

Liberia

Since general elections in 2005 and the January 2006 inauguration of President Ellen Johnson-Sirleaf, Liberia has made tangible progress in transitioning from a near-failed state to a democratic state governed by the rule of law. The elections followed a 2003 peace agreement and the deployment of 15,000 United Nations Mission in Liberia (UNMIL) peacekeepers. From 1989 to 2003 Liberia had been engulfed in two armed conflicts characterized by egregious human rights violations.

As 2006 ended, solid grounds for optimism existed including a stated and demonstrated commitment on the part of government to fight corruption; progress in the retraining and restructuring of the police and army; increased control of the country's natural resources; the return of some 40,000 civilians who had fled during the war; the ability of free media and civil society to function after years of persecution; and the coming into operation of a Truth and Reconciliation Commission empowered to recommend prosecution for the worst offenders. However, the human rights situation remained precarious as a result of rising criminal acts, and civil disturbances by former combatants, met by inadequate policing; deficiencies within the judicial system; financial shortfalls for programs to train demobilized combatants; and continued regional instability, most notably in neighboring Côte d'Ivoire.

Ongoing Insecurity and Abuses in Law Enforcement

Despite the deployment of UN peacekeepers and some 1,000 civilian police, violent crime increased including hijacking, armed robbery, and murder. This was indicative of weaknesses in the Liberian National Police, including very poor logistic and transport facilities and low deployment outside the capital. UN police increased patrols in high crime areas but, in a worrying development, the justice minister called on Liberians to form vigilante groups. Numerous individuals accused of common crimes were beaten to death by mobs.

Several violent demonstrations took place by demobilized personnel from the Armed Forces of Liberia, Anti-Terrorist Unit, and Special Security Service, demanding severance benefits.

The newly trained Liberian police continued to engage in unprofessional and sometimes criminal behavior including extortion, excessive use of force, and sexual harassment. Concerns remain regarding the vetting of past human rights abusers in a 2004-05 screening and selection exercise administered by UNMIL. Problems with the process included lack of clear criteria for the elimination of potential human rights abusers, failure to allocate adequate human resources to conduct thorough and systematic background checks on applicants, and inadequate involvement of Liberian human rights groups and the general population.

Performance of the Judiciary

The judiciary remains dysfunctional, making justice not accessible to the vast majority of Liberians. Some improvements to the judicial infrastructure were evident including the renovation and reconstruction of several court houses and detention facilities. However, the system has few prosecutors and public defenders, few resources, and suffers from absenteeism by judges and other staff. Reports of unprofessional and corrupt practices by judicial staff were frequent, including releasing suspects charged with criminal offenses on payment of a bribe, or soliciting money to stop cases from proceeding to a higher court. The circuit courts of five counties did not operate at all. Magistrate and local tribal courts often try, sentence, fine, and imprison people for criminal and civil matters that are outside their jurisdiction. More than 90 percent of the prison population is being held in prolonged pre-trial detention.

Prisons and detention centers operate far below international standards, with overcrowded cells and lack of food and water for detainees.

Harmful Traditional Practices

Numerous serious abuses resulting from harmful traditional practices also occurred in 2006. These included the killing of alleged witches; killing of people for their refusal to be inducted into a secret society; and deaths and maimings associated with traditional justice practices. One such practice by local authorities requires alleged offenders to drink the poisonous sap

of the local “sassywood” tree in order to prove their guilt or innocence. These local practices were often characterized by a lack of due process standards, extortion, elicitation of statements under torture, physical and sexual assault, and extrajudicial killings.

Women’s and Children’s Rights

The Rape Amendment Act, which stipulates heavier penalties for the most serious cases, came into force in January 2006. However, a general reluctance to prosecute rape cases persists, and rape and other forms of sexual assault and exploitation remain very serious problems for Liberian women and girls, including young girls.

From January through November UNMIL investigated 28 cases of sexual exploitation and abuse by UNMIL personnel against Liberia civilians, including 10 cases involving minors. At this writing none of the investigations had been concluded.

Poor labor conditions on rubber plantations including the use of child labor were reported. Substandard conditions in Liberian orphanages led the Ministry of Health and Social Welfare to announce the intended closure of 69 facilities in March 2006. Unfortunately, this was not properly implemented by government authorities and resulted in few actual closures.

Corruption

Corruption involving public monies has long been endemic, and is widely recognized as having contributed to the country’s political instability and to robbing the population of funds needed to provide vital services such as education, water, and healthcare. Throughout 2006 the Liberian government and the international community took concrete steps to reduce corruption and improve economic governance. President Johnson-Sirleaf dismissed numerous senior government officials for corrupt practices and ordered an evaluation of all government contracts. In August the House of Representatives ratified the UN Convention against Corruption and the African Union Convention on Preventing and Combating Corruption. The Governance Reform Commission elaborated a code of conduct calling for public servants to declare their income, assets, and liabilities. Also in 2006 the Governance and Economic Management Assistance Program (GEMAP), a three-year anti-corruption plan drafted and imposed by key donors the previous year as a condition for

development aid, came into operation. It empowers foreign financial experts to co-sign all financial matters within the National Bank of Liberia, the Finance Ministry, and several revenue generating agencies.

Accountability and the Truth and Reconciliation Commission

In February 2006 the Truth and Reconciliation Commission (TRC) was inaugurated. In October, after months of preparation and training, some 190 statement-takers began to obtain testimonies for use in formal hearings to begin in early 2007. The TRC is mandated to investigate gross human rights violations and economic crimes that occurred between January 1979 and October 14, 2003, and can recommend amnesty in cases not involving serious violations of international humanitarian law, and prosecution for the most serious cases. The TRC requested some US\$10 million, but deficits in donor pledges and funds remained.

Civil society made increased calls for a mechanism to hold accountable perpetrators of war crimes and crimes against humanity in Liberia's wars. The surrender of former Liberian President Charles Taylor to the Special Court for Sierra Leone in March 2006 appeared to foster these calls. Debate occurred on whether accountability should take place during or after the completion of the TRC's work; whether TRC commissioners would act on their power to recommend individuals for prosecution; and whether the Liberian judicial system would be able and willing to try these crimes.

Liberian Army

The United States has taken the lead in recruiting and training a new Liberian army of some 2,000 soldiers. During 2006 the first 560 recruits began training after being selected from a pool of more than 7,000. The restructuring exercise is running months behind schedule, with the first fully trained battalion expected to be operational in 2008. However, the US contractor DynCorp's detailed plan to screen recruits for past human rights abuse appears to have been successfully implemented.

Disarmament of Former Combatants

More than 101,000 individuals were disarmed and demobilized in 2003-05. The disarmament exercise was criticized for not having strict admittance criteria and for including individuals who were not real combatants. The excessive numbers of

individuals taking part in the disarmament exercise contributed to the shortfall of funds from international donors to support education and skills training programs. At this writing some 30,000 ex-combatants have yet to enter reintegration programs. The dearth of training and education programs was believed to have contributed to the rise in violent crime and the recruitment of Liberian ex-combatants, including children, by the Ivorian government and rebel forces.

Key International Actors

Throughout 2006 Liberia's international partners' top priority was to establish mechanisms to fight corruption and ensure proper management of Liberia's natural resources. Other rule of law issues, including the imperative to rebuild Liberia's judicial system and the pursuit of justice for past atrocities, received less attention and funding.

After considerable pressure from the European Union and the United States, and a courageous request from President Johnson-Sirleaf, the Nigerian government surrendered former president Charles Taylor to Liberia. He was then transferred to the Special Court for Sierra Leone, which had indicted him for war crimes and crimes against humanity connected to his support for rebels in Sierra Leone. The move was viewed as a positive step for stability in West Africa.

As Liberia's leading bilateral donor, the United States committed \$270 million in 2006 to support democratization and reconstruction efforts, bringing its total aid funding to some \$1.16 billion for fiscal years 2004-06. Since establishing peace, Liberia's government has received support from the European Commission including almost €100 million for peace support operations and post-conflict rehabilitation and institution building. China's role in Liberia's development and reconstruction is also expanding.

Following Liberia's progress in regaining control over the exploitation of timber, the UN Security Council in June 2006 lifted a UN ban on timber exports. It left in place a similar ban on diamond exports until the Kimberly Certificate of Origin regime is functioning. The UN Security Council also relaxed a 2001 ban on the sale of arms to Liberia.