

Report on the Human Rights Situation in Liberia

May – October 2007

Human Rights and Protection Section

Table of Contents

	Page
Executive summary	4
Methodology	4
Mandate of the Human Rights and Protection Section	5
Significant political, social and security developments	5
Human Rights Monitoring	6
Children’s Rights	6
Right to education	6
Violence against children	7
Human Rights and orphanages	8
Law Enforcement	9
Improper use of restraints and alleged ill-treatment	9
Extortion by LNP officials	9
Mob justice	10
The Judiciary	10
Slow progress in hearing of cases in courts	10
Lack of resources and insufficient skills among jurors	11
Corrupt practices by court officials and interference in the operation of the justice system	12
Justices of the Peace practising without licences	13
Abuse of authority	13
Misapplication of the law	14
Human Rights in Prisons and Places of Detention	15
Poor conditions of detention and lack of facilities	15
Poor management of facilities	16
Unauthorised detention facilities	16
Rent seeking practices by prisons authorities	17
Rape, Sexual and Gender based Violence	17
Treating serious SGBV cases as minor offences	17
Improper handling of rape cases	17
Dismissals and out court settlement	18
Forced marriages	19
Juvenile Justice	19
Illegal detention of juveniles	20
Detention with adults	20
Juveniles being tried as adults.....	20
Freedom of Expression	21

Economic, Social and Cultural Rights	21
Harmful Traditional Practices	22
Trials by ordeal	22
Allegations of witchcraft	23
Truth and Reconciliation Commission	24
Recommendations	24

Executive summary

1. In August 2007, the process of collecting nationwide input to Liberia's Poverty Reduction Strategy whose main objective is to reduce poverty in the country was initiated. This strategy aims to integrate a human rights based approach in programmes or policies by the government in order to promote the fulfilment of all human rights be they economic, social, cultural, civil or political.
2. This report combines 2 quarterly reports covering the period May to October 2007 and endeavours to draw attention to areas where violations of economic and social rights may have led to violations of civil and political rights thereby reinforcing the concept of the indivisibility and interdependence of human rights. Good examples of this were reports from *Montserrado* County where in three cases parents attempted to sell their children so as to buy food. In *Diahn Town, Grand Gedeh County*, due to the poor condition of the school, children were unable to attend school and parents preferred to have their children work on the family farms rather than contribute towards rebuilding the school.
3. Within the criminal justice system, the Human Rights and Protection Section (HRPS) received reports of extortion by LNP officials, corrupt practices by court officials and rent seeking practices by prisons authorities. Such practices not only undermine public confidence in the entire criminal justice system but also contribute to the denial of access to justice by citizens and furthermore foster a culture of impunity.
4. Some law enforcement and judicial personnel failed to fully implement the Rape Law by mishandling reports of rape particularly as relates to dealing with medical reports. Reports of forced marriages and gender based violence were made and some serious cases were settled out of court.
5. Conditions in prisons and places of detention remain below the minimum required standards and in some instances, there were inadequate personnel to oversee the facilities. In the case of *Voinjama Central Prison, Lofa County*, detainees were permitted to wash only twice a week due to lack of staff to supervise them. Meanwhile, in some Counties, unofficial or private detention facilities were operational, where reportedly, in some cases by the Courts or authorities within the Counties.

Methodology

6. Information for this report has been collated from monitoring conducted by 25 Human Rights Officers (HROs) of the Human Rights and Protection Section, who cover all of Liberia's 15 Counties. The information was then cross-checked with reports prepared by other UNMIL components and also shared with UNMIL Office of the Gender Advisor, Legal and Judicial System Support Division (LJSSD) and the Corrections Advisory Unit (CAU). The draft report was transmitted to the Chief Justice of the Supreme Court of Liberia, Minister of Justice, Minister of Education, Ministry of Gender and Development and the Minister of Health and Social Welfare of the Government of Liberia for their comments prior to its public release. The report was also shared with the Office of

the High Commissioner for Human Rights (OHCHR) prior to release. Responses received were examined and, where appropriate, incorporated in the report.

Mandate of the Human Rights and Protection Section (HRPS)

7. UNMIL was established by UN Security Council Resolution 1509 (2003) of 19 September 2003. In accordance with paragraph three of the Security Council Resolution, the mandate of HRPS is:

(l) to contribute towards international efforts to protect and promote human rights in Liberia, with particular attention to vulnerable groups including refugees, returning refugees and internally displaced persons, women, children, and demobilised child soldiers, within UNMIL's capabilities and under acceptable security conditions, in close cooperation with other United Nations agencies, related organisations, governmental organisations, and non-governmental organisations;

(m) to ensure an adequate human rights presence, capacity and expertise within UNMIL to carry out human rights promotion, protection and monitoring activities.¹

Significant political, social and security developments

1. On 30 May, the Government of Liberia and the United Nations signed the United Nations Development Assistance Framework (UNDAF) for 2008-2012. The United Nations Country Team with the assistance of the Human Rights and Protection Section (HRPS) of UNMIL ensured a rights based approach within the document.
2. President Ellen Johnson-Sirleaf launched Liberia's Poverty Reduction Strategy on 20 August. She emphasised the need for inclusiveness and participation of all Liberians in ending poverty, as well as continued support from donors.
3. On 18 September, the legislature passed an amendment to the Labour Law of Liberia. The law previously allowed employers to dismiss employees at will and without cause (Section 1508(3)). The amended version of the law provides more protection to employees. In particular, employers would have to provide cause for dismissing employees with more than 10 years of work experience with the same employer.
4. On 7 October, the German Chancellor, Angela Merkel paid a one day official visit to Liberia, during which she pledged 4 million Euros to Liberia's infrastructural development programme and promised Germany's support for multilateral debt relief to the agricultural and health sectors, as well as training for the Liberia

¹ HRPS does not have a mandate to investigate allegations of human rights abuses committed by UNMIL staff. All cases of serious misconduct by UN personnel, including all complaints involving sexual exploitation and abuse, are investigated by an independent mechanism, the Office of Internal Oversight Services (OIOS). OIOS has complete freedom of action and reports directly to UN Headquarters in New York. Therefore, cases involving alleged abuses by UN personnel are not covered in this report.

National Police. This is in addition to the 14.4 million Euros already given in aid by Germany to Liberia.

5. On 11 October, President Ellen Johnson Sirleaf signed into law the Act establishing the Governance Commission. This new autonomous entity which will replace the Governance Reform Commission aims to promote good governance and integrity at all levels of society within public and private institutions. The Governance Commission is also mandated to carry out, among others, a review of the constitution, law reform, judicial reform and land reforms.

Human Rights Monitoring

Children's Rights

6. Contrary to Section 18(7) of the Liberian Penal Law prohibiting the exposure of children under the age of 16 years to obscene material, HROs found young children watching pornographic films at DVD-clubs in *Lofa County*. Through a letter addressed to the Superintendent of the County on 10 October, the Protection Core Group in the County brought these concerns to his attention for action.

Right to education

7. The right to education and accessibility to free and compulsory primary education are recognised under the Convention on the Rights of the Child (CRC). Additionally, universal primary education has been identified by UN Member States, as one of the Millennium Development Goals (MDGs). In keeping with these undertakings, the government of Liberia has adopted the policy of free primary education. However, the right can only become a reality and available to all when government establishes schools and adequately funds and equips them. Additionally, campaigns to raise the awareness of parents and communities about the importance of educating their children need to be carried out.
8. The school in Diahn Town, *Grand Gedeh County*, was reportedly closed down in March due to the very poor condition of the school building. According to a local human rights organisation, efforts to rebuild the school failed because community members preferred to send their children to work on their farms rather than attend school. In May, during a visit to the public school in Hundonin, *Lofa County*, HROs observed that three of the four teachers were seriously inebriated and students also complained that they were subjected to manual labour on farms. On 27 August, the Principal of Bahn High School, *Nimba County* in an interview with Radio Nimba publicly warned his teaching staff against using students to work on their farms as a form of punishment and in violation of school guidelines.
9. In other Counties there have been high rates of school enrolment as a result of the free education policy but there has not been a corresponding increment in the number of well equipped schools or recruitment of qualified teachers. Visits to Butaw District Junior High School in *Sinoe County*, Paynesville Community School in *Montserrado County* and the only public school in a Garbaryoun Clan, Neiporlorkollie Town, Fuamah District, *Bong County* revealed that classes were overcrowded and there was no furniture in the classrooms. There were not enough

qualified teachers to serve the student population and in the case of the school in Bong County, it lacked toilets and recreational facilities and there was also no safe drinking water or electricity. On 29 and 30 October, students from public schools in Konia, Zorzor district, *Lofa County*, demonstrated in protest of the absence of teachers from classes for 2 weeks. The teachers, who were reportedly on strike because they had not received their salaries for the past 2 months, are said to be volunteers who were trained by the International Rescue Committee (IRC).

Violence against children

10. Reports of physical violence directed against children by family members were recorded in several counties. This frequently took place in the context of disciplining the child. In October, a 17 year old girl found at West Point police station, *Montserrado County* had her hands tied by her father as a disciplinary measure. In another case, a 10 year old boy found at Elwa Police Depot stated that he had left home in search of his father because his aunt with whom he lived in Bushrod Island constantly beat him. Similar cases of young children running away from their homes as a result of ill treatment at the hands of their parents or relatives were reported in *Margibi* and *Grand Gedeh Counties*. On 25 July, the *Maryland County* Child Protection Network (CPN) visited the home of a 13 year old girl who was being abused by her mother. The mother believed that the girl was a witch in her previous life, accused her of stealing food and money, and frequently beat her. In mid-July the girl was treated at Cavalla Clinic after her mother accused her of stealing money and put pepper all over her body.
11. In other cases, such violence involved neglect of families meeting their children's physical and emotional needs. In *Grand Bassa County*, the Gender Officer had to care for a 14 month old abandoned child whose parents could not agree on custody arrangements. In May, a man was arrested by the LNP in *Montserrado County* while selling his nine-year old son for L\$3,000 (USD\$50²) allegedly to buy food. The boy was placed into the custody of the Women and Children Protection Section of the LNP. This was the third such case recorded this year.
12. HRPS is concerned that inadequate social structures and counselling facilities to support families in distress may contribute to a growing social problem of family violence. Additionally, most Counties do not have suitable facilities to care for neglected or abused children. Indeed in several cases, authorities failed to properly address reports of serious abuse. For instance, an 11-year old boy from Ganta, *Nimba County*, was allegedly burnt with acid by his uncle on 24 July. Although, the LNP County Commander had expressed intention to order the arrest of the boy's uncle, the LNP WCPS in Ganta stated that there were no grounds to arrest the man. In *Maryland County*, a woman who allegedly pushed her 14 year old niece into a pot of hot water on 10 September was charged with aggravated assault and released on bail by the Associate Magistrate on 11 September. The case was transferred to the Circuit Court.

² Exchange rate fluctuates. For the purposes of this report, it is assumed that US\$1 equals L\$60.

Human Rights and Orphanages

13. Due to the delay in the closure of the orphanages that failed to meet the Ministry of Health and Social Welfare (MoHSW) Minimum Standards for Operating Child Welfare Institutions, some unaccredited orphanages continued operating, putting the children who live there at risk of neglect or exploitation. Two orphanages in *Nimba County*, Francis Memorial and Mother Jacob Prayer Band Christian Foundation were still operating in June even though both of them were not accredited by the MoHSW. There is inadequate food for the children and living conditions are very poor and possibly dangerous to the health and long-term development of the children. Both establishments are run as a profit-making venture. UNECO (UNIMIL, ECOMOG Children's Organisation) Children's Home and Orphanage in Gardnersville, *Montserrado County* which is home to 62 children is also not accredited by the MoHSW. According to the owner, an official from the MoHSW allegedly solicited L\$3,000 (US\$50) to accredit it. The amount was paid but accreditation was never granted.
14. The Minimum Standards developed by the MoSHW to regulate all child care and protection services in orphanages and other child welfare institutions are based on the guiding principles of the CRC and provide that 'all child welfare institutions must be in safe and secure environment, must maintain clean and sanitary environment, and must promote high hygiene standards for the growth and development of the children.' All orphanages in the country are required to comply with these standards and non-compliance shall result in the immediate revocation of accreditation and closure of the institution. HRPS monitors however reported several instances where the minimum standards were not adhered to.
 - On 10 October and 17 October, HROs visited J. Roland Payne Center of Hope orphanage and Rainbow Town orphanage in *Bong County* respectively. The two orphanages were established 1994 and have both been accredited by the MoHSW. Rainbow Town orphanage has 82 children which is beyond the maximum recommended (50 children) by the Minimum Standards. Roland Payne Center of Hope orphanage lacks electricity and adequate recreational facilities. However, generally, it was observed that the environment in both orphanages was clean and that the children are clean and healthy.
 - House of Hope orphanage in Ganta, *Nimba County* is an accredited orphanage but it does not meet the minimum standards recommended by the MoHSW for operating child welfare institutions. There are over 78 children in the orphanage which lacks proper living conditions and health standards. HROs approached the Bangladesh Battalion for support in provision of medical services to the Orphanage. My Brother's Keeper Orphanage in Careysburg, *Montserrado County* is also accredited by the MOHSW, however it does not have a health care facility and the conditions under which the children are kept are unhygienic. There are 43 children (22 girls and 21 boys) in the orphanage, some of whom have one surviving parent while others are mentally challenged.

Law Enforcement

Improper use of restraints and alleged ill treatment

15. Under the Standard Minimum Rules for the Treatment of Prisoners (1977), handcuffs and other forms of restraint must never be used as punishment and should only be used when necessary to prevent escape or harm to the detainee or to others.³ Additionally, the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment (1988) and Article 21(e) of the Liberian Constitution prohibit torture and inhumane treatment of any person under any form of detention or imprisonment. However, some detainees reported being ill treated and in other cases, restraints appeared to have been used in contravention of the 1977 Standard Minimum Rules.

- In May 2007, a suspect charged with murder and held in Kakata LNP station, *Margibi County*, claimed to have been handcuffed and subjected to treatment that may have amounted to torture. The suspect claimed he was seriously assaulted by police officers who were trying to force him to confess to murdering a five year old boy in Bong Mines.
- A man who was following up a case at Tubmanburg Police Headquarters, *Bomi County* on 29 June was allegedly detained after an altercation he had with the LNP. The man reported that on the morning of 30 June he was seriously assaulted by three police officers using batons and his property seized.
- Three detainees held on charges of theft in Gbarnga LNP Station, *Bong County*, alleged that on 12 September, the County LNP Commander beat them, stepped on their chests, and threatened them. The LNP Commander denied these allegations.
- A LNP Officer is alleged to have assaulted the Town Chief of Moses Town, *Montserrado County* on 24 August and additionally, handcuffed and held him for one night in an unauthorised place of detention.

Extortion by LNP officials

16. Law enforcement officials should not only refrain from committing any acts of corruption but they should also rigorously oppose and combat all such acts. However, HRPS received reports where it was alleged that law enforcement officials engaged in corrupt practices and this is bound to undermine the public's confidence in law enforcement.

- Two market women in *Grand Bassa County* alleged that on 1 May they were charged by Buchanan City Police with preventing arrest and discharge of other duties after they refused to pay the Chief of Buchanan City Police L\$1,000 (US\$ 16). In *Margibi County*, a man in the LNP HQ cell claimed that he had been detained by police because he could not pay an illegal L\$500 (US\$8) bond fee.
- In *Bong County*, a couple arrested on 6 August on suspicion of beating a 14-year-old girl living with them, paid LNP Officers in Gbarnga Central Police Station L\$800 (US\$13) to secure their release following an amicable

³ See Rules 33 and 34

settlement of the case. HRO reported the matter to the Commander of the LNP Station and the officers were made to return the money.

- On 25 August, a LNP Officer is alleged to have demanded a chicken as a condition for releasing the detained Town Chief of Moses Town, *Montserrado County*.
- In *Sinoe County*, a rape suspect was held in LNP custody from 10 to 15 August before being brought before a Court. LNP officers allegedly demanded L \$500 (US\$8) to facilitate an out of court settlement of the case

Mob justice

17. During the reporting period, HRPS continued to receive reports of mob justice. Mob justice or mob violence violates several human rights including due process rights and fundamental rights protected by the Constitution of Liberia like the right to life and security of the person. Effective action should be taken to protect members of the community and criminal suspects from mob violence and to bring the perpetrators of mob violence to justice.

- On 11 October 2007 a 37 year old man from *Maryland County* was assaulted and seriously injured by a group of men who were said to belong to a secret cult. Four persons were arrested and charged with aggravated assault.
- In *Nimba County*, two cases of mob violence were reported to have taken place on 27 and 29 October in Dahnlorpa, Sanniquellie. One involved a male rubber tapper who was suspected of stealing rubber. The other case involved a 17 year old boy who was accused of stealing LD\$150 (USD\$2.50) and breaking into a house to steal a mattress. The town chief is alleged to have ordered the community to attack the juvenile. No arrests in respect of the said mob attacks were made.

18. Allegations of witch-craft also attracted communities to take the law into their hands and mete out mob justice. From the reported cases, it appears the police failed to take appropriate action to respond to such incidents in order to protect the victims.

- On 20 July, a 65 year old woman and her 70 year old husband were beaten by a mob and their home looted claiming that the woman had bewitched and killed a 12 year old child in *River Cess County*. Three police officers who attempted to protect the couple were also attacked by the mob. None of those involved in the mob-violence were arrested, as the LNP claimed they were facing political pressure from high-ranking community leaders not to take action.
- On 13 July, four people in Gbeken village, *Maryland County*, reportedly confessed to bewitching a man and causing his leg to swell after being beaten by community members. No arrests were made.

The Judiciary

Slow progress in hearing of cases in Courts

19. The reporting period covers two Judicial Circuit Court Terms, May and August. During the said period, several Circuit Courts were unable to hear all cases on the dockets. In some cases, this was attributed to the absence of essential personnel.

This not only undermines the effective operation of the judicial system but it also results in the denial of the due process rights of suspects and victims alike.

- Some Circuit Courts were unable to hear any cases during both the May and August Court Terms. Criminal Court D in *Montserrado County* which handles armed robbery and murder cases remained closed during the May and August Court Term because a Judge had not been assigned to the Court. In *Rivercess County* no cases were heard as the assigned Judges left immediately after the opening of the Court Terms.
- During the May Court Term, the Circuit Court Judge of *Nimba County* only began hearing cases one month after the Court Term began. No cases were heard by the Circuit Courts in *Grand Cape Mount County* and in *Sinoe County* due to the continued absence of the Defence Counsel and infrequent attendance of the County Attorney in Grand Cape Mount County and the absence of the County Attorney in Sinoe County.
- During the August Court Term, the Circuit Court of *Grand Kru County* was unable to commence sessions due to the absence of County Attorney, Defence Counsel and the Judge who is ill. The Circuit Court in *Grand Gedeh County* started hearing its first trial for the August term of court on 5 September 2007. The suspects had no legal representation as the Defence Counsel was absent.
- Trials in the Circuit Court in *Maryland County* were suspended during the May Court Term because the Defence Counsel was ill, while the County Attorney resigned due to non-payment of salary. The Court did not try any cases either in the August Term of Court.

20. Slow progress in hearing cases also meant that detainees charged with first degree rape were held in pre-trial detention for prolonged periods. In *Grand Cape Mount County*, 2 detainees on charges of rape had been in detention for 16 and 18 months, while 3 detainees on rape charges in *Maryland County* had been in detention for 11, 13 and 14 months.

Lack of resources and insufficient skills among jurors

21. Courts in isolated areas are particularly affected by lack of resources and basic requirements. In some Courts, contrary to the provisions of Section 18.2(1) and Section 18.2(2) of the Judiciary Law, jurors with insufficient skills were permitted to serve on the jury. Situations like these infringe fair trial rights, affect the independence of the judiciary and may also lead to impunity for crimes.
- In *Nimba County*, the trial of a man accused of first degree rape was adjourned after witnesses failed to arrive due to the late delivery of the subpoena. The County Attorney had asked the 14 year old victim to pay L\$3,000 (US\$50) for the cost of serving the subpoena. The victim instead delivered the document herself, paying L\$650 (US\$11) for transportation. The victim also paid L\$1,700 (US\$28) towards the costs of transporting the suspect from Tapita to Sanniquellie.
 - The Magistrates' Court in Saclepea, *Nimba County*, operates from the City Mayor's residential compound while that in Toe Town, *Grand Gedeh County* operates from the living room of the Stipendiary Magistrate's house. Both courts lack furniture, stationary and law books. In *Nimba County* complainants are sometimes compelled to transport accused persons to

Sanniquellie Prison. By end of August, 5 court officials from the Magistrates Court in Toe Town had not received their salaries for the past three months.

- Most of the jurors in the Circuit Courts in *Maryland, Nimba and Rivercess Counties* do not speak or understand English as required by Section 18.2(1) of the Judiciary Law. Courts had difficulty finding persons to serve as jurors as the allowance given to them is very low.

Corrupt practices by court officials and interference in the operation of the justice system

22. During the opening of the August 2007 Court Term, the Chief Justice of Liberia acknowledged having received numerous complaints for bribery in the court system. Corruption undermines the judicial system and furthermore denies citizens access to justice and the basic human rights to a fair and impartial trial or even to a trial at all.

- The Gbarnga City Magistrate, *Bong County* refused to release a woman who was charged with theft and detained on 31 May until her husband paid him L\$2,500 (US\$41). There appeared to be no basis to the charge, as it related to the pawning of a mattress from the woman's own home so that she could buy food for her seven children. HROs raised concerns about the case, following which, the Magistrate released the woman on 4 July.
- In *Lofa County*, a man convicted of rape in March and sentenced to life imprisonment was denied his right to appeal. Although no fees are legally required for an appeal to be lodged, the accused was asked to pay L\$4,000 (US\$66) for the Court Sheriff to file the appeal in the Supreme Court, which he did. The appeal was however not filed as the Court Sheriff lacks finances to meet the cost of the trip to file the papers at the Supreme Court in Monrovia and neither can the accused afford to meet the said transport costs. The time limit within which the appeal should have been filed has expired.
- In June, a member of staff of the Catholic Justice and Peace Commission reported that some members of the Grand Jury in *Maryland County* sought a bribe from him while he was testifying as a witness in a rape case.
- After a preliminary examination of a rape case in which a 13 year-old girl was allegedly raped, the case was transferred on 10 August to the *Lofa County* Circuit Court and the defendant committed to pre-trial detention. The Circuit Court Clerk requested the victim's father to pay L\$200 (US\$3) for completing the commitment forms explaining that it was not an official court fee but an 'administrative fee' to compensate his services.
- On 25 June, the Fishtown Magistrates' Court in *River Gee County*, granted the City Solicitor's request to allow the victim and suspect to reach an out of court settlement in a case of aggravated assault. However, in addition, the Magistrate 'fined' the accused L\$500 (US\$8.) without trying the case.

23. Courts are particularly vulnerable to interference whether by political actors or other actors.

- In April 2006, seven men were arrested for the alleged murder of a man in *Rivercess County*. By June 2006, all seven men had escaped from the Magistrates' Court holding cell. Three were re-arrested while the other four remained at large. On 7 June 2007, the three men were acquitted of murder by the Circuit Court, apparently due to lack of evidence. It was alleged by the

City Magistrate that two members of the legislature attempted to interfere in the judicial process in order to seek acquittals for the men who are believed to work for them on their farms.

- In *Bong County*, the Circuit Court continued proceedings in a murder case which occurred in Sanoyea District in March 2007. During the indictment hearing on 27 August, the Jury attempted to change the charge from murder to manslaughter. When the Circuit Court Judge investigated the matter, the Secretary of the Jurors admitted that there was jury tampering by one of the Defence Lawyers. The Judge sentenced the Secretary of the Jurors to two weeks imprisonment and fined the lawyer L\$1,000 (US\$16).

Justices of the Peace practising without commissions

24. HRPS received reports that Justices of the Peace (JP) continued to hear cases even though their commissions had expired.

- On 20 and 22 August 2007 respectively, a JP in Suakoko, *Bong County*, sentenced 2 men to prison terms of two and three months respectively for theft of property. On 17 September, a JP in Foequelle allegedly arrested a man and handcuffed him overnight because he had failed to pay a L\$3,000 (US\$50) fine imposed by the JP earlier in the year.
- A JP in Soul Clinic, *Montserrado County* stated that he handles cases including cases of aggravated assault, terrorist threats, and theft of property.
- During the month of July, the Cotton Tree JP Court, *Margibi County*, conducted trials and sentenced people, sometimes committing them to Bondiway and Kakata Central Prisons. Two juveniles, aged 16, were illegally sentenced to prison terms of three weeks and one month respectively and held in detention at Bondiway Prison for a brief period before they were released.

Abuse of authority

25. On 28 July 2007, a prison officer at Sanniquellie Central Prison, *Nimba County* ordered the beating of the Sheriff of the LAMCO Magisterial Court. The Sheriff had reportedly escorted detainees from Yekepa to the prison on orders of the Stipendiary Magistrate. However, he was unable to identify himself to the prison officer as he had not brought his identification card. The prison officer rejected the commitment order and ordered inmates to assault the Sheriff. The Prison Officer was reportedly intoxicated at the time of the incident.

26. On 3 August, a female arrested for the theft of a cell-phone reported to LNP that the Magistrate in Zorzor, *Lofa County*, reportedly coerced her into having sexual relations with him in his home in return for her release. LNP investigated the case and charged the Magistrate with sexual assault and sexual abuse. An attempt was made by the LNP to arrest him but he escaped. On 21 August, the case was transferred to the Circuit Court but no writ of arrest was issued against him. In September, the County Attorney reportedly stated that there was insufficient evidence to indict the Magistrate. By the end of September, the Magistrate had reportedly resumed his official duties.

27. On 25 October, 15 LNP officers assigned to Cestos City, *Rivercess County* assaulted the Commander of the INTERCON Officers guarding UNMIL

Headquarters in the County and took USD\$75 from him. It is reported that one LNP officer who led the 15 officers in the assault was also responsible for assaulting a female LNP officer on 24 October. Two other persons, an auto mechanic and a Ghanaian fisherman also reported that a LNP officer had also assaulted them and taken the mechanic's working tools and fish from the fisherman. No action against the police has so far been taken in respect of these cases.

Misapplication of the law

28. Two men were murdered on 20 November 2006 and 8 January 2007 respectively. On 3 April a writ of arrest was issued by the 2nd Judicial Circuit Court of Grand Bassa County and 12 officers of the Liberian Agricultural Company (LAC) Plant Protection Department were arrested on 5 April, in connection with the murders and detained at the Grand Bassa Central Prison, *Grand Bassa County*. In May 2007, the Defense Attorney filed a motion with the Grand Bassa Circuit Court for change of venue which was granted and the case transferred to Rivercess County. The accused were transferred to Rivercess County and subsequently released on bail on 14 June contrary to amended Section 13(1) of Criminal Procedure Law which states 'a person in custody for the commission of a capital offence shall not be entitled to be admitted to bail whether before conviction or pending trial'. The case could not be heard by the Circuit Court during the May Court Term reportedly due to lack of a jury in the County and neither was it heard during the August Court Term due to absence of the Judge for the entire court term. It is alleged that the said suspects have resumed their duties at LAC. Meanwhile, HRPS intervened to secure the protection of a state witness in the case after reportedly being assaulted and threatened by persons associated with this case.
29. Under Section 14.70(4)(a)(i) of the New Penal Code, rape is a felony of the first degree where the victim is less than 18 years at the time the offence was committed. The law goes further to state in subparagraph (b) that for purposes of bail, first degree rape shall be treated as a capital offence, which means that Section 13(1) of Criminal Procedure Law that prohibits granting bail to persons charged with capital offences would apply. In several cases, this law was not applied.
 - In two separate cases in Saclepea, *Nimba County* that involved the rape of a child, the adult suspects were released into the custody of their parents. In one case a 45-year old man allegedly had sexual intercourse with a 12-year old girl some time between 23 and 27 August. In the second case, a 35-year old man allegedly raped a 12-year old girl behind her house. Both suspects argued that the victims were their girlfriends and consented to sexual relations. The suspects were arrested, and LNP forwarded the cases to the Magistrates' Court in Saclepea. However, the Stipendiary Magistrate released both men into the custody of their parents because he was unable to facilitate their immediate transfer to Sanniquellie Central Prison.
 - On 24 July 2007, the Clerk of the Stipendiary Magistrates' Court in Sanniquellie, *Nimba County* without the knowledge of the Stipendiary Magistrate and City Solicitor, released a man charged with statutory rape. Upon HROs intervention, the Clerk of Court and the Sheriff were instructed by the Stipendiary Magistrate to re-arrest the suspect but by the end of

October the suspect had not been re-arrested. Although HROs informed the Circuit Court Judge of the situation, no other steps were taken to hold the Clerk accountable.

Human Rights in Prisons and Places of Detention

Poor conditions of detention and lack of facilities

30. The conditions of some prisons and detention facilities remained below the minimum required standards. On 23 May, HRO observed that five men were detained in windowless - unlit and poorly ventilated cell of Barnersville Estate Police Depot, *Montserrado County*. The holding cells of Gbarnga Central Police station, *Bong County*, do not have toilets. A LNP station in *Monsterrado County* and a Bureau of Immigration and Naturalisation (BIN) station in *Nimba County* were uninhabitable in June due to flooding and the absence of toilets. Both of these facilities had been renovated by UNMIL Quick Impact Project (QIP).

Detention centre	Maximum operational capacity	No. of inmates as at end of October 2007	No. of pre-trial detainees as at end of October 2007	No. of convicted persons as at end of October 2007
Monrovia Central Prison	344	760	716	44
Kakata Central Prison	60	69	69	Nil
Gbarnga Central Prison	60	51	49	2
Buchanan Central Prison	60	31	17	14
Saniquillie Central Prison	19	50	44	6
Voinjama Central Prison	60	34	26	8
Harper Central Prison	128	44	42	2
Bondiway Central Prison	30	20	13	7
Zwedru LNP holding cells ⁴	N/A	27	5	22

These statistics are compiled from UNMIL's CAU reports as at end of October 2007.

31. Up to October 2007, there were reports of poor diet or inadequate provision of food to detainees in prisons and detention facilities in *Grand Gedeh, Lofa, Maryland, Margibi, Grand Cape Mount and Grand Bassa Counties*. In *Lofa County*, the Prison Superintendent blamed the inadequate food on slow delivery of supply by World Food Programme (WFP) while the LNP officer-in-charge at the LNP station in Pleebo District, *Maryland County* reported on 8 October that the

⁴ Detainees and convicted prisoners are held in LNP station cells. Renovation of Zwedru Central Prison is complete but the opening is awaiting completion of the administrative buildings.

police station did not receive any food ration from the government for the detainees.

32. In some counties, the prisons and detention facilities had inadequate personnel to oversee the facilities and this impacted on the rights of detainees.
- Seven detainees held in the only detention facility in *Rivercess County* – a holding cell at the Cestos City Magistrates' Court, opened the cell one morning in May and went to town to look for food and only returned in the evening.
 - In *Grand Cape Mount County*, Robertsport Detention Centre is understaffed with only 2 officers - the Prison Superintendent and a volunteer warden. After 6pm there is no staff on duty. On 8 October, a detainee on a charge of rape was placed in charge of the detention facility in the absence of the 2 officers.
33. Cases were reported in which inmates had inadequate access to medical care.
- In *Grand Cape Mount County*, there is inadequate care for prisoners with mental disabilities. This is due to apparent lack of awareness among corrections officials and police in how to handle such inmates, and also due to lack of availability of treatment. A detainee who appeared mentally challenged was held in pre-trial detention in Robertsport Detention Centre from 11 May to 20 July when he was transferred to Monrovia Central Prison (MCP). With HRO intervention, the NGO, German Emergency Doctors agreed to conduct an examination of the man. In July, a pre-trial detainee who appeared to be mentally challenged was released from Gbarnga Central Prison by the *Bong County* Circuit Court, on grounds of poor health. He initially refused to leave the prison grounds.

Poor management of facilities

34. In June, several security incidents were reported at Sanniquellie Central Prison, *Nimba County*, whose population at the time was almost twice the maximum operational capacity. On 4 June, inmates walked out of the prison, stole food from nearby shops and threw stones at the Circuit Court and passers-by. An official of the Circuit Court was seized by the inmates and held in their custody inside the prison for almost two hours. The inmates complained about delays in their trials and threatened to cause further disturbances if they were not brought to Court. The locks were non functional and inmates were able to leave the prison almost at will. On 11 June, the former Acting Superintendent was allegedly assaulted by six detainees incited by the current Superintendent. Also, a detainee at Sanniquellie Central Prison subsequently alleged that a prison guard ordered 15 of his fellow detainees to assault him and tie him in *tabay* (arms tied behind the back until the elbows meet and the rope digs into the skin) for 12 hours as punishment for escaping from the facility.

Unauthorised detention facilities

35. The use of unofficial or private detention facilities poses a challenge to human rights protection of all detained persons. In May HROs visited Gbartala Magistrates' Court, *Bong County* and found that the court was running an unauthorised detention facility. On 2 May there were five people, including two juveniles, detained in the facility which was very small and had no ventilation. In

June *Grand Kru County's* only detention facility was managed by a Sheriff and the detainees were fed by the County Attorney and their relatives. There were no national corrections personnel in the County. It is also alleged that Magistrates operate unauthorised detention facilities in Gbarma, *Gbarpolu County*, Zorzor Town, *Lofa County*, Arthington, *Montserrado County*, Cestos City, *Rivercess County*, River Gbeh, *River Gee County*. Unauthorised detention facilities are also said to exist in Zleh Town, *Grand Gedeh County* and several such facilities are also reportedly operational in *Nimba County*.

Rent-seeking practices by prisons authorities

36. Following reports that prison staff who are volunteers from the local community in Fishtown, *River Gee County* had released an unspecified number of prisoners on 'parole', HRO held a meeting with the Acting Prison Superintendent on 15 October who confirmed that his staff had released 4 prisoners on 'parole'. The Acting Prison Superintendent also reported that his Assistant Superintendent and Chief of Records arranged for the release of a prisoner who claimed to be sick so that he could receive traditional medical treatment. Those 2 officers were paid LD\$1,000 (USD\$16) by a relative of the prisoner for this release. They asked the prisoner to return on 1 November in time for the November Court Term.

Rape, Sexual and Gender Based Violence (SGBV)

Treating serious SGBV cases as minor offences

37. Although there have been developments in addressing concerns about delays in handling SGBV cases, such as the establishment of a specialised court, challenges with access to justice in such cases remain. HRPS received reports of several cases where law enforcement authorities treated serious cases of abuse of women and girls as minor offences. For instance, on 2 October, in Todee district, *Montserrado County*, a man severely assaulted and maimed his 7 month old pregnant wife for refusing to have sexual intercourse with him but he was only charged with simple assault. Meanwhile, a 48 year old man found at West Point police station, *Montserrado County* on 4 October was charged with sexual assault of an 8 year old girl. From the girl's statement and the medical report on file, HROs were of the opinion that a charge of rape should have been made.

Improper handling of rape cases

38. There were reports that appeared to indicate that some of the authorities within the criminal justice system mishandled reports of rape, as they did not know how to deal with medical reports in such cases. In a meeting between SGBV service providers, police and judicial personnel on 8 May, police and prosecutors in *Grand Gedeh County* demonstrated a disturbing lack of awareness of the investigative process, different forms of evidence and the judicial procedures. LNP stated that they would not forward a rape case to the Magistrates' Court for preliminary hearing if they do not have a medical certificate and that if a victim reported a rape but had not had a medical examination, they would not send the case to court. The County Attorney of *Grand Gedeh County* stated that he would not forward a case to the Circuit Courts for arraignment without a medical

certificate. Additionally, should an alleged rape victim appear in court without a medical certificate that specified that the said victim had been raped, he would ask court to dismiss the case.

39. A 16 year old boy who had been brought by LNP officers from Fishtown, River Gee to Harper, *Maryland County* on 16 July for allegedly committing rape, had by 21 July not been formally arrested or charged. Upon enquiry by HROs, the LNP Commander claimed that he could not charge the suspect until he received a copy of the victim's medical report. However, there is no legal requirement that a medical report be produced before arresting and charging a suspect, or before producing him before Court for the initial appearance. While a medical report is an important piece of evidence, other forms of evidence also must be considered. Upon intervention of HROs with the LNP, the alleged perpetrator was detained for about two months, after which the judge decided to release him to his parents' guard to await trial.

Dismissals and out of court settlement

40. The withdrawal of rape cases and the tendency to settle such cases in private continued to be a concern. While charges should be dropped where there is no evidence to support them, the frequency with which cases of SGBV were withdrawn for private settlement entails that the prosecution and the courts be particularly careful when handling such cases. In *Bomi County*, a case against a police officer charged with raping a 17 year old girl in custody on 25 October 2006 was dismissed on 28 June 2007 on the basis of a letter from the complainant, now aged 18, stating that she lied and that no rape took place. A medical report carried out at the time of the arrest reportedly indicated that the girl had been raped. On 26 September, the Zwedru Circuit Court in *Grand Gedeh County* acquitted a defendant in a rape case after the alleged victim claimed that she accused the defendant because she was angry with him. It is believed that the case was settled out of court.
41. In some instances, SGBV cases were settled out of court at the insistence of the victim's family members while in other cases, the authorities facilitated such settlements in contravention of the obligation to pursue the prosecution of such cases in accordance with the law.
 - On 8 August, during a preliminary examination of a rape case in which a 13-year-old girl was allegedly raped, the Magistrate at Voinjama Magistrates' Court, *Lofa County*, postponed the transfer of the case to the Circuit Court until 10 August, stating that he wanted to give the defendant a chance to convince the victim's parents to settle the case outside court. They were unsuccessful and on 10 August, the case was transferred to the Circuit Court. On 28 August, a man who allegedly assaulted his wife in Pleebo, *Maryland County*, was arrested and brought before the Magistrates' Court on 29 August. However, after conducting a preliminary hearing into the matter, the Stipendiary Magistrate decided that the case be settled out of court.
 - On 6 August, a report was made to the Jacob Town WCPS, *Montserrado County* about a rape of 15 year-old girl by her teacher. No arrests were made by the LNP and the matter was settled out of court.

Forced Marriages

42. Although the legal age for a civil marriage is 18, the Inheritance and Customary Marriages Act, passed in 2003, provides for customary marriage of girls from the age of 16. This conflict in the domestic laws of Liberia contributes to legislative and institutional discrimination of girls. HRPS has received reports of girls who have been married off sometimes, forcibly, before attaining the age of 18. These practices possibly violate the provisions of Section 14.70 of the New Penal Code, which makes any sexual intercourse with a person under the age of 18 a first degree felony and are in contravention of international human rights standards as espoused in the Universal Declaration on Human Rights and the Convention on the Elimination of Discrimination against Women (CEDAW) which has been ratified by Liberia. CEDAW provides that men and women have ‘...the same right freely to choose a spouse and to enter into marriage only with their free and full consent’⁵ and that ‘the betrothal and the marriage of a child shall have no legal effect, and all necessary action, including legislation, shall be taken to specify a minimum age for marriage.’⁶

- In June, a 16 year old girl from *Maryland County* escaped from a customary marriage to a much older man. Prior to this escape, she had attempted to escape in 2006 but was returned to the husband and her family was asked to pay a substantial fine to the husband. The girl is presently with her parents. In another case, a girl believed to be 17 years old from Warteken village, had reportedly been forcibly married by a High Priest three years ago. Upon follow up in July, it was confirmed to the HROs by the village Chief that a traditional marriage had taken place and that the girl would have to remain married to the man until December 2008.
- In June, LNP records in *Grand Cape Mount County*, reflected a case of a 16 year old girl who had been severely beaten by her 40 year old customary husband. The man was only charged only with common assault and fined L\$300(US\$5) by the Magistrate. In another case, a 15 year old girl escaped a forced marriage in Bowaterside and on 10 October, was taken to a shelter in Tubmanburg in *Bomi County*.

Juvenile Justice

43. Under the Juvenile Court Procedural Code (JCPC) the courts are responsible for adjudicating a child between the ages of 7 and 18 years who commits an act, which if committed by a person over the age of 18 years would be considered a crime, to the status of a juvenile delinquent.⁷ The JCPC goes ahead to lay out the practice and procedures in handling juveniles that come within the jurisdiction of the juvenile courts. However, cases were reported in which authorities failed to address juvenile criminal activity in accordance with the legal provisions that govern such cases. This shortcoming could possibly be attributed to lack of adequately trained personnel in child protection issues and the absence of institutions necessary for diversionary procedures for juveniles.

⁵ See Article 16(1)(b)

⁶ See Article 16(2)

⁷ Section 11.11(b) of the Juvenile Court Procedural Code

Illegal detention of juveniles

44. Under Section 11.42(1) of the JCPC no juvenile under the age of the 16 years shall be detained or placed in any prison or police station except with the good cause and upon the order of a juvenile court judge. A 14 year old male juvenile was arrested by LNP in *Grand Gedeh County* on 17 June for theft of a pair of slippers and was held in the *Zwedru* police station overnight. In *Nimba County*, a 14 year old boy was arrested and detained at the *Ganta* LNP station between 31 May and 6 June. In June, HROs found a 15 year old boy who had spent eight days in the *Kakata Central Prison, Margibi County* awaiting trial. The *Bondiway* Magistrate and County Attorney conceded that the boy should not have been arrested and detained on a criminal charge.

Detention with adults

45. Liberia is party to the Convention on the Rights of the Child (CRC) which states under Article 37(b) that detention should be avoided except 'as a measure of last resort and for the shortest appropriate period of time' and in particular Article 37(c) stipulates that 'every child deprived of liberty shall be separated from adults unless it is considered in the child's best interests not to do so.' These standards are reinforced under Section 11.42(1) of the JCPC which clearly states that a juvenile may be kept in detention if it is found necessary to do so in order to protect the juvenile or the public. Such juveniles should be held in a segregated section of the detention facilities where the juvenile cannot have contact with persons 18 years of age and over. However, a number of cases were reported in which juvenile detainees were not separated from adults. On 24 July four female juveniles, aged 15 to 17 years old were held in detention with adult detainees at *MCP, Montserrado County*. Prison authorities had previously informed HROs that they were being held in a juvenile cell. In *Gbarnga Central Prison, Bong County*, three juvenile detainees were held in the same cell as adults during the month of July. In *Robertsport* detention facility, *Grand Cape Mount County*, a juvenile reportedly aged 15 was held with a mentally challenged adult detainee who, on 11 July allegedly attacked him leaving a deep bite-wound on his hand. In *Margibi County*, two juveniles aged 13 and 15 years old were arrested on charges of rape and detained in *Kakata Central Prison* with adults on 19 August and 19 September, respectively.

Juveniles being tried as adults

46. In several cases, difficulties in establishing the age of suspects meant that they were tried as adults, without further efforts to determine their age.
- A boy who claimed to be 15 years old was arrested on suspicion of burglary on 30 July and held with adult detainees in *Tubmanburg* detention facility, *Bomi County*. Although the prison records indicated that he was 15 years old, LNP alleged that he was 18 years old, a fact which went unchallenged when he was brought before the Magistrate. The case was transferred to the Circuit Court.
 - On 6 August, *Robertsport* Magistrates' Court, *Grand Cape Mount County* ordered the detention of an alleged juvenile on charges of persistent non-support of his child. A Magistrate who had not adjudicated the case ordered

the juvenile's detention. Subsequently, a trial was held on 9 August wherein the case was conducted by Court as if the juvenile were an adult even though the family of the juvenile insisted that he was 16 years old. No further attempts were made by the Court to establish the age of the juvenile.

Freedom of Expression

47. On 18 October, the Regional Coordinator of Liberia Democratic Institute (LDI), Mr Otis Jolo was arrested by the police on the orders of the County Attorney of *Grand Gedeh County*, who is reported to have been instructed by the Acting Superintendent. It is alleged that Mr. Jolo accused government officials of bad governance practices during a discussion forum on the promotion of democracy and increasing women's participation in decision making. Mr. Jolo was charged with Criminal Malevolence (§11.14 Penal Law) and brought before court and released on bail. On 22 October, Mr. Jolo appeared before the Magistrate Court for a preliminary hearing but the Prosecutor dropped the case citing lack of sufficient evidence to sustain the case. Meanwhile, on 26 October, HRO was informed by the Station Manager of Smile FM, a radio station in Zwedru City, that following instructions from the Superintendent of the County, the telecommunications company - Cellcom disconnected the radio station from its power and free telephone service. The Station Manager reported that the Superintendent confirmed giving the said instructions noting that the radio station was anti-government and unprofessional. These actions on part of the Superintendent appear to have been prompted by the release of Mr Jolo. It is also reported that the Superintendent intends to restructure the radio station's board members even though he does not have that mandate. HRPS is deeply concerned about actions taken by some local authorities in the County to stifle the right of members of the community and media at the County level to freely express themselves.

48. At a meeting with privately owned newspaper editors on 22 October, the Chief Justice of the Supreme Court of Liberia, His Honour, Mr Johnnie N. Lewis reportedly threatened to charge journalists who consistently misspell his name and attach his photographs to stories that have nothing to do with him with contempt of court, a charge punishable by 30 days imprisonment.

Economic, Social and Cultural rights

49. On 11 July, the management of Cavalla Rubber Plantation, *Maryland County*, issued a memorandum to all employees instructing them to report any instances of child labour to management. However, on 9 October, during a monitoring visit to the Rubber Plantation, HROs met four male children aged between 13 and 16 years who had been tapping rubber. The children indicated that they had been assisting their father meet his quota of rubber for the day. They stated that they do not attend school because their parents are unable to afford the school fees. At Tubman Rubber Plantation, HROs observed that the housing conditions of workers are very poor and there is no health centre or school on the plantation. HRPS is concerned at the continued use of children as labourers and their exposure to hazardous working environments on Cavalla and the poor housing conditions and lack of healthcare and schooling on Tubman Rubber Plantation.

50. During a visit on 24 October to St. Timothy's Government Hospital and LNP in *Grand Cape Mount County*, HRO was informed by some workers at the hospital that they had not received salaries for the past four months while LNP officers complained of late payment of salaries. The Commander of the Drug Enforcement Agency for the County reported that 35 field officers had not been paid for a year. The failure of government to ensure that its civil servants are paid, and in a timely manner, infringes the right to an adequate standard of living and poses a threat to ensuring that the rule of law is adhered to.
51. On 22 October, HROs were informed by the County Inspector of *Nimba County* that Mittal Steel began evicting persons residing in the houses on its concession area as of 8 October 2007. Previous employees of LIMICO as well as squatters were compensated. In total, 167 families received USD\$150 each. However, 26 families did not benefit from the compensation as they had not turned over the houses voluntarily or had vacated before compensation took place. Mittal Steel did not facilitate the transportation of the evicted families. So far, Mittal Steel has taken over 300 houses out of about 1200 houses.

Harmful Traditional Practices

Trials by ordeal

52. The Supreme Court of Liberia in 1940⁸ ruled that 'a proceeding calling for trial by ordeal, intended to extort a confession from the accused, is in conflict with the organic law of the state declaring that no one shall be compelled to give evidence against himself and is therefore illegal'. Furthermore, Article 73 of the Revised Rules and Regulations Governing the Hinterland of 2000 prohibits trials by ordeal 'in cases where the bark of sassywood'⁹ is made and administered internally and persons who administer it are deemed to have committed a misdemeanour.
53. Despite the position of the Supreme Court and Liberia's obligations under International Human Rights Law, trials by ordeal continue to be practiced, with sassywood being administered in some cases. Invariably, only in cases where deaths or serious injuries resulted, were complaints made to the authorities.
- On 12 June a man was arrested and detained by the LNP in *Bomi County* allegedly because he "*with criminal intent transform into an animal (Baboon), where he began to terrorize the life of peaceful citizens by following them into the bushes(...)*"¹⁰. The case was subsequently referred to the National Traditional Council of Liberia in the Ministry of Internal Affairs who made preparations to carry out a trial by ordeal to determine whether or not the man was guilty. Due to the intervention of HRPS and the Solicitor-General, the man was released from detention on 29 June and it appears that the trial by ordeal did not take place. He was subsequently charged with the crimes of 'terroristic threats' and 'aggravated assault' and released on bail.
 - On 22 June an Ivorian citizen was indicted for murder in the *Nimba County* Circuit Court. The charge related to a death which resulted from a trial by

⁸ *Tenteah v Republic of Liberia*, 7LLR63 (1940)

⁹ This is a substance which is prepared from the bark of a tree which, when ingested, could result into death.

¹⁰ Quote of the post-facto writ of arrest issued on 6 June 2007 by the Stipendiary Magistry in Monrovia

ordeal which allegedly took place in Buotou between September and November 2006. On 21 August, the District Commissioner of Wesah City, Sasstown District, *Grand Kru County*, reportedly detained two men following a trial by ordeal conducted by the Tribal Authority. The accused carried out a trial by ordeal which left the victim paraplegic.

- Following the death of a student in Flewroken village, *River Gee County*, it is alleged that some members of the community agreed to carry out a trial by ordeal in which *sassywood* was administered to persons who were suspected to have been involved in the murder of a student. Consequently, after ingesting the *sassywood*, four persons died on 4 July and two on 5 July 2006. Fourteen suspects were arrested and charged with murder. However, due to various reasons, including lack of prison facilities in the County and the possibility of a Jury being influenced by the community's attitude towards the practice of trials by ordeal, the prosecution requested for the transfer of the case from River Gee County to *Margibi County*. In November 2006, the request was granted by the River Gee Circuit Court and in September 2007, the trial commenced. On 29 October, the jury unanimously delivered a guilty verdict of murder against the 14 defendants who were subsequently sentenced to life imprisonment.

Allegations of witchcraft

54. In May, a five year old boy was allegedly killed in Bong Mines, *Bong County*, after a 'medicine man' identified his grandmother as a witch. It is alleged that an ex-combatant was paid L\$2,000 (USD\$33) by two relatives of the old woman to kill the boy, apparently in revenge for supposed witchcraft. All three suspects were arrested and detained. In August, a woman was said to have used witchcraft to cause the death of a person allegedly because the casket of the deceased identified her house during the burial. She was arrested and detained in Harper Central Prison, *Maryland County* on charges of murder. Reports indicated that the children of the suspect were being intimidated and threatened by community members. On 16 October HROs found a 'witch finder' in Barzoe Town on the Bensonville highway, *Montserrado County*, who, at the invitation of the community, was allegedly removing impediments to the town's development. Forty one males and 39 females from the town paid LD\$150 (US\$2.50) and LD\$100 (US\$1.50) each to let the 'witch finder' perform the rituals. According to the Township Commissioner and some Elders in the town, the Ministry of Internal Affairs had reportedly authorised the rituals to be carried out by the witch finder. Four persons accused of impeding the town's development fled and one of them reported the matter to the LNP. However, the LNP were reportedly unable to arrest the 'witch finder' as the Ministry of Internal Affairs had authorised the 'finder' to perform the rituals.
55. On 19 September, LNP brought an elderly woman from Niabo Town, Tchien District, *Grand Gedeh County*, to Zwedru LNP Station after members of her community accused her of drinking a "magic potion" to become a witch. The LNP did not charge the woman. On 28 September, the woman was released on condition that she stays in Zwedru until investigations are finalised.

Truth and Reconciliation Commission (TRC)

56. County-level offices of the TRC are tasked with awareness raising and coordinating statement taking in all counties. However, these offices lacked coordinated and consistent support. Some TRC County Offices reported being constrained in carrying out essential tasks as a result of a lack of furniture, stationery, and logistics, including transportation.
57. During August, TRC County offices supported by HRPS organised several awareness-raising programmes on the TRC in *Grand Bassa County* on 8 and 25 August and 22 October, in *Rivercess County* on 27 August and in *Grand Kru County* on 29 August. The TRC Outreach Programme in *Maryland County* was launched on 29 August. In *Bomi County* training was organised for 24 TRC community mobilisers and from 28 to 31 August, the TRC in collaboration with the Federation of Liberian Youths (FLY) and support from HRPS carried out a community mobilisation campaign in *Bong County*.
58. In September, all TRC Statement Takers in *Rivercess County* resigned and according to the County Coordinator, this was due to poor working conditions and the remoteness and inaccessibility of the County. Since then, new statement-takers were hired from the County residents, who still need capacity-building in order to acquire skills to fulfil their duties properly.
59. HRPS participated in training workshops aimed at preparing children to take part in the TRC process. The first training took place on 20 October in *Bong County*. The workshop was however, poorly organised and only children attending schools were invited, thus excluding the participation of children who are outside the formal school system or in orphanages. The second training took place in *Margibi County* from 26-27 October and brought together about 100 children in the age range of 9 to 18 years.
60. Between 20 and 26 October HRO held discussions with members of the immigrant communities in *Grand Cape Mount County* on the purpose, functions and roles of the TRC. Most immigrants however, appeared to have no knowledge about the TRC even though they had suffered or witnessed violations during the conflict. Some expressed interest in participating in the TRC process.

Recommendations

The recommendations suggested herebelow relate to the concerns raised in this report and aim to support Government of Liberia's continuing efforts to strengthen human rights protection for all Liberians.

- The Government of Liberia should undertake all measures to the maximum extent of available resources to implement the right to education by ensuring the allocation of adequate funding to schools particularly in the rural areas, to build schools, employ teachers and acquire instructional materials.
- The Government of Liberia should prohibit by law all forms of violence against children, in all settings, in particular -:

- Amend Article 55(g) of Revised Rules and Regulations Governing the Hinterland of Liberia and Section 2.2(1), (2) and (3) of the Domestic Relations Law of Liberia and bring these provisions in conformity with Section 14.70(b) which defines rape as sexual intercourse with a victim of less than 18 years old if the actor is 18 years of age or older. Such amendment should clearly establish the minimum age of marriage to apply in both civil and customary marriages and furthermore, specifically make free and full consent of both parties to a marriage a legal requirement.
 - Repeal Section 5.8 of the Penal Law which permits use of force in respect of minors under the age of 18 years by persons with special responsibility for their care, discipline or safety.
 - Legally prohibit female genital mutilation
- The MoHSW in collaboration with the Child Protection Network Taskforce on Orphanages should strengthen its efforts to ensure that the recommendations issued in the March 2007 UNMIL Report on Human Rights in Liberia's Orphanages are implemented.
 - The Inspector General of LNP should initiate, with the collaboration of the UNMIL Human Rights and Protection Section a Law Enforcement and Human Rights Training of Trainers' programme for LNP personnel.
 - The Ministry of Justice and Inspector General of LNP should develop guidelines detailing the legal and proper handling of rape cases and disseminate them to all Courts and police stations.
 - The Ministry of Justice should identify and document all unauthorised detention facilities, upon which, they should be officially closed or recognised and be given support from the government and relevant international organisations.
 - The Ministry of Justice should in the long term consider reviewing the viability of the entire judicial mechanism of the JPs, including their jurisdiction. In the meantime, prior to the renewal of the JP commissions by the President, the Ministry of Justice should identify and document all the JPs and vet them against any public complaints. Additionally an up to date record of JPs commissioned to practice and their areas of operation should be kept and be made publicly available.
 - The Ministry of Agriculture and Ministry of Labour with the support of the Joint Government of Liberia and UN Rubber Plantations Taskforce should develop a mechanism to monitor the implementation of the directive issued by the Ministry of Agriculture to all Rubber Plantations prohibiting the direct or indirect use of children as labourers on rubber plantations.
 - The Ministry of Internal Affairs in conjunction with the Ministry of Justice and support from UNMIL should identify traditional practices in Liberia that violate fundamental human rights standards with a view to enacting legislation that clearly prohibits such practices and punishable by law.

- The TRC should give high priority to providing its County Offices the needed and required support and coordination in order to fulfil the TRC mandate.
- In collaboration with UNMIL, Ministry of Foreign Affairs, Chief Justice and Ministry of Justice, copies of international human rights instruments signed and ratified by Liberia should be disseminated to all Circuit and Magistrate Courts for adherence.
- The Government of Liberia in collaboration with civil society organisations including the media should initiate a national campaign to promote and protect freedom of expression in the country targeting national, county and district officials.