



## Liberia

### Country Reports on Human Rights Practices - 2006

Released by the Bureau of Democracy, Human Rights, and Labor

March 6, 2007

Liberia is a constitutional republic with a population of approximately 3.5 million. In November 2005 Unity Party candidate Ellen Johnson-Sirleaf was declared the winner of multiparty presidential elections, which domestic and international observers considered free and fair. President Johnson-Sirleaf replaced Chairman Charles Gyude Bryant, who led the interim National Transitional Government of Liberia (NTGL) since October 2003. Since the 2003 signing of the Comprehensive Peace Agreement (CPA), which ended the 1999-2003 civil war between the former government and the country's two rebel groups--Liberians United for Reconciliation and Democracy (LURD) and the Movement for Democracy in Liberia (MODEL)--approximately 15,000 peacekeepers deployed by the UN Mission in Liberia (UNMIL) and 1,100 UN international police (UNPOL) had primary responsibility for maintaining security. Efforts to retire and retrain the Liberian National Police (LNP) which maintained arrest authority continued. The Armed Forces of Liberia (AFL) were completely demobilized and retired during the year. While civilian authorities generally maintained effective control of the security forces, there were some instances in which elements of the security forces acted independently of government authority.

The government generally respected the human rights of its citizens; however, problems persisted in some areas. Deaths from mob violence increased. Police abused, harassed, and intimidated detainees and citizens. Prison conditions remained harsh and incidents of arbitrary arrest and detention occurred. Lengthy pretrial detention and denial of due process and fair public trial were problems. LNP officers on several occasions assaulted journalists and a human rights worker. Some incidences of trial-by-ordeal were reported. Corruption and impunity continued in many levels of the government. There was violence against women, especially reports of rape. The practice of female genital mutilation (FGM) remained widespread. Child abuse, trafficking in persons, and racial and ethnic discrimination were problems. Instances of child labor were reported, especially in the informal sector. Child neglect and child abuse continued to be problems. There were some instances of ethnic tensions during the year, but none that resulted in violence.

The government took significant steps during the year to correct past human rights deficiencies. The government worked with numerous international partners to rehabilitate the country's justice sector and established a public defender's office in the capital. The president dismissed or suspended a number of government officials for corruption, and the government tightened contracting practices and financial controls through the Governance and Economic Management Assistance Plan (GEMAP). During the year the Truth and Reconciliation Commission (TRC), which was established in 2005 to investigate human rights violations and war crimes committed during the 14-year civil war, began taking statements from witnesses.

### RESPECT FOR HUMAN RIGHTS

#### Section 1 Respect for the Integrity of the Person, Including Freedom From:

##### a. Arbitrary and Unlawful Deprivation of Life

The government or its agents did not commit any politically motivated killings; however, on August 3, a Special Security Service (SSS) officer killed another SSS officer in a private dispute. The investigation was completed on November 22, but no action was taken by year's end.

General Benjamin Yeaten was still a wanted man in the country, and remained in self-imposed exile during the year. Yeaten remained a suspect in the 2003 execution of former deputy national security minister John Yormie and former deputy public works minister Isaac Vaye.

There were allegations that ex-combatants, both from former government and rebel security forces, were involved in killings, theft, and other crimes against workers at rubber plantations, notably the Guthrie Rubber Plantation and the Firestone Rubber Plantation.

Ritualistic killings, in which body parts used in traditional indigenous rituals were removed from the victim, reportedly occurred during the year. The number of such killings was difficult to ascertain since police often described deaths as accidents or suicides, even when body parts were removed. No one was prosecuted for such killings during the year.

On July 6, the government arrested five "heartmen" suspected of committing ritualistic killings in Ganta, Nimba County. On July 18, the Nimba County superintendent urged residents to oppose ritualistic killings of any kind.

There were increased reports of mob violence during the year. On August 7 and 8 and on September 6, angry mobs killed three persons suspected of theft. Numerous others incidents were reported.

## b. Disappearance

There were no reports of politically motivated disappearances.

The welfare and whereabouts of former Chief of Intelligence Peterson Marbiah, who disappeared when John Yormie and Isaac Vaye were arrested in 2003, remained unknown at year's end.

The UNMIL investigation into the 2003 disappearance of foreign citizen Nabil Hage, who was believed to have been abducted by LURD, was ongoing at year's end.

## c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The constitution prohibits such practices, but there were reports that police officials employed them.

For example, on February 15, a corrections officer trainee was suspended for allegedly ordering five prisoners to beat three other prisoners and force them to drink muddy water.

On June 9, the National Human Rights Center of Liberia reported that the government arrested approximately 20 associates of former president Taylor on suspicion of plotting against the government and held them at the National Security Agency (NSA), where some were severely beaten. The government denied that any beatings took place.

During the year LNP officers sometimes abused, harassed, intimidated, and extorted bribes from persons, particularly at checkpoints. For example, on September 20, two legislators reported being assaulted by LNP officers in two separate incidents, one at a checkpoint and one in a courthouse. On September 26, the LNP inspector general formally apologized to the legislators in question and to the legislature as a whole, citing inadequate training as the reason for the assaults. The police officers were reprimanded, but not formally punished or suspended.

On October 3, a local newspaper reported that police forced a false confession from a robbery suspect by placing a lighter under his genitals until he confessed. The government had not responded to the incident by year's end.

LNP officers assaulted journalists and a human rights worker during the year (see section 2.a. and section 4).

Unlike in the previous year, there were no reports that political party members harassed and beat journalists or that former combatants were responsible for civilian injuries.

During the year the UN Office of Internal Oversight Services (OIOS) investigated reports of sexual exploitation and abuse by UN peacekeepers, UNMIL staff, UN private contractors and implementing partners. On November 30, the BBC reported that a UN officer had allegedly sexually assaulted a 15-year-old girl on November 15. UNMIL had not received a report, and requested details regarding the incident from the BBC in order to initiate an investigation; there were no reported developments in this case by year's end. The UNMIL Conduct and Discipline Unit was investigating six cases by year's end, while the OIOS was investigating 24 cases.

In November 2005 an UNMIL peacekeeper was arrested for raping a nine-year-old girl. An UNMIL investigation confirmed the rape occurred, and UNMIL repatriated the peacekeeper in March.

The law of the hinterland prohibits trial-by-ordeal, such as the placement of a heated metal object on a suspect's body or the insertion of an extremity into hot oil to determine whether the defendant is telling the truth. However, the law permits ordeals of "a minor nature and which do not endanger the life of the individual." The use of trial-by-ordeal reportedly continued in rural areas. For example, on June 12, the government arrested five persons in Grand Gedeh County for committing an illegal trial-by-ordeal in which they reportedly forced seven persons, who were allegedly involved in drowning another person, to drink a liquid made from poisonous tree bark.

Lack of confidence in the police and judicial system resulted in mob violence and vigilantism (see section 1.a.). For example, on July 27, a vigilante group forcefully arrested and injured a thief in Monrovia and interrogated him before turning him over to the LNP. On September 4, the minister of justice announced that citizens should organize themselves in "vigilante groups" or "community watch teams" to protect neighborhoods from growing crime. On September 6, the inspector general of police clarified that such groups should register with the police, should not carry weapons, and should not include minors or those with criminal records.

## Prison and Detention Center Conditions

Prison conditions were harsh and in some cases life threatening. Monrovia Central Prison held almost four times its capacity during the year due to the large number of pretrial detainees (see section 1.d.). The government relied on the World Food Program and various Non-governmental organizations (NGOs) to provide food to the prisons. The UN and NGOs continued to provide medical services. During the year both the government and international partners continued renovations at prisons in Voinjama, Gbarnga, Buchanan, Kakata, Zwedru, and Monrovia. A private company financed construction on the prison in Harbel city. In some counties the structure that served as a jail was a container with bars at one end. Unlike in the previous year, there were no reports that local officials forced prisoners to work for them.

In February, July, and August, prisoners caused disturbances at Buchanan and Gbarnga prisons, overpowered unarmed guards, and caused damage to the Gbarnga prison in protests over conditions and trial delays. In each instance, the guards fled. On October 12, approximately

30 prisoners escaped from Buchanan prison; only a few were apprehended by year's end.

In some locations there were no separate facilities for juvenile offenders, and convicted prisoners and detainees awaiting trial were held together. Women and juveniles were subject to abuse by guards or other inmates. Men and women were held together in some counties or cities with only one prison cell. In the nine UNMIL-monitored prisons, men and women were not held together.

The government permitted the independent monitoring of prison conditions by local human rights groups, the media, and the International Committee of the Red Cross (ICRC). Some human rights groups, including national and international organizations, made regular visits to detainees held in police headquarters and prisoners in Monrovia Central Prison.

#### d. Arbitrary Arrest or Detention

The constitution prohibits arbitrary arrest and detention; however, security forces continued to arrest and detain persons arbitrarily, although less frequently than in the previous year.

#### Role of Police and Security Apparatus

The Ministry of Justice has responsibility for enforcing laws and maintaining order within the country and oversees the LNP and the National Bureau of Investigation (NBI). Approximately 15,000 UNMIL peacekeepers and 1,100 UNPOL officers had primary responsibility for maintaining security. Efforts to retire and retrain members of the LNP continued during the year. The AFL was completely demobilized and retired during the year. Approximately 600 UNPOL officers assisted with restructuring, recruiting, training, and equipping the LNP, which was composed of new recruits and those who served under the former administrations. By year's end UNPOL had recruited, trained, and deployed more than 2,030 LNP officers to Monrovia and 14 surrounding counties. In September 2005 the LNP opened a Women's and Children's Protection Section (WCPS), and 50 officers had completed training to staff the unit. While WCPS was generally effective in addressing the growing number of women and children's protection issues, it was understaffed and had limited resources.

The LNP operated independently and retained arrest authority; however, UNPOL and armed UN Formed Police Units accompanied LNP officers in joint patrols around Monrovia.

LNP officers, who were unarmed, were slow to respond to criminal activities and often ineffective, which resulted in an increase in armed robberies during the year. Corruption and impunity were problems, and police officers were not paid for up to three months at a time. Police had limited logistics, communication, and forensic capabilities and did not have the capacity to adequately investigate many crimes, including murders.

The LNP investigated reports of police misconduct or corruption, and several LNP officers were suspended or dismissed for misconduct or corruption. On March 13, the deputy director of police was suspended and subsequently dismissed for stealing \$4,000 (240,000 LD) worth of gas coupons. Also in March, four LNP officers were suspended for assaulting a journalist. On June 5, the Bureau of Immigration and Naturalization dismissed seven police officers for misconduct. On July 4, eight LNP officers were suspended for financial corruption. Some demobilized LNP officers continued to wear old uniforms to extort money from citizens during the year. Newly trained LNP officers, who were not paid for months at a time, also extorted money from citizens.

Public confidence in the police remained low, and citizens occasionally continued to use mob justice to protect persons and property. - UNPOL, with the LNP, set up a system of community policing forums.

#### Arrest and Detention

The constitution requires warrants to make arrests and provides that detainees either be charged or released within 48 hours; however, warrants were not always based on sufficient evidence, and detainees, particularly those without the means to hire a lawyer, often were held for more than 48 hours without charge. The law provides for bail for all offenses except rape and treason. Detainees have the right to prompt access to counsel and, if indigent, to have an attorney provided by the state, but the government did not ensure such access for all detainees.

Both LNP officers and other government officials were responsible for the arbitrary arrest and detention of citizens during the year. For example, on June 12, the chief justice of the Supreme Court ordered the arrest of the manager of Bellview Airlines over a personal dispute; the manager was released without charge later that day. On April 19, the legislature ordered the arrests of Economic and Legal Affairs Minister Morris Saytumah, and Deputy Minister of Finance for Administration Francis Karpeh for deducting taxes from legislators' allowances; the ministers were released after 72 hours without charge. On October 18, in Grand Bassa County, Justice of the Peace Wusus Konneh constructed his own detention cell, although he had no legal authority to detain individuals. While Konneh did hold persons in the detention cell, the Ministry of Justice demolished it by year's end. No further information was available on this case by year's end. On September 16, the government arrested without warrant a prominent local businessman of Lebanese descent in Monrovia for economic sabotage. The case was ongoing at year's end.

Although the law provides for the right of a person who is charged to receive an expeditious trial, lengthy pretrial and prearrest detention remained serious problems. Approximately 90 percent of prisoners at Monrovia Central Prison were pretrial detainees. Trial delays were caused by judicial inefficiency, lack of court facilities and qualified judges, and corruption. In some cases the length of pretrial detention equaled or exceeded the length of sentence that could be imposed for the crime. On May 17, the director for the Center for the Protection of Human Rights, T. Dempster Brown, filed a lawsuit to dismiss 300 pretrial detainees from Monrovia Central Prison. Several persons were released, and Brown dropped the case. On May 24, the judge of Criminal Circuit Court A released 27 of the 300 detainees who had been

held in pretrial detention for an excessive period of time. The newly formed Public Defenders Office was instrumental in obtaining the dismissal of approximately 50 cases from 2004 and 2005 due to lack of judiciary action.

#### e. Denial of Fair Public Trial

Although the constitution and law provide for an independent judiciary, judges were subject to political, social, familial, and financial pressures, and corruption persisted in the judiciary. There were reports of executive branch influence over the judiciary. Judges regularly received bribes or other illegal gifts from damages that they awarded in civil cases. Judges sometimes requested bribes to try cases, release detainees from prison, or find defendants not guilty in criminal cases. Defense attorneys sometimes suggested that their clients pay a gratuity to appease or secure favorable rulings from judges, prosecutors, jurors, and police officers. By statute members of the bar must be graduates of a law school; however, some judges and magistrates were not lawyers.

In September 2005 the Supreme Court ordered the closure of all noncommissioned justice-of-the-peace courts; however, some courts still operated during the year. No replacement courts were in place at year's end.

The judiciary is divided into four levels, including justices of the peace, courts of no record (magistrate courts), courts of first instance (circuit and specialty courts), and the Supreme Court. The Supreme Court appointed judges to counties outside of Montserrado, but judges and magistrates continued to abandon their posts to opt for living in Monrovia. On May 2, the Supreme Court chief justice dismissed 34 magistrates for abandoning their posts.

Some judges assigned throughout the country were unable to hold court due to lack of security, supplies, equipment, or a courthouse. International donors supported additional prosecutors and defenders, resulting in approximately 15 qualified prosecutors and 19 public defenders in the country. Uneven application of the law remained a problem throughout the judicial system.

Traditional forms of justice administered by clan chieftains remained prevalent in some localities (see section 1.c.).

#### Trial Procedures

Trials are public and juries are used in circuit court trials but not at the magistrate level. Under the constitution, defendants have the right to be present, to consult with an attorney in a timely manner, and to have access to government-held evidence relevant to their case; however, these rights were not always observed. Defendants in criminal trials enjoy a presumption of innocence and have the right to an attorney, to confront witnesses in a public trial, and to appeal adverse decisions, but many of these protections were not available to defendants who could not pay bribes. There was no effective system to provide public defenders in rural areas, but by June four full-time public defenders were responsible for cases in Montserrado County. Some local NGOs continued to provide legal services to indigents and others who had no representation. There continued to be long delays in deciding cases.

On August 22, a jury acquitted nine persons including Orishall Gould, former managing director of the National Social Security and Welfare Corporation, for embezzlement of more than \$600,000 (32.4 million LD). On September 18, the government filed a motion to set aside the verdict and was awarded a new trial. The defendants appealed that decision to the Supreme Court, where the case was pending at year's end.

#### Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

#### Civil Judicial Procedures and Remedies

There is an independent civil law court in Monrovia, but circuit courts in each county function as both criminal and civil courts. Specialty courts, such as the tax court, probate court, and labor court, also address civil matters. As with criminal courts, specialized courts were weak. Administrative and judicial remedies were available to settle alleged wrongs. NGOs and the government established mediation centers throughout the year.

#### f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The constitution prohibits such actions, and the government generally respected these prohibitions in practice. The constitution provides for the right of privacy and the sanctity of the home and requires that police obtain a warrant or have a reasonable belief that a crime is in progress, or is about to be committed, before entering a private dwelling.

During the year the government ordered members of the Gio and Mano ethnic groups to leave the homes they occupied in Nimba and Lofa counties and return them to their Mandingo owners, who had fled the country during the civil war. The Gios and Manos refused to leave the homes, and the government did not forcibly restitute the properties to their Mandingo owners. A court case was ongoing at year's end.

### Section 2 Respect for Civil Liberties, Including:

#### a. Freedom of Speech and Press

The constitution provides for freedom of speech and of the press, and the government generally respected these rights in practice. However, on September 19, National Security Advisor H. Boima Fanbulleh warned the public against making "reckless statements" that threatened the country's security.

The independent media was active and expressed a wide variety of views without restriction.

In Monrovia there were approximately a dozen newspapers that published during the year with varying degrees of regularity; six were independent dailies, and five were independent biweekly papers. The government published the *New Liberian* newspaper.

Due to the price of newspapers and transportation, the estimated 75 percent illiteracy rate, and road conditions elsewhere in the country, newspaper distribution generally was limited to the Monrovia region. As a result, radio remained the primary means of mass communication. There were 15 independent radio stations that regularly broadcast in Monrovia, approximately 24 local stations, one UNMIL radio station, and one government-operated station. Radio stations operated without government restrictions.

There were three local television stations; however, television was limited to those who could afford to purchase sets, generators, and fuel to provide electricity. For those persons and businesses with satellite capability, CNN, BBC, Skynews, and SABC Africa generally were available.

During the year the police harassed and assaulted journalists. For example, on April 24, LNP officers reportedly beat two reporters during a demonstration. Four LNP officials were suspended because of the incident. On May 24, Executive Mansion SSS officers reportedly harassed and intimidated journalists for not maintaining enough distance between themselves and the president during a public event. The report of a committee established by the president to investigate the May 24 incident resulted in the government's decision to replace damaged camera equipment. On October 13, LNP officers beat a radio journalist who was covering the arrest of rioters. The government investigated the incident and promised to avoid such incidents in the future. No further information was available on this case by year's end.

Unlike in the previous year, there were no reports that political party members attacked journalists at political rallies.

On May 17, the state-owned Liberian Broadcasting System warned journalists to seek clearance prior to broadcasting corruption allegations against government officials. On April 25, three newspapers, the *New Democrat*, the *Daily Observer*, and the *Analyst* published information accusing senators of receiving exorbitant salaries. The senators characterized the accusations as "false and misleading," and ordered the three newspaper editors to appear before the Senate. The editors appeared and apologized to the Senate for not writing a balanced story; there were no further actions against them during the year.

Unlike in the previous year, there were no reports that political party members attacked journalists at political rallies.

Journalists commonly accepted payments to publish articles. At a university commencement ceremony on August 23, the president spoke out against "pocketbook journalism", and asked the media to be more responsible in publishing articles. At year's end the Press Union of Liberia accused the president of putting checks in Christmas cards sent out to all media outlets as an attempt to influence the press. Only three media outlets returned the checks, and the president responded that the gesture was not meant to influence the press.

#### Internet Freedom

There were no government restrictions on access to the Internet or reports that the government monitored e-mail or Internet chatrooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by electronic mail. Internet access was not widely available due to lack of infrastructure. High illiteracy also limited public exposure to the Internet.

#### Academic Freedom and Cultural Events

There were no government restrictions on academic freedom or cultural events.

#### b. Freedom of Peaceful Assembly and Association

The constitution provides for freedom of assembly and association, and the government generally respected these rights in practice.

##### Freedom of Assembly

The constitution provides for the right of peaceful assembly, and the government generally respected this right.

LNP officers beat journalists covering demonstrations during the year (see section 1.a.). Demonstrations occurred throughout the year in which both protestors and police sustained minor injuries.

##### Freedom of Association

The constitution provides for the right of association, and the government generally respected this right in practice. There were 30 registered political parties. Dozens of civil society organizations, organized around themes such as human rights, women's issues, development

objectives, poverty alleviation, health concerns, and worker's associations, were active.

#### c. Freedom of Religion

The constitution provides for freedom of religion, and the government generally respected this right in practice. Christianity was the dominant religion and most meetings, including official government meetings, began and ended with Christian prayers. Islamic leaders complained of some discrimination against Muslims. On June 8, some Muslim groups criticized the president for not including more Muslims in her cabinet. Some Muslim leaders complained that the budget did not allocate enough money for Islamic schools.

All organizations, including religious groups, were required to register with the government; however, traditional indigenous religious groups were not required to register and generally did not do so.

On July 20, the LNP director warned Muslim women not to wear veils in public but did not prohibit the use of headscarves. Islamic religious leaders objected, but there were no reports that Muslim women were discriminated against or arrested for wearing veils during the year.

#### Societal Abuses and Discrimination

Some tensions existed between the major religious communities. The private sector in urban areas, particularly in the capital, gave preference to Christianity in civic ceremonies and observances. Throughout the year the Interreligious Council and other religious organizations promoted dialogue between religious groups. However, ethnic tensions existed in Nimba County between the Mandingo and Mano and Gio ethnic groups, mainly over property. On July 31, the government established a commission to recommend a solution to these disputes. The commission had not completed its work by year's end.

Incidents of ritualistic killings occurred during the year (see section 1.a.).

There was no notable Jewish community in the country, and there were no reports of anti-Semitic acts.

For a more detailed discussion, see the [2006 International Religious Freedom Report](#).

#### d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The constitution provides for these rights, and the government generally respected them in practice. LNP officers occasionally subjected travelers to arbitrary searches and petty extortion at checkpoints in and around Monrovia (see section 1.d.). The law prohibits forced exile, and the government did not use it.

#### Internally Displaced Persons (IDPs)

As of May, the Office of the United Nations High Commissioner for Refugees (UNHCR), which had assisted IDP returns, declared that all IDP camps were officially closed. Some IDPs remained in the closed camp areas even though assistance was no longer provided. By December UNHCR had provided return assistance to 326,824 persons since the return operation began in November 2004.

An environmental NGO was responsible for addressing environmental hazards in former IDP camps including the filling of pit latrines and garbage pits, safe disposal of toxic materials, and demolition of abandoned shelters.

On May 8, the NGO Save The Children reported that young women and girls in IDP camps and in return communities were sexually exploited as they sought food or money for their families.

On August 15, the government changed management at Guthrie Rubber Plantation due to growing insecurity in the plantation and offered return assistance to IDPs and former combatants illegally operating the plantation. At year's end, approximately 200 former combatants registered for government and UN return assistance benefits.

#### Protection of Refugees

The law provides for the granting of asylum or refugee status in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, and the government has established a system for providing protection to refugees. In practice the government provided some protection against *refoulement*, the return of persons to a country where they feared persecution, and granted refugee status or asylum. The government generally cooperated with the UNHCR and other humanitarian organizations in assisting refugees and asylum seekers. The government also provided temporary protection to individuals who may not qualify as refugees under the 1951 convention and 1967 protocol.

During the year the UNHCR assisted the repatriation of approximately 80,000 Liberian refugees to country. International NGOs estimated that thousands of other refugees returned to the country without assistance during the year.

#### Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The law provides citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections based on universal suffrage.

#### Elections and Political Participation

In November 2005 Ellen Johnson-Sirleaf won the national presidential elections with 59.4 percent of the vote in a runoff election. In the same elections voters selected 30 senators and 64 representatives; one was subsequently disqualified. Domestic and international observers considered the elections generally free and fair. Individuals and parties freely declared their candidacies, and membership in the dominant parties did not confer any formal advantage. In preparation for the elections, the National Elections Commission (NEC) registered 30 political parties; 22 parties contested the presidential election results.

The state is highly centralized. The law provides that the head of state appoint county superintendents, and the president appointed all 15 superintendents during the year. Local governments had no independent revenue base and relied entirely on the central government for funds. As a result, there was very limited government functioning outside of Monrovia, and civil servants often waited for months to receive salaries. Local officials served mainly to lobby the central government.

On September 12, the president requested permission from the legislature to appoint city mayors because the NEC lacked sufficient funds to carry out mayoral elections. The issue was not resolved at year's end.

There were five female ministers, a number of female deputy ministers, five women in the Senate, nine women in the House of Representatives, and four female county superintendents. There was one female Supreme Court judge and one female Supreme Court justice nominee. Women constituted 33 percent of local government officials and 31 percent of senior and junior ministers. Only a few Muslims held senior government positions, including one ministerial post.

#### Government Corruption and Transparency

Corruption remained endemic at middle and lower levels of government due to low civil servant salaries, a culture of impunity, and long delays in payment of wages. Financial mismanagement decreased considerably at a macro level, but was still a serious problem along with lack of accountability within government agencies. There was a widespread public perception of corruption in all branches of government. Some high-level government officials, including the president, were publicly committed to fighting corruption. All political appointees were supposed to publicly declare their assets upon confirmation, but only some appointees complied.

The government dismissed or suspended a number of high-level officials for corruption. For example, on May 28, the Ministry of Public Works dismissed its comptroller for stealing ministry funds to pay for a personal generator. On June 8, Head Postmaster Wleh Freeman, Director General of Post Joseph S. Gbemelen, Jr., and Assistant Director General for Expedited Mail Services Emmanuel Z. Browne were suspended for three months for administrative malfeasance. On June 10, the president dismissed Chief Medical Officer and Deputy Minister for Health and Social Welfare Benson Barh, Assistant Minister for Commerce and Industry Aaron Mathies, and Director of the Civil Aviation Authority James Attoh. A number of lower level Ministry of Finance employees also were dismissed the same day. On June 12, eight postal employees faced prosecution for mail theft. On July 30, Deputy Police Director Al Karley was dismissed for misappropriating 2,495 gallons of gasoline.

Beginning in February, international financial controllers were placed under GEMAP in key ministries and state-owned enterprises. Controllers helped change financial management, purchasing, and contracting practices, and instituted financial controls that increased government revenues and helped to curb corrupt practices. However, single-source procurement and suspect concessions and contracts remained a serious concern.

By year's end the government had announced publicly investigations against former high-ranking members of the National Transitional Government of Liberia (NTGL), who were in power from 2003-2005. On September 18, the government filed a motion and was awarded a new trial in the 2005 corruption case involving the management from the National Social Security and Welfare Corporation (see section 1.e.). The defendants appealed that decision to the Supreme Court, where it was pending at year's end. On December 17, NTGL Comptroller Emmanuel Erskine pleaded guilty to charges of economic sabotage, including the misappropriation of \$62,714 (3,762,840 LD). Other investigations and trials were reportedly ongoing at year's end.

There were no developments in the 2005 corruption case against J.D. Slanger, former head of the Bureau of Maritime Affairs, or Alphonso Gaye, managing director of the National Port Authority.

In 2004 the government suspended Police Director Chris Massaquoi and Customs and Excise Commissioner Charles Bennie on charges of corruption; however, neither case was prosecuted during the year.

On February 2, Massaquoi was appointed Commissioner of Immigration until being named SSS director on August 1. On August 26, Bennie was appointed director of price analysis at the Ministry of Commerce and Industry.

The law provides for "no limitation on the public right to be informed about the government and its functionaries," but little government information was available, and there were few procedures for obtaining it. However, during the year, the government took steps to increase transparency. The Ministry of Finance published the national budget and quarterly financial results, and state-owned enterprises published financial statements. On July 21, the Public Procurement and Concessions Commission launched a Web site and published its first report monitoring some government expenditures.

#### Section 4 Governmental Attitude Regarding International and Non-governmental Investigation of Alleged Violations of Human Rights

A number of domestic and international human rights groups operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were generally cooperative and responsive to their views.

There were three coalitions of human rights groups: the National Human Rights Center of Liberia with nine member organizations; the Network of Human Rights Chapters with eight groups; and the Human Rights and Protection Forum, an umbrella organization of 70 to 80 groups. Approximately 40 groups formed a civil society collective called the National Civil Society Organization. These coalitions sought to increase public discussion of human rights problems. Civil society NGOs continued to develop.

During the year the government worked to facilitate the free and safe passage of relief supplies by international NGOs and permitted visits by a UN panel of experts, the ICRC, and various UN agencies.

On September 19, the Forum for Human Rights and Democracy, a human rights organization, reported that LNP officers assaulted one of its employees and confiscated her camera while she was taking pictures of the police beating a theft suspect. An investigation was ongoing at year's end.

In September 2005, the government's Independent National Commission on Human Rights (INCHR), established in 2004, was dissolved upon the adoption of a new act regarding the INCHR; its reconstitution was ongoing at year's end.

On February 16, the House of Representatives formed a committee on human and civil rights; no reports or recommendations were published during the year.

On March 29, the government transferred former president Charles Taylor to the Special Court for Sierra Leone to face war crimes charges in connection with the civil conflict in Sierra Leone.

On February 20, the president officially commissioned members of the TRC, which was established in June 2005, to investigate human rights violations during the 1979-2003 civil war. During the year the TRC held activities to sensitize the public to their work and began taking statements on past human rights abuses. The TRC experienced problems during the year due to mismanagement and disharmony among commissioners. This hindered its effectiveness and raised doubts about its ability to accomplish all its stated goals in a two-year period.

#### Section 5 Discrimination, Societal Abuses, and Trafficking in Persons

The constitution prohibits discrimination based on ethnic background, race, sex, creed, place of origin, or political opinion; however, the government did not enforce effectively all these provisions.

The constitution enshrines discrimination on the basis of race; and only persons who are "Negroes" or of "Negro descent" can become citizens or own land. Differences involving ethnic groups, notably the Krahn, Mano, Gio, Lorma and Mandingo ethnic groups, continued to contribute to social and political tensions.

##### Women

The law prohibits domestic violence; however, it was widespread and not seriously addressed by the government, the courts, or the media. Several NGOs continued programs to treat abused women and girls and to increase awareness of their rights. The most severe penalty for domestic violence is six months imprisonment. LNP officers received training on sexual offenses as part of their initial training.

The law provides sentences for rapists ranging from seven years' to life imprisonment; accused rapists are ineligible for bail. However, the government did not effectively enforce the law. The law does not specifically criminalize spousal rape. The number of reported rapes increased during the year; however, the stigma of rape contributed to the pervasiveness of out-of-court settlements and obstructed prosecution of cases. Inefficiency in the justice system also prohibited timely prosecution of cases.

Some local NGOs pushed for prosecution of rape cases or provided lawyers to indigent victims. On September 27, the WCPS reported that of the approximately 600 cases of sexual exploitation and abuse it received during the year, 10 were prosecuted and few resulted in convictions.

The law does not specifically prohibit FGM, and the government took no action against FGM during the year. FGM traditionally was performed on young girls in northern, western, and central ethnic groups, particularly in rural areas. The most extreme form of FGM, infibulation, was not practiced. Social structures and traditional institutions, such as secret societies, often performed FGM as an initiation rite, making it difficult to ascertain the number of cases. At least one case was reported during the year. On February 9, the minister of internal affairs condoned FGM at his confirmation hearing by arguing that it was a cultural practice that should be respected.

Although prostitution is illegal, it was widespread.

The law does not prohibit sexual harassment, and it was a problem, including in schools and places of work.

Women have not recovered from the setbacks caused by the war, when many schools were closed, and they were prevented from maintaining their traditional roles in the production, allocation, and sale of food. Thousands of women remained displaced, preventing them from pursuing livelihoods or education.

Under the law, women and men enjoy the same legal status. Women can inherit land and property, receive equal pay for equal work, and were allowed to own and manage businesses. A number of businesses were female owned or operated. The government prohibits polygamy; however, traditional laws permit men to have more than one wife. No specific office existed to ensure the legal rights of women, but the Ministry of Gender and Development was generally responsible for promoting women's rights.

During the year professional women's groups--including lawyers, market women, and businesswomen--vocally expressed concern regarding government corruption, the economy, security abuses, rape, domestic violence, and children's rights.

## Children

The government generally did not provide for the education and health of children. Due to the poor condition of government schools, many children who attended school, particularly in Monrovia, attended private institutions. Education was compulsory until students reached 16 years of age; however, school fees remained relatively high, thereby making education unattainable for 50 percent of all school-age children. In both public and private schools, families of children often were asked to provide their own uniforms, books, pencils, paper, and even desks. Most schools had more male students than female students.

Medical care was poor, but boys and girls generally had equal access where medical care was accessible.

Widespread child abuse continued, and reports of sexual violence against children increased during the year. Civil society organizations reported increased incidences of rapes against young girls under 12.

On July 3, Musa Solomon Fallah received a life sentence for raping a nine-year old girl. On May 22, Mulbah Brown received a life sentence for raping a 13-year old girl.

FGM was performed primarily on young girls (see section 5, Women).

Child prostitution and trafficking were problems (see section 5, Trafficking). During the year, there were reports that young women and girls engaged in prostitution for money, food, and school fees.

Child labor was a problem (see section 6.d.).

Despite international and government attempts to reunite children separated from their families during the war, there were still many children who lived on the streets in Monrovia. It was difficult to tell who were street children, former combatants, or IDPs. Nearly all children had witnessed atrocities during the 14-year civil war, and some children had committed atrocities. There were more than 100 registered orphanages; however, the government closed 70 during the year due to substandard conditions. Many unofficial orphanages also served as transit points or informal group homes for children. Orphanages were under funded and had difficulty providing basic sanitation, adequate medical care, and appropriate diet; they relied primarily on private donations and support from international organizations, such as the UN Children's Fund and the World Food Program, which provided food and care throughout the year. Many orphans lived outside these institutions.

## Trafficking in Persons

The law prohibits trafficking in persons; however, there were police reports that persons were trafficked within the country. Victims were trafficked within the country for domestic work, labor, and prostitution. Enforcement efforts were weak.

Young children were at a particularly high risk for trafficking, especially orphans or children from extremely poor families. Trafficking victims often were subjected to harsh living and working conditions.

On December 26, a Guinean woman was arrested in Ganta, Nimba County for attempting to sell a Guinean child in the country. She and the child were returned to Guinean border authorities.

Traffickers enticed their victims with promises of a better life. Parents of trafficking victims were persuaded that their children would have better food and educational opportunities and that they would eventually return home.

Unlike in the previous year, there were no reports of forced labor or of the recruitment of child soldiers. Under the 2005 Anti-Human Trafficking Act, penalties for trafficking range from one year to life imprisonment. Monetary restitution to victims is also provided for in the law. The law was not widely disseminated among law enforcement, lawyers, and judges, and there were no prosecutions of trafficking cases during the year. The ministries of justice and labor have primary responsibility for combating trafficking.

The international NGO AG Charities worked with the government, local NGOs, and churches to raise awareness about trafficking, and the WCPS continued to address trafficking issues. The government had limited capacity to provide services to victims; however, a local NGO

provided shelter for abused women and girls, including trafficking victims.

Under the 2005 antitrafficking law, the president must appoint an anti-trafficking task force, chaired by the ministries of labor and justice. During the year an ad hoc antitrafficking task force composed of government representatives, international organizations, foreign governments, and local NGOs continued work to develop a national antitrafficking action plan. In October the president appointed a national antitrafficking task force chaired by the minister of labor.

#### Persons with Disabilities

Although it is illegal to discriminate against persons with disabilities, in practice they did not enjoy equal access to public buildings or government services. No laws mandate access to public buildings. Streets, schools, public buildings, and other facilities were generally in poor condition and inaccessible to persons with disabilities. As a result of the civil wars, a large number of persons had permanent disabilities, in addition to those disabled by accident or illness. Persons with disabilities faced discrimination, particularly in rural areas. They were reports that some babies with deformities were abandoned. Some NGOs provided services to persons with disabilities.

#### National/Racial/Ethnic Minorities

Although the law prohibits ethnic discrimination, racial discrimination is enshrined in the constitution which provides that only "persons who are Negroes or of Negro descent" may be citizens or own land. Many persons of Lebanese and Asian descent who were born or lived most of their lives in the country were denied full rights as a result of this racial discrimination. Differences involving ethnic groups continued to contribute to social and political tensions.

The country has 16 indigenous ethnic groups; each spoke a distinct primary language and was concentrated regionally. No ethnic group constituted a majority of the population.

During the year ethnic, religious, and other differences between Mandingos and non-Mandingos continued, but unlike in the previous year, such differences did not result in violence.

#### Section 6 Worker Rights

##### a. The Right of Association

The law provides workers, except members of the military and police, the right to associate in trade unions, and workers exercised this right in practice. The law also prohibits unions from engaging in partisan political activity. There were no reports of government interference in union activities.

Union power increased during the year; however, the country's largely illiterate workforce engaged in few economic activities beyond subsistence level.

The law does not prohibit antiunion discrimination, but there were no reports of such discrimination during the year.

##### b. The Right to Organize and Bargain Collectively

The law allows unions to conduct their activities without interference, and the government protected this right in practice. With the exception of civil servants, workers have the right to organize and bargain collectively. There are no export processing zones.

On October 3, the legislature repealed the 1984 People's Redemption Council Decree 12, which nullified labor laws that provided for the right to strike. However, by year's end the president had not signed the repeal legislation because the legislature had not properly transmitted it to the president for her signature. Several unions held strikes during the year, including the Firestone labor union and the University of Liberia Teacher's Union. The Civil Servants Association also held a strike on July 3.

##### c. Prohibition of Forced or Compulsory Labor

The law prohibits forced or compulsory labor, including by children; however, there were reports that such practices occurred (see sections 5 and 6.d.). There were reports that child labor continued. Unlike in the previous year, there were no reports that local officials forced convicts to work for them.

##### d. Prohibition of Child Labor and Minimum Age for Employment

The law prohibits the employment of children under the age of 16 during school hours; however, the government did not effectively enforce the law. Due to extreme poverty, child labor was a serious and widespread problem, particularly in the informal sector. The Ministry of Labor lacked the resources to carry out its mandate to monitor child labor. Throughout rural areas, particularly where there were no schools, small children continued to take care of younger brothers and sisters and to work on family subsistence farms. In urban areas children assisted their parents as vendors in markets or they hawked goods on the streets.

During the year there were reports that several rubber plantations employed children. There were also reports that children were forced to work in conditions that were likely to harm their health and safety, such as stone cutting or work that required carrying heavy loads.

An international NGO worked to eliminate the worst forms of child labor by putting at-risk children back into school. Other local and international NGOs worked to raise awareness about the worst forms of child labor.

#### e. Acceptable Conditions of Work

The law requires a minimum wage of approximately \$0.25 (15 LD) per hour not exceeding 8 hours per day, excluding benefits, for unskilled laborers. The law also requires that agricultural workers be paid \$0.25 per hour (15 LD), excluding benefits. Skilled labor has no minimum fixed wage. The highly competitive minimum wage jobs did not provide a decent standard of living for a worker and family. Families dependent on minimum wage incomes also engaged in subsistence farming, small-scale marketing, and begging. The government generally paid civil servant salaries and while payment arrears grew between July and October, the arrears were paid by December. The government downsized and deleted ghost names from the civil service payroll for more efficiency and transparency.

The law provides for a 48-hour, six-day regular workweek with a 30-minute rest period per five hours of work. The six-day workweek may be extended to 56 hours for service occupations and to 72 hours for miners, with overtime pay beyond 48 hours.

The law provides for paid leave, severance benefits, and safety standards, but enforcement was targeted solely at foreign-owned firms that generally observed these standards. The Ministry of Labor lacked the ability to enforce government-established health and safety standards. The law does not give workers the right to remove themselves from dangerous situations without risking loss of employment.

Due to the country's continued severe economic problems, most citizens were forced to accept any work they could find regardless of wages or working conditions. The Ministry of Labor lacked the resources to monitor compliance with labor laws.