

LIBERIA

Waging War to Keep the Peace: The ECOMOG Intervention and Human Rights

INTRODUCTION	2
BACKGROUND TO THE INTERVENTION	5
THE ECOMOG INTERVENTION.....	7
EVENTS IN 1992: EFFORTS AT PEACE	10
THE RENEWED WAR: OPERATION OCTOPUS.....	11
THE ECOMOG RESPONSE.....	13
ECOMOG Air Strikes.....	15
Civilian Targets	16
Violations of Medical Neutrality.....	18
THE ARMED FORCES OF LIBERIA	19
Court Martials	21
The Murder of Brian Garnham	22
THE ULIMO FACTOR.....	24
THE INTERNATIONAL RESPONSE	26
The Economic Community of West African States	26
The United Nations.....	27
The United States	29
ACCOUNTABILITY FOR PAST ABUSES	31
RECOMMENDATIONS	33
Recommendations to ECOMOG	33
Recommendations to the United Nations.....	33
Recommendations to the United States	34

INTRODUCTION

In an attempt to end the bloody civil war in Liberia, in August 1990, a group of West African nations under the auspices of the Economic Community of West African States (ECOWAS)¹ took the unprecedented step of sending a peacekeeping force into Monrovia. This force, known as the Economic Community Cease-Fire Monitoring Group, (ECOMOG), has now spent almost three years in Liberia, yet its goal of bringing peace to the country remains elusive.

The ECOMOG intervention succeeded in temporarily stopping the bloodshed and ethnic killing, and is therefore regarded by many as a model of regional conflict resolution. However, ECOMOG has not integrated human rights protection and promotion into its activities, and this has proved to be a serious shortcoming. Pursuing peace without recognizing the centrality of human rights has left ECOMOG embroiled in a conflict with few immediate prospects for resolution: In the interests of ending the war and defeating a seemingly intractable adversary in Charles Taylor's National Patriotic Front of Liberia (NPFL), ECOMOG has allied itself with other warring factions, which undermines its credibility and therefore its ability to bring peace.

This report evaluates the ECOMOG intervention from a human rights standpoint, with particular emphasis on the period of renewed warfare since October 1992.² It does not assess the human rights violations by all sides to the conflict, which has been done in previous Africa Watch publications;³ nevertheless, Africa Watch acknowledges that the human rights abuses and intransigent attitude of Charles Taylor's NPFL have constituted a serious obstacle to ECOMOG's efforts. The report concludes that:

- o The ECOMOG intervention was carried out without clearly stated human rights principles and goals.
- o Although not a part of ECOMOG's mandate, concrete human rights improvements resulted once ECOMOG secured control of Monrovia and its environs in autumn 1990, including a halt to the ethnic-based killings and brutality, the removal of obstacles to the delivery of relief supplies and the re-emergence of civil society.
- o Since the NPFL attack on Monrovia in October 1992, ECOMOG has unofficially aligned itself with two of the warring factions, the Armed Forces of Liberia (AFL) and the United Liberation Movement for Democracy in Liberia (ULIMO), which are themselves responsible for serious human rights abuses. This has raised questions about ECOMOG's commitment to human rights as well as its ability to act as a neutral arbiter of the conflict.
- o ECOMOG has not sought adequately to control the abusive behavior of the forces with

¹ECOWAS was formed in 1975 and includes 16 West African nations. The ECOWAS charter deals primarily with economic integration and cooperation.

²The report is based in part on a fact-finding mission to Liberia and the Ivory Coast in February-March 1993 by Janet Fleischman, research associate for Africa Watch. The names of most of those interviewed have been withheld upon their request.

³See also: Africa Watch, *Liberia: The Cycle of Abuse, Human Rights Abuses Since the November Cease-Fire*, October 1991; *Liberia: A Human Rights Disaster, Violations of the Laws of War by All Sides to the Conflict*, October 1990; *Flight From Terror, Testimony of Abuses in Nimba County, May 1990*; and *Human Rights Watch, World Report 1993*, p. 20-25.

which it is nominally allied, or to investigate cases of human rights abuses committed by these forces, including killings, beatings, systematic looting and harassment of civilians.

- o There have been many reports about ECOMOG involvement in looting and occasional harassment or detention of civilians, although ECOMOG has not been responsible for systematic human rights abuses in the territory it controls. However, there is serious concern about the civilian toll and violations of medical neutrality by ECOMOG's air strikes in NPFL territory. There is no indication that ECOMOG has conducted investigations into these incidents.
- o None of the ECOWAS-sponsored peace talks included human rights on the agenda, thus making the West African countries complicit in the absence of any discussion of human rights protections or accountability for past abuses.
- o Since the issue of accountability for past abuses was never raised by ECOMOG, ECOWAS or the UN, those responsible for gross human rights abuses on all sides to the conflict continue to operate with impunity.

* * *

The ECOMOG intervention can be separated into three phases: from August to November 1990, the initial intervention that led to a cease-fire; from November 1990 to October 1992, the fragile truce; and from October 1992 to the present, the renewed war.

Since the November 1990 cease-fire, Liberia has been a divided country, with the Interim Government of National Unity (IGNU) governing Monrovia and its environs, backed by ECOMOG, while the NPFL controlled approximately 90 percent of the country. This situation lasted until late August 1992, when ULIMO, another rebel group formed primarily by soldiers from former President Samuel Doe's army, the AFL, attacked the NPFL from neighboring Sierra Leone, and captured two western counties, Bomi and Grand Cape Mount. However, the situation changed dramatically on October 15, 1992, when the NPFL attacked Monrovia, ending two years of an uneasy peace and plunging the country back into war.

Having failed to enforce a peaceful solution to the crisis, ECOMOG has been dragged back into the war, and is considered by many to constitute a warring faction. Its role has changed from peacekeeping to peace enforcing, and its rules of engagement now are more aggressive -- they not only can use force if they feel threatened and are empowered to disarm the warring factions, but they can also attack targets that might contribute to a threat against them.

According to ECOMOG Field Commander Maj. General Adetunji Olurin, a peacekeeping force is supposed to act as an "impartial arbiter." However, he explained that they were compelled to change their role into "peace enforcement."

If a faction decides to take us on and challenge the peacekeepers, then the enforcement role comes in. We must make all factions comply with the collective wisdom of others -- ECOWAS, the OAU or the UN. One faction cannot be an obstacle to peace. Then, we will return to our peacekeeping posture.⁴

⁴Africa Watch interview with Maj. General Adetunji Olurin, ECOMOG Field Commander, Washington D.C., April 2, 1993.

This new role is substantially different from that of a peacekeeper, since it involves aggressive, military operations directed against only one of the parties to the conflict. ECOMOG's actions raise serious questions about the role of a peacekeeping force, and whether its offensive will preclude it from returning to its prior peacekeeping functions.

The only lasting solution to the Liberian crisis will have to be political, based on respect for human rights; the crisis cannot be solved militarily. Since the beginning of the conflict, ECOMOG and ECOWAS have avoided inserting human rights into the peace negotiations, ostensibly for fear of derailing the process; peace, therefore, has been separated from human rights. This is underscored by the alliance ECOMOG has formed since October 1992 with two other Liberian factions -- ULIMO and the AFL -- whose human rights records range from suspect to abysmal. This, in turn, raises questions about ECOMOG's commitment to human rights, and about the role that human rights should play in the peace process.

ECOMOG supporters maintain that human rights forms the foundation of the peace process, and that explicit human rights concerns will be addressed once a peace agreement is in place. The president of the Interim Government, Amos Sawyer, put it this way:

Human rights is imbedded in the peace process; it is the essence of the democratic process....But the first step had to be to stop the fighting -- to find out what Taylor wanted, to see how to make concessions to get him to stop fighting, and to convince him to bring his claims to the political process. It didn't work, but the basic principle remains disarmament, encampment and elections. Human rights will then fall in line.⁵

There is little reason to believe that human rights guarantees will be integrated into the peace process, at least not at the initiative of ECOWAS. From November 1990 until October 1992, the two years of the fragile truce, the West African leaders and the international community had ample opportunity to raise human rights issues, including protection for the civilian population and accountability for past human rights abuses. Instead, they have created a situation in which the ultimate political solution will be linked to avoiding accountability on all sides, thus perpetuating the atmosphere of impunity which has plagued Liberia for so long. Accordingly, the ECOWAS leaders, with ECOMOG as their instrument, are contributing to the continuing human rights abuses in Liberia.

That there is no human rights component to the Yamoussoukro IV accord,⁶ the October 1991

⁵Africa Watch interview with Amos Sawyer, President of the Interim Government of National Unity, Monrovia, Liberia, March 10, 1993.

⁶A series of meetings were held in Yamoussoukro, in the Ivory Coast. The meeting focused on the question of elections, not only election logistics but also the need to disarm all warring factions and to confine them to their bases. Four such meetings took place in 1991, culminating in what is known as the Yamoussoukro IV accord. Taylor agreed to disarm his troops under the supervision of an expanded peacekeeping force and to confine his fighters ("encamp" them) as part of the ongoing peace process. Taylor made his commitment to ECOMOG, provided that the composition of the contingent was changed to add troops from Senegal and reduce the Nigerian contingency. Until then, Nigerians had made up approximately 90 percent of the ECOMOG force, and Taylor has always considered them to be particularly hostile to the NPFL.

ECOWAS-sponsored peace agreement, is the fault of the ECOWAS leaders. As one Liberian human rights activist noted:

No one pushed for human rights at the peace conference. It wasn't on the government's agenda, and in their own [ECOWAS] countries, human rights weren't respected either. To end the war, we have to go beyond disarming the people. We need to create an organ to focus on human rights. The government needs to undertake human rights guarantees, to investigate violations.⁷

In fact, human rights was never an explicit part of the ECOMOG mission. The ECOMOG Chief of Staff, Brig. Malu, told Africa Watch that ECOMOG's job was to "enforce disarmament and encampment and, with the U.N., to supervise elections. When a government is in place, we have fully achieved our mission." "Human rights," he continued, "is not a mission for a military service. Other organizations can be tasked with that."⁸ General Olurin, the ECOMOG Field Commander, explained that ECOMOG is simply the military arm of the ECOWAS countries, and that it has no political role to play. Although human rights should not be considered a political function, ECOMOG apparently views it as such and regards human rights as contradictory to its peacekeeping functions.

The specter of the country degenerating into a Somalia-like situation, with armed factions killing and looting with impunity, looms large to many Liberians. These concerns are well-founded: a recent split in ULIMO's political leadership between Alhadji Kromah and Raleigh Seekie could foreshadow further splintering; the AFL has re-armed and re-entered the fight; IGNU has formed its own militia, the Black Berets,⁹ which has been incorporated into the AFL; at least two "warlords" who broke off from the NPFL have surfaced in Lofa County; and a shadowy group called the Nimba Redemption Council¹⁰ has recently emerged in Nimba County.

It is imperative that the West African peacekeepers be held to the highest standards of respect for human rights, and that they strive to curb abuses by other forces.

BACKGROUND TO THE INTERVENTION

The roots of Liberia's civil war go far back in Liberian history.¹¹ However, the immediate

⁷Africa Watch interview in Monrovia, Liberia, March 7, 1993.

⁸Africa Watch interview with Brig. S.V.L. Malu, Chief of Staff ECOMOG, Monrovia, Liberia, March 9, 1993.

⁹The Black Berets are a militia of some 500 men formed by the Interim Government in 1992 and trained in Guinea.

¹⁰The Nimba Redemption Council appeared on the scene in January 1993, under the leadership of Karpheh Dweyea, who lives in the U.S. Little information is available about its size or strength, despite its claims to have "thousands" of fighters.

¹¹Liberia was founded in 1847 by freed American slaves. The new republic was controlled by the settlers, known as Americo-Liberians, who effectively held power for 133 years. Believing it was their mission to christianize and civilize Liberia, they ruled the country like a colony, establishing a feudal structure with all social, economic and political power in their hands, and subjecting the indigenous population to a range of abuses. For these reasons, the 1980 coup that brought Samuel Doe to power was welcomed by many Liberians, who saw it as the overthrow of the ruling elite.

precursor dates from 1985: after President Samuel Doe, an ethnic Krahn, stole the presidential elections, he brutally suppressed a coup attempt led by Thomas Qwiwonkpa, an ethnic Gio. Doe's soldiers, the Krahn-dominated AFL, engaged in bloody reprisals against real and suspected opponents, targeting mostly Gios and Manos; hundreds were killed and hundreds more were detained without charge or trial. This violence and the subsequent repression of independent activity and political opposition set the stage for the country's ethnic conflict and civil war.

On December 24, 1989, Charles Taylor and his NPFL launched an incursion from the Ivory Coast into Nimba County. The AFL responded with a ruthless counterinsurgency campaign, indiscriminately killing civilians, burning villages, raping women and looting. The brutality served to swell the ranks of NPFL recruits, many of whom were Gio and Mano boys orphaned by the fighting or enraged by the AFL's conduct. Within weeks, over 160,000 people fled into neighboring Guinea and Ivory Coast, beginning a refugee exodus from Liberia that escalated to over 700,000 -- one third of the population -- by late 1990.

As the conflict wore on, Doe's forces went on the rampage outside Nimba as well. Among the most egregious abuses committed by the AFL were the following:

- o On May 30, 1990, masked soldiers attacked a United Nations compound in Monrovia, shooting indiscriminately and abducting about 40 refugees; many of their bodies were found the next day. Because of this incident, the U.N. withdrew its personnel from Liberia in June and did not return until November 1990.
- o In June, soldiers opened fire on unarmed protestors in Monrovia who were calling on Doe to resign.
- o On the night of July 29-30, soldiers massacred some 600 people -- mostly Gios and Manos, many of them women with children -- who had taken refuge at St. Peter's Church in Monrovia.¹²

The NPFL, for its part, targeted suspected supporters of the Doe regime, particularly members of the Krahn and Mandingo ethnic groups, slaughtering civilians and destroying villages along the way. (The Mandingos, for the most part traders and businessmen, were considered by the rebels to have collaborated with the Doe government.) By late June, the NPFL had reached Grand Gedeh country, which is populated largely by the Krahns. The NPFL fighters attacked civilians and devastated the area, prompting a huge influx of Krahns to seek sanctuary in neighboring Ivory Coast. Krahn refugees described indiscriminate rebel attacks, with houses rocketed or burned and civilians tortured and killed.

The Krahn and Mandingo were not the only groups threatened by the NPFL. Other targets included those who were mistaken for Krahn or Mandingo -- particularly the Grebo and the Vai -- and anyone who served or cooperated with the Doe government. The level of indiscriminate

¹²In an interview with Africa Watch on March 8, 1993, LtG. Hezekiah Bowen, AFL's Chief of Staff, denied that the AFL was responsible for the massacre, calling it a "fabrication." He claimed that as of yet, he had no basis to investigate the massacre. He further stated that he was waiting for the United States to give him the satellite tapes of the massacre, which would identify the killers, although he did not deny that a massacre took place.

killing increased as more territory fell into NPFL hands.

By the summer of 1990, when the war spread to Monrovia, the level of atrocities committed by all sides reached astounding proportions. In late July, five European ambassadors issued a statement warning that Liberia was sliding into "anarchy and national suicide." Dead bodies, often mutilated, were dumped on the streets of the city or washed up on the beaches. The bodies were frequently not picked up because people feared being labeled as rebels. Chronic shortages of food and water and lack of medical care worsened dramatically, with the injured, the sick and the dying overwhelming the small number of medical workers.

THE ECOMOG INTERVENTION

ECOMOG is a West African peacekeeping force that began with approximately 3,000 troops and has grown to between 10,000 and 12,000 troops, the vast majority being Nigerians. ECOMOG included forces from five countries of ECOWAS: Gambia, Ghana, Guinea, Nigeria and Sierra Leone, later joined by Mali. In September 1991, as part of the ongoing peace process and in an effort to appease Taylor, Senegalese troops also joined.¹³

In August 1990, without any prospect for intervention by the United States or the United Nations, ECOMOG arrived in Monrovia to separate the warring factions and to stop the bloodshed. The West African countries justified their intervention on the grounds that it was no longer an internal conflict since thousands of their own nationals were trapped in Liberia and tens of thousands of refugees had fled to neighboring countries. The ECOMOG mandate was to impose a cease-fire, help form an interim government and hold elections within 12 months. Unfortunately, with NPFL attacks continuing, there was no peace to keep, and ECOMOG was thrust into combat to push the NPFL out of Monrovia.

There has been much speculation about the ulterior motives of the participating states for intervening in Liberia. Some have accused Nigeria of attempting to support the Doe government, since Doe and Nigeria's President Babangida were allies; others contend that Nigeria was striving to act like the regional superpower that it aspires to be. Others believe that the motivation was a genuine fear of regional destabilization, since dissidents from the Gambia, Ghana and Sierra Leone, most of whom were trained together with the NPFL in Libya, were known to be working with the NPFL. Still others contend that the intervention was due to the NPFL's treatment of the West African nationals living in Liberia; thousands of Nigerians, Guineans and Ghanaians were effectively held hostage in Monrovia, and hundreds were later killed. Another theory is that the enormous flow of refugees into the neighboring countries compelled them to act. In any event, none of the participating countries was known for its respect for human rights and democratic principles. As *The Washington Post* commented in August 1990 when the decision to form ECOMOG was announced, the participating states all had one thing in common: "All are ruled with a strong arm by military or civilian dictators and have little experience with democracy."¹⁴

¹³The Senegalese, who developed an excellent reputation with the Liberians for their professionalism and competence, pulled out of ECOMOG in January 1993. The stated reason for their departure was the presidential elections in Senegal, although it was well known that they were very critical of the conduct of other forces, particularly the Nigerians.

¹⁴Neil Henry, "African Dictators Embark on Democratic Mission," *The Washington Post*, August 10, 1990.

Regardless of its motivations, ECOMOG accomplished certain concrete objectives between August and November: it established a semblance of order and peace in the battered city, which allowed international humanitarian groups to return to Liberia; it confined to their barracks the AFL and another rebel group, the Independent National Patriotic Front of Liberia (INPFL), led by Prince Johnson;¹⁵ it enabled the Interim Government of National Unity (IGNU), headed by Amos Sawyer, to be installed; and it obtained a cease-fire.

Even observers who have become critical of ECOMOG's recent actions believe that the initial intervention was laudable. One of its most important accomplishments they point to was that ECOMOG stopped the slaughter of Krahn and Mandingo people in Monrovia. There were some 500 Krahns holed up in the Executive Mansion with former President Doe, and at least 10,000 more were believed to be in Monrovia; many of these had tried to disguise themselves as belonging to other tribes. There was also a large community of Mandingos. In early August 1990, in the wake of the AFL massacre at St. Peter's Church, staff at the Catholic Hospital and the relief organization Medecins Sans Frontières (MSF) wrote a letter to ECOWAS calling on the West Africans to intervene militarily. At the time, however, they were calling for protection from the Krahn soldiers of the AFL, not for Krahn civilians in the capital.¹⁶

One would be hard-pressed to visit Monrovia without hearing, time and again, "Thank God for ECOMOG." The sentiments of many Monrovia residents were summarized by a Liberian medical worker who said: "ECOMOG was our savior; it was a salvation. ECOMOG saved the population of Monrovia. They avoided fighting, but were pushed into a corner. We feel sorry for them; they have no cause to die here for this stupid, senseless war."¹⁷

A number of other Liberians and expatriates pointed to the disaster in Somalia, noting that were it not for ECOMOG, Monrovia would have disintegrated into a situation like Mogadishu, with none of the factions able to win a clear victory and all of them preying upon the civilian population. President Sawyer noted that the West African subregion has limited resources, but that comparisons with Somalia were apt. "It took 28,000 U.S. troops in Somalia to distribute food. We have here less than 10,000 ECOMOG forces, assaulted by a force in Taylor's estimate of 30-70,000, whose purposes are known to everybody."¹⁸

For two years -- from November 1990, when the cease-fire was signed in Bamako, until October 1992 -- an uneasy truce reigned in Liberia, with the West African troops guarding Monrovia and the NPFL controlling the rest of the country. During this new period, ECOMOG's role was confined to that of a police force; it was unable to bridge the political division of the country and lacked the mandate to confront Taylor militarily. "ECOMOG was respected more than the Liberian institutions," observed a Liberian lawyer. "They became the de facto police for a long time, because the police were totally discredited."¹⁹ ECOMOG became involved in settling

¹⁵The INPFL was effectively dissolved in late 1992 after fighting broke out between it and the NPFL at Caldwell. Prince Johnson is currently living in Nigeria.

¹⁶Africa Watch interview in Monrovia, Liberia, March 4, 1993.

¹⁷Africa Watch interview in Monrovia, Liberia, March 3, 1993.

¹⁸Interview with President Sawyer, March 10, 1993.

¹⁹Africa Watch interview in Monrovia, Liberia, March 4, 1993.

all sorts of disputes that bore no relation to their peacekeeping functions.

Although ECOMOG is a peacekeeping force, it has been saddled with more than simply military responsibilities; it has been thrust into the political realm. The field commander who heads the ECOMOG forces has become the point person in Liberia for ECOWAS, and he often performs the dual function of military commander and political negotiator. Former field commanders, especially General Ishaya Bakut, have been criticized for trying too hard to accommodate Taylor.

On the diplomatic front, a series of ECOWAS-sponsored peace talks, culminating in the October 1991 Yamoussoukro IV accord, sought disarmament and encampment of all warring factions, to be followed by elections. Despite hopes that all sides would comply with Yamoussoukro, Taylor continued to renege on his commitments to disarm, and depicted ECOMOG -- especially Nigeria -- as his principal adversary. Taylor refers to Nigerian President Ibrahim Babangida as a "mad dictator" and accuses him of trying to commit genocide on the Liberian people. "We win every day that we kill an ECOMOG soldier," Taylor told three foreign reporters in March 1993. He continued: "ECOMOG is a warring party. They have brought genocide to our people. We will talk when Nigeria is out of here."²⁰

Taylor's intransigence was fueled by the divisions within ECOWAS -- particularly the split between the Francophone countries, led by the Ivory Coast, and the Anglophones, led by Nigeria. As one long-time observer of West African affairs explained:

ECOMOG was a West African phenomenon responding to West African realities. These countries act like a series of city states -- like princes and dukes -- all destabilizing each other. You could never get all 16 [ECOWAS] countries to agree to a peacekeeping force, just a critical mass led by the most powerful -- Nigeria.²¹

Taylor's hostility toward ECOMOG has grown more intense as the conflict has dragged on. "We are trying to prevent a Nigerian occupation of Liberia," according to Norwood Langley, Minister of Commerce, Industry and Transportation for the National Patriotic Reconstruction Assembly Government (NPRAG -- the NPFL's governing body). "ULIMO and the Black Berets are just a front for Nigeria. It's a question of sovereignty."²² Taylor himself uses far stronger language. In an interview on March 24, Taylor told a group of foreign journalists:

We cannot negotiate with ECOMOG. ECOMOG is a warring party. We will never negotiate with ECOMOG, ever. ECOMOG, or whatever they call themselves, has brought genocide to the Liberian people. They continue to bomb churches, hospitals, schools and various infrastructures in this country. We are prepared to talk to Liberians. I did not say Nigerians or anybody else.²³

²⁰Nicholas Kotch, "Defiant Taylor 'will not surrender,'" *The Guardian*, March 27, 1993.

²¹Africa Watch interview in Abidjan, Ivory Coast, March 2, 1993.

²²Africa Watch interview with Norwood Langley, Minister of Commerce, Industry and Transportation for the National Patriotic Reconstruction Assembly Government, Abidjan, Ivory Coast, March 12, 1993.

²³"Taylor Discusses ECOMOG, UN Security Council," Gbarnga Radio ELBC, March 26, 1993, reprinted in Foreign Broadcast Information Service, March 31, 1993.

Despite its many problems, ECOMOG has considerable support among Liberians, including Liberians in territory controlled by NPFL. This is partially due to the mistrust of the other factions -- the NPFL, ULIMO and the AFL. In the displaced persons camps outside Monrovia, these sentiments are palpable: when asked under what conditions the displaced would return home, the vast majority stated that they would not go back until ECOMOG was there. A 33-year-old woman from lower Lofa county, expressed her attitude toward ULIMO and the AFL:

ECOMOG is trying their best. I want to go home, provided ECOMOG goes there. I would not feel free to go home if it was ULIMO there. We're scared because of what happened during the war. We see ULIMO or the AFL with guns, and we get scared. ECOMOG is at least here to make peace.²⁴

Armah, a student from Bomi, articulated it as follows:

I left in October, before ULIMO entered, because I was afraid. I can't go there while ULIMO is there with their guns. An army is just an army. But ECOMOG is a peacekeeping unit, so I'd go back if they are there. ULIMO is a faction. We only count on ECOMOG. The AFL, ULIMO, the NPFL -- they're all to one side. All armed groups have the same intention -- seeking to get rich by looting properties. ECOMOG wants to liberate the Liberian people. If they leave, there'll be heavy casualties. When ECOMOG is there, we think they'll limit the problems.²⁵

EVENTS IN 1992: EFFORTS AT PEACE

In early 1992, there was some hope of a political settlement. Roads between Monrovia and NPFL territory were opened and ECOMOG troops were permitted to conduct inspection tours of NPFL areas. In January, the Interim Elections Commission was sworn in, composed of three representatives of NPRAG and two from the IGNU. On March 16, the ad hoc Supreme Court was sworn in, composed of three judges named by the NPRAG and two by the IGNU. In April, the University of Liberia re-opened.

Efforts to implement peace agreements continued throughout the year. It should be noted that ULIMO was not a party to the Yamoussoukro agreement, a fact that was later cited by Taylor to justify his noncompliance. In April, a mini-summit of West African states, including Charles Taylor, was held in Geneva. The participants re-affirmed their commitment to the Yamoussoukro IV accords, and established a new timetable for ECOMOG deployment.²⁶ The most important feature of the Geneva meeting was that ECOMOG would secure a buffer zone on the Liberian-Sierra Leone border, to separate ULIMO and NPFL forces. However, just after signing the accord, Taylor announced that he had been forced to sign and indicated that he was not prepared to disarm or encamp his fighters.

²⁴ Africa Watch interview at displaced persons camp at VOA I, Brewerville, Liberia, March 6, 1993.

²⁵ Africa Watch interview at displaced persons camp at VOA I, Brewerville, Liberia, March 6, 1993.

²⁶ They also agreed to the following points: 1) that ECOMOG would secure the buffer zone on the Liberia-Sierra Leone border; 2) that ECOMOG would secure all entry and exit points into and out of Liberia; 3) that ECOMOG would carry out encampment and disarmament of all combatants; 4) that Taylor could maintain a personal security force "only with small arms but without RPGs [rocket propelled grenades]."

On April 30, ECOMOG began its long-awaited deployment in NPFL territory, with the aim of disarming all factions and establishing an atmosphere in which free and fair elections could be held. In late May, however, six Senegalese soldiers were captured during a gun battle with the NPFL in Lofa County and executed, reportedly by having their throats slit. As a result, all ECOMOG troops were withdrawn from Lofa Country to Monrovia.

The fragile cease-fire was finally broken in August, when ULIMO launched an attack from Sierra Leone against the NPFL. Skirmishes between the two rebel groups had occurred sporadically since late 1991, especially near the Sierra Leone border, but they had never amounted to a full-scale offensive. The NPFL forces were routed and at least 30,000 displaced persons streamed into Monrovia. Civilians reportedly were targeted by both sides during the fighting, with fighters looting in villages, stealing from fleeing refugees, and executing those suspected of sympathizing with the opposing faction. Taylor accused ECOMOG of supporting ULIMO.

The ULIMO offensive forced ECOMOG to announce the withdrawal of all its forces to Monrovia. However, Taylor prohibited the departure of 580 ECOMOG soldiers stationed in NPFL territory. Until early September, the soldiers were effectively being held hostage; they were disarmed, prevented from leaving their sites and prohibited from receiving supplies or communications from Monrovia. They were finally allowed to return to Monrovia in late September, due to the intervention of former U.S. President Jimmy Carter. However, during their return to Monrovia, many of the soldiers were humiliated, beaten, and had their weapons, vehicles and personal belongings confiscated by the NPFL. This incident served to increase ECOMOG's hostility toward the NPFL, and set the tone for its transformation into a "peace-enforcing" unit.

THE RENEWED WAR: OPERATION OCTOPUS

The situation exploded on October 15, when Taylor launched "Operation Octopus," attacking ECOMOG positions around Monrovia, and even striking at the AFL, which was encamped at its Schiefflin barracks on the outskirts of the city. For almost a month, ECOMOG struggled to repel what has been called "the siege of Monrovia." Fighting raged in and around the city, with the suburban areas of Gardnersville, Barnersville, New Georgia and Caldwell particularly hard hit. Approximately 200,000 people displaced from these areas flooded into the central city to escape the fighting. Other civilians were pushed behind Taylor lines into the country's interior, joining thousands of displaced persons there. Those who refused to cooperate were often executed by the NPFL.

As in the past, the NPFL often used young boys and teenagers, many of whom were intoxicated, to attack Monrovia. Some of these children belonged to the Small Boys Unit (SBU), which has become one of Taylor's most trusted divisions. Scores, and probably hundreds, of these boys died in the swamps surrounding Monrovia.²⁷ Since the NPFL fighters are not paid, they were promised the loot of Monrovia, often including a house. Indeed, many of the houses that were not destroyed were "claimed" by NPFL fighters, who wrote their names or units on the outside walls hoping to return to claim the homes after the fighting.

²⁷Some reports indicated that ECOMOG soldiers found it difficult to fight and shoot at these children, and that ECOMOG was more effective when confronting more adult fighters.

It is difficult to estimate the number of people killed during the renewed fighting. In early November, the World Health Organization estimated that up to 3,000 civilians and combatants had died since October 15.²⁸ According to the State Department, "scores of IGNU officials and employees were summarily executed because of their affiliation with the Interim Government" during the October attack. The State Department also reports that "renegade elements of the AFL...sometimes in cooperation with ULIMO, formed vigilante squads which reportedly engaged in ethnic score-settling by summarily executing several members of the Nimban community suspected of NPFL or INPFL affiliations."²⁹

One of the primary differences between this round of fighting and the war in 1990 was that the ethnic character of the killing was not as apparent as in 1992. "It was not the same concerted effort at ethnic cleansing," a State Department source explained. "Murder was incidental to robbing."³⁰ The AFL, for example, cleared civilians out of certain areas by saying that the NPFL was about to attack, and then the soldiers would proceed to loot the abandoned homes, regardless of who lived there. The NPFL also seemed intent on killing and looting any residents of the Monrovia area, whatever their ethnic background.

In late October, five American nuns, based in Gardnersville, were killed by the NPFL. The nuns were: Sister Barbara Ann Muttra, 69; Sister Joelle Kolmer, 58; Sister Shirley Kolmer, 61; Sister Kathleen McGuire, 54; and Sister Agnes Mueller, 62. Reports indicate that three were killed in the convent house and two were shot on a nearby road. The NPFL commander known as "C.O Devil" is believed to be responsible, although the NPFL denies it. Taylor also denied being in control of the area at that time, saying that it was "mostly under the control of the Senegalese contingent." However, journalists, soldiers, aid workers, missionaries and Liberian civilians who escaped from the Gardnersville area all report that it was controlled by the NPFL. Although the nuns represented a tiny fraction of those killed, their death attracted international attention to the resurging war.

Evidence of widespread killings from the fighting continue to surface.

- o In late December, scores of human skulls and decomposed bodies were found in a common grave in Gardnersville.³¹
- o In late January, some 300 decomposed bodies were found in another suburb.³²
- o In late February, ECOMOG discovered a mass grave on the Firestone plantation. It was

²⁸"U.N. Agency Says 3,000 Feared Dead in Monrovia," *Reuter*, November 3, 1992.

²⁹Department of State, *Country Reports on Human Rights Practices for 1992*. (Washington: U.S. Government Printing Office, 1993.)

³⁰Africa Watch interview in Washington D.C., April 6, 1993.

³¹"Macabre collecte dans les ruines d'un quartier de Monrovia," Agence France-Presse, December 24, 1992, reprinted in BQA #13862, December 25-28, 1992.

³²"Liberia: 300 decomposed bodies found in part of Monrovia which NPFL occupied," Agence France-Presse, January 29, 1993, reprinted in BBC Summary of World Broadcasts, February 1993.

reported that more than 50 skulls were scattered in the area, which ECOMOG believes to be the remains of those students and other West African nationals from the University of Liberia campus at Fendell who were executed by the NPFL.³³

THE ECOMOG RESPONSE

The urgency of the situation compelled ECOMOG to adopt a new strategy: it accepted the assistance of other Liberian factions in fighting the NPFL. The human rights record of these factions -- ULIMO and the AFL -- ranged from suspect to abysmal. The AFL was thoroughly discredited by its horrific abuses during the 1980s and especially during the war in 1990, when it massacred civilians and devastated Monrovia. ULIMO is an offshoot of the AFL, and its conduct in the areas it captured in 1992 reportedly included attacks on civilians, looting, and executions of suspected NPFL sympathizers. The formal connections between the AFL and ULIMO are unclear, although most of ULIMO's key commanders are former AFL leaders, and hundreds of AFL soldiers apparently left their barracks to join ULIMO.

The relationship between ECOMOG and these groups seems to be built upon the classic view that "the enemy of my enemy is my friend." After first supporting the right of the AFL to defend itself from attack, ECOMOG soon permitted the AFL to operate alongside the multinational troops, although the AFL retained a separate command structure and controls certain areas on its own. ECOMOG claims that ULIMO operates independently, but it is clear that some coordination exists. There is little indication that ECOMOG tries to curb excesses by these factions.

There have been many allegations that ECOMOG is actually arming ULIMO and AFL. It is difficult to track where these factions get their weapons, although ULIMO claims that their arms were captured from the NPFL and AFL claims that theirs were stockpiled under the Doe regime. Nevertheless sources in the State Department have stated that ECOMOG supplies -- or at least facilitates -- some arms to AFL and ULIMO, and Pentagon sources confirm that ECOMOG is supplying some arms to the AFL. A report by the State Department's Intelligence and Research Bureau states that ECOMOG "abandoned its neutrality when it began to arm the United Liberation Movement (ULIMO) and the Armed Forces of Liberia..."³⁴

The NPFL holds ECOMOG responsible for re-mobilizing the AFL and for creating ULIMO. "ECOWAS set us up for the slaughter," Norwood Langley, told Africa Watch. "They keep arming the other side, and no one gives a hoot if we have water to drink."³⁵

Still, ECOMOG regards the AFL with disdain; the ECOMOG Chief of Staff, Brig. Malu accused it of "every type of indiscipline -- looting, indiscriminate firing," and complained that "trained soldiers wouldn't do what they do."³⁶ The AFL soldiers have also proved to be unreliable partners: since their main aim is usually to loot, they frequently abandon their

³³"ECOMOG uncovers grave," *West Africa*, March 29-April 4, 1993.

³⁴"Conflict Resolution in Africa: Lessons from Angola," INR, April 6, 1993.

³⁵Interview with Norwood Langley, March 12, 1993.

³⁶Interview with Brig. SVL Malu, March 9, 1993.

positions once they have finished looting. As one journalist in Monrovia during the fighting observed:

Sporting looted booty -- from straggly wigs to gas masks and headphones attached to nothing
-- fighters with names like Captain Blood have returned to terrorize Monrovia....They and other fighters steal cars at roadblocks and careen around town sprawled over hoods, straddling windows and crowded into trucks bristling with gun barrels.³⁷

Realizing the dangers posed by the ULIMO and AFL fighters moving freely in Monrovia, IGNU prodded ECOMOG to push the fighters out of the city. Although ECOMOG has conducted sweeps and trucked many fighters to the city limits, anyone visiting Monrovia can see that plenty of ULIMO and AFL fighters remain, many of them armed and hauling back loot from the front lines. In early November, ECOMOG announced that all those who break curfew in military uniforms, with or without weapons, may be shot on sight.³⁸

The seriousness of the problem posed by AFL and ULIMO in Monrovia caused ECOMOG to conduct a new round of sweeps March 26-27. According to ECOMOG Field Commander, Maj. General Olurin, some 160 AFL and 200 ULIMO fighters were disarmed and taken out of the city.³⁹ Press reports indicated that an ECOMOG helicopter flew over Monrovia looking for armed ULIMO fighters, and that ECOMOG troops searched vehicles at checkpoints around the city, seizing arms and ammunition. At this writing, it appears that the number of armed AFL and ULIMO fighters around Monrovia has diminished.

The collaboration between ECOMOG and AFL/ULIMO has changed the dynamics of the war, and raises questions about ECOMOG's commitment to human rights. Some observers justify this uneasy marriage on the grounds of military necessity, arguing both that ECOMOG was stretched too thin and that ECOMOG soldiers needed Liberian guides to show them the terrain. An article in *West Africa* magazine discussed the genesis of the alliance.

These [AFL and ULIMO] fighters now offered their assistance in showing the ECOMOG forces the escape routes and corridors of infiltration which would be used by the NPFL guerrillas as bombardment of their main base at Caldwell intensified. The ECOMOG commander naturally welcomed such assistance but made the mistake of leaving the AFL and ULIMO scouts on their own to hold peripheral ground as they prepared for a main assault. Within a very short time, these elements displayed their major deficiency of discipline and control as they commenced a looting spree in and around Caldwell settlement area. By the following day, they had found their way into the built-up areas of the city. ULIMO especially had gone into the New Kru Town settlement and begun a cycle of harassment of the populace that added to the already precarious state of fear among the populace. By the time they appeared in the heart of the city, there was serious confusion as some people mistook them for Taylor's men. This situation created a new

³⁷Michelle Faul, "Factions Looting, Fighting on Monrovia's Streets," *Associated Press*, October 29, 1992.

³⁸"ECOMOG Issues Directive on Looters," London, BBC World Service November 2, 1992, reprinted in *Foreign Broadcast Information Service*, November 3, 1992.

³⁹Interview with Maj. Gen. Olurin, April 2, 1993.

problem for ECOMOG which now had to take on military police duties and clear the city of these ostensible allies of theirs who appeared bent on creating new problems in the rear.⁴⁰

Clearly, the AFL and ULIMO were viewed as lesser evils than the NPFL. Expressing the sentiments held by many in Monrovia, one Liberian remarked: "To hell with human rights. We have to get this thing over with."⁴¹ This position was articulated differently by President Sawyer, when he said:

It is not fair to say that ECOMOG should distance itself completely from forces that were themselves attacked. They [ECOMOG] have taken on an assignment here, one that even the U.S. is not doing spotlessly [in Somalia]. These are the practical realities on the ground....We are in a situation where we have to work with what we have on the ground.⁴²

In fact, these human rights abuses are more serious than those committed by the international forces in Somalia, which does not mean that the incidents of abuse in Somalia should not be investigated and punished. Nevertheless, the abuses by international forces in one situation do not provide an excuse for other such forces to violate basic rights.

Since ECOMOG re-established its defensive perimeter around Monrovia in late 1992, it has taken the offensive. A pattern has emerged whereby AFL or ULIMO soldiers often form the front lines of attack, while ECOMOG follows behind with heavy weapons.

In mid-January 1993, the Senegalese contingent announced that it was withdrawing its 1,800 troops from ECOMOG. The official reason given was the need for extra security at the 1,500 polling stations in Senegal during February's presidential elections. The Senegalese withdrawal dealt a serious blow to ECOMOG, since they were considered to be the most professional soldiers and were the most courteous to civilians of all the contingents. One foreign relief worker reported that many Liberians liked the Senegalese because they like "new things;" in other words, the Senegalese did not loot as much as the other contingents.

ECOMOG Air Strikes

Since late October, ECOMOG has conducted a series of bombing and strafing raids using Nigeria's Alpha jets on Taylor territory. Taylor has no air force, and ECOMOG planes can easily reach targets all over the country. Targets have included the port of Buchanan and areas around Gbarnga, Kakata, Harbel and Greenville. A particularly serious charge involves violations of medical neutrality, such as attacks on hospitals.

Precise information about the targets and casualties are not available, because independent observers have been prevented for security reasons from travelling to the sites. NPFL officials report that hundreds of civilians have been killed and wounded. There is no indication that

⁴⁰Lindsay Barrett, "The siege of Monrovia," *West Africa*, 23-29 November 1992.

⁴¹Africa Watch interview in Monrovia, Liberia, March 8, 1993.

⁴²Interview with President Sawyer, March 10, 1993.

ECOMOG has conducted any investigations about attacks on civilians, hospitals or international relief operations in Taylor territory.

There have been many reports, by ECOMOG as well as other neutral sources, of the NPFL using the civilian population or civilian institutions as a shield for its military activities. Using civilians as a shield is a direct violation of Article 51 (7) of Protocol I of the Geneva Conventions, which states:

The presence of movements of the civilian population or individual civilians shall not be used to render certain points or areas immune from military operations, in particular in attempts to shield military objectives from attacks or to shield, favor or impede military operations.

Although evidence is difficult to gather, many sources believe that this practice is used frequently by the NPFL. Nevertheless, ECOMOG still has an obligation to protect civilians, and the rule of proportionality (see below) still applies.

Civilian Targets

ECOMOG has distinct responsibilities under international humanitarian law to protect the civilian population. United Nations General Assembly Resolution 2444 (1968) affirms:

. . . the following principles for observance by all government and other authorities responsible for action in armed conflicts:

- (a) that the right of the parties to a conflict to adopt means of injuring the enemy is not unlimited;
- (b) That it is prohibited to launch attacks against the civilian populations as such;
- (c) That distinction must be made at all times between persons taking part in the hostilities and members of the civilian population to the effect that the latter be spared as much as possible.

The preamble to this resolution clearly states that these fundamental humanitarian law principles apply "in all armed conflicts."

Humanitarian law prohibits attacks that, while aiming at a military target, may be expected to inflict disproportionate harm on the civilian population. This rule of proportionality is set forth in Article 51(5)(b) of Protocol I of 1977 to the 1949 Geneva Conventions, which forbids any attack:

which may be expected to cause incidental loss of civilian life, injury to civilians, damage to civilian objects, or a combination thereof, which would be excessive in relation to the concrete and direct military advantage anticipated.

ECOMOG has a duty to issue rules of engagement designed to strictly limit or avoid civilian casualties, in compliance with the rule of proportionality. Despite ECOMOG denials of wrongdoing by its pilots, the weight of evidence indicates that pilots have conducted indiscriminate attacks and have deliberately attacked relief activities, in violation of the rules of war.

One foreign relief worker noted that the manner in which ECOMOG is conducting air strikes is indiscriminate:

There is evidence that civilian targets have been hit, like the CRS warehouse in Buchanan, the hospital in Harbel and an ambulance near the hospital, although it is not clear who was in the ambulance. ECOMOG is trying to squeeze Taylor at all costs, and human rights questions then arise. They are using indiscriminate attacks, shooting from canons without clear targets. The strategy is to push the NPFL as far out as possible and to regain territory. It's a *pax nigerian*
-- in order to get peace, they must neutralize Taylor. Their mandate is to guarantee peace, and they are going beyond the spirit of the text.⁴³

This view was shared by other relief groups that operate in Taylor territory. Representatives of one relief organization confirmed that nonstrategic areas have been attacked, citing the attack on Kakata in December 1992, when ECOMOG planes reportedly attacked the main commercial street in the middle of the day and strafed people indiscriminately.⁴⁴

The civilian population in NPFL territory has become terrorized by the bombings, and often panic at the mere sound of the jets. ECOMOG appears to be taking advantage of these fears by frequently flying over areas without firing, but the sound of the jets sends locals fleeing. Ironically, journalists and foreign relief workers report that the air strikes have had the effect of turning civilians in Taylor territory away from ECOMOG toward support for Taylor, rather than the intended effect of breaking the NPFL's will to fight. As one relief worker said: "They say this is proving Taylor was right, that ECOMOG is coming to kill us."⁴⁵ Another journalist put it this way: "ECOMOG's name is mud now; the bombings are helping Taylor's cause. When I was there [in NPFL territory] last year, ECOMOG still had credibility."⁴⁶

Among the air attacks that have caused concern about the civilian toll are the following:

- o On November 16, 1992, ECOMOG bombed the Catholic Relief Services (CRS) warehouse in Buchanan, destroying large quantities of rice and blended food. The warehouse was clearly marked with "CRS" painted in large letters on the roof.
- o The attack on the village of Gbinta in the Ivory Coast at the Liberian border on February 27. According to the Ivorian government, six people were wounded -- five soldiers and one customs official.⁴⁷ Although ECOMOG claimed that it was aiming for the Liberian side of the border, it is highly unlikely that they could have mistakenly hit Ivorian territory, since the border is clearly marked by a river. In addition, at the time of the attack, a UNICEF convoy with humanitarian supplies was just crossing the border into Liberia, and another convoy by MSF Belgium was on the way.

⁴³ Africa Watch interview in Abidjan, Ivory Coast, March 2, 1993.

⁴⁴ Africa Watch interview in Monrovia, Liberia, March 4, 1993.

⁴⁵ Africa Watch telephone interview from Washington D.C. to Abidjan, Ivory Coast, April 7, 1993.

⁴⁶ Africa Watch telephone interview from Washington D.C. to Abidjan, Ivory Coast, April 9, 1993.

⁴⁷ "L'ECOMOG bombarde un village ivoirien: 6 blessés," *Fraternité Matin*, March 1, 1993.

The attack has been widely interpreted as a warning by ECOMOG to the Ivorian authorities that they must prevent the NPFL from using the Ivory Coast border crossings to re-arm and re-supply his forces. Despite Ivorian contentions that they have effectively sealed up the border since the imposition of sanctions in November 1992, the border is known to be very porous. The Ivorian authorities have supported Taylor throughout much of the Liberian conflict.

- o On March 2, a CRS truck distributing food on the outskirts of Buchanan was strafed. Reports indicate that between 75 and 100 civilians, mostly women and children, were near the truck when it was attacked. The truck was marked with the CRS logo.
- o The strafing raid on the market in Gbarnga and Kollila on March 27, which relief workers reported left four civilians dead and 26 others taken to Phebe Hospital for injuries. Another strafing raid on Gbarnga took place on April 6.⁴⁸

Many reports about the strafings of civilians or civilian targets indicate that ECOMOG planes chase civilians. One foreign journalist attributed this practice to "hot-rodding" by the pilots and soldiers. "This isn't Desert Storm," she said. "This is a low tech war, and they are sloppy."⁴⁹ Another journalist observed: "They are probably not under orders, but the young pilots do what they want to."⁵⁰

ECOMOG contends that any civilian casualties are unintentional and the result of collateral damage. General Olurin stated that ECOMOG conducts air strikes aimed at supply routes and arms caches in NPFL territory, but denied reports that ECOMOG planes intentionally hit civilian targets. He claimed that the air strikes were "very, very carefully limited to strategic locations."⁵¹ In an interview with Africa Watch, General Olurin went so far as to accuse the NPFL of putting their own explosives in certain locations, like Phebe Hospital outside Gbarnga, and then blaming ECOMOG for bombing.⁵²

Violations of Medical Neutrality

International humanitarian law protects sick and wounded combatants, civilians, their medical caretakers and medical units from attack. The protection to which medical units are entitled does not cease unless they are used to commit acts harmful to the enemy, outside their humanitarian function, and even then the protection does not cease until after a warning has been given and remains unheeded.⁵³ The reported ECOMOG attacks on hospitals listed below would therefore violate the rules of war.

⁴⁸ Africa Watch telephone interview from Washington D.C. to Abidjan, Ivory Coast, April 7, 1993.

⁴⁹ Africa Watch telephone interview from Washington D.C. to New York, April 10, 1993.

⁵⁰ Africa Watch telephone interview from Washington D.C. to Abidjan, Ivory Coast, April 9, 1993.

⁵¹ Andy Mosher, "Nigerian: Attacks 'Carefully Limited,'" *The Washington Post*, April 4, 1993.

⁵² Interview with Maj. Gen. Olurin, April 2, 1993.

⁵³ Protocol I of 1977 to the 1949 Geneva Conventions, articles 10, 13, 15, 16.

Representatives of relief organizations confirmed that medical targets have been hit, citing the attack on the Firestone hospital in November 1992 and cases of strafing of ambulances.

Among the cases of particular concern in terms of attacks on medical neutrality include:

- o The strafing of the Firestone hospital at Harbel in November 1992.
- o The attack on Phebe Hospital on March 10, 1993. According to a report by Dr. W.T. Gwenigale, the Medical Director of the hospital, the attack occurred at about 10:50 p.m.: two staff residences and the main hospital building were hit, as was the south wall of the pediatric unit. Four hospital staff and the caretaker of a patient were treated for injuries. Most of the patients who could walk fled the hospital; many others were taken away by their family members.

This was the second time that planes attacked, the first being on November 5, 1992, although no buildings were hit. In October 1992, when the ECOMOG air attacks began, the International Committee of the Red Cross had helped the staff of Phebe Hospital to paint large red crosses on the roof to avoid accidental attack.

- o The bombing of Greenville on March 18. According to reports in *The Independent* and *The Washington Post*, the raid on Greenville lasted 25 minutes and killed at least 15 civilians, although the exact numbers are difficult to compile since most the population fled after the attack. The F.J. Grante Hospital was also hit, causing all the doctors, nurses and patients to flee.⁵⁴
- o On April 18, an MSF convoy carrying medicines and vaccines was attacked after leaving the Ivory Coast by four ECOMOG jets just outside the town of Sanniquelle in Nimba county. The convoy was clearly marked with the organization's insignia. An MSF spokesperson said the attack had forced the organization to suspend cross-border operations from the Ivory Coast. "This violent attack against a clearly identified relief convoy marks a serious escalation in the threats against humanitarian operations in the country," according to MSF.⁵⁵

Africa Watch calls upon ECOMOG to conduct a thorough investigation into the targets of its air raids. In addition, explicit guarantees should be provided for the neutrality of hospitals and humanitarian relief operations.

THE ARMED FORCES OF LIBERIA (AFL)

The AFL wants to be viewed as the legitimate government army, not just a warring faction. In fact, their status is unclear: in many respects, the AFL is regarded as the army of the Interim Government,⁵⁶ as illustrated by the fact that IGNU's minister of defense is ostensibly in charge of

⁵⁴Karl Maier, "Air Raids on Liberia Intensify," *The Washington Post*, April 4, 1993.

⁵⁵"Nigerian Jets Attack Liberia Aid Convoy," *Reuter*, April 19, 1993.

⁵⁶In 1992, IGNU formed its own militia, the Black Berets, which has been incorporated into the AFL since the October

the AFL. IGNU occasionally makes statements referring to the AFL as their nominal army, and IGNU has paid honorariums to AFL. As the AFL Chief of Staff put it: "AFL is a party to the conflict, but it is proving itself to be a national army, not like in 1990."⁵⁷ However, as a party to the conflict, its behavior during 1990 was as reprehensible as any of the other factions.

From the November 1990 cease-fire until it was attacked on October 15, the AFL was effectively encamped and maintained a fairly low profile. All that has changed since October, and AFL is back on the scene. A pattern has now emerged of AFL soldiers engaging in looting and armed robbery, with the civilian population fearing reprisals if they report the incidents. The danger posed by the renewed AFL presence in the city was described by a Liberian journalist: "The AFL loses direction. They become drunk with material things. They just want to loot. If someone gets in their way, they charge him with being a rebel and kill him."⁵⁸

To most Liberians, the AFL is virtually synonymous with looting. On January 26, 1993, when the AFL arrived at the Exchem plant near Robertsfield, one of the Liberian workers there described the AFL's conduct as follows:

The AFL came in, and we came out -- with our hands up. We were unarmed and identified ourselves. Before they took us to headquarters, they looted all 10 houses on the compound. They took videos, furniture, clothing, jewelry, dishes, pots -- every imaginable thing in 10 houses. There were 40-50 AFL soldiers.... ECOMOG is allowing the AFL to commit too many atrocities. They are going around with such vengeance. Look at us -- all civilians, no soldiers. They looted everything. ECOMOG said nothing about the confiscated property.⁵⁹

One of the workers at the Liberian Blood Research Center near Robertsfield went back to the lab in early February 1993 to feed and clean the chimpanzees [See below, the Killing of Brian Garnham], and saw AFL soldiers engaged in extensive looting:

While we were feeding and cleaning the chimps, many of them [the AFL soldiers] -- about a third of them -- were looting. They were putting it into bags right in front of us. I am an eyewitness. One guy wanted to put his loot -- some of my things -- into the car I was in. I called the lieutenant, the senior man, and said 'don't you think it's too much to have to carry my own things that were looted.' The soldier was slapped and the loot was put in another vehicle.... While we waited for a convoy to go back to Monrovia, one AFL asked for a ride back to town. He threw three suitcases in the jeep and he got in the troop carrier. I saw it was my suitcase; I opened one, and it was full of my clothes, as was the next and half of the next. I said this is my stuff -- but I don't take what's not mine, so you can have the rest. The soldier looked hurt.⁶⁰

1992 attack.

⁵⁷ Africa Watch interview with LtG. J. Hezekiah Bowen, AFL Chief of Staff, Monrovia, Liberia, March 8, 1993.

⁵⁸ Africa Watch interview in Monrovia, Liberia, March 9, 1993.

⁵⁹ Africa Watch interview in Monrovia, Liberia, March 5, 1993.

⁶⁰ Africa Watch interview in Monrovia, Liberia, March 8, 1993.

Another area of concern involves the AFL's ability to arrest and detain civilians, often on dubious grounds. The AFL contends that it only imprisons people for looting, armed robbery and suspected rebel activity.⁶¹ However, there are also cases of people arrested on charges of "impersonating the AFL," which means that he was wearing an AFL uniform. Africa Watch interviewed detainees at the Post Stockade, the infamous AFL prison at the Barclay Training Center (BTC) in Monrovia, who had been arrested for driving AFL soldiers to pick up their looted goods in Harbel. They assert that because they owned vehicles, they were approached by AFL soldiers to drive them to Harbel and back. The soldiers told them to wear an AFL jacket so as to avoid suspicion at checkpoints. On their return to Monrovia, the vehicles were stopped at a checkpoint and only the drivers were arrested; the soldiers went free with their loot.⁶² The drivers have since been released.

Court Martials

In October, the AFL set up a court martial board, based on the Uniform Code of Military Justice (UCMJ). Although the AFL should be encouraged to investigate and try its own soldiers, the court martial boards must operate with full guarantees of due process and not resort to scapegoating. However, some of these trials seem to fall into the latter category.

The first trial involved Private Tarawally Mannie, accused and found guilty of murdering Mohammed Kenneh in late October, though Mannie pleaded not guilty. On November 21, the AFL publicly executed him. General Hezekiah Bowen, chief of staff of the AFL, announced that the execution was an example of what would happen to soldiers caught looting and killing.

Mannie's trial lacked any semblance of due process: he was not provided with competent counsel, and no appeal was requested. He was sentenced on November 20, and executed the next day, even though the trial record was supposed to be reviewed by a judge advocate. There was no time for any review or for the president to sign the execution warrant, as required by Liberian law.⁶³

Mannie told foreign journalists he was being set up. He claimed that it was dark when the incident took place, and admits seeing two people and shooting at them. He then took the injured man for medical treatment, where he died a few days later.

The day of his execution, Mannie was blindfolded with a black kerchief covering his face, and was paraded around the Barclay Training Center (the AFL barracks in Monrovia) in a pick-up truck. With great fanfare, he was then taken to South Beach, outside the AFL barracks, and executed in front of a large crowd. It is worth noting that the execution took place on the same beach where, after the 1980 coup, then Master Sergeant Samuel Doe executed 13 ministers from the government of President William Tolbert.

One Liberian journalist who witnessed the execution described it as follows:

⁶¹Interview with LtG. Bowen, March 8, 1993.

⁶²Africa Watch interviews at the Post Stockade in the Barclay Training Center, Monrovia, Liberia, March 8, 1993.

⁶³Africa Watch interview with Benedict Sannoh, Executive Director of the Center for Human Rights Law and Education, Monrovia, Liberia, March 4, 1993.

It was medieval. The guy was dead before the first bullet, while he was being paraded around. It was too nasty. His father had warned him not to join the army, that it was a tribal business. He was a Grebo; the next one executed was a Kpelle.⁶⁴

Other cases brought before the Court Martial Board include the following:

- o The next case brought before the Court Martial Board involved an AFL soldier, Papa Say. On November 23, he was charged with murder under Art. 118 of the UCMJ for killing a civilian, Siapha Gray, on November 14 in Monrovia. The trial lasted from December 3-18, and he was found guilty. Say was executed on December 28. This time, President Sawyer signed the execution warrant.
- o On December 16, 1992, two other AFL soldiers, First Sergeant Isaac Caine and Private Sampson Tarley, were charged with murder under Article 118 of the UCMJ. They were accused of murdering Private Solo Quarty on November 16. The charges against Tarley were dropped, and Caine was acquitted in February 1993.

The Murder of Brian Garnham

In one high profile case in January 1993, Brian Garnham, a British citizen working at the Liberian Institute for Biomedical Research, an affiliate of the New York Blood Center, was killed by the AFL. The lab is located near Robertsfield, which has been controlled by the NPFL since 1990. They conducted medical research on hepatitis and river blindness using chimpanzees, and there were 120 chimpanzees at the lab.

Garnham and his American wife, Betsy Brotman, had lived in Liberia for many years. Since the NPFL had taken control of Robertsfield, they had their share of problems with the young fighters, but managed to get along with the NPFL. As Brotman put it: "In a situation like that, you have to get along with everyone. They [the NPFL] were cordial, but not intimate. Individual soldiers harassed us -- they wanted gas, or cars -- and they were often unpleasant at checkpoints."⁶⁵

Nevertheless, when the ECOMOG bombings began in their area in November 1992, Garnham and Brotman became openly critical of ECOMOG. In December 1992, they tried to write to the U.N. envoy, Trevor Gordon-Sommers (see below, The United Nations), to inform him about the bombing of Harbel. The letter was never sent, but was leaked to the BBC and broadcast.

Throughout the civil war, we have had the complete cooperation of the NPRA government. They have given us every assistance during 1990-91 when we were feeding over 27,000 refugees and had five supplementary feeding programs...It is our belief that the Monrovia government headed by Amos Sawyer has now become the Nigeria/ECOMOG puppet government. It is our belief that ULIMO and the former Doe forces (AFL) have been aided and abetted by ECOMOG. ECOMOG can no longer be

⁶⁴ Africa Watch interview in Monrovia, Liberia, March 8, 1993.

⁶⁵ Africa Watch telephone interview with Betsy Brotman in New York, March 19, 1993.

considered a non-biased, peacekeeping force.⁶⁶

In mid-January, as the fighting approached Robertsfield, ECOMOG was notified of the presence of civilians at the laboratory. According to Patricia Gullett, the Director of Veterinary Services at the Lab, ECOMOG was informed in several ways: Betsy Brotman, Garnham's wife, sent telexes from the Lab; Fred Prince, the Lab's founder and the director of the New York Blood Center, contacted the U.S. State Department; and Gullett herself went to the Nigerian Embassy in Abidjan and the U.S. Embassy in Monrovia, which in turn spoke to the ECOMOG command. Gullett explained:

We were assured that ECOMOG understood where we were, that we were noncombatants and not to be molested. So we felt fairly secure that nothing would happen. Later, when Betsy and I went to talk to [General] Olurin, he was furious. 'We knew you were there; I myself told ULIMO and AFL that you were not to be molested. I said white people were not to be molested. I did that to cover you.' He was very angry. But he should have known better. They let the AFL go first, and then let them loot, then leave and then ECOMOG calls it a secure area.⁶⁷

Witnesses report that on Sunday, January 31, the AFL arrived at the compound. There were still a number of people on the compound -- those who worked at the lab as well as other civilians who were trapped there by the fighting. About 25-30 of them gathered downstairs in the house farthest from the gate and nearest to the lab. Brotman went upstairs, and Garnham followed her. Three soldiers wearing green uniforms with AFL patches on their arms kicked down the door.⁶⁸ As Brotman later told Africa Watch:

Brian must have seen something in their eyes, because he seemed to know what was happening. He dropped to his knees and said, 'My son, I beg you, don't' -- and then he was shot. They didn't give him a chance; he was a dead man. They shot him in the abdomen. They ripped off my chain, took my watch. The one who killed Brian started looting.⁶⁹

After the killing, AFL soldiers went on a looting spree, emptying the laboratory compound of whatever they could carry. A few hours later, after all those on the compound had been taken to Robertsfield airport, Brotman demanded that ECOMOG take her back to the compound to retrieve her husband's body. "By that time," she said, "all the animals -- our pets -- were dead. The house was looted; the computer was gone, all the audio stuff was gone. The place was loaded up because they were storing things for the ones who had already left."

The investigation launched by IGNU into Garnham's death does not inspire much confidence that the perpetrators will be identified and punished. A commission of inquiry was formed

⁶⁶"American/British ecologists in Liberia cry for help," *New African*, March 1993.

⁶⁷Africa Watch interview with Patricia Gullett, Director of Veterinary Services of the Virus Research Laboratory, Monrovia, Liberia, March 8, 1993.

⁶⁸Africa Watch interview in Monrovia, Liberia, March 5, 1993; and Africa Watch telephone interview with Betsy Brotman in New York, March 19, 1993.

⁶⁹Interview with Betsy Brotman, March 19, 1993.

which met at IGNU's Ministry of Defense, headed by AFL General Pelham, and included representatives of the AFL and IGNU's Ministry of Justice. Although outside observers were invited to participate in the inquiry, including the Catholic Church's Justice and Peace Commission and the U.S. Embassy, they have been excluded from important meetings on security grounds. In March, the Justice and Peace Commission pulled out. By all accounts, the commission was reluctant to blame the AFL, which is trying to recast its image as the legitimate national army. Reports indicate that as of late April, the only witness who had been interviewed was Garnham's wife, Betsy Brotman, and that at her initiative.

Interviews with officials of both the AFL and ECOMOG reveal a transparent effort to absolve the killers. These officials claim that since Garnham and Brotman held NPFL identity cards which stated "the holder of this card must not in any way be molested or disarmed," Garnham must have been armed and a member of the NPFL, even though that is not grounds for murder. They refuse to concede that many civilians working in NPFL territory were given such ID cards in 1990, without which they would have suffered harassment by NPFL fighters. The commission is also apparently relying on exculpatory statements from the AFL front-line commanders, even though all evidence suggests that it was the AFL that executed him.

On February 5, ECOMOG issued a statement condemning the killing, and calling on the AFL to conduct a full investigation.

In early April, the Ministry of Defense decided to replace the chair of the commission, General Pelham, with General William Dennis, who had served as co-chair under Pelham. The change was reportedly due to dissatisfaction within IGNU concerning the lack of progress in the investigation.

The last week of April, five AFL soldiers, including two officers, were charged in connection with Garnham's murder; however, none was charged with murder. The most severe charges were brought against the platoon commander, Captain Gbazai Gaye, who was charged under Art. 131 of the UCMJ for perjury, and under Art. 133, for conduct unbecoming an officer. The other four are expected to be charged under Art. 134 of the UCMJ, a general article covering disorders and neglect to the discipline of the armed forces.⁷⁰

THE ULIMO FACTOR

The United Liberation Movement for Democracy in Liberia (ULIMO) was formed in 1991 by former AFL soldiers who had fled to Sierra Leone. The formal connections between the AFL and ULIMO are difficult to verify, although at least 10 of ULIMO's key commanders are former AFL officers, including the field commander, General Joe November Harris. ULIMO's political agenda is unclear, despite its claim to seek peace and democracy for the country. It was ULIMO's incursion in August 1992 that set the stage for the renewed war.

Taylor immediately charged that ULIMO was in cahoots with ECOMOG. This view was shared by many other observers; as one foreign relief worker put it:

Their [ULIMO's] sudden logistical capacity to clear the NPFL out of those areas in a

⁷⁰ Africa Watch telephone interview from Washington D.C. to Monrovia, Liberia, May 17, 1993.

couple of weeks made it extremely hard not to believe that they were being supported by someone. Was it ECOMOG? Maybe indirectly at the start, via the Sierra Leone government. Our staff saw ECOMOG transporting ULIMO troops.⁷¹

ULIMO is demonstrating early signs of a pattern of behavior similar to that of the NPFL: it is limiting the free movement of people and goods in its territory; it denied Africa Watch a pass to travel to its areas without a ULIMO "escort";⁷² and it has established checkpoints along the roads, at which civilians often face harassment. There have also been reports of atrocities by ULIMO forces, and Liberian human rights monitors have raised concerns about abuses such as summary executions, beatings and arbitrary arrests.

ULIMO is also attempting to manipulate the delivery of humanitarian assistance to its territory. An example of this is ULIMO's decision to require a "contribution" to ULIMO of all relief food delivered to schools. In a letter dated March 6, which was seen by Africa Watch, the ULIMO Coordinator for Educational Affairs, Reginald McGee, wrote:

You are requested to reserve on behave [sic] of the Educational Affairs Office one item each from the school feeding received for your school and for the month of February 1993. Such should be turned over to your principal for safe keeping, which of course, will be picked up by us.

ULIMO is clearly setting up a military occupation of areas it has "liberated" and has given no indication that it is investigating reported abuses.

Documenting human rights conditions in ULIMO territory has proved to be difficult, largely because ULIMO has denied access to independent observers. Still, Liberian human rights monitors have raised questions about ULIMO's conduct. In a letter dated January 26, 1993, for example, the Catholic Church's Justice and Peace Commission cited a series of deaths, assaults and arrests attributed to ULIMO fighters. More recently, press articles have reported abusive conduct by ULIMO forces in upper Lofa county.

Another concern involves the use of child soldiers by ULIMO. A journalist writing for the BBC's publication *Focus on Africa* reported seeing ULIMO fighters as young as 12 years old. She wrote: "He wore a woman's wig. Another wore a helmet with the word 'Rambo' scratched on it. Ropes, black objects, and even a dogs tail -- hung from him. Two of the boys were about 12 and 14 years old."⁷³ Other journalists, relief workers and Liberians who have travelled in ULIMO territory have also seen small boy soldiers.

There is also a tribal element to ULIMO. A split has taken place between Alhadji Kromah and Raleigh Seekie. Kromah, a Mandingo, is also secretary general of the Movement for the Redemption of Liberian Muslims (MRM), formed in October 1990. Seekie seems to represent the Krahn elements of ULIMO, though he is not himself a Krahn.

⁷¹ Africa Watch interview in Monrovia, Liberia, March 4, 1993.

⁷² An Africa Watch representative travelled to Monrovia in March 1993. Despite repeated requests for permission to travel to the territory under ULIMO control, the ULIMO representatives in Monrovia denied Africa Watch access.

⁷³ Hilary Anderson, "Meeting ULIMO," *Focus on Africa*, November 1992.

THE INTERNATIONAL RESPONSE

The Economic Community of West African States (ECOWAS)

Human rights guarantees have not been a part of the ECOWAS effort in Liberia, which has focused exclusively on peace. The only ECOWAS document that even mentioned human rights concerns was published in November 1992, when the communique of the ECOWAS summit in Abuja stated that "Heads of State and Government, in the face of mounting evidence of atrocities, warned all warring factions against the commission of war crimes and crimes against humanity in Liberia."

On October 20 in Cotonou, Benin, the ECOWAS Standing Mediation Committee and the Committee of Five decided to impose sanctions "against any party to the Liberian conflict which fails to comply with the implementation of the Yamoussoukro IV Accord, and in particular the National Patriotic Front of Liberia (NPFL), led by Charles Taylor." These sanctions prevented the export of any weapons or military equipment; the import or export of commodities and products to or from NPFL-controlled territory; and access to or from Liberia for persons and vehicles, "except for strictly humanitarian purposes."

The sanctions were imposed following the November 7 ECOWAS Committee of Nine meeting in Abuja, Nigeria.⁷⁴ In addition to renewing its call for a cease-fire, the meeting asked the UN's Secretary General to appoint a Special Representative for Liberia. The UN Security Council was asked to endorse the ECOWAS sanctions decision.

The ECOWAS leaders met again in Abuja, Nigeria, on November 7, and issued a communique calling for: a cease-fire effective midnight November 10, and the subsequent encampment and disarmament of all warring parties; the appointment by the Secretary General of the United Nations of a Special Representative to help implement the ECOWAS peace plan; and the imposition of sanctions.

ECOWAS seems to be stepping up its effort to block cross-border humanitarian assistance to NPFL territory from the Ivory Coast. In early May 1993, ECOWAS Executive Secretary Abass Bundu called on relief organizations to cease all cross-border relief operations and announced the establishment of a "tranquility corridor" through which relief supplies would be transported, policed by ECOMOG. Taylor strongly opposes such a plan. ECOMOG contends that Taylor uses the cross-border convoys to transport supplies for his forces, and has told relief organizations that they must inform ECOMOG when they conduct cross-border operations. (The fact that MSF did not inform ECOMOG about its convoy in April is believed to have prompted the ECOMOG air strike on the convoy.) However, humanitarian aid is exempt from the U.N. embargo of November 1992, and ECOWAS's stand contradicts the U.N.'s mandate to deliver such assistance.

These latest efforts to curtail the delivery of humanitarian assistance are very disturbing. Reports indicate that ECOMOG will consider any relief operations coming from the Ivorian border to be a legitimate target. According to a May 19 press release issued by the Liberian

⁷⁴Present at the summit were the Heads of State of the following countries: Benin, Burkina Faso, Ghana, Guinea, Ivory Coast, Nigeria, Togo, The Gambia, and Senegal. The leader of Sierra Leone and the Foreign Minister of the Interim Government of Liberia were also invited.

mission to the United Nations, ECOMOG has issued an ominous warning:

While it is part of ECOMOG's responsibility to support the supply of relief materials to every part of Liberia, it has the right through its peace enforcement mandate to determine the easiest and safest corridor through which to achieve this objective. Therefore, ECOMOG will not accept any activity that will render it incapable of fulfilling its mandate and expose it and peaceful citizens to danger. ECOMOG warned that no relief agency or NGO has any right to impede the efforts of ECOMOG in its peace enforcement mission.

Relief assistance must not be used as a weapon of war. It seems clear that the civilians in NPFL territory will suffer if all cross-border operations are prevented, and neither ECOMOG nor ECOWAS should be able to prohibit such assistance.

The United Nations

Although the United Nations has contributed significantly to the emergency relief and humanitarian aid that has gone to Liberia, the UN did not address the Liberian crisis in political terms until November 1992, almost three years after the crisis erupted. All indications are that the UN considers Liberia a regional problem best dealt with by ECOWAS, the regional body. The UN's emphasis has been to shift responsibility to the ECOWAS. "Boutros Ghali is adamant that ECOMOG works out," commented a former U.N. employee.⁷⁵ While strengthening and supporting the regional organization is a laudable effort, the U.N. should ensure that human rights issues figure prominently in the regional organization's efforts and that the organization itself does not contribute to aggravating the war. In this respect, the U.N.'s record in Liberia is poor.

In fact, the promotion and protection of human rights has become part of the UN's efforts at conflict resolution in other parts of the world. Human rights issues have figured prominently in UN brokered agreements in such diverse places as El Salvador, Cambodia and Haiti. The UN should apply some of that experience to Liberia.

It is ironic the secretary general's report on Liberia in March 1993 cites Liberia as an example of "systematic cooperation between the United Nations and a regional organization, as envisaged in Chapter VIII of the Charter."⁷⁶ In fact, the UN has been largely absent and is seeking to distance itself from any commitment to protecting human rights in Liberia.

On November 19, the United Nations Security Council adopted resolution 788, calling on all parties to the conflict to respect a cease-fire and authorizing an arms embargo against Liberia. The ECOMOG force is exempt from the embargo, subject to future review.⁷⁷ The Security Council resolution also requested the secretary general to send a special representative to Liberia to evaluate the situation and report back to the Security Council. The special representative, Trevor Livingston Gordon-Somers, who works for the United Nations Development Program

⁷⁵ Africa Watch telephone interview from Washington D.C. to New York, April 7, 1993.

⁷⁶ United Nations Security Council, "Report of the Secretary General on the Question of Liberia," March 12, 1993.

⁷⁷ Reports indicate that the French wanted to include ECOMOG in the arms embargo, indicating that it was a warring party.

(UNDP), was appointed the following day, and visited the region in November-December 1992, January-February 1993, and April 1993.

Human rights language is notably absent from his report, which was released in mid-March, thus missing yet another occasion to insert human rights protections into the peace negotiations. His report attempts to explain the Liberian conflict without antagonizing the parties to the conflict. Regarding the ECOMOG air raids, for example, the report only noted that: "Mr. Taylor complained that persistent bombing attacks by ECOMOG of civilian targets, as recently as 27 February 1993, resulted in extensive casualties."

The report suggested that there might be a role for U.N. observers, approximately 200, to monitor a new cease-fire agreement, but foresaw no human rights monitoring component to their mandate. This is an unfortunate omission, since it would have afforded an unprecedented opportunity for transparency throughout the country.

In an effort to address Taylor's refusal to disarm to ECOMOG in its current composition, the UN suggests broadening ECOMOG to include other ECOWAS members while retaining the present command structure.

The need to involve broader elements of civil society -- specifically elders, community leaders and women's groups -- in the process of reconciliation is noted by the UN. The report states that "this would be an essential step to a major national reconciliation conference, organized and conducted by Liberians, which would address participatory democracy, the strengthening of civil society and reconstruction and development of the country." This is a critical point which deserves greater emphasis: the encouragement and strengthening of civil society throughout the country must be a priority. Already in Monrovia, there are significant aspects of civil society that are functioning. These include: a lively, independent press, with newspapers such as *The Inquirer*, *The Eye* and *The Daily News*; at least four independent human rights organizations -- The Catholic Peace and Justice Commission,⁷⁸ The Center for Law and Human Rights Education,⁷⁹ the Liberian Human Rights Chapter and the Association of Human Rights Promoters;⁸⁰ relief groups, such as SELF; medical groups, such as Mercy and the Christian Health Association of Liberia (CHAL); university-related organizations; children's protection groups, such as the Children's Assistance Program (CAP) and Liberians Children's Concern (LICHICO), and church groups.

When the prospects for long-term rehabilitation of Liberian society are contemplated, few ingredients will be as critical as the status of civil society. Meanwhile the question of civil society in territory occupied by the NPFL and ULIMO has to be addressed, and efforts made to nurture independent initiatives that are attempting to function.

On March 26, the Security Council unanimously passed resolution 813 on Liberia, which

⁷⁸The Justice and Peace Commission is the human rights and peace component of the Catholic Church of Liberia. It seeks to gather and disseminate information on human rights violations, and is engaged in some humanitarian relief.

⁷⁹The Center for Law and Human Rights Education aims to create awareness among Liberians of their basic rights. It operates two education projects, a Legal Aid Clinic, and a Resource and Documentation Library.

⁸⁰The Liberian Human Rights Chapter and the Association of Human Rights Promoters were formed to act as human rights advocacy groups, although their activities have been limited.

condemned "continuing armed attacks against the peacekeeping forces of ECOWAS by one of the parties to the conflict" and called upon all warring parties "to respect strictly the provisions of international humanitarian law." The resolution makes no mention of ECOMOG's alliance with the other warring factions, or notes any concerns about ECOMOG's conduct of the war, such as the air strikes.

The U.N.'s support of ECOMOG is also linked to financial considerations. The cost of a U.N. peacekeeping operation far exceeds the cost of ECOMOG: the U.N. pays its peacekeeping soldiers almost \$1,000 per month, whereas ECOMOG pays its soldiers between \$5 and \$10 per day. Another difference is that the UN pays the per diems directly to the soldiers' governments, whereas ECOMOG pays the soldiers directly, since the governments are financing their own contingents. As of early 1993, the cost of the entire ECOMOG operation has been approximately \$500 million.⁸¹ (Since the U.S. pays some 30 percent of U.N. peacekeeping operations, the Clinton Administration has little incentive to draw the U.N. into further involvement in Liberia.)

The United States

In 1992 and 1993, the U.S. government continued its policy of not recognizing any government in Liberia -- neither the Interim Government nor the National Patriotic Reconstruction Assembly. The U.S. also remained publicly committed to supporting ECOWAS and its peace plan.

In addition to humanitarian assistance,⁸² the U.S. has provided a total of \$8.6 million to ECOWAS for peacekeeping, and \$18.75 million in Foreign Military Financing (FMF) and Department of Defense Drawdown (DOD) authority to ECOWAS member states to support ECOMOG. In FY 94, the Clinton Administration has requested \$12 million for ECOWAS peacekeeping activities.

The U.S. policy of supporting ECOMOG lost some credibility after the BBC broadcast remarks made by Herman Cohen, then Assistant Secretary of State for African Affairs, on November 11. After an off-the-record briefing given at Harvard University on November 4, Cohen was taped as saying:

ECOWAS is unfortunately no longer a neutral party...They are now one of the combatants. I think the next step -- and we are discussing this in Washington -- will be UN intervention to provide a neutral party to try and bring about a political solution.⁸³

Cohen tried to clarify his position the following day, when he told the BBC:

I think it must have been a slip of the tongue...We have not changed our policy. We still believe in what the West African countries are trying to do, which is to bring about a non-

⁸¹By way of comparison, the cost of the U.S.-led intervention in Somalia thus far is approximately \$1.5 billion.

⁸²The U.S. is the largest donor to the Liberian relief effort. According to the State Department's Office of Foreign Disaster Assistance, U.S. relief assistance in fiscal years 1990-93 has totaled approximately \$259 million. Since 1989, the U.S. has provided only humanitarian aid to Liberia, since other assistance is prohibited by the Brooke Amendment, which suspends aid to countries that have failed to repay their loans to the U.S.

⁸³Mark Hubbard, "Liberian truce collapses," *The Guardian*, November 12, 1992.

violent, democratic solution to Liberia.

In an unusual post-session hearing held by the House Subcommittee on Africa on November 19, Deputy Assistant Secretary of State Leonard Robinson declared strong U.S. support for ECOMOG; he refused to criticize the conduct of their bombing raids, saying only that the U.S. has expressed its concern about civilian casualties and "ECOMOG has assured us that such collateral damage is unintentional." In conclusion, Robinson warned that "no one who comes to power in Liberia through force or fraud can expect normal relations with the United States."

The same day at the United Nations, U.S. Ambassador Edward Perkins sent a strong signal of support to ECOMOG, but made no mention of the need to protect human rights as part of the peace process.

It is imperative that the regional peacekeeping effort in Liberia succeed. Abandonment of the regional peace process could lead to resumption of warfare and probable humanitarian catastrophe. A bloody takeout by force would deal a set-back to democratic aspirations throughout Africa and lead to the conclusion that might makes right....If the united ECOWAS effort fails in Liberia, the organization is unlikely to venture into the difficult realm of peace-keeping and conflict resolution in the future, and pressure will build rapidly for direct U.S. or U.N. intervention. We owe ECOWAS our full support as they consider means of pressurizing the Liberian warring factions to implement the peace plan calling for disarmament, encampment and free and fair elections.⁸⁴

In November 1992, a series of U.S. government cables were leaked to the NPFL, which in turn released them to the press. The cables appear to be authentic, and provide revealing insights into the U.S. attitude toward ECOMOG, as well as the strained relations between the Senegalese and Nigerian contingents. One cable from October 1992 indicated that the U.S. was well aware of the allegations of ECOMOG bombings of civilian targets, and noted that the peacekeepers risked losing international support. The cable also reveals that the Senegalese had unofficially informed the U.S. that they intended to withdraw from ECOMOG because they are "tired of their heavy role in bolstering ECOMOG's combat capability." The cable notes that such a withdrawal would "cripple ECOMOG." Another cable from the U.S. embassy stated:

ECOMOG, since the 15th, has not acquitted itself with distinction, with the notable exception of the Senegalese and Guineans. Some elements of the other contingents have been worse than useless, repeatedly abandoning positions without a fight and leaving to others the task of recovering terrain....One glaring area of difference between the contending groups is that, we think, Taylor has superb intelligence on ECOMOG and IGNU, while those two know much less about Taylor's capabilities and intentions.

Regarding AFL and ULIMO, the cable goes on to state that they are "still constituted primarily of Krahn and Mandingos, who are polarized potential vengeance seekers. Both, also, are ill disciplined and disorganized, and the re-appearance of weapons provides means to revert to thuggery as well as more serious score-settling."

⁸⁴"Statement by Ambassador Edward J. Perkins, United States Permanent Representative to the United Nations, in the Security Council, on the situation in Liberia," Press Release #123-(92), by the United States Mission to the United Nations, November 19, 1992.

Another cable, dated October 28, made clear that the U.S. had encouraged the ECOWAS peace process in large part because the U.S. did not want to get involved in Liberia.

As a result of these leaks, State Department sources have reported that the ECOMOG commanders are very reluctant to inform the U.S. about their strategies and internal operations. As of May 1993 -- six months after the appearance of the cables -- there has been little apparent effort by U.S. officials to deal with the leak. One State Department official called the situation "inexcusable," and noted that it reflected the lack of interest by the U.S. government in Africa.

In an unusual statement critical of the AFL and ULIMO, U.S. Charge d'Affaires William Twaddell delivered a letter to the independent newspaper, *The Inquirer*, apparently in response to an *Inquirer* editorial on March 5 that denounced the widespread looting by AFL and ULIMO. Twaddell's letter condemned the "frenzied looting of properties" and went on to state:

Another disturbing trend along with this rampant trade in stolen goods is the blossoming in the city streets of men armed in uniforms as they traffic in their ill-gotten booty. These men, be they members of AFL or ULIMO are obviously not engaged in safeguarding the population or otherwise contributing to the image or reality of Monrovia as a safe haven.⁸⁵

The U.S. is to be commended for making this public statement about such a rampant abuse. However, no similar statement was issued from Washington, which would carry greater weight. Similarly, the U.S. has refrained from openly criticizing ECOMOG's bombings or the human rights implications of its alliance with ULIMO and the AFL.

The U.S. is clearly aware of the increasing human rights problems associated with the ECOMOG intervention, yet U.S. policy still revolves around full support for ECOMOG. There is an obvious discrepancy between what American officials say in private, as evidenced by the leaked cables and other statements intended to be off-the-record, and their public positions. Given the Clinton Administration's latest request for \$12 million for ECOWAS's peacekeeping activities, the U.S. is likely to have considerable leverage over ECOMOG's behavior. It is critical for the Administration make clear its concern about human rights violations by both ECOMOG and the forces with which it is allied, and condition its aid on respect for human rights.

The U.S. should apply to Liberia the approach being pursued by the U.S. for the Vienna Conference on Human Rights, described in the draft U.S. Human Rights Action Plan. Under this plan, the U.S. calls for human rights to be "an integrated element of all UN peacekeeping, humanitarian, conflict resolution, elections monitoring, development programs, and other activities." It goes on to state the human rights work should be included in peacekeeping operations, as has been done in El Salvador and Cambodia.

ACCOUNTABILITY FOR PAST ABUSES

Africa Watch believes that those responsible for egregious human rights abuses in Liberia must be held accountable for their crimes. As we have set forth in our policy statement on accountability for past abuses, it is the responsibility of governments to seek accountability,

⁸⁵"U.S. Envoy Criticizes AFL, ULIMO," Agence France-Presse, March 11, 1993.

regardless of whether the perpetrators are officials of the government, the military, anti-government forces, or others. We also oppose any laws that purport to immunize those who have committed gross abuses from exposure of their crimes, from civil suits for damages for those crimes, or from criminal investigation, prosecution and punishment.⁸⁶

One of the tragedies of Liberia is that the issue of accountability has been avoided in all the peace negotiations. There is no mention in any of the Yamoussoukro documents or their follow-up meetings about the issue of accountability.

There is growing discussion of a general amnesty for all combatants. The report of the All Liberia Conference of March-April 1991 resolved that a "conditional amnesty be granted to all Liberians who served as combatants in the civil war of Liberia,"⁸⁷ but does not elaborate. Many Liberians also fear that a blanket amnesty would lead to a wave of vengeance killings, with individuals settling scores on their own.

Seeking accountability does not contradict these calls for a conditional amnesty. Africa Watch does not oppose an amnesty for the offense of taking up arms and for general acts of war, but strongly opposes an amnesty for war crimes or crimes against humanity.

Many Liberians express the fear that any effort to seek accountability for past abuses will destroy the fragile fabric of Liberian society, that too many people have too much blood on their hands. One expatriate with long experience in Liberia put it this way:

Where do you start? When do you start? At this point, there are so many people involved at various points of time. Maybe you could go after some of the more flagrant ones. There are plenty of names from the AFL -- from 1985, from 1990 -- and then you've got the NPFL, the INPFL and now ULIMO. As I said, where do you start? Accountability is unlikely. There are so many people involved that if you start it, everyone's going to be pointing fingers at everyone else.⁸⁸

Africa Watch recognizes the difficulty that some governments may face in holding members of their own armed forces accountable for human rights abuses, but we do not believe that these difficulties justify disregard for the principle of accountability. Despite these obstacles, the alternative is far worse. It is important to note that our position calling for investigation, prosecution and punishment of those responsible for gross abuses is premised on a reconstituted court system that would conform to internationally recognized principles of due process of law.

Until such time as a court system could handle cases of accountability for past abuses, some form of Truth Commission might be established, on the model of El Salvador, to avoid acts of revenge. In El Salvador, a group of distinguished persons was appointed by the U.N.'s Secretary General to conduct a six-month review of "grave acts of violence...whose mark on society demands with great urgency public knowledge of the truth." The 1992 peace accord in El

⁸⁶See Human Rights Watch Policy on Accountability for Past Abuses, reprinted in Africa Watch, "South Africa: Accounting for the Past, the Lessons for South Africa from Latin America," October 23, 1992.

⁸⁷"Final Report of the Proceedings of the All Liberia National Conference," March 15-April 20, 1991.

⁸⁸Africa Watch interview in Monrovia, Liberia, March 8, 1993.

Salvador also established a civilian review commission to purge the military of human rights abusers.⁸⁹ Although the circumstances in Liberia differ, important lessons can be learned from the role human rights played in El Salvador's peace process, especially the effort to seek accountability.

The cycles of abuse in Liberia have been repeated so many times, and those responsible continue to act with impunity. Killers continue to kill, because there is no accountability, and never has been. Meanwhile, the international community becomes complicit in the violence.

RECOMMENDATIONS

Recommendations to ECOMOG:

- o ECOMOG should launch an immediate investigation into the air attacks on civilians and civilian targets, as well as violations of medical neutrality, by its forces in NPFL territory, and make its findings public.
- o Accountability for past human rights abuses by all sides to the conflict must be pursued, and the establishment of some form of Truth Commission should be considered.
- o Human rights guarantees must be incorporated into the peace process.
- o A full investigation should be conducted into the killing of Brian Garnham.
- o All warring factions -- the NPFL, AFL and ULIMO -- must be disarmed and demobilized in a systematic and even-handed manner. ECOMOG must cease supplying arms or ammunition to any of the warring parties.
- o Humanitarian assistance must be permitted to reach civilians throughout Liberia, including the population of displaced persons in NPFL territory. In addition, ECOMOG must ensure the security of relief operations to the best of its ability, and must never subject them to attack by ECOMOG planes.
- o ECOMOG should assist in the repatriation of refugees from neighboring countries and the return of internally displaced persons.

Recommendations to the United Nations:

- o The mandate of the proposed UN cease-fire monitors should be expanded to include human rights monitoring and documentation.
- o The international community -- especially the United States and the United Nations Security Council -- must bring pressure to bear on both the ECOMOG commanders and the ECOWAS heads of state to use their leverage to stop the ULIMO and AFL advance and to ensure that ECOMOG reaches Nimba County first and acts in accordance with

⁸⁹Americas Watch, "El Salvador: Peace and Human Rights, Successes and Shortcomings of the United Nations Observer Mission in El Salvador," September 2, 1992.

international humanitarian law.

Recommendations to the United States:

- o The United States must use its leverage with the ECOWAS countries, especially given the Administration's request for \$12 million in aid for ECOWAS's peacekeeping activities, to pressure ECOMOG on human rights grounds.
- o The United States should apply its approach for the Vienna Conference on Human Rights, described in the draft U.S. Human Rights Action Plan, which calls for human rights to be "an integrated element of all UN peacekeeping, humanitarian, conflict resolution, elections monitoring, development programs, and other activities."

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Africa Watch is a nongovernmental organization established in May 1988 to monitor human rights practices in Africa and to promote respect for internationally recognized standards. Its chair is William Carmichael; its vice chair is Alice Brown. The executive director, as of July 1993, is Abdullahi An-Na'im. Its research associates are Janet Fleischman and Karen Sorensen; Bronwen Manby is a Schell Fellow; Abdelsalam Hassan and Alex Vines are consultants; Ben Penglase is an associate.

Human Rights Watch monitors and promotes observance of internationally recognized human rights worldwide. It is composed of Africa Watch, Americas Watch, Asia Watch, Helsinki Watch, and Middle East Watch. The Chair of Human Rights Watch is Robert L. Bernstein and the Vice-Chair is Adrian W. DeWind. The Acting Executive Director is Kenneth Roth; Holly J. Burkhalter is Washington Director; Gara LaMarche is Associate Director; and Susan Osnos is Press Director.