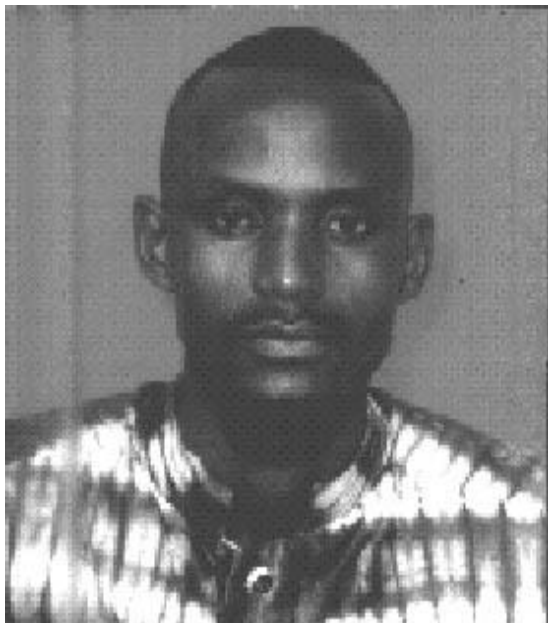


Liberia

Aloysius Toe

Human rights activist on trial for treason



Amnesty International is calling for the immediate and unconditional release of leading Liberian human rights activist Aloysius Toe who is being brought to trial on a trumped-up charge of treason. This is the latest attempt among many by the Liberian authorities to silence its critics, including those who condemn the persistent violation of the fundamental human rights of the Liberian people.

Aloysius Toe is Executive Director of the Movement for the Defence of Human Rights (MODHAR), and also a leading member of the National Human Rights Center, which brings together several human rights organizations. He is also Secretary General of the Liberia Coalition of Human Rights Defenders, a coalition of 19 human rights organizations.

On 4 November 2002 Aloysius Toe was arrested, brought before a magistrate's court and charged with treason. Amnesty International believes that there is no basis to the charges against him and that he has been specifically targeted because of his persistent and legitimate work in the defence of human rights. He is now imprisoned in the Central Prison in Monrovia, the capital.

Aloysius Toe was arrested after he emerged from almost a week in hiding. On 29 October 2002, in the early hours of the morning, his home was raided by police. In his absence, his wife, Vivian Toe, was arrested. She was released later that day. The authorities announced that Aloysius Toe was wanted in connection with documents found at his home which, they alleged, linked him to the armed opposition Liberians United for Reconciliation and Democracy (LURD), which has been engaged in armed conflict with government forces since 1999.

The "writ of arrest" against Aloysius Toe dated 1 November 2002 refers to a document by the LURD purported to have been found at his home which he is alleged to have received by e-mail. This alleged document is a public statement by the LURD entitled "LURD's Blueprint for Liberia" which has been widely diffused, including on the internet. It has been sent to many individuals – both in Liberia and abroad – by e-mail. Amnesty International has a copy of the document. No other evidence of the offence of treason has

been cited. Receipt of an e-mail *per se* cannot be considered as an act of treason as defined by Article 76 of the 1986 Constitution.

The case of Aloysius Toe is now before Criminal Court A. Despite requests by defence lawyers that the case be heard during the current term of the court, it appears that a hearing of the case will be delayed until the next term which begins in February 2003 – or beyond. There are fears that there will be extensive delays in the judicial process in order to justify the continued detention of Aloysius Toe.

A sustained campaign against human rights activists

The arrest, detention and bringing to trial on charges of treason of Aloysius is not an isolated incident; it follows a sustained campaign by the authorities against human rights activists and occurs in the context of that campaign.

Also arrested on 29 October 2002 – the day that Aloysius Toe’s home was raided and his wife arrested – were Dempster Brown, a lawyer and Chair of the Liberia Coalition of Human Rights Defenders, Blamoh Sieh, a leading member of the National Human Rights Center, and Peter Nicholson, a research and security officer at the National Human Rights Center. All had been released without charge by 1 November 2002.

These latest arrests, culminating in charges of treason against Aloysius Toe, followed the launching on 25 October 2002 of a week-long campaign by the Coalition of Human Rights Defenders, to secure the release of fellow human rights activists Hassan Bility and Sheikh K.M. Sackor, and others detained with them. The arrests on 29 October 2002 followed activities organized as part of the campaign.

Hassan Bility, a journalist with *The Analyst* newspaper and human rights activist, has been held incommunicado and without charge or trial since his arrest on 24 June 2002 and Sheikh Sackor, Executive Director of Humanist Watch, since 25 July 2002.¹ The government accused them of belonging to the LURD and said that they would be tried under military jurisdiction. In the case of Sheikh Sackor, a judge who had earlier ruled that the case fell within civilian jurisdiction subsequently overturned this ruling and held that the case should be passed to military jurisdiction, apparently as a result of pressure from the government.²

No charges have, however, been brought against them, they have had no access to lawyers and have yet to be brought before any court, despite several writs of habeas corpus submitted on their behalf. Both men are reported to have been tortured while held in incommunicado detention. On 23 October 2002, the Minister of National Defense announced that a military tribunal had convened and had concluded that they were “prisoners of war”.

¹ For further information on the case of Hassan Bility, see *Liberia: Hassan Bility- incommunicado detention without charge* (AI Index: AFR 34/011/2002, August 2002).

² For further information on the ruling in the case of Sheikh Sackor, see *Liberia: Court ruling in human rights defender’s case is a huge disappointment* (AI Index: AFR 34/014/02, 5 September 2002).

The reported consideration of these cases by the tribunal, held *in camera* and in the absence of those accused, cannot be considered to have constituted a fair trial. No evidence has been produced against the detainees or tested before a competent, independent and impartial court. The description of the detainees as “prisoners of war” has no legal foundations whatsoever given that both detainees have been held solely because of real or perceived criticism of the government and their legitimate activities, including journalism and the defence of human rights. Amnesty International has repeatedly called for their release.

Although the government announced on 28 October 2002 that Hassan Bility and Sheikh Sackor were to be released, but under certain conditions which they had to agree to, they remain in incommunicado detention. The conditions were not publicly disclosed but those detained were warned that if they failed to meet them they risked rearrest and detention. They have now been held for almost five and six months respectively.

Human rights defenders have repeatedly been victims of arbitrary arrest and detention. The government has accused them of spreading false information intended to “tarnish the image” of Liberia within the international community and, more recently, of being members or supporters of the LURD. Aloysius Toe, and other colleagues at the National Human Rights Center, had earlier been arrested and detained for four days in March 2002 following the imposition of a state of emergency the previous month which remained in force until September 2002. During that period, several other human rights defenders were also arrested and detained; some were reported to have been tortured and ill-treated.

Those arrested and detained – including Aloysius Toe, Hassan Bility and Sheikh Sackor - are all members of the Mandingo ethnic group. Mandingos have been discriminated against in Liberia for many years. Indiscriminately associated with the armed opposition, they have as a result been subjected to human rights violations by government forces. Hassan Bility had written articles in *The Analyst* about the human rights violations suffered by members of the Mandingo ethnic group.

There has been widespread condemnation of the treatment of Hassan Bility, including by civil society in Liberia and other West Africa countries, as well as by the international community and several international non-governmental organizations, including Amnesty International. It is at least partly because of his prominent role among those campaigning in Liberia on behalf of Hassan Bility that Aloysius Toe has been detained and is now on trial for treason.

Amnesty International is urging all governments and the international community to sustain intense pressure on the Liberian authorities to respect fundamental human rights and end its deliberate and targeted attacks on the Liberian human rights community. Specifically, urgent interventions should be made to secure the immediate and unconditional release of Aloysius Toe and the withdrawal of all criminal charges against him.

WHAT YOU CAN DO

WRITE LETTERS to the authorities in Liberia and diplomatic representatives of Liberia accredited to your country. In your letters:

- express concern about the detention of Aloysius Toe and the fact that he is being tried on a charge of treason;
- state that you believe that he is a prisoner of conscience, detained solely because of his work in defence of human rights;
- urge his immediate and unconditional release;
- call on the authorities to end the arbitrary arrest and detention of those legitimately and lawfully defending human rights in Liberia.

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PUBLICISE THE CASE of Aloysius Toe and the other detainees by distributing this information widely to individuals and organizations in your country such as journalists, human rights activists, lawyers and those with an interest in Africa or Liberia. Ask them to write letters and to publicise the case themselves.

SEND APPEALS to your member of parliament or other political representative, calling on your government to put sustained pressure on the Liberian government in relation to this case.