liberian civilians and non-governmental organizations whom Amnesty International delegates met, including lawyers, women's groups, human rights groups and members of the NTLA, spoke in no uncertain terms of the need to bring those responsible for these crimes to justice.

Members of the NTGL, who include representatives of the perpetrators of human rights abuses committed both before and after the peace agreement cannot be allowed to jettison the NTGL's obligations under international law with the excuse that it will undermine peace. The NTGL should make it clear that it will abide by its international obligations and thereby encourage an atmosphere in which Liberian civil society can openly discuss the issue of impunity and explore ways in which it can be most effectively and appropriately addressed. In this it should receive political and practical support and advice from the international community, through its representatives in UNMIL.

The peace agreement provides for a truth and reconciliation commission. While such a commission may have an important role in establishing the facts, it cannot be a substitute for a court of law to try alleged perpetrators of serious violations of international law.

Amnesty International delegates made it clear to members of the NTGL, including the Transitional Chairman, that international law prohibits amnesty for crimes such as genocide, crimes against humanity, war crimes and other serious violations of international humanitarian law. The Special Representative of the Secretary-General has also consistently repeated this message in Monrovia, including directly to the Transitional Chairman.

There is a danger that procrastination on the issue of addressing impunity will undermine the process. Investigation, documentation, collection and preservation of evidence should take place now. To leave this until, as some argue, an elected government is in place in early 2006, threatens to seriously weaken the course of justice. In his report of 11 September 2003, the UN Secretary-General recommended the establishment of a crime investigation capacity within UNMIL to support investigations into serious violations of international humanitarian law or other serious crimes in order to gather and preserve evidence while it is still possible. This initiative should be supported vigorously and those with appropriate expertise placed within UNMIL with a minimum of delay.

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

Message from prominent member of civil society speaking to Amnesty International delegates on 17 November 2003

In August 2003, shortly after the signing of the peace agreement, Amnesty International called on the UN Security Council to ensure that a comprehensive, long-term strategy to end impunity is developed. In Resolution 1509 (2003) establishing UNMIL the Security Council demanded that “*all parties cease all human rights violations and atrocities against the Liberian population*” and stressed “*the need to bring to justice those responsible*”. There needs to be concrete action to support this. As a first step, Amnesty International has called for an international, independent investigation, supporting and echoing the call by the Acting High Commissioner for Human Rights on 8 August 2003 for an urgent investigation and assessment of violations of human rights and international humanitarian law perpetrated by all parties to the Liberian conflict.

Amnesty International’s recommendations:

- there should be unequivocal and explicit statements from the international community, including the Security Council, to the NTGL that there can be no impunity for crimes against humanity, war crimes and other serious violations of international law and that those responsible must be brought to justice;
- there should, as soon as possible, be an international, independent investigation to establish accountability for such crimes and to recommend an appropriate court to try those alleged to be responsible;
- a crime investigation capacity should be established within UNMIL as soon as possible, as recommended by the UN Secretary-General.

Continuing military assistance to parties to the conflict

Amnesty International delegates collected exhaustive and compelling evidence of continuing killings, rape, beatings, forced labour and looting. The combatants who continue to perpetrate serious human rights abuses have received arms, ammunition and other military support from across Liberia's borders. Arms and fighters cross back and forth across the borders between Liberia, Côte d'Ivoire, Guinea and Sierra Leone. As the experience during the final years of Sierra Leone's conflict showed, effectively preventing such assistance can result in a concomitant reduction in abuses against civilians.

Despite the imposition of sanctions by the UN Security Council, mostly recently renewed in Resolution 1478 (2003) of 6 May 2003, prohibiting all sales or supply of arms and related *matériel* to any recipient in Liberia, including the LURD and MODEL, consecutive reports of the Panel of Experts on Liberia have provided ample evidence that such assistance has continued to reach Liberia. It is widely acknowledged that the LURD has received military assistance from the government of Guinea, and that MODEL has received similar assistance from the government of Côte d'Ivoire.

Amnesty International welcomes the Security Council's conclusion on 4 December 2003, after reviewing the measures imposed by Security Council Resolution 1478 (2003), that they should continue for the time being. It also acknowledges that the circumstances which initially precipitated sanctions against Liberia in UN Security Council Resolution 1343 (2001) have evolved and need to be redefined. It urges, however, that there should be no premature lifting of sanctions prohibiting the supply of arms, ammunition and other military support.

Amnesty International recommendations:

- the ban on the sale or supply of arms and related *matériel* to any recipient in Liberia should be maintained and enforced, with the exception of that intended solely for support of or use by UNMIL;
- all governments in the region should comply with Resolution 1478 (2003) which demands specifically that "*all states in the region cease military support for armed groups in neighbouring countries, take action to prevent armed individuals and groups from using their territory to prepare and commit attacks on neighbouring countries and refrain from any action that might contribute to further destabilization of the situation in the region*";
- UNMIL troops should be instructed to report to the Security Council sanctions committee on Liberia any relevant information relating to the transfer of military assistance to Liberia or the misuse of weapons for human rights abuses.