

# AMNESTY INTERNATIONAL

## PRESS RELEASE

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### **Liberia: Court ruling in human rights defender's case is a huge disappointment**

Amnesty International is dismayed at the recent court decision stating that human rights defender Sheikh K.M. Sackor should be tried under military jurisdiction.

"This ruling displays complete disregard for human rights provisions of the Liberian Constitution and blatant interference in the judiciary by the government," the organization said.

Sheikh K.M. Sackor, Executive Director of Humanist Watch, a Liberian non-governmental human rights organization, has been detained incommunicado since his arrest on 25 July 2002. Although he has not been charged, government lawyers have accused him of belonging to the armed opposition Liberians United for Reconciliation and Democracy (LURD) and argued that the case should be handed over to a military tribunal.

A judge had earlier ruled that the case was within civilian jurisdiction, quoting Article 19 of the Constitution which states that: "No person other than members of the Armed Forces of Liberia or of the militia in active service shall be subject to military law, or made to suffer any pains or penalties by virtue of that law, or be tried by a court martial." However, this ruling has now been overturned and the case passed to military jurisdiction.

"This new ruling is a huge disappointment," Amnesty International said. "The constitutional provisions in this respect are sufficiently clear but have been totally disregarded.

"It appears that the government may have unduly influenced the judge to change his ruling in this matter and that this is just the latest in a series of attacks on human rights defenders and members of the Mandingo ethnic group. The detainees are being presumed guilty until proven innocent," the organization added.

Amnesty International is concerned that there are fewer fair trial guarantees under military than civilian jurisdiction and government interference is likely to be greater. Furthermore, the establishment of the Court Martial Board, which would try the cases under military jurisdiction, is subject to the discretion of the President of the Republic and may result in unacceptably long periods of pre-trial detention.

In a similar case, the government has used the military jurisdiction to justify the continued detention without charge or trial of human rights defender Hassan Bility and two others, Ansumana Kamara and Mohammad Kamara, since 24 June 2002.

The practice of trying civilians in military courts, while not expressly prohibited by international standards, raises fair trial issues. The UN Human Rights Committee has called for the removal of military court jurisdiction over civilians. It stated that the trying of civilians by such courts should be very

exceptional and take place under conditions which genuinely afford the full guarantees of fair trial.

In both cases mentioned above, the government has failed to produce the detainees in court as required by writs of habeas corpus submitted by the defence lawyers. This is in violation of Article 87 of the Liberian Constitution which states that: "The writ of habeas corpus shall remain available and exercisable at all times and shall not be suspended on account of any state of emergency."

"Again the constitutional provisions are perfectly clear but the government has chosen to disregard them," Amnesty International argued. "The government's treatment of these detainees is unlawful and in flagrant violation of fair trial guarantees which are non-derogable under any circumstances including the current state of emergency in Liberia."

Amnesty International is concerned that the government is justifying these human rights violations by stating that it is following the precedent of the United States (US) government's treatment of detainees in Guantanamo Bay which Amnesty International and other human rights organizations have also strongly criticized. In an interview with AllAfrica, a US media house, the Liberian Minister of Information, Reginald Goodridge, said that Hassan Bility "is being held as an unlawful combatant and it was you guys [the US government] who coined the phrase. We are using the phrase you coined."

In another recent development, Moriah Sando Nyenetue, the mother of Hassan Bility's child, has not been seen since 20 August, when she travelled to the town of Klay, northwest of Monrovia, to try to visit Hassan Bility. Amnesty International fears that she may have been arrested there because of her connections with him and that she may be at risk of torture or ill-treatment in detention.

Amnesty International is calling on the Liberian government to respect the human rights provisions of the Constitution and other international human rights treaties to which Liberia is party, including the African Charter on Human and Peoples' Rights. The government should, as a matter of urgency:

reveal the whereabouts of Hassan Bility, Moriah Sando Nyenetue and Sheikh K. M. Sackor;

transfer all cases mentioned above from a military to a civil court;

produce the detainees (including Moriah Sando Nyenetue, if she is in detention) in a civil court and either charge them with a recognizably criminal offence or release them immediately and unconditionally; and

ensure that all detainees are protected from torture and ill-treatment and have access to adequate medical care, legal representation and visits by relatives.

The EU and some governments have publicly condemned the treatment of Hassan Bility and other detainees. However, the international community must do more to ensure that the Liberian government respects human rights and the independence of the judiciary.

"Public statements are a welcome step, but they are not enough. More concrete and concerted action is needed. Independent human rights monitors should be urgently deployed to the country, with a mandate to monitor, document and report publicly on cases of human rights violations such as these," Amnesty International said.

## **Background**

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. 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 May 2002, there has also been a significant increase in harassment by government authorities of people of Mandingo ethnic origin. Hassan Bility, in his newspaper *The Analyst*, raised the issue of the targeting of this ethnic group as victims of human rights abuses by the government. As a member of the Mandingo ethnic group and a government critic, he is particularly at risk of torture and other human rights violations. Ansumana Kamara, Mohammad Kamara, Moriah Sando Nyenetue and Sheikh K. M. Sackor also belong to the Mandingo ethnic group.

During the 1989-1996 Liberian civil war, the warring faction ULIMO-K comprised primarily people of Mandingo ethnic origin. In 1997, Charles Taylor, former leader of another warring faction, was elected President of the Republic. Since then, the government has indiscriminately associated members of the Mandingo group with armed opposition groups and, as a result, they have been disproportionately subjected to human rights violations by government forces.

#### Public Document

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