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LIBERIA

Hassan Bility Incommunicado detention without charge

Hassan Bility and at least two other men, Ansumana Kamara and Mohammad Kamara, were harassed and arrested in Monrovia, the capital, on 24 June 2002 by two plain clothes men, reportedly from the Criminal Investigation Division of the Liberia National Police. Hassan Bility was reportedly slapped and kicked before being shoved into a car and driven away.

Hassan Bility, an independent journalist and human rights defender, has been detained incommunicado since he was arrested. On five separate occasions, government authorities have failed to produce him in court as required by a writ of habeas corpus served on them by the non-governmental National Human Rights Centre of Liberia. He is being detained without charge by the government, in violation of many of his basic human rights and outside of any legal process.

The Liberian government has accused Hassan Bility, Ansumana Kamara and Mohammad Kamara of being “illegal combatants” and being involved in a plot to assassinate the president. All three belong to the Mandingo ethnic group, whose members are frequently subjected to arbitrary arrest, torture and other human rights violations by the government. Government critics are also under constant threat of harassment and violent repression by the government. Amnesty International believes that Hassan Bility is at particular risk as he is both a human rights defender and a Mandingo.

The Liberian government’s treatment of Hassan Bility has already been publicly condemned by civil society in Liberia and other West African countries, by the European Union, the US government and numerous international non-governmental organizations. Amnesty International welcomes the high level of attention given to this case and urges all governments and the international community to sustain intensive pressure on the Liberian authorities to respect human rights.

Incommunicado detention and lack of medical care

Ansumana Kamara and Mohammad Kamara are being held at the National Security Agency (NSA), an official detention centre, and have access to their relatives. However, for more than five weeks Hassan Bility has been denied access to lawyers, visitors and medical care and his whereabouts are unknown. All efforts by relatives, lawyers or members of the human rights community to visit him in detention have been in vain.

In a letter sent to a contact on 20 July, Hassan Bility indicated that his health was deteriorating and that he did not have access to medical care. Before he was arrested, he was already suffering from malaria. The International Committee of the Red Cross (ICRC) is negotiating with the government to gain access to him and the other detainees to provide medical care and other humanitarian assistance. The

government has so far refused to disclose the location of Hassan Bility to the ICRC, although they have promised to allow ICRC to visit him “soon”. Amnesty International is deeply concerned that Hassan Bility has been tortured or ill-treated in detention, as this is often the case when detainees are held incommunicado in Liberia.

Lack of legal process

None of the three men have been charged or appeared in court since their arrest on 24 June 2002. The National Human Rights Center of Liberia and other non-governmental organizations (NGOs) submitted a writ of habeas corpus on 27 June, compelling the government to produce the men in court. The government failed to produce the men on five separate occasions. On each occasion, government lawyers pleaded for extra time, which was granted by the judge in the Criminal Court. On one occasion the government even denied that the men were in their custody.

On 9 July the judge ruled that the matter be handed over to a military tribunal. He stated that the case was out of the hands of civil jurisdiction as the state had established, and the President of the Republic had “confirmed”, that the three are “illegal combatants”. Both President Taylor and the Minister of Information had publicly accused Hassan Bility and the others of engaging in acts of terrorism against the state, running a terrorist cell for the armed opposition Liberians United for Reconciliation and Democracy (LURD) and being involved in a plot to assassinate the president. They stated that the men should be tried by a military tribunal.

On 24 July the military Court Martial Board issued a writ of habeas corpus requiring the government to produce the three men in court by 7 August. However, in response the Ministry of National Defense described the writ as “null and void”, claiming that the individuals who issued the writ did not have the authority to do so.

The government’s treatment of Hassan Bility, Ansumana Kamara and Mohammad Kamara has been unlawful and in flagrant violation of fair trial guarantees which are non-derogable under any circumstances including the current state of emergency in Liberia. Non-derogable fair trial guarantees include the right not to be arbitrarily arrested and detained by the state, the right to be presumed innocent until proven guilty, and the right to be charged for a recognisable crime in a court of law or released if there is not sufficient evidence to charge someone within 48 hours. In this case, the government has violated Article 21 of the Liberian Constitution and international legal standards to which Liberia is a signatory, including the African Charter on Human and Peoples’ Rights.

Widespread repression of government critics

Hassan Bility has been arrested, questioned and detained twice in the past. The *Analyst* newspaper, of which he is the editor, has been closed down by the government twice as a result of writing and publishing articles deemed critical of the government. On 13 May 2002, Hassan Bility received a telephoned death threat from a colonel in the Liberian National Police. He was told “we know you all who are writing against our Papay (President Taylor), and the time is approaching for us to deal with you guys; your writings and opinions are influencing the international community to expose the Papay”. The threat came as a result of the publication by the *Analyst* newspaper of a speech by Tiawan Gongloe, a well known human rights lawyer. The authorities considered the contents of the speech to be threatening to the government and its national security.

Journalists, human rights defenders and others deemed critical of the Liberian government are under constant threat of being arrested, detained without charge, and tortured. The government has repeatedly

accused Liberian civil society and international human rights groups of spreading false information intended to “tarnish the image” of Liberia within the international community. Since President Taylor declared a state of emergency in early February 2002, there has been increased repression of government critics and those under suspicion of being dissidents and dissident collaborators:

- On 22 February, Former Chief Justice and current Director of the NGO Catholic Justice and Peace Commission, Frances Johnson Morris, was arrested by Police Director Paul Mulbah. She was held with male inmates at the police central prison for several hours. After her release, the police claimed that it was a case of “mistaken identity”.
- On 28 March, Augustine Toe of the Justice and Peace Commission was arrested and held without charge for several hours. On the same day, police stormed the offices of the National Human Rights Center, and arrested without charge, five staff members.
- As a result of a public speech (see above), in April 2002 human rights lawyer Tiawan Gongloe was arrested, held in detention and tortured, before being released.
- On 29 July Dixon Gblah, head of Prisonwatch, a Liberian human rights NGO, was briefly detained by police. 15 policemen arrested him at the Prisonwatch office because of his alleged links with Hassan Bility. He was released the following day without charge, but Amnesty International has continuing concerns for his safety.
- *Sheikh K. M. Sackor, Executive Director of Humanist Watch, a Liberian human rights NGO, was also arrested on 29 July and is being held in incommunicado detention. He has not been charged and the reason for his arrest is unclear. His wife and friends have tried to visit him but have been refused information about his whereabouts.*

Longstanding discrimination against the Mandingo ethnic group

Since May 2002, there has been a significant increase in harassment by government authorities of men of Mandingo ethnic origin. Hassan Bility, in his newspaper the Analyst, has raised the issue of the targeting of Mandingos as victims of human rights abuses by the government. As a Mandingo and a government critic, he is particularly at risk of torture and other human rights violations. Other detainees including Ansumana Kamara, Mohammad Kamara and Sheikh K. M. Sackor are also Mandingos.

Amnesty International has confirmed cases of at least 15 other Mandingo men currently detained without charge. They are being held in various places of detention in Monrovia including the National Security Agency, Police Headquarters, Zone 5 depot and the National Bureau of Investigation. Amnesty International fears that there are many more such cases.

Mandingos have been discriminated against in Liberia for many years. They originate from Lofa County in northern Liberia, close to the border with Guinea, and have close ties with the Malinke ethnic group from Guinea. During the 1989-1996 Liberian civil war, the warring faction ULIMO-K were comprised primarily of Mandingos and they controlled territory in Lofa County throughout the war, from bases in Guinea. In 1997, Charles Taylor, former leader of another warring faction, was elected President of the Republic. Since then, the government has indiscriminately associated Mandingos with armed opposition groups and, as a result, they have been disproportionately subjected to human rights violations by government forces. Fearing for their safety, many Mandingos have left Liberia and are based in Guinea and Côte d’Ivoire.

The Liberian government has repeatedly accused Guinea of currently hosting and providing military and logistical support to the LURD which is fighting in opposition to the government. At a public rally

in Danane, Côte d'Ivoire, in mid-June 2002 it was reported that over 50 Mandingos expressed their support for the LURD. This may partly explain the recent increase in harassment and attacks on Mandingos by the Liberian government.

WHAT YOU CAN DO

WRITE LETTERS to the diplomatic representatives of Liberia accredited to your country. (The postal service to and from Liberia has been suspended until further notice.) In your letters:

- express concern about the prolonged detention without charge of Hassan Bility, Mohammad Kamara and Ansumana Kamara;
- call on the Liberian authorities to make public the whereabouts of Hassan Bility;
- urge the authorities to ensure that Hassan Bility and the other detainees have access to adequate medical care immediately, including by facilitating the ICRC's access to them;
- call on the authorities to grant Hassan Bility access to his relatives and legal representation;
- express concern that the government has interfered in the judiciary by insisting that the case to be handled by a military court;
- call on the authorities to produce the three men in a court of law and either to charge the men with a recognizably criminal offence or to release them immediately.

PUBLICISE THE CASE of Hassan Bility and the other detainees by distributing this information widely to individuals and organizations in your country such as journalists, medical professionals, 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.