

OPERATIONAL GUIDANCE NOTE

LIBERIA

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1. Introduction

- 1.1** This document evaluates the general, political and human rights situation in Liberia and provides guidance on the nature and handling of the most common types of claims received from nationals/residents of that country, including whether claims are or are not likely to justify the granting of asylum, Humanitarian Protection or Discretionary Leave. Caseowners must refer to the relevant Asylum Instructions for further details of the policy on these areas.
- 1.2** This guidance must also be read in conjunction with any COI Service Liberia Country of Origin Information published on the Horizon intranet site. The material is also published externally on the Home Office internet site at:
http://www.homeoffice.gov.uk/rds/country_reports.html
- 1.3** Claims should be considered on an individual basis, but taking full account of the guidance contained in this document. In considering claims where the main applicant has dependent family members who are a part of his/her claim, account must be taken of the situation of all the dependent family members included in the claim in accordance with the Asylum Instruction on Article 8 ECHR.
- 1.4** With effect from 27 July 2007 Liberia is a country listed in section 94 of the Nationality, Immigration and Asylum Act 2002 in respect of men only. Asylum and human rights claims must be considered on their individual merits. If, following consideration, a claim made on or after 27 July 2007 by a man who is entitled to reside in Liberia is refused, caseowners must certify it as clearly unfounded unless satisfied that it is not. A claim will be clearly unfounded if it is so clearly without substance that it is bound to fail. Liberia is not listed in section 94 in respect of women. However if a claim from a woman is refused, caseowners may certify it as clearly unfounded on a case-by-case basis if they are satisfied that it is so clearly without substance that it is bound to fail. Guidance on whether certain types of claim are likely to be clearly unfounded is set out below.

Source documents

1.5 A full list of source documents cited in the footnotes is at the end of this note.

2. Country assessment

2.1 Liberia was in a state of civil conflict from 1989 to 2003. This resulted in widespread displacement of its population, both within the country and into other countries throughout the region. In 1997 Charles Taylor was elected President, but his rule did not lead to stability and widespread civil conflict continued with those opposed to his regime. There were also widespread human rights abuses by government forces and militias supporting the Taylor government, particularly in Lofa County in the north of the country.¹

2.2 The Liberian civil war saw appalling human rights abuses by all sides. The warring factions used sexual violence and torture as weapons, and recruited child soldiers. President Taylor's regime was contemptuous of democratic principles and human rights. Arbitrary arrests, forced conscription and the reported torture and murder of suspected dissident sympathisers, human rights campaigners and journalists became commonplace. The civil war ended following the intervention of a regionally-led peacekeeping force. On 11 August 2003, President Taylor stood down from office and left Liberia. On 18 August, a Comprehensive Peace Agreement was signed in Accra by the main parties to the conflict. On 19 September, the UN Security Council approved the deployment to Liberia of a peacekeeping force of 15,000 troops, which remains in place.² On 14 October 2003, Gyude Bryant was inaugurated as Chairman of the National Transitional Government of Liberia (NTGL) which was recognised by all factions involved in the civil conflict.³

2.3 During 2004, the NTGL governed under a power sharing agreement within the terms of the Comprehensive Peace Agreement (CPA) and remained highly centralised, extending its influence into rural areas. However, former Liberians United for Reconciliation and Democracy (LURD), Movement for Democracy in Liberia (MODEL), and government combatants retained some influence in those areas, even in areas with the UN's mission (UNMIL) presence.⁴

2.4 Liberia's first peacetime presidential elections took place in October 2005, with the successful candidate Ellen Johnson-Sirleaf narrowly defeating rival George Weah in a second round run-off. International election monitors ruled the election to be generally free and fair though there were allegations of vote-rigging in the second round poll which delayed the formal declaration of the result pending an investigation by the electoral authorities. The allegations were subsequently dropped. In January 2006 Sirleaf-Johnson was officially sworn in as President.⁵ The new government has since overseen improvements to the basic infrastructure and in Liberia's international relations. In June 2006 the UN Security Council eased a ban on weapons sales so Liberia can arm newly trained security forces and an embargo on Liberian timber exports was lifted. In July 2006 President Johnson-Sirleaf switched on generator-powered street lights in the capital, which has been without electricity for 15 years.⁶ In August 2006 15,000 former child combatants were inducted into schools.⁷

¹ COI Service Liberia Country of Origin Information Report April 2006 (paras 4.02 – 4.04)

² COI Service Liberia Country Report (para 6.02)

³ COI Service Liberia Country Report (paras 4.02 - 4.03)

⁴ COI Service Liberia Country Report (para 5.07)

⁵ COI Service Liberia Country Report (paras 5.08 – 5.12)

⁶ BBC Liberia timeline 17 October 2006

⁷ IRIN 1 August 2006

- 2.5** The completion in October and November 2005 of presidential and parliamentary elections marked a major step towards Liberia's transition from a near-failed state rife with human rights abuses to a democratic state governed by the rule of law.⁸
- 2.6** At the end of 2006 there were solid grounds for optimism including the disarmament and reintegration of the majority of more than 101,000 registered ex-combatants; the return home of hundreds of thousands of civilians who had fled during the war; the recognition by both Liberia and the international community of the role that corruption played in fomenting armed conflict; the recruiting and training of a new army and police force under democratic control, and the ability of journalists and civil society to function after years of being silenced, persecuted and targeted.⁹
- 2.7** The government generally respected the human rights of its citizens in 2006; however, problems persisted in some areas. Deaths from mob violence increased. Police abused, harassed, and intimidated detainees and citizens. Prison conditions remained harsh and incidents of arbitrary arrest and detention occurred. Lengthy pretrial detention and denial of due process and fair public trial were problems. LNP officers on several occasions assaulted journalists and a human rights worker. Some incidences of trial-by-ordeal were reported. Corruption and impunity continued in many levels of the government. There was a high level of violence against women, especially rape. The practice of female genital mutilation (FGM) remained widespread. Child abuse, trafficking in persons, and racial and ethnic discrimination were problems. Instances of child labour were reported, especially in the informal sector. Child neglect and child abuse continued to be problems. There were some instances of ethnic tensions during 2006, but none that resulted in violence.¹⁰
- 2.8** The government took significant steps during 2006 to correct past human rights deficiencies. The government worked with numerous international partners to rehabilitate the country's justice sector and established a public defender's office in the capital. The president dismissed or suspended a number of government officials for corruption, and the government tightened contracting practices and financial controls, supported by the international community through the Governance and Economic Management Assistance Programme (GEMAP).¹¹
- 2.9** Human rights groups highlighted in 2005 the risk that is presented by including many individuals accused of human rights violations in the new parliament. There had earlier been a debate over whether such individuals should be allowed to run in the election, but this was eventually agreed to in order to accommodate the wishes of various political factions. This raises the question of whether any of those accused of human rights violations during the civil war will be prosecuted, which is legally possible as Liberia's current law does not give immunity to legislators accused of serious human rights violations.¹²
- 2.10** The Liberian Truth and Reconciliation Commission (TRC) opened its investigations into atrocities and abuses carried out during the 24-year civil conflict on 10 October 2006.¹³ The mandate of the TRC, which is tasked with investigating human rights violations that took place between January 1979 and October 2003, also stipulates that although amnesty can be recommended for those expressing remorse for their crimes, this will not apply to cases where serious human rights violations have taken place. Since the end of the civil war, there have been no significant prosecutions for human rights abuses although Charles Taylor now faces trial in The Hague, under the auspices of the Special Court for Sierra Leone, for his part in that country's civil war. It is a concern that certain individuals may be

⁸ COI Service Liberia Country Report (para 6.02)

⁹ COI Service Liberia Country Report (para 6.02)

¹⁰ USSD Liberia 2006 Introduction

¹¹ USSD Liberia 2006 Introduction

¹² COI Service Liberia Country Report (para 6.03)

¹³ BBC 10 October 2006

tempted to continue to use extra-legal measures or force in pursuit of their interests.¹⁴ During 2006 the TRC began taking statements from witnesses.¹⁵

3. Main categories of claims

- 3.1** This Section sets out the main types of asylum claim, human rights claim and Humanitarian Protection claim (whether explicit or implied) made by those entitled to reside in Liberia. It also contains any common claims that may raise issues covered by the Asylum Instructions on Discretionary Leave. Where appropriate it provides guidance on whether or not an individual making a claim is likely to face a real risk of persecution, unlawful killing or torture or inhuman or degrading treatment/ punishment. It also provides guidance on whether or not sufficiency of protection is available in cases where the threat comes from a non-state actor; and whether or not internal relocation is an option. The law and policies on persecution, Humanitarian Protection, sufficiency of protection and internal relocation are set out in the relevant Asylum Instructions, but how these affect particular categories of claim are set out in the instructions below.
- 3.2** Each claim should be assessed to determine whether there are reasonable grounds for believing that the claimant would, if returned, face persecution for a Convention reason - i.e. due to their race, religion, nationality, membership of a particular social group or political opinion. The approach set out in *Karanakaran* should be followed when deciding how much weight to be given to the material provided in support of the claim (see the Asylum Instructions on Assessing the Claim).
- 3.3** If the claimant does not qualify for asylum, consideration should be given as to whether a grant of Humanitarian Protection is appropriate. If the claimant qualifies for neither asylum nor Humanitarian Protection, consideration should be given as to whether he/she qualifies for Discretionary Leave, either on the basis of the particular categories detailed in Section 4 or on their individual circumstances.
- 3.4** This guidance is **not** designed to cover issues of credibility. Caseowners will need to consider credibility issues based on all the information available to them. (For guidance on credibility see para 11 of the Asylum Instructions on Assessing the Claim)
- 3.5** All Asylum Instructions can be accessed via the on the Horizon intranet site. The instructions are also published externally on the Home Office internet site at <http://www.ind.homeoffice.gov.uk/documents/asylumpolicyinstructions/>
- 3.6 General country situation**
- 3.6.1** A significant proportion of asylum and/or human rights applications made by Liberian nationals are based on the general security situation in Liberia. Claimants may claim a fear of return because of uncertainty regarding the prospects of long-term peace, or a fear that they will not be safe from former Liberians United for Reconciliation and Democracy (LURD), Movement for Democracy in Liberia (MODEL) or ex-government combatants.
- 3.6.2 *Treatment.*** Sirleaf-Johnson's stated intention at the outset of her Presidency in January 2006 was to pursue reconciliation, rather than recrimination, and to make efforts to address the various ethnic disputes still festering since the end of the civil war in 2003. The fractured nature of Liberia's politics is reflected in the newly elected parliament, which contains 11 different parties (including those based around the former rebel groups LURD and MODEL), none of which has a majority. Although this may make it difficult for Mrs

¹⁴ COI Service Liberia Country Report (para 6.03) & BBC World News 3 April 2006

¹⁵ USSD Liberia 2006 Introduction

Johnson-Sirleaf to implement a strong programme, it does avoid the situation that has arisen in the past, where the dominance of one party caused political tensions, which led to instability.¹⁶

- 3.6.3** At the end of 2006 there were solid grounds for optimism including the disarmament of more than 101,000 registered ex-combatants; the return home of hundreds of thousands of civilians who had fled during the war; the recognition by both Liberia and the international community of the role that corruption played in fomenting armed conflict; the recruiting and training of a new army and police force under democratic control, and the ability of journalists and civil society to function after years of being silenced, persecuted and targeted.¹⁷ A Truth and Reconciliation Commission empowered to recommend prosecutions for the worst offenders was also established. However, the human rights situation remained precarious as a result of frequent criminal acts in the face of inadequate police and civil authorities; striking deficiencies within the judicial system; financial shortfalls for programs to train demobilised combatants; and continued regional instability, most notably in neighbouring Côte d'Ivoire.¹⁸
- 3.6.4** The new government has overseen improvements to the basic infrastructure and in Liberia's international relations in the course of 2006. In June 2006 the UN Security Council eased a ban on weapons sales so Liberia can arm newly trained security forces and an embargo on Liberian timber exports was lifted. In July 2006 President Johnson-Sirleaf switched on generator-powered street lights in the capital, which has been without electricity for 15 years.¹⁹ In August 2006 15,000 former child combatants were inducted into schools.²⁰ There have been less positive developments such as in September 2006 when it was reported that Liberia's fledgling police and security forces were struggling to cope with a rapid increase in crime in the capital.²¹ It was also reported in June 2006 that the judiciary was struggling to cope with a growing backlog of cases²², however the TRC finally opened its investigations into atrocities and abuses carried out during the 24-year civil conflict on 10 October 2006²³ and began taking statements from witnesses.²⁴
- 3.6.5** **Sufficiency of protection.** The government controls the vast majority of the country, including all major official border crossings. There is a functioning national police force - Liberian National Police (LNP) - which has primary responsibility for law enforcement. Although the LNP itself has limited logistics and forensic capabilities and is sometimes criticised for its excesses, it is supported by the deployment of 1,100 international police.²⁵ Since the 2003 signing of the Comprehensive Peace Agreement (CPA), which ended the 1999-2003 civil war between the former government and the country's two rebel groups, LURD and MODEL approximately 15,000 peacekeepers deployed by the UN Mission in Liberia (UNMIL) and 1,100 UN international police (UNPOL) had primary responsibility for maintaining security. Efforts to retire and retrain the Liberian National Police (LNP) which maintained arrest authority continued. The Armed Forces of Liberia (AFL) were completely demobilized and retired during 2006. While civilian authorities generally maintained effective control of the security forces, there were some instances in which elements of the security forces acted independently of government authority.²⁶
- 3.6.6** **Internal relocation.** The constitution provides for freedom of movement, and the government generally respected this right in practice. However LNP officers occasionally

¹⁶ COI Service Liberia Country Report (para 5.10)

¹⁷ COI Service Liberia Country Report (para 6.02)

¹⁸ COI Service Liberia Country Report (para 6.02)

¹⁹ BBC Liberia timeline 17 October 2006

²⁰ IRIN 1 August 2006

²¹ BBC 7 September 2006

²² IRIN 28 June 2006

²³ BBC 10 October 2006

²⁴ USSD Liberia 2006 Introduction

²⁵ COI Service Liberia Country Report (paras 5.26 – 5.30 & 5.43 – 5.44)

²⁶ USSD Liberia 2006 Introduction

subjected travellers to arbitrary searches and petty extortion at checkpoints in and around Monrovia.²⁷ Although the government, with the support of UN peace keepers, controls the vast majority of the country, there remain instances of general lawlessness, crime or violence at the hands of ex-combatants in some rural areas of the country. However these incidents are localised. There is freedom of movement within Liberia and those who have encountered general lawlessness, crime or violence are therefore able to relocate to another part of the country to escape such a threat.²⁸

3.6.7 **Caselaw.**

LB Liberia [2004] UKIAT 00299 (CG case). Assessment of the situation in Liberia with regard to the security situation and the humanitarian conditions in Monrovia (Article 2 & 3). This appellant was a Muslim and part-Mandingo. The Tribunal followed the case of T 00164 (see below) and found that the situation in Monrovia is safe. They also found that the appellant faced no enhanced risk on account of his religion or ethnicity.

T Liberia [2003] UKIAT 00164. Assessment of the security situation in Liberia and in particular the risk on return to the appellant in Monrovia (Article 3). The appellant was a Muslim of Mandingo ethnicity. There has been a cease-fire in Liberia and the position now is 'radically different' from before. UN troops are present and keeping peace in the city, the IDP camps are safe with no security problems. The Tribunal find that someone of Mandingo ethnicity and Muslim faith would not be at an enhanced risk in Monrovia. The IAT conclude that an ordinary Liberian citizen in Monrovia or a camp nearby is not at a real risk of harm contrary to Article 3.

3.6.8 Conclusion. Since the establishment of the NTGL in October 2003 and the election of Ellen Johnson Sirleaf in late 2005, the authorities have been struggling to consolidate the overall human right situation. Nevertheless, the political and security conditions in the vast majority of the country have improved markedly over the past few years. For claimants who fear, or who have experienced, ill-treatment during the civil strife within the country – usually at the hands of dissident combatants in some rural areas - there is a general sufficiency of protection and they are also able to safely relocate within the country. General lawlessness, poverty or a lack of access to resources will not, in themselves, be sufficient to warrant the grant of asylum or humanitarian protection. In light of the current conditions in Liberia, applications under this category are likely to be clearly unfounded and as such should be certified. (See paragraph 1.4)

3.7 **Members of former rebel groups or ex-opposition political parties**

3.7.1 Some claimants may make an asylum or human rights claim based on mistreatment by the state authorities based on their affiliation with or membership of, a former rebel group: LURD or MODEL, or members of political parties that were opposed to the former Taylor regime.²⁹

3.7.2 Treatment. LURD and MODEL and the other main political parties recognised the NTGL as the state authority and their senior members hold positions within the transitional authority structure. However some factions of LURD and MODEL and factions of combatants associated with the former Taylor regime, are still strong independent influences in some small parts of Liberia. In November 2004, the heads of Liberia's three factions signed an agreement to dissolve their movements' military wings and do away with violence. The former government of ex-president Charles Taylor, as well as two former rebel groups LURD and MODEL all promised a peaceful future in a ceremony in the capital, Monrovia. These events occurred three days after the UN-led disarmament programme officially ended.³⁰

²⁷ USSD Liberia 2006 Section 2

²⁸ COI Service Liberia Country Report (paras 6.43 – 6.44)

²⁹ COI Service Liberia Country Report (paras 5.07 – 5.09 & Annex B)

³⁰ COI Service Liberia Country Report (paras 5.07, Annexes A & B)

- 3.7.3** Presidential and legislative elections were held successfully in October and November 2005. Ellen Johnson Sirleaf was elected president, after a second round run-off against George Weah. No party won a majority in the legislative election. Some associates of former president, Charles Taylor, have been elected to parliament, raising concern about his continued influence over the country's politics.³¹
- 3.7.4** Johnson Sirleaf's stated intention at the outset of her Presidency in January 2006 was to pursue reconciliation, rather than recrimination, and to make efforts to address the various ethnic disputes still festering since the end of the civil war in 2003. The fractured nature of Liberia's politics is reflected in the newly elected parliament, which contains 11 different parties (including those based on the former rebel groups LURD and MODEL), none of which has a majority. Although this may make it difficult for Mrs Johnson Sirleaf to implement a strong programme, it does avoid the situation that has arisen in the past, where the dominance of one party caused political tensions, which led to instability.³²
- 3.7.5** **Sufficiency of protection.** As this category of claimants' fear is of ill treatment or persecution by the state authorities, they cannot apply to these authorities for protection.
- 3.7.6** **Internal relocation.** As this category of claimants' fear is of ill-treatment or persecution by the state authorities, relocation to another area of the country to escape this threat is not feasible.
- 3.7.7** **Caselaw.**
- JM (Liberia) [2004] UKIAT 00111.** The appellant claimed to be a member of the Lofa Defence Force. The IAT followed the case of T 00164 and found that the situation has not deteriorated and that if anything has improved save for two localised incidents. If the appellant had been a rebel he would still not succeed, as there is still no risk on return to Monrovia at present.
- 3.7.8** **Conclusion.** Since the ending of their armed campaigns in late 2004 and the political progress consolidated by the election of Ellen Johnson Sirleaf in late 2005, there is no evidence of any state persecution of members, or those associated, with former rebel groups or political opponents. LURD, MODEL and all parties formerly opposed to the previous Taylor regime have endorsed, co-operated with and (to varying extents) participated in the NTGL and now the Johnson Sirleaf administration. Individual members of these groups involved in criminal activity; either low level localised violence or suspected war criminals, may face prosecution. Members of any of the mainstream factions of these groups do not now in general have a real risk of ill treatment amounting to persecution and would therefore not qualify for a grant of asylum. Applications under this category are likely to be clearly unfounded and as such should be certified. (See paragraph 1.4)
- 3.7.9** Caseowners should note that members of LURD and MODEL have in the past been responsible for numerous serious human rights abuses, some of which amount to war crimes and crimes against humanity. If it is accepted that a claimant was an active operational member or combatant for LURD or MODEL and the evidence suggests he/she has been involved in such actions, then caseowners should consider whether one of the Exclusion clauses is applicable. Caseowners should refer all such cases within this category of claim to a Senior Caseworker in the first instance.
- 3.8** **Mandingos**
- 3.8.1** Some Liberians may make an asylum and/or human rights claim based on mistreatment at the hands of other ethnic groups, such as Lormas on account of them being of Mandingo origin.

³¹ COI Service Liberia Country Report (para 5.09)

³² COI Service Liberia Country Report (para 5.10)

- 3.8.2 Treatment.** The Mandingo ethnic group is a minority ethnic group in Liberia. Members of this group have always been regarded as non-indigenous outsiders, even though they have lived in Liberia for many generations, and some of them are originally from Liberia. They are known to be middle-class business people who were associated with the regime of late President Samuel Doe, as a matter of economic opportunity. Due to such association with the regime of Doe, they became targets of persecutory acts during the Liberian conflict which was waged by Charles Taylor, as well as during his subsequent regime.³³
- 3.8.3** The situation of the members of the Mandingo ethnic group is compounded by the fact that, unlike the other ethnic groups, they do not identify themselves as belonging to any given territory within Liberia. They are settled in border counties (notably Nimba and Lofa) and in Monrovia. As they are not fully recognised by the autochthones [other ethnic groups who see themselves as indigenous to the country] as Liberian nationals, they might not be entitled to land property in Liberia, in line with the Liberian Constitution.³⁴
- 3.8.4** Legally, only the Mandingos who immigrated to Liberia (mostly from Guinea) may have a problem in acquiring the Liberian nationality; their descendents born in Liberia should be recognised as Liberian nationals.³⁵ During 2006 the government ordered members of the Gio and Mano ethnic groups to leave the homes they occupied in Nimba and Lofa counties and return them to their Mandingo owners, who had fled the country during the civil war. The Gios and Manos refused to leave the homes, and the government did not forcibly reconstitute the properties to their Mandingo owners.³⁶
- 3.8.5** Ethnic tensions existed in Nimba County between the Mandingo and Mano and Gio ethnic groups, mainly over property. However, on 31 July 2006, the government established a commission to recommend a solution to these disputes.³⁷
- 3.8.6** During 2006 ethnic, religious, and other differences between Mandingos and non-Mandingos continued, but unlike in previous years, such differences did not result in violence.³⁸ During the Taylor administration, many Mandingo citizens fled their homes as a result of discrimination, arbitrary arrests, and violence; however, during 2005 Mandingos continued to return to Lofa, Bong, and Nimba counties.³⁹
- 3.8.7 Sufficiency of protection.** Since the end of the Taylor regime in June 2003, before which Mandingos were subject to an element of state-sponsored discrimination, there has been no evidence to suggest that persons of Mandingo origin would not be able to seek and receive protection from the state authorities. There is a functioning national police force - Liberian National Police (LNP) - which has primary responsibility for law enforcement. Although the LNP itself has limited logistics and forensic capabilities and is sometimes criticised for its excesses, it is supported by the deployment of 1,100 international police (CIVPOL).⁴⁰ Public confidence in the police remained low in 2006, and citizens occasionally continued to use mob justice to protect persons and property. UNPOL, with the LNP, set up a system of community policing forums.⁴¹ Claimants do have an avenue, especially in Monrovia, to seek and receive from the authorities protection against crime or violence at the hands of rebel combatants.
- 3.8.8 Internal relocation.** The constitution provides for freedom of movement, and the government generally respected this right in practice. However LNP officers occasionally

³³ COI Service Liberia Country Report (para 6.51)

³⁴ COI Service Liberia Country Report (para 6.51)

³⁵ COI Service Liberia Country Report (para 6.51)

³⁶ USSD Liberia 2006 Section 1

³⁷ USSD Liberia 2006 Section 2

³⁸ USSD Liberia 2006 Section 5

³⁹ COI Service Liberia Country Report (para 6.50)

⁴⁰ COI Service Liberia Country Report (paras 5.26 – 5.30 & 5.43 – 5.44)

⁴¹ USSD Liberia 2006 Section 1

subjected travellers to arbitrary searches and petty extortion at checkpoints in and around Monrovia.⁴² Instances where members of other ethnic minority groups have targeted Mandingos are localised. Although the government, with the support of UN peace keepers, controls the vast majority of the country, there remains instances of general lawlessness, crime or violence at the hands of LURD, MODEL or ex-Government combatants in some rural areas of the country. However these incidents are localised. There is freedom of movement within Liberia and those who have encountered general lawlessness, crime or violence at the hands of LURD, MODEL or ex-Government combatants are therefore able to relocate to another part of the country to escape such a threat.⁴³

3.8.9 *Caselaw.*

T (Liberia) [2003] UKIAT 00164 & LB (Liberia) [2004] 00299 above. There is no enhanced risk to a Muslim or someone from the Mandingo ethnic group on return to Monrovia.

3.8.10 *Conclusion.* The possibility remains that individuals could be targeted by non-state agents because of their ethnicity, but there would usually be other causative factors. Most of the violence would appear to be associated with general lawlessness, rather than a concerted policy on the part of any ethnic, or political group, to persecute another group solely because of its ethnicity, or political associations. There is no risk of persecution or ill-treatment of someone of Mandingo origin by the state authorities. For those who fear such treatment at the hands of non-state agents there is a general sufficiency of protection and they are also able to safely relocate within Liberia to escape such threats. It is therefore unlikely that a claimant of Mandingo origin would be able to establish a claim to asylum or humanitarian protection solely because of their ethnic origin. Applications under this category are likely to be clearly unfounded and as such should be certified. (See paragraph 1.4)

3.9 **Prison conditions**

3.9.1 Claimants may claim that they cannot return to Liberia due to the fact that there is a serious risk that they will be imprisoned on return and that prison conditions in Liberia are so poor as to amount to torture or inhuman treatment or punishment.

3.9.2 The guidance in this section is concerned solely with whether prison conditions are such that they breach Article 3 of ECHR and warrant a grant of Humanitarian Protection. If imprisonment would be for a Refugee Convention reason, or in cases where for a Convention reason a prison sentence is extended above the norm, the claim should be considered as a whole but it is not necessary for prison conditions to breach Article 3 in order to justify a grant of asylum.

3.9.3 *Treatment.* Prison conditions were reported as harsh and in some cases life threatening in 2006. Monrovia Central Prison held almost four times its capacity during 2006 due to the large number of pretrial detainees. The government relied on the World Food Program and various Non-governmental organisations (NGOs) to provide food to the prisons. The UN and NGOs continued to provide medical services. During 2006 both the government and international partners continued renovations at prisons in Voinjama, Gbarnga, Buchanan, Kakata, Zwedru, and Monrovia. A private company financed construction on the prison in Harbel city. In some counties the structure that served as a jail was a container with bars at one end. Unlike in 2005, there were no reports that local officials forced prisoners to work for them.⁴⁴

⁴² USSD Liberia 2006 Section 2

⁴³ COI Service Liberia Country Report (paras 6.43 – 6.44)

⁴⁴ USSD Liberia 2006 Section 1

- 3.9.4** In February, July, and August 2006, prisoners caused disturbances at Buchanan and Gbarnga prisons, overpowered unarmed guards, and caused damage to the Gbarnga prison in protests over conditions and trial delays. In each instance, the guards fled. On 12 October 2006, approximately 30 prisoners escaped from Buchanan prison; only a few were apprehended by the end of 2006.⁴⁵
- 3.9.5** In some locations there were no separate facilities for juvenile offenders, and convicted prisoners and detainees awaiting trial were held together. Women and juveniles were subject to abuse by guards or other inmates in 2006. Men and women were held together in some counties or cities with only one prison cell. In the nine UNMIL-monitored prisons, men and women were not held together.⁴⁶
- 3.9.6** The government permitted the independent monitoring of prison conditions by local human rights groups, the media, and the International Committee of the Red Cross (ICRC) in 2006. Some human rights groups, including national and international organisations, made regular visits to detainees held in police headquarters and prisoners in Monrovia Central Prison.⁴⁷
- 3.9.7** **Conclusion.** Whilst prison conditions in Liberia are poor with overcrowding and a lack of medical care being reported, these conditions are unlikely to reach the Article 3 threshold. Therefore even where claimants can demonstrate a real risk of imprisonment on return to Liberia a grant of Humanitarian Protection will not generally be appropriate. However, the individual factors of each case should be considered to determine whether detention will cause a particular individual in his particular circumstances to suffer treatment contrary to Article 3 relevant factors being the likely length of detention the likely type of detention facility and the individual's age and state of health. Where in an individual case treatment does reach the Article 3 threshold a grant of Humanitarian Protection will be appropriate.

4. Discretionary Leave

- 4.1** Where an application for asylum and Humanitarian Protection falls to be refused there may be compelling reasons for granting Discretionary Leave (DL) to the individual concerned. (See Asylum Instructions on Discretionary Leave) Where the claim includes dependent family members consideration must also be given to the particular situation of those dependants in accordance with the Asylum Instructions on Article 8 ECHR.
- 4.2** With particular reference to Liberia the types of claim which may raise the issue of whether or not it will be appropriate to grant DL are likely to fall within the following categories. Each case must be considered on its individual merits and membership of one of these groups should *not* imply an automatic grant of DL. There may be other specific circumstances related to the applicant, or dependent family members who are part of the claim, not covered by the categories below which warrant a grant of DL - see the Asylum Instructions on Discretionary Leave and on Article 8 ECHR.
- 4.3 Minors claiming in their own right**
- 4.3.1** Minors claiming in their own right who have not been granted asylum or HP can only be returned if there is a family to return to or where there are adequate care and support arrangements. At the moment we do not have sufficient information to be satisfied that there are adequate care and support arrangements in place in Liberia.
- 4.3.2** Minors claiming in their own right without a family to return to, or where there are no adequate reception, care and support arrangements, should if they do not qualify for leave

⁴⁵ USSD Liberia 2006 Section 1

⁴⁶ USSD Liberia 2006 Section 1

⁴⁷ USSD Liberia 2006 Section 1

on any more favourable grounds be granted Discretionary Leave for a period as set out in the relevant Asylum Instructions.

4.4 Medical treatment

- 4.4.1** Applicants may claim they cannot return to Liberia due to a lack of specific medical treatment. See Asylum Instruction on ECHR and DL and the IDI on Medical Treatment, which set out the requirements for Article 3 to be engaged. Where the lack of treatment on return would make removal contrary to Article 3 and/or 8 a grant of Discretionary Leave to remain will be appropriate.
- 4.4.2** The medical infrastructure in Liberia has yet to recover from the period of civil conflict, and is highly reliant on foreign aid and charities for assistance. While there is a lack of both resources and staff, and specialist care is not readily available,⁴⁸ it was reported in September 2006 that measures by the government and NGOs have been taken to rehabilitate several health facilities in rural areas, where most of the former internally displaced persons and refugees are being resettled.⁴⁹
- 4.4.3** UNICEF and United Nations Office for Project Services (UNOPS) have reactivated 27 health clinics and are supporting 10 health centres. In addition, the European Commission, the World Health Organisation, the UN Development Programme and the UN Mission in Liberia restored seven health facilities, including the Phebe Hospital, one of the major referral hospitals in densely-populated central Liberia. The government says that the European Commission also wants to deploy 50 health workers, including nurses, physicians and doctors to rural areas.⁵⁰
- 4.4.4** The UK-based NGO Merlin, an international medical relief charity, has also reopened the J.J. Dossen Hospital in Harper, in the southern county of Maryland, and is supporting 29 other health facilities in the country by providing medical supplies and training for national health workers. Over 1,000 workers, including nurses, physician assistants, certified midwives, nurse's aids and vaccinators, among others have been trained by Merlin.⁵¹
- 4.4.5** With health centres reopening across Liberia after 14 years of fighting and AIDS awareness on the rise, Liberia is running out of HIV-testing kits to meet rising demand, according to the government-run National AIDS Control Programme (NACP).⁵²
- 4.4.6** Where a caseowner considers that the circumstances of the individual applicant and the situation in the country reach the threshold detailed in the IDI on Medical Treatment making removal contrary to Article 3 or 8 a grant of Discretionary Leave to remain will be appropriate. Such cases should always be referred to a Senior Caseworker for consideration prior to a grant of Discretionary Leave.

5. Returns

- 5.1** Factors that affect the practicality of return such as the difficulty or otherwise of obtaining a travel document should not be taken into account when considering the merits of an asylum or human rights claim. Where the claim includes dependent family members their situation on return should however be considered in line with the Immigration Rules, in particular paragraph 395C requires the consideration of all relevant factors known to the Secretary of State, and with regard to family members refers also to the factors listed in paragraphs 365-368 of the Immigration Rules.

⁴⁸ COI Service Liberia Country Report (paras 5.46 – 5.50)

⁴⁹ IRIN 1 September 2006

⁵⁰ IRIN 1 September 2006

⁵¹ IRIN 1 September 2006

⁵² COI Service Liberia Country Report (paras 5.49)

- 5.2 In August 2005, the UNHCR maintained its position that though not all Liberian asylum seekers should be granted refugee status, they should be considered favourably for other forms of protection.⁵³ The UNHCR's position provides a broad assessment of the situation in Liberia and we do not dispute that it presents an accurate overview of the general humanitarian situation and the social and security problems inherent in a country which, until recently, was dominated by civil war. However, asylum and human rights claims are not decided on the basis of the general situation - they are based on the circumstances of the particular individual and the risk to that individual. We do not therefore accept UNHCR's conclusion, based on their overview of the general situation in Liberia, that all persons originating from Liberia are in need of some form of international protection.
- 5.3 Liberian nationals may return voluntarily to any region of Liberia at any time by way of the Voluntary Assisted Return and Reintegration Programme run by the International Organisation for Migration (IOM) and co-funded by the European Refugee Fund. IOM will provide advice and help with obtaining travel documents and booking flights, as well as organising reintegration assistance in Liberia. The programme was established in 2001, and is open to those awaiting an asylum decision or the outcome of an appeal, as well as failed asylum seekers. Liberian nationals wishing to avail themselves of this opportunity for assisted return to the Liberia should be put in contact with the IOM offices in London on 020 7233 0001 or www.iomlondon.org.

6. **List of source documents**

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<http://news.bbc.co.uk/1/hi/world/africa/4874142.stm>
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⁵³ COI Service Liberia Country Report (para 6.77)

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