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country summary

## Liberia

During 2010 the Liberian government made some gains in consolidating the rule of law, ensuring sound fiscal management, and improving access to key economic rights, including health care and primary education.

However, inadequate police response to persistent violent incidents, continued deficiencies in the judiciary and criminal justice sectors, and the failure to prosecute civil servants implicated in large-scale embezzlement resulted in increased domestic and, to a lesser extent, international criticism of the government of President Ellen Johnson-Sirleaf. Concern about these weaknesses was heightened by several risk factors, notably high unemployment, communal tensions, and the upcoming 2011 presidential and parliamentary elections.

Meanwhile, there was little progress in ensuring justice for victims of war crimes committed during Liberia's years of armed conflict, or in implementing the recommendations of the 2009 report of Liberia's Truth and Reconciliation Commission (TRC).

### **Insecurity and Police Conduct**

High rates of crime, including armed robbery and rape, as well as violent protests over layoffs and land disputes, including one in Lofa county that left four dead, continued to be of major concern in 2010.

The undisciplined, poorly managed, and ill-equipped Liberian police were challenged to maintain law and order. On several occasions, their failure to do so necessitated the intervention of United Nations peacekeepers, deployed to Liberia since 2003. Lack of public confidence in the police and criminal justice systems led people to take justice into their own hands, resulting in mob attacks on alleged criminals and others, causing several deaths.

Liberian police continue to engage in unprofessional and sometimes abusive and criminal behavior, including frequent absenteeism, extortion, bribery, assault, and rape. They frequently fail to adequately investigate alleged criminals, and when they make arrests, suspects are often freed. Lack of funding for transportation and communications equipment further undermines the effectiveness of the national police, especially in rural areas.

However, the police demonstrated some improvement in 2010. Crime levels in Monrovia, the capital, dropped somewhat as a result of more proactive patrolling. The actions of two new elite squads – the Emergency Response Unit and the Police Support Unit – led to multiple arrests and showed promise in responding to unrest. The police leadership showed an increased willingness and ability to respond to complaints of misconduct within the force, and implemented a performance appraisal system to monitor individual officers, and a database to track cases of misconduct.

### **Judiciary Weaknesses**

Persistent deficiencies in Liberia’s judiciary led to widespread abuses of the right to due process and undermined efforts to address impunity for the perpetrators of crimes. The problems include insufficient judicial personnel, including prosecutors, public defenders, and clerks; an inadequate number of courtrooms; logistical constraints, including insufficient computers, photocopiers, and vehicles to transport prisoners and witnesses to court; archaic rules of procedure; and poor case management. Witnesses’ refusal to testify, jurors’ willingness to accept bribes, and unprofessional and corrupt practices by judicial staff also undermined progress.

Because of the courts’ inability to adequately process cases, hundreds of prisoners were held in extended pretrial detention in overcrowded jails and detention centers that lack basic sanitation, nutrition, and health care; in 2010 just over 10 percent of the roughly 1,700 individuals detained in Liberia’s prisons had been convicted of a crime. The number of jailbreaks—at least 12 in 2010—illuminated continuing weaknesses in the criminal justice system. Improvements included the deployment of over 20 public defenders throughout Liberia and a mobile “fast track” court operating out of the Monrovia Central Prison, which helped to clear the backlog of pretrial detainees.

### **Harmful Traditional Practices**

Serious abuses and some deaths resulting from harmful traditional practices continued to occur in 2010, in part because of distrust of the judicial system and the absence of law enforcement and judicial authorities. These included ritual killings, including one case in which alleged perpetrators were local government officials; killings of alleged witches; and “trials by ordeal” in which suspects of crimes are forced to swallow the poisonous sap of a tree or endure burning, their guilt or innocence determined by whether they survive. The government condemned these practices and on several occasions the police and judiciary took action against alleged perpetrators.

## **Sexual Violence**

The incidence of rape of women and girls continued to be alarmingly high in 2010, despite the establishment in 2009 of a dedicated court for sexual violence. The majority of victims were under the age of 16. While public reporting and the police response to reports of rape improved, deficiencies in the justice system and the reluctance of witnesses to testify hampered efforts to prosecute cases.

## **Corruption**

While authorities made progress in conducting regular audits and putting programs in place to improve public finance management, these efforts made little headway in curbing official malfeasance. Corruption scandals—including allegations involving the ministers of information, interior, and gender; the inspector general of police and police deputy commissioner for administration; the head of the Telecommunications Authority and high-level members of the Finance Ministry and Central Bank—resulted in few investigations and only two convictions, with a third case pending. The work of the Anti-Corruption Commission, created in 2008, was hampered by insufficient funds, personnel, and authority to independently prosecute cases. The government's refusal to prosecute some high-ranking civil servants and to take action against individuals cited in a controversial financial audit led to the perception that the president lacks the will to address the problem. Corrupt practices in large part gave rise to the armed conflicts that wracked Liberia in the 1990s and ended in 2003, and have long undermined the provision of basic education and health care to the most vulnerable.

The Liberia Extractive Industries Transparency Initiative, in effect since 2009, was implemented over the course of the year, but the lack of government control over some mining areas undermined adherence to the Kimberley Process Certification Scheme, the global effort to end the trade in conflict minerals.

## **Legislative Developments**

In September the parliament passed the Freedom of Information Bill, and also finally constituted the Independent National Commission on Human Rights, seven years after it was mandated by the Comprehensive Peace Agreement to protect human rights and oversee the implementation of the TRC's recommendations. Problems marred the selection of the commission's members—including a flawed vetting procedure, inadequate involvement of civil society groups, and the initial selection of a member with close ties to the president,

and of other members who lacked relevant experience—generating concerns about the president’s commitment to the commission and its potential for independence.

### **Truth and Reconciliation Commission and Accountability**

The Liberian government made no progress in ensuring the prosecution of those responsible for war crimes committed during the armed conflicts, and made little effort to implement the recommendations of the TRC.

The TRC, mandated to investigate human rights violations committed between 1979 and 2003, presented its final report to the government in December 2009, and concluded its four-year mandate in June 2010. Its key recommendations included dispensing reparations; establishing a criminal tribunal to prosecute the most notorious perpetrators; barring from public office scores of former supporters of the warring factions, including the current president; and instituting an informal village-based reconciliation mechanism. Implementing the recommendations was slowed by disagreement about whether the executive, legislature, or the Independent National Commission on Human Rights should take the lead, as well as legitimate questions about the constitutionality of some recommendations. The poor quality of sections of the report, notably the lack of solid factual evidence about those recommended for prosecution and bans from public office, further undermined its findings. During the year the president asked the Justice Ministry, the Law Reform Commission, and the Liberian National Bar Association to study the legal and constitutional implications of the recommendations. However, the slow pace of this consultation process raised questions about the president’s will to move things forward.

### **Liberian Army**

The program funded and led by the United States to recruit and train a new 2,000-member Liberian army completed its work in December 2009. Continued training and mentoring of the officer corps was conducted throughout the year by some 60 US military personnel. Soldiers nonetheless committed numerous criminal acts, which were mostly addressed by the judiciary. The new army has yet to put in place a court martial board or military tribunal.

### **Key International Actors**

Persistent weaknesses in security and rule of law institutions despite considerable foreign aid generated concern among Liberia’s key international and development partners, most notably the UN and US.

In July Liberia reached the completion point under the Heavily Indebted Poor Countries Initiative, bringing the total external debt cancelled since 2007 to US\$4.6 billion. The US is Liberia's largest donor, and in fiscal year 2009-2010 contributed more than \$450 million to support democratization, security sector reform, girls' education, and reconstruction efforts, including some \$250 million in support of the UN Mission in Liberia (UNMIL).

In December 2009 the UN Security Council renewed for one year the travel ban on persons deemed a threat to peace in Liberia, as well as asset freezes on those sanctioned. The council also renewed the mandate for the panel of experts monitoring the implementation of sanctions and resource exploitation, but lifted an arms embargo in place since 2003. In September 2010, the council renewed UNMIL's mandate for one year. The UN Peacebuilding Commission will provide a \$25 million grant to support programs in justice and rule of law, as well as to combat high youth unemployment.