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**ADVISORY SERVICES AND TECHNICAL COOPERATION  
IN THE FIELD OF HUMAN RIGHTS**

**Situation of human rights in Liberia**

**Report of the independent expert on the situation  
of human rights in Liberia, Charlotte Abaka\***

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\* The reason for the late submission of this report is the need to reflect the latest information.

## Summary

This report follows the preliminary report of the independent expert (E/CN.4/2004/113) of 16 February 2004 pursuant to Commission on Human Rights resolution 2003/82 and responds to the request in resolution 2004/83 of 21 April 2004 to undertake a mission to Liberia and report on the human rights situation. It contains information received during a mission in Liberia from 23 May to 13 June 2004.

The last months have witnessed improvements in the human rights situation. Security has improved with the deployment of the United Nations Mission in Liberia (UNMIL), but the situation in the districts, especially in South-east Liberia, where UNMIL has not deployed and other areas without regular UNMIL patrols remains precarious.

The improvement in the human rights situation is demonstrated by the absence of State sponsored violations and attacks on human rights. The repression of Gio, Krahn and Mandingo minorities have also abated. A continuing challenge and obstacle to the full enjoyment of human rights is the collapse of the criminal justice system. Courts do not operate in most parts of the country and the few that are operational in and around Monrovia are constrained by lack of resources.

After a false start on 7 December 2003, the disarmament programme recommenced on 15 April and is going well apart from a number of concerns, including incorrect approximated figure of combatants, limited resources and coverage of UNMIL deployment. This is accentuated by shortfalls in the organizational process of the disarmament, demobilization, rehabilitation and reintegration (DDRR), which allows a wide gap between the DD and the RR, the reduced stay (5 days as opposed to 30) in the cantonment sites prior to discharge as well as coordination problems between the various stakeholders. The DDRR is a major plank of the peace process and its implementation successfully would erase memories of the failed 1997 exercise and put Liberia firmly on the road to peace.

As Liberia concludes the first half of a tight two years transitional programme, several challenges persist. Most pressing are to reinvigorate the criminal justice system, build a professional and effective national police and extend the presence of United Nations peacekeepers nationwide. The Result Focused Transitional Framework (RFTF) provides a strategic framework for the restoration of Liberia and re-establishment of failed institutions of the State. There is an imperative need for the international community to redeem pledges made during the February 2004 donors' conference in New York. Otherwise the goal of a successful transitional programme and restoration of a society based on the rule of law and respect for human rights will remain elusive.

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## Introduction

1. This report is prepared pursuant to Commission resolution 2003/82 which requested the appointment of an independent expert for a period of three years to “facilitate cooperation between the Government of Liberia and the Office of the United Nations High Commissioner for Human Rights (OHCHR) in the area of promotion and protection of human rights by providing technical assistance and advisory services”. The resolution also requested the independent expert to visit Liberia to assess the situation of human rights in the country and to report to the Commission. This request was renewed in Commission resolution 2004/83 of 21 April 2004.

2. Prior to the sixtieth session of the Commission, the independent expert was unable to visit Liberia due to the security situation. As a result, she submitted a preliminary report (E/CN.4/2004/113), drawing from information provided by relevant United Nations agencies, the United Nations Mission in Liberia (UNMIL) and non-governmental organizations (NGOs). During the discussion of the report by the Commission, member States requested the independent expert to conduct a mission as a matter of urgency. This report contains the information received and observations made during a mission by the independent expert to Liberia from 23 May to 13 June 2004.

3. Before undertaking her mission, the independent expert held consultations with officials of the Office of the United Nations High Commissioner for Refugees (UNHCR) in Geneva on 21 April 2004. As a result of the discussion of some issues raised in her preliminary report, UNHCR undertook to actively facilitate the implementation of her mandate. It facilitated an assessment visit by the independent expert to the Liberian Refugee Settlement in Buduburaran, in the central region of Ghana. The visit took place on 21 May 2004, with the participation of UNHCR officials, the chairman of the Ghana Refugee Board and an official of the United Nations Information Centre in Accra.

4. The Buduburam Refugee Settlement accommodates 41,000 Liberian refugees and has metamorphosed into a city of its own, with a college that provides technical and vocational education and a hospital. The schools, which are also attended by Ghanaians, have been built with assistance by UNHCR, Ghana Education Services and some donor agencies. Due to inadequate facilities or lack of interest, approximately 3,000 refugee children of school age do not attend school.

5. The National Commission for Disarmament, Demobilization, Rehabilitation and Reintegration (NCDDRR) should as a matter of urgency develop a mechanism to educate the refugees on the actual conditions in Liberia, especially in areas of their potential return. This would obviate ill-advised spontaneous returns that risk overwhelming the responsible government structures and jeopardizing the smooth process of rehabilitation.

6. Following her mission to Liberia, the independent expert undertook a consultative mission to the United Nations Headquarters in New York from 19 to 23 July 2004. During this visit, she met with representatives of international NGOs, officials from the Executive Office of the Secretary-General, the Department of Peacekeeping Operations (DPKO), the Department of Political Affairs, UNIFEM, UNHCR and the Division for the Advancement of Women. She also met with the Executive Director of UNICEF, Carol Bellamy, and the Assistant Administrator and Director of the Bureau for Crisis Prevention and Recovery (BCPR), Julia Taft, and with the

permanent representatives of Liberia and Nigeria to the United Nations. On 22 October, she informally briefed the Security Council on the outcome of her mission to Liberia. The mission to New York was very successful and provided an opportunity for advocacy by the independent expert for addressing current human rights challenges. The members of the Security Council indicated preparedness to do what is necessary to ensure the success of UNMIL. UNIFEM and UNICEF undertook to undertake specific measures to support their activities in Liberia including supporting the Ministry of Gender to build its capacity and implement projects to secure sources of livelihoods. Most of the United Nations departments and agencies shared the frustration of the independent expert about inadequate funding for social services, rehabilitation and the strengthening of security and the rule of law.

## **I. DEVELOPMENTS IN LIBERIA**

7. The Economic Community of West African States (ECOWAS) played a leading role in facilitating the negotiations between the parties that culminated in the Comprehensive Peace Agreement (CPA). It established an office in Monrovia manned by a Special Representative of the Executive Secretary to follow up on the implementation of the CPA and Ceasefire Agreement. Through the Chief Mediator, General Abubakar, ECOWAS has continued to shepherd and support the peace process in Liberia. ECOWAS needs to build its capacity at headquarters to deal with human rights issues and challenges in the subregion. In this regard, it is noteworthy that OHCHR is in the process of seconding a human rights officer to the ECOWAS secretariat. This assistance will help both Liberia and the subregion and the process should be speeded up.

### **A. Inauguration of the National Transitional Government of Liberia**

8. The inauguration of Charles Gyude Bryant as Chairman of the National Transitional Government of Liberia on 14 October 2003 was followed by the swearing in, on 23 March 2004, of a 21-member cabinet of the National Transitional Government. The ECOWAS Chief Mediator, General Abdulsalami Abubakar, visited Monrovia in April and June. During his visit in April, he brokered a rapprochement between Chairman Bryant and the speaker of the National Transitional Legislative Assembly, as a result of which the Assembly commenced confirming nominees to 81 assistant, ministerial and other positions in the Transitional Government. In June, General Abubakar participated in consultations organized by the National Elections Commission in preparation for elections scheduled in 2004. He continues to visit Liberia periodically as part of his regular consultations to facilitate the peace process.

9. Most of the commissions provided for in the CPA have been established and are currently at different stages of operations. The Governance Reform Commission, which leadership Chairman Bryant appointed soon after his inauguration has been empanelled and identified four major priority areas for its work namely: civil service, constitutional, judicial and land reforms. The membership of the Truth and Reconciliation Commission, the Independent National Commission on Human Rights (INCHR) and the National Elections Commission was announced in January 2003. The National Elections Commission has commenced consultations on the implementation of its role and a nationwide assessment of its facilities.

10. Regrettably, the members of the Truth and Reconciliation Commission and INCHR were appointed without an enabling legislation, thus discussions on the relevant legislation only

started in February 2004. On 4 June 2004, the members of the INCHR, in collaboration with civil society groups, presented a draft act for the establishment of the INCHR<sup>1</sup> as provided for in the CPA to the National Transitional Legislative Assembly for its consideration. The draft law incorporates the outcome of consultations between civil society groups, the Ministry of Justice and experts, which dates back to 2003 when unsuccessful efforts were made to reinvigorate the Human Rights Commission established by Mr. Taylor's regime.

11. Civil society groups and NGOs have criticized the composition of the bodies, by executive fiat without consultations and relevant legislation. The apparent lack of transparency in the appointment of these bodies casts a shadow on their credibility. This has been heightened by the surprising resignation, in June 2004, of one of the members of the Truth and Reconciliation Commission who subsequently became the spokesperson of Liberians United for Reconciliation and Democracy (LURD).

12. A remarkable development since the establishment in October 2003 of the National Transitional Government of Liberia is the absence of State-sponsored human rights violations and abuses. However, there are concerns about the potential for violations and abuses by elements within the power-sharing Government and the limited capacity of Government to implement human rights programmes and necessary economic transformation. This is exacerbated by the absence of mechanisms to address past and continuing human rights abuses and violations. There is a disturbing reluctance on the part of the Government to allocate resources needed to resuscitate the law enforcement sector. The National Police, for example, has only two operational vehicles at a time enormous resources are being spent by the Government on trips abroad and vehicles for officials. There is a need to review the sense of prioritization in allocation of resources to accord the required importance to the role of law enforcement institutions in post-conflict Liberia.

13. In early June, the National Transitional Legislative Assembly approved and transmitted to the executive the instrument of ratification of the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment. This follows the ratification, in October 2003, of the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and its Optional Protocol and the Statute of the International Criminal Court (ICC), of which the instruments of ratification were deposited with the United Nations on 22 September 2004. Another matter of concern is the failure of the Government to act on the draft "human rights declaration" which was transmitted to it for consideration by UNMIL in October 2003. The declaration provides for a programme of action in the area of human rights, establishing goals, benchmarks and indicators of progress.

## **B. Reconstruction**

14. The International Reconstruction Conference for Liberia was held in New York on 5 and 6 February 2004 to raise funds for the reconstruction of Liberia on the basis of a joint technical assessment and Results-Focused Transitional Framework (RFTF), developed through United Nations inter-agency collaboration with the National Transitional Government of Liberia and incorporating the requirements for the rehabilitation and reconstruction of Liberia during the transitional period. Donors pledged a total of US\$ 520 million, of which however only US\$ 70 million had been effectively delivered by mid-May 2004. Already, working committees have been established for the nine clusters outlined in the framework, namely:

security; disarmament, demobilization, rehabilitation and reintegration (DDRR); refugees, returnees and internally displaced persons; governance, democratic development and rule of law; elections; basic services; restoration of productive capacity and livelihoods; infrastructure and economic policy and development strategy. These clusters have responsibilities for coordinating the implementation of the relevant objectives of RFTF. An implementation and monitoring committee for the RFTF has been established, headed by Charles Bryant, with members drawn from the National Transitional Government, UNMIL, the World Bank, UNDP and relevant stakeholders to monitor the overall implementation of the goals.

15. However, the immediate implementation of the projects has been constrained by lack of funds. With only about 13 per cent of pledged funds redeemed almost mid-way into the transitional period, there are genuine concerns that the lack of resources may undermine the laudable goals of the RFTF. Donors are hesitant in redeeming their pledges, apparently waiting for concrete outcomes of the process. This is inimical to the implementation of the entire reconstruction programme because of its time-based nature. Delays occasioned by lack of funds at this initial stage have the potential of delaying crucial aspects of the reconstruction programme and undermining the overall peace process.

### C. Security

16. The security situation in Liberia has continued to improve, with the steady deployment of peacekeeping troops nationwide. By mid-May, the mission had attained 94 per cent of its authorized troop strength and deployed throughout the country, with the exception of the south-east, in the area along the border with Cote d'Ivoire, in Grand Gedeh and Maryland. However, there are serious security concerns and continuing human rights violations and abuses in parts of Lofa and Nimba counties as well as in Maryland, Grand Cru, Grand Gedeh and River Gee, where UNMIL is not deployed and does not conduct regular patrols. Generally, conditions are serious in areas where peacekeepers are not deployed. The physical presence of troops along major routes and in cities only leaves the interior vulnerable since patrols are only along major roads and not frequent enough to deter armed marauders who continue to prey on hapless civilians. Reports continued to be received of human rights violations and abuses including harassment, rape, torture, restrictions on freedom of movement and extortion by armed men associated with the various fighting forces. For instance, reports continue to be received of serious abuses and violations in Kanweaken, River Gee County, which is less than four hours from Zwedru where UNMIL is based. There are also allegations of forced labour and illegal and widespread exploitation of resources by LURD commanders and fighters, especially in Bomi County.

17. United Nations Civilian Police (CIVPOL) assisted in the selection and training of the 600 police officers who make up the Interim Police. Mostly based in Monrovia, the members of this force are drawn from the ranks of the Liberia National Police (LNP). In order to facilitate security and policing in Monrovia, the International Police Service (IPS) supported the LNP to establish a 911 emergency service, which is supported by 24-hour joint patrols of the LNP, IPS and CIVPOL. By mid-May, the civilian police component of UNMIL had attained 64 per cent of its full authorized capacity. Like its military counterpart, CIVPOL has gradually deployed beyond Monrovia to Roberts International Airport, Buchanan, Gbarnga, Tubmanburg, Voinjama and Zwedru. The deployment of CIVPOL in the counties has had very limited impact on the policing requirements of the areas because of the absence of LNP formations. CIVPOL

has no executive powers, cannot make arrests or transport a suspect in a United Nations vehicle. In Voinjama, the local population did not know about the presence of CIVPOL. In Tubmanburg, CIVPOL has no direct access to the police station or holding cells under the control of LURD and is unable to respond to the open sale of hard drugs in the central market. The current deployment strategy of CIVPOL needs to be reviewed and calibrated with the presence of LNP, which has enforcement authority.

18. The CPA provided for the restructuring and reconstituting of the LNP. Already a nationwide campaign has been mounted to elicit applications from members of the public and former police officers in establishing the reconstituted police. It is imperative that this process be accelerated to obviate any concerns that the other warring groups may have regarding the composition of the current interim police. The reform of the other security forces, including the armed forces, envisaged under the CPA has not commenced and should be given priority attention.

19. A major potential threat to the overall security situation is the intra-factional dispute that has plagued LURD and which continues to create tension. This situation is related to the leadership feud between supporters of the group's chairman, Sekou Damante Conneh and followers of his estranged wife, Aisha Keita Conneh. It has manifested itself in a number of confrontations (in Tubmanburg on 30 March, in Gbarnga on 8, 9 and 11 April, in Robertsport on 10 April and at Roberts International Airport on 4 April), in one case leading to death. It also intrudes in the disagreements over the continued role of Lusinee Kamara as Minister of Finance, a post allocated to LURD in the power-sharing national unity cabinet. LURD officials have called for Mr. Kamara to be replaced by a finance minister of their choice, but Mr. Conneh has refused to consider their proposed candidate. This matter is still festering and on 7 June, the National Executive Committee of LURD endorsed a decision by the military wing of the organization to suspend Mr. Conneh as national chairman. It subsequently appointed Mr. Chayee Z. Doe<sup>2</sup> as acting national chairman. This dispute has the potential to spiral out of control, weaken the organizational cohesion of LURD and undermine its command structure. This may lead to the development of splinter groups that may further complicate the implementation of the peace process. It may also discourage disarmament by elements within the group.

20. Another major security issue is the absence of civil authority in most of the country, with the limited exception of Monrovia. The Liberia National Police is greatly handicapped and unable to implement any serious security programme because of lack of resources. LNP has no pathologist and forensic support, in a post-conflict environment with potential for increased criminal activities. Indeed, the police, according to its director, did not have a fingerprint kit to lift fingerprints from the site of a recent criminal homicide involving an American citizen. Although some assistance is being provided by CIVPOL in terms of six patrol vans, this is grossly inadequate.

21. Courts are not operational in the counties, with the unfortunate result that arrested criminals are freed after the statutory mandatory period within which they must appear before a magistrate or law officer. Some criminals arrested in the counties and brought to Monrovia for trial have had to be released because the courts lacked jurisdiction over the areas where the



alleged crimes were committed. Limitations in the administration of justice have led to an increasing resort to mob justice. There have also been calls for greater enforcement and use of traditional practices akin to divination (“Sassywood”<sup>3</sup>) in obtaining justice.<sup>4</sup>

#### **D. Disarmament, demobilization, rehabilitation and reintegration**

22. The successful implementation of an effective disarmament, demobilization, rehabilitation and reintegration (DDRR) programme is central to fulfilling the mandate of UNMIL to support the peace process. However, the DDRR programme has been fraught with difficulties. A first campaign launched on 7 December 2003 was quickly aborted because UNMIL was overwhelmed by the sheer number of combatants presenting themselves for disarmament in Camp Schiefflin cantonment site. Facilities at the cantonment site were still under construction and it appeared that a sufficient number of peacekeepers were not yet on the ground to respond to any serious breakdown of law and order. As a result, there was rioting in Monrovia between 7 and 9 December, which left at least 11 people dead, several injured and properties looted or damaged. The situation forced the chairman of the National Transitional Government to declare a curfew in Monrovia for some nights. Some members of the United Nations Country Team (UNCT) and NCDDRR indicated that the decision to commence DDRR at that time had been unilaterally taken by UNMIL, against the advice that conditions had not been achieved for the commencement of the programme.

23. Disarmament recommenced on 15 April 2004 in Gbarnga. Subsequently, other camps were opened in Buchanan, Tubmanburg and the Carleysburg/“Voice of America” (VOA) site. By the second week of June, over 45,000 combatants had been disarmed,<sup>5</sup> and the whole country is yet to be covered. The current exercise was preceded by widespread public education campaigns in the print and electronic media.

24. Although the programme is finally on track, some severe shortcomings have been experienced in meeting the standards and implementing the guidelines established in the Liberian Disarmament, Demobilization, Rehabilitation and Reintegration Programme Strategy and Implementation Framework<sup>6</sup> and the Joint Operational Plan, an instructional instrument for the resumption of the DDRR process in Liberia issued by Deputy Special Representative of the Secretary-General/Rule of Law designed to guide the DDRR exercise. Observations of the process in the initial four cantonment sites, Gbarnga, Tubmanburg, Buchanan and the Carleysburg/“Voice of America” (VOA) site indicate a lack of clarity over policy on women combatants;<sup>7</sup> difficulties for foreign troops with limited local language skills to ascertain the age of combatants with the result that some children were classified as adults;<sup>8</sup> lack of privacy during medical screening; absence of systematic testing for HIV, sexually transmitted diseases (STDs) and drug use;<sup>9</sup> lack of clarity on policy for disabled combatants, with the result that classifications differed depending on the site; limited time for counselling in the demobilization camps and provision of group rather than individual counselling for men; poor conditions in the Interim Care Centres;<sup>10</sup> and undue exposure of children to exploitation due to the payment of Transitional Safety-net Allowance (TSA).<sup>11</sup> The discordant tones and practices suggest a continuously evolving and confusing DDRR policy with decisions that are taken on an ad hoc basis.

25. In camps located at Gbarnga and Tubmanburg the facilities and operations of the medical screening team was inadequate. There is total lack of privacy during medical screening because

of insufficient partitions. No ambulance service for emergency referrals was provided and in one case, in Tubmanburg, a woman who had a miscarriage was left unattended in the hands of the camp manager who had no medical training. The Liberian DDRR Framework envisages medical screening, including tuberculin tests, voluntary HIV tests and counselling as well as testing and treatment for STDs, but in reality, none of these tests are carried out systematically. There were for example no screening kits for HIV at the D2 camp in Tubmanburg when the independent expert visited. This is serious, considering the increased prevalence of HIV/AIDS after the conflict as well as the widespread incidence of war-related sexual violence. A report was also received of former combatants being refused treatment or denied surgical intervention at the military hospital operated by the UNMIL Battalion in Tubmanburg because of their HIV status.<sup>12</sup>

26. The NCDDRR, local NGOs and some United Nations agencies expressed frustration at the pattern of poor coordination and limited consultation with local partners in the implementation of the DDRR programme. NCDDRR claimed that UNMIL had established a parallel DDRR programme through the Joint Implementation Unit (JIU). The JIU was established as the operational arm of the disarmament programme, with NCDDRR as the policy organ. However, the JIU reports to the Deputy Special Representative of the Secretary-General,<sup>13</sup> who is not a member of NCDDRR. Indeed, the Executive Director of NCDDRR argued that the national body has been effectively excluded from the implementation of programmes and marginalized in related policy-making through the creation by UNMIL of a parallel structure in the JIU as well as a separate DDRR unit. NCDDRR has not met regularly. By June 2004 it had only met three times. At its first meeting in November 2003, representatives of the factions<sup>14</sup> walked out because of disagreements over the distribution of posts in the power-sharing government. Because the NCDDRR meets rarely, policy issues on DDRR are decided on an ad hoc basis by UNMIL. A further inbuilt constraint on the effectiveness and relevance of NCDDRR is the fact that its operational arm, JIU, reports to the Deputy Special Representative of the Secretary-General. This situation disrupts an important link between policy and implementation. Addressing the concerns of NCDDRR and the disconnection with JIU is imperative to ensuring national ownership of the entire DDRR process and thus its success. UNMIL must spare no effort in ensuring an improved and harmonious working relationship with NCDDRR.

27. There have also been allegations that LURD and MODEL, because they feel threatened, are moving heavy arms out of the country. This was corroborated by the recent discovery of an arms cache in Lofa County. Other concerns are the limited period of five days (down from the 30 originally proposed) in the demobilization camps, which is grossly inadequate for any effective pre-demobilization orientation. It is also insufficient for any vocational training, which according to the Implementation Framework, should start in the cantonment sites already prior to discharge. Additional concerns also relate to limited psychosocial assistance and absence of any programmes to respond to drug and substance abuse, which was widespread during the war and is common among ex-combatants in the camps. In Tubmanburg, demobilized combatants roamed the streets spending their TSA on alcohol and drugs. Drugs such as marijuana and cocaine are openly sold in the market in the heart of Tubmanburg and ex-combatants have been caught trying to smuggle drugs into camps.

28. As the process is implemented, combatants are disarmed at disarmament sites and taken to the cantonment sites where they are registered, given identification papers, screened and housed for five days prior to being paid the TSA of US\$ 150 and receiving some non-food items.

The ex-combatants are discharged for three months before they can join the rehabilitation and reintegration programme, and the second instalment of US\$ 150 is paid after they enrol in the programme. During the five days, several training activities constituting part of a pre-discharge orientation are provided for the benefit of the combatants, including on human rights. Some counselling is also provided. But more often than not, this is not the case, as the limited time allowed in the camps does not permit any serious or effective counselling. Moreover, there are serious concerns about the quality of counselling offered by the NGOs to which these activities have been contracted. There should be closer monitoring to ensure that personnel entrusted with responsibilities are indeed qualified and committed to implementing them.

29. The absence of immediate rehabilitation constitutes a serious problem. According to information provided by NCDDRR, there are over 25,000 ex-combatants discharged from the cantonment sites who cannot enter any training institutions for rehabilitation. Only three training programmes with a combined capacity for 1,800 persons, or 7.2 per cent of ex-combatants wanting training are approved to absorb the ex-combatants.

30. Child protection groups protest that most children have been left out of the disarmament process through the restriction of access for child soldiers, that is, children who turn in arms. As originally conceived, the process should be open to all children associated with armed forces. Moreover, they charge that the last-minute decision taken by UNMIL at the request of the National Transitional Government to make US\$ 300 payments to children who agree to enter the formal DDRR process is inappropriate, based on experiences from elsewhere. Such funds should have rather been channelled to supporting long-term community-focused rehabilitation needs of all children, of those who are part of the DDRR process and those who are not. Additionally, the financial incentive for children to disarm could lead to re-recruitment of children within the region and undermines the restoration of family links, which is crucial for the reintegration of demobilized children. It also leaves the children open to intimidation and manipulation by their commanders.

31. The cantonment camps provide separate facilities for men and women. Children are placed in Interim Care Centres. Usually, children are immediately transferred to these care centres, in any case within 72 hours upon arrival at the cantonment (D2) camps. There are, however, serious concerns about the quality of services provided in them. Some children in the centre in Gbarnga were reported to have taken ill after sleeping on the cold floor.

32. Some reports have been received of allegations of sexual abuse by peacekeepers, including taking nude photographs of girls in disarmament camps or soliciting sexual favours. There is a need for the United Nations to establish a country-level network on sexual exploitation and abuse, in accordance with the report of the Secretary-General on special measures for protection from sexual exploitation and abuse (A/58/777), and the subsequent Secretary-General's bulletin (ST/SGB/2003/13).

### **E. Human rights and humanitarian interventions**

33. The deployment of UNMIL and the commencement of disarmament have permitted increased human rights and humanitarian activities by NGOs and United Nations agencies in the field. It allowed for a reduction of the security phases in parts of the country, permitting access to the regions for international personnel. Thus for instance, the World Food Programme (WFP)

was able to dispatch food packages to Voinjama in Lofa County - the first in five years. UNICEF launched a back-to-school campaign in Monrovia in late 2003. UNDP was able to launch its research on war-related sexual violence and extend its monitoring activities to Lofa County. Most NGOs have gradually started reopening their hitherto closed offices in the hinterland. Save the Children has reopened its sub-offices in Gbarnga and Zwedru, which it had closed in May 2003.

34. Within the framework of resolution 2003/82 of the Commission on Human Rights, which stressed the importance of providing technical cooperation to address the human rights challenges in Liberia, OHCHR designed a technical assistance programme for Liberia, with two major thrusts, human rights education to support the building of the capacity of local and international non-governmental organizations, and research and investigations to counter impunity and provide foundation for the operation of transitional justice mechanisms. To be implemented and funded jointly with UNDP, the project provides a total sum of US\$ 245,000 for a training programme on human rights and humanitarian law for NGOs, and research on war-related abuses and violations. It also provides capacity within OHCHR in Geneva to support an integrated United Nations mission as well as the mandate of the independent expert. A planned mapping exercise will provide a historical and sociological blueprint of the conflict and contribute to the efforts to address impunity. Human rights education for humanitarian workers will ensure that a wider and more encompassing monitoring framework is put in place to complement the work of the integrated United Nations mission.

#### **F. UNMIL and the human rights and protection component**

35. Security Council resolution 1509 (2003) provides a strong human rights and protection mandate for UNMIL. The mandate includes monitoring, capacity-building, technical cooperation and advocacy. The component is designed to have a full complement of 48 national and international human rights officers and technical staff, including experts in transitional justice, protection, rule of law, child protection, training, national institutions and civil society. UNMIL has a strong technical assistance mandate and some provision was made in the results-based budget to support several human rights activities. However, in practice the implementation of human rights activities have been tied to a trust fund administered by UNDP. Although the component enjoys good collaboration with UNDP, the current situation characterized by unpredictable resources is inimical to long-term planning for sustainable support to human rights work. It is therefore imperative for UNMIL to determine and actually allocate resources for human rights work in accordance with the indicated planning programme incorporated in the budget.

36. For the human rights component to be effective, it needs to be fully integrated in the operations of the mission. In this regard, the independent expert notes that it is not represented in the Rule of Law Implementation Committee,<sup>15</sup> which has been established to coordinate the reform of the police, the judiciary and correctional institutions. It is imperative that the component be effectively represented in this committee to assure the full integration of human rights in the planning and implementation of the restructuring strategy of the new security and rule of law sectors. Additionally, every effort should be made to assure that the component works more closely and in concert with the humanitarian and recovery thrusts of UNMIL. That way it would have a direct impact on the planning and implementation of humanitarian assistance and the designing of recovery strategies for the country.

## **II. ACTIVITIES UNDERTAKEN**

### **Mission to Liberia**

37. From 23 May to 13 June 2004, the independent expert undertook a mission to Liberia. The purpose of the mission was to assess the human rights situation, including aspects of the implementation of the peace process and various activities that impacted on the situation of human rights in the country. During the mission, the independent expert consulted with a cross section of Liberian society, including Government officials, representatives of civil society groups, the leadership of UNMIL, heads of United Nations agencies and members of the diplomatic community.

38. In this regard, the independent expert wishes to express her profound appreciation to the National Transitional Government and the management of UNMIL, especially the Special Representative of the Secretary-General, Jacques Paul Klein, for facilitating her mission and for providing logistical support without which the current report would not have been possible. The role of the human rights and protection component of UNMIL in ensuring the success of the mission is also acknowledged with deep appreciation. Ambassadors Ernest Kwame Asiedu Amoa-Awua (Ghana) and Eineje E. Onobu (Nigeria) were very generous with their time, not only in providing significant insights on the situation in the country but also in facilitating some crucial but difficult meetings with some of the major actors. For this, the independent expert is deeply grateful.

## **III. INFORMATION RECEIVED FROM INTERLOCUTORS**

39. Most representatives of State bodies and Government institutions, while appreciating the efforts of the international community in coming to the assistance of Liberia, expressed concerns about the operational methods of UNMIL. It appeared, in their views, that UNMIL has established a "parallel" government, hardly consults the local partners and brooks no criticism or any challenge of its views and/or perceived authority. Opponents are usually publicly derided as "criminals and crooks" by UNMIL leadership. This situation is a serious threat to the peace process and should be redressed as a matter of priority. A readily recounted example is the botched attempt to start the DDDR in December 2003. That failed attempt led to rioting and fracas, which cost at least 11 lives. The untimely commencement of disarmament leading to the loss of human lives is a clear violation of a cardinal principle of humanitarian assistance not to do any harm. It is regrettable that to this day, no one has taken responsibility for this failure and loss of lives has once again gone unpunished in post-conflict Liberia.

### **A. Right to life**

40. The Liberian conflict was marked by violations of human rights and international humanitarian law, including deliberate targeting of civilians, torture and unlawful killings. Informed estimates indicate that approximately 250,000 persons lost their lives in the conflict. Of those, half were civilian non-combatants. The opening up of parts of the country hitherto under the control of the fighting forces has created an improved climate for the documentation and identification of mass graves and killing sites as well as for interviews with witnesses and

survivors. The human rights and protection component of UNMIL has been collecting and storing information on related sites since October 2003. A disturbing trend is the increased number of cases of ritual murders, mostly of children. This situation is exacerbated by the inability of the police to investigate and bring perpetrators to justice because of lack of resources.

41. The Contingent Board of Inquiry (CBI) established by UNMIL military component to investigate the shooting and wounding of a peacekeeper at Redlight district, Paynesville, as a result of the events of 7 to 9 December physically verified 11 civilian deaths in the area in related circumstances. Following the submission of the report of the CBI, the Special Representative of the Secretary-General established a Mission Board of Inquiry, the outcome of which is still anticipated. Other sources indicated that about 13 other persons lost their lives in Somali Drive, Bushrod Island. Thus, apart from the CBI that was mandatory under the military rules of engagement and focused only on the events in Paynesville, there is no known investigation into the alleged deaths in Somali Drive. Indeed, no systematic investigation has been conducted to actually indicate with precision the number of lives lost during the December incident.

## **B. Impunity**

42. The lack of access to justice and the dearth of institutions to address massive violations of human rights and humanitarian law during the conflict remain a key challenge for post-conflict Liberia. In his report on Liberia (E/CN.4/2004/5), the Acting United Nations High Commissioner for Human Rights, recognizing that impunity cannot provide a foundation for the restoration of Liberian society, called upon the international community to ensure that those responsible for heinous abuses and violations in Liberia are brought to justice. He urged that the long-suffering people of Liberia should have access to the same remedies now available to victims of similar crimes in other countries. The Special Representative of the Secretary-General has publicly and in letters warned both Mr. Bryant and his predecessor, President Blah, against amnesty for war crimes, crimes against humanity and serious violations of human rights and humanitarian law.

43. In early June 2004, 80 civil society groups, under the banner of “Combating Impunity Including Economic Corruption”, presented a petition to the National Transitional Assembly, calling for a resolution to compel the National Transitional Government to request the extradition of former President Taylor to Sierra Leone to face charges on war crimes. Parliament is currently considering the request. Before that, on 31 May, two civil society groups, the National Concerned Citizens of Liberia and the Women and Children Development Association, presented a petition to the Assembly, requesting the establishment of a criminal tribunal with jurisdiction over war crimes and serious violations of humanitarian law since 1979. These developments complement reports of action by civil society groups in Nigeria to deny impunity to Charles Taylor. The various campaigns within Liberia to secure the trial of Charles Taylor are an indication of greater public participation and freedom of expression, which should be encouraged. The international community must do all within its power to ensure that justice is done to the people of Liberia.

44. The efforts to address impunity in the past should be complemented by a vigorous programme of building the capacity of national institutions, for instance the judiciary and the police, to deal with extant violations. The United Nations owes it to the people of Liberia to

support them in establishing veritable and resilient institutions for the protection of human rights. Some steps have been made in the establishment of the Truth and Reconciliation Commission, INCHR, etc., but these bodies need to be funded and supported.

### **C. Education**

45. The armed conflict in Liberia has had a devastating effect on the education sector. War-related looting and widespread destruction of infrastructure and displacement of large sections of the population have had a severe effect on virtually all components of the education sector. Most schools closed down as a result of the war. Over 70 per cent of a whole generation lost the opportunity of normal school education and Liberia acquired the unenviable status of being the only country in the world where parents are better educated than their children. The major challenges in the field of education are to rehabilitate at least 25 per cent of the primary and secondary schools, to improve access to quality and basic education and to develop a comprehensive education programme that will effectively redress the lopsidedness in favour of illiteracy or poor education. This would require the decentralization of functions and capacity-building of critical institutions. Priority attention should also be given to the training of teachers in order to effectively implement the educational programme that will be put in place.

46. The post-war official opening of schools started with the formal launch in November 2003 of the UNICEF "Back to School" programme. The programme, implemented in collaboration with the Ministry of Education, aims to return an estimated 1 million children to school by the end of 2004. As part of this programme, UNICEF provides school kits, books, and pencils as well as water and sanitation support to schools. As of 30 April 2004, educational supplies had been provided for about 582,000 children in eight accessible counties. Regrettably however, according to information from the Ministry of Education, the books were sold on the streets. Measures have been put in place to successfully stop this practice. Outside Monrovia, traditional leaders are monitoring the situation and ensuring that the books meant for free distribution are not sold. It is of great concern to the Ministry that many school-age children remain out of school. To counter this development, the Ministry is implementing a vigorous awareness programme, using as an incentive the "school food project" of WFP to encourage parents to send their children to school. Teachers are also being included in the WFP to encourage them to remain in schools and to continue teaching. Through this project, food is provided to both schoolchildren and their teachers.

47. At present, the Ministry of Education is focusing on technical/vocational education and training for ex-combatants. To effectively implement any programme, financial and human resources are required. In the view of the Ministry, the involvement of UNMIL and NGOs in the education sector is commendable and should be encouraged but there is a great need to collaborate and consult in order to avoid duplication and ensure commonality in achieving the strategic goal of improving the education sector. The Ministry pointed out that it had submitted a list to UNMIL of schools that could be renovated under the "Quick impact project" to assist the immediate resuscitation of the education sector. The proposals from the Ministry took into consideration geographical balance but according to the Ministry were regrettably discarded in favour of schools located in and around Monrovia.

#### **D. Health and nutrition**

48. The health sector bears the greatest brunt of the 14 years armed conflict in Liberia. Available data on health and nutrition for Liberia are among the lowest in sub-Saharan Africa. It is estimated that less than 10 per cent of Liberians have access to health care. Infrastructure damage as a result of the war and prolonged conflict, and lack of resources and deterioration of support systems are the main causes for this decline. The Ministry of Health exists only in name and does not run any hospital. In fact it does not have any staff located outside Monrovia. Of the 28 pre-war government hospitals, only six are operational, three in Monrovia<sup>16</sup> and one in Buchanan, Grand Bassa County,<sup>17</sup> Bong Mines<sup>18</sup> and Tubmanburg. Of the 355 medical clinics, only 80 are operational. All operational clinics and hospitals are run by NGOs.

49. The most urgent challenge is to restore a primary health-care system that can deliver health and nutrition services through hospitals, clinics and community-based initiatives, and in particular, in the rural areas. This should be done through the reconstruction and reactivation of major health facilities, the training of key categories of staff, expansion of health programmes targeting malaria, acute respiratory infection, diarrhoea, worms, skin diseases, malnutrition and anaemia. The Ministry of Health and Social Welfare should be strengthened both at headquarters and in the counties.

50. Information from a health situation analysis jointly commissioned by the Government of Liberia and the World Health Organization (WHO) and conducted in 2002<sup>19</sup> indicates an infant mortality rate of 117 per 1,000 live births in 2000. Under-five mortality is estimated at 194 per 1,000 live births, above the sub-Saharan African regional average of 175, ranking Liberia 43rd out of 46 countries. The situation certainly must have worsened after the war but there are no available statistics to indicate the extent of this deterioration. Maternal mortality rate was of 578 for 100,000 live births and again was, even in 2000, very high, ranking Liberia among the "very high" maternal mortality risk countries in the world. In 2000, iron deficiency anaemia affected 86.7 per cent of children aged 6 to 35 months, 58 per cent of non-pregnant women aged between 14 and 49, and 62.2 per cent of pregnant women in that age group. Vitamin A deficiency affected 52.9 per cent of children aged 6 to 35 months and 12 per cent of pregnant women. In contrast to the practice of most nursing mothers in the subregion, exclusive breastfeeding is not widespread and information received indicates that only 50 per cent of children were exclusively breastfed up to two months of age. Also in 2000, 32 per cent of the population had access to safe drinking water and 36 per cent access to sanitation.

#### **E. HIV/AIDS**

51. Since the detection of the first case of HIV in Liberia in 1986, the prevalence of the virus causing AIDS has increased at a fast rate, with women and girls at the greatest risk. The spread of the virus has been fuelled by the armed conflict and its consequences such as rape, increased prostitution and poverty. The prevalence in 2000 was of 8.2 per cent and according to information from the Ministry of Health, the estimated current prevalence rate is 11 per cent. HIV/AIDS victims are stigmatized and discriminated and therefore do not reveal their status. The National AIDS Commission, established in 2000, lacks the visibility and effectiveness that is needed to deal with the AIDS pandemic, especially at this time and particularly in the rural



areas. It is encouraging that the Global Fund for HIV/AIDS, Tuberculosis and Malaria recently made a grant of US\$ 24.3 million to Liberia to fight AIDS, malaria and tuberculosis. US\$ 7.65 million of this amount is devoted to prevention and control of HIV/AIDS in the next two years and will greatly strengthen and improve the national response to the pandemic.

#### **F. Children and former child combatants or children associated with the fighting forces**

52. A major challenge of the peace process is to respond adequately to the needs of the large number of children under the age of 18 years who have had to bear the brunt of war-related violence, destruction and massive human rights abuses and violations. A large number of children were abducted and forcibly recruited into the war effort, and as a result suffered several kinds of atrocities including loss of their childhood. There are no confirmed figures on the number of child soldiers or children associated with the fighting forces, but information from various sources indicate that 1 out of 10 children in Liberia may have been recruited at one time or another. Most of the fighting forces and war casualties were children. The current estimated number of child soldiers in Liberia is 21,000. Available information indicates that many left their commanders and units after the Accra Peace Agreement and deployment of UNMIL, and an unknown number are either injured or destitute in various parts of the country. I encountered several injured ex-combatants, mostly children, during my visits to the hinterland in areas hitherto under rebel control. This is consistent with the findings of a United Nations assessment mission, carried out in late 2003 after the establishment of UNMIL. The high number of children involved in the conflict is not surprising because child soldiers were perceived as cheap and expendable. Due to the nature of children, they were also easily conditioned to undertake the most dangerous assignments and to commit atrocities with unquestioning obedience.

53. All parties in the conflict abducted and forced children of both sexes to perform various war-related chores, including hazardous reconnaissance and work as porters. Depending on their ages, girls were used for sexual pleasure, and domestic work as cooks, cleaners or porters. Reports also indicate a widespread and forced use of drugs by child soldiers and children associated with the fighting forces. Children were abducted from schools, playgrounds, farms, and IDP and refugee camps.

54. The widespread use of torture and sexual violence during the conflict is only becoming more evident as the interior becomes accessible and human rights activists begin to document war-related human rights abuses. An ongoing study by UNDP in collaboration with World Vision to document war-related sexual violence and identify its health, psychological and social consequences is in this regard noteworthy. An initial assessment of the findings in June indicated that about 40 per cent of the civilian population had suffered some form of sexual abuse.

55. On 25 May, the Committee on the Rights of the Child considered the initial report of Liberia (CRC/C/28/Add.21). In its concluding observations (CRC/C/15/Add.236), the Committee, inter alia, welcomed the framework for a National Plan of Action for Children, the establishment of a Ministry of Gender and Development with a portfolio for children affairs, the establishment of the National Child Rights Observatory Group and the Children's Parliament. The Committee recommended to the State party that it undertake a comprehensive review of legislation to ensure that its domestic legislation complies with the Convention on the Rights of

the Child; implement the National Plan of Action; make the Children's Unit in the Ministry of Gender and Development fully operational; provide adequate resources to INCHR to enable it to monitor and evaluate progress in the implementation of the Convention; prioritize budgetary allocations to ensure the implementation of economic, social and cultural rights of children; develop a system of data collection and indicators consistent with the Convention to facilitate formulation of policies and programmes; disseminate the Convention; amend the penal law to abolish the imposition of death penalty on children; and adopt a proactive and comprehensive strategy to eliminate discrimination. It also made recommendations regarding respect for the views of the child, family environment and alternative care, basic health and welfare, early marriages, harmful traditional practices, HIV/AIDS, educational, leisure and cultural activities, child soldiers, refugee and IDP children, sexual exploitation of children, substance abuse and juvenile justice. It is imperative for the international community to support the National Transitional Government in ensuring appropriate follow-up and implementation of the recommendations of the Committee.

### G. Women

56. The armed conflict in Liberia has had severe adverse effects on the rights of women. During the conflict, they were subjected to rape, violence and other forms of sexual and gender-based violence. Preliminary information from an ongoing survey on war-related sexual and gender-based violence indicates that 69 per cent of the women who responded had been victims of various forms of abuses. As security improves and the situation gradually normalizes, women are still at greater risk of suffering human rights abuses and violations. In post-conflict Liberia this translates in the form of increased sexual exploitation, transactional sex, rape and domestic violence. Several studies by NGOs demonstrate an alarming increase in transactional sex, especially among adolescents. These studies implicate males working for NGOs, businesses, Government and international organizations in the exploitation of minors. There are also various harmful traditional and cultural practices that violate women's rights and impede the enjoyment of equal opportunities with men in education, health, in employment and in the family. Some of these practices are female genital mutilation, forced marriage, early marriage and dowry, teenage pregnancy and domestic violence.

57. The increasing incident of rape, in some cases involving older men and girls as young as nine and the use of foreign objects, underlines the urgent need to review applicable law and bring it in line with contemporary international practice. The definition of rape under Liberian law is limited to forced penetration with a penis. Such a revision should also require that victims of rape and their families be compelled to report such cases. This will respond to the rampant settlement, out of court, of several rape cases.

58. As a party to the Convention on the Elimination of All Forms of Discrimination against Women and with a full-fledged Ministry for Gender Development, Liberia has a solid basis to address women's issues. However, Government officials and institutions require training to understand and implement the provisions of the Convention. The Government should also be encouraged to ratify the amendment of Article 20.1 and the Optional Protocol to CEDAW. Some progress has been made through the adoption, in October 2003, of the Act to Govern the Devolution of Estates and Establish Rights of Inheritance for Spouses of both Statutory and Customary Marriages. This Act broadens applicable law to benefit and streamline inheritance rights of spouses under common and customary law.

59. Effective and adequate female representation at all levels is crucial to upholding gender equality and some progress has been made in this regard. The seven-member INCHR has four women. The National Elections Commission and the Governance Reform Commission are both headed by women. Some NGOs, especially the Norwegian Refugee Council and Save the Children-UK, have put in place admirable 50/50 policies that have ensured equal opportunities for local men and women. On its part, UNMIL in 2003 created a post of gender adviser with staffing.

#### **H. Trafficking**

60. The devastating situation in Liberia, with the collapse of the family and social bonds, breakdown of law and order, displacement and extreme poverty, creates opportunities for vices such as trafficking in women, boys and girls. In such situations where there are orphans, where mothers are too poor to provide for their children and are also often widows, children are taken away under the pretext of adoption or receiving a better life and/or opportunities for them, and find themselves forced into prostitution or slavery. During the mission, a national newspaper reported of a case under investigation and of another before a court in Monrovia. Reports were also received of allegations of abuse in the adoption process and of a foreigner soliciting children from the hinterland for homes in Monrovia, a possible conduit for trafficking of children for illegal adoption purposes. These are warning signs and have to be taken seriously. Fortunately, OHCHR has issued guidelines on human rights and trafficking in persons that really offer wide-ranging multidisciplinary recommendations for all relevant actors in the field.

61. UNMIL has established a trafficking in persons unit within CIVPOL. Recently, the unit raided a nightclub/brothel in Monrovia and rescued three Moroccan girls and an Egyptian boy who had allegedly been brought to Liberia under false pretexts and kept against their will. The owner of the nightclub/brothel is currently being prosecuted. The manner in which these arrests were made including the non-involvement of local authorities should be avoided, and attention needs to be paid to the trafficking of Liberians. While this attempt by UNMIL to address trafficking is necessary, it is important in the future to involve the LNP and to coordinate the activities of the newly created unit with other partners.

#### **I. Non-governmental organizations**

62. There is a wide array of local civil society groups and human rights NGOs operating in Liberia. Most of these groups depend on external sources for funding and indeed do not have the capacity to be effective in their chosen areas of operations. There is an urgent need to bring some sanity into the proliferation of NGOs in the country. The organizations should be supported through capacity-building initiatives and indeed some regulation is imperative.

#### **IV. OBSTACLES AND CONCERNS**

63. Several interlocutors, including Government officials, members of the international community and NGOs complained about the abuse of power by the executive. The Chairman is alleged to have unilaterally appointed members of statutory corporations, signed international agreements and granted concessions on the basis of executive orders without consulting the National Transitional Assembly, which is contrary to the laws of the country.<sup>20</sup> The Chairman was also considered to be using the advisory positions in his office to usurp the roles of line

ministries. This situation has alienated some members of the Government and has led to public confrontations with the National Transitional Assembly. Some of the interlocutors who participated in negotiating the CPA indicated that the designation “chairman” was used for the head of Government under the transitional period to mitigate the powers of a powerful presidency, which has been the bane of Liberian society. The term “chairman” was intended to indicate that the appointee was merely a first among equals and did not have the presidential powers granted under the constitution. However, it appears that the Chairman believes that he has presidential powers and conducts himself as such - which, in the view of the interlocutors, is detrimental to the peace process.

64. Related to this is the worrying level of resentment and frustration on the conduct of UNMIL. Most government officials, representatives of civil society groups as well as some officials of the United Nations, including UNMIL personnel, expressed a sense of frustration at the turn of events, the lack of consultation by UNMIL on important sensitive national issues and boisterous labelling of any person or groups that challenged its perceived authority. Several government officials expressed the opinion that UNMIL constituted a parallel government. Indeed, the independent expert was informed of one case where a senior UNMIL official used derisive and unfriendly language against a female head of a governmental body. It is imperative to effectively respond to this situation and address the causes of this resentment as a matter of priority. If action is not taken immediately, matters could boil over at the peril of the peace process.

65. The independent expert transmitted these concerns to the Special Representative of the Secretary-General and wishes that adequate attention be given to addressing them.

## V. CONCLUSIONS

66. **The CPA signed on 18 August 2003, followed by the deployment of an international stabilization force led by ECOWAS and subsequently UNMIL, ended 14 years of armed conflict in Liberia. A power-sharing government of national unity is in place and fragile peace has been established. UNMIL authorized by resolution 1509 (2003) of the Security Council is assisting in implementing the peace agreement. UNMIL has a strong human rights mandate, emphasizing technical assistance and capacity-building. Funding should be provided by UNMIL to support the implementation of this mandate, which is a sine qua non for the restoration of Liberian society. Improved security conditions have led to increased access by humanitarian workers and provided the context for human rights activities. State-sponsored human rights violations have ceased, but institutions to address abuses and ensure the rule of law are seriously lacking. The calls for justice by the ordinary people of Liberia should not go unheeded. International assistance should be provided to the Liberian authorities to deal with issues relating to past human rights abuses and ongoing violations. National bodies provided for in the CPA have been established and in different stages of operation. Concerted work is required from the international community, civil society groups and the Government to ensure that concerns about the nature of appointment of members of some of the commissions are overcome.**

67. **The conflict decimated State institutions and crippled the ability of the Government to provide basic social services. Massive post-conflict reconstruction is needed to resuscitate failed institutions and provide conditions for peace. Donors who have pledged**

resources in support of the RFTF should as a matter of priority redeem their pledges to avoid crippling delays in the implementation of the time-based transitional/reconstruction programme.

68. After a false start in December 2003, the disarmament process recommenced, creating conditions for improved security nationwide. UNMIL should redouble its efforts to ensure greater transparency and full participation of national partners in the implementation and policy-making regarding the DDRR, address shortcomings in the programme, bridge the gap between DD and RR and provide economic opportunities for ex-combatants to begin rebuilding their lives and to stave any further threats to peace and security in the region.

## VI. RECOMMENDATIONS

69. The unfortunate decision to start disarmament in December 2003 without identifying appropriate cantonment sites and not involving the warring factions, as well as limited collaboration with local authorities led to public disturbances and death of at least 11 people. It is imperative that detailed public investigations be conducted into what happened.

70. Disarmament is crucial for providing a secure environment for addressing the human rights challenges in Liberia. The failed disarmament programme in 1997 should inspire total commitment to the success of the current process. UNMIL must secure the full cooperation and work in partnership with national stakeholders, including the NCDDRR. Donors should fully commit to all four components of the DDRR programme and provide sufficient funding for it. The shortcomings in the implementation of the current DDRR programme, which undercuts the peremptory role of NCDDRR in policy and implementation, should be addressed as a matter of urgency. The sense of alienation of NCDDRR and the dichotomy between UNMIL, DDRR, JIU and NCDDRR should be redressed and eliminated.

71. There is an urgent need for increased sensitization nationwide on the DDRR, and the NCDDRR should lead this process. Well-planned civic education programmes should be designed and implemented on rights and responsibilities of citizens and the need for zero tolerance on violence and corruption. In collaboration with UNHCR, the NCDDRR should consider a strategy to inform and educate Liberian refugees on the actual conditions in Liberia. This should begin soon and certainly before the estimated commencement of repatriation in October 2004.

72. The international community must assist the people of Liberia in bringing an end to impunity. Institutions put in place to address war-related human rights abuses and violations should be assisted and strengthened. The judicial system should be rehabilitated and resources provided to law enforcement agencies to respond to the enormous challenges to the rule of law in Liberia. In this regard, the process of restructuring and reorganizing the Liberia National Police should be hastened and take into account the criteria established in the CPA to avoid any mistrust.

73. **At this stage of the implementation of the peace process and reconstruction, it is important that sacrifices are made and government officials must live by examples. There is a need to check waste and to review government priorities to ensure that resources are devoted to essential needs rather than luxurious living for government officials.**

74. **There is the need to establish a national law reform commission to, among other things, ensure that domestic laws are brought in line with international instruments to which Liberia is a party. The Government of Liberia should be assisted through the various line ministries to properly understand its obligations under international instruments that it had ratified. OHCHR could design and conduct training workshops on reporting procedures of CEDAW, CRC, ICCPR and ICESCR. Assistance could also be provided on follow-up or implementation of the recommendations of treaty bodies.**

75. **The Human Rights and Protection Component of UNMIL must be provided adequate resources to implement its very important mandate covering capacity-building, monitoring, technical cooperation and advocacy. Consideration should also be given to an organizational restructuring which should permit the human rights component to operate more directly under the humanitarian and recovery arm. This will permit a more integrated human rights approach to the restoration of Liberia.**

#### Notes

<sup>1</sup> An act to repeal the act of 1997 creating the Liberian Commission on Human Rights and to create the Independent National Commission on Human Rights of Liberia.

<sup>2</sup> A few days after his appointment, Mr. Doe died in a hospital in the United States due to natural causes.

<sup>3</sup> This involves the administering of a liquid substance made from a local tree (*jlu*) to anyone accused of witchcraft or any other evil. Survival means innocence and death guilt. It could also be done through using a red-hot machete to slice the body of an accused. If the skin is cut then the person is pronounced guilty. The person who officiates in this exercise, which in the past involved a government official, would slice on his skin first to demonstrate the efficacy of the practice. This practice is common in Grand Gedeh County.

<sup>4</sup> "At FOCUS Workshop: Gedeh Chief Wants Sassy-wood Enforced" *The Analyst* (24 May 2004), p. 8.

<sup>5</sup> Indicative planning figures for UNMIL was 38,000 combatants in the whole country.

<sup>6</sup> This document was prepared by the interim secretariat, which is made up of UNMIL, UNDP, World Bank, UNICEF, UNHCR, OCHA, USAID and World Vision.

<sup>7</sup> During a meeting of the Joint Monitoring Committee (body tasked with monitoring the implementation of the CPA) on 19 May, a senior UNMIL official commented on the inappropriateness of demobilizing women (wives of combatants). Some UNMIL staff involved in DDRR publicly stated that they could only disarm combatants, and peacekeepers in Tubmanburg insisted that women could not disarm without handing over weapons. The head of DDRR at UNMIL agreed that women could disarm without arms but could not state so publicly. This accords with the definition of women combatants contained in Annex E of the DDRR Framework Strategy as referring to “all categories of women, who voluntarily or were abducted for the purposes of participation in the conflict or may have been used to provide a variety of services to the forces either as cooks, camp followers, wives and forced spouses during the conflict”. The Joint Operational Plan issued by the DSRSG indicated that women and children could be demobilized without having a weapon.

<sup>8</sup> This happened in D1 (disarmament) sites and child protection agencies are trying to redress this through additional checks in the D2 (demobilization) camps.

<sup>9</sup> Such tests are foreseen in the DDRR Programme Strategy and Implementation Framework.

<sup>10</sup> Some children in the ICC Gbarnga took ill from sleeping on the cold floor. There have also been complaints about boredom and insensitive comments by child protection workers, who referred to the children as rebels.

<sup>11</sup> Policy on this subject reportedly changed from no payment to children, to a payment equal to that of adults (US\$ 150 as a first instalment and US\$ 150 after three months).

<sup>12</sup> The concerned group of combatants referred for treatment had been tested for HIV anonymously. Out of seven persons, five tested positive. They were not informed of this. As a result, the UNMIL Battalion hospital reportedly was reluctant to operate and referred the patients to the JFK hospital in Monrovia.

<sup>13</sup> See Joint Operational Plan p. 11, “Management of the overall program is the responsibility of the JIU reporting through the Policy and Program Advisor to the DSRSG on implementation process as well as policy issues on the DDRR”.

<sup>14</sup> LURD, Government of Liberia (GOL) and Movement for Democracy in Liberia (MODEL).

<sup>15</sup> In his third progress report (S/2004/430), the Secretary-General indicates that a representative of the human rights component is in this Committee (para. 25), but in an interview on 12 June the Acting Chief of the component indicated he was still making efforts to be allowed to participate in the meetings of the Committee.

<sup>16</sup> Ireland Hospital (operated by the Swiss MSF), Redemption Hospital (operated MSF Belgium) and John F. Kennedy Hospital (operated by ICRC).

<sup>17</sup> Operated by MERLIN.

<sup>18</sup> Operated by the German Medical Team.

<sup>19</sup> Liberia: Health Situation Analysis, Final Report 31 July 2002.

<sup>20</sup> Under President Taylor, legislation was passed granting the President sole authority to appoint members of statutory bodies and to approve concession agreements and contracts without legislative approval. These acts were subsequently repealed by President Blah.

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