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World Report 2010 - Liberia

Events of 2009

Striking deficiencies within Liberia's rule of law sectors resulted in persistent human rights violations and undermined President Ellen Johnson Sirleaf's post-war recovery, anti-corruption, and development agendas. The increasing incidence of violent crime as well as protests by disgruntled youths, mob and vigilante justice, and bloody land disputes claimed numerous lives and exposed the systemic and persistent weaknesses within the police, judiciary, and corrections sectors. Concern about inadequate progress in strengthening the rule of law was exacerbated by several risk factors, notably the global economic crisis, high unemployment, and growing insecurity in neighboring Guinea and Côte d'Ivoire.

Sweeping changes in the leadership of the security and justice sectors in mid-2009 brought some hope of improvement and dispelled growing criticism at home and from donors. Meanwhile the government made tangible progress in creating the legislative framework for respect for human rights and improving access to key economic rights, including healthcare and primary education.

The June release of the draft concluding report of Liberia's Truth and Reconciliation Commission (TRC) generated considerable controversy about its recommendations to establish a tribunal to prosecute abusers and publicly sanction erstwhile supporters of the warring factions, including President Johnson Sirleaf.

Ongoing Insecurity, Police Conduct, and the Criminal Justice System

The security situation deteriorated in 2009 as evidenced in an increasing incidence of violent crime, including armed robbery and rape; violent protests over layoffs and employment disputes by youths and former combatants; and deadly land disputes. The undisciplined, poorly managed, and ill-equipped Liberian police were challenged to maintain law and order, on several occasions necessitating the intervention of United Nations peacekeepers deployed to Liberia since 2003. Lack of public confidence in the police and judicial system perpetuated the culture of impunity and led to mob attacks on alleged criminals, resulting in at least eight deaths.

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

and barracks. Nonetheless, Liberian police continue to engage in unprofessional and sometimes criminal behavior, including extortion, bribery, and armed robbery; frequent absenteeism; and failure to adequately investigate and later freeing alleged criminals. Lack of funding for transportation, communications, and forensic equipment further undermine the effectiveness of the national police, especially in rural areas.

The police did, however, show some progress in 2009 in their ability to detain and arrest alleged suspects and escaped criminals, and police leadership showed an increased willingness to investigate complaints of misconduct within the force.

Persistent deficiencies within Liberia's judiciary led to widespread abuses of the right to due process and undermined efforts to address impunity. Weaknesses are attributable to insufficient judicial personnel, including prosecutors and public defenders, limited court infrastructure and logistics, archaic rules of procedure, and poor case management. Unprofessional, corrupt, and, in a few cases, criminal practices by judicial staff continue to lead to rights abuses and undermine progress.

Because of the courts' inability to adequately process their cases, hundreds of prisoners continued to be held in extended pretrial detention in overcrowded jails and detention centers that lack basic sanitation and healthcare; in 2009 only 10 percent of the some 800 individuals detained in Liberia's prisons had been convicted of a crime. Meanwhile, hundreds of prisoners escaped in jailbreaks, illuminating the stark inability of the corrections sector to secure Liberia's prisons.

In June the president took concrete action to improve the weak leadership underpinning these problems by replacing the ministers of justice and national security, the solicitor-general, and the director of the Liberia National Police, among others. The president also ordered a review of pretrial detainees within Monrovia's central prison, resulting in the release of hundreds of prisoners detained on minor charges or who had already served sufficient time.

Harmful Traditional Practices

Serious abuses resulting from harmful traditional practices continued to occur in 2009, due in part to the absence or distrust of judicial authorities. These included the killing of alleged witches and "trials by ordeal," in which suspects are forced to swallow the poisonous sap of a tree or endure burning; their alleged guilt or innocence is determined by whether they survive.

Sexual Violence

The incidence of rape of women and girls continued to be alarmingly high in 2009, despite positive efforts by the government and UNMIL, including the establishment of a dedicated court for sexual violence. While public reporting of and police response to reports of rape improved somewhat, efforts to prosecute these cases are hampered by deficiencies in the justice system.

Corruption

Fighting endemic corruption was high on the president's agenda throughout 2009, but weaknesses within the judicial system undermined these efforts. The June acquittal of high-ranking public officials from the 2003-05 transitional government for the embezzlement of several million dollars was a blow to these efforts and in part led to the sweeping leadership changes in the Ministry of Justice. Over the course of the year the president sacked and referred for investigation scores of public officials, including high-level ministry personnel, county superintendents, and senior central bank officials. Corrupt practices have long undermined the provision of basic education and healthcare to the most vulnerable.

In July 2009 the president signed into law the Liberia Extractive Industries Transparency

Initiative; Liberia is the first country in the world to include forestry and rubber into an EITI mandate.

Legislative Developments

During 2009 the government made further strides in creating the legislative framework for respect for human rights and good governance. Progress included the establishment of the Constitutional Review Task Force, the Law Reform Commission mandated to review Liberia's outdated laws, and the Land Commission to address the growing number of land disputes.

After a disappointing delay of four years, the proposed amendments holding up the establishment of the Independent National Commission on Human Rights were finally signed by the president, although at year's end the commission was yet to be constituted due to delays in parliamentary confirmation of its commissioners.

The Truth and Reconciliation Commission and Accountability

Liberia has not to date brought prosecutions against those allegedly responsible for serious crimes of international law committed during its armed conflicts. In June Liberia's TRC concluded its four-year mandate and began finalizing its report for submission to the legislature and president, as well as civil society and international partners. A published draft highlighted the role played by corruption and poor management of natural resources in giving rise to Liberia's armed conflicts, and concluded that all warring factions were responsible for gross human rights violations, including war crimes and crimes against humanity. The report's recommendations, which included the establishment of an extraordinary criminal tribunal to prosecute over 100 of the most notorious perpetrators and the barring from public office of some 50 former supporters of the warring factions, were greeted with considerable controversy and some threats by former faction leaders. The legislature's formal debate of the report was postponed until early 2010.

Throughout the year there was significant civil society support for prosecutions, although serious questions remain about the political will of both the Liberian government and the international donor community to establish the recommended accountability mechanism, which calls for the inclusion of foreign judges. Efforts at justice are further complicated by problems with the quality of the TRC's report, weaknesses within the Liberian judicial system, the potential for the legislature to block accountability efforts, and the existence of a 2003 act that granted immunity for war crimes committed from 1989 through 2003.

Disarmament of Former Combatants

Since the end of the war in 2003, 101,000 former combatants have been disarmed and some 97,000 have received vocational training or education in association with the demobilization program, which formally closed in July 2009. Violent demonstrations staged by former combatants, rising unemployment, and reports that many Liberian former fighters have joined Ivorian militia and rebel groups and Guinean security forces, remain a serious concern for sustained peace.

Liberian Army

The program funded and led by the United States to recruit and train a new 2,000-strong Liberian army completed its work in December 2009. During the exercise, implemented by the US contractor DynCorp, recruits were vetted for past abuses. Continued training of the officer corps will be conducted by the United States, the Economic Community of West African States, and the United Nations. The army is not expected to be fully operational until 2012.

Key International Actors

Threats to regional stability and weaknesses in security and rule of law institutions that could reverse hard-earned post-war gains generated considerable concern among Liberia's key international and development partners, most notably the UN and US. Visits by the UN Security Council, UN under-secretary-general for peacekeeping operations, and US Secretary of State Hillary Clinton pressed home these concerns.

The United States is Liberia's largest donor, and in fiscal year 2008-09 contributed more than US\$200 million to support democratization, security, and reconstruction efforts.

In December 2008 the UN Security Council renewed for one year the arms and travel bans on associates of former President Charles Taylor, as well as the mandate for the panel of experts charged with monitoring the implementation of sanctions and resource exploitation. In September 2009 the Council renewed UNMIL's mandate for one year. In 2008 Liberia was declared eligible for US\$15 million in funds administered by the UN Peacebuilding Commission.

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