

Liberia

Throughout 2008 the government of President Ellen Johnson Sirleaf made tangible progress in addressing endemic corruption, creating the legislative framework for respect for human rights, and facilitating economic growth, but little headway in strengthening the rule of law. Numerous incidents of violent crime, mob and vigilante justice, and bloody land disputes claimed tens of lives and exposed the systemic and persistent weaknesses within the police, judiciary, and corrections sectors. The disappointing progress in these sectors, five years after the end of armed conflict, highlighted the fragility of the security situation and prompted calls for urgent action.

Disturbing witness accounts of atrocities at hearings of Liberia's Truth and Reconciliation Commission did more to generate controversy than to promote reconciliation, largely due to the lack of remorse or responsibility expressed by perpetrators who testified. Meanwhile, there have been few efforts to pursue justice for the egregious human rights violations committed during Liberia's 14 years of armed conflict that ended in 2003.

Ongoing Insecurity and Abuses in Law Enforcement

The internal security situation in Liberia worsened in 2008, characterized by frequent violent criminal acts, including armed robbery and rape, violent protests on rubber plantations, and deadly land disputes. Lack of public confidence in the police and judicial system led to mob attacks on police stations and courthouses to free or attack suspects; incidents of vigilante justice resulted in at least 10 deaths. United Nations peacekeepers deployed to Liberia since 2003 were, on several occasions, called in to restore calm.

Since 2004 the UN Mission in Liberia (UNMIL) has vetted and trained over 3,500 police officers, and together with donors, set up numerous police stations and

barracks. Nonetheless, Liberian police continued to engage in unprofessional and sometimes criminal behavior, including extortion, bribery, and armed robbery; frequent absenteeism; and failing to adequately investigate and later freeing alleged criminals. Few of these infractions resulted in investigation, suspension, or arrest. Lack of funding for transportation, communications, and forensic equipment further undermined the effectiveness of the national police, especially in rural areas. These continued problems prompted an increase by 250 of UN police officers and generated concern about the need for a thorough re-vetting of the police force.

Performance of the Judiciary

Persistent deficiencies within the judiciary led to widespread abuses of the right to due process, undermined efforts to address impunity, and prompted calls for more leadership within the Justice Ministry and international support to strengthen the sector.

Weaknesses were attributable to insufficient judicial personnel, including prosecutors and public defenders, limited court infrastructure and logistics, archaic rules of procedure, and poor case management. Unprofessional, corrupt, and, in a few cases, criminal practices by judicial staff continued to lead to rights abuses and undermine progress.

Prisons and detention centers remain overcrowded and lack basic sanitation and healthcare for detainees. In 2008 hundreds of people were held in prolonged pretrial detention; only ten percent of the some 1,000 individuals detained in Liberia's prisons had been convicted of a crime.

Some improvements were evident, including the continued renovation of courthouses and detention facilities, construction of separate blocks for female and juvenile detainees, revival of the Case File Management Committee, establishment of the Judicial Training Institute, and slight increases in the numbers of public prosecutions.

Legislative Developments

During 2008 the Liberian government made strides in creating the legislative framework for respect for human rights and good governance, with two important exceptions. Progress included the passage of the Freedom of Information Act, creation of the Anti-Corruption Commission and Governance Commission [mandated to conduct a much-needed constitutional review], and elaboration of the Poverty Reduction Strategy. Disappointing was the failure to establish either the Law Reform Commission or the Independent National Commission on Human Rights, and the passage in July of a law that allowed for the death penalty for certain offenses. The legislation, passed in response to high rates of violent crime, contravened Liberia's obligations under the Second Optional Protocol to the International Covenant on Civil and Political Rights.

Harmful Traditional Practices

Serious abuses resulting from harmful traditional practices continued to occur in 2008, due in part to the absence or distrust of judicial authorities. These included the killing of alleged witches and "trials by ordeal," in which suspects are forced to swallow the poisonous sap of a tree or endure burning—their alleged guilt or innocence is determined by whether they survive. At least 16 people were tried, convicted and sentenced for administering the practice, but were months later granted clemency. Their release, conditional on community service, was part of a wider public education campaign by the government and UN to discourage the practice.

Sexual Violence

The incidence of rape of women and girls continued to be alarmingly high in 2008, despite positive efforts by the government and UNMIL, including a sustained nationwide anti-rape campaign and the establishment of a dedicated court for sexual violence. While police response to reports of rape improved somewhat, efforts to prosecute these cases are hampered by deficiencies in the justice system and the regular dismissal of cases due to out-of-court settlements between families of the victims and the perpetrators.

Corruption

The potential for corruption to undermine recent gains in establishing the rule of law and in providing the most vulnerable with basic services such as education, water, and healthcare received considerable attention by the government and Liberia's international partners.

Concrete steps to reduce corruption included the creation in September of Liberia's first Anti-Corruption Commission, the dismissal and arrest of a number of corrupt officials, the nullifying of contracts awarded without due adherence to the legal bidding process, and the continued trials of some 10 public officials from the 2003-2005 transitional government for the embezzlement of over US\$5 million.

The Truth and Reconciliation Commission and Accountability

The Liberian Truth and Reconciliation Commission (TRC), which had since its creation in 2006 been plagued with leadership, transparency, and operational problems, showed significant improvement in 2008. Throughout 2008 the TRC conducted well-attended, countrywide hearings in which over 500 victims and some 35 former faction leaders testified. The victims recounted horrific accounts of war crimes committed by all sides, while perpetrators often failed to admit violations or ask forgiveness, and appeared to use the hearings to absolve perceptions of their guilt. TRC commissioners were praised for having brought the perpetrators to testify, but criticized for a lack of rigorous questioning to ensure a more accurate historical account.

In September, Charles "Chuckie" Taylor, Jr., the son of former Liberian president Charles Taylor, went on trial in the United States accused of torture while he headed Liberia's Anti-Terrorist Unit (ATU). On October 30, the jury found the defendant guilty on all counts. The case against Taylor, an American citizen, is the first brought under a US federal law that allows charges against a person accused of torture abroad if the accused is in the United States or is an American citizen. It is also the first prosecution for war crimes committed in Liberia.

The TRC hearings and the trial of "Chuckie" Taylor generated considerable public debate about the ongoing need to hold accountable perpetrators of war crimes and

crimes against humanity committed during Liberia's wars. Questions remain about whether TRC commissioners would act on their power to recommend individuals for prosecution, as included in the commission's mandate; and whether the Liberian judicial system would be able and willing to try these cases.

Liberian Army

Since 2004 the US has led the recruitment and training of 2,100 soldiers for a new Liberian army, which, in contrast to the police, has been involved in few reports of abuse and indiscipline by its members. Recruits were vetted for past abuses by the American contractor DynCorp.

Disarmament of Former Combatants

Since the end of the war in 2003, 101,000 former combatants have been disarmed. During 2008 the final group of some 7,250 former combatants received vocational training or education, but most remain unemployed. A joint program by the World Bank, UN, and Liberian government to offer short-term employment to some 60,000 was a welcome initiative. However, increases in global food prices and continuing high unemployment remain a serious concern for sustained peace.

Key International Actors

Liberia's post-war reconstruction needs remained high on the international agenda in 2008, evidenced by visits by UN Secretary-General Ban Ki-moon and US President George Bush, and the receipt of considerable bi-lateral and multi-sectoral aid.

The United States is Liberia's largest donor, and in fiscal year 2007-2008 contributed more than US\$141 million to support democratization, security and reconstruction efforts. In January the US infused the Truth and Reconciliation Commission with \$500,000, nearly doubling total US support for the TRC since its establishment.

From a high of US\$4.7 billion in debt in June 2007, Liberia has set itself towards debt relief by clearing its arrears and securing an agreement in April 2008 with donor nations for 97 percent of Liberia's debt to be canceled.

In December 2007, the UN Security Council renewed for one year the arms and travel bans on associates of former President Charles Taylor. In 2008, Liberia was declared eligible for US\$15 million in funds administered by the UN Peacebuilding Commission.