

# Liberia

## Recommendations to the Security Council and Special Representative of the Secretary-General

### I. Letter from Amnesty International to the Security Council, 22 August 2003

Amnesty International hopes that the peace agreement concluded on 18 August 2003 between the Government of Liberia, the Liberians United for Reconciliation and Democracy (LURD) and the Movement for Democracy in Liberia (MODEL) will help alleviate the critical situation in Liberia. Many challenges remain, however. As the Security Council continues to debate Liberia, we would like to draw your attention to the following issues.

Amnesty International has repeatedly expressed grave concern about the war crimes, crimes against humanity and other human rights abuses perpetrated against the civilian population by all parties to the conflict in Liberia. These have included widespread and systematic killings, torture, including rape and other forms of sexual violence, abduction and forcible recruitment, including of children under the age of 18 years.

We have called on the international community, including the United Nations (UN), to place the protection of the civilian population at the centre of its efforts to resolve the political, security, human rights and humanitarian crises in Liberia. It is in this context that we welcomed, although with reservations regarding Operative Paragraph 7, Resolution 1497 (2003) authorizing immediate deployment of a multi-national force to be followed by a UN stabilization force.

Amnesty International believes that these peace-keeping initiatives must contribute towards ending and preventing further war crimes, crimes against humanity and other human rights abuses. We are, therefore, making the following recommendations.

#### **A strong and unambiguous mandate to protect civilians**

Amnesty International is seriously concerned that Resolution 1497 (2003) lacks a strong and unambiguous mandate for the multi-national force to protect civilians from physical danger.

The UN Secretary-General, in his letter to the Security Council of 29 July 2003, included “protecting civilians facing violence in areas of its immediate deployment” as a specific task to be performed by the military component of the UN stabilization force. Amnesty International believes that UN peace-keeping forces have previously been provided with a mandate which unnecessarily restricts their scope and ability to protect civilians from physical danger. For example, Resolution 1493 (2003) authorized the UN Mission in the Democratic Republic of the Congo (MONUC) “to take the necessary measures in the areas of deployment of its armed units, and as it deems it within its capabilities... to protect civilians and humanitarian workers under imminent threat of physical violence”. By specifying “areas of deployment”, “as it deems it within its capabilities” and “imminent threat”, the mandate to protect civilians is significantly diluted. Resolution 1497 (2003) fails even to provide such a restricted mandate.

While the humanitarian situation in Monrovia has reached critical levels in recent weeks, nearly all other parts of the country have remained inaccessible to humanitarian agencies. Deployment of the UN stabilization force throughout the country would contribute towards safe and unrestricted access to all those in need and towards the protection of the civilian population.

We note that parties to the conflict agreed on 17 August 2003 to allow the delivery of humanitarian assistance to all parts of Liberia and to guarantee the safety of international humanitarian personnel. Since the security situation remains precarious, however, implementation of this commitment needs to be carefully monitored and facilitated by forces of the Economic Community of West African States (ECOWAS) and the UN deployed in Liberia. The Special Representative of the Secretary-General said on 15 August 2003 that a significant increase in the number of international troops would be required in order to guarantee security in Monrovia and that it would be several weeks before the security situation in other parts of the country allowed access by humanitarian agencies.

We urge the Security Council:

- pending deployment of the UN stabilization force, to instruct the multi-national force to take the necessary steps to facilitate full access by humanitarian organizations to all those in need and to protect the human rights of civilians, especially those under threat of physical violence;
- to provide the UN stabilization force, acting under Chapter VII of the UN Charter, with an explicit mandate to protect the human rights of all civilians at all times;
- to ensure that the UN stabilization force comprises sufficient numbers and has adequate logistical support to enable it to deploy swiftly throughout the country and implement fully its mandate to protect civilians.

### **Ending impunity for war crimes, crimes against humanity and other human rights abuses**

Perpetrators of war crimes, crimes against humanity and other human rights abuses in Liberia have enjoyed total impunity. We have welcomed repeated statements by the UN Secretary-General that those who commit such crimes must be held individually accountable. An international, independent investigation to establish accountability is a first prerequisite to that end. This should lead to the alleged perpetrators of these crimes being effectively investigated and, if sufficient evidence is found, prosecuted in the appropriate courts. Trials could take place in Liberian courts, another national court, a mixed tribunal or, with respect to crimes committed after 1 July 2002, in the International Criminal Court, should Liberia ratify the Rome Statute of the International Criminal Court, recognize its jurisdiction or should the Security Council refer the situation to the International Criminal Court.

Amnesty International believes that there should be a long-term strategy to end impunity in Liberia which should be developed in close consultation with civil society. Such a strategy should include rebuilding the national criminal justice system so that it can conduct fair trials, without recourse to the death penalty, and incorporating crimes under international law into national law.

Amnesty International is encouraged that the peace agreement concluded on 18 August 2003 included no provision for amnesty for those responsible for such crimes. The peace agreement provides for a truth and reconciliation commission to look into past human rights abuses. Amnesty International would welcome the establishment of such a mechanism.

However, while such a commission may have an important role in establishing the facts about war crimes, crimes against humanity and other human rights abuses, it cannot be a substitute for a court of law to try alleged perpetrators of serious violations of international law.

We urge the Security Council:

- to state explicitly that there will be no impunity for those responsible for war crimes, crimes against humanity and other human rights abuses, and that those responsible for these crimes will be brought to justice in fair trials which exclude the death penalty;
- to recommend an international, independent investigation in order to establish accountability;
- to ensure that a comprehensive, long-term strategy to end impunity in Liberia is developed;
- to support an initial human rights assessment mission, as recently recommended by the Acting High Commissioner for Human Rights, as a preliminary contribution to these initiatives;
- to provide the multi-national force and the UN stabilization force with a clear mandate to arrest any person suspected of being responsible for war crimes, crimes against humanity and other human rights abuses and to preserve evidence and documents for criminal investigations by the appropriate courts.

#### **Strict adherence by all international peace-keeping forces to international human rights and humanitarian law**

There have been many instances where international peace-keeping forces in West Africa have themselves committed crimes under international law with complete impunity, which has encouraged further crimes.

Amnesty International documented serious human rights violations by ECOWAS forces previously deployed in both Liberia and Sierra Leone. It is important that the Security Council take steps to ensure that all international peace-keeping forces, including ECOWAS, other international forces now deployed and the UN stabilization force, adhere strictly at all times to international human rights and humanitarian law applicable to peace-keeping troops. Amnesty International believes that the provisions in the Observance by United Nations forces of international humanitarian law, published in the Secretary-General's Bulletin on 6 August 1999, should apply to all forces carrying out operations authorized under Chapter VII of the UN Charter.

Amnesty International is deeply concerned that Operative Paragraph 7 of Resolution 1497 (2003) provides permanent impunity for serious violations of international human rights and humanitarian law to peace-keeping forces of states which are not a party to the Rome Statute of the International Criminal Court, unless their own courts exercise jurisdiction. We believe that this provision is unlawful -for many of the reasons set out in our legal memorandum International Criminal Court: The unlawful attempt of the Security Council to give permanent impunity to US citizens (AI Index: IOR 40/006/2003, May 2003) - contravening both the UN Charter and other international law, and also that it seeks to undermine the International Criminal Court.

We urge the Security Council:

- to ensure that all international peace-keeping troops are provided with appropriate training, including in human rights and international humanitarian law standards, before they are deployed;
- to ensure that there is an easily accessible complaints mechanism and prompt investigation of human rights violations committed by peace-keeping troops in Liberia authorized by the Security Council;
- to ensure that peace-keeping troops suspected of committing human rights violations be promptly returned to the contributing country and brought to justice in accordance with international standards, and that the Security Council is kept regularly informed of the outcome of any relevant judicial or administrative proceedings;
- to remind all states, whether a party to the Rome Statute or not, of their obligations under the Geneva Conventions to prosecute those suspected of grave breaches of the Geneva Conventions – if found in their own territory – or to seek their extradition when other states fail to fulfil their obligations to do so;
- not to include any provision such as that in Operative Paragraph 7 in any future Security Council resolutions, including on Liberia.

#### **A strong human rights component in the UN stabilization force**

The UN Secretary-General has identified “promoting respect for human rights and good governance” as an area of support to be provided by the UN presence in Liberia. The nature and scale of war crimes, crimes against humanity and other human rights abuses which have occurred during Liberia’s conflict require a strong human rights component which is fully integrated into all aspects of the UN operation. Women and children predominate among the victims: large numbers of women and girls have been raped and subjected to other forms of sexual abuse, and as many as one in 10 children may have been recruited to fight. In his report on Liberia of 8 August 2003, the Acting High Commissioner of Human Rights recommended that “[t]he proposed United Nations mission in Liberia must have a strong mandate for the protection of civilians and for the protection and promotion of human rights”.

We urge the Security Council:

- to include in the UN stabilization force a human rights section which enjoys full political support and adequate resources: the section should monitor, document and publicly report on the human rights situation, contribute to the training of peace-keeping troops, to any eventual mechanism to address impunity and to the institution-building measures required for the long-term protection of human rights;
- to specify that a senior adviser on gender and a senior child protection officer be located in the office of the Special Representative of the Secretary-General in order to ensure that protection of women and children is incorporated into all aspects of the UN operation, including in the demobilization, disarmament and reintegration process.

### **Continuing military assistance to parties to the conflict**

Despite the imposition of sanctions by the Security Council, mostly recently renewed in Resolution 1478 (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 provide 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.

Given the widespread nature of human rights abuses in Liberia by all parties to the conflict, Amnesty International believes that provision of arms, ammunition and other forms of military assistance – whether direct or indirect – to any party to the conflict in Liberia can reasonably be assumed to contribute to such abuses.

Despite the recent peace agreement, the security situation in Liberia is likely to remain fragile and uncertain until the cease-fire is effectively enforced and there is complete disarmament and demobilization of all fighting forces, a process which will depend on sufficient ECOWAS and UN forces being deployed and which can be expected to take some time to complete. Amnesty International believes that, in order to reduce the risk of human rights abuses against civilians, the provisions of Resolution 1478 (2003), which prohibit the sale or supply of arms to any recipient in Liberia and which call on all states in the sub-region to improve implementation of the ECOWAS Moratorium on the Importation, Exportation and Manufacture of Small Arms and Light Weapons, should remain in place.

We urge the Security Council:

- to maintain and effectively enforce the ban on arms transfers to Liberia and remind all governments of the relevant provisions of Resolution 1478 (2003);
- in that context, to instruct the multi-national force and the UN stabilization force, in the course of their deployment, to report to the Security Council sanctions committee on Liberia any relevant information relating to the transfer of arms and other military assistance to Liberia, as well as on the misuse of weapons for human rights abuses.

### **Refugees and internally displaced people**

More than one million Liberians have been forced to leave their homes as a result of conflict. The majority have become internally displaced; others have fled to neighbouring countries. For many, however, places of refuge have themselves become unsafe in Liberia, Côte d'Ivoire and Guinea. Sierra Leonean and Ivorian refugees have also been caught in the violence in Liberia. Internally displaced people have been particularly vulnerable to human rights abuses by all parties to the conflict, including killings, rape and other forms of sexual violence, abduction and forcible recruitment.

We urge the Security Council:

- to call on all armed groups and the government of Liberia to ensure respect for the human rights of internally displaced people in accordance with the UN Guiding Principles on Internal Displacement;
- to call on all states to respect the rights of those fleeing human rights abuses in Liberia, in particular the right to seek asylum, by granting them access to their territory and ensuring their protection;

- to encourage the international community to ensure the protection of the rights of internally displaced people and refugees in Liberia and neighbouring countries and to respond adequately to their urgent assistance needs, including provision of shelter, food and medical care.

We hope that these recommendations will be considered by the Security Council and reflected in its future decisions and statements on Liberia. We shall be pleased to provide any further information. We have also written to the Special Representative of the Secretary-General for Liberia in more detail about these matters and we shall be making the content of that letter publicly available.

## **II. Letter from Amnesty International to the Special Representative of the Secretary-General for Liberia, 14 August 2003**

Amnesty International has repeatedly called on the international community to place the protection of the civilian population from the war crimes, crimes against humanity and other human rights abuses to which they have been subjected by all parties to the conflict at the centre of its efforts to resolve the conflict in Liberia. It is in this context that we welcomed the adoption by the United Nations (UN) Security Council of Resolution 1497 (2003) on 1 August 2003 and the authorization of a multi-national force composed of West African forces to be followed by a UN stabilization force.

Amnesty International hopes that the initial deployment of West African forces which began on 4 August 2003 will have an immediate positive impact on the human rights and humanitarian crisis not only in the capital Monrovia but also throughout the country.

As you will be actively involved in preparation for the selection and deployment of the UN stabilization force envisaged by Resolution 1497 (2003), Amnesty International is making a number of recommendations about the mandate and composition of the UN operation in Liberia which we hope will help ensure that human rights will be effectively integrated into all parts of the UN operation. Among other issues addressed in this letter are establishing accountability and ending impunity for crimes under international law.

The UN force should not only play a major role in the protection of civilians still at risk from war crimes, crimes against humanity and other human rights abuses, but should also contribute to the promotion and respect of human rights as Liberia, hopefully following a comprehensive peace agreement, emerges from almost 14 years of continuous conflict characterized by these abuses.

The UN Secretary-General, the Security Council, the Acting High Commissioner for Human Rights and UN agencies such as the High Commissioner for Refugees have repeatedly over the past months pointed to the human rights and humanitarian crisis facing the Liberian population. The timely report published on 8 August 2003 by the Acting High Commissioner for Human Rights (Advanced Unedited Version, E/CN.4/2004/5) provides ample detail of the extensive and egregious nature of the war crimes, crimes against humanity and other human rights abuses to which civilians have been subjected.

While this letter focuses in particular on the UN stabilization force, many of the issues raised – in particular in relation to the protection of civilians and conduct of peace-keeping forces – relate equally to the multi-national force currently deployed in Liberia. We would therefore be grateful if you could raise these issues forcefully with all relevant interlocutors.

### **Ending impunity for war crimes, crimes against humanity and other human rights abuses**

The perpetrators of the war crimes, crimes against humanity and other human rights abuses committed throughout Liberia's conflict have enjoyed total impunity. While those suspected of bearing the greatest responsibility for war crimes, crimes against humanity and other serious violations of international humanitarian law during Sierra Leone's internal armed conflict are to be tried by the Special Court for Sierra Leone, no proposal for bringing perpetrators of similarly grave crimes in Liberia has yet been discussed.

Amnesty International has welcomed the repeated statements of the UN Secretary-General reminding those who commit such crimes that they will be held individually accountable. You yourself have been vocal in stressing that the perpetrators of such crimes in Liberia must be brought to justice. The Acting High Commissioner for Human Rights has also repeatedly stressed, most recently on 8 August 2003, that there should be no impunity. Public condemnation of these crimes should continue and all parties should also continue to be urged to take all necessary steps to halt and prevent further violations of international human rights and humanitarian law, and reminded that the perpetrators will be held accountable.

Amnesty International is particularly concerned that any eventual peace agreement which emerges from the negotiations currently taking place in Accra, Ghana, does not include any provision for amnesty for those responsible for war crimes, crimes against humanity and other human rights abuses. As the Special Representative of the Secretary-General, we look to you to ensure that no such amnesty is provided.

You will be aware that the UN Secretary-General instructed his Special Representative, when signing the Sierra Leone peace agreement in Lomé, Togo, in July 1999, to add an explicit disclaimer that the UN held the understanding that the amnesty would not apply to international crimes of genocide, crimes against humanity, war crimes and other serious violations of international humanitarian law. The UN Secretary-General at the time acknowledged that the amnesty was difficult to reconcile with the goal of ending impunity and subsequently concluded that “[t]he experience of Sierra Leone has confirmed that such amnesties do not bring about lasting peace and reconciliation”. More recently, on 11 March 2003, at the inauguration of the judges of the International Criminal Court, the 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*”.

It is understood that an early draft of the peace agreement included provision for a truth and reconciliation commission. While such a commission may have a role in establishing the facts about war crimes, crimes against humanity and other human rights abuses, it cannot be a substitute for a court of law. More is needed to provide true justice and reconciliation and an end to impunity. Amnesty International supports the Acting High Commissioner's call on 8 August 2003 for an investigation into war crimes, crimes against humanity and other human rights abuses committed in Liberia in order to identify those responsible and bring them to justice. The outcome of such an investigation must also identify an appropriate court for trying those alleged to have been responsible for such crimes.

In this context, we believe that the multi-national force and the UN stabilization force, assisted by forensic experts and criminal investigators, should have a mandate to preserve evidence and documents of any such crimes with a view to criminal investigations by Liberian and other national courts and by the International Criminal Court, should Liberia ratify the Rome Statute of the International Criminal Court (Rome Statute) or make a declaration under Article 12(3) of the Rome Statute recognizing the Court's jurisdiction or should the Security Council refer the situation to the Court. We shall also urge the Security Council to provide these forces with a clear mandate to arrest any person allegedly responsible for war crimes, crimes against humanity and other human rights abuses. Your continuing efforts to that end will be much appreciated.

### **A human rights assessment mission**

As described below, Amnesty International believes that the UN stabilization force must have a strong human rights component, including a human rights section which will monitor, document and regularly and publicly report on human rights and advise on the building of strong human rights institutions. However, it is unlikely that the UN operation will be deployed until several months' time. We therefore welcome and urge you to support the recommendation by the Acting High Commissioner for Human Rights in his recent report on Liberia (paragraph 35) that a human rights assessment mission be deployed in Liberia as soon as the security situation permits. The imperative for such an assessment mission is clear from the Acting High Commissioner's conclusion that the human rights situation in Liberia has deteriorated "in a shocking manner". It would be particularly valuable if the relevant thematic mechanisms of the UN Commission on Human Rights could contribute to that process. The expertise of the Special Rapporteurs on extrajudicial, summary or arbitrary executions, torture and violence against women is particularly relevant.

We call on the UN to take the necessary steps for such a human rights assessment mission to take place as soon as feasible, and hope that you will give it your full support. It should help ensure that a strong human rights capacity-building component is incorporated in the future work of the UN in Liberia. If such a mission does visit Liberia, Amnesty International hopes that its findings and recommendations will be promptly submitted to the Security Council in order to inform its decisions on Liberia.

Such a mission would, however, form only one component of what should be a continuing and comprehensive strategy to ensure that all those responsible for crimes under international law are brought to justice in fair trials that exclude the death penalty. This strategy should be developed in consultation with the Prosecutor of the International Criminal Court, other states, Liberian and other national justice experts and civil society. We recognize that the scale of the problem of impunity is enormous. Since the crimes are crimes against the entire international community, not solely against the victims in Liberia, the responsibility for bringing the perpetrators to justice is a shared responsibility of the international community and Liberia.

### **A strong and unambiguous mandate to protect civilians**

Amnesty International is deeply concerned that the multi-national force authorized by the Security Council was not provided with a strong and unambiguous mandate to protect civilians from physical danger. In this respect Resolution 1497 (2003) was seriously deficient.



We have been concerned that in the past UN peace-keeping forces have been provided with a mandate which unnecessarily restricts the scope and ability of peace-keeping forces to protect civilians from physical danger. For example, UN Security Council Resolution 1289 (2000) of 7 February 2000, which authorized an increased number of troops for the United Nations Mission in Sierra Leone (UNAMSIL), provided a mandate under Chapter VII of the UN Charter, to “*take necessary action, within its capabilities and areas of deployment, to afford protection to civilians under imminent threat of physical violence*”. Similarly, UN Security Council Resolution 1493 (2003) of 28 July 2003 authorized the UN Mission in the Democratic Republic of the Congo (MONUC) “*to take the necessary measures in the areas of deployment of its armed units, and as it deems it within its capabilities... to protect civilians and humanitarian workers under imminent threat of physical violence*”.

The recommendation for a strong Security Council mandate to protect civilians is also explicitly made in the Acting High Commissioner for Human Rights' report of 8 August 2003 (paragraph 41). Moreover, we recall that the UN Secretary-General, in his letter to the President of the Security Council of 29 July 2003 (S/2003/976), included “*protecting civilians facing violence in areas of its immediate deployment*” as a specific task to be performed by the military component of the UN stabilization force. Peace-keeping troops should take all necessary action to prevent war crimes, crimes against humanity and other human rights abuses against civilians throughout the country and we call on you to ensure that all necessary steps are taken to enable them to do so.

Amnesty International will therefore urge the Security Council to ensure that the UN stabilization force to be deployed in Liberia, acting under Chapter VII, will be provided with a strengthened mandate to protect the human rights of all civilians at all times and not just those *under imminent threat of physical violence*.

### **The UN force: numbers, composition and logistical support**

It is of vital importance that the UN stabilization force has sufficient numbers to deploy as quickly as possible in all parts of the country. The presence of UN peace-keeping forces could be an important deterrent against further human rights abuses. Attention since early June 2003 has focused largely on Monrovia; fighting, however, has continued in other parts of the country, such as Bong and Nimba Counties. In addition, forces of the Movement for Democracy in Liberia (MODEL) have advanced from the east of the country to Liberia's second port city of Buchanan where fighting has also continued. All these areas have been inaccessible to humanitarian agencies. Because of lack of access it has been difficult to obtain information about the extent of human rights abuses in those areas. Deployment of the UN stabilization force throughout the country would also help ensure that humanitarian agencies have total, unrestricted and immediate access to all populations in need.

It is crucial therefore that the UN stabilization force comprises sufficient numbers from an early stage. It is also essential that these forces have the necessary logistical support to be able to fulfil their mandate to protect civilians. We hope that you will make strong representations to the UN Secretary-General and the Security Council for authorization of a UN stabilization force of sufficient size and with adequate resources to meet the challenges which it will face.

Given the difficulty of the tasks faced by peace-keeping troops in Liberia and the large numbers of child combatants active in the country, Amnesty International would like to draw your attention to the policy announced by the UN Secretary-General on 29 October 1998 which

recommends a preferable minimum age of 21 years and no less than 18 years for all UN peace-keeping forces, which is an example of the UN's efforts to promote the rights of the child (SG/SM/6777, PKO97). We strongly support the Secretary-General's policy and request that you draw these minimum age requirements to the attention of all countries contributing troops to Liberia, both ECOWAS forces in the multi-national force and also the UN stabilization force, and request that they be adopted.

### **Strict adherence by all international peace-keeping forces to international human rights and humanitarian law**

All international peace-keeping troops deployed in Liberia, including ECOWAS forces, must adhere strictly at all times to international human rights and humanitarian law applicable to peace-keeping troops. Indeed, Amnesty International believes that the Secretary-General's provisions on the Observance by United Nations forces of international humanitarian law, published in his Bulletin on 6 August 1999, should apply to all forces carrying out operations authorized under Chapter VII of the UN Charter. This means that its provisions should be observed by the UN stabilization force as well as the multi-national force currently being deployed in Liberia.

Amnesty International urges you to help ensure that peace-keeping troops will be provided with appropriate training, including in human rights standards, before they are deployed. The importance of ensuring that these standards are met must be stressed. Amnesty International hopes that the considerable experience gained by UNAMSIL can be drawn upon in relevant training arrangements of troops deployed in Liberia.

There have been many instances where international peace-keeping forces have themselves breached international human rights and humanitarian law and committed criminal acts. Amnesty International, for example, documented human rights violations and other criminal acts by forces of the Economic Community of West African States (ECOWAS) deployed in both Liberia and Sierra Leone. ECOWAS Cease-fire Monitoring Group (ECOMOG) forces in Liberia and Sierra Leone were responsible for indiscriminate aerial bombardments resulting in civilian casualties, extrajudicial executions of captured or suspected rebel combatants, torture, ill-treatment and illegal detention of both combatants and civilians, harassment of civilians and widespread looting. None were known to have ever been brought to justice.

Considering the serious allegations in 2002 of sexual abuse and exploitation by national and international non-governmental organizations, UNHCR, and other UN bodies, as well as peace-keeping personnel in West Africa, Amnesty International believes that the provisions laid down in Rule Number 4 of the UN Department of Peacekeeping Operations' Ten Rules: Code of Personal Conduct for Blue Helmets are inadequate. We recommend that you consider providing additional rules for peace-keeping troops based on the Six Core Principles of the Inter-Agency Standing Committee on Emergencies which already apply to humanitarian personnel. The UN Security Council requested in Resolution 1460 (2003) of 30 January 2003 on children and armed conflict that contributing countries incorporate the Six Core Principles into pertinent codes of conduct for peace-keeping personnel and develop appropriate disciplinary and accountability mechanisms. In the case of MONUC, the Six Core Principles have been incorporated into the mission's Code of Conduct.

The behaviour of all peace-keeping forces must be closely scrutinized and all previous and future reports of human rights violations by members of the peace-keeping force must be immediately investigated and appropriate action taken. Amnesty International recommends that the UN establish or actively support a mechanism to ensure that appropriate action is taken in respect of any peace-keeping troops alleged to have engaged in criminal activities or abuse of human rights. This must include an easily accessible complaints mechanism and prompt independent investigation of serious human rights violations. Those found to be responsible for such violations should be promptly sent back to the contributing country and brought to justice according to international standards for fair trial, excluding imposition of the death penalty. The UN stabilization force should systematically monitor whether appropriate action has been taken by the contributing country and inform the victims of the human rights violation of the outcome of any judicial process. Finally, the Department of Peacekeeping Operations should maintain records of those found to have committed human rights violations in order to ensure that they do not participate in any future UN peace-keeping operation.

### **Accountability for international peace-keeping troops**

In view of these concerns, we are deeply concerned that Operative Paragraph 7 of Resolution 1497 (2003) in effect provides permanent impunity for serious violations of international human rights and humanitarian law to peace-keeping forces of states which are not a party to the Rome Statute, unless their own courts exercise jurisdiction. In seeking to prevent other countries from exercising universal jurisdiction for these crimes and to bar the International Criminal Court from duly carrying out its mandate, the resolution contravened both the UN Charter and other international law, and seeks to undermine the International Criminal Court. Indeed, the UN Secretary-General said during his press conference of 1 August 2003 immediately after the adoption of Resolution 1497 (2003): “I believe that we should not do anything that will undermine the International Criminal Court”.

Amnesty International believes that Operative Paragraph 7 of Resolution 1497 (2003) has not only set a dangerous precedent that undermines international law but is itself unlawful, for reasons set out in Amnesty International's legal memorandum *International Criminal Court: The unlawful attempt of the Security Council to give permanent impunity to US citizens* (AI Index: IOR 40/006/2003, May 2003). In our view, it cannot prevent the International Criminal Court from exercising jurisdiction over any suspects of crimes within its mandate. Amnesty International will call on all members of the Security Council not to include any provision such as that in Operative Paragraph 7 in its future resolutions, including on Liberia. Given the current text in Resolution 1497 (2003), however, Amnesty International wishes to emphasize the following:

- all states, including all troop-contributing countries, must fully meet their obligations under international human rights and humanitarian law;
- all states, whether a party to the Rome Statute or not, are obliged under international law to bring their nationals to justice for grave breaches of the Geneva Conventions, torture and other crimes under international law;
- all states, whether a party to the Rome Statute or not, are also obliged under the Geneva Conventions to prosecute those suspected of grave breaches of the Geneva Conventions – if found in their own territory – or to seek their extradition when other states fail to fulfil their obligations to do so.

### **A strong human rights component to the UN stabilization force**

Amnesty International is urging the international community to develop a coherent and comprehensive strategy to promote post-conflict reconstruction and rehabilitation as Liberia emerges from the devastating effects of its protracted conflict. Post-conflict reconstruction must be based on good governance and respect for human rights. The UN has a vital role to play in developing and implementing such a strategy.

The security forces – both army and police – need to be restructured and trained; the legal and judicial systems need to be reformed and strengthened. There should be an assessment of national law enforcement and judicial institutions, including of the physical damage caused by the conflict, so that the necessary assistance may be provided to enable these institutions to ensure long-term protection of human rights and restoration of the rule of law.

The UN stabilization force in Liberia should therefore have a strong human rights component which is fully integrated into all aspects of the UN operation. The nature and scale of war crimes, crimes against humanity and other human rights abuses which have occurred during Liberia's conflict demand nothing less. In his letter of 29 July 2003 proposing the establishment of a multi-national force, to be followed by a UN stabilization force (S/2003/976), the UN Secretary-General identified "*promoting respect for human rights and good governance*" as an area of support to be provided by the UN presence in Liberia. Unfortunately, until now, UN efforts to monitor and support human rights in Liberia have, at most, been half-hearted. Amnesty International has developed a number of recommendations on implementing human rights in international peace-keeping operations, notably in *Peace-keeping and human rights* (AI Index: IOR 40/01/94, January 1994) which contains a 15-point program.

### ***A human rights section***

Amnesty International recommends that the UN stabilization force includes a human rights section, similar to that established for UNAMSIL, to not only undertake specific tasks to ensure respect and promotion of human rights but also to ensure that human rights issues permeate the entire UN operation. We feel that your leadership and support on this issue are essential. In order to be effective, the human rights section needs to enjoy full political support and have adequate resources.

In establishing the UN stabilization force, the UN must ensure that well qualified and experienced human rights officers, in sufficient numbers, are recruited without delay. Human rights officers should include experts in the areas of violence against women, including rape and other forms of sexual violence, and also the rights of children.

Amnesty International recommends that the human rights section undertakes the following tasks.

- *Monitoring, documenting and publicly reporting on the human rights situation*

It is essential that there is accurate and independent verification of human rights abuses. This would help prevent human rights abuses and also contribute towards building confidence between the parties.

Human rights officers should actively monitor human rights abuses throughout the country, as far as the security situation allows. Monitoring should also apply to international peace-keeping forces. Human rights officers should have adequate powers to investigate reports of human rights abuses, to bring these to the attention of relevant authorities and to make recommendations for effectively addressing these abuses. The human rights section should make public its reports on human rights and submit them to you, the UN Secretary-General and the High Commissioner for Human Rights. Human rights should be regularly and substantively addressed in the Secretary-General's reports to the Security Council.

- *Training in international human rights and humanitarian law for peace-keeping troops*

While it is hoped that all troops deployed in Liberia will be well trained, including in human rights standards, before they are sent from contributing countries, the human rights section should be able to provide additional field training in international human rights and humanitarian law, including in particular the rights of women and children, to ensure that troops comply with the highest standards. There should be a continuous review of this training.

- *Contribute to any eventual mechanism for addressing impunity*

The human rights section should also be able to advise on accountability and reconciliation measures and procedures. Through its documentation and reporting of human rights abuses, it could make a significant contribution to any eventual mechanism, both judicial and non-judicial, which is established to address impunity for war crimes, crimes against humanity and other human rights abuses which have occurred during the conflict.

- *Contribute towards long-term measures for protection of human rights*

As the process of post-conflict reconstruction gets underway, the human rights section could play an important role in ensuring that respect and promotion of human rights are given priority. There are a number of areas in which a strong human rights section, with adequate staff, can make an important contribution, such as undertaking technical assistance programs, encouraging the revitalization and strengthening of the Liberian Human Rights Commission, providing support and training to judicial and law enforcement institutions and Liberian non-governmental human rights organizations.

### ***Senior level gender adviser and child protection officer***

Civilians have borne the brunt of the conflict in Liberia which has seen widespread and systematic violation of the rights of women and children. Hundreds of women and girls are reported have been raped or subjected to other forms of sexual violence. Large numbers of children under the age of 18 have been forcibly recruited to fight.

Following its visit to West Africa from 26 June to 5 July 2003, the UN Security Council explicitly referred to abuses against women and children in its subsequent report (S/2003/688). It recommended in paragraph 47(g) that the Security Council “*insist to all parties that international humanitarian law and the human rights of all, especially women and children, must be respected; that recruitment of child soldiers must cease; and that action will be taken against those who abuse these principles*”.

On 24 July 2003 the Special Representative of the UN Secretary-General for Children and Armed Conflict spoke of massive mobilization of children and women to fight, most of them forcibly recruited. The Special Representative of the Secretary-General on Internally Displaced People on 31 July 2003 also called for special attention to be given to ensuring the protection of women and children, recalling that lack of protection for women and children in West Africa's conflicts has often been of particular concern, especially with respect to sexual violence and exploitation.

Both the gravity and extensive nature of the abuses against women and children require an urgent and specific response from the UN. Amnesty International hopes that senior experts in women's and children's rights – in sufficient numbers – will occupy key positions in the UN stabilization force. There should, for example, be a senior adviser on gender and, similarly, a senior child protection officer in the office of the Special Representative of the Secretary-General.

They should be responsible for ensuring issues relating to the protection of women and children are incorporated into all aspects of the UN operation in Liberia and that the particular and urgent issues facing women and children affected by the conflict are given the priority they deserve and the resources needed.

Particular attention will need to be paid to the disarmament, demobilization and reintegration (DDR) process. The disarmament and demobilization of child combatants from all parties to the conflict must be an urgent priority and special procedures for the disarmament and demobilization of child combatants should be devised. There should be cooperation with relevant UN and non-governmental child protection agencies in order to identify and address the social, psychological and material needs of children, especially former child combatants. The duration of the DDR process should be sufficient to ensure a successful transition into normal life, with particular emphasis on education.

The physical and psychological needs of women and girls who have been subjected to sexual violence in the context of the conflict must also be given the highest priority and mechanisms put in place to provide support and rehabilitation.

The gender adviser and the child protection officer should enjoy assistance from professional and support staff. Their work should also be complemented by experts in the rights of women and children in the human rights section. The experience of both UNAMSIL and MONUC may provide valuable guidance in these areas.

In order to ensure the protection of the rights of women and girls in the future, women's involvement in the peace process, future elections and any future government must be ensured.

### **Refugees and internally displaced people**

Finally, we wish to draw your attention to an estimated more than one million Liberians who have been forced to leave their homes as a result of the conflict. The majority have become internally displaced; others have fled to neighbouring countries. Women and children predominate among refugee and internally displaced populations.

For many, however, places of refuge have become unsafe. Liberian refugees in neighbouring Côte d'Ivoire have been deliberately targeted by both Ivorian government forces and armed opposition groups; internally displaced people in Liberia have been particularly vulnerable to abuses by both government forces and militia and the armed opposition. Sierra Leonean refugees remaining in Liberia have also been caught in the violence.

On 31 July 2003 the Representative of the UN Secretary-General on Internally Displaced Persons expressed grave concern about the deteriorating plight of internally displaced people in Liberia and called for swift action to ensure their protection and assistance.

Particular attention needs to be given urgently to the desperate plight of refugees and internally displaced people. All efforts should be made to protect the safety of refugees and internally displaced people in camps and settlements, including relocation to secure areas, and to provide humanitarian assistance.

I hope that the points raised in this letter will assist in ensuring that the major role to be played by the UN in restoring peace and stability and assisting post-conflict reconstruction in Liberia will have a clear and dedicated focus on both the immediate protection of civilians and also the longer-term promotion and respect for human rights. The UN has a critical role to play in coordinating the activities of UN agencies, international financial institutions and donor countries in providing technical and material support to strengthen the institutions of good governance and protection of human rights. We shall be pleased to provide any further information which may be helpful and we look forward to continuing to cooperate closely with you.

I should be grateful if you could bring Amnesty International's recommendations to the attention of members of the Integrated Mission Task Force.