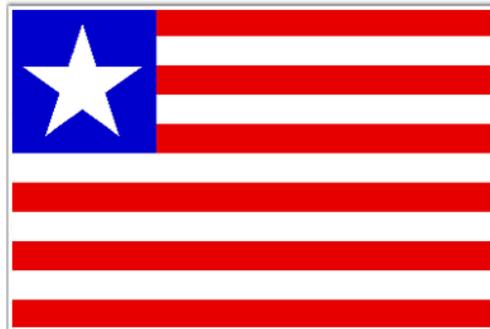


OPCAT Liberia Research Project

**Center for Law and Global Affairs
Sandra Day O'Connor College of Law
Arizona State University**

Country Brief - Liberia



**A project to assist the
Sub-Committee on the Prevention of Torture**

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I. INTRODUCTION

The goal of this document is to assist the Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (SPT) in preparation for its upcoming site visit to Liberia.

This document was prepared by a team of post-graduate research fellows (JD students) from the Center for Law and Global Affairs at the Sandra Day O'Connor College of Law at Arizona State University. Team members include Brett George, Tavo Hall, Sara Little and Daniel Lubarsky-Ford. The team was supervised by Emoline Fox, the Center's program coordinator and Professor Daniel Rothenberg, the Center's executive director.

The document is modeled on prior SPT Country Briefs and should be read in conjunction with other materials, including suggested contacts in Liberia and suggested sites within the country that the SPT may want to visit.

II. RATIFICATION OF INTERNATIONAL INSTRUMENTS:

A. Core UN Human Rights Treaties

| <i>Treaties</i> | <i>Date of Ratification</i> | <i>Declarations, / reservations</i> | <i>Recognition of specific competences of treaty bodies</i> |
|--|------------------------------|---|---|
| International Convention on the Elimination of All Forms of Racial Discrimination | 05 Nov 1976 (Accession) | None | |
| International Covenant on Civil and Political Rights | 18 Apr 1967/ 22 Sep 2004 | None | |
| International Covenant on Economic, Social and Cultural Rights | 18 Apr 1967/ 22 Sep 2004 | None | |
| Convention on the Elimination of All Forms of Discrimination against Women | 17 Jul 1984 (Accession) | 16 Sep 2005 (Acceptance of amendment to article 20) | |
| Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment | 22 Sep 2004 (Accession) | 16 Sep 2005 (Acceptance of amendment to Articles 17(7) and 18(5)) | |
| Convention on the Rights of the Child | 26 Apr 1990 / 04 Jun 1993 | 16 Sep 2005 (Acceptance of amendment to Article 43(2)) | |
| Convention on the Rights of Persons with Disabilities | 30 Mar 2007 (Signed) | None | |
| Optional Protocol of the Covenant on Economic, Social and Cultural Rights | | | |
| Optional Protocol to the International Covenant on Civil and Political Rights | 22 Sep 2004 (Signed) | None | |
| Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty | 16 Sep 2005 (Accession) | None | |
| Optional Protocol to the Convention on the Elimination of Discrimination against Women | 22 Sep 2004 (Signed) | None | |
| Optional protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict | 22 Sep 2004 (Signed) | None | |
| Optional protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography | 22 Sep 2004 (Signed) | None | |
| Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment | 22 Sep 2004 (Accession) | None | |
| Optional Protocol to the Convention on the Rights of Persons with Disabilities | 30 Mar 2007 (Signed) | None | |
| International Convention for the Protection of All Persons from Enforced Disappearance | | | |

B. Regional Human Rights Treaties

| REGIONAL HUMAN RIGHTS TREATIES | STATUS |
|--|--------------------------------|
| African Charter on Human and Peoples' Rights | Ratification: 4 August 1982 |
| African Charter on the Rights and Welfare of the Child | Ratification: 1 August 2007 |
| African Union Convention Governing the Specific Aspects of Refugee Problems in Africa | Ratification: 1 October 1971 |
| Convention for the Elimination of Mercenarism in Africa, | Ratification: 31 March 1982 |
| Maputo Protocol | Ratification: 14 December 2007 |
| Organization of African Unity Convention on the Prevention and Combating of Terrorism | No Action |
| Protocol to the African Charter on Human And Peoples' Rights on the Establishment of an African Court on Human and Peoples' Rights | No Action |
| Protocol Relating to the Establishment of the Peace and Security Council of the African Union | No Action |
| African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention) | No Action |

C. Other Relevant International Instruments

| GENEVA CONVENTIONS | STATUS |
|---|---------------------------|
| Protocol Additional to the Geneva Conventions of 12 August 1949, relating to the Protection of Victims of International Armed Conflicts (Protocol I) | Ratification: 8 Dec 1983 |
| Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field | Ratification: 29 Mar 1954 |
| Geneva Convention relative to the Treatment of Prisoners of War | Ratification: 29 Mar 1954 |
| Geneva Convention relative to the Protection of Civilian Persons in Time of War | Ratification: 29 Mar 1954 |
| Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of International Armed Conflicts (Protocol I) | Ratification: 30 Jun 1988 |
| Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims on Non-International Armed Conflicts (Protocol II) | Ratification: 30 Jun 1988 |

| ROME STATUTE | STATUS |
|--|---------------------------------|
| Rome Statute of the International Criminal Court | Ratification: 22 September 2004 |

III. GENERAL BACKGROUND INFORMATION:

Map of Liberia¹



¹ CIA World Factbook, Map of Liberia, available at https://www.cia.gov/library/publications/the-world-factbook/maps/maptemplate_li.html

A. Background Data²

| | |
|---------------------------------------|---|
| Land area | 111,369 sq km (land—96,320 sq km, water – 15,049 sq km), slightly larger than Tennessee |
| Population | 3,441,790 (July 2009 est.) |
| Capital | Monrovia |
| Government Type | Republic |
| Independence | 26 July 1847 |
| Administrative Divisions | Counties (Bomi, Bong, Gbarpolu, Grand Bassa, Grand Cape Mount, Grand Gedeh, Grand Kru, Lofa, Margibi, Maryland, Montserrado, Nimba, River Cess, River Gee, Sinoe) |
| Languages | English 20% (official) and 20 ethnic group languages |
| Ethnic groups | Kpelle 20.3%, Bassa 13.4%, Grebo 10%, Gio 8%, Mano 7.9%, Kru 6%, Lorma 5.1%, Kissi 4.8%, Gola 4.4%, other 20.1% (2008 Census) |
| HDI³ | 0.442, which gives the country a rank of 169th out of 182 countries with data |
| Currency | Liberian dollar (LRD) (US\$ 1 = 71.5 LDR approx.) |
| GDP⁴ | \$868 million (Official Exchange Rate- 2009 est.), \$1.627 billion Composition by sector - agriculture: 76.9% industry: 5.4% services: 17.7% (2002 est.) |
| Annual growth rate⁵ | 4.6% (2009 est.) |
| Natural resources | Iron ore, timber, diamonds, gold, and hydropower |
| Religions | Christian 85.6%, Muslim 12.2%, Traditional 0.6%, other 0.2%, none 1.4% (2008 Census) |
| Climate | Tropical; hot, humid; dry winters with hot days and cool to cold nights; wet, cloudy summers with frequent heavy showers |

² Index Mundi, Liberia: Country Profile, available at <http://www.indexmundi.com>

³ Human Development Index, 2009 Human Development Report, <http://hdr.undp.org>.

⁴ Central Intelligence Agency The World Factbook Liberia [CIA Factbook], available at <https://www.cia.gov/library/publications/the-world-factbook/geos/li.html>

⁵ *Id.*

B. Historical Overview⁶

Liberia is a multiethnic nation. The diverse background of residents of the country's territory is attributed to four major historic waves of migration and settlement. Archaeological evidence suggests that oldest inhabitants of the region are the Gola, Kpelle, Loma, Gbandi, Mende, and Mano, with settlements dating back to 6000B.C. Beginning in the early sixteenth century, the Kur, Bassa, Dei, and Grebo, migrated into Liberia from the East. In the seventeenth century, the Vai and Mandingo ethnic groups arrived in the region from the North. The final wave of mass immigration began with the settlement of Americo-Liberians on the coast.

The influx of immigration to Liberia from North America was instigated by the American Colonization Society (ACS). Prominent American statesmen like Thomas Jefferson, James Madison, and James Monroe joined the effort to create a colony of free blacks in Africa, along the lines of the British effort in Sierra Leone. Between 1822 and 1867, the ACS assisted the repatriation of nearly 19,000 people, the majority of whom were freed slaves and freeborn blacks. The first settlement of these immigrants was at Cape Mesurado which later grew to become Monrovia, the nation capital and largest city.

After 25 years under American sovereignty, Liberia declared independence in 1847. The political construction of the newly independent country was based on the American model of a constitutional republic, a reflection of the U.S. influence and the non-indigenous background of the repatriates. The government primarily represented the interests of the Americo-Liberians and their descendants who generally lived in Monrovia and along parts of the coast. Although Liberia's territorial claims extended inland, for much of the nation's early history, the government only controlled the coastal regions, leaving areas populated by indigenous Liberians to be governed by traditional rulers. The nation's formal government remained focused on Americo-Liberians and dominated by the True Whig Party up until the 1970s. Many scholars and experts trace the origins of Liberian government's collapse at the end of the twentieth-century and the subsequent devastating civil war to the government's failure to sufficiently integrate the indigenous population into the nation and to adequately address their needs.

Soon after Liberia's independence, under pressure from European governments, the nation engaged in a policy of territorial expansion. This effort was influenced by the principles established at the Berlin African Congress of 1885 that recognized a country's limits as only including the territory over which it effectively controlled. The effort to unify the Liberia under the leadership of the Americo-Liberian government led to conflicts with most indigenous groups including wars against the Grebo (1857, 1875, and 1910), the Kru (1915-1916 and 1930s) and the Gola (1917). The high cost of these conflicts as well as other policies required the government to borrow extensively from the 1870s through the 1920s. Much of Liberian history after independence involved struggles to fend off foreign interference while negotiating internal strife. It was not until the end of WWII, when Europe lay in ruins, that Liberia's territorial integrity was uncontested.

⁶ There are many useful sources for Liberian history including: Patricia Levy, Michael Spilling, *Cultures of the World: Liberia*, Tarrytown, New York (Marshall Cavendish International, 2010); Amadu Sesay, Charles Ukeje, *Post-war regimes and state reconstruction in Liberia and Sierra Leone*, Dakar, Senegal (Coadsria, 2009); Themban Mbadlanyana, Freedom Onuoha, *Peacekeeping and post-conflict criminality: Challenges to the (re-) establishment of rule of law in Liberia*, The Institute for Security Studies: Paper 190 (2009); Peter Dennis, *A Brief History of Liberia*, The International Center for Transitional Justice (2006); Ayodeji Olukoju, *Culture and customs of Liberia*, Westport, Conn. (Greenwood Press, 2006).

Under President Tubman (r. 1944-1971) relations between the Americo-Liberians and the indigenous people began to improve. In the early 1960s, the country was reorganized into the fourteen counties that define contemporary Liberia to better integrate the indigenous population into the political system. Universal suffrage was also extended to indigenous Liberians, although the great majority did not meet the property ownership qualifications required to vote. An open economic policy attracted Western investment in Liberia and ushered in a period of relative prosperity. For example, Liberia was one of the chief beneficiaries of a post-war boom in the rubber industry. Despite these socio-economic advances, Tubman was increasingly determined to concentrate power in his office. Intimidation, threats, and nepotism paved the way for his twenty-seven consecutive years in office as Liberia grew into a one-party government with features of an absolute presidency.

Upon President Tubman's death, vice-president Tolbert ascended to power. Like his predecessor, Tolbert never transformed Liberian politics to match his progressive rhetoric. During Tolbert's tenure, divisions in the country widened and attempts at fundamental reforms failed to address the inequitable distribution of power and resources. In 1980, President Tolbert was assassinated in a coup led by Samuel Doe. He was the last in a long line of the Americo-Liberian presidents that had ruled Liberia since independence.

As head of the People's Redemption Council (PRC), Doe suspended the constitution and presided over the public execution of thirteen leading members of Tolbert's government. Although the end of Americo-Liberian rule was initially very popular with indigenous Liberians, the instability that followed sent the country on a downward spiral. Thousands of highly educated and economically prosperous Liberians fled the country, including the future president Ellen Johnson-Sirleaf. Doe's brutal regime clung to power by executing and imprisoning dissidents. In 1984, for example, the Armed Forces of Liberia (AFL) brutally suppressed a demonstration at the University of Liberia, leading to the rape, arrest, and injury of hundreds of student protesters and several deaths. In the face of mounting international pressure, the PRC attempted to legitimize their hold on power by drafting a new constitution in 1984 and holding elections in 1985. Despite his unpopularity, Doe won by a landslide although, by most accounts, the election was brazenly manipulated.

The failings of the Doe regime led to the formation of various paramilitary groups that sought to overthrow the government. The National Patriotic Front of Liberia (NPFL) grew to become the most powerful of these organizations. It was backed by the Gio and Mano ethnic groups and led by Charles Taylor. In December 1989, the NPFL launched an invasion from their base in Ivory Coast. Within seven months, the NPFL gained control over more than ninety-five percent of the countryside. By July 1990, Monrovia was the only area of the country still controlled by Doe and the AFL. However, Taylor's imminent victory was forestalled, by the intervention of Economic Community of West African States (ECOWAS).

In mid-1990, the Independent Patriotic Front of Liberia (IPFL) split from the NPFL. Under the leadership of Prince Johnson, the IPFL captured and killed Doe, leaving the IPFL to fight against the NPFL for control of the capital. In November 1990, ECOWAS negotiated a settlement that established of an interim government headed by Amos Sawyer, former dean of the University of Liberia. The Interim Government of National Unity (IGNU) took control of Monrovia and the IPFL disbanded. However, Taylor refused to recognize the new government's authority and the fighting continued.

In 1991, Krahn and Mandingo fighters formed the United Liberation Movement of Liberia (ULIMO) to fight against the NPFL. These ethnic minorities were often attacked by Taylor and the NPFL, who viewed them as allies of the Doe regime. In 1993, in an effort to end the civil war, the NPFL, ULIMO, and the IGNU signed the Contonou Peace Agreement. Nevertheless, the fighting continued unabated as none of the parties respected the treaty.

By 1995, there were seven main military factions. The NPFL-CRC had broken away from Taylor's NPFL, under the leadership of Sam Dokie. ULIMO split along ethnic lines into the ULIMO-K, representing the Mandingo and the ULIMO-J, representing the Krahn. The Lofa formed their own fighting force, the Lofa Defense Force (LDF). Krahn and former AFL combatants formed the Liberian Peace Council (LPC) while other former government soldiers regrouped following Doe's murder and continued to fight as the AFL.

In 1995, these factions signed the Abuja Peace Accords that established a power sharing agreement under the Liberian Council of State. After two tense years that included sporadic fighting, elections were held based on the Supplemental Agreement to the Abuja Peace Accords. Taylor won the 1997 elections with nearly three-quarters of the popular vote. After a period of relative stability lasting until late 1999, ethnic Krahn and Mandingos formed the Liberians United for Reconciliation and Democracy (LURD) and the Movement for Democracy in Liberia (MODEL). The Liberian government was unable to defeat these groups and the nation returned to a state of widespread violence. As during the rise of NPFL a decade earlier, LURD and MODEL rapidly expanded their control and, by 2002, held nearly eighty percent of the country, leaving Taylor and his forces in Monrovia. Taylor engaged in ECOWAS managed peace talks and, in August 2003, fled to Nigeria.⁷

Taylor's departure quickly ended 14 years of intermittent civil war that killed over 200,000 Liberians. ECOWAS helped negotiate an end to the fighting, and West African peacekeepers became part of an 18,000-strong, UN-led force tasked with overseeing disarmament and demobilization. Charles Bryant was appointed Liberia's interim president until the 2005 elections.

Ellen Johnson Sirleaf won the presidency and took office in January 2006, becoming the first elected female president in African. In January 2010, President Sirleaf announced that she will be running for another term in the election scheduled for 2011. President Sirleaf has emerged as a controversial figure in recent years. After a political honeymoon in her first years in office, she has since been the target of some criticism, both of a routine political nature by opposition parties and by some human rights and transparency policy advocates.

In February 2006, President Sirleaf inaugurated the Liberian Truth and Reconciliation Commission (TRC). The TRC formally began operations in early June 2006, but it did not begin to collect testimony until October 2006. In December 2009, the TRC released its final report, examining the root causes and social effects of armed conflict in Liberia, and presented findings regarding gross violations of human rights and violations of international human rights and humanitarian law.⁸

⁷ In March 2006, Taylor was arrested in Nigeria. He has since been transferred to The Hague, the Netherlands, where he is on trial by the Sierra Leone the Special Court for Sierra Leone (SCSL) in connection to his alleged support of armed opposition groups in Sierra Leone who routinely violated human rights. AI, Sierra Leone: Charles Taylor and the Sierra Leone War. (August 4 2010) *AI Press Briefing*. AI Index: AFR 51/006/2010.

⁸ Truth and Reconciliation Commission: Volume II, Consolidated Final Report (June 30, 2009)

Since 2006, the Liberian government has pursued an ambitious set of reforms, with mixed results. For example, Army reform, entailing complete disbanding of existing forces, has made halting progress.⁹ Restructuring the security sector began in 2004 with the first reforms by the UN peacekeeping mission (UNMIL), the Liberian National Police (LNP), and exploratory missions by U.S. officials. After considerable delay, the Government forwarded the draft Liberia Security Reform and Intelligence Bill to the legislature in June 2010, an important step in the development of a new security infrastructure.

Anti-corruption efforts have gained momentum in recent years. In 2010, the Liberian Anti-Corruption Commission concluded investigations into eight cases and recommended four for prosecution, including both the former Inspector General of the Liberia National Police and several Ministry of Finance employees.

Progress has also been made in the implementation of economic reforms recommended by the World Bank and International Monetary Fund. Liberia's Heavily Indebted Poor Countries (HIPC) completion point was approved in June 2010 and \$4.6 billion of external debt was cancelled. Liberia is steadily recovering from the recent global economic crisis. Due primarily to increased foreign investment, growth in 2010 is expected at 6.3 per cent, up from 4.6 per cent in 2009.

The Bureau of Corrections and Rehabilitation, with the support of UNMIL, has had measurable success instituting pieces of its strategic plan, including reform of corrections legislation. For examples, the recent introduction of disciplinary measures has contributed to a reduction in escapes. Although an innovative mobile court at the Monrovia Central Prison aims to reduce the duration of pretrial detention, overcrowding at prisons remains a concern. Money from the Peace building Fund and the Mission's quick-impact project has been used to renovate existing facilities and build new detention centers in Sanniquellie, Nimba County, with three other detention centers still in construction.¹⁰

While the government has made some progress in the promotion of human rights, there have been troubling delays in establishment of key frameworks and institutions that guarantee international accountability. The delay in the establishment of the Independent National Commission on Human Rights (INCHR) is of particular concern to members of the international community. As of 14 May 2010, Liberia did not have a national human rights institution accredited by the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights (ICC).¹¹

Despite the many problems facing the government, the country has made notable achievements in expanding its social and economic infrastructure. Any review of the human rights situation in Liberia must take into consideration the substantial challenges posed by years of armed conflict and widespread poverty, and recognize the positive efforts of the government and international organizations in recent years.

⁹ The present drawdown of UN forces, begun in 2008, underlines the urgency.

¹⁰ S/2010/429

¹¹ A/HRC/10/55, annex I.

C. Geography and Socio-Economic Situation¹²

Liberia is located in West Africa on the North Atlantic Ocean. It shares land borders with Guinea, Cote d'Ivoire and Sierra Leone.

The landscape tends to rise as one travels inland. There are mostly flat to rolling coastal plains along the Atlantic, rising to plateaus and low mountains in northeast. Much of the coastline is lined with lagoons, mangrove swamps, and river-deposited sandbars. Mount Wuteve is the highest point at 1,380 meters above sea level.

Due to the decade's long military conflict and a high fertility rate, the population of Liberia is relatively young. In 2007, forty-seven percent of the population was below the age of 15, 49 percent were between the ages of 15-64, and only 3 percent were over the age of 65.¹³ Gender distribution is fairly even; 49 percent male and 51 percent female. Liberia is in the midst of a population boom¹⁴ and has the 18th highest fertility rate in the world.¹⁵ Liberia also has the world's 4th highest death rate, more than twice the rate of Great Britain.¹⁶

Liberia was one of the wealthier countries in Africa before the conflict. Annual GDP growth rates in the 1950s and 1960s averaged around 9%, putting Liberia on par with many countries in Europe and Asia at that time. In the aftermath of the conflict, however, Liberia has become one of the world's poorest countries, just two countries away from the bottom.¹⁷ Almost all government institutions ceased to function effectively during the war and most of the infrastructure that had been developed lay in ruins.

Liberia's economy has been improving since the return of stability. It has the highest ratio of direct foreign investment to GDP in the world. In 2009, Liberia's GDP grew at an estimated rate 4.6 percent, ranking 35th in the world.¹⁸ Due to the abundance of water, forests, and mineral wealth, Liberia is a growing exporter of raw material, primarily timber and rubber. President Sirleaf, a Harvard-trained banker and administrator, has taken steps to reduce corruption, attract international donors, and encourage private investment.

¹² Index Mundi, *supra* note 2.

¹³ Liberia Institute of Statistics and Geo-Information Services (LISGIS) [Liberia], Ministry of Health and Social Welfare [Liberia], National AIDS Control Program [Liberia], and Macro International Inc. 2008. *Liberia Demographic and Health Survey 2007*. Monrovia, Liberia: Liberia Institute of Statistics and Geo-Information Services (LISGIS) and Macro International Inc.

¹⁴ Youth is a primary driver of Liberia's high population boom. According to an LDHS report in 1999, more than half of Liberian women are within the childbearing ages of 14 to 49.

¹⁵ 2010 est. CIA Factbook, *supra* note 4

¹⁶ *Id.*

¹⁷ 38.14 births/1,000 population (2010 est.), *Id.*

¹⁸ *Id.*

D. Political System and Government

1. The Executive¹⁹

The president is elected by popular vote for a six-year term, subject to a two term limit. The last election was held on November 8th, 2005. President Ellen Johnson Sirleaf won the election and took office on January 16, 2006. As president, Sirleaf is both the chief of state and head of government. The cabinet is appointed by the president and confirmed by the Senate. The next election will be held in October 2011.

Principal Government Officials²⁰

President/Chief of State: Ellen Johnson Sirleaf

Vice President: Joseph Boalai

Min. of Foreign Affairs: Olubanke King-Akerele

Min. of Justice: Christiana Tah

Min. of Internal Affairs: Harrison Kahnweah

Min. of National Defense: Brownie Samukai

2. The Legislative²¹

The bicameral National Assembly consists of the Senate (30 seats) and the House of Representatives (64 seats). The legislature is based in the capital city of Monrovia.

Two Senators are elected from each of Liberia's 15 counties. Currently, 15 Senators serve 9-year terms as Senior Senators and 15 members serve 6-year terms as Junior Senators. Junior senators are those who received the second most votes in each county in the October 2005 elections. They will serve a six-year term to allow for new senator to be elected in 2011. This one-time shortened term was designed to honor the Liberian Constitution's mandate of staggered Senate elections. After 2011, all senators will serve nine-year terms.

In the House of Representatives 64 members are elected by popular vote to serve six-year terms. Leadership within the legislative branch consists of a Speaker in the House and a President Pro Tempore in the Senate. Liberia's Vice President serves as the President of the Senate.

The next election will be held in October 2011.

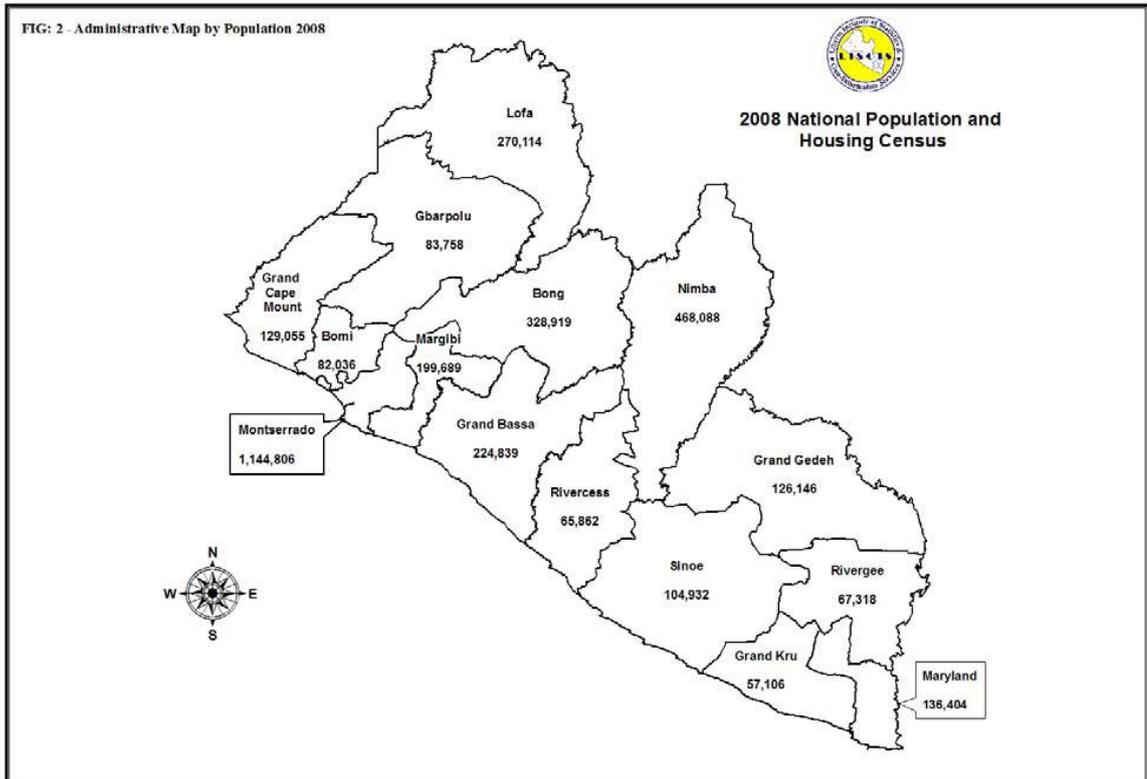
¹⁹ *Id.*

²⁰ CIA Factbook, World Leaders, available at <https://www.cia.gov/library/publications/world-leaders-1/pdf-version/November2010ChiefsDirectory.pdf>

²¹ CIA Factbook, *supra* note 4

3. Administrative divisions²²

Liberia is divided into 15 counties, which are subdivided into districts, and further subdivided into clans. The oldest counties are Grand Bassa and Montserrado, both founded in 1839 prior to Liberian independence along the Atlantic Coast. Gbarpolu is the newest county, created in 2001. With an area of 11,551 square kilometers, Nimba is the largest county. Although, Montserrado is the smallest, at 1,909 square kilometers, it is also the most populous.



²² 2008 National Population and Housing Census: Government of the Republic of Liberia

| County | Capital | Population (2008) | Area | Created |
|------------------|--------------|-------------------|--|---------|
| Bomi | Tubmanburg | 82,036 | 1,942 square kilometres (750 sq mi) | 1984 |
| Bong | Gbarnga | 328,919 | 8,772 square kilometres (3,387 sq mi) | 1964 |
| Gbarpolu | Bopulu | 83,758 | 9,689 square kilometres (3,741 sq mi) | 2001 |
| Grand Bassa | Buchanan | 224,839 | 7,936 square kilometers (3,064 sq mi) | 1839 |
| Grand Cape Mount | Robertsport | 129,055 | 5,162 square kilometers (1,993 sq mi) | 1844 |
| Grand Gedeh | Zwedru | 126,146 | 10,484 square kilometers (4,048 sq mi) | 1964 |
| Grand Kru | Barclayville | 57,106 | 3,895 square kilometers (1,504 sq mi) | 1984 |
| Lofa | Voinjama | 270,114 | 9,982 square kilometers (3,854 sq mi) | 1964 |
| Margibi | Kakata | 199,689 | 2,616 square kilometers (1,010 sq mi) | 1985 |
| Maryland | Harper | 136,404 | 2,297 square kilometers (887 sq mi) | 1857 |
| Montserrado | Bensonville | 1,144,806 | 1,909 square kilometers (737 sq mi) | 1839 |
| Nimba | Sanniquellie | 468,088 | 11,551 square kilometers (4,460 sq mi) | 1964 |
| River Cess | River Cess | 65,862 | 5,594 square kilometers (2,160 sq mi) | 1985 |
| River Gee | Fish Town | 67,318 | 5,113 square kilometers (1,974 sq mi) | 2000 |
| Sinoe | Greenville | 104,932 | 10,137 square kilometers (3,914 sq mi) | 1843 |

E. Current Human Rights Issues

Liberia was devastated by 14 years of internal armed conflict marked by severe and systematic human rights violations including extrajudicial executions, disappearances, rape and torture. Following the end of hostilities and with the assistance of 18,000 UN Mission in Liberia (UNMIL) peacekeepers, the human rights situation in Liberia has improved substantially.

Although the government generally respects the human rights of its citizens and the security situation has stabilized, significant problems persist. Liberia continues to suffer from the legacy of many years of conflict and fundamental institutions of governance such as the police and the judiciary lack adequate funding, training and capacity. As a result, there are substantial abuses of power, serious rule of law deficiencies and a marked lack of state legitimacy in many areas. The country faces systemic corruption and government officials

and rarely held accountable for their actions. Overall, while Liberia has made many impressive advances in protecting human rights, state institutions require substantial improvements.²³

Of special significance is accountability for the brutal human rights violations that characterized the internal armed conflict. Many international organizations have called for justice and accountability for human rights violations, and violations of international humanitarian law committed during the Liberian civil war. To date, no one has stood trial in Liberia for such acts.²⁴ Without systematic efforts to hold key perpetrators in Liberia's civil war accountable, the country is likely to suffer from a culture of impunity that may threaten long-term peace and the establishment of effective rule of law.

The 2003 Accra Peace Agreement, called upon the Liberian government to create an Independent National Human Rights Commission. In 2005, the Independent National Commission on Human Rights Act was passed. However, five years later, the government has still not established this important investigative and protective body.²⁵

The Liberian Truth and Reconciliation Commission (TRC) was formed July 2005 by Article XIII of the Comprehensive Peace Agreement (CPA). The TRC was charged with fostering truth, justice, and reconciliation by identifying the root causes of the civil war, and determining those who are responsible for committing domestic and international crimes against the Liberian people.²⁶ In December 2009, the TRC released its final report which, among other conclusions, drew attention to fundamental problems in the Liberian justice system and called for the establishment of a "hybrid international-national tribunal with Liberian and foreign judges to try past crimes."²⁷

Vigilante justice and informal crowd violence continues to present a challenge to the rule of law in Liberia. Vigilantism is symptomatic of key problems with Liberia's justice system and arises in relation to alleged criminal acts, land disputes and other problems.²⁸ These actions highlight the inability of the state to maintain basic social order and, at times, result in deaths.

Violence against women, especially reports of rape, present a persistent concern. Some aspect of this problem may be related to general impunity and the widespread commission of severe acts of violence against women during the conflict. In some areas, female genital mutilation (FGM) is common.²⁹ In addition, while there is limited data on the issue, anecdotal reports suggest that levels of domestic violence are fairly high.

Liberia also faces problems of child abuse, human trafficking and racial and ethnic discrimination. Although few cases are actually reported and confirmed, international human rights organizations suspect that instances of sexual violence against children are relatively

²³ Office of the High Commissioner of Human Rights 2008-2009, available at

<http://www.ohchr.org/EN/Countries/AfricaRegion/Pages/LRSummary0809.aspx>

²⁴ Amnesty International, *Sierra Leone: Charles Taylor and the Sierra Leone War*. (August 4 2010) AI Press Briefing. AI Index: AFR 51/006/2010.

²⁵ HRW Press Briefing. (2010, May) *Liberia should act on rights commission*.

²⁶ Truth and Reconciliation Commission Act, Art. IV § 4 (July 2005)

²⁷ HRW Press Briefing (2010, Feb) *Liberia: Warlord's Arrest in US Shows Need for Justice*, available at <http://www.hrw.org/en/news/2010/02/22/liberia-warlord-s-arrest-us-shows-need-justice>

²⁸ U.S. State Department [USSD] (2009) *Liberia: Human Rights Report*, available at <http://www.state.gov/g/drl/rls/hrrpt/2009/af/135961.htm>

²⁹ LISGIS *supra* note 13

common.³⁰ Racial and ethnic discrimination in the work force and cases of child labor continue to be reported, especially in the informal sector.³¹

Overall, good governance and appropriate mechanisms to support the rule of law and protect and defend fundamental rights are hindered by high levels of corruption. Liberia. AI asserted that impunity remained a serious concern and that even high-level officials had allegedly engaged in or ordered beatings, looting, arbitrary arrests, abductions, shootings, ritualistic killings and other abuses.³² HRW stated that corruption involving public officials had been recognized as having contributed to political instability and failure to provide the country's most vulnerable with basic services such as education, water and health care.³³

While Liberians continue to face substantial and ongoing human rights violations, the government of Liberia has made significant advances in building governmental capacity and strengthening institutions. Any review of the human rights situation in Liberia should consider the extraordinary impact of years of armed conflict and recognize the positive efforts of the government and the international community in recent years.

F. Liberia and the UN Human Rights Mechanisms

1. Scope of international obligations

Liberia ratified the majority of the UN human rights instruments, with the most relevant treaties listed below (please refer to section I (A) for a more complete list of international obligations).

| <i>Universal human rights treaties²</i> | <i>Date of ratification, accession or succession</i> | <i>Declarations, reservations</i> | <i>Recognition of specific competences of treaty bodies</i> |
|--|--|-----------------------------------|---|
| ICERD | 5 November 1976 | None | Individual complaints (art. 14): No |
| ICESCR | 22 September 2004 | None | – |
| ICCPR | 22 September 2004 | None | Inter-State complaints (art. 41): No |
| ICCPR–OP 2 | 16 September 2005 | None | – |
| CEDAW | 17 July 1984 | None | – |
| CAT | 22 September 2004 | None | Inter-State complaints (art. 21): No Individual complaints (art. 22): No Inquiry procedure (art. 20): Yes |
| OP–CAT | 22 September 2004 | None | – |
| CRC | 4 June 1993 | None | – |

³⁰ USSD, *supra* note 28

³¹ *Id.*

³² *AI submission to the UPR on Liberia* (2010) pg. 4 available at <http://www.amnesty.org/en/library/asset/AFR34/001/2010/en/c74dd286-836e-4360-aba1-856c99dfe5bc/af340012010en.pdf>; A/HRC/WG.6/9/LBR/3, para. 35.

³³ *HRW submission to the UPR on Liberia* (2010), pg. 3 available at http://lib.ohchr.org/HRBodies/UPR/Documents/session9/LR/HRW_HumanRightsWatch.pdf; A/HRC/WG.6/9/LBR/3, para. 36.

| <i>Other main relevant international instruments</i> | <i>Ratification, accession or succession</i> |
|---|--|
| Convention on the Prevention and Punishment of the Crime of Genocide | Yes |
| Rome Statute of the International Criminal Court | Yes |
| Palermo Protocol | Yes |
| Refugees and stateless persons | Yes |
| Geneva Conventions of 12 August 1949 And Additional Protocols thereto | Yes, except Protocol III |
| ILO fundamental conventions | Yes, except Conventions Nos. 100 and 138 |
| UNESCO Convention against Discrimination in Education | Yes |

Core human rights treaties to which Liberia is not a party include OP-ICESCR, ICCPR-OP-1 (signature only, 2004), OP-CEDAW (signature only, 2004) OP-CRC-AC (signature only, 2004), OP-CRC-SC (signature only, 2004), ICRMW (signature only, 2004), CRPD (signature only, 2007), CRPD-OP (signature only, 2007) and CED.³⁴

The Committee on the Rights of the Child (CRC) recommended that Liberia ratify the Optional Protocols to the CRC, and ratify and implement the Hague Convention No. 33 on Protection of Children and Cooperation in respect of Inter-country Adoption.³⁵ The Committee on Elimination of Discrimination against Women (CEDAW) commended Liberia for signing the OP-CEDAW in 2004¹⁰ and encouraged it to ratify it.³⁶ CEDAW encouraged Liberia to ratify CRPD, which it had signed in 2007, as well as CED.³⁷ It also called on Liberia to ratify ILO Convention No. 100.¹³³⁸

³⁴ A/HRC/WG.6/9/LBR/2

³⁵ CRC/C/15/Add.236 para. 70.

³⁶ CEDAW/C/LBR/CO/6, 7 para. 48.

³⁷ *Id.* para 46.

³⁸ *Id.* para. 35.

2. Cooperation with Treaty Bodies

Liberia has a serious delay in the submission of periodic reports to several treaty organizations, in particular to the HR Committee and CAT, as reflected in the table below.

| <i>Treaty body^j</i> | <i>Latest report submitted and considered</i> | <i>Latest concluding observations</i> | <i>Follow-up response</i> | <i>Reporting status</i> |
|---|---|---------------------------------------|---------------------------|---|
| International Covenant on Civil and Political Rights (1966): | | | | Initial report overdue since 2005 |
| International Covenant on Economic, Social and Cultural Rights (1966): | | | | Initial report overdue since 2006 |
| CERD-International Convention on the Elimination of All Forms of Racial Discrimination | Reviewed in absence of report | August 2001 | – | Initial report overdue since 1977 |
| CESCR-International Covenant on Economic, Social and Cultural Rights | – | – | – | Initial report overdue since 2006 |
| HR Committee | – | – | – | Initial report overdue since 2005 |
| CEDAW-Convention on the Elimination of All Forms of Discrimination against Women | 2008 | July 2009 | Due July 2011 | Combined seventh and eighth report due in 2013 |
| CAT-Convention Against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment | – | – | – | Initial report overdue since 2005 |
| CRC-Convention on the Rights of the Child | 2005 | May 2004 | – | Consolidated second, third and fourth report received in 2009 |

***Cooperation with treaty bodies**
A/HRC/WG.6/9/LBR/25

3. Cooperation with Special Procedures:

| | |
|---|---|
| <i>Standing invitations issued</i> <i>Latest visits or mission reports</i> | No Independent expert on human rights in Liberia, subsequently referred to as independent expert on technical assistance and advisory services in Liberia, visited annually from 2004 to 2008: see reports E/CN.4/2005/119, E/CN.4/2006/114, A/HRC/4/t A/HRC/7/67 and A/HRC/9/15 |
| <i>Visits agreed upon in principle</i> <i>Visits requested and not yet agreed upon</i> | Special Rapporteur on the right to freedom of opinion and expression (2003); Special Rapporteur on extrajudicial summary and arbitrary executions (2003); Special Rapporteur on torture (annual reminders since 2006); Independent expert on foreign debt (2006, 2007, 2008); Special Rapporteur on the independence of judges and lawyers (2010) |
| <i>Facilitation/ cooperation during missions</i> | |
| <i>Follow-up to visits</i> <i>Responses to letters of allegations and urgent appeals</i> | During the period under review for the 9 th session of the working group on the UPR in 2010, four communications were sent. The Government did not reply to these communications |
| <i>Responses to questionnaires on thematic issues</i> | Liberia did not respond to any of the 21 questionnaire sent by special procedures mandate holders within the deadlines |

Letters of allegation and urgent appeals:

Liberia has been presented with a number of significant appeals from UN Special Rapporteurs. For example, on 12 April 2006, the Special Rapporteur sent a joint allegation letter together with the Special Rapporteur on the sale of children, child prostitution and child pornography and the Special Rapporteur on violence against women, its causes and consequences concerning the rapes of two girls aged 9 and 12.³⁹ The Special Rapporteur on extrajudicial, arbitrary and summary executions noted that incidents of “vigilante justice” had resulted in at least ten deaths in 2008 and that mob attacks on crime suspects had reportedly taken place at police stations and courthouses.⁴⁰ Various cases of “mob justice” were also reported in 2007.⁴¹ In 2008, the independent expert on technical cooperation in Liberia reported that the dysfunctional judiciary was resulting in the repeated postponement of cases and that trials were being conducted in violation of fair trial standards.⁴² In 2008, the Special Rapporteur on the independence of judges and lawyers reported a case in which 37 persons suspected of witchcraft had been subjected to a trial by ordeal, resulting in injuries and one death.⁴³ UNCT and OHCHR recommended that Liberia facilitate the proper functioning of the juvenile justice system by providing Magistrates and law enforcement personnel with

³⁹ A/HRC/4/25/Add.1- Human Rights Council Fourth session, Agenda item 2 April 2007

⁴⁰ A/HRC/WG.6/9/LBR/2

⁴¹ A/64/187, para. 46.

⁴² A/HRC/9/15, para. 17; E/CN.4/2006/114, para. 15.

⁴³ A/HRC/8/4/Add.1, para. 199.

extensive training on juvenile justice issues, and by building rehabilitation and reformatory institutions for juvenile offenders.⁴⁴

4. Universal Periodic Review (UPR)

Liberia is currently undergoing a Universal Periodic Review (UPR). On 23 August 2010 the Liberian government presented its formal UPR submission for the 2010 assessment.⁴⁵ The Liberian government claims to have laid the groundwork for many improvements to their justice system. In particular, the government drew attention to mechanisms to address the problems of pre-trial detention in Liberia. For example, in October 2009 Liberia convened the Pre-Trial Detention Taskforce. This led to the creation of the Magistrate Sitting Program, that is based in the Monrovia Central Prison and operates six days a week to process cases of detainees who have been held in lengthy pre-trial detention that violates domestic and international law. The government also created the Alternatives to Incarceration Sub-Committee that is exploring alternatives to incarceration, such as parole and probation. And, they formed the Police-Prosecution Coordination Sub-Committee to improve communication between the police and the judiciary.⁴⁶

In order to redress poor prison and detention center conditions Liberia has allocated additional financial resources for renovating and improving detention centers; constructed and refurbished prison facilities, among others, in Sinoe, Sanniquelle, Zwedru and Tubmanburg. The government has also initiated literacy and vocational programs and psychosocial counseling for detainees. They have instituted human rights training as part of the prison guard curriculum. This involves incorporating key international human rights law concepts such as the right of all detainees to be free of torture and cruel, inhumane and degrading treatment. They have facilitated prison and detention center monitoring activities of national and international human rights organizations in Liberia and launched new interactive public education programs using mass media to educate citizens on the rights of prisoners.⁴⁷

A number of local and international NGOs prepared stakeholder submissions to the UPR.⁴⁸ These were compiled for the 2010 review of Liberia by the Office of the United Nations High Commissioner for Human Rights.⁴⁹ The Liberia Coalition of Human Rights Defenders claimed that torture continues to be practiced in the Liberian criminal justice system, especially in the Intelligence Division of the Criminal Investigation Department, the National Security Agency and the Bureau of Immigration and Naturalization, even though

⁴⁴ UNCT *submission to the UPR on Liberia*, para. 53; A/HRC/12/42, para. 45(g).

⁴⁵ A/HRC/WG.6/9/LBR/1

⁴⁶ *Id.*, para. 52.

⁴⁷ *Id.*, para. 53.

⁴⁸ The following stakeholders submitted reports to be considered at the UPN: Global Initiative to End Corporal Punishment of Children (GIEACPC), Human Rights Watch (HRW), World Coalition against the Death Penalty (WCADP), The Advocates for Human Rights (AHR), Institute for Human Rights and Business (IHRB), Amnesty International (AI).

The following stakeholders collaborated to produce Joint Submission 1 (JS1): International Lesbian, Gay, Bisexual, Trans and Intersex Association, International Gay and Lesbian Human Rights Commission and ARC International.

The following stakeholders collaborated to produce Joint Submission 2 (JS2): Liberia Coalition of Human Rights Defenders, Research & Documentation Center on Human Rights, Human Concern, Liberia Technical Committee EFA, National Association of Concern Youth Organization of Liberia, Zorzor District Women Care, Human Rights Protection Forum, Rescue Alternative Liberia and West Africa Human Rights Defenders Network.

⁴⁹ A/HRC/WG.6/9/LBR/3

Liberia had ratified CAT in 2004.⁵⁰ Human Rights Watch (HRW) drew attention to reports of detainees being subjected to physical abuse by policemen, including torture, with only a few of those cases resulting in internal investigations, suspension or prosecution.⁵¹ Amnesty International (AI) claims that prisons remain understaffed and overcrowded; moreover, access to food, water, hygiene or medical services was restricted. Security in prisons was also poor, which frequently resulted in prisoner escapes.⁵² Women and juveniles were often subjected to abuse by guards and fellow inmates. In 2009, half of the country's prisoners had been held at Monrovia Central Prison, which operated at four times its capacity due to the large number of pre-trial detainees. Men and women were held together, as were juveniles and adults, and pre-trial detainees with convicted prisoners.⁵³ Also, contributors to JS2 claimed that number of detention facilities were not always accessible to human rights monitoring groups, NGOS or other institutions. It asserted that there were no in-prison rehabilitation programs for inmates, and physical activities and general welfare programs were not available.⁵⁴ Medical facilities and services within prisons and detention centers need immediate attention.⁵⁵

5. Cooperation with the Office of the High Commissioner for Human Rights

In September 2008, the independent expert on technical cooperation and advisory services in Liberia submitted a final report to the Human Rights Council.⁵⁶ In response, the Council requested that OHCHR pursue its technical assistance activities and programs in consultation with the authorities of Liberia.⁵⁷ In September 2009, OHCHR reported to the Human Rights Council on the activities that it had undertaken in the country.⁵⁸

IV. LEGAL FRAMEWORK FOR THE PREVENTION OF TORTURE

A. The Constitution

The Liberian Constitution was adopted in 1986. One of the stated purposes of the constitution was to establish “human rights under the law” within Liberia, along with liberty, peace, stability, equality, unity and justice.⁵⁹ Although the text of the constitution does not mention any of the UN treaties that Liberia had ratified, the constitution does guarantee many internationally recognized human rights. The Liberian Constitution, like many aspects of Liberia’s governing structure, is heavily influence by the U.S. Constitution and legal practices.

Chapter III of the constitution is titled “Fundamental Rights.” Included in this group are the “natural, inherent and inalienable” rights to life, liberty, security of the person, and to own and protect property.⁶⁰ In addition, Articles 14 through 21 guarantee familiar civil and political rights, such as freedoms of religion, the press, and expression. In fact, most of

⁵⁰ JS2, *Shadow Report* : UPR Submission Liberia 2010, pg. 2, *available at* http://lib.ohchr.org/HRBodies/UPR/Documents/session9/LR/LCHRD_LiberiaCoalitionofHumanRightsDefenders.pdf

⁵¹ HRW report, *supra* note 33

⁵² AI report, *supra* note 3, p.7

⁵³ *Id.*

⁵⁴ JS2 report, *supra* note 50

⁵⁵ *Id.*

⁵⁶ A/HRC/9/15

⁵⁷ A/HRC/RES/6/31; A/HRC/RES/9/16, para. 4.

⁵⁸ A/HRC/12/42

⁵⁹ Liberia Const. Preamble

⁶⁰ Liberia Const. Ch. III Art. 11

Chapter III is a codification of most of the established constitutional rights of the United States, stemming from the Bill of Rights from the United States Constitution, plus later amendments such as the 13th and 14th Amendments' prohibitions of slavery and guarantee of equal protection under the laws, as well as the implied constitutional law within criminal procedure, such as a guarantee to what are known in the U.S. as Miranda rights (the right to remain silent, the right to an attorney, etc.).⁶¹

In addition, Article 21 deals with fundamental rights in criminal procedure. Specifically, subsection (e) deals expressly with torture and treatment within prisons. The subsection explicitly states that “no person . . . shall be subject to torture or inhumane treatment,” as well as stating that no person except military personnel be detained in a military facility.⁶² Further, the constitution expressly calls for the Liberian legislature to pass laws allowing a private right of action for any person to seek damages in tort against any official of the government who tortured or injured anyone in violation of the constitution.⁶³

Subsection (f) of Article 21 mandates that any person who is arrested or detained be formally charged and brought before a proper court within 48 hours of arrest.⁶⁴ This provision is especially important when considering the extended pre-trial detention problems at every Liberian prison.

Article 80 of Chapter VII denies the ability of any group that “threatens or seems to use physical force,” or trains or equips groups that use physical force for any political objective to register as a recognized political party, or, if already registered, shall have its registration revoked.⁶⁵

B. Relevant National Legislation

1. Updated Code Generally Unavailable

While the Liberian Constitution lays the foundation for Liberia's legal framework for the prevention of torture, it is unclear how national legislation and, more importantly, actual legal practice, supports these fundamental rights. This is because most of the country's judicial system, including many lawyers and law libraries, is operating without current copies of the legal code.⁶⁶ A group known as the Liberia Law Experts resumed codification efforts after the civil war ended in 2003. The Liberia Law Experts were formerly headed as a pro bono project by Cornell University professor Milton Konvitz. However, Konvitz had only codified the laws up to 1978 before passing away. No progress was made (in fact, progress was lost as many editions of the laws were destroyed or lost during the civil wars) on the project until after 2003, when Philip Banks was appointed chair of the country's law reform commission by newly elected president Ellen Johnson Sirleaf.⁶⁷

Banks led the Liberia Law Experts through the rest of the job, funded partly by a \$400,000 grant from the U.S. However, Banks claims the money was not sufficient to finish the job, and that he fronted the rest of the money to finish the project. Because of this, Banks claims

⁶¹ Liberia Const. Ch. III Art. 14-21

⁶² Liberia Const. Ch. III Art. 21(e)

⁶³ *Id.*

⁶⁴ *Id.* at (f)

⁶⁵ Liberia Const. Ch. VII Art. 80

⁶⁶ Moore, Jina, and Gordon, Glenna, *He's Got the Law (Literally) in His Hands*, Foreign Policy, Nov. 12, 2009, available at http://www.foreignpolicy.com/articles/2009/11/12/hes_got_the_law_literally_in_his_hands

⁶⁷ *Id.*

to have a copyright on the written code of the Liberian laws since 1978.⁶⁸ As of today, Banks has not been paid for what he believes is his intellectual property. As a result, Banks has not allowed anyone to publish or disseminate his finished copies of the laws.

2. Relevant Current Law, New Laws and Proposed Laws

In the absence of the new laws, Liberia is currently operating under a mixture of the 1978 code and various legislation passed in the last five years. The Liberian Penal Code in 1978 is based on the U.S. Model Penal Code of 1956 and follows its structure and standards almost word for word.⁶⁹ The legal code from 1978 includes criminal procedure laws, some of which are relevant to torture, and are discussed more fully below.

The Liberian Parliament has been active in passing proposed legislation and new laws. These laws include the rape law of 2006 and a recently proposed anti-torture bill.

The new law to combat rape is entitled “An Act to Amend the New Penal Code to Include Gang Rape”. It defines rape, statutory rape and gang rape, and also sets the maximum sentence to life in prison for gang rape or rape using a weapon.⁷⁰ This law defines rape gender neutral and includes rape for married couples. The new law is a positive step for a country that has a long history of failing to consider rape a punishable crime and recognizes shifting understandings of the crime.

The anti-torture bill was proposed in June of 2010 by Rescue Alternatives Liberia (RAL).⁷¹ RAL is an anti-torture and prison reform group in Liberia that drafted the bill and submitted it for review and adoption on the fifth anniversary of the OPCAT’ entry into force of the OPCAT (of special significance is the fact that Liberia was the first African state to ratify the convention).⁷² After the bill was critiqued and edited in the validation process, it will be submitted to the Liberian legislature with the aim of making torture an official crime in Liberia.

V. INSTITUTIONAL FRAMEWORK FOR THE PREVENTION OF TORTURE:

A. NPM

The Independent National Commission on Human Rights (INCHR) is mandated as part of the 2003 Accra Peace Agreement and passed into law in March of 2005 has yet to be formed.⁷³ In February 2010, the Liberian Senate rejected the commissioners for the second time. The INCHR would be responsible for monitoring the respect for human rights and ensuring that recommendations contained in the final report of the Truth and Reconciliation Commission are implemented.⁷⁴

⁶⁸ *Id.*

⁶⁹ Kabbah, Hanatu. *A Guide to the Liberian Legal System and Legal Research*, GlobaLex, Sept., 2008 available at www.nyulawglobal.org/globalex/liberia.htm#SourcesofLawinLiberia

⁷⁰ An Act to Amend the New Penal Code Ch. 14 §§ 14.70 - 14.71 And To Provide For Gangrape, Approved: Dec. 29, A.D. 2005.

⁷¹ All Africa, *Liberian Anti-Torture Law Proposed*, June 25, 2010, available at <http://allafrica.com/stories/201006250456.html> ; *Working to End Torture In Liberia*, National Endowment for Democracy, 2010, available at <http://www.ned.org/democracy-stories/working-to-end-torture-in-liberia>

⁷² *Id.*

⁷³ International Center for Transitional Justice, available at <http://allafrica.com/stories/201002240130.html>

⁷⁴ *Id.*

VI. STATE ORGANS:

A. Judiciary

Ordinary jurisdiction consists of a Supreme, Circuit, and Magistrate Courts. The judicial system is functional but is still extremely influenced by the Executive branch. Liberia has a dual legal system consisting of statutory and customary law.⁷⁵

The highest court in Liberia is the Supreme Court.⁷⁶ The Chief Justice presides over four associate justices, all of whom are appointed by the president with the consent of the senate.⁷⁷ These justices must be a citizen of Liberia and are required to have at least 5-year membership of the bar.⁷⁸ The justices hold court on Capitol Hill in Monrovia where they determine issues such as the constitutionality of legislation and hold final appellate jurisdiction over all other matters. This court holds original jurisdiction in matters concerning state agencies, magistrates, and where the country is a party.⁷⁹ The next level of courts are called Circuit Courts presided over by Circuit Judges. These courts have original jurisdiction in serious cases such as rape and murder.⁸⁰ The third level of court is the Magistrate Courts. The head of these courts is a stipendiary magistrate who is required to be a qualified lawyer.⁸¹ There are also two associate magistrates who are not required to be qualified. These courts have jurisdiction in civil and criminal cases, but refer to Circuit Courts in the case of a serious crime. There is a provision in the Constitution for 79 Magistrate Courts to be located in Monrovia and throughout Liberia.⁸²

The last level of courts is Justices of the Peace Courts rules over by a Justice of the Peace. These courts deal in a very limited range of adjudication as governed by the Constitutional provisions 8.3(a) and 8.3(b). Traditional Courts still exist in Liberia and use the controversial method of “trail by ordeal” in which case the presiding official will subject the offender to numerous painful tests as a means of discovering their innocence or guilt; escape was usually seen as a divine intervention attesting to innocence.⁸³ One specific type of trail by ordeal is called “sassywood” – someone places a hot metal object on the offenders and if they do not flinch they are deemed not guilty.⁸⁴ This practice is outlawed by statute but it still considered a main form of justice by Liberians due to its cultural significance and the efficiency gained compared to spending years waiting for a case to be tried in an official court.

1. Problems facing the Courts:

Many justices have complained that they have not been able to hold a trial due to the lack of security, supplies, equipment, or a courthouse. There are many recorded instances of the law being applied unevenly; often judges, defense attorneys, and prosecutors are accused or

⁷⁵ Kabbah, Hanatu. (2008, September) A Guide to the Liberian Legal System and Legal Research. *Globlex:NYU* available at <http://www.nyulawglobal.org/Globalex/LIBERIA.htm>

⁷⁶ *Id.*

⁷⁷ *Id.*

⁷⁸ *Id.*

⁷⁹ *Id.*

⁸⁰ *Id.*

⁸¹ *Id.*

⁸² *Id.*

⁸³ *Id.*

⁸⁴ IRIN, *LIBERIA: Trial by ordeal makes the guilty burn but "undermines justice"*. November 1, 2007 available at <http://www.alertnet.org/thenews/newsdesk/IRIN/b3cb0b948a2168b603c61baa8025bd1e.htm>

convicted of taking bribes.⁸⁵ There is no effective system to provide public defenders in rural areas, with the result being a lapse back to trial by ordeal. In 2008, a fast track court was created in order to relieve prison overcrowding, and different magistrates take turns in a rotation in order to man this post.⁸⁶ Still, as of 2009 only 10% of detainees had been convicted of a crime.⁸⁷

B. Police Forces

The Liberian National Police are in charge of national security; it consists of the main force and two special divisions known as the Special Operations Division (SOD) and the Special Security Service (SSS) which function as executive guards.⁸⁸ The US department of State's 2009 reports on Human Rights has illuminated some lapses in all factions of the LNP. The reports mention that the LNP was ineffective and slow to respond to criminal activity.⁸⁹ The reports mentioned that the officers of the LNP had salary issues; either the salary was too low to compensate the work or they were not paid on time, contributing to widespread corruption.⁹⁰ The LNP deal with insufficient funding. They lack adequate access to transportation and supplies in order to properly investigate a crime.⁹¹ There are multiple reports of unethical behavior by the LNP, especially in rural areas. Once detained by the police, offenders wait years before their cases go to trial some without clothes.

C. Armed Forces/Military Justice

The armed forces of the republic of Liberia are named the Armed Forces of Liberia (AFL). The military was re-titled in 1958 from the previous Liberian Frontier Force.⁹² The AFL has been riddled with corruption taking major hits during the First and Second Civil Wars, and has always received assistance from the U.S. government.⁹³

The AFL was completely demobilized after the Second Civil War and now consists of two infantry battalions and a National Coast Guard.⁹⁴ The Air Force was dissolved in 2005 and now United Nation Mission in Liberia operates military aircraft in Liberia.⁹⁵ Liberia also dissolved the Anti-Terrorist Unit formed by former president Charles Taylor, an armed force which had no legal basis for its existence.

The troops are trained at the Barclay Training Center in Monrovia. Both battalions are stationed at Edward Beyan Kesselley (EBK) Barracks, where they are trained by defense contractors DynCorp, contracted by the U.S. State Department as part of the African

⁸⁵ USSD report, *supra* note 28

⁸⁶ *Id.*

⁸⁷ *Id.*

⁸⁸ Global Security [GS], Liberia Military Guide, *available at* <http://www.globalsecurity.org/military/world/liberia/index.html>

⁸⁹ USSD report, *supra* note 28

⁹⁰ *Id.*

⁹¹ *Id.*

⁹² *Id.*

⁹³ “..The first battalion started the United States Army Training and Evaluation Program, which it will complete in September [2009], while the second battalion will complete the program in December [2009]. At that time, the United States contractors currently training and equipping the force will hand over to the [Ministry of National Defense](#), which will assume responsibility for training and standing up the new army. The United States has indicated that it plans to assign as many as 60 United States serving military personnel to continue mentoring the Armed Forces of Liberia, beginning in January 2010.” *Id.*

⁹⁴ GS, *supra* note 88

⁹⁵ United Nations Mission to Liberia website: <http://unmil.org/>

Peacekeeping Program.⁹⁶ In order to prevent overcrowding, some of the troops are reported to have been moved to Camp Tubman in Gbarnga.⁹⁷

VII. CRIMINAL PROCEDURE:

A. General description

The criminal procedure law of Liberia can be found in Title II, Chapters 1-44 of the Liberian code. Like the rest of the Liberian code, the criminal procedure laws have not been updated since the 1978 codification, with the exception of several new laws. Liberian codes, like the nation's the criminal procedure laws, are very similar to those of the United States. The laws include prohibitions against unreasonable search and seizure,⁹⁸ require a grand jury to review evidence and issue an indictment,⁹⁹ and demand trials with before a jury of twelve people.¹⁰⁰

However, despite the formal protections provided by Liberia's criminal procedure laws, actual practice involves substantial due process violations. In addition, it is unlikely that Liberian's are aware of their basic rights or the protective nature of the country's laws. A 2009 study of the Liberian justice system found that less than ten percent of all criminal disputes for anything other than murder, rape and bribery were even brought before a formal court.¹⁰¹ Even in the cases of murder and rape, only 25 and 21 percent of those charges are brought before a formal court.

Most criminal disputes are either left unresolved, addressed informally by the parties or managed through consultations with customary legal authorities such as chiefs, family heads and elders.¹⁰² Although the Liberian government has outlawed the customary practice of trial by ordeal, this process is still used.¹⁰³ Many Liberians blame the government's ban on trial by ordeal and similar informal justice mechanisms for a nation's inability to control crime.¹⁰⁴

There are many reasons why crime victims do not turn to formal authorities. Above all, this is because Liberians often mistrust the police and formal court system.¹⁰⁵ This mistrust is partly a reflection of substantive failures of state systems, including corruption, delays and general institutional dysfunction. Whatever the reason, the traditional legal concepts of criminal procedure exist in a well-articulated and detailed manner in the Liberian code. The problem is the less related to the quality of criminal laws and procedures and more closely bound to the actual way in which the criminal justice system operates.

⁹⁶ <http://www.irinnews.org/report.aspx?ReportID=78095>

⁹⁷ Jefferson Massah, Liberia: UNMIL Provides training for 60 AFL Military Engineers (2009, September 16) *The Informer*

⁹⁸ Liberia Code at § 11

⁹⁹ *Id.* at § 15

¹⁰⁰ *Id.* at § 19

¹⁰¹ *Looking for Justice: Liberian Experiences and Perceptions of Local Justice Options*, (United States Institute of Peace, Washington, D.C.) May, 2009 at 80-81

¹⁰² *Id.* at 80

¹⁰³ *Id.* at 10-11

¹⁰⁴ *Id.*

¹⁰⁵ *Id.* at 70, 80, 85; See also David Lewis, *Weak Police and Courts Hold Liberia Back*, Reuters Africa, Sept. 24, 2010, available at <http://af.reuters.com/article/guineaNews/idAFLDE68G1UA20100924?sp=true>

B. Legal Safeguards from Detention to Trial

In theory, a person arrested in Liberia benefits from by adequate legal safeguards to protect them from torture or ill-treatment from the time of arrest, through the initial detention, through possible indictment, pretrial detention, trial and sentencing and subsequent incarceration, if found guilty. Both the Constitution and the nation's criminal laws and procedures, guarantee nearly all basic due process protections, including the integrity and fairness of the criminal process, the presumption of innocence, the right to remain silent, the right to legal representation and the right to a jury trial.¹⁰⁶

More specifically, Section 10 covers procedure for arrest, summons, and notice to appear. Section 10.3 requires that police officers only use the minimum amount of force as is necessary when making an arrest.¹⁰⁷ In addition, Section 10.11 requires that a person arrested be brought before a court of competent jurisdiction "without unnecessary delay."¹⁰⁸

Although the constitution specifically sets the maximum time period for a person to be detained without being charged at 48 hours,¹⁰⁹ in reality around 90% of the prison inmates in Liberia are being held in pre-trial detention, and most people arrested spend "months" waiting to go before a court.¹¹⁰ In fact, one legal aid program focused solely on helping detainees in pre-trial detention obtained the release of over 450 detainees from Monrovia Central Prison in just its first six months of operation.¹¹¹

Section 12 states that upon being brought before a court after an arrest, the defendant shall immediately be informed of the charges against him and be reminded of his right to not make a statement and his right to counsel.¹¹² In addition, the defendant has the right to request a preliminary examination of the evidence supporting the charges against him. At the preliminary exam, the defendant should be provided with a copy of the complaint (if it has not already been provided) and all witnesses are supposed to be examined before the defendant and cross-examined if the defendant and his/her counsel desires.¹¹³

If a defendant being held is not indicted by the next succeeding term of court, or if he or she is indicted but not tried before the next succeeding term, the court is supposed to dismiss the case.¹¹⁴ If a guilty verdict is rendered, the defendant has the right to file a motion for a new trial which may be granted on several available criteria in Section 22.1. These criteria include prosecutor misconduct, jury problems or errors of law.¹¹⁵ Judging by some of the reports¹¹⁶ concerning the lack of training or knowledge of the laws by judges, lawyers and policemen alike, it is reasonable to assume that many convictions could be effectively challenged with a determination of the need for a new trial.

¹⁰⁶ Liberia Const. Ch. III Art. 14-21; Liberia Code at § 2, 19

¹⁰⁷ Liberia Code at § 10.3

¹⁰⁸ *Id.* at § 10.11

¹⁰⁹ Liberia Const. Ch. III Art. 21(f)

¹¹⁰ American Bar Association [ABA], *Pre-Trial Detention Program Helps Release More Than 450 Liberian Detainees*, May, 2010, available at http://www.abanet.org/rol/news/news_liberia_pretrial_detention_project_0510.shtml.

¹¹¹ *Id.*

¹¹² Liberia Code at § 12.1

¹¹³ *Id.* at § 12.2-12.3

¹¹⁴ *Id.* at § 18.2

¹¹⁵ *Id.* at § 22.1

¹¹⁶ Murray, Rebecca. *Liberia: Malfunctioning Courts and "Deplorable" Prison Conditions*, Inner Press Service, May 9, 2009, available at <http://www.afrika.no/Detailed/18277.html>; USIP Report, *supra* note 101; American Bar Association, *supra* note 110; Lewis, *supra* note 105;

A defendant, who is found guilty, may also appeal to the Circuit Court in the district where the trial took place.¹¹⁷ The defendant may also be granted probation, have his/her sentence suspended,¹¹⁸ and/or be released on parole after serving a portion of his sentence.¹¹⁹ Case for defendants charged with major felonies, such as murder, armed robbery or rape, case must be heard in the Circuit Court.¹²⁰

Finally, it is important to remember that the use of the formal court system is the least popular for settling civil disputes and for most criminal cases.¹²¹ At present, existing laws and procedures remain unknown by most Liberians and inadequately respected by the country's law enforcement personnel, judiciary and prison officials. While these protections are central elements of the domestic and international human rights system, the term "human rights" is often viewed with suspicion, particularly among those who view providing rights to criminal defendants and prisoners as a means of limiting accountability and minimizing justice.¹²² In fact, due process protections within the context of a highly flawed system, and especially in light of high levels of corruption, enable those who are guilty of crimes to avoid conviction and jail time. This problem is heightened where police lack basic forensic skills, where witnesses are unavailable or unwilling to testify and where key rule of law institutions lack the financial and personnel resources to effectively follow the law. With this in mind, many Liberians believe protections for criminal defendants give "an unfair advantage to the perpetrator at the expense of the victim," and that the "western" adversarial system is contrary to the traditional concept of reparation and redress that a victim and perpetrator arrive at while working together.¹²³

VIII. PRISON SYSTEM

A. Legislative framework

There is a significant divide between Liberia's rules on how prisons should be managed and how they actually operate.

The Ministry of Justice is charged with establishing maximum, medium and minimum security prisons, as well as reformatories or vocational schools for juvenile offenders, hospitals for the mentally ill, institutions for those who need psychiatric treatment and jails for those in pretrial detention and for witnesses being held in order to testify at trial.¹²⁴

The Liberian Constitution expressly outlaws torture or inhumane treatment of any person, including prisoners, and further states that no civilian shall be detained in a military facility.¹²⁵ In addition, the Constitution prohibits detaining any person for longer than 48 hours without formally charging that person.¹²⁶

¹¹⁷ Liberia Code at § 24

¹¹⁸ *Id.* at § 33

¹¹⁹ *Id.* at § 35

¹²⁰ Murray, *supra* note 116

¹²¹ USIP Report, *supra* note 101 (Explaining how most Liberians, including victims of crimes, use customary legal avenues or Trial by Ordeal to solve disputes more than the formal justice system)

¹²² *Id.* at 61-62

¹²³ *Id.* at 62

¹²⁴ *Id.*

¹²⁵ Liberia Const. Ch. III Art. 21(e)

¹²⁶ *Id.* at (f)

Section 34 of Title II of the Liberian code covers prison rules, prison conditions, and treatment of persons in detainment.¹²⁷ The section outlines the types of institutions to be maintained by the Ministry of Justice. The section requires that all prisoners be provided with medical and dental care, wholesome food in sanitary conditions, adequate clothing that is in no way humiliating or degrading and the opportunity to exercise each day. In addition prisoners must be provided with reasonable sleeping accommodations in which each prisoner either has his/her own cell or resides in a shared cell with other prisoners selected in an appropriate fashion. For example, men, women and children must be housed separately and prisoners convicted of non-violent and less serious crimes should not be housed with violent offenders.

Under Liberian law, prison cells should be designed with “due care” to health issues such as adequate lighting conditions, appropriate climate conditions and reasonable floor space.¹²⁸ Every prisoner is supposed to be informed of these legal requirements when they arrive at the prison, In addition, the director of an institution must inform a prisoner’s spouse or family if the prisoner is transferred or dies while in custody.¹²⁹

Again, reports from within Liberia show a gross failure of the rule of law when it comes to these protections in the criminal justice system. The ABA’s report on its program to help prisoners languishing in pre-trial detention states that pre-trial detainees make up 90% of the prison population, are generally unaware of their constitutional rights, and are locked for “months” inside dark, dilapidated prisons with nearly 1000 other prisoners despite the prison capacity officially being 250 persons.¹³⁰ The prison reform group Rescue Alternatives Liberia reported in 2009 that prisoners in Liberia suffer from a lack of water and food, overcrowding which requires them to sleep on the bare floor, and sometimes do not even have clothes.¹³¹ Prison guards are under-paid and under-trained¹³², which leads to prison escapes and prisoners bribing guards with anything they can just to be allowed to see their families during prison visiting hours.¹³³

B. Network of prisons

The Ministry of Justice runs the prisons and which are funded through a government budget described as “unknown and irregular”. This leaved many prisons “begging for subsidies” just to make conditions at the prisons livable.¹³⁴ In addition, the low pay of prison guards and wardens, as well as under-staffing at most prisons, has led to numerous mass prison escapes.¹³⁵ These escapes have been widely reported and raise key questions among the public as to the functional capacity of the prison system. In addition, many families of prisoners claim that officials and guards require bribes to allow visitors into the prison.¹³⁶ Furthermore, families typically have to provide payment or food to ensure that relatives held in detention eat well.

¹²⁷ *Id.* at § 34

¹²⁸ *Id.* at § 34.8 - 34.12

¹²⁹ *Id.* at § 34.15 – 34.17

¹³⁰ ABA, *supra* note 110

¹³¹ IRIN Africa, *Liberia: Some Prisoners Do Not Even Have Clothes*, Jan. 15, 2009, <http://www.irinnews.org/Report.aspx?ReportId=82396>

¹³² Murray, *supra* note 116

¹³³ IRIN Africa, *Liberia: Lorpu, “Every Night I Cry”*, Jan. 15, 2009, <http://www.irinnews.org/HOVReport.aspx?ReportId=82397>

¹³⁴ IRIN Africa report, *supra* note 131

¹³⁵ Murray, *supra* note 116

¹³⁶ IRIN Africa report, *supra* note 133

As with other aspects of Liberian infrastructure, most prisons were damaged or destroyed during the civil wars. Many of these institutions are still used today despite remaining in “deplorable” condition and in need of renovation.¹³⁷ The Liberian government recognizes this problem and the international community has stepped in with assistance to aid in the modernization of the country’s prison facilities. Since 2004, UNMIL has worked closely with the Ministry of Justice.¹³⁸ In July 2010, UNMIL handed the government a new, maximum-security prison.¹³⁹ The new prison, funded by the UN’s Peacebuilding Fund, can hold 72 inmates and has separate cells for male and female inmates, as well as solar powered and rain-harvest water systems to ensure a constant supply of fresh water.¹⁴⁰ The Peacebuilding Fund has also been used to train 50 new corrections officers.¹⁴¹

The International Committee of the Red Cross (ICRC) has been involved in closely monitoring prisons and other sites of detention in Liberia. Based on site visits, the ICRC has expressed concern that poor health and sanitary conditions in prisons across the country raise the detainees’ vulnerability to infectious diseases such as cholera.¹⁴² In response, the ICRC has worked closely with the Liberian government to renovate prisons, including assistance in building latrines and showers and providing access to fresh water at many prisons across the country.¹⁴³

With the addition of the new UN prison, there are now 15 prisons in Liberia.¹⁴⁴ In 2009, there were between 1,420 and 1,600 people held in detention across the country, with around half held at Monrovia Central Prison.¹⁴⁵ However, about 90% of prisoners in Liberia are held in pre-trial detention and have not been convicted of a crime.¹⁴⁶ According to one prison reform group within Liberia, 91% of the detainees across the country are male.¹⁴⁷

C. Specific issues within the Interplay of the Formal Criminal Justice System and the Prison System

The problems with the prison system in Liberia can essentially be broken down into three main areas: the length of detention for pre-trial detainees, the physical conditions of the prisons, and lack of knowledge or effectiveness of legal rights and protections afforded to defendants coupled with the mistrust and non-use of the formal justice system by the majority of the Liberian population. All of these three major areas of concern have the capability of promoting, or at least not stopping, torture or ill treatment of persons caught up world of criminal justice. Yet, all of these three major areas of concern would greatly benefit from a combination of money, organized instruction and general education of the public. Of course, that is the always the goal and is much easier said than done. However,

¹³⁷ IRIN Africa, *supra* note 131

¹³⁸ Murray, *supra* note 116

¹³⁹ *New Prison Opens in Liberia As Part of UN Efforts To Help Country Rebuild*, UN News Centre, July 28, 2010, <http://www.un.org/apps/news/story.asp?NewsID=35462&Cr=liberia&Cr1=>

¹⁴⁰ *Id.*

¹⁴¹ *Id.*

¹⁴² *Id.*

¹⁴³ IRIN Africa, *supra* note 133

¹⁴⁴ Murray, *supra* note 116

¹⁴⁵ *Id.*; See also USSD, *supra* note 28

¹⁴⁶ ABA, *supra* note 110; *Liberia: When the Mob Prevails*, Inter Press Service, Sept. 10, 2009, <http://www.afrika.no/Detailed/18704.html>

¹⁴⁷ IRIN Africa, *supra* note 131

there has been some recent inroads into solving each of these three problems, and in general the areas where one might find torture are improving, even if things are still fairly bad.

1. Pre-trial Detention

Efforts from several different angles have aimed at solving the pre-trial detention problem. There are prison reform groups such as Rescue Alternatives Liberia (RAL) and Liberia Prison Watch that actively work with prisons, prisoners and the national government to improve conditions at and funding for Liberia's prisons. One of the biggest needs for improving the pre-trial detention problems is to have more defense lawyers available. Because many detainees are too poor to afford a lawyer and are unaware of their constitutional rights to both have a lawyer and to not be detained for over 48 hours, many detainees sit in overcrowded prisons for months with no help or relief and no idea what to do.

In addition, there are not nearly enough legally trained public defenders to represent all of the detainees. To help fill this gap, different organizations have stepped in. The American Bar Association began its Rule Of Law Initiative in October of 2009, which provides three specially trained Liberian lawyers working with recent American law school graduate interns to represent detainees in front of a magistrate judge.¹⁴⁸ In just its first six months, the ABA program obtained the release of over 450 detainees just from Monrovia Central Prison based on the detainees being held long past the maximum amount of time without being charged.¹⁴⁹

In addition to trying to provide more lawyers for the accused, there has been progress in developing and adding more magistrate judges to hear the cases of the pre-trial detainees.

The Liberian Ministry of Justice and the Liberian Supreme Court initiated the Magistrate Sitting Program, which brings six magistrate judges into Monrovia Central Prison, the country's most crowded prison, to conduct "fast track hearings" in an effort to reduce the number of detainees.¹⁵⁰ This program has had some success, although observers within the courts report a lack of legal understanding by the lawyers and a problem with the jurisdiction of the magistrate judges to hear the cases.¹⁵¹ Magistrate judges do not have authority to hear capital cases such as armed robbery and murder, yet there are reports of magistrates hearing such cases simply because they are unaware that they cannot.¹⁵² In fact, Liberia Prison Watch claims that some magistrate judges have never practiced law and do not even know the elements of a crime.¹⁵³ Because armed robbery, rape and murder are the most common crimes to be prosecuted in the formal criminal context,¹⁵⁴ and because, as major felonies, these crimes are outside of the magistrate court's jurisdiction, many detainees are technically unable to be helped by the Magistrate Sitting Program.¹⁵⁵ However, these steps are making some, albeit small, progress in reducing the pre-trial detention problem within the Liberian prison system.

¹⁴⁸ ABA, *supra* note 110

¹⁴⁹ *Id.*

¹⁵⁰ *Id.*; See also Barrie Sandra, *The Magistrate's Sitting Program*, Feb. 28, 2010, available at http://barrieinliberia.blogspot.com/2010_02_01_archive.html

¹⁵¹ Sandra, *supra* note 68

¹⁵² Murray, *supra* note 116

¹⁵³ *Id.*

¹⁵⁴ USIP report, *supra* note 101, at 81

¹⁵⁵ Murray, *supra* note 116

2. Prison Conditions

Prison conditions in Liberia do not meet international standards or respect domestic law as reviewed by a number of local and international organizations.

Bureau of Democracy, Human Rights, and Labor March 11, 2008 (Country report 2009); Human Rights Watch, Universal Periodic Review: Liberia (December 2010).

Women and juveniles were subject to abuse by guards or other inmates. Men and women are held together in the same cell in some counties and cities. In many counties juveniles and adults were held together, and pretrial detainees were generally held with convicted prisoners.

In general, Liberian prisons suffer from significant overcrowding with many times more detainees held in the available facilities. As described above, most prisons were damaged in the civil war and those that are used are typically in very poor condition. Prisoners across the country often receive only one meal per day, live in darkness due to a lack of electricity and often do not have access to fresh water or latrines.¹⁵⁶ All of these insufficiencies fall below Liberia's own legal standards set out in § 34 of the criminal procedure laws.

While torture is not generally seen as a common problem within Liberian prisons, some cases are reported.

In 2010, RAL has reported accounts of prisoners being severely beaten and injured by correction officers and police offers. These abuses were in response to prisoners defecating in their cells (possibly because of inadequate access to toilets), repeatedly calling for the correction officers to help a sick inmate, and for being in possession of a military cap.¹⁵⁷

Many prison reform activists and groups agree that more money and attention need to be paid to the prison system. However, there is disagreement among those who work for prison reform about the best way to go about achieving the desired reforms. RAL's executive director believes prisons need to be autonomous and not dependent on the Ministry of Justice's sporadic and insufficient economic and practical support.¹⁵⁸ However, others believe prisons must be subjected to centralized; government regulated minimum standards in order to keep a watchful eye on prison conditions.¹⁵⁹

Overall, while the Liberian government has taken meaningful steps to improve prison conditions, current conditions fall far below both international standards and domestic law.

¹⁵⁶ Barrie Sandra, *Monrovia Central Prison: Initial Impression*, Feb. 21, 2010, available at http://barrieinliberia.blogspot.com/2010_02_01_archive.html; IRIN Africa, *supra* note 131; Murray, *supra* note 116.

¹⁵⁷ The Analyst, *Liberia: Anti-Torture Bill Proposed*, June 25, 2010, available at <http://allafrica.com/stories/201006250456.html>

¹⁵⁸ IRIN Africa, *supra* note 131

¹⁵⁹ *Id.*



MCP Prison Block
(Photo courtesy of Meredith Safer)



MCP Prison Cell
(Photo courtesy of Meredith Safer)

3. Use of the Formal Justice System:

Liberians do not adequately trust the police and the criminal justice system which has proven unable to effectively solve crimes resolve conflicts and enable justice. This, in turn, leads Liberians to seek alternate non state based mechanisms of addressing social problems, some of which produce ill-treatment and torture.

In general, Liberians are frustrated with the police. By most accounts crime is rising, particularly crimes against property and violent crime. As with many of Liberia's social problems, these issues are related to the prior conflict in that many criminals are former combatants who were have limited job opportunities, inadequate skills and are accustomed to violence. National fear of armed robbery grew so serious that, in 2007, President Ellen Johnson Sirleaf reinstated the death penalty for those convicted of armed robbery, hijacking and terrorism, an act that was widely criticized by the United Nations and international NGOs.¹⁶⁰

Liberians often believe that he LNP works with criminals. They claim that the LNP, who are not armed, provide weapons to criminals and encourage their acts in return for a portion of what they steal.¹⁶¹ The capacity of those arrested to avoid legal accountability through institutionalized corruption heightens these concerns.

¹⁶⁰ UNHCR, *Liberia: Death Penalty Introduced for New Crimes, Blatant Violation of the Country's International Commitments*, July 23, 2008, available at <http://www.unhcr.org/refworld/category,COI,COUNTRYNEWS,LBR,48a2a9031a,0.html>

¹⁶¹ *Id.*

In many neighborhoods and towns throughout Liberia, people have organized watch groups to stop crime. Some of these groups are given whistles and direct phone numbers to the ERU (the U.S. and UN trained elite police force).¹⁶² In other cases, Liberians have resorted to vigilante justice. Throughout the country, angry mobs have tracked down and beaten alleged criminals.¹⁶³ While the full scope of these actions remains unknown, there are multiple reported cases of vigilante violence, which has sometimes led to killing them.¹⁶⁴

In addition, Liberians often turn to traditional or customary law out of a marked lack of trust in the formal justice system. Given the significant problems with the Liberian judiciary, police and prisons – despite many serious efforts to improve performance – the limited legitimacy of these institutions is not hard to understand. However, over time, efforts to make the justice and prison systems function more effectively is likely to increase people’s acceptance and trust in the state. As these efforts are linked with improved education, training, funding and general gains in good governance; Liberians will increasingly turn to the formal justice system.

IX. GROUPS IN FOCUS

A. Women

Women were specifically targeted for brutal acts of violence during Liberia’s civil conflict including forced displacement, killing, assault, abduction, torture, rape and forced recruitment. They were subjected to prolonged sexual abuse and sometimes forced to become sexual slaves of combatants. Many suffer physical and psychological effects of the inhumane treatment they endured during the war. While violence is substantially lower now than during the war, rape and sexual violence remains a serious problem in Liberia.

1. Disarmament, Demobilization, Rehabilitation and Reintegration

UMIL implemented the disarmament, demobilization, rehabilitation and reintegration (DDRR) in 2004 to help ex-combatants integrate back into society.¹⁶⁵ According to UMIL, 22,370 women and 2,440 girls were disarmed and demobilized.¹⁶⁶ However, many women and girls found the DDRR process traumatizing and were afraid to be identified as combatants for fear of being exploited again within Post-conflict Liberia as they had been during the civil war.¹⁶⁷ Also, many women ex-combatants carry the shame associated with the roles they played in the war, ostracizing them from society.¹⁶⁸ The residual effects of the trauma on women were also evident in reports of young female combatants returning to DDRR cantonment sites to sell themselves as prostitutes because of their perception that there are no other options for survival.¹⁶⁹ A 2007 Amnesty International report states that women were reluctant to seek out the services and support they needed to fully reintegrate

¹⁶² *When the Mob Prevails*, *supra* note 146

¹⁶³ *Id.*; USSD, *supra* note 28

¹⁶⁴ *When the Mob Prevails*, *supra* note 146; USSD, *supra* note 28

¹⁶⁵ S/RES/1509 (2003) 51.

¹⁶⁶ UNMIL, “Disarmament, Demobilization, Reintegration, and Rehabilitation.” *available at* <http://unmil.org/1content.asp?ccat=ddrr&zdoc=1>

¹⁶⁷ Irma Specht, “Girl Combatants: Women Warriors Fight Their Way Back into Liberian Society,” *World of Work* 54 (2005): 8–11.

¹⁶⁸ Irma Specht, “Red Shoes, Experiences of girl combatants in Liberia”, International Labour Organization (ILO), 2004. p. 34

¹⁶⁹ International Center for Transnational Justice, *Transitional Justice and the DDR: the case of Liberia* (2009) *available at* http://www.ictj.org/static/Publications/Jaye_Li_DDR_Liberia_FullCaseStudy_2009.pdf pg. 16

into society because of the social stigma and same felt from fighting with the armed forces and being victims of sexual violence.

2. Truth and Reconciliation Commissions and Women

The TRC was designed to complement the efforts of the DDRR. The 2005 law that created the TRC mandated women's inclusion in the process.¹⁷⁰ A Gender Committee, composed of governmental and non-governmental experts on women's issues, was established to advise the TRC on issues faced by female survivors of sexual violence.¹⁷¹ During the process, the committee used various methods to increase women's participation. Aside from encouraging women to share their experiences suffered during the conflict, other women assisted by being statement takers.¹⁷² The committee also encouraged male partners to change their traditional behaviors towards women and provided referrals for medical assistance and child reunification.¹⁷³

3. Violence against women

The UMIL and the government have taken steps to reduce sexual violence against women. In 2006, the Ministry of Gender and Development enacted the National Gender Based Violence Plan of Action which aimed to provide physical, psychological, economic and legal support to girls and women victims of gender based violence in different communities.¹⁷⁴ The plan included public information campaigns to encourage victims to report abuse which have led to increased public reporting and police responses in recent years.

As described above, rape was codified as a criminal offense in the 2006 through the amended Rape Act. The Act then spurred the creation of the Special Court for Rape and Other Forms of Violence in 2008. To carry out the prosecution of cases by this court, the Ministry of Justice created the Sexual and Gender Based Violence (SGBV) unit. The unit was also tasked with providing community outreach, a 24 hour victims' hotline service and awareness-programs. However deficiencies within the justice system have hindered prosecution of these cases and only a few have gone to trial.¹⁷⁵

The Association of Female Lawyers of Liberia (AFELL) reported that 110 rape cases were on the court's dockets as of 2007, but only five had been assigned for trial. Since 1999, only one case has successfully been brought to prosecution.¹⁷⁶ International Crisis Group speculate that part of the reason for the low prosecution rate is because there are only two magistrates in Liberia who have a law degree and that most justices of peace are corrupt.¹⁷⁷ According to Amnesty International, culture is another factor contributing to the low prosecution rate. Women and girls who go to the police because of rape or sexual violence

¹⁷⁰ National Legislative Assembly, *An act to establish the Truth and Reconciliation commission (TRC) of Liberia*, Article IV § 4(e), available at <http://www.ictj.org/static/Africa/Liberia/liberiarcact.eng.pdf>

¹⁷¹ A/HRC/WG.6/9/LBR/1 (2010) 73

¹⁷² African Faith and Justice Network, *Liberian Women Lay Foundation for Strength and Progress* (2010) available at <http://afjn.org/focus-campaigns/restorative-justice/147-commentary/845-liberian-women-lay-foundation-for-strength-and-progress.html>

¹⁷³ AI, *Getting Reparations Right for Survivors of Sexual Violence* (AI Index: AFR 51/005/2007),

¹⁷⁴ UN Doc *supra* note 171

¹⁷⁵ HRW report, *supra* note 33, 2

¹⁷⁶ ICTJ report, *supra* note 169, 26

¹⁷⁷ International Crisis Group, *Liberia: Resurrecting the Justice System*, Africa Report No. 107 (Brussels, 2006), 3-4.

often are pressured by the police and family members to not see the case through.¹⁷⁸ Other times, women and girls are treated poorly through the reporting processes. Incidences of rape of women and girls are still high. In addition, the Act is unclear as to whether victims of rape during the civil war could seek accountability of rape crimes committed during fighting.¹⁷⁹

A 2009 Human Rights Watch report has linked gender violence to traditional “witch-hunting” practices that are based in traditional belief and serve as an alternate to formal justice systems which have limited legitimacy among Liberians, especially those in rural areas. The most severe such practices involve “trials by ordeal” 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’.¹⁸⁰

Health service providers have been specially trained to care for victims of sexual violence. Standard protocols for clinical management of rape have been developed and SGBV awareness programs have been integrated into health facilities around the country. However, a 2007 Amnesty International (AI) report stated there were very few counseling services available in Liberia for women with mental health needs.¹⁸¹ AI also reported a large numbers of women living in rural areas of Kolahun and Foya who were suffering significant mental and physical health problems but were not able to receive help due to transportation limitations. Alternatively, international non-governmental organization such as IRC, American Refugee Committee (ARC) and Foundation for International Dignity (FIND) runs community-based programs to help protect women from on-going cases of domestic violence and violence within the communities.

In 2005, additional measures to eliminate violence against women can be seen through the enactment of the Anti-Human Trafficking Act. Through it, grass-root programs to combat trafficking is now carried out by thirty-five civil society organizations, there are public education and awareness campaigns in various communities, and Ministerial Task Force was created to oversee the elimination of trafficking in persons.

4. Women and Education

Socio-cultural and economic challenges are barriers for women who would like to participate in the national educational system. To combat this, the National Policy on Girls’ Education was enacted in 2006. Since its enactment, between 2005 and 2008, girls’ primary school enrollment has increased by 82% and by 16% in secondary schools.¹⁸² Furthermore, an all-girls’ night school program for pregnant teenage mothers called Special Girls’ Education Initiative (SGEI) have helped to reduce drop-out rates through teenage pregnancy.

Despite these governmental efforts, ongoing discrimination against women continues to impact their advancement. THINK Liberia, a Liberian NGO, conducted a research study

¹⁷⁸ Amnesty International, *Liberia: A flawed process discriminates against women and girls* (AI Index: AFR 34/004/2008) <http://www.amnesty.org/en/library/asset/AFR34/004/2008/en/c075d220-00cf-11dd-a9d5-b31ac3ea5bcc/af340042008eng.pdf> pg. 41

¹⁷⁹ ICTJ report, *supra* note 169

¹⁸⁰ HRW report, *supra* note 33, 2

¹⁸¹ AI report, *supra* note 173, 17

¹⁸² UN Doc, *supra* note 171, 15(79)

that indicated husbands and boyfriends often discourage women's efforts to pursue education.¹⁸³ Many times, discouragement was in the form of domestic violence.

B. Children

1. General Information

Statistics indicate that Liberia's population is quite a youthful one. Indeed, not only is more than forty-four percent of the population under age fifteen—a proportion twice as large as that in the United States—Liberians average just over eighteen years of age.¹⁸⁴ Moreover, a prominent child-focused NGO reports that “[o]ne in every nine [Liberian] children dies before their fifth birthday.”¹⁸⁵ The violence and turmoil that engulfed Liberia throughout its civil wars not only affected Liberia's adults, but also involved more than 20,000 Liberian children.¹⁸⁶ The conflict not only separated large numbers of children from their families, it also caused many of them to be “raped or [become] subject to other forms of sexual violence...including trafficking.”¹⁸⁷ Though the situation has undoubtedly improved since the end of the war, loopholes in Liberia's adoption law have allowed for a rise in child trafficking.¹⁸⁸ Indeed, a 2006 report by a child advocacy group indicated that the very orphanages that supposed to be improving children's lives were actually helping others to traffic them.¹⁸⁹

While perhaps somewhat justified given the nation's multitude of other problems, Liberia's budgetary priorities do not match up with its population's composition. Indeed, the country spends only 2.7% of its gross-domestic product on education—placing Liberia 157th out of all the world's countries.¹⁹⁰ This statistic is especially shocking when one considers two interrelated factors—the large number of schools destroyed in Liberia's civil war and the inability of many families to send their children to the few schools in operation.¹⁹¹ Children's healthcare also remains woefully inadequate, as “[l]ess than 10% of Liberians have access” to quality health services.¹⁹² It should come as no surprise then, that Liberia's infant mortality rate remains extremely high.¹⁹³

2. Juvenile Justice System

Although Liberia formally established a juvenile justice system in 1971,¹⁹⁴ a recent report indicated that it was “barely functional,” “in tatters,” and “a source of deep concern” for

¹⁸³ THINK Liberia report (2010) available at <http://www.thinkliberia.com/cgi-bin/mt4/mt-search.cgi?search=research&IncludeBlogs=1&limit=20>

¹⁸⁴ See CIA Factbook, *supra* note 4 and; CIA, The World Factbook: United States (2010), available at <https://www.cia.gov/library/publications/the-world-factbook/geos/us.html>

¹⁸⁵ Save the Children, *What we do in Liberia* (2009/2010), available at http://www.savethechildren.org.uk/en/docs/Liberia_Country_Brief_2009.pdf.

¹⁸⁶ *Id.*

¹⁸⁷ *Id.*

¹⁸⁸ *Id.*

¹⁸⁹ IRIN Africa, *Liberia: Orphanages Accused of Child Trafficking*, available at <http://www.irinnews.org/report.aspx?reportid=58262>.

¹⁹⁰ CIA Factbook, *supra* note 4

¹⁹¹ Save the Children, *supra* note 185

¹⁹² *Id.*

¹⁹³ *Id.*

¹⁹⁴ UNICEF Liberia, *Children Involved with the System of Juvenile Justice: an Overview*, available at http://www.unicef-irc.org/portfolios/documents/484_liberia.htm

Liberia's future stability.¹⁹⁵ Indeed, although Liberian law includes a comparatively-strong juvenile justice code, as of 2007 that code "rarely followed."¹⁹⁶ One possible explanation for this phenomenon is that magistrates often treat children as adults because of the relative lack of birth certificates.¹⁹⁷ Whatever the reason, one consequence of the ignorance of the juvenile code is that a number of children are in prison that should not actually be there.¹⁹⁸ Although this would be a travesty even if Liberia had high-quality prisons, it is made worse by the poor state of the nation's detention facilities. Indeed, not only are child-offenders housed alongside hardened war-criminals,¹⁹⁹ they are also regularly sexually-abused—by both guards and fellow-prisoners alike.²⁰⁰

In light of these problems, some international groups have begun a push to divert some low-level child offenders away from the formal prison system into rehabilitative programs. Like other groups' efforts to combat different problems, however, Liberia's lack of infrastructure serves as a major roadblock. Indeed, "there are no formal rehabilitation homes in Liberia" and only stop-gap rehabilitative facilities—such as Monrovia's Don Bosco Children's Centre—exist.²⁰¹

C. Racial and Ethnic Minorities

1. General Information

Liberia's population is comprised of sixteen African ethnic groups, but also contains small numbers of Americo-Liberians (individuals descended from those African-Americans who first migrated to Liberia), Lebanese, Indians, and other West-African nationals.²⁰² In 2008 the nation conducted its first census since 1984.²⁰³ That census contained the following country-level breakdown of Liberia's ethnic composition, shown in the chart below.²⁰⁴

¹⁹⁵ IRIN Africa, *Liberia: Juvenile Justice System in Tatters* (2007), available at <http://www.irinnews.org/report.aspx?ReportID=74205>.

¹⁹⁶ *Id.*

¹⁹⁷ *Id.*

¹⁹⁸ *Id.*

¹⁹⁹ UNICEF, *supra* note 194

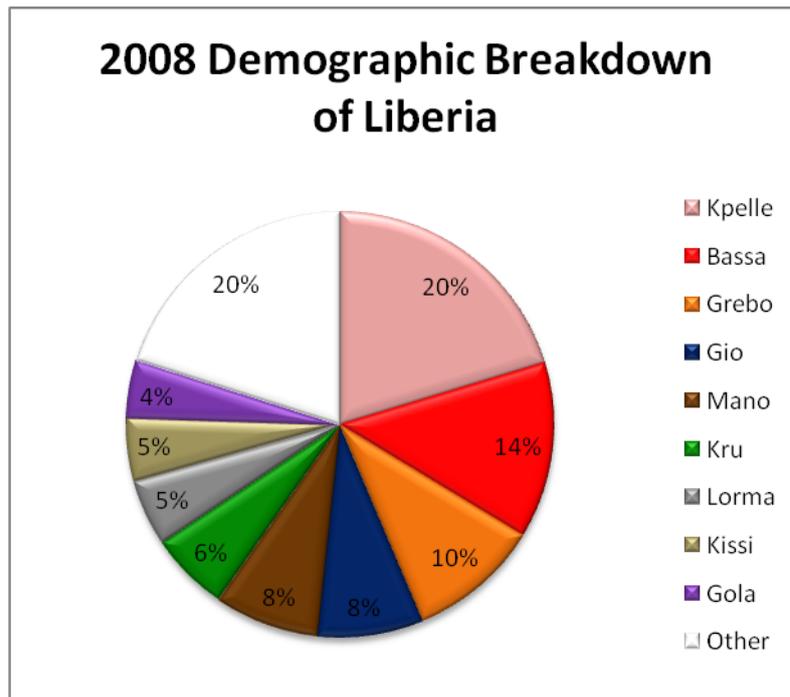
²⁰⁰ IRIN report, *supra* note 195

²⁰¹ *Id.*

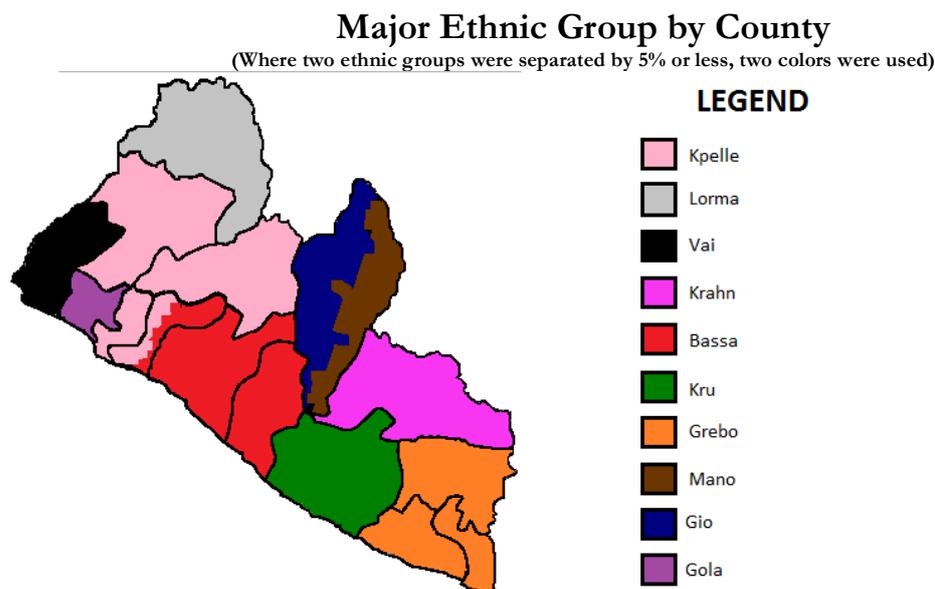
²⁰² Bureau of African Affairs, U.S. Dep't of State, *Background Note: Liberia* (2010), available at <http://www.state.gov/r/pa/ci/bgn/6618.htm>.

²⁰³ LISGIS, *supra* note 13

²⁰⁴ CIA Factbook, *supra* note 4



The following map highlights the dominant ethnic-group in each Liberian county. The data comes from a series of county-development agendas published in 2008.²⁰⁵



2. Ethnic Groups and Liberia's Civil War

As describe above, the Liberian conflict was motivated and enabled by ethnic divisions. While Americo-Liberians have long been one of the smallest minority groups, every leader

²⁰⁵ All reports may be found at <http://www.emansion.gov.lr/content.php?sub=County%20Development%20Agendas&related=CDA>.

from Liberia's founding until 1980 was Americo-Liberian.²⁰⁶ It was in that year that a member of the Krahn ethnic group—Master Sergeant Samuel K. Doe—led a coup and installed himself as President.²⁰⁷ While Doe promised change, he used his new-found power to elevate his own ethnic group and detain others.²⁰⁸ A failed Gio-led coup in 1985 led to increased discrimination against that group, and Doe consistently played off ethnic tensions in a bid to maintain control.²⁰⁹

Not only did the brutal Doe regime exploit ethnic tensions, Liberia's fourteen-year civil war was also fueled by ethnic tensions, as noted by the recently-released final report of the Truth and Reconciliation Commission.²¹⁰ Indeed, in his rise to power former President Charles Taylor urged his followers to “Kill the Krahn.”²¹¹ Civil-war factions organized largely along ethnic lines; this ethnic-based organization is undoubtedly a major cause of Liberia's continued ethnic tensions.²¹² Thus while ethnic tensions have undoubtedly abated since the end of the civil war in 2003, such tensions' deep historical roots mean that their significance and potential to incite violence continues.

3. Relevant Legal Provisions

Liberia's constitution bans discrimination on the basis of ethnicity or race.²¹³ However, the language of the constitution is not as race-neutral as many understand as it allows only “Negroes” or those of “Negro descent” to become citizens or own land.²¹⁴ In addition, a recent report from the United States' Bureau of Democracy, Human Rights, and Labor indicated that the government has not effectively enforced anti-discrimination measures.²¹⁵

D. Gay, Lesbian, Bisexual, and Transgendered (“GLBT”) Persons

1. Legal Regime Governing GLBT Persons

Though Liberia's constitution states that “no person shall be hindered in the enjoyment” of their “freedom of thought, conscience, and religion,” it does allow for restrictions necessary to promote “public...morals.”²¹⁶ The constitution also does not list GLBT persons among the specific groups whose “fundamental rights and freedoms” it protects.²¹⁷

It should thus come as little surprise that homosexuality remains illegal throughout Liberia. Indeed, individuals who engage in homosexual sex may be charged with “voluntary sodomy,” a first degree misdemeanor.²¹⁸ Such an offense is punishable by either a fine of up

²⁰⁶ Minority Rights Group Int'l, *World Directory of Minorities and Indigenous Peoples – Liberia: Overview*, (2007), available at <http://www.unhcr.org/refworld/country,,MRGI,,LBR,456d621e2,4954ce5823,0.html>.

²⁰⁷ *Id.*

²⁰⁸ *Id.*

²⁰⁹ *Id.*

²¹⁰ Truth and Reconciliation Commission, Rep. of Liberia, *Volume II: Consolidated Final Report*, (2009), available at http://www.trcofliberia.org/reports/final/volume-two_layout-1.pdf.

²¹¹ *World Directory of Minorities and Indigenous Peoples – Liberia: Overview*.

²¹² *Id.*; see also USSD, *supra* note 28

²¹³ Const. of Liberia., art. 11(b).

²¹⁴ Const. of Liberia., art. 27(b), available at http://onliberia.org/con_1984_2.htm#ChIII; see also USSD *supra* note 28

²¹⁵ USSD, *supra* note 28

²¹⁶ Const. of the Rep. of Liberia., art. 14, available at <http://www.liberianlegal.com/constitution1986.htm>.

²¹⁷ *Id.* at art. 11(b).

²¹⁸ Penal Code of Liber., § 14.74.

to \$1,000²¹⁹ or imprisonment up to one year.²²⁰ As with other first-degree misdemeanors, the sentence can be increased to that normally reserved for a third degree felony—imprisonment for a term of up to three years²²¹—if it is the individual’s third first-degree misdemeanor conviction within the last 5 years.²²²

2. Treatment of GLBT Persons

Although Liberia still criminalizes homosexuality, a recent report indicates that “no convictions...[have] occurred in recent years.”²²³ Similarly, no anti-homosexual violence was reported in 2009. However, Liberian society still remains strongly opposed to homosexuality. Indeed, no GLBT advocacy organizations currently exist within the country.²²⁴ It thus appears likely both that the GLBT community operates underground, that its numbers are larger than Liberian authorities would likely admit, and that instances of anti-homosexual violence are underreported.

E. Persons with physical and mental disabilities

Though no accurate estimate of the size of Liberia’s disabled community exists, the civil war undoubtedly increased its size far beyond the 16% documented in a 1997 UNICEF study.²²⁵ While improvements have been made, much remains to be done. Indeed, not only do constitutional and international legal gaps remain, disabled persons also have few domestic legal protections.

1. Liberia’s Civil War and the Disabled Population

The widespread rape, crimes against humanity, and other human rights violations that occurred throughout the drawn-out war had severe psychological and physical effects on Liberia’s population.²²⁶ Indeed, a 2008 study indicated that nearly 40% of Liberians suffered from major depressive disorder, with 43% suffering from post-traumatic stress disorder.²²⁷ While no accurate count of the number of physically-disabled individuals exists, the civil war also undoubtedly increased their numbers. Indeed, the rebels who supported former President Charles Taylor were infamously mutilated thousands of civilians, often cutting off their hands and arms.²²⁸

²¹⁹ *Id.* at § 50.9(1)(c).

²²⁰ *Id.* at § 50.7(a).

²²¹ *Id.* at § 50.5(2)(c).

²²² *Id.* at § 50.8(1).

²²³ USSD, *supra* note 28.

²²⁴ *Id.*

²²⁵ Leonard Cheshire Disability, *Country Profile: Liberia*, available at <http://www.lcint.org/?lid=3565>.

²²⁶ Amnesty International, *Liberia: No Impunity for Rape—A Crime Against Humanity and a War Crime* (2004), available at <http://www.amnesty.org/en/library/asset/AFR34/017/2004/en/c3b9d317-f7a6-11dd-8fd7-f57af21896e1/afr340172004en.pdf>.

²²⁷ Kirsten Johnson et al., *Association of Combatant Status and Sexual Violence With Health and Mental Health Outcomes in Postconflict Liberia*, *Journal of the American Medical Association*, Vol. 300, No. 6, 676, 676 (2008), available at <http://jama.ama-assn.org/cgi/reprint/300/6/676.pdf>.

²²⁸ Leo Cendrowicz, “Lies and Rumors;” Liberia’s Charles Taylor on the Stand, *Time.com*, Jul. 14, 2009, available at <http://www.time.com/time/world/article/0,8599,1910365,00.html>.

2. General Situation of Disabled Persons

Both physically and mentally disabled persons continue to occupy a second-tier status throughout Liberia. According to a 2008 report from the Liberia Institute of Statistics and Geo-Information Services, a majority of Liberia's disabled "lack adequate social amenities and are therefore trapped in poverty."²²⁹ That same report points to a dearth of basic resources such as food, clothing, education, medication, and accessories for the handicapped as the main reasons for this phenomenon.²³⁰ Furthermore, a 2009 report from Liberia's Truth and Reconciliation Commission noted that the Liberian government has done little to little to improve the situation of its nation's disabled population.²³¹

3. Legal Framework Governing Disabled Persons

Liberia's constitution guarantees all persons equality before the law and equal protection of the law.²³² While this section lists a number of groups whose "fundamental rights and freedoms" are protected, it does not specifically mention disabled persons.²³³ Article 18 similarly fails to explicitly protect disabled persons in its guarantee of the "opportunity for work" and "equal pay for equal work."²³⁴ Although Liberia has signed the United Nations Convention on the Rights of Persons with Disabilities, it has yet to ratify it.²³⁵

Just as Liberia's constitution fails to specifically mention disabled persons, so too does its domestic legal system. Prior to a 2009 report from the Ministry of Social Health and Welfare, "[t]here ha[d] never [before] been a national policy for mental health and there is currently no mental health legislation."²³⁶ Government spending on mental health initiatives remains at "much less than one percent."²³⁷ Furthermore, no regulation exists to limit who can prescribe psychiatric drugs; this means that all types of "health workers currently prescribe...medications...without any government oversight."²³⁸ Finally, Liberia currently lacks both procedures to protect individuals against involuntary admission for treatment and requirements of consent for either admission or treatment.²³⁹

4. Incarceration of Disabled Persons

The lack of attention to the mentally disabled within Liberia's legal and regulatory structure also carries over into the prison system. Indeed, there is neither an "accurate count of mentally ill people who are incarcerated" nor a "service to manage individuals with mental conditions who have committed serious offenses." When such persons enter incarceration, courts send them "to prisons where they receive no treatment, and where there are no secure

²²⁹ Liberia Institute of Statistics and Geo-Information Services, *Liberia Participatory Poverty Assessment: Final Report* at 6 (2008), available at http://www.lr.undp.org/Documents/RecentPublic/PPA_report.pdf.

²³⁰ *Id.*

²³¹ Mambu James Kpargoi, Jr., *Liberia's Truth Commission Says Liberian Governments Neglect Peoples With Disabilities*, *New Liberian*, Mar. 5, 2009, <http://newliberian.com/?p=737>.

²³² Const. of the Rep. of Liber., art. 11, available at <http://www.liberianlegal.com/constitution1986.htm>.

²³³ *Id.* at art. 11(b).

²³⁴ *Id.* at art. 18.

²³⁵ United Nations Treaty Collection, Ch. IV: Human Rights, No. 15: Convention on the Rights of Persons with Disabilities, available at http://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-15&chapter=4&lang=en.

²³⁶ Ministry of Health and Social Welfare, *National Mental Health Policy*, at 16 (2009).

²³⁷ *Id.*

²³⁸ *Id.* at 17.

²³⁹ *Id.* at 19.

or semi-secure areas.”²⁴⁰ These conditions exist despite the fact that Liberia’s penal code allows for mentally disabled persons to be hospitalized while disabled.²⁴¹

F. Journalists and Human Rights Defenders

While their situation has improved in recent years—most notably by the recent passage of the Freedom of Information Act—Liberian journalists continue to face widespread persecution.²⁴² Indeed, freedom of the press in Liberia continues to be restricted by government interference, political pressure, and a lack of positive legal protections. Specifically, journalists and news organizations that criticize the government continue to face especially harsh reprisals.

1. Constitutional Provisions Affecting Journalists

The Liberian Constitution not only guarantees “[e]very person... freedom of expression,” it does so in very broad terms.²⁴³ Specifically, the Constitution defines this freedom to include the following eight rights/freedoms:

- 1) “Right to hold opinions without interference”
- 2) “Right to knowledge”
- 3) “Freedom of speech”
- 4) “Freedom of the press”
- 5) “Academic freedom”
- 6) “Right of libraries to make...knowledge available”
- 7) “Non interference with the use of mail, telephone, and telegraph.”
- 8) “Right to remain silent”²⁴⁴

At the same time it contains these broad protections, the Constitution also leaves some openings for the government to restrict journalists. Indeed, it states that individuals will be “fully responsible for the abuse” of free speech²⁴⁵ and allows to “be limited...by judicial action in proceedings grounded in defamation or invasion of the rights of privacy and publicity.”²⁴⁶

2. Possible Legal Restrictions on Journalists

Liberia’s penal code has contains several provisions that could be used to limit journalists’ freedom. For example, a person commits “criminal malevolence” (a first-degree misdemeanor) when he/she accuses any public official of criminal conduct and the following two conditions are true:

1. The accusation is untrue.
2. The individual’s purpose is to injure the official’s reputation and undermine his/her

²⁴⁰ *Id.*

²⁴¹ Penal Code of Liber., § 50.6(4)

²⁴² *U.S. Embassy Applauds Government on Freedom of Information Act*, *The Informer*, Oct. 8, 2010, available at <http://allafrica.com/stories/201010111628.html>.

²⁴³ Const. of the Rep. of Liber., art. 15(a).

²⁴⁴ *Id.* at art. 15(b).

²⁴⁵ *Id.* at art. 15(a).

²⁴⁶ *Id.* at art. 15(b).

“official status.”²⁴⁷

In addition to criminal malevolence, journalists may also be prosecuted for sedition, a second degree felony, if they do any of the following:

1. Advocate certain political philosophies (sectionalism, countryism, tribalism, or parochialism).
2. Advocate rebellion, incite, or “in any way promote...insurrection.”
3. Write or inspire writings to foreign governments that make “representation[s] on any matter or matters properly the subject of internal inquiry and adjustment.”
4. Accuse the President of conduct that violates the oath of office, so long as the accusation is untrue and they intend to injure the President’s reputation and “create contempt for the Presidency.”²⁴⁸

Finally, journalists may also be convicted of a first-degree misdemeanor if they commit “criminal libel against the President.”²⁴⁹ To be guilty of this offense, an individual must accuse the President of criminal conduct and the accusation must also meet the following requirements:

1. Accusation is untrue
2. Individual knows the accusation is untrue
3. Individual’s purpose in making the accusation is to “injure the President in his reputation.”²⁵⁰

3. Recent Persecution of Journalists

According to the Center for Media Studies and Peace Building (CEMESP)—a UN-backed, Liberia-based press-advocacy and watchdog group—widespread intimidation and persecution of journalists continues throughout Liberia.²⁵¹ The following chart²⁵² shows a breakdown of the different types of attacks on Liberian journalists and media outlets:

²⁴⁷ Penal Code of Liber., § 11.14(1)(a)-(b).

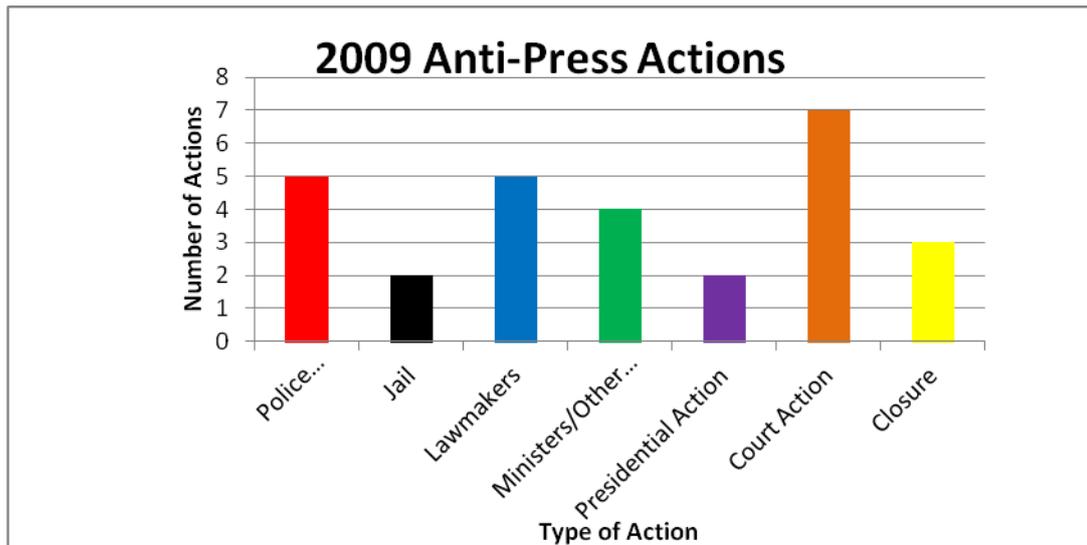
²⁴⁸ Penal Code of Liber., § 11.12(1)(a)-(d).

²⁴⁹ *Id.* at § 11.11.

²⁵⁰ *Id.* at § 11.11(1)(a)-(b).

²⁵¹ See CEMESP 2009 Annual Report, *Intimidation: The Renewal of Censorship in Liberia – Attacks on Freedom of Expression - 2009*,(2010).

²⁵² *Id.* at 17



The total number of anti-press actions in 2009 thus numbered twenty-eight,²⁵³ up from an average of twenty-three per year from 2006-2007.²⁵⁴ Although most of these incidents occurred as a result of journalists' reporting of corruption, some also occurred for virtually no reason whatsoever. The following are some examples of typical anti-press actions:

- a. **Jan. 16, 2009:** President Ellen Johnson Sirleaf threatens to file suit against the *New Democrat* newspaper over its publication of photographs of members of President Sirleaf's family in connection with a story about an e-mail scandal. President Sirleaf claims the paper was "on a calculated campaign to besmear the image of her family."²⁵⁵
- b. **March 3, 2009:** Liberian government shuts down the *New Broom* newspaper without due process, alleging it is not registered and is operating illegally. The paper's owner claims the closure occurred because of his exposure of corruption in President Sirleaf's government.²⁵⁶ The government would later file a USD \$5 million lawsuit against the paper in connection with the same incident.²⁵⁷
- c. **May 6, 2009:** Cletus Wotorson, president pro-tempore of the Liberian Senate, assaults and threatens further abuse against a reporter outside the Senate chambers. The reporter had been attempting to interview Wotorson about the reasons behind the Senate's abrupt adjournment.²⁵⁸
- d. **September 1, 2009:** Mary Broh, Acting Mayor of Monrovia, and a group of police officers storm the offices of Monrovia-based *News* newspaper and threaten suit against the paper.²⁵⁹
- e. **October 16, 2009:** Led by Salala City Mayor Charles Jackson, local government

²⁵³ CEMESP 2009 Annual Report at 7.

²⁵⁴ *Id.* at 25.

²⁵⁵ *Id.* at 8.

²⁵⁶ *Id.* at 9-10.

²⁵⁷ *Id.* at 16-17.

²⁵⁸ *Id.* at 11.

²⁵⁹ *Id.* at 15.

officials “hijacked the Salala Community Radio Station, dismissed the station’s board of directors, and indefinitely suspended the station manager.”²⁶⁰ The incident occurred after the station reported that the local government had collected rice and money from local citizens for an independence celebration without authorization by the central government.²⁶¹

- f. **December 14, 2009:** The National Security Agency interrogates the publisher of the *Plain Truth* newspaper over the newspaper’s publication of a report that President Sirleaf was supplying arms to Guinean rebels. Several days before, the NSA had thrown in jail the manager of the corporation that publishes the newspaper.²⁶²

²⁶⁰ *Id.* at 17.

²⁶¹ *Id.* at 18.

²⁶² *Id.* at 19.

X. SOURCES

Books

1. Dennis, P. The International Center for Transitional Justice [*hereinafter* ICTJ] (2006). *A Brief History of Liberia*.
2. Olukoju, A. (2006) *Culture and customs of Liberia*, Greenwood Press.

Websites

1. CIA World Factbook, Liberia, retrieved from, https://www.cia.gov/library/publications/the-world-factbook/maps/maptemplate_li.html
2. Index Mundi, retrieved from, <http://www.indexmundi.com>
3. Leonard Cheshire Disability, *Country Profile: Liberia*, retrieved from, <http://www.lcint.org/?lid=3565>

Liberian Government Reports

1. Gender Based Intra-agency Task Force Report. Republic of Liberia. (2006). *National Plan of Action for the Prevention and Management of Gender Based Violence in Liberia*.
2. Republic of Liberia. (2008). *2008 National Population and Housing Census*. Retrieved from, <http://www.unstats.un.org/unsd/dnss/docViewer.aspx?docID=2075>
3. Liberia Institute of Statistics and Geo-Information Services [*hereinafter* LISGIS], Ministry of Health and Social Welfare, National AIDS Control Program, and Macro International Inc. (2008). *Liberia Demographic and Health Survey 2007*. Monrovia, Liberia: Liberia Institute of Statistics and Geo-Information Services (LISGIS) and Macro International Inc.
4. LISGIS. (2008). *Liberia Participatory Poverty Assessment: Final Report*. Retrieved from, http://www.lr.undp.org/Documents/RecentPublic/PPA_report.pdf
5. Ministry of Justice, Republic of Liberia. (2008). *Justice and Security in Liberia*.
6. Truth and Reconciliation Commission of Liberia. Ministry of Justice, Republic of Liberia. (2009). *Volume II, Consolidated Final Report*.

Liberian Constitution

1. Constitution of the Republic of Liberia, retrieved from, <http://www.liberianlegal.com/constitution1986.htm>

Liberia Laws and Regulations

1. An Act to Amend the Rape Law, The New Penal Code, Chap. 14 sect 14.70 & 14.71.
2. An Act to Establish the Truth and Reconciliation Commission of Liberia (2004).
3. Armed Robbery Terrorism and Highjacking law (1995).
4. Civil Procedure Law, Liberian Codes Revised, Vol. IV, pg. 726 – 933.
5. Criminal Procedure Law, retrieved from, <http://dlxs.library.cornell.edu/cgi/t/text/textidx?c=liberian;cc=liberian;idno=lib100;view=toc>
6. Executive Law, Liberian Codes Revised, Vol. III, pg. 275 – 675.
7. Judiciary Law, Liberian Codes Revised, Vol. IV, pg. 59 – 157.
8. Juvenile Justice Procedural Law, Liberian Codes Revised, under Judiciary Law, Vol. IV, pg. 118 – 137.
9. The New Penal Code, Liberian Codes Revised, Vol. IV, pg. 726 – 933.
10. Ministry of Health and Social Welfare, Republic of Liberia, *National Health Policy* (2007).
11. Ministry of Justice, *Sexual Assault and Abuse Prosecution Handbook* (2008).
12. Ministry of Planning and Economic Affairs, *NGO Policy Guidelines* (2008).

News Reports and Articles:

1. The Analyst. (2010, June 25). *Liberia: Anti-Torture Bill Proposed*. Retrieved from <http://allafrica.com/stories/201006250456.html>
2. Cendrowicz, L. (2009, Jul. 14). Lies and Rumors;” Liberia’s Charles Taylor on the Stand, *Time.com*. Retrieved from, <http://www.time.com/time/world/article/0,8599,1910365,00.html>
3. The Informer. (2010, Oct 8). *U.S. Embassy Applauds Government on Freedom of Information Act*. Retrieved from, <http://allafrica.com/stories/201010111628.html>
4. Human Rights Watch [hereinafter HRW]. (2010, Feb. 22). *Warlord’s Arrest in US Shows Need for Justice*. Retrieved from, <http://www.hrw.org/en/news/2010/02/22/liberia-warlord-s-arrest-us-shows-need-justice>
5. HRW. (2010, May 10). *Liberia President should act on rights commission*. Retrieved from, <http://www.hrw.org/en/news/2010/05/19/liberia-president-should-act-rights-commission>

6. International Federation for Human Rights. (2008, July 23). *Liberia: Death Penalty Introduced for New Crimes, Blatant Violation of the Country's International Commitments*. Retrieved from, <http://www.unhcr.org/refworld/category,COI,,COUNTRYNEWS,LBR,48a2a9031a,0.html>
7. IRIN Africa. (2007). *Liberia: Juvenile Justice System in Tatters*. Retrieved from, <http://www.irinnews.org/report.aspx?ReportID=74205>
8. IRIN Africa. (2006, Feb 24). *Liberia: Orphanages Accused of Child Trafficking*. Retrieved from, <http://www.irinnews.org/report.aspx?reportid=58262>
9. IRIN Africa. (2009, Jan 15). *Liberia: Lorpu, "Every Night I Cry"*. Retrieved from, <http://www.irinnews.org/HOVReport.aspx?ReportId=82397>
10. IRIN Africa. (2009, Jan 15). *Liberia: Some Prisoners Do Not Even Have Clothes*. Retrieved from, <http://www.irinnews.org/Report.aspx?ReportId=82396>
11. Kpargo, M.J. (2009, Mar 5). Liberia's Truth Commission Says Liberian Governments Neglect Peoples With Disabilities, *New Liberian*, Retrieved from, <http://newliberian.com/?p=737>
12. Lewis, D. (2010, Sept. 24). Weak Police and Courts Hold Liberia Back, *Reuters Africa*, Retrieved from, <http://af.reuters.com/article/guineaNews/idAFLDE68G1UA20100924?sp=true>
13. Moore, J., and Gordon, G. (2009, Nov. 12). He's Got the Law (Literally) in His Hands, *Foreign Policy*, Retrieved from, http://www.foreignpolicy.com/articles/2009/11/12/hes_got_the_law_literally_in_his_hands
14. Murray, R. (2009, May 9). Liberia: Malfunctioning Courts and "Deplorable" Prison Conditions, *Inner Press Service*, Retrieved from, <http://www.afrika.no/Detailed/18277.html>
15. Norwegian Council of Africa. (2009, Sept 10). *Liberia: When the Mob Prevails*. Retrieved from, <http://www.afrika.no/Detailed/18704.html>
16. Sander, B. (2010, Feb 21). *Monrovia Central Prison: Initial Impression*. Retrieved from, <http://barrieinliberia.blogspot.com/2010/05/legal-prison-reform-hits-liberian.html>
17. Sander, B. (2010, Feb 28). *The Magistrate's Sitting Program*. Retrieved from, http://barrieinliberia.blogspot.com/2010_02_01_archive.html
18. Perry, J. (2010, July 1). Liberian Women Lay Foundation for Strength and Progress, *Africa Faith and Justice Network*, Retrieved from, <http://afjn.org/focus-campaigns/restorative-justice/147-commentary/845-liberian-women-lay-foundation-for-strength-and-progress.html>
19. UN News Center. (2010, July 28). *New Prison Opens in Liberia As Part of UN Efforts To Help Country Rebuild*. Retrieved from,

<http://www.un.org/apps/news/story.asp?NewsID=35462&Cr=liberia&Cr1=>

Reports and Studies:

1. American Bar Association [*hereinafter* ABA]. (2010, May). *Pre-Trial Detention Program Helps Release More Than 450 Liberian Detainees*. Retrieved from, http://www.abanet.org/rol/news/news_liberia_pretrial_detention_project_0510.shtml
2. Amnesty International [*hereinafter* AI]. (2004). *Liberia: No Impunity for Rape—A Crime Against Humanity and a War Crime*. Retrieved from, <http://www.amnesty.org/en/library/asset/AFR34/017/2004/en/c3b9d317-f7a6-11dd-8fd7-f57af21896e1/afr340172004en.pdf>
3. AI. (2007). *Getting Reparations Right for Survivors of Sexual Violence* (AI Index: AFR 51/005/2007)
4. AI. (2008). *Liberia: A flawed process discriminates against women and girls* (AI Index: AFR 34/004/2008)
5. AI. (2008). *Liberia: Towards the final phase of the Truth and Reconciliation Commission* (AI Index: AFR 34/002/2008)
6. AI. (2009). *Women in Post Conflict Liberia* (AI Index: AFR 34/002/2009)
7. AI. (2010). *Sierra Leone: Charles Taylor and the Sierra Leone War*. (AI Index: AFR 51/006/2010)
8. Bureau of African Affairs. United States Department of State. (2010). *Background Note: Liberia* 2010. Retrieved from, <http://www.state.gov/r/pa/ei/bgn/6618.htm>
9. Bureau of Democracy, Human Rights and Labor. United States Department of State (2009). *2009 Human Rights Report: Liberia*. Retrieved from, <http://www.state.gov/g/drl/rls/hrrpt/2009/af/135961.htm>
10. Center for Media Studies and Peace Building. (2010). *Annual Report 2009, The renewal of censorship in Liberia: Attacks on Freedom of Expression*.
11. HRW. (2005). *Liberia at a Crossroads, Human Rights Challenges for the New Government*.
12. HRW. (2006). *Trying Charles Taylor in The Hague: Making Justice Accessible to Those Most Affected*.
13. International Committee of the Red Cross [*hereinafter* ICRC]. (2009). *Liberia, Annual Report 2009*. Retrieved from, <http://www.icrc.org/eng/resources/documents/annual-report/liberia-icrc-annual-report-2009.htm>
14. ICRC. (2009). *Liberia: Opinion Survey and In-Depth Research*.

15. ICTJ. (2009). *Transitional Justice and the DDR: the case of Liberia*. Retrieved from, [http://www.ictj.org/static/Publications/Jaye Li DDR Liberia FullCaseStudy 2009.pdf](http://www.ictj.org/static/Publications/Jaye_Li_DDR_Liberia_FullCaseStudy_2009.pdf)
16. International Centre for Prison Studies. (2008). *World Prison Population List (eight edition)*. King's College, London.
17. International Crisis Group [hereinafter ICG]. (2009). *Liberia: Uneven Progress in Security Sector Reform*.
18. ICG. (2006). *Resurrecting the Justice System*.
19. Johnson, K et al. (2006). Association of Combatant Status and Sexual Violence With Health and Mental Health Outcomes in Post-conflict Liberia, *Journal of the American Medical Association*, 300(6), 676. Available at, <http://jama.ama-assn.org/cgi/reprint/300/6/676.pdf>
20. Kabbah, H. (2008) *A Guide to the Liberian Legal System and Legal Research*. Retrieved from, www.nyulawglobal.org/globalex/liberia.htm#SourcesofLawinLiberia
21. National Endowment for Democracy. (2010). *Working to End Torture In Liberia*. Retrieved from, <http://www.ned.org/democracy-stories/working-to-end-torture-in-liberia>
22. Open Society Justice Initiative [hereinafter OSJI]. (2009). *Pretrial Detention*.
23. OSJI. (2008). *Why We Need A Global Campaign For Pre-trial Justice*.
24. Penal Reform International. (2006). *Index of Good Practices in Providing Legal Aid Services in the Criminal Justice System*.
25. Save the Children. (2009). *What we do in Liberia (2009/2010)*. Retrieved from, http://www.savethechildren.org.uk/en/docs/Liberia_Country_Brief_2009.pdf
26. Schia, N & De Carvalho, B. Norwegian Institute of International Affairs (2009). *Nobody Gets Justice Here!*
27. Specht, I. International Labour Organization (2004). *Red Shoes, Experiences of girl combatants in Liberia*.
28. Specht, I. (2005). Girl Combatants: Women Warriors Fight Their Way Back into Liberian Society. *World of Work*, 54, 8-11
29. THINK Liberia report (2010). Retrieved from, <http://www.thinkliberia.com/cgi-bin/mt4/mt-search.cgi?search=research&IncludeBlogs=1&limit=20>
30. United States Institute of Peace and George Washington University. (2009). *Looking for Justice: Liberian Experiences and Perceptions of Local Justice Options*.

31. Washington and Lee University, School of Law. (Jan 2010). *Memo to the Supreme Court of Liberia: Observations and Analysis of the Magistrate Sitting Program at Monrovia Central Prison.*

NGO UPR Submissions:

1. The Advocates for Human Rights. (2010). *Submission to the United Nations Human Rights Council Universal Periodic Review Session 9: Liberia*
2. AI. (2010). *Submission to the United Nations Human Rights Council Universal Periodic Review Session 9: Liberia.*
3. Global Initiative to End All Corporal Punishment of Children. (2010). *Submission to the United Nations Human Rights Council Universal Periodic Review Session 9: Liberia.*
4. HRW. (2010). *Submission to the United Nations Human Rights Council Universal Periodic Review Session 9: Liberia.* Retrieved from, http://lib.ohchr.org/HRBodies/UPR/Documents/session9/LR/HRW_HumanRightsWatch.pdf
5. Institute for Human Rights and Business. (2010). *Submission to the United Nations Human Rights Council Universal Periodic Review Session 9: Liberia.*
6. Liberia Coalition of Human Rights Defenders. (2010). *Submission to the United Nations Human Rights Council Universal Periodic Review Session 9: Liberia.*
7. World Coalition Against the Death Penalty. (2010). *Submission to the United Nations Human Rights Council Universal Periodic Review Session 9: Liberia.*

United Nations Documents

1. Report of the independent expert on technical cooperation and advisory services in Liberia, Charlotte Abaka. 28 February 2007. A/HRC/4/6.
2. Report of the Special Rapporteur on the independence of judges and lawyers, Leandro Despouy. 5 April 2007. A/HRC/4/25/Add.1.
3. Report of the Office of the United Nations High Commissioner for Human Rights on the progress made in the situation of human rights in Liberia and activities undertaken in the country. 27 August 2009. A/HRC/12/42
4. National report submitted in accordance with paragraph 15 (a) of the annex to Human Rights Council resolution. 23 August 2010. 5/1 A/HRC/WG.6/9/LBR/1
5. Compilation prepared by the Office of the High Commissioner for Human Rights in accordance with paragraph 15 (b) of the annex to Human Rights Council resolution 5/1. 20 August 2010. A/HRC/WG.6/9/LBR/2.
6. Human Rights Council Resolution 9/16. Advisory services and technical assistance for Liberia

7. Human Rights Council Resolution 6/31. Advisory services and technical assistance for Liberia
8. Twentieth progress report of the Secretary-General on the United Nations Mission in Liberia. 17 February 2010. S/2010/88
9. Twenty-first progress report of the Secretary-General on the United Nations Mission in Liberia. 11 August 2010. S/2010/429.
10. Security Council Resolution 1509. S/RES/1509 (2003)
11. Office of the High Commissioner of Human Rights. (2008). *OHCHR in Liberia 2008-2009*. Retrieved from, <http://www.ohchr.org/EN/Countries/AfricaRegion/Pages/LRSummary0809.aspx>
12. UN Human Development Report 2009, Liberia. Retrieved from, http://hdrstats.undp.org/en/countries/data_sheets/cty_ds_LBR.html
13. UN Treaty Collection, Ch. IV: Human Rights, No. 15: Convention on the Rights of Persons with Disabilities. Retrieved from, http://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-15&chapter=4&lang=en
14. UNHCR, Minority Rights Group Int'l. (2007). *World Directory of Minorities and Indigenous Peoples – Liberia: Overview*. Retrieved from, <http://www.unhcr.org/refworld/country,,MRGI,,LBR,456d621e2,4954ce5823,0.html>
15. UNICEF Liberia. (2010). *Children Involved With the System of Juvenile Justice: An Overview*. Retrieved from, http://www.unicef-irc.org/portfolios/documents/484_liberia.htm
16. Universal Periodic Review for Liberia, “Joint Submission by the UN Country Team in Liberia for the UN Compilation Report, Working Group on the Universal Periodic Review, Ninth Session, 1-12 Nov., 2010.” Retrieved from, http://lib.ohchr.org/HRBodies/UPR/Documents/session9/LR/UNCT_UnitedNationsCountryTeam_JS.pdf
17. UNMIL, “Human Rights and Protection Section,” Bi-Monthly Report, Aug.-Sept., 2005
18. UNMIL, “Human Rights and Protection Section,” Bi-Monthly Report, Oct.-Nov., 2005
19. UNMIL, “Human Rights and Protection Section,” Quarterly Report, Feb.-April, 2006
20. UNMIL, “Human Rights and Protection Section,” Quarterly Report, May-June, 2006
21. UNMIL, “Human Rights and Protection Section,” Quarterly Report, Nov., 2006 - Jan., 2007

22. UNMIL, "Report on the Human Rights Situation in Liberia," Bi-annual report, May-Oct., 2007
 23. UNMIL, "Report on the Human Rights Situation in Liberia," Bi-annual report, Nov., 2007-June, 2008
 24. UNMIL, "Report on the Human Rights Situation in Liberia," Quarterly report, Feb.-April, 2007
 25. UNMIL, "Report on the Human Rights Situation in Liberia", Bi-annual report, Jan.-June, 2009.
 26. UNMIL, "Report on the Human Rights Situation in Liberia", Quarterly report, Aug.-Oct., 2006.
 27. UNMIL. (2009). Disarmament, Demobilization, Reintegration, and Rehabilitation. Retrieved from, <http://unmil.org/1content.asp?ccat=ddrr&zdoc=1>
 28. UNOPS. (2009). Critical Intervention to strengthen corrections facilities, addressing immediate security threats, and supporting the rule of law.
 29. UPR of Liberia. (2010). Joint Submission by the UN Country Team (UNCT) in Liberia for the UN Compilation Report.
-