

LIBERIA

EMERGING FROM THE DESTRUCTION

Human Rights Challenges Facing the New Liberian Government

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I. SUMMARY

On July 19, 1997, Liberia's seven-year war was finally ended through an election that swept former faction leader Charles Taylor and his party, the National Patriotic Party (NPP), into power with 75 percent of the vote. Due to the system of proportional representation used in the 1997 Liberian election, Charles Taylor also garnered a corresponding 75 percent majority in the legislature, giving him seventy of the ninety legislative seats.

The new government is beginning the process of establishing and consolidating its authority in the face of enormous challenges. Tens of thousands of Liberians were killed during the fighting. Almost half the population is displaced, and the country's infrastructure is virtually destroyed. Despite the presence of regional peacekeepers since 1990, joined by a United Nations (U.N.) military observer mission in October 1993, fighting resumed numerous times during the war, and the number of factions proliferated over the years.¹ All the factions, to different degrees, were responsible for terrorizing the local populations in order to loot and to discourage support for rival factions. The widespread atrocities against civilians included extrajudicial executions, torture, including rape, forced labor, and extortion. The factions consisted predominantly of bands of armed fighters, some as young as ten years of age, with no formal military training.

Ultimately, over a dozen peace accords and almost twenty cease-fire agreements were signed during the countless negotiations for peace. The repeated breakdown of the peace process can be attributed to a number of factors including the internal factionalization of the warring factions along ethnic lines, and their economic and political incentives for continuing the war. The proliferation of these groups was encouraged by the creation and support of anti-Taylor factions by the former government army and the regional peacekeeping force. Moreover, the lack of adequate leadership, training, and financing of the regional peacekeepers, and the unwillingness of the U.N. military observer mission to address the weaknesses of the regional peacekeeping force further contributed to the country's problems.

While the end of the war brings much needed peace and security to the country, serious human rights issues remain. After a decade of repressive rule under the previous government of former President Samuel Doe, followed by seven years of civil war, Liberia's state institutions and economy have been destroyed, and a culture of violence, ethnic tension, and impunity has taken root. The election has given a virtual monopoly over all branches of government to President Taylor: the executive branch, 75 percent of the legislature, and every judicial selection as the courts are reconstituted. For all practical purposes, Liberia is a one-party state.

The transition period, however, provides a rare opportunity to develop new state institutions that have strong human rights components integrated into their structure, and to create mechanisms that can operate to guarantee, secure, and enforce respect for human rights throughout the society. In his victory and inauguration speeches, President Taylor declared his intention to head a government that respects human rights, stating that he is committed to an independent judiciary, human rights, the rule of law, and equal protection of the law. President Taylor has also announced that he will create a commission on human rights and a commission on reconciliation, although the terms of reference of these commissions has yet to be defined. While this announcement served to dispel somewhat the fears harbored by some in Liberia's human rights community—based on the Taylor faction's past record of egregious abuses and conscription of child soldiers—these stated commitments need to be sustained through concrete government action if they are to have meaning.

The importance that the Taylor government accords to the rule of law and respect for human rights in the process of reintegrating, rebuilding and reconciling Liberian society will be a critical indicator of whether the country will emerge from the chaos to which it has descended. The lack of checks and balances on this government will further require President Taylor to prioritize respect for human rights in the reconstruction process and to put into place self-

¹The major warring factions included the National Patriotic Front of Liberia (NPFL) led by Charles Taylor; the former government Armed Forces of Liberia (AFL); two rival factions of the United Liberation Movement for Democracy in Liberia (ULIMO), one led by Al-Haji Kromah representing ethnic Mandingo interests and the other headed by Roosevelt Johnson representing ethnic Krahn interests; and the Liberia Peace Council (LPC) headed by George Boley.

imposed restraints against government excesses. Human Rights Watch/Africa recommends to the new government that it pay particular attention to the following rights issues in the rebuilding and reconciliation process:

Reintegration: In order for the over one million refugees and internally displaced Liberians to return to their homes, the Liberian government should actively extend political assurances of safety and provide material assistance. Those refugees who want to return to Liberia will receive assistance and transportation from the U.N. High Commissioner for Refugees (UNHCR) to cross over the border. However, once they return, they will require government assistance to rebuild their homes and community institutions in order to become self-sufficient once again. Some refugees, particularly those from ethnic or political groups previously targeted by National Patriotic Front of Liberia (NPFL) fighters, may fear persecution and be unwilling to return. Those who have a well-founded fear of persecution should not be forcibly returned by neighboring countries. The Liberian government should allay such fears of persecution by taking tangible steps to show that former political opponents and those from ethnic groups that were allied with the past government, such as the Krahn and Mandingo, will not face persecution or discrimination. The organized return of refugees and the internally displaced should not be arranged by the government or the international community until the political situation stabilizes further and some basic services are restored inside the country.

Although international assistance will be extended to refugees, little or no assistance is available to those displaced within the country. Thousands of internally displaced are living in squalid conditions, particularly in the greater Monrovia area. The Liberian government body tasked with the responsibility of returning the refugee and internally displaced, the Liberia Refugee, Repatriation and Resettlement Commission (LRRRC), remains under funded and virtually non-functional. The mandate of the LRRRC needs to be clarified by the government to ensure that this government body is given express responsibility for the internally displaced in addition to refugees. The government must give the LRRRC the funding and authority to deal with reintegration. Qualified staff should be hired by the LRRRC to design programs that can return people to their home areas, once the situation stabilizes.

Rebuilding State Institutions: The government must, as a matter of priority, create a justice and law enforcement system that promotes the rule of law and respects human rights. The Ministry of Justice, the courts, the police, the security forces and the prison administration are all institutions that must be developed to guarantee official accountability.

The law enforcement institutions should be streamlined, screened and reconstituted both with regard to professionalism and ethnicity. Before the war, the former government appointed a disproportionate number of people from the ethnic group of the president, the Krahn. Many of those appointed were not qualified or abused their power, leading to ethnic tensions. During the war, these tensions were further exacerbated by the different factions targeting select ethnic groups. This history needs to be taken into consideration as the government selects its personnel. Qualified personnel should be appointed to administer the judicial and prison administrations. The government should resist the pressure to reward former faction fighters by giving them government jobs in the new army or police force without professional training. In addition to hiring and training qualified personnel, the new government should create an independent oversight commission with the authority to monitor and investigate abuses by police and security forces. Army, police and prison officials who abuse their powers should be punished by the government.

Prison conditions also need to be improved. In the past, lengthy illegal detentions without trial were common practice despite the constitutional provision requiring suspects to be released or tried within 48 hours of arrest. To avoid the past problems of unacceptably long periods of detention, inadequate arrest records, and the co-mingling of convicted prisoners with suspects, the government should put into place a procedure to ensure that all suspects are charged speedily in compliance with the constitution.

The government has announced the creation of a Commission on Human Rights. This body should be given sufficient funding and authority to investigate human rights complaints and to institute legal proceedings in a court of law on behalf of victims of abuse of state power.

Dealing with Past Abuses: Having emerged from a situation of brutal conflict where civilians were overwhelmingly targeted by all factions, there is a need for the government to take steps to hold those

responsible for committing gross abuses of human rights accountable for their crimes. The peace accords that give immunity to faction fighters for abuses in the course of military action should not apply to atrocities against civilians. Where former combatants have wantonly committed abuses against civilians, they should be held accountable in a court of law. The government should also create a Truth Commission, perhaps as part of the announced Commission on Reconciliation, to collect testimony and evidence about the wrongs committed during the course of the war and publicly name those responsible for the acts.

In dealing with past abuses, the government should pay special attention to the effects of the widespread sexual violence committed against women during the war. Due to the stigma attached to sexual violence and the underreported nature of this crime, sexual violence and its after effects are often overlooked. The government should ensure that the government agencies dealing with reintegration, health, justice, and welfare integrate this issue into their brief. In addition, women continue to be subjected to discriminatory customary provisions which, among other things, prevent them from inheriting property. With a larger number of widows and female-headed households as a result of the war, these discriminatory provisions should be repealed by the legislature and brought into conformity with the Liberian Constitution and international human rights law.

The process of demobilizing former combatants remains incomplete. Some 21,315 of an estimated 33,000 have been disarmed. Nonetheless, the chain of command in many places remains intact, posing a threat of renewed mobilization of these fighters for political or criminal violence. Former fighters, particularly child soldiers, should be returned to their home areas and given schooling or vocational opportunities to diminish the likelihood of renewed violence and to assist them in finding a place in society.

Human Rights Watch/Africa welcomes President Taylor's stated commitment to the rule of law and respect for human rights. In order for these statements to be meaningful, they must be followed up with the necessary action and sustained attention throughout the six-year presidential term. Human Rights Watch/Africa has prepared this report in order to assist the Liberian government identify some of the key human rights challenges that we believe need to be prioritized by the new government, and to provide recommendations which comply with international legal standards.

Human Rights Watch/Africa also calls on the international community to sustain its attention to the rebuilding process in Liberia, and to make respect for human rights a condition of international aid and assistance. Much of the attention and energy of the international community focused on the election. Now that the election has taken place, the international community has become less attentive to Liberia. The regional peacekeeping operation and the U.N. Observer Mission, UNOMIL, will depart within the next year, leaving the U.N. Development Program (UNDP) as the primary U.N. agency in Liberia. UNHCR will also play a key role to ensure that assistance and safety are given to Liberians as they return. It is incumbent on these U.N. agencies as well as bilateral donors and international nongovernmental groups, to ensure that human rights issues are the cornerstone of their program assistance to Liberia.

II. RECOMMENDATIONS

To the Liberian Government

- Having signed the two major international human rights treaties—the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights—the government should now ratify them. Additionally, the government should sign and ratify the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and the Optional Protocols to the Geneva Conventions.

Reintegrating Refugees and the Internally Displaced

- No refugees or internally displaced persons should be encouraged or coerced to return to their home areas until the political situation stabilizes and until they feel it is safe enough to return. At this point in time, it is too soon for organized repatriation to begin.
- Rehabilitation of community infrastructures should be promptly undertaken by the Liberian government in order to promote the return and resettlement of displaced populations. When large-scale repatriation becomes viable, a concerted effort must be made to deal in particular with the health and educational needs of returnees. It is likely that refugees and internally displaced persons will be reluctant to return until these services become available in the interior of the country.
- A system of legal assistance should be put in place to deal with the property disputes that may arise when refugees and displaced persons return to their homes of origin to find their property occupied.
- The government should take steps to improve the services and assistance provided to the internally displaced, which are far inferior to those provided to refugees.
- The government should explicitly assign the Liberian Refugee Repatriation and Resettlement Commission (LRRRC) responsibility for the internally displaced, as well as refugees, to ensure that the former is not overlooked, since no international agency has an exclusive mandate for the internally displaced. Due to the ambiguity raised by some international agencies about whether the LRRRC has responsibility for dealing with the internally displaced, the Liberian legislature should pass a statute that gives LRRRC an express mandate for the internally displaced, in addition to refugees.
- The Liberian Refugee Repatriation and Resettlement Commission (LRRRC) should receive greater logistic and financial support by the government to allow it to carry out effective reintegration plans for returning refugees and internally displaced populations. The government needs to ensure that qualified personnel are hired to staff the LRRRC. As a first step, the LRRRC should clearly define its mission and establish plans and programs for reintegration.

Rebuilding State Institutions

- The government should complete the reconstitution of the judiciary at all levels as soon as possible and allow the judiciary to function independently. The involvement of the National Bar Association in the selection of judicial nominees is an excellent safeguard for ensuring the quality of judicial appointments. The Liberian government should formally incorporate this practice, introduced by the Interim Government during the war, into Liberian law, guided by the U.N. Basic Principles on the Independence of the Judiciary.
- The police force should have clear and public directives governing the duties of its officers. Human rights components should be integrated into all levels of the police structure. This should include academy training, subsequent periodic training and review, strict enforcement, and punitive action for violations. All appropriate U.N. guidelines should be incorporated into police regulations, including U.N. Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, the U.N. Code of Conduct for Law Enforcement Officials,

and the U.N. Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment.” All police officers should be made aware of the relevant provisions of the Liberian Constitution, as well as international standards governing the behavior of police. Police should be trained regarding the relevant international standards and Liberian laws that govern arrest, the use of force, and the rights of suspects. There should be public dissemination of information regarding people’s criminal procedure rights and the procedure to lodge a complaint against a police officer.

- The existing police force should be screened as soon as possible. Those officers that are linked to human rights abuses that occurred during the war should be dismissed from the police force. Those deemed to be unqualified should be retrained or dismissed.
- Patrol officers should not be armed with firearms, but rather should have batons and radios with which to call for assistance should they encounter violence.
- An independent civilian office or board should be established to monitor the human rights performance of the police and military. This body should also have significant enforcement and investigative authority. Any infringements of the law by police or military officials should be punished by appropriate sanctions.
- The government should as soon as possible bring its detention facilities into conformity with international standards. Article 10 of the International Covenant on Civil and Political Rights states that all prisoners shall be treated with humanity, and that accused persons shall be segregated from convicted persons and given “separate treatment appropriate to their status as unconvicted persons.” Articles 10 and 12 of the U.N. Standard Minimum Rules for the Treatment of Prisoners call on governments to ensure that “[a]ll accommodation provided for the use of prisoners and in particular all sleeping accommodations shall meet all requirements of health, due regard being paid to climatic conditions and particularly to cubic content of air, minimum floor space, lighting, heating and ventilation,” and that “sanitary installations shall be adequate to enable every prisoner to comply with the needs of nature when necessary and in a clean and decent manner.” Steps should be taken to ensure that these minimum standards are implemented.
- Prison officials should receive training from the Rehabilitation Bureau of the Ministry of Justice in the implementation of the U.N. Standard Minimum Rules for the Treatment of Prisoners. Infringement of the rules by prison officials should be punished. All prisons should maintain a log of prisoners in compliance with Rule 7(1) of the U.N. Standard Minimum Rules for the Treatment of Prisoners which specifies that information about the identity, reason for arrest, and day and hour of release for each prisoner should be recorded. The log should be available to Ministry of Justice officials, judges, and nongovernmental human rights organizations at their request to ensure that detained criminal suspects are brought before a court within 48 hours, as specified in the Liberian Constitution.
- Prison officials should be responsible for ensuring that prisoners are sent to court within the 48 hour constitutional requirement. Officials found to be ignoring this constitutional requirement should be disciplined. The County Attorney in the Ministry of Justice should also be held accountable for maintaining separate logs of charged and uncharged prisoners. These logs should be available for public inspection.
- No civilians should be detained at any military facility.
- The government’s announced Commission on Human Rights should be given the independent authority to investigate, pursue remedies, and make public its findings. The commission should be given the necessary political and financial support to make it an effective and credible body.

Dealing with the Past

- The Liberian government has a duty to investigate, prosecute and punish those responsible for human rights violations. Article 19 of the Cotonou Peace Accord, that gives immunity to faction fighters for abuses in the course of military action, should not apply to atrocities against civilians, and cannot be used to eliminate Liberia's international human rights obligation to punish abuses committed outside the scope of actual military engagement. Where former combatants have wantonly committed abuses against civilians, they should be held accountable in a court of law.
- The government should create a truth commission, perhaps as part of the commission on reconciliation that President Taylor announced he would form, to collect testimony and evidence regarding violations committed during the course of the war and publicly name and punish those responsible for the acts.
- An inter-ministerial task force should be created by the government to deal specifically with the violence inflicted on women during the war, with the aim of improving the social, medical and legal responses to women's needs. Given the stigma of rape and the reluctance of rape survivors to come forward to seek the assistance they need, the government should pay special attention to this issue. The proposed government task-force should meet on a regular basis, and work closely with nongovernmental women's organizations to improve and coordinate the government's services to women.
- A similar inter-ministerial task force should be created to deal with the effects of war on children: child victims, witnesses, and perpetrators. This task force should determine how best to reintegrate children into their communities, provide education and vocational training suitable for older children, and rehabilitate children who have been victims of atrocities, have witnessed atrocities (sometimes against their own parents), or have themselves taken part in atrocities.
- The Liberian legislature should pass, without delay, the draft bill currently under consideration by the legislature to enact a law that would establish inheritance rights for women married under customary law. Following its enactment, the government should ensure that the law is implemented.
- The government should take steps to address the incomplete demobilization of former combatants. The command structure of many faction battalions continues to operate on the ground, and to pose a potential security/crime problem. The government should provide training or employment opportunities to fighters, particularly child soldiers. Former fighters should be encouraged to return to their home areas and not remain grouped together, where they often constitute an intimidating presence.
- The government should carry out a widespread information and education program to inform communities of the special needs of children affected by the conflict, and should develop a plan for meeting the long-term needs of those children.

To the United Nations

- The U.N. should, as a matter of priority, work with the Liberian government to ensure that the repatriation of the displaced, the rebuilding of state institutions and the reconciliation and accountability process incorporates human rights concerns. The human rights component of the U.N. presence should be strengthened to continue its monitoring and reporting work. The human rights element should also continue to support, strengthen, and work with Liberian human rights groups. Sufficient resources and personnel should be allocated to the human rights unit to function effectively.
- The U.N. Secretariat should publicly release the results of the human rights investigations referred to in progress reports to the Secretary General, and explain what actions were taken based upon those findings.

- If ECOMOG is to restructure and train the new Liberian military, the U.N. should be actively involved to provide oversight and to ensure that the training incorporates information on international human rights and humanitarian law.
- The U.N. Secretariat should work closely with UNDP to ensure that continuing UNDP programs incorporate a human rights component, particularly once UNOMIL's mandate terminates.
- The U.N. Secretariat should seek to consult and cooperate closely with the U.N. High Commissioner for Human Rights to ensure that human rights concerns are incorporated into U.N. programs in the best possible way.

To the Office of the High Commissioner for Refugees (UNHCR)

- UNHCR should not promote organized repatriation until the political situation stabilizes and basic services are restored by the government. UNHCR should not permit any repatriation plan that would compromise the physical security or welfare of refugees.
- UNHCR should oppose any pressure either from the Liberian government or hosting governments to repatriate Liberian refugees who may fear political or ethnic persecution, particularly those from the Krahn or Mandingo ethnic groups. Refugees who continue to hold a well-founded fear of persecution due to the possibility of reprisals for actions taken by themselves or family members, or due to the actions of Charles Taylor's faction during the war, should be given protection and assistance by UNHCR and the host government. For some segment of the refugee population, resettlement may be the only durable solution.
- Refugees and displaced persons must have a voice in the decision-making surrounding the planning of repatriation. When large-scale repatriation becomes a viable possibility, refugees and displaced persons will need accurate information about conditions in each of their home areas inside the country.
- Refugees and displaced persons should be provided with food aid and agricultural implements and seeds for long-term assistance.
- The repatriation of refugees and internally displaced persons must occur in conditions of safety and dignity. An emphasis should be placed upon the monitoring of returnees, to ensure that refugees can return and re-establish themselves in the best possible manner.
- Particular attention should be paid to the protection and assistance needs of unaccompanied children, who because of their mental and physical immaturity are particularly in need of help. UNHCR should work toward reuniting them with their immediate families or relatives, assisting them to return to their communities, and ensuring that they receive rehabilitation opportunities and education to return them to normal lives.
- Similarly, the particular needs of women should be taken into consideration. UNHCR should ensure that appropriate medical care is provided to refugee women and girls, with attention to female rape survivors. UNHCR should monitor and assist returning refugee women who head households to regain their property, which may be occupied by former fighters or others. Due to discriminatory customary law rules, returning refugee women married under customary law are ineligible to inherit their husband's property. UNHCR should support the pending legislation that will reverse this unconstitutional practice.
- Although UNHCR does not have a mandate to deal with the internally displaced populations in Liberia, UNHCR programs should as much as possible strive to provide community-based services that the internally displaced can also benefit from.

- UNHCR should continue to monitor closely the protection needs of Liberian refugees in neighboring African countries. Greater efforts should be made by UNHCR to provide legal and material assistance to these refugees. In particular, the protection needs of refugees in Guinea should be monitored and addressed, especially as the security situation there appears to be worsening. Greater emphasis should be placed on informing the Guinean authorities of their responsibilities toward the refugees, including those who have legitimate reasons for fearing return at this early stage.

To the United Nations Development Program (UNDP)

- In light of the prevailing conditions in Liberia, UNDP will need to work innovatively, and vary from its traditional approach. Given the widespread human rights violations that took place during the war, and the wide scale population displacement, UNDP programs will need to be prepared to deal with the inevitable human rights issues that will arise during the rebuilding process. UNDP plans to contribute to the process of reintegrating the internally displaced and to governance programs in Liberia. Both of these areas will need to include a strong human rights component.
- In light of the absence of other international and national organizations working to reintegrate the internally displaced in Liberia, UNDP can fill a critical gap by taking responsibility for this population. In undertaking to provide assistance and protection to the internally displaced, UNDP needs to be willing to advocate on their behalf, and, if need be, challenge premature reintegration plans or other abuses against them.
- UNDP's governance program should not be restricted to providing technical or logistic equipment to the Liberian government. The governance program should also be actively responsible for advocating the integration of international human rights standards into the structure of the new justice institutions, and for the creation of government mechanisms that can operate to ensure respect for human rights throughout the society.
- A human rights focal point should be created within UNDP's Liberia office to ensure that UNDP programs incorporate a strong human rights component where necessary.
- UNDP should consult and cooperate with the Liberian nongovernmental human rights organization and seek ways to support and strengthen this sector.

To the Economic Community of West African States (ECOWAS) and the ECOWAS Cease-Fire Monitoring Group (ECOMOG)

- Given ECOMOG's own record of human rights violations, graft, and support for some of the warring factions during the war, it should not be responsible for restructuring and retraining the new Liberian military unless the training is under active U.N. oversight and unless it incorporates information regarding relevant international and Liberian laws pertaining to the proper conduct of military action.
- ECOMOG commanding officers should ensure that soldiers under their command respect human rights for the remainder of their stay in Liberia.
- All weapons and ammunition confiscated by ECOMOG during the demobilization exercise should be destroyed.

To Donor Nations including the European Union and United States

- Donor governments should follow the situation in Liberia closely and call on the Taylor government to incorporate human rights protections in the rebuilding process. Donor governments should continue to raise the issue of accountability to ensure that the government does not evade its responsibility to address past and continuing injustices.

- Donors should condition aid on respect for human rights. In particular, there is a need for the government to create and enforce the rule of law and mechanisms of accountability.
- Donor governments should seek to support and strengthen the local nongovernmental human rights community.
- Donor governments should urge that U.N. programs in Liberia contain a strong human rights component.
- The United States, as a chief partner in the retraining of the Liberian Police Force, should ensure that human rights issues are incorporated in the police academy training, subsequent periodic training and review. The U.S. should call for the creation of an independent civilian office or board to monitor the human rights performance of the police. This body should also have significant enforcement, investigative, and punitive authority.

III. BACKGROUND

The war in Liberia began in December 1989 when the National Patriotic Front of Liberia (NPFL), led by Charles Taylor, entered Liberia from the Ivory Coast and launched a military offensive to overthrow the government of Samuel Doe.² As the NPFL advanced toward Monrovia, it was met with resistance by government troops of the Armed Forces of Liberia (AFL), and indiscriminate brutality was used by both sides.³

²President Doe came to power in 1980 in a bloody military coup led by the AFL. The coup ended over a century of rule by the Americo-Liberians, the descendants of freed American slaves who had emigrated from the U.S. in the nineteenth century. The Doe government was renowned for its lawlessness and brutality. President Doe systematically eroded judicial and legislative independence and expanded the military, thus promoting members of his small ethnic group, the Krahn. Between 1980 and 1985, the United States gave close to half a billion dollars in aid and military assistance. It is unlikely that President Doe would have been able to entrench himself in power without this unconditional support. See Lawyers Committee for Human Rights, *Liberia: A Promise Betrayed*, (New York: 1986).

³See Africa Watch (now Human Rights Watch/Africa), "Liberia: A Human Rights Disaster: Violations of the Laws of War by All Parties to the Conflict," *News from Africa Watch*, October 1990. See Human Rights Watch/Africa and Children's Rights Project, *Easy Prey: Child Soldiers in Liberia* (Human Rights Watch, New York: September 1994); Human Rights Watch/Africa, "Liberia: Human Rights Abuses by the Liberian Peace Council and the Need for International Oversight," *News from Africa Watch*, vol. 6, no. 3, May 1994; Africa Watch (now Human Rights Watch/Africa), "Liberia: The Cycle of Abuse: Human Rights Violations Since the November Cease-fire," *News from Africa Watch*, vol. 3, no. 13, October 1991.

As the fighting approached Monrovia, the regional Economic Community of West African States (ECOWAS) intervened with a regional peacekeeping force—the ECOWAS Cease-fire Monitoring Group (ECOMOG)—which pushed back the NPFL and took control of Monrovia. In September 1990, President Doe was unexpectedly killed by a breakaway NPFL faction and an interim government was installed in Monrovia. The NPFL, however, refused to recognize the authority of ECOMOG. In November 1990, the first cease-fire was signed.

For over two years, the fragile cease-fire held as repeated attempts were made by ECOWAS to negotiate a solution. In October 1992, the NPFL launched a major offensive against ECOMOG in Monrovia, drawing the peacekeeping force into combat for the second time. This action resulted in charges that ECOMOG was no longer an impartial arbiter. The situation was compounded by the emergence of a new faction calling itself the United Liberation Movement for Democracy in Liberia (ULIMO), made up predominantly of former Doe government soldiers from the AFL.

Some progress was made in 1993 with the signing of a peace accord by the NPFL, ULIMO, and the Interim Government (on behalf of the AFL). Disarmament was to proceed along with the seating of a Transitional Government, made up of representatives from each faction, which would take power from the Interim Government until elections were held. At that time, the U.N. established a military observer mission, UNOMIL, to address NPFL complaints that ECOMOG was no longer an impartial force. UNOMIL's mandate was to monitor the factions that had agreed to encamp and disarm, and to verify compliance with the peace accord.

Yet, throughout 1994, these gains were steadily reversed. While the Transitional Government was seated, disarmament came to a standstill as fighting was renewed. Widespread atrocities against civilians increased as ULIMO split into two rival ethnic factions in the west of the country (one led by Al-Haji Kromah representing Mandingo interests and the other headed by Roosevelt Johnson representing Krahn interests); a new faction called the Liberia Peace Council (LPC), largely made up of former government AFL soldiers, gained control of areas of the southeast from the NPFL; and in the north, another group called the Lofa Defense Force (LDF) fought ULIMO. From Monrovia, the AFL provided logistical and other support to ULIMO and the LPC, both anti-NPFL factions. These anti-NPFL factions were also given support by some ECOMOG battalions, which supplied them arms and ammunition and allowed them to operate unfettered, as a way to weaken the NPFL. Charles Taylor's faction, the NPFL, controlled the bulk of the country throughout. However, no one faction was ever able to win militarily.

In 1995, yet another peace accord was signed creating the Council of State, made up of representatives from the factions, to replace the Transitional Government. A new timetable of disarmament and elections was set. However, on April 6, 1996, the factions again plunged the country into a frenzy of looting, lawlessness and killing. The fighting centered on Monrovia, creating a devastating humanitarian situation. The fighting in Monrovia was the worst in three years and left an estimated 3,000 dead and 80,000 displaced. Fighters looted millions of dollars worth of equipment from the U.N. and humanitarian nongovernmental organizations. The fighting and looting was clearly sanctioned by the faction leaders, especially Taylor and Kromah. ECOMOG displayed a reluctance to intervene, and some ECOMOG soldiers actually participated or assisted in the looting and fighting. By late-July, ECOMOG retained control of the city after the factions' leaders ordered their forces to withdraw. However, fighting between the factions continued sporadically and the humanitarian situation in many places outside Monrovia remained grave.

In August 1996, a new timetable for disarmament, demobilization, and elections was established. The poor conduct of ECOMOG during the April 6 fighting contributed to the decision to assign responsibility for the force to a new Nigerian field commander, Gen. Victor Malu, and to rotate out many of the troops. Renewed political attention by ECOWAS to improving ECOMOG, as well as regular funding to pay the salaries to the ECOMOG troops, had a notably positive effect on the levels of professionalism and public confidence in the West African peacekeeping force. From the end of 1996 until the election, ECOMOG played a critical role in bringing the civil war to an end. ECOMOG was assigned to create a series of safe havens throughout the country beginning on November 7, 1996; disarmament and demobilization of combatants, and repatriation of refugees was to proceed from November 22 through January 21, 1997; and elections were scheduled for May 30, 1997.

Although the timing of this schedule was delayed somewhat, and not all the objectives achieved—particularly the return of refugees and the demobilization of combatants—disarmament began on November 22, 1996, and was concluded after a seven day extension on February 7, 1997. Some 21,315 combatants, including 4,306 children and 250 female adults, were disarmed from an estimated total of 33,000 fighters.⁴ Some 10,000 weapons and 1.2 million pieces of ammunition were recovered.⁵ Although not all weapons were turned in and the command structures within the factions remained largely intact, the collection of arms resulted in a notable demilitarization of the society. Following disarmament, preparations for the election proceeded with international oversight, and despite some delays, the election was successfully held on July 19, 1997.

The election was certified by the U.N. and ECOWAS, and judged credible by hundreds of international and national observers. The Special Elections Law met international standards and the Electoral Commission was deemed to be impartial by observers. Election day was remarkably orderly and the lead-up to the election generally free of violence or intimidation. Voters lined up as early as 4:00 a.m. to cast their votes. Although there were some reports of over zealous West African peacekeepers helping voters to cast their ballot, the process was largely free of fraud.

Nonetheless, the broader context in which the election was held placed limitations how free and fair the election could be. The timetable leading up to the election was extremely tight, and a number of the pre-requisites agreed to in the peace accord, such as the return of refugees and the demobilization of soldiers, were not able to be completed prior to the election. As a result, hundreds of thousands of Liberian refugees outside the country were not eligible to vote in the election. In addition, the lack of demographic information, the rainy season, and the logistic difficulties of functioning in a war-torn place meant that the polling stations in the rural areas did not always correspond to population density. The lack of identification papers allowed for some minors under the age of eighteen to register. The short time available for civic education was inadequate in light of the high illiteracy rate, but also because of the length of the war, the lack of communications and the poor infrastructure.

The candidates' campaigning resources were markedly disparate. Charles Taylor, having controlled and looted the bulk of the country's revenues from logging, diamond and iron ore mines for most of the war, was able to use his vast resources to campaign more effectively—using a helicopter to reach distant areas, transporting voters to polling sites so they could register and vote (including refugees from neighboring countries), and handing out money, rice and tee-shirts to voters. Charles Taylor also held a monopoly on the broadcast media, having looted transmitting equipment during the war, and in some areas was the only radio station heard by voters.

It is also widely believed that the desire for peace and the implicit threat that Charles Taylor would resume the fighting if he lost was also high on the minds of Liberian voters. Many categorized their vote for the man who had started the war and whose faction had been responsible for widespread atrocities against civilians as "a vote for peace." Others expressed genuine support for Taylor saying that "he said he would destroy this country and he did. Now he is saying that he will rebuild it and he will."

⁴U.N. Secretary-General, "Twenty-Second Progress Report of the Secretary-General on the United Nations Observer Mission in Liberia," U.N. Doc. S/1997/237, March 19, 1997, para.13.

⁵U.N. Secretary-General, "Final Report of the Secretary-General on the United Nations Observer Mission in Liberia," U.N. Doc. S/1997/712, September 12, 1997, para.8.

Charles Taylor and his party won the election overwhelmingly. Of the thirteen parties that contested the election, three were headed by former warring faction leaders. The thirteen presidential candidates and their parties received the following percentages of a total vote of 472,863:

<i>Percentage</i>	<i>Party</i>
75.3	National Patriotic Party (NPP) led by former NPFL faction leader Charles Taylor
9.6	Unity Party (UP) led by Ellen Johnson-Sirleaf
4.0	All Liberian Coalition Party (ALCOP) led by former ULIMO-K faction leader Al-Haji Kromah
2.6	Alliance of Political Parties (Alliance) led by Cletus Wortorson
2.5	United People's Party (UPP) led by Gabriel Baccus Matthews
1.6	Liberian People's Party (LPP) led by Togba-Nah Tipoteh
1.3	National Democratic Party of Liberia (NDPL) led by former LPC faction leader George Boley
1.1	Liberia National Union (LINU) led by Harry Moniba
0.6	People's Democratic Party of Liberia (PDPL) led by George Washington
0.5	National Reformation Party (NRP) led by Martin Sheriff
0.3	Progressive People's Party (PPP) led by Chea Cheapoo
0.3	Reformation Alliance Party (RAP) led by Henry Fahnbulleh
0.3	Free Democratic Party (FDP) led by Fayah Gbollie

Due to the system of proportional representation used in this election, legislative seats were won by parties on the basis of the percentage of the presidential vote won. As a result, Charles Taylor and his party, the NPP, won 75 percent of the legislature. Of the twenty-six Senate seats in the Senate: the NPP won twenty-one, the UP won three, and the ALCOP won two. Of the sixty-four seats in the House of Representatives: the NPP won forty-nine, the UP won seven, the ALCOP won three, the Alliance and the UPP each won two, and the LPP won one.⁶ After the number of party seats were calculated, parties were free to select any of their candidates from a public list previously submitted to the Independent Elections Commission. The party with the highest number of votes was permitted to name its representatives first. Based upon the system of proportional representation, the assignment of seats in a particular area did not necessarily reflect the voting patterns of the area. Because of the overwhelming NPP majority, the few opposition legislative candidates were relegated to the least important constituencies after the NPP selected its seats. On August 2, 1997, Charles Taylor was sworn into office, heralding a new era of peace for Liberia.

IV. REINTEGRATING REFUGEE AND INTERNALLY DISPLACED POPULATIONS

⁶According to the Special Elections Law, each party had to attain a minimum threshold before it was eligible for any legislative seats. This threshold was 3.84 percent of the vote for any senate seat and 1.56 percent of the vote for any house seat. As a result, a number of parties failed to qualify for any legislative seats.

One of the most challenging tasks facing the new Liberian government will be to facilitate the return of an estimated one million refugees and internally displaced persons.⁷ As people return, they are likely to find everything they left behind looted or destroyed. Communities have been shattered; the fighters who caused the death and destruction remain in the area; important infrastructure like roads and bridges are destroyed; and economic opportunity, health, and educational services are virtually non-existent outside Monrovia. Some returnees are coming back to find that their homes have been occupied by former faction fighters or other displaced persons. In other cases, people remain unwilling to come back, either because of the lack of material assistance required to help them rebuild their homes and farms or because of their fear of persecution. The government and the international community need to work together to provide adequate material assistance and assurances of security and safety to permit people to return home permanently.

Refugees and the Efforts of UNHCR

Responsibility for the protection and return of the half million Liberian refugees outside the country lies largely with the Office of the U.N. High Commissioner for Refugees (UNHCR), with assistance from a number of nongovernmental organizations, many of whom serve as UNHCR's implementing partners.⁸ According to UNHCR, the most recent count indicates that there are almost 500,000 Liberian refugees in neighboring African countries: 210,000 in Ivory Coast; 210,000 in Guinea; 13,600 in Sierra Leone; 17,000 in Ghana; and 6,000 in Nigeria. Most of the refugees are women and children of rural background. Approximately 75 percent of them come from Lofa and Nimba counties in northern Liberia. Human Rights Watch/Africa interviewed Liberian refugees in Ivory Coast and Guinea.

Education, Health and Shelter in Ivory Coast and Guinea

In Ivory Coast, these refugees are, for the most part, integrated into the local population. A range of nongovernmental organizations, along with UNHCR, have made primary and secondary school opportunities available for refugees in Ivory Coast. However, many of the schools are overcrowded, and books and other educational materials are in short supply. In addition, the educational needs of the population have been difficult to meet, due to the refugees' psychological and material problems. Almost all of the children were traumatized by the violence, either as direct

⁷One June 1997 interagency study roughly estimated the numbers of anticipated returnees as follows:

<i>County</i>	<i>Internally Displaced to return</i>	<i>Refugees to return</i>	<i>Total</i>
Bomi	40,000	3,000	43,000
Bong	17,000	45,000	62,000
Cape Mount	20,000	3,000	23,000
Grand Bassa	3,000	5,000	8,000
Grand Gedeh	0	60,000	60,000
Grand Kru	5,000	5,000	10,000
Lofa	30,000	125,000	155,000
Margibi	0	20,000	20,000
Maryland	5,000	60,000	65,000
Montserrado	0	60,000	60,000
Nimba	6,000	135,000	141,000
Rivercess	10,000	2,000	12,000
Sinoe	15,000	2,000	17,000

Interagency Populations Group Meeting, "Estimation of Liberia County Populations by Grouping," June 2, 1997 (for discussion purposes only).

⁸According to the 1951 Convention and the 1967 Protocol Relating to the Status of Refugees, a refugee is a person with a "well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, [who] is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country." The 1969 Organization of African Unity (OAU) Convention Governing the Specific Aspects of Refugee Problems in Africa has extended this definition to cover those all compelled to leave their country of origin on account of external aggression, occupation, foreign domination, or events seriously disturbing public order.

combatants, victims, or witnesses. Teachers interviewed by Human Rights Watch/Africa described the problems they face in educating these youngsters, many of whom lost years of education during the war. The lack of education caused by the war is so extreme that many kindergarten and first grade classrooms contain teenage or adult students. Another problem is presented by the large number of young people—fifteen in one of several schools in Danane visited by Human Rights Watch/Africa—who have no family or shelter and sleep in an abandoned building behind the school. These children find it extremely difficult to pay the small fee required so that they can join their classmates for the once-daily school feeding program. Moreover, the circumstances under which they live make learning difficult for many of these youngsters.

Health services in Ivory Coast, while available to refugees, are limited in two significant ways. First, the clinics have a standing policy by which refugees must come first for diagnosis and then travel to the pharmacy in order to purchase medication, even in emergency cases. Human Rights Watch/Africa heard reports of the deaths of refugees that were directly attributable to the time delay between diagnosis and actual administration of a needed drug. Another problem in attending to the health needs of refugees arises from the language (being English-speaking in a Francophone country) and cultural barriers between the Liberian refugees and the Ivorians. Because of these differences, refugees often find it difficult to get urgent medical attention or to make their medical problems known to Ivorian health personnel. In Guinea, health services are even more limited and many refugees must travel long distances on difficult roads in order to reach a hospital equipped to treat their illnesses.

Many refugees in both Ivory Coast and Guinea have constructed semi-permanent shelters or rent homes. In the rainy season, many of these structures leak, and plastic tarpaulin, provided by UNHCR, is a highly valued commodity. UNHCR has gradually taken certain categories of persons off of their distribution lists for the tarpaulin, and currently maintains that only the vulnerable groups (widows, single mothers, the elderly, sick or disabled) are to receive it. However, Human Rights Watch/Africa received testimony from refugees and agency personnel that some of the refugees on these lists in Ivory Coast and many of them in Guinea, have never received the promised tarpaulin. Without the tarpaulin, securing adequate roofing materials is costly and difficult. The local roofing material is called *papos* (a kind of thatch) and refugees must pay local Ivorians and Guineans for access to their land and for the *papos* they cut. Human Rights Watch/Africa documented large quantities of the tarpaulin for sale on the open market in urban centers such as N'zerekore, Guinea. When discussed with UNHCR officials, the marketing of the plastic sheeting was explained as material re-sold by the refugees to Guinean merchants. It is certainly true that refugees sell tarpaulin in order to gain needed income or to purchase other food or household items. However, the large quantities of tarpaulin seen on the open market, some in unopened packages of fifty, appear to indicate that some of the plastic sheeting was moving directly from UNHCR warehouse facilities or trucks to the marketplace.

Protection Issues

In both Guinea and Ivory Coast, there are groups of refugees and individuals who have particular protection needs. These needs may become even more pressing when the UNHCR moves from the facilitation phase of its repatriation program to actively encouraging and promoting return (tentatively scheduled to begin in October 1997, according to one UNHCR official). As with any refugee population, there are certain individuals who remain extremely fearful of return home. Individuals interviewed by Human Rights Watch/Africa mentioned grounds such as fear of reprisals for acts their relatives committed as soldiers during the war, or targeting because of activism against and vocal opposition to Charles Taylor and his faction, the NPFL. Some individuals were threatened by fellow refugees during their time in exile because they continued these activities or because of testimony they gave to journalists. Such individuals continue to have valid reasons to fear returning to Liberia, and UNHCR and the host government authorities will need to address the needs of these individuals during the repatriation.

Some refugees are reluctant to return to Liberia because of their prior experience with repatriation. A number of refugees participated in a UNHCR repatriation program to Monrovia that was implemented in the early months of 1996. The security situation appeared calm at this time and refugees were informed that those who could establish that they had relatives in Monrovia who would assist them, would be transported back. Unfortunately, in the first week of April 1996, NPFL and ULIMO forces engaged in heavy fighting against government and ECOMOG troops in

Monrovia. Many of the refugees who had so recently returned under the auspices of UNHCR were forced to flee a second time.

Another group of refugees who suffer greatly from lack of protection in both Guinea and Ivory Coast are unaccompanied minors. Problems such as malnutrition, prostitution, and lack of education are particularly acute among unaccompanied minors. As of the end of July, UNHCR was beginning a series of meetings with nongovernmental organizations to try to determine how to address the needs of this particularly vulnerable group. However, considering the fact that many of these young people had been living as refugees for two years or more, the planning meetings appeared to be a late initiative. The minors will also require specialized attention by UNHCR during its repatriation and reintegration efforts.

Assistance and Protection Issues Particular to Guinea

In both Ivory Coast and Guinea, Liberians are restricted to certain areas of the country (*zone d'accueil*) and lose the right to receive food rations or retain refugee status if they move outside of this zone. This policy was designed to discourage an urban influx of refugees and to cut costs. Food rations were reduced in 1996 by UNHCR due to limited resources and the (false) assumption that the refugees should have achieved a level of self-sufficiency. As a result, food remains in short supply. Refugees are not able to find jobs and many serve as casual day labor on farms, or sharecrop to supplement the meager food allowance.

In Guinea, most refugees are concentrated around the remote forest region near the border with Liberia. The assistance problems faced by refugees in Guinea are considerably more acute than those faced in Ivory Coast. Refugees are found mostly in UNHCR-supported camps. However, in one local community, called Diecke, UNHCR has refused to offer any assistance to refugees. This is primarily because in September 1994, UNHCR decided to move the Liberian refugees to a remote area of land located in dense tropical rainforest. At the time, UNHCR officials explained that the relocation was necessary because of the widespread fraud that had taken place during a registration run by the agency earlier in the year. As an interim measure, all refugees were told to relocate to a camp made up of twenty-six plastic tents on the outskirts of the town. Some refugees died of cholera during this period.

One refugee explained to Human Rights Watch/Africa how the transfer from the transit camp to the remote location, (eventually called "Nonah Camp"), was executed:

The refugees were asked to go to Nonah Camp in order to do about one month intensive labor in order to clear the rainforest to make room for the camp. UNHCR officials came to oversee the transfer and two armored carriers and a truckload of armed men were brought to provide security. Refugees in the transit camp were told to board the waiting trucks to carry them to Nonah, but individuals who had remained behind in Diecke were blocked from coming to the transit area by the soldiers.⁹

The large number of refugees left behind in Diecke have received no assistance from UNHCR nor any of the agencies who serve as their implementing partners. Without UNHCR intervention on their behalf, and without any legitimate identity papers, the refugees suffered a range of protection problems. Some of the refugees left behind were arrested by the Guinean authorities and were forced to remain in the overcrowded local jail for weeks at a time. In addition, kwashiorkor, marasmus, diarrhea, worm infestation and malaria caused widespread illness and mortality. Only with the arrival of church-based nongovernmental organizations in 1994, and some assistance from the humanitarian group, Medecins sans Frontieres (MSF) in 1995, did the situation of the refugees in Diecke improve. To date, however, this group of several thousand refugees must survive without the protection or assistance of UNHCR.

Refugees in each of the camps in Guinea (Baala, Bheta, Diecke, Nonah, Soopa, and Yowah) visited by Human Rights Watch/Africa were facing a range of problems. Malnutrition and diarrhoea still plague refugees in all of these camps, and children are still dying in small numbers each month from these and other illnesses. Makeshift schools

⁹Human Rights Watch/Africa interview, Danane, July 16, 1997.

exist in most of the camps, sponsored by a range of nongovernmental organizations, and often constructed by the refugees themselves. However, the “classrooms”—sometimes consisting of a row of sticks pounded into the earth—are over-crowded, and students lack books, pencils and paper. Moreover, only primary education is provided in the UNHCR camps, and therefore many refugee children are sent by their families to Diecke or N’zerekore for high school education. While most of these children find shelter with friends or other family members, some must live unaccompanied. These children sometimes get involved with prostitution or petty crime in order to make ends meet. Almost all suffer from the lack of any support and guidance.

The problems of rationing are particularly acute in Guinea, where the poverty level is higher than in Ivory Coast. Human Rights Watch/Africa, through interviews with refugees, and representatives of Medecins sans Frontieres (MSF) and other nongovernmental organizations, learned of incidences of high rates of malnutrition and infant and child mortality occurring in pockets of the refugee population. These problems are more acute during the planting season when food is in short supply. Seasonal variations in food supply are exacerbated by the fact that distributions have been cut, twice in 1994 (when roughly 80,000 of the refugees were considered returnees to Guinea and classified as internally displaced and when a re-registration exercise attempted to expunge those who had registered fraudulently) and again in 1995 following a UNHCR survey that indicated that some of the refugees were self-sufficient or had returned.

The degree of refugee self-sufficiency is extremely difficult to measure. The assessment, is complicated by factors such as: all refugees in Guinea must rent or negotiate access to land with the local people placing an additional burden on their levels of economic independence; a large proportion of refugees are women and children, who are unable to maintain self-sufficiency as easily as males; and levels of income and food resources vary across the year and between camps and regions in Guinea. According to MSF, in certain areas such as Yomou, Diecke, and Bodou, the rates of malnutrition are high and are exacerbated by seasonal variations in agricultural output. These regional and seasonal variations contradict UNHCR’s assumption that recent refugee arrivals are more vulnerable than those who have been in Guinea for a number of years. According to interviews with refugees in Nonah, Soopa, Bheta, Baala and Yowah camps, food distributions are irregular. The deliveries are also sometimes subject to looting. In July 1997, for example, fifty bags of rice were stolen from a warehouse in Bheta camp.

The security situation in the refugee camps in Guinea is problematic. Rumors abound about possible rebel attacks and, at Soopa, Bheta, and Yowah camps, the refugees had been visited by Guinean military personnel and threatened with attacks from “the rebels.” At Bheta, there were attempts to admit Liberian refugees who had been living in Sierra Leone but who had left due to the insecurity there. According to refugees living in the camp, the Guinean authorities refused to accept one group of these refugees and accused them of being rebels. No one was sure where they had gone. At Soopa, refugees simply stayed inside their huts in the camps once night fell and no incidents occurred. At Yowah, refugees who were part of the camp leadership explained that they were visited in the first week of June 1997 by a known Guinean military officer who was dressed in civilian clothes. According to the refugees, this officer warned them that there were rebels in the area who were planning to attack the camp, and ordered them to evacuate before June 24, 1997. As a result, approximately 700 people fled Yowah camp prior to the deadline. The individual in charge of the school feeding program at Yowah indicated that approximately 200 children fled with their families. Refugees interviewed explained that many of these people were forced to cross back into to Liberia because of this threat.

Views on Repatriation

In May 1997, UNHCR relaunched a twice-delayed eighteen month repatriation operation for Liberian refugees.¹⁰ UNHCR will be setting up branches in seven places in Liberia: Voinjama, Vahun, Monrovia, Gbarnga,

¹⁰UNHCR, “Plan of Operation: Repatriation and Reintegration of Liberian Refugees,” Geneva, May 1997.

Zwedru, Harpur, and Bo Waterside. This will bolster protection and monitoring of refugee reintegration and is likely to be seen as a signal for return to begin. UNHCR has planned a two-phase repatriation: "Facilitated repatriation" (phase I) to provide assistance to refugees that have decided on their own to return, and "promoted repatriation" (phase II) where UNHCR actively encourages refugees to return. Each returning family will receive plastic sheeting, a plastic jerry can, a kitchen set, two blankets, two mats and agricultural tools, as well as two months' food rations. Inside Liberia, UNHCR will be funding Quick Impact Projects ("Quips") to generate short-term economic projects, and will coordinate with international and government agencies to ensure that returnees are integrated into long-term reconstruction and development programs. A tentative time frame for this UNHCR-assisted repatriation is: Guinea, nine months to a year; Ivory Coast, eight to ten months; Ghana, four to five months; Sierra Leone, two to five months; Nigeria, one to three months. These time lines should be viewed flexibly by UNHCR.

Not surprisingly, the views of Liberian refugees interviewed by Human Rights Watch/Africa as to whether they are willing to return to Liberia now that the war has ended hold mixed views on the subject. There has been some voluntary return by refugees, but in limited numbers. The inflow is expected to increase after the rains. For many refugees, the election and the end of the war are the benchmarks they were waiting for in order to return. Although neighboring African countries have, for the most part, generously extended refuge to the Liberians since the war began,¹¹ the political, economic and social problems in these host countries have led to some resentment against the refugees on the part of the local population in the border areas.

A study conducted by the Liberian nongovernmental organization, the Center for Law and Human Rights Education, in October 1996, found that in Ivory Coast, Guinea and Ghana, UNHCR had done little to provide protection to unaccompanied children, or to organize legal assistance to refugees who are often jailed because of their lack of knowledge of the law, language barriers (French), lack of legal counsel, and lack of funds to post bail even for minor offenses. UNHCR officials were reportedly inaccessible to refugees: they did not provide services consistently in the different countries, and they did not give adequate support for local refugee efforts or sufficiently utilize qualified Liberians.¹² During the war, refugees in Ivory Coast and Guinea were periodically subject to cross border attacks by warring factions. The constant reminders of being an outsider, the limitations this status carries with it, and the pull of home are strong factors in the desire of many refugees to return to Liberia now that the war has ended.

Other refugees expressed a strong reluctance to return to Liberia now that Charles Taylor has been elected, either because they and their families were outspoken opponents or victims of Taylor faction fighters, or because they belong to the Krahn or Mandingo ethnic groups, which were targeted by Taylor's faction during the war. Mandingo refugees are found mainly in Guinea, while Krahn refugees (from Grand Gedeh county) are based mainly in Ivory Coast.

Although the war is ended in Liberia, the situation is still not conducive to support a full-scale organized repatriation. The lack of infrastructure and the transitional political situation requires a staggered and slow repatriation. Security remains a major concern since the demobilization of fighters has still not occurred and there are fears that once the regional peacekeepers depart, criminal or political violence will rise. Many refugees are reluctant to return until they can be sure of what the security situation will be like under Taylor. Some of these people foresee a six-month to year long waiting period after the election before they will consider going home. Aware of these considerations,

¹¹The heavy burden felt by regional states hosting the refugees became most apparent in April and May 1996 when thousands of Liberians attempted to flee the country by boat. One vessel called Bulk Challenge carried some 2,000 Liberians. The governments of Sierra Leone, Ivory Coast, Nigeria, and Ghana refused to allow the boat to dock, leaving the refugees stranded on the high seas, in an effort to evade their responsibility under international law. Eventually, the government of Ghana accepted the refugees from the Bulk Challenge.

¹²Center for Law and Human Rights Education, "The Situation of Liberian Refugees in Ghana, Ivory Coast and Guinea," Monrovia, October 18, 1996.

UNHCR has commendably taken an approach that recognizes that the refugees will require some time before they can return. At this stage, UNHCR is not actively encouraging or sponsoring the repatriation of refugees, only “facilitating voluntary repatriation” for those refugees who express a desire to return voluntarily and/or have begun to do so on their own initiative.

Some refugees have begun to move between Ivory Coast or Guinea and Liberia to begin to set up their homes for an eventual move. These refugees, mostly men, have been coming to survey the situation and to rebuild their homes, while leaving their families outside Liberia. Some refugees stated that they will bring their families back once health care and educational facilities are available in Liberia. Others plan to return for the next planting season after the harvest in October so that food is available once they return.

According to UNHCR and the refugees, immigration officials in Ivory Coast generally permit the refugees to cross back and forth freely without harassment or intimidation. Liberians who cross the border into Ivory Coast from Grand Gedeh County in Liberia are treated with more suspicion due to the fact that military incursions occurred over this part of the border during the war. In Guinea, however, refugees are being regularly harassed by immigration officials as they return. They are asked to give a “sacrifice,” as it is known, to the Guinean immigration officials—items such as mattresses, cooking utensils, food or money. Often immigration officials take what little the refugees have with them before allowing them to pass on the grounds that the refugees “came to Guinea with nothing and so they should return to Liberia with nothing.” In July 1997, UNHCR signed an agreement with the government of Guinea to facilitate the refugees’ return and to end this harassment.

The Internally Displaced¹³

Hundreds of thousands of internally displaced Liberians who were driven from their homes by the violence and insecurity of the past seven years are living like refugees within their own country. Up to now, there has been no accurate count to determine how many people remain internally displaced. Estimates vary widely: from 500,000 to one million by the government body, the Liberia Refugee, Repatriation and Resettlement Commission (LRRRC), to 250,000 to 300,000 by UNHCR staff. Most have been living in squalid and destitute conditions for a number of years, some displaced several times during the course of the war. This group will need assistance to return to their homes all over the country. Yet, there appears to be little or no preparation at the national or international level to assist members of this huge population to return to their homes. Even information on the numbers and location of the internally displaced is much more scarce than on refugees, because no national or international body has the exclusive task of addressing the needs of the internally displaced. As a result, conditions for the internally displaced remain much worse than those of refugees. Human Rights Watch/Africa spoke with internally displaced persons in Montserrado, Bong, and Nimba counties.

¹³Although there is no internationally agreed-upon definition of the internally displaced, a working definition was established by the U.N. secretary-general in 1992 as: “persons who have been forced to flee their homes suddenly or unexpectedly in large numbers, as a result of armed conflicts, internal strife, systematic violations of human rights or natural or man-made disasters; and who are within the territory of their own country.” United Nations Secretary-General, “Analytical Report of the Secretary-General on Internally Displaced Persons,” U.N. Doc. E/CN.4/1992/23, 1992. The working definition is currently under review after being criticized for being both too broad and too narrow.

It is estimated by the LRRRC that over half of all the internally displaced in the country are living around Monrovia. In the Monrovia area, the internally displaced are camped in some thirty sites,¹⁴ living in semi-permanent structures in crowded conditions with inadequate sanitation services. In some cases, displaced persons are living in overcrowded conditions in abandoned and disused buildings. Often the shelters lack water and sanitation and pose a health hazard. Because these camps grew gradually, without international humanitarian assistance, they are not well laid out in terms of services. As a result, one often finds that latrines or water pumps are placed at uneven distances in the camp or are in short supply. Food rations are provided regularly by humanitarian organizations, but give a bare minimum of food to families. In some cases, other displaced relatives have joined the family and the food is being shared with a larger number of people than it was intended for. In one camp, supplemental feeding for children under five was started by a humanitarian organization because the rate of malnutrition among these youngsters was 15 to 20 percent.

Human Rights Watch/Africa visited a number of these camps in the Monrovia area. Many of these camps are serviced by a variety of humanitarian organizations and the U.N., which provides food, water and other services to the camps. However, conditions remain inadequate and even dangerous in some places. At the "new" Ministry of Health building, thousands live in the scaffolded cement frame of an unfinished building that was under construction when the war broke out. In this shell, some 3,000 internally displaced live exposed to the elements, save for a few plastic or jute sheets that they have hung to cover the large openings where walls would have eventually been built. There are six toilets and one water pump for these residents. Inside the dim and dank structure, residents have lived for years in makeshift overcrowded rooms. At Samukai camp, some 9,000 internally displaced Liberians and Sierra Leonean refugees live side by side. There are only seven toilets for the camp's residents and only a few water pumps because several have broken. Many of the camp's residents are widows who lost their husbands and homes during the war.

Most of the internally displaced receive health and food assistance. Since many of the camps where the internally displaced live also contain Sierra Leonean refugees, UNHCR does provide some services which are also offered to the internally displaced Liberians. For instance, in a number of displaced persons camps, Liberian children at the elementary school level are able to attend the schooling provided by UNHCR. At the high school level, however, only Sierra Leonean refugees receive scholarships from UNHCR.

According to a physician's assistant at one of the displaced persons camps, the internally displaced were suffering most commonly from malaria, respiratory tract infections (made worse by the rainy season), diarrhea, and skin diseases. In Bong county, the internally displaced barely received any medical assistance. One displaced person said "if you have to go to the hospital here, there are no drugs. You are at the mercy of god. Either you live or die. But not because of medical help."¹⁵

In many displaced persons centers, children were attending elementary schools set up by humanitarian organizations in the area. However, little or no educational opportunities were available for displaced children of high school age. In some camps, children were not at school at all. In Kakata, one teacher told Human Rights Watch/Africa that their make-shift schools were full, even though many children were not in school. However, even when children did attend school, teachers find it difficult to get them to concentrate, often because the children are hungry.

¹⁴These include camps at Bailly's town, Banjor beach, Bensonville, Dixville, Fumba compound, Harrisberg, James town, Kamara town, Kemoh town, Kperkoror, Lenduama town (Voice of America I), Massaquoi town, Memeh town, the unfinished Ministry of Health building, Minty Allison, the Monrovia Vocational Training Center, Moulton Corner, Parker Corner, Pasamol center, Perry town, Plum Core, Rick's Institute, Samukai town, Seigbeh, the former seventy-second army barracks, the former Voice of America compound, Vonzon and Zwana town.

¹⁵Human Rights Watch/Africa interview, Ganta, July 24, 1997.

Most of those interviewed by Human Rights Watch/Africa expressed a willingness to return to their homes, but were unable to because of the lack of material and financial assistance. The repeated refrain we heard from the internally displaced was “we want to go home, but our homes have been destroyed and we have nothing. How will survive if we return? We have nothing to rebuild our homes with or to replant our farms.” The European Union (E.U.) has provided transport to help people return in a few cases. For most of the displaced, however, the transportation is not the main issue, as much as the question of how they would support themselves once they returned, without any means, destroyed homes, and no community infrastructure. The items which the internally displaced most commonly cited when asked what they would need to return included agricultural tools, roofing sheets, cooking utensils, nails and food. It does not take much to help these populations and there are communities returning on their own. Minimal resources should be provided to facilitate their return during the dry season.

In some cases, displaced persons have returned to find what remained of their homes occupied. In particular, returnees of Mandingo origin are returning to find their houses occupied. The long-standing discrimination in Liberia against Mandingos as “aliens” or “foreigners” has contributed to the sentiment that Mandingo-owned property can be appropriated.

The one group of internally displaced persons that openly expressed an unwillingness to return were those from Grand Cape Mount County. Some from Grand Cape Mount County expressed the fear that the recent outbreak of fighting in neighboring Sierra Leone would spill over into Liberia and engulf their areas of origin.

Planning for the reintegration of the internally displaced by the international community has commenced. The World Food Programme (WFP) and its implementing partners have begun a detailed assessment of the numbers of internally displaced in the Monrovia area. In September, WFP, donors and UNHCR met to review regional food aid distribution in light of the changing situation.

The Liberia Refugee, Repatriation and Resettlement Commission

The Liberia Refugee, Repatriation and Resettlement Commission (LRRRC) is the national body that will be responsible for assisting people to return to their homes. The LRRRC was set up in 1993 by the transitional legislature by the “Act to Make Provisions for Refugees and to Establish the Liberia Refugee, Repatriation and Resettlement Commission.” According to the 1993 law, the LRRRC is made up of the Executive Director (and staff), with representatives from the ministries of internal affairs, planning, foreign affairs, and justice (police and immigration branches). UNHCR has observer status on the commission. According to the 1993 law, the LRRRC’s tasks are to:

- (a) formulate policy on matters relating to refugees in the country;
- (b) to exercise any other powers and to perform any other duties that may be assigned to the Commission by or in terms of this Act or by Executive directive; and
- (c) to assist the Secretariat in soliciting local and international assistance for refugee related activities in the country.¹⁶

It is clear that the LRRRC is the most appropriate government agency to deal with the reintegration of the internally displaced given its mandate to deal with similarly situated refugees. The LRRRC staff interviewed by Human Rights Watch/Africa before the election asserted that their mandate included responsibility for the internally displaced. However, this point was refuted by some international agencies on the grounds that nowhere in the 1993 law are the internally displaced mentioned. The LRRRC stated that it is tasked with responsibility for the internally displaced based on a 1991 law which envisioned that such a national commission would be responsible for both

¹⁶Republic of Liberia, “An Act to Make Provisions for Refugees and to Establish the Liberia Refugee, Repatriation and Resettlement Commission,” approved November 1, 1993, published January 19, 1994, Section 5.

internally and externally displaced persons. However, neither the LRRRC nor anyone in the transitional government appeared to be in possession of a copy of the 1991 law, not to mention the fact that the 1993 law might have superseded the previous act since they both speak to the same issue.¹⁷

A reading of the 1993 law may support the technical argument that the LRRRC has no mandate to deal with the internally displaced, and is restricted to returning Liberian refugees or refugees in Liberia (such as the Sierra Leoneans). However, such an interpretation of the role of the LRRRC in light of the equally desperate numbers of internally displaced would be an irresponsible move on the part of the new Liberian government. To clarify the existing ambiguities on the part of the international agencies that will work with the LRRRC, the Liberian legislature should pass a law that clarifies the LRRRC's mandate to provide for the reintegration needs of the internally displaced, in addition to its responsibilities for refugees.

Prior to the election, the LRRRC was virtually non-functional. Like other government offices—where appointees were named by the various factions in a power-sharing arrangement—the staff was highly factionalized, and not necessarily qualified. Moreover, little or no logistical or financial support was given to the approximately 200 members of the LRRRC staff. When Human Rights Watch/Africa met with the LRRRC, its staff members had not been paid salaries for four months and were sitting in virtual darkness because of the lack of funds to pay for the electricity generator fuel.

It is clear that this body needs to be revitalized and given more qualified staff, training, and financial assistance. At the moment, the role of the LRRRC is indeterminate. International agencies are not clear how best to coordinate their efforts with the LRRRC, and question whether LRRRC is a national policy-making body or an implementing agency that will work in the field. The government needs to clarify the direction and vision of the LRRRC. Additionally, the government needs to recognize that this commission will be one of the most important government agencies in the coming year. Accordingly, the LRRRC should be given the authority and ability to take responsibility for creating a national reintegration and repatriation plan in conjunction with UNHCR. Repatriation will require more than taking people home in trucks. The LRRRC will need to create incentives to bring people home by rebuilding infrastructure and restarting community institutions, such as schools and hospitals. The LRRRC should include a unit that will monitor, report and advocate with regard to issues of protection to ensure that returnees are not harassed on the basis of ethnicity or political alliance and that persons who return to find their homes occupied are able to regain ownership.

V. REBUILDING STATE INSTITUTIONS

¹⁷In July 1991, the legislature of the Liberia National Transitional Government passed “An Act to Establish a National Commission on Repatriation and Resettlement” in order to assign a government body responsibility for the repatriation and resettlement of internally and externally displaced Liberians. LRRRC, “The Provisions of the Liberian Refugee Act and the Role of the Liberia Refugee Repatriation and Resettlement Commission,” (undated).

Without exception, all of Liberia's state structures have deteriorated severely as a result of the country's long-waged civil war. Of particular relevance to securing and maintaining respect for human rights in post-war Liberia are the reconstitution and revitalization of the Justice Ministry and judiciary, the national police force, the prison system, and the military.¹⁸

Although a democratically elected government is in place, and the security situation is better than it has been since the outbreak of the civil war seven years ago, Liberia remains in a very precarious position. Although the ECOMOG presence has not always been a positive factor in the peace process, the 11,000 ECOMOG troops served a very important function in the lead-up to the election and continue to be responsible for the secure environment. This arrangement, however, is only temporary. ECOMOG is scheduled to phase out by early 1998. A strong civil society, and competent and vigorous law enforcement will be necessary to ensure peace and stability in Liberia. The concerns that must now be addressed include the rebuilding of the justice system and the restructuring and training of the military and the police.

There is a pressing need for the justice and law enforcement systems to begin to address the likely consequences of the war, including property disputes that will erupt when returnees find their land occupied; the threat of retaliation by or against former combatants; and the general increase in violent crime within such a militarized society. There has been a steady increase in the numbers of armed robberies due to the ease with which former combatants engage in acts of violence, and the general lack of peacetime opportunities. State institutions need to begin to address these issues in order to ensure a secure environment in which reconciliation and rebuilding can take place.

The Ministry of Justice and the Courts

The Ministry of Justice is vested with great responsibility for the promotion of the rule of law in Liberia. The ministry of justice is responsible, among other things, for the administration of the judiciary, the National Police Force, and the Bureau of Rehabilitation (which administers the prisons).

During the Transition Government, most of the courts were reinstated both in Monrovia and in the countryside. However, some of the courts designated by the Transitional Government were tribunals that had been created by the NPFL faction during the war and were not necessarily headed by competent judges. The mandate of these courts expired one month after the election and all courts will be reconstituted (with new judges named) by the new government. During the Transitional Government, the courts were functioning without the necessary equipment or supplies to allow them to do their work effectively.

The Liberian justice system is headed by a five-judge Supreme Court, under which there are Circuit Courts and other courts of record (corresponding to the thirteen counties), and the Justice of Peace and Magistrate's courts. In addition to the statutory legal system, Liberia also has traditional courts that are bound by customary and unwritten law in domestic and land disputes, as well as petty crimes. Traditional courts cannot rule on issues governed by statutory law, and decisions by traditional courts can be reviewed in the statutory court system. Over the past two decades, the judiciary has been greatly weakened, not only by the war, but also by executive interference in the time of the Doe government. Arbitrary detention, executive interference and pressure on judges, as well as corruption, left a justice system that was virtually non-functional when the war broke out.

The new Liberian government has pledged to allow a strong and independent judiciary. A reconstituted Supreme Court has already been sworn in. The new chief justice, Gloria Scott, has publicly promised to uphold the integrity and independence of the judiciary and to resist interference from other government branches. This

¹⁸This section relies in part on background information contained in Lawyers Committee for Human Rights, "First Steps: Rebuilding the Justice System in Liberia," New York, December 1991.

commitment to judicial independence is the most important and crucial step towards establishing the rule of law in Liberia. But, the creation of a strong judiciary will require the selection of qualified and professional lawyers to the bench as well as better working conditions.

During the Transitional Government, the Bar Association (after much protest from the warring factions, particularly Charles Taylor) was permitted to provide recommendations for judicial appointments. The rationale for the involvement of the legal community in the process of judicial selection is to ensure that the judges selected are well-respected by their colleagues, and to encourage the nongovernmental Bar Association to have a voice in the process. The Taylor government should follow this precedent and engage the Bar Association's assistance in the creation of an independent judiciary.

The Police

The National Police Force is under the Ministry of Justice. During the Doe era, the police force was used as a means of providing jobs to political patrons. Although a high school diploma was a requirement for recruitment, most of the police force during the Doe years were illiterate. Prior to the war, the police force numbered approximately 2,000 members. There was some restructuring of the police force under the Transitional Governments during the war. By the time the election was held, during the war, the role of the police was limited mainly to traffic control and the protection of civilians from common crimes in Monrovia.

According to the police, their mission is:

to maintain order, ensure compliance with the regulation and laws of the region it is charged with enforcing, and to provide for the safety of all persons and their property within the region. This shall be accomplished with impartiality according to the highest professional law enforcement standards, with the utmost respect for human rights and dignity, with the goal of gaining and building public confidence and trust.¹⁹

In reality, however, the Liberian police have been responsible for arbitrary arrests, detention without charge, corruption and brutality during the Transitional Government, according to Liberian human rights groups. During that time, the size of the police force grew as the factions used police force appointments as a means to reward their supporters.

It is clear that the new government needs to determine what size force is needed for law enforcement, and to conduct a full screening of the existing police force. The police are currently preparing to re-open police stations throughout the country. The government initially named Charles Deshield to serve as police commissioner. In September 1997, the government's stated commitment to human rights was undermined by the appointment, without explanation, of notorious NPFL-stalwart Joe Tate to replace Mr. Deshield, which prompted the United States to immediately suspend its police training program. Joe Tate had previously served as police commissioner previously under the Transitional Government made up of appointees from the various factions. During that time, the police were responsible for abuses.

At the moment, the police are unarmed, and are working with ECOMOG to address crime, in particular the rise in armed robberies. Liberian patrol police should remain unarmed, but should be given batons and back-up radios so they can call for armed assistance when needed. The Police Commissioner should review and revise the internal rules on a range of procedures, including the use of teargas or violence.

The Military

The Armed Forces of Liberia (AFL), the government army under the Doe government, remains the official military, although ECOMOG constitutes the primary and only deployed military force at this time. With the possible

¹⁹Undated document provided by the Liberian National Police, Monrovia, July 1997.

exception of the many former combatants roaming the country without skills and opportunities, the restructuring of the AFL remains one of the greatest challenges to continued peace in Liberia. The AFL could pose a significant threat to the peace given its history and connections with several of the warring factions (none of which has been effectively demobilized to date). Numbering at least 7,000, and unpaid by the Transitional Government as of late July for almost a year, the mostly Krahn force remains encamped in very overcrowded conditions at the Barclay Training Center in Monrovia and the Schiefflin barracks on the outskirts of the city.²⁰

The AFL has had a history of ethnic and political persecution and serious human rights violations during the Doe government. President Doe had surrounded himself with members of his Krahn ethnic group. The Krahn make up less than 5 percent of the population, but are disproportionately represented in the AFL. The bulk of AFL troops are Krahn. As the war approached Monrovia in 1990, President Doe widely recruited members of his Krahn group and the allied Mandingo to serve in the AFL without any training. The AFL were responsible for widespread killings particularly of members of the Gio and Mano ethnic groups, not to mention widespread destruction and looting.

Following Doe's death, the AFL remained a player in the war by supporting factions opposed to Taylor's NPFL. Various efforts were made to neutralize the detrimental effects of the AFL by including them in peace talks and catering to their demands to remain in the barracks. As part of the demobilization process, AFL soldiers handed in their weapons.

²⁰Human Rights Watch/Africa interview, Gen. J. Hezekiah Bowen, former minister of defense, Monrovia, July 21, 1997; Augustine Otavius, "ECOMOG Gives Reasons on BTC Issue," *Monrovia Daily News*, May 1, 1997.

Since the election, the AFL have been organizing to make their demands heard by the Taylor government as fears of ethnic persecution and dismissal from their jobs become a possibility. The AFL leadership, Gen. Hezekiah Bowen, has expressed fears that a purging along ethnic lines of the military will take place now that Charles Taylor has won the presidency. This fear was further heightened shortly after the election when a former NPFL general, Isaac Musa, stormed the Ministry of Defense and threatened to “wipe everybody and sweep the AFL personnel [from the ministry]. . .,” stating “this is the time to get even with all of you at the AFL. . . we know what to do with everybody.” President Taylor did not respond publicly to this event, and has consistently talked of reconciliation and the need to ensure a well-disciplined military force. President Taylor has also agreed to an extension of ECOMOG’s stay in order for it to assist in the restructuring and retraining of the security forces.²¹

According to an outrageous proposal put forth by General Bowen, the AFL is asking to be retired with full pensions. At a cost of \$52 million, General Bowen is proposing that pensions for all soldiers, compensation packages, death or disability benefits for AFL families, a three month reintegration/training program, and the resettlement of retired soldiers in their home area. When asked by Human Rights Watch/Africa what the AFL would do if these demands were not met, General Bowen articulated a commitment to pursuing the matter constitutionally through the courts.

The Taylor government is currently reviewing these demands and is reportedly considering granting pensions to some AFL members and dismissing others (particularly those recruited at the outset of the war who were armed without any training). President Taylor has called for the integration of former fighters from all factions into the new AFL. In the same way that this gesture will neutralize the possible threat of renewed fighting by disgruntled fighters, the Taylor government needs to ensure that the fears of the existing AFL soldiers are dealt with.

Another major concern is the fact that ECOMOG is slated to train the restructured military. Given ECOMOG’s own past history of human rights abuses, corruption and active support for anti-NPFL factions during the war, the West African peacekeeping force does not provide a good training model. ECOMOG should not be responsible for such training unless there is active oversight from the U.N. and the International Committee for the Red Cross, and unless a component on human rights and humanitarian law is included in the training.

Prisons

The Ministry of Justice, through the Bureau of Rehabilitation, is responsible for managing civilian prisons. During the Doe era, military prisons were controlled by the Armed Forces of Liberia. The prisons run by the Ministry of Justice are intended for to hold persons either charged or convicted. Police cells are used for detaining suspects and others without charge. The prisons have historically been overcrowded, without ventilation or sanitary facilities. Prisoners were often subjected to violence at the hands of prison guards. The three major prisons during the Doe era were the Monrovia Central Prison, the Post Stockade Military Prison (in Monrovia), and a notorious maximum security prison camp, Belle Yallah, in Lofa County. During the civil war, the prisons were damaged and emptied as the fighting spread throughout the country.

Prior to the election, Monrovia Central Prison had been reopened by the Interim Government, followed by the Transitional Government, and has been functional for a number of years. In July, 1997, there were reportedly some 60

²¹A. John Kollie, “Isaac Musa Storms Defense,” *The Inquirer* (Monrovia), July, 31, 1997; “There Will Be No Witch Hunting,” *Daily Times* (Monrovia), July 28, 1997; Text of presidential inauguration speech by Charles Taylor, Liberia Communications Network radio, August 2, 1997; “President Taylor Negotiates Extension of ECOMOG mandate,” BBC Summary of World Broadcasts, September 2, 1997, Source: Liberia Communications Network radio, August 30, 1997.

to 70 (only 2 to 3 female) prisoners being held. The International Committee of the Red Cross (ICRC) has rebuilt latrines in the prison and replaced some roofing. However, physical repairs are still required, as are a great many other improvements to the prison system.

Additionally, the new government should continue the registration system established during the Transitional Government and ensure that the prisons cooperate with the County Attorney's office to see that suspects are brought before the court within the 48 hour constitutional requirement. During the Doe era, the lack of a log-book and a mechanism to monitor the intake of prisoners had been one reason that prisoners languished for years without trial in Monrovia Central Prison.

The Human Rights Commission

Given Liberia's history of massive human rights violations, the announcement by President Taylor that a Commission on Human Rights would be created by his government was, in principle, a welcome development. However, for such a commission to genuinely play a role in establishing accountability and transparency, it must be given the mandate, independent authority and adequate government funding to do so. Most importantly, the commission must be given the clout to enforce and to make public its findings. A human rights commission that does not have the necessary investigative capability and the will and means to make its findings and recommendations heard may prove to be a paper tiger.

Ultimately, the real test of the Taylor government's human rights commission will be in its actions. The commission's record over the course of its first year will go some way toward answering the following pivotal questions:

- Will the commission possess real investigatory capacity?
- Can the commission institute real and serious investigations?
- Will the commission go beyond perfunctory investigations and pursue an agenda that encompasses issues of national importance?
- Does the commission have the requisite budget and infrastructure?
- Does the commission have the independence required to investigate the government's actions and make public its findings?

If the answer to these questions is no, the Liberian government's human rights commission will join the list of other such government-sponsored bodies on the African continent that have been created merely to deflect criticism. The Taylor government's credibility on human rights will rest very heavily on the success of this commission.

The terms of reference for this commission are still being drafted by the Taylor government. Unfortunately, the government has not consulted widely with the broader society to discuss how such a commission could best function to serve the needs of the Liberian people. In the September draft bill for the creation of this commission, the government listed only select nongovernmental groups from which its commissioners would be drawn: The National Human Rights Center of Liberia (a coalition group), the National Bar Association, the Liberian Council of Churches, the National Moslem Council and the Press Union of Liberia. While these groups were desirable choices, the restrictions against the involvement of other nongovernmental organizations was questionable, particularly since one of Liberia's leading human rights groups, the Catholic Justice and Peace Commission was not on the list. The Catholic Justice and Peace Commission had been particularly outspoken regarding the Taylor faction's human rights violations during the war.

VI. DEALING WITH THE PAST

Accountability for Human Rights Abuses

Having come out of a situation of brutal conflict in which civilians were overwhelmingly targeted by all factions, there is a need for the government to take steps to hold those responsible for committing gross abuses of human rights accountable for their crimes. Reconciliation and rebuilding efforts will continue to be haunted by the fact that there has been no punishment for those who have committed some of the most unimaginable atrocities. Unfortunately, international efforts to negotiate peace in Liberia dispensed with accountability in an effort to find a political solution. One human rights activist lamented that “the whole peace process undermined justice.”²² Another said, “Reconciliation requires coming to terms with the past. There has to be some acknowledgment that what was done was wrong.”²³ Yet another said “The future political role of some of the major players in the conflict has just been left to the magnanimity of the new president.”²⁴

Human Rights Watch/Africa believes that those who commit gross abuses of human rights should be held accountable for their crimes. It is the responsibility of governments to seek accountability regardless of whether the perpetrators of such abuses are officials of the government itself. Article 19 of the Cotonou Peace Accord of July 25, 1993, granted a general amnesty “to all persons and parties involved in the Liberian civil conflict in the course of actual military engagements.” Human Rights Watch/Africa holds that this amnesty does not cover acts outside the scope of combat that are prohibited under international humanitarian law, such as killings of civilians and torture. Where former combatants have wantonly committed human rights abuses, they should be held accountable in a Liberian court of law.

Human Rights Watch/Africa also recognizes that accountability may also be achieved by public disclosure and condemnation in cases of lesser responsibility and/or less severe abuse. The government should also create a truth commission, perhaps as part of a commission on reconciliation, to collect testimony and evidence about the wrongs committed during the course of the war and publicly name those responsible for the acts. Comparative efforts from elsewhere in the world could be looked to as examples by the Liberian government to create such a commission.

Women’s Human Rights in Post-Conflict Liberia

Past and current human rights violations against Liberian women continue to undermine their ability to fully play a part in the economic and political rebuilding process. As a result of both the violence inflicted upon them and of their second-class status under law, Liberian women continue to be faced with unique problems. Many women who lost everything are now heads of households for the first time. Most of the refugees are women and children. Many of these women are faced with the difficult responsibility of trying to rebuild their lives while providing food and shelter to their children.

According to Liberian women and local and international women’s groups, sexual violence was extremely prevalent during the Liberian war. One study conducted by the Center for Abused Women and Girls, a Liberian nongovernmental organization, found that rape survivors included women and girls from ages ten to sixty-five years.

²²Human Rights Watch/Africa interview, Monrovia, July 16, 1997.

²³Human Rights Watch/Africa interview, Monrovia, July 14, 1997.

²⁴Human Rights Watch/Africa interview, Monrovia, July 14, 1997.

Fighters from all the groups regularly raped women and girls, often forcibly keeping them for long periods, for sex and for menial labor. Like elsewhere in the world, many Liberian women do not want to acknowledge that they were raped due to the stigma. Often rape survivors do not tell anyone in their family about the rape because of feelings of shame, guilt, and self-blame. As a result, many Liberian women have been unwilling to seek the help they need to address the health complications, psychological trauma, and social isolation they have experienced as a result of the violence inflicted on them.

Due to the war, traditional family and community support networks have broken down. Many young girls who should be in school have been forced into situations such as prostitution or household labor in order to support themselves. The problems facing these girls and women have resulted in a rise in sexual exploitation, particularly of young girls, and of sexually transmitted diseases including HIV/AIDS. One children's rights activist noted that "the number of pregnant girls in Liberia is frighteningly high from rape and exploitation. We are seeing more twelve and thirteen-year-old girls being exploited. For instance, young girls are taken in by relatives and in return they are expected to clean the house and have sex with the man of the house. Often these girls have no immediate family to return to and no other choice but to remain in such a situation."²⁵

Compounding the difficulties is the fact that when women return to their homes of origin, they encounter long-standing customary practices that discriminate against them. Such discrimination may limit women's ability to claim their property as they return to their home areas. Displaced widows are likely to face difficulties as they return to find their homes occupied. The situation is further compounded for women not married in a civil ceremony. Under customary law, women cannot inherit, and are often treated as property themselves despite article 11 of the Liberian Constitution that guarantees equal protection under the law. This discrimination will pose difficulties for the large number of female-headed refugee and internally displaced households who will be returning to their home areas. Currently, due to the efforts of the Association of Female Lawyers in Liberia (AFELL), a Liberian nongovernmental organization, a draft bill has been brought before the legislature which, if passed, would grant inheritance rights to women married under customary law. This bill should be passed as soon as possible and steps should be taken by the government to assist returning refugees and displaced persons, the bulk of which are women and children, to secure their property.

Demobilization of Soldiers (Including Child Soldiers)

The complete demobilization of combatants is a critical step toward lasting peace in Liberia. In an eleven-week period between November 1996 and February 1997, ECOMOG troops disarmed 21,315 NPFL, ULIMO and AFL fighters/soldiers—including some 4,306 children and 250 female adults—of an estimated total of 33,000 fighters.²⁶ The United Nations Observer Mission in Liberia (UNOMIL) monitored and verified the disarmament process, while the Liberian transitional government created the National Disarmament and Demobilization Commission (NDDC) to facilitate the process. The exercise can be viewed as substantially complying with the peace accords. However, the high percentage of disarmed combatants only resulted after the estimated overall number of combatants was reduced from 60,000—a likely inflated figure reported by the factions in 1995, to 33,000.

Although thousands of weapons were handed in, weapons continued to be discovered in ECOMOG raids throughout the disarmament period. During the last weeks of the voluntary disarmament period, there was a dramatic increase in the numbers of weapons collected, particularly heavy artillery, as well as a realization that the factions continued to hoard weapons. The determination and forcefulness of the ECOMOG Force Commander, Nigerian Maj. Gen. Victor Malu, was largely responsible for the successful disarmament. Threat of additional sanctions may have also played a role, including strengthened punitive measures against faction leaders that did not comply with the peace

²⁵Human Rights Watch/Africa interview, Monrovia, July 23, 1997.

²⁶U.N. Secretary-General, "Twenty-Second Progress Report of the Secretary-General on the United Nations Observer Mission in Liberia," U.N. Doc. S/1997/237, March 19, 1997, para.13.

accord, including restrictions on travel, freezing of assets, visa exclusions of family and associates, and the possibility of international prosecution in a war crimes tribunal called for by the Organization of African Unity (OAU). These sanctions were, however, never acted upon.

Hidden weapons continued to be discovered well after the end of voluntary disarmament, and some 3,750 weapons and 152,500 pieces of ammunition were uncovered shortly before the election through cordon and search operations by ECOMOG.²⁷ Some excessive force was used by ECOMOG in the course of these operations.

Due to the short time timetable for the implementation of the peace process, little more than confiscation of weapons occurred before the election. Combatants were not systematically given psychological counseling, training or other vocational opportunities, or even transported and integrated into their home communities. The lack of time also led to insufficient resources and planning to allow for long-term demobilization programs to be established.

To date, former combatants remain grouped together. In many places, they have not been integrated into communities. The chain of command remains intact and these combatants can be easily rearmed and organized into their former structures. Even if they do not pose a threat to national security, many of these combatants have no jobs and may be prompted to turn to organized criminal activity. One displaced person in Kakata told Human Rights Watch/Africa, "we have problems with the fighters when they don't have jobs or money. They are used to having money."²⁸

Even more disturbing, throughout the country former combatants continue to operate as an informal civil authority.²⁹ In Kakata, former NPFL fighters interviewed at the Kakata Research and Teacher Training Institute

²⁷One of the more dramatic discoveries took place on March 7, 1996. ECOMOG troops conducted an investigation of the residences of former faction leaders and Alhaji Kromah was arrested when three truckloads of weapons and ammunition were found at his residence in Monrovia. U.N. Secretary-General, "Twenty-second Progress Report of the Secretary-General on the United Nations Observer Mission in Liberia" U.N. Doc. S/1997/237, March 19, 1997; As recently as July 1, ECOMOG was reported to have recovered 159 assault guns and ammunition in Bong County. "West African Peacekeeping Force Recovers Hidden Arms and Ammunition," text of report by Liberia Communications Network radio, July 1, 1997; A source also confirmed that arms had been transported across the borders by the factions into small towns and villages in neighboring countries. Human Rights Watch/Africa interview, Monrovia, July 14, 1997.

²⁸Human Rights Watch/Africa interview, Kakata, July 24, 1997.

²⁹In Zwedru, only 284 fighters were disarmed and the newly constituted civil authority consisted of the superintendent and her deputy, who were the LPC battle commander and military chief of staff, respectively. Refuge Policy Group, *Participation of Refugees and Internally Displaced Persons in the Liberian Elections* (Washington, DC: 1987); Justice and Peace Commission,

(KRTTI) displaced persons camp stated they decided to stay after they captured the town. Over 500 former combatants remain in the town. Neither transportation to another area nor encampment in a demobilization center took place.³⁰

The ages of the demobilized fighters ranged from six years old to seventy-two years old. The average age of the fighters was between fifteen and twenty-eight years old. The largest number of fighters came from Lofa county (approximately 6,000). Although most fighters had some formal schooling, at least 4,000 had no educational qualifications. The rest had only elementary education. Very few fighters had attended college or vocational training. Many of these fighters had been given drugs, such as marijuana.

There has been little or no social demobilization to reintegrate these soldiers into their communities. Child soldiers have been returned to their families, but little support has been available in cases where reintegration into the family has caused problems. In many cases, help is not needed and child soldiers have been able to make the transition without difficulty. In other cases, however, families are struggling with the after effects of having their children turned into killers. One father spoke to Human Rights Watch/Africa about the difficulties of dealing with his son, a former fighter who had come home:

"Briefing Paper, April-May 1997, " Monrovia.

³⁰Human Rights Watch/Africa interview, KRTTI displaced persons camp, Kakata, July 24, 1997.

I have two sons who were forced to become fighters at ages fourteen and seventeen years old. Their minds are polluted. My son does things differently. He beats and kicks his sisters. He has no respect for me. He warns me that he has one bullet for me. I have tried to talk to him, but it is not easy to love him anymore. My other son has been easy to come back. I think it is the commanders that they were under.³¹

According to the U.N. Humanitarian Assistance Coordination Office (HACO), some 21 percent (about 4,000) of the soldiers demobilized were children. The ratio of child soldiers was higher than the expected 15 percent and the U.N. believes that these numbers indicate not only that more children were involved with factions than expected, but also that the factions were more willing to release children before adults in order to conserve their troops more effectively. A small number of non-combatant children (particularly street children) around Monrovia also sought to enter the demobilization program in order to take advantage of the incentives being offered at sites where child soldiers were not required to hand in a weapon.

According to UNICEF, the physical and psychological status of these children has varied from place to place, but they all share trauma, uncertainty about their future, insecurity, and above all, a desire to go back to school or to learn some trade. UNICEF estimates that some 15,000 to 20,000 children directly participated in the war. Many of these children have seen or participated in brutally violent acts, were forced to kill or maim, were exposed to fighting, and were themselves victimized and beaten. Some fought with different factions as a means of survival. According to UNICEF, 60 percent of Liberia's school-going children are not in school. Those that are in school are faced with ill-equipped facilities and staff.

Many child soldiers served in the faction for over five years. When asked what they wanted to do with their lives, 77 percent of the child soldiers replied that they wanted to attend school. Ten percent said they wanted to learn a trade; another 10 percent wanted to go into petty trading; 2 percent wanted to go into business; and less than 1 percent said they wanted to go into civil work. A number of people in the humanitarian community noted that there was a need for educational or vocational institutions for demobilized child soldiers who could no longer return to the school level they were in when the war began. One children's rights activist noted that the demobilization process

concentrated mainly on handing in weapons. Yet more was needed. When you look at these children, many of them may not seem traumatized in the way you imagine. They seem 'normal,' but developmentally they are stunted. They themselves talk about lost time. Many are not in school. But they want to be. They realize the value of education. However, there was little coordination and organization to provide what was needed for these children at the outset. I attended a meeting called by the U.N. in November [1996], when the demobilization process was already half finished, and they were just beginning to discuss bridging packages for child soldiers.³²

³¹Human Rights Watch/Africa interview, Kakata, July 24, 1997.

³²Human Rights Watch/Africa interview, Monrovia, July 13, 1997.

Despite the inadequacy of the demobilization of combatants, including children, the process has been considered a success by the U.N. and ECOMOG. Peter Tingwa who heads the U.N. Humanitarian Assistance Coordination Office (HACO), was quick to characterize the demobilization as a success to Human Rights Watch/Africa despite the limitations. Mr. Tingwa stated that demobilization was "successful in one way. . .because it did, in several places, break down the command structure. . .[In Bomi county] Ulimo is gone. . .Although, in some areas, commanders still exercise control, in the whole, our assessment was those ties would break down."³³ However, it is unlikely that the problem of the thousands of former fighters is going to disappear without a government effort to complete the demobilization process. The command structure of many faction battalions will continue to operate on the ground and pose a potential problem of crime and insecurity unless the government takes steps to provide training or employment opportunities to the former fighters. Former fighters should be encouraged to return to their home areas and not remain grouped together in areas where they constitute an intimidating presence. Further, the government should continue to search for the hidden arms and ammunition that remain scattered around Liberia.

VII. THE ROLE OF THE INTERNATIONAL COMMUNITY

The international community has consistently focused on finding a political solution to the conflict in Liberia, but often at the expense of the long-term objectives that would ensure peace. The international determination to hold elections, at almost any cost, clearly demonstrated this desire to achieve a resolution to the conflict regardless of other considerations, such as demobilization or refugee repatriation. The "bridging" projects that were sponsored by the U.N. and other international organizations in the transitional period from war to peace contained virtually no human rights components. Furthermore, now that the election has been held in Liberia, what little international attention was focused in the lead-up to the election has notably diminished at the time when Liberia's democratic forces need it most.

Although the humanitarian support for the population remains a vital service that the international community provides, longer-term objectives must be pursued in international programs for the reconstruction of Liberian society. These include the integration of human rights concerns into international programs and an unwavering commitment on the part of the international community to the respect for and enforcement of the rule of law in Liberia. To support these goals, the international community should be willing to condition continued aid to Liberia on the respect for human rights. Unless the international community utilizes this opportunity to promote respect for human rights in Liberia, the situation may very easily deteriorate.

United Nations

Like other international actors in Liberia, the U.N. has done much less than it could have to report on, advocate for, and prevent human rights abuses, or even to enforce the arms embargo it imposed. In 1993, the U.N. Security Council created the U.N. Observer Mission (UNOMIL) to help supervise and monitor the Cotonou peace agreement in conjunction with ECOMOG. UNOMIL's mandate was to report on cease-fire violations and violations of humanitarian law. In late 1995, UNOMIL's responsibilities were expanded to include "investigat[ing] and report[ing] to the Secretary-General on violations of human rights..." One Liberian human rights activist observed: "UNOMIL's human rights component is only on paper. The U.N.'s approach consistently marginalized human rights hoping that when the conflict was resolved that the human rights problems would quietly fall into place."

³³Human Rights Watch/Africa interview, Peter Tingwa, director, U.N. Humanitarian Assistance Coordination Office (HACO), Monrovia, July, 21, 997.

Although UNOMIL's initial human rights efforts were marginal throughout, the human rights component of the mission eventually grew from one position to three. The effectiveness of the three human rights officers in Liberia was limited by a lack of resources, the insecurity in the country, the marginalization of the human rights unit within UNOMIL and the larger U.N., and the willingness of the international community to dispense with human rights concerns in the search for transient political solutions. The twenty-first progress report of the secretary-general on UNOMIL referred to seven ongoing investigations of possible human rights violations. The results from these investigations were never released publicly, including the reports from the October 1996 Sinje massacre investigation.³⁴

Moreover, UNOMIL never actively took on the task of providing international scrutiny of the misconduct of ECOMOG troops—a role that, given the circumstances, only UNOMIL could have played. UNOMIL should have monitored the ECOMOG mission, since the two were supposed to deploy together and the conduct of ECOMOG contingents required this oversight. In the twenty-second progress report of the secretary-general on UNOMIL, the U.N. stated that “some ECOMOG soldiers may have mistreated former fighters during weapons recovery operations,” and that ECOMOG indicated that it would conduct investigations.³⁵ No investigative findings from either UNOMIL or ECOMOG have been released and it is not clear whether any investigation was conducted. If it was, both the UN and ECOMOG should release their reports publicly. A Liberian human rights organization, the Justice and Peace Commission, reported in June 1997 that a man was beaten to death in Bong County by ECOMOG troops for possession of a weapon. These allegations were widespread within Liberia, however, no reference to any UNOMIL human rights investigation appears in the secretary-general's progress reports. The failure of UNOMIL to investigate these incidents and to release these reports raises questions as to whether the U.N. has played a part in covering up human rights violations committed by ECOMOG soldiers.

Another U.N. body in Liberia is the U.N. Humanitarian Assistance Coordination Office (HACO). The U.N. Department of Humanitarian Affairs (DHA) established HACO in November 1995 to: coordinate the delivery of humanitarian assistance and to conduct the demobilization and initial reintegration programs for former combatants into civilian life. Most U.N. staff in Liberia concede that HACO's coordination role was never effective. However, HACO is still seeking to obtain donor funding to continue its coordination role until the end of the year. With regard to the latter responsibility, HACO was extremely involved in the demobilization process, but time constraints in the run-up to the election prevented a full demobilization program to be carried out (see section on Demobilization of Soldiers).

Now that the election has taken place, UNOMIL has fulfilled its mandate and the staff has departed. Nine UNOMIL military observers remained to assist in sorting and classifying the 10,000 weapons and 1.24 million pieces of ammunition that were secured during the demobilization process, currently in joint ECOMOG/UNOMIL custody. Negotiations are currently underway with the Liberian government for the custody and disposal of the weapons.

As of this writing, the U.N. also reached agreement with President Taylor for the creation of a small U.N. political office, to serve as a focal point for post-conflict peace-building activities of the United Nations in Liberia and have overall authority for coordination of the United Nations system in the country. The proposed role for this U.N. office, under the auspices of the U.N. Department of Political Affairs, will be to provide advisory and technical assistance to the government in defining post-conflict priorities (including in the area of human rights), to mobilize

³⁴U.N. Secretary General, “Twenty-First Progress Report of the Secretary-General on the United Nations Observer Mission in Liberia,” U.N. Doc. S/1997/90, January 29, 1997, para. 25-30.

³⁵U.N. Secretary General, “Twenty-Second Progress Report of the Secretary-General on the United Nations Observer Mission in Liberia,” U.N. Doc. S/1997/237, March 19, 1997, para. 37.

international funds for Liberia, and to coordinate and liaise between the government and the international community. This office would have an extendable six-month mandate. As of this writing, the details of this peace-building unit and its starting date were still being finalized. The stated terms of reference of this unit were a welcome addition to the U.N. presence in Liberia and would provide the U.N. with an opportunity to call for human rights considerations to be fully incorporated into the government's rebuilding process. The unit's proposed coordination role would need to be further clarified. With both HACO and UNOMIL seeking to play a coordination role for the U.N. in Liberia, it was somewhat unclear exactly which agency would be tasked with overall coordination and why there would be a need for two overseeing U.N. bodies in a country the size of Liberia.

As the presence of UNOMIL diminishes, that of the U.N. Development Program (UNDP) and UNHCR will increase.³⁶ Already, UNDP has begun to put forward program plans in a number of areas pertaining to reintegration of the internally displaced and governance (See section on the Internally Displaced). UNDP has a broadly defined mandate to promote sustainable development. UNDP's work has largely been limited to non-emergency situations in which it works closely with governments to implement development programs. UNDP has traditionally not interpreted its role as formally including human rights work, either in a monitoring and reporting capacity nor has it taken active measures to incorporate human rights into its programs as a matter of course.³⁷

In a situation such as exists in Liberia, in the aftermath of seven years of war and massive human rights abuses, UNDP will be challenged to stretch its traditional capacity to address the operational challenges posed by the situation. If UNDP does not incorporate a strong human rights component into its programs, the U.N. effort in Liberia could fail to contribute to a durable and lasting rebuilding effort. Adama Guindo, UNDP's resident representative has expressed a commitment to finding ways to support projects with human rights implications. Human Rights Watch/Africa hopes that UNDP will soon articulate what steps it is planning to take in order to accomplish this goal.

ECOMOG

Since the outbreak of fighting in Liberia, the West African peacekeeping force ECOMOG has consistently played a role—as a groundbreaking example of regional initiative at times and a troublesome contributor to the violence and lawlessness at others. As a new government takes office, ECOMOG will be phased out and it will cease to hold a *de facto* monopoly on the use of force.

One last role for ECOMOG is the training of the new military and police forces. According to the peace accords, ECOWAS will assist in the restructuring of security forces. At the ECOWAS Foreign Ministers meeting on August 26-27, 1997, ECOMOG's stay was recently extended in order for the regional peacekeeping force to "help consolidate and strengthen security in the country, and to assist with the restructuring and training of the Armed Forces of Liberia, as well as the police and security services."³⁸

³⁶For an assessment of UNHCR's role, see the section above on Refugees and the efforts of UNHCR.

³⁷See Human Rights Watch/Africa, *Failing the Internally Displaced: The UNDP Displaced Persons Program in Kenya* (New York: Human Rights Watch, June 1997).

³⁸"Final Report of the Secretary-General on the United Nations Observer Mission in Liberia," U.N. Doc. S/1997/712, September 12, 1997.

Due to ECOMOG's history in Liberia, which involved looting and arming certain factions, this is an area of major concern.³⁹ Although Gen. Victor Malu's appointment as the force commander of ECOMOG has led to a much higher level of professionalism, reports of abuse by ECOMOG troops continue. These include reports of arrest and detention without trial, of civilians as well as former combatants, since ECOMOG also functioned as the civil authority within the country. ECOMOG's actions in cordon and search operations during the demobilization process raised concerns over the serious human rights violations that were reported. ECOMOG has engaged in arrests and detention without due process, and beatings and torture of those in their custody, leading to deaths, in at least two cases, of men suspected of hoarding weapons. ECOMOG has also shown itself very willing to detain civilians, despite the fact that it is supposed to hand over suspects to the Ministry of Justice to be charged. Also of concern is the overwhelming predominance of the Nigerian military in ECOMOG. Since the Nigerian military government currently in power has engaged in egregious abuses of human rights within Nigeria, it is difficult to have confidence in the ability of this national army to adequately train another nation's military to respect the rule of law.⁴⁰

European Union and its Member States

The European Union (E.U.), through the European Commission's Aid Coordination Office in Liberia, has continued to provide the country with assistance through the transition period. The E.U. has focused not only on the immediate humanitarian needs of Liberians, but is also planning to concentrate its efforts around the process of post-war reconstruction. More specifically, it has invested in reviving public utilities, assisted with the retraining of ex-combatants, supported the repatriation of refugees, and assisted in the electoral process. The E.U. plans to provide support to Liberia's rebuilding efforts. Future activities will include assisting in the development of a vigorous civil society, building schools, and focusing on government projects. The E.U. has rolled over its funds for the last seven years for Liberia and so a large amount of money is available. Human rights should be made a condition of continued aid. The E.U. office in Monrovia told Human Rights Watch/Africa that the E.U. will seek responsible governance in Liberia, including respect for human rights, as a condition for the provision of its planned assistance, with an emphasis on capacity building in all the programs it sponsors, including those assisting in the development of a strong civil society. However, the development of an effective monitoring mechanism remains the challenge to this policy. Without an adequate means of monitoring and reporting on the government's human rights record, the E.U. cannot effectively implement this policy. The U.N. and local human rights organizations have a role to fill in this area.

United States

The United States (U.S.) has remained a significant contributor in Liberia, providing close to U.S.\$100 million in assistance in 1997. This includes approximately U.S.\$30 million to ECOMOG, U.S.\$30-50 million in humanitarian assistance, and U.S.\$9 million for elections. This does not reflect U.S. contributions to U.N. activities in Liberia. Having assisted with the training of five hundred police by the International Criminal Investigation Training Assistance Program (ICITAP) for the July 19 elections, the U.S. has committed to continue assisting with the rebuilding of the Liberian National Police and the judiciary, also through ICITAP. Assistance may be provided for the rebuilding of the military if the government scales it down to a border patrol-type force of around five thousand. In September 1997, following the appointment of Joe Tate as police commissioner, the U.S. suspended its police training program based on human rights considerations (See section on the Police).

³⁹See Africa Watch (now Human Rights Watch/Africa), "Waging War to Keep the Peace: The ECOMOG Intervention and Human Rights," *News from Africa Watch*, vol. 5, no. 6, June 1993; Human Rights Watch/Africa, "Liberia: Human Rights Abuses by the Liberian Peace Council and the Need for International Oversight," *News from Africa Watch*, vol. 6, no. 3, May 1994; Binaifer Nowrojee, "Joining Forces: United Nations and Regional Peacekeeping—Lessons From Liberia," *Harvard Human Rights Journal*, Vol. 8, Spring 1995.

⁴⁰See Human Rights Watch/Africa, "Permanent Transition: Current Violations of Human Rights in Nigeria," *A Human Rights Watch/Africa Short Report*, vol. 8, no.3, September, 1996.

The U.S., through the U.S. Agency for International Development (USAID), has developed a plan to participate in Liberia's redevelopment that is conditioned on a number of factors. The plan includes a governance component that calls for the Liberian government to respect human rights, among other provisions. Specifically, State Department personnel have made reference to freedom of the press, freedom of association, including respect for opposition gatherings, and a transparent justice system. The U.S. will also seek to have human rights education integrated into the school curriculum. State Department personnel also recognize the need to support local nongovernmental organizations, and have stated a commitment to assist them develop.

Although the U.S. has deferred to regional attempts to resolve the Liberian conflict, the rebuilding of Liberian society should include active support from the U.S., given its past role in Liberia. Moreover, in the past, the U.S. has downplayed human rights considerations in its policy toward Liberia. It is important that in this rebuilding period, that respect for human rights remains a condition of continued U.S. aid.

VIII. ACKNOWLEDGMENTS

The report was written by Binaifer Nowrojee, counsel to Human Rights Watch/Africa. The refugee section was co-authored with Alison Parker, consultant to Human Rights Watch/Africa. The sections on the military, the demobilization of soldiers, and the international response were co-authored with Kokayi Issa, former Leonard H. Sandler Fellow. The report was edited by Peter Takirambudde, executive director of Human Rights Watch/Africa and Wilder Tayler, general counsel. Relevant sections were edited by Joanna Weschler, U.N. representative to Human Rights Watch; Lotte Leicht, Brussels office director; Regan Ralph, Washington director, Human Rights Watch/Women's Rights Project; and Lois Whitman, executive director, Human Rights Watch/Children's Rights Project. Invaluable production assistance was provided by Associate Ariana Pearlroth.

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