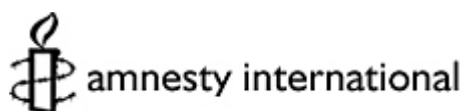


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Amnesty International Annual Report 2012 - Liberia

Head of state and government: **Ellen Johnson Sirleaf**

Death penalty: **abolitionist in practice**

Population: **4.1 million**

Life expectancy: **56.8 years**

Under-5 mortality: **112 per 1,000**

Adult literacy: **59.1 per cent**

Long delays in the judicial system led to appalling overcrowding in prisons, as most detainees were awaiting trial, suffering inhumane conditions. Human rights abuses against women and girls, including rape and other forms of sexual violence, remained prevalent. The police used excessive force during demonstrations.

Background

Presidential and legislative elections took place on 11 October. No presidential candidate secured an outright majority, and a run-off election took place on 8 November. The main opposition party, Congress for Democratic Change (CDC), boycotted the run-off and the incumbent, Ellen Johnson Sirleaf, was declared winner with 90.7 per cent of the vote.

More than 173,000 Ivorian refugees crossed into Liberia between November 2010 and December 2011 following post-election violence in neighboring Côte d'Ivoire. By the end of 2011 the influx of refugees had almost stopped, and some started returning to Côte d'Ivoire.

In November, President Ellen Johnson Sirleaf and human rights defender Leymah Gbowee were two of the three women awarded the Nobel Peace Prize "for their non-violent struggle for the safety of women and for women's rights to full participation in peace-building work".

Impunity

No progress was made in bringing to justice people responsible for serious human rights violations and abuses during the years of armed conflict and violence. The recommendation of the Truth and Reconciliation Commission (TRC) that a criminal tribunal be established to prosecute people identified as responsible for crimes under

international law was not implemented, nor were most TRC recommendations on legal and other institutional reforms, accountability, and reparations.

In March, the Special Court for Sierra Leone, sitting in The Hague, finished hearing evidence in the trial of former Liberian President Charles Taylor, who was charged for his individual criminal responsibility in crimes against humanity and war crimes committed during the 11 years of armed conflict in Sierra Leone. He was not charged with crimes committed in Liberia, as the competence of the Court is limited to crimes committed in Sierra Leone. The judges were still deliberating at the end of the year.

Death penalty

In March, in response to recommendations made during Liberia's UN Universal Periodic Review, Liberia acknowledged its international obligations under the Second Optional Protocol to the ICCPR, which it acceded to in 2005, and stated that it was holding consultations with a view to repealing the 2008 law imposing the death penalty for armed robbery, terrorism and hijacking offences, if these resulted in death. However, no further steps were taken to abolish the death penalty.

One person was sentenced to death for murder by the Circuit Court in Voinjama, Lofa County.

Justice system

Inadequate police investigations, a shortage of public defenders, poor case management, corruption, and a judiciary that lacked the capacity to hear cases in a timely manner contributed to a backlog in the criminal justice system. Around 80 per cent of prisoners were awaiting trial; some were detained for years before their trial.

The continued detention of people awaiting trial meant that a pilot parole and probation scheme in Monrovia and Gbarnga and a magistrate sitting programme did not significantly reduce the number of pre-trial detainees.

People were often required to pay for services that are supposed to be free, for example for police to carry out investigations. Magistrates routinely denied bail. The judiciary lacked independence.

Customary courts often failed to follow due process. Trial by ordeal continued, whereby the guilt or innocence of the accused was determined in an arbitrary manner, sometimes involving torture or other ill-treatment.

Prison conditions

Prison conditions were extremely poor. In several prisons, inmates were crowded into dark, dirty cells, with grossly inadequate health services, and lack of ventilation and time outdoors. Hygiene and sanitation were poor, without adequate food and drinking water and basic necessities such as clean bedding and toiletries.

In July, President Ellen Johnson-Sirleaf launched a 10-year National Health Policy and Plan. Prison health services were incorporated as a cornerstone of the policy – the new Essential Package of Health Services. However, it had not been implemented by the end of the year.

Police and security forces

Despite some improvements, inadequate police protection led to some communities forming vigilante groups.

The police repeatedly used excessive force during public order operations.

- On 11 March, police beat student protesters, 17 of whom needed medical treatment. The President set up an investigating committee, which submitted its report in June. The committee found that the police had used excessive force, and recommended that the Inspector General of the Liberia National Police (LNP) be suspended and the Deputy Director for Operations dismissed. The Deputy Director

for Operations was suspended for two months without pay. No action was taken against the Inspector General.

- On 7 November, police opened fire on CDC supporters during a demonstration, killing at least one person and injuring many more. A commission of inquiry was established by the President to investigate the violence. It submitted its findings on 25 November. The commission found that the police had used excessive force, and in line with the commission's recommendations the Inspector General of the LNP was dismissed.

Freedom of expression

Journalists continued to face harassment, and at times threats and assault.

- On 22 January, the Supreme Court sentenced Rodney Sieh, editor-in-chief of the privately owned *Front Page Africa* newspaper, to 30 days in prison for contempt of court. He had published a letter criticizing a judge of the Supreme Court. He was released two days later after President Sirleaf intervened.
- On 7 November, following a petition by the Ministries of Justice and Information, the Circuit Court Judge of Criminal Court A issued a court order temporarily closing three media houses; this was carried out by armed police from the Emergency Response Unit. The media houses were accused of spreading hate messages in connection with the CDC rally and subsequent violence. On 15 November the managers of the media houses were found guilty. However, the court decided that "at this time" there would be no punishment and ordered that the media institutions be reopened.

Children's rights

There was only one juvenile court, located in Monrovia, and the juvenile justice system remained weak, with no rehabilitation or detention centres for children in conflict with the law. Children were regularly detained in police cells along with adults.

Female genital mutilation (FGM) remained widespread and was regularly performed on girls between the ages of eight and 18, some as young as three. FGM is not explicitly prohibited in Liberian law.

- In July, two people accused of carrying out forced FGM were found guilty of kidnapping, felonious restraint and theft and sentenced to three years in prison.

Women's rights

Rape, other forms of sexual violence, domestic violence and forced and underage marriage remained widespread. The majority of reported rape cases involved girls under 18. Sexual and gender-based violence crimes units in police stations were understaffed and under-resourced and struggled to cope.

There were no functioning safe houses for survivors of gender-based violence. The management of two safe houses in Bong and Lofa counties, previously run by NGOs, was taken over and temporarily closed by the Ministry of Gender and Development. However, they had not reopened by the end of the year.

Maternal mortality remained high. UNFPA attributed this to an acute shortage of skilled medical staff, inadequate emergency obstetric care, weak referral systems, poor nutritional status of pregnant women, and extremely high numbers of teenage pregnancies. In March, the President launched a five-year plan to reduce maternal and newborn deaths in the country.

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