

Liberia

The completion in October and November 2005 of presidential and parliamentary elections marked a major step towards the consolidation of Liberia's transition from a near-failed state rife with human rights abuses to a democratic state governed by the rule of law. The elections followed a 2003 peace agreement which ended three years of internal armed conflict and the deployment in 2003 of some fifteen thousand United Nations peacekeepers.

At year's end there were solid grounds for optimism including the disarmament of more than 101,000 combatants; the return home of tens of thousands of civilians who had fled during the war; the recognition by both Liberia and the international community of the role corruption played in fomenting armed conflict; and the ability of journalists and civil society to function after years of being silenced, persecuted and targeted. A Truth and Reconciliation Commission empowered to recommend prosecutions for the worst offenders was also established. However, the human rights situation remained precarious as a result of frequent criminal acts in the face of inadequate police and civil authorities; striking deficiencies within the judicial system; financial shortfalls for programs to train demobilized combatants; and continued regional instability, most notably in neighboring Côte d'Ivoire. Moreover, there was little progress on ensuring accountability for past atrocities.

Ongoing Insecurity and Related Abuses

During 2005, United Nations peacekeepers and civilian police consolidated their control throughout all major Liberian towns leading to significant improvements in protection for civilians. However, serious institutional deficiencies within the national police force and judicial system remain. The illegal occupation of rubber plantations by former rebel leaders who refused to recognize the legitimacy of the Liberian Transitional Government of Liberia (NTGL), rioting by ex-combatants mostly in response to delays in reintegration programs, as well as the emergence of vigilante groups formed to combat rising crime in the face of an incompetent police force were worrying developments in 2005. There are ongoing risks associated with the election or appointment into public office of individuals known to have committed human rights abuses in the past. A former faction leader, several individuals subject to United Nations sanctions for their engagement in activities aimed at undermining security in Liberia and the sub-region, and a few former high-level military commanders against whom there are credible allegations of responsibility for serious human rights abuses were elected into office in the 2005 elections. The abusive records of these persons raises concerns that they may in the future resort to force and other extra-legal measures to undermine the rule of law in Liberia. As well, unidentified individuals made verbal and, in some cases, physical threats against human rights defenders believed to be providing information to the Special Court for Sierra Leone. Throughout 2005, there were consistent reports of

former president Charles Taylor interfering in Liberian political affairs and fomenting instability in the region.

Disarmament of Former Combatants and Re-recruitment into Regional Conflicts

From 2003-2005, more than 101,000 individuals were disarmed and demobilized. The disarmament exercise was criticized for not having strict admittance criteria and for letting in numerous individuals who were not real combatants, a factor which contributed to the shortfall of funds from international donors to support education or skills training programs. At years end, this shortfall left some 43,000 ex-combatants outside of the reintegration program. During 2005, the dearth of training and education programs, particularly along the border with neighboring Cote d'Ivoire, contributed to re-recruitment by the Ivorian government and rebel forces, of hundreds of ex-combatants, including children. According to interviews with Liberian fighters, the majority went to fight alongside militias associated with the Ivorian government. In 2005, two periods of intense recruitment occurred: at the beginning of March and September 2005, in anticipation of future attacks on Ivorian rebel-held positions.

Rule of law

Liberia's history of armed conflict and human rights abuses reflect profound and deep-rooted weaknesses in institutions which should guarantee the rule of law. In 2003, the U.N. Security Council mandated the United Nations Mission in Liberia (UNMIL) to assist in the restructuring and training of the police, army and judiciary. 2005 saw some progress in the rehabilitation of these institutions. However, serious problems in reform of the Liberian police force, delays in demobilizing the former army, and lack of donor support to rebuild the decimated judicial infrastructure stalled progress in establishing the rule of law.

Liberian National Police

One feature of the restructuring of the Liberian police was a vetting procedure to screen out applicants alleged to have committed serious violations of human rights and international humanitarian law. The civilian component of UNMIL administered the vetting that took place in 2004 and 2005. The vetting process appears to have been disorganized, inefficient, and most likely ineffective in screening out human rights abusers. Problems with the process included the lack of clear criteria for the elimination of potential human rights abusers, the failure to allocate adequate human resources to conduct thorough and systematic background checks on applicants, and inadequate involvement of Liberian human rights groups and the general population in the process. Meanwhile, countrywide, the newly trained and vetted Liberian police continue to engage in unprofessional and at times criminal behavior including extortion.

The Liberian Army

The United States has the lead in recruiting and training a new Liberian army of some two thousand soldiers. In early 2005, the US contracted the project to a privately owned security company, DynCorp. The restructuring exercise is running months behind schedule and is set to begin in late 2005. Although

DynCorp has a detailed plan to screen recruits for past human rights abuses, it remains to be seen whether this plan will be successfully implemented.

Judiciary

In 2003, UNMIL proposed an ambitious strategy to rebuild the justice system. In 2005, however, reforms progressed at an alarmingly slow pace. The judiciary remains severely dysfunctional: only half of 145 magistrate positions are staffed, and of these none holds a law degree. Only five of Liberia's fifteen circuit courts are operational. Of grave concern is that only 3% of all inmates in Liberia's prisons and holding cells are convicted felons. The 97% remaining are being held in pre-trial detention, often for extended periods of time.

Even when judicial authorities have been assigned to a courtroom, the dearth of prosecutors and public defenders undermines the quality of justice dispensed. Judges and other staff often fail to fulfill their duties, sometimes by neglecting to attend proceedings. Magistrate and local tribal courts often try, sentence, fine and imprison people for criminal and civil matters that are outside their jurisdiction. Frequent reports exist of judicial authorities releasing suspects charged with criminal offenses after having received a bribe, or soliciting money from them to stop the case from proceeding to a higher court. Prisons and detention centers continue to operate far below international standards with overcrowded cells and lack of food and water for detainees.

Truth and Reconciliation Commission

On June 10, 2005, an act establishing the Liberian Truth and Reconciliation Commission (TRC) was signed into law. The TRC is mandated to investigate gross human rights violations and economic crimes that occurred between January 1979 and October 14, 2003. It is empowered to recommend amnesty in cases not involving serious violations of international humanitarian law and to recommend prosecution for the most serious cases. The TRC was set to begin work in early 2006.

Accountability for Past Abuses

Neither the Liberian government nor the international community have developed a concrete strategy to bring perpetrators of serious war crimes and crimes against humanity committed during Liberia's armed conflicts to justice. However, throughout 2005 there was public debate on whether to prosecute these individuals: civil society leaders stressed the importance of perpetrators of gross violations facing justice for their crimes while Liberian transitional government officials and the international community maintained that prosecutions could undermine efforts to consolidate the peace. While the TRC is empowered to recommend prosecution for the most serious cases, there was no indication as to whether or not TRC commissioners would act on this power and, if they did, whether the Liberian judicial system would be able and willing to try these crimes.

Corruption

Corruption in the public and private sectors of Liberian society has long been endemic, and is widely recognized as having contributed to the country's political instability and ensuing armed conflicts. Throughout 2005, there were numerous scandals and allegations made against members of the NTGL including the manipulation of contract bidding, the looting of state coffers, and the misappropriation of development aid. The international community financed audits of the Central Bank and other state-owned enterprises and proposed a hard-hitting three-year anti-corruption plan—the Governance and Economic Management Assistance Programme (GEMAP)—which was approved by the NTGL in September 2005. The plan provides for foreign financial experts to be placed in and empowered to co-sign all financial and operational matters within the National Bank of Liberia, the Finance Ministry, and several other revenue generating agencies. It also calls for the establishment of an independent anti-corruption commission. However, the original proposal for using foreign judges to adjudicate cases was dropped.

Key International Actors

International actors, notably the United Nations and Economic Community of West African States (ECOWAS) were committed to full implementation of the 2003 Accra Peace Accords, which included the completion of elections in October 2005. ECOWAS took the lead in resolving internal disputes within the NTGL. Throughout 2005, the international community's top priorities were ensuring that the election exercise was a success and putting in place mechanisms to fight corruption. However, other key rule of law issues, including the imperative to rebuild Liberia's fractured judicial system and the merits of pursuing justice for the past atrocities, received little attention.

Despite mounting international pressure, the Nigerian government, which offered former president Charles Taylor a safe haven in 2003, refused to hand him over to the Special Court for Sierra Leone, which indicted him for war crimes connected with his support for rebels in Sierra Leone. The United States continued to be the largest donor to both reconstruction efforts and the United Nations peacekeeping mission in Liberia. In June 2005, the U.N. Security Council voted to reapply the largely successful arms embargo and travel ban against individuals involved in previous attempts to destabilize the region, and to continue sanctions on the sale of diamonds and timber.