



# **Liberia at a Crossroads: Human Rights Challenges for the New Government**

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## Summary

On October 11, 2005, more than one million Liberians will head to the polls to take part in presidential and parliamentary elections. These pivotal elections are envisaged to consolidate Liberia's transition from a near-failed state that routinely violated the human rights of its citizens and was a source of regional instability to a democratic state governed by the rule of law. But Liberia's transition to democracy and respect for human rights must be judged by more than its progress on Election Day. Liberia's long history of armed conflict and human rights abuses reflect profound and deep-rooted weaknesses in the country's institutions, particularly the justice system, the police and the national army—institutions that have an enormous impact on the protection of basic rights.

All participants in the election process—the political parties, the candidates and the voters—should ensure that human rights issues occupy a central place in the campaign. Once elections are over and Liberia's new government is sworn in, urgent steps must be taken to address the deep and longstanding issues that gave rise to and triggered Liberia's political crisis and years of ensuing armed conflict: a culture of impunity, endemic corruption, mismanagement, a weak judicial system and lack of respect for the rule of law, ethnic discrimination, crushing poverty, and the inequitable distribution of natural resource wealth.

The new government with the help of its international supporters must work tirelessly to establish professional and accountable judicial institutions aimed at establishing the rule of law and security forces that protect instead of prey on Liberian citizens. They must take proactive steps to provide accountability for war crimes committed against thousands of Liberians during years of armed conflict. They must also take much-needed steps to improve both the management of the economy and Liberia's natural resources. Those who fail to gain a seat in the elections and those in the political opposition must do their part to ensure that this agenda is relentlessly pursued. Without sufficient progress in addressing these critical problems, even the freest and fairest elections will fail to deliver on the promise of a better future for Liberians.

After enduring more than two decades of social and political instability including fourteen years of brutal armed conflict, Liberia stands at an unprecedented social,

political and economic crossroads.<sup>1</sup> From at least 1980 to 2003, Liberian citizens were subjected to continual violations of civil and political rights by successive governments, as well as widespread and systematic war crimes committed by all warring factions during the country's two devastating armed conflicts. These war crimes included summary execution and numerous large-scale massacres, widespread and systematic rape and other forms of sexual violence, mutilation and torture, and the widespread forced conscription and use of child combatants. The violence blighted the lives of tens of thousands of civilians, displaced almost half the population, and virtually destroyed the country's infrastructure.

At present, there are solid grounds for optimism: more than 101,000 combatants from three warring factions have been disarmed and demobilized; tens of thousands of them are in school or are receiving skills training.<sup>2</sup> Tens of thousands of civilians forced to flee their homes during the armed conflict are beginning to return to their towns and villages to rebuild their lives. After years of being silenced, persecuted and targeted, Liberian journalists and members of civil society now operate without fear of reprisal. In recognition of the role that decades of rampant corruption played in contributing to political instability and armed conflict, the current transitional government of Liberia has conducted investigations into corrupt officials, removing several from their posts. In an effort to promote transparent government decision-making, the international community has proposed a three-year economic governance plan which would limit the government's power to grant contracts, control key sources of revenue, and place international supervisors in the Central Bank and key ministries. Lastly, a Truth and Reconciliation Commission tasked to investigate gross human rights violations that occurred between 1979 and October 14, 2003 has been established and is empowered to recommend prosecutions for the worst offenders.

Human Rights Watch recognizes that sequencing the pursuit of peace and justice must be carefully done. However, delaying justice can undermine efforts to eliminate the culture of impunity and embolden perpetrators—some of whom may end up in political office and other positions of power and influence—and render the pursuit of long-term peace and stability ultimately more difficult.

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<sup>1</sup> See Human Rights Watch, *Liberia: Flight From Terror* (New York: Human Rights Watch, 1990); "Liberia: A Human Rights Disaster," *A Human Rights Watch Report*, vol. 2, no. 33 (A), October 26, 1990; Human Rights Watch, *Easy Prey: Child Soldiers in Liberia* (New York: Human Rights Watch, 1994); "Back To The Brink: War Crimes by Liberian Government and Rebels," *A Human Rights Watch Report*, vol. 14, no. 4(A), May 2002.

<sup>2</sup> United Nations, "Sixth Progress Report of the Secretary-General on the United Nations Mission in Liberia," S/2005/177, March 17, 2005, p. 5.

Key international actors working to promote stability in Liberia—the United Nations, the European Union, the African Union, the Economic Community of West African States (ECOWAS) and the United States—must help the new government stay the course towards transparency and good governance and continue to highlight the risks of not doing so. They must prioritize rebuilding Liberia’s collapsed judicial system. Governments of the region and the international community must pay strict attention to the economic situation of the over 100,000 recently demobilized fighters as well as to development of the communities to which they return. To this end, shortfalls in funding to train and reintegrate tens of thousands of fighters who took part in Liberia’s 1999-2003 armed conflict and to assist civilians whose lives were torn apart by conflict must be redressed. Concerned governments and foreign donors must also take a stand on the essential role accountability for past abuses plays in building a society based on respect for the rule of law. They must develop a concrete strategy to bring to justice those individuals who bear the greatest responsibility for human rights crimes committed during Liberia’s wars.

The findings of this paper are based on field research in Liberia in February and May 2005, during which interviews were conducted with members of Liberian civil society, United Nations officials, diplomats, journalists, and local and international aid workers.

## **Background**

Liberia’s first armed conflict began in 1989 when rebel leader Charles Taylor and his National Patriotic Front of Liberia (NPFL) launched a rebellion to unseat then President Samuel K. Doe. The conflict, which lasted from 1989 to 1996, ended with an internationally brokered peace accord that included a general amnesty to all faction fighters. The transition from war to peace envisioned under the accord was never finished due to incomplete implementation of the peace accords, particularly regarding the need to restructure the security forces prior to elections. Instead, the 1997 elections, which Taylor went on to win, were conducted in an atmosphere of threats and intimidation.

As president, Taylor enrolled thousands of fighters from his former faction in the country’s police and army, which resulted in continued pillage and human rights abuses and, ultimately, a return to civil war in 1999. During Liberia’s second armed conflict, two rebels groups—the Guinea-backed Liberians United for Reconciliation and Democracy (LURD) and the Ivorian-backed Movement for Democracy in Liberia (MODEL)—launched their own bid to unseat President Taylor. In August 2003, as the rebels threatened to take over the capital Monrovia, Taylor was granted political asylum in

Nigeria on the condition that he not meddle in the political affairs of Liberia or elsewhere in West Africa.<sup>3</sup>

In August 2003, Liberia's warring factions signed an internationally brokered peace agreement in Accra, Ghana. The accord installed a broad-based interim government—the National Transitional Government of Liberia—which was dominated by the country's three former armed factions and tasked with guiding Liberia towards elections in 2005.<sup>4</sup> Since August 2003, several factors have contributed to a marked decrease in human rights abuses and political instability and helped establish the conditions for the 2005 elections to take place. These include the departure of Charles Taylor into exile, the establishment of the United Nations Mission in Liberia (UNMIL) in September 2003, and the subsequent deployment of about 15,000 peacekeepers and 1,000 civilian police to Liberia.

### **Human Rights Challenges for the New Government**

Liberia's first national elections since the signing of the Accra peace accords will be held on October 11, 2005. An estimated 1.3 million persons registered to vote during the voter registration process, held between April 25 and May 21.<sup>5</sup> At stake in the October 2005 polls are the presidency, the 30-seat Senate and the 64-seat House of Representatives. On August 13, 2005 the Chair of the National Elections Commission (NEC), Frances Johnson Morris, announced the final list of qualified candidates, which consisted of 22 presidential hopefuls, 206 for the Senate and 503 for the parliament.<sup>6</sup>

The leading candidates for the presidency include Ellen Johnson-Sirleaf of the Unity Party, George Weah of the Congress for Democratic Change, and Charles Brumskine of the Freedom Party. Sirleaf, 70, is a veteran Liberian politician who made an unsuccessful bid for the presidency in 1997. She is a former Liberian finance minister, banker and senior official at the U.N. Development Programme and is running on a platform of

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<sup>3</sup> There is debate about the existence of a written agreement detailing the terms of President Taylor's asylum in Nigeria. Human Rights Watch was told by a U.S. State Department official on June 9, 2005 that a written asylum agreement exists. The terms of the asylum, including "not meddling in the political affairs of Liberia or West Africa," are consistently referred to by members of the international community, including the United Nations, the Economic Community of West Africa, and the United States.

<sup>4</sup> The official name of the peace agreement is Comprehensive Peace Agreement between the Government of Liberia, Liberians United For Reconciliation and Democracy (LURD) and Movement for Democracy in Liberia (MODEL) and political parties (hereafter referred to as the "CPA").

<sup>5</sup> "Shortfall in Liberia's Voter Registration List," Deutsche Presse Agentur, June 22, 2005.

<sup>6</sup> "Twenty-two contenders to vie for Liberian presidency in October," Agence France Presse, August 13, 2005.

ensuring good governance in Liberia.<sup>7</sup> George Weah, 38, is a former soccer star and UNICEF Goodwill ambassador with no previous experience in politics. He counts on widespread support from Liberia's youth and former combatants, and is running on a campaign of restoring basic services, tackling corruption and improving basic education.<sup>8</sup> Charles Brumskine, 54, headed the Senate under former President Taylor but in 1999 fled to the United States after falling out with him.

Other presidential hopefuls include Roland Massaquoi of Taylor's National Patriotic Party, Varnie Sherman of the Action Party, and Winston Tubman, the son of a former president. Two former rebel faction leaders are also in the running: Sekou Damate Conneh, the former political leader of the LURD, and Alahji Kromah, the former leader of the United Liberation Movement for Democracy-Kromah (ULIMO-K) rebel group, which fought Taylor during Liberia's first war.

Unfortunately, hundreds of thousands of Liberian refugees and internally displaced persons (IDPs) were unable to return home in time to register to vote. The National Electoral Commission, in consultation with UNMIL, decided to exclude absentee voting due to concerns about the credibility and transparency of out-of-country voting, logistical challenges, and the difficulty of obtaining permission from certain asylum countries to allow registration and voting in their territories.<sup>9</sup>

Generally to date, the preparations, registration and campaigning stages of the October 2005 elections have been free of major irregularities. The Liberian press has functioned openly and without fear of reprisal; the registration process for candidates appeared to be transparent and open; and candidates have for the most part campaigned in a secure environment free of overt intimidation.<sup>10</sup>

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<sup>7</sup> "We Need a Leader with Experience to Create a New Liberia", Says Ellen Johnson Sirleaf," *The Financial Times Limited*, August 10, 2005.

<sup>8</sup> "Weah Vows to Reduce Presidential Term - Says He Will Rule for 8 Years," *The Inquirer* (Monrovia), August 25, 2005, and "Liberia soccer hero appeals to masses with poll bid," Reuters, August 24, 2005.

<sup>9</sup> Human Rights Watch interviews with Frances Johnson-Morris, Chairman, National Elections Commission, Monrovia, February 23, 2005, and Maarten Halff, Legal Advisor, UNMIL Electoral Assistance Division, Monrovia, February 22, 2005.

<sup>10</sup> Press Release by the International Republican Institute (IRI) on May 21, 2005, following mission led by former U.S. Ambassador to Rwanda, Robert Gribbin. The delegation arrived on 15 March to conduct an assessment of the progress of voter registration and the overall environment for Liberia's forthcoming presidential and general elections. See also United Nations, "Report of the Secretary-General Pursuant to Security Council Resolution 1579 (2004) Regarding Liberia," S/2005/376, June 7, 2005, p. 46.

However, key issues with long-term implications have not been given adequate attention during the election campaign. These include the imperative of a human rights agenda for the new government; Charles Taylor's continuing interference in Liberia and the region; and the participation in government of persons responsible for serious human rights abuses.

### ***The Need for a Human Rights Agenda***

The campaign rhetoric of most presidential hopefuls appears to revolve around the international community's top priority: fighting endemic corruption. However, other key rule of law issues that could advance respect for human rights have received little attention. These include the crucial importance of rebuilding Liberia's fractured judicial system, the merits of pursuing justice for the victims of the horrific atrocities that marked Liberia's armed conflicts, and the imperative of keeping human rights abusers out of the new Liberian police and armed forces.<sup>11</sup> As noted by one political observer: "The candidates have taken no initiative to address anything human rights-related. In fact, it is the press and the public who are pushing them by asking questions on judicial reform or the Taylor-surrender problem. Otherwise, the candidates are steering clear of these issues."<sup>12</sup>

The only accountability-related issue which has featured prominently in the campaign is the debate on whether or not indicted war criminal and former Liberian President Charles Taylor should be surrendered to the Special Court for Sierra Leone.<sup>13</sup> In a nationally televised debate on August 22, 2005, the four presidential hopefuls gave their tentative support for his surrender, albeit conditional of proof that Taylor had broken the terms of his asylum agreement. Roland Massaquoi, the candidate for Taylor's NPP party, suggested that Taylor's surrender should be left up to the Liberian people to decide, presumably by referendum.<sup>14</sup>

To be effective in establishing the rule of law in Liberia, any new government and leader will need to pay more attention in office to the outstanding critical human rights issues than they have on the campaign trail. Without tackling these issues, the tremendous progress made in Liberia over the last two years could be severely compromised.

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<sup>11</sup> Human Rights Watch interviews with Liberian civil society leaders (via phone and email), August 27-30 and September 1, 2005.

<sup>12</sup> Human Rights Watch telephone interview, Monrovia, September 1, 2005.

<sup>13</sup> "Taylor's Extradition is Complicated, Say Presidential Candidates," *Liberian Observer*, August 22, 2005.

<sup>14</sup> *Ibid.*



## ***Reports of Charles Taylor's Interference in the Political Affairs of Liberia***

In 1997 Liberia experienced flawed elections, characterized by considerable intimidation of voters by Charles Taylor. It has been noted that Taylor's 1997 victory was in large part due to the implicit threat that he would resume the fighting if he lost.<sup>15</sup>

Unsurprisingly, given what the population had suffered, Taylor and his National Patriotic Party (NPP) won some 75 percent of the vote.

In June 2003, the Special Court for Sierra Leone (SCSL), a U.N.-backed tribunal established to prosecute individuals who bear the greatest responsibility for serious violations of international humanitarian law, unsealed an indictment of Taylor for his role in supporting the Revolutionary United Front of Sierra Leone and other armed opposition groups. Taylor is indicted on seventeen counts of war crimes and crimes against humanity against the people of Sierra Leone. These crimes include killings, mutilations, rape and other forms of sexual violence, sexual slavery, the recruitment and use of child soldiers, abduction, and the use of forced labor. Taylor has been at the center of West Africa's 15-year cycle of violence and instability, having brought civil war to Liberia and fueling brutal insurrections in Sierra Leone and Côte d'Ivoire and cross-border attacks into Guinea.<sup>16</sup>

Consistent reports exist of Taylor interfering in Liberian affairs for his own ends, despite the terms of the agreement with Nigerian President Olusegun Obasanjo which granted Taylor asylum. In his June 7, 2005 report on Liberia, the U.N. Secretary-General stated that "Charles Taylor is reportedly in regular contact with his former business, military and political associates in Liberia and is suspected of sponsoring a variety of presidential candidates with a view to ensuring that the next Liberian Government will include his sympathizers."<sup>17</sup> On July 28, 2005, a communiqué issued by the Mano River Union, a regional organization which includes the governments of Sierra Leone, Guinea and Liberia, cited allegations of Taylor's involvement in an attack on the Guinean president, gathering armed people in the forests of Liberia, and making telephone calls to Liberian officials.<sup>18</sup>

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<sup>15</sup> Adebajo, Adekeye, *Liberia's Civil War: Nigeria, ECOMOG and Regional Security in West Africa* (London: Lynne Rienner, 2002), p. 223.

<sup>16</sup> See "Youth, Poverty and Blood: The Lethal Legacy of West Africa's Regional Warriors," *A Human Rights Watch Report*, vol. 17, no. 5(A), April 2005.

<sup>17</sup> United Nations, "Report of the Secretary-General Pursuant to Security Council Resolution 1579 (2004) Regarding Liberia," S/2005/376, June 7, 2005, p. 38.

<sup>18</sup> Mano River Union communiqué, July 28, 2005.

Several western diplomats interviewed by Human Rights Watch expressed concern that Taylor is intent on returning to Liberia after the elections and will interfere in the electoral process to secure such an outcome.<sup>19</sup> According to one political observer: “The Taylorites are working to ensure that they get a sympathetic reception in the new government so that Taylor will not be turned over to the SCSL.”<sup>20</sup>

A May 2005 report by the Coalition for International Justice accused Taylor of maintaining a vast financial network worth up to US \$210 million held in bank accounts in West African countries, Europe and the Caribbean. Citing police and intelligence officials in Europe, the report claimed that Taylor maintains at least thirty front companies to protect his assets from U.S. and U.N. efforts to freeze them. It claimed that Taylor used his resources to undermine the political process in Liberia, including by funding at least nine political parties contesting the elections, funding civil unrest in Liberia, and training a small military force which could be used to foment instability in Liberia and beyond.<sup>21</sup>

The primary mode of Taylor’s influence would be through his financial support of presidential and parliamentary candidates from his former party, the National Patriotic Party (NPP), which remains one of the wealthiest and best organized political parties in Liberia. Although the U.N. Security Council has called for member states to freeze the financial assets of Charles Taylor and his family, members of his former regime, and his close associates, the transitional government of Liberia, has largely failed to enforce it.<sup>22</sup> In early 2005, the Liberian Supreme Court overturned the government’s decision to freeze the assets of two close Taylor associates—Benoni Urey and Emmanuel Shaw—who own large shares of the cell phone company Lone Star.<sup>23</sup>

In July 2005, Liberia’s justice minister, Kabineh Ja’neh, a former political leader with the LURD, characterized as “incontrovertible” the evidence that Taylor was deeply involved in the country’s political activities, and urged the Liberian government to conduct an urgent review of the terms of Taylor’s exile agreement with Nigeria.<sup>24</sup> On August 8, 2005, Ja’neh went on to accuse Taylor of having phone and personal contact with

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<sup>19</sup> Human Rights Watch interviews with western diplomats and UNMIL political sources, Monrovia, February 2005.

<sup>20</sup> Human Rights Watch interview with political observer, Monrovia, February 2005.

<sup>21</sup> Coalition for International Justice, “Following Taylor’s Money: A Path of War and Destruction,” May 2005, p. 7; Global Witness, “A Time For Justice,” June 2005.

<sup>22</sup> United Nations Security Council Resolution 1532 (S/RES/1532), adopted on March 12, 2004.

<sup>23</sup> Human Rights Watch interviews with western diplomats, Monrovia, February 2005.

<sup>24</sup> “Liberia leader sees no proof Taylor meddling at home” Reuters, July 24, 2005.

supporters in Liberia and abroad who were intent on influencing the upcoming political affairs of Liberia.<sup>25</sup>

The Security Council's imposition of a travel ban on members of Taylor's inner circle has not prevented personal contact between Taylor and his associates in Liberia, some of whom are under U.N. travel ban.<sup>26</sup> Several prominent politicians close to or sympathetic to Taylor who are not subject to the travel ban have publicly said they frequently visit him in Calabar.<sup>27</sup> In addition, although UNMIL monitors the airport and borders, it is likely that members of Taylor's inner circle who are on the travel ban list continue to visit him in Calabar. The December 2004 report from the U.N. Panel of Experts, mandated to report on the enforcement of the U.N. sanctions in Liberia including the asset freezes and travel bans, said they had received several reports of persons on the travel ban list regularly visiting Taylor in Calabar.<sup>28</sup> A member of the Panel told Human Rights Watch that one way persons on the travel ban list pass through the airport is through the use of forged diplomatic passports, which are easily purchased in Monrovia for about US \$1000 to \$5000.<sup>29</sup>

In principle, U.N. sanctions, which have for several years been imposed on arms, diamonds, timber and the travel of those deemed a threat to peace, could greatly reduce the ability of Taylor and others to influence the elections, undermine the newly elected government, and foment instability in the region. However, one obstacle to the proper enforcement of these sanctions is ambiguity over the extent of UNMIL's responsibility to both monitor and enforce them. The Secretary General's June 2005 report on the situation in Liberia appears to demonstrate this: on the one hand the report states that "the Security Council has not given UNMIL the mandate to monitor or enforce the measures imposed by resolution 1521 (2003), as renewed by resolution 1579 (2004)."<sup>30</sup> However, it then states that UNMIL has nevertheless "been mandated with a number of responsibilities that have a bearing upon the implementation of those measures." It goes on to describe how UNMIL civilian police and military personnel engage in the

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<sup>25</sup> "Liberia accuses ex-president Charles Taylor of meddling in Liberian affairs from exile," Associated Press, August 7, 2005.

<sup>26</sup> United Nations Security Council Resolution 1521 (S/RES/1521), adopted on December 22, 2003.

<sup>27</sup> Human Rights Watch interviews with western diplomats, Monrovia, February 2005. Sando Johnson, an NPP member of the transitional legislature, and David Kortie, an All Liberia Coalition Party (ALCP) member of the transitional legislature who is sympathetic to Taylor, have both publicly admitted to visiting Taylor in Calabar.

<sup>28</sup> United Nations, "Report of the Panel of Experts Pursuant to Paragraph 2 of Security Council Resolution 1549 (2004) Concerning Liberia," S/2004/955, December 6, 2004, Paragraph 82.

<sup>29</sup> Human Rights Watch interview with Damien Callamand, member of UN Panel of Experts, Monrovia, March 1, 2005.

<sup>30</sup> United Nations, "Report of the Secretary-General pursuant to Security Council resolution 1579 (2004) regarding Liberia," S/2005/376, June 7, 2005, article 17.

monitoring of border crossings, air and seaports, and cordon and search operations to recover arms and ammunition. Political and military observers interviewed by Human Rights Watch characterized these activities as sporadic and intermittent at best and noted that in practice UNMIL has taken a very narrow interpretation of their mandate vis-à-vis the enforcement and monitoring of the sanctions.<sup>31</sup>

Human Rights Watch believes that Security Council resolutions which both established UNMIL—Resolution 1509 from September 19, 2003—and those which relate to the work of the U.N. Panel of Experts—Resolution 1521 from December 22, 2003 and Resolution 1607 from June 21, 2005—clearly provide UNMIL with the authority to enforce the sanctions.<sup>32</sup> Human Rights Watch urges UNMIL to actively monitor, enforce and report any violations of the sanctions to the Panel of Experts and U.N. Sanctions Committee.<sup>33</sup>

Human Rights Watch is also concerned that other African countries—including Togo and Nigeria—could do more to comply with the sanctions and facilitate the work of the Panel of Experts. In August 2005, Human Rights Watch received a report that Benjamin Yeaten, former head of the Liberian Special Security Unit, had violated the travel ban and traveled from his residence in Togo to a country in central Africa.<sup>34</sup> For its part,

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<sup>31</sup> Human Rights Watch interviews with regional military analysts and U.N. officials, February, August and September 2005.

<sup>32</sup> See U.N. Security Council Resolution 1509 (S/RES/1509/2003), paragraph 3, which “mandated UNMIL to assist the National Transitional Government, in conjunction with ECOWAS and other international partners, in re-establishing national authority throughout Liberia, including the establishment of a functioning administrative structure at both the national and local levels.” UNMIL was also mandated by paragraph 3 (r) of the same resolution to assist the National Transitional Government in restoring proper administration of natural resources.

See U.N. Security Council Resolution 1521 (S/RES/1521/2003), article 23, which “welcomes UNMIL’s readiness, within its capabilities, its areas of deployment and without prejudice to its mandate, once it is fully deployed and carrying out its core functions, to assist the Committee established by paragraph 21 above and the Panel of Experts established by paragraph 22 above in monitoring the measures in paragraphs 2, 4, 6 and 10 above, and requests the United Nations Mission in Sierra Leone and the United Nations Mission in Côte d’Ivoire, likewise without prejudicing their capacities to carry out their respective mandates, to assist the Committee and the Panel of Experts by passing to the Committee and the Panel any information relevant to the implementation of the measures in paragraphs 2, 4, 6 and 10, in the context of enhanced coordination among United Nations missions and offices in West Africa.”

See U.N. Security Council Resolution 1607 (S/RES/1607/2005), article 11, which “reiterates the importance of UNMIL’s continuing assistance to the National Transitional Government of Liberia, the Committee established by paragraph 21 of resolution 1521 (2003) (‘the Committee’) and the Panel of Experts, within its capabilities and areas of deployment, and without prejudice to its mandate, in the following areas: (a) monitoring the implementation of the measures in paragraphs 2, 4, 6 and 10 of resolution 1521 (2003) in accordance with paragraph 23 of that resolution.”

<sup>33</sup> Human Rights Watch interview with UNMIL political analyst, Monrovia, February 19, 2005.

<sup>34</sup> Human Rights Watch telephone interview with regional intelligence source, August 19, 2005.

Nigeria did not facilitate entry of the Panel of Experts into its territory to investigate compliance with the travel ban and asset freeze.<sup>35</sup>

### ***Alleged Human Rights Abusers and the Elections***

Three former faction leaders, five individuals subject to United Nations sanctions for their engagement in activities aimed at undermining peace and stability in Liberia and the sub-region, and several former high-level military commanders against whom there are credible allegations of responsibility for serious human rights abuses and violations of the laws of war during Liberia's armed conflicts are running for office in the 2005 elections. Other members of the former factions are forming alliances and strategizing for influential appointments in the new government.<sup>36</sup>

Human Rights Watch is concerned about the risks associated with the election or appointment into public office of these individuals. The abusive records of these men and women, none of whom were ever prosecuted for alleged crimes, raises concerns that they may resort to force and other extra-legal measures to circumvent and subvert Liberia's political process and the legal system. The risk for this would be especially acute following the eventual withdrawal of U.N. peacekeepers and in face of continuing inadequacies within the Liberian security sector.

Four candidates for public office—Adolphus Dolo, Edwin Snowe, Jewel Howard Taylor and Myrtle Gibson—are subject to a U.N. imposed travel ban for constituting “a threat to the peace process in Liberia” or for being “engaged in activities aimed at undermining peace and stability in Liberia and the sub region,” mostly notably by remaining in close contact with Charles Taylor.<sup>37</sup> Snowe and Howard-Taylor are also subject to a U.N. assets freeze similarly drawn up to “prevent close family or associates of former President Taylor from using misappropriated funds or property to interfere in the restoration of peace and stability in Liberia and the sub-region.”<sup>38</sup>

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<sup>35</sup> United Nations, “Report of the Panel of Experts established pursuant to paragraph 8 (f) of Security Council resolution 1579 (2004) concerning Liberia,” March 17, 2005, article 93.

<sup>36</sup> Human Rights Watch interviews with UNMIL political sources, Monrovia, February, 2005.

<sup>37</sup> Their names appear on the latest version of the travel ban list, made public on May 2, 2005, in accordance with paragraph 21 (d) of resolution 1521 (2003). This list superseded the travel ban list established pursuant to resolution 1343 (2001), which ceased to have effect with the adoption of the new list, in accordance with paragraph 4 (b) of resolution 1521 (2003).

<sup>38</sup> The assets freeze list was drawn up in accordance with paragraphs 1 and 4 (a) of U.N. resolution 1532 (2004) in order to prevent close family or associates of former President Taylor from using misappropriated funds or property to interfere in the restoration of peace and stability in Liberia and the sub-region. The latest version was updated on May 2, 2005.

Edwin Snowe, the former Managing Director of the Liberian Petroleum and Refining Corporation (LPRC) who is running for the legislature for Montserrado County, and Jewel Howard Taylor, a wife of Charles Taylor who is running for the Senate in Bong County, are both accused of funneling money from Liberia to Charles Taylor in Nigeria<sup>39</sup> and are subject to both a U.N. travel ban and assets freeze.<sup>40</sup>

Human Rights Watch has documented scores of war crimes and other serious violations of international law committed by combatants under the command of the two former faction leaders running for president: Sekou Damate Conneh from the LURD and Alahji Kromah from ULIMO-K.<sup>41</sup> These violations include sexual violence, forced labor, summary execution including massacres, torture, forced recruitment, the use of children as soldiers, and the indiscriminate shelling of the civilian population with mortar-bombs. A third former faction leader who is running for the Senate, Prince Yormie Johnson from the Independent National Patriotic Front of Liberia, played a leading role in the extrajudicial execution of former President Samuel K. Doe in 1990.

Several other former high-level military commanders alleged to have been involved in past abuses are running for the Senate and House of Representatives, including:

- Adolphus Dolo, a former NPFL general who is seeking a Senatorial seat in Nimba County, is described by the travel ban report as “a [r]enegade supporter of former Liberian President Charles Taylor.” Human Rights Watch documented Dolo’s involvement in attacks against civilians and war crimes committed during the armed conflict in Cote d’Ivoire in 2003.<sup>42</sup> Credible allegations also exist of Dolo having used child combatants during Liberia’s armed conflicts.<sup>43</sup> According to a May 2005 report by the Coalition for International Justice, Taylor has in recent months funneled hundreds of

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<sup>39</sup> Coalition for International Justice, “Following Taylor’s Money: A Path of War and Destruction,” May 2005; Global Witness, “A Time For Justice,” June 2005.

<sup>40</sup> United Nations, “List of individuals and entities subject to the measures contained in paragraph 1 of Security Council Resolution 1532 (2004) concerning Liberia,” updated May 2, 2005, and United Nations, “List of individuals subject to the measures imposed by paragraph 4 of Security Council Resolution 1521 (2003) concerning Liberia,” updated May 2, 2005.

<sup>41</sup> See Human Rights Watch, *Liberia: Flight From Terror*, (New York: Human Rights Watch, 1990); “Liberia: A Human Rights Disaster,” *A Human Rights Watch Report*, vol. 2, no. 33 (A), October 26, 1990; Human Rights Watch, *Easy Prey: Child Soldiers in Liberia* (New York: Human Rights Watch, 1994); “Back To The Brink: War Crimes by Liberian Government and Rebels,” *A Human Rights Watch Report*, vol. 14, no. 4(A), May 2002.

<sup>42</sup> See “Youth, Poverty and Blood: The Lethal Legacy of West Africa’s Regional Warriors,” *A Human Rights Watch Report*, vol. 17, no. 5(A), April 2005, and Human Rights Watch interviews in Monrovia, July 2004.

<sup>43</sup> Peabody, Zanot, “The Search for Eddie Peabody / Personal, national rebuilding begins,” *The Houston Chronicle*, February 21, 2004.

thousands of dollars to Dolo and another commander and instructed them to recruit several hundred combatants for use in future armed conflict in Liberia and elsewhere. Dolo has denied these allegations.<sup>44</sup>

- Saah Richard Gbollie, a former commander with the NPFL and officer with the Liberian police, is seeking a legislative seat in Margibi County. While serving as the deputy director for operations with the Liberian National Police, Gbollie was directly implicated in the arrest, beating and torture of two well known civil society members: journalist Hassan Bility and human rights lawyer Tiawon Gongloe. In January 1998, Bility was allegedly arrested and beaten by eight officers under Gbollie's command.<sup>45</sup> On April 24, 2002, Gongloe was reportedly stripped and severely beaten by three security agents on Gbollie's orders.<sup>46, 47</sup> Mr. Gongloe told Human Rights Watch that Gbollie had presided over his torture.<sup>48</sup>
- Edward N. Slanger is seeking a Senatorial seat in Grand Gedeh County. While serving as an officer with the Armed Forces of Liberia under President Samuel K. Doe he was accused of killing civilians from ethnic groups, particularly the Gio and Mano, in retaliation for their alleged support of a coup against then president Doe in 1985.<sup>49</sup> Slanger appeared on local television in 1985 and claimed that he and a group of soldiers had broken into the home of the coup leader, Thomas Quiwonkpa, and executed him. They later paraded Quiwonkpa's body parts around Monrovia.<sup>50</sup>

In the early months of 2005, there was debate within Liberian society as to the merits of allowing persons accused of serious crimes or subject to U.N. sanctions to run for office. The Accra peace accords originally contained a clause that prohibited leaders of the former factions, individuals accused of serious human rights violations, and persons who had criminal records from seeking elected office.<sup>51</sup> However, the clause was later removed because of opposition from faction leaders.<sup>52</sup>

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<sup>44</sup> "North Star Denies Looting Scraps," *All Africa*, June 2, 2005.

<sup>45</sup> "Liberian paper accuses police of flogging editor," Agence France Press, 23 January 1998.

<sup>46</sup> "Bar Association condemns repression in Liberia," Panafrican News Agency Daily Newswire, May 13, 2002.

<sup>47</sup> "Gongloe Breaks Silence On His Detention And Human Rights in Liberia," *The Perspective*, October 4, 2002.

<sup>48</sup> Human Rights Watch email exchange with Tiawon Gongloe, September 12, 2005.

<sup>49</sup> International Crisis Group, "Liberia: Security Challenges," November 3, 2003, p. 12.

<sup>50</sup> "I Am Not an Official of LURD," *The Perspective*, February 21, 2002; "Liberian coup bid reportedly killed 1,500," Agence France Press, January 17, 1986; and "Liberia Election and Coup Attempt" on [www.globalsecurity.org/military/world/war/liberia-1985.htm](http://www.globalsecurity.org/military/world/war/liberia-1985.htm).

<sup>51</sup> Human Rights Watch interviews with western diplomats, Monrovia, February 2005.

<sup>52</sup> Human Rights Watch interviews with western diplomats, Monrovia, February 2005.



Local human rights activists called for the National Electoral Commission (NEC) to pass regulations that would prevent alleged human rights abusers from contesting the elections. On February 12, 2005, Geoffrey Rudd, the Charge D’Affaires of the European Commission in Liberia, laid out the EC position on election criteria in a letter to Jules Frippiat, the Director of UNMIL’s Electoral Division. In the letter, Rudd requested that former warlords, persons subject to UN sanctions,<sup>53</sup> and anyone with a criminal record be excluded from contesting the election.<sup>54</sup> On February 23, 2005, a coalition of civil society organizations requested that the NEC prohibit anyone on the U.N. sanctions list from running for office.<sup>55</sup>

Neither UNMIL nor the NEC supported the establishment of additional criteria for political candidates. In a letter dated February 16, 2005 the Special Representative of the Secretary General in Liberia, Jacques Klein, rejected Rudd’s request, laying out several rationales. First, Klein argued that the establishment of additional criteria violated Article 25 of the International Covenant for Civil and Political Rights, which protects the right to run for office as a basic human right, and, as such, should not be “lightly curbed.”<sup>56</sup> Second, he argued that Liberia’s current legal framework—including the Accra peace accords—already prohibits certain incumbents from contesting the elections, and that the NEC does not have the authority to supplement this legal framework. Finally, Klein suggested that it would be difficult and potentially destabilizing to adopt such criteria, given the difficulty of defining categories such as “warlords” and in view of the risk that such a move could be perceived by faction leaders as an effort to undermine their role in implementing their own peace agreement.<sup>57</sup>

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<sup>53</sup> In Resolution 1521 (2003), the Security Council called on members states to prevent the entry or transit of individuals “who constitute a threat to the peace process in Liberia.” The list of individuals subject to the travel ban was presented on March 16, 2004 and primarily included senior members of former President Charles Taylor, close associates of Taylor, and arms traders in violation of SRES 1343 (2001).

<sup>54</sup> Letter from Jacques Klein to Geoffrey Rudd, February 16, 2005.

<sup>55</sup> Letter from Green Advocates, NHRCL, FPHRD, FIND, CEDE, and LDW to Frances Johnson Morris, Chairman, NEC, February 23, 2005.

<sup>56</sup> Article 25 states: “Every citizen shall have the right and the opportunity, without any of the distinctions mentioned in article 2 and without unreasonable restrictions: (a) To take part in the conduct of public affairs, directly or through freely chosen representatives; (b) To vote and to be elected at genuine periodic elections ... (c) To have access, on general terms of equality, to public service in his country.” United Nations, “International Covenant on Civil and Political Rights,” General Assembly Resolution 2200A (XXI), 21 U.N. GAOR Supp. (No. 16) at 52, U.N. Doc. A/6316 (1966), entered into force Mar. 23, 1976.

<sup>57</sup> Letter from Jacques Klein to Geoffrey Rudd, February 16, 2005.



Likewise, in an interview with Human Rights Watch, the NEC chairman, Frances Johnson Morris, rejected the idea of human rights criteria, arguing that: (1) neither the Accra peace accords nor the election law calls for such criteria; and (2) without a court to prosecute and convict accused persons, such criteria would be difficult to define.<sup>58</sup>

However, if the newly elected Liberian government wants democratic institutions and processes to endure, it must address the continuing threat posed by these individuals. A key way to minimize this threat is for the new government and the international community to urgently decide on the most appropriate way to hold accountable perpetrators of serious crimes, including those elected to public office. As a first step those elected officials alleged to have committed human rights abuses either directly or as a matter of command responsibility should be investigated by the Truth and Reconciliation Commission and, depending on the outcome, recommended for prosecution.

As the new administration considers who to appoint to cabinet level, para-statal and other key government positions, the president should refrain from appointing any individuals against whom there are credible allegations of abuse. To further sideline past abusers from political power, the newly elected president should establish a commission mandated with setting up a vetting procedure to screen out such applicants. Similar to the vetting process already established to screen out past abusers from the new Liberian police and army, the commission must vet all public appointees including those appointed by the president. Those most responsible should also be held accountable for their crimes.

Under the current constitution of Liberia, legislators do not have immunity from prosecution, as is common elsewhere. Human Rights Watch in general opposes immunity provisions for serious violations of international human rights or humanitarian law. The new president must ensure that no future laws would provide immunity to legislators or other officials for serious international crimes.<sup>59</sup>

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<sup>58</sup> Human Rights Watch interview, Monrovia, February 23, 2005.

<sup>59</sup> Liberian law provides that a legislator may be arrested for a felony or breach of the peace. However, in an effort to avoid an obstruction of the legislative process, it also provides that a legislator may not be arrested while the legislature is in session.

## **Accountability for Past Abuses**

The 1996 peace accord granted a general amnesty to faction fighters for abuses committed “in the course of actual military engagements.” Those responsible for committing some of the worst atrocities during the war were neither punished for their actions nor effectively demobilized. For the next six years at least, former faction fighters—particularly those of Taylor’s faction, the NPFL —continued to act with impunity and remained a serious impediment to continued peace. Human Rights Watch believes that the failure to adequately ensure justice for past crimes had catastrophic consequences for civilians and greatly contributed to Liberia’s failed transition in 1997.

In Liberia currently, the continued existence of the command and control structures of the former factions means that former commanders can mobilize ex-fighters quickly. The continued impunity of those commanders who committed or organized the most serious atrocities during the war could well serve to embolden them and undermine Liberia’s chances of lasting peace and stability.<sup>60</sup>

### ***Truth and Reconciliation Commission***

On June 10, 2005, after months of delay, the chairman of the National Transitional Government of Liberia signed into law an act establishing the Liberian Truth and Reconciliation Commission (TRC).<sup>61</sup> The newly elected government must provide considerable political and financial backing for the work of the TRC. It must resist any attempt to influence the TRC’s findings, including recommendations on individuals who should be prosecuted. It must also work with the international community to ensure that the commission has adequate funding.

The TRC is mandated to conduct a thorough investigation and publish a report documenting gross human rights violations, violations of international humanitarian law, and, importantly, economic crimes, such as the exploitation of natural resources to

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<sup>60</sup> An investigation into the causes of an October 2004 riot in the Monrovia suburb of Paynesville that killed about twenty persons and injured more than 100 concluded that “the lingering command structures of the warring factions were significant factors leading to, and subsequently aggravating, the October incident.” Specifically, the report cited meetings of generals of the defunct NPFL and a leadership crisis within LURD as creating an “atmosphere of sustained anxiety, tension, and vulnerability” in the weeks preceding the violence. See “Investigative Report of the October 28-31, 2004 Violence Submitted by the National Commission to Investigate the October 28-31 Public Disorder and Rioting,” p. 10-11.

<sup>61</sup> According to interviews with U.N. personnel and Liberian human rights activists in March and April 2004, the process was delayed so as to correct the premature appointment of a first set of commissioners by NTGL Chairman Bryant in January 2004. This first set of commissioners was described by human rights activities as “clearly not up to the task.”

perpetuate armed conflict, that occurred between January 1979 and October 14, 2003.<sup>62</sup> In addition, it will “recommend” that amnesty be granted to persons making “full disclosures of their wrongs” and “expressing remorse for their acts,” with the proviso that amnesty will not apply to serious violations of international humanitarian law and crimes against humanity.<sup>63</sup> Finally, the TRC will make recommendations to the government about reparations, the need for legal and other institutional reforms, and the need to hold prosecutions in certain cases, presumably those cases involving crimes against humanity.<sup>64</sup>

The TRC—which will have about two years to complete its work—was to be established within three months of the enactment of the law. Upon establishment, it will have another three months to prepare for the commencement of its mandatory functions.<sup>65</sup> The TRC will be composed of nine commissioners, with no less than four women. The commissioners should reflect a balance of Liberia’s diverse religious, ethnic and regional make-up. They are required to resist any attempt to influence the direction of the TRC’s inquiry by the government, ruling party, former leaders of the warring factions, and other political parties or groups.

One potential problem which could undermine the TRC’s success is the lack of adequate funding. Currently, the TRC is operating on a budget of \$100,000 and is housed in the looted Public Works Building without electricity.<sup>66</sup> Human Rights Watch is concerned that commencing operations without adequate funds could compromise the commission’s work and public confidence in it, and is calling on donor governments to ensure that it is fully funded.

As the TRC proceeds, there will no doubt be considerable pressure on the commissioners to refrain from recommending for prosecution those individuals alleged to be most responsible for human rights crimes. Given the history of violence in Liberian political and social life, any attempt to influence, pressure or intimidate the commissioners’ recommendations must be met with definitive action by the newly elected Liberian government and the international community.

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<sup>62</sup> “An Act to Establish the Truth and Reconciliation Commission (TRC) of Liberia,” Article IV, Signed June 10, 2005, Section 4.

<sup>63</sup> *Ibid*, Article VII, Section 26 (g).

<sup>64</sup> *Ibid*, Article VII, Section 26 (j).

<sup>65</sup> *Ibid*, Article IV, Section 5.

<sup>66</sup> Interview with Reverend Gerald Coleman, Acting Chairman, TRC, Monrovia, February 25, 2005.

## **Prosecutions**

Much debate exists in Liberia about whether to prosecute those individuals responsible for war crimes and crimes against humanity committed during the country's armed conflicts. While some church, human rights and other civil society leaders have repeatedly stressed the importance of gross perpetrators facing justice for their crimes, the prevailing opinion among Liberian government officials, ECOWAS representatives, and Western governments has been that any hint of prosecutions could undermine efforts to consolidate the peace process. They have also intimated that after the elections, it will be up to the new government to take a position on the issue.

Interviews with Liberian human rights activists and a recent survey of public attitudes about the importance of accountability for abuses committed during the war suggest that considerable support exists for limited prosecutions of those responsible for the most serious violations. A survey commissioned by the Liberian Transitional Justice Working Group on attitudes about justice for past atrocities found that fifty-nine percent of Liberians believe that faction leaders and commanders alleged to have ordered or committed widespread human rights abuses should be prosecuted in formal legal proceedings.<sup>67</sup> Liberian civil society leaders are also adamant that individuals who committed serious human rights violations should eventually be prosecuted.<sup>68</sup> It is a conviction among these activists that the TRC, which will recommend prosecutions in certain cases, is the first step towards holding certain individuals accountable in the courts.<sup>69</sup>

The newly elected government must demonstrate its commitment to the rule of law and respect for human rights both now and in the future by committing to prosecute key individuals responsible for atrocities that marked Liberia's armed conflicts. Holding accountable those individuals on all sides responsible for serious international crimes committed in the Liberian wars is an indispensable part of combating the historic culture of impunity and ensuring that peace and stability in Liberia take root.

Those organizations working to consolidate stability in Liberia, namely the United Nations, the United States, the African Union, and the Economic Community of West African States (ECOWAS), must work to develop a concrete strategy to bring to justice those who bear the greatest responsibility for the most serious human rights crimes

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<sup>67</sup> See Rosner Research Inc., "National Consensus on Dealing With War Crimes Report," November 16, 2004, p. 11.

<sup>68</sup> Human Rights Watch interviews, Monrovia, February 2005.

<sup>69</sup> Human Rights Watch interviews with civil society leaders and UNMIL Human Rights staff, Monrovia, February 2005.

committed. Given serious concerns about the ability and willingness of the Liberian national courts to try these crimes as well as concerns about the degree of social and political instability in the country, justice for victims of serious international crimes in Liberia will likely require considerable support and engagement from the international community.

Prosecutions in Liberia could take several forms including: 1) pursuing justice using the existing criminal justice system within Liberia; 2) creating a purely international criminal tribunal; 3) creating a mixed international-national tribunal similar to the Special Court for Sierra Leone; or 4) establishing a chamber within the domestic justice system of Liberia that includes the participation of international judges and staff.

Human Rights Watch takes the view that national courts have primary responsibility for prosecutions of crimes committed within national borders. However, when national justice systems are unwilling or unable to prosecute serious violations of international law, alternative judicial mechanisms, such as an international or mixed national-international tribunal, may be necessary to ensure that justice is done. Given the political and technical sensitivities of such prosecutions in Liberia, it is likely that considerable foreign involvement will be required.

### ***The Case of Charles Taylor***

In the words of one human rights activist: “Prosecuting Charles Taylor would be a groundbreaking moment in the fight against impunity in West Africa. If we want to create a new society, Charles Taylor cannot be left alone in Nigeria.”<sup>70</sup> Jacques Klein, the former SRSG in Liberia, readily admitted that “Charles Taylor is a dark cloud over everything we do here.”<sup>71</sup>

Despite mounting international pressure from African countries, the United Nations, the European Union and the United States, Nigeria continues to resist surrendering Taylor to the Special Court for Sierra Leone. The first public call for Nigeria to surrender Taylor to face trial came from the European Parliament in February 2005 in the form of a resolution. In May 2005, the U.S. House of Representatives and Senate passed similar resolutions. During a visit to West Africa in July 2005, the U.N. High Commissioner for Human Rights Louise Arbour called for Taylor to appear for trial at the Special Court for Sierra Leone and for African leaders to urge President Obasanjo to hand over

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<sup>70</sup> Human Rights Watch interview with Aloysius Toe, Executive Director, Foundation for Human Rights and Democracy, Monrovia, February 23, 2005.

<sup>71</sup> Human Rights Watch interview, Monrovia, February 28, 2005.

Taylor. Also in July 2005, the Mano River Union issued a communiqué, which agreed to call for a review of Taylor's temporary stay in Nigeria.<sup>72</sup>

The newly elected government must as a matter of priority ask Nigeria to surrender Charles Taylor to the Special Court for Sierra Leone for prosecution. Given that Taylor's prosecution by the SCSL does not preclude him from being tried for crimes he allegedly committed in Liberia, the new government must also ensure that he is held accountable for alleged war crimes and crimes against humanity he is accused of having committed in Liberia.

## **Building the Rule of Law**

If Liberians are to enjoy a future based on the rule of law and respect for human rights, it is essential the new government create a professional and independent judiciary and an effective, law-abiding, and accountable police and military.

Decades of corruption and mismanagement and nearly fourteen years of civil war led to the near collapse of the judicial system. The Liberian police and army have for decades been used as a repressive arm of successive governments and their ruling parties and been the source of considerable instability, corruption, and human rights violations. Their institutionalized corruption has led to considerable mistrust, fear, and disrespect. Soldiers and police have over the years enjoyed near complete immunity from prosecution for all sorts of violations, including extortion at military and police checkpoints, the looting of villages, rape of women in police custody, and the execution of alleged rebels and collaborators.

The Security Council mandated UNMIL to assist in the restructuring and training of the police, army and judiciary. This was accompanied by an ambitious judicial reform strategy. However, at this writing, problems in the vetting and removal of human rights abusers from the police force, delays in demobilizing the former army, and the lack of donor support to rebuild the decimated judicial infrastructure has undermined progress in establishing the rule of law.

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<sup>72</sup> Mano River Union communiqué, July 28, 2005.

## ***Liberian National Police***

Since at least 1980, Liberian police officers were reputed to be not only corrupt but also prone to commit criminal acts against Liberian citizens. During both wars, members of the Liberian police, especially those within special elite police units, were frequently involved in the targeting and repression of civilians accused of supporting armed insurgencies.

Recognizing the imperative for the police in post-war Liberia to respect and promote the rule of law, the Accra peace accords called for the police force to be restructured according to democratic values and respect for human rights.<sup>73</sup> A key component of the process involved a vetting procedure to screen out applicants alleged to have committed serious violations of human rights and international humanitarian law or crimes against humanity.

According to the civilian police component of the U.N. Mission (CIVPOL) that took the lead in the training and vetting exercise, a two-step process was adopted to determine whether applicants were accused of human rights abuses. In the first stage, termed the “war crimes check,” the names of applicants to the new police force, called the Liberian National Police (LNP), were sent to organizations with information on human rights abuses—such as the Special Court for Sierra Leone (SCSL), the UNMIL Human Rights section, and UNMIL Civil Affairs—so that personnel in these organizations could check if the applicants were known to have been accused of human rights abuses.

The second stage was a process known as “public involvement,” and entailed the publishing of names of applicants in three local newspapers and the posting of the same on leaflets in communities around the country. Local people were then encouraged to contact CIVPOL with any relevant information about the prospective applicants.<sup>74</sup> Upon receipt of information from either stage, the CIVPOL section was to conduct an investigation to determine the veracity of a claim and make a decision as to the applicant’s inclusion or exclusion in the training process.

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<sup>73</sup> Accra Peace Accords, article VIII.

<sup>74</sup> Human Rights Watch interview with Daniel Fabia, Vetting Team Leader, Monrovia, February 22, 2005. According to Fabia, the newspapers used were *The News*, *The Inquirer*, and the *Tribune*.

In practice, however, there appears to have been several problems which dogged the vetting process. First, since the Liberian police force was never demobilized, there appeared to be a high level of continuity between members of the former police and the newly formed LNP. The most robust interpretation of UNMIL's mandate would have required the complete demobilization of the existing police, the establishment of the interim police force, and then the rebuilding of a new police service from the ground up.

Second, UNMIL and the Liberian transitional government appear to have not established clear human rights criteria for the elimination of potential human rights abusers among police recruits. According to Daniel Fabia, a former CIVPOL Vetting Team Leader, the standard for elimination of a candidate on human rights grounds was "if the person is found to have charges or accusations of war crimes or human rights abuses." However, in practice there was no clear definition of which specific war crimes or human rights abuses would warrant disqualification. As a result, UNMIL Human Rights staff members responsible for collecting data on potential recruits told Human Rights Watch that after repeated attempts for clarification, they developed their own ad-hoc criteria to collect information.<sup>75</sup>

Third, UNMIL failed to allocate adequate human resources to conduct thorough and systematic background checks on applicants for the LNP. Once an accusation or allegation was received, CIVPOL was to conduct an investigation to determine its veracity.<sup>76</sup> However, only one member of the UNMIL human rights team was responsible for collecting information on human rights abuses, and even this person's efforts were part-time, given other responsibilities in the section.<sup>77</sup> In addition, CIVPOL allocated only a few investigators to conduct investigations to determine the veracity of allegations of human rights abuses. As a result, only a handful of UNMIL staff members were tasked to gather data and investigate allegations of human rights abuses for thousands of LNP applicants.

Fourth, the "public involvement" process was not appropriately tailored to the Liberian context. Given that only fifteen percent of the Liberian population is functionally literate, it was largely ineffective to rely on newspapers to encourage public feedback.<sup>78</sup> Moreover, none of the newspapers in Liberia are distributed widely. The approximately twenty newspapers each print only 700 to 1000 copies and they are rarely distributed

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<sup>75</sup> Human Rights Watch interview with UNMIL staff, February and May 2005.

<sup>76</sup> Human Rights Watch interview with Daniel Fabia, Vetting Team Leader, Monrovia, February 22, 2005.

<sup>77</sup> Ibid.

<sup>78</sup> Human Rights Watch interviews with international aid workers, Monrovia, February and May 2005.



outside Monrovia. Far more Liberians rely on radio for information.<sup>79</sup> Although CIVPOL claims that it distributed leaflets with candidate names nationally, it does not appear that it targeted areas where people with the most information on human rights abuses would have resided, such as internally displaced persons (IDP) camps.<sup>80</sup> One sign of the limited effectiveness of the public involvement process is that by late September 2005, CIVPOL had only received eight credible complaints from the public.<sup>81</sup>

Finally, the process of gathering information about human rights abusers could have been further improved had local human rights groups, several of which had done extensive documentation of war crimes, been formally incorporated into the vetting process. In practice, staff from the UNMIL human rights section merely consulted with local groups on an informal and ad-hoc basis.<sup>82</sup>

These problems resulted in a police vetting process that was disorganized, inefficient, and most likely ineffective in ensuring that the new Liberian National Police would truly represent a break with the past. One indication of such an outcome is that it appears that very few applicants have actually been removed because of their involvement in human rights abuses. According to CIVPOL officials, of the 1903 new applicants and 2060 current LNP officers under review, none of the new applicants and only twenty-eight of the current officers were disqualified for human rights abuses.<sup>83</sup> However, according to a member of the UNMIL human rights section, of 3654 names submitted to it by CIVPOL by mid-February, it sent back negative information—including allegations of human rights abuses—on 1277 names.<sup>84</sup>

Human Rights Watch is concerned that the failure to exclude past human rights abusers from the LNP will undermine current efforts to establish the rule of law. To address the outstanding problems with the current process, the newly elected government should, in conjunction with UNMIL, provide for another review to ensure that past abusers are denied entry into, or removed from, the new force. The final list of recruits and their photographs should be given to all those who took part in the vetting process for a final and detailed review according to strict and uniform criteria. This process should be

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<sup>79</sup> Human Rights Watch interview with Liz Hoff, Head, Press Union of Liberia, Monrovia, February 26, 2005.

<sup>80</sup> Human Rights Watch interviews with Aine Bhreathnach, Protection Advisor, Oxfam, Monrovia, February 19, 2005, and Peter Deck, UNHCR Protection Officer, Monrovia, February 21, 2005.

<sup>81</sup> Human Rights Watch email exchange with CIVPOL officials, Monrovia, September 27, 2005.

<sup>82</sup> Human Rights Watch interviews with representatives of Liberian human rights organizations, Monrovia, February and May 2005.

<sup>83</sup> Human Rights Watch email exchange with CIVPOL officials, Monrovia, September 27, 2005.

<sup>84</sup> Human Rights Watch interview, Monrovia, February 2005.

appropriately staffed by UNMIL. The list and photographs should also be adequately distributed to the public whose input should be encouraged. If, at a later date, information about the involvement of a police recruit in past human rights abuses is uncovered—for example during any stage in TRC investigations—she or he should be subject to immediate suspension and administrative removal proceedings in accordance with Liberian law.

### ***The Liberian Army***

The Armed Forces of Liberia (AFL) has a long history of serving partisan and tribal interests, and has been accused of having been involved in numerous heinous crimes against civilians. The newly elected government must ensure that Liberia's future army is free of human rights abusers and that all new recruits receive appropriate training in international human rights and humanitarian law.

From 1980, when Sergeant Samuel K. Doe violently overthrew the government of William Tolbert, the AFL has been dominated by members of the Doe's Krahn ethnic group. For almost a decade Doe used his army to commit serious abuses against Liberians of rival ethnic groups, particularly the Mano and Gio tribes of Nimba county, which he accused of supporting multiple coup attempts against him.<sup>85</sup> From 1989, when Charles Taylor launched his own military bid to overthrow President Doe, his NPFL and the plethora of warring factions which emerged to counter it consisted predominantly of bands of armed fighters with no formal military training. Throughout both wars, all factions were responsible for terrorizing the local populations in order to pillage and to discourage support for rival factions.

A previous attempt to restructure the army in 1997 failed and had disastrous consequences for Liberia's population. Following his inauguration in 1997, Taylor rejected the peace accord provision that provided for an open and transparent restructuring of the security forces by West African peacekeeping forces from ECOWAS. Instead, former NPFL fighters were placed in the security and police forces without serious effort to provide training or to meet pledges to incorporate members from the other armed factions. After taking office, Taylor also created several elite security units, which quickly became notorious for committing serious abuses against civilians. Former armed NPFL fighters were also permitted by the government to create security firms for hire by private sector companies.

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<sup>85</sup> Human Rights Watch, *Human Rights Watch World Report 1989* (New York: Human Rights Watch, 1988).

The 2003 Accra peace accords called for the restructuring of the AFL. While U.N. Security Council Resolution 1509 mandated UNMIL to assist the transitional government with the process, the U.S. government has taken the lead in recruiting and training a new Liberian army of some 2000 soldiers. In light of the concerns of both criminal conduct by the AFL and the previous ethnic domination of it, U.S. and Liberian officials have stressed the importance of the new army being both free of political bias and balanced according to region, gender, and most importantly ethnicity.<sup>86</sup>

In early 2005, the U.S. contracted the project to a privately owned security company, DynCorp, a U.S.-based government contractor which provides numerous and varied services to U.S. and foreign governments around the world. The U.S. will pay \$100 million to DynCorp over three years to assist with recruitment, training, and equipment.<sup>87</sup> The transitional government aims for one battalion of the new army to be operational in time for the installation of the next democratically elected government in January 2006.<sup>88</sup>

In contrast to the police restructuring, the existing army will be fully demobilized before recruitment, vetting, and training of the new army begins. According to former U.S. Ambassador John Blaney, such a decision was taken to ensure that the new army represents a break with the past.<sup>89</sup> Human Rights Watch welcomes the decision to completely demobilize the Liberian army but insists that the process to rebuild the army include a thorough, properly resourced vetting process to screen out former human rights abusers.

The restructuring exercise is currently running months behind schedule. The delay appears to be the result of insufficient resources to pay the benefits for some 13,600 AFL soldiers, who, for unknown reasons, were not included in the general disarmament exercise which lasted from December 2003 through October 2004.<sup>90</sup> It is imperative that the Liberian government and international community pledge sufficient funds to

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<sup>86</sup> Human Rights Watch interviews with US military officials in Monrovia, March 2004 and February 2005.

<sup>87</sup> Human Rights Watch interview with Major Ryan McMullen, US Military Attache, Monrovia, February 23, 2005.

<sup>88</sup> IRIN, "Liberia: Government Ready to Form New Army," Monrovia, May 19, 2005.

<sup>89</sup> Human Rights Watch interview with Ambassador John Blaney, Monrovia, May 27, 2005.

<sup>90</sup> As a result, the international community was left scrambling for the US \$16.2 million needed to cover the pending demobilization and retirement benefits. Although \$5.5 million has been pledged to cover the costs of demobilizing the 9000 soldiers recruited since 1989, no funds have been secured to cover the costs of severance benefits for the 4500 AFL soldiers recruited before 1989. According to both U.S. and Liberian defense officials, the original plan to train 4000 troops was reduced in June 2005 given budgetary concerns largely brought on by the need to pay outstanding payments to the former AFL soldiers.

cover the demobilization costs of the former AFL soldiers and subsequent vetting process.

Only after the demobilization of the AFL is completed—possibly by November 2005—will the recruitment and vetting of new soldiers begin. According to a U.S. State Department official heading up the Security Reform Team in Monrovia, DynCorp will select soldiers that “are carefully recruited, vetted and trained to be subordinate to the rule of law.”<sup>91</sup> However, at this writing, the vetting policy was yet to be finalized.<sup>92</sup>

As DynCorp begins to screen recruits for the new army, the newly elected Liberian government must ensure that DynCorp and others involved in vetting prospective recruits pay attention to and correct some of the problems that have plagued the vetting process for the Liberian National Police.

Lastly, the Liberian and United States governments must thoroughly investigate and hold accountable any DynCorp employee on a U.S. government contract accused of violations concerning the trafficking of women or violence against trafficked women. While Human Rights Watch has received no allegations involving DynCorp contractors in Liberia, their past behavior in another post conflict situation—Bosnia and Herzegovina in 1999 and 2000—gives cause for concern. There, several DynCorp employees on a U.S. military contract faced well-documented allegations of buying women, transporting trafficked women, and violence against trafficked women.<sup>93</sup> According to Human Rights Watch's research, none of the contractors accused of trafficking-related crimes faced prosecution in either Bosnia or the United States.<sup>94</sup>

## **Judiciary**

To facilitate accountability for past abuses, combat impunity, and establish the rule of law, it is also imperative that the dysfunctional state of the Liberian judicial system be confronted head-on and without delay. Instead of confronting impunity, however, the present state of the judiciary is actually contributing to it.

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<sup>91</sup> IRIN, “US hires private company to train 4000-man army,” Monrovia, February 15, 2005.

<sup>92</sup> Human Rights Watch telephone interview with U.S. Department of State official, August 30, 2005.

<sup>93</sup> “Hopes Betrayed: Trafficking of Women and Girls to Post-Conflict Bosnia and Herzegovina for Forced Prostitution,” *A Human Rights Watch Report*, vol. 14, no. 9(D), November 2002.

<sup>94</sup> *Ibid.*

According to a December 2003 assessment of the Liberian judicial system by the International Legal Assistance Consortium (ILAC),<sup>95</sup> “there is an almost unanimous distrust of Liberia’s courts and a corresponding collapse of the rule of law.” The report identified several critical problems with Liberia’s judiciary, including systemic corruption; destroyed and looted infrastructure; lack of qualified personnel; unpaid salaries for judges, prosecutors, and court staff; little effective separation of powers; limited access to legal advice and defense counsel; and a limited understanding of the principles of transparency and accountability.<sup>96</sup>

The Security Council mandated UNMIL to assist the transitional government in consolidating government institutions, including judicial institutions. Based on the findings and recommendations of the ILAC assessment, UNMIL developed an ambitious five-phase judicial reform strategy. Some of the proposed projects included re-establishing two criminal courts in Monrovia; the rehabilitation of the Supreme Court; support to the Ministry of Justice; expanding the number of functioning magistrate and circuit courts; the training of judges and prosecutors; and the formulation of appropriate pay scales for judges, prosecutors and court administration staff.<sup>97</sup>

Despite UNMIL’s agenda, the reform of the justice sector has progressed at an alarmingly slow pace. The Justice Ministry claims to have insufficient funds to refurbish scores of courthouses destroyed or looted during years of armed conflict. UNMIL’s judicial reform budget does not include funds for infrastructure development projects such as the refurbishment and equipping of courtrooms. Donor governments, who normally provide funds for these kinds of projects, are reluctant to dispense money until after the October 2005 elections and subsequent accountability mechanisms are firmly in place.<sup>98</sup> As a result, despite several assessments detailing the miserable state of the judiciary, no serious efforts have been made to reverse the situation.

At present the judiciary in Liberia remains severely dysfunctional. As of this writing, only half of 145 magistrate positions are staffed, and of these none holds a law degree. Only five of Liberia’s fifteen circuit courts are currently staffed and operational. Of grave concern is the fact that only 3% of all inmates in Liberia’s prisons and holding cells are

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<sup>95</sup> ILAC is a Sweden-based non-governmental organization which provides technical legal assistance in post-conflict situations.

<sup>96</sup> See International Legal Assistance Consortium, “Assessment of the Liberian Judicial System,” December 2003.

<sup>97</sup> UNMIL, “Progress Report: UNMIL Rule of Law Components,” November 2004.

<sup>98</sup> Interviews with Chris Gabelle, Institutional Development and Governance Advisor, Office of the European Commission in Liberia, Monrovia, February 19, 2005, and Sharon Pauling, USAID program officer, Monrovia, February 23, 2005.

convicted felons. The 97% remaining are being held in pre-trial detention, often for extended periods of time.<sup>99</sup>

Even when judicial authorities have been assigned to a courtroom, the absence of prosecutors and public defenders severely undermines the quality of justice dispensed. Judges and other staff often fail to fulfill their duties with respect for due process, sometimes by simply neglecting to show up for weeks or months at a time. There are also frequent reports of judicial authorities releasing suspects charged with criminal offenses after having received a bribe, or soliciting money from them to stop the case being committed to a higher court or, in the case of a judge, being sent to prison.<sup>100</sup> Prisons and detention centers continue to operate far below international standards with overcrowded cells and lack of food and water for detainees.<sup>101</sup>

Although the two criminal courts in Monrovia have technically been re-established and judges and prosecutors are now being paid, according to a recent USAID assessment, “the low salaries and morale have done little to improve the operation of the courts.”<sup>102</sup> The USAID assessment team observed that the courthouses have no light or amplification equipment and that there is no central record system. An average criminal trial would take 42 days to complete, which is the duration of the full term of the court. The USAID team concluded that given that Monrovia is a city of about one million people with a significant crime problem, “this is a barometer of a dysfunctional court system.”<sup>103</sup>

The system of local courts, presided over by traditional leaders or their officials and applying customary law, should also be overhauled and properly regulated. The local

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<sup>99</sup> Human Rights Watch telephone interview with UNMIL Human Rights Section, September 2, 2005. Also see United Nations, “Sixth Progress Report of the Secretary-General on the United Nations Mission in Liberia,” S/2005/177, March 17, 2005, p. 7.

<sup>100</sup> Human Rights Watch interviews with local and international human rights investigators, February, May, August, and September 2005.

<sup>101</sup> In a telephone interview with Human Rights Watch in February 2005, a social worker who visited Monrovia Central Prison in early 2005 described to Human Rights Watch how she saw up to twelve prisoners living in small cells sized approximately eight by nine feet. The prisoners said it was not uncommon to go without washing water for four days. Of those she visited, only two of 324 had been convicted of a crime, while the others had been held in pre-trial detention for periods ranging from four to eleven months. For international standards on the treatment of prisoners, see Standard Minimum Rules for the Treatment of Prisoners, adopted Aug. 30, 1955, by the First United Nations Congress on the Prevention of Crime and the Treatment of Offenders, U.N. Doc. A/CONF/611, annex I, E.S.C. res. 663C, 24 U.N. ESCOR Supp. (No. 1) at 11, U.N. Doc. E/3048 (1957), amended E.S.C. res. 2076, 62 U.N. ESCOR Supp. (No. 1) at 35, U.N. Doc. E/5988 (1977).

<sup>102</sup> Paul Fitzgerald, Robert Herman, Gilbert Khadiagala, Madeline Williams, “Democracy and Governance Assessment of Liberia: Transition From a Failed State?,” draft report submitted to USAID, October 2004, p. 52.

<sup>103</sup> Ibid.

courts are the only form of legal system accessible to a wide sector of the population. Customary law applied by the local courts is often discriminatory, particularly against women, and the local courts frequently abuse their powers by illegally detaining persons and charging excessively high fines for minor offences, as well as adjudicating criminal cases which should by law be tried in the higher courts.

At present, law court buildings in the provinces need to be rebuilt and refurbished, as do police stations and detention facilities. The insufficient numbers of judges, magistrates, prosecutors, and courtrooms, which have led to huge backlogs, need to be addressed, as does the extended and unlawful detention of hundreds of criminal suspects, many without due process guarantees as stipulated in the constitution. The new government should as a matter of priority fill current vacancies for judges, magistrates, prosecutors, and public defenders with qualified personnel, who are appropriately remunerated. The government should also take steps to ensure that the judiciary is independent, impartial, and free from political manipulation and corruption.

The international community should increase funding and provide technical support to human rights groups providing legal aid or defender services to the indigent so as to assist those wanting to seek legal redress through the judicial system or facing criminal charges. Further, the international community should provide technical and financial support to review existing laws, many of which are outdated and do not comply with international standards, particularly those that do not provide sufficient protections to women and children.

## **Reintegration of Ex-Combatants**

Perhaps the single greatest threat to continued stability in Liberia is the failure to ensure that the thousands of former fighters are effectively reintegrated into their communities. A large mass of idle frustrated ex-combatants are vulnerable for re-recruitment into another armed conflict as well as likely to participate in criminal or other destabilizing activities in Liberia.<sup>104</sup>

The failure to properly reintegrate ex-combatants could potentially cause civil unrest in Liberia which could, in turn, be exploited by individuals intent on destabilizing the electoral process or the efforts of the newly elected government. In January 2005, there

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<sup>104</sup> See "Youth, Poverty and Blood: The Lethal Legacy of West Africa's Regional Warriors," *A Human Rights Watch Report*, vol. 17, no. 5(A), April 2005.



were riots after the Liberian Disarmament, Demobilization, Rehabilitation, and Reintegration Programme (DDRR) failed to cover the school fees of some 4,000 ex-combatants enrolled in secondary schools. In May 2005, thousands of ex-fighters rioted in the northern town of Ganta to demand the payment of the second tranche of their \$300 resettlement allowance.<sup>105</sup>

Under the reintegration program, which was part of the DDRR program, ex-combatants were to be provided with the opportunity to acquire basic skills “to support themselves and to participate in the community reconstruction process.”<sup>106</sup> Ex-combatants were to select one of four training programs: formal education, vocational training, public works, or agriculture/livestock/fishing.<sup>107</sup>

The success of the reintegration program is threatened by the failure of donor governments to commit the requisite funds for the rehabilitation and training component of the program. Currently, there is a funding shortfall of \$10 million needed to cover the reintegration of some 43,000 ex-combatants.<sup>108</sup> Although the disarmament part of the program was funded through assessed U.N. contributions, the reintegration program was funded through donations managed through a trust fund.

One of the causes of the funding shortfall was the gross underestimation of the number of combatants. Although 38,000 combatants were expected to participate in the DDRR process, the total number of disarmed and demobilized combatants was 101,495.<sup>109</sup> The program has been criticized for not having strict enough admittance criteria, a factor that may have contributed to the inflation of the registration numbers.

The long wait between disarmament and entrance into a job training or education program leaves ex-combatants vulnerable for re-recruitment into another armed conflict and could contribute to the destabilization of neighboring West African countries. Scores of Liberian ex-combatants interviewed by Human Rights Watch in July 2004 and March 2005 said they had been approached to fight in conflicts in neighboring Côte d’Ivoire and Guinea. Among those approached to fight in Guinea, about half had been approached by commanders claiming to represent a fledgling Guinean insurgency, and

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<sup>105</sup> IRIN, “UN Admits Funding Shortage for rehabilitation After Ex-Fighters Riot,” Monrovia, May 13, 2005.

<sup>106</sup> “Liberian Disarmament, Demobilization, Rehabilitation, and Reintegration Programme: Strategy and Implementation Framework,” prepared by the Draft Interim Secretariat, Monrovia, October 31, 2003, p. 28.

<sup>107</sup> Ibid.

<sup>108</sup> IRIN, “Liberia: UN still needs \$10 million for ex-combatants,” Monrovia, June 10, 2005.

<sup>109</sup> United Nations, “Sixth Progress Report of the Secretary-General on the United Nations Mission in Liberia,” S/2005/177, March 17, 2005, p. 5.



the other half by those claiming to be supporters of Guinean President Lansana Conté.<sup>110</sup> According to interviews with Liberian fighters near the Liberian border with Côte d'Ivoire, hundreds of recently demobilized combatants, including children, have since at least November 2004 been re-recruited to fight in Côte d'Ivoire. The majority, according to their reports, went to fight alongside militias associated with the Ivorian government. They described two periods of intense recruitment: in October 2004, just prior to an Ivorian government offensive against the rebel-held north, and in the beginning of March 2005, in anticipation—according to their reports—of future attacks on rebel-held positions.<sup>111</sup>

However, while successful disarmament programs are crucial to reintegration of ex-combatants back into society, they should not be expected to bear the entire burden of creating social stability following an armed conflict. Far-reaching efforts must also be made to provide for parallel community development programs assisting the general population whose lives, communities and villages were destroyed during armed conflict. Furthermore, the Liberian government must do all it can to minimize the siphoning off of public funds and donated monies meant for national development by unscrupulous and corrupt officials.

## **Corruption**

Corruption within both the public and private sectors of Liberian society has long been endemic. Scandals and allegations include the manipulation of contract bidding, the looting of state coffers, and the misappropriation of development aid by government officials. Corruption has historically bought the support of both the police and the army, making them subject to political interference and undermining their duty to protect. It has also robbed the public of funds needed to provide vital services such as education, water, healthcare and education. Personal gain through corruption remains a primary motivation for those entering the civil service.<sup>112</sup> Well known Liberian human rights activist Kofi Woods characterized Liberia's history of leadership as "predatory" which has typically used the state "as a vehicle for exploitation."<sup>113</sup> As stated above, the efforts of those seeking redress through the legal system are often frustrated by corruption within the very system designed to combat it.

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<sup>110</sup> See "Youth, Poverty and Blood: The Lethal Legacy of West Africa's Regional Warriors," *A Human Rights Watch Report*, vol. 17, no. 5(A), April 2005.

<sup>111</sup> See "Côte D'Ivoire: Ex-Child Soldiers Recruited for War," Human Rights Watch Press Release, March 30, 2005, available at: <http://hrw.org/english/docs/2005/03/30/cotedi10404.htm>.

<sup>112</sup> Human Rights Watch interviews with civil society leaders and diplomats, March 2005.

<sup>113</sup> "There's No Messiah Here," *The Analyst*, August 23, 2005.

Corruption—especially in relation to the management of Liberia’s natural resources—is widely recognized as having greatly contributed to the country’s political instability and ensuing armed conflicts. For years various Liberian factions used profits from the sale of diamonds, timber, and, to a lesser extent, coffee and cacao to buy weapons and foment violence in Liberia, Sierra Leone and elsewhere. One scholar of Liberian politics put it this way: “Warlord pursuit of commerce has been the critical variable in conflicts there.”<sup>114</sup>

As a result of the diversion of public funds in the millions of dollars by former President Taylor largely derived from the exploitation of local timber, gold and diamonds, and rubber, the 2003 peace agreement called for the establishment of two commissions to stem corruption: the Governance Reform Commission and the Contract and Monopolies Commission.<sup>115</sup> However, both institutions have adopted weak interpretations of their mandates.<sup>116</sup>

Since the National Transitional Government of Liberia (NTGL) was installed in August 2003, there have been consistent allegations of corruption by government officials by the donor community, the Liberian and international press, and members of the NTGL themselves. While these allegations led to the suspension of numerous officials, formal charges have only been laid against one. Below are four examples of serious corruption:

- In February 2005, several NTGL ministers signed a deal which granted a company with no previous mining experience exclusive rights for 10 years to purchase all minerals extracted in the diamond rich Western area of Liberia.<sup>117, 118</sup> The March 2005 U.N. Panel of Experts report characterized the conditions under which the agreement was negotiated as “extremely opaque.” They noted that there was no formal or open bidding process and no consultations with the Liberian Monopolies and Contracts Commission.

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<sup>114</sup> William Reno, *Warlord Politics and African States* (Boulder: Lynne Rienner, 1998), p. 79.

<sup>114</sup> Paul Fitzgerald, Robert Herman, Gilbert Khadiagala, Madeline Williams, “Democracy and Governance Assessment of Liberia: Transition From a Failed State?,” draft report submitted to USAID, October 2004, p. 52.

<sup>115</sup> CPA, Articles XVI and XVII.

<sup>116</sup> Human Rights Watch interviews with western diplomats, Monrovia, May 2005.

<sup>117</sup> The draft contract obtained by Human Rights Watch indicates on page 28 that the contract would have been signed by Land, Mines and Energy Minister Jonathan Mason, Finance Minister Lucinee Kamara, Chairman of the National Investment Corporation Roosevelt Quaiah, and WAMCO general manager Michael St. Yrian. The contract would be attested to by Justice Minister Kabineh Ja'neh and approved by NTGL Chairman Bryant.

<sup>118</sup> “Liberia: Double Wamco: Six months before elections, ministers have signed a deal on a trade in banned diamonds,” *Africa Confidential*, vol. 46, no. 9, April 29, 2005.

According to the contract, the company, the West African Mining Corporation (WAMCO), was to have paid a single payment to the National Transitional Government of Liberia of \$1 million. The contract also contains a provision on security that allows WAMCO to create its own private guard service. The panel noted with concern that “past experience with logging companies has shown that such organizations can quickly become militias.”<sup>119</sup>

- A March 2005 report by a special parliamentary committee established to investigate corruption by members of the parliament concluded that there had been “gross financial and administrative malpractices at the National Transitional Legislative Assembly,” including the misappropriation of US \$92,000 of government money without authorization of the plenary; the awarding of contracts for services and equipment to numerous assembly members; the distribution of items donated by the Chinese government on a purely personal basis; and the unauthorized payment of over US \$40,000 to assembly members for the payment of medical bills and other emergencies.<sup>120</sup> As a result, parliamentary speaker, George Dweh, his deputy and two other members of the house were suspended from the NTLA.<sup>121</sup>
- On August 3, 2005, J.D. Slinger, the head of Liberia's Maritime Bureau and a former senior member of the Movement for Democracy in Liberia (MODEL), was together with two of his deputies charged with economic sabotage and fraud for their part in siphoning off of US \$3.5 million of government money.<sup>122</sup> This was the first time a government official has appeared in court to face corruption allegations since the civil war ended two years ago.
- On August 13, 2005, the Monrovia Magisterial Court arrested and charged the former Managing Director of the Liberian National Port Authority, Alphonso Gaye, with stealing US \$600,000 intended to salvage a sunken vessel at the Free Port of Monrovia.<sup>123</sup>

Largely in recognition of this and of Liberia's inability to maintain effective control over its natural resources, the U.N. Security Council on June 21, 2005 extended for another six months the existing sanctions against Liberia's diamond and timber exports. While

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<sup>119</sup> United Nations, “Report of the Panel of Experts established pursuant to paragraph 8 (f) of Security Council resolution 1579 (2004) concerning Liberia,” March 17, 2005, articles 17-24.

<sup>120</sup> “Report from the Special Investigation Committee that was constituted by Plenary to Investigate Financial and Administration Mal-practices at the National Transitional Legislative Assembly (NTLA),” submitted to the Plenary of the NTLA on March 8, 2005.

<sup>121</sup> IRIN, “Leaders of Transitional Parliament Suspended for Corruption,” Monrovia, March 14, 2005.

<sup>122</sup> IRIN, “Liberia: Three Government Officials Charged With Siphoning Off \$3.5 Million,” Monrovia, August 3, 2005.

<sup>123</sup> UNMIL Daily Radio Summary, August 13, 2005.

the continuation of U.N. sanctions no doubt contributes to stability, it is also imperative that those involved in the illegal exploitation of resources be held criminally accountable. As noted in an assessment of democracy and governance by the U.S. Agency for International Development, the lack of a credible judicial system has served to perpetuate irresponsible leadership: "Failed leadership has been reinforced by the lack of any accountability mechanisms that could constrain elites from systematic violation of human rights and exploitation of the country's abundant natural resources for their own benefit."<sup>124</sup>

Members of the international community working with the NTGL have consistently expressed concern about the level of corruption within the NTGL and warned that funding for reconstruction would be withheld if government representatives continue to squander the resources designated to the country's rehabilitation. European Community-financed audits of the Central Bank and five main revenue-generating state-owned enterprises found "serious mismanagement of public finances in several key revenue-earning agencies..."<sup>125</sup> Speaking on behalf of the donor community in June 2005, the World Bank Representative for Africa, Matts Karlson, said that there would be no additional funding for Liberia until the government addressed the problem of corruption.<sup>126</sup> On July 25, 2005, the African Union's fifteen-member Peace and Security Council issued a communiqué noting "the difficulties confronting the transitional institutions, particularly with respect to corrupt practices, which could undermine the significant progress made so far."<sup>127</sup>

Concerns about corruption and economic governance led international donors, including the World Bank, the United States, the European Union and the Economic Community of West African States, to draft a hard-hitting three-year anti-corruption plan called the Liberia Economic Governance and Action Plan (LEGAP).<sup>128</sup> The plan, presented to the government in June 2005, proposed to limit the government's powers to grant contracts; placed expatriate financial controllers in key ministries; contracted out certain state enterprises to foreign management; and established a robust anti-corruption commission using foreign judges. The plan was criticized by the transitional government and several prominent politicians who complained that it created a quasi-trusteeship,

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<sup>125</sup> Liberian Economic Governance and Action Plan, draft, June 7, p. 2.

<sup>126</sup> Gray, Josephus Moses, "World Bank, Donors Threaten to Withhold Support for Liberia," *The Perspective*, June 2, 2005.

<sup>127</sup> "AU concerned by graft in Liberia's transitional government," Agence France Presse, July 26, 2005.

<sup>128</sup> Liberian Economic Governance Action Plan,, draft, June 7, 2005, p. 2-4.

seriously threatened Liberia's sovereignty, and placed Liberia under "expatriate management."<sup>129, 130</sup>

However, while criticized by members of government, there appeared to be considerable support for the plan among Liberian civil society as noted in several editorials, including in the *Liberian Independent*, which wrote on June 27, 2005, "Liberia's Economic Governance Action Plan should be implemented as it is meant for development and growth through transparent, accountable and maximum utilization of the country's resources for the benefit of the entire population rather than a few people."

In July 2005, the Liberian government presented a counter-proposal called the Governance and Economic Management Assistance Programme (GEMAP), which rejected the placing of expatriate financial monitors with veto powers in key ministries, the proposal to bring foreign judges into Liberian courts, and the enshrining of the plan into a U.N. Security Council resolution. The plan acknowledged, however, that Liberia suffered from "a culture of mismanagement and corruption, and the virtual breakdown of institutional capacity."<sup>131</sup>

When approval of GEMAP ran into resistance from the government, the International Contact Group for Liberia—a group composed of Western and African governments and organizations that helped broker the 2003 peace deal—asserted that Liberia could face a crippling funding freeze from the European Commission, the World Bank, the International Monetary Fund, and bilateral donors, if the plan were not accepted.

In September 2005 GEMAP was finally endorsed by the Liberian government. The approved plan provides for foreign financial experts to be placed in and empowered to co-sign all financial and operational matters within the National Bank of Liberia, the Finance Ministry, and several other revenue generating agencies, including the National Port Authority, the Forestry Development Authority, the Bureau of Maritime Affairs, Robertsfield International Airport, Bureau of Customs and Excise, and the Petroleum Refining Corporation. The plan also provides for the establishment of an independent anti-corruption commission; however, the original proposal for using foreign judges to adjudicate cases was dropped.

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<sup>129</sup> "Former Interim Leader against "Expatriate Management" of Liberia," *Heritage*, June 27, 2005.

<sup>130</sup> IRIN, "Anti-Corruption Plan Causes Rumpus in Political Circles," Monrovia, July 5, 2005.

<sup>131</sup> "A Governance and Economic Management Assistance Program" [online], [http://www.liberianobserver.com/about\\_liberia/action\\_planforliberia.html](http://www.liberianobserver.com/about_liberia/action_planforliberia.html) (retrieved July 25, 2005).

## **Conclusion**

While the completion of free and fair elections without violence is pivotal, Liberia's transition can in no way be considered complete until there is considerably more progress in several key areas. First, Liberia's judicial system which remains plagued by striking deficiencies must be rebuilt to underpin the rule of law. Second, the process of restructuring and reconstituting Liberia's national police and army, which have for decades preyed upon the populations they are entrusted to protect, must be completed without delay. Lastly, those individuals most responsible for war crimes and crimes against humanity committed during Liberia's armed conflicts must be kept out of the civil service, police and army, and be held accountable for their crimes.

Liberian officials, with the assistance of the international community, have taken concrete and meaningful steps to address concerns about corruption, a key issue which greatly contributed to bad governance and the ensuing armed conflicts. However, the newly elected Liberian government, together with the international community, must demonstrate a parallel commitment to improving deficiencies in the Liberian judicial system and key public institutions while ensuring that those most responsible for past human rights crimes are held accountable. A failure to proactively tackle these issues could result in a reduction of the tremendous progress made in Liberia over the last two years, putting at risk the newly gained stability in both Liberia and the region.

## **Recommendations**

### ***To the new Government of Liberia***

- Together with the assistance of the international community, develop and put in place a concrete strategy on the most appropriate way to hold accountable perpetrators of war crimes committed during Liberia's armed conflicts.
- Implement the Governance and Economic Management Assistance Program (GEMAP) to address ongoing concerns about corruption.
- Establish the Truth and Reconciliation Commission without delay and ensure that the process of vetting current commissioners occurs without political interference.
- The president and other public officials should not appoint to public office individuals who are alleged to have been responsible for serious violations of human rights, war crimes, or crimes against humanity.

- The new government should establish an independent commission charged with instituting a vetting process to screen out human rights abusers appointed to or under consideration for civil service positions. The commission must be empowered to dismiss any individual found to have credible allegations of the commission of serious violations of human rights and international humanitarian law, or of having been in a position of command responsibility when abuses were committed.
- The commission should be composed of individuals without direct links to military and political factions, and the process established should include fair trial guarantees.
- The new president should oppose any legislation providing for amnesty of any elected member of government from prosecution for serious violations of international human rights or humanitarian law.
- Given concerns about the efficacy of the vetting process for the new Liberian National Police, ensure that all final recruits for the LNP go through an additional screening to eliminate those believed to have committed serious human rights crimes.
- Ensure that information about recruits for the new Liberian National Police and military which emerge during the investigation stage of the TRC is taken into consideration in the selection and retention of personnel for both institutions.
- Provide the necessary financial and material support to allow the Independent National Commission on Human Rights, established under the 2003 Accra Peace Accord, to effectively undertake its responsibilities.

### ***To donor governments***

- Assist the Liberian government in developing and undertaking a concrete strategy to hold accountable perpetrators of war crimes committed during Liberia's armed conflicts.
- Support the TRC with sufficient resources so that a process of documenting atrocities and making recommendations for the prosecution of alleged perpetrators can begin without delay.
- Support programs aimed at rehabilitating Liberia's judicial system.
- Provide the required funding to cover the US \$10 million shortfall for the rehabilitation and reintegration phase of the Liberian DDRR program.
- Call on the Nigerian government to surrender former Liberian President Charles Taylor to the Special Court for Sierra Leone in accordance with international law.



- Provide financial and technical support to civil society organizations to assist them in playing an active role in the transition toward a democratic society and in monitoring, lobbying, and campaigning for improved human rights standards.
- Provide funding, technical expertise, and training to the Independent National Commission on Human Rights, established under the 2003 Accra Peace Accord.
- Provide assistance for the reconstruction of the system for the administration of justice and for other initiatives aimed at the establishment of accountability for crimes under national and international law.

### ***To the United Nations Mission in Liberia***

- Ensure that UNMIL personnel monitor and report on any violations of U.N. sanctions imposed on arms, timber, diamonds, and the travel of people deemed a threat to the region.
- Make public the specific criteria used during the vetting process of candidates for the Liberian National Police and ensure that this information is shared with all of those involved in the vetting process.
- Ensure that there are adequate CIVPOL and Human Rights personnel allocated to the vetting of prospective Liberian police and military.
- Given the high illiteracy rate in Liberia, ensure that information about potential recruits for the Liberian National Police and army are adequately disseminated on the radio and through leaflets to IDP and refugee camps.
- Ensure at least one representative from a credible Liberian human rights group is formally included in the vetting process for both the police and military.
- Given concerns about the efficacy of the vetting process for the Liberian National Police, ensure that all final recruits for the LNP are subjected to an additional review process that takes into consideration some of the recommendations above.

### ***To DynCorp***

- Incorporate a comprehensive vetting component to screen out potential military recruits believed to have a history of committing human rights abuses.
- Make public the specific criteria used during the vetting process of candidates for the Liberian army and ensure that this information is duly shared with all of those involved in the vetting process.



### ***To the U.N. Sanctions Committee for Liberia***

- Urge Nigeria to grant entry to the U.N. Panel of Experts to investigate compliance with sanctions imposed on arms, timber, diamonds, and the travel of individuals deemed a threat to regional peace and security.

### ***To ECOWAS and the African Union***

- Call on the Nigerian government to surrender former Liberian President Charles Taylor to the Special Court for Sierra Leone in accordance with international law.
- Make public a summary report of the ECOWAS investigation into instances of financial misconduct in the National Transitional Government of Liberia.

### ***To the Government of Nigeria***

- Surrender former Liberian president Charles Taylor to the Special Court for Sierra Leone, which in 2003 indicted him on seventeen counts of crimes against humanity, war crimes, and other serious violations of international humanitarian law for his role in human rights crimes during Sierra Leone's civil war.
- In accordance with U.N. Security Council Resolution 1607, grant the U.N. Panel of Experts permission to enter Nigeria to investigate compliance with the U.N. assets freeze and travel ban of individuals deemed a threat to the region.