

A House with Two Rooms

Final Report
of the Truth and Reconciliation Commission
of Liberia Diaspora Project

The Advocates for Human Rights

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**A House with Two Rooms: Final Report of the Truth and Reconciliation Commission of
Liberia Diaspora Project**

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The photographs that appear in this volume were taken during the life of the Liberian Truth
and Reconciliation Commission. Descriptions of photographs are available at the end of this
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This report is dedicated to the people of Liberia.

The Truth and Reconciliation Commission of Liberia

On May 12, 2005, the Act to Establish the Truth and Reconciliation Commission (TRC) of Liberia was passed by the National Transitional Legislative Assembly. The TRC was tasked with investigating the truth about the human rights violations that had occurred during the nation's civil war. In late 2005, following a widespread consultative process and public nominations, nine national Commissioners were selected to make up the TRC panel.

The TRC of Liberia was mandated to promote national peace, security, unity and reconciliation by:

a. Investigating gross human rights violations and violations of international humanitarian law as well as abuses that occurred, including massacres, sexual violations, murder, extra-judicial killings and economic crimes, such as the exploitation of natural or public resources to perpetuate armed conflicts, during the period January 1979 to October 14, 2003; determining whether these were isolated incidents or part of a systematic pattern; establishing the antecedents, circumstances factors and context of such violations and abuses; and determining those responsible for the commission of the violations and abuses and their motives as well as their impact on victims.

Notwithstanding the period specified herein, the Commission may, on an application by any person or group of persons, pursue the objectives set out in this Article IV (Mandate of the Commission) in respect of any other period preceding 1979.

b. Providing a forum that will address issues of impunity, as well as an opportunity for both victims and perpetrators of human rights violations to share their experiences in order to create a clear picture of the past so as to facilitate genuine healing and reconciliation;

c. Investigating the antecedents of the crises which gave rise to and impacted the violent conflict in Liberia;

d. Conducting a critical review of Liberia's historical past in order to address falsehoods and misconceptions about the nation's past socioeconomic and political development.

e. Adopting specific mechanisms and procedures to address the experiences of women, children and vulnerable groups, paying particular attention to gender-based violations, as well as to the issue of child soldiers, providing opportunities for them to relate their experiences. Addressing concerns and recommending measures to be taken for the rehabilitation of victims of such violations in the spirit of national reconciliation and healing.

f. Compiling a report that includes a comprehensive account of the activities of the Commission and its findings.

The TRC of Liberia concluded its work on June 30, 2009. It has presented its final report containing findings, determinations and recommendations made by the Commission to the National Legislature.

The Advocates for Human Rights

The Advocates for Human Rights is a non-governmental, 501(c)(3) organization dedicated to the promotion and protection of internationally recognized human rights. The Advocates works with volunteers to document human rights abuses, advocate on behalf of individual victims, educate on human rights issues, and provide training and technical assistance to address and prevent human rights violations.

Mission Statement

The mission of The Advocates for Human Rights is to implement international human rights standards in order to promote civil society and reinforce the rule of law. By involving volunteers in research, education, and advocacy, we build broad constituencies in the United States and select global communities.

Operating Principles

The success of The Advocates for Human Rights is based upon:

- A commitment to work impartially and independently to promote and protect international human rights;
- Innovative and flexible programs that include investigation, representation, training and education, to offer concrete opportunities to promote international human rights;
- Dedicated volunteers who devote their skills and energy to projects that support human rights;
- Cooperative relationships with the United Nations as well as other non-governmental organizations working to protect human rights;
- Strategic alliances with local, national and international agencies whose work complements and supports our mission;
- Partnership building with local groups to build relationships in order to educate the community about and protect human rights;
- A generous and receptive community that is the basis of the organization's volunteer and financial support;
- Talented and committed employees, board members and interns who represent the organization with clients, colleagues, donors and the public.



DRI Press

From June 9 – 14, 2008, Hamline University in St Paul, Minnesota served as host site to the Liberian Truth and Reconciliation Commission's (TRC) diaspora public hearings. DRI Press, an Imprint of the Dispute Resolution Institute at Hamline University School of Law, published the TRC Diaspora Project final report to further support the important work of the TRC and The Advocates for Human Rights.

Hamline University School of Law educates students to become competent, professional, and ethical lawyers who apply legal knowledge with disciplined imagination and a global perspective that enables them to strengthen society. The law school's Dispute Resolution Institute, consistently ranked by U.S. NEWS & WORLD REPORT in the top five among U.S. dispute resolution programs, offers more than 30 alternative dispute resolution courses in a wide variety of domestic and international programs each year, including certificate programs in arbitration law and practice, problem-solving and dispute resolution. Mirroring the reality that contemporary lawyers work in multi-disciplinary and cross-cultural settings, DRI classes intentionally bring together law and other graduate students, human resources and business personnel, practicing lawyers and other professionals from around the world www.hamline.edu/law/adr.

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Preface

From 1979 to 2003, more than 1.5 million Liberians were forced from their homes to escape from the violence and destruction of a protracted civil conflict. Hundreds of thousands became refugees and many eventually made their way to countries of resettlement including the United States and the United Kingdom. Most of their stories have never been told. This report on the experience of the Liberian diaspora, entitled *A House with Two Rooms*, is the culmination of three years of work in the United States, the United Kingdom and Buduburam Refugee Settlement in Ghana. The report has been submitted to the Liberian Truth and Reconciliation Commission (TRC), the body charged by the Liberian government with determining the facts of the human rights violations that occurred during the civil war. The Liberian TRC officially completed its mandate June 30, 2009.

A House with Two Rooms documents the experience of human rights abuses and violations of international humanitarian law that forced Liberians to leave the country. It is based on an analysis of more than 1600 statements, fact-finding interviews, and witness testimony at public hearings held in the U.S. The report also tells the story of the “triple trauma” experienced by members of the diaspora during their flight through Liberia and across international borders, while living in refugee camps in West Africa, and in resettlement in the U.S. and U.K. In addition, the report summarizes the views of Liberians in the diaspora on the root causes of the conflict and their recommendations for systemic reform and reconciliation.

Table of Acronyms

ACANA	African Cultural Alliance of North America
ACS	American Colonization Society
AFL	Armed Forces of Liberia
ATU	Anti-Terrorist Unit
BBC	British Broadcasting Corporation
BIAS	Building Immigrant Awareness and Support
CEDAW	Convention on the Elimination of All Forms of Discrimination
CIA	Central Intelligence Agency
DDRR	Disarmament, Demobilization, Rehabilitation and Reintegration
DED	Deferred Enforced Departure
ECOMOG	Economic Community of West African States Monitoring Group
ECOWAS	Economic Community of West African States
ELWA	Eternal Love Winning Africa
GEMAP	Governance and Economic Management Assistance Program
IDP	internally displaced persons
IGNU	Interim Government of National Unity
INPFL	Independent National Patriotic Front of Liberia
LAMCO	Liberia American Mining Company
LDF	Lofa Defense Force
LINSU	Liberian National Student Union
LISCR	Liberian International Ship and Corporate Registry
LNC	Liberian National Conference
LPC	Liberia Peace Council
LURD	Liberians United for Reconciliation and Democracy
MJP	Movement for Justice and Peace
MODEL	Movement for Democracy in Liberia
MOJA	Movement for Justice in Africa
MPiGO	Popular Movement of the Ivorian Great West
NDPL	National Democratic Party of Liberia
NEWAT	Neighborhood Watch Team
NPFL	National Patriotic Front of Liberia
NPFL-CRC	National Patriotic Front of Liberia – Central Revolutionary Council
NTGL	National Transitional Government of Liberia
PAL	Progressive Alliance of Liberia
PPP	Progressive People’s Party
PRC	People’s Redemption Council
PTSD	Post Traumatic Stress Disorder
RIA	Robertsfield International Airport
RUF	Revolutionary United Front
SBU	Small Boys Unit
SSS	Special Security Service
SSU	Special Security Unit
TPS	Temporary Protected Status
TRC	Truth and Reconciliation Commission
ULAA	Union of Liberian Associations in the Americas
ULIMO	United Liberation Movement for Democracy in Liberia
ULIMO-J	United Liberation Movement for Democracy in Liberia – Johnson faction
ULIMO-K	United Liberation Movement for Democracy in Liberia – Kromah faction
ULO-UK	Union of Liberian Organizations in the United Kingdom
UN	United Nations
UNDP	United Nations Development Program
UNHCR	United Nations High Commissioner for Refugees
UNICEF	United Nations Children’s Fund
UNMIL	United Nations Mission in Liberia
USAID	United States Agency for International Development

Chapter One



Executive Summary

Chapter One. Executive Summary

All my family started to flee to different places. One brother fled to neighboring Guinea...My brother who stayed in Bomi County saw people in my brother's house and told them to leave and they just shot him. I had nine siblings. One brother was a diplomat in Sierra Leone. Another brother lived in New York. Another brother fled to Guinea – I think he is still there. My oldest brother has not been heard from up to today. He just disappeared from the face of the earth. We believe he is most likely dead. One brother fled to Ghana. He is still there today. My sister came here too...I have two siblings still in Liberia.¹

The West African nation of Liberia is recovering from years of conflict characterized by egregious violations of human rights that dramatically increased the Liberian diaspora. From 1979 until 2003, the Liberian people survived a bloody coup d'état, years of military rule, and two violent civil wars. The atrocities were the result of complex historical and geopolitical factors. The slave trade, U.S. efforts to return slaves and free African Americans to Africa, the abuse of the indigenous population by a ruling oligarchy, the looting of the country's natural resources by its own corrupt government and by foreign interests, and the political ambitions of other African leaders all contributed to the conflict. Using inhuman tactics, key individuals and their supporters seized upon the chaos and strife in Liberia to gain power and to amass wealth. The international community, including the United States, failed to take effective action to limit the bloodshed.

Out of a pre-war population of three million, an estimated 250,000 people were killed, and as many as 1.5 million people were displaced. A mass exodus fleeing the fighting created Liberian diaspora communities in many countries around the world, including the United States. Tens of thousands of Liberians live in the United States (reportedly more than 30,000 in Minnesota alone), in the United Kingdom, and in refugee settlements in the West African sub-region.

The violence finally ended in 2003, but the peace remains fragile. The conflict's impact is evident in the streets of Monrovia, the homes of villagers in the Liberian countryside, and Liberian gathering places in London, Philadelphia, Staten Island, and elsewhere. Many Liberians were forced from their homes and deprived of their education and livelihood. They are suffering from physical and psychological trauma and are separated from their families by death or distance. Deeply felt conflicts continue to divide the Liberian people at home and abroad. Corruption, both real and perceived, continues to pervade the society. Liberia's infrastructure was destroyed and remains badly damaged; security is a very real concern. The many Liberians who lack the most basic means of subsistence seek food, work, health care, education, and a future. Increasingly, Liberians also are calling for justice. These demands are made to a government that struggles with few resources and an unstable security situation.

The Truth and Reconciliation Commission of Liberia (TRC) was originally agreed upon in the



August 2003 Accra Comprehensive Peace Agreement and was established by legislative act in 2005. The TRC was created to “promote national peace, security, unity and reconciliation,” and at the same time make it possible to hold perpetrators accountable for the gross human rights violations and violations of international humanitarian law that occurred in Liberia between January 1979 and October 2003.

While more than 30 countries have implemented some form of truth

commission process, the Liberian TRC is the first such body to involve diaspora² Liberians in every aspect of the truth seeking process. Diaspora Liberians provided advisory input on the operation of the project, participated in outreach, gave statements, and testified in public hearings held in the diaspora. This groundbreaking effort gave Liberians in the diaspora a voice in the truth-seeking, accountability, and reconciliation processes in Liberia.

At the request of the TRC, The Advocates for Human Rights (The Advocates) coordinated the work of the TRC in the diaspora. Since January 2007, The Advocates has documented statements from Liberians in the United States, the United Kingdom, and in the Buduburam Refugee Settlement in Ghana, West Africa. The TRC held public hearings in St. Paul, Minnesota, USA in June 2008 to gather public testimony from Liberians in the U.S. diaspora. This work could not have been undertaken without the more than \$10 million in in-kind contributions and *pro bono* hours donated over two years to the TRC Diaspora Project by individuals, partner law firms, and institutions around the United States and in the United Kingdom. This report presents an analysis of TRC statements and public hearing testimony as well as extensive background interviews and secondary source research by The Advocates and its *pro bono* partners.

BACKGROUND

Liberia is located on the Atlantic coast of West Africa and encompasses a territory of 43,000 square miles. The country shares borders with Sierra Leone to the northwest, Guinea to the northeast, and Côte d’Ivoire to the southeast. Liberia’s 15 counties generally correspond to territories historically claimed by particular Liberian indigenous ethnic groups. English is the official language of Liberia, although more than 20 indigenous languages and a form of English known as Liberian English are

also spoken.

Liberia was partly shaped by the transatlantic slave trade. In the early eighteenth century, a group of prominent white Americans developed a plan to return freed blacks to Africa. Beginning in 1822, free-born black Americans, freed slaves of African descent, and Africans freed from captured slave ships were settled by the American Colonization Society on lands that later became Liberia. This group of a few thousand settlers, never more than 5 percent of the Liberian population, became known as Americo-Liberians.

While Liberia has often been hailed as one of the only African nations never to be colonized, the historical facts are more complex. Although Liberia was not colonized by a Western power, the Americo-Liberian-dominated government administered the country in ways reminiscent of colonial governments across the continent. The settlements of repatriated Africans were in fact governed by white American agents of the American Colonization Society for the first several years of their existence. Although the U.S. government funded much of the American Colonization Society efforts, it never sought to formally establish itself as a colonial power in Liberia. Liberia became a sovereign nation under Americo-Liberian rule in 1847. The indigenous inhabitants of the territory claimed for Liberia were largely antagonistic to the establishment of the Liberian nation. In fact, the American Colonization Society and later the fledgling Liberian government were at war with various indigenous tribes over territory and trade routes throughout the 1800s.

Liberia developed into a relatively stable oligarchy under (an almost exclusive) Americo-Liberian government through the 1800s and early 1900s. By the 1970s, however, tensions within Liberia were escalating. Riots broke out in 1979 in the capital city of Monrovia. In 1980, a military coup took place, resulting in the murder of the president, the summary execution of 13 government ministers, and the installation of Samuel Doe, an army master sergeant, as the new national leader. Doe ruled the country for the next decade. In 1985, Thomas Quiwonkpa led a group of fighters in a failed coup attempt against Doe, launching the country into further turmoil. In 1989, Charles Taylor and his National Patriotic Front of Liberia (NPFL) invaded Liberia from Côte d'Ivoire, setting off two civil wars that raged until 2003, involving more than 10 rebel factions, and impacting the entire West African sub-region.

SETTING THE STAGE FOR CONFLICT

An important aspect of the TRC's mandate is the examination of the root causes of the conflict that engulfed Liberia. All individuals who agreed to be interviewed as part of the TRC process were asked their opinions about the roots of the conflict in Liberia. Several key themes emerged from the more than 1,500 statements documented in the United States, the United Kingdom, and in Ghana. Liberians identified the following as contributory elements in setting the stage for the conflict in Liberia as well

as exacerbating the conflict and leading to loss of life and the destruction of the Liberian nation:

- oppressive dominance of the Americo-Liberian oligarchy over the indigenous peoples of Liberia,
- greed and corruption at the international, national, corporate, and individual level,
- breakdown of the rule of law,
- interference of foreign governments in Liberian affairs,
- conflicts among indigenous groups, and
- failure of the United States to intervene to stop the fighting.

Americo-Liberian Dominance

As Liberia began to establish itself as a new nation, a small number of Americo-Liberian families and their patronage networks dominated all aspects of government, the security sector, commerce, and social advancement. Government in Liberia was the domain of the Americo-Liberian controlled True Whig Party. Although other political parties existed, opposition to True Whig Party dominance was systematically repressed. Control of the Liberian territory and the indigenous tribes that lived there was established by the Liberian Frontier Force, later named the Armed Forces of Liberia (AFL). Commerce with the outside world was centrally controlled by the Monrovia-based government to the detriment of those who lived outside the city. TRC statements reflect the opinion that this oligarchic governance structure led to an excessive concentration of power in the presidency, lack of education and other opportunities for those of non-Americo-Liberian origin, and impunity for corruption and systematic human rights abuses.

The administrations of Presidents William Tubman and William Tolbert sought to reach out to the indigenous tribes and increase their involvement in government and society. Their efforts, however, were perceived by many to be insufficient, and their administrations were perceived to be corrupt. In 1979, rumors and widespread belief that President Tolbert planned to raise the price of rice to economically benefit him and his family led to protests and demonstrations known as the Rice Riots. The Tolbert administration's brutal suppression of the Rice Riots and the administration's use of foreign troops further entrenched the socio-economic and ethnic divides in Liberian society and heightened popular grievances. Many who provided TRC statements perceived the Rice Riots to have been the beginning of Liberia's civil crisis.

Corruption

Liberia has significant natural resources, including timber, gold, diamonds, and rubber. Historically, the majority of Liberians have not benefited significantly from the exploitation of these natural resources.

The concentration of state power among a few influential families meant that the government served the financial interests of those families and their networks. Special deals were reached with a multitude of foreign business interests. Most notably, the 1925 lease of one million acres of land on highly favorable terms to the Firestone Rubber Company led to the creation of the world's largest rubber plantation. In the late 1920s the True Whig Party forcibly recruited workers for the Firestone plantation and other projects through its Labor Bureau and the Liberian Frontier Force, which meted out harsh punishments to indigenous leaders unable or unwilling to supply workers. A League of Nations investigation of the practices led to the resignation of one Liberian president. Labor practices at Firestone remain the subject of ongoing litigation in U.S. federal court.

With the concentration of power and lack of economic opportunity, corruption and abuse of power spread to virtually all sectors of Liberian government. Corruption became endemic across ministries, the security forces, civil service, and the judiciary.

Liberians have had little faith in judicial institutions to protect their interests or fundamental rights. Inadequate compensation for judicial officers and the influence of Liberian patrimonial governance structures subjected the judiciary to political, social, familial, and financial pressures. In addition, corruption and abuse of power in the security forces went unchecked by the judiciary and the state, leading to further deterioration of the rule of law. The breakdown in the rule of law and a history of pervasive illicit enrichment frustrated those seeking true democratic change in Liberia and led some to advocate the use of force to attain change. These entrenched aspects of life in Liberia exacerbated behavior during the civil conflict. Vigilantism became widespread, with multiple statement givers reporting that combatants used their newfound power to seek revenge for past losses. Wartime looting



and theft of property from those perceived as having benefited from the system of illicit enrichment were also commonly reported to the TRC.

The Role of the United States

The United States played an important role in Liberia's founding and the development of its governing structures. Many of the patterns of governance that became established in Liberia, including over-centralization of power, were imported by members of the American Colonization Society. American Colonization Society members initially governed the colonies that later became Liberia, and they modeled government institutions on those of the United States. The authoritarian and paternalistic management style of the American Colonization Society played a role in establishing the systems from which the conflicts arose. The United States also played a role in exacerbating the conflict itself, most notably through its silence and inaction. The U.S. government failed to act at critical times throughout the conflict. During the height of the civil war, the United States stood by and watched, limiting its efforts to the evacuation of Americans. Many Liberian statement givers expressed the view that the United States had a special duty to assist a nation it founded and that the United States' failure to do so led to thousands of deaths. The former Assistant Secretary of State for African Affairs, who was in Liberia in 1991, testified before the TRC that he believed U.S. intervention could have potentially reduced the violence and saved the country's infrastructure, but that plans to intervene were never implemented.

Other International Actors

Statement givers identified other international actors who contributed to Liberia's chaos. The politics of the Cold War and long-standing relations among African nations also served to exacerbate and probably to lengthen the conflict in Liberia.

Libya, in particular, was an important source of arms, training, and money throughout the conflict period. Muammar al Qadhafi of Libya reportedly hoped to unite African nations in an alliance against the United States. Libya was one of the first nations to establish ties to the Doe regime, and Libyans invested money in Liberia during the early 1980s. When Doe developed strong relations with the United States and Israel, Qadhafi recruited Liberian dissidents and trained them in Libyan camps. Most notable among the trainees was Charles Taylor. Qadhafi's support of, and ongoing relations with, Taylor continued after Taylor came to power. Libya served as a major source of weapons for the war.

Taylor also received important support from the governments of Burkina Faso and Côte d'Ivoire, which served as places of refuge for the fighters and provided training and other means of support. Other sub-regional actors, including Guinea and Sierra Leone, contributed support to various fighting

factions as they emerged to contest Taylor's regime. The Economic Community of West African States (ECOWAS), led by Nigeria, became involved in the Liberian conflict as peacekeepers. The ECOWAS peacekeeping force, known as ECOMOG, was a lifeline for many Liberians, but at times contributed to human rights abuses rather than preventing them.

Tribalism

Statement givers identified the growing prominence of tribalism as a factor that became entrenched during the years of Samuel Doe's rule in Liberia. The Americo-Liberian oligarchy had established its dominance in Liberia by marginalizing all indigenous groups and establishing patrimonial networks based on fidelity to the True Whig Party, an ostensibly non-tribal entity but an effectively Americo-Liberian institution. In attempting to establish his own system of patrimony distinct from the traditional Americo-Liberian system, Doe relied on family and tribal affiliation to ensure loyalty. Statement givers perceived Doe to have favored his own small tribe, the Krahn, as well as the Mandingo. During Liberia's two civil wars, fighting factions established themselves along tribal lines, and because language and dress were often easy indicators, tribe became an easy – but far from accurate – method for identifying perceived enemies. Overcoming tribalism was an oft repeated refrain amongst statement givers, who identified it as one of the continuing problems in the Liberian homeland and diaspora.

A HUMAN RIGHTS AND HUMANITARIAN CRISIS: LIBERIA 1979-2003

Starting with the government response to the Rice Riots of 1979 and continuing through the Doe administration (1980-1989), the First Liberian Civil War (1989-1997), and the administration of Charles Taylor and the Second Liberian Civil War (1997-2003), severe human rights and humanitarian abuses were pervasive in Liberia.

Liberia is a signatory to key international instruments protecting fundamental human rights, including the African Convention on Human and Peoples' Rights, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Geneva Conventions, and numerous other instruments that protect the rights of specific groups, such as women and children. During both the Doe and Taylor regimes, the government refused to take responsibility for the actions of its functionaries in carrying out abuses. Moreover, Doe, Taylor, and their close associates were directly implicated by statement givers in personally perpetrating human rights abuses. The perpetuation of human rights abuses with complete impunity was a defining feature of the TRC mandate period, and numerous statement givers narrated their futile attempts to obtain justice for abuses committed against them.

From the bloody coup that led to his assumption of power until his death, Samuel Doe was reportedly

responsible for massacres, disappearances, summary executions, imprisonments without trial, and systematic suppression of perceived opposition. Although Charles Taylor was initially welcomed by many Liberians as a liberator who would bring an end to the tyrannical rule of Samuel Doe, it soon became clear that the Taylor era would be as oppressive, if not worse, than anything experienced under Doe.

Taylor's NPFL forces invaded Liberia in December 1989, touching off a full-scale civil war. During the early 1990s, as Taylor's NPFL marched through the country and then laid siege to Monrovia, hundreds of thousands of Liberians fled in the face of abuses against the civilian population. Additional warring factions soon emerged, including the Independent National Patriotic Front of Liberia (INPFL), the United Liberation Movement for Democracy in Liberia (ULIMO), the Liberia Peace Council (LPC), the Lofa Defense Force (LDF), the Movement for Democracy in Liberia (MODEL), and Liberians United for Reconciliation and Democracy (LURD). Each was itself responsible for human rights and humanitarian law violations.

During the Liberian civil wars, fighters committed wide-ranging violations of international humanitarian law. Statement givers reported massacres, rape as a weapon of war, torture, summary executions, collective punishments, violence to life, health, and mental well-being, as well as innumerable threats and outrages upon personal dignity. Fighting factions were implicated by statement givers in carrying out attacks on civilian populations and other non-combatants, such as medical personnel, humanitarian workers, and peacekeepers. Moreover, statement givers reported that fighting factions targeted refugee populations in cross-border raids. In many instances, statement givers who were victimized could not identify which faction was perpetrating the abuses because of the general chaos created, and the fact that fighters rarely wore identifiable uniforms.

One statement giver's account of violence is representative of the scope of the human rights abuses and level of brutality many Liberians suffered:

At the initial stages of the war, I moved to Ninth Street in Sinkor, Monrovia... The children were outside cleaning the yard. Suddenly they ran inside and said that they saw armed men coming. Moments later, Taylor's men busted in. One of them said, "This is the dog I'm looking for." He told us to come outside. Myself, my ten children, and my wife obeyed.

The NPFL [commander] knew me...He had run against me in an election... before the war. He said to me, "You cheated me during the election, but now I am in power. I will teach you a lesson you will never forget."

He told his NPFL boys to take my eldest daughter into the house. She was

thirteen years old. They dragged her inside and dragged me in after her. [The commander] raped my daughter in front of me. My father (my daughter's grandfather) was still in the house. He rushed at the NPFL men, trying to stop the rape. One of the men – I don't know his name – shot and killed my [father] right there.

[The commander] then brought me and my daughter back outside. He said, "I'm going to show you what I came here for." He beat the children with the butt of his gun. He made two of my sons, who were seventeen and twenty, drink dirty water with the urine of one of the NPFL men in it. When the twenty year old refused, he shot him in the foot. [The commander] stabbed my other son, who was eighteen, in the elbow with his bayonet.

He then began to beat my wife. He told her to lay on her back and stare at the sun. [The commander] said, "You will eat your husband's heart very soon." He took the daughter who had been raped. [The commander] held her and said, "I want you to know how you all will die." He ordered one of his men to cut off my daughter's head. She was beheaded in front of our eyes.

They dragged me over to lay beside her body. [The commander] said, "You will be the next one."

Then I heard heavy shooting. ECOMOG was coming. The NPFL scattered. Before [the commander] left, he made a remark. He said, "Anywhere in Liberia I meet you or your family, I will kill you."³

One of the most harmful aspects of the conflict was the recruitment and use of child soldiers, a tactic employed by Taylor's forces, but also used by other factions. Children, sometimes as young as six or seven, were taken from their families, given drugs and guns, and forced to kill. Psychological techniques used to ensure their loyalty and fanaticism, such as forcing them to rape or kill their own family members, had the additional effect of preventing their return home. Thousands of former child soldiers now live in Liberia as well as in neighboring countries and the diaspora. With little or no education, they have few useful skills and are dealing with the trauma of violence and war. Providing appropriate care and services to former child soldiers remains one of the most difficult challenges for Liberia.

While men, women, and children all experienced the violence and trauma of the war, women and girls also were targets of gender-based violence. Already vulnerable due to a patriarchal culture and discrimination that existed before the conflict, women were subjected to widespread sexual abuse

during and after the fighting. Many of these acts were public and brutal.

THE DIASPORA EXPERIENCE

The Advocates' staff and volunteers met with hundreds of Liberians in the United States, the United Kingdom, and the Buduburam Refugee Settlement in Ghana. Although not all diaspora Liberians who gave statements fled as a result of the conflict, the general impression is that there is not a single Liberian anywhere who has not been affected in some way by the Liberian conflict.

The Liberian diaspora before 1980 was composed mostly of students and individuals with diplomatic and business connections in the international community. The Liberian conflict fundamentally altered the nature of the Liberian diaspora, however, both by increasing the diaspora's size and by changing its composition to reflect the political, economic, and social divides in Liberia during the conflict. Liberians who were outside of Liberia at the time of the Doe coup, and later when the civil wars erupted through the 1990s, found themselves trapped with neither support nor the means to return home. Liberians describe their desperation in attempting to learn news of family members and events in Liberia. Many lost touch with their parents, children, spouses, and extended families for years, and many are still seeking to learn what happened to loved ones.

In the mid to late 1990s, as refugees began to be resettled from camps in the West African sub-region, the scale of the atrocities became clear to both Liberians and non-Liberians around the world. The pattern of abuses described in TRC statements reflects a well-known concept among refugee service providers – the “triple trauma” paradigm. First, Liberians in the diaspora were traumatized within Liberia to the extent that they decided to flee. Second, Liberians were traumatized during their flight through Liberia and in their attempts to cross international borders. Third, Liberians experienced trauma living as refugees.

Flight

TRC statements reflect that, at the beginning of the war in 1990, many Liberians hoped they could hide for a period of time until the conflict abated. Accordingly, many initially fled their homes in Monrovia to seek refuge in the rural areas. Others hid within Monrovia, moving from place to place to avoid being targeted. Statement givers consistently described a triggering event after which they decided they had to get out of the country. This trigger very often was the violent murder, torture, or abduction of family members by one of the fighting factions. Others described being threatened or coming home one day to find everyone gone or their homes destroyed. This level of violence and fear forced many Liberians to flee by any means necessary.

Those Liberians who fled by land described walking for weeks and sometimes months, often wounded

or guiding children and others who were unable to travel alone. Food, water, medical care, and safety were virtually impossible to find. Many died from starvation and otherwise minor ailments en route. Others were abducted or killed during encounters with fighting factions along the few open escape routes. Those Liberians who escaped by sea describe fighting their fellow Liberians, and sometimes international peacekeepers, for hours to enter the Freeport of Monrovia and to board any ship not already overrun with refugees.

Border crossing was another high-risk endeavor. Liberians tell of loved ones drowning in the Cavalla River between Liberia and Côte d'Ivoire or traversing the seas in small fishing boats or dugout canoes to get to Sierra Leone. They describe being assaulted, jailed, and fined. They were subject to extortion at border checkpoints set up by Liberian fighters on one side of the border and then again at



checkpoints set up by authorities in neighboring countries. Those on large transport vessels coming out of the port often fared no better, as other African nations turned away several ships full of refugees, leaving them to languish at sea for days with little food, water, or medical care.

Refuge

Once in refugee camps, the trauma for many Liberians did not end. The plight of Liberians

in the West African subregion demonstrates the failures in the international refugee protection system. Hundreds of thousands of refugees arrived in Sierra Leone, Guinea, and Côte d'Ivoire, with some staying in formal camps and others integrating into the local population as best they could. As the war dragged on and spread to Côte d'Ivoire and Sierra Leone, huge intra-regional refugee flows were created. Many Liberians report having moved through more than one country, and sometimes as many as four or five, as they tried to escape cross-border raids or impending civil war in their country of refuge. Often, those in camps were targeted by host country nationals or by cross-border attacks from warring factions in Liberia.

Liberians who could do so fled to Ghana, which offered relative safety because of its stable political situation and because it does not share a border with Liberia. A refugee settlement was established at Buduburam, outside the Ghanaian capital of Accra. The Advocates interviewed Liberians in Buduburam during the spring and fall of 2007, at which point there were more than 35,000 Liberians

living in the settlement.

Liberians in Buduburam narrated the same horrific stories of war trauma as Liberians in the United States, the United Kingdom, and Liberia. The distinguishing feature was that many of these statement givers had been in Buduburam for up to 18 “wasted years.” During this time, Liberians in Buduburam have experienced the effects of “donor fatigue” many times over, as programs and non-governmental organizations have come and gone, the U.N. High Commissioner for Refugees (UNHCR) has changed, and Ghanaian policies have fluctuated. Although conditions in the settlement have certainly improved over the years – tents have disappeared and permanent structures have been erected, for example – the settlement still lacks many basic services almost two decades after the first refugees arrived. Running water remains unavailable 18 years after the camp was established. Instead, water is trucked in for purchase. Access to food remains a problem for thousands in the camp. There are two part-time doctors working in a single clinic that serves the entire population. Sanitation is a major challenge. Limited toilet facilities are available for a fee; many residents must use the open fields surrounding the camps as toilets. Many children are not attending school because their caregivers cannot afford to pay the fees. Security also remains a concern, and sexual assault is an acute problem.

Despite these problems, Liberians in the camp have been ingenious in meeting their own needs by starting businesses, schools, community-based organizations, and faith-based institutions. Generally, Liberians who are doing well receive remittance payments from relatives who have managed to resettle elsewhere. Although remittance support assists many, the population remains vulnerable. Education beyond the elementary level and employment opportunities are available only to the very few. Liberian professionals find themselves with little to do because they have been unable to obtain work in Ghana. Those young Liberians who are able to get vocational training or a Ghanaian degree find themselves in a similar situation. Many make ends meet by engaging in petty trading, braiding hair, or relying on the generosity of friends. Others, especially young women desperate to feed their families, turn to prostitution.

For Liberians still in Buduburam, life has become a waiting game. They wait to see if Liberia might be safe enough for a return; they wait for UNHCR or Ghana to decide they must leave; or most of all, they wait to leave the camp on a family reunification visa or through luck in one of the resettlement/visa lottery programs to the United States or the United Kingdom.

Resettlement

Of the more than 1,600 statements collected in the United States, the United Kingdom, and Ghana, more than 230 statements came from Liberians who had settled in the United States or the United Kingdom. These statement givers’ experiences, coupling resettlement in a new country with retained ties to a homeland, depicted their lives in “a house with two rooms.”²⁴ Expectations for life in the west

are extremely high, but the realities of life do not always meet these expectations. TRC statement givers generally express gratitude for the opportunities, safety, and freedoms they find in their countries of resettlement. Statement givers also discussed the challenges they faced in adapting to new countries.



Some challenges may be found in any immigrant population, but Liberians noted that they faced unique challenges for a variety of reasons, including the legacy of war trauma. Initially, many Liberians described feeling isolated without the strong social support systems of Liberian communities. Liberians, particularly those in the United States, described difficulty adapting to different cultural expectations and laws regarding gender roles and raising children. Many Liberians with professional training are not able to work in their chosen profession in the United States – credentials from Liberia often are not

recognized, and work experience from outside the United States is not valued. In addition, Liberians report discrimination because of their accents and describe challenges related to racism.

The legacy of the Liberian conflict also weighs heavily on the resettled Liberian diaspora. Liberians describe immense pressure and often guilt about providing financial support to family and others back in Liberia or in refugee camps. The pressure to supply remittances impacts all aspects of life, causing many to limit their own opportunities or education so they can provide immediate support to those at home. Many Liberians in the diaspora still suffer from physical and mental health problems resulting from the conflict. Liberians report a general lack of recognition of these problems in the community – mental health issues, in particular, – and report that Liberians often do not seek out needed services.

The war has left deep-rooted resentments and divisions along ethnic and political lines in the resettled diaspora. Liberians exchange accusations of human rights violations and allow anger over real or perceived wartime abuses to inhibit effective community action. Meetings of tribal associations are said to be more popular and draw better attendance than meetings of pan-Liberian associations. Memories of the war are exacerbated for those individuals who see their perpetrators walking freely in their communities. Yet fear of retribution, either in the diaspora or against relatives back home, deters many people from making open accusations.

Twenty years of war have devastated Liberia. Even though important steps have been taken since 2003 to make improvements in governance, infrastructure, education, and health care, much remains to be done in all those sectors. Many people in Liberia lost everything they had – possessions, homes, families, security, and employment. Nevertheless many Liberians repeatedly told the TRC of their desire to return home and aid their country in its recovery.

OVERVIEW OF RECOMMENDATIONS FROM DIASPORA TRC STATEMENTS

Statement givers in the diaspora had strong opinions about the measures that should be put into place in Liberia to help the nation recover and move forward. While there was not clear agreement on every issue, major themes emerged.

Statement givers in the diaspora identified a reexamination of the very foundations of Liberia’s national image as a critical piece of moving into the future. Many felt that the history of their own nation should be rewritten and that long-standing national symbols should be remade to create a new, more inclusive image for Liberia. Underpinning this theme was a sense of falsity within the current national narrative and symbols, as well as a desire to reflect the “truth” of Liberia’s national identity. Part of establishing the truth of Liberia’s national identity for some statement givers focused on national symbols, from the national seal to street signs and place names.

The role of ethnic identity and the relationships between tribes were mentioned by many Liberians as an important component of any recommendations that the TRC issues. Statement givers saw the issue of “tribe” as critical to building a united Liberia. Statement



givers had some very specific ideas about how to involve the tribes in reconciliation efforts, including forming intertribal reconciliation committees, using sports, culture, and food to bring people of different tribes together, engaging tribal elders, and ensuring that people are educated to communicate in a common language. To build a unified Liberia, the importance of religious tolerance also was raised by many statement givers, particularly Muslims. Developing wide ranging non-discrimination policies across government and the public sector also was an important theme.

Addressing the legacy of conflict through reparations was raised by many. Suggestions for reparations took many different forms. For many in the United States and the United Kingdom, the return of or compensation for lost property is an important component of reparation.⁵ Throughout the diaspora, but especially in Ghana, many wanted assistance with finding family members who had scattered and disappeared.⁶ Several statement givers recognized the need to assist children orphaned by the war.⁷ Most statement givers who made specific recommendations about orphans stressed the need for education and vocational training.⁸ Addressing the needs of victims of sexual violence was also an important theme. Statement givers focused on the need for accountability for crimes of sexual violence. The recommendations ranged from identifying or confronting their rapists⁹ to bringing perpetrators to justice.¹⁰ In addition to dealing with the consequences of sexual violence from the conflict, prevailing cultural, historical, political, legal, and economic forces render gender inequality an ongoing concern for many Liberian women who expressed their desire to see gender roles reevaluated.¹¹ Reasserting the role of elders in communities and ensuring their protection going forward was also an important recommendation.

Meeting the needs of war-affected persons such as refugees, internally displaced persons, and former child combatants was also an important component of reparations for many statement givers. Refugees remaining in the West African sub-region noted that their basic needs for food and water, safety and security, physical and mental health care, education, sanitation, and employment were not being met. Internally displaced people face many of the same challenges to basic health and safety in their daily lives. Improving communication to these groups from UNHCR, non-governmental organizations, and the government of Liberia was identified as a critical need. Primary among the suggestions for reparations, however, was support for war-affected persons. One top concern was ensuring that former combatants be rehabilitated. For example, one statement giver said that “I want the TRC people to help all the children that fought the war so that they can stop doing wicked things again.”¹² Many suggested increased vocational training and other educational programs directed specifically at these individuals.¹³ Another recommendation was to provide direct assistance to victims. “[T]he people of Liberia who were harmed throughout wartime need to be compensated and...the government of Liberia needs to look into how to accomplish this.”¹⁴

Changes to the system of Liberian government were a major theme amongst statement givers’ recommendations. As described earlier, corruption was seen by many as a major root cause of the Liberian civil crisis. Accordingly, many statement givers identified ending corruption as the first item on an important agenda of necessary governmental reform. Ending corruption was often linked with other important reforms, such as a fair pay scale for civil servants,¹⁵ reform of the national judiciary, and decentralization of power.¹⁶ The theme of equality and non-discrimination also ran through comments about governmental reform. Putting an end to nepotism was an important recommendation for many statement givers.¹⁷ Finally, many statement givers discussed reestablishing the rule of law,¹⁸ creating respect for human rights,¹⁹ and developing a true democracy in Liberia.²⁰ Several expatriate journalists discussed the importance of guaranteeing freedom of the press as a

check on the government and a support to democracy.²¹ Statement givers stressed the importance of the protection of a free and independent media to Liberia's future. Throughout Liberia's history, the Liberian government has exerted significant ownership over the media, and achieving a sustainable private media has been a struggle. Political influence and ties must be broken before the media can truly achieve independence.

Statement givers from Rhode Island to London to Ghana were in agreement that rebuilding both physical and human capital must be a top priority in Liberia. Those items that topped the priority list included roads (specifically those between the rural areas and Monrovia),²² the health system (specifically more facilities equally distributed through the counties),²³ and the education system (specifically free education)²⁴ Electricity was also mentioned consistently, although somewhat less often than the other three.²⁵ Finally, sanitation, including clean drinking water and available toilets, was also mentioned by statement givers, as was rebuilding the agricultural sector.²⁶ Statement givers highlighted the close links between education, infrastructure, and development in their recommendations. One statement giver remarked that "if you increase human capital in Liberia by improving the minds of the people there, infrastructure and all else will come as a result."²⁷

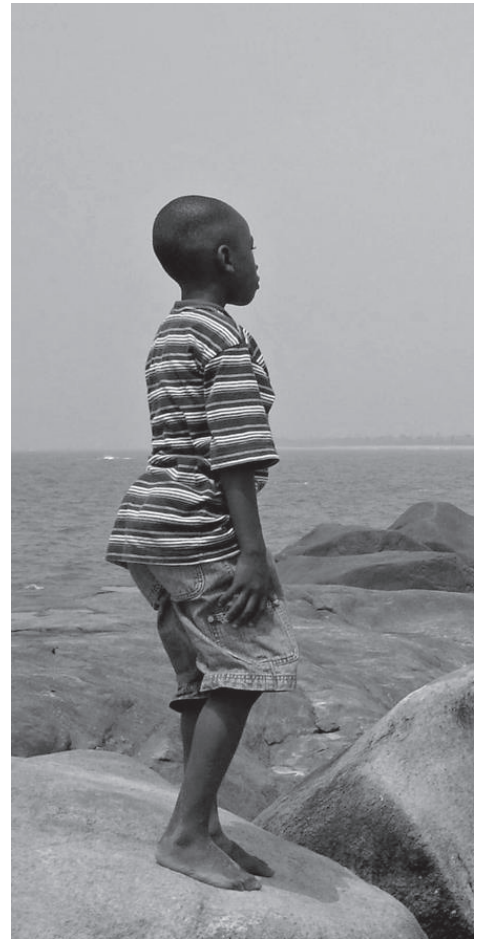
Statement givers were clear in their desire for an end to impunity for human rights and humanitarian violations that took place in Liberia. No consensus emerged, however, on what type of punitive measures should be put into place. Statement givers' opinions covered the full range, from apologies to lustration to a war crimes court. Statement givers were, nevertheless, acutely aware of the complexities of trying to apply these measures on a large scale. Many in the diaspora, especially those in the United States, feel that effective prosecutions are a critical anti-impunity measure.²⁸ Opinions about who should be prosecuted and under whose authority varied. Other statement givers told the TRC they had concerns that prosecutions were impractical and would "open old wounds."²⁹ This view was more prevalent in Ghana than in the United States or the United Kingdom. For example, one statement giver in Ghana noted that there "can't be prosecutions because everyone participated."³⁰ Regardless of the statement giver's opinion on prosecutions, one consistent theme was that perpetrators should tell the truth of what they did, apologize, and ask for forgiveness.³¹

Whether through prosecution, reparation, or apology and forgiveness, Liberians across the diaspora recognized the need for reconciliation and healing the wounds of the Liberian nation. Based on the emergent themes in TRC statements from the diaspora, The Advocates has compiled a comprehensive list of recommendations based on international human rights standards. The Advocates envisions that these will provide a foundation from which the TRC can draw insight for its own recommendations to the government of Liberia.

Notes

- 1 TRC Diaspora Statement Rec. 493.
- 2 Liberians use the term “diaspora” to describe those living outside of Liberia who still consider themselves to be Liberians.
- 3 TRC Diaspora Statement Rec. 366.
- 4 Stephen C. Lubkemann, *Remittance Relief and Not-Just-for-Profit Entrepreneurship: The Case of Liberia, in Diasporas & Development: Exploring the Potential* 45-66 (Jennifer M. Brinkerhoff ed. 2008).
- 5 TRC Diaspora Statement Recs. 16, 1598.
- 6 *E.g.*, TRC Diaspora Statement Rec. 1419.
- 7 *See, e.g.*, TRC Diaspora Statement Recs. 396, 618.
- 8 TRC Diaspora Statement Recs. 138, 411, 1556, 396.
- 9 TRC Diaspora Statement Rec. 1412; TRC Diaspora Statement Rec. 980.
- 10 TRC Diaspora Statement Rec. 921; TRC Diaspora Statement Rec. 1680.
- 11 *See* U.N. Country Team, Common Country Assessment for Liberia: Consolidating Peace and National Recovery for Sustainable Development, at 19 (June 2006), <http://www.lr.undp.org/CCA%2028%20July%20FINAL%20FULL%20SMALL.pdf>.
- 12 TRC Diaspora Statement Rec. 1294.
- 13 TRC Diaspora Statement Recs. 40, 64, 222, 230, 440, 1017, 1302, 1452, 1461, 1467, 1482, 1529.
- 14 TRC Diaspora Statement Rec. 1559; *see also* TRC Diaspora Statement Recs. 166, 1098.
- 15 *See, e.g.*, TRC Diaspora Statement Recs. 118, 435.
- 16 TRC Diaspora Statement Rec. 119.
- 17 *E.g.*, TRC Diaspora Statement Recs. 23, 180, 520, 1473.
- 18 *E.g.*, TRC Diaspora Statement Recs. 119, 199, 284, 369, 60, 509, 747, 823, 983, 1352, 1556, 1604, 1685.
- 19 *E.g.*, TRC Diaspora Statement Recs. 86, 119, 1461, 1647, 1743
- 20 *E.g.*, TRC Diaspora Statement Rec. 1646.
- 21 *See generally, e.g.*, TRC Diaspora Statement Recs. 902, 904.
- 22 *E.g.*, TRC Diaspora Statement Recs. 44, 47, 123, 208, 209, 215, 217, 386, 389, 404, 588, 741,781, 834, 1366, 1369, 1435, 1476, 1702, 1028, 1137.
- 23 TRC Diaspora Statement Recs.123, 781, 1028, 119.
- 24 TRC Diaspora Statement Recs. 44, 123, 1028, 119.
- 25 TRC Diaspora Statement Recs. 32, 221, 363, 404, 415, 505, 544, 588, 594, 741, 784, 909, 1028, 1135, 1137, 1293, 1303, 1341, 1346, 1366, 1478, 1510, 1530, 1736.
- 26 TRC Diaspora Statement Recs. 263, 541,733, 781, 813, 909, 1039, 1081, 1135, 1137, 1268, 1346, 1510.
- 27 TRC Diaspora Statement Rec. 448.
- 28 *E.g.*, TRC Diaspora Statement Recs. 63, 106, 114, 117, 228, 393, 790, 781, 798, 865, 908, 1297, 1403, 1436, 1479, 1555, 1598, 1681.
- 29 TRC Diaspora Statement Rec. 1218; *see also* TRC Diaspora Statement Recs. 1535, 329, 356, 403, 474.
- 30 TRC Diaspora Statement Rec. 259.
- 31 TRC Diaspora Statement Recs. 16, 25, 41, 322, 327, 527, 919, 995, 1116, 1172, 1203, 1241, 1287, 1514, 1525, 1551.

Chapter Two



Priority Recommendations

Chapter Two. Priority Recommendations

Priority Recommendations at a Glance

Addressing the Immediate Needs of Victims

Addressing the Immediate Needs of Refugees and the Displaced

Addressing the Immediate Needs of Special Populations

Ensuring Civil and Political Rights Are Guaranteed Immediately

Ensuring Justice and Ending Impunity

Addressing Corruption

Ensuring Economic and Social Rights and Development

Implementation of TRC Recommendations

Taking Steps toward Reconciliation

United States & International Community Action

The Truth and Reconciliation Commission of Liberia (TRC) requested that The Advocates for Human Rights (The Advocates) address the full scope of Liberia's international legal obligations in The Advocates' report. We have presented that information, in consideration of the Liberian context, in Chapter 14 at the end of this report.

The current chapter contains priority areas that The Advocates suggest should be highlighted and addressed immediately. Prioritizing recommendations in the context of a truth and reconciliation commission is a task that borders on the impossible. The priority areas set forth here reflect a struggle between the many competing needs and rightful demands of the Liberians with whom The Advocates interacted in the United States, the United Kingdom, and Ghana. It also reflects the framework of international human rights that The Advocates seeks to promote and protect.

The Advocates recognizes that all of the following recommendations are important. Many measures, such as combating corruption and ensuring education, are integral to healing, justice, and non-repetition. The Advocates ultimately decided, however, to present recommendations in a sequence that acknowledges the need to address the most urgent rehabilitative needs of victims and other vulnerable populations. Truth and reconciliation

commissions are designed in large measure to be victim-centered processes. They cannot make victims whole, but unlike prosecutions and many other measures that focus on perpetrators, truth and reconciliation commissions document and validate the experiences of victims. Accordingly, victims' needs should be at the center of the TRC process. The sequences of priorities here is also consistent with the TRC's mandate to heed the experiences of women, children, and vulnerable groups. Providing some remediation for the violations they suffered should register at the top of any post-TRC action plan.

ADDRESSING THE IMMEDIATE NEEDS OF VICTIMS

The government of Liberia should adopt measures to address the immediate needs of war-affected persons. The ongoing physical and mental health effects of war trauma negatively impact the quality of life of innumerable Liberians and impede their ability to productively contribute to Liberia's development. Although related to the economic, social, and cultural rights to which all Liberians are entitled, the needs of victims of war trauma are distinct and merit special inclusion and high priority.

- The government of Liberia should ensure that victims' critical physical and mental health needs are addressed. For example, victims of sexual violence have an immediate need for medical services such as diagnosis and treatment of sexually transmitted infections, as well as other reproductive health concerns. Victims of other types of trauma have an immediate need for medical treatment to alleviate chronic pain and other ailments. Many former child soldiers require access to drug and alcohol abuse treatment programs.
- The government should ensure that victims have access to basic necessities, such as food, potable water, clothing, and shelter.
- The government should support the reintegration and rehabilitation of victims into their community and society, which requires public sensitization, as well as educational programs.
- Literacy programs, skills training, vocational and technical programs, and other education should be made available free-of-charge to victims. The government of Liberia should work with other organizations to create jobs, employment programs, micro-credit schemes, and business training opportunities.
- The government should facilitate family tracing and reunification through cooperation, legal measures, the issuance of documents, and provision of information.
- The government of Liberia should dedicate adequate resources, financial support, and political will to implementing the TRC's recommendations concerning a reparations program, ensuring that the public is informed and has the opportunity to present and to receive collective claims.

ADDRESSING THE IMMEDIATE NEEDS OF REFUGEES AND THE DISPLACED

- The governments of Ghana and other host countries should immediately cease any activities that seek to pressure persons with refugee status to return to Liberia. The host governments should recognize the continuation of refugee status for certain individuals, including those with valid asylum claims, humanitarian needs, and established familial, social, or economic links in the host country. The host governments should adopt measures to give effect to the rights of refugees, paying attention to the right to work, right to health, right to property, and the right to education.
- Host countries, the government of Liberia, and the U.N. High Commissioner for Refugees

(UNHCR) should ensure that any repatriation process is carried out in accordance with international guidelines on safe, voluntary, and dignified repatriation.

- The government of Liberia should provide internally displaced people with safe access to food, potable water, shelter, clothing, sanitation, and health care, taking into account the special needs of particularly vulnerable populations within this group.
- The government of Liberia should ensure that returning refugees and displaced persons have access to vocational and/or agricultural training and other services to enable them to provide support for themselves and their families.

ADDRESSING THE IMMEDIATE NEEDS OF SPECIAL POPULATIONS

- The government of Liberia should adopt measures to protect the rights of children to enjoy an adequate standard of living and the highest attainable standard of health. The government should strive to give effect to these rights, paying particular attention to needs of children formerly associated with fighting forces, children separated from their families, and orphans. Prime among recommendations is ensuring that children enjoy the right to education without discrimination, which includes eliminating user fees and increasing girls' enrollment. In addition, the government should ensure that all children are protected against economic exploitation, including child labor, and it should adopt measures to eliminate harmful traditional practices. Harmful traditional practices include practices that are rooted in traditional cultural beliefs but which violate internationally accepted human rights norms, such as female genital mutilation.
- The government of Liberia should adopt measures to eliminate discrimination against women in both law and practice, paying attention to the particular needs of rural, disabled and elderly women. This includes ending violence against women, social and cultural patterns that harm women (including traditional practices), early or forced marriage, and female genital mutilation. The government should strive to ensure that women enjoy the protection of, and equal access to, the law as do men, which includes measures to increase availability of free legal aid, gender-sensitive trainings for legal, court, and law enforcement personnel, and appropriate legislative reform.
- The government of Liberia should adopt measures to meet older persons' needs, including their access to health care and food, water, shelter, and clothing--paying particular attention to elderly women.

ENSURING CIVIL AND POLITICAL RIGHTS ARE GUARANTEED IMMEDIATELY

- The government of Liberia should ensure that the inherent integrity and dignity of the person is respected. The government should immediately repeal legislation that authorizes capital punishment and commute the death sentences of any inmates. It should take measures

to prevent and to punish acts of torture, slavery and involuntary servitude, and forced labor within its jurisdiction.

- The government of Liberia should ensure that its administration of justice, police and penal system, and press freedoms comply with international legal standards. Liberia's history of abusive arrest and detention practices necessitates adherence to principles of international law relative to arrest and detention of prisoners, for which the International Covenant on Civil and Political Rights provides the guiding framework. The government should prioritize guaranteeing a fair and impartial judiciary through the development and dissemination of a judicial code of conduct, trainings, the codification of employment terms, and appropriate disciplinary measures as needed, for which the U.N. Principles on the Judiciary provide a guiding framework.
- The government of Liberia should prioritize improving the security situation in Liberia. Also, the government should ensure that its policies and procedures of the Liberian National Police and armed forces conform to international human rights standards and respect the basic rights enshrined in the constitution of Liberia. The government should provide adequate support to the Liberian National Police in the areas it has identified as critical challenges, including training, infrastructure development, logistics, and information technology. The government should work closely with UNMIL and civil society to ensure law enforcement is trained to respect human rights, to facilitate effective civilian oversight of the police, and to provide procedures for Liberians to make complaints about police misconduct to an independent investigatory body. Recommendations related to ensuring justice and ending impunity are relevant to the promotion of security.

ENSURING JUSTICE AND ENDING IMPUNITY

- The government of Liberia must ensure that individuals responsible for serious crimes under international law are prosecuted. The government should consider both new and existing prosecution mechanisms to give effect to this obligation. The government should consider authorizing a special court, in consultation with civil society and the international community, to prosecute serious violations of law. Alternatively, or in addition, the government may consider pursuing international and regional mechanisms, as well as national courts in other jurisdictions, for prosecution.
- At all times, the government of Liberia should guarantee to anyone accused of a crime competent legal counsel and due process in accordance with international legal standards. All prosecutions should be carried out in a fair and impartial manner that protects the due process rights of the accused.
- The government of Liberia must ensure that any grants of amnesty do not benefit perpetrators of serious crimes under international law or prejudice victims' right to reparation or right to the truth.
- The government of Liberia should adopt measures for lustration and vetting to ensure that

individuals personally responsible for violations of human rights do not serve as state officials or employees. Such measures must include due process protections for those individuals.

ADDRESSING CORRUPTION

- The government of should take measures to combat corruption across all sectors. The U.N. Convention against Liberia Corruption and the AU Convention on Preventing and Combating Corruption provide a guiding framework. The government should criminalize and prosecute acts of bribery, embezzlement and misappropriation, abuse of functions, laundering criminal proceeds, and obstruction of justice. The government should provide adequate resources, financial support, and political will to the Anti-Corruption Commission.
- The government of Liberia should adopt and affirmatively implement and enforce hiring policies based on merit and not influenced by nepotism based on family, tribal or personal connections. The government should likewise develop and fund an independent complaint and enforcement mechanism to ensure compliance with such policies.



ENSURING ECONOMIC AND SOCIAL RIGHTS AND DEVELOPMENT

Meeting the needs of victims and ensuring that the nation moves forward requires the government to undertake long-term reforms of the education and healthcare sectors, as well as to undertake work on the right to development. The Advocates recognizes that, while many of the recommendations underpin recommendations related to victims, the government of Liberia must address the economic and social rights of all people.

- The government of Liberia should take measures to increase access to education. Such measures include working toward increased school enrollment of girls; taking steps to eliminate user fees imposed by schools; prioritizing the recruitment, training, retention of, and salary structures for teachers; and developing strategies for providing technical and

vocational education to young people and adults.

- The government of Liberia should take measures to ensure access to timely and appropriate health care as envisaged by the right to enjoy the best attainable state of physical and mental health. Health care should be: available (in sufficient quantity); accessible (non-discriminatory in physical, economic, and informational terms); acceptable (ethical and culturally- and gender-sensitive); and of good quality (in terms of goods, facilities, and personnel). Importantly, the right to health also includes sanitation, potable water, sufficient food, nutrition, shelter and information, and a healthy environment.
- The government of Liberia should devote adequate resources and financial support to implementing the Poverty Reduction Strategy.
- The government of Liberia should work with other organizations to create jobs, employment programs, micro-credit schemes, and business training opportunities.

IMPLEMENTATION OF TRC RECOMMENDATIONS

- The government of Liberia should dedicate adequate resources, financial support, and political will to implement the TRC's recommendations. To this end, the government should act promptly to expedite the establishment of the Independent National Commission on Human Rights, including making presidential appointments to the commission, directing all relevant government entities to provide full support to the commission, and widely and timely disseminating the TRC report and recommendations.
- Civil society should play an active role in monitoring and advocacy regarding the implementation of the TRC recommendations.

TAKING STEPS TOWARD RECONCILIATION

- The government of Liberia should adopt measures to regain national unity. In particular, this recommendation includes adopting measures to combat discrimination and to protect linguistic rights, land rights, and cultural rights, paying particular attention to disabled persons and minorities. Such efforts should cut across all sectors and levels, including constitutional and other legal reforms, changes to educational policies and curricula, and the development of national strategies to protect against discrimination and to promote social and cultural rights.
- The government of Liberia should take measures toward national reconciliation. Many of these steps are low-cost or free and should be given priority:
 - The government of Liberia should amend the constitution to protect against discrimination and ensure that such protections are fully enforced through implementing legislation and practices.
 - The government of Liberia should take steps to modify its national image to fully

reflect its history and people. Such steps may include re-naming streets, public buildings and institutions; changing the national seal; changing or creating national days and holidays; and ensuring historical accounts more accurately reflect the contributions of all people.

- The government of Liberia should take steps to facilitate inter-tribal reconciliation through activities that bring different tribes together, such as social and sporting events.

UNITED STATES & INTERNATIONAL COMMUNITY ACTION

- The U.S. government should take immediate steps to allow Liberians registered under Deferred Enforced Departure status to apply for lawful permanent resident status.
- The U.S. government should take legislative and administrative steps to facilitate family reunification and respect the right to a family by revisiting denials of refugee resettlement applications and other family reunification petitions based on DNA evidence and by passing the Child Citizen Protection Act. The U.S. government should ensure that its definition of a “child” includes those children adopted under traditional, non-formal laws in Liberia.



- The U.S. government should ensure that Liberians in the United States can access health care that is culturally appropriate. Such services should take into account the specific Liberian context. For example, the government should expand federal funding for torture treatment and support programs that offer health services to former combatants and others who may be excluded because of their fighting status. Addressing mental health needs is a priority, and such efforts should include public education to overcome any stigmatization and the training of Liberian mental health workers.

- The U.S. government should take steps to ensure that Liberians have access to education that is age- and language-appropriate, paying particular attention to the literacy needs of Liberian women. This will require school systems to assess and to develop policies to accommodate native speakers of non-American English and students whose age or educational progress may not match grade level structures.
- The U.S. government should support policies that integrate Liberian professionals into careers matching their skills and training. Employment services should seek to pair Liberians with jobs that match their training and background and to support peer-mentoring programs.
- The U.S. government, and/or other appropriate organizations, should work in consultation with Liberian community leaders to develop a long-term strategy to facilitate reconciliation among Liberians in the diaspora, as well as support the creation of memorials.
- The U.S. government should cooperate with any prosecutions and act promptly to respond to requests for extradition. The U.S. government should explore prosecutions of foreign nationals for crimes committed outside of the United States, including those under the Genocide Accountability Act, Child Soldiers Accountability Act, War Crimes Act of 1996, and the Extraterritorial Torture Statute.
- The U.S. government should make foreign aid and technical assistance to Liberia a priority, using the Paris Declaration on Aid Effectiveness as a guiding framework. Such foreign aid should prioritize the re-development of Liberia and include recognition of the U.S. role in the conflict.
- The international community should act in accordance with its legal obligations to prosecute and to cooperate in prosecutions of serious crimes under international law. The international community should cooperate in any extradition requests for persons accused of crimes.
- The international community should intensify its cooperation regarding financial aid and technical assistance to Liberia, using the Paris Declaration on Aid Effectiveness as a guiding framework.

Chapter Three



Diaspora Project Overview and Methods

Chapter Three. Diaspora Project Overview and Methods

HISTORY AND GOALS

The Truth and Reconciliation Commission of Liberia (TRC) was negotiated and agreed upon in the August 2003 Comprehensive Peace Agreement and subsequently enacted into law by the National Transitional Legislative Assembly in 2005. The TRC was established to “promote national peace, security, unity and reconciliation,” and at the same time make it possible to hold perpetrators accountable for gross human rights violations and violations of international humanitarian law that occurred in Liberia between January 1979 and October 2003. Once President Ellen Johnson Sirleaf was elected, she moved to inaugurate the TRC in February 2006.¹



The TRC determined early that it wished to engage Liberians living outside of Liberia, the “diaspora,” in the national truth-seeking process. While more than 30 countries have implemented some form of national truth seeking body, no similar body has systematically engaged a diaspora population in all aspects of its work. The TRC approached The Advocates for Human Rights (The Advocates), known at the time as Minnesota Advocates for Human Rights, and proposed a partnership to achieve its goal of engaging the Liberian diaspora, particularly the U.S.-based diaspora, in its work.

The TRC and The Advocates ultimately signed a memorandum of understanding² authorizing The Advocates to act as the TRC’s implementing partner in the diaspora. After a preparatory period, the TRC officially launched its work on June 22, 2006. The Advocates held a simultaneous launch in Minnesota for the U.S.-based TRC Diaspora Project.

The Advocates initially volunteered to develop a pilot project and recruit and train volunteers for the diaspora statement taking process in Minnesota. It quickly became apparent, however, that information from the diaspora would need to be gathered in a consistent and coordinated manner for it to be of use to the TRC. The Advocates subsequently agreed to coordinate the work of the TRC with the diaspora community throughout the United States as resources became available.

The TRC approached The Advocates because it sought an organization that would be perceived as trusted, transparent, and neutral within the Liberian diaspora community. Moreover, the TRC was seeking an organization with established connections to the Liberian diaspora. The Advocates was ideally situated to partner with the Liberian TRC to undertake the Diaspora Project for a number of reasons. The mission of The Advocates for Human Rights is to implement international human rights standards to promote civil society and reinforce the rule of law. The Advocates is a non-profit, volunteer-based organization that investigates and exposes human rights violations; represents immigrants and refugees in the community who are victims of human rights abuses; trains and assists groups that protect human rights; and works through education and advocacy locally, nationally, and internationally to engage the public, policy-makers, and children about human rights and cultural understanding.

The Advocates, which is headquartered in Minneapolis, Minnesota, has a long history of working with the Liberian diaspora. Minnesota is home to one of the largest populations of Liberians living outside of West Africa. Liberians fleeing the conflict in the 1990s made up the largest single client group seeking The Advocates' free asylum legal services. In addition to providing legal representation to hundreds of Liberians, The Advocates trained dozens of volunteer attorneys to handle Liberian asylum cases. For years The Advocates also worked through the Building Immigrant Awareness and Support (BIAS) Project to provide training and resource materials to the Liberian community and to educators in schools with substantial Liberian refugee student populations. As an organization, The Advocates has a long-standing commitment to the human rights of Liberians.

The Advocates began using human rights monitoring methods in 2002 to evaluate and contribute to the success of transitional justice in post-conflict societies. This expansion of the organization's human rights work was premised on the belief that human rights monitors' investigations and published observations would help uphold the integrity of the transitional justice process and on the belief that monitoring further supports the transitional justice process by bringing it to the attention of the international community.

MANAGEMENT AND OPERATION

Relationship to the TRC in Liberia

The Diaspora Project was an integrated part of the TRC's overall work. The Advocates acted as an implementing partner for the TRC in the diaspora. As such, The Advocates consulted as extensively as possible with Commissioners and staff of the TRC regarding the broad operation and structure of the Diaspora Project. Day-to-day decision making and implementation were undertaken by The Advocates.

Commissioner Massa Washington, who was charged with overseeing the Diaspora component of the TRC's work, and Chairman Jerome Verdier traveled to the United States several times to assist with training volunteers in Minnesota and New York and to plan for future Diaspora Project activities. Commissioners Oumu Syllah, Gerald Coleman, and Arthur Kulah³ also participated in community outreach and volunteer training events in Atlanta, Chicago, North Carolina, Philadelphia, and Washington, DC.

In addition, The Advocates' staff and volunteers traveled to Liberia four times in 2007 and 2008 to continue the coordination of activities and to observe TRC statement taking and public hearings activities in Liberia.

The Advocates did not receive funding for any part of its work from the TRC of Liberia. As with all of its projects, The Advocates raised a small cash budget from U.S.-based foundations and individual donors and then leveraged that budget through donations of volunteer time and in-kind support. *Pro bono* and in-kind contributions totaled nearly \$4 million in fiscal year 2007 and more than \$6 million in fiscal year 2008.

Project Structure and Scope

Upon accepting the responsibility for implementing TRC activities in the diaspora, The Advocates created a project structure that would ensure accountability to key stakeholders (including the TRC of Liberia, statement givers, and the Liberian diaspora community generally) and to other project participants such as volunteers. The TRC Diaspora Project was co-directed by The Advocates' Executive Director and Deputy Director. Two staff members in The Advocates' Special Projects Program worked full-time on the project, and three other staff members dedicated significant portions of their time to the project depending on need. The Advocates created a *pro bono* management team and a national advisory committee of Liberian community leaders to provide input and strategic advice throughout the project.⁴

It was envisioned from the beginning that volunteers would undertake a substantial portion of the work of the project, specifically statement taking. The *pro bono* management team was composed of representatives from law firms who had committed from the outset to provide volunteers and in-kind support to ensure the project's successful completion. The national advisory committee was composed of members of the Liberian community in the United States who represented the geographic and ethnic diversity of the Liberian people and who were recognized as leaders in their respective communities. The members of the national advisory committee were approved by the TRC.

In addition to seeking the input of the management team and the national advisory committee, The Advocates specifically sought the input of recognized experts in critical areas. For example, The

Advocates invited the International Centre for Transitional Justice⁵ to advise and train staff and volunteers on implementation of public hearings and on current issues in transitional justice. Relative to the psychosocial needs of statement givers, The Advocates sought expert input from the Center for Victims of Torture,⁶ an internationally recognized torture treatment center that has extensive experience working with Liberians both in Liberia and in the diaspora.

The TRC Diaspora Project piloted its model of community outreach and statement taking in Minnesota, then expanded to other locations where there were substantial Liberian populations and where *pro bono* support was available. Priority locations were selected in consultation with the TRC, the national advisory committee, and the *pro bono* management team. Before expanding statement taking to a new location, The Advocates identified *pro bono* coordinating



partners in the area and worked with them to ensure that there would be sufficient administrative and volunteer support to complete the project goals in that location.⁷ *Pro bono* partners included law firms, law school clinics, and other community organizations and Non-Governmental Organizations (NGO) who were willing to work on an entirely voluntary basis, receiving no funding from either the TRC or The Advocates. Ultimately, the project included statement taking sites in Minneapolis/St. Paul,⁸ Atlanta/South Eastern United States,⁹ Chicago,¹⁰ Philadelphia,¹¹ Washington, DC,¹² New York,¹³ Newark,¹⁴ Providence/Boston,¹⁵ and the United Kingdom.¹⁶

The TRC also asked The Advocates to assist with statement taking in the West African sub-region, specifically the Buduburam refugee settlement near Accra, Ghana. Drawing on volunteers from all of its *pro bono* affiliates, The Advocates took more than twenty volunteers on three trips to document the statements of refugees in Ghana.¹⁷ TRC Diaspora Project volunteers worked alongside TRC staff and Liberian refugees who had been trained as statement takers.

PRE-IMPLEMENTATION CONSIDERATIONS

A Non-Liberian Organization in a Liberian Process

Many national truth commissions grapple with whether and to what extent to include non-nationals in the process, either as commissioners or staff members. In Liberia, the decision was made to keep the process as Liberian as possible. For example, there are no non-Liberian commission members. In evaluating who could assist the TRC with its diaspora process, The Advocates and the TRC engaged in preliminary discussions about the feasibility of a non-Liberian organization taking a lead role in the project. From the outset the TRC was clear that it was important that a non-Liberian group take the lead because, at the time, no Liberian entity would be seen as sufficiently neutral to be trusted by all segments of the community.

Nevertheless, questions consistently arose as to why a non-Liberian organization had been chosen and what benefits might accrue to The Advocates that would not accrue to a theoretical Liberian organization. Despite attempts to ensure Liberian involvement in the process through the creation of a community advisory committee, some advisory committee members were reluctant to support the TRC before it had been proven a success. This reticence hampered efforts to build community momentum. Some leaders went beyond reluctance to overt obstructionism. The political climate significantly varied by region in the United States and by specific community. In some communities, established community leadership was highly effective in partnering and pushing forward the TRC effort.

Another key issue was that while many in the international community and sometimes the TRC itself saw the diaspora work as very separate from TRC efforts in Liberia, individuals in the diaspora saw the work of The Advocates as intimately connected with the TRC itself. Because of the instantaneous nature of the international news cycle, news about the TRC in Liberia immediately had a ripple effect on work in the diaspora. Although The Advocates had no control over TRC policies, scope of work, or timeline of activities, the organization was viewed by many in the diaspora as having influence over processes in Liberia. For example, the TRC's decision not to call major perpetrators to public hearings until late in the process, the reluctance of key actors, including the president, to appear before the TRC, and media coverage of internal conflicts at the TRC all had dampening effects on participation in the diaspora. This highlights the complexity and importance of coordination between in-country and diaspora processes. This relationship can be reciprocal as well. News coverage of diaspora hearings in the United States, where high level witnesses came forward to testify, may have spurred many higher level witnesses in Liberia to come forward.

Legal Issues

The legislation creating the TRC in Liberia has no applicability outside of the territorial jurisdiction of Liberia. Accordingly, the powers conferred on the TRC did not transfer to The Advocates in the United States, the United Kingdom, or Ghana. Moreover, protections for statement givers and other participants in Liberia did not apply in those other countries.

Given this reality, The Advocates consulted with legal experts in the areas of immigration law, criminal law, and ethics regarding the statement taking protocol. A primary consideration in the development of the TRC Diaspora Project was protection for statement givers in the form of fully informed consent. Specifically, it was critical that before disclosure of any information, all potential statement givers be informed that The Advocates could not protect them from prosecution or other legal consequences in any jurisdiction, that the information they provided would eventually be sent back to entities in Liberia, and that they could choose to provide an anonymous statement if they had concerns about any legal or safety ramifications of their statements. The Advocates, in consultation with the *pro bono* management team, developed a disclosure statement that was read, signed by, and given to every statement giver with whom volunteers interacted in the United States, the United Kingdom, and Ghana. In conjunction with that disclosure, each statement giver in the United States and the United Kingdom was offered the opportunity to speak with a lawyer before deciding whether to provide information to the TRC.¹⁸ Statement givers were able to use this opportunity to access legal services unrelated to their decision to give a statement, if they desired to do so.

In addition, The Advocates examined local law in the United States and the United Kingdom to assess any risks and or requirements related to conflict of interest, defamation, parental consent for minors providing statements, and other issues. Moreover, the possibility that anyone associated with the project might be sued for defamation based on any statements made during public events, such as radio interviews or public hearings, was closely examined and discussed with the TRC Commissioners.

Treatment and ownership of documents and information gathered by the TRC Diaspora Project was also a consideration. All information gathered for the TRC Diaspora Project was treated as property of the TRC of Liberia. Accordingly, information provided to the Diaspora Project was subject to the same policy proscriptions as information gathered in Liberia. For example, it could not be used for academic research purposes without express permission of the TRC Commissioners.

Support for Statement Givers

After ensuring that statement givers had relevant information about the legal status of the TRC Diaspora Project, the next priority was ensuring adequate psychosocial support for statement givers who might experience retraumatization during the statement taking process. The TRC Diaspora Project sought out *pro bono* services from mental health professionals who had experience working with survivors of trauma. These professionals were available on-site during some statement taking sessions in the United States and the United Kingdom and during U.S. public hearings. They were also available on call for pre- or post-statement taking counseling. In Ghana, where lack of mental health and counseling services was a major concern, statement takers were given additional training on how to support statement givers through the process and on how to access resources available in the settlement, including Ghanaian NGOs, the health clinic, and faith and traditional leaders.

The TRC Diaspora Project also saw this process as an opportunity to connect Liberians who might be in need of services with appropriate information about available resources in their communities. Each *pro bono* affiliate developed a referral sheet for the local area to provide statement givers with information about legal service providers, housing, health, and other resources. This information was provided to all statement givers in the United States and the United Kingdom.¹⁹

PROJECT ACTIVITIES AND METHODOLOGIES

The TRC Diaspora Project was responsible for carrying out the same core activities as the TRC in Liberia: outreach and sensitization, statement taking, public hearings, research, and report writing.

Community Outreach and Sensitization



The TRC Diaspora Project outreach strategy was based on practices and materials developed by the TRC but adapted for the circumstances of the Liberian diaspora in the United States and the United Kingdom. Outreach materials were approved by the TRC prior to use.

Outreach materials included brochures, a video about the statement taking process,²⁰ online messaging, and Powerpoint presentations. Materials developed

for use in the diaspora included the TRC logo, other TRC graphics, video of Commissioners, the TRC Peace Song, and other images from Liberia to ensure that the TRC Diaspora Project was viewed as a fully integrated component of the TRC's work.

The Liberian diaspora in the United States and the United Kingdom is organized into myriad political, ethnic, faith, and geographic-based organizations. In addition, a large segment of the community in the diaspora uses internet-based communication (listserves, blogs, new media) to exchange information. The TRC Diaspora Project sought to use these avenues to spread information about the opportunity to participate in the TRC process.

As in Liberia, much of the community outreach was conducted through face-to-face communication

at events in the diaspora community. For example, The Advocates and its *pro bono* affiliates organized community meetings in Minneapolis, Atlanta, Chicago, Newark, New York, Philadelphia, and Washington, DC. The meetings provided an opportunity for several hundred Liberians in the United States to hear from Chairman Verdier and other Commissioners and to ask questions about the TRC's operation and goals. In several cities, a festive kick-off event with food and cultural performances was held to launch statement taking. Some of the most effective outreach efforts centered on apartment buildings or neighborhoods populated by Liberians or at Liberian food shops, restaurants, beauty salons, and barber shops. On several occasions, The Advocates staff and volunteers conducted outreach at national conventions of diaspora community organizations. The Advocates also conducted a special "Healing Through Faith" conference for Liberian diaspora religious leaders. The Advocates staff, volunteers, and national advisory committee members conducted outreach at numerous churches and mosques, soccer matches, county association meetings, and other local events.

Statement Taker Recruitment and Training

In Liberia, statement takers were Liberians paid by the TRC, but statement takers in the diaspora were all unpaid volunteers recruited from *pro bono* affiliates.²¹ Most were non-Liberian, but Liberians were welcomed to the process, and several did complete the training and participated as statement takers.²² In addition to reviewing a 400-page training manual,²³ all volunteers were required to complete a nine-hour in-depth training program. Volunteer trainings were held in all project locations. Volunteers who were unable to attend could also complete the training by viewing video replay of the sessions, which remain available on-line.²⁴ Volunteer statement takers received training on the mandate of the TRC, the history of Liberia and the conflict, international human rights and humanitarian law, statement taking protocols and policies, interviewing survivors of torture and war trauma, avoiding vicarious trauma, and cultural considerations for working with Liberians. All training sessions included a mock TRC statement interview facilitated by The Advocates' staff and a Liberian volunteer. Trainers included The Advocates' staff, Commissioners, psychologists, Liberian professionals and community leaders, as well as academics.

Statement Taking

Statement forms and protocols used in the diaspora were modeled after those used in Liberia with some modifications appropriate to the diaspora context. The addition of a disclosure form and resource information, as described above, was a key modification. Questions specifically relating to the experience of Liberians in flight and in the diaspora also were added to the statement taking protocol. Diaspora forms and protocols were pilot-tested in late 2006. Volunteer statement takers began taking statements in January 2007 in Minnesota. Project sites were added around the country and in the United Kingdom through January 2008. Statement taking continued through August 2008.

The majority of TRC statements from the diaspora were gathered during in-person interviews. In the United States and the United Kingdom, these interviews generally were one to two hours in length and took place in homes, designated statement taking sites, or other locations of the statement giver's choosing. Interviews were conducted by a team of statement takers who then compiled a narrative summary of the statement giver's experiences, opinions, and recommendations. As a result of an overwhelming demand from refugees in Ghana to provide statements to the TRC, interviews there were almost exclusively taken by single interviewers in designated statement taking sites around the settlement.

Data Management

Information from statement taking interviews was entered by statement takers from around the United States and the United Kingdom into a web-based data management system designed to store confidential client communications and other legal information. Volunteers were given passwords and the database was filtered so that they could view only the statements that they themselves entered. Statements gathered in the diaspora were also provided to the TRC coding unit in Liberia so as to be included in the statistical analysis undertaken by the TRC's data management partner.

Research

The TRC of Liberia requested that The Advocates provide the Research and Inquiry Unit of the TRC with support via The Advocates' network of volunteers in the United States. To that end, several U.S. law firms completed background memoranda on topics ranging from the role of the United States in the Liberian conflict to a comparison of reparations programs that were provided to the TRC for its use.²⁵

Diaspora Public Hearings

Pursuant to the Memorandum of Understanding with the TRC of Liberia, The Advocates assisted the TRC by planning and conducting public hearings in the diaspora. The Liberian TRC was the first national TRC to hold public hearings in the United States.²⁶ The public hearings were held June 9-14, 2008, at Hamline University in St. Paul, Minnesota. All eight²⁷ Commissioners presided over



the hearings, which centered on the theme of “Confronting Our Difficult Past for a Better Future: The Diaspora Experience.” Twenty-nine witnesses from 10 states traveled to St. Paul to testify about the human rights abuses in Liberia that forced them to flee, their experiences in flight and in refugee camps, and the experience of resettlement in the United States.²⁸ The hearings also provided Liberians in the diaspora the opportunity to present their experiences and recommendations directly to the TRC, which is mandated to make binding recommendations to the government of Liberia.

Other Data Collection

Apart from gathering statements in the diaspora, The Advocates also gathered additional information to respond to requests from the TRC and to provide context for thematic information emerging from statements. This supplementary information was collected in a number of ways including (1) group meetings in the community, (2) background interviews with topic experts and community leaders, (3) review of academic literature, NGO reports, news articles, films, and other secondary sources, and (4) a review of the artifacts of Liberian diaspora community dialogue, such as articles posted on community websites, listserves, and other media outlets focused on the diaspora.²⁹

Report Writing and Analysis

The purpose of The Advocates’ report is to document for the TRC key aspects of the Liberian diaspora experience as expressed through statements provided to the TRC. The Advocates sought to ensure that the experiences and recommendations of Liberians in the diaspora are considered as part of the national reconciliation process in Liberia. The report does not attempt to replace any component of the final report of the TRC, nor to draw conclusions or to make recommendations on behalf of the Commissioners of the TRC. Rather, this report is a descriptive, qualitative analysis based on the authors’ review of statements and secondary information.

Review of TRC statements collected in the diaspora was carried out by staff from the Advocates and a select number of *pro bono* management team members. The purpose of the statement review was to identify themes, critical events, people, and ideas that were central to the diaspora community’s experience of the Liberian conflict. Statement review also focused on identifying the breadth of recommendations from the diaspora.

Each statement entered into The Advocates’ secure database was read by a staff or management team member. This included 1,377 statements gathered in the Buduburam refugee settlement and 253 statements gathered in the United States and the United Kingdom.³⁰ A preliminary thematic outline was created based on preliminary readings carried out over a period of months as statements were being entered into the database. Several subsequent readings were carried out in fall 2008, to refine the analysis.

The report authors include staff members from The Advocates and *pro bono* management team members who had engaged in the statement review process. Each report author had significant experience in the statement taking process in the United States, the United Kingdom, Ghana, or all three. Some sections of the report also draw heavily on background research memoranda completed by our *pro bono* affiliates.

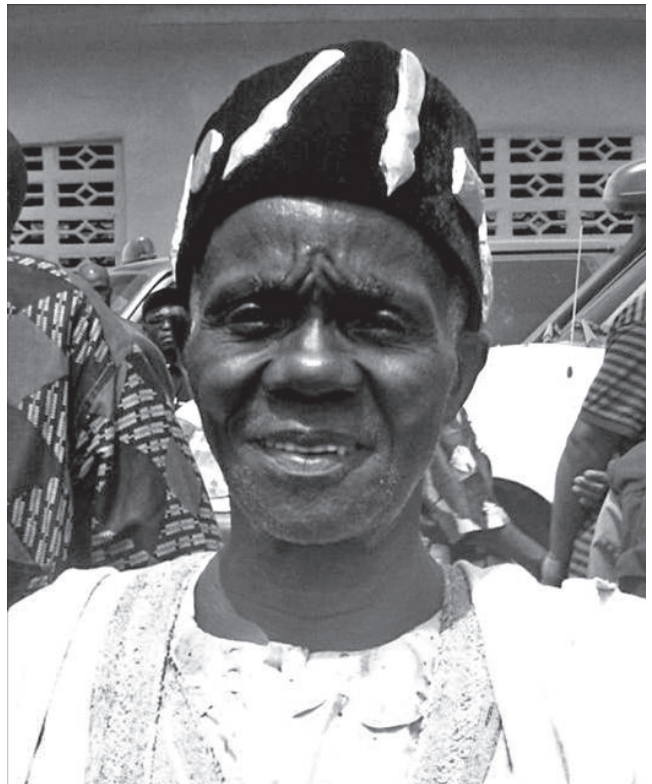
The report reflects an international human rights framework. The intended audiences for this report include the Commissioners of the TRC of Liberia, the Liberian people, the international human rights community, and the public at large.

Notes

- 1 See Appendix A for a list of Commissioners of the TRC along with their biographical information.
- 2 See Appendix E.
- 3 Commissioner Kulah resigned from the TRC to take a new post outside of Liberia and did not complete his term. No new member was appointed to take his place.
- 4 See Appendix F for a list of members of these advisory bodies.
- 5 See www.ictj.org.
- 6 See www.cvt.org.
- 7 Coordinating partners included Faegre & Benson LLP (Minneapolis & London), King & Spalding LLP (Atlanta), Schiff Hardin LLP (Chicago), Fried Frank Shriver & Jacobson LLP (New York), Schnader Harrison Segal & Lewis LLP (Philadelphia), Akin Gump Strauss Hauer & Feld (Washington, DC), Dechert LLP (Boston), and DLA Piper (Manchester, UK).
- 8 Partners in Minneapolis/St. Paul included the Organization of Liberians in Minnesota (OLM), Hamline University, and the law firms of Briggs & Morgan P.A., Dorsey & Whitney LLP, Faegre & Benson LLP, Fredrikson & Byron P.A. Gray Plant Mooty, Leonard Street & Deinard, Lindquist & Vennum, Maslon Edelman Borman & Brand, and Robins, Kaplan, Miller & Ciresi.
- 9 The Atlanta Friends of the Liberian TRC included The Carter Center, Emory University, Morehouse and Spelman Colleges, Georgia Institute of Technology, the Dr. Martin Luther King Jr. Memorial, the Liberian Association of Metro Atlanta (LAMA), Southern Truth & Reconciliation (S.T.A.R.), Refugee Resettlement Services of Atlanta, and the law firms of King & Spaulding, Kilpatrick Stockton, Alston & Byrd, and Sutherland, Asbill & Brennan.
- 10 Partners in Chicago included the Bluhm Legal Clinic at Northwestern University School of Law, the law firm of Schiff Hardin, and the Organization of Liberians in Chicago, Illinois.
- 11 Partners in Philadelphia included the Liberian Association of Pennsylvania, the Liberian Mandingo Association of Pennsylvania, ACANA, members of the Liberian community in Trenton, NJ, as well as the University of Pennsylvania Law School Transnational Law Clinic, the law firms of Ballard Spahr Andrews & Ingersoll, Blank Rome, Pepper Hamilton, Reed Smith, and Stradley Ronon Stevens & Young, and immigration legal service providers HIAS, Nationality Service Center, and Liberty Center for Survivors of Torture.
- 12 Partners in Washington, DC included Akin Gump Strauss Hauer & Feld, American University and the Liberian Association of Metro Washington, DC.
- 13 Partners in New York included The Staten Island Liberian Community Association (SILCA), African Refugee, and the Columbia University International Trauma Studies Program, as well as the law firms of Fried Frank, Akin Gump, and Dechert LLP. Students from New York University and Columbia Law Schools were also involved.
- 14 Partners in Newark included Seton Hall Law School and the Liberian Association of Northern New Jersey.
- 15 In Providence/Boston, the Liberian Community Association of Rhode Island Inc. (LCARI) collaborated with the Roger Williams University School of Law, the Boston and Hartford offices of Dechert LLP, the Boston office of DLA Piper, the law firm of Edwards Angell Palmer & Dodge, as well as Sun Life.
- 16 In the United Kingdom, partners included the Union of Liberian Organizations – UK (ULO-UK), Faegre & Benson LLP, Mayer Brown International LLP, and Eversheds LLP.
- 17 Volunteers from across the United States paid their own expenses to travel to Ghana and work as statement takers for a week at a time in Buduburam.
- 18 The Advocates and its partners recruited local lawyers in each project area who were willing to provide a free, confidential consultation regarding legal issues arising from a particular person providing a statement to the TRC.
- 19 Providing referral information for statement givers in Ghana was less formal than in the United States and the United Kingdom. All statement givers were provided with information about how to reach The Advocates and requests for information were followed-up on an individual basis.
- 20 *Quest for Justice* is a video designed to demystify the TRC Diaspora Project and encourage statement

- taking and is available for viewing at <http://liberiatic.mnadvocates.org/> or upon request from The Advocates.
- 21 Some volunteers were not employees, students, or members of a specific *pro bono* affiliate, but were integrated into teams to work under the auspices of an affiliate.
- 22 All Liberians who wished to participate as statement takers were vetted by the TRC in Liberia.
- 23 The Liberia TRC Diaspora Project volunteer training manual is available for download at http://liberiatic.mnadvocates.org/Training_Manual.html.
- 24 Video of volunteer training sessions are available for viewing at http://liberiatic.mnadvocates.org/Statement_Taker_Trainings.html.
- 25 Research topics included 1) international human rights and humanitarian standards, 2) prosecution and transitional justice models, 3) reparations and economic, social and cultural rights, 4) child soldiers, 5) traditional religion and culture, 6) education, 7) corruption and economic crimes, 8) media, 9) women, 10) the Diaspora experience, 11) the role of international actors, and 12) refugee protection standards for those in long term refugee situations, such as Buduburam.
- Moreover, research conducted by the Minneapolis office of Dorsey & Whitney related to current country conditions in Liberia was compiled into a report that was used as part of The Advocates for Human Rights' advocacy work on the issue of temporary protected status (TPS) for Liberians residing in the United States. The 2009 report, *Liberia is Not Ready: A Report of Country Conditions in Liberia and Reasons the United States Should Extend Deferred Enforced Departure for Liberians*, can be accessed at http://www.mnadvocates.org/Publications_by_Date.html.
- 26 In 2006, a truth commission in the United States focused on an examination of the context, causes, sequence, and consequences of events that took place on Nov. 3, 1979 in Greensboro, North Carolina, but was not a national body and was not focused on a diaspora population. *See* <http://www.greensborotrc.org/>.
- 27 By the date of the public hearings, Commissioner Arthur Kulah had resigned from the TRC and had not been replaced.
- 28 The Commissioners heard from two in camera witnesses and from the following public witnesses (listed below in order of their appearance):
- Dr. Augustine Konneh, Georgia
 - Bishop Bennie D. Warner, Oklahoma
 - Samuel Kalongo Luo, Minnesota
 - James Y. Hunder, North Carolina
 - Dr. Wilhelmina Holder, Minnesota
 - Sackor Zahnee, Pennsylvania
 - Garswah Blacktom, Illinois
 - Amb. Herman J. Cohen (former U.S. Assistant Secretary of State for African Affairs)
 - Alfred K. Zeon, Minnesota
 - Marie Y. Hayes, Minnesota
 - Bai Gbala, Pennsylvania
 - Miatta Adotey, Minnesota
 - Ali Sylla, Pennsylvania
 - Marie Vah, Minnesota
 - Jane Samukai, New Jersey
 - Dr. Patricia Jabbeh Wesley, Pennsylvania
 - Doris Parker, Minnesota
 - Kerper Dwanyen, Minnesota
 - Miamen Woepa, Minnesota
 - Telee Brown, New York
 - Georgette Gray, Minnesota
 - Aicha Cooper, Minnesota
 - Harriette Badio, Minnesota
 - Tete Cole, Minnesota
 - Lynette Murray-Gibson, Minnesota
 - Sam Slewion, Pennsylvania
 - Hassan Kiawu, Georgia
 - Pajibo Kyne, Rhode Island
 - Rev. William B.G.K. Harris, Georgia
- 29 *Pro bono* affiliate Dorsey & Whitney also reviewed documents that were provided in response to a Freedom of Information Act (FOIA) request filed by the TRC in 2006. Information from the responsive documents was incorporated into a memorandum provided to The Advocates and the TRC on the topic of the U.S. role in the Liberian conflict.
- 30 Statistical information about statements collected in the diaspora can be found in Appendix H.

Chapter Four



Background on Liberia and the Conflict

GEOGRAPHY AND PEOPLES¹

Liberia is located on the Atlantic coast in West Africa and encompasses a territory of 43,000 square miles.¹ The country shares borders with Sierra Leone to the northwest, Guinea to the north, and Côte d'Ivoire to the east.² The country is rich in natural resources including iron ore, timber, diamonds, and gold, and provides a favorable environment for growing rubber trees.³

Liberia is divided into 15 counties whose territories correspond in some measure to territories claimed by particular Liberian ethnic groups.⁴ The population in 2008 was estimated to be 3,489,072.⁵ English is the official language of Liberia, although more than 20 indigenous languages and a form of English known as Liberian English are also widely used.⁶

WEST AFRICA



Although Liberia is a small country, it has an ethnically diverse population. Ethnicity in Liberia, sometimes referred to as tribal identity, is a complex and often artificial notion,⁷ just as it is in other parts of Africa and the world.⁸ At least 95 percent of the population is of indigenous African origin.⁹ A defining feature of Liberia's recent social, cultural, and political history is that a small proportion, less than five percent, of its population consists of descendants of repatriated Africans, including freed

¹ The audience for this report includes some individuals who have in-depth personal knowledge of Liberia and others who may be learning for the first time about Liberia, including its people, history, and the recent conflict. Accordingly, the following background and historical overview provides context for later sections of this report. This information is not intended as a definitive discussion of Liberian history and culture.

Chapter Four. Background on Liberia and the Conflict

slaves from the Americas and the Caribbean, free-born African-Americans, and Africans captured from slave ships on the high seas.¹⁰



Map No. 3775 Rev. 6 UNITED NATIONS
January 2004

Department of Peacekeeping Operations
Cartographic Section

This latter group, also known as Americo-Liberians, settlers, or Congo,¹¹ forms one of the 17 generally recognized sociocultural groups in Liberia.¹² The other 16 groups include indigenous Africans based on cultural and linguistic similarities, specifically the Gbandi, Bassa, Gio, Dei, Gola, Grebo, Kissi, Kpelle, Kru, Kuwaa (Belle), Loma, Ma (Mano), Mandingo, Mende, Vai, and Krahn.¹³ According to Liberian historians, “intermarriage, modern education and westernized Christianity, Islam and other foreign influences have blurred some of the distinctions” between these sociocultural groups.¹⁴ These indigenous groups arrived in Liberia in waves beginning in 6000 B.C.E. and have cross-border ties with similar ethnic communities in other West African countries.¹⁵ The last group to arrive was the Americo-Liberian settlers in the nineteenth century.¹⁶ Liberia also has a significant Lebanese community. People of Lebanese descent, and all other people of non-African descent, are not permitted to hold Liberian citizenship even if born in Liberia.¹⁷

KEY FEATURES OF LIBERIAN CULTURE

Liberia is a largely rural country, with the exception of the capital city, Monrovia.¹⁸ Most Liberians have strong ties to towns and villages outside the capital. These rural communities are generally the center of extended family, or kinship groups. Ties to an extended family network are critically important in Liberian culture and often form the foundation upon which local and national political governance is built.¹⁹

Liberian society is also characterized by veneration of elders and patriarchy. Councils of male elders generally are decision-makers in a given community.²⁰ The oldest male relative is the leader and decision-maker for the family group. Many communities, however, also seek the advice and input of councils of women elders.²¹

Leadership in Liberian communities is often expressed through membership in so-called “secret” societies. Such membership institutions exist in both the Americo-Liberian and indigenous sociocultural groups. The two most widely known indigenous secret societies are the Sande (for women) and Poro (for men). These societies, found among groups including the Vai, Gola, Dei, Mende, Gbandi, Loma and Kpelle, serve as institutions to acculturate youth and “formally carry them through the rite of passage from child to adult.”²² Poro and Sande are the most widely known because they are in fact the least secret – often all adult members of a community are initiates.²³ Other more secretive societies with clandestine membership dedicated to communication with specific types of spiritual powers also exist.²⁴ Americo-Liberians brought with them secret membership institutions, such as the Freemasons.²⁵

The existence of these institutions is tied to Liberians’ religious practices and worldview. Elders of the Poro, Sande, and the other Liberian secret societies are those who connect the human world with the powerful spirit world. Practices employed by the priests – or *zoes* – of secret societies include use of masks, dance, body markings, charms, ritual trials and punishments, animal sacrifice, and, in some cases, cannibalism.²⁶ These traditional religious practices also merge with Christianity and Islam, which are important social forces in Liberia. Many Liberians are initiates into indigenous secret societies and also practice Christianity.²⁷ Islam forbids participation in such societies, but has its own secret groups.²⁸

Apart from religious communication, dress and hairstyle are of great cultural importance in Liberia. The traditional hairstyle for Liberian men was uniformly closely cropped and reflected the hair depicted on traditional masks.²⁹ Disheveled hair, such as that worn by many of the combatant groups in Liberia, would traditionally have been a sign of “distress, bereavement, or even insanity”³⁰ and would have sent a clear message to other Liberians that this person was well outside any social and cultural boundaries.

Finally, Liberian society since the arrival of the Americo-Liberian settlers has been characterized by dual systems of education, governance, law, and cultural practice. Indigenous systems of education (such as the Poro and Sande bush schools³¹), customary law using traditional methods of trial by ordeal,³² reconciliation under the palava hut,³³ traditional punishment,³⁴ and the chieftaincy system of governance are prominent in the interior areas of Liberia. In contrast, a more Western-styled system of education, courts, and bureaucratic governance is found in Monrovia and other larger cities.³⁵

HISTORICAL OVERVIEW

Liberian history is contested and, as in many countries, is perceived as a political undertaking. This section seeks only to provide a general outline of certain historical events to provide the reader with context for the following report. A timeline of events during the TRC's mandate period, from 1979 to 2003, can be found at Appendix G.

Early History

Liberia's current ethnic diversity reflects the many stages of migration to what today is known as Liberia. The oldest inhabitants of the Liberian territory include the Gola, Kpelle, Loma, Gbandi, Mende, and Mano peoples, who had settled in the area by 6000 B.C.E.³⁶ Later arrivals included the Kru, Bassa, Dei, and Grebo peoples, who arrived during the sixteenth century from the west.³⁷ The seventeenth century brought the arrival of the Vai and Mandingo, migrating from the north.³⁸

Beginning in the early nineteenth century, actors within the United States began to play a part in the fortunes of the land that is now known as Liberia. As a reaction to America's own social crisis created by the use of Africans as slave labor, a group of prominent Americans began a movement to return free African-Americans to Africa.³⁹ They formed an association of abolitionists and whites who feared the growth of a free black population in the United States. This group became the American Colonization Society and ultimately selected land near the present day capital of Liberia to serve as the landing point for the first settlers.⁴⁰ Settlers officially founded the government of Liberia in 1847.⁴¹

The indigenous African inhabitants of the Liberian territory were generally antagonistic to the establishment of the Liberian nation and played no role in the decision-making around its founding principles and documents.⁴² According to Liberia scholar, Jeremy Levitt, the "Dei [the group located in the territory initially claimed by the ACS] abhorred the settlers' presence...[and] they forcefully resisted the erection of a 'colony,' 'settlement,' or 'dominion' in Cape Mesurado or at any other location on the coast."⁴³ Indeed, the colonization society settlements and indigenous tribal communities were at war over territory and trade routes throughout much of the nineteenth century.⁴⁴

The settler-led government in Monrovia engaged in the process of establishing an independent nation.

Liberian settler politics from 1883 onward were dominated by a small clique of settler families and their allies who governed through the True Whig Party.⁴⁵

Indigenous African communities followed their traditional patterns of life while also attempting to adapt to settler dominance. After the turn of the century, the settlers had established a system of military and administrative control over what was known as the “hinterland,” or the interior.⁴⁶ This area consisted of the land outside of the colonization society settlements that had been recognized by the international community as under the control of the settler-led government in Monrovia.⁴⁷ The hinterland made up the vast bulk of Liberian territory, and indigenous Liberians constituted



the vast majority of the population.⁴⁸ The Liberian Frontier Force, which later became the Armed Forces of Liberia (AFL),⁴⁹ was used as the primary instrument of control in the hinterland.⁵⁰

Liberia’s rich natural resources led to success in establishing international commerce from its coast. During the 1860s, however, Liberia began to face economic problems. Liberia took out high-interest loans from the United States and Europe in the 1870s, becoming economically dependent on other countries.⁵¹ Liberia signed a concession agreement with the Firestone

corporation in 1926.⁵² Under the agreement, Liberia leased one million acres of land to Firestone for 99 years at an annual cost of six cents per acre.⁵³ Rubber soon became Liberia’s biggest export. The Firestone plantation became a major driver of Liberia’s economy, employing thousands of workers.

Liberia’s relationship with Firestone led to international attention and criticism when the True Whig Party was accused of forcibly recruiting laborers to work on the Firestone plantation and elsewhere in a system known as pawning.⁵⁴ This led to an inquiry by the League of Nations, which concluded that officials of the Liberian government had pursued a policy of forcing indigenous Liberians to work in slavery-like conditions.⁵⁵ Although the president of Liberia was forced to resign, the True Whig Party remained in power.⁵⁶

The Tubman and Tolbert Eras

In 1944, William V.S. Tubman was elected President of Liberia.⁵⁷ With income from foreign

investments and the discovery of minerals, Tubman modernized Liberia's economy and developed some of Liberia's basic infrastructure.⁵⁸ During his tenure, Tubman slowly increased the access to governing structures for indigenous Liberians.⁵⁹ Tubman rewarded loyalty with public money and suppressed political opposition,⁶⁰ however. Therefore, the stratification of Liberian society between Americo-Liberians and indigenous Liberians persisted.

By the time Vice-President William Tolbert succeeded Tubman in 1971, many indigenous Liberians were frustrated with widespread poverty, lack of basic amenities, and political domination by the Americo-Liberians. As one Liberian scholar noted, a "wave of rising expectations overtook Liberians following the death of Tubman."⁶¹ In 1972, one year after Tolbert assumed the presidency, the Movement for Justice in Africa (MOJA) was organized by professors and students at the University of Liberia.⁶² In 1975, the Progressive Alliance of Liberia (PAL) was established by Liberians living in the United States, and PAL opened an office in Liberia in 1978.⁶³ Tolbert, MOJA, and PAL would become the primary antagonists in the civil unrest that many believe led to Liberia's first military coup d'état in 1980.

According to Levitt, MOJA and PAL "worked together with numerous other organizations to pressure the government to make fundamental changes in the way that it allocated resources and kept [indigenous] Liberians and poor, rural and unemployed Liberians of all descents at the periphery of decision making..."⁶⁴ MOJA and PAL took action as a result of two major historical events.⁶⁵ The first was leaked information about a government plan to increase the price of the Liberian staple food, rice.⁶⁶ Second, the government effectively barred "poor and landless Liberians" from exercising their right to vote by its invocation of "150-year-old constitutionally based property ownership rules."⁶⁷ The price increase, in particular, was perceived as an opportunity for members of the ruling elite, many of whom had significant economic stakes in Liberia's cash crops, to benefit personally.⁶⁸ The Tolbert administration stated that the price increase was designed to stimulate domestic rice production and support small farmers, to slow the rate of migration to urban areas, and to discourage rice importation.⁶⁹ Regardless of its intent, the price increase caused a widespread negative response.

In 1979, PAL applied for a permit to demonstrate against the proposed price increase and was denied.⁷⁰ PAL leaders met with Tolbert in March 1979 and were again ordered not to demonstrate.⁷¹ Despite the order, PAL called for demonstrations on April 14, 1979.⁷² Hundreds of people protested, and conflicts between police and demonstrators resulted in demonstrators being shot.⁷³ Unleashed by these Rice Riots, many people, including some soldiers, turned to looting.⁷⁴ Political tensions between Tolbert, MOJA, and PAL continued throughout 1979 and 1980.⁷⁵

Samuel K. Doe Era

On the night of April 12, 1980, a group of soldiers from the AFL staged a military coup against

President Tolbert.⁷⁶ Tolbert was assassinated during the attack on the executive mansion.⁷⁷

The military junta, or People's Redemption Council (PRC), assumed power and chose Samuel K. Doe, a member of Liberia's indigenous Krahn tribe, as PRC co-chair and head of state.⁷⁸ On August 22, 1980, 13 members of President Tolbert's cabinet were marched down to a beachside military barracks, tied to poles, stripped, and executed by firing squad.⁷⁹ Many political figures fled the country, and many others were imprisoned.⁸⁰

After several years of pressure to return to civilian rule, Doe agreed to a process of constitutional reform and elections. Elections were held in 1985 and, while numerous political parties participated, the elections were widely seen as fraudulent.⁸¹ Doe declared himself and his party, the National Democratic Party of Liberia (NDPL), victorious. In November 1985, one month after the election, PRC co-founder Thomas Quiwonkpa returned from exile in the United States and attempted a coup to topple Doe. The rebellion was violently quashed. Doe was inaugurated as the first president of Liberia's Second Republic in January 1986.⁸²

Immediately after seizing power, and throughout his regime, Doe's government engaged in widespread human rights violations.⁸³ At the same time, Liberia was a close ally of the United States under the administrations of Ronald Reagan and George H.W. Bush. During Doe's regime, Liberia received more than 400 million dollars in foreign aid.⁸⁴

Charles Taylor Era

On December 24, 1989, Charles Taylor, a former bureaucrat in the Doe administration who had been educated in the United States and who had fled Liberia after being charged with embezzling government funds,⁸⁵ launched an invasion from neighboring Côte d'Ivoire.⁸⁶ Throughout 1990, Taylor and his group of fighters, who called themselves the National Patriotic Front of Liberia (NPFL), began seizing control of increasing amounts of territory outside Monrovia.⁸⁷ Many Liberians, frustrated by Doe's oppressive and inept rule, initially welcomed Taylor's incursion.⁸⁸

Within six months, Taylor's NPFL had reached Monrovia and reports of human rights abuses and an impending humanitarian crisis demanded international action.⁸⁹ In response, the Economic Community of West African States (ECOWAS) deployed a Cease-fire Monitoring Group peacekeeping mission, known as ECOMOG, to Monrovia in August 1990.⁹⁰ On September 9, 1990, a splinter group of the NPFL, Prince Johnson's Independent National Patriotic Front of Liberia (INPFL), captured and tortured Samuel Doe to death.⁹¹ The NPFL and Doe's soldiers signed a ceasefire agreement in November; a second peace agreement was signed between an interim government, the NPFL, and Doe's supporters in December.⁹² Notwithstanding the peace agreements, the fighting continued. The United Liberation Movement for Democracy (ULIMO), a rebel group composed of Doe supporters

from neighboring Guinea and Sierra Leone, was formed to oppose Taylor. ULIMO invaded Liberia in April 1991.⁹³

Although additional peace agreements were signed by the warring factions throughout 1993 and 1994, the conflict continued,⁹⁴ and other armed factions emerged. In 1995, Taylor agreed to a ceasefire and a timeline for the demobilization and disarmament of his troops. Taylor, along with five other factional leaders, became members of a collective transitional presidency.⁹⁵ Elections were held in 1997, and Taylor won the presidential election.⁹⁶

The civil unrest persisted, however. In 1999, exiled Liberians formed armed groups to oppose Taylor. Liberians United for Reconciliation and Democracy (LURD) and the Movement for Democracy in Liberia (MODEL) launched military campaigns against Taylor's government.⁹⁷

Under international pressure, Taylor stepped down in exchange for asylum in Nigeria on August 11, 2003.⁹⁸ Soon thereafter, the warring factions and an interim government signed the Comprehensive Peace Agreement in Accra, Ghana, which provided for a transitional government until the 2006 elections.⁹⁹ Gyude Bryant was selected to lead the National Transitional Government of Liberia (NTGL).¹⁰⁰

Post-conflict Liberia

Since the signing of the Comprehensive Peace Agreement, Liberia has been at the center of several historic firsts: the first election of a female president in Africa, Ellen Johnson Sirleaf, and the prosecutions of a former national president and his son, Charles Taylor and Chuckie Taylor.

Under the Comprehensive Peace Agreement, elections were held in 2005. On November 23, 2005, Ellen Johnson Sirleaf was elected President of Liberia. The first democratically elected female president in Africa and a member of the Unity Party, Sirleaf suffered persecution under prior regimes.¹⁰¹ Initially an appointee in Doe's government,¹⁰² Sirleaf was later imprisoned in 1985 and 1986 for criticizing Doe's administration.¹⁰³ She initially supported Taylor's NPFL invasion but later disassociated herself from the group.¹⁰⁴



One of President Sirleaf's early acts was to inaugurate the TRC. On June 22, 2006, the TRC of Liberia was launched. Composed of nine commissioners,¹⁰⁵ the TRC was mandated to "promote national

peace, security, unity and reconciliation,” while making it possible to hold perpetrators accountable for gross human rights violations and violations of international humanitarian law.¹⁰⁶ Apart from the TRC, two key prosecutions have begun to address the issue of justice for crimes by key actors in the Liberian conflict – that of Charles Taylor at the Special Court for Sierra Leone and that of Chuckie Taylor in U.S. federal court.

The United Nations and the government of Sierra Leone created the Special Court for Sierra Leone in January 2002.¹⁰⁷ The objective of the Special Court for Sierra Leone is to “prosecute persons who bear the greatest responsibility for serious violations of international humanitarian law and Sierra Leonean law committed in the territory of Sierra Leone since 30 November 1996.”¹⁰⁸ On March 7, 2003, the Special Court for Sierra Leone charged Charles Taylor with war crimes, crimes against humanity, and other serious violations of international humanitarian law. The charges allege that Charles Taylor is individually criminally responsible for the actions of others, specifically those under his command, given his position of executive power.¹⁰⁹ Because these criminal charges are brought by the Special Court for Sierra Leone, they do not cover Taylor’s criminal actions perpetrated against the Liberian people.

Taylor argued that he was “immune from any exercise of jurisdiction...by virtue of the fact that he was, at the time of the issuing of the indictment and warrant of arrest against him, a Head of State.”¹¹⁰ For three years, Taylor remained in exile beyond the Special Court’s reach. It was not until a request by the Liberian government that Nigerian President Obasanjo delivered Taylor to the Special Court on March 29, 2006. To preserve regional stability, Taylor’s trial was transferred to The Hague, Netherlands, where he is currently incarcerated.¹¹¹ Presentation of evidence in the Charles Taylor trial began in January 2008. The United Kingdom has agreed to incarcerate Taylor should he be convicted.

Charles Taylor’s son, Roy Belfast, Jr., a U.S. citizen known as Chuckie Taylor, was indicted in 2006 in U.S. federal court for his actions as the head of the Anti-terrorist Unit (ATU), a notorious paramilitary unit alleged to be responsible for torture and killings.¹¹² This indictment was the first in the United States under a statute criminalizing torture, 18 U.S.C. §2340A.¹¹³ The statute brings within the jurisdiction of U.S. federal courts all acts of torture committed outside of the United States when the offender is a U.S. citizen, national, or is present in the United States.¹¹⁴ On October 30, 2008, a federal jury found Chuckie Taylor guilty of torture and conspiracy¹¹⁵ and he was sentenced to 97 years in prison.¹¹⁶ Despite these prosecutions, several individuals who played important roles during the conflict were elected to public office in Liberia in 2005 and currently hold public office in Liberia.

ROOT CAUSES OF THE CONFLICT

The mandate of the TRC of Liberia includes “[i]nvestigating the antecedents of the crises which gave rise to and impacted on the violent conflict in Liberia.”¹¹⁷ Accordingly, statement givers in the

diaspora were asked to discuss their opinions as to what they believed to be the root causes of the conflict.¹¹⁸ Overwhelmingly, Liberians in the diaspora identified three major root causes: inequities implicit in the structure of the settler-dominated Liberian state, tribalism, and greed/corruption.

Systemic inequity between the ruling elite and the majority indigenous population, tribal allegiance and intertribal conflict, and pervasive corruption were critical factors that led to the collapse of the Liberian state. Throughout the war, however, illegal personal enrichment and violent repression of opposition were perpetuated by all sides to the conflict. Those with guns became lawless, seeking to enrich themselves and targeting those against whom they had personal grudges or anyone who was perceived to have benefited from the system prior to the war. Government soldiers took money and food from civilians at checkpoints.¹¹⁹ Statement givers again and again described rebel fighters taking personal revenge during raids.¹²⁰ Some statement givers described being targeted because of “money arguments.”¹²¹ They also described how some people got “rich because they commit atrocities and they feel that warfare is...the green light or...the passage to creating wealth.”¹²² Through each regime in Liberia, and all through the conflict period, these root causes as identified by statement givers were reflected in widespread violations of basic human rights.

The Americo-Liberian/Indigenous Liberian Divide

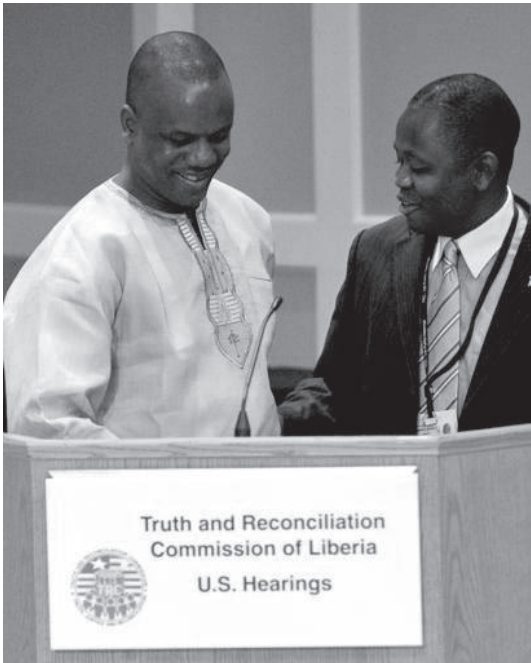
Civil war really started from the way the people in Liberia were treated by Liberians that returned to the country from America. There was no good representation for the tax payer and they did not want the indigenous to be educated. They wanted to keep the education limited so they could continue to oppress the indigenous. Over time the indigenous began to recognize the exploitation and called for a two-party system.¹²³

The systematic exclusion and marginalization of indigenous Africans from the economic, political, and social arenas during the many years of Americo-Liberian dominance is widely regarded as one of the root causes of the civil crisis. Numerous statement givers in the diaspora identified this as one of the primary causal factors.¹²⁴ Statement givers expressed the opinion that, “indigenous Liberians were treated like dirt by Americo-Liberians”¹²⁵ and “[Americo-Liberians] enriched themselves off the backs of the indigenous people, who were kept poor.”¹²⁶ One statement giver observed: “The very seal of the country says ‘The Love of Liberty Brought Us Here,’ which implies that there was no one in the country before 1822. This overemphasizes the role of the Americo-Liberians, which I believe is a fundamental and very serious problem.”¹²⁷

Tensions between indigenous Liberians and settlers existed almost from the first interaction between the two groups 130 years before the 1980 coup.¹²⁸ The new settlement, initially under the control of white ACS agents, and then under black settler rule, viewed Western culture, education, and religious

practices as superior to practices of indigenous Africans. Statement givers opined that, “[w]hen the ex-slaves arrived in Liberia from the United States, they brought with them segregation. They drew a line between themselves and the indigenous people of West Africa.”¹²⁹ Even the leadership reflected this sense of superiority, as Liberia’s first president, J.J. Roberts, reportedly called indigenous Liberians “a heathen and barbarous people.”¹³⁰

Americo-Liberians demonstrated their contempt for indigenous culture in many ways: by their reluctance to marry indigenous Liberian women with whom they had informal liaisons, by their ceaseless efforts to convert indigenous Liberians to Christianity, by ordinances against public nudity..., by efforts to replace indigenous Liberian traditional land ownership (based on use and need) with private ownership, and by de facto segregation in towns.¹³¹



This attitude set the stage for systematic exclusion and marginalization of indigenous Liberians as settlers consolidated power. While Americo-Liberians constituted only a small percentage of the population,¹³² this small minority group effectively dominated the majority indigenous Africans politically, economically, and socially for more than 100 years. Americo-Liberians were, as historian Stephen Ellis writes, “as much a social and political class, a type of aristocracy, as they were a true ethnic group.”¹³³

During the years of settler rule in Liberia, government policies focused on consolidation of power among the ruling elite in Monrovia. In addition to establishing an indirect rule system to collect taxes from the hinterland for the central government,¹³⁴ the government used the Liberian Frontier Force to “quell internative conflict, collect taxes, and enforce government mandates.”¹³⁵

Historians and statement givers alike describe violence and intimidation inflicted in the interior by the Liberian Frontier Force.¹³⁶ In the Liberian Frontier Force and its successor, the AFL, the officer corps was made up of Americo-Liberians, while the rank and file soldiers were indigenous Liberians.¹³⁷ Such a system began to provide incentives for consolidation of loyalty to the state among indigenous Liberians who gained benefits from aligning with the settler elites.

Once effective military control was established over the territory of Liberia, policies to ensure the perpetuation of the settlers' political and cultural system focused on political, economic, and social power. Liberia was a one-party state dominated by the True Whig Party, which was founded by the settlers in 1869.¹³⁸ The True Whig party ruled the country continuously from the late nineteenth century until President Tolbert's assassination in 1980.¹³⁹ Power was concentrated in the presidency, especially under Liberia's longest ruling leader, President William V.S. Tubman. An attempt at political opposition under Tubman ended in 1955, with an assassination attempt against the president and the suppression of the opposition.¹⁴⁰

Not only did Americo-Liberians dominate politics, but their leading cultural and religious institutions, such as the Freemasons and the Christian churches, were key opportunities for upward social mobility.¹⁴¹ Prior to 1980, Liberia was reportedly stratified along social and class lines so rigid that one statement giver described it as an "apartheid" approach.¹⁴² One scholar, Ayodeji Olukoju, has described Liberia's stratification in the following way:

[In the 1960s, Monrovia] was subdivided into three distinct social groups arranged in a pyramidal order. At the apex were the elite and honorables, followed by the civilized in the middle, with the tribal or uncivilized at the base of the pyramid. The civilized comprised clerks, schoolteachers, nurses, and junior officials. Drivers, mechanics, domestics, technicians, and electricians occupied the transitional zone between civilized and tribal. Outside Monrovia, this unwritten class or social differentiation... was reinforced even by the activities of formal groups known as civilized committees or civilized communities or elements, which existed to promote relations between the local elites and the central government.¹⁴³

Liberians of indigenous descent had few options for full participation in Liberian society. Other than joining the army, the best way for an indigenous Liberian to advance was through the ward system. Indigenous Liberians could gain a quality education and thus access to economic power only through attendance at schools in Monrovia. To attend such schools, indigenous children became "wards" of Americo-Liberian families.¹⁴⁴ As one statement giver described it, "[i]n the past, the only way the illiterate could go to school was through patronage."¹⁴⁵ Liberia scholar J. Gus Liebenow noted that the ward system was legally recognized in Liberia in 1838. "In return for food, clothing, shelter, and often education as well, the ward helped out with the farming and other chores. When the system was abused, it differed little from domestic slavery. In many instances, however, a ward was fully adopted into the Americo-Liberian family and permitted to bear the family name, inherit property, and enjoy the prestige of his 'father.'"¹⁴⁶

According to Levitt, "Most settler Liberians...realized that in order for the oligarchy to survive, it

would have to make concessions to its native populace.”¹⁴⁷ Tubman made some concessions through the Open Door and Unification policies.¹⁴⁸ These policies were designed to encourage foreign economic investment and to bring more indigenous Liberians into government. While the Open Door economic policy resulted in rapid economic growth in Liberia, it was growth that benefited the Monrovia elite and excluded indigenous Liberians.¹⁴⁹ Tubman’s successor, President Tolbert, went further and opened the door for a political opposition that Tubman had never allowed.¹⁵⁰ By the 1970s, a “counter-elite” was emerging of young people from indigenous backgrounds who had completed college and graduate education.¹⁵¹ The 1979 Rice Riots were an example of the efforts of the counter-elite, or student leaders, who called on their followers to demonstrate.¹⁵² The Tolbert government responded with violent suppression of the opposition.¹⁵³

Tensions between the settler elite and the indigenous population reached their apex with the assassination of President Tolbert in 1980. One of the former Tolbert government ministers who was imprisoned and narrowly escaped execution after the coup described how some imprisoned government officials were initially saved from death solely because they were considered to be of “pure” indigenous background – soldiers who were ordered to carry out the executions refused to do so because they would not kill a fellow indigenous Liberian.¹⁵⁴ After Tolbert’s execution, Liberians of indigenous descent celebrated,¹⁵⁵ danced, and sang “[n]ative woman born soldiers, soldiers killed Tolbert,” with the hope that the military junta would end the more than 133 years of Americo-Liberian rule.¹⁵⁶

Tribalism

Scholars note that although “tribal” identity and conflict in the region that became known as Liberia had been a factor since pre-settler days,¹⁵⁷ the notion that there are 16 clearly defined tribal groups in Liberia is a fiction that emerged along with the development of the modern Liberian state.¹⁵⁸ Yet “tribalism” – tribal conflict and allegiance – was identified as a root cause of the Liberian conflict by numerous statement givers in the diaspora. Many statement givers also described policies that favored one tribe over another, leading to deep divisions based on ethnic identity. Some statement givers expressed the opinion that conflict leaders used ethnic strife to fuel the war.¹⁵⁹ While members of all ethnic groups in Liberia suffered human rights abuses during the conflict, the favoritism and targeting of individuals based on identification with the Krahn, Gio, Mano, and Mandingo tribes was particularly significant.

Statement givers frequently attributed the rise in indigenous ethnic tension to the policies of former President Samuel K. Doe, who was reported to have favored members of his own Krahn tribe, as well as Mandingos. Statement givers who were involved in the Doe government point out that initially many of the key positions in the PRC government were held by individuals from non-Krahn ethnic groups.¹⁶⁰ The following commentary, however, is representative of the view of many statement givers:

Because most of the PRC members were of the ethnic Krahn tribe, they began practicing tribalism and nepotism, placing a premium on members of the Krahn tribe only. Most of the key government positions were filled with Krahn men and women, some of whom could neither read nor write.¹⁶¹

By most estimates, Krahns made up less than five percent of the Liberian population in the early 1980s.¹⁶² As the Doe era progressed through the 1980s, however, Krahns were appointed to a disproportionate number of positions in the government and in the AFL.¹⁶³ Statements described how Krahn employees were appointed to higher positions of authority than non-Krahn employees, regardless of their ability. One U.K. statement giver recalled:

that a key official was appointed who could not even read and write, just because he was a Krahn and the uncle of the then Head of State. A qualified person would be appointed to each Government post who could come from any tribe, but there was always a “watchdog” from the Krahn tribe appointed as well.¹⁶⁴

The perception was echoed by a statement giver from Providence, Rhode Island in her TRC statement:

When President Doe took over Liberia, he put family and those belonging to the Krahn tribe, or with connections to the Krahn tribe, into positions of power whether or not they had the skills to handle those positions. Realizing that many of those put into power would not have the requisite skills, President Doe would match those he put in positions of power with individuals who did have the necessary skills. President Doe’s people would become managers and those with the true skill would be assistant managers. My husband was one of the people with knowledge, and his boss was manager solely because of his family connections.¹⁶⁵

Mandingos, known in Liberia for their trading and economic activities, shifted their loyalty and support from the Americo-Liberian regime to Samuel K. Doe,¹⁶⁶ who rewarded them with official positions in government as well as trade privileges.¹⁶⁷ Although they have been in Liberia for generations, Mandingos have historically been viewed by other Liberian ethnic groups as foreigners.¹⁶⁸ This shifting of support to the Doe regime added to resentment against the Mandingo, particularly in Nimba County, as many of the Mandingos appointed to official positions were there.¹⁶⁹

Doe’s favoritism toward his own tribe and others whose support he hoped to gain extended to all public and private sectors of Liberian society. Many statements detail examples of government and private discrimination against non-Krahns in employment, housing, education, and other areas. One

statement giver reported how his neighbor, a Krahn, kept repeating that he was now a “first-class citizen” because he was from the same tribe as Doe.¹⁷⁰ A Mano statement giver described how he joined Doe’s army, where he excelled and became a company first platoon leader.¹⁷¹ Because of his experience and high school education, President Doe promised him a scholarship to attend West Point.¹⁷² To his disappointment, he did not receive the scholarship because, he believed, he was not Krahn.¹⁷³ A Gio statement giver described how she applied to the University of Liberia in 1980.¹⁷⁴ She passed her national exams and was accepted by the university while in the twelfth grade.¹⁷⁵ Nevertheless, both she and her sister were unable to enroll in the university. She believes that the university president, who was Krahn, took her name off the list because it was obviously Gio.¹⁷⁶ Later she also experienced difficulties in finding housing in the town of Kakata, in western Liberia, despite the availability of multiple units. She believes she again was denied consideration because of her name.¹⁷⁷

Subsequent events continued to deepen the ethnic divide. In the 1985 presidential election, Jackson F. Doe, a Gio from Nimba County, was widely believed to have defeated Samuel K. Doe, a Krahn.¹⁷⁸ The attempted coup by Thomas Quiwonkpa, a Gio from Nimba County and one time PRC associate of Samuel K. Doe, and Doe’s violent retaliation against residents of Nimba County escalated the tension among tribes, particularly between Gio and Krahn. Those affiliated with Nimba County and its predominant tribes, the Gio and the



Mano, were targeted in Monrovia and across Liberia. Numerous statement givers cited Doe’s revenge as engendering hatred and revenge-seeking by the Gio and Mano tribal groups against members of the Krahn tribe.¹⁷⁹ One statement giver who now lives in Atlanta told the TRC of losing her uncle in the post 1985 coup retaliation:

Doe’s soldiers had targeted people from the Mano and Gio tribes...Doe’s soldiers caught [my uncle] as he walked on the street, when they asked him in what tribe he belonged. He said, “Mano,” and Doe’s soldiers executed him there by slashing his throat...[He] was such a kind, gentle man that did not deserve to die that way...[He] would have been identifiable by his speech alone because the Mano tribe speaks a very unique way from that of the other tribes and are easy to target.¹⁸⁰

Statement givers detailed how government soldiers arrested government employees with Gio, Mano, or Nimba County affiliations. One Gio statement giver described how soldiers arrested her husband three times.¹⁸¹ Although they never provided a reason for his arrests, she believed it was because of his government role and Gio background:¹⁸²

My husband was imprisoned for nearly three months and was kept in an underground cell in Monrovia that I described as a “lion’s den.” He was tortured and beaten while kept in confinement, his whereabouts unknown to me. While I was terrified to hear about what he had gone through after he was freed, I was thankful that he was still alive...

My husband was arrested a second time, not long after his first arrest... Again, he was not told why he was being arrested... While imprisoned, he was beaten and deprived of food. I tried to visit my husband while he was in jail, but I was not allowed to see him. The food I provided was not given to him. Eventually, he was freed from jail...

My husband was arrested a third time and I did not know where he was held. After release, he recounted some gruesome stories of being tied to the back of a pickup truck and being dragged across the ground. During his imprisonment, I saw him on the television... A captive was decapitated right next to my husband. My husband was hit with the decapitated head so hard that he passed out. The soldiers soiled him with feces and urine while he was passed out.¹⁸³

Some statements described how this targeting was perpetrated against the very young as well to prevent the emergence of a future opposition. Statement givers reported accounts of Doe’s forces exacting revenge on the residents of Nimba County by taking babies and killing them, generally by drowning them in wells.¹⁸⁴ Other statement givers reported that Doe forces rounded up children in Nimba and had them buried alive so that they could not “grow up and seek revenge.”¹⁸⁵ Regardless of the truth of such reports, they persist in the Liberian consciousness. As late as the NPFL invasion in 1989, statement givers reported that Doe’s forces were drowning people in wells in Nimba in revenge for Quiwonkpa’s coup attempt and for Nimba County’s support of Taylor’s invasion.¹⁸⁶

Ethnic divisions became fundamental to the civil war when Charles Taylor’s rebel forces invaded in 1990.¹⁸⁷ TRC statements from the diaspora are replete with stories of NPFL fighters targeting Krahn and Mandingos,¹⁸⁸ while Doe’s armed forces targeted Gios and Manos.¹⁸⁹ In the case of Mandingos, who are predominantly Muslim, statement givers also reported having to change their names and attire to avoid being targeted.¹⁹⁰ Krahn, Mandingo, Gio, and Mano tribes were not the only ones

targeted. For example, people with names that sounded Americo-Liberian were also targeted.¹⁹¹ Many statement givers described witnessing persons singled out for brutal treatment at checkpoints because of their alleged tribal affiliation or the language they spoke.¹⁹²

Corruption

Both statement givers and scholars identify rampant corruption as one of the causes of 25 years of conflict in Liberia. One statement giver summarized: “[T]here is deep-rooted corruption in Liberia, which is very sad. If anyone tries to exercise integrity, they are laughed at. If you don’t steal from the government, you’re seen as stupid.”¹⁹³

Perceived government corruption¹⁹⁴ was one of the factors that led to the coup against President Tolbert in 1980. Similarly, the PRC and Doe administration’s continuation of corrupt practices can be viewed as a major cause of the subsequent 14-year civil war.¹⁹⁵ Corruption continued during the years from 1990 to 2003, and in fact was “aggravated during the years of civil war when most of the interim governments were created based on a peace formula whereby appointments in Government were based on warring faction membership and loyalty...”¹⁹⁶

Liberia’s extensive corruption is generally attributed to several factors. According to the Government of Liberia’s own Interim Poverty Reduction Strategy (IPRS) “over-concentration of power” in the hands of the urban Americo-Liberian ruling elite led to corruption, “restricted access to the decision-making process, and limited the space for civil society participation in governance processes.”¹⁹⁷ A second factor is the traditional dominance of the Executive Branch – and within the Executive, the overwhelming dominance of the President – over the other constitutionally equal branches of government.¹⁹⁸ The President not only controlled the Armed Forces but also had disproportionate influence over the national budget, particularly appropriations and disbursements.¹⁹⁹ After an attempted coup in 1955, Tubman further consolidated power in the presidency and began developing a network of civilian spies and specialized security personnel for protection.²⁰⁰

Third, “the limited state of civil service rules and policies in Liberia [furthered a system] whereby the president...influenced or made appointments to key civil service positions below the directorial level.”²⁰¹ A report commissioned by Transparency International notes that, as a result of the President’s extraordinary power over public sector employment, Liberian presidents for decades influenced decisions regarding the recipients of almost “every public contract, permit, license, etc.”²⁰² This, according to the report, “...led to poor governance, inefficient management, and limited accountability in the public sector, which caused and/or contributed to many acts of corruption, including abuse of functions, trading in influences, and bribery.”²⁰³

These problems were further compounded by problems inherent in the justice system. Judges in

Liberia have always been subject to “political, social, familial, and financial pressures”²⁰⁴ because the judiciary has never been adequately compensated. As one statement giver noted, “they should pay the



civil servants better. They need to restructure the government and give the civil servants something to feed the children. If the government does not feed the children, the corruption will be there. The country’s legal system needs to be stronger.”²⁰⁵

Low wages and unattractive conditions of service meant that many lawyers were not willing to work in the Liberian judicial system.²⁰⁶ This contributes to the struggles of the justice system, including the infrastructure and corruption problems.²⁰⁷ At the lower levels of the courts, corruption was due in large part to the meager salaries paid to Justices of the Peace and magistrates.²⁰⁸ Such an environment led to corruption and allowed people with money to act with impunity.²⁰⁹

Corrupt practices resulting in illicit enrichment of public officials appear to have been widespread both before and during the time period under examination by the TRC. Even in 2006 – three years after Charles Taylor went into exile – “...a substantial percentage of all the private wealth in Liberia [was] held by current or former government

officials.”²¹⁰ Corruption in “state-owned enterprises, regulatory agencies and parastatal enterprises”²¹¹ was of particular concern.

Illicit enrichment during the period of Americo-Liberian rule is well documented. During the True Whig Party’s administration, a few state officials held a cumulative wealth that was greater than Liberia’s total budget; the government at times borrowed money from these officials.²¹² The U.S. Department of State also noted in 1980, that “[c]orruption was rampant among high officials including the President and his family.”²¹³ Information provided by one statement giver was typical of perceptions of illicit enrichment of high-ranking government officials: “In the 1970s, President Tolbert used money to build two housing projects that were supposed to be for low-income people, but he built big houses that were lived in by the government ministers.”²¹⁴

A long history of corrupt practices exists in the armed forces, particularly related to soldiers abusing their position to obtain material goods. One statement giver described President Tubman sending soldiers to capture the statement giver’s father in 1955.²¹⁵ The soldiers came into the village, “grabbing

chickens, food, animals, and things.”²¹⁶ At least one scholar has noted a clear progression from the breakdown in discipline among the AFL to the fighting factions during the 1990s that in many cases were nothing more than armed gangs.²¹⁷ When the AFL changed its recruiting practices in the 1960s, it began to recruit from Monrovia’s urban poor:

[L]acking property rights in both indigenous and “Western-oriented” societies, members of this group could become easily mobilized for plunder of both rural villages and for mayhem in cities. It was members of the lumpen military and others from the same social pool...that constituted the core of not only the security forces of the Doe regime but also those of Charles Taylor and other armed groups in the Liberian conflict.²¹⁸

Following the 1980 coup, problems with illicit enrichment of public employees continued.²¹⁹ Shortly after the PRC took power, “government employment expanded rapidly, apparently far in excess of any reasonable projection of the demand for public services.”²²⁰ Those who obtained these government jobs did relatively well. Lower level government workers earned approximately four times the national per capita income.²²¹ Those who worked for government-owned corporations also enjoyed substantial benefits.²²²

Doe used both government and private companies to divert funds for personal use.²²³ This widespread government corruption led to the departure of several foreign companies from Liberia in the latter half of the 1980s.²²⁴ Doe then turned to more surreptitious commercial activities by eschewing the more regulated foreign firms in favor of preexisting personal connections and trade in commodities (such as timber, rubber, gold and diamonds) that could be easily masked.²²⁵ Thus, use of more discrete channels of trade made state oversight of commerce increasingly difficult.²²⁶

Statement givers shared their personal experiences with regard to the corrupt practices. A statement giver reported that in the 1990s he witnessed corruption as a driver for an American company. The project was supposed to pay them \$450 in U.S. currency per month. But he and his coworkers were only paid \$35 per month. His coworker discovered financial statements showing that the company claimed to pay workers \$350 in salary and \$100 per diem, but the decimal point had been moved so they only needed to pay them \$35.²²⁷ Another statement giver reported depositing money into a Liberian bank and expecting \$50,000 in U.S. currency to be transferred to his account in New York.²²⁸ The money was not wired on time, and calls to the bank went unanswered.²²⁹ Eventually, 50,000 Liberian dollars was transferred into his account several months later.²³⁰

One of the most highly publicized incidents of corruption under Doe involved his eventual successor, Charles Taylor, who fled to the United States after being accused of embezzlement. A witness from Minnesota told the TRC that she worked with Taylor when he was responsible for

government purchasing as Director of General Services Administration in the Doe government. As an administrative assistant to the Deputy Director for Administration, she helped negotiate a lucrative contract for spare parts with a local supplier. She stated that Taylor refused to sign the contract, however, and directed that the parts be purchased from another entity. When the parts failed to arrive, she conducted an investigation and discovered the deal was a sham, the entity did not exist, and the funds had been sent to a Swiss bank account.²³¹

Once Taylor won the presidency his efforts at personal enrichment were often aided by the majority support he enjoyed in Parliament that allowed him to take over functions and divert resources from other branches of government.²³² For example, in 1999, Taylor appropriated the Forestry Department's revenues from Liberian timber exports.²³³ Another practice was to increase the price of staples and take part of the rate increase for himself.²³⁴ A 2002 report aptly summarized the extent of Taylor's corrupt management:

The system was started in the National Patriotic Front of Liberia territory in 1990 and merely extended to Monrovia when Taylor won the presidency. It might be described as appropriating the entire tradable economy into a single firm, with Charles Taylor as Chief Executive Officer and majority shareholder. Industries are parceled out to the small group of businessmen in Taylor's inner circle – fellow shareholders in "Liberia Inc."²³⁵

One major development under Taylor was the re-designation of the Liberian Maritime Registry administrator, which thereby increased government control over the shipping industry. Under its 50-year administration, the Liberian Maritime Registry remitted around \$700 million to the Liberian Government.²³⁶ The previous administrator, the U.S.-based International Registries, Inc., was viewed as a well run and highly efficient registry, in part because its management of the registry was completely independent of the Liberian Government.²³⁷ In 1999, however, the Liberian government signed an agreement to transfer administration of the registry from International Registries, Inc. to the Liberian International Ship and Corporate Registry, run by Taylor associates.²³⁸

This change allowed Taylor to divert millions of dollars from the shipping industry. Although the Minister of Finance was to have exclusive control over the registry revenue,²³⁹ he acknowledged a "significant diversion of the maritime funds for extra-budgetary uses by the Executive Mansion."²⁴⁰ In addition to providing funds to Taylor, the Liberian International Ship and Corporate Registry directly or indirectly aided Taylor and the civil war by agreeing to send registry revenue to non-governmental bank accounts.²⁴¹ The U.N. Panel of Experts found that this money was used for the delivery of weapons, including submachine guns, which were smuggled into Liberia from Uganda.²⁴²

Taylor also entered into contracts that granted him lucrative interests. For example, the American

televangelist Pat Robertson's Freedom Gold Ltd. signed an agreement with Taylor in 1999, so as to gain development rights to diamonds and gold in Liberia.²⁴³ Despite the Liberian government's refusal to ratify the agreement, Freedom Gold started a diamond mining venture in southeastern Liberia in 2000. Subsequently, it became known that Taylor had a ten percent ownership interest in Freedom Gold.²⁴⁴

As described by statement givers, Taylor's illicit economic activity aggravated an already unstable situation and contributed to the rise of armed groups aiming to oust him during the second Liberian civil war.²⁴⁵

Notes

- 1 AYODEJI OLUKOJU, *CULTURE AND CUSTOMS OF LIBERIA* 2 (2006).
- 2 U.N. Dep't of Peacekeeping Operations, Map of Liberia No. 3775 (2004), <http://www.un.org/Depts/Cartographic/map/profile/liberia.pdf>.
- 3 OLUKOJU, *supra* note 1, at 3, 7.
- 4 D. ELWOOD DUNN, AMOS J. BEYAN & CARL PATRICK BURROWES, *HISTORICAL DICTIONARY OF LIBERIA* Map 1: Languages and Ethnic Groups, 43-44, 146-48, 216, 221-22, 235, 251, 279, 302 (2d ed. 2001).
- 5 Rep. of Liberia, 2008 National Population and Housing Census: Preliminary Results (Liberia Institute of Statistics and Geo-Information Services June 2008), http://www.emansion.gov.lr/doc/census_2008provisionalresults.pdf.
- 6 OLUKOJU, *supra* note 1, at 4.
- 7 See JEREMY I. LEVITT, 'THE EVOLUTION OF DEADLY CONFLICT IN LIBERIA: FROM 'PATERNALTARIANISM' TO STATE COLLAPSE 17-18 (2005).
- 8 See generally MARY H. MORAN, *LIBERIA: THE VIOLENCE OF DEMOCRACY* 15-17 (2006) (discussing the fallacy of the New Barbarism hypothesis in the context of so-called "tribal" conflicts in Africa).
- 9 DUNN ET AL., *supra* note 4, at 261. See also Sandra Yin, Population Reference Bureau, *Liberia Takes its First Census in 24 Years*, Apr. 2008, <http://www.prb.org/Articles/2008/liberia.aspx> (noting that Liberia's first census since 1984 was conducted in March 2008).
- 10 OLUKOJU, *supra* note 1, at 4; see DUNN ET AL., *supra* note 4, at 261.
- 11 The terms Americo-Liberian and Congo have distinct meanings; Americo-Liberian refers to free blacks who migrated from the United States to Liberia and Congo refers to blacks from slave ships that were intercepted on the open ocean and who were then sent to Liberia. Over time these terms have come to be used interchangeably to refer to individuals of African—but not indigenous Liberian—descent who were settled in Liberia. These terms are used interchangeably in this report.
- 12 OLUKOJU, *supra* note 1, at 3-4; DUNN ET AL., *supra* note 4, at 261.
- 13 *Id.*
- 14 *Id.* See also OLUKOJU, *supra* note 1, at 91.
- 15 OLUKOJU, *supra* note 1, at 3. See also STEPHEN ELLIS, *THE MASK OF ANARCHY: THE DESTRUCTION OF LIBERIA AND THE RELIGIOUS DIMENSION OF AN AFRICAN CIVIL WAR* 35-43 (1999).
- 16 See ROBIN DUNN-MARCOS ET AL., *LIBERIANS: AN INTRODUCTION TO THEIR HISTORY AND CULTURE* 5-7 (Donald A. Ranard ed., Center for Applied Linguistics 2005), http://www.cal.org/co/liberians/liberian_050406_1.pdf.
- 17 Jonathan Paye-Layleh, *Lebanese Demand Liberia Poll Rights*, BBC NEWS, July 22, 2005, <http://news.bbc.co.uk/2/hi/africa/4703029.stm>.
- 18 OLUKOJU, *supra* note 1, at 5-6.
- 19 See ELLIS, *supra* note 15, at 51, 56. See generally AMOS SAWYER, *BEYOND PLUNDER: TOWARD DEMOCRATIC GOVERNANCE IN LIBERIA* 23-25 (2005) [hereinafter SAWYER, *BEYOND PLUNDER*] (explaining that soldiers' lack of community ties enabled them to indiscriminately victimize rural villages).
- 20 See OLUKOJU, *supra* note 1, at 91-104.
- 21 See AMOS SAWYER, *THE EMERGENCE OF AUTOCRACY IN LIBERIA* 51 (1992) [hereinafter SAWYER, *EMERGENCE OF AUTOCRACY*].
- 22 DUNN ET AL., *supra* note 4, at 268, 288.
- 23 ELLIS, *supra* note 15, at 228-29.
- 24 ELLIS, *supra* note 15, at 234-37 (describing the Leopard society and others).
- 25 OLUKOJU, *supra* note 1, at 112.
- 26 ELLIS, *supra* note 15, at 230-33; OLUKOJU, *supra* note 1, at 22-27.
- 27 OLUKOJU, *supra* note 1, at 22-27.
- 28 SAWYER, *EMERGENCE OF AUTOCRACY*, *supra* note 21, at 50-51.
- 29 OLUKOJU, *supra* note 1, at 89.
- 30 *Id.* at 88.
- 31 The Poro and Sande societies are indigenous organizations that facilitate young Liberians' passage into adulthood. Elders of these societies also serve as intermediaries between the world of the living and the ancestors and serve as arbiters of conflict in communities. The Poro is for men and the Sande is for women.
- 32 In some parts of Liberia, trial by ordeal may include use of a hot knife against the skin to determine guilt or innocence, for example.

- 33 The palava hut is a traditional structure in communities used for group gatherings and the mediation of disputes. It is generally built in the form of a circle with low walls and a thatched roof.
- 34 Traditional punishments would generally involve payment of compensation and damages to the victim and the victim's family, as well as specific rituals for healing and reconciliation.
- 35 OLUKOJU, *supra* note 1, at 109, 116-117.
- 36 *Id.* at 3.
- 37 *Id.*
- 38 *Id.* at 4.
- 39 Henry Noble Sherwood, *The Formation of the American Colonization Society*, 2 J. NEGRO HIST. 209, 221-22 (1917) (listing Francis Scott Key, Henry Clay, Daniel Webster, Andrew Jackson, Bushrod Washington, and James Blake, among others, as officers and founders of the American Colonization Society).
- 40 DUNN ET AL., *supra* note 4, at 60; Sherwood, *supra* note 39, at 217-22.
- 41 DUNN ET AL., *supra* note 4, at xxiv .
- 42 LEVITT, *supra* note 7, at 121-23.
- 43 *Id.* at 41.
- 44 DUNN ET AL., *supra* note 4, at xxiv-xxvi; LEVITT, *supra* note 7, at 31, 121-23, 132-35.
- 45 DUNN ET AL., *supra* note 4, at 264 (noting that while the True Whig Party dominated, other parties regularly challenged and lost); OLUKOJU, *supra* note 1, at 111.
- 46 *See* LEVITT, *supra* note 7, at 137-38.
- 47 DUNN ET AL., *supra* note 4, at 164-65.
- 48 *See* LEVITT, *supra* note 7, at x-xi; DUNN ET AL., *supra* note 4, at 164-65.
- 49 DUNN ET AL., *supra* note 4, at 24-25.
- 50 LEVITT, *supra* note 7, at 140-41.
- 51 *See* DUNN ET AL., *supra* note 4, at 215-16.
- 52 WILLIAM RENO, *WARLORD POLITICS AND AFRICAN STATES* 84 (1998).
- 53 *Id.* (citations omitted).
- 54 *The 1930 Enquiry Commission to Liberia*, 30 J. ROYAL AFR. SOC'Y 277, 277, 283-84 (1931).
- 55 *Id.* at 279-280.
- 56 LEVITT, *supra* note 7, at 178, 183.
- 57 DUNN ET AL., *supra* note 4, at 337.
- 58 *Id.*
- 59 *See, e.g.*, LEVITT, *supra* note 7, at 187 (describing the fact that, in 1946, universal suffrage was granted “to native hut owners who paid taxes,” whereas previously local chiefs voted for the entire community).
- 60 SAWYER, *BEYOND PLUNDER*, *supra* note 19, at 15-16.
- 61 *Id.* at 91-92.
- 62 LEVITT, *supra* note 7, at 193; DUNN ET AL., *supra* note 4, at xxx.
- 63 DUNN ET AL., *supra* note 4, at 272-73.
- 64 LEVITT, *supra* note 7, at 193.
- 65 *Id.* at 195.
- 66 Bishop Bennie D. Warner, Testimony at the Diaspora Public Hearings of the Truth & Reconciliation Comm'n of Liberia 26 (June 10, 2008, St. Paul, Minn., U.S.A.) (transcript on file with the author); *see also* LEVITT, *supra* note 7, at 195; ADEKEYE ADEBAJO, *LIBERIA'S CIVIL WAR: NIGERIA, ECOMOG, AND REGIONAL SECURITY IN WEST AFRICA* 23 (2002).
- 67 LEVITT, *supra* note 7, at 195; *see also* DUNN ET AL., *supra* note 4, at 273 (describing the “property clause controversy”).
- 68 LEVITT, *supra* note 7, at 195; Bishop Bennie D. Warner, Testimony at the Diaspora Public Hearings of the Truth & Reconciliation Comm'n of Liberia 26 (June 10, 2008, St. Paul, Minn., U.S.A.) (transcript on file with the author); Miamen Wopea, Testimony at the Diaspora Public Hearings of the Truth & Reconciliation Comm'n of Liberia (June 14, 2008, St. Paul, Minn., U.S.A.) (transcript on file with the author).
- 69 *See* ELLIS, *supra* note 15, at 50.
- 70 LEVITT, *supra* note 7, at 195.
- 71 *Id.* *See also* Bishop Bennie D. Warner, Testimony at the Diaspora Public Hearings of the Truth & Reconciliation Comm'n of Liberia 65-66 (June 10, 2008, St. Paul, Minn., U.S.A.) (transcript on file with the author) (noting that there was a difference of opinion within the Tolbert government as to whether PAL should be allowed to go ahead with its protest).
- 72 ADEBAJO, *supra* note 66, at 23.
- 73 LEVITT, *supra* note 7, at 196. *See* Chapter 5 for additional information about the Rice Riots.

- 74 ELLIS, *supra* note 15, at 50. See Chapter 5 for additional information about the Rice Riots.
- 75 LEVITT, *supra* note 7, at 196-97.
- 76 RENO, *supra* note 52, at 80.
- 77 ADEBAJO, *supra* note 66, at 24-25.
- 78 *Id.* at 22-25.
- 79 Leon Dash, *Liberian Soldiers Taunt, Shoot 13 Former Leaders*, WASH. POST, April 23, 1980, at A1; RENO, *supra* note 52, at 80.
- 80 See ELLIS, *supra* note 15, at 53.
- 81 *Id.* at 58.
- 82 ADEBAJO, *supra* note 66, at 28-29.
- 83 See generally LAWYERS COMMITTEE FOR HUMAN RIGHTS, LIBERIA: A PROMISE BETRAYED 7-9 (1986) (providing a summary of human rights violations during the Doe era).
- 84 *Id.* at 166.
- 85 RENO, *supra* note 52, at 91-92.
- 86 Human Rights Watch, *Waging War to Keep the Peace: The ECOMOG Intervention and Human Rights*, June 1, 1993, <http://www.hrw.org/en/reports/1993/06/01/waging-war-keep-peace-ecomog-intervention-and-human-rights>.
- 87 *Id.*
- 88 ELLIS, *supra* note 15, at 83; see RENO, *supra* note 52, at 92.
- 89 ELLIS, *supra* note 15, at 79-80.
- 90 OLUKOJU, *supra* note 1, at 15-16; RENO, *supra* note 52, at 93.
- 91 ELLIS, *supra* note 15, at 9-11.
- 92 Conciliation Resources, Liberia: Chronology (describing the Bamako Ceasefire signed in Nov. 1990), <http://www.c-r.org/our-work/accord/liberia/chronology.php> (last visited Nov. 11, 2008); Charles Abiodun Alao, *Commentary on the accords*, ACCORD 1 THE LIBERIAN PEACE PROCESS: 1990-1996 (1996), <http://www.c-r.org/our-work/accord/liberia/commentary.php>.
- 93 OLUKOJU, *supra* note 1, at 16.
- 94 See Priscilla Hayner, Centre for Humanitarian Dialogue, *Negotiating Peace in Liberia: Preserving the Possibility for Justice* 6 (2007), <http://www.ictj.org/static/Africa/Liberia/HaynerLiberia1207.eng.pdf>; OLUKOJU, *supra* note 1, at 15.
- 95 See OLUKOJU, *supra* note 1, at 15-16.
- 96 LEVITT, *supra* note 7, at 270.
- 97 *Id.* at 217-18, 218-25.
- 98 *Id.* at 273.
- 99 Comprehensive Peace Agreement Between the Government of Liberia and the Liberians United for Reconciliation and Democracy (LURD) and the Movement for Democracy in Liberia (MODEL) and Political Parties, Aug. 18, 2003, http://www.usip.org/library/pa/liberia/liberia_08182003_toc.html.
- 100 LEVITT, *supra* note 7, at 274.
- 101 *Profile: Liberia's 'Iron Lady'*, BBC NEWS, Nov. 23, 2005, <http://news.bbc.co.uk/2/hi/africa/4395978.stm>.
- 102 DUNN ET AL., *supra* note 4, at 303.
- 103 LAWYERS COMMITTEE FOR HUMAN RIGHTS, *supra* note 83, at 90, 103-4.
- 104 Thijs Bouwknegt, *Liberian president apologises for backing Charles Taylor*, RADIO NETHERLANDS WORLDWIDE, Feb. 13, 2009, <http://www.rnw.nl/internationaljustice/specials/Truthandreconciliation/090213-sirleaf>.
- 105 See appendix A for biographical information about the commissioners.
- 106 An Act to Establish the Truth and Reconciliation Commission of Liberia art. IV, § 4 (enacted by the National Transitional Legislative Assembly, May 12, 2005), <https://www.trcofliberia.org/about/trc-mandate>.
- 107 Agreement Between The United Nations and the Government of Sierra Leone on the Establishment of a Special Court for Sierra Leone, U.N.- Sierra Leone, Jan. 16, 2002, <http://www.specialcourt.org/documents/Agreement.htm>.
- 108 *Id.* art. 1, ¶ 1.
- 109 Indictment of Charles Ghankay Taylor at 5, *Prosecutor v. Charles Ghankay Taylor*, Case No. SCSL-03-01-I (Mar. 7, 2003).
- 110 Summary of Decision on Immunity from Jurisdiction, *Prosecutor v. Charles Ghankay Taylor*, Case No. SCSL-2003-01-I (May 31, 2004).
- 111 *Q&A: Trying Charles Taylor*, BBC NEWS, Jan. 7, 2008, <http://news.bbc.co.uk/2/hi/africa/4848938.stm>. The President of the Special Court requested Taylor's trial be moved to The Hague because of concerns over stability in the region. Human Rights Watch, *Questions and Answers on Charles Taylor's Trial Before the*

- Special Court for Sierra Leone*, <http://hrw.org/english/docs/2007/05/31/sierra16027.htm#4> (last visited Feb. 27, 2009).
- 112 Press Release, U.S. Dep't of Justice, Roy Belfast Jr. aka Chuckie Taylor Indicted on Torture Charges: Justice Department Brings First-Ever Torture Charges (Dec. 6, 2006), http://www.usdoj.gov/opa/pr/2006/December/06_crm_813.html.
- 113 *Id.*
- 114 18 U.S.C. § 2340A(b) (2006).
- 115 Yolanne Almanzar, *Son of Ex-President of Liberia Is Convicted of Torture*, N.Y. TIMES, Oct. 30, 2008, at A16.
- 116 *Taylor's Son Jailed for 97 Years*, BBC NEWS, Jan. 9, 2009, <http://news.bbc.co.uk/2/hi/americas/7820069.stm>.
- 117 An Act to Establish the Truth and Reconciliation Commission of Liberia art. IV, § 4(c) (enacted by the National Transitional Legislative Assembly, May 12, 2005), <https://www.trcofliberia.org/about/trc-mandate>.
- 118 Diaspora statement takers were trained to record statements in the diaspora in the third person. Thus, most diaspora statements were recorded in the third person. In this section and throughout this report, however, quotes from these third-person statements have been presented in the first person to better represent the stories of the statement givers as experienced by them. These quotes have been changed where necessary to reflect this policy; any other changes to statement quotes have been indicated in brackets.
- 119 *See, e.g.*, TRC Diaspora Statement Recs. 1303 and 1481 (“the purpose of checkpoints was to collect money”).
- 120 TRC Diaspora Statement Rec. 1508 (“Some of the envy had to do with material wealth, but in other cases, it stemmed from inconsequential and petty grudges that people used to justify telling lies about other people.”). *See also* TRC Diaspora Statement Recs. 489, 1279, 1361, 1368, 1380, 1384, 1438, 1443, 1563, 1566, 1585.
- 121 TRC Diaspora Statement Recs. 1443, 1563.
- 122 TRC Diaspora Statement Rec. 1489. *See also* TRC Diaspora Statement Rec. 1376 (war caused by “people looking out for only themselves”).
- 123 TRC Diaspora Statement Rec. 1103.
- 124 *See, e.g.*, TRC Diaspora Statement Recs. 15, 26, 34, 183, 187, 460, 823, 1103, 1302, 1347, 1555, 1612. *See also* Telee Brown, Testimony at the Diaspora Public Hearings of the Truth & Reconciliation Comm’n of Liberia 6-7 (June 14, 2008, St. Paul, Minn., U.S.A.) (noting that Liberians on Staten Island expressed the view that “the national pie was not being distributed equally” and that another cause was “the excessive force used by regimes of the past to suppress people who came up with opposing views”) (transcript on file with author); Dr. Emmanuel Dolo, Comment at the Diaspora Public Hearings of the Truth & Reconciliation Comm’n of Liberia (June 10, 2008, St. Paul, Minn., U.S.A.) (transcript on file with author); Dr. Augustine Konneh, Testimony at the Diaspora Public Hearings of the Truth & Reconciliation Comm’n of Liberia (June 10, 2008, St. Paul, Minn., U.S.A.) (transcript on file with author); Dr. Patricia Jabbeh Wesley Testimony at the Diaspora Public Hearings of the Truth & Reconciliation Comm’n of Liberia (June 13, 2008, St. Paul, Minn., U.S.A.) (transcript on file with author); Liberian Organization of the Piedmont, Recommendations to the Truth & Reconciliation Commission of Liberia 4-6 (June 11, 2008) (on file with the author).
- 125 TRC Diaspora Statement Rec. 460.
- 126 TRC Diaspora Statement Rec. 1302.
- 127 TRC Diaspora Statement Rec. 15.
- 128 *E.g.*, LEVITT, *supra* note 7, at 93 (describing the Bassa-Government War of 1851-52, the Kru-Government War of 1855, the Grebo-Maryland War of 1856-57, and the Gebebo Reunited Kingdom Revolution of 1875-76).
- 129 TRC Diaspora Statement Rec. 40.
- 130 LEVITT, *supra* note 7, at 82.
- 131 DUNN-MARCOS ET AL., *supra* note 16, at 3.
- 132 The figure is generally recognized at less than 5 percent. *Id.* (putting the figure at 3 percent); DUNN ET AL., *supra* note 4, at 261 (putting the figure at 2.2 percent based on a 1984 census).
- 133 ELLIS, *supra* note 15, at 43. *See also* LEVITT, *supra* note 7, at 193 n.41.
- 134 DUNN ET AL., *supra* note 4, at 170 (describing the Liberians Frontier Force’s role in enforcing the hut tax); LEVITT, *supra* note 7, at 138-39.
- 135 LEVITT, *supra* note 7, at 146.
- 136 ELLIS, *supra* note 15, at 46; LEVITT, *supra* note 7, at

- 146; TRC Diaspora Statement Rec. 1641 (describing Frontier Force members using a torture tactic to force the statement giver's grandmother to pay the hut taxes of a neighbor); TRC Diaspora Statement Rec. 1598.
- 137 ELLIS, *supra* note 15, at 46; LEVITT, *supra* note 7, at 145-46.
- 138 DUNN ET AL., *supra* note 4, at 332.
- 139 *Id.* at 335. Historical references to the year when True Whig party domination began vary depending on the source. *See, e.g., id.* (noting that the True Whig Party ruled the country continuously beginning in 1881); Varney A. Yengbeh, Jr., *Liberia's Security and Foreign Policy Dilemma*, 1 AFR. POL'Y J. 58, 60 (2006) (noting that the True Whig Party dominated the political sphere from Anthony D. Gardner's election in 1877); Fred van der Kraaij, President William R. Tolbert, Jr. (1971-1980): The Preacher-President, <http://www.liberiapastandpresent.org/WilliamTolbert.htm> (last visited Dec. 2, 2008) (noting that the True Whig Party had taken power in 1870, barring a short gap after 1871); ELLIS, *supra* note 15, at 43 (stating that the True Whig Party "governed Liberia for all but six years between 1870 and 1980").
- 140 LEVITT, *supra* note 7, at 190; TRC Diaspora Statement Rec. 1641 (describing soldiers searching for statement giver's father because he had been a supporter of the political opposition).
- 141 ELLIS, *supra* note 15, at 45.
- 142 TRC Diaspora Statement Rec. 1598. Numerous statement givers described discrimination and social stratification during this period. *See, e.g.,* TRC Diaspora Statement Rec. 187 (describing how a cousin had to begin using an Americo-Liberian name in order to get a scholarship). *See also* Samuel Kalongo Luo, Testimony at the Diaspora Public Hearings of the Truth & Reconciliation Comm'n of Liberia (June 11, 2008, St. Paul, Minn., U.S.A.) (transcript on file with author).
- 143 OLUKOJU, *supra* note 1, at 112.
- 144 ELLIS, *supra* note 15, at 48. Several statement givers described experiences with the ward system. *See, e.g.,* TRC Diaspora Statement Recs. 34, 187; *see also* Bishop Bennie D. Warner, Testimony at the Diaspora Public Hearings of the Truth & Reconciliation Comm'n of Liberia 9 (June 10, 2008, St. Paul, Minn., U.S.A.) (transcript on file with author).
- 145 TRC Diaspora Statement Rec. 183.
- 146 J. GUS LIEBENOW, *LIBERIA: THE EVOLUTION OF PRIVILEGE* 16 (1969); *see also* TRC Diaspora Statement Recs. 34 and 187 (describing changing an indigenous name to an Americo-Liberian one).
- 147 LEVITT, *supra* note 7, at 187.
- 148 DUNN ET AL., *supra* note 4, at 254, 340-41.
- 149 Rep. of Liberia, Poverty Reduction Strategy 14 (April 2008); U.S. DEP'T OF STATE, REPORT ON HUMAN RIGHTS COUNTRY CONDITIONS FOR 1980 143 (1981).
- 150 LAWYERS COMMITTEE FOR HUMAN RIGHTS, *supra* note 83, at 13.
- 151 ELLIS, *supra* note 15, at 49-50.
- 152 *See supra* text associated with nn. 63, 70-75; *see also, e.g.,* TRC Diaspora Statement Recs. 786, 1322 (opining that Liberians who went abroad brought back ideas that led to the conflict).
- 153 LEVITT, *supra* note 7, at 196 (describing Tolbert's invocation of a mutual defense clause with Guinea to help the AFL suppress the rioting). *See* Chapter 5 for more information about the Rice Riots.
- 154 M. BURLEIGH HOLDER, *THE HAND OF GOD* 139 (2006). Mr. Holder submitted his entire autobiography, *THE HAND OF GOD*, to the TRC as an official statement.
- 155 ELLIS, *supra* note 15, at 54.
- 156 *Id.* at 51. Statement givers described similar opinions. *E.g.,* TRC Diaspora Statement Recs. 823, 1444; *see also* TRC Diaspora Statement Rec. 23 (describing Krahn people singing this refrain every year on the anniversary of the coup).
- 157 LEVITT, *supra* note 7, at 27. Tribes engaged in warfare to protect trade routes and territory. One role of the Frontier Force was, in fact, to suppress intertribal conflicts throughout the interior of Liberia. *Id.*
- 158 ELLIS, *supra* note 15, at 31-32; *see also* LEVITT, *supra* note 7, at 28.
- 159 *See, e.g.,* TRC Diaspora Statement Rec. 1478; *see also* Bai Gbala, Testimony at the Diaspora Public Hearings of the Truth & Reconciliation Comm'n of Liberia (June 12, 2008, St. Paul, Minn., U.S.A.) (transcript on file with author); Kerper Dwanyen, Testimony at the Diaspora Public Hearings of the Truth & Reconciliation Comm'n of Liberia (June 14, 2008, St. Paul, Minn., U.S.A.) (transcript on file with author).
- 160 Interview with Patrick Kugmeh, former Presidential

- Press Secretary to Samuel K. Doe, in Minneapolis, Minn., at 24-25 (Aug. 11, 2008). *See also infra* Chapter 5. Military Rule Under the People’s Redemption Council (describing the fact that many of the ministers in Doe’s first cabinet had held positions in the Tolbert administration).
- 161 TRC Diaspora Statement Rec. 786. *See also* TRC Diaspora Statement Recs. 121 (“Doe was no different from the dictator before, and...he simply sent more money to Doe’s small Krahn tribe at the expense of other tribes.”) and 1444 (“every Krahn man is Doe”).
- 162 ELLIS, *supra* note 15, at 31; LEVITT, *supra* note 7, at 201. Another source states that 3.8 percent of the population was Krahn in 1984. DUNN-MARCOS ET AL., *supra* note 16, at 2.
- 163 ELLIS, *supra* note 15, at 56 (noting that “Doe systematically promoted Krahn from selected clans to sensitive posts in the government and army...”); LEVITT, *supra* note 7, at 201 (noting that Doe openly favored the Krahn).
- 164 TRC Diaspora Statement Rec. 1039.
- 165 TRC Diaspora Statement Rec. 1353. *See also* TRC Diaspora Statement Recs. 1444 (describing Krahn domination of civil service jobs) and 122 (describing discrimination in employment, housing, education and other basic needs because they were not Krahn); Miamen Wopea, Sr., Testimony at the Diaspora Public Hearings of the Truth & Reconciliation Comm’n of Liberia (June 14, 2008, St. Paul, Minn., U.S.A.) (transcript on file with author).
- 166 Paul Richards et al., The World Bank, *Community Cohesion in Liberia: A Post-War Rapid Social Assessment* 56, 2005.
- 167 ELLIS, *supra* note 15, at 61.
- 168 *See, e.g.*, TRC Diaspora Statement Recs. 833, 437 (describing being told “Why don’t you go back to Guinea?”) and 1460 (reporting a Mandingo man being told “Just because you can speak our language and just because you learned our culture doesn’t mean you are one of us”); Ali Sylla, Testimony at the Diaspora Public Hearings of the Truth & Reconciliation Comm’n of Liberia (June 13, 2008, St. Paul, Minn., U.S.A.) (transcript on file with author). Contrary to the concept of Mandingos as outsiders, Mandingo people began migrating to Liberia as early as the 18th century and were well-settled in the country by 1800. Augustine Konneh, Mandingo Economic and Political Contributions to Modern-day Liberia 2-3 (unpublished manuscript presented at the African Studies Association Conf., Nov. 15-18, 2001) (on file with author).
- 169 ELLIS, *supra* note 15, at 61. *See also, e.g.*, TRC Diaspora Statement Rec. 1552 (expressing the opinion that Mandingos were targeted because they controlled businesses and obtained government concessions).
- 170 TRC Diaspora Statement Rec. 64.
- 171 TRC Diaspora Statement Rec. 63.
- 172 *Id.*
- 173 *Id.*
- 174 TRC Diaspora Statement Rec. 122.
- 175 *Id.*
- 176 *Id.*
- 177 *Id.*
- 178 ELLIS, *supra* note 15, at 59.
- 179 *See, e.g.*, TRC Diaspora Statement Recs. 352, 740, 823, 1293, 1489.
- 180 TRC Diaspora Statement Rec. 469.
- 181 TRC Diaspora Statement Rec. 124.
- 182 *Id.*
- 183 *Id.*
- 184 *E.g.* TRC Diaspora Statement Recs. 1551, 16 and 42 (“Doe had instructed soldiers to go after the Nimba people because the Nimbos had orchestrated the coup against Doe. Doe’s soldiers brutally murdered many, many women and children. They threw live people into wells.”)
- 185 TRC Diaspora Statement Rec. 1441. *See also* TRC Diaspora Statement Rec. 1293.
- 186 *E.g.*, TRC Diaspora Statement Recs. 41 and 1102 (relating stories from others of entire families being placed in wells, into which grenades were then thrown. Statement giver identified Charles Julu as the person responsible for throwing grenades into wells).
- 187 *See infra* Chapter 7 for more information about Taylor’s NPFL invasion of Liberia.
- 188 *See, e.g.*, TRC Diaspora Statement Recs. 182, 187, 740, 1347, 1352, 1475, 1338 (describing rebels saying they would “kill anyone who belonged to Krahn”) and 1502 (describing how Foulay/The Black Killer made a man accused of being Mandingo sing and

- dance like a puppet before killing him); Ali Sylla, Testimony at the Diaspora Public Hearings of the Truth & Reconciliation Comm'n of Liberia (June 13, 2008, St. Paul, Minn., U.S.A.) (transcript on file with author) (“I heard of so many Mandingos being killed and targeted and harassed and humiliated [by the rebels].”).
- 189 *See, e.g.*, TRC Diaspora Statement Recs. 105 (witnessing murder of neighbor whose wife was “from Doe’s side”), 406 (describing a Doe soldier saying to a child “Don’t go over there, Gio dog” before killing her), 469, 1352, 1551 (describing how his brother was killed because he was Mano); Miamen Wopea, Testimony at the Diaspora Public Hearings of the Truth & Reconciliation Comm’n of Liberia (June 14, 2008, St. Paul, Minn., U.S.A.) (transcript on file with author).
- 190 *See, e.g.*, TRC Diaspora Statement Recs. 1004 (describing taking on an Americo-Liberian name to escape to Sierra Leone), 1412 (describing how entire village stopped calling a child “Mohammed” to protect him and his family), 1489 (“I personally had to change my name from Hassan to Sam because Hassan is a Muslim name and if I said I was Hassan, then you would not be speaking to me today. I would have been a dead man, you know, back then.”).
- 191 *See, e.g.*, TRC Diaspora Statement Recs. 406 (“Everyone with fair skin was assumed to be Congo American and was killed.”) and 575 (describing how if someone had no dialect because they were Americo-Liberian, rebels would slash their tongue and cut their stomach.).
- 192 *See, e.g.*, TRC Diaspora Statement Rec. 1475 (reporting how rebels lined them up to ask about tribal affiliations).
- 193 TRC Diaspora Statement Rec. 180. *See also, e.g.*, TRC Diaspora Statement Recs. 15, 32, 111, 123, 1254, 1435, 1464, 1738.
- 194 Corruption means “the abuse of entrusted power for private gain [including] both financial or material gain and non-material gain, such as the furtherance of political or professional ambitions.” Transparency Int’l, *Global Corruption Report 2007*, at xxi (Diana Rodriguez & Linda Ehrichs eds., 2007), http://www.transparency.org/publications/gcr/download_gcr/download_gcr_2007.
- 195 T. Negbalee Warner, Transparency Int’l, *Legal and Practical Challenges in Liberia to the Domestication of International Anti-Corruption Conventions* 8, June 2006, <http://www.transparency.org/content/download/18022/244077>.
- 196 *Id.* at 9.
- 197 Rep. of Liberia, Poverty Reduction Strategy, *supra* note 149, at 14.
- 198 U.S. DEP’T OF STATE, COUNTRY REPORTS ON HUMAN RIGHTS PRACTICES FOR 1989: LIBERIA 189 (1990) (noting that the Liberian “legislature is subject to inordinate executive influence and lacks the assertiveness, resources, and political will to play its constitutionally mandated role of coequal in governance”); Kerper Dwanyen, Testimony at the Diaspora Public Hearings of the Truth & Reconciliation Comm’n of Liberia 6 (June 14, 2008, St. Paul, Minn., U.S.A.) (transcript on file with author).
- 199 Warner, *supra* note 195, at 9.
- 200 DUNN ET AL., *supra* note 4, at 273-74 (describing Tubman’s public relations officers); LEVITT, *supra* note 7, at 190.
- 201 Warner, *supra* note 195, at 9.
- 202 *Id.*
- 203 *Id.*
- 204 U.S. DEP’T OF STATE, COUNTRY REPORTS ON HUMAN RIGHTS PRACTICES FOR 1999: LIBERIA 291 (2000).
- 205 TRC Diaspora Statement Rec. 44.
- 206 Int’l Crisis Group, *Liberia: Resurrecting the Justice System* 20, Apr. 6, 2006, <http://www.crisisgroup.org/home/index.cfm?id=4061&l=1>.
- 207 *See generally id.*
- 208 *Id.* at 20.
- 209 *Id.* at 20; U.N. Mission in Liberia, Quarterly Report on the Human Rights Situation in Liberia August 2006 – October 2006, at 24 (February 2007), http://unmil.org/documents/hr_report_aug_oct_2006_1.pdf, (“Poor salaries...may have encouraged corruption.”).
- 210 Warner, *supra* note 195, at 22.
- 211 Rep. of Liberia, Poverty Reduction Strategy, *supra* note 149, at 74.
- 212 Warner, *supra* note 195, at 22.
- 213 U.S. DEP’T OF STATE, COUNTRY REPORTS ON HUMAN RIGHTS PRACTICES FOR 1980: LIBERIA 143 (1981);

- see also Herman J. Cohen, Assistant Secretary for African Affairs, Testimony at the Diaspora Public Hearings of the Truth & Reconciliation Comm'n of Liberia 38-39 (June 12, 2008, St. Paul, Minn., U.S.A.) (transcript on file with author).
- 214 TRC Diaspora Statement Rec. 15.
- 215 TRC Diaspora Statement Rec. 1339.
- 216 *Id.*
- 217 SAWYER, BEYOND PLUNDER, *supra* note 19, at 23-25.
- 218 *Id.* at 24.
- 219 Herman J. Cohen, Testimony at the Diaspora Public Hearings of the Truth & Reconciliation Comm'n of Liberia 38-39 (June 12, 2008, St. Paul, Minn., U.S.A.) (transcript on file with author).
- 220 David L. Lindauer et al., *Government Wage Policy in Africa: Some Findings and Policy Issues*, 3 WORLD BANK RES. OBSERVER 1, 19-20 (1988).
- 221 *Id.* at 5.
- 222 *Id.* at 16.
- 223 RENO, *supra* note 52, at 85-86.
- 224 The Liberian American Mining Company, the National Iron Ore Company, and Bong Mining Company departed Liberia in 1989, 1985, and 1988, respectively. *Id.* at 86.
- 225 *Id.*
- 226 *Id.*
- 227 TRC Diaspora Statement Rec. 1352.
- 228 TRC Diaspora Statement Rec. 1437.
- 229 *Id.*
- 230 *Id.*
- 231 Marie Y. Hayes, Testimony at the Diaspora Public Hearings of the Truth & Reconciliation Comm'n of Liberia 16-21, 50 (June 12, 2008, St. Paul, Minn., U.S.A.) (transcript on file with the author).
- 232 For example, the Parliament passed the 2000 Strategic Commodities Act, which gave the President the sole power to execute all commercial contracts for commodities, including diamonds and timber, merely legalized what was already taking place. See Int'l Crisis Group, *Liberia: The Key to Ending Regional Instability* 17, Apr. 24, 2002, [hereinafter *Ending Regional Instability*] <http://www.crisisgroup.org/home/index.cfm?l=1&id=1533>. Under the proportional representation system, when Charles Taylor won 75 percent of the vote in the 1997 election, his party also won 75 percent of the seats in the legislature. Stephanie Kodish, *Balancing Representation: Special Representation Mechanisms Addressing the Imbalance of Marginalized Voices in African Legislatures*, 30 SUFFOLK TRANSNAT'L L. REV. 1, 39 (2006).
- 233 Tim Weiner, *Ex-Leader Stole \$100 Million from Liberia, Records Show*, N.Y. TIMES, Sept. 18, 2003, at A3.
- 234 *Ending Regional Instability*, *supra* note 232, at 17.
- 235 *Ending Regional Instability*, *supra* note 232, at 17.
- 236 Tom Baldwin, *Who's in Charge Here?*, J. COMMERCE, Jan. 15, 1999, at 1B.
- 237 *Id.*
- 238 Lester Hyman, the founder of LISCR, was a close friend of Taylor and former chairman of the Democratic Party in Massachusetts. U.N. Sec. Council, *Report of the Panel of Experts pursuant to Security Council Resolution 1343 (2001), paragraph 19, concerning Liberia*, ¶ 396, U.N. Doc. S/2001/1015 (Oct. 17, 2001); Tom Baldwin, *Who's in Charge Here?*, J. COMMERCE, Jan. 15, 1999, at 1B.
- 239 *See id.* ¶ 420.
- 240 *Id.* ¶ 421.
- 241 The U.N. Panel of Experts obtained bank transfer details for two transfers from LISCR's bank account in New York to a San Air General Trading Account at the Standard Chartered Bank in Sharjah, United Arab Emirates. *Id.* ¶ 412. The first transfer was for \$525,000 on June 21, 2000 and the second was for \$400,000 on July 7, 2000. *Id.*
- 242 *Id.* ¶ 437.
- 243 See Lansana Gberie, *Diamonds Without Maps: Liberia, the UN, Sanctions, Diamonds, and the Kimberly Process* 7, June 16, 2004, http://www.business-humanrights.org/Links/Repository/443970/link_page_view.
- 244 *Id.* at 8. Robertson was furious with Bush for calling on Taylor to step down as President of Liberia. Robertson was quoted as saying "[s]o we're undermining a Christian, Baptist president to bring in Muslim rebels to take over the country." *Pat Robertson Slams Bush on Liberia*, CBS NEWS, July 11, 2003, <http://www.cbsnews.com/stories/2003/07/11/national/main562915.shtml>.
- 245 See Chapter 8 for more information on the dynamics of the second Liberian civil war.

Chapter Five



Human Rights Abuses during the Rice Riots and Doe Era

Chapter Five. Human Rights Abuses During the Rice Riots and Doe Era

RICE RIOTS AND AFTERMATH: 1979-1980¹

During the 1979 Rice Riots, state actors perpetrated human rights violations against civilians as they attempted to quell the instability. Government security forces reportedly perpetrated abuses such as killings, torture, and arbitrary detention of civilians. In addition, there were reports of Liberian forces taking part in looting alongside rioters.¹ Guinean soldiers were also responsible for perpetrating violence.² By the end of the riots, it is estimated that hundreds were killed and injured.³

Several statements recount the shootings of civilians that took place during the Rice Riots, many of which resulted in injuries and deaths. One statement giver reported that the army fired a bullet that hit his 12-year-old son in the mouth and became lodged in the back of his neck.⁴ Another statement giver,

“Every human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life.” *Art. 6(1), International Covenant on Civil and Political Rights*. No derogations from this article are permitted, even in times of public emergency. *Art. 4(1)-(2), International Covenant on Civil and Political Rights*.

who was a teenager at the time of the riots, recalled that a younger friend of his, known as the “marble champ” for his game skills, was killed while looting the Center Supermarket on 12th Street in Monrovia.⁵ Another statement giver witnessed soldiers firing machine guns and people running.⁶ He heard stories about people being killed in their backyards by bullets falling to earth after soldiers randomly shot into the air.⁷

Some statements suggest, however, that not all soldiers were willing to use lethal violence against civilians.

One statement giver reported that, while some soldiers fired to hit the looters, others tried to disperse the looters by firing their weapons in the air or at the ground.⁸ Another statement giver described how soldiers were reluctant to shoot at civilians who were trying to reach the Executive Mansion.⁹ Although no statements articulated a specific reason for this hesitance to shoot, at least one statement giver reflected on the riots’ ethnic undercurrent.¹⁰ He observed that President Tolbert, an Americo-Liberian, ordered the mostly indigenous Liberian

1 The Truth and Reconciliation Commission of Liberia (TRC) is charged with “investigating gross human rights violations and violations of international humanitarian law as well as abuses that occurred, including massacres, sexual violations, murder, extra-judicial killings and economic crimes, such as the exploitation of natural or public resources to perpetuate armed conflicts, during the period January 1979 to October 14, 2003...” An Act to Establish the Truth and Reconciliation Commission of Liberia art. IV, § (4)(a), (enacted by the National Transitional Legislative Assembly, May 12, 2005), <https://www.trcofliberia.org/about/trc-mandate>.

Accordingly, this chapter and the following three chapters describe violations as recounted by TRC statement givers, public hearing witnesses, and other Liberians in the diaspora. The Advocates for Human Rights (The Advocates) has not investigated or corroborated any of these accounts. The Advocates has no reason to doubt the truth of any statement provided to the TRC. Nevertheless, the events described reflect a mix of statement givers’ opinions, actual personal experiences, experiences as remembered or perceived many years later, as well as the perceptions of statement givers about events around them. All of these types of information have value in the national healing process. Where possible, these chapters distinguish between these types of information and supplement the information from statements with information from secondary sources.

military to shoot the mostly indigenous protesters.¹¹ The statement giver witnessed soldiers refusing to shoot the protesters, who were indigenous Liberians like them.¹² Eventually, the senior military officers pointed their guns at the soldiers' backs, forcing them to shoot into the crowd.¹³ Like the senior military officials, however, other forces were prepared to carry out the shooting. When the military refused to use force, the statement giver reported, the police stepped in.¹⁴

In addition to gunfire, soldiers and police used other forms of violence against people who disobeyed the 7:00 p.m. curfew.¹⁵ A statement giver witnessed soldiers employ methods such as forcing people to “pump tire,”¹⁶ “swim” on the cement or in dirty puddles, or squat repeatedly for hours.¹⁷ He also reported seeing soldiers use threats of arrest to force women to have sex with them.¹⁸

In the aftermath of the riots, Progressive Alliance of Liberia (PAL) leaders and members were arrested and detained.¹⁹ One public hearing witness described the government posting a “Wanted Dead or Alive” poster offering a \$5000 reward for the PAL leaders, one of whom was her brother.²⁰ Working in the government at the time, she described being asked about her brother's whereabouts and later, when her brother was found and taken into detention, being called into Tolbert's office.

After her brother's arrest, her father went to Tolbert to demand his son's release.²¹ Tolbert's former defense minister also recalled that the grandmother of PAL Chairman Baccus Matthews “importuned” Tolbert to release the PAL leaders.²² Ultimately, Tolbert released the leaders of the demonstration.

Torture is defined as “any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity. It does not include pain or suffering arising only from, inherent in or incidental to lawful sanctions.” *Art. 1(1), Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.*

“Everyone has the right to liberty and security of person. No one shall be subjected to arbitrary arrest or detention. No one shall be deprived of his liberty except on such grounds and in accordance with such procedure as are established by law.” *Art. 9(1), International Covenant on Civil and Political Rights.*

After the Rice Riots, a commission was established to investigate the causes of the unrest. The Presidential Commission on National Reconstruction issued a report to the government, which drew attention to a submission by citizens that identified socio-economic disparities as the cause of the tension. The report cited the fundamental causes as the following:

They are in a real sense a culmination of more than one hundred years of a national leadership that appears to have eroded its constituents' participation in a meaningful way. The surfacing of these problems which the events of April 14 occasioned could nevertheless be viewed as a consequence of the continuing decline of the quality of the social mores and principles provided for in our constitution.²³

Through the next year, unrest continued in Monrovia. In January, PAL became a registered political opposition party called the Progressive People's Party (PPP).²⁴ At the beginning of March 1980, the PPP led a midnight march on the executive mansion and a few days later called for the resignation of the Tolbert government.²⁵ By March 28, 1980, the Tolbert government had banned the PPP.²⁶

As a result of the Rice Riots, the government's credibility and stability diminished.²⁷ These conditions, combined with the deteriorating economic conditions, widespread popular frustration, and negative public views of the government contributed to the climate of civil unrest. Many statement givers identified the Rice Riots as an influential factor in the events leading to the 1980 coup.²⁸

SAMUEL K. DOE ERA: 1980-1989

Life in Liberia under the regime of Samuel K. Doe and the human rights violations that were perpetrated by his government reflect a pattern of oppression seen in many military dictatorships. Both during the period of military rule and after Doe assumed the civilian presidency, his regime was characterized by ruthless suppression of any perceived threat to his power. The perceived threats to Doe's power encompassed an ever widening circle of Liberians. Doe's methods of governance in Liberia helped set the stage for the violent civil wars that later engulfed the country. Based on information from TRC statements, public hearings witnesses, and secondary sources, this section describes life under the Doe regime for the different groups in Liberian society, including both high-level officials and ordinary Liberians.

The Coup

The first targets of the People's Redemption Council (PRC) were members of the former regime, including the families of those serving in the government. The then-serving president, William Tolbert,

"Everyone shall have the right to freedom of association with others... No restrictions may be placed on the exercise of this right other than those which are prescribed by law and which are necessary in a democratic society in the interests of national security or public safety, public order (ordre public), the protection of public health or morals or the protection of the rights and freedoms of others. This article shall not prevent the imposition of lawful restrictions on members of the armed forces and of the police in their exercise of this right." *Art. 22(1)-(2), International Covenant on Civil and Political Rights.*

Human rights violations reported during the Doe era:

Summary executions
Enforced disappearances
Unlawful detentions
Violations of rights related to the administration of justice
Torture and other cruel, inhuman or degrading treatment or punishment
Violation of the right to take part in the government
Violation of the right of equal access to public service
Discrimination
Violation of freedom of expression
Violation of the right of peaceful assembly and association
Arbitrary interference with privacy, family life, and correspondence
Violation of the right to property and the right not to be arbitrarily deprived of property

was brutally murdered inside the presidential residence. His wife, Victoria Tolbert, described being awakened by the sound of gunfire on the night of April 11-12, 1980. Upon opening the door, she saw two bodies covered in blood on the floor, one of whom she recognized as their guard.²⁹ Soldiers later forced their way into Mrs. Tolbert's bedroom and threatened to kill her and the President: "If you no be Vai woman, we kill you tonight. Right now, right now," one of them proclaimed as he pressed his gun even more firmly into my flesh. "But we no kill Vai woman. We kill president!" shouted the other.³⁰

Mrs. Tolbert reported that she was in the room when her husband was murdered, and she described the scene this way:

Then...six virtually naked and horrifyingly masked men rushed by me. Their bodies were painted for war, in tribal fashion – like the warriors of Cape Palmas during Liberia's tribal wars. Only jagged and weathered scraps of fabric hung securely about their loins. I could see that their gruesome masks, designed to terrify, disguise and intimidate, were painted on...I didn't recognize any of those men...Suddenly, a deafening explosion blasted our ears. One of them had shot [President Tolbert]. He sank to the chair, his walking stick dropped to the floor, and I knew he was dead.³¹

Twenty-seven other government officials were reportedly killed during the coup.³² After the PRC took power, Liberians associated with the President or with other government leaders were hunted. President Tolbert's daughter, Wilhelmina Holder, described hiding with her mother-in-law's neighbor:

The soldiers came in the house and were knocking over chairs and screaming, "If we find Wilhelmina Holder and Burleigh Holder, we'll skin them alive and bury them." And my heart – I mean, I can feel it now – those people, they came to my door and I took my glasses off and I said my last

prayer, gave myself to God, because I said – well, at that time I didn't know whether – I knew my father was dead. I didn't know what had happened to my mother, I didn't know where my husband was, I didn't know where my – none of my sisters were. I knew my brother was maybe in hiding and maybe dead, and I just knew my children were dead. So I was ready to die, took my glasses off, put it down, said my last prayer and presented – gave my whole life and self to God.³³

“Every human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life.” *Art. 6(1), International Covenant on Civil and Political Rights.*

Members of Tolbert's government were systematically rounded up. One statement giver, whose father had been a political leader and senator,³⁴ described her family's fear of persecution after the 1980 coup:

We stayed at home, scared that we would be killed. I recall that Doe's people were out killing anyone, for any reason or no reason. If Doe or his people knew you were part of a political or governmental group that didn't support Doe, his people would kill you. If they couldn't get to you, they would kill a close family member or someone else you knew.³⁵

The Minister of Defense under President Tolbert, Burleigh Holder, was one of the ministers arrested after the coup and slated for execution. Holder was imprisoned first at the Barclay Training Center where he was beaten in the middle of the night by former members of his staff. He recounted his experience:

[T]hese men pushed me to the ground, commanded me to lie on my stomach, and the three of them beat me simultaneously until I passed out. I counted eighty-seven triple lashes before I fainted...[W]hen I regained consciousness, they had stopped beating me and were wondering whether I was alive or dead.³⁶

Holder, who was jailed for ten months, during part of which he was in the notorious Belle Yallah Prison, recounted the treatment he experienced just after the coup:

Within a few days of my imprisonment, sixteen of us, prisoners, were called out to dig holes in the grounds of the prison. I was told to dig a hole ten by ten feet...we were handed a shovel each...rifles began firing all around me so close to my body that sand was thrown up onto [me]...By this time a crowd of at least four to five thousand people had gathered in the open field

around, all derisively gazing at the spectacle...I was ordered to strip buck naked while digging...a soldier advanced to the partial dugout and emptied a potty of human feces into it, and he ordered me to eat it...Each mouthful was mixed with sand, and I was forced to swallow it.³⁷

Several former government officials were tried by a special military tribunal set up by the PRC. This tribunal recommended death sentences for four of the former government officials.³⁸ On April 20, 1980, however, 13 former government officials were taken to a beach in Monrovia, stripped naked, and executed by firing squad. One statement giver witnessed Doe's men tie the 13 government officials

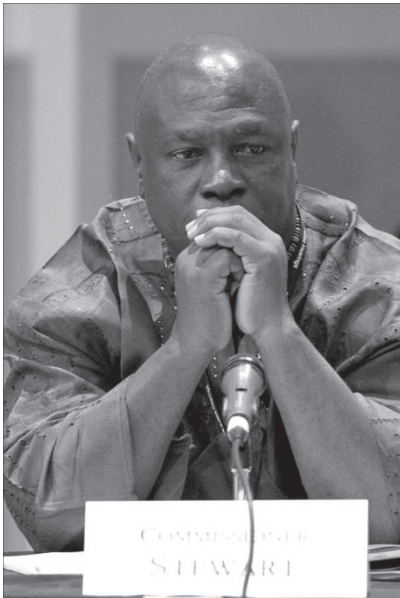
"All persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person."
Art. 10(1), International Covenant on Civil and Political Rights.

to poles and heard Doe himself give the order to his men to start firing.³⁹ The British Broadcasting Corporation (BBC) later reported: "Journalists who had been taken to the barracks to watch the executions said they were cruel and messy. They said four men were forced to watch the others die before being shot themselves as there were only nine stakes."⁴⁰ A statement giver who now lives in the Washington, DC area described his memories of the executions:

I stayed there and witnessed the execution and it was very disgusting. Most of the victims died before they were shot. They must [have had] a heart attack because they had fainted before they were shot. I saw that Richard Henries⁴¹ and Frank Tolbert⁴² had passed out. The soldiers fired indiscriminately, hitting the officials in the stomach or head. Each official got fifty or sixty rounds of bullets in their body. Cecil Dennis⁴³ was the only one alive after the barrage of gun fire; he had not been shot at all. At this point, two soldiers with the firing squad started shooting him and killed him.⁴⁴

"[S]entence of death may be imposed only for the most serious crimes in accordance with the law in force at the time of the commission of the crime and not contrary to the provisions of the present Covenant and to the Convention on the Prevention and Punishment of the Crime of Genocide. This penalty can only be carried out pursuant to a final judgement [sic] rendered by a competent court." *Art. 6(2), International Covenant on Civil and Political Rights.*

"Capital punishment may only be carried out pursuant to a final judgement [sic] rendered by a competent court after legal process which gives all possible safeguards to ensure a fair trial, at least equal to those contained in article 14 of the International Covenant on Civil and Political Rights, including the right of anyone suspected of or charged with a crime for which capital punishment may be imposed to adequate legal assistance at all stages of the proceedings." ¶ 5, *Safeguards guaranteeing protection of the rights of those facing the death penalty.*



Thousands of Monrovia's cheered as the executions proceeded.⁴⁵ One witness stated that, although horrified at what he had seen, he was afraid not to cheer along with the rest of the crowd because he did not want anyone to question his loyalty.⁴⁶

The PRC imprisoned almost all of Tolbert's family members and many other perceived opponents. Victoria Tolbert, the murdered president's wife, was imprisoned for one month. According to testimony from Mrs. Tolbert's daughter, "She was on the bare floor, she didn't have even a piece of cloth to sleep on for over two weeks before one of the soldiers was merciful and brought her a mattress."⁴⁷ President Tolbert's son, A.B. Tolbert, was imprisoned in the Post Stockade and was summarily executed.⁴⁸ All but one of President Tolbert's daughters were placed under house arrest and separated from their children with no knowledge of the children's whereabouts or the whereabouts of their other family members.⁴⁹ According to Wilhelmina Holder,

Some family members came and brought us food and they were arrested then. And Chea Cheapoo⁵⁰ called on his walkie-talkie and before long some of the PRC – and George Boley,⁵¹ he came too, to look at us. And they put us in a room and told us that they had to think about what to do for us, what would be our fate. And we were terrified because they could have killed every one of us. And during the six weeks we were under house arrest, all hours of the night people would come knocking at the door just to gloat at us.⁵²

Another statement giver now living in Washington, DC summarized the situation after the 1980 coup:

[O]ne of [Doe]'s first acts was purging Liberian society of what he considered to be Tolbert supporters. During this time, my friend M. was thrown in prison for political activities. He spent three months in prison with no trial. During this time, he was so underfed that he reached the point of starvation. When I saw him after the ordeal, M. looked like a Holocaust survivor. During this period, men were routinely tortured, beaten and stripped of their positions in the government due to their name, tribal affiliation or association with the former government.⁵³

In the days immediately following the coup, Liberians in Monrovia and Armed Forces of Liberia (AFL)

soldiers reportedly engaged in looting and random killings. According to one estimate, approximately 200 people were killed in just three days.⁵⁴ One statement giver described his experience on April 12, 1980:

We came close to getting killed. We as Liberians had never experienced a coup before and my friend argued with the soldier that we were just going to the airport. The soldier was intoxicated and trigger happy and willing to shoot my friend in the head if he had continued arguing. The soldier put the gun to my friend's head and cocked it to shoot.⁵⁵

Liberians, particularly those of Americo-Liberian descent, lived in a climate of fear. Those who had initiated the coup and taken control of the government were primarily of indigenous African descent. A statement giver now living in the United Kingdom also described her memories of the time just after the coup:

"Each State Party shall take effective legislative, administrative, judicial or other measures to prevent acts of torture...No exceptional circumstances whatsoever, whether a state of war or a threat of war, internal political instability or any other public emergency, may be invoked as a justification of torture." *Art. 2(1)-(2), Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.*

I remember being absolutely terrified during this time. There were frequent radio announcements that the Krahnns were coming after Americo-Liberians and I did not know what was going to happen from one day to the next and was afraid to walk in certain parts of town. People of Americo-Liberian descent could be identified from their name (the name is often westernized) and the way they spoke. As time went on...Doe's stance against Americo-Liberians became less severe. However, the Americo-Liberians had been subjected to terrible violence, including execution, torture, imprisonment and being taken from their homes in the middle of the night.⁵⁶

"Everyone has the right to liberty and security of person." *Art. 9(1), International Covenant on Civil and Political Rights.*

Military Rule Under the People's Redemption Council

After the coup, the PRC quickly set up a system of military rule to impose its authority. Executive orders were one mechanism used to control the population and stifle opposition. According to one Liberian historian:

Here, [Doe] was ruling by decrees. There was one decree that prohibited workers from striking. There was another law that made it impossible for schools and other institutions of higher learning [to have] student governments. But not only that, it was the famous Decree 88A, which allowed for anyone that was suspected of criticizing Doe's government to be arrested and sent to jail with no justice.⁵⁷

Statement givers also reported hiring practices that favored ethnic Krahn in appointments and promotions, regardless of ability.⁵⁸

Despite the curtailment of civil and political rights, life returned to some degree of normalcy after the immediate post-coup violence subsided. One statement giver noted that "life was going on as normal at that time; people were just more careful about what they said."⁵⁹ Although the constitution had been suspended,⁶⁰ the PRC claimed that they would soon return the country to civilian rule.⁶¹ Also, the Doe regime was not entirely purged of former employees and Americo-Liberians. One historian notes that:

All persons have the right to enjoy "just and favourable conditions of work which ensure...[e]qual opportunity for everyone to be promoted in his employment to an appropriate higher level, subject to no considerations other than those of seniority and competence." *Art. 7(c), International Covenant on Economic, Social and Cultural Rights.*

[Despite] the fact that he had executed their colleagues, Doe's first cabinet included four ministers from Tolbert's era, and others from that era were promoted into the top ranks of the civil services. Of twenty-two cabinet ministers listed in 1985, at least half had held bureaucratic positions in pre-Doe governments. Many were "pure" Americo-Liberian descendants of settler families...⁶²

Nevertheless, for ordinary Liberians, life under the PRC military regime was often filled with fear. A Bassa statement giver who had grown up in Monrovia described it this way:

Doe proceeded to take the law into his own hands, effecting murders and rapes with impunity. Everyone was frightened;...If a man were walking with his wife or daughter on the street, Doe's men or others would simply take the woman and rape her. I personally witnessed such an event one day in the vicinity of the radio station. When I saw three soldiers take a woman into a building, I ran to find their commander; but by the time the commander arrived the woman, presumably raped by all three, simply sat weeping on the ground. Only one of the perpetrators was detained, and the next day he was

released.⁶³

Checkpoints and Curfews

Soldiers often terrorized civilians at checkpoints and after curfew. One statement giver who was a young woman at the time told the TRC that “the environment was very threatening in...Monrovia. Everywhere one went there were soldiers with guns; it was a military government with a six o’clock curfew. No one was crazy enough to break curfew. At 5:30 p.m., people would come home because no one dared to break it.”⁶⁴

“States should condemn violence against women...[r]efrain from engaging in violence against women...[e]xercise due diligence to prevent, investigate and, in accordance with national legislation, punish acts of violence against women, whether those acts are perpetrated by the State or by private persons” Art. 4, *Declaration on the Elimination of Violence against Women*.

Women were often raped at checkpoint[s]. Individuals were forced to strip and walk home naked. Many men were made to “pump tire,” an exercise where an individual holds his ears and moves up and down balanced on the balls of your feet. Others were made to “fall like a palm tree,” flat to the ground without supporting themselves...[T]he soldiers inflicted these tortures on the people simply to amuse themselves.⁶⁵

Arrests and Unlawful Detentions



Throughout the Doe regime, detainees were held in various locations including Belle Yallah prison,⁶⁶ the Central Police Station,⁶⁷ Post Stockade military prison,⁶⁸ Barclay Training Center,⁶⁹ the Executive Mansion,⁷⁰ unidentified cells, and in some cases, their own homes.⁷¹ Statement givers reported periods of detention ranging from a few days to months at a time. Conditions of detention were abysmal in most cases: overcrowding, little or no sanitation, and generally no medical treatment.⁷² Prisoners were routinely flogged with rattan switches, pieces of steel belt radial tire, or other items while in detention.⁷³ One public hearing witness described the conditions in the Post Stockade as “terrible and almost uninhabitable.”⁷⁴ Individual cells were often overcrowded with poor sanitation. Verbal and physical abuse, harassment, and intimidations to extort money from prisoners were the norm.⁷⁵

The Doe regime also was characterized by periodic purges of any perceived opposition. The killing of Thomas Weh Syen, Doe’s PRC

vice-chair, was the first high-profile purge. In August 1981, Weh Syen and four other high-ranking PRC officials were arrested and accused of plotting to overthrow Doe.⁷⁶ The accused plotters were tried by the Supreme Military Tribunal that had been established to try former Tolbert government officials. According to reports, the proceedings were conducted in secret.⁷⁷ The five accused were found guilty on August 13, 1981, and executed the next day.⁷⁸ A public hearings witness now living in North Carolina was liaison between the prison where Weh Syen was being held and the PRC's Special Security Service (SSS). He reported that Weh Syen asked him to take a message claiming that he was innocent to Doe.⁷⁹ This statement giver was present at the prison when Weh Syen and the other four co-conspirators were executed the next day. He described the scene:

Colonel B. ordered the jailor to release...Major General Thomas Weh Syen and his four co-conspirators. It immediately became apparent to Weh Syen and his co-conspirator that they were about to face their fate... Suddenly Weh Syen and his co-detainees each broke into loud cries and hollering in English saying: "My people, they coming to kill us, oh! Doe is killing us, oh!" They were repeating their cries in the various vernacular[s] continuously as the special squad was ordering them to shut up and line up...The most unbearable moment came when the squad leader ordered his men to shoot. The condemned prisoners began to cry even louder but only to be silenced forever by the barrage of bullets when Weh Syen and his co-conspirators were savagely and unceremoniously gunned down without being blindfolded or even administered some spiritual right...I stood there helplessly, in total disbelief that I had just witnessed the murder of another human being. I can still picture the scene like it is just happening. It is a memory that I will take to my grave. As if it was not enough to watch the gruesome murder of fellow Liberians without due process, I was even more heartbroken when the PRC government announced the same day that Weh Syen and his co-prisoners were killed as they were escaping through the attic of the post stockade. Not only did the Doe government murder fellow citizens in cold blood, but they shamelessly lied to the Liberian people without any remorse.⁸⁰

"All persons shall be equal before the courts and tribunals. In the determination of any criminal charge against him, or of his rights and obligations in a suit at law, everyone shall be entitled to a fair and public hearing by a competent, independent and impartial tribunal established by law." *Art. 14(1), International Covenant on Civil and Political Rights*. "Anyone sentenced to death shall have the right to appeal to a court of higher jurisdiction, and steps should be taken to ensure that such appeals shall become mandatory." ¶ 6, *Safeguards guaranteeing protection of the rights of those facing the death penalty*. "Where capital punishment occurs, it shall be carried out so as to inflict the minimum possible suffering." ¶ 9, *Safeguards guaranteeing protection of the rights of those facing the death penalty*.

In 1984, this statement giver himself was accused of plotting to overthrow the Doe government.⁸¹ He was arrested and detained for more than two months, then released without explanation.⁸² After his release, however, he was unable to find any work.⁸³

Academic Repression

The military regime particularly targeted students, professors, and other intellectuals. In 1982, the PRC issued Decree 2A, which made it a capital offense to engage in academic activities that “directly or indirectly impinge, interfere with or cast aspersion upon the activities, programmes, or policies of the government of the PRC.”⁸⁴ The decree also banned the formation of student organizations or parties.⁸⁵ The PRC arrested and tortured university administrators and professors.⁸⁶ During the early 1980s the Doe government infiltrated student organizations and harassed those it felt were fomenting opposition. One former University of Liberia student told the TRC:

“Everyone shall have the right to freedom of association with others...No restrictions may be placed on the exercise of this right other than those which are prescribed by law and which are necessary in a democratic society in the interests of national security or public safety, public order (ordre public), the protection of public health or morals or the protection of the rights and freedoms of others.” *Art. 22(1)-(2), International Covenant on Civil and Political Rights.* “Everyone shall have the right to hold opinions without interference.” *Art. 19(1), International Covenant on Civil and Political Rights.*

[T]here was a lot of government infiltration in student organizations. Often times, the infiltrators stood out because they would try to jump into other people’s conversations and ask questions that were obviously designed to gain information...[S]ometimes identifying an infiltrator was as easy as asking them where their next class was, because the infiltrators would not be aware of the building abbreviations typically used by students...⁸⁷

The conflict between academics and the Doe regime climaxed in the summer of 1984. According to one statement giver now living in Minnesota, tensions between the government and the university community had been on the rise:

In 1984, I and other students published a story in the newspaper about President Doe stealing money from the national treasury for personal use. We had been informed by a person at the treasury who did not want to report it himself because of fear of the consequences. After the story was published in the newspapers, government soldiers demanded to know the source and

we students refused to give the name. Government soldiers arrested me and sixteen other students, and detained us at Belle Yallah Prison. The prison was only accessible by plane, as there was no road. Eight of the students were killed, and eight survived. The entire student population was in an outcry, demanding our release.⁸⁸

Doe had appointed Amos Sawyer to lead the national constitutional commission a few years earlier, but by 1984 Doe saw him as a threat.⁸⁹ In August 1984, the PRC arrested Sawyer and George Kieh, professors at the University of Liberia. Students demonstrated to protest the arrests.⁹⁰ One statement giver now living in Minnesota told the TRC about participating in a student demonstration against Doe on August 22, 1984.⁹¹ In the middle of the demonstrations, he decided to take a taxi and leave because he became concerned about the level of military presence.⁹²

The PRC responded to the student demonstrations with brutal force. Statement givers told the TRC about what happened when the military began to act against the demonstrators:

The students had created a closed coffin meant to represent the death of President Doe...[T]he military then detained any students the military claimed were associated with the demonstration. These students were brought to a ridge, were shot, and their bodies were pushed off the ridge down to the road. The students' bodies were left there as an example.⁹³

“The right of peaceful assembly shall be recognized. No restrictions may be placed on the exercise of this right other than those imposed in conformity with the law and which are necessary in a democratic society in the interests of national security or public safety, public order (*ordre public*), the protection of public health or morals or the protection of the rights and freedoms of others.” *Art. 21, International Covenant on Civil and Political Rights.*

Another student, who was on campus that day to take an entrance exam, described the scene at the University of Liberia:

Soldiers entered campus between noon and 1:00 p.m. firing automatic rifles and student leaders convinced students to stay on campus because the student leaders said it was against international law for the military to come on campus. During the chaos, most of the soldiers were speaking French. They were Ivorian Krahn soldiers who had been drafted into the Liberian army. The soldiers beat professors and stripped them naked. I saw a professor I knew running from campus naked and a market woman had to take her wrap and give it to him. The soldiers mistreated girls by beating or raping them. A cousin of mine was beaten. Other girls were held in the

dorms and raped for several days before they were released. I escaped from the campus by jumping over the concrete fence at the back of the cafeteria... soldiers opened fire on those jumping over the fence...⁹⁴

Rapes of female students demonstrating in 1984 were documented by the Lawyer's Committee for Human Rights.⁹⁵ One woman interviewed for that report stated:

I could hear the screaming of the girls in the cafeteria. They must have been doing it on the tables in there. I could hear the soldiers asking them to undress. I could hear them saying "lie down," and "kiss me" and "spread your legs."⁹⁶

Everyone has the right to an education. "[E]ducation shall enable all persons to participate effectively in a free society, promote understanding, tolerance and friendship among all nations and all racial, ethnic or religious groups..." *Art. 13(1), International Covenant on Economic, Social and Cultural Rights.*

After the August 22nd attack at the University of Liberia, the PRC dismissed the entire administration and faculty and closed the university.⁹⁷ "The day after this incident, students did not return to University. Checkpoints were established in Monrovia, and anyone found in possession of a student identification card was detained."⁹⁸ The university later reopened after President Doe reappointed only certain members of the faculty.⁹⁹

Media Repression

Under the Doe administration, the Liberian media experienced tremendous growth at the same time it faced significant repression. Between 1980 and 1990, more than 30 private newspapers were founded¹⁰⁰ but there was also an increase in repressive measures.¹⁰¹ As one Liberian stated, "The general attitude of the Doe government was to consider the press an enemy."¹⁰² The Doe regime labeled news stories critical of the government "irresponsible" and "lies and misinformation."¹⁰³ Thus, government enforcement of "responsible journalism" became the justification for systematic violations of the right to freedom of expression. The government used a variety of means to oppress and to control the media, including state directives, closures, bans, arrests, intimidation, and violence.

The government issued policies seeking to tighten state control over the media. In September 1981, Minister of Information Colonel Gray D. Allison announced that the government would begin to enforce a new directive "giving the ministry the mandate to edit all releases and announcements by or about [the] Government or its agencies."¹⁰⁴ The 1986 Media Act required state approval for all reporting.¹⁰⁵ Decree 88A essentially made it impossible for the media to hold the government accountable and subjected dissident media to accusations of "hate speech."¹⁰⁶ State control extended to foreign media as well. Early on, the Doe regime issued a directive requiring foreign journalists to

report at the Ministry of Information for proper accreditation and requiring that all press activities be coordinated through the ministry.¹⁰⁷

The Doe government also used temporary bans and permanent closures to punish and to suppress media outlets that criticized the government. For example, the *Daily Observer* was banned approximately five times between 1981 and 1985 for various reasons, such as publishing letters to the editor reacting to a government ban on University of Liberia student leaders,¹⁰⁸ publishing an article criticizing the unsanitary conditions in Monrovia, and giving more coverage to a trade union dispute than to a speech delivered by President Doe. These bans prevented the *Daily Observer* from printing for periods of between one month and well over a year.¹⁰⁹ A memo by one of Doe's advisors condemning a closure resulted in the advisor's suspension from his job.¹¹⁰

“Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.” Art. 19(2), *International Covenant on Civil and Political Rights*.

In addition to closing media outlets, the Doe administration used harassment and arrest to deter journalists from publishing unfavorable stories and to punish those who did. A reporter described how the offices of *The Daily Observer* were burned down, its offices were closed several times, and journalists were whipped.¹¹¹ Another reporter for *The Daily Newspaper* recalled how the government closed down the newspaper on two occasions and jailed six journalists.¹¹² A journalist for *The Daily Observer* described how he was jailed for two weeks in 1988 for investigating the Director of the Criminal Investigation Division, who allegedly accepted bribes in return for not divulging findings of corruption.¹¹³

When I refused to disclose my source, I was jailed. The first jail in which I was held was decent, but after still refusing to divulge my source, I was transferred to a cramped and unsanitary jail where I stayed for three days. I asked to speak with my lawyer but this request was denied. I was permitted to make a telephone call to my boss at *The Daily Observer*. I was returned to the jail where I spent about eight more days. I was finally released...[T]he authorities must have decided that they could not obtain any information from me.¹¹⁴

“Anyone who is deprived of his liberty by arrest or detention shall be entitled to take proceedings before a court, in order that that court may decide without delay on the lawfulness of his detention and order his release if the detention is not lawful.” Art. 9(4), *International Covenant on Civil and Political Rights*.

Ethnic Targeting

Doe's revenge against his opponents increasingly focused on people from Nimba County. In 1983, Doe split with AFL Commanding General Thomas Quiwonkpa, a prominent member of the Gio tribe from Nimba County, forcing Quiwonkpa and his supporters out of the country. Some of Quiwonkpa's supporters carried out raids in and around Yekepa, in Nimba County. The 1983 Nimba Raids were, according to historian Stephen Ellis, "the first open sign that the Krahn-Gio ethnic rivalry had spilled over from the barracks into the country itself."¹¹⁵ Commanding a security post in Yekepa at the time was Charles Julu, later to become a general in Doe's AFL. Julu's nephew, now living in the diaspora, told the TRC about his memory of the Nimba Raid:

In 1983, my family, including my auntie...and her husband, Charles Julu, was a target for elimination. During the Nimba Raid...our family's home was stormed. In Area F, a part of Nimba county, fighters came but [my aunt and uncle] were not home...my cousin, opened the door. The fighters were looking for Charles Julu, Sr. but searched and found nothing so they shot [my cousin] in his side. He pretended to be dead. The fighters then came out and beheaded the wash man. We hid in the pantry. My brother was asleep in the sitting room and was killed by gunmen. The fighters left and the family called the police.¹¹⁶

States Parties are to "prohibit and to eliminate racial discrimination in all its forms and to guarantee the right of everyone, without distinction as to race, colour, or national or ethnic origin, to equality before the law" in the enjoyment of the "right to security of person and protection by the State against violence or bodily harm, whether inflicted by government officials or by any individual group or institution." *Art. 5(b), International Convention on the Elimination of All Forms of Racial Discrimination.*

Statement givers and secondary sources reported Gen. Julu exacting brutal revenge on the residents of Nimba County throughout the latter half of the 1980s.¹¹⁷

The Doe government also began purging those perceived to be aligned with Quiwonkpa. One statement giver recalled that "people were 'picked up' by Doe's men and imprisoned following accusations of treachery. In 1983, a friend of [mine] named Patrick Kennedy disappeared. His wife said that he had been

taken in the middle of the night supposedly because he tried to launch a coup against the Krahn Government."¹¹⁸ His body was never found.¹¹⁹ A statement giver from Nimba County who now lives in Minnesota noted that his father lost his job in the Doe administration after the split between Quiwonkpa and Doe.¹²⁰ Another statement giver from Nimba County, who had been a close associate of Doe's and had in fact been promoted by Doe, found himself under arrest in 1983 for alleged involvement in the coup plot.¹²¹ After spending a year in prison, he was released after being found not

guilty.¹²²

1985 Elections and Coup Attempt

Under domestic and international pressure, Doe had agreed to return Liberia to civilian rule by 1985. Elections were scheduled for October 1985, but the PRC did not lift its ban on political activity until July 1984.¹²³ In the run up to the election, political freedoms were curtailed despite the lifting of the ban. The government detained opposition leaders and banned popular political parties,¹²⁴ leaving only the weaker parties to participate in the elections.¹²⁵ Hefty registration fees further discouraged political parties from participating.¹²⁶

One statement giver opined that Samuel K. Doe “took off his uniform, put on a suit and tie and decided to run.”¹²⁷ Doe’s main opponent, Jackson F. Doe,¹²⁸ was a popular politician from Nimba County. Statement givers reiterated to the TRC what human rights groups have documented regarding the 1985 election results:¹²⁹ that the elections were “unfair,”¹³⁰ “rigged,”¹³¹ that “Doe forced himself into the presidency,”¹³² “declared himself the winner,”¹³³ and “Doe lost the election but stole it anyway.”¹³⁴ Statement givers detailed their belief that Doe and his partisans engaged in ballot stuffing,¹³⁵ burning ballot boxes,¹³⁶ replacing destroyed ballot boxes and ballots with new ones,¹³⁷ and appointing cronies to recount the votes in Doe’s favor.¹³⁸ Those who suggested the boxes were destroyed were arrested and beaten.¹³⁹ One statement giver used the example of Sam Hill as evidence of election fraud that went beyond the presidential ballot. Sam Hill became speaker of the house without appearing on the original ballot or being nominated in the primary.¹⁴⁰ The Lawyers’ Committee for Human Rights described Doe’s vote rigging as “one of the most brazen electoral frauds in recent African history.”¹⁴¹

“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 which shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electors;
(c) To have access, on general terms of equality, to public service in his country.”
Art. 25, International Covenant on Civil and Political Rights.

Just after the election, on November 12, 1985, Quiwonkpa returned to Liberia from exile in the United States with the intention to overthrow Samuel K. Doe. Quiwonkpa had fled Liberia for the United States in 1983, after Doe demoted him and accused Quiwonkpa of plotting a coup. Reportedly, Quiwonkpa entered the country from Sierra Leone. Quiwonkpa and his supporters invaded Monrovia and seized the Barclay Training Center and two radio stations. Quiwonkpa’s broadcast promising free and fair elections was met by public elation.¹⁴² Monrovia began celebrating in the streets, singing,

and stripping billboards of Doe.¹⁴³

The public response manifested the anti-Krahn sentiment that Doe's regime had long fomented. Immediately after Quiwonkpa's announcement:

People were jubilant and started to physically and verbally attack their Krahn neighbors. Shop owners were giving out free liquor, people were blowing their horns and giving the rooster sign, the symbol of the Liberian Action Party, the party of politicians Ellen Johnson Sirleaf and Jackson Doe... Quiwonkpa was considered the savior who had come to save the Liberian people from Doe and his Krahn people.¹⁴⁴

One statement giver described the atmosphere in Gbarnga, a large city in Bong County about two hours' drive from Monrovia: "things were tense, with mixed feelings of hope and fear. It was quiet in [Gbarnga]; people were just waiting. Quiwonkpa said that where Doe is, there is no escape for him. The rebels seemed to have the country under control. Then three to four hours later, Doe... announced that the coup had failed."¹⁴⁵

Statement givers and secondary sources both report that Doe had advance warning of Quiwonkpa's plans.¹⁴⁶ Doe announced over the radio that he was still leading the government and that Liberians should "remain loyal."¹⁴⁷ Doe supporters quickly recaptured control of the country. Quiwonkpa was killed and his was corpse mutilated and paraded through the streets of Monrovia.¹⁴⁸ It was reported that Doe's soldiers cut off parts of Quiwonkpa's body and consumed it in an act of cannibalism.¹⁴⁹ A statement giver from Nimba County who worked in the National Security Agency at the time recalled that "Monrovia was silent" and that even though he worked in the government, "he was very scared."¹⁵⁰

Post-Election/Coup Repression

The coup attempt by Quiwonkpa led to a renewed cycle of revenge against Doe's enemies.

Anyone could randomly accuse a person of being a part of the coup and it would lead to death. The television stations filmed citizens celebrating the coup attempt and after Doe regained power, all persons who followed Quiwonkpa's orders were killed, including police officers who thought they were just doing their jobs.¹⁵¹

Another statement giver noted:

People who had been videotaped while “jubilating” began to disappear – apparently soldiers would arrive in the middle of the night and take individuals from their homes while the rest of the family slept unaware, and the individuals were never heard from again. V.R., a friend of [mine] was tipped by a young boy about the “disappearances” and apparently knew that he had been observed “jubilating,” and fled to Côte d’Ivoire in 1985.¹⁵²

These reports of targeting those who had celebrated Doe’s overthrow were confirmed by Doe’s then press secretary:

[A]ll those tapes that the radio, television, private, public people...had taken during that eight-hour period, twelve-hour period [when people were celebrating], were brought to the mansion and Doe was playing those tapes, looking at them. That’s how people were arrested...the security attendants that were watching the tapes, they would say, oh, I know that person who is doing that...That’s how most people lost their jobs also.¹⁵³

“Each State Party shall ensure in its legal system that the victim of an act of torture obtains redress and has an enforceable right to fair and adequate compensation, including the means for as full rehabilitation as possible. In the event of the death of the victim as a result of an act of torture, his dependants shall be entitled to compensation.” *Art. 14(1), Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.*

After Doe assumed the presidency, he retained virtually all of the decrees and practices that had restrained civil and political rights during the period of military rule. In 1986, however, Doe granted a general amnesty to all those suspected of participating in the 1985 coup. Life continued largely as it had before the 1985 election under Doe’s civilian leadership. Historians have noted that during the latter half of Doe’s regime, between 1987 and 1988, “[a]buse of human rights and rampant corruption [became] characteristic of the regime.”¹⁵⁴ The government continued to detain people who voiced opposition. Many in the political opposition fled the country, if they were not already in prison.

Ellen Johnson Sirleaf, Liberia’s first elected post-war president, was detained by the Doe government on two occasions, shortly after the attempted coup and approximately a year later.¹⁵⁵ She described her experiences in detention to the Lawyers Committee for Human Rights, noting that “When you are in jail...you live with the fear that anything can happen to you at any time, by anybody, without any recourse. So many terrible things have happened to so many people, you know they can happen to you.”¹⁵⁶

The human rights violations perpetrated by the PRC military government and by Doe’s civilian

government were another step on Liberia's path to civil war. The culture of brutality and impunity, as well as the increasing ethnic conflict, was a harbinger of the crisis to come.

Notes

- 1 Garswah Blacktom, Testimony at the Diaspora Public Hearings of the Truth & Reconciliation Comm'n of Liberia 5-6 (June 11, 2008, St. Paul, Minn., U.S.A.) (transcript on file with author).
- 2 TRC Diaspora Statement Recs. 1444 and 121. The Tolbert government invoked a mutual defense pact with Guinea, leading to the arrival of more than 700 Guinean troops in Monrovia. JEREMY I. LEVITT, *THE EVOLUTION OF DEADLY CONFLICT IN LIBERIA: FROM 'PATERNALTARIANISM' TO STATE COLLAPSE* 196 (2005).
- 3 *Id.*; Liberia: Give Peace a Chance, PBS, http://www.pbs.org/frontlineworld/rough/2007/05/liberia_give_pelinks.html (last visited Aug. 14, 2008).
- 4 TRC Diaspora Statement Rec. 1303.
- 5 TRC Diaspora Statement Rec. 1351.
- 6 TRC Diaspora Statement Rec. 823.
- 7 *Id.*
- 8 TRC Diaspora Statement Rec. 1351.
- 9 TRC Diaspora Statement Rec. 1444.
- 10 TRC Diaspora Statement Rec. 40.
- 11 *Id.* See also LAWYERS COMMITTEE FOR HUMAN RIGHTS, *LIBERIA: A PROMISE BETRAYED* 13-14 (1986) (writing that "President Tolbert ordered police to open fire on the unarmed demonstrators" but citing no source for the information).
- 12 TRC Diaspora Statement Rec. 40.
- 13 TRC Diaspora Statement Rec. 1444. Testimony from Tolbert's then Vice President, however, disputes the fact that Tolbert gave orders to shoot protestors. Bishop Bennie D. Warner, Testimony at the Diaspora Public Hearings of the Truth & Reconciliation Comm'n of Liberia 28 (June 10, 2008, St. Paul, Minn., U.S.A.) (transcript on file with author) (stating that the "President never ordered for anybody to shoot").
- 14 TRC Diaspora Statement Rec. 40.
- 15 One statement giver reported that many people simply ignored the curfew or thought they would be exempt if they remained on the sidewalk in front of their yards. TRC Diaspora Statement Rec. 1444.
- 16 *Id.* Pumping tire is where an individual holds his ears while moving up and down on the balls of the feet. TRC Diaspora Statement Rec. 1731.
- 17 TRC Diaspora Statement Rec. 1444.
- 18 *Id.*
- 19 LEVITT, *supra* note 2, at 196.
- 20 Marie Y. Hayes, Testimony at the Diaspora Public Hearings of the Truth & Reconciliation Comm'n of Liberia 4 (June 12, 2008, St. Paul, Minn., U.S.A.) (transcript on file with author). Levitt notes that domestic and international pressure was brought to bear on Tolbert to release the leaders of the riots. LEVITT, *supra* note 2, at 196.
- 21 Marie Y. Hayes, Testimony at the Diaspora Public Hearings of the Truth & Reconciliation Comm'n of Liberia 9-10 (June 12, 2008, St. Paul, Minn., U.S.A.) (transcript on file with author).
- 22 M. BURLEIGH HOLDER, *THE HAND OF GOD* 117 (2006).
- 23 Report of the Presidential Comm'n on Nat'l Reconstruction to Dr. William R. Tolbert, Jr., President of Liberia, at 3, June 12, 1979 (on file with author).
- 24 D. ELWOOD DUNN, AMOS J. BEYAN & CARL PATRICK BURROWES, *HISTORICAL DICTIONARY OF LIBERIA* xxxi (2d ed. 2001).
- 25 *Id.*
- 26 *Id.*
- 27 See Peter Dennis, Int'l Center for Transitional Justice, *A Brief History of Liberia* 2, May 2006, <http://www.ictj.org/static/Africa/Liberia/BriefHistory.pdf>.
- 28 See Augustine Toure, Int'l Peace Acad., *The Role of Civil Society in National Reconciliation and Peacebuilding in Liberia* n.58, April 2002, [http://reliefweb.int/rw/lib.nsf/db900sid/SKAI-7DHLF9/\\$file/IPA_CivilSociety_Liberia_Apr02.pdf?openelement](http://reliefweb.int/rw/lib.nsf/db900sid/SKAI-7DHLF9/$file/IPA_CivilSociety_Liberia_Apr02.pdf?openelement).
- 29 TRC Diaspora Statement Rec. 33 (quoting excerpts from VICTORIA A. TOLBERT, *LIFTED UP* (1996), which were submitted as a TRC statement by members of the Tolbert family in the United States).
- 30 *Id.*
- 31 *Id.*
- 32 Leon Dash, *Liberian Soldiers Taunt, Shoot 13 Former Leaders*, WASH. POST, April 23, 1980, at A1.
- 33 Wilhelmina Holder, Testimony at the Diaspora Public Hearings of the Truth & Reconciliation Comm'n of Liberia 31 (June 13, 2008, St. Paul, Minn., U.S.A.) (transcript on file with author).

- 34 The statement giver's father died in 1970 when she was two years old. TRC Diaspora Statement Rec. 1374.
- 35 *Id.*
- 36 HOLDER, *supra* note 22, at 136.
- 37 *Id.* at 137-38.
- 38 LAWYERS COMMITTEE FOR HUMAN RIGHTS, *supra* note 11, at 15.
- 39 TRC Diaspora Statement Rec. 64.
- 40 1980: *Deposed Ministers Executed in Liberia*, BBC NEWS, April 22, 1980, http://news.bbc.co.uk/onthisday/hi/dates/stories/april/22/newsid_2525000/2525477.stm.
- 41 Henries was speaker of the Liberian legislature and was an elected representative from Montserrado County. He was also legal counsel for the Firestone Plantations Company and for the True Whig Party. DUNN ET AL., *supra* note 24, at 163.
- 42 Frank Tolbert was a brother of President Tolbert and President Pro-Temp of the Liberian Senate. Immigration & Refugee Bd. of Canada, *Liberia: Number of brothers and sisters of former president William Tolbert, and their names; fate of ministers of his government and their relatives after the 1980 coup*, Oct. 1, 1991, http://www.unhcr.org/refworld/type,QUERYRES_PONSE,,LBR,3ae6abfe38,0.html.
- 43 Dennis was President Tolbert's lawyer and legal counsel for the Mesurado Group of Companies, among other prominent individuals and corporations. He was also president of the Board of Directors of the Bank of Liberia and was Minister of Foreign Affairs at the time of the 1980 coup. DUNN ET AL., *supra* note 24, at 106.
- 44 TRC Diaspora Statement Rec. 1444.
- 45 LAWYERS COMMITTEE FOR HUMAN RIGHTS, *supra* note 11, at 15.
- 46 TRC Diaspora Statement Rec. 64.
- 47 Wilhelmina Holder, Testimony at the Diaspora Public Hearings of the Truth & Reconciliation Comm'n of Liberia 34 (June 13, 2008, St. Paul, Minn., U.S.A.) (transcript on file with author).
- 48 James Y. Hunder, Testimony at the Diaspora Public Hearings of the Truth & Reconciliation Comm'n of Liberia 10-11, 19-21 (June 13, 2008, St. Paul, Minn., U.S.A.) (transcript on file with author).
- 49 Wilhelmina Holder, Testimony at the Diaspora Public Hearings of the Truth & Reconciliation Comm'n of Liberia 33 (June 13, 2008, St. Paul, Minn., U.S.A.) (transcript on file with author).
- 50 Cheapoo, originally from Grand Gedeh County, was educated as a lawyer in the United States and was appointed as a lawyer in the Ministry of Commerce and Industry when he returned to Liberia. He later served in the Senate but was expelled by the True Whig Party leadership. He was legal advisor to PAL and its political incarnation, the PPP. He was imprisoned on treason charges along with other PPP members and was released after the PRC coup. He was appointed Minister of Justice in the PRC government, but only until 1981. DUNN ET AL., *supra* note 24, at 66.
- 51 Boley, originally from Grand Gedeh County, obtained a bachelor's degree and a PhD in the United States before returning to Liberia, at which time he was appointed Assistant Minister of Education in the Tolbert government. He was later imprisoned on treason charges along with other PPP members and was released after the PRC coup. He was first made Minister for Presidential Affairs in the PRC government, but also held the posts of Minister of Posts and Telecommunications and later Minister of Education. Boley later formed an armed fighting faction, the Liberia Peace Council (LPC), in 1993. DUNN ET AL., *supra* note 24, at 43.
- 52 Wilhelmina Holder, Testimony at the Diaspora Public Hearings of the Truth & Reconciliation Comm'n of Liberia 33 (June 13, 2008, St. Paul, Minn., U.S.A.) (transcript on file with author).
- 53 TRC Diaspora Statement Rec. 1731.
- 54 LAWYERS COMMITTEE FOR HUMAN RIGHTS, *supra* note 11, at 14.
- 55 TRC Diaspora Statement Rec. 1444.
- 56 TRC Diaspora Statement Rec. 1039.
- 57 Dr. Augustine Konneh, Testimony at the Diaspora Public Hearings of the Truth & Reconciliation Comm'n of Liberia 15 (June 10, 2008, St. Paul, Minn., U.S.A.) (transcript on file with author).
- 58 See Chapter 4 for more information about tribalism during the Liberian civil crises.
- 59 TRC Diaspora Statement Rec. 1039.
- 60 LAWYERS COMMITTEE FOR HUMAN RIGHTS, *supra* note 11, at 15.

- 61 Dash, *supra* note 32 (quoting Samuel K. Doe as saying “The armed forces have taken over the government to recover from their long years of suffering and when things begin to get on the right track, we, the men and women in arms, will return to the barracks where we belong.”).
- 62 WILLIAM RENO, *WARLORD POLITICS AND AFRICAN STATES* 82 (1998).
- 63 TRC Diaspora Statement Rec. 1648.
- 64 TRC Diaspora Statement Rec. 469.
- 65 TRC Diaspora Statement Rec. 1731.
- 66 TRC Diaspora Statement Rec. 114.
- 67 *Id.*
- 68 TRC Diaspora Statement Rec. 124.
- 69 TRC Diaspora Statement Rec. 114.
- 70 *Id.*
- 71 TRC Diaspora Statement Rec. 33.
- 72 *See* LAWYERS COMMITTEE FOR HUMAN RIGHTS, *supra* note 11, at 82-85.
- 73 *Id.*
- 74 James Y. Hunder, Testimony at the Diaspora Public Hearings of the Truth & Reconciliation Comm’n of Liberia 10 (June 13, 2008, St. Paul, Minn., U.S.A.) (transcript on file with author).
- 75 *Id.*
- 76 LAWYERS COMMITTEE FOR HUMAN RIGHTS, *supra* note 11, at 47; *see also* James Y. Hunder, Testimony at the Diaspora Public Hearings of the Truth & Reconciliation Comm’n of Liberia 11 (June 13, 2008, St. Paul, Minn., U.S.A.) (transcript on file with author).
- 77 LAWYERS COMMITTEE FOR HUMAN RIGHTS, *supra* note 11, at 47.
- 78 *Id.*; *see also* DUNN ET AL., *supra* note 24, at 312-13.
- 79 One night Weh Syen asked me if I would do him a favor and if I was brave enough to deliver a message to [Commander in Chief] Doe. I replied that I would. Weh Syen said that he had a message for Samuel Doe: “Tell Doe if he causes my blood to be shed, he’s going to pay in worst manner. I did not wrong him, I did not go against him, and I never planned with anyone to kill him. So if he ends my life, his blood will be shed or worse.”
James Y. Hunder, Testimony at the Diaspora Public Hearings of the Truth & Reconciliation Comm’n of Liberia 12 (June 13, 2008, St. Paul, Minn., U.S.A.) (transcript on file with author).
- 80 *Id.* at 13-14.
- 81 *Id.* at 16-17.
- 82 *Id.*
- 83 TRC Diaspora Statement Rec. 1339.
- 84 LAWYERS COMMITTEE FOR HUMAN RIGHTS, *supra* note 11, at 157.
- 85 *Id.*
- 86 *Id.* at 161 (describing the 1980 detention of J. Teah Tarpah, Vice President for Academic Affairs, the 1981 detention and torture of Patrick Seyon, Vice President for Administration, and the 1984 arrest of Professors Amos Sawyer and George Kieh).
- 87 TRC Diaspora Statement Rec. 25.
- 88 TRC Diaspora Statement Rec. 114.
- 89 AMOS SAWYER, *BEYOND PLUNDER* 19-20 (2005).
- 90 LAWYERS COMMITTEE FOR HUMAN RIGHTS, *supra* note 11, at 161.
- 91 TRC Diaspora Statement Rec. 25.
- 92 *Id.*
- 93 TRC Diaspora Statement Rec. 1442; *see also* TRC Diaspora Statement Rec. 1444.
- 94 TRC Diaspora Statement Rec. 1444.
- 95 LAWYERS COMMITTEE FOR HUMAN RIGHTS, *supra* note 11, at 40-43.
- 96 *Id.* at 41.
- 97 *Id.* at 155.
- 98 TRC Diaspora Statement Rec. 1442.
- 99 LAWYERS COMMITTEE FOR HUMAN RIGHTS, *supra* note 11, at 155-56.
- 100 *See generally* AYODEJI OLUKOJU, *CULTURE AND CUSTOMS OF LIBERIA* (2006).
- 101 *See generally id.*
- 102 TRC Diaspora Statement Rec. 901.
- 103 *Liberian Newspaper Banned in Monrovia*, XINHUA GEN. OVERSEAS NEWS SERV., Apr. 7, 1988.
- 104 Momo K. Rogers, *The Liberian Press under Military Rule*, 21 *LIBERIAN STUDIES J.* 1, 7-32 (1996).
- 105 TRC Diaspora Statement Rec. 904.
- 106 TRC Diaspora Statement Rec. 901.
- 107 *In brief: Announcement to Foreign Journalists*, BBC NEWS, Apr. 21, 1980.

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- 117 *E.g.* TRC Diaspora Statement Recs. 1551 and 16; ELLIS, *supra* note 115, at 60.
- 118 TRC Diaspora Statement Rec. 1039.
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- 122 *Id.*
- 123 LAWYERS COMMITTEE FOR HUMAN RIGHTS, *supra* note 11, at 107.
- 124 *Id.* at 112-13.
- 125 Dr. Augustine Konneh, Testimony at the Diaspora Public Hearings of the Truth & Reconciliation Comm’n of Liberia 16 (June 10, 2008, St. Paul, Minn., U.S.A.) (transcript on file with author).
- 126 LAWYERS COMMITTEE FOR HUMAN RIGHTS, *supra* note 11, at 114.
- 127 TRC Diaspora Statement Rec. 33.
- 128 Jackson F. Doe was no relation to Samuel K. Doe. Jackson Doe was originally from Nimba County and had served as both an elected representative and senator from Nimba County prior to the 1980 coup. Jackson Doe was detained for four months after the coup but was later released and appointed as an advisor to Samuel Doe on national and international affairs. Jackson Doe ran as a candidate of the Liberia Action Party in the 1985 presidential elections and is widely presumed to have won. DUNN ET AL., *supra* note 24, at 110-11.
- 129 The U.S. Department of State notes that while voting appeared “free and open,” claims of illegalities with regard to the counting of ballots were widespread. U.S. DEP’T OF STATE, COUNTRY REPORTS ON HUMAN RIGHTS PRACTICES FOR 1985: LIBERIA 175 (1986). The Lawyers Committee for Human Rights reported that “[t]he election was judged to have been fraudulent by virtually all independent observers—foreign journalists, western diplomats, international monitoring groups, and both Houses of the U.S. Congress.” LAWYERS COMMITTEE FOR HUMAN RIGHTS, *supra* note 11, at 18.
- 130 TRC Diaspora Statement Rec. 1293.
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- 148 ADEKEYE ADEBAJO, LIBERIA’S CIVIL WAR: NIGERIA, ECOMOG, AND REGIONAL SECURITY IN WEST AFRICA 29 (2002); ELLIS, *supra* note 115, at 60; LAWYERS COMMITTEE FOR HUMAN RIGHTS, *supra* note 11, at 58.
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- 152 TRC Diaspora Statement Rec. 1351.
- 153 Interview with Patrick Kugmeh, former Presidential Press Secretary to Samuel K. Doe, in Minneapolis, Minn., at 16-17 (Oct. 3, 2008) (transcript on file with author).
- 154 DUNN ET AL. , *supra* note 24, at xxxii.
- 155 LAWYERS COMMITTEE FOR HUMAN RIGHTS, *supra* note 11, at 103-4.
- 156 *Id.* at 105.

Chapter Six



Tactics and Fighting Factions during the Liberian Civil War

Tactics and Fighting Factions during the Liberian Civil War

COMBATANTS AND FIGHTING FORCES

Liberians who filled the ranks of combatants during the conflict came from many different tribal groups and were from different sectors in society. While some fighters were educated or wealthy (particularly those in leadership roles), many others were less privileged and illiterate.¹ Although most combatants were men or boys, rebel groups also contained women and girls who fought in the conflict.² Combatants ranged in age, from small children to middle-aged adults. This section presents a discussion of the combatants – who they were, why they fought, their lifestyle, and tactics.

Fighting forces during the Liberian conflict were known by their acronyms, and statement givers referred to them as such. These are the most commonly mentioned forces:

AFL – Armed Forces of Liberia
 INPFL – Independent National Patriotic Front of Liberia
 LDF – Lofa Defense Force
 LPC – Liberia Peace Council
 LURD – Liberians United for Reconciliation and Democracy
 MODEL – Movement for Democracy in Liberia
 NPFL – National Patriotic Front of Liberia
 ULIMO – United Liberation Movement

Statement givers did not always clearly identify the groups to which combatants belonged. For example, many statements refer generally to fighters as “rebels,” referring to non-government fighting forces, or “soldiers,” referring to the Armed Forces of Liberia (AFL) or other government forces. The delineation between rebel and soldier is not always clear, and some statements referred to Doe and Taylor’s government soldiers and security forces as “rebels.” The attackers’ affiliation often was unclear for

a number of reasons, such as the lack of consistent identifiers or the surrounding chaos. In many cases, the witnesses did not know their attackers’ names. A statement giver summarized, “I would remember their faces, I had seen them before, but I do not know any of their names.”³ One victim’s statement aptly portrays the confusion over combatants’ identities:

I think he may have been killed by ULIMO or NPFL fighters, but am unsure. There were two pickup trucks full of fighters wearing bandanas. Some were wearing t-shirts and others were shirtless...I remember that they had big guns on their chests.⁴

Even combatants found it difficult to determine to which groups other combatants belonged. One ULIMO fighter observed that, although their goal was to fight the NPFL, “on the battlefield, things go different.”⁵ When fighting, he noted, it was difficult to identify with which group fighters were aligned.⁶ ULIMO combatants found themselves in armed confrontation with the government army, other armed forces, and civilians.⁷

Although the commission of certain abuses was reported to be more prevalent among specific factions,

all groups committed human rights violations. Where possible, this chapter identifies which armed groups statement givers identified as being responsible for the violations.

Reasons for Joining a Fighting Force

I was recruited into fighting in 1996...I decided not to hold [a] gun throughout my life, but because I was forced to do so by the Mandingo who was always attacking Bomi [and] killed all of my family: mother, father, sister and brother. My first battle...we were attacked by ULIMO-K, and they even killed one of my best friends by the name of V. In that battle it was my first time to kill a human being, and from there on I became a killer...I killed a lot of people/soldiers which up to today I regret. The only reason is that I was forced and under the influence of drugs. Money and holding a gun give[s] to you...the advantage...⁸

Combatants joined the conflict for many reasons. The potential to gain power and wealth may have motivated some warlords and faction leaders. Combatants of lower rank often joined for similar reasons: either to share in the power held by their faction leaders or to partake in the wealth to be gained from looting.⁹ One statement giver stated he believed soldiers fought because they were given promises of land.¹⁰ Some chose to join a faction out of loyalty to an ideology.¹¹

The grouping of factions along ethnic lines indicates some combatants were motivated, at least in part, by strong loyalty to their own tribes and hostility against the tribes identified with enemy factions. Such hostility, in turn, may have been based on a desire for revenge for past wrongs, either on a national scale, such as the targeting of Krahn in retaliation for the abuses Samuel Doe committed, or on a more personal level. Most Liberians sustained losses of family, friends, property, or personal well-being during the conflict. Some combatants appear to have joined the fighting forces for power and retribution against those who had harmed them.¹²

The practices of the Doe government particularly fomented resentment among those persecuted. One statement giver stated that Doe's "scorched earth" response to the attempted 1985 coup and subsequent rebel incursions in Nimba County displaced and incensed many civilians. He explained:

As the wave of refugees grew, they saw their family members being tied up and burned; the anger was so high, they were ripe for recruitment. This is how [Taylor] built his base from Nimba and eventually overran the government.¹³

Others may have joined or remained in the conflict to obtain drugs, which some faction commanders

reportedly distributed to their troops freely.¹⁴ The drugs made them dependent on their commanders and had the effect of making them feel invulnerable on the battlefield. One combatant stated that Charles Taylor provided regular shipments of cocaine to NPFL fighters on the battlefield.¹⁵ The statement giver said the drugs were his “food.”¹⁶ He said if he went into battle scared he would not survive, but if he was on cocaine and a bullet hit him he would not feel it.¹⁷ He said after smoking one or two grams of cocaine he was “unstoppable.”¹⁸

For some combatants, joining a fighting force was not a voluntary decision. Many were abducted, detained, and forced to participate.¹⁹ One such combatant told a story that reflects the experience of many other fighters. He stated he was abducted by the rebel commander who had killed his parents, and he was forced to fight for the NPFL for 11 years.²⁰ The General forced him to take up a gun and asked him “to choose between life and death.” He felt he had no other option.²¹ Another combatant described how the INPFL forcibly recruited him:

I met up with INPFL, and I was conscripted and taken to Caldwell Base. Conscripted – put in a car, thought I would be killed; forced to fight and loot.²²

Many combatants viewed joining the conflict as a means of survival. Food was scarce, and civilians without weapons were victimized by all sides. Joining a rebel group was seen by some as the only path to self-defense or to obtain basic necessities.²³

A former combatant who gave his statement explained he had joined a fighting force after both of his parents were killed and their murderers abducted him. He had no family left to support him, so he began following the orders of his commander. He stated that he would see his fellow combatants “doing things and knew they could do it to me. So I had to protect myself. So I had to do the same things so they knew...I did what I had to do to survive.”²⁴



Child soldiers were heavily used in the Liberian conflict.²⁵ There were a variety of reasons for child soldiers’ association with warring factions.²⁶ Many were forcibly conscripted. Some child soldiers lacked family or friends to care for them, leading them to become involved in a

faction for companionship and protection.²⁷ Some had families too poor to feed them.²⁸ Some lived in places beset by warring factions and became involved to protect their families.²⁹ Others came from families that had experienced factional violence and participated to seek revenge.³⁰

Uniforms, Costumes and Body Markings

Combatants from the various factions wore a wide range of traditional and informal uniforms and used them for apparently different purposes. As is the case in most military conflicts, uniforms helped identify combatants to the public and each other as members of one or another organized faction. For example, military fatigues and boots frequently identified the wearer with the government and denoted membership in Economic Community of West African States Monitoring Group (ECOMOG) or the AFL.³¹

The use of uniforms was not exclusive to the government, however, and Prince Johnson's men also were reported to have worn uniforms to appear more legitimate.³² This use of uniforms at times led others to mistake INPFL rebels for Doe's troops.³³ Many statement givers associated combatants wearing jeans, red T-shirts, and red head-bands with the NPFL.³⁴ One statement giver said he was attacked by NPFL fighters "wearing uniforms of black overalls."³⁵ Others identified their attackers as wearing blue or black T-shirts, or white T-shirts with pictures of Charles Taylor, skulls, or scorpions on them.³⁶

Also, certain factions identified themselves by markings or tattoos on their skin. Such symbols enabled them to prove membership in a particular group if ever questioned by another combatant on the same side. For example, members of Prince Johnson's INPFL were reported to have scorpion tattoos on their arms.³⁷

Sometimes combatants used costumes to conceal their identity or instill them with magical protections. Some statement givers said rebels wore camouflage paint or wigs during attacks.³⁸ Others stated they were attacked by perpetrators wearing traditional masks.³⁹ Because masks in traditional Liberian religions carry with them great spiritual power, the use of masks served both to frighten the victims and to prevent them from later identifying their attackers.

Other costumes worn by combatants may have been used either to convey power or to frighten and subdue people. For example, scorpions, symbolizing poison, could be found on t-shirts of fighters.⁴⁰ One statement giver reported he saw rebels wearing necklaces made of bones.⁴¹ Other male fighters wore dresses, women's hair ornaments, leaves on their heads, women's underwear, or pajamas.⁴² One statement giver witnessed INPFL rebels wearing ladies' hair ornaments and chains with bones around their necks.⁴³ Another statement giver said Liberia Peace Council (LPC) fighters attacked his village wearing wigs or dreadlocks and "[o]ne ear removed."⁴⁴ Fighters in Joshua Blahyi's Butt Naked Brigade

went into battle wearing nothing at all.⁴⁵

Monikers

The monikers adopted by some combatants played a prominent role in the Liberian conflict. The many striking war names combatants gave themselves include General Red,⁴⁶ General Mosquito,⁴⁷ Rebel King,⁴⁸ Gio Devil,⁴⁹ Deadbody Trouble,⁵⁰ Commander Tiger,⁵¹ Jack the Rebel,⁵² General Death, General Kill-The-Bitch, General Peanut Butter,⁵³ Super Killer,⁵⁴ General Eat Your Heart Out,⁵⁵ and General Butt Naked.⁵⁶ Some monikers, including “General Rambo”⁵⁷ and “Chuck Norris,” reflect the strong influence on combatants of violence in Hollywood movies.⁵⁸

Some monikers’ negative and violent connotations suggest combatants adopted them in part to convey power and strength to their enemies and to create fear in the civilian population. Monikers also appear to have denoted rank within rebel factions, with group leaders using the term “Colonel” and high-ranking officers using the term “General.” Monikers may have functioned as an initiation. By designating new members with special monikers, group leaders communicated acceptance into the group and established a wedge between initiates and their former identities as non-combatants. The use of monikers also makes it difficult to identify combatants. For example, statement givers indicated that more than one commander used the name “General Rambo” and that many child soldiers were called “Small Soldier.”⁵⁹ A civilian attacked by a rebel known only as “General Rambo” or “Small Soldier” would have more difficulty identifying the perpetrator of the crimes against him.

Reasons for Perpetrating Atrocities

Upon joining a group of fighters, combatants were indoctrinated into a culture of violence. Statements show that various reasons motivated combatants to commit human rights violations, including material gain, strategy, peer pressure, and revenge. Other times, the reason was simply that the civilian population served as the battleground. The extreme climate of violence also caused some fighters to turn on their own families. One statement giver reported that a relative who had joined the NPFL shot and killed his mother when she tried to talk him out of working with Charles Taylor.⁶⁰

The range of training proffers another potential explanation for the commission of atrocities. Some child soldiers described being handed guns and sent to the front lines with little to no training at all.⁶¹ Other accounts indicate that at least some combatants received extensive formal training. One former INPFL combatant described his training to the Truth and Reconciliation Commission (TRC):

Under the command of [Commander P.], I was in a group of 16-17. We were taught how to attack, how to kill, how to fight, retreat and advance; taught how to dismantle, assemble and shoot guns.⁶²

Statement givers noted the rewards of using violence against civilians. A former NPFL combatant said combatants were rewarded with food, cars, and drugs based on the amount of killing they did.⁶³ Another NPFL combatant explained that he killed anyone who refused to let him take their things: “If I saw you with anything and I wanted it, and you refused to give it to me, you would die. I would kill you.”⁶⁴

Statements show that violence against civilians occurred for tactical reasons. A former NPFL combatant stated he felt compelled to kill any civilians he may have mistreated during combat, to prevent them from joining the enemy. For this reason, he said he would “[n]ever wound anybody and let them go.”⁶⁵ He also stated:

Sometimes when civilians were killed on the line it was because we know what they can do to us. They can give the location of the soldiers...If a baby is crying, you have to kill the baby...If the baby cries, the enemy will hear you.⁶⁶

Pressure from others to appear strong or climb the ranks served as another incentive to commit abuses. For example, one NPFL combatant said he took things from civilians only because he did not want to be perceived by other combatants as “a weak person.”⁶⁷ Another former NPFL combatant stated:

The first thing I learned in my whole life was to press the trigger...The more you press the trigger [the more] they promote you...The more you killed, Taylor would give you more food, a car...He gave you free drugs, cocaine.⁶⁸

Revenge motivated many atrocities, according to both perpetrators and victims. Many statement givers gave accounts of their families being targeted by combatants for personal reasons that had little to do with the conflict itself.⁶⁹ They said the combatants sought revenge because of pre-conflict disputes over lost employment,⁷⁰ land ownership,⁷¹ a failed lawsuit,⁷² or even romantic rejection.⁷³ Many civilians were targeted in retaliation for acts perpetrated by their relatives. A former NPFL combatant said in his statement, “[i]f I watched you kill my brother I have to kill your brother too. You see we can never be friends.”⁷⁴

Although numerous accounts exist of faction leaders and commanders purposefully targeting civilian groups, the killing of civilians was not always promoted or even tolerated. Some statements mentioned disciplinary action taken by superiors for the commission of atrocities. In those instances where leaders took disciplinary action against their troops, their response often matched the brutality of the behavior being punished. Statements indicate the line between discipline and brutal punishment was indistinct for both Prince Johnson and Charles Taylor. One statement giver stated Prince Johnson

would sometimes execute his own soldiers as punishment for killing innocent civilians.⁷⁵ The same statement giver disclosed witnessing Prince Johnson kill an INPFL soldier in charge of distributing rice to civilians where the soldier sought to exchange rice for information. He said that Prince Johnson heard the soldier was selling the rice for profit, so he reportedly shot him.⁷⁶ Prince Johnson also reportedly killed his own soldiers for “wasting his ammunition” on civilians.⁷⁷ Statements reveal that Taylor was similarly harsh in meting out punishments. A former NPFL combatant alleged that Taylor



would intentionally send fighters to the front to be killed if he wanted to get rid of them.⁷⁸ Another statement giver described a group of NPFL fighters who ripped fetuses out of pregnant women’s bellies and “killed anyone they saw.”⁷⁹ Because these rebels were particularly out of control, Taylor ordered his other men to kill them.⁸⁰

Some statement givers attributed their survival to the kindness of combatants who helped them.⁸¹

Several statement givers stated they were spared torture or execution by rebels who recognized them and convinced their comrades not to harm them.⁸² Others managed to escape conflict zones only because combatants carried them to safety.⁸³ There are also several accounts of combatants releasing civilians from unwarranted detention in their own compounds.⁸⁴ One statement giver described being rescued by a combatant who secured his release by pretending to kill him:

[T]he boy told me to get up and came and took me to the bush where he fire[d] his gun two times at an object and told me to run from there and not to let them catch me again. “You are too good, I cannot kill you, so go.” That’s how I escaped then and decided to come to exile.⁸⁵

Many times, victims were spared or helped because of a previous connection to one of the combatants. Just as familial connections could precipitate violent acts of revenge, such connections could also save one’s life. These connections, however, often depended on random luck as to who was on duty, where, and when. One statement giver described how rebels stuck an AK-47 in her son’s mouth.⁸⁶ Before they could pull the trigger, a female soldier ordered, “[D]o not touch him.”⁸⁷ The statement giver had formerly taught the female soldier typewriting.⁸⁸ Another statement giver described how a ULIMO-K combatant saved her because he knew the woman accompanying her:

We were on the road and some rebels stopped us. These were Alhaji Kromah's men [ULIMO-K]. One of the men killed the woman. Another ULIMO[-K] man yelled, "Why did you kill her!?" He said she was a good woman he knew because she used to sell in his community. He asked me if I was her daughter, and I said yes. He helped put me on the road to a village.⁸⁹

Another statement giver described how an NPFL rebel helped her. He brought rice for her and the others staying at the compound after she told him they had no food.⁹⁰ He gained their trust and helped the statement giver and her brother flee Monrovia:

[H]e was going to come back one more time, but after that the fighting would get bad and he wouldn't be able to help me find my mother. He went back to Kakata and when he came back, he brought me something that belonged to my mother. So I agreed that my brother and I would go with him out of Monrovia. We made it all the way to Kakata, where we were stopped at a "very bad" NPFL checkpoint. The big man at the checkpoint said to the [fighter], "You're frisky." He responded, "I'm doing business. I'm supposed to carry these kids." The [fighter] wouldn't pay any money, so we were seized.⁹¹

Later that night, the fighter returned with more high-level rebels to demand their release.⁹² He then took the statement giver and her brother to their mother.⁹³ The combatants who engaged in such acts of kindness often did so at great personal risk. Combatants who returned to their factions after rescuing people risked punishment if their actions were discovered. In some cases, combatants were tortured and killed by their own commanders as punishment for helping others.⁹⁴

COMMUNICATIONS AND INFORMATION GATHERING

Fighting forces' methods of gathering intelligence and controlling the flow of information played an important role in the conflict. Some of the tactics combatants used to control communications plainly and directly violated international humanitarian law. Such tactics include the torturing of civilians for confessions or information,⁹⁵ holding family members hostage to force people to come out of hiding,⁹⁶ and killing people to prevent them from sharing intelligence.⁹⁷

Interrogations, accompanied by violence and humiliation, were frequently reported in statements. One statement giver summarized how NPFL rebels arrested and questioned him about his family, who were Krahn's associated with the Doe government:

I was forced to strip down to my underpants and was tortured because I

would not give information about my family. The rebels made me walk around while hitting [me] in the head with the butts of their guns. Next, they put me in a car and started driving on the highway before I was pushed from the car wearing only my underpants.⁹⁸

Some statement givers described the use of spies and informants embedded with the opposition.⁹⁹ There are numerous reports of “blacklists” being used among rebel groups to communicate the identity of targets.¹⁰⁰ Many people were specifically targeted by combatants based on their past affiliations or old disputes. Some faction leaders reportedly named these individuals on lists that were circulated throughout the country.¹⁰¹ Blacklisted people would be pulled out of line if identified at a checkpoint or hunted by combatants using other information-gathering techniques.



Liberia’s small size and the interconnectedness of Liberian society meant that blacklisted individuals ran a substantial risk of recognition. Perpetrators and their victims often knew each other as old schoolmates, neighbors, or co-workers. As one statement giver said, “[p]eople who had grown up together were suddenly turning on each other and it was hard to believe.”¹⁰² Thus, perpetrators often could find their targets through simple word-of-mouth, by talking to the targets’ neighbors, co-workers, and associates, or by going door-to-door to find them.¹⁰³

Some perpetrators used deceptive communications to find their targets. Statement givers reported that combatants sometimes tricked people into coming out of hiding by sending other civilians to tell them the combatants wanted to meet peacefully or give out rations. One statement giver summarized how rebels deceived people in his town in 1990:

The rebels arrested some people in the town and let some of them go to bring more people back into the town from the bush. The rebels said they were going to hold a meeting, in an attempt to draw everyone back into town. When people came, the rebels tied everyone up. After it was all over, the rebels killed at least 50 of the town people.¹⁰⁴

Combatants used other methods to communicate with each other. One statement giver reported that, after a firefight between the NPFL and ULIMO-J in his Monrovia neighborhood, he returned to find all the homes marked with flags from one faction or the other, indicating that a faction claimed control over the civilians' homes they had marked.¹⁰⁵ Another statement giver stated that, after rebels had raided his village, they put red marks on all the homes they had looted so that other rebels could see they had already been there.¹⁰⁶ A third statement giver explained that ULIMO-K used white cloths to communicate. He stated, “[i]f they tied a white cloth on your door, it meant purity.”¹⁰⁷

Faction leaders and combatants also used a variety of communication tactics to frighten and to control the civilian population. Statement givers reported that rebel groups would sometimes chant or sing violent songs. The singing communicated messages of fear to anyone within earshot and also may have helped identify troops from the same faction to each other.¹⁰⁸ One statement giver spoke of how his family awoke one morning to the distant sound of singing by NPFL rebels:

In the morning in our house, my mother, father, and sister and 2-month-old baby and my brother heard people singing. My father woke us up and said, “Listen. Something is going on.” Our dog was barking. We heard this: “Anyone who says No More Taylor, we treat you like dogs.” The singing came closer. My father went to his room. We heard a loud pop, and the dog stopped barking. We heard footsteps around the house. They knocked on the door and said, “Open the damn door,” and used profane language. They burst into the house...¹⁰⁹

The rebels killed the family dog, then invaded the home, and slaughtered the statement giver's family.¹¹⁰ Only the statement giver and his brother escaped.¹¹¹

Other perpetrators used communication to intimidate people from afar. Rebel groups reportedly sent civilian messengers ahead of them to warn villagers of their approach. Sometimes such messengers were charged with telling villagers that a rebel faction would arrive at a particular day and time to collect all of their money, animals, and food. One statement giver summarized how NPFL rebels forced him to pass a message to his village:

[T]hey gave me a message to transmit to the town. I was to tell all the townspeople that the rebels would arrive on a certain day and hour – the townspeople were to collect up all their animals, money, and food so that it could be given to the rebels. They told me to deliver the message or they would hunt me down and kill me.¹¹²

On the exact date and time in the message, the rebels arrived in his town.¹¹³ In this fashion, combatants

could intimidate entire communities without even being present.

MANIPULATION OF THE MEDIA

Faction commanders and other forces used the media as a means of influencing the population and gaining power in the conflict. Scholars have explained that various factions vying for control of Liberia targeted the international media because they understood that “the international media [was] a tool that they could use to benefit their aims.”¹¹⁴ One scholar, William Reno, has noted, however, that “the effect of the international media’s reporting was probably minimal enough that it [did not] fundamentally change events in the course of the war.”¹¹⁵

There were reports of ECOMOG restricting freedom of the press and censorship throughout the first civil war.¹¹⁶ The peacekeeping force included a Military Public Information Officer, who was responsible for determining what information the press was allowed to relay and which politically or militarily sensitive events the media was permitted to report on.¹¹⁷ According to an interviewee and a statement giver, journalists who did not report in a way ECOMOG deemed appropriate were often arrested or beaten.¹¹⁸

A journalist who gave his statement told the TRC that Prince Johnson had forcibly conscripted him to write a propaganda-laced newspaper called the “Scorpion.” He described how, after he had printed an article about several killings in which Prince Johnson was said to have participated, Johnson tried to suppress the story by burning all of the newspapers. When the story leaked out anyway, Johnson came looking for the statement giver at his office, but he had already fled.¹¹⁹

Charles Taylor reportedly was particularly adept at controlling the media and using it as a means of gaining public approval. Elizabeth Blunt, the British Broadcasting Corporation (BBC) West Africa correspondent from 1986 to 1990 and in 1997, explained that “Taylor was by far the most media savvy person around in the country [in about 1990].”¹²⁰ Early in the conflict, “[n]one of [the other factions was] very actively using the media. [Reporters] had to go to them and some [factions] would talk more freely than others, but the one person who came to us was Taylor.”¹²¹

Liberian journalists who gave statements commented that Taylor used the media as a means of spreading propaganda.¹²² One Liberian journalist told the TRC that Taylor had used the BBC’s “Focus on Africa” to advertise AFL retribution against civilians after the December 1989 invasion.¹²³ Civilians angered by the reports responded by joining Taylor’s ranks in large numbers.¹²⁴ Taylor reportedly also used the BBC “to regularly blast the international airwaves with stories of overwhelming NPFL battlefield success...Taylor’s regular BBC interviews helped to accelerate the AFL’s demoralization and intensify public panic.”¹²⁵ Robin White, editor of the BBC’s popular *Focus on Africa* segment, contests the assertion that the BBC was used as a tool of war by Taylor. White told the TRC that the

BBC was careful not to broadcast direct threats by the warring factions. “We did not let anybody on air who would issue a threat. We would not let that go out. You know people would come along and say ‘let me advise the people of Monrovia to flee because we are coming right there tomorrow and going to kill them all.’ You know we would not put that on under any circumstances.”¹²⁶

The media coverage boosted the notoriety of the NPFL and, according to one scholar, the resulting increase in popularity translated into large recruiting gains during Taylor’s campaign through the hinterland towards Monrovia.¹²⁷ In addition, a statement giver described how Taylor’s forces exploited radio broadcasts by leaking false stories about planned NPFL attacks on villages. Upon hearing the broadcast, the villagers would flee, allowing Taylor’s forces to enter empty villages unopposed.¹²⁸ According to journalist statement givers, Taylor also used radio interviews to expand the reach of his propaganda to areas that he could not reach on transmitters under his control.¹²⁹ Additionally, one statement giver suggested that Taylor planted coded instructions for his troops into material sent to the BBC for his soldiers.¹³⁰

Notes

- 1 STEPHEN ELLIS, *THE MASK OF ANARCHY: THE DESTRUCTION OF LIBERIA AND THE RELIGIOUS DIMENSION OF AN AFRICAN CIVIL WAR* 127-28 (1999).
- 2 *See, e.g.*, TRC Diaspora Statement Recs. 116 (describing a woman who was forced to fight in the conflict to save her father's life) and 1347 (describing a girl who killed 20 people at a checkpoint because they were Krahn).
- 3 TRC Diaspora Statement Rec. 1126.
- 4 TRC Diaspora Statement Rec. 811.
- 5 TRC Diaspora Statement Rec. 1652.
- 6 *Id.*
- 7 *Id.*
- 8 TRC Diaspora Statement Rec. 1562.
- 9 *See, e.g.*, TRC Diaspora Statement Recs. 519, 536, 590, and 1440, all describing looting.
- 10 TRC Diaspora Statement Rec. 1369.
- 11 James Pugel, *Deciphering the Dimensions of Reintegration in Post-Conflict Liberia* 6 (2007) (unpublished manuscript available at http://jimpugel.googlepages.com/DecipheringDDR_pugel_july2007.pdf).
- 12 *See* TRC Diaspora Statement Rec. 1547 ("I killed a lot of people in revenge of my father and late mother.").
- 13 TRC Diaspora Statement Rec. 1598.
- 14 TRC Diaspora Statement Rec. 97. *See also* TRC Diaspora Statement Rec. 205 (stating that the greater the prevalence of cocaine among the rebels, the more the killings).
- 15 TRC Diaspora Statement Rec. 97.
- 16 *Id.*
- 17 *Id.*
- 18 *Id.*
- 19 *See, e.g.*, TRC Diaspora Statement Rec. 1548. *See also* TRC Diaspora Statement Rec. 869 (describing how secret society members, who he suspected were NPFL rebels, tried to force him to join them: When the war started in 1990, fighters from the Gbarnga Poro secret society came to my house to demand that I should join the society or else...I think the fighters were from the NPFL and there were seven of them. The son of K. from Gbarnga asked for me...They broke my door down. Then the son of K. said, "S.T., you say that you're a man (you say that you can defy us/refuse our command), now we've come. You will join the society today." The fighters broke a chair and made me sit on the broken arm. They beat me, hit me on the nose, and left a scar on my face and butt. They set my genitals on fire as well.)
- 20 TRC Diaspora Statement Rec. 402.
- 21 *Id.*
- 22 TRC Diaspora Statement Rec. 403.
- 23 *See, e.g.*, TRC Diaspora Statement Rec. 1440.
- 24 TRC Diaspora Statement Rec. 97.
- 25 *See* Chapter 9 for more discussion of child soldiers during the Liberian civil wars.
- 26 Human Rights Watch, *How to Fight, How to Kill* 29, Feb. 1, 2004, <http://www.hrw.org/en/reports/2004/02/01/how-fight-how-kill>.
- 27 Human Rights Watch, *Easy Prey: Child Soldiers in Liberia* 3, Sept. 8, 1994, <http://www.hrw.org/reports/1994/liberia2/>.
- 28 *Id.*
- 29 *Id.*
- 30 *Id.*
- 31 TRC Diaspora Statement Rec. 1460.
- 32 TRC Diaspora Statement Rec. 1440.
- 33 *Id.*
- 34 *See, e.g.*, TRC Diaspora Statement Recs. 1398, 1418, 1419, 1445, 1480.
- 35 TRC Diaspora Statement Rec. 1333.
- 36 *E.g.*, TRC Diaspora Statement Recs. 478, 1739, 1521, 1112.
- 37 TRC Diaspora Statement Rec. 1440.
- 38 *E.g.*, TRC Diaspora Statement Recs. 1470, 1524, 1525, 1526.
- 39 *E.g.*, TRC Diaspora Statement Recs. 1422, 1470, 1003.
- 40 TRC Diaspora Statement Recs. 742 and 1445.
- 41 TRC Diaspora Statement Rec. 1521; *see also* TRC Diaspora Statement Rec. 1534 (stating that some rebels wore necklaces made of sheep horns).

- 42 See TRC Diaspora Statement Recs. 1422, 1470, 1524, 1526.
- 43 TRC Diaspora Statement Rec. 325.
- 44 TRC Diaspora Statement Rec. 134.
- 45 *E.g.*, TRC Diaspora Statement Recs. 1417 and 1048.
- 46 *E.g.*, TRC Diaspora Statement Rec. 15.
- 47 *E.g.*, TRC Diaspora Statement Rec. 63.
- 48 *E.g.*, TRC Diaspora Statement Rec. 176.
- 49 *E.g.*, TRC Diaspora Statement Rec. 163.
- 50 *E.g.*, TRC Diaspora Statement Rec. 527.
- 51 *E.g.*, TRC Diaspora Statement Rec. 804.
- 52 *E.g.*, TRC Diaspora Statement Rec. 817.
- 53 *E.g.*, TRC Diaspora Statement Rec. 1473.
- 54 *E.g.*, TRC Diaspora Statement Rec. 1423.
- 55 TRC Diaspora Statement Rec. 1362.
- 56 *E.g.*, TRC Diaspora Statement Rec. 1455.
- 57 TRC Diaspora Statement Rec. 389.
- 58 TRC Diaspora Statement Rec. 1708.
- 59 *E.g.*, TRC Diaspora Statement Recs. 1375 and 1406.
- 60 TRC Diaspora Statement Rec. 1477.
- 61 TRC Diaspora Recs. 187 and 413; ELLIS, *supra* note 1, at 111.
- 62 TRC Diaspora Statement Rec. 403.
- 63 TRC Diaspora Statement Rec. 97.
- 64 TRC Diaspora Statement Rec. 1392.
- 65 TRC Diaspora Statement Rec. 97.
- 66 *Id.*
- 67 TRC Diaspora Statement Rec. 1593.
- 68 TRC Diaspora Statement Rec. 97.
- 69 *E.g.*, TRC Diaspora Statement Recs. 64, 205, 142, 226, 343.
- 70 *E.g.*, TRC Diaspora Statement Recs. 287, 474, 566, 642, 683.
- 71 *E.g.*, TRC Diaspora Statement Recs. 129, 52, 73, 268, 294, 296.
- 72 TRC Diaspora Statement Recs. 1183 and 1180.
- 73 *E.g.*, TRC Diaspora Statement Recs. 701, 756, 1284, 1352, 1580.
- 74 TRC Diaspora Statement Rec. 97.
- 75 TRC Diaspora Statement Rec. 42. See also TRC Diaspora Statement Rec. 39 which describes the killing of a soldier who was threatening to kill people. When the soldier fired his gun into the air, the bullet landed on a pregnant woman and killed her. Prince Johnson then killed the soldier for his actions.
- 76 TRC Diaspora Statement Rec. 42.
- 77 *Id.*
- 78 TRC Diaspora Statement Rec. 97.
- 79 TRC Diaspora Statement Rec. 1302.
- 80 *Id.*
- 81 See Chapter 10's section on Women as Combatants and Saviors for additional discussion.
- 82 See, *e.g.*, TRC Diaspora Statement Recs. 122, 1104, 1408, 1424, 1551.
- 83 See, *e.g.*, TRC Diaspora Statement Recs. 114, 703, 1406, 1512, 1560.
- 84 See TRC Diaspora Statement Recs. 406, 773, 1011.
- 85 TRC Diaspora Statement Rec. 1384.
- 86 TRC Diaspora Statement Rec. 44.
- 87 *Id.*
- 88 *Id.*
- 89 TRC Diaspora Statement Rec. 1603.
- 90 TRC Diaspora Statement Rec. 1646.
- 91 *Id.*
- 92 *Id.*
- 93 *Id.*
- 94 TRC Diaspora Statement Recs. 26, 63, 1452.
- 95 *E.g.*, TRC Diaspora Statement Recs. 1292 and 1637. The intentional infliction of severe physical or mental pain or suffering for purposes of obtaining information or a confession, or to coerce or intimidate constitutes torture and is prohibited by international law. Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment art. 1(1), G.A. Res. 39/46, U.N. Doc. A/39/51 (Dec. 10, 1984). A state of war does not constitute an exception to this prohibition. *Id.* art. 2(2).
- 96 Common Article 3 of the Geneva Conventions and the Protocol Additional to the Geneva Conventions prohibit the taking of hostages in conflicts not of an international character. Geneva Convention relative to the Protection of Civilian Persons in Time of War art. 3(1)(b), *entered into force* Oct. 21, 1950, 75 U.N.T.S. 287; Protocol Additional to the Geneva Conventions

- of 12 August 1949, and Relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II) art. 4(2)(c), *entered into force* Dec. 7, 1978, 1125 U.N.T.S. 609.
- 97 *See, e.g.*, TRC Diaspora Statement Rec. 1522.
- 98 TRC Diaspora Statement Rec. 1115.
- 99 TRC Diaspora Statement Rec. 156.
- 100 *See, e.g.*, TRC Diaspora Statement Recs. 180, 1396, 1407.
- 101 *See, e.g.*, TRC Diaspora Statement Recs. 1353, 1354.
- 102 TRC Diaspora Statement Rec. 1011.
- 103 *See, e.g.*, TRC Diaspora Statement Rec. 196; *see also* TRC Diaspora Statement Recs. 116 (“People who had not worked for the government were pointing out other people’s government connections to the rebels.”), 1637 (“A man from the neighborhood who knew the rebels led the rebels to the house.”) and 1527 (“The people in Greenville told the rebels who the Krahn people in the town were.”).
- 104 TRC Diaspora Statement Rec. 655.
- 105 TRC Diaspora Statement Rec. 1203.
- 106 TRC Diaspora Statement Rec. 1034.
- 107 TRC Diaspora Statement Rec. 1355 (describing how ULIMO-K soldiers came to the statement giver’s home, demanded that everyone come outside, and then accused her brother of being a rebel enemy; white cloth signified the residents were not ULIMO-K enemies).
- 108 *See also* TRC Diaspora Statement Rec. 1524 (noting that the rebels “sang songs about Charles Taylor while they attacked the people”).
- 109 TRC Diaspora Statement Rec. 316.
- 110 *Id.*
- 111 *Id.*
- 112 TRC Diaspora Statement Rec. 15.
- 113 *Id.*
- 114 Telephone Interview by Sutherland Asbill & Brennan LLP with Prof. William Reno (Mar. 10, 2008).
- 115 *Id.*
- 116 TRC Diaspora Statement Rec. 902.
- 117 *Id.*
- 118 TRC Diaspora Statement Rec. 903.
- 119 TRC Diaspora Statement Rec. 28.
- 120 Telephone Interview by Sutherland Asbill & Brennan LLP with Elizabeth Blunt, BBC West Africa Correspondent (Mar. 12, 2008).
- 121 *Id.*
- 122 TRC Diaspora Statement Recs. 903 and 904.
- 123 TRC Diaspora Statement Rec. 904. Using satellite phones to call the BBC, Taylor could report AFL killings, which the BBC reportedly broadcast across Liberia. *Id.*
- 124 *Id.*
- 125 GABRIEL I. H. WILLIAMS, *LIBERIA: THE HEART OF DARKNESS* 90 (2002).
- 126 Telephone Interview by Sutherland Asbill & Brennan LLP with Robin White, BBC *Focus on Africa* editor (Mar. 24, 2008).
- 127 Jonathan Temin, *Considering the Role of the BBC in African Conflict*, 30 *REV. AFR. POLITICAL ECON.* 98, 656 (2003).
- 128 TRC Diaspora Statement Rec. 903.
- 129 *Id.*
- 130 *Id.*

Chapter Seven



Liberia's First Civil War 1989-1997

Chapter Seven. Liberia's First Civil War, 1989-1997

NPFL INVASION: DECEMBER 24, 1989

On December 24, 1989, Charles Taylor led the National Patriotic Front of Liberia (NPFL) in an invasion of Liberia, thus beginning a civil war that would last more than seven years. After experiencing a decade of Doe's military regime and the failure of the 1985 elections to create real change, many Liberians supported Taylor's plan to oust Doe.¹ The brutality that followed the 1985 attempted coup, however, foreshadowed the civil unrest that would accompany Doe's ouster.² One statement giver described his realization that a Taylor regime would not seek change for the greater public good, but merely perpetuate yet another despot's self-interest:

That day we witnessed someone who was begging for his life on his knees. Three rebels pushed him to the edge of the bush and then opened fire on him. That was what turned me against Charles Taylor, because I realized he was not about fighting for us.³

The first civil war unleashed a torrent of egregious violations of international human rights and humanitarian law. Fighting forces engaged in exceptional brutality against combatants and civilians alike. Deliberate targeting of and disregard for civilians were widespread and included the staging

Human rights and humanitarian law violations reported during Liberia's First Civil War:

Violence to life, health, and physical or mental well-being
Collective punishments
Taking of hostages
Outrages upon personal dignity
Enslavement
Acts of terrorism
Forced displacement
Looting and pillaging
Summary executions
Threats
Attacks against civilians
Attacks against humanitarian aid workers and medical personnel
Violation of the right to security of person
Forced labor
Extermination
Persecution against any identifiable group
Freedom of movement

of battles in highly populated areas, attacks on unarmed civilians, widespread rape and sexual violence, hostage-taking and similar tactics designed to terrorize the population, interruption of food supplies to civilians, looting, and extremely brutal violence. These atrocities resulted in massive numbers of internally displaced people and refugees and in tremendous suffering by virtually all Liberians who remained within the country. One statement giver summarized, "I observed and heard a rebel say 'I want to see blood.' He took a man, cut his throat and then pulled out his intestine and stretched it like a gate and then cut off his head and put it on a tree."⁴

The extreme violence that characterized the conflict was not the result of isolated incidents involving a few rogue fighters. Rather, these were deliberately brutal

methods condoned, encouraged, or even directed by the faction leaders. Taylor reportedly told one statement giver's brother, "this was a war, and that the boys are trained to kill, even if they killed his mother."⁵ A former combatant stated that Taylor would use media broadcasts to instruct the rebels, "everybody loot, take anything you see."⁶ Coupled with the poor training and lack of discipline among fighters,⁷ such direction encouraged a culture of unchecked violence.

Human Rights and Humanitarian Abuses in Greater Liberia

In the few months following the 1989 invasion, the NPFL fought its way from Nimba County to the Port of Buchanan, thus bisecting the country.⁸ With the Doe government-controlled northwest and southeast unable to coordinate, Charles Taylor was quickly able to take over the majority of the country,⁹ with the exception of Monrovia. By April 1990, 90 percent of Liberia was under NPFL control.¹⁰ This territory, known as Greater Liberia, remained primarily under NPFL rule for most of the first civil war. Taylor governed Greater Liberia from the town of Gbarnga.¹¹

"Persons taking no active part in the hostilities, including members of armed forces who have laid down their arms and those placed hors de combat by sickness, wounds, detention, or any other cause, shall in all circumstances be treated humanely, without any adverse distinction founded on race, colour, religion or faith, sex, birth or wealth, or any other similar criteria." *Art. 3(1), Convention (IV) relative to the Protection of Civilian Persons in Time of War.*

The period from the initial invasion in December 1989, until a peacekeeping force was deployed in August 1990 marked an intense episode of fighting, killings, and other human rights violations.¹² During this time, both rebel factions and government forces were responsible for the deaths of thousands of civilians.¹³ As Taylor's NPFL sought to gain control over territory and the Doe government sought to repress it, civilians became both the collateral damage and intended targets of opposing forces.

Forced Displacement

Those living within Greater Liberia, particularly Nimba County, experienced particularly intense fighting and hardship as the NPFL pushed forward its offensive. The insurgency resulted in massive displacement, and it is estimated that approximately half of Liberia's population was displaced in 1990.¹⁴ While in many cases Liberians fled to escape the fighting, in other cases they fled after their family members had been killed and homes destroyed.¹⁵ A statement giver living in Grand Gedeh described how she and her brother's family fled after rebels attacked them in 1990:

My sister-in-law was pregnant at the time and the rebels cut her open to see the sex of the baby...At the time of the fighting after my sister-in-law was killed, I was beat and hit on the back of the head – knocked unconscious.

My brother went missing at that time. I have not heard from him since that day – 18 years ago. My brother had two kids, and I recall one of the kids was shot in the head...My Aunt's son (cousin) was an adult and killed by the rebels. Everyone ran for their lives at this time and went to Côte d'Ivoire.¹⁶

In some cases, rebels used forced displacement as a technique to clear the area for their occupation. Statements reveal how combatants displaced entire villages by forcing residents to march long distances from home.¹⁷ One statement giver described how Taylor's rebels captured his hometown in 1991 and forced one hundred men to walk all night from Tubmanburg to Kakata, a distance of nearly 40 miles.¹⁸ Another statement giver summarized his experience:

[NPFL] rebels [took] me to the Catholic church in Plibo along with approximately fifty to one hundred other people, including some friends of mine. After I was taken to the church, the rebels burned my house down. They also burned a number of other houses within Plibo. The rebel soldiers forced the people taken to the Catholic Church in Plibo, who were essentially prisoners (and were not free to leave), to walk to Mmalu, another village in Plibo district, approximately 18-20 miles from Plibo. It took us about two days to walk to Mmalu. The rebel soldiers walked behind us, but did not mistreat us.¹⁹

"1. The displacement of the civilian population shall not be ordered for reasons related to the conflict unless the security of the civilians involved or imperative military reasons so demand. Should such displacements have to be carried out, all possible measures shall be taken in order that the civilian population may be received under satisfactory conditions of shelter, hygiene, health, safety and nutrition.

2. Civilians shall not be compelled to leave their own territory for reasons connected with the conflict."
Art. 17, Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts, Protocol II.

Food as a Weapon of War

The NPFL offensive resulted in food shortage, particularly in the early years of the war.²⁰ The insurgency drove farmers off their lands, leaving some crops in the ground and other fields unplanted.²¹ One statement giver described how Taylor forced people to join the conflict by threatening to cut off food supplies if they did not participate.²² He stated that Taylor told a group of displaced people that, if they joined him, they would "get food; if not, no food."²³ Another statement giver stated that child soldiers refused to let them harvest food because of their belief that the villagers, especially older women, would turn into feline spirits at night and harm the rebels.²⁴ Water deprivation was

“Starvation of civilians as a method of combat is prohibited. It is therefore prohibited to attack, destroy, remove or render useless for that purpose, objects indispensable to the survival of the civilian population such as food-stuffs, agricultural areas for the production of food-stuffs, crops, livestock, drinking water installations and supplies and irrigation works.”
Art. 14, Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts.

another significant concern.²⁵ Some statements indicate that lack of food and water was not merely a side effect, but a deliberate tactic used to kill people through such deprivation.²⁶ Statements revealed accounts of combatants contaminating water supplies by throwing corpses into wells or streams.²⁷ The shortages that ensued drove more people to become refugees. The combination of forced displacement and scarcity of food and water resulted in thousands of deaths from malnutrition and sickness.²⁸

Widespread Looting

Rebel factions did not have central supplies and so pillaged basic necessities for sustenance.²⁹ A statement giver reported that fighters regularly participated in organized raids against civilians called “food attacks” or “clothes attacks” whenever they found their supplies were getting low.³⁰ Charles Taylor reportedly not only tolerated such conduct but even encouraged his troops to engage in it.³¹ A former soldier who fought for the NPFL in the early years of the war summarized:

Food was scarce, so the NPFL orders were to collect rice and meat from villages they captured. Those protesting the taking of their property were killed or otherwise harmed. Usually, we would raid a village and ask the chief for food. If he said no, we would tie the chief up.³²

Civilians unable to provide food for rebels often faced brutal consequences. One statement giver described the death of his brother after rebels demanded livestock from him in 1990:

When the NPFL forces arrived in the village, they asked him to provide them with cows, goats, and sheep. He could not provide what was demanded of him. He was killed because he could not provide what the NPFL rebels wanted.³³

The pillaging and extortions were representative of the pervasive lack of discipline among rebels. Rebels did not restrict themselves to basic necessities. One statement giver stated that the rebels would “steal any and everything they could get their hands on inside of the homes,” even taking her wedding albums.³⁴

Pillage and threats to commit pillage are prohibited “at any time and in any place whatsoever” during non-international armed conflicts. *Art. 4(2)(g)-(h), Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts.*

Another statement giver described the full extent to which NPFL rebels pillaged:

Rebels attacked the village, ransacking houses, killing village people, stealing property and then setting light to the houses. I was a trained midwife: the rebels even took my medical equipment and supplies...As my house had been destroyed, my family was forced to live in one room of the house. I was left with nothing: my house was burned; my possessions stolen; and my crops were burned.³⁵

The “taking of hostages” and threats thereof are prohibited “at any time and in any place whatsoever” during non-international armed conflicts. *Art. 4(2) (c), Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts.*

Several statement givers described how rebels abducted them or a family member in exchange for ransom.³⁶ One statement giver described how Taylor’s rebels abducted her stepfather, forcing the family to pay \$10,000 for his return.³⁷ Another statement giver described how NPFL rebels accused him of being on a reconnaissance mission when he was actually just foraging for food.³⁸ The rebels kept him in a jail in Seclepea until his father paid \$1,500 Liberian dollars for his release.³⁹

Restrictions on Movement

The NPFL subjected residents of Greater Liberia to a myriad of restrictions on their movement and privacy during the first few years of the war.⁴⁰ Travel restrictions and checkpoints were prevalent in NPFL territory. NPFL fighters enjoyed wide freedom of movement and could visit Monrovia;⁴¹ civilians, by contrast, needed to obtain a pass from G-2 (Taylor’s intelligence and administrative center) to travel within NPFL territory.⁴² One statement giver described how dangerous it was to travel for both men and women.⁴³ A rebel group would draft a man into combat or kill him; women would be at risk of attack and rape when they ventured out alone or with children to find food and firewood.⁴⁴

Checkpoints provided combatants a means to target, extort, abuse, and terrorize individuals.⁴⁵ Many people reported that rebels demanded their clothes, food, money, other property, or certain behavior at border crossings and checkpoints as the “price” of gaining passage without harm. One statement giver described a checkpoint



where there was “a wall running with blood.” She said people coming through the checkpoint were ordered to drink from the pool of blood, and “if you don’t drink the blood, they kill you.”⁴⁶

Even outside of checkpoints, people were still at risk while moving through the countryside. Another statement giver described how NPFL rebels intercepted her and her family en route to Côte d’Ivoire.⁴⁷ The rebels forced her to watch as they cut off her husband’s ears, then forced him to eat them before killing him.⁴⁸

“Everyone lawfully within the territory of a State shall, within that territory, have the right to liberty of movement...” *Art. 12(1), International Covenant on Civil and Political Rights.*

Targeting Civilian Populations

In addition to hardship and displacement, the warfare resulted in massive civilian fatalities. Although civilians were sometimes caught in random crossfire between the factions,⁴⁹ civilians often were the victims of deliberate, targeted killing based on their ethnicity or perceived support for a faction or the government.⁵⁰ The Doe government targeted residents of Nimba County, particularly the Mano and Gio for their rebel support.⁵¹ In turn, the rebel factions targeted Doe supporters, many of whom were Krahn and Mandingo.⁵² While ethnic affiliation had been used to discriminate or favor during Americo-Liberian rule, it now served as the basis to kill, torture, rape, or otherwise punish people.⁵³

Violence to life and to person, hostage-taking, outrages upon personal dignity, and extrajudicial executions carried out against “persons taking no active part in the hostilities” are prohibited at all times and places. Such protected persons are to be treated humanely “without any adverse distinction founded on race, colour, religion or faith, sex, birth or wealth, or any other similar criteria.” *Art. 3(1), Convention (IV) relative to the Protection of Civilian Persons in Time of War.*

Targeting NDPL Affiliation

The NPFL’s intentions to target specific groups became apparent early in the conflict. A statement giver described the NPFL’s targeting in Greater Liberia a few months after the 1989 invasion:

NPFL rebels occupied Bong Mines between February and March 1990. They targeted Krahns, Mandingos, and members/officials of the Samuel K. Doe government. A group of NPFL rebels entered the home of our next door neighbor and pulled him from behind the wardrobe where he was hiding. He was taken outside and shot dead. The victim was M.Q. He was the first Krahn man that was killed in our part of the concession area.⁵⁴

Many statement givers reported that NPFL rebels targeted them because of their past or present employment in either the Doe administration or the Tolbert administration.⁵⁵ Others stated the rebels targeted them because of their membership in the NDPL, Doe's political party.⁵⁶ A person's affiliation with a group need not have been close for perpetrators to target him or her. Individuals who had long ended their employment with the government appear to have been targeted as aggressively as current employees. One statement giver described such a targeted attack:

A cousin of my father was branded as the one who initiated President Doe into the Poro Society Fraternity. Because of this, he was skinned alive by the rebels. They did not kill him first. They began by cutting his face and then peeled away his skin. By the time they got to his knees, he just died. His crime was his association with the president.⁵⁷

Some statement givers suggested that even having an education or good employment could render one susceptible to NPFL targeting.⁵⁸

Targeting Ethnic and Tribal Groups

Rebels frequently targeted people of the Mandingo ethnicity. Reasons for targeting Mandingos varied and included the misperception that Mandingos were "foreigners," had too much wealth, or were too closely associated with the Doe government.⁵⁹ Membership in a particular ethnic group superseded nationality, and the NPFL targeted Guineans and Malian Mandingos.⁶⁰ One Mandingo statement giver summarized his and his family's experience at the hands of NPFL rebels as they fled in their truck in March 1990:

[A]fter proclaiming that they were there to liberate the country, [the rebels] asked to which tribe my father belonged. When I replied that he was Mandingo, they said, "You come down." I complied and the rebels started beating me up. My sister started crying. When the rebels accused me of being a Mandingo too, I denied that I was and also denied that I had any relation with my father. Rather, I alleged that my sister and I were just getting a ride. But the rebels said, "We can't believe this story." They offered to let my sister go but insisted that "you join us." I was then beaten and tortured by the NPFL...I overheard a young rebel say, "We killed that old man." I never laid eyes on my father again.⁶¹

Mandingo, Krahn, Gio and Mano, which are commonly mentioned in historical accounts of the conflict as targeted groups, were not the only ones identified as the victims of ethnically motivated atrocities. Statement givers also gave accounts of abuse perpetrated against civilians because they

were Kru, Sarpo, Lorma, or Bassa during the first and second civil wars.⁶² The reasons why these groups may have been targeted are less well-documented. One statement giver said rebels targeted Lorma tribe members because the Vice President was Lorma,⁶³ and others stated rebels targeted Sarpo because of the close connection between Sarpo and Krahn.⁶⁴ At times, however, ethnic loyalties were unclear, blurring the motivation behind persecution. For example, while one member of the Kru tribe said the Kru were targeted by the Doe government, another member said they were targeted by rebels for past ties with the Doe government.

Statement givers described perpetrators selecting civilians for torture based on very tenuous evidence of the victims' affiliation with a targeted group, evidence that statements revealed was often incorrect. As a result, virtually no one was safe because the risk of being mistaken as the enemy of any combatant was so high. Indeed, statements suggest that some combatants simply attributed group affiliation to their victims as an excuse to engage in random killing. As one statement giver noted "the rebels would kill people for working for the government even if the victims didn't really work for the government... Just killing because they want to kill, that's how I feel."⁶⁵

Body markings often played a significant role in the identification of government soldiers. Statement givers reported that rebels targeted civilians at checkpoints because they had marks on their legs that appeared to be boot marks, sufficient evidence that the victim was a soldier.⁶⁶ Rebels similarly claimed they could tell a person was a soldier from the "residual smell" of a soldier's uniform.⁶⁷ One statement giver stated that rebels assumed he was a soldier because he had a gunshot wound.⁶⁸ Even the appearance of being healthy or wealthy could cause rebels to pull a person out of a checkpoint line and kill him on the assumption he must be a soldier or government loyalist.

"All persons who do not take a direct part or who have ceased to take part in hostilities, whether or not their liberty has been restricted, are entitled to respect for their person, honour and convictions and religious practices. They shall in all circumstances be treated humanely, without any adverse distinction." *Art. 4(1), Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts.*

Body marks consistent with membership in secret societies might mean the difference between torture or freedom at checkpoints.⁶⁹ One statement giver said she was targeted as Mandingo because she had a mark on her forehead.⁷⁰ The rebels claimed the mark proved she was Muslim because it resulted from praying prostrate.⁷¹ A Lorma woman who was accused of being Mandingo said she proved she was Lorma by showing her captors a mark on her back that she had received during a Lorma secret society rite.⁷² She said one of the rebels accused her of being Muslim anyway, as a justification for taking her as a bush wife.⁷³

The NPFL used a variety of means to locate and identify target groups. Checkpoints, home invasions, village raids, and even organized searches of the bush enabled combatants to seek out and persecute

targeted individuals.⁷⁴ Checkpoints were a common place to pull people out of line.⁷⁵ Statements revealed how rebels forced civilians at checkpoints to speak their own tribal languages to prove they were not Krahn, and how those identified as Krahn were pulled out of the line and killed.⁷⁶ Illegal entries into civilians' homes were another means of singling out people. Some statement givers related accounts of rebels arriving at their homes and demanding that the "Krahn dogs" come out, or shouting insults such as "You're a Krahn woman – we smell you," immediately before torturing them.⁷⁷ Rebels also used informants to identify their targets. One statement giver described how Gio and Mano villagers in the Bong Mines area marked residents' houses before the rebels arrived.⁷⁸

The NPFL not only aggressively sought out people, but they used deceptive tactics to lure people and facilitate massacres.⁷⁹ One statement recounted how rebels had deceived the villagers in a town

"The civilian population as such, as well as individual civilians, shall not be the object of attack. Acts or threats of violence the primary purpose of which is to spread terror among the civilian population are prohibited." *Art. 13(2), Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts.*

in Grand Gedeh County by claiming they came to "discuss peace." Instead, they massacred more than fifty people, including the town chief.⁸⁰ Survivors told another statement giver of a massacre in Youkorway-Old Town in 1990.⁸¹ The townspeople had gathered for a soccer game and were awaiting the arrival of an opposing team from the neighboring town.⁸² Dancing and singing as if they were the neighboring townspeople, NPFL rebels approached and began firing on the crowd at random, killing both Krahn and Gio people.⁸³

In many cases, rebels carried out summary executions predicated solely on ethnicity or government affiliation.⁸⁴

Other statements revealed how the NPFL arrested targeted individuals who were often not seen again. One Nimba County resident described the early atrocities by NPFL rebels in her hometown:

Suddenly one day, NPFL occupied Karnplay in the morning of January 1, 1990. The rebels began arresting officials of Doe's government amidst much shooting. Business people and people who had money were seized and taken away by the fighters. Then the shooting ceased. My mother told me later that my father who was Treasurer of the Woto Farmers Cooperative was taken away by the rebels. My father never came back and I have not seen him since.⁸⁵

Other family members who happened to be present were subject to punishment as well. One statement giver summarized how the NPFL punished her father, brother, and sister because her father supported Doe. "A group took my father and said he was a Doe supporter, and he was beheaded with a power saw and I was stabbed in my stomach with a bayonet from the back. They burnt my brother with

plastic and my sister's fingers were broken.”⁸⁶

The killings were often preceded by multiple forms of violence. It was not uncommon for rebels to commit torture, mutilation, rapes, beatings, and other cruel treatment before or in the course of the murder. One form of torture commonly reported by statement givers was that of “tabay.” Several statement givers witnessed or were subjected to this practice, which involves tying a person with his hands behind his back so tightly that his chest protrudes—sometimes to the point of breaking the chest cavity.⁸⁷ Tabay was occasionally followed by stabbing the victim's chest with a bayonet and causing it to explode.⁸⁸

Rebels often psychologically tortured victims, forcing them to sing, dance, or cheer while witnessing the rape, torture, or killing of their loved ones or themselves.⁸⁹ One victim described the layers of violence used by NPFL rebels when they targeted her father, a superintendent in Bomi County:

The men told the father to dance and the townspeople to sing. There were two sisters and two brothers there, also stripped. They told the children to dance too. They told the father to drink dirty water...The rebels shot the father many times and started cutting the sisters and brothers to pieces with cutlasses.⁹⁰

The Armed Forces of Liberia Response

As the NPFL insurgency progressed, Doe directed the Armed Forces of Liberia (AFL) to respond with violence in both Greater Liberia and Monrovia. Government forces engaged in a violent campaign throughout the country, committing widespread killings in Monrovia,⁹¹ as well as indiscriminately shooting unarmed people in several villages, looting possessions, and burning homes.⁹² Liberians, particularly residents of Nimba County, were targeted for suspected opposition activity or ethnic affiliation. Statements reveal that government forces deliberately sought out and persecuted Mano, Gio, Americo-Liberians, and other suspected rebel supporters.

“[O]utrages upon personal dignity, in particular humiliating and degrading treatment, rape, enforced prostitution and any form or indecent assault” and any threats thereof are prohibited “at any time and in any place whatsoever” during non-international armed conflicts. *Art. 4(2)(e), Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts.*

States Parties are “to respect and to ensure to all individuals within its territory and subject to its jurisdiction” civil and political rights, “without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.” *Art 2(1), International Covenant on Civil and Political Rights.*

One statement giver described how AFL soldiers came looking for his father, an outspoken critic of the Doe government, in Nimba County in early 1990.⁹³ They shot up the house, stole his father's clerical robes, and burned down the home.⁹⁴ "They made threatening statements for my father, saying, 'Doe told us to come and get your head. Come out and say what you've been preaching. We're going to take your head out on a platter.'"⁹⁵

One statement giver described how AFL soldiers maintained blacklists of targeted people. The statement giver described how an AFL soldier dropped a list while searching his home.⁹⁶ When the statement giver picked up the list, he saw it contained the names of various individuals, including his father. Next to each individual's name was written "and family." Some of the names on the list had been crossed off.⁹⁷ That night, the AFL soldiers killed his father, mother, and sister.⁹⁸

Often, however, government soldiers failed to ascertain affiliations, thus casting a wide net that often encompassed more than the targeted groups. One statement giver summarized Doe's sweeping violence in Nimba County after the invasion:

The news of the killings started coming to Monrovia and President Doe sent the AFL up to Nimba County to confront Taylor's forces. The problem was that the AFL couldn't tell rebel from civilian. Taylor's forces would be housed in with families and sometimes civilians would set traps for AFL soldiers by offering them hospitality and then ambushing them. So, the AFL started killing everyone and the word spread that the Doe army was targeting Gio people.⁹⁹

Simply wearing the wrong color, bearing body markings, or other arbitrary reasons subjected persons to suspicion by government forces. One statement giver said the police mistook his parents for rebels and killed them simply because they had not fled sooner.¹⁰⁰ Another statement giver described the problems he faced as a result of a skull-and-crossbones tattoo on his body.¹⁰¹ Because rebels used a similar symbol, soldiers stopped him at a checkpoint, stripped him naked, and forced him to walk through the city at the point of a bayonet.¹⁰² Although he had obtained the tattoo for fun upon his graduation, it caused him a great deal of trouble over the next several years, and he was subject to questioning several times.¹⁰³

Another statement giver described how his brother was mistaken for a rebel by Doe's AFL soldiers:

Collective punishments and threats thereof are prohibited "at any time and in any place whatsoever" during non-international armed conflicts. *Art. 4(2)(b), Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts.* Protected persons include those who are not taking a direct part in or those who are no longer taking part in hostilities. *Id.* at Art. 4(1)

If you are a man and wear a red T-shirt and jean pants, they felt that was the rebel uniform and you were killed. They killed my brother-in-law. He had on jean pants. He liked to wear them. He did not know the AFL were looking for pants that color. The AFL were of President Doe's tribe. They shot my brother-in-law. He drove a taxi.¹⁰⁴

Government attempts to identify suspected rebels heightened the risks of traveling, and one statement giver described how perilous it was to move through the country at this time. He stated, "If you lived in another town and were going to Monrovia, you might reach there by the grace of God. The Liberian Army will kill you."¹⁰⁵

In Monrovia, as in Greater Liberia, the Doe government continued its sweep. In January and February 1990, the government made hundreds of warrantless arrests of Gio and Mano males.¹⁰⁶ A statement giver living in Monrovia described witnessing AFL soldiers seizing Gio and Mano people in the spring of 1990: "Day and night, I saw Krahn soldiers of the AFL take away civilians of the Gio and Mano ethnic groups. These people were my neighbors who never came back after they were taken/carried away."¹⁰⁷ The detentions were often coupled with the disappearances or killings of NPFL supporters, Gio, and Mano people.¹⁰⁸ A Gio government inspector described seeing numerous corpses when AFL soldiers arrested him and took him to their barracks in 1990:

"No one shall be subjected to arbitrary arrest or detention. No one shall be deprived of his liberty except on such grounds and in accordance with such procedure as are established by law."
Art. 9(1), International Covenant on Civil and Political Rights.

When I entered inside, I saw a lot of dead bodies -- hundreds. I could not recognize any of them. There were wounded people without any medical attention. On March 7, they sent a grader to bury the people, right behind the barracks. The grader covered them with soil.¹⁰⁹

RISE OF THE INDEPENDENT NATIONAL PATRIOTIC FRONT OF LIBERIA (INPFL)

The hostilities between Charles Taylor's NPFL and Doe's AFL were soon exacerbated by the rise of another fighting faction. In July 1990, a split developed between Taylor and a group of NPFL fighters led by Prince Johnson.¹¹⁰ Prince Johnson launched a splinter group known as the INPFL, comprised of approximately 500 combatants.¹¹¹ The INPFL gained control of areas in Monrovia¹¹² and established its base in the city's outskirts at Caldwell. The rise of the INPFL increased the risks to civilians, as they not only became subject to violations by fighters in INFPL territory, but also could be suspected of association with yet another faction.

Charles Taylor's response to the splinter was particularly oppressive. One statement giver described Taylor's reaction as follows:

Furious with Johnson's betrayal, Taylor's occupation of [Monrovia] was a "reign of terror." He called everyone out of their homes, and made everyone walk single file and stand in a line. All men were stripped naked so that Taylor's men could search for the marks that most of Johnson's followers bore...When Taylor and his men discovered "defectors," they would gather all civilians to watch while the person was forced to his knees and shot in the back of the head...Once Taylor had taken control of Bong Mines, civilian men were forced to report daily to "G-2 offices" to receive clearance to go to the market or move freely in town. The clearance consisted of a pass that was meant to show that one was not a threat.¹¹³

The INPFL, and notably its leader, demonstrated a capacity to carry out egregious atrocities against both targeted populations and random victims. Like its NPFL forerunner, the INPFL targeted Krahn, Mandingo, government affiliates, and NDPL members. INPFL also attacked homes and accosted people in public.

One statement giver recalled how Prince Johnson and his men came to his house looking for his father, a soldier in Doe's army:

We lived in Monrovia, Vaitown before the war started in 1990. During the war when Prince Johnson's INPFL took control of that area we left there with our father and mother. Prince Johnson and boys entered the area and [were] shown to our house by some people who knew we were Krahn and that my father was in the army at the time. Mr. Johnson and his boys entered our yard and started cursing and asking "Where are the Krahn dogs that are living here?"¹¹⁴

When his father came out of hiding, the rebels looted the family's belongings, set the house on fire, and beat the statement giver's father for information about his friends and family before shooting him in the head.¹¹⁵ Overall, the situation was so dangerous that it was risky even to look for food because, in the words of the statement-giver, the "INPFL would kill you if they saw you."¹¹⁶ Attempts to resist INPFL abuses resulted in death or other violence.¹¹⁷

Numerous statements describe the atrocities condoned or committed directly by Prince Johnson.¹¹⁸ Statement givers reported how Prince Johnson stood by and watched his fighters commit atrocities. For example, following the Doe assassination, a Krahn woman reported that she sought to flee

Those responsible for the detention of persons, who are deprived of their liberty for reasons associated with armed conflict, shall seek to respect, within the limits of their capabilities, that their “physical or mental health and integrity shall not be endangered by any unjustified act or omission...” *Art. 5(2)(e), Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts.*

Monrovia on an ECOMOG ship. Prince Johnson and his men boarded the ship where the refugees were waiting. Prince Johnson reportedly sat in a chair on top of a table, playing a guitar and singing, while his soldiers randomly killed people. The statement giver said she overheard Prince Johnson state, “Take them to the base. Feel free, this is Liberia, anyone can be your president and the next morning you will be executed.”¹¹⁹

Other statement givers related how Prince Johnson played a direct role in perpetrating violations, either by carrying out the atrocities himself or ordering his fighters to do so. A statement giver described how INPFL rebels beat his father so severely he could no longer speak, at which point Prince Johnson took out a pistol, shot his father in the head, and left.¹²⁰ One statement giver described how in July 1990 Prince Johnson sought revenge against his father for winning a lawsuit against him:

Prince Johnson and his men came to our house and asked us out. He told my father that his time was finished. He ordered his men to beat my father after he wounded me on my head [and I was] on the ground bleeding. They beat my father to death. That day Prince Johnson was dressed in blue jeans with a red t-shirt--written on it “Freedom Fighter.” After my father was killed, I was ordered to go to the Caldwell base with them.¹²¹

The INPFL often arrested and detained people at Caldwell, where they would be tortured, sometimes to the point of death.¹²² Statement givers described the atrocities that took place at the INPFL base, including “manhandling of people; severe torture; summary executions.”¹²³ One Krahn statement giver was forcibly conscripted and taken to Caldwell base where he was trained to fight.¹²⁴ The statement giver described the conditions and treatment he experienced at Caldwell:

Persons detained due to reasons associated with the armed conflict shall “to the same extent as the local civilian population, be provided with food and drinking water and be afforded safeguards as regards health and hygiene and protection against the rigours of the climate and the dangers of the armed conflict...” *Art. 5(1)(b), Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts.*

We were arrested by the INPFL and taken on their base. I personally was tortured because of tribal affiliation. I was kept in prison for about 6 days without food. I only survived on mere rain water. While in the process of

having us executed, Prince Johnson gave the order to have us released.¹²⁵

While the INPFL targeted specific groups, it also demonstrated the same greed, lack of discipline, and depravity that characterized other armed factions. In addition to taking revenge, INPFL rebels often extorted money from the civilian population. One statement giver described how the INPFL in 1990 demanded money from his family, who were prosperous and worked for the government:

On that fateful cool morning, Prince Johnson and his INPFL attacked our home. At dawn, [they] ordered our entire family out in single file: father, mother, brothers and sister. They ordered my father to surrender his financial assets, but he told them that he had no money with [him that] instant. They (rebels about 8 in number) pushed him six feet and shot [him] in the head and chest. My mother ran on top of his body. She was shot from the back twice. [W]hen my brother and sister ran to their bodies, they too were shot at close range.¹²⁶

Combatants are prohibited, at all times and places, from committing “violence to life and person, in particular murder of all kinds” against persons not taking part in the hostilities. *Art. 3(1)(a), Convention (IV) relative to the Protection of Civilian Persons in Time of War.*

FIRST BATTLE FOR MONROVIA: JULY 1990

By summer 1990, Monrovia remained an area of contention among warring factions. Doe, while still in office, was losing his ability to administer the country and enforce the rule of law.¹²⁷ The INPFL commanded various areas of Monrovia, as well as Bushrod Island.¹²⁸ Taylor controlled large, key parts of Liberia, but Monrovia still remained outside of NPFL control. As different forces sought to acquire or retain control of the capital, intense fighting around Monrovia surged during battles in 1990, 1992, and 1996. These three battles afforded factions not only the opportunity to seize Monrovia, but also the chance for opportunists to plunder and take revenge.¹²⁹

One statement giver described the atmosphere leading up to the first battle for Monrovia as “tense” because “[t]he rebels were coming; nobody knew when.”¹³⁰ Another statement giver described how, in April 1990, people heard rumors that rebels were approaching Monrovia.¹³¹ Businesses began to shut down, some government officials fled the country, and food became increasingly scarce.¹³² While there were rumors that the rebels and the AFL were fighting in nearby neighborhoods, there were no confirmations on either of the two radio stations.¹³³ Some Liberians who had education and employment at stake took notice of the impending crisis. One statement giver, who was a high school student living with his brother, a physician, described the growing realization that it was necessary to leave:

We didn't want to leave Monrovia. We hoped that they would just go away, but it soon became obvious that there would be no school and no work in Monrovia. Like everyone else, we decided to leave. It was June 1990.¹³⁴

In July 1990, the NPFL launched what would be the first of three major battles for Monrovia. Some Liberians simply could not believe the rebels would ever advance to Monrovia and the attack took them by surprise.¹³⁵ One statement giver, a charcoal seller in the market, described the unexpected alarm and chaos that ensued:

The NPFL war came in 1990. I was at the market and didn't even know it was coming. People came and started beating people. I hid behind coal. They grabbed M. and killed her right there and then they started looking for me. I went to my house to find my husband but he had been killed. I started running when someone grabbed and beat me. I was wounded in the stomach and fainted in a gutter.¹³⁶

Parties to the conflict are prohibited at all times and places from committing "outrages upon personal dignity, in particular humiliating and degrading treatment" against persons taking no part in the hostilities.
Art. 3(1)(c), Convention (IV) relative to the Protection of Civilian Persons in Time of War.

Numerous statement givers gave eyewitness accounts of atrocities committed by both rebels and government soldiers as they fought for control of the capital. The statements again reveal the multiple forms of violence and the targeting of certain groups and ethnicities. An NDPL youth wing leader summarized an INPFL attack based on NPFL and Mandingo affiliations in Duala:

They (INPFL) started going on a house to house...[W]ithin that instant, my boss lady, M.M., whom I was assistant to, was arrested, tortured, beaten, raped and she was subsequently executed (beheaded). My husband, M.K., a Mandingo by nationality, was a businessman. He was arrested and executed. Realizing that my life was at stake, I decided to run away with my two kids, but I was caught by the rebel. They started to beat me with the gun butt. I was stabbed with the soldier knife in my stomach and lost consciousness. So they thought I was dead, so they left me.¹³⁷

Another statement giver, whose father worked for President Doe, described how rebels broke into their house in July 1990.¹³⁸ The men tied the statement giver's father's wrists behind his back and told him he was enjoying money from President Doe and always drinking wine with Doe. A fighter threatened to hit the statement giver for crying and then stabbed him in the stomach with a knife and rammed the butt of a gun on his foot.¹³⁹

The men made my father stare at the sun...The men took me and my father to an unfinished block house. The men continued beating and torturing both of us. They beat us with wire and the butts of their guns. The men told us we had spoiled the country and ate the money. I was on the ground, hurt and crying hard. Another rebel came and said that my father was Doe's campaign manager and that they needed to kill him. They forced my father to drink urine from a cup and said it was wine. My father tried to spit it out and they continued to beat him by hitting him on the back of his neck with the butts of their guns. Another man hit me because I was crying and I passed out. When I came to, others told me that the men had shot and killed my father...¹⁴⁰

AFL soldiers were equally ruthless in their attempts to defeat the rebels. The atrocities were often misdirected or senseless and they resulted in the loss of numerous innocent lives. For example, one statement giver described how the AFL shot indiscriminately, opening fire on everyone at the supermarket in July 1990.¹⁴¹ As the INPFL approached, the AFL retreated, slaughtering many people as it did so.¹⁴² One statement giver summarized how a group of AFL soldiers transporting a wounded man ordered him and his family into the bush:



The entire family (my birth mother, stepfather, sister and me) ran into the bush where we were followed by some of the soldiers that were on the trucks. The wounded man was now being held up by two of the soldiers. A soldier pointed to the wounded man and angrily said to me and my family, "You are responsible for this. We are going to kill all of you." I was frightened as the man put shot in the rifle and was pointing it at my mother. The bullet went in between my mother and sister and hit a man standing slightly behind and in between the two of them. The man fell and died instantly. As the man reloaded the gun my family and I were frozen in terror. Once he reloaded the gun, he raised it towards me and said, "You, I am going to kill YOU." I shook as the soldier kept trying to squeeze the trigger but the trigger or something on the gun had become jammed. The soldiers then took all of our food.¹⁴³

The terroristic impact of the killings was magnified by mutilation and other inappropriate treatment of the bodies.¹⁴⁴ One statement giver described finding the bodies of his family after they were murdered by AFL soldiers on July 30, 1990:

My father's body was terribly mutilated. My mother's stomach was ripped open. She was eight months pregnant. I was so frightened I couldn't even touch them. My sister had been shot right in the middle of her head. I was in a terrible state. I couldn't even look at them closer because I was just in shock. I mean even to see my father was hard. I could just recognize him by his watch which was still on his hand.¹⁴⁵

"The civilian population as such, as well as individual civilians, shall not be the object of attack. Acts or threats of violence the primary purpose of which is to spread terror among the civilian population are prohibited." Art. 13 (2), Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts.

One of the most egregious examples of government atrocities was the St. Peter Lutheran Church massacre in July 1990. AFL soldiers and Doe loyalists killed hundreds of people who had sought refuge in the church from the war.¹⁴⁶ One statement giver lost seven family members in the Lutheran Church massacre.¹⁴⁷ According to accounts, the soldiers were deliberate and comprehensive in the executions. As one Liberian stated, "the soldiers were shooting to kill."¹⁴⁸ A public hearings witness described one survivor's account of how the entire room was filled with sleeping people when heavy shooting began.¹⁴⁹ The troops came upstairs to the classrooms and opened fire on people.¹⁵⁰ With no time to flee, people lay flat, but the soldiers walked over them and shot them as they lay there.¹⁵¹ Those who tried to escape were gunned down.¹⁵² One statement giver explained how women in the church tied babies to their backs, and as they fled, the soldier shot their backs, killing them and the babies.¹⁵³ The disregard for the church as a safe haven magnified the horror for many civilians. Another statement giver stated, "imagine trying to seek refuge in the church, a house of God, and they opened fire."¹⁵⁴ Statement givers who witnessed the aftermath of the incident, or knew survivors, confirmed the massacre accounts.¹⁵⁵ One of them recalled the aftermath:

"[A]ll possible measures shall be taken... to search for the dead, prevent their being despoiled, and decently dispose of them." Art. 8, Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts.

[It was] a horrible sight. There was blood all over the place. People had been killed by bullets in their heads. There was blood all over the walls and the floors. There was a mass grave that was dug. It broke my heart to know Liberians were killing other Liberians.¹⁵⁶

The few individuals who did survive were saved by chance or by their ethnicity. One person survived only because another body had fallen on top of her, shielding her from the soldiers' view.¹⁵⁷ During public hearings, one witness testified how the aforementioned Liberian survived. When the soldiers began shooting, she screamed in Grebo, "Please don't kill me among these dogs tonight, please don't kill me."¹⁵⁸ When the soldiers heard her, they stopped shooting and asked, "What are you doing among these dogs? We're going to kill up the whole church and you are among them?"¹⁵⁹ The witness summarized what happened next:

And so they told her they were going to kill everybody, but because these – the two of them were Grebo, according to her, they wouldn't kill them. But they had to figure out a way. So she said the Krahn soldiers said they needed to slash her, because they needed to spill blood from everybody that night. That was the rule. So they slash her. And they slash her friend. And she had two kids. And they said, "We're going to take some bodies and lay them around you. Lie flat, and we'll put some dead bodies around you so it looks like you [sic] dead and because all through the night there will be inspections to make sure everybody is dead."¹⁶⁰

Like so many other horrific events, the St. Peter Lutheran Church massacre was a trigger that compelled many Liberians to flee the country.¹⁶¹

Statements reveal that combatants from all factions, besides targeting and killing groups, abused their power to loot and to seek revenge during the battle for Monrovia. As in the preceding months, soldiers and rebels demanded food, money, or other goods. One statement giver described how, in early July 1990, he witnessed NPFL soldiers confiscate food and the clothes off of people's backs.¹⁶² Another described how rebels dressed as women and wearing weave caps came to his home and ordered him to catch his family's chickens for them to eat.¹⁶³ The rebels ordered him and his family to leave while they prepared a meal for themselves and took "everything they wanted from the property."¹⁶⁴ When victims could not meet fighters' demands, they were often punished. AFL soldiers asked one statement giver's father for food and money, then killed him because he could not give them either.¹⁶⁵ One statement giver summarized an INPFL fighter's retaliatory treatment of him over his father's failure to pay him:

"It is prohibited to order that there shall be no survivors." *Art. 4(1), Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II) (1977).*

It was July 1990. It happened in Jimmycar Road, Bushrod Island, Monrovia. It was a Prince Johnson boy [who] identified [himself] as Henry. He was dressed in an INPFL rebel uniform. He first slapped me in [my] mouth with

his bare hand and because of that, my three teeth came out from my mouth. He said he committed the act because he worked for my late father, G.A., and that my father did not pay him. He alerted me under Bong Mine Bridge and asked me for my name. I told him my name and he later said, “I work for your dirty father and he did not pay me.” He told me to give him six feet, but I refused to go back so he slapped me on my mouth.¹⁶⁶

Families became separated and displaced as civilians were taken away or fled.¹⁶⁷ Both males and females were susceptible to being abducted as statements indicate they were taken away to become bush wives, laborers, or combatants. One statement giver summarized the abduction of his sister and aunt by NPFL rebels:

The next day, as we were making our way to the Soul Clinic, we were approached by a group of Charles Taylor’s rebels in trucks, who were looking for “wives.” They proceeded to abduct my sister (15 years old) and my aunt (17 years old). I was horrified and devastated to see them taking my sister and aunt away while I and my parents stood by watching helplessly. I had heard by word of mouth what happened to women and girls that were abducted.¹⁶⁸

The statement giver himself ended up being abducted by rebels and forced into manual labor, along with other children, at the Old Soda Factory.¹⁶⁹ Another statement giver described how rebels came to their home and killed his father, a government employee.¹⁷⁰ His mother, sisters, and brothers fled in different directions, and the statement giver has not seen any family members since that day.¹⁷¹

During their flight from the battle, Liberians were subject to additional abuses.¹⁷² One statement giver described his experience during the siege:

“No one shall be required to perform forced or compulsory labour.” *Art. 8(3)(a), International Covenant on Civil and Political Rights.*

During the first week in July 1990, when Taylor attacked Monrovia, my mother, six brothers and I sought to flee to Kakata by way of the Fendell campus. As we were walking, we were detained by Taylor’s militia...[The leaders] directed militia members to beat my older brother. My brother was also subjected to tabay and was killed in front of my eyes. The following day my mother instructed me to proceed without her and to flee with my five younger brothers. As my brothers and I resumed walking, we were again detained by Taylor’s militia. The militia cut one of my young brothers then shot all of them dead -- only I was spared.¹⁷³

Later, the statement giver learned that his mother had also been killed.¹⁷⁴

DEPLOYMENT OF ECOMOG

By the time the first battle for Monrovia began, a regional response mechanism to the conflict was already in process. The government's rapid loss of control, the rising state of anarchy, and faction leaders' control over certain areas¹⁷⁵ compelled Doe to make an appeal for international assistance in May 1990.¹⁷⁶ In response, the Economic Community of West African States (ECOWAS) created a military intervention force on August 7, 1990, to send to Liberia.¹⁷⁷ Composed of approximately 3,500 troops from Nigeria, Ghana, Guinea, Sierra Leone, and the Gambia, the ECOWAS Monitoring Group (ECOMOG) mission arrived in Monrovia on August 24, 1990.¹⁷⁸ The largest contribution and greatest number of forces came from Nigeria.¹⁷⁹

Nigeria pursued a dominant role in West Africa on many fronts, including the establishment of ECOWAS and the maintenance of regional order.¹⁸⁰ For example, Nigeria was the largest supporter of the ECOMOG mission to Liberia, contributing nearly \$50,000,000 and most of the troop support for the initial deployment of the ECOMOG peacekeeping force.¹⁸¹ Following the execution of Doe when Ghanaian General Arnold Quainoo was in charge of the mission,¹⁸² ECOMOG adopted the provision that a Nigerian would always hold the position of ECOMOG Field Commander.¹⁸³ Nigeria's influence in Liberia continued to grow even stronger, and by 1994 about 7,000 of the 11,000 ECOMOG troops were Nigerian.¹⁸⁴

Scholars recognize that Nigeria had several interests in quelling the instability in Liberia. Because it saw the Liberian conflict as a threat to the region's economic and military stability, Nigeria sought to restore order. It also believed that dissidents from Nigeria and neighboring countries had trained in Libya with Taylor and NPFL forces with the idea that Taylor would support their rebellions in their countries if he succeeded in Liberia.¹⁸⁵ Nigeria's perception that intervention was necessary was intensified by the rebels' attacks on the Nigerian embassy in Monrovia, the UN mission, and Nigerian and other ECOWAS citizens, including the August 1990 massacre by the NPFL of hundreds of Nigerian citizens inside the Nigerian embassy.¹⁸⁶

Finally, Nigeria was motivated to act from a desire to support Doe and to prevent Taylor from succeeding in his rebellion.¹⁸⁷ The president of Nigeria, General Ibrahim Babangida, who had come to power through a military coup in 1985, was a friend and ally of Doe.¹⁸⁸ While Nigeria's motives for intervening in Liberia are complex, it is also likely that the personal relationship between Gen. Babangida and Doe played a role. Indeed, Doe made his May 1990 appeal for assistance directly to Gen. Babangida (and President Eyadema of Togo) rather than to ECOWAS.¹⁸⁹

ECOMOG's primary purpose was to ensure compliance with peace and ceasefire agreements.¹⁹⁰ A gap between ECOMOG's articulated mandate and the actual needs of the situation soon became apparent.¹⁹¹ Thus, absent an effective police force and the need for political intervention, ECOMOG, the regional force, became involved in responsibilities beyond peacekeeping.¹⁹² Throughout its seven-year deployment, other responsibilities that ECOMOG assumed included mediation between warring factions,¹⁹³ helping establish the Interim National Government,¹⁹⁴ the implementation of ECOWAS-

brokered peace accords,¹⁹⁵ disarmament, safeguarding aid supplies, sheltering troops,¹⁹⁶ helping supervise the 1997 elections,¹⁹⁷ and promoting security by helping to rebuild Liberia's military, police, and security forces.¹⁹⁸

The regional forces successfully repelled the NPFL invasion.¹⁹⁹ Nevertheless, political undercurrents and inadequate planning, logistics, and lack of equipment hindered ECOMOG's initial efficacy.²⁰⁰ Preexisting regional political tensions led to division among ECOWAS members.²⁰¹ With the exception of Guinea, the Francophone nations (led by Côte d'Ivoire and Burkina Faso) supported Taylor and objected to the intervention; the Anglophone countries, including Nigeria, Sierra Leone, and Ghana, supported the intervention.²⁰² Logistical factors, including inadequate force levels, the lack of a Monrovia-based ECOWAS official to facilitate political negotiations, and inconsistent interpretations of the mandate, reduced ECOMOG's effectiveness.²⁰³ Finally, many sources point to concerns about ECOMOG's conduct and neutrality. There were reports of widespread looting by ECOMOG soldiers, alleged sales of weaponry by Nigerians to armed groups, and concerns about Nigeria's support for the Liberia Peace Council (LPC).²⁰⁴ Its deficiencies were quickly evidenced by its failure to prevent the assassination of President Doe by INPFL forces less than two weeks after its arrival.

Many statement givers, however, described how ECOMOG saved their lives, prevented further human rights abuses, or helped them escape Liberia.²⁰⁵ Statements also attributed the presence or imminent arrival of ECOMOG forces to lives saved. In numerous cases, statement givers reported how rebel fighters would stop terrorizing them and disperse upon hearing about the impending arrival of ECOMOG troops. One statement giver's description was typical:

Through the intervention of the Almighty God, some ECOMOG soldiers of the multinational peacekeeping force came from the Vai Town area and rescued us when the rebels fled from my area. [The rebels] left us when they got to know that some ECOMOG soldiers were coming to our rescue.²⁰⁶

In this way, the presence of ECOMOG played an important role in preventing rebels from committing further human rights violations and humanitarian crimes. Statement givers described how they would call or alert ECOMOG to attacks, prompting them to respond.²⁰⁷ In addition, ECOMOG frequently provided safe haven at their base for Liberians. Statement givers reported staying on the ECOMOG base for periods of a few days up to two weeks.²⁰⁸

In addition to playing an enforcement role, ECOMOG at times assisted with the health and other basic needs of Liberians. Statement givers reported how ECOMOG soldiers often carried them to the hospital²⁰⁹ or to their base for medical treatment.²¹⁰ ECOMOG soldiers gave civilians food,²¹¹ sometimes in exchange for work.²¹² ECOMOG also sent ex-combatants to St. Mary's Catholic School in Duala, Liberia to be reintegrated.²¹³

Early on, Taylor viewed the ECOMOG intervention as a threat to his objectives and as an adversary.²¹⁴ In August 1990, prior to ECOMOG's deployment, Taylor criticized the peacekeeping force, which he considered an act of aggression. He proclaimed he would "fight to the last man," stating, "I've given orders to open fire on any strangers setting foot on our territory."²¹⁵ NPFL-controlled radio frequently broadcast anti-ECOMOG messages.²¹⁶ The NPFL intended to weaken the political resolve of ECOMOG's member states so that Nigerian and Ghanaian citizens would force their governments to withdraw.²¹⁷

Although it was intended to be a neutral peacekeeping force, ECOMOG soon assumed a more offensive role.²¹⁸ As early as October of 1990,²¹⁹ violence erupted between ECOMOG and the NPFL²²⁰ as ECOMOG successfully pushed the NPFL out of Monrovia.²²¹ Violence escalated between the two groups when the NPFL launched "Operation Octopus" in 1992.²²²

"Any propaganda for war shall be prohibited by law." Art. 20(1), *International Covenant on Civil and Political Rights*.

Another consequence of Taylor's hostility toward ECOMOG was that foreign nationals became the target of human rights abuses.²²³ The NPFL targeted citizens of ECOWAS countries in retaliation for ECOMOG's role in the conflict. Specifically, the NPFL adopted a policy of targeting Nigerian, Ghanaian, and other ECOWAS civilians in retribution for the deployment of ECOMOG.²²⁴ Referring to the ECOMOG force, Taylor reportedly stated that, "for every Liberian that's killed I'm going to make sure some other nationals get killed too."²²⁵ In a widely reported massacre of foreigners, the NPFL killed two hundred ECOWAS nationals in 1990.²²⁶

"States Parties condemn all propaganda and all organizations which are based on ideas or theories of superiority of one race or group of persons of one colour or ethnic origin, or which attempt to justify or promote racial hatred and discrimination in any form, and undertake to adopt immediate and positive measures designed to eradicate all incitement to, or acts of, such discrimination..." Art. 4, *International Convention on the Elimination of All Forms of Racial Discrimination*.

Nationals of Nigeria, the predominant contributor to the ECOMOG peacekeeping force, were particularly at risk.²²⁷ In referring to Nigerian citizens, Taylor was quoted as saying, "They are not refugees. They are aggressors... They are all going to bear the brunt of this."²²⁸ Rebels also targeted doctors and other civilian aid workers from Nigeria and other ECOWAS nations on a routine basis.²²⁹ Statements also described the targeting of Ghanaians. One statement giver summarized:

There was a big Jeep with Charles Taylor's soldiers, causing cars to stop. A woman was with her husband and their children on the road. My daughter and I were at the creek, brushing our teeth and washing. A soldier got down from the Jeep, stopped the woman and her husband, and asked where

the woman was from. She replied that she was from Ghana and lived in Monrovia. The soldiers took her husband, took off his shirt, tied his hands behind his back. The lady ran to the house for her passport to prove she was from Ghana and came back with it. The soldiers told her, “Look at your husband and say goodbye. You’ll never see him again.” They took him to a little place nearby and shot the man three times...²³⁰

“Any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law.” *Art. 20(2), International Covenant on Civil and Political Rights.*

Later, the statement giver recognized one of the soldiers as her former student.²³¹ When she asked him what was happening, he told her that ECOMOG had reached Monrovia and that “we’re here to kill all the foreigners.”²³² The statement giver then understood why they killed the man from Ghana.²³³

Another statement giver said he escaped from NPFL forces to their preoccupation with targeting Ghanaian citizens:

Because the ECOMOG troops in Monrovia were from the sub-region, the NPFL was arresting people from the countries that had supplied soldiers. There were two Ghanaian teachers in the town. The NPFL rebels caught them and while they were interrogating them, I was able to sneak away into the bush. I heard two shots as they killed the Ghanaians.²³⁴

The NPFL adopted other strategies to punish citizens of ECOWAS countries. For example, the NPFL restricted movement for ECOWAS citizens through and out of NPFL territory.²³⁵ Arrest and detention were another means of punishing these citizens. A Human Rights Watch report described large scale-detention facilities in NPFL territory established to hold captured ECOWAS nationals of both military and civilian background.²³⁶ Nigerian journalists claimed that they were hostage targets.²³⁷

Persons who “find themselves, in case of a conflict or occupation, in the hands of a Party to the conflict or Occupying Power of which they are not nationals” are entitled to protection under Common Article 3 of the Geneva Conventions.* *Art. 4, Convention (IV) relative to the Protection of Civilian Persons in Time of War.*

* “Nationals of a State which is not bound by the Convention are not protected by it. Nationals of a neutral State who find themselves in the territory of a belligerent State, and nationals of a co-belligerent State, shall not be regarded as protected persons while the State of which they are nationals has normal diplomatic representation in the State in whose hands they are.” *Id.*

Despite the ECOMOG presence in Monrovia, statements reveal that the INPFL continued to perpetrate violations, including forced labor. One statement giver described how the INPFL attempted to force her to prepare food for them:

From time to time, I was harassed by them always to cook for them. At that time there was widespread insecurity. Based on that fear for me to continue to cook for rebels, I decided not to cook for them anymore. That action made them vexed. As a result, three of the rebels flogged me in the morning of September 5, 1990, just before President Doe was captured on September 9, 1990.²³⁸

States Parties are to “recognize the right to work, which includes the right of everyone to the opportunity to gain his living by work which he freely chooses or accepts...” *Art. 6(1), International Covenant on Economic, Social and Cultural Rights.*

Execution of President Samuel K. Doe

In addition to the targeting of its nationals, ECOMOG encountered other early challenges. On September 9, 1990, Prince Johnson and INPFL troops captured Samuel Doe at a meeting brokered by ECOMOG.²³⁹ The rebels assassinated a number of Doe’s supporters and tortured Doe to death, videotaping the event and distributing copies throughout Monrovia.²⁴⁰ The videotape, which depicts Prince Johnson drinking beer while fighters cut off Doe’s ears, became widely available in Liberia and elsewhere.²⁴¹ Doe is seen pleading to be spared before he is killed.²⁴² A statement giver recalled that day:

I saw a convoy with Samuel Doe in it, wearing a grey suit and in an open-topped car. As I was on the street, watching the convoy cross the bridge, I remember thinking that if Doe crossed the bridge, he would be killed by Prince Johnson...I heard shooting. The shooting lasted for 30 minutes. Then it was very quiet. The next day, as we left, we heard the BBC was reporting that the Liberian President was captured by a Liberian faction and was wounded. I decided it would be too dangerous to leave, and I felt trapped...The next 72 hours were worse. Doe was tortured, with his elbows tied together behind his back...They captured, tortured, mutilated, and murdered Doe on camera.²⁴³

Statement givers described heightened ECOMOG restrictions on the press immediately following Doe’s murder. One statement giver who reported for the *Torchlight* newspaper recounted how ECOMOG took journalists to see Doe’s body, but refused to allow publication of photographs of

Doe's body for political reasons.²⁴⁴ Another statement giver described how ECOMOG forced the *Daily Observer* to burn all newspapers that contained pictures relating to Doe's death.²⁴⁵

These conditions spawned what would be a series of broken accords throughout the next several years. The period between 1990 and 1992 was described as an "uneasy truce"²⁴⁶ as peace talks interspersed with fighting took place. In November 1990, ECOWAS attempted to broker peace talks between Taylor and Doe loyalists, and established an interim government to lead Liberia.²⁴⁷ Amos Sawyer was appointed head of the Interim Government of National Unity (IGNU).²⁴⁸ Monrovia reverted to a relative degree of calm. One statement giver described:

While Sawyer was in control, people were able to move more freely around Monrovia. Prior to Sawyer's control, few people could leave the greater Monrovia area because Prince Johnson had divided it.²⁴⁹

The negotiated ceasefire was fragile, however, with bouts of sporadic fighting. Within days, the INPFL violated the peace agreement by launching an attack against the AFL.²⁵⁰ Fighting between the NPFL and other factions continued in Greater Liberia.²⁵¹ Finally, the emergence of new rebel groups threatened the precarious situation.

"OPERATION OCTOPUS": OCTOBER 1992

On October 15, 1992, NPFL forces launched their second effort to seize Monrovia from ECOMOG forces.²⁵² On the day after bombings began, one statement giver recalled her school principal announcing that everyone would leave school early that day.²⁵³ She recalled thinking, "Wait a minute, when you said that in 1990, we didn't come back for a long time."²⁵⁴

The NPFL's attack, named "Operation Octopus," was illustrative of the widespread violence by multiple factions. One statement giver recounted:

They called it Operation Octopus because it had so many arms, and there were [soldiers/fighters] everywhere, even in the swamps. There were launches [bombings] all the time. They would see people coming out everywhere with blood on their faces.²⁵⁵

Operation Octopus lasted approximately one month.²⁵⁶ Although it was brief, a statement giver classified it as one of the deadliest conflicts: "very short, but more crazy than the previous outbreaks."²⁵⁷ According to another statement giver, Taylor's mission was to "engulf Monrovia and kill everyone that moved in order to capture Monrovia."²⁵⁸ By the end of the operation, more than 200,000 people were displaced and approximately 3,000 had been killed.²⁵⁹ A statement giver summarized the chaos

and intensity during the operation:

We ran to the main street, more than five thousand people on the run again. It was very sad because the rebels were mixed up with civilians, some women were walking naked, some people lost their kids. The rebels were in the midst of the people – some of them had guns in mattresses tied up on their heads.²⁶⁰

Statements describe the difficulties of trying to survive amidst the hardship and the warfare. Monrovia experienced severe food and money shortages during Operation Octopus. The operation had the economic impact of devaluing the Liberian currency. One statement giver estimated that the Liberian currency depreciated 85 percent overnight, thus diminishing the means of already impoverished people.²⁶¹ Another statement giver summarized the difficult food situation:

[E]veryone “hustled.” You had to sell the food you hustled in order to get more. Rice was like gold dust, money was nothing. We ate rice and beans and small clams from the river that we would boil and suck. We would also eat sugarcane. The custom was to drop the sugarcane after the juice was gone, but then little children would come along and pick it up and continue to suck on it... Food was so scarce that, if people were behind you and saw that your jaw was moving, they would pick up whatever you dropped. We also ate palm butter from the trees but this was difficult because you had to smash the kernel and mash it by hand.²⁶²

“The States Parties to the present Covenant, recognizing the fundamental right of everyone to be free from hunger, shall take, individually and through international co-operation, the measures, including specific programmes, which are needed...” Art. 11(2), *International Covenant on Economic, Social and Cultural Rights (1976)*.

Many statements reported fatalities that occurred as a result of crossfire and bombings. One statement giver living on Bushrod Island stated that stray bullets killed at least ten people he knew.²⁶³ Another statement giver recalled that the bullet spray was so intense that his family hid in the bathroom for hours one night.²⁶⁴ At that time, Prince Johnson also began launching bombs.²⁶⁵ A statement giver described how his pregnant sister-in-law was hit on the head with a mortar round in Logantown; “she disintegrated and died of the injuries she sustained.”²⁶⁶

Statement givers described the strategies they learned to survive Operation Octopus. For example, one statement giver described how people learned to run toward the source of rocket fire after a launch because running away from the rocket’s source might place them directly in its landing path.²⁶⁷ Also, he recounted how they prayed for night fighting, because bullets were more visible in the dark.²⁶⁸

Another statement giver stated that she had to finish her cooking quickly because she cooked outside where there were always stray bullets.²⁶⁹ The atmosphere was tense. A statement giver summarized how drastically their lifestyles changed during Operation Octopus:

Every night we heard bombing. We stayed at our home. We didn't sleep. We wore jeans and sneakers with undershirts and t-shirts on our heads. We had to be ready to leave at any time. We were always in the hallway and had to stay away from windows.²⁷⁰

Operation Octopus lacked the same level of ethnic targeting of the first battle for Monrovia. Both AFL and rebel forces demonstrated more interest in looting and killing regardless of ethnicity.²⁷¹ Like the first battle for Monrovia, Operation Octopus afforded opportunities to exploit power. Because NPFL rebels were unpaid they were encouraged to plunder and were promised compensation in the form of loot or even a house.²⁷² One Liberian statement giver described how a child soldier put his name on their home, stating that Taylor promised any property they captured would be for them.²⁷³ In other cases, the rebels destroyed property. A statement giver described how rebels burned down her home, possessions, and other neighboring houses.²⁷⁴

Rebels also used Operation Octopus as a means to exact revenge. Accounts describe how, once again, rebels raped, tortured, and arrested civilians as revenge for past grievances. One statement giver described how she had previously refused to have sex with an NPFL fighter; during Operation Octopus, he came to her house, stabbed her in the knee, and raped her.²⁷⁵ Another statement giver recounted how an NPFL leader sought revenge because of his expulsion from the statement giver's organization:

He was expelled from his post and disappeared from the township only to resurface in NPFL uniform and well armed. So he was able to get even at me during 'Octopus.' I was taken at their command post at Kakata and put into a cell. I was tortured and beaten on several occasions.²⁷⁶

A few statement givers discussed the role of ECOMOG during Operation Octopus. Given the exigencies of the situation, ECOMOG began fighting the NPFL alongside the AFL and the United Liberation Movement for Democracy (ULIMO).²⁷⁷ While some people blamed ECOMOG for the atrocities, one statement giver conceded that they may have been killing in defense and to protect Monrovia.²⁷⁸ Another statement giver described the failure of ECOMOG troops to protect civilians during their retreat from New Georgia Estate.²⁷⁹ After a missile landed and rebels began to approach, Liberians ran toward the ECOMOG troops for protection.²⁸⁰ Instead of defending the civilians, the Sierra Leonean commander stated that his troops were not going to die for Liberians, and ECOMOG retreated.²⁸¹

A public hearing witness related ECOMOG's use of the media during Operation Octopus. He testified that, as a reporter for the Liberia Broadcasting System, he was compelled to run propaganda for ECOMOG and the IGNU.²⁸² When the NPFL attacked ECOMOG throughout Monrovia, the Liberia Broadcasting System did not broadcast where Taylor's forces were in the suburbs. Instead, to his regret, Liberia Broadcasting System told people to go home:

“Go back. Mr. Taylor is just giving propaganda. There is no war somewhere. Go back to your various homes. Everything is calm.” When people went there, and they were slaughtered, they were killed by Mr. Taylor during the interim government.²⁸³

Ultimately, ECOMOG, with the assistance of the AFL and ULIMO, was able to successfully repel the offensive and maintain control of Monrovia.²⁸⁴ In addition, ECOMOG successfully wrested Kakata and the port of Buchanan from NPFL control,²⁸⁵ but at the expense of more civilian lives. One statement giver described the ECOMOG bombings around the port:

The right to freedom of expression includes the freedom to “receive and impart information and ideas of all kinds... either orally, in writing or in print...or through any other media of...choice.” *Art. 19(2), International Covenant on Civil and Political Rights.*

Air bombers came and started to bomb the port in Buchanan. There were also gunships at sea throwing shells at the city. The gunships and bombs were destroying homes. The gunships didn't seem to have targets, but the planes may have had targets at or near the port.²⁸⁶

INPFL involvement in the conflict began to decline, and the faction eventually disbanded in October 1992.²⁸⁷ ECOMOG troops entered Taylor-controlled areas in April, but soon pulled out because of fighting between ULIMO and the NPFL.²⁸⁸ The NPFL, however, held 580 ECOMOG troops hostage through September 1992.²⁸⁹ Although former U.S. President Jimmy Carter negotiated their release, the incident heightened the hostility between ECOMOG and NPFL.²⁹⁰

At this time, the United Nations stepped up its efforts to stem the warfare, including implementation of a weapons embargo on all factions and the establishment of the U.N. Observer Mission in Liberia.²⁹¹ Stockpiles of arms had already grown so large in Greater Liberia, where their movement could not be easily regulated, that the embargo was imposed too late to be truly effective.²⁹² Also, Liberia's borders remained porous and open to weapons flow because ECOMOG had been unable to position its troops along key points.²⁹³ Thus, fighting and atrocities continued, including an AFL massacre of 547 displaced persons at Harbel, west-central Liberia, in June 1993.²⁹⁴

RISE OF OTHER FACTIONS

The years between 1991 and 1994 saw the emergence of several new armed factions. In late May 1991, a group of former Doe loyalists and AFL officers formed a new rebel group to resist Taylor's forces.²⁹⁵ ULIMO received support from Guinea and Sierra Leone, as well as initial support from ECOMOG.²⁹⁶ A former ULIMO combatant described the formation of ULIMO:

The objective of the new group was to fight against Taylor while avoiding the killing of innocent civilians. I joined ULIMO and helped recruit fighters and solicit donations for the organization among the Liberian refugee population in Guinea. I and other militants mobilized boys, girls, men, older people to fight - although, with respect to the recruitment of youngsters... Alhaji [Kromah, the ULIMO leader] couldn't accept children under 18. ULIMO first entered Liberia from Sierra Leone and its early military actions against Taylor's forces were successful. There was fighting in Gbarnga, Taylor's headquarters. Initially, ULIMO combatants were armed only with cutlasses, knives. They soon acquired weapons by "arresting" NPFL forces and seizing their guns.²⁹⁷

From 1993 to 1994, a number of events resulted in the rise of other new factions. On July 25, 1993, the AFL, NPFL, and ULIMO signed the Cotonou Agreement.³⁰⁶ Although the Cotonou Agreement failed within months, it established a new government that included NPFL and ULIMO representatives.³⁰⁷

ULIMO was formed in Sierra Leone in 1991, with the support of Nigeria, Sierra Leone, and Guinea.²⁹⁸ Sierra Leone and Guinea supported Liberian refugees, primarily Krahn soldiers, in instigating a counteroffensive against the NPFL; this support was a response to the 1991 Revolutionary United Front (RUF) invasion of Sierra Leone which came from bases in NPFL-controlled Liberia.²⁹⁹ With both countries providing a base, training, weapons, support, and trade in diamonds and other resources, ULIMO emerged as a major adversary to Taylor.³⁰⁰

Later, in 1994, ULIMO divided into two factions, one of which was the Mandingo based ULIMO-K headed by Alhaji Kromah.³⁰¹ The government of Guinea was closely involved in the factional struggle for the control of ULIMO because of ULIMO's access to diamonds in Sierra Leone. During 1996-97, ULIMO-K surrendered 800,000 rounds of ammunition, more than all of the other factions put together.³⁰² Additionally, Kromah claimed to have a large contingent of Mandingo fighters in Guinea.³⁰³ ULIMO-K, like other military factions, looted the areas it controlled. After looting, ULIMO-K traded directly across the northern border with Guinean officers, who were often members of ECOMOG.³⁰⁴ In one example of looting and then trading in Guinea, a car was taken and disassembled in Liberia, reassembled in Guinea, and then sold.³⁰⁵

Consequently, the accord not only elevated the NPFL into the political sphere, but also generated new factions, such as the Liberia Peace Council (LPC), that were not bound to the peace negotiations.³⁰⁸

In 1993, the LPC was launched.³⁰⁹ An 800-person-strong, Krahn-dominated group headed by former PRC minister George Boley, the LPC was composed of members of the AFL and Krahn fighters of ULIMO.³¹⁰ By October 1993, the LPC had begun fighting the NPFL,³¹¹ wresting from it control over key areas in the southeast.³¹² In March 1994, ULIMO split into two factions.³¹³ The ULIMO-K faction was led by Alhaji Kromah, allied with Guinea, and dominated by members of the Mandingo ethnic group.³¹⁴ The ULIMO-J faction was led by Roosevelt Johnson, allied with Sierra Leone, and dominated by members of the Krahn ethnic group.³¹⁵ In turn, the Lofa Defense Force (LDF), supported by Taylor, fought ULIMO-K in Lofa County.³¹⁶ All sides, including the new factions, reportedly continued to carry out human rights violations.

There were still reports of ECOMOG soldiers committing human rights violations against civilians. One statement giver reported how family members and friends told stories about how ECOMOG troops violated people, raped girls, demanded bribes, and generally “took advantage of their power to treat people poorly.”³¹⁷ Sources have described the looting by ECOMOG forces, which was so widespread it led to the joke that ECOMOG stood for “Every Car or Moving Object Gone.”³¹⁸ Another statement giver summarized how a Ghanaian ECOMOG soldier commanded her to pick up a wrapper dropped by a child she was accompanying:

When I did not immediately pick it up, he slapped me very hard in the ear. When I spoke back to him, he pointed his gun at my face. People began running in the street. I pushed the soldier and told him to kill me, but he took his gun and left. I could still hear a high pitched noise in my ear as a result of the slap.³¹⁹

There were reports of ECOMOG carrying out summary executions. One statement giver stated that the Senegalese contingent of ECOMOG near Paynesville, a Monrovia suburb, would inspect youths for rebel marks; if they found youth bearing such marks, the soldiers arrested and killed them.³²⁰ These tactics compelled the statement giver to join the NPFL out of fear for his life.³²¹ Another statement giver witnessed the shooting of a man who took money and food. ECOMOG soldiers first shot him in the foot, felling him, then shot him again.³²² In addition, statement givers stated they witnessed ECOMOG troops humiliating, torturing, and killing rebels whom they had captured and taken into custody.

“No sentence shall be passed and no penalty shall be executed on a person found guilty of an offence except pursuant to a conviction pronounced by a court offering the essential guarantees of independence and impartiality.” *Art. 6(2), Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts.*

Statements and secondary sources revealed accounts of ULIMO violations, including summary executions, torture, arrests, looting, the use of child soldiers, and restrictions on freedom of movement.³²³ One statement giver reported that, “the ULIMO war in 1993 was the toughest.”³²⁴ She fled for two months in the bush without food, surviving on strained mashed bush yams.³²⁵ Another statement giver described how ULIMO-J fighters broke into his family’s store, stole their money, killed his father, and raped his sister.³²⁶

Furthermore, ULIMO fighters often crossed over into Guinea where Liberians had sought refuge.³²⁷ One statement giver described how ULIMO soldiers crossed over and grabbed people from the Guinean camp where she stayed in 1993.³²⁸ She began disguising herself as an old woman to avoid abduction.³²⁹ Another statement giver recounted how ULIMO-K fighters brought pictures depicting their tortured captives to a school in Nzerekore, Guinea.³³⁰



Crossing over into other countries to attack refugees, a violation of international law, was not a practice exclusive to ULIMO. Many statement givers described how other rebel groups had crossed the border and attacked them in refugee camps in Côte d’Ivoire,³³¹ Guinea,³³² Sierra Leone,³³³ or even as far away as Ghana.³³⁴ Those who sought refuge in Côte d’Ivoire were particularly vulnerable. A Krahn statement giver recounted that his home in Côte d’Ivoire was close enough to Liberia that he could see NPFL rebels taunting him from the other side of the

border. In this case, the rebels tried to coax refugees to come back to Liberia.³³⁵ One of the men acquiesced and crossed over to Liberia, whereupon NPFL rebels tied him up and then defecated and urinated on him before burning him alive and dumping his body into the river.³³⁶ The statement giver also described how NPFL rebels crossed over and attacked a group of women, who went to a nearby farm to plant food.³³⁷ He explained:

While the women were planting, Charles Taylor’s rebels crossed the river and slaughtered them. Twenty seven women were killed in all. Their bodies were dismembered. The rebels laid out the body parts in long lines and sold the body parts to other rebels...the rebels sold the hands for 25 cents, the arms for 50 cents and the heads for \$2.00.³³⁸

Several statement givers described accounts of cannibalism by ULIMO and other factions.³³⁹ One statement giver overheard ULIMO girls describing how a girl was forced to cook human intestines

and heart.³⁴⁰ She became so traumatized, “she would just sit there and laugh all day.”³⁴¹ One woman described how NPFL rebels killed a young boy, cut out his heart, and forced people to eat it.³⁴² At times, the victims were still alive when their flesh was eaten. A woman said NPFL rebels had cut her hand and drank her blood.³⁴³ Another statement giver said she had seen a rebel commander chew off someone’s thumb.³⁴⁴ One man provided an explanation for the origins and reasons behind eating human flesh:

The Liberian saying is that when you eat the heart of your enemy, their power transcends to you. These people could extract the heart in a split second, while the victim was still alive, better than surgeons, and eat it raw. It has to be the Burkinabes who trained them to do it, because this was not the Liberian way before the war. None of this ever happened before Charles Taylor’s War of 1990.³⁴⁵

The LPC was also responsible for the commission of severe abuses. Statements describe LPC atrocities, including rape,³⁴⁶ murder,³⁴⁷ forced recruitment,³⁴⁸ use of child soldiers,³⁴⁹ use of drugs,³⁵⁰ torture,³⁵¹ abductions of bush wives,³⁵² forced labor,³⁵³ and looting.³⁵⁴ As with other armed groups, the civilian population became the battleground for the LPC. One former LPC combatant recounted:

The LPC said to kill anyone they found because they were paying a debt. When I fought for LPC, the orders were to leave no one standing when we captured a village, so we killed everyone in the village.³⁵⁵

Protected persons include those not taking a direct part in or those who are no longer taking part in hostilities. Art. 4(1), *Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts*.

Statements bear out accounts of the LPC’s widespread attacks on civilians, particularly in 1994 and in the southeast. A student living in Harper in 1994 recounted how LPC rebels attacked her school. They beat the teachers, poured gasoline around the school, and threatened to burn it down “from first grade progressing to ninth grade” if the teachers refused to send the students outside. When the teachers let the students out they “ran for their lives,” but LPC rebels killed many people, including the principal.³⁵⁶

Like other warring groups, the LPC reportedly perpetrated their attacks using multiple forms of violence. One statement giver described how LPC rebels attacked him and his family in Zwedru in 1994:

One day some men from the LPC came to my house looking for my father, who worked for the government. The men, none of whom were wearing uniforms or carrying guns, raped my mother and sister, murdered my father in front of me, and hurt everyone in my family. Then they took me and my mother away from our house, and made us tote loads for them for two hours until we reached Fishtown. On the road to Fishtown, the rebels who were carrying me slashed a knife into my leg when I asked where they were taking me. To this day, I have a permanent scar on my leg, and cannot work for money because I can't stand for longer than five minutes.³⁵⁷

Fighting, albeit at a lower intensity, continued. By August 1994, the Washington Post reported, “[w]hile organized armed confrontation has been relatively light, there is no end in sight to the war...”³⁵⁸

AKOSOMBO AGREEMENT: 1994

On September 12, 1994, three warring factions, the NPFL, ULIMO-K, and AFL, signed the Akosombo Agreement. The accord granted Taylor considerable dispensations, including a seat on the five-person Council of State,³⁵⁹ much to the displeasure of the Nigerian government.³⁶⁰ Subsequently, ECOMOG attacked Gbarnga in September 1994. Civilians in Gbarnga found themselves in the midst of fighting and bombings. One statement giver summarized his experience and the long-term injuries he and his child sustained:

During the fighting in Gbarnga in 1994, a rocket exploded in our house resulting in the near shattering of my left leg and the dislocation of my hip bone. I was in a coma when I was taken to the hospital in Abidjan. I stayed at Cocody Hospital in Abidjan for a year and a half. My left leg is presently shorter than my right leg, and I used to walk with crutches occasionally because they cause my left side to pain when I use them for a whole day from place to place. My daughter was also hit the same day. Some of the rocket's particles penetrated her chest; she underwent surgery to have the particles removed. Today, she continues to live in pain, and drinks quite often in a day due to perpetual heart burn. I too live in perpetual pain.³⁶¹

The attack, although unsuccessful, nevertheless demonstrated that Nigeria would not passively accept Taylor's ascent to power.³⁶²

Various factors, including politico-historical roots, ethnic divisions, and ECOMOG's maneuvering among the armed groups, continued to splinter the factions.³⁶³ Alliances between ECOMOG and other factions proved unstable, leading to severances and attacks between factions and the peacekeeping

force.³⁶⁴

For example, ECOMOG and the Nimba Redemption Council (NRC) had discussed plans to launch a second front against the NPFL in early 1993.³⁶⁵ Upon deployment, the NRC's spokesman issued a statement announcing the formation of the NRC and calling for support for ECOMOG's deployment.³⁶⁶ To his surprise, however, ECOMOG forces were not deployed alongside the NRC combatants as planned:

It turned out that the ECOMOG soldiers were not in place. It turned out that Nigeria had borne too heavy of burden, and we found [this out] after the fact that Nigeria had borne a heavy burden for the ECOMOG effort in Liberia. And in order for them to deploy the troops, they would have to move a lot of conventional weapons, tanks, artillery from Conakry to Sinkor, which is I believe is about six or seven hundred miles and the road was largely unpaved...So, they made a decision against it, that they were not prepared to commit those resources...I got to find out from the ECOMOG commander...that they didn't attempt to deploy anymore...they are taking the option off the table. And at that point I was really furious and a lot of us were furious because this was not what we signed onto. What we signed onto was to see that the peacekeepers would be deployed with our help to minimize the resistance from the Taylor fighters.³⁶⁷



As a result, Taylor had forewarning of the attack, which enabled him to engage in combat and kill eight of the NRC fighters while they waited for the arrival of their ECOMOG allies.³⁶⁸

In 1994, division within the NPFL arose, leading Tom Woewiyu, Sam Dokie, and Lavelli Supuwood to form the NPFL-Central Revolutionary Council.³⁶⁹ By 1995, there were seven different fighting factions, including the NPFL, NPFL-CRC, LDF, ULIMO-K, ULIMO-J, AFL, and LPC.

The exclusion of the newer, non-signatory factions from the Akosombo negotiations remained contentious.³⁷⁰ Thus, the factions convened to sign two more agreements on December 21, 1994.³⁷¹ The Accra Agreement enabled, inter alia, accession to the Akosombo Agreement, a ceasefire to begin midnight of December 28, 1994, and the establishment of a new Council of State composed of five

representatives selected by the various fighting factions.³⁷²

During this time, hostilities remained widespread throughout 80 percent of the country, but at a lower level of intensity.³⁷³ A U.N. report noted the segmenting of fighting into different territories according to the warring factions. For example, the NPFL and LPC coalition forces primarily battled in the eastern, northern, and to some extent, southern, parts;³⁷⁴ ULIMO-J and ULIMO-K fought in the western areas;³⁷⁵ ULIMO-K and the NPFL fought in Lofa County;³⁷⁶ and ULIMO-J and the NPFL fought in Bong and Margibi Counties.³⁷⁷ Most fighting consisted of skirmishes, looting, and attacks on infrastructure.³⁷⁸

Statements detail atrocities by factions in spite of the relatively lower levels of fighting. A statement giver living in Maryland County described how in 1994 she returned home from the market to find her parents, brothers, and sisters gone.³⁷⁹ Rebels later captured and raped her.³⁸⁰ Another man living in Grand Gedeh County described how LPC rebels tried to forcibly recruit him in August 1994; when he refused, the rebels tortured him, stripped him naked, and jailed him for a day.³⁸¹ Another statement giver living in Maryland County recounted how she and three other women ran into an ambush of Doe loyalists.³⁸² One of the rebels raped her; when he finished he called over one of his friends to rape her as well.³⁸³

Statements also contained reports of attacks against medical personnel and patients during the war.³⁸⁴ Two incidents in 1994 recounted by statement givers are demonstrative of these humanitarian law violations. A nurse recounted how Taylor's rebels attacked the Bong County hospital and forced the nurses to render services to them.³⁸⁵ When ULIMO-J forces attacked in 1994, Taylor's rebels reportedly returned to the hospital and "started killing nurses indiscriminately."³⁸⁶ One woman living in Gbarnga described how Taylor's forces attempted to take over the hospital in 1994:

"Medical and religious personnel shall be respected and protected and shall be granted all available help for the performance of their duties...In the performance of their duties medical personnel may not be required to give priority to any person except on medical grounds." *Art. 9, Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II) (1977).*

Not long after they arrived at the hospital, Taylor's troops attempted to take over the building, but the hospital personnel were able to hold them off. A few hours later, Taylor's troops came back with reinforcement, and made everyone in the hospital come outside with their hands over their heads in a line. They treated invalids, the elderly, and hospital staff with equally brutal force. Everyone sat on the ground for hours, while Taylor's men shot

randomly at patients. I saw the body of my former doctor and my former reverend lying on the ground.³⁸⁷

ABUJA I: AUGUST 1995 AND THE APRIL 6, 1996 WAR

On August 19, 1995, warring parties reached the thirteenth peace agreement, Abuja I.³⁸⁸ The agreement provided for a new Council of State, disarmament, and elections.³⁸⁹ On September 1, 1995, a collective transitional government known as the Liberian National Transitional Government II (LNTG II), headed by Taylor, Alhaji Kromah, George Boley, and three civilian representatives, came into power.³⁹⁰ By bringing factional opponents into the political realm, the Abuja agreement ushered in political strategy as another means to gain control of the country.³⁹¹ Notably, ULIMO-J was excluded from direct participation in the Abuja peace negotiations.³⁹² Although the agreement included a provision granting ULIMO-J's Roosevelt Johnson a head position at the Ministry of Rural Development,³⁹³ the exclusion of his faction from negotiations and the implicit failure to recognize ULIMO-J as a major force within the conflict likely served to alienate Johnson and ULIMO-J from the final terms of the Abuja accord. The outcome proved detrimental to both Roosevelt Johnson and Kromah, as ULIMO-J's alienation and the new political framework stratagem converged against both leaders' limited political backgrounds and mass appeal.³⁹⁴ As a result, it essentially preserved the potential for future conflict.

Under the terms of Abuja I, a ceasefire commenced on August 26, 1995.³⁹⁵ Once again, the brokered peace remained tenuous. In December 1995, ULIMO-J forces violated the ceasefire agreement, attacking ECOMOG forces in Gbarma and Tubmanburg³⁹⁶ and repeatedly using civilians as human shields.³⁹⁷ During the fighting, ULIMO-J forces killed 16 Nigerian ECOMOG peacekeepers, wounded 78 others, and seized the peacekeepers' arms.³⁹⁸

At this time, Taylor was setting the stage for a third battle in Monrovia by contriving a rift between ULIMO-J and ECOMOG.³⁹⁹ Using a murder reportedly committed by Roosevelt Johnson's forces, Taylor urged the government to respond.⁴⁰⁰ The Council of State attempted to arrest Roosevelt Johnson, compelling him to seek refuge in AFL military barracks.⁴⁰¹ Roosevelt Johnson insisted that the police represented henchmen of Charles Taylor's NPFL and would not afford him just treatment.⁴⁰² The confrontation launched the third battle for Monrovia on April 6, 1996.⁴⁰³ ULIMO-J, LPC, and AFL forces fought against NPFL and ULIMO-K.⁴⁰⁴ Within the first few days, an estimated 2,000 people were killed,⁴⁰⁵ with total fatalities rising to 3,000 people.⁴⁰⁶ One statement giver recalled that the death toll was so high that human bones began to pile up in the streets.⁴⁰⁷ Another statement giver witnessed combatants throwing bodies into the river.⁴⁰⁸

Statements attribute responsibility to all sides for human rights violations during the third battle for Monrovia. Liberians described seeing both rebel and military forces burning homes, attacking

families,⁴⁰⁹ killing,⁴¹⁰ and seeking revenge.⁴¹¹ Tactics used previously throughout the war, such as forced cannibalism and tabay, were again employed to terrorize the population. One statement giver described how NPFL rebels sought to inflict this punishment on him and his family on April 6:

They cut my grandfather's throat and cut his heart. We were all forced to drink his blood. They cut off my grandfather's head and were going to make us eat it. I cried, "No, no."⁴¹²

Another statement giver, who was aligned with Doe loyalists, described how NPFL rebels arrested him, told him that he would not live to tell the story, and tabayed him.⁴¹³ Numerous statement givers witnessed or were subjected to tabay.⁴¹⁴ One statement giver described this treatment as being so painful and harmful that a tabay victim "would only have about an hour to live."⁴¹⁵

"Violence to the life, health and physical or mental well-being of persons,* in particular murder as well as cruel treatment such as torture, mutilation or any form of corporal punishment" and threats thereof are prohibited at all times and places. *Art. 4(2)(a), Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II) (1977).*

*"Persons" indicates those who are not taking a direct part in or those who are no longer taking part in hostilities. *Id.* at Art. 4(1)

As discussed above, the third battle for Monrovia featured atrocities and targeting similar to those in the preceding hostilities.⁴¹⁶ This time, however, statement accounts revealed the role of the new factions in perpetrating these and other abuses. One statement giver described the role of the LPC in assaulting, abducting, and sexually abusing him because he refused to give them water. He summarized his experience:

In April 1996, during the third battle for Monrovia, I was near the Governor's mansion selling cold water...Fighting broke out. Several men in a truck passed and demanded that I give them water. When I refused, they slapped me, hit me, and beat me. When I still refused, they grabbed me and put me in a pickup truck. I still have a scar on my nose from where I was hit with a rifle butt by the men in the truck. The men, who were with the LPC, took me to a dark house where I was required to entertain them. They would beat me and use me as their "playboy." I spent several months in the house with the LPC and they threatened to make me fight for them.⁴¹⁷

In the chaos, the fighters used extortions to obtain goods for themselves. One statement giver described how ULIMO-J rebels demanded money from her father. When he could not provide it,

they punished her father. She recounted:

In that night, they captured my father and killed him. My father was a businessman. The ULIMO-J rebels came late in the night and called out, “Come out. Where’s the money?” My father responded, “I don’t have money. Just [enough] to sustain myself.” They beat him with rocks and guns. They tore him apart. Then they came for me and said I should take care of my father.⁴¹⁸

The chaos and violence drove Liberians to seek refuge.⁴¹⁹ One statement giver described the massive flight that ensued:

Militants burned my house in Monrovia, and at gunpoint, my family left. The whole neighborhood fled. Once they see one family run, the next family followed.⁴²⁰

Several Krahn hid in the abandoned military barracks in Monrovia.⁴²¹ When the rebels were unable to take the barracks,⁴²² Taylor ordered his forces to fire rockets at the barracks, which killed many people.⁴²³

Many statement givers reported seeking haven at the U.S. Embassy’s Greystone Compound.⁴²⁴ Some Liberians were able to stay in a dormitory in the compound, but others were relegated to an outside area with limited shelter and no sanitation facilities.⁴²⁵ Both areas presented difficulties because of health problems and hazardous conditions. One statement giver who lived in the outside area stated her baby became ill due to heavy rains, while she contracted a high fever and lost significant weight because of sickness.⁴²⁶ People developed diarrhea because the toilet was located near their water source, which was heavily contaminated.⁴²⁷ Another statement giver described how they had to pour the drinking water out slowly to avoid consuming maggots.⁴²⁸ Food was also scarce at the compound, forcing people to venture out of the compound to buy food at the rebel lines.⁴²⁹ While the compound provided relative safety from the rebels, it was not completely secure from gunfire.⁴³⁰ One statement giver reported that NPFL rebels would shoot haphazardly over the fence to try to kill people.⁴³¹

“[M]easures shall be taken, if necessary, and whenever possible with the consent of their parents or persons who by law or custom are primarily responsible for their care, to remove children temporarily from the area in which hostilities are taking place to a safer area within the country and ensure that they are accompanied by persons responsible for their safety and well-being.” *Art. 4(3)(e), Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II) (1977).*

Statements revealed that ECO-MOG played a significant role in helping people escape the war in Liberia as well as in dispersing fighting forces and therefore stopping further human rights abuses. For example, many statement givers described how ECOMOG evacuated them by ship or truck to other countries. Most statement givers did not indicate they provided any payment for such transfer, although at least one statement giver reported she had paid \$50 “to be stowed away on an ECOMOG boat to Ghana.”⁴³² ECOMOG facilitated Liberians’ passage to cities and neighboring countries, such as Ghana, Sierra Leone, Côte d’Ivoire, and Guinea. One statement giver summarized:

There was no way out. There were no more flights. No way to go out by car. ECOWAS soldiers provided the only safety we had.⁴³³

Yet another ceasefire agreement commenced on April 19, 1996.⁴³⁴ When Taylor and Kromah returned to their government positions, however, Roosevelt Johnson’s forces resumed fighting a mere ten days later.⁴³⁵ By mid-May 1996, the United Nations reported that the fighting appeared to be at a stalemate.⁴³⁶ While the factions controlled different parts of Monrovia, no single group appeared able to assume full control.⁴³⁷

ABUJA II: AUGUST 1996

On August 17, 1996, another ECOWAS-brokered peace agreement was signed in Abuja, Nigeria with a revised timetable that called for elections to be held in 1997.⁴³⁸ The agreement extended the timetable for disarmament and elections beyond the original timetable of Abuja I and added the threat of sanctions, including a bar against running for elected office and prosecution for war crimes, against anyone violating the agreement.⁴³⁹ Under the terms of Abuja II, ECOMOG began disarming the fighting factions in November 1996 with assistance from the United Nations.⁴⁴⁰ A new ceasefire was declared on August 20, 1996, and elections were set for May 30, 1997,⁴⁴¹ although ECOMOG later postponed the elections until July 19, 1997, to allow time for preparation.⁴⁴² On September 3, 1996, Ruth Perry, a former Liberian senator, assumed her position as Chairman of the reformed Council of State.⁴⁴³

All citizens have the right to “vote and to be elected at genuine periodic elections which shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electors.” *Art. 25(b), International Covenant on Civil and Political Rights (1966).*

Although the promise of elections brought some hope for change, the NPFL still engaged in intimidation of voters leading up to the elections.⁴⁴⁴ A statement giver summarized how rebels punished her entire family for a speech her mother gave in 1996, when her mother asserted that anyone involved in the war should not be voted for as President:

Because of that speech, our neighbors brought his [rebel] friends to our house. When they got there, they asked all of us to come outside to them. When we came out of the house, they asked for our mother O. and we said they were gone on the farm. Then my sister, S.B., along with my grandmother, K., and my uncle, they all died on the spot. My sister S. and I were raped, beaten by them and they tied us on the tree. They went away, but before going, they told us that they will be back, and then they left us.⁴⁴⁵

The first Liberian civil war was both violent and tragic. Some commentators regard it as one of Africa's bloodiest civil wars.⁴⁴⁶ In addition to killing hundreds of thousands of people and displacing more than one million, the war rendered countless civilians victims of other egregious human rights abuses. Numerous actors, ranging from combatants who committed violations, leaders who condoned, facilitated or ordered the atrocities, and onlookers who failed to intervene, bear responsibility for this suffering. One statement giver's opinion about Charles Taylor is illustrative of the destruction and pain these actors perpetrated on Liberia. To this statement giver:

[Taylor] was a man of greed to whom nothing mattered other than his flamboyant lifestyle. His destruction of Liberia's youth...has put a curse on Liberia, and I wish I could scratch out that part of the country's history.⁴⁴⁷

Notes

- 1 STEPHEN ELLIS, *THE MASK OF ANARCHY: THE DESTRUCTION OF LIBERIA AND THE RELIGIOUS DIMENSION OF AN AFRICAN CIVIL WAR 78-79* (1999).
- 2 THE LAWYERS COMMITTEE FOR HUMAN RIGHTS, *LIBERIA: A PROMISE BETRAYED 24-25* (1986).
- 3 TRC Diaspora Statement Rec. 1740.
- 4 TRC Diaspora Statement Rec. 1663.
- 5 TRC Diaspora Statement Rec. 117.
- 6 TRC Diaspora Statement Rec. 1462.
- 7 U.S. DEP'T OF STATE, *COUNTRY REPORTS ON HUMAN RIGHTS PRACTICES FOR 1990: LIBERIA 192* (1991) [hereinafter DEP'T OF STATE COUNTRY REPORTS 1990].
- 8 Della Matthews & Susan MacDonald, *March by Rebel Forces Cuts Liberia in Two*, *TIMES* (London), May 1, 1990.
- 9 *Id.*
- 10 JEREMY I. LEVITT, *THE EVOLUTION OF DEADLY CONFLICT IN LIBERIA: FROM 'PATERNALTARIANISM' TO STATE COLLAPSE 206* (2005).
- 11 ELLIS, *supra* note 1, at 92.
- 12 *Id.* at 312-13.
- 13 DEP'T OF STATE COUNTRY REPORTS 1990, *supra* note 7, at 193.
- 14 *Id.*
- 15 *See, e.g.*, TRC Diaspora Statement Recs. 120 and 151.
- 16 TRC Diaspora Statement Rec. 1718.
- 17 *See, e.g.*, TRC Diaspora Statement Rec. 36.
- 18 TRC Diaspora Statement Rec. 1523.
- 19 TRC Diaspora Statement Rec. 181.
- 20 Food shortages were at their worst levels in the first year of the war, with some improvement over subsequent years. Robert M. Press, *In Rebel-Controlled Areas, Human Rights Abuses Persist*, *CHRISTIAN SCI. MONITOR*, Mar. 4, 1992, at 11. This was due largely to the fact that there were fewer mouths to feed in later years. However, disease became increasingly worse with each year. *Id.*
- 21 *Half of Liberia Displaced, U.S. Report Says*, *N.Y. TIMES*, Feb. 11, 1991, at A5.
- 22 TRC Diaspora Statement Rec. 1338.
- 23 *Id.*
- 24 TRC Diaspora Statement Rec. 22.
- 25 *E.g.*, TRC Diaspora Statement Rec. 1350.
- 26 *E.g.*, TRC Diaspora Statement Rec. 1564 (stating that NPFL monopolized the food supply in her village and civilians would be killed if they were found with rice).
- 27 *E.g.*, TRC Diaspora Statement Recs. 188 and 1338.
- 28 DEP'T OF STATE COUNTRY REPORTS 1990, *supra* note 7, at 193.
- 29 *See, e.g.*, TRC Diaspora Statement Rec. 22.
- 30 TRC Diaspora Statement Rec. 26.
- 31 TRC Diaspora Statement Rec. 1462.
- 32 TRC Diaspora Statement Rec. 888.
- 33 TRC Diaspora Statement Rec. 919.
- 34 TRC Diaspora Statement Rec. 1415.
- 35 TRC Diaspora Statement Rec. 1015.
- 36 TRC Diaspora Statement Recs. 1347 and 63.
- 37 TRC Diaspora Statement Rec. 1347. It is unclear in this statement whether the 10,000 amount was in U.S. or Liberian currency.
- 38 TRC Diaspora Statement Rec. 63.
- 39 *Id.*
- 40 It was also difficult to move goods within the countryside. For example, a person carrying letters through a checkpoint would be required to surrender them to soldiers. Human Rights Watch, *The Cycle of Abuse: Human Rights Violations since the November Cease-Fire*, Oct. 21, 1991 [hereinafter *The Cycle of Abuse*], <http://www.hrw.org/legacy/reports/1991/liberia/>.
- 41 *Id.*
- 42 Edward Cody, *Revenge Drives Liberian Rebels; Young Insurgents Rule by Gun in Chaotic Countryside*, *WASH. POST*, July 14, 1990, at A1.
- 43 TRC Diaspora Statement Rec. 1352.
- 44 *Id.*
- 45 See Chapter 13 for more information on checkpoints during the civil wars.
- 46 TRC Diaspora Statement Rec. 1417.
- 47 TRC Diaspora Statement Rec. 45.
- 48 *Id.*
- 49 *See, e.g.*, TRC Diaspora Statement Recs. 36, 574, 1564.
- 50 DEP'T OF STATE COUNTRY REPORTS 1990, *supra* note 7, at 192.

- 51 *Id.*; see also Human Rights Watch, *Flight from Terror: Testimony of Abuses in Nimba County*, May 1, 1990 [hereinafter *Flight from Terror*], <http://www.hrw.org/en/reports/1990/05/01/liberia-flight-terror>.
- 52 DEP'T OF STATE COUNTRY REPORTS 1990, *supra* note 7, at 192.
- 53 See Chapter 4 for more information about tribalism during the Liberian conflict.
- 54 TRC Diaspora Statement Rec. 164.
- 55 TRC Diaspora Statement Rec. 116 (stating that Charles Taylor's rebels were looking for people who had worked for the Tolbert government). See also TRC Diaspora Statement Recs. 763, 165, 252, 292, 310, 377, 389, 394, 451, 452, 454, 468, 472, 478, 482, 563, 587, 672.
- 56 TRC Diaspora Statement Recs. 717, 732, 527, 551, 292, 451, 465, 468, 593.
- 57 TRC Diaspora Statement Rec. 1551.
- 58 TRC Diaspora Statement Rec. 1352.
- 59 TRC Diaspora Statement Rec. 1437.
- 60 TRC Diaspora Statement Rec. 1652.
- 61 *Id.*
- 62 TRC Diaspora Statement Recs. 292, 300, 303, 404, 655, 305 (discussing the targeting of Kru people), 706 (discussing the targeting of Sarpo people, in one case because rebels misidentified Sarpo as Krahn based on their shared dialect), 553 (discussing targeting of Lorma people), 576 (discussing LURD's killing of the Bassa people).
- 63 TRC Diaspora Statement Rec. 553.
- 64 TRC Diaspora Statement Rec. 106 and 1569 (describing herself as being of the Sarpo-Krahn tribe).
- 65 TRC Diaspora Statement Rec. 1459.
- 66 TRC Diaspora Statement Recs. 1440, 1512 and 1551.
- 67 TRC Diaspora Statement Rec. 1354.
- 68 *Id.*
- 69 See TRC Diaspora Statement Recs. 1287 and 1549.
- 70 TRC Diaspora Statement Rec. 833.
- 71 *Id.*
- 72 TRC Diaspora Statement Rec. 1021.
- 73 *Id.*
- 74 See Chapter 13 for more information on use of checkpoints during the Liberian civil wars.
- 75 TRC Diaspora Statement Recs. 122 (describing how AFL soldiers pulled statement giver's brother, a Gio, out of the line at Krahn checkpoint, tied him up, beat him, and cut off his ear) and 1551 (describing how rebels killed civilians at checkpoints based on the assumption that because they had marks on their legs resembling impressions from boots they were soldiers); see also 1512 (describing how rebels allowed statement giver and his friends to pass through because they did not have boot marks).
- 76 TRC Diaspora Statement Recs. 1255, 457, 641.
- 77 TRC Diaspora Statement Recs. 1658 and 438.
- 78 TRC Diaspora Statement Rec. 164.
- 79 See Chapter 6 for more information about tactics during the civil wars.
- 80 TRC Diaspora Statement Rec. 237.
- 81 TRC Diaspora Statement Rec. 1467.
- 82 *Id.*
- 83 *Id.*
- 84 See, e.g., TRC Diaspora Statement Rec. 240 (describing how NPFL rebels shot her uncle, who worked for Doe, in Robertsport in 1990).
- 85 TRC Diaspora Statement Rec. 166.
- 86 TRC Diaspora Statement Rec. 61.
- 87 See, e.g., TRC Diaspora Statement Recs. 42, 152, 155, 406, 540, 541, 549, 550, 709, 808, 812, 835, 836, 861, 881, 862, 913, 914, 1048, 1218, 1350, 1352, 1354, 1477, 1512, 1551, 1552, 1556.
- 88 TRC Diaspora Statement Rec. 42; see also Statement 1350 (describing how it was common for fighters to tabay a victim, then cut out the victim's heart).
- 89 See, e.g., TRC Diaspora Statement Recs. 1502 (forcing a Mandingo man to sing and dance like a puppet before they killed him) and 1287 (forcing a victim to sing).
- 90 TRC Diaspora Statement Rec. 1274.
- 91 Human Rights Watch, *Liberia: A Human Rights Disaster: Violations of the Laws of War by All Parties to the Conflict* 8-9, Oct. 26, 1990 [hereinafter *Liberia: A Human Rights Disaster*], <http://www.hrw.org/sites/default/files/reports/liberia1990.pdf>.
- 92 *Flight from Terror*, *supra* note 51.
- 93 TRC Diaspora Statement Rec. 823.
- 94 *Id.*
- 95 *Id.*

- 96 TRC Diaspora Statement Rec. 1354.
- 97 *Id.*
- 98 *Id.*
- 99 TRC Diaspora Statement Rec. 107.
- 100 TRC Diaspora Statement Rec. 1520.
- 101 TRC Diaspora Statement Rec. 205.
- 102 *Id.*
- 103 *Id.*
- 104 TRC Diaspora Statement Rec. 115.
- 105 *Id.*
- 106 DEP'T OF STATE COUNTRY REPORTS 1990, *supra* note 7, at 194.
- 107 TRC Diaspora Statement Rec. 230.
- 108 DEP'T OF STATE COUNTRY REPORTS 1990, *supra* note 7, at 193.
- 109 TRC Diaspora Statement Rec. 123.
- 110 ELLIS, *supra* note 1, at 84. Ellis notes that as early as February 1990, there were indications of division between the NPFL and INPFL. *Id.* at 82. Human Rights Watch estimates that the INPFL split from the NPFL as early as February 1990. *Liberia: A Human Rights Disaster*, *supra* note 91, at 3.
- 111 *Liberia: A Human Rights Disaster*, *supra* note 91, at 3.
- 112 *Id.*
- 113 TRC Diaspora Statement Rec. 1440.
- 114 TRC Diaspora Statement Rec. 247.
- 115 *Id.*
- 116 TRC Diaspora Statement Rec. 325.
- 117 *See, e.g.*, TRC Diaspora Statement Recs. 1587 (describing how statement giver's resistance to rape by INPFL rebels resulted in them stabbing her in the chest and killing her son) and 547 (describing how rebels shot and killed statement giver's sister after she refused to become a bush wife for them).
- 118 TRC Diaspora Statement Recs. 389 (describing how Prince Johnson shot and killed his entire family in front of statement giver), 44 (describing how Prince Johnson killed other people, including a woman accused of spying for Taylor and a founder of a local school), 790 (describing how Prince Johnson shot statement giver's uncle and three friends for not giving his men canoes).
- 119 TRC Diaspora Statement Rec. 88.
- 120 TRC Diaspora Statement Rec. 247.
- 121 TRC Diaspora Statement Rec. 1180.
- 122 *See, e.g.* TRC Diaspora Statement Rec. 919.
- 123 TRC Diaspora Statement Rec. 403.
- 124 *Id.*
- 125 TRC Diaspora Statement Rec. 1586.
- 126 TRC Diaspora Statement Rec. 1579.
- 127 *See* DEP'T OF STATE COUNTRY REPORTS 1990, *supra* note 7, at 192.
- 128 *Liberia: A Human Rights Disaster*, *supra* note 91, at 3.
- 129 ELLIS, *supra* note 1, at 124. Ellis notes that people came to Monrovia from throughout the country and adjacent countries during these clashes for what they saw as the chance to plunder valuables for themselves. *Id.*
- 130 TRC Diaspora Statement Rec. 1651.
- 131 TRC Diaspora Statement Rec. 1564.
- 132 *Id.*
- 133 TRC Diaspora Statement Rec. 913. *But see* TRC Diaspora Statement Rec. 1415 (describing how a radio station reported that rebels were nearby, causing people to stockpile food and basic supplies).
- 134 TRC Diaspora Statement Rec. 15.
- 135 TRC Diaspora Statement Rec. 1415.
- 136 TRC Diaspora Statement Rec. 210.
- 137 TRC Diaspora Statement Rec. 1576.
- 138 TRC Diaspora Statement Rec. 742. The statement giver was unable to identify to which rebel group they belonged, but noted the perpetrators wore red with scorpions on their shirts. *Id.*
- 139 *Id.*
- 140 *Id.*
- 141 TRC Diaspora Statement Rec. 106.
- 142 TRC Diaspora Statement Rec. 34.
- 143 TRC Diaspora Statement Rec. 913.
- 144 Other inappropriate treatment of the bodies included cannibalism.
- 145 TRC Diaspora Statement Rec. 1354.
- 146 *See* TRC Diaspora Statement Recs. 230, 469, 1203. The New York Times reported witness estimates at 600 and U.S. State Department reported estimates at 200-300. *Liberia Troops Accused Of Massacre in Church*, N.Y. TIMES, July 31, 1990. A later report from the State Department estimated the number of deaths to be 600. DEP'T OF STATE COUNTRY REPORTS 1990,

- supra* note 7, at 192.
- 147 TRC Diaspora Statement Rec. 114.
- 148 TRC Diaspora Statement Rec. 26.
- 149 Dr. Patricia Jabbeh Wesley, Testimony at the Diaspora Public Hearings of the Truth & Reconciliation Comm'n of Liberia 20 (June 13, 2008, St. Paul, Minn., U.S.A.) (transcript on file with author).
- 150 *Id.*
- 151 *Id.*
- 152 TRC Diaspora Statement Rec. 26.
- 153 *Id.*
- 154 TRC Diaspora Statement Rec. 1551.
- 155 TRC Diaspora Statement Recs. 469 and 1203.
- 156 TRC Diaspora Statement Rec. 1203.
- 157 TRC Diaspora Statement Rec. 1484.
- 158 Dr. Patricia Jabbeh Wesley, Testimony at the Diaspora Public Hearings of the Truth & Reconciliation Comm'n of Liberia 20 (June 13, 2008, St. Paul, Minn., U.S.A.) (transcript on file with author).
- 159 *Id.*
- 160 *Id.*
- 161 Interview with Patrick Kugmeh, former Presidential Press Secretary to Samuel K. Doe, in Minneapolis, Minn., at 36-37 (August 11, 2008) (transcript on file with author).
- 162 TRC Diaspora Statement Rec. 1554.
- 163 TRC Diaspora Statement Rec. 913.
- 164 *Id.*
- 165 TRC Diaspora Statement Rec. 34.
- 166 TRC Diaspora Statement Rec. 343.
- 167 See Chapter 13 for more information about family separation.
- 168 TRC Diaspora Statement Rec. 913.
- 169 *Id.*
- 170 TRC Diaspora Statement Rec. 820.
- 171 *Id.*
- 172 See Chapter 13 for more information about abuses during flight.
- 173 TRC Diaspora Statement Rec. 1554.
- 174 *Id.*
- 175 See Mitikishe Maxwell Khobe, Inst. for Security Studies, *The Evolution and Conduct of ECOMOG Operations in West Africa*, Feb. 2000, <http://www.iss.co.za/Pubs/Monographs/No44/ECOMOG.html>; *see also* DEP'T OF STATE COUNTRY REPORTS 1990, *supra* note 7, at 192.
- 176 W. Ofuately-Kodjoe, *Regional Organizations and the Resolution of Internal Conflict: The ECOWAS Intervention in Liberia*, 1 INT'L PEACEKEEPING 261, 262 (1994). The Protocol on Mutual Defense Assistance, signed in Freetown, Sierra Leone in May 1981, provided for mutual military aid to a member in the case of external aggression, as well as in the case of internal armed conflict that was supported by external forces if it was likely to be a threat to the peace and security of other member states. Chapter V, Articles 13 and 14. The Protocol was not implemented, however, and the Allied Armed Forces of the Community envisioned remained un-established.
- 177 Comfort Ero, *ECOWAS and the Subregional Peacekeeping in Liberia*, J. HUMANITARIAN ASSISTANCE (September 1995), www.jha.ac/articles/a005.htm; Khobe, *supra* note 175. The five members of the SMC (The Gambia, Ghana, Mali, Nigeria, and Togo, with Guinea and Sierra Leone as observers) met in Banjul, Gambia in July 1990 with representatives of Doe and Taylor and proposed an ECOWAS Peace Plan, which called for (among other things) an immediate ceasefire and the establishment of a peacekeeping force. *See* Ofuately-Kodjoe, *supra* note 176, at 261-302; Khobe, *supra* note 175; Ero, *supra* note 177.
- 178 *See* S. Byron Tarr, *The Ecomog Initiative in Liberia: A Liberian Perspective*, 21 ISSUE: A JOURNAL OF OPINION 76, 74-83 (1993); ELLIS, *supra* note 1, at 86; Ero, *supra* note 177.
- 179 Khobe, *supra* note 175; Ademola Adeleke, *The Politics and Diplomacy of Peacekeeping in West Africa: The Ecomog Operation in Liberia*, 33 J. OF MOD. AFR. STUDIES 569-93 (Dec. 1995).
- 180 Ofuately-Kodjoe, *supra* note 176, at 272.
- 181 Adeleke, *supra* note 179, at 569-93.
- 182 Max A. Sesay, *Civil War and Collective Intervention in Liberia*, 23 REV. AFR. POL. ECON. 35-52 (1996).
- 183 *Id.*
- 184 *Id.*
- 185 Ofuately-Kodjoe, *supra* note 176, at 272.
- 186 *Id.*; Adeleke, *supra* note 179, at 576.
- 187 *See, e.g.*, Ofuately-Kodjoe, *supra* note 176, at 272.; Adeleke, *supra* note 179, at 577-78; Christopher Tuck,

- Every Car Or Moving Object Gone: The ECOMOG Intervention in Liberia*, 4 AFR. STUDIES QUARTERLY (2000), <http://www.africa.ufl.edu/asq/v4/v4i1a1.htm>.
- 188 *Nigeria: A history of coups*, BBC NEWS, Feb. 15, 1999, <http://news.bbc.co.uk/1/hi/world/analysis/83449.stm>; Tuck, *supra* note 187.
- 189 *See, e.g.*, Tuck, *supra* note 187.
- 190 ECOWAS Standing Mediation Committee, Decision A/DEC.1/8/90 on the Ceasefire and Establishment of an ECOWAS Ceasefire Monitoring Group for Liberia, Banjul, Republic of Gambia, Art. 2(3), (Aug. 7, 1990), *reprinted in* REGIONAL PEACE-KEEPING AND INTERNATIONAL ENFORCEMENT: THE LIBERIAN CRISIS 67, at 68 (Marc Weller ed., 1994). *See* Terhi Lehtinen, *Liberia in AGENTS, MOTIVES & INSTRUMENTS: AN ATLAS OF AFRICA CONFLICTS* 153 (Timo Kirimaki & Lisa Laakso eds., 2002).
- 191 *See id.*
- 192 *See* Human Rights Watch, *Waging War to Keep the Peace: The ECOMOG Intervention and Human Rights*, June 1, 1993 [hereinafter *Waging War to Keep the Peace*], <http://www.hrw.org/legacy/reports/1993/liberia/>.
- 193 Ero, *supra* note 177.
- 194 J. Mackinlay & A. Alao, *Liberia 1994: ECOMOG and UNOMIL, Response to a Complex Emergency*, <http://www.unu.edu/unupress/ops2.html> (last visited Feb. 28, 2009).
- 195 ECOWAS helped broker seven major peace agreements prior to the Cotonou Accord of 1993. The agreements included the Bamako Ceasefire of November 1990, the Banjul Joint Statement of December 1990, the February 1991 Lome Agreement, and the Yamoussoukro I, II, III and IV Accords of June-October 1991. Charles Abiodun Alao, *Commentary on the Accords, Conciliation Resources*, <http://www.c-r.org/our-work/accord/liberia/commentary.php> (last visited Sept. 17, 2008).
- 196 Tuck, *supra* note 187.
- 197 Michelle Pitts, *Sub-Regional Solutions for African Conflict: The ECOMOG Experiment*, 19 J. CONFLICT STUDIES 49-68 (1999).
- 198 Human Rights Watch, *World Report 1998 – Liberia Human Rights Developments* 47, Jan. 1, 1998, <http://www.unhcr.org/refworld/publisher,HRW,,LBR,3ae6a8c04,0.html>.
- 199 *See* DEP'T OF STATE COUNTRY REPORTS 1990, *supra* note 7, at 192.
- 200 LEVITT, *supra* note 10, at 208; Adeleke, *supra* note 179, at 579.
- 201 Khobe, *supra* note 175.
- 202 *Id.* Mackinlay & Alao, *supra* note 194; Adeleke, *supra* note 179, at 578-79.
- 203 Mackinlay & Alao, *supra* note 194.
- 204 *Id.* The 1993 Cotonou Agreement appeared to address these concerns by requiring that ECOMOG include non-West African troops and joint implementation with UNOMIL. Cotonou Accord, Interim Government of National Unity of Liberia (IGNU)-National Patriotic Front of Liberia (NPFL)-United Liberation Movement of Liberia for Democracy (ULIMO), art. 3, July 25, 1993, <http://www.c-r.org/our-work/accord/liberia/cotonou-accord%20.php>.
- 205 Other statements, however, highlighted human rights abuses perpetrated by ECOMOG soldiers. *See supra* text associated with nn. 175 - 238.
- 206 TRC Diaspora Statement Rec. 1017.
- 207 TRC Diaspora Statement Recs. 566 and 965.
- 208 TRC Diaspora Statement Recs. 812 and 767.
- 209 TRC Diaspora Statement Recs. 811 and 974.
- 210 TRC Diaspora Statement Rec. 685 and 670.
- 211 TRC Diaspora Statement Rec. 578.
- 212 TRC Diaspora Statement Rec. 617.
- 213 TRC Diaspora Statement Rec. 561.
- 214 Ero, *supra* note 177; *Waging War to Keep the Peace, supra* note 91. *See supra* text associated with nn. 175 - 238.
- 215 REGIONAL PEACE-KEEPING AND INTERNATIONAL ENFORCEMENT: THE LIBERIAN CRISIS 86 (M. Weller, ed., 1994) (citing BBC Monitoring Report, *Liberia Banjul Talks Begin: ECOMOG Again Delayed; Taylor Warns He Will Fight*, Aug. 21, 1990, Aug. 23, 1990).
- 216 Michael A. Innes, *Denial-of-Resource Operations and NPFL Radio Dominance in the Liberian Civil War*, 7 CIVIL WARS 288, 297 (2005).
- 217 *Liberia's Cowboys*, ECONOMIST, Oct. 13, 1990, at 47.
- 218 *See* Ero, *supra* note 177.
- 219 *Id.*
- 220 Mackinlay & Alao, *supra* note 194.
- 221 *See Waging War to Keep the Peace, supra* note 91; Ero, *supra* note 177.

- 222 See *Waging War to Keep the Peace*, *supra* note 91.
- 223 TRC Diaspora Statement Rec. 1440 (“In retaliation for the ECOMOG soldiers’ aggression, Taylor lined up and shot some of the nationals he had been holding in captivity.”)
- 224 *The Cycle of Abuse*, *supra* note 40.
- 225 *Liberian Rebel Boss Threatens Civilians*, COURIER MAIL, Aug. 23, 1990.
- 226 *Liberian Rebels “Kill 200 Foreigners,”* TIMES (London), Sept. 1, 1990.
- 227 For example, Taylor succeeded in taking 3,000 Nigerian nationals hostage at the Nigerian embassy. Herbert Howe, *Lessons of Liberia: ECOMOG and Regional Peacekeeping*, in NATIONALISM AND ETHNIC CONFLICT 267, 272 n.10 (Michael E. Brown, et al. eds., rev. ed. 2001).
- 228 *Liberian Rebel Boss Threatens Civilians*, *supra* note 225.
- 229 TRC Diaspora Statement Rec. 236.
- 230 TRC Diaspora Statement Rec. 115.
- 231 *Id.*
- 232 *Id.*
- 233 *Id.*
- 234 TRC Diaspora Statement Rec. 28.
- 235 *Liberian Rebel Boss Threatens Civilians*, *supra* note 225; Klon Hinneh, *Taylor Says He’ll Free 800 Foreign Nationals*, ASSOC. PRESS, Aug. 29, 1991.
- 236 *The Cycle of Abuse*, *supra* note 40.
- 237 *ECOMOG Bombs Airport; Nigerian Concern for Nurses and Journalists*, BBC RADIO, Oct. 2, 1990.
- 238 TRC Diaspora Statement Rec. 1086.
- 239 DEP’T OF STATE COUNTRY REPORTS 1990, *supra* note 7, at 193.
- 240 Human Rights Watch, *Liberia: Human Rights Developments*, 1990, <http://www.hrw.org/reports/1990/WR90/AFRICA.BOU-04.htm>; *The Cycle of Abuse*, *supra* note 40.
- 241 Peter Dennis, Int’l Center for Transitional Justice, *A Brief History of Liberia* 10, May 2006, <http://www.ictj.org/static/Africa/Liberia/BriefHistory.pdf>.
- 242 *Id.*
- 243 TRC Diaspora Statement Rec. 34.
- 244 TRC Diaspora Statement Rec. 119.
- 245 TRC Diaspora Statement Rec. 903.
- 246 Human Rights Watch, *Human Rights Abuses by the Liberian Peace Council and the Need for International Oversight* 4, May 17 [hereinafter *Abuses by Liberian Peace Council*], 1994, <http://www.hrw.org/en/reports/1994/05/17/human-rights-abuses-liberian-peace-council-and-need-international-oversight>.
- 247 *The Cycle of Abuse*, *supra* note 40.
- 248 DEP’T OF STATE COUNTRY REPORTS 1990, *supra* note 7, at 192.
- 249 TRC Diaspora Statement Rec. 1476.
- 250 *The Cycle of Abuse*, *supra* note 40.
- 251 See generally *id.*
- 252 *Waging War to Keep the Peace*, *supra* note 91.
- 253 TRC Diaspora Statement Rec. 707.
- 254 *Id.*
- 255 TRC Diaspora Statement Rec. 1375.
- 256 *Waging War to Keep the Peace*, *supra* note 91.
- 257 TRC Diaspora Statement Rec. 1739.
- 258 TRC Diaspora Statement Rec. 42.
- 259 *Waging War to Keep the Peace*, *supra* note 91. U.N. Agency Says 3,000 Feared Dead in Monrovia, REUTERS, Nov. 3, 1992.
- 260 TRC Diaspora Statement Rec. 1739.
- 261 TRC Diaspora Statement Rec. 1598.
- 262 TRC Diaspora Statement Rec. 1375.
- 263 TRC Diaspora Statement Rec. 74.
- 264 TRC Diaspora Statement Rec. 42.
- 265 TRC Diaspora Statement Rec. 1375.
- 266 TRC Diaspora Statement Rec. 1731.
- 267 TRC Diaspora Statement Rec. 1739.
- 268 *Id.*
- 269 TRC Diaspora Statement Rec. 1375.
- 270 TRC Diaspora Statement Rec. 707.
- 271 *Waging War to Keep the Peace*, *supra* note 91.
- 272 *Id.*
- 273 TRC Diaspora Statement Rec. 1632. See also Jane Samukai, Testimony at the Diaspora Public Hearings of the Truth & Reconciliation Comm’n of Liberia 4 (June 13, 2008, St. Paul, Minn., U.S.A.) (transcript on file with author) (describing how NPFL rebels took their home, vehicles, personal belongings, and food when they invaded Monrovia).
- 274 TRC Diaspora Statement Rec. 22.
- 275 TRC Diaspora Statement Rec. 1580.

- 276 TRC Diaspora Statement Rec. 1566.
- 277 *See Waging War to Keep the Peace*, *supra* note 91.
- 278 TRC Diaspora Statement Rec. 42.
- 279 TRC Diaspora Statement Rec. 1739.
- 280 *Id.*
- 281 *Id.*
- 282 Hassan Kiawu, Testimony at the Diaspora Public Hearings of the Truth & Reconciliation Comm'n of Liberia 31-32 (June 14, 2008, St. Paul, Minn., U.S.A.) (transcript on file with author).
- 283 *Id.*
- 284 ELLIS, *supra* note 1, at 99; U.S. DEP'T OF STATE, COUNTRY REPORTS ON HUMAN RIGHTS PRACTICES FOR 1993: LIBERIA 148 (1994).
- 285 ELLIS, *supra* note 1, at 99; STATE DEP'T COUNTRY REPORTS 1993, *supra* note 284, at 148.
- 286 TRC Diaspora Statement Rec. 36.
- 287 Conciliation Resources, "Liberia: Chronology," <http://www.c-r.org/our-work/accord/liberia/chronology.php>, accessed 7/21/08. Prince Johnson, the leader of the INPFL, became an elected senator in the Liberian legislature after the end of the conflict.
- 288 *Human Rights Abuses by the Liberian Peace Council*, *supra* note 246.
- 289 *Id.*
- 290 *Id.*
- 291 On November 19, 1992, the U.N. Security Council imposed weapons sanctions on all factions. S.C. Res. 788, U.N. Doc. S/Res/788 (Nov. 19, 1992) On September 22, 1993, the United Nations established the U.N. Observer Mission in Liberia. S.C. Res. 866, U.N. Doc. S/Res/866 (Sept. 22, 1993).
- 292 *See* Cindy Shiner, *Large Weapon Stockpiles Could Prolong Liberia War*, CHRISTIAN SCI. MONITOR, Dec. 1, 1992, at 5.
- 293 The Secretary General, *Eighth Progress Report of the Secretary-General on the United Nations Observer Mission in Liberia* at 5, U.N. Doc. S/1995/9 (Jan. 6, 1995) [hereinafter The Secretary General, *Eighth Progress Report*].
- 294 INS RESOURCE INFO. CENTER, ALERT SERIES AL/LBR/94.001, LIBERIA: DISINTEGRATION OF THE LIBERIAN NATION SINCE THE 1989 CIVIL WAR 35 (1993), <http://www.uscis.gov/files/nativedocuments/libera94.pdf>.
- 295 ELLIS, *supra* note 1, at 95; *Waging War to Keep the Peace*, *supra* note 91.
- 296 ELLIS, *supra* note 1, at 95; *Waging War to Keep the Peace*, *supra* note 91. Accounts of ULIMO violations in its early years are less prevalent among statements, and most statements containing ULIMO references describe violations that began in 1993.
- 297 TRC Diaspora Statement Rec. 1652.
- 298 Thomas Jaye, *Liberia: An Analysis of Post-Taylor Politics*, 30 REV. AFR. POL. ECON. 643, 646 (2003); ADEKEYE ADEBAJO, LIBERIA'S CIVIL WAR: NIGERIA, ECOMOG AND REGIONAL SECURITY IN WEST AFRICA 112 (2002) [hereinafter ADEBAJO, LIBERIA'S CIVIL WAR].
- 299 Int'l Crisis Group, *Liberia: The Key to Ending Regional Instability* 2, Apr. 24, 2002, <http://www.crisisgroup.org/home/index.cfm?l=1&id=1533>.
- 300 *Id.*
- 301 Dennis, *supra* note 241, at 3.
- 302 ELLIS, *supra* note 1, at 135.
- 303 *Id.* at 95.
- 304 *Id.* at 104.
- 305 *Id.* at 126.
- 306 *Id.* at 101.
- 307 *Id.*
- 308 *Id.* at 101-102.
- 309 *Abuses by the Liberian Peace Council*, *supra* note 246.
- 310 *Id.* Ellis and Human Rights Watch note that the LPC allegedly received support from ECOMOG. ELLIS, *supra* note 1, at 102; *Abuses by the Liberian Peace Council*, *supra* note 246. The LPC was launched in 1991 and re-formed in May 1993. ELLIS, *supra* note 1, at 100.
- 311 *Abuses by the Liberian Peace Council*, *supra* note 246.
- 312 ELLIS, *supra* note 1, at 102.
- 313 *Abuses by the Liberian Peace Council*, *supra* note 246.
- 314 *Waging War to Keep the Peace*, *supra* note 91.
- 315 *Id.*
- 316 ELLIS, *supra* note 1, at 102.
- 317 TRC Diaspora Statement Rec. 1412.
- 318 Joshua Hammer, *Witness to Insanity*, NEWSWEEK, Apr. 29, 1996.
- 319 TRC Diaspora Statement Rec. 1467. Later, the statement giver was able to obtain some degree of relief when she lodged a complaint at the local

- ECOMOG base, where she was taken to a doctor, received medication, and was allowed to identify the offending soldier.
- 320 TRC Diaspora Statement Rec. 230.
- 321 *Id.*
- 322 TRC Diaspora Statement Rec. 1304.
- 323 *Waging War to Keep the Peace*, *supra* note 91; *see also* TRC Diaspora Statement Recs. 411, 847, 172.
- 324 TRC Diaspora Statement Rec. 206.
- 325 *Id.*
- 326 TRC Diaspora Statement Rec. 411.
- 327 See Chapter 13 for more information.
- 328 TRC Diaspora Statement Rec. 206.
- 329 *Id.*
- 330 TRC Diaspora Statement Rec. 847.
- 331 *See* TRC Diaspora Statement Rec. 893.
- 332 TRC Diaspora Statement Rec. 1553.
- 333 *See* TRC Diaspora Statement Rec. 1433.
- 334 See Chapter 13 for more information.
- 335 TRC Diaspora Statement Rec. 893.
- 336 *Id.*
- 337 *Id.*
- 338 *Id.*
- 339 TRC Diaspora Statement Recs. 172, 206, 1493, 1700.
- 340 TRC Diaspora Statement Rec. 206.
- 341 *Id.*
- 342 TRC Diaspora Statement Rec. 1639.
- 343 TRC Diaspora Statement Rec. 665.
- 344 TRC Diaspora Statement Rec. 1021.
- 345 TRC Diaspora Statement Rec. 42.
- 346 TRC Diaspora Statement Recs. 344 and 514.
- 347 TRC Diaspora Statement Rec. 514.
- 348 TRC Diaspora Statement Rec. 120.
- 349 TRC Diaspora Statement Rec. 888.
- 350 TRC Diaspora Statement Rec. 176.
- 351 TRC Diaspora Statement Recs. 514 and 888.
- 352 TRC Diaspora Statement Rec. 1099.
- 353 TRC Diaspora Statement Rec. 514.
- 354 TRC Diaspora Statement Rec. 261.
- 355 TRC Diaspora Statement Rec. 888.
- 356 TRC Diaspora Statement Rec. 1516.
- 357 TRC Diaspora Statement Rec. 514.
- 358 Cindy Shiner, *In Battle and in Politics, Liberia's Motley Factions Fight On*, WASH. POST (FOREIGN SERV.), Aug. 7, 1994, at A27.
- 359 Akosombo Agreement, National Patriotic Front of Liberia (NPFL)-United Liberation Movement of Liberia for Democracy (ULIMO)-Armed Forces of Liberia (AFL), Part II, Section A(i), Sept. 12, 1994, <http://www.unhcr.org/refworld/docid/3ae6b4f01c.html>.
- 360 *Id.*; ELLIS, *supra* note 1, at 103.
- 361 TRC Diaspora Statement Rec. 166.
- 362 ELLIS, *supra* note 1, at 103.
- 363 *Id.* at 104; *see also* Max Ahmadu Sesay, *Bringing peace to Liberia*, 1 ACCORD 9 (1996), <http://www.c-r.org/our-work/accord/liberia/bringing-peace.php>.
- 364 For example, ULIMO-J forces violated the Abuja I ceasefire agreement and attacked ECOMOG forces in December 1995. The Secretary-General, *Fifteenth Progress Report of the Secretary-General on the United Nations Mission in Liberia*, ¶ 2, delivered to the Security Council, U.N. Doc. S/1996/47 (Jan. 23, 1996).
- 365 Kerper Dwanyen, Testimony at the Diaspora Public Hearings of the Truth & Reconciliation Comm'n of Liberia 22-27 (June 14, 2008, St. Paul, Minn., U.S.A.) (transcript on file with author). The Nimba Redemption Council was formed to drive Taylor's forces from Nimba County. INS RESOURCE INFO. CENTER, ALERT SERIES LIBERIA: DISINTEGRATION OF THE LIBERIAN NATION SINCE THE 1989 CIVIL WAR 25 (1993).
- 366 Kerper Dwanyen, Testimony at the Diaspora Public Hearings of the Truth & Reconciliation Comm'n of Liberia 25-27 (June 14, 2008, St. Paul, Minn., U.S.A.) (transcript on file with author).
- 367 *Id.*
- 368 *Id.*
- 369 Sesay, *supra* note 363. Woewiyu has suggested that it was his support for and Taylor's rejection of the interim government that led to their split. Telephone interview by Dorsey & Whitney, LLP with Thomas Woewiyu (July 17, 2008) (on file with author).
- 370 The Secretary General, *Eighth Progress Report*, *supra* note 293, at 3.
- 371 *LIBERIA: A Chronology of 25 years of conflict and turmoil*, IRIN NEWS, <http://www.irinnews.org/>

- Report.aspx?ReportId=57838 (last visited Apr. 21, 2009). On December 21, 1994, ULIMO (Roosevelt Johnson), the LDF (Massaquoi), the LPC (Boley), NPFL-CRC (Woewiyu), and the LNC (Junius), as non-signatories, signed the Acceptance and Accession Agreement, thus signifying their accession to the Akosombo agreement and the agreement on clarification of the aforesaid Akosombo agreement. Acceptance and Accession Agreement ¶ 1, Dec. 21, 1994, http://www.usip.org/library/pa/liberia/liberia_12211994_accept.html.
- 372 Accra Acceptance and Accession Agreement and Accra Clarification, Preamble, Parts I-II, Dec. 21, 1994, <http://www.c-r.org/our-work/accord/liberia/accra-clarification.php>; *see also* The Secretary General, *Eighth Progress Report*, *supra* note 293, at 4.
- 373 *See* The Secretary General, *Eighth Progress Report*, *supra* note 293, at 4.
- 374 *See id.*; *see also* the Secretary General, *Twelfth Progress Report of the Secretary-General on the United Nations Observer Mission in Liberia*, at 4, U.N. Doc. S/1995/781 (Sept. 13, 1995) [hereinafter The Secretary General, *Twelfth Progress Report*]; The Secretary General, *Ninth Progress Report of the Secretary-General on the United Nations Observer Mission in Liberia*, at 4, U.N. Doc. S/1995/158 (Feb. 24, 1995) [hereinafter The Secretary General, *Ninth Progress Report*].
- 375 *See* The Secretary General, *Eleventh Progress Report of the Secretary-General on the United Nations Observer Mission in Liberia*, at 4, U.N. Doc. S/1995/473 (June 10, 1995).
- 376 *See id.*
- 377 *See id.*
- 378 *See* The Secretary General, *Eighth Progress Report*, *supra* note 293, at 3.; *see also* The Secretary General, *Ninth Progress Report*, *supra* note 374, at 3.
- 379 TRC Diaspora Statement Rec. 616.
- 380 *Id.*
- 381 TRC Diaspora Statement Rec. 134.
- 382 TRC Diaspora Statement Rec. 1500.
- 383 *Id.*
- 384 *See, e.g.*, TRC Diaspora Statement Recs. 86 and 1116.
- 385 TRC Diaspora Statement Rec. 1385.
- 386 *Id.*
- 387 TRC Diaspora Statement Rec. 517.
- 388 ELLIS, *supra* note 1, at 105; *see also* Global Connections: Liberia: Events 1971-2000, <http://www.pbs.org/wgbh/globalconnections/liberia/timeline/time4.html>
- 389 Abuja Agreement to Supplement the Cotonou and Akosombo Agreements as subsequently clarified by the Accra Agreement, National Patriotic Front of Liberia (NPFL)-United Liberation Movement of Liberia for Democracy (ULIMO-K)-Liberia Peace Council (LPC)-Armed Forces of Liberia (AFI)-United Liberation Movement of Liberia for Democracy (ULIMO-J)-Lofa Defence Force (LDF)-National Patriotic Front of Liberia Central Revolutionary Council (NPFL-CRC)-Liberia National Conference (LNC), Part II (A)(i), Aug. 19, 1995, http://www.usip.org/library/pa/liberia/liberia_08191995.html.
- 390 The Secretary General, *Twelfth Progress Report*, *supra* note 374, ¶¶ 9-10; *Liberia: A Chronology of 25 Years of Conflict and Turmoil*, IRIN NEWS, Jan. 17, 2006, <http://www.irinnews.org/Report.aspx?ReportId=57838> (last visited Apr. 21, 2009).
- 391 *See* ELLIS, *supra* note 1, at 107.
- 392 Sesay, *supra* note 363, at 24.
- 393 Samuel K. Woods, II, *Statement on Development in the Peace Process*, Catholic Justice and Peace Commission, Apr. 3, 1996, *partial text* <http://africaaction.org/docs96/lib9604.2.htm>.
- 394 *See* ELLIS, *supra* note 1, at 107.
- 395 ADEKEYE ADEBAJO, BUILDING PEACE IN WEST AFRICA: LIBERIA, SIERRA LEONE, AND GUINEA-BISSAU 60-61 (2002) [hereinafter ADEBAJO, BUILDING PEACE].
- 396 Woods, II, *supra* note 393.
- 397 ADEBAJO, LIBERIA'S CIVIL WAR, *supra* note 298, at 185.
- 398 ADEBAJO, BUILDING PEACE, *supra* note 395, at 61.
- 399 *See* ELLIS, *supra* note 1, at 107.
- 400 *See id.* at 108.
- 401 Global Connections: Liberia, Events, *supra* note 388.
- 402 Amnesty Int'l, *Liberia: Action Must Be Taken Now to Protect Lives of Civilians Threatened by Armed Conflict*, AI Index: AFR 34/01/1996, Apr. 12, 1996, <http://asiapacific.amnesty.org/library/print/ENGAFR340011996>.
- 403 *See* ELLIS, *supra* note 1, at 108.
- 404 Global Connections: Liberia, Events, *supra* note

- 388.; ADEBAJO, BUILDING PEACE, *supra* note 395, at 61-62.
- 405 ELLIS, *supra* note 1, at 108.
- 406 Global Connections: Liberia, Events, *supra* note 388.
- 407 TRC Diaspora Statement Rec. 41.
- 408 TRC Diaspora Statement Rec. 1734.
- 409 *Id.*
- 410 TRC Diaspora Statement Rec. 69.
- 411 TRC Diaspora Statement Rec. 86.
- 412 TRC Diaspora Statement Rec. 306.
- 413 TRC Diaspora Statement Rec. 541.
- 414 *See, e.g.*, TRC Diaspora Statement Recs. 37, 1352, 1551.
- 415 TRC Diaspora Statement Rec. 1352.
- 416 *See, e.g.*, TRC Diaspora Statement Recs. 1513, 69 (describing how NPFL rebels targeted Krahn and NPDL members).
- 417 TRC Diaspora Statement Rec. 120.
- 418 TRC Diaspora Statement Rec. 1656.
- 419 See Chapter 13 for more information about the refugee experience.
- 420 TRC Diaspora Statement Rec. 1734.
- 421 TRC Diaspora Statement Recs. 40, 182.
- 422 TRC Diaspora Statement Rec. 182.
- 423 TRC Diaspora Statement Rec. 40.
- 424 A Liberian woman explained that she stayed at the compound for one month, because “Krahn people were being singled out and killed around the city.” TRC Diaspora Statement Rec. 1467. See Chapter 13 for more information about the refugee experience.
- 425 TRC Diaspora Statement Recs. 1375 (describing how everyone lived at the dormitory in the embassy), 1467 (describing how Liberians had to stay outside).
- 426 TRC Diaspora Statement Rec. 1467.
- 427 TRC Diaspora Statement Rec. 1375.
- 428 *Id.*
- 429 TRC Diaspora Statement Rec. 1467.
- 430 TRC Diaspora Statement Recs. 1375, 1467.
- 431 TRC Diaspora Statement Rec. 1467.
- 432 TRC Diaspora Statement Rec. 617.
- 433 TRC Diaspora Statement Rec. 707.
- 434 ADEBAJO, LIBERIA’S CIVIL WAR, *supra* note 298, at 189.
- 435 *Id.*; *Liberia Truce Fails, Bullets Fly*, CHICAGO TRIBUNE, Apr. 30, 1996, at 1; *Fighting Resumes in Liberia*, GUARDIAN, Apr. 30, 1996, at 10.
- 436 The Secretary General, *Seventeenth Progress Report of the Secretary-General on the United Nations Observer Mission in Liberia*, at 5, U.N. Doc. S/1996/362 (May 21, 1996).
- 437 *Id.*
- 438 Supplement to the Abuja Accord, Aug. 17, 1996, <http://www.c-r.org/our-work/accord/liberia/abuja-accord-supplement.php>; Human Rights Watch, *Emerging from the Destruction - Human Rights Challenges Facing the New Liberian Government*, Oct. 1, 1997, [hereinafter *Emerging from the Destruction*], <http://www.hrw.org/legacy/reports/1997/liberia/>; Global Connections: Liberia, Events, *supra* note 388.
- 439 Terrence Lyons, *Liberia’s Path from Anarchy to Elections*, 97 CURRENT HIST. 229, 230 (May 1998).
- 440 *Emerging from the Destruction*, *supra* note 438; Liberia: UNOMIL Background, http://www.un.org/Depts/dpko/dpko/co_mission/unomilFT.htm#DECEMBER (last visited Apr. 21, 2009).
- 441 Lyons, *supra* note 439, at 231.
- 442 *Id.*
- 443 *Id.*; Carl Ek, Cong. Research Service, *Liberia: Issues for the United States* (Nov. 21, 1996), <http://www.fas.org/man/crs/96-025.htm>.
- 444 *See* Levi Woodward, *Taylor’s Liberia and the U.N.’s Involvement*, 19 N.Y.L. SCH. J. HUM. RTS. 923, 931 (2003).
- 445 TRC Diaspora Statement Rec. 1401.
- 446 U.S. Dep’t of State, Background Note: Liberia, <http://www.state.gov/r/pa/ei/bgn/6618.htm> (last visited Oct. 22, 2008); *see also* Global Security, *Liberia – First Civil War – 1989 -1996*, <http://www.globalsecurity.org/military/world/war/liberia-1989.htm> (last visited Oct. 22, 2008).
- 447 TRC Diaspora Statement Rec. 37.

Chapter Eight



Liberia's Second Civil War 1997-2003

Chapter Eight. Liberia's Second Civil War, 1997-2003

BACKGROUND: THE ELECTION OF CHARLES TAYLOR

On July 19, 1997, Charles Taylor defeated 12 other candidates to win the presidential election. International observers declared the elections to be fair.¹ Nevertheless, some human rights groups and scholars note that the elections took place in a general climate of intimidation.² With rebel factions still largely intact, with few measures to prevent Taylor from challenging election results, and with the Economic Community of West African States (ECOWAS) having promised to leave Liberia after the elections, many Liberians saw a vote for Taylor as the only path to stability.³ Indeed, Taylor was infamously associated with the slogan, "He killed my Ma, he killed my Pa, I'll vote for him."⁴

When Taylor was inaugurated on August 2, 1997,⁵ Liberia was emerging from the seven-year conflict in a fragile state. Liberia's treasury contained only \$17,000, but the government owed some \$2 billion in foreign debt and nearly \$200 million in domestic debt, largely attributable to unpaid wages to civil servants.⁶ Economic and social rights remained deplorable after the 1997 elections. Out of a population of more than 3 million people, nearly one million Liberians, primarily women and children, remained displaced in 1997.⁷ Basic necessities, such as food and health care, were difficult for many Liberians to access. The conflict resulted in a dearth of health care facilities and personnel; it is estimated that more than 70 percent of health facilities were damaged, and only 1,806 of the 5,000 health workers remained in the country.⁸ Statement givers also reported that food was difficult to obtain.⁹ Finally, after helping oversee the elections, ECOWAS Monitoring Group (ECOMOG) forces departed Liberia in January 1998.¹⁰

In addition to these challenges, the continued pattern of human rights abuses and corruption further aggravated Liberia's precarious situation. Despite the hopes for peace, the Taylor government made few efforts toward reconciliation or the protection of human rights.¹¹ The human rights violations under the Taylor government after the 1997 elections are well documented by secondary sources. These included torture and rape of suspected opposition supporters,¹² extrajudicial executions,¹³ use of child soldiers,¹⁴ and persecution of government critics.¹⁵ Statements and testimony by Liberians in the diaspora confirmed the commission of human rights violations, as well as widespread corruption. In particular, statement givers described the discrimination against the Krahn and Mandingo groups, which was often manifested in violence and murder. One statement aptly depicted the situation under the elected Taylor regime:

Taylor won the 199[7] election but reneged on his pre-election commitments to nation-building. Taylor created his own paramilitary force, the Anti-Terrorist Unit (ATU). Taylor's son, Chuckie Taylor, ran the ATU and tortured and killed many people...Conditions deteriorated for people in Liberia. There was no functioning economy and no infrastructure, including no water and no electricity. Taylor and his men, however, plundered the

Liberian treasury and had plenty of money, luxury cars, and other excess. Taylor maintained many girlfriends and tortured or killed people who opposed him. As a result, a new rebel group arose to fight him.¹⁶

State Parties “shall take effective legislative, administrative, judicial or other measures to prevent acts of torture in any territory under its jurisdiction.” The state or threat of war, political instability or a public emergency does not justify the use of torture. *Art. 2(1)-(2), Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.*

Prime among actors responsible for these atrocities were the state security forces. In addition to the Armed Forces of Liberia (AFL)¹⁷ and the Liberian National Police,¹⁸ Taylor assumed leadership of the state security forces, the ATU and the SSS, both of which were directly accountable to him.¹⁹ The most experienced of Taylor’s rebels joined these security forces.²⁰ Many of these forces, however, were undisciplined, lacked training, and often acted unfettered by state authority.²¹ Many statements reveal the ATU’s role in perpetrating

human rights abuses.²² Led by Chuckie Taylor, the ATU was responsible for torture, assault, rape, beatings, burning civilians alive, extrajudicial killings, abduction, and the recruitment of child soldiers.²³

One statement giver’s summary of experiences describes the brutal methods employed by the ATU’s members:

The first was...the Executive Mansion Guard Commander and the second... was the Assistant Training Commander at the Gbatala base of the ATU anti-terrorist unit. During the war, two of my brothers, M. and O., got killed by these two men and our homes were set on fire and burned down...My mother’s ear was cut off because she asked the people why they killed her children...These men who killed my brothers, M. and O., beat, threatened, and dragged me and my family out of our homes. They are still in the state security in Liberia.²⁴

High-level government officials also perpetrated abuses. In some cases, they bore command responsibility for having ordered or known about the commission of atrocities. In many other cases, these officials assumed a direct role in perpetrating human rights violations or threats. For ex-

“[T]he passing of sentences and the carrying out of executions without previous judgment pronounced by a regularly constituted court, affording all the judicial guarantees which are recognized as indispensable by civilized peoples” is prohibited.* *Art. 3(1)(d), Convention (IV) relative to the Protection of Civilian Persons in Time of War (1949).*

* Protected persons include those taking no active part in the hostilities. *Id.* at Art. 3(1).

ample, one statement giver described the threats he faced from a government minister. Shortly after the 1997 elections, he published a story that detailed the minister's embezzlement from the national soccer team.²⁵ Upon meeting him on the street, the minister told the statement giver, "I can have my boys flog you for trying to tarnish my character."²⁶ The journalist responded by publishing a front-page story, "Minister threatens journalist," as well as an op-ed, "We will remain resolute."²⁷ The minister came to his office and threatened, "I still have my boys with me. You better shut up or you won't live to tell the story."²⁸ These exchanges continued for some time, and with the minister "on [his] back," the statement giver began moving from place to place living with family members.²⁹

"Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice." *Art. 19(2), International Covenant on Civil and Political Rights (1966).*

These government abuses exacerbated an already unstable situation, given the ongoing violations by rebel factions. Insurgent activity continued after the 1997 elections, and rebel groups, including ULIMO-K, had remained intact or were beginning to become active again. Statement givers reported rebel violence that paralleled that of the government forces: abductions, rape, forced recruitment, forced labor, torture, destruction of property, interference with privacy and family, and killings.³⁰ While not as systematic as the rebel violence that later followed in 2000, these incidents were nevertheless effective means to terrify and to punish civilians for no reason.

Statements show that the atrocities committed by rebel factions were no less horrific than those committed by government forces. ULIMO-K rebels remained active and continued a pattern of atrocities similar to that of the first civil war. One statement giver from Lofa County summarized how ULIMO destroyed her father's home and killed him:

In 1998, members of the ULIMO group tied and beat my father. He died later from the beating wounds. He had a stroke. During the beating, they cut his back, and his spinal cord got infected. He couldn't move, and then he died. I was in Monrovia when it happened, but I met my father before he died, and he explained everything to me. He told me that the ULIMO rebels tore his whole house apart, and took everything out, all that he had built up from his retirement. My father was about 64 years old. My father was a good man, and he loved his children. He was innocent, and he hadn't done anything to anyone, and they just beat him for no reason.³¹

Opposition groups during this time included new entities – Liberians United for Reconciliation and Democracy (LURD) and Movement for Democracy in Liberia (MODEL). LURD was a rebel

group supported by Guinea and formed to oust Taylor, made up of primarily Krahn and Mandingo combatants from the previous civil war.³² MODEL was a breakaway group from LURD that received support from Côte d'Ivoire.³³ The situation was further complicated by the activity of regional forces.

External Actors' Support of LURD

Liberian refugees in West Africa formed LURD in 1999. LURD received support from various government actors, among them Guinea and Sierra Leone. In a 2002 report, the International Crisis Group described Guinean President Conté's government as "LURD's primary source of direct military and financial support."³⁶ Guinea provided support to LURD in the form of logistical assistance, medical treatment, a base, transport, food, arms, weaponry, and ammunition.³⁷ Sierra Leone also provided support to LURD by supplying rebels with a base, combatants, and a shipping route for weapons.³⁸

For example, the Sierra Leonean rebel group, the Revolutionary United Front (RUF), frequently crossed into, recruited from, took refuge in, and launched attacks from Liberia.³⁴ As with the first civil war, several statement givers did not specify or were not able to identify which armed faction had perpetrated the reported violence. Some statements refer to the perpetrators as "rebels," "armed men," "unknown men," or "mixed group," without indicating to which group they belonged.³⁵

LURD rebel activity was also beginning at this time. For example, one statement giver described how several LURD rebels broke into the Lutheran World Church Services office in Lofa County in 1996 or 1997, "killing everyone they could, including clergy, and children of all ages."³⁹

Another statement giver described how, in 1998, LURD rebels burst into their home, beat everyone in the house, and killed his two brothers and father.⁴⁰ According to him, his father was the town chief and accused by LURD rebels of harboring government forces against them.⁴¹

As in the first civil war, all sides continued to abuse their power to exact revenge, enrich themselves, and repress vocal opposition. Trivial matters, such as personal conflicts or petty grievances, were cause for forces to exploit their authority. One statement giver summarized how a member of Taylor's ATU punished her as a result of a personal conflict over borrowing her cell phone:

"[V]iolence to the life, health and physical or mental well-being of persons,* in particular murder as well as cruel treatment such as torture, mutilation or any form of corporal punishment" and threats thereof are prohibited at all places and times in non-international armed conflicts. *Art. 4(2) (a), Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts.*

*"Persons" indicates those who are not taking a direct part in or those who are no longer taking part in hostilities. *Id.* at Art. 4(1).

[H]e took a bayonet from behind him (he had it stuck in his trousers) and proceeded with slashing me all over my body. He cut me deep on my back resulting in the cutting of a major vein. Then he cut across my left thigh and almost around the entire thigh. He stabbed me several times on my head and

gave me deep cuts on my left and right arms, on my back and my abdomen. I bled profusely. The cut veins in my thigh and back had to be stitched in those parts/sutured before bleeding stopped in those parts of my body.⁴²

Some statement givers related experiences of rebels abusing civilians to settle personal grievances as the government soldiers had done.⁴³ One statement giver from Lofa County summarized the extreme violence by a LURD rebel in 1999 over a land dispute between their fathers:

My father, stepmother and I were in the house that morning when [the man's] son...a LURD rebel, entered the house with four other LURD rebels. [The LURD rebel] busted down the house with the butt of his gun, called my father a dog, yelled at him, took money from him and said, "If possible, I will get rid of you and your whole generation." They were shooting in the house. My stepmother and I tried to hide under the bed in a bedroom. The rebels took all three of us outside of the house, and [the LURD rebel] asked where the deed for the land was. My father responded that he did not have it and explained that [the LURD rebel's] father had tried to use more land than was given to him. The rebels tied my father's wrists behind his back and beat all three of us. [The LURD rebel] then asked me to search the house for the deed. [The LURD rebel] forced me into a room, tore my clothes off and raped me. He told me that he was going to "finish her family." He then called each of the other four rebels one at a time, and each one of them also raped me. The rebels then brought me outside and [the LURD rebel] told us because you will not give us the deed, we will kill you. He told me that to let you know that we are serious, we will kill your father. Then [the LURD rebel] shot and killed my father.⁴⁴

At times, the climate of violence afforded civilians opportunities to avenge personal grievances alongside the rebels. A farmer living in Kolahun described how he often sold food and loaned money to people.⁴⁵ In 1998 or 1999, ULIMO-K rebels came to the village and began torturing him.⁴⁶

"Every human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life." *Art. 6(1), International Covenant on Civil and Political Rights (1966)*. "No one shall be subjected to arbitrary or unlawful interference with his privacy, family, home or correspondence..." All people are entitled to the protection of law against such interference. *Art. 17, International Covenant on Civil and Political Rights (1966)*.

People who owed him money joined the rebels in their torture, tying sticks together to press on his shin, hitting him on his back, and torturing his brother.⁴⁷ To this day, he still bleeds when urinating as a result of the torture.⁴⁸

Government soldiers also used their position of power to extort money from civilians in their

homes and in public. A statement giver, who worked in the susu (informal community banking) business, described how a general in Taylor's forces led a group of rebels to his home and demanded money.⁴⁹ The general took his money and cut him on his left arm and stomach.⁵⁰ Checkpoints continued to serve as a means for security forces to conduct arbitrary searches and extort money from passersby.⁵¹

CAMP JOHNSON ROAD: SEPTEMBER 1998

In September 1998, violence intensified as the government responded to threatened opposition on Camp Johnson Road. On September 18 and 19, 1998, Taylor's soldiers attempted to arrest Roosevelt Johnson, who sought refuge at the U.S. Embassy.⁵² As a result, fighting again broke out between Johnson's supporters and Taylor's security forces.⁵³ Statement givers reported being caught in the crossfire, which resulted in injuries and in some cases, death.⁵⁴ One statement giver recounted how army soldiers began to beat him and his family, arrested his father, and told everyone to leave the house:



As we were running from the house, my mother was hit by a stray bullet and she died. The barracks people were exchanging fire with R. Johnson people. I hauled my mother in between houses trying to stop her bleeding, but I had to leave her. The bullet hit her from the back.⁵⁵

During and following the incident, Taylor's forces intensified their crackdown on suspected opposition. The ensuing violence was demonstrative of the state's general response to threats. Multiple statement givers described how security forces made arrests, entered homes, and carried out rapes, beatings, and killings on and following September 18.⁵⁶

Given their historical ties to Doe, the Krahn, Mandingo, Roosevelt Johnson supporters, and National Democratic Party of Liberia (NDPL) members were particularly susceptible to these abuses.⁵⁷ One statement giver, whose father was distantly related to former Minister of Defense Gray D. Allison,

described how 12 armed Special Security Service (SSS) men entered his home and took away his father.⁵⁸ They stated, “you people are the same conspirators causing problems for the country. We will deal with you.”⁵⁹

“States Parties shall assure to everyone within their jurisdiction effective protection and remedies, through the competent national tribunals and other State institutions, against any acts of racial discrimination which violate his human rights and fundamental freedoms contrary to this Convention, as well as the right to seek from such tribunals just and adequate reparation or satisfaction for any damage suffered as a result of such discrimination.”
Art. 6, International Convention on the Elimination of All Forms of Racial Discrimination (1965).

Security forces did not limit their violence to the suspected individual, and family members and associates were all at risk of violence during arrests. Statements described the extreme violence perpetrated against members of targeted suspect groups and their families in their homes. One Krahn statement giver, whose father was in the army and was a NDPL member, summarized how security forces broke into their home, called them “Krahn dogs,” and stated “they would finish us that night.” The security forces shot and killed their aunt, beat all of them, paralyzing his stepfather on one side of his body. When his brother pleaded for his father, they twisted his arm until it broke.⁶⁰

The September 18 fighting propelled Taylor’s efforts to uncover alleged enemies and supporters of rebel factions, whether real or perceived, and resulted in more persecution. Security personnel harassed suspected rebel supporters, conducting illegal surveillance and entries into homes.⁶¹ Another statement giver summarized how her father was accused of passing sensitive information to the then-exiled Prince Johnson in Nigeria after September 18 and of storing a cache of weapons:⁶²

Without a search warrant, they went from room to room searching for the alleged hidden arms. In the meantime, the entire household which included my father, step-mother, my siblings and myself were tied with nylon twine on chairs and beaten with gun butts and any object they could lay their hands on. I was severely beaten with a gun butt in my abdomen. I sustained serious abdominal injury that led to me undergoing abdominal surgery in Ghana. The same soldier that beat me in my abdomen also pierced my feet with sharp rusty iron. The scars of this barbaric treatment are on my feet to this date. The blows to my abdomen caused me to faint. My first cousin who was also tied tried to reach me and help me stand. Seeing his effort, one of the armed men who referred to himself as Turtle shot my cousin in his forehead killing him instantly. They never found the arms and ammunition that were allegedly hidden in the house. Yet, they took away my father for interrogation. He was detained for a few days and released. When he returned home I observed that he had lost one of his front teeth as a result

of being beaten while in detention.⁶³

States Parties to the International Covenant on Civil and Political Rights “shall take special precautions in time of public emergency to ensure that neither official nor semi-official groups engage in a practice of arbitrary and extra-judicial killings or involuntary disappearances, that persons in detention are protected against torture and other forms of cruel, inhuman or degrading treatment or punishment, and that no persons are convicted or punished under laws or decrees with retroactive effect.” ¶ 59, *Siracusa Principles on the Limitation and Derogation Provisions in the International Covenant on Civil and Political Rights*.

Taylor also turned on those within his own administration. For example, Bai Gbala, who served nine months as an advisor to Taylor’s government, testified about his arrest on September 19, 1998, sentencing and imprisonment. Gbala was tried and convicted with 17 others on charges of treason. The defendants were given sentences of ten years. On appeal, the Supreme Court of Liberia not only affirmed the lower court decision, but added 20 years to the sentence.⁶⁴

Such persecution forced numerous ethnic Krahn and Mandingo to flee their homes and the country. One Krahn statement giver recounted how his uncle’s friend advised him to go to Ghana, because “Taylor’s men were killing Krahn.”⁶⁵ It is estimated that in September 1998 as many as 18,000 Krahn fled Liberia to the Côte d’Ivoire.⁶⁶

LURD INVASION: SEPTEMBER 2000

By 1999, the country was on the verge of a second civil war. Armed opposition groups, whose exact identities were unclear, began launching offensives from Guinea in 1999.⁶⁷ The combination of regional instability, rebel activity, and the government’s atrocities laid the foundation for even greater strife. One statement giver who perceived the impending war decided to leave Liberia at this time. He explained:

After Taylor won the election, he was supposed to move on with peace. Instead, by 1999, President Taylor’s actions in training the army, fiscal mismanagement, etc. were all indications that the country was boiling to crisis. It was a time bomb waiting to explode.⁶⁸

In September 2000, the situation escalated when LURD launched its offensive from Guinea into Lofa County.⁶⁹ As in the first civil war, Liberians were again thrown into chaos and a constant state of fear for their lives. A statement giver summarized his family’s experiences as the conflict intensified:

My wife, five children, and I lived peacefully all our lives in Nimba County, Liberia until the civil war erupted locally with fire upon the Liberia’s

civilians...[T]he war hit hard where my family and I lived and thus, we were forced to flee. It was around the year 2000...We remained in Monrovia for some time, as we could not find transportation away. We survived day by day, taking refuge wherever we could find it and hiding in the bush upon hearing the gunfire announcement of another rebel attack. Every minute of each day, we lived in fear of the rebels, for our lives or being abducted and tortured.⁷⁰

Reports of these violations were especially pronounced in Lofa County, which borders Sierra Leone and Guinea. From the start of the invasion, the regional hostilities along the Sierra Leonean, Guinean, and Liberian borders, along with armed incursions from Guinea, placed Lofa County at the center of the violence.⁷¹ LURD intensified its village raids in northern Liberia's Lofa County around February 2001.⁷² Again, statements revealed the recurring theme of targeted violence based on affiliation or ethnicity. Lofa County residents with NDPL affiliations or of Mandingo or Krahn ethnicity were particularly vulnerable. A Mandingo statement giver, who was a member of the NDPL and lived in Lofa, summarized his persecution:

Because I had been a member of the NDPL, and was also Mandingo, I knew I was in danger. People in Lofa would often accuse me of being part of LURD. One day, when I was coming from my farm, my brother saw three men with guns coming toward the house. The men started calling my name, and saying that I was a Doe supporter who wanted to create another war. The men then began calling for my father until my father opened the front door. The men shouted that my family and I weren't citizens and began shooting inside the house. I jumped immediately into the bush and never went back to my house. When I reached the Voinjama checkpoint, I was arrested and beaten by government soldiers, who told me I was causing trouble. The beating left permanent scars on my head.⁷³

"Anyone who is deprived of his liberty by arrest or detention shall be entitled to take proceedings before a court, in order that that court may decide without delay on the lawfulness of his detention and order his release if the detention is not lawful." *Art. 9(4), International Covenant on Civil and Political Rights (1966).*

"Anyone who has been the victim of unlawful arrest or detention shall have an enforceable right to compensation." *Art. 9(5), International Covenant on Civil and Political Rights (1966).*

The invasion precipitated even further human rights abuses by government forces as Taylor sought to uncover suspected rebels. The government continued its practice of targeting suspected opposition members using sweeps that specifically targeted supporters of LURD and MODEL. One statement giver described how Taylor's forces arrested her son based on a rumor that he was a member of LURD.⁷⁴ He, along with 14 other boys, was taken to the National Bureau of Investigation and charged with being

an informant, but was never brought before a court.⁷⁵ During his detention he was beaten every day.⁷⁶ He was eventually released in 2004, along with other political prisoners.⁷⁷

Suspected LURD members were arrested and tortured to obtain information. For example, one statement giver described how ATU forces severely beat and electrocuted him, putting a wire in his penis and shocking him.⁷⁸ They then threw him

“Each State Party shall ensure that any statement which is established to have been made as a result of torture shall not be invoked as evidence in any proceedings, except against a person accused of torture as evidence that the statement was made.” *Art. 15, Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1984).*

into saltwater to maximize the pain and shot rounds at him at close range.⁷⁹ Security forces told him they would release him if he admitted to working with LURD, provided information about LURD members, and agreed to go into exile when released.⁸⁰

One statement giver described how a boy who worked in her husband’s store falsely told Taylor’s forces that her husband supported LURD. She summarized what happened when the boy led the forces to their home in 2003:

The rebels busted down the door and told my husband he was a dog for supporting LURD. I was five months pregnant at this time. It was early in the morning and there were many rebels. The rebels began beating my husband and torturing him with the butts of their guns. My eight-year-old son and I were under gun point. My son ran to his father crying out “Oh Papa.” The rebels cut my son with a knife and stabbed him in the chest. I went to protect my son and the rebels kicked me in the stomach and I lost consciousness. When I came to I saw a pool of blood. I started crying and saying “Come for me, I am dying.” Someone came to my rescue and brought me to Redemption Hospital, which was near my house, in Monrovia. After three days, my baby came out dead. I was told that my husband and son had been killed in the rebel attack.⁸¹

“WORLD WARS I, II, AND III:” SUMMER 2003

From June to August 19, 2003, LURD launched three major attacks against Monrovia, known as “World Wars I, II, and III,” in reference to their destructive impact.⁸² Estimated fatalities in July alone ranged from 300 to 1,000 people.⁸³ During the LURD invasions of Monrovia, those living in the city also fell victim to their abuses.⁸⁴ One statement giver’s experience reflected the broad human rights violations, which included beatings, killings, gang rape, destruction of property, and abductions:

[W]hen the war came to Monrovia again and LURD invaded, the commander came to our house. They beat everyone. I stayed with my brother and uncle but then ran to my father. My sisters, brothers and mother ran away. The LURD men hit me and I fell to the floor. Five LURD men raped me. My uncle tried to rescue me and they shot and killed him. His name was C.B. He was my father's brother. They burned our house. While they were raping me, the LURD men took my father. I have had no news of my father, mother or brothers and sisters since then.⁸⁵

"War crimes" in non-international armed conflicts include the commission of "rape, sexual slavery, enforced prostitution, forced pregnancy...enforced sterilization, or any other form of sexual violence also constituting a grave breach of the Geneva Conventions." *Art. 8(2)(b)(xxii), Rome Statute of the International Criminal Court (1998)*.

RISE OF MODEL

In March 2003, antagonism toward the LURD leader, Sekou Damate Conneh, led to the group's split into a separate faction, MODEL.⁸⁶ Comprised of approximately 1,000 fighters, MODEL received support from Côte d'Ivoire, and it took control of the southern and eastern parts of Liberia.⁸⁷ Sources report that MODEL was responsible for human rights violations, such as harassment at checkpoints, detention, torture, killings, forced labor, the looting of property, forced recruitment, and rape and sexual violence.⁸⁸ Fewer statements provided accounts of abuses by MODEL forces relative to other armed groups. One possible explanation for this disparity is that MODEL did not form a recognized fighting force until early 2003, just months before the Comprehensive Peace Agreement and Taylor's exile.

At least one statement described the summary killings that MODEL rebels carried out.

In April 2003, the MODEL rebels came with a list of the people they were targeting. They were looking for my mother and my family. The names of all of the adults in my family were on their list. When the rebels reached the town, I saw them kill people. Other rebels arrived and some were taking off their uniforms. The rebels were chasing, attacking and killing the refugees. The rebels killed my cousins, uncle, grandfather, grandmother and great aunt.⁸⁹

Another statement giver described the harassment, torture, and deprivation of property he experienced by MODEL soldiers. In July 2003, MODEL soldiers stopped him, his wife, and his children at a

Acts, such as murder, extermination, torture, rape, sexual slavery, enforced disappearance of persons, severe deprivation of physical liberty, persecutions against any identifiable group based on political, racial, national, ethnic, cultural religious or gender grounds, or other similar inhumane acts that are intended to cause great suffering or serious bodily injury or injury to mental or physical health, constitute “crimes against humanity” when “committed as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack.” *Art. 7(1)(a)-(b), (e)-i, (k), Rome Statute of the International Criminal Court.*

checkpoint.⁹⁰ The soldiers did not touch his wife, but took her bag containing her belongings.⁹¹ Another time, he described how MODEL soldiers caught him while he was searching for food in the bush.⁹² The soldiers tied his arms behind his back, hit him on the back and sides, and then released him.⁹³ To this day, the statement giver still feels pain.⁹⁴ Finally, he reported that MODEL soldiers destroyed his house.⁹⁵

As LURD and MODEL pushed toward Monrovia and Buchanan in the first half of 2003, and particularly in June and July of that year, the AFL, MODEL, and the LURD engaged in regular forced recruitment, including the recruitment of children.⁹⁶ Armed factions used displaced persons and refugee camps in Liberia, Côte d’Ivoire, and Guinea as recruiting grounds for child soldiers.⁹⁷

By September 2003, LURD controlled territory in western Liberia, while MODEL controlled areas in the south.⁹⁸ In June 2003, the warring parties signed a ceasefire agreement, which was broken by LURD when it launched new offensives on Monrovia.⁹⁹

Finally, on July 6, 2003, under international pressure, Charles Taylor agreed to leave Liberia for asylum in Nigeria.¹⁰⁰ He formally resigned the presidency and departed Liberia on August 11, 2003, handing over power to his vice president.¹⁰¹ On August 18, 2003, MODEL, LURD and Taylor’s forces signed a comprehensive peace accord in Accra, Ghana, and an agreement to form a new transitional government was established.¹⁰² Gyude Bryant was elected to head the National Transitional Government of Liberia, which was inaugurated on October 14, 2003.¹⁰³

The conscription or enlistment of children under 15 years of age for use in armed forces or active participation in hostilities constitutes a war crime. *Art. 8(2)(e)(vii), Rome Statute of the International Criminal Court (1998).*

Notes

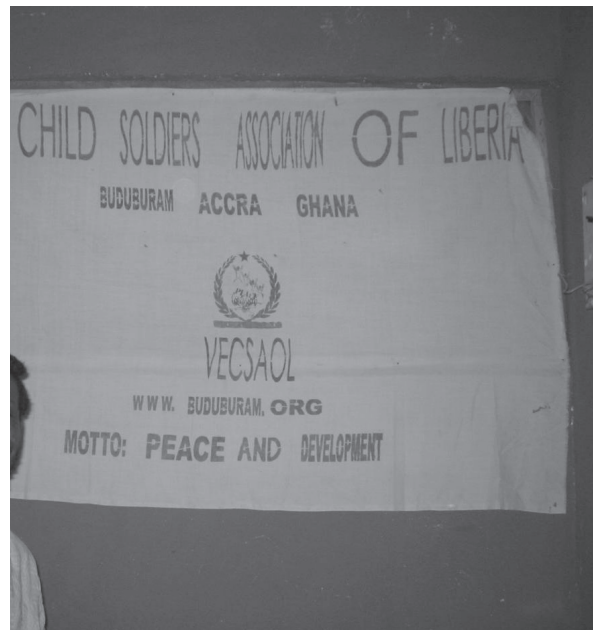
- 1 Human Rights Watch, *Emerging from the Destruction - Human Rights Challenges Facing the New Liberian Government*, Nov. 17, 1997, <http://www.hrw.org/legacy/reports/1997/liberia/> [hereinafter *Emerging from the Destruction*]. U.N. Security Council President Peter Osvald read a statement noting the Joint Certification Statement by the Secretary-General along with the Chairman of ECOWAS, which found the elections to be “free, fair and credible” and reflecting the will of the Liberian voters. Press Release, Security Council Welcomes Successful Presidential, Legislative Elections in Liberia, U.N. Doc. SC/6402 (July 30, 2007), <http://www.un.org/News/Press/docs/1997/19970730.SC6402.html>.
- 2 Furthermore, the elections effectively disenfranchised an estimated 800,000 Liberian refugees living in other countries and unable to participate in the elections. Terrence Lyons, *Liberia's Path from Anarchy to Elections*, 97 CURRENT HIST. 229, 231 (May 1998). Under the terms of the Abuja II peace accord, elections were to be postponed until refugees returned to the country and soldiers demobilized; in reality, however, neither of these was completed. Human Rights Watch, *World Report 1998 - Liberia*, http://www.hrw.org/legacy/worldreport/Africa-07.htm#P604_161627 [hereinafter *World Report 1998*].
- 3 Lyons, *supra* note 2, at 232.
- 4 Douglas Farah, *Standing By As a Brutal Warlord Plots His Return*, WASH. POST, Oct. 2, 2005, at B3.
- 5 *Emerging from the Destruction*, *supra* note 1.
- 6 The Secretary-General, *Final Report of the Secretary-General on the United Nations Observer Mission in Liberia*, ¶3, delivered to the Security Council, U.N. Doc. S/1997/712 (Sept. 12, 1997); Lyons, *supra* note 2, at 232.
- 7 *Liberia Human Rights Developments 1998*, *supra* note 2.
- 8 U.N. DEVELOPMENT PROGRAMME, NATIONAL HUMAN DEVELOPMENT REPORT: LIBERIA, 13 (1999) (estimating there were 5,000 health care personnel in the country as of 1989).
- 9 TRC Diaspora Statement Recs. 1343 and 789.
- 10 *Liberians Say Goodbye to Peacekeepers*, BBC NEWS, Jan. 25, 1998, <http://news.bbc.co.uk/2/hi/africa/50363.stm>.
- 11 See Amnesty Int'l, *Liberia: War in Lofa County Does Not Justify Killing, Torture and Abduction* 3, AI Index AFR 34/003/2001, Apr. 30, 2001, <http://www.amnesty.org/en/library/info/AFR34/003/2001/en> [hereinafter *War in Lofa County*].
- 12 *Id.* at 4-9.
- 13 *Id.* at 10-12.
- 14 *Id.* at 12-13.
- 15 *Id.* at 13-16.
- 16 TRC Diaspora Statement Rec. 823.
- 17 Though government estimates indicated a need for no more than 5,000 troops, Taylor kept the Armed Forces of Liberia (AFL) at a level of about 14,000 troops. *World Report 1998*, *supra* note 2.
- 18 Taylor established an elite group within the Liberian National Police known as the Special Operations Division (SOD). Human Rights Watch, *World Report 2001 - Liberia*, <http://www.hrw.org/legacy/wr2k1/africa/liberia.html> [hereinafter *World Report 2001*].
- 19 *World Report 2001*, *supra* note 18. Human Rights Watch notes that the creation of these two forces lacked a legal basis; furthermore, they reported only to Taylor. *See id.*
- 20 U.S. DEP'T OF STATE, COUNTRY REPORTS ON HUMAN RIGHTS PRACTICES FOR 1998: LIBERIA (1999) [hereinafter COUNTRY REPORTS 1998].
- 21 *Id.*
- 22 *See, e.g.*, TRC Diaspora Statement Rec. 955.
- 23 Human Rights Watch, *U.S.: Investigate Ex-Liberian President's Son for Atrocities*, June 30, 2006, <http://www.hrw.org/en/news/2006/06/30/us-investigate-ex-liberian-president-s-son-atrocities>.
- 24 TRC Diaspora Statement Rec. 1066.
- 25 TRC Diaspora Statement Rec. 28.
- 26 *Id.*
- 27 *Id.*
- 28 *Id.*
- 29 *Id.* The statement giver also described what happened to his cousin, a high-ranking official in Taylor's government, after a falling out with Taylor over foreign policy in 1999. Taylor fired the statement giver's cousin, who called Taylor “arrogant” in a farewell speech that was published in all the major newspapers. The following day, two plain clothes police officers came to the office to look for the

- publisher. After that, the reporter had problems with the police. *Id.*
- 30 See Human Rights Watch, *Back to the Brink: War Crimes by Liberian Government and Rebels* 2, 8-9, May 1, 2002, <http://www.hrw.org/en/reports/2002/05/01/back-brink> [hereinafter *Back to the Brink*] (describing LURD violations that included killings, abductions, rape, deprivation of property, forced recruitment and forced labor).
- 31 TRC Diaspora Statement Rec. 1424; see also TRC Diaspora Statement Rec. 1063 (describing ULIMO-K soldiers destroying a woman's house and killing her relatives in Paynesville in 1998).
- 32 *War in Lofa County*, *supra* note 11, at 17; *Back to the Brink*, *supra* note 30, at 7.
- 33 Human Rights Watch, *How to Fight, How to Kill: Child Soldiers in Liberia* 9, 17 Feb. 1, 2004, <http://www.hrw.org/en/reports/2004/02/02/how-fight-how-kill> [hereinafter *How to Fight*]; PBS, Liberia's Uneasy Peace: Rebel Groups Fighting Taylor's Government, Online NewsHour (PBS), http://www.pbs.org/newshour/bb/africa/liberia/rebel_groups.html (last visited Aug. 22, 2008); U.S. DEP'T OF STATE, COUNTRY REPORTS ON HUMAN RIGHTS PRACTICES FOR 2003: LIBERIA (2004) [hereinafter COUNTRY REPORTS 2003].
- 34 See Chapter 11 for more information about the role of foreign governments.
- 35 TRC Diaspora Statement Recs. 1154, 766, 170.
- 36 Int'l Crisis Group, *Liberia: The Key to Ending Regional Instability* 11, Apr. 24, 2002, <http://www.crisisgroup.org/home/index.cfm?l=1&id=1533> [hereinafter *Key to Ending Regional Instability*].
- 37 Letter dated 2003/04/24 from the Chairman of the Security Council Committee established pursuant to resolution 1343 (2001) concerning Liberia addressed to the President of the Security Council, ¶ 68, delivered to the Security Council, U.N. Doc. S/2003/498 (Apr. 24, 2003); *Liberia: America's Impoverished Orphan in Africa*, WASH. POST ONLINE, <http://media.washingtonpost.com/wp-adv/specialsales/international/spotlight/liberia/article2.html> (last visited Apr. 21, 2009); *Key to Ending Regional Instability*, *supra* note 36, at 11.
- 38 Int'l Crisis Group, *Tackling Liberia: The Eye of the Regional Storm* 12, Apr. 30, 2003, <http://www.crisisgroup.org/home/index.cfm?l=1&id=1493>.
- 39 TRC Diaspora Statement Rec. 503.
- 40 TRC Diaspora Statement Rec. 1306.
- 41 *Id.*
- 42 TRC Diaspora Statement Rec. 179.
- 43 TRC Diaspora Statement Rec. 733.
- 44 TRC Diaspora Statement Rec. 972.
- 45 TRC Diaspora Statement Rec. 1228.
- 46 *Id.*
- 47 *Id.*
- 48 *Id.*
- 49 TRC Diaspora Statement Rec. 962.
- 50 *Id.*
- 51 COUNTRY REPORTS 2003, *supra* note 33. See Chapter 13 for more information.
- 52 Human Rights Watch, *World Report 1999 – Liberia* 49, 51, <http://www.hrw.org/legacy/worldreport99/africa/liberia.html> [hereinafter *World Report 1999*]; *War in Lofa County*, *supra* note 11; *World Briefs*, Hous. CHRONICLE, Sept. 20, 1998, at 35; U.S. *Airlifts Opposition Leader Out of Liberia*, N.Y. TIMES, Sept. 26, 1998, at A3.
- 53 *World Report 1999*, *supra* note 52; *War in Lofa County*, *supra* note 11; *World Briefs*, *supra* note 52; U.S. *Airlifts Opposition Leader Out of Liberia*, *supra* note 52. After one week at the U.S. embassy, Johnson was flown to Sierra Leone and later to Nigeria, where he was jailed and made to await trial for charges of treason. *World Report 1999*, *supra* note 52; *Liberian Dismisses U.S. Rescue of Rival*, WASH. POST, Sept. 27, 1998, at A32; Peter Dennis, Int'l Center for Transitional Justice, *A Brief History of Liberia* 10, May 2006, <http://www.ictj.org/static/Africa/Liberia/BriefHistory.pdf>.
- 54 TRC Diaspora Statement Recs. 103 and 62.
- 55 TRC Diaspora Statement Rec. 103.
- 56 See, e.g., TRC Diaspora Statement Recs. 1452 (describing how Chuckie Taylor's bodyguards bayoneted statement giver in his arm and neck, causing deafness in one ear, and detained him in jail) and 201 (describing the shooting and death of statement giver's daughter, knifing of statement giver, rape of statement giver's sister-in-law, and burning of their house).
- 57 TRC Diaspora Statement Recs. 773 and 1223.
- 58 TRC Diaspora Statement Rec. 836.
- 59 *Id.*
- 60 TRC Diaspora Statement Rec. 910.

- 61 COUNTRY REPORTS 1998, *supra* note 20.
- 62 TRC Diaspora Statement Rec. 170.
- 63 *Id.*
- 64 Bai Gbala, Testimony at the Diaspora Public Hearings of the Truth & Reconciliation Comm'n of Liberia 5-6 (June 12, 2008, St. Paul, Minn., U.S.A.) (transcript on file with author). Due to pressure from the international community and Liberians, Taylor granted clemency to Gbala and the others on July 21, 2001 and released them after three years. *Id.* at 6.
- 65 TRC Diaspora Statement Rec. 1325.
- 66 Jeff Drumtra, U.S. *Comm. for Refugees, Post-War Liberia Starts Over Again Toward Fitful Peace, Economic Hardship* (1999), http://www.fol.org/reports/Liberia_starts_over.html. In addition, the instability forced many others to flee with 23,000 refugees fleeing for Côte d'Ivoire. TOM KUHLMAN, UNHCR POLICY AND EVALUATION UNIT, RESPONDING TO PROTRACTED REFUGEE SITUATIONS: A CASE STUDY OF LIBERIAN REFUGEES IN CÔTE D'IVOIRE 11 (2002), <http://www.unhcr.org/publ/RESEARCH/3d4006412.pdf>.
- 67 Amnesty Int'l, *Liberia: Killings, Torture and Rape Continue in Lofa County* 7, AI Index AFR 34/009/2001, Aug. 1, 2001, <http://www.amnesty.org/en/library/info/AFR34/009/2001>. Taylor accused exiled leaders of ULIMO-K and ULIMO-J of launching these attacks. *See War in Lofa County, supra* note 11, at 17. The Joint Forces of Liberation for Liberia, composed of dissidents from Guinea, launched an attack in Liberia in April 1999. *Liberia: A Chronology of 25 Years of Conflict and Turmoil*, IRIN NEWS, Jan. 17, 2006, <http://www.globalsecurity.org/military/library/news/2006/01/mil-060117-irin04.htm>.
- 68 TRC Diaspora Statement Rec. 28.
- 69 *Back to the Brink, supra* note 30, at 7; *Liberia: A Chronology of 25 Years of Conflict and Turmoil, supra* note 67.
- 70 TRC Diaspora Statement Rec. 1337.
- 71 *See War in Lofa County, supra* note 11, at 2.
- 72 *Back to the Brink, supra* note 30, at 8.
- 73 TRC Diaspora Statement Rec. 507.
- 74 TRC Diaspora Statement Rec. 922.
- 75 *Id.*
- 76 *Id.*
- 77 *Id.*
- 78 TRC Diaspora Statement Rec. 1561.
- 79 *Id.*
- 80 *Id.*
- 81 TRC Diaspora Statement Rec. 741.
- 82 U.S. Agency for Int'l Development, *Liberia—Complex Emergency: Situation Report #1*, at 1, Oct. 1, 2003, http://www.usaid.gov/our_work/humanitarian_assistance/disaster_assistance/countries/mano_river/ce_index.html; Amnesty Int'l, *Liberia: Truth, Justice, Reparation for Liberia's Victims* 8, AFR 34/001/2007 (2007), <http://www.amnestyusa.org/document.php?lang=e&id=ENGAFR340012007>. LURD launched previous offensives, known as World War I and World War II, in Monrovia in June and July of 2003. Jonathan Paye-Layleh, *Former Liberian Warlord Dodges Questions at TRC*, MAIL & GUARDIAN ONLINE, Aug. 28, 2008, <http://www.mg.co.za/article/2008-08-28-former-liberian-warlord-dodges-questions-at-trc>.
- 83 U.S. Agency for Int'l Development, *supra* note 82.
- 84 TRC Diaspora Statement Rec. 1306.
- 85 TRC Diaspora Statement Rec. 733.
- 86 *How to Fight, supra* note 33, at 9.
- 87 *Liberia's Uneasy Peace: Rebel Groups Fighting Taylor's Government, supra* note 33; *see also How to Fight, How to Kill, supra* note 33, at 9; *see also* COUNTRY REPORTS 2003, *supra* note 33.
- 88 Human Rights Watch, *Liberia: Briefing to the 60th Session of the UN Commission on Human Rights*, Jan. 2004, <http://www.hrw.org/english/docs/2004/01/29/liberi7246.htm>; COUNTRY REPORTS 2003, *supra* note 33; The Secretary General, *Children and Armed Conflict, Report of the Secretary-General*, at 9, U.N. Doc. A/58/546 - S/2003/1053 (Nov. 10, 2003) [hereinafter *Children and Armed Conflict*]; *How to Fight, How to Kill, supra* note 33, at 17-19.
- 89 TRC Diaspora Statement Rec. 782.
- 90 TRC Diaspora Statement Rec. 818.
- 91 *Id.*
- 92 *Id.*
- 93 *Id.*
- 94 *Id.*
- 95 *Id.*
- 96 *Children and Armed Conflict, supra* note 88; *How to Fight, How to Kill, supra* note 33, at 9.

- 97 *Children and Armed Conflict*, *supra* note 88.
- 98 The Secretary General, *Report of the Secretary-General to the Security Council on Liberia*, ¶ 22, delivered to the Security Council, U.N. Doc. S/2003/875 (Sept. 11, 2003).
- 99 *Id.* ¶ 9.
- 100 Opinion, *Extraditing Charles Taylor*, N.Y. TIMES, Mar. 21, 2006; *Charles Taylor: A Wanted Man*, CNN.COM, March 29, 2006, <http://www.cnn.com/2006/WORLD/africa/03/29/taylor.profile/index.html>. See Chapter 12 for more information.
- 101 *Extraditing Charles Taylor*, *supra* note 100; *Bringing Peace to Liberia*, N.Y. TIMES, Aug. 12, 2003.
- 102 Press Release, U.N. Security Council, Security Council Welcomes 18 August Liberia Peace Agreement (Aug. 27, 2003), <http://www.un.org/News/Press/docs/2003/sc7857.doc.htm>.
- 103 *Bryant Takes Power in Liberia*, GUARDIAN.CO.UK, Oct. 14, 2003, <http://www.guardian.co.uk/world/2003/oct/14/westafrica>.

Chapter Nine



Child Soldiers

Chapter Nine. Child Soldiers

1991 was the time I held a gun myself. All the way until 1996 I fought for Taylor...The rebels came and took [my parents] from the house. It was raining. The rebels beat them and made them lie down in the rain and tied their hands behind their back. Then [the commander] came and took me away and made me his personal body guard...I had an AK-47 with a wooden guard not a folding stock. My war name was Kali; I was very slim as a cat and very swift.¹

Child soldiers were used by multiple fighting factions in Liberia beginning in 1989.² Statement givers detailed both their involvement as child soldiers, as well as the gross human rights violations committed by child soldiers. During the conflict, child soldiers themselves were subject to numerous human rights and humanitarian law violations, including abductions, compulsory and underage recruitment, torture, forced labor, rape, killings, and threats. By using children to fight in the armed conflict, factions not only forced children to commit egregious human rights violations themselves, but also deprived them of rights to which they, as children, are entitled.³

In this report, the term “child soldier” is used to refer to any “child associated with an armed force or armed group” and includes any girl or boy less than 18 years old⁴ “recruited or used by an armed force or armed group in any capacity,” including as “fighters, cooks, porters, messengers, spies or for sexual purposes.”⁵

In armed conflicts not of an international character:

“Children shall be provided with the care and aid they require, and in particular:

- (a) they shall receive an education, including religious and moral education, in keeping with the wishes of their parents, or in the absence of parents, of those responsible for their care;
- (b) all appropriate steps shall be taken to facilitate the reunion of families temporarily separated;
- (c) children who have not attained the age of fifteen years shall neither be recruited in the armed forces or groups nor allowed to take part in hostilities;
- (d) the special protection provided by this Article to children who have not attained the age of fifteen years shall remain applicable to them if they take a direct part in hostilities despite the provisions of subparagraph (c) and are captured;
- (e) measures shall be taken, if necessary, and whenever possible with the consent of their parents or persons who by law or custom are primarily responsible for their care, to remove children temporarily from the area in which hostilities are taking place to a safer area within the country and ensure that they are accompanied by persons responsible for their safety and well-being.”

Art. 4(3), Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II).

Estimates of the number of child soldiers engaged in fighting during the Liberian conflict range from 15,000⁶ to more than 20,000.⁷ Although the warring factions forcibly recruited children, some associated themselves with fighting forces for other reasons, usually because there was no alternative for survival.⁸ Children reported joining factions for a variety of reasons: “to avenge the killings of parents, other family or friends; to protect their families from the warring factions; or to get food for themselves and their families” or because “no one was left to take care of them.”⁹

Life for children associated with fighting factions was traumatic and very dangerous as they attempted to survive the rigors of a military existence. Children were put to work as fighters, made to fetch and carry ammunition, and used as cooks.¹⁰ Girls were often raped and used as sexual slaves.¹¹ One statement giver now in Ghana described his recruitment at age seven. “I was in Maryland County, in Harper, when the war started in 1990. One day there was plenty firing around where we were living. The [National Patriotic Front of Liberia] (NPFL) men carried me to cook for them and work carrying wood. I was only seven years old. This went on for many months.”¹²

Children who were used as fighters, like many of their adult counterparts, often received little training.¹³ Instead, they were given drugs and alcohol to make them aggressive and fearless.¹⁴ Under these conditions, children were particularly vulnerable to disease and malnutrition.¹⁵

The TRC mandate specifically addresses the issue of child soldiers. Section 4(e) states that the TRC is to promote “national peace, security, unity and reconciliation” by:

Adopting specific mechanisms and procedures to address the experiences of women, children and vulnerable groups, paying particular attention to gender-based violations, as well as to the issue of child soldiers, providing opportunities for them to relate their experiences. Addressing concerns and recommending measures to be taken for the rehabilitation of such violations in the spirit of national reconciliation and healing.¹⁶

This section of the report summarizes the recruitment of children to serve as soldiers, the experiences of child soldiers, the violence perpetrated by child soldiers, and the status of former child soldiers in the aftermath of the war.

DEMOGRAPHIC CHARACTERISTICS OF CHILD SOLDIERS

The available information both from statements and secondary sources on the origins, numbers and demographic characteristics of Liberian child soldiers is limited. Many statement givers’ accounts of atrocities perpetrated by particular groups did not single out child soldiers from among the perpetrators. Statement givers’ descriptions of perpetrating groups and individuals included “boys,” “soldiers,”

“soldier boys,” “rebels,” or “rebel boys,” sometimes with estimates as to the age of perpetrators, but often without reference to age. One statement giver reported that she was raped at age eight by a “rebel boy;”¹⁷ another statement giver reported her rape by two “boys” at age 13.¹⁸ One statement giver recalled seeing a nine- or ten-year-old child soldier armed with a gun and grenade in July 1990.¹⁹

By 2000, the United Nations Children’s Fund (UNICEF) estimated that 15,000 children had fought in the Liberian conflict.²⁰ In 2004, Amnesty International estimated that 21,000 children, including approximately 2,000 girls, had been combatants in Liberia.²¹ The United Nations noted “that one out of every ten Liberian children may have been recruited at some time into the war effort both



in Liberia and in the neighboring countries...”²² In 1994, UNICEF estimated that ten percent of combatants, or 6,000, were less than 15 years old.²³ It also estimated that in 1996-97, 18 percent of NPFL soldiers were children.²⁴ The majority of these were between 15 and 17 years old and had served for an average of four years; 27 percent were between 12 and 14 years old.²⁵ It was reported that some child combatants were as young as six years old²⁶ and that ten-year-olds would hold command responsibility at checkpoints and roadblocks.²⁷

Demobilization statistics also provide some insight into the magnitude of the problem. At the war’s end in 2003, between 38,000 and 53,000 fighters of all ages reportedly needed to be demobilized.²⁸ By 2005, UNICEF reported that it had demobilized 11,780 child soldiers and reunited virtually all of them with family or caregivers.²⁹ It was reported, however, that previously demobilized combatants were being re-recruited to fight in Côte d’Ivoire.³⁰

The vast majority of child combatants were boys, although girls were also recruited for combat and sexual slavery. During the 1996-97 demobilization, roughly one percent of the demobilized child soldiers were “girls or young women.”³¹ Between 2002 and 2005, the United Nations Mission in Liberia (UNMIL) demobilized 10,963 children, of which 23 percent were girls.³²

Child soldiers reported having little education, generally less than a fifth grade level.³³ For those who participated in the fighting, their education was interrupted sometimes for years. Among a group of

ex-combatants interviewed by Human Rights Watch, most reported attending first grade; one boy interviewed could not read or write his name.³⁴ One statement giver, forcibly recruited at age ten, reported that he was the only one in his unit who could read and write.³⁵

RECRUITMENT OF CHILD SOLDIERS

Forcible Recruitment and Conscription

Forcible recruitment of child soldiers by combatant groups occurred in a variety of contexts.³⁶ Former child soldiers described seizure and kidnapping of children from their families in the course of raids or fighting. One statement giver described his recruitment by NPFL forces at age eight in the aftermath of a raid on his village that resulted in the deaths of several adults and children.³⁷ The surviving village children were rounded up and taken away, including the statement giver, who was told by a commander, “My man, from today you’re with me.”³⁸ Another former child soldier, taken away at age ten by Taylor’s forces after they killed his parents in Nimba County, was designated the bodyguard of the commander of the group responsible for his parents’ killings.³⁹ At age 13, another statement giver witnessed the beheading of his father by Taylor’s forces before being taken away by them; the rebel commander then told him that he should fight with them.⁴⁰

International human rights and humanitarian law governing the recruitment and use of child soldiers:

“Armed groups that are distinct from the armed forces of a State should not, under any circumstances, recruit or use in hostilities persons under the age of 18 years.” States Parties are to take “all feasible measures” to prevent this practice, including prohibitions against and criminalization of such acts. *Art. 4(1)-(2), Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict.*

“Conscripting or enlisting children under the age of fifteen years into armed forces or groups or using them to participate actively in hostilities” in non-international armed conflicts constitutes a war crime. *Art. 8(2)(e)(vii), Rome Statute of the International Criminal Court.*

“[C]hildren who have not attained the age of fifteen years shall neither be recruited in the armed forces or groups nor allowed to take part in hostilities” in non-international armed conflicts. *Art. 4(3)(c), Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflict (Protocol II).*

Another former child soldier stated that, when the rebels came to his village in Sinoe County in 1990, they lined up all the village children in front of their families’ houses and asked which child was the oldest in each family.⁴¹ Every oldest child, whether male or female, was taken away by the rebels to fight.⁴² The statement giver explained that 14 of these conscripted children were killed in a single

battle, and the rebels later returned to villages to force second-born children to join their forces.⁴³

The consequences of refusing to join a fighting faction were dire. Children were presented with the choice to join a particular fighting faction or face being beaten,⁴⁴ tortured,⁴⁵ or killed⁴⁶ for refusing to do so. As described by one former child soldier, in 1992 at age 15, he was forced to take up arms by a NPFL general who told him to “choose between life and death.”⁴⁷ A 14-year-old boy, captured and tortured with his father, reported that the rebels forced him to smoke opium, beat him, slapped him and tortured his father in front of him in an effort to persuade him to join their forces.⁴⁸ An 11-year-old survivor of a raid was jailed by the perpetrators for three days and given the option to “join the rebels or be killed.”⁴⁹

Children were also subject to forced recruitment techniques that included seizure at checkpoints⁵⁰ or random abduction from roads or streets.⁵¹ Knowledge that boys were particularly targeted for forced recruitment led many to remain in hiding during certain periods of the conflict.⁵² Some statement givers recounted their fear of sending boys in their families out to find food or water for fear that they would not return. One such statement giver commented that “Liberia was not safe for young men” like himself because of their vulnerability to forced recruitment.⁵³

Other Reasons for Recruitment and Enlistment

According to a 1994 Human Rights Watch report, although some children had been forcibly recruited, some also associated themselves with one faction or another because of “the advantage.”⁵⁴ The “advantage” meant participating to “avenge the killings of parents, brothers and sisters, to protect their families, or to get scarce food for themselves and their families...”⁵⁵ For some child soldiers, it also meant participating for quasi-patriotic reasons – “to fight for my country”⁵⁶ or to fight “for my freedom.”⁵⁷

Secondary sources and statements described how children may have participated in armed groups because they saw it as the only way to access scarce resources after the death or disappearance of parents and family.⁵⁸ One statement giver described his reasons for joining the Independent National Patriotic Front of Liberia (INPFL) at age 12 after witnessing the aftermath of the Lutheran Church Massacre:

[After my e]xposure to all this terror, horror and violence, I became bitter and decided to affiliate with forces of the Independent National Patriotic Front (INPFL), headed by Prince Y. Johnson. My purpose for befriending the INPFL was to get food daily and for safety.⁵⁹

Another statement giver told the TRC that he managed to stay with his father during the early stages

of the conflict, but in 1996, lost contact with his father at age 15.⁶⁰ Seeing no other choice for survival, he began fighting with the rebels.⁶¹ Another former child soldier described joining the United Liberation Movement for Democracy in Liberia – Johnson faction (ULIMO-J) forces at age ten after opposition forces killed his entire family.⁶² The necessity to “preserve my life” was described by one

“States Parties shall ensure to the maximum extent possible the survival and development of the child.” *Art. 6(2), Convention on the Rights of the Child.*

former child soldier as his motive for joining the NPFL during Operation Octopus.⁶³ He witnessed Economic Community of West African States Monitoring Group (ECOMOG) Senegalese peacekeepers arrest and kill tattooed rebel fighters and feared for his own survival, as he himself bore tattoos as a result of his two years serving as a child soldier in Prince Johnson’s forces.⁶⁴

Some child soldiers associated themselves with fighting factions after having been forcibly recruited earlier by other factions. One statement giver who fought for the NPFL for three years following his forced recruitment by that group later associated with the LPC and fought for an additional four years.⁶⁵

Other children joined fighting forces because one or more friends were already members of the group. One statement giver began fighting for the Liberia Peace Council (LPC) at age 11 because his friend was already fighting for the group.⁶⁶ Another statement giver reported being recruited by his friends to fight with them as members of Taylor’s forces, although he declined to join them.⁶⁷

In addition to joining armed forces to meet their basic needs for food, clothing, and protection, some children were motivated by commanders’ promises of financial compensation, usually in U.S. dollars, and by the opportunity to enrich themselves through looting. Fighting groups promised children a part of the spoils they acquired from looting.⁶⁸ Accordingly, children learned to target civilians so as to confiscate their property.⁶⁹

A reverence for the military was prevalent in Liberia and may have contributed to a desire among some children to become involved with an armed group. Children were used as war mascots by early tribal armies, and successful warriors exercised power in their local communities.⁷⁰ Prior to the war, it was an honor to be in the military because it was considered a prestigious group. Many of the recruits for the Armed Forces of Liberia (AFL) came from indigenous communities and after serving “would return to their hometowns and villages where they would be considered among the elders of their communities; many became chiefs.”⁷¹ Americo-Liberian governments had touted modernization as a means to success; joining the armed forces became a means of upward mobility and guns became a status symbol.⁷²

For many children who joined combatant forces after the death of parents and other family members, their commanders and associates became their new family:



I had no mother or father or brother or sister to tell me what to do. Just my commander...Never really missed my family 'till I left [Liberia] 'cause rebels became my family.⁷³

EXPERIENCES OF CHILD SOLDIERS

Roles, Duties, and Responsibilities

As noted above, a child soldier's service could include both non-combat and combat roles.¹¹² Statements given by former child soldiers describe tasks ranging from combat, to serving as ammunition couriers¹¹³ and water carriers,¹¹⁴ to locating and securing scarce food in villages captured by their forces.¹¹⁵ One statement giver described his initial work for the INPFL as an "errand boy," but said he eventually took up arms during a fierce battle between the INPFL and the AFL:

I had no other option than to fight. INPFL were retreating, so my chances for survival became slimmer and slimmer by the second.¹¹⁶

Human Rights Watch reported that children most commonly: a) worked as porters, laborers, and cooks; b) served as bodyguards, servants, and personal assistants to commanders; c) acted as spies or informants; d) controlled checkpoints; e) carried out ambushes; f) fought on the front lines; and g) executed suspected enemies.¹¹⁷ Additionally, because children on all sides were frequently not paid, they spent some percentage of their time stealing from civilians to survive. Some children reported

Use of Child Soldiers

National Patriotic Front of Liberia (NPFL)

Charles Taylor's NPFL used child soldiers in groups referred to as small boys' units (SBUs). Young children could be easily persuaded to fight for very little and were easier to control.⁷⁴ Many statement givers described child soldiers associated with the NPFL.⁷⁵ In his march through Nimba County, Taylor was described by one statement giver as using child soldiers to "kill their own people" in revenge for Samuel Doe having killed the leaders of Taylor's forces.⁷⁶ According to one statement giver, Taylor recruited "children...as young as six or seven," and "anyone who could carry a gun (some of them barely)."⁷⁷ Other statement givers had family members⁷⁸ or friends⁷⁹ recruited by Charles Taylor, or were themselves child soldiers in Taylor's forces.⁸⁰ A former child soldier "captain," who led almost one hundred men, reported that by age 12, he participated in Operation Octopus;⁸¹ a 15-year-old "general" was reported by another statement giver to have led an attack on a UN facility.⁸² Taylor also used boys, as young as ten years of age, as his personal bodyguards.⁸³

Use of child soldiers under the Taylor Administration

Once Charles Taylor was elected president, use of child soldiers became tantamount to government policy. Government forces were composed of former NPFL fighters, many of whom had been recruited as children.⁸⁴ Many children left Taylor's forces after a demobilization program in 1997,⁸⁵ but the emergence of new factions fighting against Taylor led his security forces, such as the Anti-Terrorist Unit (ATU) and Special Security Service (SSS), to begin recruiting children again.⁸⁶ Reports indicate that many children recruited by the government during the period 2000-2003 were rounded up on the streets, often while traveling to and from school and home.⁸⁷ Children were also recruited into the government forces in raids on internally displaced persons' camps near Monrovia in 2002 and 2003.⁸⁸

United Liberation Movement for Democracy in Liberia (ULIMO)

ULIMO also recruited and used child soldiers.⁸⁹ One statement giver stated that Alhaji Kromah and other ULIMO fighters "mobilized boys, girls, men, older people to fight."⁹⁰ Another statement giver reported that ULIMO-K (Kromah's faction) killed male children because of their potential to become child soldiers.⁹¹

Use of Child Soldiers

Independent National Patriotic Front of Liberia (INPFL)

The rebel group headed by Prince Johnson also recruited and used child soldiers.⁹² Johnson's forces were described by one statement giver as known for including "many Nimba boys."⁹³ One statement giver recalls seeing Prince Johnson's "boys" enter Monrovia – armed and dressed in fatigues – and kill a man.⁹⁴

Liberia Peace Council (LPC)

Like other factions, the LPC recruited and trained children combatants.⁹⁵ One statement giver described how LPC combatants abducted him when he was 12 years old.⁹⁶ They used him as their "playboy" and threatened to drug and force him to fight for them as a small soldier.⁹⁷ Another statement giver, who had fought for the LPC since he was 11, stated that he and other minors in the LPC were given drugs and alcohol.⁹⁸ Another statement giver reported that he fought for the LPC from the age of 11 until he was 15.⁹⁹

Liberians United for Reconciliation and Democracy (LURD)

LURD's use of child soldiers has been well documented.¹⁰⁰ LURD was known for cross border attacks to abduct children from refugee camps¹⁰¹ and for recruiting from IDP centers within Liberia.¹⁰² Some children were also driven to join LURD by the treatment they received at the hands of Taylor's government forces.¹⁰³ Statement givers also told of LURD's recruitment of children.¹⁰⁴ One Buduburam resident recounted how LURD recruited fighters from the settlement in 2001 and 2002.¹⁰⁵ During that time, it was dangerous in Buduburam, and one person was shot.¹⁰⁶ One statement giver stated that LURD rebels entered his house in Newkru town and took his wife and four children.¹⁰⁷ His wife returned to the home later, but without the children.¹⁰⁸ He has not seen his children since the war.¹⁰⁹

Movement for Democracy in Liberia (MODEL)

MODEL began operating in 2003 and consisted mostly of former Doe loyalists. Believed to have had the backing of the Ivorian government, MODEL was reported to have forcibly recruited children from refugee camps in Côte d'Ivoire.¹¹⁰ Human Rights Watch reported that children also were forcibly recruited from the countryside as MODEL began its assault on the southeastern port city of Buchanan.¹¹¹

that they were never paid and relied solely on stealing to survive.¹¹⁸

“States Parties recognize the right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child’s education, or to be harmful to the child’s health or physical, mental, spiritual, moral or social development.” *Art. 32(1), Convention on the Rights of the Child*. States Parties are to take measures to ensure implementation of this right, including through the provision of “appropriate penalties or other sanctions to ensure the effective enforcement.” *Art. 32(c), Convention on the Rights of the Child*.

An Amnesty International report speculated that children were used as soldiers because they were “perceived as cheap and expendable, and easier to condition into fearless killing and unquestioning obedience.”¹¹⁹ This fearlessness and inexperience led to the death of children at higher rates than their adult counterparts during fighting.¹²⁰ As one statement giver observed, the young children, “as young as six or seven, grade-school age...were killed very quickly.”¹²¹

Treatment of Child Soldiers

By any standard, child soldiers were treated harshly by combatant groups and were subject to both physical and mental abuse. Life with the fighting forces placed child soldiers in a harsh, volatile, violent environment. Former child soldiers told the Truth and Reconciliation Commission (TRC) of living in camps in which coercion, beatings, torture, and summary executions were commonplace,¹²² medical care for wounded soldiers was non-existent,¹²³ food was scarce,¹²⁴ and sudden accusations of betrayal or disloyalty to the group could lead to torture or death.¹²⁵ A statement giver described his abduction and detention by the LPC, followed by several months of threats, beatings, and sexual abuse before he managed to escape.¹²⁶ Another told the TRC that in his seven years with NPFL forces, he saw someone die every day.¹²⁷ The climate of violence was so pervasive, one former child soldier described, “Fighting became my hobby at the time. I found pleasure in it.”¹²⁸

Like their adult counterparts,¹²⁹ child soldiers were trained as guerillas,¹³⁰ trained to attack, advance, and retreat and to dismantle, assemble, and shoot guns.¹³¹ For one statement giver, his training as a member of a Small Boys Unit (SBU) lasted five months.¹³² In addition, child soldiers in all of the forces underwent initiation procedures. To prove their loyalty and courage, children were sometimes forced to perform some atrocity, such as killing or raping someone.¹³³ Other initiation or identification rites were usurpations of traditional practices marking the transition into adulthood and involved changes to the child’s physical appearance, such as tattooing,¹³⁴ scarring, and head shaving.¹³⁵ Fighting forces also used traditional amulets and charms¹³⁶ telling children that the items had magical powers that would protect them from bullets or other harm when they entered battle.¹³⁷

Several child soldiers recounted their first combat experiences in their statements to the TRC. One recalled that as the fighters left camp to do battle, they were given a send-off by singing girls; when they returned, there was celebration and a feast, reminiscent of the festivities surrounding a soccer game.¹³⁸ The former child soldier called the event a “bitter first day,” in which he killed people and cried when it was over. He was 12 years old.¹³⁹ Another former child soldier, who at age nine served in the SBU, remembers being told that “everyone was to survive on his own” during the upcoming battle.¹⁴⁰ A third former child soldier stated that during his first battle at age ten, his group was attacked by United Liberation Movement for Democracy in Liberia – Kromah faction (ULIMO-K) forces, and “it was my first time to kill a human being, and from there on I became a killer.”¹⁴¹

“No child shall be subjected to torture or other cruel, inhuman or degrading treatment or punishment.” *Art. 37(a), Convention on the Rights of the Child.*

Child soldiers reported that, if they spoke up or questioned orders, they were threatened with torture or death.¹⁴² In a statement to the TRC, a former child soldier simply stated that he did not want to do certain things, but had no choice because that was how he survived.¹⁴³ All of the forces generally meted out harsh punishment to child soldiers such as being hung upside down by the feet and beaten,¹⁴⁴ being beaten with cartridge belts, being tied tabay, being dragged through dirty water, or being forced to watch the execution of family members.¹⁴⁵ One child soldier said that soldiers in his camp would hit children with gun butts in the mouth, thereby breaking the children’s teeth, and in the eyes to force the children to train and to follow orders.¹⁴⁶

Children learned quickly to obey. One former child soldier told the TRC about witnessing the accusation and execution of a comrade alleged to have betrayed the fighting group.

“States Parties shall take all appropriate measures, including legislative, administrative, social and educational measures, to protect children from the illicit use of narcotic drugs and psychotropic substances as defined in the relevant international treaties, and to prevent the use of children in the illicit production and trafficking of such substances.” *Art. 33, Convention on the Rights of the Child.*

The general give me an order, and I would do it without question...[I saw] them doing things and knew they could do it to me. So I had to protect myself. So I had to do the same things so they knew [that I was loyal]...If you are ordered to give your mother and father a thousand lashes, you’ll give them one thousand lashes.¹⁴⁷

To encourage them to act without exercising judgment, child soldiers were regularly given alcohol and drugs, including marijuana, cocaine, opium, a mixture of cane juice and gunpowder, and “bubbles,” an amphetamine.¹⁴⁸ One statement giver, forcibly recruited at age ten, stated that the first thing the rebels did was to force him to consume alcohol and smoke marijuana at gunpoint.¹⁴⁹

He thought the commanders provided the drugs and alcohol so that the “children would feel brave and could shoot anybody they saw.”¹⁵⁰ Another former child soldier told the TRC he was given food laced with marijuana, gun powder, and cocaine,¹⁵¹ while a third statement giver said he and other child soldiers were given “[marijuana], cocaine, dugee [tablets] and spirits to make us brave.”¹⁵² Although the children often drank and smoked voluntarily, the drugs were given to them by their commanders, and many children believed the substances were “medicine” for protection.¹⁵³ They believed if they took the medicine and were hit by a bullet, it would bounce right off.¹⁵⁴ One former child soldier stated, “Drugs used to be my food.”¹⁵⁵ He believed that the protection provided by drugs given to him would prevent him from feeling a bullet if he were shot.¹⁵⁶

As discussed in Chapter Six, most soldiers had fighting names that signified their particular characteristics in fighting.¹⁵⁷ Children’s dress and appearance were dictated by the dress and uniform customs of the fighting force with which they were associated. Most fighting factions did not use formal uniforms but instead used colored t-shirts, unusual dress such as wigs and underwear, or a specific hairstyle as unit identification.¹⁵⁸ According to one statement giver, some child soldiers under the command of Charles Taylor wore neither uniforms nor shoes, thus making it impossible to identify the children as fighters.¹⁵⁹

Escape from Fighting Forces

Numerous statement givers told of escaping from combatant groups after varying lengths of time. One former child soldier stated he escaped to Côte d’Ivoire at age 12 during a period of chaotic fighting among NPFL soldiers who were drinking.¹⁶⁰ Another escaped the INPFL through the bush, disguised himself, and eventually made his way to Côte d’Ivoire.¹⁶¹ A third former child soldier served 11 years with the NPFL, during which he tried unsuccessfully to escape. By 2003, he was “tired of hurting people and of carrying a gun,” and took advantage of an opportunity to escape by bush road into exile in Ghana.¹⁶²

“States Parties shall cooperate in the implementation of the present Protocol, including in the prevention of any activity contrary to the Protocol and in the rehabilitation and social reintegration of persons who are victims of acts contrary to this Protocol, including through technical cooperation and financial assistance. Such assistance and cooperation will be undertaken in consultation with concerned States Parties and relevant international organizations.” *Art. 7(1), Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflicts.*

One former child soldier, having fought with Charles Taylor’s forces from his forcible recruitment in 1990 at age ten until 1997, ultimately determined that he was in danger of being killed by those forces.¹⁶³ After a series of battles in Maryland County to root out supporters of Samuel Doe, he came to believe that he was in danger because he “knew too much and the rebels would not want the child soldiers around.”¹⁶⁴ The statement giver and ten other child soldiers ran across the border to Côte

d'Ivoire during chaotic celebrations that followed the rebels' success in capturing the villages loyal to Doe.¹⁶⁵

Female Child Soldiers¹⁶⁶

About 2,000 women and girls served in the fighting forces on all sides of the Liberian conflict.¹⁶⁷ Girls often had their own units and participated in fighting as well as in activities such as cooking, domestic work, and portering.¹⁶⁸ Like their male counterparts, females became a part of the combatant forces for a variety of reasons, including forced abduction, the need for protection against rape or other forms of violence, the urge to avenge violence against themselves or their families, a so-called “marriage” to a combatant, as well as for economic benefit.¹⁶⁹

Girls and women associated with combatant groups were routinely raped and sexually assaulted. Several statement givers described their experiences. One statement giver, who was 22 years old at the time, recounted how she was the oldest of five girls abducted by LPC rebels who used them “as cooks and for other things.”¹⁷⁰

One statement giver recounted how a rebel forced her sister to become his bush wife and took her to lower Nimba County.¹⁷¹ “She had to go with him because he was behind the barrel of the gun, and she was forced to have children by this man.”¹⁷²

Another woman who was abducted by rebels and forced to become a bush wife recalled that she had “no choice.”¹⁷³ Amnesty International elaborates that most of the girls and women abducted and forced to fight were raped at the time of their forced recruitment, and they continued to suffer sexual abuse throughout their time with the forces.¹⁷⁴ Many girls were forced to become “wives” of their abductors, and some young girls were assigned to provide sexual and other services to particular combatants.¹⁷⁵

Through all stages of the release, reintegration and follow-up, “actors should recognise that girls are at risk of being ‘invisible’ and take measures to ensure that girls are included and relevant issues addressed at all stages. It is important that the differences between girls’ and boys’ experiences are understood and taken into account by all actors and that programming for children who are or have been associated with armed forces or armed groups explicitly reflects the particular situation of both girls and boys.” ¶ 4.1 *The Paris Principles: Principles and Guidelines on Children Associated with Armed Forces or Armed Groups, Feb. 2007.*

Violence Perpetrated by Child Soldiers

A review of statements and the available literature supports the conclusion that child soldiers not only witnessed, but also participated in the full range of atrocities of the combatant groups to which they belonged. These atrocities include military assaults, killings, torture, kidnappings, rape, looting, and other violent acts.

Some former child soldiers acknowledged their participation in fighting, but provided vague or no detail related to their activities during the conflict.¹⁷⁶ Other statement givers provided details about aspects of their combat activities, but maintained that they never killed anyone. In meetings with former child soldiers in Buduburam Refugee Settlement, many were reluctant to admit responsibility for their actions during their time as child soldiers. They stated that they were victims rather than perpetrators.¹⁷⁷

Other statement givers described in detail the violence in which they participated. One child soldier, who fought with both the NPFL and the LPC, admitted that as an LPC rebel he killed civilians in response to his commanders' orders.¹⁷⁸ He also described using the torture technique of "dog fat tabay," a modified version of tabay, in which the victim's feet are tightly tied between two sticks, squeezing the feet and leaving the victim unable to walk for a month.¹⁷⁹ A former ULIMO-J child soldier reports that at age ten, he

...[L]ed a group that attacked ULIMO-K and I killed a lot of people [and] soldiers which up to today I regret. The only reason is that I was forced and under the influence of drugs, money and holding a gun.¹⁸⁰

A detailed description of violence perpetrated by a child soldier was provided by a statement giver who was forcibly recruited by the NPFL at age ten, following the murder of his parents in Nimba County.¹⁸¹ He was a child soldier from 1991 to 1996, when he escaped to Côte d'Ivoire.¹⁸² At one point, he participated in a raid that resulted in the killing of several people and the capture of three, including one girl.¹⁸³ According to the statement giver, his group "put a bottle in the girl and just left her like that."¹⁸⁴ He also described the killing of civilians in the course of combat operations.¹⁸⁵ He described torturing and killing enemy combatant forces:

Sometimes you capture someone and you shoot them but they don't die. Tar comes out of the wound, like you put on roads...So you cut them [a] little, or you tie them and put them in a mattress and put stones on it and throw it into the river...You hear a brother crying and find they cut his two arms and hung him by them and cut his navel and pull his intestines and pull them across the road and tie them...You see that happen to your brother and then you capture some of them. Never wound anybody and let them go. I would not even cut a finger, I would rather cut off their head.¹⁸⁶

This child soldier also described other torture techniques, including hanging victims upside down from morning to evening and beating victims rolled up in mattresses.¹⁸⁷ He stated that these techniques were used on enemies: "We did those things because we saw what they did to us."¹⁸⁸ This same former child soldier, a commander, reported killing his own wounded troops because there was no medic

“Children who are accused of crimes under international law allegedly committed while they were associated with armed forces or armed groups should be considered primarily as victims of offences against international law; not only as perpetrators. They must be treated in accordance with international law in a framework of restorative justice and social rehabilitation, consistent with international law which offers children special protection through numerous agreements and principles.” ¶ 3.6, *The Paris Principles: Principles and Guidelines on Children Associated with Armed Forces or Armed Groups*, Feb. 2007.

available to care for them: “If [my man] is wounded in the gut, he would just have to suffer more, you just have to finish it up.”¹⁸⁹

Some statement givers discussed their perception that child soldiers were the fighters to be most feared. Their age and lack of cognitive development, coupled with the use of drugs, made their behavior extremely unpredictable and violent:

[Y]oung boys were some of the worst of the rebels as they were drugged with cocaine and LSD. These boys had no emotion or remorse and would use AK-47s without a second thought.¹⁹⁰

One statement giver stated that he thought child soldiers killed people in the streets for “fun,”¹⁹¹ further underscoring the incendiary and terrifying combination of an armed child vested with absolute authority over others. Other statements likewise revealed this power dynamic, as does a 1994 Human Rights Watch report stating that child soldiers commonly commanded checkpoints.¹⁹²

One statement giver stated that when passing through a checkpoint, an armed child soldier who had obviously been smoking marijuana threatened to kill the statement giver unless he gave the child all of his clothing.¹⁹³ Children in control of checkpoints sometimes killed people for no reason at all.¹⁹⁴

This dynamic of absolute authority also manifested in the looting by child soldiers. A former NPFL child commander told the TRC that those under his command broke into shops and looted during the events of April 6, 1996.¹⁹⁵ Those who resisted this looting were shot.¹⁹⁶

“States Parties shall take all feasible measures to ensure that persons within their jurisdiction recruited or used in hostilities contrary to this Protocol are demobilized or otherwise released from service. States Parties shall, when necessary, accord to these persons all appropriate assistance for their physical and psychological recovery and their social reintegration.” Art. 6(3), *Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflicts*.

A few statement givers told stories of unexpected compassionate actions by child soldiers. One statement giver reported that a child soldier saved her life by vouching for her identity as a teacher.¹⁹⁷

Another statement giver credited a child soldier with not identifying an adult to his commanders, thus saving the adult from harm.¹⁹⁸ A third statement giver recounted how a child soldier told his commander that the child had killed the statement giver, as ordered, when the child soldier had in fact allowed the statement giver to escape.¹⁹⁹

While children were often quickly and easily abducted or recruited to serve as soldiers, years of effective treatment are required to repair or remediate the psychological damage suffered as result of their experiences in a brutal civil war.

Notes

- 1 TRC Diaspora Statement Rec. 97.
- 2 Human Rights Watch, *How to Fight, How to Kill: Child Soldiers in Liberia*, Feb. 1, 2004, <http://www.hrw.org/en/node/12180/section/1> [hereinafter *How to Fight*].
- 3 Examples of such rights include the right to education, the right to health, and the right to protection from economic and social exploitation. International Covenant on Economic, Social and Cultural Rights arts. 10(3), 12, 13, G.A. Res. 2200A (XXI), U.N. Doc. A/6316 (1966), *entered into force* Jan. 3, 1976, 993 U.N.T.S. 3. Children are also entitled to rest, leisure, play, a standard of living “adequate for the child’s physical, mental spiritual, moral and social development,” and protection from sexual and economic exploitation and any work that is harmful to the child’s health or development. Convention on the Rights of the Child arts. 27(1), 31(1), 32, 34, G.A. Res. 44/25, Annex, U.N. Doc. A/44/49 (1989), *entered into force* Sept. 2 1990 [hereinafter *Conv. on Rights of the Child*].
- 4 A child for the purposes of this report is anyone under the age of 18. *Conv. on Rights of the Child*, *supra* note 3, art. 1, which has been signed and ratified by Liberia, defines a child as “every human being below the age of eighteen years unless under the law applicable to the child, majority is attained earlier.” The African Charter for the Rights and Welfare of the Child also defines a child as a human being under the age of eighteen. African Charter on the Rights and Welfare of the Child art. 2, O.A.U. Doc. CAB/LEG/24.9/49 (1990), *entered into force* Nov. 29, 1999. International humanitarian law prohibits the use and recruitment of children under age 15 in armed conflict. Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II) art. 4(3)(c), *entered into force* Dec. 7, 1978, 1125 U.N.T.S. 609; Rome Statute of the International Criminal Court art. 8, *entered into force* July 1, 2002, 2187 U.N.T.S. 90. However, the international human rights community has recognized that children under 18 associated with fighting forces are “child soldiers.” U.N. Children’s Fund (UNICEF), *Principles and Guidelines on Children Associated with Armed Forces or Armed Groups (The Paris Principles)* § 2.1 (2007) [hereinafter *Paris Principles*], http://www.un.org/children/conflict/_documents/parisprinciples/ParisPrinciples_EN.pdf
- 5 *Paris Principles*, *supra* note 4, ¶ 2.1.
- 6 U.N. Children’s Fund (UNICEF), *The Progress of Nations* 28 (2000), <http://www.unicef.org/pon00/pon2000.pdf>.
- 7 Amnesty Int’l, *Liberia: The Promises of Peace for 21,000 Child Soldiers* 5, AI Index AFR 34/006/2004, May 17, 2004 [hereinafter *Promises of Peace*], <http://www.amnesty.org/en/library/info/AFR34/006/2004>; *but see* Human Rights Watch, *Easy Prey: Child Soldiers in Liberia* 3, Sept. 8, 1994 [hereinafter *Easy Prey*], <http://www.hrw.org/reports/1994/liberia2/>.
- 8 *Easy Prey*, *supra* note 7, at 3.
- 9 *Id.* at 26-27.
- 10 *Promises of Peace*, *supra* note 7, at 4-8.
- 11 *Id.* Human Rights Watch reported that children played the following roles: “Running errands, like bringing food; Carrying ammunition or food; Acting as bodyguards; Acting as spies, carrying out reconnaissance; Acting as informants; Manning checkpoints, checking documents and packages; Carrying out ambushes; Fighting on the front lines; Serving as executioners of suspected enemies.” *Easy Prey*, *supra* note 7, at 32.
- 12 TRC Diaspora Statement Rec. 1600.
- 13 *Promises of Peace*, *supra* note 7, at 4.
- 14 *Id.*
- 15 *Id.*
- 16 Also, the TRC mandate addresses the importance of incorporating mechanisms to address the needs of children victims and perpetrators, “not only to protect their dignity and safety but also to avoid retraumatization.” An Act to Establish the Truth and Reconciliation Commission of Liberia § 24 (enacted by the National Transitional Legislative Assembly, May 12, 2005), <https://www.trcofliberia.org/about/trc-mandate>.
- 17 TRC Diaspora Statement Rec. 216.
- 18 TRC Diaspora Statement Rec. 320. The statement giver used the term “armed men” to describe the first intruders in her home, but used the term “boys” to describe her assailants.
- 19 TRC Diaspora Statement Rec. 1116.
- 20 UNICEF, *Progress of Nations*, *supra* note 6, at 28.

- 21 *Promises of Peace*, *supra* note 7 at 5.
- 22 U.N. Comm'n on Human Rights, *Report of the High Commissioner for Human Rights: Situation of human rights and fundamental freedoms in Liberia* ¶ 15, E/CN.4/2004/5 (Aug. 8, 2003), <http://www.unhcr.ch/html/liberia.doc>.
- 23 *Easy Prey*, *supra* note 7, at 3.
- 24 Coalition to Stop the Use of Child Soldiers, *Global Report on Child Soldiers 2001* 266 (Apr. 2001) [hereinafter *Global Report 2001*], <http://www.child-soldiers.org/library/global-reports>.
- 25 *Id.*
- 26 UNICEF, *Progress of Nations*, *supra* note 6, at 28. See also TRC Diaspora Statement Rec. 1600 (describing his recruitment at age seven).
- 27 *Easy Prey*, *supra* note 7, at 32-33.
- 28 Coalition to Stop the Use of Child Soldiers, *Child Soldiers Global Report 2004* 3 (2004) [hereinafter *Global Report 2004*], <http://www.child-soldiers.org/library/global-reports>.
- 29 U.N. Children's Fund (UNICEF), Liberia: Donor update, May 9, 2005, http://www.unicef.org/infobycountry/files/Liberia_DU_9May2005.pdf
- 30 *Global Report 2004*, *supra* note 28, at 3.
- 31 *Global Report 2001*, *supra* note 24, at 266.
- 32 The Secretary-General, *Report of the Secretary-General on children and armed conflict*, ¶ 56, delivered to the Security Council, S/2006/826, A/61/529 (Oct. 26, 2006), <http://www.un.org/docs/sc/Sgprep06.htm>.
- 33 *Easy Prey*, *supra* note 7, at § 1.
- 34 *Easy Prey*, *supra* note 7, at 5.
- 35 TRC Diaspora Statement Rec. 97.
- 36 See Chapter 7 for more discussion of tactics used by fighting factions during the civil wars in Liberia.
- 37 TRC Diaspora Statement Rec. 888.
- 38 *Id.*
- 39 TRC Diaspora Statement Rec. 97.
- 40 TRC Diaspora Statement Rec. 452.
- 41 TRC Diaspora Statement Rec. 1462.
- 42 *Id.*
- 43 *Id.*
- 44 TRC Diaspora Statement Rec. 421.
- 45 TRC Diaspora Statement Rec. 425.
- 46 *E.g.*, TRC Diaspora Statement Recs. 317 and 325.
- See also TRC Diaspora Statement Rec. 63 (describing burying the corpses of those who refused to join Chuckie Taylor's ATU).
- 47 TRC Diaspora Statement Rec. 402.
- 48 TRC Diaspora Statement Rec. 421.
- 49 TRC Diaspora Statement Rec. 317.
- 50 TRC Diaspora Statement Rec. 460 (describing the abduction of statement giver's 13-year-old brother while passing through a checkpoint, after which he was forced to fight for one year).
- 51 TRC Diaspora Statement Recs. 875 (describing an "army car" decorated with human genitals stopping as he walked on a road, picking him up, and taking him to a base camp, where he became a member of a Small Boys Unit), 403 (describes the statement giver's conscription after he "met up with INPFL" forces, was put in a car, taken away, and forced to fight) and 120 (describing the statement givers' random abduction from the street by LPC forces).
- 52 TRC Diaspora Statement Recs. 38, 39, 462.
- 53 TRC Diaspora Statement Rec. 415.
- 54 *Easy Prey*, *supra* note 7, at 26.
- 55 *Id.* at 26-27.
- 56 *Id.* at 27.
- 57 TRC Diaspora Statement Rec. 97.
- 58 *Easy Prey*, *supra* note 7, at 27.
- 59 TRC Diaspora Statement Rec. 230.
- 60 TRC Diaspora Statement Rec. 836.
- 61 *Id.*
- 62 TRC Diaspora Statement Rec. 1562.
- 63 TRC Diaspora Statement Rec. 230.
- 64 *Id.*
- 65 TRC Diaspora Statement Rec. 888.
- 66 TRC Diaspora Statement Rec. 176.
- 67 TRC Diaspora Statement Rec. 426.
- 68 *Easy Prey*, *supra* note 7, at 29
- 69 *Id.* at 27. See Violence Perpetrated by Child Soldiers in this chapter for more information.
- 70 Carrie E. Kimmel & Jini L. Rob, *Institutionalized Child Abuse: The Use of Child Soldiers*, 50 INT'L SOCIAL WORK 740, 743 (2007).
- 71 AMOS SAWYER, BEYOND PLUNDER 23-24 (2005).
- 72 Kimmel & Rob, *supra* note 70, at 743.

- 73 TRC Diaspora Statement Rec. 97.
- 74 U.N. High Comm'r for Refugees (UNHCR), *Background Paper on Refugees and Asylum Seekers from Liberia*, Oct. 1994 (citations omitted), http://www.asylumlaw.org/docs/liberia/unhcr_bpas94_liberia.pdf.
- 75 TRC Diaspora Statement Recs. 23, 64, 412.
- 76 TRC Diaspora Statement Rec. 23.
- 77 TRC Diaspora Statement Rec. 26.
- 78 TRC Diaspora Statement Recs 22, 42.
- 79 TRC Diaspora Statement Rec. 426.
- 80 TRC Diaspora Statement Recs. 97, 230, 402, 888, 889, 1462.
- 81 TRC Diaspora Statement Rec. 97.
- 82 TRC Diaspora Statement Rec. 42.
- 83 *LIBERIA: One Rebel Group Says It Stopped Fighting*, IRIN NEWS, Sept. 20-26, 2003, <http://iys.cidi.org/humanitarian/irin/wafrica/03b/ixl12.html>.
- 84 *Global Report 2001*, *supra* note 24, at 265.
- 85 *How to Fight*, *supra* note 2, at 14.
- 86 *Id.*
- 87 *Global Report 2004*, *supra* note 28, at 2.
- 88 *How to Fight*, *supra* note 2, at 15.
- 89 *Easy Prey*, *supra* note 7, at 23-24.
- 90 TRC Diaspora Statement Rec. 1652. *See also* TRC Diaspora Statement Rec. 1562 (describing his decision to associate with ULIMO-J after the murder of his family).
- 91 TRC Diaspora Statement Rec. 789.
- 92 *Easy Prey*, *supra* note 7, at 15-17.
- 93 TRC Diaspora Statement Rec. 114.
- 94 TRC Diaspora Statement Rec. 16.
- 95 Jeffrey Goldberg, *Lifting Liberia Out of Chaos*, N.Y. TIMES, Apr. 15, 1996, http://www.jeffreygoldberg.net/articles/nyt/lifting_liberia_out_of_chaos.php.
- 96 TRC Diaspora Statement Rec. 120.
- 97 *Id.*
- 98 TRC Diaspora Statement Rec. 176.
- 99 TRC Diaspora Statement Rec. 888.
- 100 *See generally* Global Report 2004, *supra* note 28; *How to Fight*, *supra* note 2.
- 101 *See* ROBIN DUNN-MARCOS ET AL., LIBERIANS: AN INTRODUCTION TO THEIR HISTORY AND CULTURE 21 (Donald A. Ranard ed., Center for Applied Linguistics 2005) http://www.cal.org/co/liberians/liberian_050406_1.pdf; *see generally* Global Report 2004, *supra* note 28.
- 102 *How to Fight*, *supra* note 2, at 9; *Child Soldiers – Liberia: Preparing for the Transition from War to Normal Life*, IRIN NEWS, Dec. 2003, <http://www.irinnews.org/InDepthMain.aspx?InDepthId=24&ReportId=66996&Country=Yes>.
- 103 *How to Fight*, *supra* note 2, at 9.
- 104 TRC Diaspora Statement Recs. 424 (noting that LURD was forcing small children to fight) and 462 (telling of the NPFL and LURD looking for young boys).
- 105 TRC Diaspora Statement Rec. 888.
- 106 *Id.*
- 107 TRC Diaspora Statement Rec. 1079.
- 108 *Id.*
- 109 *Id.*
- 110 Global Report 2004, *supra* note 28, at 3.
- 111 *How to Fight*, *supra* note 2, at 18.
- 112 *See supra* note 11.
- 113 TRC Diaspora Statement Recs. 888 and 889.
- 114 TRC Diaspora Statement Rec. 317.
- 115 TRC Diaspora Statement Rec. 888.
- 116 TRC Diaspora Statement Rec. 230.
- 117 *Easy Prey*, *supra* note 7, at 32; *How to Fight*, *supra* note 2, at 19.
- 118 *How to Fight*, *supra* note 2, at 25.
- 119 *Promises of Peace*, *supra* note 7, at 4.
- 120 *Id.* at 3.
- 121 TRC Diaspora Statement Rec. 26.
- 122 TRC Diaspora Statement Recs. 97 and 403.
- 123 TRC Diaspora Statement Rec. 97.
- 124 TRC Diaspora Statement Rec. 888.
- 125 TRC Diaspora Statement Rec. 97.
- 126 TRC Diaspora Statement Rec. 120.
- 127 TRC Diaspora Statement Rec. 1462.
- 128 TRC Diaspora Statement Rec. 97.
- 129 *See* Chapter 6 for more information about adult combatants during the civil wars in Liberia.
- 130 TRC Diaspora Statement Rec. 97.
- 131 TRC Diaspora Statement Rec. 403.

- 132 TRC Diaspora Statement Rec. 875.
- 133 *See How to Fight, supra* note 2, at 9.
- 134 TRC Diaspora Statement Rec. 230.
- 135 *How to Fight, supra* note 2, at 28.
- 136 *Id.* These initiations provided the children with a sense of prestige, while enhancing loyalty to their fighting groups rather than to their society and community. *Id.* at 30.
- 137 *Id.* at 28. *See also* TRC Diaspora Statement Rec. 97.
- 138 TRC Diaspora Statement Rec. 889.
- 139 *Id.*
- 140 TRC Diaspora Statement Rec. 875.
- 141 TRC Diaspora Statement Rec. 1562.
- 142 *Easy Prey, supra* note 7, at 36.
- 143 TRC Diaspora Statement Rec. 836.
- 144 TRC Diaspora Statement Rec. 1462.
- 145 *Easy Prey, supra* note 7, at 27.
- 146 TRC Diaspora Statement Rec. 1462.
- 147 TRC Diaspora Statement Rec. 97.
- 148 *How to Fight, supra* note 2, at 28; *Easy Prey, supra* note 7, at 38.
- 149 TRC Diaspora Statement Rec. 1462.
- 150 *Id.*
- 151 TRC Diaspora Statement Rec. 875.
- 152 TRC Diaspora Statement Rec. 176.
- 153 *How to Fight, supra* note 2, at 28-29.
- 154 *Id.*
- 155 TRC Diaspora Statement Rec. 97.
- 156 *Id.*
- 157 *How to Fight, supra* note 2, at 25-26. Examples of monikers described to researchers included: “Laughing and Killing” because the boy soldier would laugh when he killed enemy fighters; “Disgruntled” because the child soldier was not satisfied with the fighting; “Captain No Mercy” because the officer would kill if someone disobeyed orders; and “Walking Stick” because a child was made to walk directly behind his commander. *See* Chapter 6 for more information on tactics and fighting factions.
- 158 *Id.* at 26-28.
- 159 TRC Diaspora Statement Rec. 64.
- 160 TRC Diaspora Statement Rec. 889.
- 161 TRC Diaspora Statement Rec. 403.
- 162 TRC Diaspora Statement Rec. 402.
- 163 TRC Diaspora Statement Rec. 1462.
- 164 *Id.*
- 165 *Id.*
- 166 *See* Chapter 10 for more information on the role of women in the civil wars in Liberia.
- 167 *Promises of Peace, supra* note 7, at 5.
- 168 *How to Fight, supra* note 2, at 29.
- 169 Int’l Labour Org., *Red Shoes: Experiences of Girl-combatants in Liberia* 27-43 (2005), www.ilo.org/public/english/employment/crisis/download/redshoes.pdf.
- 170 TRC Diaspora Statement Rec. 261.
- 171 TRC Diaspora Statement Rec. 1551.
- 172 *Id.*
- 173 TRC Diaspora Statement Rec. 1375.
- 174 *Promises of Peace, supra* note 7, at 9.
- 175 *Id.* *See also How to Fight, supra* note 2, at 29.
- 176 TRC Diaspora Statement Recs. 402 and 836.
- 177 TRC Diaspora Project meeting with Veteran Child Soldiers Association, Sept. 30, 2007, Buduburam, Ghana.
- 178 TRC Diaspora Statement Rec. 888.
- 179 *Id.*
- 180 TRC Diaspora Statement Rec. 1562.
- 181 TRC Diaspora Statement Rec. 97.
- 182 *Id.*
- 183 *Id.*
- 184 *Id.*
- 185 *Id.*
- 186 *Id.*
- 187 *Id.*
- 188 *Id.*
- 189 *Id.*
- 190 TRC Diaspora Statement Rec. 788.
- 191 TRC Diaspora Statement Rec. 40.
- 192 *E.g.*, TRC Diaspora Statement Rec. 13; *Easy Prey, supra* note 7, at 32-33.
- 193 TRC Diaspora Statement Rec. 15.
- 194 *Easy Prey, supra* note 7, at 33.
- 195 TRC Diaspora Statement Rec. 230.

- 196 TRC Diaspora Statement Rec. 1462.
- 197 TRC Diaspora Statement Rec. 70.
- 198 TRC Diaspora Statement Rec. 115.
- 199 TRC Diaspora Statement Rec. 399.

Chapter Ten



Women

Statements from Liberian women and men, as well as reports from civil society groups and international organizations, detail extreme forms of violence and other human rights abuses perpetrated against women before, during, and after the war in Liberia. During the conflict, women were subject to many of the same human rights violations as men were, including forced labor, killings, torture, and beatings. Many women were also targeted for gender-based violence, such as rape, sexual violence, and sexual slavery. After the conflict, violence against women, including sexual and domestic violence, continues to be prevalent in Liberia.¹



Violence against women impairs fundamental rights and freedoms, such as the rights to life, security, and liberty, and the right not to be subjected to torture. The United Nations has recognized the connection between violence and inequality, stating that violence is one of the “crucial social mechanisms by which women are forced into a subordinate position compared with men.”² Other forms of discrimination against women in both law and practice are prevalent in Liberia as well. While there are some laws that promote equality,

weaknesses in the law and inadequate implementation prevent the full realization of women’s human rights. The problem is exacerbated by the bifurcation of Liberia’s laws into formal and customary systems, the latter of which allows discrimination against women in many cases. In addition, many social and cultural practices, as well as the deprivation of social and economic rights, contribute to the subordination of women in Liberia.

The mandate of the Truth and Reconciliation Commission (TRC) of Liberia recognizes that a thorough understanding of gender and its impact on both Liberian society and the conflict are essential to the success of the TRC process. Section 24 of the Act to Establish the Truth and Reconciliation Commission of Liberia provides:

The TRC shall consider and be sensitive to issues of human rights violations, gender and gender based violence thus ensuring that no one with a known record of human rights violations are employed by the TRC and that gender mainstreaming characterizes its work, operations and functions, ensuring therefore that women are fully represented and staffed at all levels of the work of the TRC and that special mechanisms are employed to handle women and children victims and perpetrators, not only to protect their dignity and safety but also to avoid re-traumatization.³

The statute creating the TRC also recognizes the importance of the full participation of women in understanding the conflict and building the future of Liberia. The statute requires that at least four of the nine commissioners be women. Four of the commissioners appointed to the TRC are women, who have diverse experiences with regard to women's issues, and women have participated at various levels in the work of the TRC.⁴ The TRC's mandate requires that it adopt "specific mechanisms and procedures to address the experiences of women, children and vulnerable groups, paying particular attention to gender based violations..."⁵ The statute also requires the TRC to "employ specialists in children's and women's rights" and "ensure that special measures or mechanisms are employed that will enable women and children to provide testimony to the TRC, while at the same time protecting their safety and not endangering or delaying their social reintegration or psychological recovery."⁶

Past truth commissions have been criticized for their approach to women's issues because of a failure to fully incorporate the gender perspective into their work.⁷ The above provisions provide the Liberian TRC the authority and mandate to give focused attention to women's human rights issues. In addition, the TRC has undertaken outreach measures to encourage the participation of women. For example, the TRC's Committee on Gender held workshops and town hall meetings for women throughout Liberia, which included an overview of the TRC mandate, women's human rights violations in Liberia, and how other truth commissions have addressed gender issues.⁸ Also, the TRC has drafted a gender policy based on workshops, town hall meetings, and collaboration with other stakeholders.⁹ In line with this approach and taking into account the widespread violence against women during the war, The Advocates has included a separate section on women to give the specific attention that is mandated.

PRE-EXISTING FACTORS: THE ROLE OF WOMEN IN LIBERIAN SOCIETY

In an experts' report prepared for the United Nations in 2002, Elisabeth Rehn and Ellen Johnson Sirleaf note that the violence women experience during armed conflict "does not arise solely out of the conditions of war; it is directly related to the violence that exists in women's lives during peacetime. Throughout the world, women experience violence because they are women, and often because they do not have the same rights or autonomy that men do."¹⁰ As a result, a discussion of the factors that existed before the conflict is essential to better understand both women's human rights violations during the conflict, as well as the problems that still affect women post-conflict.

Life has been, and can often be, very difficult for women in Liberia. Discrimination against women both in law and in practice is pervasive in Liberia.¹¹ Deficiencies in the legal system, a reticence to investigate and prosecute certain cases affecting women, and the unavailability of legal assistance hamper women's access to justice. Furthermore, there is a need to increase public awareness of women's rights.¹² In practice, few domestic laws and policies realize the principle of equality between men and women. Liberia's civil law system is patriarchal, and laws are often construed at the expense of

women's human rights.¹³ Social attitudes tend to accept sexual crimes against women and children as one of life's risks.¹⁴ For example, there is no domestic violence law in Liberia,¹⁵ and witness testimony revealed the reluctance of police to intervene in such cases:

I lived in Liberia. I have experienced situations where women have been abused, and in the heat of the situation, the police [were] called, and [the victim and perpetrator] were told, "That's your domestic problems." [The police] have nothing to do with that.¹⁶

Finally, socio-economic factors present challenges for many women in Liberia. Girls face greater barriers to accessing education because of violence against women and girls, early marriages, prioritization of males over females for schooling, and other biases.¹⁷ The formal—and therefore regulated—economic sector lacks job opportunities, leading many women to work in the informal sector where they are more susceptible to harassment.¹⁸ Access to health care is extremely limited in Liberia, with resulting high maternal and infant mortality rates.¹⁹

A Note about the Role of Liberian Women as Leaders

Despite such discrimination and socio-economic obstacles, it is important to recognize that Liberian women often wield considerable personal power and political autonomy. Liberian women have held authority within traditional societies and more formal networks, which afforded them a base for socialization, support, and activism. For example, in secret societies such as the Sande society, female *zoes*, or traditional priests, train young girls in domestic skills, cooking, singing, food production, community leadership, midwifery, and story narration.²⁰ Traditional women's societies that both entertain and assist one another are also found among the Kru and Bassa.²¹ Collective action has also been employed by women to assert their rights. Academic Mary Moran witnessed one example where women carried out a mass protest to demand amends for a wrong; in leaving their village en masse and implementing a local, institutionalized practice, these women sought to protect their rights and claim a role in decision-making.²² Liberian women also established more formal organizations, beginning with church-based groups to foster community bonds, forge connections among classes and ethnicities, and promote general unity, to socio-political organizations designed to increase women's political participation.²³ Their early work in establishing girls' schools and churches²⁴ facilitated their later emergence in the public sphere. Women shifted into the more visible political sector when President Tubman appointed a number of women, albeit of the ruling settler class, to significant positions.²⁵ It was not until the Tolbert administration that the number of women appointees increased and their backgrounds broadened substantially to include "women who supported and represented change."²⁶ There are examples of prominent Liberian women in the international arena as well. For example, Liberian Assistant Secretary of State Angie Elisabeth Brooks served as the President of the U.N. General Assembly during its 24th session.²⁷ Finally, Liberian women assumed a prominent role in the peace process in the final years of the war; for example, the Women in Peacebuilding Network (WIPNET) played an extensive part in advocating for peace.²⁸ WIPNET members mobilized Christian and Muslim women in peaceful protests in both Liberia and Ghana as a way of pressuring the factions to end the conflict.²⁹

Legal Systems

The division of Liberia's legal system into formal and customary laws creates additional disparities between rural and urban areas.³⁰ Liberia's formal legal system, which employs statutory law, is composed of the Supreme Court, circuit courts, magistrates' courts, and justices of the peace courts.³¹ Liberia's customary legal system, which is more prevalent in the rural areas, is bifurcated into state-

"States Parties condemn discrimination against women in all its forms, agree to pursue by all appropriate means and without delay a policy of eliminating discrimination against women and, to this end, undertake...To establish legal protection of the rights of women on an equal basis with men and to ensure through competent national tribunals and other public institutions the effective protection of women against any act of discrimination." *Art. 2(c), Convention on the Elimination of All Forms of Discrimination against Women.*

sanctioned customary law and non-state-sanctioned customary law. The Ministry of Internal Affairs oversees state-sanctioned customary legal systems, which adjudicates disputes by town, clan, and paramount chiefs.³² The state provides a framework for this system through the Rules and Regulations Governing the Hinterland of Liberia. In contrast, non-state-sanctioned customary law generally involves mechanisms such as palava huts, Poro and Sande secret societies, leaders with special powers, and may include trial-by-ordeal.³³ There is a notable lack of coordination between the formal law and both customary legal systems, which consequently impedes fair execution of justice.³⁴

Customary law mechanisms are the most accessible form of justice for the majority of Liberia's population.³⁵ War and mass displacement have impacted the local systems, however, which are "loosely governed by anachronistic and obscure laws and regulations."³⁶ Furthermore, the practices and outcome of traditional courts may not be consistent with Liberia's Constitution and international human rights obligations.³⁷ Decisions are not always objectively made. The International Crisis Group reports that chiefs improperly impose fines to garner income for themselves, since they seldom receive the state compensation as required for their services.³⁸

The civil and customary components of Liberia's civil law system often conflict with traditional practices, the effect of which disfavors women.³⁹ Discrimination is more pronounced in rural areas for various reasons. For example, men are the most common arbiters of customary law, thus diminishing the role of women in this process.⁴⁰ Customary legal traditions discriminate against women by prohibiting them from executing contracts and controlling property.⁴¹ Other discriminatory practices include the payment of dowries to husbands, payments to husbands in cases of adultery, and different legal ages for marriage between men and women. Many of these practices are predicated on the notion of women as property. For example, Rules Regulating the Hinterland impose a \$100 fine on males who commit adultery against their first wives and a \$10 fine for adultery with additional wives.⁴² Trial-by-ordeal, where the suspect is subject to extreme pain or potential death, is a customary method employed to test the guilt of the accused.⁴³ Such methods are sometimes used to assess the guilt of

women and girls suspected of witchcraft.

Outside of the legal context, other cultural practices exist, such as female genital mutilation and levirate marriage,⁴⁴ which have a harmful effect on women. Members of the cabinet and Parliament have expressed ambivalence, however, toward the discontinuation of these traditional practices.⁴⁵ Furthermore, a lack of awareness that discrimination is a violation of human rights and of Liberia's international legal obligations perpetuates the problem of violence against women.⁴⁶

The Convention on the Elimination of All Forms of Discrimination against Women requires States Parties to: "...accord to women equality with men before the law. ...accord to women, in civil matters, a legal capacity identical to that of men and the same opportunities to exercise that capacity. In particular, they shall give women equal rights to conclude contracts and to administer property and shall treat them equally in all stages of procedure in courts and tribunals. ...agree that all contracts and all other private instruments of any kind with a legal effect which is directed at restricting the legal capacity of women shall be deemed null and void." Art. 15(1)-(3).

Education and Employment

The gender gap in education has been a problem in Liberia, predating the period of conflict. In 1979, 83 percent of males and 51 percent of females were enrolled in primary school.⁴⁷ By 1986-1988, the statistics for primary education of girls remained more or less the same. Statistics for gross primary enrollment ratio indicated that 82 percent of males and 50 percent of females were enrolled in primary education.⁴⁸ In other words, for every 100 males enrolled in primary education, 61 females were enrolled.⁴⁹

"States Parties shall take all appropriate measures to eliminate discrimination against women in order to ensure to them equal rights with men in the field of education." *Art. 10, Convention on the Elimination of All Forms of Discrimination against Women.*

"States Parties shall take all appropriate measures to eliminate discrimination against women in the field of employment in order to ensure, on a basis of equality of men and women, the same rights." *Art. 11, Convention on the Elimination of All Forms of Discrimination against Women.*

In terms of employment, women have traditionally played a central role in Liberia's informal workforce. According to a 1983 U.S. Department of State human rights report, 70 percent of Liberia's population worked in subsistence agriculture.⁵⁰ The report notes that women comprised the major labor force in producing and managing food within the home and for sale in the market.⁵¹ Working in the informal sector, while a significant responsibility, poses a number of obstacles to women's economic empowerment. Women in

subsistence economies spend much of any given day performing tasks to maintain the household like carrying water, collecting fuel wood, preparing food, care-giving, agricultural production, and taking goods to the market. All of these activities require tremendous obligations but fall outside the scope

of regulated labor. According to the U.N. Population Fund, “[p]oor women do more unpaid work, work longer hours and may accept degrading working conditions during times of crisis, just to ensure that their families survive.”⁵²

“States Parties shall take into account the particular problems faced by rural women and the significant roles which rural women play in the economic survival of their families, including their work in the non-monetized sectors of the economy, and shall take all appropriate measures to ensure the application of the provisions of the present Convention to women in rural areas.” *Art. 14(1), Convention on the Elimination of All Forms of Discrimination against Women.*

Social Norms and de Facto Discrimination

Patriarchal norms and expectations also operate to subordinate women in Liberia. Such social attitudes are reflected in both formal and informal relationships between men and women, as described by statement givers, and help contextualize the violations during the war. For example, one statement giver recounted how she became engaged in 1994 after her fiancé paid a bride dowry for her.⁵³ Also, although formal Liberian law prohibits polygyny,⁵⁴ traditional systems still allow this practice.⁵⁵ Cultural norms and tribal rules provide some regulation over polygyny, but even this oversight has diminished considerably in the context of rural-to-urban migration.⁵⁶

In terms of informal relationships, some male statement givers described having children with several women and when asked to provide their names, they delineated between those they acknowledged and those they did not. One interviewee described the problem:

Africans have close and very large families as a result of the custom of polygamy and of the African concept of extended family. My father had children by three women. He was relatively well off before the conflict and his children all lived with him. It is common for men to have sex with multiple women and they often don't take responsibility to care for the children that result...There is a double standard for women and they are often treated deplorably. The women have a hard time caring for children by themselves.⁵⁷

Furthermore, statements revealed that women are often the primary and sole caretakers in households, and many women described difficult family circumstances. Often, they are not married to the fathers of their children and in some cases have sole responsibility for their care.

In other instances, the father has left the country to seek other opportunities and ceased providing for his family in Liberia.⁵⁸ In this case, he may be burdened with the responsibility of establishing

himself in a new country or may have simply abandoned the family. A statement giver summarized how his mother, who was impoverished and ill, attempted to seek financial help from his father who had moved to the United States and met another woman:

Because she had little money, my mother asked my father to send us money from the United States. She mailed him messages recorded on cassettes telling him that she was sick and needed help. My father was “putting his life together in the US” and did not send money.⁵⁹

Ultimately, his mother died from what the statement giver believed was a lack of proper care and medicine.⁶⁰ Statements revealed particular difficulties for family members who remained behind during the conflict, as they faced economic hardship coupled with the need to escape. One statement giver’s children called their father in the United States at the onset of the war to beg for money so they could flee the rebel advancement.⁶¹ The father never responded to their pleas for assistance.⁶² In another case, a statement giver described how the father of her child left her for the United States while she was pregnant.⁶³ She described her experience:

The father of this child left me just about a month pregnant and travelled to the U.S. I was quite a teenager and when I contacted him on the issue he decided to write my family to tell them that he was going to marry me. For the past 25 years, he has never talked to me. The only thing he did was he sent for [our child].⁶⁴

Under the Convention on the Elimination of All Forms of Discrimination against Women, States Parties are to undertake “all appropriate measures:

- (a) To modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women;
- (b) To ensure that family education includes a proper understanding of maternity as a social function and the recognition of the common responsibility of men and women in the upbringing and development of their children, it being understood that the interest of the children is the primordial consideration in all cases.” *Art. 5, Convention on the Elimination of All Forms of Discrimination against Women.*

Poor governance factors also subjugate women in Liberia. For example, corruption and the abuse of power are closely linked to women’s human rights violations in Liberia. Statements revealed instances of men abusing their positions of authority for purposes of sexual exploitation. A statement giver described how she was accepted into the John F. Kennedy Center in Monrovia to pursue a nursing degree in 1988.⁶⁵ The school’s registrar refused to enroll her until she had sex with him.⁶⁶ He told

the young woman that “trading sex for favors was the way to survive in Liberia.”⁶⁷ Eventually, the woman’s brother intervened and convinced the school to register her for classes.⁶⁸

Periods of instability have presented further opportunity to abuse power, exacerbating violence against women. A statement giver described how at the time of the 1979 rice riots she saw soldiers committing abuses against civilians who broke the 7:00 p.m. curfew.⁶⁹ She witnessed soldiers rape women who were out past this hour.⁷⁰ If soldiers encountered a man and a woman breaking curfew, she related, “the male would be tortured and sent away, and the woman would be told to have sex with the soldier (give it up) or be taken to jail.”⁷¹ Poor governance, abuse of authority, and other problems demonstrate the broader need for state system reforms to protect women’s human rights.

GENDER-BASED VIOLENCE DURING THE CONFLICT

Gender-based violence constitutes discrimination against women and violates women’s human rights and fundamental freedoms, including:

- (a) The right to life;
- (b) The right not to be subject to torture or to cruel, inhuman or degrading treatment or punishment;
- (c) The right to equal protection according to humanitarian norms in time of international or internal armed conflict;
- (d) The right to liberty and security of person;
- (e) The right to equal protection under the law;
- (f) The right to equality in the family;
- (g) The right to the highest standard attainable of physical and mental health;
- (h) The right to just and favourable conditions of work. ¶ 7, *Committee on the Elimination of Discrimination against Women, General Recommendation 19, Violence against Women.*

The Liberian TRC has a specific mandate to focus on “vulnerable groups.”⁷² In a discussion of women and war, the International Committee for the Red Cross (ICRC) defines vulnerability as “the result of the precarious conditions of existence of individuals, families or communities placed under threat by a brutal change in their environment.”⁷³ Importantly, it recognizes that certain social, economic, political, and cultural factors give rise to vulnerability during war.⁷⁴ Discrimination in law and practice, patriarchal attitudes, polygamous family structures, and the abuse of power have acted as subordinating factors for Liberian women. As a result, women’s human rights violations in Liberia long predated the conflict and contributed to the disposition toward widespread use of violence against women during the war.

The civil war in Liberia increased the violence against women in many forms, particularly sexual

violence. Increases in fighting were often accompanied by more rapes. The former U.N. Special Rapporteur on violence against women has explained this phenomenon:

[S]ince women's sexuality is seen as being under the protection of the men of the community, its defilement is an act of domination asserting power over the males of the community or group that is under attack... Women are particular targets as they are often regarded both as representing the symbolic honour of the culture and being the genetic gatekeepers to the community.⁷⁵

The increase in sexual violence against women during conflict is connected to militarization, the absence of traditional societal networks and structures, and the pre-existing factors outlined above.⁷⁶ According to the U.N. Economic and Social Council, evidence indicates that “the militarization process, including the ready availability of small weapons, that occurs prior to and during conflicts, as well as the process of demobilization of often frustrated and aggressive soldiers after a conflict, may also result in increased violence against women and girls.”⁷⁷ In their report, Rehn and Sirleaf describe gender-based violence during armed conflict:

Men and boys as well as women and girls are the victims of this targeting [sic], but women, much more than men, suffer gender-based violence. Their bodies become a battleground over which opposing forces struggle.⁷⁸ Women are raped as a way to humiliate the men they are related to, who are often forced to watch the assault. In societies where ethnicity is inherited through the male line, “enemy” women are raped and forced to bear children. Women who are already pregnant are forced to miscarry through violent attacks. Women are kidnapped and used as sexual slaves to service troops, as well as to cook for them and carry their loads from camp to camp. They are purposely infected with HIV/AIDS, a slow, painful murder.⁷⁹

Statements bear witness to the use of Liberian women as a means to inflict revenge and attack the enemy. One rebel, who had just raped a woman, responded to the consternation of an onlooker: “Yes, they did it to our women and I’m going to do it to her.”⁸⁰

Prevalence of Violence against Women during the Conflict

As seen in conflicts throughout the region and world, sexual violence as a weapon of war is an increasing problem. In 2008, the U.N. Security Council adopted a resolution condemning the use of sexual violence in warfare, noting that sexual violence continues to occur in situations to the point of becoming “systematic and widespread.”⁸¹ Wartime sexual violence is not unique to the Liberian

context, but rather is a violation increasingly used in conflicts around the world.

Sexual violence was widespread during the Liberian conflict. More than 90 percent of Liberian women in one study reported being subjected to at least one act of sexual abuse during or after the war.⁸² In an earlier controlled study published in the *Journal of the American Medical Association*, nearly half the Liberian women interviewed indicated they had been physically or sexually abused.⁸³ As these statistics demonstrate, the numbers of reported rapes vary and represent only estimates because of a number of factors. First, sexual violence statistics are often extrapolated from the pool of victims who have come forward to seek medical attention for the consequences of rape.⁸⁴ Second, rape and sexual violence are often under-reported for several reasons. Fears of stigma or retaliation may deter victims from coming forward, the death of the victim may preclude reporting, or a victim may believe reporting to be of little utility since the violation is already complete.⁸⁵ While statistics cannot conclusively determine the extent of sexual violence, the empirical evidence nevertheless shows that sexual violence against women and girls was widespread during the Liberian conflict.

Under the Rome Statute of the International Criminal Court, rape constitutes:

- Genocide, "committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group," Art. 6(b);
- A crime against humanity, "when committed as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack," Art. 7(1)(g);
- A war crime, "in particular when committed as part of a plan or policy or as part of a large-scale commission of such Crimes." Art. 8(1).

Nature of the Sexual Violence

Often, rape and sexual abuse occurred in the context of broader violence and chaos.⁸⁶ Other violations committed concurrently with sexual violence included killings, abduction, beatings, destruction of property, strip searches, binding, mutilation, and torture. Perpetrators carried out these atrocities not only against women, but also against their family members and others present at the time. One statement giver described her experience:

Six or seven rebels attacked our house. The rebels were insulting everyone, pulling everyone outside and beating them. My older daughter was hit on the face and my husband was shot in front of me. The rebels wanted to put me in a car but instead the commander took me back into the house. I tried to refuse him and was cut on my butt with a knife, but I got weak and gave up and the commander raped me. I was then dragged outside again and the rebels put my house on fire. The rebels got in the car and ran away.⁸⁷

Many statement givers described how the rapes often involved the death of the victim and/or family members. Statement givers described brutal incidents of aggravated rape accompanied by violations, such as gang-rape and rape with foreign objects. It was not uncommon for a woman to be raped by multiple perpetrators at a given time. In a study of 991 Liberian women and girl victims of violence, the International Rescue Committee reported that 376 had been gang-raped.⁸⁸ One statement giver described a particularly brutal attack:

In 2003, I was living in Caldwell with my husband. On June 1, Taylor's boys (NPFL) took over...Rebels wanted our car and took it. They accused me of lying about my husband being Grebo. They stabbed me in the breast and dragged my husband outside and began to cut him. They forced me to carry his private parts and then they cut off his arms. They caught me and four of them raped me. I was three months pregnant and am still having pain from the rapes.⁸⁹

The Rome Statute uses the following definition of rape as a crime against humanity and a war crime:*

"The perpetrator invaded the body of a person by conduct resulting in penetration, however slight, of any part of the body of the victim or of the perpetrator with a sexual organ, or of the anal or genital opening of the victim with any object or any other part of the body...The invasion was committed by force, or by threat of force or coercion, such as that caused by fear of violence, duress, detention, psychological oppression or abuse of power, against such person or another person, or by taking advantage of a coercive environment, or the invasion was committed against a person incapable of giving genuine consent." Art. 7(1)(g)-1(1), (2); Art. 8(2)(b)(xxii)-1(1)-(2), International Criminal Court, Elements of Crimes.

* These elements are in addition to the specific elements required to constitute a crime against humanity and war crime.

Perpetrators also used foreign objects, such as guns, knives, and household objects, to carry out rape.⁹⁰ Another female statement giver described an attack involving a foreign object: "[The rebel] asked for money to buy petrol for his car. I told him I didn't have money. He came back the very next day with his boys and put me at gunpoint, two or three raped me, beat me up and shoved the gun in my vagina."⁹¹ Even everyday objects were used to inflict suffering through rape. One public hearing witness testified how rebels raped her and other detained women using a spoon.⁹²

Breaking of Social Taboos

Combatants used rape and other forms of sexual violence to systematically break social taboos. In particular, combatants forced civilians to break sexual norms regarding age and family. Young men were forced to rape their mothers and grandmothers. Men were forced to have sex with their sisters.

In addition to inflicting torture on members forced to commit incest, this war tactic had the long-term impact of destroying families. In one case, after National Patriotic Front of Liberia (NPFL) rebels forced a son to rape his mother, the mother sent her son away, telling him “she could never see him again.”⁹³

Parties to the conflict are prohibited at all times and places from committing “outrages upon personal dignity, in particular humiliating and degrading treatment” against persons taking no part in the hostilities. Art. 3(1)(c), Convention (IV) relative to the *Protection of Civilian Persons in Time of War*.

“[O]utrages upon personal dignity, in particular humiliating and degrading treatment, rape, enforced prostitution and any form of indecent assault” are prohibited “at any time and in any place.” Art. 4(2)(e), *Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts*.

Also, perpetrators broke social taboos by forcing people to perform sexual acts in public. Statement givers reported men forced to have sex with women in front of their children and other family members. Men were also forced to watch as rebel forces brutally raped their wives, daughters, and other family members. Such mental abuse provided another tool of torture that perpetrators employed as systematically and deliberately as the actual violations. Rape was thus used not only as a weapon of war against the women who were violated but also as a means to traumatize those forced to witness the rapes. One statement giver described her traumatic experience:

Late one night, about 1:00 [or] 2:00 am, I heard outbursts of gunfire. I, my parents and my three sisters woke up...a group of NPFL fighters...forcefully entered our house. One of them recognized my father and remarked, “These are the people we are looking for.” My father was dragged out of the house, laid on the ground and they bound him with a strong rope. His feet and hands were bound. Then one of them said, “We have meat to eat here,” and also said to my father, “watch the show.” [They brought my sisters and me out.] After we had been brought out of the house they began raping us. I cannot remember what else happened because I blacked out...⁹⁴

The mental anguish experienced by witnesses to these violations was substantial, even where the victim and observer were unrelated. A public hearing witness described the emotional trauma she experienced firsthand from witnessing perpetrators rape a Ghanaian girl lying on the ground:

And then they took the gun, the sharpness of the gun, and they ram it in her...And they ram it in her. And I’m like, “God, I know by now you have taken her life so there’s nothing down there that she’s feeling.” But to my surprise, she managed to lift her arm up to try to take that gun out of her. And I collapse, knowing that she was still alive and she was feeling that gun

being rammed in her.⁹⁵

Attempts by other civilians to prevent these rapes often resulted in further violence and killings. One statement giver described how NPFL soldiers raped her in front of her husband and killed him when he tried to rescue her.⁹⁶

Rape as Torture

International treaties and caselaw prohibit rape at all times. As an act of torture, rape constitutes a war crime and a crime against humanity. States should take appropriate steps to punish such acts as mandated by international law.

Human rights and humanitarian law prohibit torture, even in times of public emergency or war. *Art. 7, 4(2), International Covenant on Civil and Political Rights; Art. 2(1)-(2), 4, Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; Art. 7(1)(f), 8(2), Rome Statute, Aydin v. Turkey*, Judgment of 25 Sept. 1997, Eur. Ct. of H.R., *Reports of Judgments and Decisions*, 1997-VI, ¶¶ 83-84; *Fernando and Raquel Mejia v. Peru* (Decision of 1 March 1996), Report No. 5/96, case no 10.970, in *Annual Report of the Inter-American Commission on Human Rights 1995 OEA/Ser.L/V/II.91* at pp. 182-188.

Also, international criminal jurisprudence recognizes that rape constitutes a form of torture both as a crime against humanity and as a war crime. Providing the elements of torture are satisfied, rape constitutes “severe pain and suffering amounting to torture.” *Prosecutor v. Kvočka*, Case No. IT-98-30/1, ¶ 145, Judgment, Nov. 2, 2001 (*citing Celebici Trial Chamber Judgement*, ¶¶ 495-496 and 941-943, *Furundzija Trial Chamber Judgement*, ¶¶ 163, 171, *Akayesu Trial Chamber Judgement*, ¶¶ 597-598).

With regard to rape as a crime against humanity, the International Criminal Tribunal for Yugoslavia (ICTY) found that “the presence of a state official or of any other authority-wielding person in the torture process is not necessary for the offence to be regarded as torture under international humanitarian law.” ¶ 496, *Prosecutor v. Kunarac, Kovac, Vukovic*, Case No. IT-96-23&23/1, Judgment, Feb. 22, 2001.

Rape also constitutes torture as a war crime. The ICTY has stated, “Rape may also amount to a grave breach of the Geneva Conventions, a violation of the laws or customs of war,” providing the elements of the crimes are met. ¶ 172.

Disregard for the Age of Victims

The rape of young girls also reflected the intentional disregard for the age of victims. During the conflict, perpetrators committed sexual violence against victims of all ages. Children younger than ten years old and women older than 50 years suffered from sexual violence.⁹⁷ Perpetrators rape young girls to torture, injure, punish, obtain information, disgrace, humiliate, and break social bonds.⁹⁸ Attacking girls both dishonors the community and invalidates any protection their parents provide.⁹⁹

One statement giver described an attack:

NPFL rebels burst my door in Caldwell and said they were looking for my husband...who was working at the Executive Mansion as chief mechanic. But he wasn't home and I was raped by four men and burnt on my neck with a cigar to force me to take off my clothes. Other men raped my ten-year-old daughter, who was a virgin, right in front of me.¹⁰⁰

Statements from Liberian women indicate that perpetrators committed rapes against even younger children. A woman described her experience:

I was eight years old when the war came in July 1990. My mother, brother and sister were in Grand Gedeh visiting a friend. Rebels knocked on the door and my father went out and was killed. A rebel boy came into the house and raped me. I have had problems ever since.¹⁰¹

Combatants are prohibited, at all times and places, from committing "violence to life and person, in particular murder of all kinds" against persons not taking part in the hostilities. *Art. 3(1)(a), Convention (IV) relative to the Protection of Civilian Persons in Time of War.*

The rape of older women reinforced the breaking of social taboos. Many of the rapists were young males, and according to Liberian culture, rape by a young person was equivalent to rape by one's own child.¹⁰² Statement givers who were older at the time described their own rape or the rape of their mothers.¹⁰³ One statement giver who was 45 years old at the time of a gang rape by NPFL child soldiers described her experience:

In March 1990...[an NPFL rebel] came to my house and said that I should bring the gold I have. I told him please sir, I don't have any more gold. When I told him this, he said I should take off my clothes so his boys can have sex with me. As old as I was, his boys (three of them) had sex with me. My husband could not stand it and so he rushed to them and that's how he was shot dead.¹⁰⁴

Targeting Pregnant Women

Perpetrators targeted women who were pregnant. Many statement givers described the practice of rebels finding a pregnant woman, wagering on the sex of the fetus, and then splitting open her stomach to determine the winner of the bet.¹⁰⁵ This practice occurred during raids, at checkpoints,

and anywhere rebels found pregnant women. In one case, NPFL troops killed a pregnant woman and her husband:

The woman was at the end of her pregnancy when a group of rebels came to her house and demanded their car. The woman's husband told the rebels that they could not have the car because the woman was about to go into labor any time now and he needed it to take her to the hospital to deliver her baby. The rebels then took the woman, cut her open from the breast bone down to her pelvic bone while she was still alive, bet on the sex of the baby, and then cut the baby out of her uterus. The rebels then proceeded to cut the baby into three pieces and discarded the remains to the side. They then shot her and her husband to death.¹⁰⁶

Bush Wives

Some women were kidnapped, systematically raped, and forced to act as “bush wives” of the attacker.¹⁰⁷ In this role, they were forced to cook, clean, bear children, use drugs, and provide sex to the rebels during the conflict. As one statement giver described her sister's experience as a bush wife, she became the rebel's “whatever.”¹⁰⁸ Another statement giver related her experience as a bush wife:

“Slavery and the slave trade in all their forms” are prohibited “at any time and in any place whatsoever.” *Art. 4(2)(e), Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts.* Protected persons include those who are not taking a direct part in or are no longer taking part in hostilities. *Id.* art. 4(1).

I was in Liberia until 1995, living in Zwedru. One day, I was sent out to fetch water. The rebels came out of the bush and kidnapped me. I was seventeen years old. I was not sure which rebel group it was. . . . I was forced to become a bush wife and was kept in the camp for a few months. During that time I was forced to work for them and I was raped. When I tried to fight back against the sexual assaults I was slapped and beaten. . . [A]s a result of my time as a bush wife, I contracted a sexually transmitted infection. I have sought treatment for the infection on numerous occasions, but it is recurrent.¹⁰⁹

Another statement giver described her abduction by a rebel in 1990. The rebel took her to a large building filled with Krahn children of government workers and numerous women. All were considered “war slaves” and forced to work on a cocoa farm. At night, the rebels would rape the girls and threaten to kill those who resisted.¹¹⁰ As bush wives, victims were not necessarily shielded from more perpetrators, and they were still subject to rape by multiple men.

A public hearing witness also testified about her sister's experience as a bush wife. Her sister was ten years old when rebels abducted her in 1990. The rebel commander raped her so brutally that she was unable to walk. She bled and was incontinent for three days.¹¹¹ For the next 12 years, she was enslaved as a bush wife.¹¹² The witness described the emotional impact of her sister's abduction on both her sister and the family:

And she said that she lived in this village, ten years old, far away from where her home, didn't know anybody. And she kept crying and hoping that my father would come back because this is what he had told her, that he was going to come back and get her. But she said she kept waiting. She kept waiting and wondering why isn't he coming to get her, and nobody came for her.

For twelve years she lived in this village, not knowing where her family was, and we didn't know, as a family. All we knew was she was captured. And because someone was killed in that home, we thought she was dead. So for 12 years we thought she was dead, and most of the family members came to the United States.¹¹³

The length of time women and girls were forced to serve as bush wives varied. Statements and testimony revealed periods ranging from a few days to 12 years.¹¹⁴ Women and girls were forced to remain as bush wives until they could escape or were liberated.

The following elements must be met for sexual slavery to constitute a war crime in non-international armed conflicts under the Rome Statute:

"1. The perpetrator exercised any or all of the powers attaching to the right of ownership over one or more persons, such as by purchasing, selling, lending or bartering such a person or persons, or by imposing on them a similar deprivation of liberty.

2. The perpetrator caused such person or persons to engage in one or more acts of a sexual nature.

3. The conduct took place in the context of and was associated with an armed conflict not of an international character.

4. The perpetrator was aware of factual circumstances that established the existence of an armed conflict."

Art. 8 (2) (e) (vi)-2, International Criminal Court, Elements of Crimes (citation omitted)

Returning Home

Bush wives have faced social, economic, and emotional challenges in separating from their captors or returning to their communities. They may be unable to return because of the potential stigmatization from their families and communities, lack of economic means, emotional attachments to their commanders, or continued coercion by their captors.¹¹⁵ A public hearings witness from Minnesota described her family's difficulty in persuading her sister to leave after several years of captivity. The witness recalled, "I remember we're bribing her; we'll buy you this; we'll do this; don't go back..."¹¹⁶ Not only had the husband's family kept her baby as a guarantee for her return, but the witness believed she harbored a "Stockholm Syndrome" attachment to her husband, as well.¹¹⁷



Several of the statement givers revealed abuse by peacekeepers and soldiers who bartered necessities for sex. One statement giver reported that his stepmother's sister "supported the family by dating soldiers."¹¹⁸ Another statement giver described how she was arrested for five days and forced to have sex with soldiers because they controlled food and shelter.¹¹⁹ Other statement givers described violations by Economic Community of West African States Monitoring Group (ECOMOG) peacekeepers. One statement giver described how they fled to the ECOMOG base in December 1996. The ECOMOG soldiers "tried to take advantage of the situation" by sexually harassing them and asking refugee girls to show them their breasts.¹²⁰ Other statement givers reported that ECOMOG soldiers committed rapes.¹²¹ One statement giver reported that while ECOMOG soldiers were carrying her to the hospital, one of them raped her, resulting in a pregnancy.¹²² Other Liberians recounted how ECOMOG bartered food for sex with the civilians.¹²³ One statement giver stated that these peacekeepers "left behind a dispirited nation of violated women and illegitimate children."¹²⁴

Impunity for Rape

In the few instances where women reported rapes to authorities or commanders, they received no response or, worse, additional threats. One statement giver described how rebels took her and several other women away and raped them repeatedly in 1990.¹²⁵ She contracted a severe infection following the rape, requiring antibiotics for several weeks.¹²⁶ After this incident, the statement giver decided to report the rape:

The rebel who raped me was named Anthony...Anthony was a bodyguard of [a man called] Gio Devil. He was a senior commander in the NPFL (National Patriotic Front of Liberia). My family and I went to report the incident to [Gio Devil]. But he said to me: "You sleep with my boys, and then you come to complain to me?" Shocked at the accusation, I repeated three times, "Me?"¹²⁷

She reported that hearing his response was like "being raped again."¹²⁸ In another case, a statement giver recounted how she reported an NPFL rebel who beat, bound, and raped her.¹²⁹ Her attempt to seek redress resulted in further intimidation by her attacker. She described:

He threatened to kill me if I reported him. Notwithstanding the threat, I still reported the incident to a man...at the Defence Ministry in Monrovia. The [general] was arrested and detained at the Defence Ministry where he again threatened to kill me thereafter. That was the reason why I left Liberia.¹³⁰

In some cases, the offenders used "African science" or threats of supernatural means to intimidate victims.¹³¹ A statement giver described the threats she faced when she sought to find the men who raped her sister while they were refugees in Ghana:

I went back to the market with my sister to try and find out who raped my sister. We went from person to person seeking information, but the community members of Awutu eventually told us that they would set spells on my sister and me if we did not drop the matter.¹³²

Under the International Covenant on Civil and Political Rights, States Parties are:

"(a) To ensure that any person whose rights or freedoms as herein recognized are violated shall have an effective remedy, notwithstanding that the violation has been committed by persons acting in an official capacity;

(b) To ensure that any person claiming such a remedy shall have his right thereto determined by competent judicial, administrative or legislative authorities, or by any other competent authority provided for by the legal system of the State, and to develop the possibilities of judicial remedy;

(c) To ensure that the competent authorities shall enforce such remedies when granted." *Art. 2(3), International Covenant on Civil and Political Rights.*

Women as Combatants and Saviors

While women experience significant and devastating abuses during war, some also actively engage in many ways during conflicts and play critical roles in reconstruction processes. Elisabeth Rehn and

Ellen Johnson Sirleaf explain in their report, “[w]omen are not always victims. They actively work to improve their situation, and they often actively support one side or another in conflict. Given that many conflicts arise out of social and economic inequality, it is not surprising that women take sides in an effort to better their lives, or to protect themselves and their families. Women become combatants, provide medical help, protect and feed armed groups.”¹³³

In some cases, female victims took up arms to oppose the forces that brought their attackers.¹³⁴ Statement givers reported seeing female NPFL combatants. Human Rights Watch also reported that girls served as both combatants and helpers with Liberians United for Reconciliation and Democracy (LURD), Movement for Democracy in Liberia (MODEL), and the government forces.¹³⁵ The structure of female units varied across factions. For example, the Women’s Artillery Commandos were all-female units headed by female leaders within the LURD faction.¹³⁶ Likewise, Taylor’s government forces included females, although all-female units were less defined, and girl combatants could be found in men’s battalions.¹³⁷

Statements revealed instances of females perpetrating human rights abuses against both men and women. At times, these women engaged in sexual violence against other women. A female rebel forced a woman to strip naked and lay on the floor before inserting the barrel of her gun into the woman’s vagina.¹³⁸ The female combatant moved the gun around so violently that the woman screamed out of pain.¹³⁹ While female combatants waged the human rights violations as part of broader war tactics, they also reflected deep-seated traditional attitudes toward women. For example, a public hearing witness described the chattel-like treatment of a bush wife. The commander’s wife forced the bush wife to marry her brother, telling her, “Oh, don’t you know I know that you’re mine?”¹⁴⁰

Women as combatants represented a shift in traditional gender roles, at times contradicting traditional expectations. Some victims reported looking to these females for help and were taken aback when they instead perpetrated abuses. One statement giver described her experience with a female rebel:

In 1993, my father died. I was then taken to Gbange by a female NPFL member who I thought was going to help me. Instead, [she] destroyed me, letting her boyfriend and other men rape me. She beat me, leaving a mark on my head.¹⁴¹

In other instances, women played the role of ally and protector to other women and girls. Another statement giver described how a female NPFL fighter helped her escape after four NPFL fighters raped and abducted her.¹⁴² The female combatant hid her and drove her to the Côte d’Ivoire border using an NPFL car.¹⁴³

One statement giver recalled her experience as a bush wife:

I was befriended by an elderly woman, Doreen, in the rebel camp. On August 24, 1995, this older lady was sent to fetch water for the fighters. They trusted her not to run off. We determined to escape together, and on this particular day, we went out to fetch water together. Doreen simply said that she liked me and wanted to help me out. I think that Doreen was feeling sorry for me because I was new and was always crying and was one of the youngest girls to be taken as a bush wife at the camp. Doreen had a bit of money and we were able to get to Ivory Coast. But the rebels were coming back and forth across the border easily so we decided to move on to Ghana.¹⁴⁴

Assistance was not always altruistic, however, and sometimes women harbored other motives. For example, there were accounts of women expecting services in return for their protection. One woman who cooked for Alhaji Kromah's men took care of a teenage girl, but only if she had sex with her son.¹⁴⁵

Finally, civilian women also played roles of protector and caretaker of others. As they fled, many women found children who needed protection and took them out of the country to keep them safe. One statement giver described her sons' experience after she became separated from them during an explosion.¹⁴⁶ The 12-year-old boy ran in one direction, where the statement giver's friend took him in and cared for him over the next two years in Kakata. The other three boys, six, seven and eight years of age, walked from Monrovia to Gbarnga without money or food.¹⁴⁷ They met a woman along the way who gave them food and took care of them for one week until they hitched a ride on a truck.¹⁴⁸



GENDER-BASED VIOLENCE IN FLIGHT FROM THE CONFLICT

Many women experienced extreme violence in flight from the conflict. Numerous statement givers reported beatings, rape, and other sexual violence as they fled their homes and the country. Women were particularly vulnerable to violations at checkpoints. One statement giver recounted her experience at a checkpoint when she was 14 years old:

A man took me out of the checkpoint queue and led me to the back of a little hut a short distance away. There, I saw the dead and bloody bodies of a number of young girls and I recall feeling petrified. I did not know what

had happened to the girls. The man told me to take off my clothes. I did as I was told and did not ask any questions. After I was raped, the man let me go. I waited until I crossed the checkpoint in Monrovia before crying. I was bleeding. After I crossed the checkpoint, I saw my friends and told them about the rape.¹⁴⁹

Border crossings were another place for widespread human rights violations. A statement giver described her attack:

I am the victim. I was raped. I cannot remember the year but it was the last war. [Taylor's rebels] raped me and beat me. It happened at the Liberian border before entering Côte d'Ivoire...They tied my hands at my back and also tied my two legs. They took all my clothes I was wearing from my body. They took me to a place like a kitchen and raped me. More than five of them raped me. They did it because I was alone...My husband who is still missing was not with me. It was me and my two little children.¹⁵⁰

The consequences of rape were an additional burden for women to bear during their flight. One statement giver described how she was gang-raped by combatants when she was four months pregnant.¹⁵¹ She miscarried, but was unable to access treatment as she fled from Liberia.¹⁵² The fetus remained in her uterus until she arrived in Ghana.¹⁵³

DISPLACEMENT

While the Liberian conflict was devastating to the general population, its effects were acutely felt by women. More than 700,000 Liberians found themselves refugees in third countries, including Guinea, Côte d'Ivoire, Sierra Leone, Ghana, and Nigeria.¹⁵⁴ The internally displaced numbered an additional one million Liberians.¹⁵⁵ By the end of the first civil war, very few Liberians lived where they resided before the war began in December 1989.¹⁵⁶ As of 1996, more than 200,000 civilians, out of a population of 2.3 million, had died.¹⁵⁷ The trauma of such widespread family tragedy and dislocation had profound consequences for multiple generations of Liberians. In particular, their displacement and resettlement has had considerable impact, both positive and negative, on Liberian women. Chapter 13 of this report discusses these effects on women living in the refugee camps and in the United States.¹⁵⁸

IMPACT OF SEXUAL VIOLENCE

In particular, the prevalence of sexual violence during the civil war had physical, social, and emotional consequences for Liberian women. As a war tactic, rape attacks both the individual and community

through the destruction of familial and societal bonds.¹⁵⁹ Rape incidents often culminated in divorce (in 25.8 percent of cases), unwanted pregnancy (15.1 percent), and stigmatization.¹⁶⁰ A frail legal system, insufficient evidence, and social pressures against reporting sexual crimes rendered prosecutions a rarity.¹⁶¹ Rape can compel communities to flee, thus eroding informal safeguards against rape and creating a vicious circle.¹⁶² Finally, the fact that statement givers reported physiological and other consequences years and sometimes decades after the attacks demonstrates the far-reaching impact of rape.

Physical Consequences

Unwanted pregnancies were one of the many physical consequences of rape. They forced women and girls to become child-rearers when they may not have been physically, emotionally, or economically prepared. A pregnancy as a result of rape can also lead to stigmatization by community and family members. Multiple rapes and pregnancies may compound the problem for victims. For example, a statement giver described how his daughter had five children, four of whom were borne out of rape.¹⁶³ Another statement giver in the refugee camp described her experience:

Some time in June 1990 after NPFL fighters took control of Kakata, a group of them came to our house where they burst my fiancé's head. That resulted in his death. Terrified, I ran to my father's residence where I met another group of the fighters. I met them torturing my family which included my father who they later killed by shooting, and my two brothers. Four of them arrested me and tied my hands at my back. Then they led me behind the house where two of the fighters raped me, set the house on fire, released me and left...I conceived as a result of the first abuse and gave birth to a boy. The child died at the age of two...During the April 6, [1996] fighting, I was again raped by three NPFL fighters on the Old Road. I again conceived as a result of this gang rape. I gave birth to the child who is now eight years old and with me here in the camp.¹⁶⁴

The sexual violence also left many women unable to bear children. One statement giver described how she had been raped for three weeks by a LURD soldier, resulting in severe reproductive injuries and a hysterectomy. She stated:

I feel so bad that I cannot have more children. This is not how a woman is supposed to be. I still suffer in my stomach from the injury and the operation.¹⁶⁵

In addition to unwanted pregnancy and infertility, other physical consequences of rape include unsafe

abortions, various gynecological complications, and sexually transmitted diseases (STDs), such as HIV. For example, one statement giver described how Krahn rebels raped her 11-year-old half-sister in front of their family and infected her with gonorrhea.¹⁶⁶ Rates of STDs for Liberian women, particularly former fighters and bush wives, remain generally unknown since shame often prevents them from publicly seeking any treatment or reporting diseases related to their victimization.¹⁶⁷ A “culture of silence” exists for victims of sexual violence because, as Belinda Bernhard suggests, “[w]omen and girls who have been raped or suffered sexual abuse are reluctant to admit they have been victimized (even to their own families) for fear that they will be victimized again by the stigma attached to rape and sexual abuse.”¹⁶⁸

Women also suffer the long-term physical consequences of other forms of violence. One statement giver described how rebels kicked her stomach and rendered her unconscious when she was five months pregnant.¹⁶⁹ She miscarried three days later.¹⁷⁰ To this day, she reported she has “horrible” premenstrual pain and loses large clots of blood.¹⁷¹

Psychological Consequences



The psychological effects of rape are both short-term and long-term.¹⁷² Following an incident, women often feel what Shana Swiss and Joan E. Giller describe as “shock, a fear of injury or death that can be paralyzing, and a sense of profound loss of control over one’s life.”¹⁷³ Longer-term effects include “persistent fears, avoidance of situations that trigger memories of the violation, profound feelings of shame, difficulty remembering events, intrusive thoughts of the abuse, decreased ability to respond to life generally, and difficulty reestablishing

intimate relationships.”¹⁷⁴ These feelings are manifested in such conditions as anxiety, depression, disturbed sleep, loss of self-esteem, sexual dysfunctions, suicide, stomach aches, headaches, back pain, and behavioral and eating disorders.¹⁷⁵ A high percentage of victims report post-traumatic stress disorder (PTSD), or “rape trauma syndrome,” which is the multitude of emotional responses to the sexual assault, including hopelessness, loss of control, phobias, anger, and guilt.¹⁷⁶ Treatment is difficult because some African cultures may not describe these symptoms in a psychological framework but rather as phantom physical complaints. Furthermore, rape trauma during the conflict was intensified by a backdrop of other psychological trauma stemming from the loss of loved ones, home, and

community displacement, as well as prevailing infirmities and injuries.¹⁷⁷

Statements revealed the severe short-term and long-term emotional consequences for victims of sexual violence. A public hearing witness described the shock and trauma immediately following a rape by an NPFL rebel:

After the pickup pulled away, I stood in the dark crying, reflecting on the ordeal. I didn't know what to do. What came to mind was to commit suicide because I felt that I could not face my fiancé and the rest of the family to talk about the horrible experience. I could not face the community because there was going to be lots of talk about my being raped. It wasn't easy, but I had to pull myself together and find a way out of the dark because I didn't know if they would come back.¹⁷⁸

She also described her fear of social contact and leaving the safety of her home in the months afterward. She was afraid to see anyone because a fear of the rebels consumed her.¹⁷⁹ Her family persuaded her to begin working outside the home after a couple of months.¹⁸⁰ Although her family accompanied her on her walk to work, the emotional trauma was very difficult for her to bear:

Fear penetrated me every morning after work and every night. It was a horrible experience, like a nightmare that would never go away. And because of this, I wasn't regular at work. The trauma was too much.¹⁸¹

Statements also described the long-term psychological consequences of rape. A statement giver described the outcome after combatants forced his uncle to rape his eight-year-old daughter. Although the girl survived the rape, she became "mentally unhinged." By the age of 12, she died.¹⁸² In another case, a statement giver described a woman who had been raped by ten of Charles Taylor's rebels. The woman "never recovered psychologically and had begun to sleep with so many men that people had regarded her as if she was a prostitute."¹⁸³ In one example, a woman was gang-raped in her village in the early 1990s when she was 12 years old. The injuries caused were so severe that she continued to suffer gynecological problems. She described these long-term effects of the rape as prohibiting her from developing normal relationships with men.¹⁸⁴

In other cases, the trauma is so difficult for victims that they would prefer never to speak of it. One statement giver who was raped at the age of 14 summarized:

I do not like to talk about the rape and, apart from telling friends who were at the checkpoint with me, I have only ever told a support worker here in England. I don't want any counseling or other support because I want to

move on and forget the terrible memories.¹⁸⁵

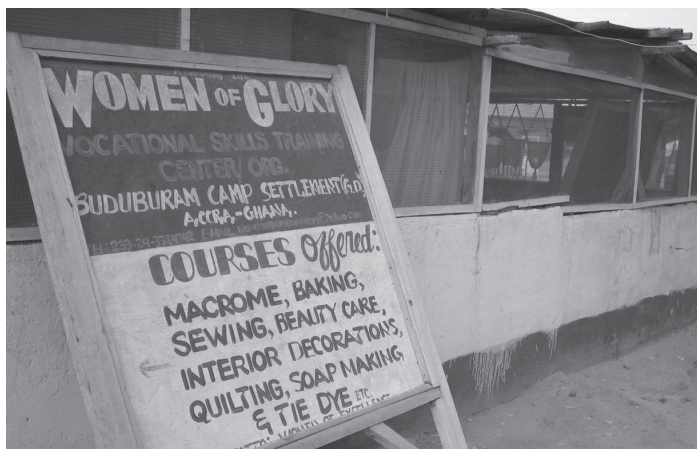
Social Consequences

The social consequences of rape often compound the physical and psychological consequences of rape. Survivors face stigmatization by family and community, familial disintegration, alienation, and social retreat.¹⁸⁶ It is often difficult for victims to resume their relationships with intimate partners and friends.¹⁸⁷ In some cases, a rape would fracture a family as the victim chose to cut off all ties. One statement giver described how rebels raped his eldest daughter. She was so ashamed that she fled from the village. It was not until much later that the statement giver discovered his daughter had made her way to the United States.¹⁸⁸ Another statement giver described the stigmatization she faced from her community and fiancé following a rape:

Everybody in the school and in the community knew that I was raped. The Liberian community is very small and tight-knit. I felt ostracized, could not go to any social activities, and just wanted to die. In addition, my fiancé blamed me for being raped. He told me I should have resisted more fiercely. But I said it was impossible to resist because my hands were tied, and the rebels were all armed with guns. Later, I became pregnant...I am convinced this was my fiancé's child. But my fiancé blamed the child, and thought that it was the result of the rape, and pressured me to terminate my pregnancy. I refused, and now my daughter is sixteen-years-old. Although my fiancé and I eventually got married, our marriage fell apart because of the rape, because my husband kept blaming me, and also because I could not have a normal sexual relationship.¹⁸⁹

Services Available to Women

Liberian women, both in Liberia and in the diaspora, still face many challenges resulting from the long-term effects of the conflict. Women in Liberia face challenges in accessing the health care needed to address the physical consequences of sexual violence. The United Nations describes Liberia's health facilities as among the worst in the world, making it rare that a victim will



receive adequate treatment following an episode of sexual violence.¹⁹⁰ The mental health services that are needed to address these issues are also extremely limited in Liberia. As Liberia recovers, the health sector and civil society organizations must be strengthened, and they must pay particular attention to the long-term impact of the war on women.

Women in the refugee camps also have particular difficulty with the long-term effects of sexual violence. According to a survey of Liberian women in refugee camps in Sierra Leone, 98 percent who were victims of rape needed medical treatment for the physical injuries and sexually transmitted infections resulting from the rapes.¹⁹¹ Many women reported ongoing gynecological problems as a result of rapes that occurred both in Liberia and in Buduburam. At the time statements were taken at Buduburam, there were only two doctors for the nearly 38,000 residents of the camp. As a result, many women have not gotten proper medical treatment to address these problems.

STATUS OF WOMEN IN LIBERIA TODAY

Despite the brutality of the conflict, some improvements in the social status of women are perceptible in post-conflict Liberia. The war may have diminished certain harmful traditional practices by weakening the systems that facilitated them. For example, the conflict may have undermined the secret societies that performed female genital mutilation, though that practice is once again on the rise.¹⁹²

Women have made progress in the political sphere since the conflict ended. In 2006, Ellen Johnson Sirleaf became the first elected female president in Africa. Her inaugural speech stressed women's rights as a top priority.¹⁹³ Thirty-one percent of the cabinet and 14 percent of the legislature are composed of women; by comparison, 16.3 percent of the 110th U.S. Congress is female.¹⁹⁴ After the conflict, the government began actively recruiting women into its new armed forces, a process previously open only to men.¹⁹⁵ While women have encountered economic and educational obstacles to their advancement, they have begun to join the ranks of Liberia's most central institutions. Also, new legislation and government policies, including an amended rape law, offer greater protection and opportunities for women and girls.¹⁹⁶ In March 2008, the Liberian Government created a new criminal court to specifically handle cases of rape and other acts of violence against women.¹⁹⁷ In addition, the Act to Govern the Devolution of Estates and Establish the Rights of Inheritance for Spouses of Both Statutory and Customary Marriages addresses the practice of regarding widows as property by conferring upon women the right to an inheritance.¹⁹⁸

Civil society organizations play an important role in advocating for women's human rights. Women's organizations gained prominence through their efforts in the peace process during and after the war, staging peaceful demonstrations, mediating between warring factions, and promoting sophisticated agendas at diplomatic delegations.¹⁹⁹ Following the establishment of the 1990 interim

government, women were instrumental in forming organizations to help war victims.²⁰⁰ The Liberian Women's Initiative, an umbrella group of religious and social organizations, advocated a permanent solution to the conflict rather than an interim government at the 1994 Liberian National Conference.²⁰¹ Today, Liberia's civil society, concentrated in urban areas, provides a counterweight to discriminatory practices by promoting women's rights.²⁰² Non-governmental organizations in Liberia currently work on issues relating to violence against women, skills training, HIV/AIDS, and the rule of law.²⁰³ Organizations advocating against female genital mutilation, however, are few.²⁰⁴

U.N. Security Council Resolution 1325 on Women, Peace and Security “[c]alls on all actors involved, when negotiating and implementing peace agreements, to adopt a gender perspective, including, inter alia: (a) The special needs of women and girls during repatriation and resettlement and for rehabilitation, reintegration and post-conflict reconstruction; (b) Measures that support local women's peace initiatives and indigenous processes for conflict resolution, and that involve women in all of the implementation mechanisms of the peace agreements; (c) Measures that ensure the protection of and respect for human rights of women and girls, particularly as they relate to the constitution, the electoral system, the police and the judiciary.”

While these important efforts are resulting in progress for women, there remain many disparities between men and women in Liberian society that continue to harm women. Prevailing cultural, historical, political, legal, and economic forces make gender inequality a daily reality for many women.²⁰⁵ Many of these conditions existed prior to the conflict and continue today. For example, although some non-governmental organizations and inter-governmental organizations in Liberia currently address violence against women, criminal proceedings against offenders are rare.²⁰⁶ The lack of prosecutions not only leaves the violence unaddressed but also adds a long-term imprint of impunity.

The pivotal role women play in household earning, childrearing, education, and social cohesion indicates that the continued subordination of women hinders Liberia's recovery from the war.²⁰⁷ Economically, Liberian women remain in an inferior position to men. Liberia's high unemployment rate often forces women to turn to transactional sex for subsistence income²⁰⁸ or for money for tuition fees.²⁰⁹ Women continue to constitute the majority of Liberia's subsistence farmers.²¹⁰ Approximately 80 percent of subsistence agriculture output is produced by women.²¹¹ Conversely, women accounted for only 11.4 percent of non-agricultural wage employment in 1999.²¹² The informal sector continues to be an important source of income for many women in Liberia; approximately one-third of women-headed households depend on the informal sector as their primary revenue source.²¹³ Women also make up a significant percentage of small-scale market traders. Formal employment, which is comparatively rare for women, is concentrated in traditionally female-dominated professions, such as nursing, teaching, and the clerical professions, which offer few avenues for advancement.²¹⁴

Notes

- 1 U.N. Div. for the Advancement of Women, *Convention on the Elimination of All Forms of Discrimination Against Women, Mission to Liberia, 12-15 June 2006, Findings and Recommendations of Experts*, at 12, (2006) [hereinafter CEDAW Mission to Liberia], <http://www.un.org/womenwatch/daw/TechnicalCooperation/docs/WRS/report%20liberia2006.pdf>.
- 2 Declaration on the Elimination of Violence against Women, G.A. Res. 48/104, 48 U.N. GAOR Supp. (No. 49) at 217, U.N. Doc. A/RES/48/104 (Dec. 20, 1993).
- 3 An Act to Establish the Truth and Reconciliation Commission of Liberia (enacted by the National Transitional Legislative Assembly, May 12, 2005), <https://www.trcofliberia.org/about/trc-mandate>.
- 4 The Commissioners have various backgrounds with regard to women's issues. For example, one Commissioner is a member of the Liberian Women Initiative and has represented Liberian women at peace conferences; another Commissioner has served as the Country Vice-President of the International Federation of Women Lawyers and on the selection panel for members of the Independent National Human Rights Commission of Liberia; a third Commissioner brings experience as an HIV/AIDS counselor and social worker, and; a fourth Commissioner has served on the board of the National Women's Commission of Liberia. For additional biographical information on the TRC commissioners, see <https://www.trcofliberia.org/about/commissioners>.
- 5 An Act to Establish the Truth and Reconciliation Commission of Liberia art. IV, § (4)(e), (enacted by the National Transitional Legislative Assembly, May 12, 2005), <https://www.trcofliberia.org/about/trc-mandate>.
- 6 *Id.* art. VII, § 26(o).
- 7 Int'l Center for Transitional Justice, Truth Commissions and Gender: Principles, Policies, and Procedures 2 (2006).
- 8 *Women's Voices in the TRC Process*, TRC FAST TRACK (Truth and Reconciliation Commission of Liberia), Dec. 18-31, 2006, at 1.
- 9 Summary of Open Society Institute (OSI) and Open Society Initiative for West Africa (OSIWA) Projects in Liberia, http://www.emansion.gov.lr/doc/Summary_of_SFN_Liberia_Funding.pdf.
- 10 ELISABETH REHN & ELLEN JOHNSON SIRLEAF, WOMEN, WAR AND PEACE: 'THE INDEPENDENT EXPERTS' ASSESSMENT ON THE IMPACT OF ARMED CONFLICT ON WOMEN AND WOMEN'S ROLE IN PEACE-BUILDING 13 (2002).
- 11 CEDAW Mission to Liberia, *supra* note 1, at 12-15.
- 12 *Id.* at 5.
- 13 *Id.*
- 14 *Id.*
- 15 *Id.* at 12.
- 16 Harriette Badio, Testimony at the Diaspora Public Hearings of the Truth & Reconciliation Comm'n of Liberia, at 15 (June 14, 2008, St. Paul, Minn., U.S.A.) (transcript on file with the author).
- 17 CEDAW Mission to Liberia, *supra* note 1, at 13.
- 18 *Id.* at 14.
- 19 *Id.* at 15.
- 20 STEPHEN ELLIS, THE MASK OF ANARCHY: THE DESTRUCTION OF LIBERIA AND THE RELIGIOUS DIMENSION OF AN AFRICAN CIVIL WAR 225 (1999); Thelma Ekiyor, W. Afr. Network for Peacebuilding (WANEP), *Women in Peacebuilding: An Account of the Niger Delta Women*, at 6, http://www.wanep.org/publications/Women_in_Peacebuilding.pdf (last visited Feb. 28, 2009).
- 21 MERRAN FRAENKEL, TRIBE AND CLASS IN MONROVIA 178 (1964). For example, members sing songs to tell stories about themselves or to honor leaders of the society. *Id.* at 179-180.
- 22 MARY H. MORAN, LIBERIA: THE VIOLENCE OF DEMOCRACY 46-48 (2008).
- 23 Augustine Konneh, *Women and Politics in Africa: The Case of Liberia*, 14 PROC. & PAPERS OF THE GEO. ASS'N OF HISTORIANS, 107, 109 (1993) (citations omitted).
- 24 *Id.* at 108 (noting that women were particularly active in these sectors between 1847 and 1940).
- 25 *Id.* at 109 (1993).
- 26 *Id.* at 110 (noting that while some women appointees belonged to the settler elite and represented the composition found under the Tubman administration, other appointees were the result of women's activism).
- 27 D. ELWOOD DUNN, AMOS J. BEYAN & CARL PATRICK

- BURROWES, HISTORICAL DICTIONARY OF LIBERIA 48 (2d ed. 2001).
- 28 Thelma Aremiebi Ekiyor & Leymah Roberta Gbowee, *Women's Peace Activism in West Africa: the WIPNET Experience*, in PEOPLE BUILDING PEACE II (Paul Van Tongeren et al. eds., 2005).
- 29 PRAY THE DEVIL BACK TO HELL (Fork Films 2008).
- 30 CEDAW Mission to Liberia, *supra* note 1, at 9.
- 31 Int'l Crisis Group, *Liberia: Resurrecting the Justice System* 3, Afr. Rpt. No. 107, Apr. 6, 2006, <http://www.crisisgroup.org/home/index.cfm?l=1&id=4061>.
- 32 Town chiefs and elders handle disputes within a town, clan chiefs have jurisdiction over inter-village disputes, and paramount chiefs hear appeals of decisions rendered by town and clan chiefs. *See id.* at 7. District commissioners, superintendents, and the Office of Tribal Affairs hear subsequent appeals. *Id.*
- 33 *Id.* at 8; *see also* Resource Center for Community Empowerment & Integrated Development, *Traditional Forms of Reconciliation in Liberia* 52 (on file with the author).
- 34 *See* Int'l Crisis Group, *supra* note 31, at i.
- 35 U.S. Institute for Peace, Rule of Law, Country-specific Projects: Liberia, <http://www.usip.org/ruleoflaw/projects/countries/liberia.html#nonstate> (last visited Nov. 24, 2008).
- 36 *Id.*
- 37 Int'l Legal Assistance Consortium (ILAC), ILAC Report: Liberia 10-11 (Dec. 2003), http://www.ilac.se/sajt/bilder/pdf/Liberia_Report_2003.pdf.
- 38 Int'l Crisis Group, *supra* note 31, at 8. The Ministry of Internal Affairs is required to compensate chiefs for their work in the customary legal system, but this rarely happens in practice. *Id.*
- 39 CEDAW Mission to Liberia, *supra* note 1, at 7. On the other hand, it should be recognized that there exist cultural practices with positive implications for women. For example, traditional forms of reconciliation among certain groups in Liberia hold the rapist responsible for the cost of treatment for the victim. *See* Resource Center for Community Empowerment and Integrated Development, *Traditional Forms of Reconciliation in Liberia* 32, 35 (undated) (on file with author).
- 40 Int'l Crisis Group, *supra* note 31, at 15.
- 41 U.N. Country Team, *United Nations Common Country Assessment for Liberia: Consolidating Peace and National Recovery for Sustainable Development* 21 (June 2006), <http://www.lr.undp.org/CCA%2028%20July%20FINAL%20FULL%20SMALL.pdf>.
- 42 Int'l Crisis Group, *supra* note 31, at 15.
- 43 *Id.* at 9. In 1940, the Supreme Court of Liberia found trial-by-ordeal to be unconstitutional. *Id.* (citing *Tenteab et al v. Republic of Liberia*). The Rules Regulating the Hinterland, however, allow this mechanism providing the suspect's life is not placed at peril. *Id.* (citing Revised Rules and Regulations of the Hinterland, Art. 73).
- 44 CEDAW Mission to Liberia, *supra* note 1, at 9. "Levirate" marriage describes the practice of a man marrying his brother's widow.
- 45 *Id.*
- 46 *See id.* at 11.
- 47 U.S. DEP'T OF STATE, LIBERIA: COUNTRY REPORTS ON HUMAN RIGHTS PRACTICES 207 (1983) [hereinafter DEP'T OF STATE COUNTRY REPORTS 1983]. Total primary school enrollment was 67 percent. *Id.*
- 48 U.N. DEVELOPMENT PROGRAMME, HUMAN DEVELOPMENT REPORT 1990, at 152 (1990), <http://hdr.undp.org/en/reports/global/hdr1990/>. The gross enrolment ratio reflects the "number enrolled in a level of education, whether or not they belong in the relevant age group for that level, expressed as a percentage of the population in the relevant age group for that level." *Id.*
- 49 *Id.* at 144.
- 50 DEP'T OF STATE COUNTRY REPORTS 1983, *supra* note 47, at 206.
- 51 *Id.*
- 52 U.N. Population Fund, Women's Work and Economic Empowerment, ¶ 2, <http://www.unfpa.org/gender/empowerment1.htm> (last visited Nov. 25, 2008).
- 53 TRC Diaspora Statement Rec. 860.
- 54 "Polygyny" is the practice where a man has multiple wives. Dictionary.com, Definition of polygyny, <http://dictionary.reference.com/browse/polygyny> (last visited June 3, 2009).
- 55 U.S. DEP'T OF STATE, COUNTRY REPORTS ON HUMAN RIGHTS PRACTICES FOR 2006: LIBERIA (2007).
- 56 Telephone Interview with Dr. Patricia Jabbeh Wesley, Asst. Professor, Pennsylvania State

- University (Sept. 23, 2008) (noting that the rural-to-urban migration has diminished the influence of customary regulations over this practice as it occurs in the cities).
- 57 TRC Diaspora Statement Rec. 15.
- 58 *See, e.g.*, TRC Diaspora Statement Recs. 980, 1329 and 1415.
- 59 TRC Diaspora Statement Rec. 1329. See also Chapter 13 for more information on diaspora remittances.
- 60 *Id.*
- 61 TRC Diaspora Statement Rec. 1415.
- 62 *Id.*
- 63 TRC Diaspora Statement Rec. 980.
- 64 *Id.*
- 65 TRC Diaspora Statement Rec. 406.
- 66 *Id.*
- 67 *Id.*
- 68 *Id.*
- 69 TRC Diaspora Statement Rec. 1444.
- 70 *Id.*
- 71 *Id.*
- 72 An Act to Establish the Truth and Reconciliation Commission of Liberia (enacted by the National Transitional Legislative Assembly, May 12, 2005), <https://www.trcofliberia.org/about/trc-mandate>, art. IV(4)(e).
- 73 Int'l Committee of the Red Cross, Women in War: a Particularly Vulnerable Group? (Jan. 3, 2007), <http://www.icrc.org/web/eng/siteeng0.nsf/html/women-vulnerability-010307>.
- 74 At the same time, the International Committee of the Red Cross notes that women display tremendous strength in surviving adversity and often assume active roles during conflict. Thus, it highlights the importance of framing the issue of vulnerability as a question of "who is vulnerable to what particular risk?" *Id.*
- 75 World Conference Against Racism, Racial Discrimination, Xenophobia and Related Intolerance, July 30-Aug. 10, 2001, Review of Reports, Studies, and other Documentation for the Preparatory Committee and the World Conference, ¶¶ 120, 121, U.N. Doc. A/CONF.189/PC.3/5 (July 27, 2001).
- 76 While some traditional customs may have a negative impact on women's socio-economic status, other social networks may serve to protect women and promote their welfare. *See* Karin Helweg-Larsen & Marianne C. Kastrup, *Consequences of Collective Violence with Particular Focus on the Gender Perspective*, 54 DANISH MED. BULL. 155, 155 (2007).
- 77 U.N. Econ. & Soc. Council (ECOSOC), Comm'n on Human Rights, *Report of the Special Rapporteur on violence against women, its causes and consequences, Ms. Radhika Coomaraswamy, submitted in accordance with Commission on Human Rights resolution 2000/45: Violence against women perpetrated and/or condoned by the State during times of armed conflict (1997-2000)*, at 57, U.N. Doc. E/CN.4/2001/73 (Jan. 23 2001).
- 78 REHN & JOHNSON SIRLEAF, *supra* note 10, at 12.
- 79 *Id.*
- 80 Marie Vah, Testimony at the Diaspora Public Hearings of the Truth & Reconciliation Comm'n of Liberia (June 13, 2008, St. Paul, Minn., U.S.A.) (transcript on file with the author).
- 81 S.C. Res. 1820, Preamble, U.N. Doc. S/RES/1820 (June 19, 2008).
- 82 U.N. Country Team, *supra* note 41, at 22. *See also* Amnesty Int'l, *Liberia: No Impunity for Rape – a Crime against Humanity and a War Crime 4*, AI Index AFR 34/017/2004, Dec. 14, 2004, (reporting a similar statistic at approximately 60 to 70 percent).
- 83 Shana Swiss et al., *Violence Against Women During the Liberian Civil Conflict*, 279 J. AM. MED. ASS'N 625, 627 (1998).
- 84 Charlotte Lindsey, Int'l Comm. Red Cross, *Women and War: A Special Report*, Mar. 2003, [http://www.icrc.org/Web/eng/siteeng0.nsf/htmlall/5KCDYC/\\$File/Women_War_special_report_8-3-03.pdf](http://www.icrc.org/Web/eng/siteeng0.nsf/htmlall/5KCDYC/$File/Women_War_special_report_8-3-03.pdf).
- 85 *Id.*
- 86 Testimony also describes the commission of rapes against women in custody. *See, e.g.*, Marie Vah, Testimony at the Diaspora Public Hearings of the Truth & Reconciliation Comm'n of Liberia (June 13, 2008, St. Paul, Minn., U.S.A.) (transcript on file with the author).
- 87 TRC Diaspora Statement Rec. 217.
- 88 Int'l Rescue Committee, Liberia, *Situation Analysis of Gender-based Violence* 11 (Apr. 2004). Clients assisted were from refugee and IDP camps and from the general community. *Id.* at 10.

- 89 TRC Diaspora Statement Rec. 386.
- 90 International law prohibits rape using foreign objects as a crime against humanity and a war crime. INT'L CRIMINAL CODE ART. 7(1)(g)-1, ART. 8(2)(e)(vi)-1 (Elements of Crimes).
- 91 TRC Diaspora Statement Rec. 236.
- 92 Marie Vah, Testimony at the Diaspora Public Hearings of the Truth & Reconciliation Comm'n of Liberia (June 13, 2008, St. Paul, Minn., U.S.A.) (transcript on file with the author).
- 93 TRC Diaspora Statement Rec. 467.
- 94 TRC Diaspora Statement Rec. 165.
- 95 Marie Vah, Testimony at the Diaspora Public Hearings of the Truth & Reconciliation Comm'n of Liberia at 9 (June 13, 2008, St. Paul, Minn., U.S.A.) (transcript on file with the author).
- 96 TRC Diaspora Statement Rec. 127.
- 97 Amnesty Int'l, *supra* note 82, at 8.
- 98 Florence Tercier Holst-Roness, Int'l Committee of the Red Cross, Violence Against Girls in Africa During Armed Conflicts and Crises 9-10 (presented at the Second Int'l Policy Conference on the African Child: Violence Against Girls in Africa, Addis Ababa, May 11-12, 2006), [http://www.icrc.org/Web/Eng/siteeng0.nsf/htmlall/violence-girls-conference-110506/\\$File/International-Policy-Conference.pdf](http://www.icrc.org/Web/Eng/siteeng0.nsf/htmlall/violence-girls-conference-110506/$File/International-Policy-Conference.pdf).
- 99 *See generally id.*
- 100 TRC Diaspora Statement Rec. 55.
- 101 TRC Diaspora Statement Rec. 216.
- 102 Ass'n of Female Lawyers of Liberia (AFELL), *Hundreds of Victims Silently Grieving, in WHAT WOMEN DO IN WARTIME: GENDER AND CONFLICT IN AFRICA* 131 (Meredith Turshen & Clotilde Twagiramariya eds., 1998).
- 103 TRC Diaspora Statement Rec. 55 (describing statement giver's own rape at age forty); TRC Diaspora Statement Rec. 60 (describing the rape and murder of statement giver's mother when statement giver was age thirty-five); TRC Diaspora Statement Rec. 178 (describing the rape of statement giver's mother when statement giver was age twenty-five).
- 104 TRC Diaspora Statement Rec. 496.
- 105 Numerous statement givers reported witnessing or learning of the disembowelment of pregnant women to determine the sex of the fetus. *See, e.g.,* TRC Diaspora Statement Recs. 37, 44, 110, 121, 185, 205, 284, 438, 518, 575, 594, 618, 648, 689, 788, 823, 862, 895, 913, 921, 1021, 1102, 1104, 1152, 1302, 1335, 1338, 1340, 1346, 1354, 1388, 1408, 1412, 1413, 1415, 1417, 1478, 1479, 1496, 1507, 1512, 1675, 1681, 1718, 1739. That it was so frequently mentioned by statement givers is suggestive of not only its widespread use, but also its impact.
- 106 TRC Diaspora Statement Rec. 1478.
- 107 *Liberia: Rape Victims' Voices Not Heard, Aid Workers*, IRIN News, Apr. 7, 2006, <http://www.irinnews.org/report.aspx?reportid=58689>.
- 108 TRC Diaspora Statement Rec. 1551.
- 109 TRC Diaspora Statement Rec. 154.
- 110 TRC Diaspora Statement Rec. 451.
- 111 Doris Parker, Testimony at the Diaspora Public Hearings of the Truth & Reconciliation Comm'n of Liberia (June 13, 2008, St. Paul, Minn., U.S.A.) (transcript on file with the author).
- 112 *Id.*
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Chapter Eleven



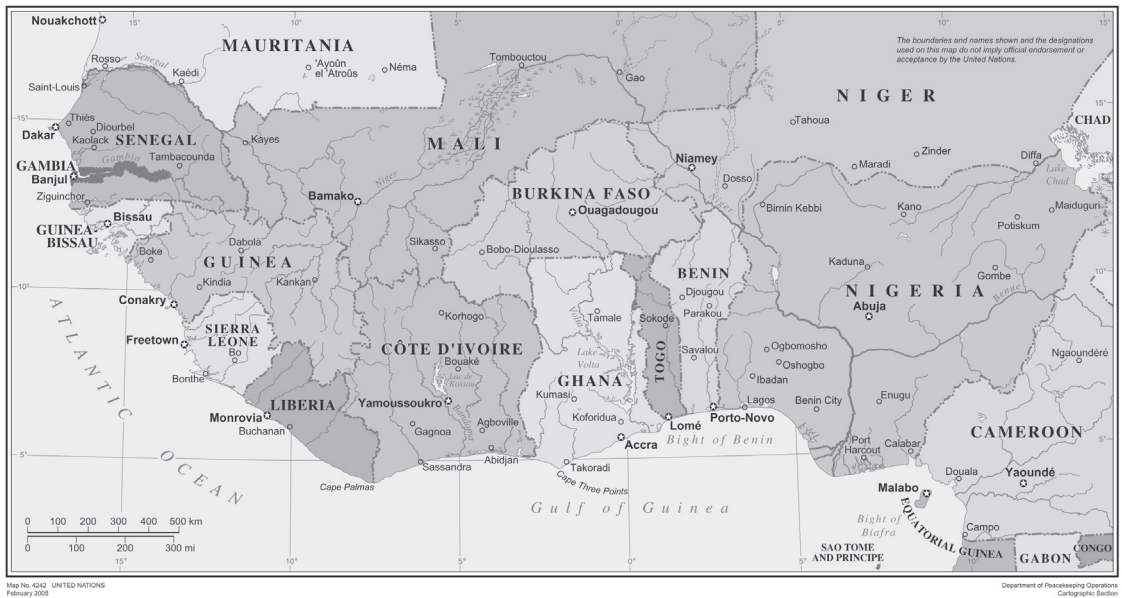
Complicating Factors

Chapter Eleven. Complicating Factors

EXTERNAL ACTORS

The Liberian war was complicated by regional politics, personal connections, and insecurity. Former U.S. Assistant Secretary for African Affairs Herman Cohen (1989-1993) testified, “We knew that these guerilla fighters had been trained in Libya and that their arms had come from Burkina Faso, and they were getting full support from Côte d’Ivoire.”¹ For example, in the first civil war, Taylor’s forces secured experts from Libya and Burkina Faso to embed land mines in Liberia.² Côte d’Ivoire served as a transit way for equipment and personnel sent from Burkina Faso and Libya.³ Qadhafi loaned Taylor planes for use by the arms dealers with whom Taylor dealt.⁴

WEST AFRICA



Libya

While the full extent of Libya’s involvement in the Liberian conflict may never be known, non-governmental organizations and scholars have documented Libya’s role in facilitating the Liberian civil war, particularly through the actions of Colonel Muammar al Qadhafi.⁵ A portion of the resources and training that fueled the war is believed to have been supplied by Libya.⁶

When Doe took power in 1980, Libya was the first to recognize the new regime and readily acted to foster diplomacy between the two states.⁷ In addition to establishing diplomatic ties with the Doe

regime, Libyans had also established a business presence in Liberia during the 1980s, owning the Pan-African Plaza office block and Monrovia's bottling plant.⁸ But the relationship cooled as Doe accepted U.S. support – including a purported ten million dollars in cash on condition that Doe would cancel his scheduled visit to Libya.⁹ Liberia's diplomatic overtures toward Israel further abated relations between Liberia and Libya, leading to the expulsion of Libyan diplomats and Libya's severance of ties to Liberia.¹⁰ In 1985, however, as his relationship with the United States soured, Doe re-initiated dialogue with Libya and paid the country a visit in 1988.¹¹

Even with reestablished ties and warmer relations with the Doe government in the mid- to late-1980s, Qadhafi pursued other avenues of influence in Liberia and supported Liberian dissidents.¹² Moses Blah, who served as Charles Taylor's Vice President, testified that Qadhafi's Libyan government ran training camps, which taught fighters how to use AK-47 assault rifles and surface-to-air-missiles.¹³ In response to Doe's deepening relationship with the United States, Qadhafi directed Libyan



agents to begin recruiting, arming, and funding Liberian dissidents throughout the region, including Sierra Leone, Burkina Faso, Guinea, and Ghana.¹⁴ It has been reported that “several hundred Liberians were training in Libya in at least three different terrorist camps.”¹⁵ Perhaps the most important figure to be trained in Libya was Charles Taylor himself. Taylor was reportedly trained in one of Libya's camps at Mathaba in 1985.¹⁶ Following Taylor's release from a Ghanaian jail,¹⁷ he began traveling between a new home in the capital of Burkina Faso, paid for by Libyan funds, and Tripoli.¹⁸

The al-Mathabh al-Thauriya al-Alamiya (“World Revolutionary Headquarters”) was an operation set up by the Libyan secret service to provide training on counterinsurgency warfare.¹⁹ Thus, when the Libyan government chose to support the National Patriotic Front of Liberia (NPFL), Taylor found himself suddenly with access to a foreign government with the finances to support a large-scale insurgency.²⁰ Taylor was reportedly personally encouraged by Qadhafi to recruit fighters in preparation for the December 1989 assault against Doe.²¹ Libya furnished Taylor with a cache of weaponry and millions of dollars to support his insurgency.²²

The relationship between Qadhafi and Taylor apparently continued up to and throughout Taylor's

presidency. After his inauguration, President Taylor made several trips to Libya for talks with Qadhafi. Even in the closing days of his presidency, Taylor received support from Libya, reportedly flying to Libya to obtain weaponry in 2003.²³ Just before Taylor stepped down in 2003, Nigerian peacekeepers controlling the airport confiscated a shipment of weapons rumored to be from Libya.²⁴

Burkina Faso

Burkina Faso played a supporting role to Taylor and the NPFL, and the president of Burkina Faso, Blaise Compaore, was a significant figure in the events leading up to Taylor's rebellion.²⁵ It is likely that at least part of the motivation for Burkinabe support for Taylor was personal. Accounts suggest that Compaore ordered former Burkinabe President Thomas Sankara's assassination²⁶ and that Taylor, who arrived in Burkina Faso at approximately the time of President Sankara's assassination in October 1987, was involved in the murder.²⁷ Compaore was also married to Ivorian President Houphouet-Boigny's daughter, the widow of Adolphus Tolbert. Given the strong relationship between Compaore and Houphouet-Boigny and their shared hostility toward Doe,²⁸ a perception exists that Houphouet-Boigny persuaded Compaore to support Taylor's efforts to overthrow Doe as revenge for Tolbert's murder.²⁹ Compaore continued his support for Taylor despite international pressure and the humanitarian disaster that ensued in Liberia: "He kept going because he had an investment in Charles Taylor, and he wanted absolutely for Charles Taylor to win, and he did not trust the West African forces because he opposed the operation."³⁰

Perhaps one of Compaore's most significant acts was his introduction of Taylor to the Libyan leader Colonel Muammar Qadhafi.³¹ It was Compaore who convinced Qadhafi that Taylor possessed the military and diplomatic skills necessary to overthrow the Doe government.³² Also, Burkina Faso helped facilitate arms transfers to Taylor by serving as a transfer site for weapons en route to Liberia.³³ Despite assurances to the United States in 1991 that he would stop supplying arms to Taylor, Compaore continued his support for Taylor.³⁴ Burkinabe banks also harbored diverted funds for Taylor, who had at least two Burkinabe bank accounts under the name of Jean Pierre Somé.³⁵

Burkina Faso served as recruiting grounds for the NPFL's ranks as well. A generation of young Burkinabe men were alienated during the country's economic crisis in the mid-1980s, and it was largely these disaffected youth who traveled to the NPFL training camps in Libya and Burkina Faso.³⁶ In fact, Taylor's 1989 invasion involved not only Liberian combatants, but also Burkinabe soldiers.³⁷ Statement givers corroborated the view that Burkina Faso's support enabled Taylor to train his soldiers.³⁸

Côte d'Ivoire

The backing of Côte d'Ivoire was politically, personally, geographically, and financially important to

Taylor. Côte d'Ivoire's combination of geographical convenience and unstable government provided Taylor the platform he needed to eventually gain power in Liberia. The president of Côte d'Ivoire, Felix Houphouët-Boigny, was one of the principal regional supporters of Taylor.³⁹

Côte d'Ivoire was geographically strategic for Taylor to establish his base, given that its "corridor... provided convenient, regular passage for truckloads of arms, ammunitions destined for Taylor's rebel forces."⁴⁰ Its border with Liberia allowed the NPFL to recruit fighters along the Ivorian frontier in preparation for its attack on Liberia.⁴¹

Côte d'Ivoire's political leverage was also a significant factor in Taylor's war efforts. At the time of Taylor's campaign, Côte d'Ivoire was France's most prominent ally in West Africa.⁴² Arguably, this international recognition, along with Côte d'Ivoire's political connections and diplomatic facilities,⁴³ was one of the most important benefits to Taylor. One possible factor affecting the onset and duration of Liberia's war was the French influence in the region.⁴⁴ France's wariness of Nigeria's rise as a regional power led to chilly relations between the two states.⁴⁵ As a result, France had discouraged its former colonies, such as Burkina Faso and Côte d'Ivoire, from engaging in any peace agreements that would have raised Nigerian influence in the region.⁴⁶

The Ivorian government also provided Taylor and his rebels with other material goods and services, including cantonment (quartering of troops),⁴⁷ "military intelligence, transportation facilities, safe haven for retreating rebels, and medical assistance for wounded rebels."⁴⁸ It also played a role in Liberia's diamond and arms trade. Côte d'Ivoire facilitated the smuggling of diamonds from Liberia,⁴⁹ as well as weapons shipments.⁵⁰ Also, Taylor's financial backers used Abidjan as a venue to convene and to cut their deals on arms, communication resources, and training.⁵¹ Further, Côte d'Ivoire provided protection to Taylor's relatives who resided there.⁵²

After Houphouët-Boigny's death in 1993, Taylor maintained close relationships with both his successors, Henri Konan Bedie and Robert Guéï, which enabled him to continue the arms transfers and other activities.⁵³ When Guéï was ousted from the presidency after the 2000 elections, the alliance shifted toward plotting a coup against Ivorian President Laurent Gbagbo.⁵⁴ Taylor opposed Gbagbo, who had developed relationships with and recruited combatants from Liberians United for Reconciliation and Democracy (LURD), and Taylor sought to destabilize Côte d'Ivoire.⁵⁵ Also, Taylor purportedly wanted to establish a base in Côte d'Ivoire should he need to leave Liberia; gain control over Ivorian seaports that were vital to Liberia's timber exports;⁵⁶ and establish an armed line of defense to stop LURD and Movement for Democracy in Liberia (MODEL) incursions into Liberia.⁵⁷ Thus, Taylor supported two Ivorian rebel groups, the Popular Movement of the Ivorian Great West (MPIGO) and the Movement for Justice and Peace (MJP), which launched an offensive on Danané from Liberia on November 28, 2002.⁵⁸ While the Liberian government denied any involvement, Danané residents reported that Liberian security, the Anti-Terrorist Unit (ATU), or former NPFL fighters constituted

90 percent of the rebels.⁵⁹

CONFLICT RESOURCES

The Liberian civil wars were complicated by economic actors interested in Liberia's natural resources. In particular, economic factors and policies had a major impact by providing the funds and resources to fuel the war. The rubber, timber, gold, and shipping industries served as the means for Taylor to obtain resources and weapons. Many countries directly and indirectly funded the Liberian war, but most of such financing went unrecorded.⁶⁰



Exploitation of Liberia's economic landscape began as early as Taylor's control over Greater Liberia. The significance of the NPFL's territorial control and its impact on the war cannot be overstated. During this time, Taylor ran a relatively sophisticated financial apparatus, the revenue of which helped finance the war. Being a rebel group rather than a recognized government provided the NPFL two advantages. First, it was unencumbered by debt.⁶¹ Unlike the Interim Government in Monrovia, which had inherited

four billion dollars in debt, the NPFL enjoyed a clean financial slate.⁶² Second, the NPFL's offensive had driven the civil service apparatus from the country, thus allowing the NPFL to start anew, unencumbered by bureaucracy.⁶³ Importantly, Taylor was also able to assume control over the port of Buchanan,⁶⁴ thus ensuring his ability to engage in foreign commerce.⁶⁵ Taylor increased exports of natural resources from Liberia through NPFL control of the Bong Mines, the Firestone Plantation at Harbel, and the port of Buchanan. He also found other ways to garner revenue from Greater Liberia. For example, the NPFL imposed a standing order that all marine commerce, including food, should move through the port of Buchanan,⁶⁶ thus ensuring that no NPFL wealth would pass through Monrovia, which was under the control of the Economic Community of West African States Monitoring Group (ECOMOG). The NPFL, acting as a government, accepted bids for management of the port, while a private company collected customs and duties on behalf of the NPFL.⁶⁷ Even equipment from the industries in Greater Liberia afforded revenue, as Taylor began his rule of Bong Mines by selling off a good deal of the machinery.⁶⁸

Endemic corruption during the civil war and Taylor's administration helped drive this exploitation. Following the launch of the war, Taylor accumulated millions of dollars within months.⁶⁹ He was able to exploit existing industries through activities such as levying fees for industry rights and appropriating a portion of the profits,⁷⁰ selling off deserted equipment in NPFL territory,⁷¹ and making demands for equipment, foreign currency, electricity, fuel, and oil from timber and mining companies.⁷² The NPFL took over rubber plantations at various stages of the two civil wars to obtain other commodities, and corporations allegedly collaborated by paying rebels for protection and providing them with logistical and other assistance.⁷³ Other rebel groups later emulated this tactic of taking over rubber plantations. When MODEL took over the Liberian Agricultural Company plantation, Liberian Agricultural Company staff offered the rebels money, vehicles, and electronics in an effort to keep the rebels from devastating the plantation.⁷⁴

In addition to controlling government coffers and engaging in private procurement activities, Taylor's exploitation of natural resources to fund wars is well documented. Often referred to as "conflict" or "blood" resources, these natural resources provided the revenue, logistical means, or camouflage to obtain weapons and to fund wars.⁷⁵

Timber, iron ore, and gold are among the natural resources abundantly occurring in Liberia.⁷⁶ Importantly, however, the origins of these resources that funded the conflict were not confined to Liberia but were instead international in scope. For example, while Liberia has some naturally occurring diamonds, these are few in number,⁷⁷ of low quality, and command a price of \$25 to \$50 per carat on the world market.⁷⁸ Most diamonds exported from Liberia were mined elsewhere, most prominently in neighboring Sierra Leone, but also in Russia and Angola, or they were smuggled into Liberia to enter the international stream of commerce bearing the Liberian name.⁷⁹ It was a complicated network involving multiple actors and countries in addition to Liberia and Sierra Leone.

Notwithstanding any argument from Taylor to the contrary,⁸⁰ these diamonds represent significantly more carats on the whole than Liberia-mined diamonds, and were of much higher quality, commanding prices between \$200 to \$250 per carat. Some diamonds that bear the Liberian name never actually passed through Liberia, but merely took advantage of the Liberian government's involvement in the illicit diamond trade and its unwillingness to combat the situation.⁸¹ Taylor's desire to dominate trade in the area was one reason behind the RUF invasion of Sierra Leone. In fact, RUF and NPFL soldiers bragged they had attacked Sierra Leone to obtain and to sell loot.⁸² As with the origin of these sources, the trade, shipments, destinations, and other related aspects were likewise international in scope and involved many players and countries. Investigations have found that the illegal trade in Liberia's natural resources "fueled and prolonged the country's civil war."⁸³

While the primary objective of trade in these resources was to obtain weaponry, the trade involved other purposes beyond just their purchase. For example, Global Witness found that the timber industry

was involved in the “financing and importing of weapons, in violation of UN sanctions,” specifically “[paying] for weapons delivery;” expediting “sanctions-busting arms transfers to Liberia;” facilitating arms shipments within Liberia and to Sierra Leone using roads commissioned for the timber industry; organizing the “logistical aspects of many of the arms deals;” and enabling shipments, such as through the use of a timber company owner’s private jet “to ship weapons from Niger and from Burkina Faso to Liberia.”⁸⁴

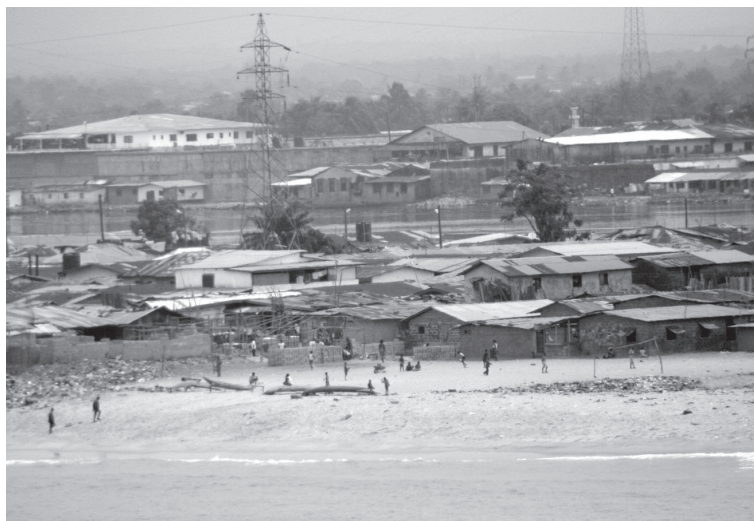
Liberia traded its timber for arms and funds to purchase arms.⁸⁵ An alleged key player in this trade was Guus van Kouwenhoven, a Dutch arms dealer who headed the Oriental Timber Company as well as the Royal Timber Company.⁸⁶ Throughout the two civil wars, the Oriental Timber Company held the largest logging concessions in Liberia.⁸⁷ Records reveal that the Oriental Timber Company was the major source of Liberian timber imports for China during the war.⁸⁸ China’s imports were triple those of Liberia’s second biggest trading partner.⁸⁹ Although China’s role may appear minor in comparison with other nations, its offering of guns and money in exchange for timber helped sustain rebel groups in Liberia, thus contributing to the continuation of the Liberian conflict.⁹⁰

These resources garnered significant revenue for Liberia both during the civil war and under the Taylor administration. One scholar approximates the total value of “warlord trade” in Liberia from 1990 to 1994 at \$100-150 million in diamonds; \$121.6 million in timber; \$81 million in rubber; and \$95 million in iron ore.⁹¹ Following the 1997 elections, the trade was still highly lucrative, although official figures are likely lower than actual as a result of corruption, tax-evasive practices, and the trade’s underground nature. A 2001 U.N. report described the income generated by diamonds, rubber, and timber. In 1999, Liberia officially exported 8,500 carats of diamonds,⁹² an amount estimated to constitute only 10-15 percent of the actual exports.⁹³ Timber production was valued at \$46.2 million USD between January and June 2001, but estimates mark the actual value of exports to be 50 percent to 200 percent higher.⁹⁴ The value of rubber totaled \$33.3 million in 1999 and \$53.2 million in 2000.⁹⁵ While foreign companies generally exerted greater control over the rubber industry, the U.N. report acknowledged it was unclear how the Liberian government spent the profits once received.⁹⁶

Ultimately, the trade in conflict resources led to U.N. sanctions against diamond and timber exports. On March 7, 2001, the U.N. Security Council adopted a resolution imposing sanctions on “the direct or indirect import of all rough diamonds from Liberia, whether or not such diamonds originated in Liberia.”⁹⁷ While it significantly reduced the flow of conflict diamonds out of Liberia, it failed to address a major gap in the industry by not providing for an international monitoring system.⁹⁸ The Kimberley Process Certification Scheme, a multilateral initiative to stem the flow of conflict diamonds, did not enter into effect until 2003.⁹⁹ U.N.-imposed sanctions against the export of Liberian timber came into effect on July 7, 2003.¹⁰⁰ In October 2001, the United Nations contemplated sanctions on Liberia’s rubber industry, but U.S. lobbying on behalf of Firestone and the potential economic impact deterred the Security Council from taking further action.¹⁰¹

A final complicating factor in the conflict resource trade was its end objective: the arms trade itself. Illicit arms brokering involved the transfer of weapons without government authorization (*i.e.*, black market trade), but because most countries do not have laws regulating the act of brokering, most brokering is considered to be in the grey market.¹⁰² The central orchestrator is the arms broker, or the middleman involved in “negotiating, arranging or otherwise facilitating the transfers of weapons.”¹⁰³

Brokers generally connect sellers and buyers, engage in weapons acquisition, facilitate deals, carry out logistics, and ensure the necessary documentation—legitimate and otherwise—is procured to allow transport of weapons.¹⁰⁴ Brokers can avoid capture and prosecution by performing their functions from within the confines of a house or hotel room in any country that does not legislate against brokering.¹⁰⁵ With extensive



networks of corrupt government contacts and transportation resources used for delivery, the brokers can complete a sale of weapons from start to finish without ever meeting the sellers or purchasers and without being in the same location as the weapons. In this way, the exploitation of international criminal networks enables arms brokers to evade the scope of domestic jurisdictions.¹⁰⁶ The arms trade in Liberia has been shaped by a number of factors, including historical events, a multitude of sources and networks, and a dearth of prosecutions.

First, the demise of the Soviet Union provided a lucrative opportunity and an established infrastructure for arms brokers.¹⁰⁷ Small arms and military transport aircraft became widely available as they were relatively unattended or not needed, thus ending up in the hands of profiteers willing to sell to the highest bidder.¹⁰⁸ Arms brokers thus acquired “fully operational systems of clandestine transport, replete with money channels, people who understood how to use them, and, most important, established shipping pipelines...”¹⁰⁹ The logistical pipelines once used by the Soviet bloc countries were transformed into tools for individual weapons brokers.¹¹⁰ These channels served specific purposes in the illegal arms trade, from supplying once legitimate weapons stockpiles to the grey and black markets, to providing government contacts willing to sell falsified end-user certificates¹¹¹ that provided the cover of legitimacy to an illicit arms shipment.¹¹² These falsified documents facilitated the brokers’ acquisition of arms from sanctioned dealers, as well as their sale to a diverse customer base that spanned from governments to rebels.¹¹³

Second, the vast number of sources in the arms trade hinders effective control of the weapons trade in Africa generally and Liberia specifically. Many of the weapons are left over from the Cold War era, during which period large amounts of arms were sent to rebel movements; other states, seeking to further the position of rebel groups and governments they support, continue to instigate such traffic.¹¹⁴ Most weapons have likely traded hands many times over the course of several decades, either through seizure or theft from owners, captured or killed soldiers, or the sale by individual soldiers to competing groups.¹¹⁵ Liberia specifically has experienced a flow of weapons from governments and armed rebel groups in surrounding countries that had a stake in arming one faction or another for political purposes.¹¹⁶ For example, there is evidence of the transfer of Chinese arms to Liberia, including “Chinese-made AK-47s, machine guns and rocket-propelled grenade launchers.”¹¹⁷ Another significant but less discussed source of weapons in Liberia is unauthorized gunsmiths who had the capacity to manufacture an estimated 200,000 small arms annually.¹¹⁸ The 1996-97 disarmament reveals the high numbers of weapons present during the first conflict. The disarmament, which lasted from November 22, 1996, until February 9, 1997,¹¹⁹ resulted in the registration of approximately 10,000 weapons and some 1.24 million rounds of ammunition.¹²⁰ Subsequent disarmament activities resulted in the surrender of additional weapons.¹²¹ Of an estimated 33,000 combatants, the program demobilized 21,315, including 4,360 children and 250 women.¹²²

Third, international efforts to stem the illicit arms trade to Liberia proved largely ineffective. U.N. Security Council Resolution 788 (1992) established an embargo on all weapons and military equipment shipments to Liberia.¹²³ The sanctions were relatively successful in blocking participation by the legitimate arms-selling market, such as the large U.S. and European weapons manufacturers. Overall, however, the embargo proved to be less effective as the demand for weapons in Liberia and surrounding nations increased while traditional supply channels were cut off. This economic reality caused the grey and black markets to be flooded with weapons from various sources.¹²⁴ From 1989 to 2003, a number of countries, including Bulgaria, Romania, Moldova, Slovakia, Kazakhstan, Kyrgyzstan, Ukraine, Yugoslavia, Russia, Libya, and Nigeria, were involved along the chain of illicit arms trade to Liberia.¹²⁵ Furthermore, not one person has been successfully prosecuted for violating the terms of the embargo.¹²⁶

Overall, few statements reference the role of economic actors in the conflict, and the majority of those that do so are primarily in the context of seeking refuge.¹²⁷ One statement giver reflected on foreign companies’ general disregard for Liberia’s development. He stated that foreign investors in Liberia “keep all the desirable jobs for their own nationals, and give only menial work to the Liberians.”¹²⁸ If given the opportunity, however, Liberians would quickly learn the technical aspects of the investment activities.¹²⁹ He concluded by faulting the Liberian government for being so anxious to bring in foreign investment that it failed to impose conditions to bring about technology transfer to Liberian nationals.¹³⁰ Other statements referring to economic actors focused on their connection to development rather than their role in the conflict. For example, one statement giver opined:

Liberia was the largest producer of natural rubber in the world; yet the profit from the country's resources were being stolen instead of reinvested in development, infrastructure and education...[W]ith a small population of 5.1 or 5.2 million, Liberia's vast natural resources should be more than enough to support a small population and provide well for them. The way multi-national companies treated Liberia made it into a sort of "American colony."¹³¹

Notes

- 1 Herman J. Cohen, Former U.S. Asst. Sec’y of State for African Affairs, Testimony at the Diaspora Public Hearings of the Truth & Reconciliation Comm’n of Liberia 7 (June 12, 2008, St. Paul, Minn., U.S.A.) (transcript on file with the author).
- 2 Int’l Campaign to Ban Landmines, Landmine Monitor Report 2004, at (2004) (citing interview with Maj. Robert A. B. Kesseley, Chief of Explosive Ordnance Disposal, Armed Forces of Liberia, Monrovia, on Jan. 21 2004), <http://www.icbl.org/lm/2004/liberia.html#fn3788>.
- 3 STEPHEN ELLIS, THE MASK OF ANARCHY: THE DESTRUCTION OF LIBERIA AND THE RELIGIOUS DIMENSIONS OF AN AFRICAN CIVIL WAR 71, 75-78 (1999); Liberia – First Civil War – 1989-1996, <http://www.globalsecurity.org/military/world/war/liberia-1989.htm> (last visited March 20, 2008).
- 4 Philip Sherwell, Liberia Chief Fuels ‘Diamond War’, THE DAILY TELEGRAPH (United Kingdom), May 28, 2000, <http://www.telegraph.co.uk/htmlContent.jhtml?html=/archive/2000/05/28/wdiam28.html> (last visited March 21, 2008).
- 5 See Global Witness, *The Usual Suspects: Liberia’s Weapons and Mercenaries in Côte d’Ivoire and Sierra Leone* (2003) [hereinafter *Usual Suspects*]; Int’l Crisis Group, *Liberia: The Key to Ending Regional Instability*, (2002) [hereinafter *Ending Regional Instability*] <http://www.crisisgroup.org/home/index.cfm?l=1&id=1533>; For examples see also Emmanuel Kwesi Aning, *The International Dimensions of Internal Conflict: The Case of Liberia and West Africa* 12 (Danish Inst. for Int’l Stud., Working Paper 97.4 (Jun. 1997), http://www.diis.dk/graphics/CDR_Publications/cdr_publications/working_papers/wp-97-4.htm). While there are a variety of spellings of Qadhafi, including Qadhafi, Kaddafi, Gaddafi, and Ghaddafi, this report relies on the U.S. Department of State’s spelling of Qadhafi throughout the narrative for consistency.
- 6 Liberia – First Civil War, *supra* note 3. For examples, see Aning, *supra* note 5, at 12.
- 7 Kenneth Noble, *The United States, Libya, and the Liberian Civil War*, 18 ALICIA PATERSON FOUND. REP. 4 (1998), <http://www.aliciapatterson.org/APF1804/Noble/Noble.html>.
- 8 MARK HUBAND, THE LIBERIAN CIVIL WAR 104 (1998).
- 9 Noble, *supra* note 7, at 4.
- 10 Nicolas Cook, Cong. Research Serv. Liberia: 1989-1997 Civil War, Post-War Developments, and U.S. Relations, at 20 (Dec. 31, 2003).
- 11 *Id.*
- 12 *Id.*; Noble, *supra* note 7, at 4.
- 13 The Prosecutor of the Special Court v. Charles Ghankay Taylor, Case No. SCSL-2003-01-I, Transcript of Record at 9802-03, 9840-41 (May 14, 2008) <http://www.sc-sl.org/LinkClick.aspx?fileticket=ggq9q0ASLSw0=&tabid=160>.
- 14 Noble, *supra* note 7, at 4. ELLIS, *supra* note 3, at 70. Throughout the conflict, “Libya may have used the Liberian civil war to undermine US influence in Liberia, since the CIA had reportedly used Liberia as a base to attempt the overthrow of Gadaffi’s regime.” Liberia – First Civil War, *supra* note 3.
- 15 Noble, *supra* note 7, at 4.
- 16 Willem Tijssen, *Mano River War*; THE LIBERIAN POST 25 (1998), <http://liberian.tripod.com/Post25.html> (last visited March 21, 2008); President Charles Ghankay Taylor, Liberia: Past and Present of Africa’s Oldest Republic, http://www.liberiapastandpresent.org/charles_taylor.htm (last visited March 21, 2008); A TORTUOUS ROAD TO PEACE: THE DYNAMICS OF REGIONAL, UN AND INTERNATIONAL HUMANITARIAN INTERVENTIONS IN LIBERIA 54 (Festus Aboagye & Alhaji M.S. Bah eds., May 2005), <http://www.issafrica.org/pubs/Books/TortuousRoad/Contents.htm>; *Ending Regional Instability*, *supra* note 5.
- 17 Tijssen, *supra* note 16, at 24.
- 18 Noble, *supra* note 7, at 4.
- 19 ELLIS, *supra* note 3, at 69.
- 20 *Id.*
- 21 *Libya Helped Taylor to Launch War in Liberia, Says Moses Blab*, May 15, 2008, <http://runningafrica.com/news-05152008Libya-Helped.html>; Noble, *supra* note 7, at 4.
- 22 ELLIS, *supra* note 3, at 160.
- 23 Karl Vick, *Taylor Brought Weapons From Quick Trip to Libya: Nigerian Peacekeepers Seize Second Plane Loaded with Arms*, S.F. CHRON., Aug. 8, 2003 at A10, <http://www.sfgate.com/cgi-bin/article.cgi?f=/c/a/2003/08/08/MN193873.DTL&hw=Liberia&sn=007&sc=693>.
- 24 Nicole Itano, Institute for Security Studies, *Liberating Liberia: Charles Taylor and the Rebels who Unseated Him*,

- at 4 (Nov. 2003), <http://www.issafrica.org/pubs/Papers/82/Paper82.pdf>.
- 25 See, e.g., Comfort Ero, *ECOWAS and the Subregional Peacekeeping in Liberia*, J. HUMANITARIAN ASSISTANCE (Sept. 25, 1995), <http://jha.ac/1995/09/25/ecowas-and-the-subregional-peacekeeping-in-liberia/>; Eboe Hutchful, Institute for Security Studies, *The ECOMOG Experience with Peacekeeping in West Africa*, 3-4 (April 1999), <http://www.iss.co.za/Pubs/Monographs/No36/ECOMOG.html>.
- 26 See Carina Ray, *Who Really Killed Thomas Sankara?*, PAMBAZUKA NEWS, Jan. 15, 2008, www.pambazuka.org/en/category/features/45420.
- 27 See *id.*
- 28 See Ero, *supra* note 25; Ray, *supra* note 26. A historical reliance by Burkina Faso on Côte d'Ivoire, plus Compaore's personal debt to the Ivorian president for backing him against Thomas Sankara, posed additional complicating factors. Hutchful, *supra* note 25, at 3-4.
- 29 Ero, *supra* note 25.
- 30 Herman J. Cohen, Former Asst. Sec'y of State for African Affairs, Testimony at the Diaspora Public Hearings of the Truth & Reconciliation Comm'n of Liberia 19 (June 12, 2008, St. Paul, Minn., U.S.A.) (transcript on file with the author).
- 31 See, e.g., Ray, *supra* note 26.
- 32 ELLIS, *supra* note 3.
- 33 *Usual Suspects*, *supra* note 5, at 22.
- 34 Herman J. Cohen, Former Asst. Sec'y of State for African Affairs, Testimony at the Diaspora Public Hearings of the Truth & Reconciliation Comm'n of Liberia 19 (June 12, 2008, St. Paul, Minn., U.S.A.) (transcript on file with the author).
- 35 *Usual Suspects*, *supra* note 5, at 18.
- 36 ELLIS, *supra* note 3, at 159.
- 37 President Charles Ghankay Taylor, *Liberia: Past and Present of Africa's Oldest Republic*, *supra* note 16.
- 38 TRC Diaspora Statement Recs. 38, 42, 107.
- 39 See, e.g., Hutchful, *supra* note 25, at 3-4. Among other reasons, Houphouët-Boigny was motivated by personal antipathy toward Doe for having murdered his son-in-law. ELLIS, *supra* note 3, at 54.
- 40 Tom Kamara, *Liberia's Mercenary Virus and Ivory Coast*, THE PERSPECTIVE, October 30, 2000, www.theperspective.org/mercenaryvirus.html.
- 41 ARTHUR F. KULAH, *LIBERIA WILL RISE AGAIN: REFLECTION ON THE LIBERIAN CIVIL CRISIS* 25 (1999).
- 42 ELLIS, *supra* note 3, at 15.
- 43 Terhi Lehtinen, *Liberia, in AGENTS, MOTIVES AND INSTRUMENTS: AN ATLAS OF AFRICA CONFLICTS* 152, (Timo Kirimaki & Liisa Laakso, eds.) (2002) (citations omitted).
- 44 Howard W. French, *Liberia War: Nation Adrift*, N.Y. TIMES, May 12, 1996.
- 45 *Id.*
- 46 *Id.*
- 47 Lehtinen, *supra* note 43, at 152.
- 48 Ebenezer Maanlawon Vonhm Benda, *The Internationalization of Civil War: Liberia as a Case Study*, at 61 (2004) (unpublished M.A. Thesis, American University) (2004) (on file with author).
- 49 Paul Kelbie, *Rough Trade: Diamond Industry Still Funding Bloody Conflicts in Africa*, THE INDEPENDENT (United Kingdom), February 10, 2006, <http://www.independent.co.uk/news/world/africa/rough-trade-diamond-industry-still-funding-bloody-conflicts-in-africa-466129.html>.
- 50 Lehtinen, *supra* note 43, at 152.
- 51 Tijssen, *supra* note 17.
- 52 Kamara, *supra* note 40.
- 53 Int'l Crisis Group, *Tackling Liberia: The Eye of the Regional Storm* 15 (2003) [hereinafter *Tackling Liberia*]. In return for weapons supplies and equipment, Taylor provided Gueï with RUF and NPFL combatants. *Id.*
- 54 *Id.* at 16.
- 55 *Id.* at 16, 18.
- 56 *Id.* at 19.
- 57 *Id.* at 20.
- 58 *Usual Suspects*, *supra* note 5, at 39.
- 59 *Id.* at 29.
- 60 See, e.g., Kerstin Canby, *Helping Liberia Escape Conflict Timber: The Role of the International Community – China & Europe*, INFORMATION BULLETIN: CHINA AND EAST ASIA: TRANSFORMING TRADE AND POLICY FOR FORESTS AND LIVELIHOODS, at 1, June 2006 (“[b]y 2002, timber extraction generated more than US \$80 million a year and should have generated US \$19 million in taxes, but the government could only account for less than 15% of these revenues.” (citing

- Blundell, A. G. 2005. Conflict timber and Liberia's war. *European Tropical Forest Research Network News*. 43-44: 32-35).
- 61 *Taylor Stronghold of Gbarnga Reportedly in "Complete Ruins,"* BBC RADIO, Oct. 21, 1994.
- 62 *Id.*
- 63 *Id.*
- 64 The Port of Buchanan is the second largest port in Liberia.
- 65 ELLIS, *supra* note 3, at 89.
- 66 Kenneth B. Noble, *In Liberia's Illusory Peace, Rebel Leader Rules Empire of His Own Design*, N.Y. TIMES, Apr. 14, 1992.
- 67 See William Reno, *Reinvention of an African Patrimonial State: Charles Taylor's Liberia*, 16 THIRD WORLD Q. 109, 112-15 (1995).
- 68 *Id.* at 114.
- 69 ELLIS, *supra* note 3, at 168.
- 70 *Ending Regional Instability, supra* note 5, at 17.
- 71 WILLIAM RENO, *WARLORD POLITICS AND AFRICAN STATES* 95 (1998).
- 72 *Id.* at 96.
- 73 Reno, *supra* note 67, at 114. Christine Cheng, *The Rise of Extralegal Groups during Post-Conflict Transitions: Illegal Rubber Tapping in Liberia*, (Paper Presented at the Annual Meeting of the American Political Science Association) (Aug 31, 2006), http://www.allacademic.com/meta/p151191_index.html; For example, the security wing of the NPFL, "G-2," was accused of finding workers for Firestone's operations, receiving logistical support in return. Reno, *supra* note 67, at 114. See also Kerper Dwanyen, Testimony at the Diaspora Public Hearings of the Truth & Reconciliation Comm'n of Liberia 17 (June 14, 2008, St. Paul, Minn., U.S.A.) (describing how NPFL rebels looted property from his father's rubber and logging businesses, including a stockpile of rubber valued at c.a. \$60,000 and sold to the Liberian Agricultural Company, a Pajero jeep, a Pajoke (phonetic) 504, a Toyota truck used for transporting the rubber, and their logging equipment).
- 74 Cheng, *supra* note 73, at 10.
- 75 Definitions of what constitutes a conflict source focus on the point of their origin, i.e., areas under control of rebel fighting groups, or their role in commerce, i.e. a traded commodity that has passed through the custody of a fighting faction and is used to sustain or exploit the conflict for personal gain. "Conflict diamonds" or "blood diamonds" have been defined as "diamonds that originate in areas controlled by forces fighting the legitimate and internationally recognized government of the relevant country." *Report of the Panel of Experts Appointed Pursuant to Security Council Resolution 1306 (2000), Paragraph 19, in Relation to Sierra Leone*, U.N. Doc. S/2000/1195, ¶ 144 (December 20, 2000) [hereinafter *Sierra Leone Report*].
- Conflict diamonds also have been defined as "rough diamonds which are used by rebel movements to finance their military activities, including attempts to undermine or overthrow legitimate Governments." G.A. Res. 55/56, U.N. Doc A/RES/55/56 (Jan. 29, 2001). Similarly, Global Witness defines "conflict timber" as "timber that has been traded at some point in the chain of custody by armed groups, be they rebel factions or regular soldiers or by a civilian administration involved in armed conflict—either to perpetuate conflict or take advantage of conflict situations for personal gain." *Usual Suspects, supra* note 5, at 8.
- 76 CENTRAL INTELLIGENCE AGENCY, *THE CIA WORLD FACTBOOK 2008* (2008), <https://www.cia.gov/library/publications/the-world-factbook/geos/li.html>.
- 77 *Sierra Leone Report, supra* note 75, ¶ 122 (stating that "[t]he highest estimates of current Liberian production capacity do not exceed 150,000 carats per year.>").
- 78 For example, Liberia exported 295,000 carats, averaging \$37 per carat in 1987. *Id.*
- 79 Interview with Ian Smillie (March 21, 2008); IAN SMILLIE, *DIAMONDS, THE RUF AND THE LIBERIAN CONNECTION: A REPORT FOR THE OFFICE OF THE PROSECUTOR THE SPECIAL COURT FOR SIERRA LEONE* 4 (April 21, 2007) (noting "Liberia has a very small diamond resource base, producing low-quality stones."). Liberia was not a major exporter of diamonds; between the mid-1990s and 2000, however, Liberia exported more than 200 years' worth of its own national diamond mining capacity, indicating that most of the diamonds had actually originated in Sierra Leone and been issued false

certificates of origin from Liberia, in violation of the U.N. ban on Sierra Leonean diamond exports. Blaine Harden, *Diamond Wars: A Special Report; Africa's Gems: Warfare's Best Friend*, N.Y.TIMES, Apr. 6, 2000, at A1.

80 Taylor refused to recognize that Liberia lacked a substantial diamond base and has argued that Liberia, in fact, surpassed Sierra Leone in its diamond resources. See SMILLIE, *supra* note 79, at 10 (noting “Minister Dunbar[, Minister of Lands, Mines and Energy at the time,] was eager for the Panel to see an area near Paynesville, not far from Monrovia, where a major diamond find had been announced. He personally drove one of the vehicles that took us to the site where we saw a large area of perhaps 100 acres that had been extensively and recently mined. Someone appeared to show us a small sample of diamonds that were said to have been found there. There were no more than ten or fifteen diggers in the entire area, however, a highly unlikely situation if indeed there had been any significant find.”).

81 See *id.* at 19-20 (“Many of the diamonds recorded by Belgian customs as having come from Liberia never actually entered Liberia. The Panel obtained copies from the Belgian government of invoices from eight companies exporting diamonds from Liberia to Belgium. A physical check on their street addresses in Monrovia revealed that there were no such companies at the listed addresses. Courier firms in Monrovia had been instructed to re-route mail addressed to these companies to the International Trust Company (ITC), which in January 2000 changed its name to the International Bank of Liberia Ltd. From there, mail was forwarded to the Liberian International Ship and Corporate Registry, which handled the Liberian Maritime Registry.”).

82 ELLIS, *supra* note 3, at 168.

83 Rep. of Liberia, *Executive Order No. 1, GOL Forest Sector Reform*, Feb. 2, 2006, <http://www.elaw.org/node/2028>.

84 Global Witness, *Liberia: Back to the Future, What is the Future of Liberia's Forests and its Effects on Regional Peace?* 13 (May 2004).

85 Canby, *supra* note 60, at 1.

86 Amnesty Int’l, *People's Republic of China: Sustaining Conflict and Human Rights Abuses – the Flow of Arms Accelerates* 13, AI Index ASA 17/030/2006, June. 11, 2006 [hereinafter *China: Sustaining Conflict*], <http://asiapacific.amnesty.org/library/Index/ENGASA170302006?open&of=ENG-390>; Trial Watch: Guus Van Kouwenhoven, http://www.trial-ch.org/en/trial-watch/profile/db/legal-procedures/guus_van_kouwenhoven_289.html (last visited Feb. 4, 2009).

87 *Id.*

88 Canby, *supra* note 60, at 2.

89 *Id.*

90 *China: Sustaining Conflict*, *supra* note 86, at 13; Amnesty Int’l, *Dead on Time – Arms Transportation, Brokering and the Threat to Human Rights* 22-27, AI Index ACT 30/008/2006, May 10, 2006 [hereinafter *Dead on Time*].

91 RENO, *supra* note 71, at 99.

92 Letter Dated 2001/10/26 From the Chairman of the Security Council Committee Established Pursuant to Resolution 1343 (2001) Concerning Liberia Addressed to the President of the Security Council, at 75, U.N. Doc. S/2001/1015 (2001).

93 *Id.* at 76 (Between 1999 and 2000, diamond production increased by 162.1%, followed by an increase of 78%).

94 *Id.* at 70.

95 *Id.*

96 *Id.*

97 S.C. Res. 1343, ¶ B(6), U.N. Doc. S/RES/1343 (March 7, 2001). The resolution also included a ban on travel for senior government officials, which also went into effect. *Id.* ¶¶ B(7)(a), B(8).

98 The flaws in the system lie in the difference between the terms “country of origin” and “country of provenance,” which are used in the exportation/importation of diamonds. The term “country of provenance” is the “country from which diamonds were last imported,” while “country of origin” indicates “where they were mined.” *Sierra Leone Report*, *supra* note 75, ¶ 115. For example, at one time India claimed that it did not engage in the blood diamond trade and supported this assertion by noting that Belgium was the source of most of its rough diamond imports and that nearly none were directly from Africa. *Id.* ¶ 120. Commenting on this assertion, the Panel of Experts noted that:

the operative word is ‘directly’. The

- lack of scrutiny throughout the delivery chain and the stops along the way allow most importing countries to say that they do not import *anything* from Africa, conflict or otherwise. These examples explain why it is so difficult to determine where diamonds – still in their rough state and moving from one trading or polishing centre to another – are actually mined. *Id.* at ¶¶ 120-21 (emphasis added).
- 99 See Background, Kimberly Process, http://www.kimberlyprocess.com/background/index_en.html (last visited Feb. 4, 2009).
- 100 S.C. Res. 1478, U.N. Doc. S/RES/1478 (2003). As early as January 2001, the United States urged the imposition of sanctions on timber from Liberia during discussions for a U.N. ban on weapons, diamonds, and travel. Other states, including France—which imported large amounts of Liberian lumber—objected to a ban on timber. Carola Hoyos, *Liberian Timber in U.N. Spotlight*, FINANCIAL TIMES, Jan. 27, 2001. Several ECOWAS states criticized the 2001 sanctions for being too harsh without offering any real incentives for Taylor to change his policies; Guinea and Sierra Leone, notably, did not join the critics. ADEKEYE ADEBAJO, LIBERIA’S CIVIL WAR: NIGERIA, ECOMOG, AND REGIONAL SECURITY IN WEST AFRICA 237 (2002).
- 101 Cheng, *supra* note 73, at 9.
- 102 Claudette Torbey, *The Most Egregious Arms Broker: Prosecuting Arms Embargo Violators in the International Criminal Court*, 25 WIS. INT’L L.J. 335, 336 (2007). The grey market is defined as the distribution of legal goods through streams of commerce that are unauthorized by the maker. Economicexpert.com, Grey Market, <http://www.economicexpert.com/a/Grey:market.html> (last visited June 9, 2009). While many countries have laws governing the distribution and import of weapons by weapons manufacturers, only 40 countries have laws governing weapons brokering. Matt Schroeder & Rachel Stohl, Arms Control Association, *Small Arms, Large Problem: The International Threat of Small Arms Proliferation and Misuse*, June 2006, http://www.armscontrol.org/act/2006_06/SmallArmsFeature (citing BITING THE BULLET, INTERNATIONAL ACTION ON SMALL ARMS 2005: EXAMINING IMPLEMENTATION OF THE UN PROGRAMME OF ACTION 6, 32 (2005)).
- 103 Arms Brokers: Brokering Controls, Int’l Action Network on Small Arms, http://www.iansa.org/issues/arms_brokers.htm (last visited Feb. 5, 2009).
- 104 Loretta Bondi & Elise Keppler, The Fund for Peace 2001, *Casting the Net? The Implications of the U.S. Law on Arms Brokering*, 18-19, <http://se1.isn.ch/serviceengine/FileContent?serviceID=47&fileid=956041CA-4C56-496F-C63D-79CA1EF7645C&lng=en>.
- 105 See generally Interview with Johan Peleman, *Frontline*, (PBS television broadcast May 2002) transcript at <http://www.stimson.org/fopo/?SN=FP20050314794>.
- 106 Lisa Misol, *Weapons and War Crimes: The Complicity of Arms Suppliers*, in HUMAN RIGHTS WATCH WORLD REPORT 2004: HUMAN RIGHTS AND ARMED CONFLICT 279 (2004), <http://www.hrw.org/legacy/wr2k4/download/wr2k4.pdf>; BONDI & KEPPLER, *supra* note 104, at 20.
- 107 The Henry L. Stimson Center, *Security for a New Century: Study Group Report 1*, Oct. 19, 2007, <http://www.stimson.org/images/Merchant%20of%20Death.doc>.
- 108 *Id.*
- 109 Peter Landesman, *Arms and the Man*, N.Y. TIMES MAGAZINE, Aug. 17, 2003, at 28.
- 110 *Id.* at 28; BONDI & KEPPLER, *supra* note 104, at 15.
- 111 An End User Certificate is a “universally required document that permits a weapons manufacturer or a state to legally ship a specified number of weapons to a non-sanctioned state through a specified shipping firm.” The Henry L. Stimson Center, *supra* note 107, at 1.
- 112 Torbey, *supra* note 102, at 341-42; Landesman, *supra* note 109, at 28.
- 113 The Henry L. Stimson Center, *supra* note 107, at 2.
- 114 Matt Schroeder & Guy Lamb, *The Illicit Arms Trade in Africa: A Global Enterprise*, 1 AFR. ANALYST Q. 70-71 (2006); BONDI & KEPPLER, *supra* note 104, at 14.
- 115 See Schroeder & Lamb, *supra* note 114, at 69-70.
- 116 *Id.* at 70.
- 117 *China: Sustaining Conflict*, *supra* note 86, at 13.
- 118 Schroeder & Lamb, *supra* note 114, at 70.

- 119 Liberia – UNOMIL Background, August 1999 – August 1993: ECOMOG deployment, United Nations actions on Liberia, Massacre of civilians, Cotonou Peace Agreement, http://www.un.org/Depts/dpko/dpko/co_mission/unomil/FT.htm#AUGUST (last visited Feb. 5, 2009)(An ECOMOG-headed committee, including UNOMIL and representatives of the transitional government and fighting factions, oversaw the disarmament planning).
- 120 The Secretary-General, *Final Report of the Secretary-General on the United Nations Observer Mission in Liberia*, ¶ 8, delivered to the Security Council, U.N. Doc. S/1997/712 (Sept. 12, 1997); HUMAN RIGHTS WATCH, *WORLD REPORT 1998*, at 46 (1997), <http://www.hrw.org/en/node/79288>.
- 121 An additional 458 weapons and 25,000 ammunition pieces were surrendered at stations kept operational beyond February 9, and 3,759 weapons were handed in at places other than the official stations. *Help Desk for Practical Disarmament—Stories—Liberia*, Bonn International Center for Conversion, <http://www.bicc.de/helpdesk/stories/liberia.html> (last visited Feb. 12, 2008). In the lead-up to the July 19 election, ECOMOG searches turned up approximately 3,750 weapons and 152,500 ammunition rounds. HUMAN RIGHTS WATCH, *WORLD REPORT 1998*, at 46 (1997), <http://www.hrw.org/en/node/79288>.
- 122 HUMAN RIGHTS WATCH, *WORLD REPORT 1998*, *supra* note 121, at 46.
- 123 S.C. Res. 788, U.N. Doc. S/RES/788 (Nov. 19, 1992).
- 124 Torbey, *supra* note 102, at 337-38.
- 125 *Usual Suspects*, *supra* note 5, at 20.
- 126 Interview with Tom Ofcansky, *Frontline* (PBS television broadcast May 2002), transcript at <http://www.pbs.org/frontlineworld/stories/sierraleone/ofcansky.html>. In 2005, Dutch officials charged van Kouwenhoven with war crimes committed in Liberia and with violation of the U.N. Security Council arms sanctions under Resolution 1343. The trial court convicted and sentenced van Kouwenhoven to eight years' imprisonment for breaching the U.N. embargo, but the conviction was overturned on appeal. The Dutch prosecution intends to appeal. The court found van Kouwenhoven not guilty of war crimes due to evidentiary issues. Trial Watch: Guus van Kouwenhoven, http://www.trial-ch.org/en/trial-watch/profile/db/legal-procedures/guus_van-kouwenhoven_289.html (last visited Feb. 4, 2009).
- 127 See Chapter 13 for more information.
- 128 TRC Diaspora Statement Rec. 1351.
- 129 *Id.*
- 130 *Id.*
- 131 *Id.*

Chapter Twelve



Role of the United States

Chapter Twelve. Role of the United States

Our fathers brought them here, and we are bound if possible to repair the injuries inflicted by our fathers. Could they be sent to Africa, a three-fold benefit would arise. We should be cleared of them; we should send to Africa a population particularly civilized and Christianized for its benefits; our blacks themselves would be put in better condition.¹

- *Letter from Robert Finley, founding member of the American Colonization Society, dated Feb. 15, 1815, on the subject of "deportation" of "Negros" from America back to Africa*

In 1822, the U.S. government and many of its most prominent citizens became responsible for the creation of the nation known as Liberia. In the decades since, the United States has alternately supported, exploited, welcomed, and abandoned Liberia and Liberians. While the relationship over time has been complex, during several key periods the U.S.' actions and omissions have led to disastrous results for Liberians.

Liberia was one expedient solution to America's domestic crisis concerning slavery. In 1815, prominent whites advocating for a return of America's Negro population to Africa were known as "deportationists."² They created an organization called the American Colonization Society (ACS) to coordinate their efforts. They lobbied Congress and solicited the support of faith groups, humanitarians, business leaders, and politicians all in an effort to, as Thomas Jefferson put it, "gradually [draw] off" America's black population.³ The "deportation," or "colonization," effort received funding from Congress, procured in part through the efforts of James Monroe. American ACS agents selected which settlers would be permitted to travel to establish the colony.

In 1822, a permanent ACS settlement was established at Cape Mesurado⁴ in the territory of the indigenous West African Dei tribe.⁵ This settlement would later develop into Monrovia. Other settlements supported by colonization societies in several states in the United States (Maryland, Georgia, Pennsylvania, for example) followed the initial settlement, establishing themselves in the traditional territories of other indigenous African ethnic groups such as the Vai, Bassa, Grebo, Gola, and Kru.⁶

For the first 25 years of their existence, the ACS settlements were governed by white agents from the United States.⁷ Today in Liberia, landmarks and streets still bear the names of these agents and founding ACS members.⁸ But in light of dwindling support from the ACS in the 1840s, and to secure their ability to levy customs and duties on trade routes, the settlers declared Liberia to be a free republic in their Declaration of Independence of 1847.⁹

The new republic established a constitution patterned after the U.S. constitution,¹⁰ and created a

national seal with the motto “The Love Of Liberty Brought Us Here.”¹¹ When the Liberian settlers declared independence, however, the U.S. government refused to establish diplomatic relations because Southern states objected to the presence of a black ambassador in Washington, DC.¹² Even though other nations, including Great Britain and France, swiftly recognized Liberia, it took 15 years for the United States to do so. Ultimately, in the midst of the Civil War and concerns that Liberia would levy duties and taxes on U.S. commercial shipping if diplomatic recognition were not granted,¹³ Abraham Lincoln extended formal recognition in 1862.¹⁴

OUR FAIR SHARE: U.S. COMMERCIAL INTERESTS IN LIBERIA

Every day adds to our knowledge of the moral and physical powers, capacities, and productions of the inhabitants and soil of this region, and no doubt is entertained that the returns must soon reach tens of millions of dollars per annum. If we desire to obtain our fair share of its benefits, let our rulers avoid no opportunity to uphold and cherish the trade of this important region.¹⁵

- *The Philadelphia North American* (1862)

A significant driver in the relationship between the United States and Liberia has been U.S. commercial interests. Commercial relations between the United States and Liberia often benefited U.S. interests at the expense of the majority of Liberians. In the 1920s, U.S. demand for rubber was growing in conjunction with the growth of the U.S. auto industry. To break British dominance in the global rubber market, the Firestone Tire and Rubber Company (“Firestone”) sought, with assistance from the U.S. State Department,¹⁶ a concession from the Liberian government to tap Liberia’s significant rubber resources. In exchange for a five million dollar loan from Firestone (which Liberia subsequently used to settle its foreign debt), Liberia leased one million acres for 99 years at a price of six cents per acre. According to some scholars, Firestone never carried out many of its promises to develop Liberia’s infrastructure, and the loan was designed to keep Liberia permanently indebted.¹⁷ In addition, the Firestone agreement gave the company ownership of any minerals or oil found in the leased area.¹⁸ In the late 1920s and early 1930s, Firestone, along with other international entities, was implicated in a forced labor scandal that led to a League of Nations investigation. The Liberian government was ultimately found to have used slavery-like practices to supply laborers to Spanish controlled plantations as well as to the Firestone rubber plantation.¹⁹ A League of Nations inquiry found, however, that there was “no evidence that Firestone Plantations Company consciously employs any but voluntary labour on its leased rubber plantations.”²⁰

Almost a century after the League of Nations inquiry, Firestone remains under scrutiny for unfair labor practices amounting to forced labor and child labor. Firestone is currently the subject of a civil

lawsuit in U.S. federal court related to unfair labor practices.²¹ Nevertheless, the U.S. government has continued its support for Firestone. During the conflict period when most industries in Liberia were sanctioned to prevent use of resources to fuel the conflict, rubber remained in legal production. While the United Nations gave some consideration to imposing sanctions on Liberia's rubber industry in October 2001, U.S. lobbying on behalf of Firestone and its strong condemnation of the potential economic impact prevented the Security Council from taking further action.²²

In addition to rubber, mining of Liberia's iron ore²³ and diamonds brought a steady influx of U.S. dollars into Liberia and a steady profit to multinational corporations until the late 1970s. A U.S. government memorandum prepared in the late 1970s estimated U.S. economic interests in Liberia to be in excess of \$300 million in assets.²⁴ One of these significant assets included the Liberian Maritime Registry, which was run by a U.S.-based company that remitted profits to the Government of Liberia.



Liberia's mineral wealth and its maritime registry benefited U.S. corporate interests up through the Taylor regime. For example, the American televangelist Pat Robertson's Freedom Gold Ltd. signed an agreement with Taylor in 1999 to gain development rights to diamonds and gold in Liberia.²⁵ Despite the Liberian government's refusal to ratify the agreement, Freedom Gold started a diamond-mining venture in southeastern Liberia in 2000. Subsequently, it became known that Taylor had a ten percent ownership interest in Freedom Gold.²⁶ In 1999, the Taylor government signed an agreement to transfer administration of the maritime registry to the Liberian International Ship and Corporate Registry (LISCR), a U.S. company run by Taylor associates.²⁷

This change provided Taylor with the opportunity to divert millions of dollars from the shipping industry. In addition to providing funds to Taylor, LISCR directly or indirectly aided Taylor and the civil war by agreeing to send registry revenue to non-governmental bank accounts.²⁸ A U.N. Panel of Experts found that this money was used for the delivery of weapons.²⁹

THE HEIGHT OF U.S. INVOLVEMENT: MILITARY AND FOREIGN POLICY EXPEDIENCY

Apart from commercial benefits, the United States has played a significant military and policy role in Liberia, gaining important strategic benefits by doing so. In 1910, at the request of the Liberian

government, the U.S. Navy sent two war ships to the Liberian coast.³⁰ Their presence assisted the Liberian Frontier Force in warding off attacks from indigenous armies.³¹ Later, from 1912 until 1922, the Frontier Force, which later became the Armed Forces of Liberia (AFL), was led by African-American U.S. military personnel.³²

The two nations maintained a bilateral military relationship, with the United States positioning its strategic interests and assets within Liberia, and Liberia posing a number of requests for military assistance. Such military agreements began early with a 1942 defense pact between Liberia and the United States.³³ In 1959, the United States and Liberia signed another defense pact, which provided Liberians with a sense of security and the belief that the United States would come to its aid in case of attack.³⁴ The United States gained significant strategic assets based on its interactions with Liberia. These included use of Robertsfield International Airport “without restriction to support [U.S.] policy objectives,” a communications station that provided communications for 34 U.S. Embassies and Consulates in Africa, the OMEGA Navigational Station, the Voice of America transmitter and receiver facilities, and the right to establish military installations in the Monrovia port, according to a U.S. Embassy memorandum, “should they become necessary for the maintenance of international peace and security.”³⁵



During the latter part of the 1970s, however, the relationship between Liberia and the United States began to deteriorate as President Tolbert adopted a more conciliatory policy towards non-aligned countries.³⁶ Immediately after the 1980 coup, the United States sought to protect important U.S. assets in Liberia and prevent the spread of socialism.³⁷ Accordingly, the United States embraced the Doe administration so as to counteract the influence of the Ethiopians, Libyans, and Russians.³⁸

Former Liberian Minister of State for Presidential Affairs Elwood Dunn has characterized the early years of the Doe administration as the height of U.S. involvement in Liberia.³⁹ Between the 1980 coup and the 1985 elections, the United States contributed some \$402 million in aid to Liberia, accounting for more than one-third of the country’s operating budget.⁴⁰ Doe made abundant requests for military assistance, leading one State Department official to refer to them as “stock” (i.e., standard) requests.⁴¹ Doe also ensured that Liberia supported U.S. policy objectives by closing the Libyan diplomatic mission in Liberia, ordering reductions in the size of the Soviet mission, and establishing diplomatic relations with Israel.⁴²

Generally speaking, during the early Doe years the United States was relatively successful in extracting gains for human rights and democratic reforms in exchange for aid. Early efforts to encourage Doe to respect human rights included the condemnation by State Department officials of the 1980 executions⁴³ and continuous urging of respect for due process rights of political prisoners.⁴⁴ State Department officials often attempted to leverage Liberia's dependence on international creditors, stressing the relation between political legitimacy and private investment.⁴⁵ The Reagan administration played an important role in pushing for the 1985 elections, assisting with constitutional reform, getting the ban on political activity lifted, and securing the release of political prisoners.⁴⁶

After the contentious 1985 elections in which Doe declared himself the winner, however, the U.S.' failure to withdraw support for Doe "shocked" many Liberians.⁴⁷ According to some reports, Doe had been selected by the U.S. Central Intelligence Agency as one of a select group of foreign heads of state to benefit from a special security and intelligence assistance program that provided him with "head-of-state" protection.⁴⁸ These operations gave the U.S. government access to important intelligence and thus a vested interest in keeping its friends in power.⁴⁹

It has also been reported that shortly after the 1985 elections, the United States provided intelligence to Doe warning him of a coup attempt that was being planned by Doe's PRC co-founder, Thomas Quiwonkpa.⁵⁰ Quiwonkpa's coup attempt failed, Quiwonkpa was brutally murdered, and Doe unleashed a campaign of revenge attacks across the country. Although the United States decreased aid levels during the second half of the 1980s,⁵¹ the United States was still providing more aid per capita to Liberia than to any other West African nation.⁵² Despite condemnations from Congress regarding the conduct of the 1985 elections, the Reagan administration continued to recognize Doe as the legitimate leader of Liberia and continued to provide him with support.⁵³ In the latter half of the 1980s, however, Congress also lost focus on human rights violations in Liberia in part because "Liberia [had] been eclipsed...by the question of sanctions against South Africa."⁵⁴

BETRAYED TWICE: U.S. OMISSIONS DURING THE CIVIL WAR

Statement givers frequently referred to the United States as Liberia's "motherland"⁵⁵ or its "big brother,"⁵⁶ and spoke about the "special place United States holds in hearts of Liberians."⁵⁷ Others described how they see Liberia as the United States' "child"⁵⁸ or as a 51st state.⁵⁹ Throughout the West African sub-region, Liberia was seen as the "Little U.S."⁶⁰

During the conflict from 1989-1997, however, White House officials dismissed the notion that the United States had a special relationship with Liberia. National Security Advisor Robert Gates described the historical relationship as "meaningless; it doesn't govern us anymore; we treat Liberia just like any other country, and we have no real interest there."⁶¹ Moreover, in the early 1990s, the U.S. public's attention was focused elsewhere: on a war in the Persian Gulf.

Nevertheless, diplomatic officials on the ground made efforts to secure an end to the fighting. Immediately after the National Patriotic Front of Liberia (NPFL) invasion and later during the civil war, State Department officials were in communication with faction leaders and attempted to mediate.⁶² The United States made an effort to persuade Doe to hold early elections,⁶³ as well as a negotiated ceasefire based on an agreement for President Doe's departure and exile into Togo.⁶⁴ The White House, however, decided not to intervene, refusing to back the plan for Doe's departure.⁶⁵ National Security Advisor General Brent Scowcroft was quoted as saying "It was difficult to see how we could intervene without taking over and pacifying the country with a more-or-less permanent involvement of U.S. forces."⁶⁶

The support for Taylor's initial invasion, coming from the diaspora and other quarters, also created complexities in U.S. attempts to intervene. Following the NPFL invasion, President Doe asked the United States for military and financial assistance.⁶⁷ Herman J. Cohen, former Assistant Secretary of State for African Affairs, explained:

Our first reports were that the Liberian army was trying to counter these guerrillas and that...wherever guerillas were spotted, they would – in a village, they would go in and burn down the whole village and kill all the people there, fellow Liberians. And this got us very upset.⁶⁸

Upon hearing reports of AFL human rights violations in Nimba County, the U.S. government sent two U.S. Army officers to work with AFL forces and to advise them against further human rights abuses.⁶⁹ The Liberian community in the United States contended, however, that sending these officers would signal support for President Doe, and the two Army officers were removed.⁷⁰ This withdrawal effectively allowed the atrocities to continue, in the opinion of Assistant Secretary Cohen.⁷¹

As the situation on the ground continued to worsen, the U.S. military role was limited to evacuating U.S. citizens and protecting the U.S. embassy. The United States sent troops to evacuate U.S. and third country nationals between August and December 1990, in October 1992, and between April and August 1996. The 1990 evacuations followed a threat by Prince Johnson to arrest and to detain any U.S. personnel. United States troops entered Monrovia to evacuate U.S. citizens, "but the Liberians were left behind."⁷² In April 1996, due to the "deterioration of the security situation and the resulting threat to American citizens," President Clinton ordered the U.S. military to evacuate "private U.S. citizens and third-country nationals who had taken refuge in the U.S. Embassy compound."⁷³ As one statement giver remarked (rhetorically), "How many American soldiers went to Liberia? Five – and they went to protect the Embassy."⁷⁴ In 1990, during some of the worst of the NPFL attacks on Monrovia, the White House spokesman made clear that the "United States had no intention of intervening militarily in the conflict,"⁷⁵ a position that the United States maintained for the duration of the Liberian Civil War.



To many statement givers, however, it seemed clear that U.S. intervention could have swiftly brought an end to the carnage. One noted that the civil war could have been stopped if the United States, so highly regarded by Liberians, had simply demanded that the fighting factions set down their arms.⁷⁶ This suggestion may indeed have been correct, given that, when the U.S. government contacted the AFL, NPFL and Independent National Patriotic Front of Liberia (INPFL) to request a ceasefire in preparation for an evacuation in

1990, all parties laid down their guns during the Marine helicopter flights.⁷⁷ Another statement giver commented how the United States could have stopped the war because Taylor so feared the United States.⁷⁸ Indeed, Taylor made overtures to the United States and would have accepted a U.S. brokered peace deal.⁷⁹ The Catholic Archbishop of Monrovia, Michael Francis, was quoted as saying that a few well trained U.S. soldiers would have made the rebel soldiers terrorizing the capital “just throw away their guns and run away.”⁸⁰

Liberians resorted to desperate measures to plead for U.S. intervention. One statement giver told the TRC that:

Liberians were throwing dead bodies over the embassy wall to appeal to the sympathy of [the] United States government and to make sure that they couldn't ignore the Liberians who were dying on the other side of their wall.⁸¹

Although the United States refused to intervene, it did attempt to provide humanitarian assistance. In 1996, the United States opened its Greystone Compound, across the street from the U.S. Embassy in Monrovia, to Liberians seeking safety.⁸² More than 20,000 sought shelter there.⁸³ By June 1996, many whose homes were destroyed remained in displaced persons centers, including in the Greystone Compound.⁸⁴ The United States Agency for International Development (USAID), in coordination with multi-lateral government agencies and non-governmental organizations, delivered food and water to the refugees staying in the Greystone Compound.⁸⁵ Many statement givers described seeking refuge in the Greystone Compound,⁸⁶ which they perceived to be safe from the war.⁸⁷ Statement givers reported stays at the compound ranging from a few days⁸⁸ to a month-and-a-half.⁸⁹ Still, the compound was not completely safe, and at least two statement givers reported rebel attacks by rockets

and shootings that resulted in deaths.⁹⁰

Others sought safety at the Voice of America compound,⁹¹ which was occupied by U.S. Marines.⁹² One statement giver estimated that nearly 30,000 Liberians sought protection there.⁹³ Another reported that Americans at the Voice of America took in Liberians and provided them with food and shelter.⁹⁴ Statement givers reported staying at the compound from four to five days⁹⁵ to up to two weeks.⁹⁶ Stays at the Voice of America were cut short once the U.S. personnel evacuated in 1990 and the rebels moved in.⁹⁷

While U.S. personnel provided some assistance, Liberians also describe instances where U.S. actors denied them help. At least one statement giver stated he was denied entry into the Greystone Compound.⁹⁸ Another statement giver described the U.S. response to Liberians seeking safe refuge at the embassy:

[W]hen Monrovia was under siege, and many Liberians were helpless, they were shot at by U.S. Marines who wanted to prevent crowds from getting near the embassy.⁹⁹

Another statement giver described how, during his stay at the U.S. Embassy, he discovered that the embassy staff destroyed a reserve of canned food, claiming it had expired.¹⁰⁰ Given the starvation in Monrovia, this destruction greatly upset the statement giver, who chose to leave the embassy's safe haven.¹⁰¹ In another case, a woman called the U.S. Department of State out of concern for her brother, who was being targeted. "My concerns fell on deaf ears. No one called me back. They probably just thought I was this crazy woman."¹⁰²

The U.S. policy decision not to intervene in the conflict left many Liberians feeling betrayed.¹⁰³ As one statement giver pointed out, the Americans had a role to play in Liberia. "[T]hey should have helped."¹⁰⁴ Statement givers often voiced their distress over the non-reciprocal view of the relationship between the U.S. and Liberia. As one statement giver asked, "Why can't the United States love Liberia like Liberia loves them?"¹⁰⁵ Another explained that he did not blame the United States for Liberians killing each other, but did fault the United States for failing to help.¹⁰⁶ Instead of stepping in, the "American warships sat in the water and watched Liberians slaughter each other." What help the United States did provide was "too little too late."¹⁰⁷

As one statement giver noted, people felt betrayed twice: first when the United States failed to intervene in the conflict, and again when it sent ships in to save Americans but not Liberians.¹⁰⁸

Liberians looked up to the United States as a savior. And I can assure you that if you talk to many Liberians, that they were very much disappointed

with the way the United States dealt with the issue of war that was going on at this time. For example, while Liberians were being killed, what the United States did was to send planes and get their own citizens out of the country and left Liberians to die...George Bush sen[t] the Coast Guard, the – the Coast Guard right there by the seashores of – of Monrovia, and they did not come out to save Liberian life. So as a result, many Liberians do have a really distaste[ful] feeling about the United States.¹⁰⁹

Because of the long history of Liberia's connection with the United States, there were many Liberian families in which some members had been born in the United States and were U.S. citizens. The evacuations had the additional impact of splitting up these families:

[T]hey were pulling out only American citizens out of the country, dividing mothers and children. If you had three kids and one was born in the United States, that child was airlifted and the others were left to fend for themselves.¹¹⁰

As the conflict was nearing its close, in June 2003, West African leaders and the United Nations asked the United States to lead a peacekeeping force to Liberia.¹¹¹ State Department representatives promised that the United States would “help the people of Liberia find the path to peace,”¹¹² but conditioned the engagement of U.S. troops on several requirements.¹¹³ On June 30, 2003, during a closed door meeting, the U.S. government told the United Nations that there were three requirements for a U.S. engagement in Liberia: Taylor's departure, a political agreement, and international support.¹¹⁴ President Bush reiterated his call for Taylor to step down several times.¹¹⁵ On July 14, 2003, President Bush stated that the United States was committed to help bring peace to Liberia and, provided that Charles Taylor left Liberia, this support could include U.S. troops.¹¹⁶

Despite the behind the scenes support, negotiations, and humanitarian assistance, the United States never sent a sustained peacekeeping mission to Liberia.

[M]y own personal feelings were that the United States had a very special capability there to really come in and do it fast. I was very impressed when Charles Taylor said to me, “If you send in a company of Marines, we'll all surrender.” I know that Charles Taylor often didn't tell the truth, but I think there he was telling the truth. And when the U.S. offshore forces sent the message that they were sending Marines to the center of Monrovia to bring in citizens, everybody stopped fighting immediately. So I knew in my own heart that the United States had the special capability because of the historical relationship. So I personally am very sorry that we did not

intervene and that we didn't do it, because we could have.¹¹⁷

Even in August 2003, after the departure of Charles Taylor, hopes were raised that thousands of U.S. Marines waiting in ships off the coast of Liberia would be deployed. Two hundred did eventually land, but a few weeks later, the three warships off the coast sailed home, leaving a contingent of only 100 Marines on the ground to protect the embassy and to work with West African peacekeepers.¹¹⁸

In October 2003, Congress held a hearing on the future of U.S. foreign policy towards Liberia. Rep. Gregory W. Meeks, from New York, asked:

[A]re the people of Liberia suffering any less than those of Iraq? . . . We can find \$87 billion to rebuild a nation that actually throughout history has not even made a fraction of the same contribution to America as those individuals from Liberia. The question is especially relevant when the estimated price tag for intervention in Liberia is only \$275 million. . . [I]t becomes a question of value of lives on the African continent. . . particularly when you look at Liberia and the closeness that it has had with the United States of America.¹¹⁹

Notes

- 1 Henry Noble Sherwood, *The Formation of the American Colonization Society*, 2 J. NEGRO HIST. 209, 214 (1917).
- 2 *Id.* at 212.
- 3 *Id.* at 210.
- 4 D. ELWOOD DUNN, AMOS J. BEYAN & CARL PATRICK BURROWES, HISTORICAL DICTIONARY OF LIBERIA 60 (2d ed. 2001).
- 5 JEREMY I. LEVITT, THE EVOLUTION OF DEADLY CONFLICT IN LIBERIA: FROM ‘PATERNALTARIANISM’ TO STATE COLLAPSE 40-41 (2005).
- 6 See DUNN ET AL., *supra* note 4, Map 1, Map 3.
- 7 See LEVITT, *supra* note 5, at 32-33, 38-39.
- 8 Monrovia is the most obvious example, named after ACS founder and U.S. President James Monroe. Other examples include, Mechlin Street which bears the name of Dr. Joseph Mechlin Jr., a reportedly unpopular ACS governing agent in the 1830s. See *id.* at 56. Bushrod Island bears the name of the first ACS president, Judge Bushrod Washington. See Sherwood, *supra* note 1, at 227. Caldwell and Mercer are also names of prominent landmarks in Monrovia which correspond with Elias B. Caldwell, first secretary of the ACS, and Charles Fenton Mercer, a member of the Virginia legislature, a slaveholder, and an ACS founder.
- 9 STEPHEN ELLIS, THE MASK OF ANARCHY: THE DESTRUCTION OF LIBERIA AND THE RELIGIOUS DIMENSION OF AN AFRICAN CIVIL WAR 43 (1999); Dwight N. Syfert, *The Liberian Coasting Trade, 1822-1900*, 18 J. AFR. HIST. 217, 227-28 (1977).
- 10 J. GUS LIEBENOW, LIBERIA: THE EVOLUTION OF PRIVILEGE 82 n.6 (1969).
- 11 DUNN ET AL., *supra* note 4, at 295.
- 12 LIEBENOW, *supra* note 10, at 5.
- 13 *Independence of Liberia*, THE AFR. REPOSITORY (1850-1892), 111 (1862) (on file with author).
- 14 *Recognized Independence of Hayti and Liberia*, THE AFR. REPOSITORY (1850-1892); 38; 7 (1862) (on file with author).
- 15 *Independence of Liberia*, *supra* note 13.
- 16 Nicolas Cook, Cong. Research Service, *Liberia: 1989-1997 Civil War, Post-War Developments, and U.S. Relations* 18 (Dec. 31, 2003), <http://digital.library.unt.edu/govdocs/crs/permalink/meta-crs-8431:1>.
- 17 *Liberia: America’s Stepchild* (PBS television broadcast October 10, 2002).
- 18 *Id.*
- 19 *The 1930 Enquiry Commission to Liberia*, 30 J. ROYAL AFR. SOC’Y 277-290 (1931).
- 20 *Id.* at 280.
- 21 See William Baue, *Alien Tort Claims Act Lawsuit Alleges Slavery and Child Labor on Liberian Firestone Plantation*, Dec. 30, 2005, <http://www.stopfirestone.org/2005/12/alien-tort-claims-act-socialfunds/>.
- 22 Christine Cheng, *The Rise of Extralegal Groups during Post-Conflict Transitions: Illegal Rubber Tapping in Liberia* 9 (Paper presented at the annual meeting of the American Political Science Association, Philadelphia, PA, Aug 31, 2006), http://www.allacademic.com/meta/p151191_index.html.
- 23 LAMCO (The Liberia American Mining Company) was among a consortium which mined iron ore until the end of the 1970s.
- 24 Memorandum from U.S. Embassy in Monrovia to Secretary of State, dated May 1979, 302045Z May 79, at 2 (on file with author, FOIA).
- 25 See Lansana Gberie, *Diamonds Without Maps: Liberia, The UN, Sanctions, and the Kimberley Process* 7 (2004), <http://www.pacweb.org/e/pdf/LiberiaReport.pdf>.
- 26 *Id.* at 8. Robertson was furious with Bush for calling on Taylor to step down as President of Liberia. Robertson was quoted as saying “[s]o we’re undermining a Christian, Baptist president to bring in Muslim rebels to take over the country.” See *Pat Robertson Slams Bush on Liberia*, CBS NEWS, July 11, 2003, http://www.cbsnews.com/stories/2003/07/11/national/printable_562915.shtml.
- 27 Lester Hyman, the founder of LISCR, was a close friend of Taylor who helped him get his criminal record related to his Massachusetts jailbreak expunged. U.N. Sec. Council, *Report of the Panel of Experts pursuant to Security Council Resolution 1343 (2001), paragraph 19, concerning Liberia*, ¶ 399, U.N. Doc. S/2001/1015 (Oct. 26, 2001).
- 28 The U.N. report details transfers from LISCR’s bank account in New York to an account in the United Arab Emirates. *Id.* at 88. The first transfer was for

- \$525,000 on June 21, 2000 and the second was for \$400,000 on July 7, 2000. *Id.*
- 29 *Id.* at 93.
- 30 LEVITT, *supra* note 5, at 155.
- 31 *Liberia: America's Stepchild*, *supra* note 17.
- 32 LEVITT, *supra* note 5, at 162.
- 33 DUNN ET AL., *supra* note 4, at xxvii.
- 34 *Id.* at xxviii; Memorandum from U.S. Embassy in Monrovia to Secretary of State, dated May 1979, *supra* note 24.
- 35 Memorandum from U.S. Embassy in Monrovia to Secretary of State, dated May 1979, *supra* note 24, at 2-3. *See also* Telephone Interview with Edward Perkins, Former Ambassador to Liberia (April 10, 2008).
- 36 Telephone Interview with James Bishop, Former Ambassador to Liberia (Nov. 10, 2008); DUNN ET AL., *supra* note 4, at 324.
- 37 Telephone Interview with Herman J. Cohen, Former Asst. Sec'y of State for African Affairs (March 21, 2008); Telephone Interview with Edward Perkins, *supra* note 35.
- 38 Telephone Interview with James Bishop, *supra* note 36; Memorandum from Secretary of State to U.S. Embassy in Monrovia, dated May 1980, 0312038Z May 80, at 1, 5 (on file with author, FOIA).
- 39 Telephone Interview with Elwood Dunn, Former Liberian Minister of State for Presidential Affairs (April 8, 2008).
- 40 Reed Kramer, *Liberia: A Casualty of the Cold War's End*, CSIS AFRICA NOTES (July 1995); LAWYERS COMMITTEE FOR HUMAN RIGHTS, LIBERIA: A PROMISE BETRAYED 165 (1986).
- 41 Memorandum from the U.S. Embassy in Monrovia to Secretary of State, dated September 1984, 011336Z Sep 84, at 3 (on file with author, FOIA).
- 42 Kramer, *supra* note 40.
- 43 Memorandum from Warren Christopher to President Carter, dated April 23, 1980, at 1 (on file with author, FOIA).
- 44 Memorandum from the U.S. Embassy in Monrovia to Secretary of State, dated June 1980, 181854Z Jun 80, at 1(on file with author, FOIA); Memorandum from Secretary of State to U.S. Embassy in Monrovia, dated June 1980, 170145Z Jun 80, at 1 (on file with author, FOIA).
- 45 Memorandum from the Secretary of State to American Embassies in: Monrovia, Dakar, Bangui, Conakry, Freetown, Abidjan, Lome, Accra, Lagos, Ouagadougou, Yaounde, Liberville, dated May 1980, 231950Z May 80, at 2 (on file with author, FOIA); Memorandum from the Secretary of State to U.S. Embassy in Monrovia, dated May 1980, 161739Z May 80, at 1(on file with author, FOIA); Memorandum from the U.S. Embassy in Monrovia to Secretary of State, dated June 1980, *supra* note 44.
- 46 LAWYERS COMMITTEE FOR HUMAN RIGHTS, *supra* note 40, at 167.
- 47 *Id.* at 167-68; Kramer, *supra* note 40. *See also* Telephone Interview with Edward Perkins, *supra* note 35 (noting that U.S. observer teams in Liberia during the elections saw some irregularities, but that the U.S. government would not characterize the elections as fraudulent).
- 48 BOB WOODWARD, VEIL: THE SECRET WARS OF THE CIA 1981-1987, 307-311 (1987).
- 49 *Id.*
- 50 *Liberia: America's Stepchild*, *supra* note 17.
- 51 *See House Urges Reagan to Drop Liberian Aid*, N.Y. TIMES, Feb. 19, 1986, at A6. Human Rights Watch, *World Report 1989: Liberia*, <http://www.hrw.org/reports/1989/WR89/Liberia.htm>. In particular, during a 1989 fact-finding mission to Liberia, U.S. Representative Mervyn Dymally expressed his discontent with the Doe regime's unfulfilled commitment to humanitarian issues and noted that U.S. aid should be tied to improvements in human rights. *Id.*
- 52 USAID Economic Analysis and Data Services, *U.S. Assistance per Capita by Year*, http://quesdb.usaid.gov/gbk/us_assistance_per_capita_07.xls (last visited Nov. 13, 2008); *see also* Telephone Interview with Edward Perkins, *supra* note 35 (describing that the U.S. had a different relationship with Liberia than any other country and was trying to improve the situation on the ground).
- 53 LAWYERS COMMITTEE FOR HUMAN RIGHTS, *supra* note 40, at 173.
- 54 *Id.* at 174.
- 55 TRC Diaspora Statement Rec. 123.
- 56 TRC Diaspora Statement Recs. 113 and 40.

- 57 TRC Diaspora Statement Rec. 1116.
- 58 TRC Diaspora Statement Recs. 188 and 1551.
- 59 TRC Diaspora Statement Rec. 110.
- 60 TRC Diaspora Statement Rec. 40; *see also Liberia: America's Stepchild*, *supra* note 17.
- 61 Interview by Nancee Oku Bright with Herman J. Cohen, Former Asst. Sec'y of State for African Affairs (Feb. 2000), (Transcript at <http://www.pbs.org/wgbh/globalconnections/liberia/film/hermancohen.html>). Cohen also reported that the three U.S. agencies that had facilities in Liberia, the Department of Defense, the CIA, and the USIA, never protested the Administration's position and that this undermined Cohen's efforts to convince the Administration to change its position. *Id.*
- 62 Telephone Interview with James Bishop, *supra* note 36 (describing a desire to reconcile the NPFL and the Liberian government); *see, e.g.*, State Department Cable 141702Z Jun 94 (describing Deputy Asst. Sec'y of State Bushnell's meetings with leaders of fighting factions) (on file with author, FOIA).
- 63 Herman J. Cohen, Former Asst. Sec'y of State for African Affairs, Testimony at the Diaspora Public Hearings of the Truth & Reconciliation Comm'n of Liberia 8 (June 12, 2008, St. Paul, Minn., U.S.A.) (transcript on file with the author).
- 64 On April 28, 1990, Assistant Secretary Cohen called Togolese President Gnassingbe Eyadema to request that Togo provide political asylum for President Doe, a request he granted. HERMAN J. COHEN, INTERVENING IN AFRICA: SUPERPOWER PEACEMAKING IN A TROUBLED CONTINENT 138 (2000) (citing Department of State telegram 137386 to Lome, dated April 28, 1990). Herman J. Cohen, Former Asst. Sec'y of State for African Affairs, Testimony at the Diaspora Public Hearings of the Truth & Reconciliation Comm'n of Liberia 10-11 (June 12, 2008, St. Paul, Minn., U.S.A.) (transcript on file with the author). U.S. diplomats persuaded Doe to accept the idea of leaving and were prepared to assist him in his departure, but they received a message from the White House ordering them to cease all activities dealing with the Liberian conflict with no further explanation. *Id.*
- 65 Kramer, *supra* note 40.
- 66 *Id.*
- 67 Telephone Interview with James Bishop, *supra* note 36; *see also Liberia: America's Stepchild*, *supra* note 17.
- 68 Herman J. Cohen, Former Asst. Sec'y of State for African Affairs, Testimony at the Diaspora Public Hearings of the Truth & Reconciliation Comm'n of Liberia 7 (June 12, 2008, St. Paul, Minn., U.S.A.) (transcript on file with the author).
- 69 COHEN, *supra* note 64, at 131; Herman J. Cohen, Former Asst. Sec'y of State for African Affairs, Testimony at the Diaspora Public Hearings of the Truth & Reconciliation Comm'n of Liberia 7 (June 12, 2008, St. Paul, Minn., U.S.A.) (transcript on file with the author).
- 70 Interview by Nancee Oku Bright with Herman J. Cohen, *supra* note 61 (explaining that the Liberian community in the United States "vetoed" what they saw as the United States providing military support to an unpopular leader).
- 71 Herman J. Cohen, Former Asst. Sec'y of State for African Affairs, Testimony at the Diaspora Public Hearings of the Truth & Reconciliation Comm'n of Liberia 8 (June 12, 2008, St. Paul, Minn., U.S.A.) (transcript on file with the author).
- 72 TRC Diaspora Statement Rec. 1502.
- 73 Lauren Ploch, Cong. Research Service, Africa Command: U.S. Strategic Interests & the Role of the U.S. Military in Africa 36 (JULY 6, 2007), <http://www.fas.org/sgp/crs/natsec/RL34003.pdf>.
- 74 TRC Diaspora Statement Rec. 123.
- 75 Michael R. Gordon, *U.S. Forces Evacuate 74 After Threats in Liberia*, N.Y. TIMES, Aug. 6, 1990.
- 76 TRC Diaspora Statement Rec. 1351.
- 77 Gordon, *supra* note 75.
- 78 TRC Diaspora Statement Rec. 15.
- 79 Kramer, *supra* note 40; Telephone Interview with Herman J. Cohen, *supra* note 37.
- 80 Declan Walsh, *Desperate, Dying: Liberia's War Victims Wait for George Bush to Make up His Mind*, THE INDEPENDENT, July 12, 2003.
- 81 TRC Diaspora Statement Rec. 1440.
- 82 Cook, *supra* note 16, at 5.
- 83 *Id.*
- 84 *Id.* at 23.
- 85 *Id.*
- 86 TRC Diaspora Statement Recs. 24, 26, 103, 114, 267, 284, 367, 544, 556, 548, 819, 909.

- 87 TRC Diaspora Statement Rec. 707.
- 88 TRC Diaspora Statement Rec. 819.
- 89 TRC Diaspora Statement Rec. 909.
- 90 TRC Diaspora Statement Recs. 544 and 909.
- 91 TRC Diaspora Statement Recs. 1004, 1502, 1475, 1324.
- 92 TRC Diaspora Statement Rec. 1324.
- 93 *Id.*
- 94 TRC Diaspora Statement Rec. 1502.
- 95 TRC Diaspora Statement Rec. 1475.
- 96 TRC Diaspora Statement Rec. 1324.
- 97 TRC Diaspora Statement Recs. 1502 and 1324.
- 98 TRC Diaspora Statement Rec. 1440. Another statement giver stated that civilians always fled to the embassy during the war for rescue and help, but the embassy never provided Liberian civilians with any aid. TRC Diaspora Statement Rec. 1559.
- 99 TRC Diaspora Statement Rec. 1440.
- 100 TRC Diaspora Statement Rec. 1352.
- 101 *Id.*
- 102 TRC Diaspora Statement Rec. 1551.
- 103 *See, e.g.*, TRC Diaspora Statement Rec. 188.
- 104 TRC Diaspora Statement Rec. 105.
- 105 TRC Diaspora Statement Rec. 113.
- 106 TRC Diaspora Statement Rec. 15; *see also* TRC Diaspora Statement Rec. 1351 (faulting the U.S. for failing to intervene and withdrawing aid).
- 107 TRC Diaspora Statement Rec. 1551.
- 108 TRC Diaspora Statement Recs. 15 and 648.
- 109 Dr. Augustine Konneh, Testimony at the Diaspora Public Hearings of the Truth & Reconciliation Comm'n of Liberia 24 (June 10, 2008, St. Paul, Minn., U.S.A.) (transcript on file with the author).
- 110 TRC Diaspora Statement Rec. 1551.
- 111 *UN Stalls Decision on Liberia Troops*, BBC NEWS, June 30, 2003, <http://news.bbc.co.uk/2/hi/africa/3033934.stm>.
- 112 *Id.*
- 113 U.S. Dept. of State, Liberia Chronology June 12, 2003 to August 18, 2003, at 4 (on file with author, FOIA); White House, *President Reaffirms Strong Position on Liberia*, Remarks by the President and United Nations Secretary General Kofi Annan in Photo Opportunity, The Oval Office, July 14, 2003, <http://www.whitehouse.gov/news/releases/2003/07/20030714-3.html>.
- 114 Liberia Chronology, *supra* note 113, at 5.
- 115 In early July 2003, President Bush explained that “[i]n order for there to be peace and stability in Liberia, Charles Taylor needs to leave now.” Scott Stearns, *Liberia’s Charles Taylor Needs to Leave Now*, says *Bush*, VOICE OF AMERICA, July 2, 2003, <http://www.globalsecurity.org/military/library/news/2003/07/mil-030702-voa09.htm>. State Department documents suggest that President Bush began demanding that President Taylor step down as early as June 26, 2003, with another demand on July 3, 2003. Liberia Chronology, *supra* note 113, at 4-5.
- 116 Office of the Press Secretary, *supra* note 113.
- 117 Herman J. Cohen, Former Asst. Sec’y of State for African Affairs, Testimony at the Diaspora Public Hearings of the Truth & Reconciliation Comm’n of Liberia 74 (June 12, 2008, St. Paul, Minn., U.S.A.) (transcript on file with the author).
- 118 *U.S. Policy Toward Liberia: Hearing Before the Subcomm. on Africa of the Committee on International Relations House of Representatives*, 108th Cong. 28 (2003) (statement of Alex Vines, Senior Researcher, Business and Human Rights Division, Human Rights Watch).
- 119 *Id.* (statement of Rep. Meeks, Member, Subcommittee on Africa).

Chapter Thirteen



“Everyone Scattered” Experiences of the Liberian Diaspora

Chapter Thirteen. “Everyone Scattered” Experiences of the Liberian Diaspora

Diaspora: from the Greek, traditionally meaning to sow over or scatter, the modern meaning includes forced expulsion of a given population, dispersal, persecution, a sense of loss, and a vision of return.¹

It is estimated that of Liberia’s approximately three million people, nearly all fled their homes at some point during the civil war. Some left for a few months or years while others have yet to return. As many as 780,000 fled across an international border, becoming refugees.² Hundreds of thousands of Liberians were internally displaced in any given year during the conflict.³ This population displacement created a Liberian diaspora on the African continent and around the globe.

Displaced persons often experience what is known as the triple trauma paradigm. This longstanding paradigm posits that refugees experience trauma in the country of origin, during flight, and in the country of refuge.⁴ Each phase brings with it unique and recurring traumatic experiences. Whether witnessing atrocities while hiding in their houses, being targeted en route to internally displaced persons’ camps or neighboring countries of refuge, dealing with a seeming endless sojourn in a refugee settlement, or adjusting to life in a third country, the experiences of Liberians in the diaspora are a critical component of the TRC’s analysis.

This report uses the triple trauma paradigm as a framework for considering the Liberian diaspora experience. The first part of this section addresses the mass population displacements that began in 1990 with Charles Taylor’s invasion of Liberia and which continued through 2003, focusing on why and how Liberians fled, as well as the trauma they experienced during flight within Liberia. The second part recounts the experiences of the refugee diaspora in the West African sub-region, with a particular focus on refugees in the Buduburam Settlement in Ghana. The third part addresses the experience of the Liberian diaspora outside of Africa, with a focus on immigrants who have settled in the United States and the United Kingdom.

FLIGHT

The human rights abuses that forced Liberians to flee their homes between 1989 and 2003 – whether to a neighbor’s house or to a foreign land – were some of the most severe types of trauma imaginable. Although a significant number of Liberians fled their homeland after the coup that brought Samuel Doe to power, the vast majority of TRC statements from the diaspora focus on experiences of flight as a result of the civil war that began in December of 1989. Liberians were subjected to summary executions, rape, assault, torture, and other crimes against humanity.

Forced to Flee

Statement givers described consistent patterns of human rights violations forcing them to flee. Many

families fled to avoid attack when they heard from informants that fighters were approaching their area.⁵

My family had to flee our home in Monrovia because someone said the rebels were coming. My father, my two brothers, and I left to go to [Eternal Love Winning Africa] ELWA campus...I heard that the place at ELWA was taking in people who had nowhere to go, so my family sought refuge there.⁶

A Mandingo statement giver from Nimba County recounted his efforts to get back to his home village to warn his family about the oncoming National Patriotic Front of Liberia (NPFL) advance.⁷ Although he arrived too late to save all of his family members, he was able to send his remaining children away to towns on the border with Guinea.

Others fled because of specific threats against family members, generally a breadwinner who worked for the government, a prominent business person, or a community leader.

During the Doe administration my father was the director of police and later joint security director at the Port Authority in Liberia before the war. Because of his status we were to be hunted. He fled the country and left us in Monrovia. When the rebels entered they started asking about our father's house in the Red Light area and a neighbor came to tell us what they had heard. We fled to Fendell. While there we heard that the house was burned and everything looted.⁸

Usually, however, there were no advance warnings or threats. Community leaders and elders, those associated with the government, those suspected of having money or other valuables, or those associated with opposing fighting factions were simply abducted, executed, or violently assaulted during surprise attacks on their homes.

A statement giver in Ghana told the Truth and Reconciliation Commission (TRC) what happened to her family in 1996 because of her grandfather's role in the government and community:

My grandfather...was a tax collector in Buchanan, a party member in Doe's party, and a chief...Somebody pointed out our house. They broke into the house and started shooting. My grandparents hid in the bathroom. They were beating everyone and dragging them outside. My great-uncle and step-mother died...my grandfather was beaten until unconscious. His back and neck still have pain because of injury. He was chopped with knife and has a scar on his leg. The place was near an ECOMOG checkpoint so ECOMOG

people came and the attackers ran away.⁹

While many Liberians saw their loved ones killed and tortured, other statement givers came home to find their families had simply disappeared. Fearing for their own safety and hoping to find their families on the road, they fled.

One day, I was out looking for food. When I came home, no one was there. The neighbors told me that Prince Johnson's [Independent National Patriotic Front of Liberia] (INPFL) men [came] to the neighborhood and were asking for Krahn people. They said that a stray bullet hit one of my daughters... and she died. Since then, I have not seen my family and do not know what happened to them... [W]hen I learned of the death of my daughter and that the rest of my family was missing, I decided it was not safe to stay there. Starting then, I began hiding in other parts of Liberia – mostly in the bush in Grand Gedeh with some other relatives.¹⁰

The experiences of these statement givers were repeated on a massive scale.

After a flight-triggering event such as those described above, displacement often proceeded in phases: hiding, internal displacement within Liberia, refuge in a neighboring country, and for some, resettlement in a third country. These phases generally were not linear, but were cyclical, with movement between the phases occurring along with the phases of the conflict itself.

As the offensives of fighting factions spread in and out of Monrovia and through the outlying counties of Liberia, and as peace accords were signed and broken,¹¹ individuals oscillated between being forced to flee and being able to return to relative calm. One statement giver, whose husband was a government official, described leaving their home in July 1990 to take refuge in the ELWA Christian radio station compound.¹² The family stayed there for approximately a week, until they received word that Armed Forces of Liberia (AFL) forces were threatening to bomb the compound. The family then fled to the University of Liberia campus, where they were able to find a room. They stayed there until Economic Community of West African States Monitoring Group (ECOMOG) forces entered Monrovia. In 1992, the statement giver and her family went into hiding again. In 1996, the family was staying with the statement giver's mother when AFL forces entered the house and executed the statement giver's husband. After the trauma of seeing her husband executed, the woman took the 15 children staying with her and walked out of Liberia into Côte d'Ivoire.¹³

During the first wave of fighting in 1990, as NPFL and AFL forces battled in Monrovia, many residents hid in the city and its nearby suburbs to attempt to wait out the fighting. Individuals described hiding in closets, on roofs, under beds, in swamps, in the "bush," and in neighbors' and family members'

homes.

One statement giver described being separated from her mother in July 1990 and staying with a family friend for several weeks.¹⁴ At one point she had to hide in a laundry basket in a closet for a couple of days to avoid being kidnapped by rebels. Later, she was taken by a different family friend to stay at the Sierra Leonean embassy in Monrovia.

There was constant fighting, especially at night, between the government and rebel forces. The buildings were shaking and there was the sound of glass breaking. A lot of people were at the embassy. There were about 30 people staying in one room the size of a bedroom. The guys would sleep one way and the women and kids the other way. I slept fully clothed with my nightgown on over my clothes. At certain times, the shooting would stop and then people would leave to search for food. Coal was not available so we would cut trees for wood. We would go in groups for safety. We would sometimes hear someone yell “Where are you guys coming from? What are you doing out?” You didn’t know where the voice was coming from. We would have to cook and eat fast. I had never had to do work at home, so I didn’t even know how to start a fire. People used to bathe in an unfinished house, using a bucket as a means for the pouring water to clean themselves. We would have to bathe quickly with no soap. I spent two months at the Embassy.¹⁵

Many in Liberia moved constantly so as to avoid being captured or killed. One statement giver described moving from Gardernsville, to the French Cable neighborhood, to Bushrod Island, then to Logantown to escape the rebel advances.¹⁶ He finally returned to Monrovia proper after the deployment of ECOMOG.¹⁷ Another statement giver, who was seven years old during the 1990 fighting, described his family’s movements during the summer of 1990 from their home near the beach on Ninth Street in Sinkor, to “Order” Road, to Twelfth Street, then to New Kru Town because food was getting scarce in Sinkor, and then finally back to their old home on Ninth Street.¹⁸

The crisis in 1990 also impacted those outside Monrovia. Across Liberia, families suffered similar patterns of displacement. In July 1990, rebels attacked Kakata. Mandingos were specifically targeted.¹⁹ One statement giver, in his 20s at the time, described hiding on the roof of his family compound while the rebels dragged his father into the street and killed him. The young man fled on foot to Monrovia, where he found his uncle’s family. He fled with his uncle’s family to Sierra Leone, where they stayed as refugees for six years.²⁰ Another statement giver described rebel raids on Bopolu, in Bomi County in February and March 1990. The statement giver was a young girl at the time and remembers hiding with her cousin’s baby in a huge pot in her grandmother’s kitchen as the rebels searched through the

house and abducted her cousin.²¹ The next day, the family fled to the mountains of Lofa County, where they stayed for several months before returning to Bopolu. In September 1990, the NPFL attacked Pourtown in Grand Gedeh County. One statement giver who worked for the Ministry of Agriculture under Doe was targeted during the attack. He and his children fled into the bush and hid out for five days.²² Ultimately, they reached Côte d'Ivoire.

In 1991, with the installation of the interim government,²³ some Liberians returned home.²⁴ One statement giver described returning on a U.N. ship from Guinea, after seeing the interim president and his cabinet board an earlier boat back to Monrovia.²⁵ Another statement giver who was a young child when the war broke out in 1990 was sent to live with his grandmother in Grand Cape Mount County in 1990. In 1991, however, his mother came from Monrovia to bring him back to the city.²⁶ Another noted that he decided to go back to Monrovia in 1991 because ECOMOG had established some control there.²⁷ Many who returned however, were soon forced to flee again.

The April 6, 1996, war forced another cycle of hiding, internal displacement, and seeking refuge. For example, the young boy who had moved between four different houses in Sinkor and New Kru Town during the summer of 1990, fled the country altogether when war broke out in 1996; he settled in Philadelphia with his brothers.²⁸

In August 1996, a ceasefire was declared and ECOMOG began disarming the fighting factions. Many Liberians returned home during this period around the 1997 elections. One statement giver summarized:

I was in Côte d'Ivoire for eight years. When they elected Taylor as President I went back [to] Liberia in 1998, June 20, thinking that things were fine in the country. Then war broke up in Sept. 18, 1998, [and that's] how I came back to Côte d'Ivoire and I continue[d] my journey to Ghana.²⁹

Some estimates indicate that more than 80 percent of displaced Liberians returned home when the civil war ended and Charles Taylor was elected.³⁰ Large scale fighting broke out in September 1998, however, when Taylor's soldiers tried to arrest Roosevelt Johnson. Fighting erupted between Johnson's supporters and Taylor's forces on Camp Johnson Road.³¹ Taylor responded by increasing his efforts to eliminate suspected opposition,³² including in his own administration.³³ While ethnic Krahn and Mandingo were often the target of these attacks,³⁴ many others fled to avoid the violence. This led to another cycle of hiding and flight.



Everyone Scattered

When the rebels came everyone scattered...They beat and raped me. When the NPFL left, I ran.³⁵

Statement givers told the TRC again and again of the trauma of being separated from family members in the chaos of fighting and flight.³⁶ For example, one statement giver described her mother going to Paynesville one day to run an errand, but the rebels invaded and cut her off from her family for the next several months.³⁷ This experience was common as rebels established shifting lines of demarcation and zones of control throughout Monrovia and the surrounding areas.³⁸ When routes between home, office, school, and market were cut off, families were separated without any advance warning. A woman who was a young teenager during the war spoke of her separation from her mother in June 1990.³⁹ Upon learning that rebels were nearing their housing estate in Gardnersville, the statement giver's mother decided to move the family into Monrovia to stay with an aunt. Her mother took the girls and the baby to town first and then returned to Gardnersville for the boys living in the household. She did not see her mother again for almost three years because her mother's return to Monrovia was cut off by the rebel advance.⁴⁰

I was living in Refinery Junction, Monrovia, with my husband and my children. In 1990, Charles Taylor's rebels arrived at our house and started shooting. My father, mother, husband, children and brothers and sisters were there. The rebels killed my older brother and raped my sister. Everyone scattered. I was only with my youngest child. I saw the rebels burn my house down. I went to Nimba County by car and then walked through the bush to Côte d'Ivoire. In Côte d'Ivoire I found the members of my family who survived.⁴¹

While some families were ultimately reunited, many Liberian families have never been made whole. A Kissi statement giver now living in Ghana told the TRC that he and his wife and son sought refuge in the U.S. Embassy compound in 2003 after NPFL rebels had killed four of his Mandingo neighbors. “While we were at the American Embassy, rockets from [Liberians United for Reconciliation and Democracy] (LURD) rebels hit in and around the Embassy compound killing Liberians and, I think, some American Marines. As the crowd scattered, I lost track of my wife. I have not seen her since, but I have heard that she may now be in Guinea, though I don’t know where.”⁴²

Although this statement giver was able to bring his son safely to Ghana, other children were not so lucky. Another statement giver told of being able to escape with only one child after her husband was beheaded in her presence – her other child was trampled to death in the confusion.⁴³ If not killed, children often were cut off from parents, seemingly in an instant.⁴⁴ One statement giver who was ten years old at the time told the TRC that he “ran with his neighbors when he fled; he didn’t end up running with his brothers and sisters. He doesn’t know what happened to his grandmother, his brothers...or his sisters...”⁴⁵ While many children were able to take advantage of the Liberian extended family system and find refuge with relatives, many were left stranded with no one but strangers to assist them.

I was just eight years old in 1990...[My father] decided to take us to safety in Maryland County...While enroute...he was arrested and killed at the Toe Town Checkpoint by NPFL forces. After my father was killed I joined another family and followed them to Greenville, [Sinoe County]. I was abandoned by the family that took me to Sinoe County and was adopted by another family.⁴⁶

Another statement giver was in second grade when the war started in 1990. His mother was shot. As he huddled over her body, she was bayoneted by soldiers.⁴⁷ This young boy’s father came to find him and took him to safety in Côte d’Ivoire. But after being in Côte d’Ivoire for several years, his father was killed in 2000 as a result of the conflict that engulfed that country.⁴⁸ This statement giver, who eventually made his way to Ghana, was able to locate his two younger brothers in Guinea. He is trying to bring them to Ghana but does not have enough money to do so.⁴⁹

Many Liberians were forced to make impossible decisions in a split second. A statement giver from Zwedru who now lives in Ghana told the TRC that his mother had just given birth to twins when the war came in 1990.

I had gone out as usual in the early morning to make a fire behind the house. Rebels came to the house and crashed in the front door. I crawled into the [babies’] room and was only big enough to take one. I grabbed one of the

babies and ran to the bush as fast as I could. I heard gunfire all over and later my mom told me my father was killed. She also said one of the babies had been killed. I spent three weeks in the bush with the baby, which was stressful especially when there was a need to be quiet. I made it to the Côte d'Ivoire.⁵⁰

In the summer and fall of 1990, U.S. Marines evacuated U.S. citizens and those with green cards, as well as other foreign nationals who had taken refuge at the U.S. embassy.⁵¹ Describing her memories of the evacuations, one statement giver from the southern United States described how she was evacuated, but her sister, who did not happen to be at home at the time of the evacuation, was left behind.⁵²

The family, whether traditional or statutory, is the basic unit of social organization and social support in Liberia.⁵³ Accordingly, destruction of the family structure undermined the entire Liberian social order. The impact of this trauma has had continuing repercussions in the diaspora.⁵⁴ One such impact has been a multitude of informal adoptions as communities, extended families, and sometimes even perfect strangers attempted to protect orphaned and lost children. These informal adoptions are generally not recognized by immigration authorities in other countries, which has led to additional family separations.⁵⁵

Travel Within Liberia

At first, the walking seemed normal. We all had shoes, tents, clothing, water and food. But conditions rapidly worsened. Our shoes were destroyed, and our belongings were taken from us. None of us could replace these items, as it was far more important to spend the little money we could obtain on food. Food and water were scarce, and my two young nieces died of starvation on the journey. I had to wait in long lines to get water from wells. Often, the water source was depleted by the time it was my turn to drink. And when I was able to get water, I often felt bad drinking knowing that there would be none left for the people waiting behind.

Our family sometimes walked as part of a larger group; it was safer to travel this way. People were more likely to be accosted by soldiers and killed if traveling alone. Soldiers would take people away from their walking group if they wanted to kill or torture you, and were quick to shoot if they spotted anyone running. As my family walked from village to village, we were stopped at checkpoints, where soldiers would search our belongings and take what they wanted before letting us go ahead.⁵⁶

Once forced out of their homes and villages, many statement givers described traveling in large groups of extended family or following groups of strangers to get to a relatively safe destination. Liberians were forced to walk for days, weeks, and often months to get to safety. One statement giver described having to leave for Guinea after having lived in Nimba County all her life.⁵⁷ She walked for nine days traveling with a group of some 30 family members. Another statement giver described her traverse to Guinea. She left Ganta in 1994 after being repeatedly raped and beaten while in rebel custody.⁵⁸

While walking in the forest I met a huge group of displaced people walking toward Ganta and joined them to walk to Côte d'Ivoire. I spent three weeks walking. No food. Starving. Another attack occurred with people being killed, raped.⁵⁹

Food and water along the travel routes was scarce to non-existent. One statement giver described eating wild fruits to survive.⁶⁰ Another statement giver remembered going for days and sometimes weeks between locating a source of clean water.⁶¹ As noted above, the lack of food and water led to death by starvation of vulnerable individuals such as children and the elderly. One statement giver now living in Ghana told the TRC that her three-year-old son had died one day (as she carried him on her back while trying to walk out of Liberia) because there was no food.⁶² A statement giver now in Atlanta told the TRC that:

Because I was unable to bring food with me, my daughter...died because of lack of nutrition and food. She died in Bomi. They couldn't find anything to eat. I was looking for cassava to eat. People grew it and they left some behind. You see cassava leaf and you dig for the root. Otherwise there was nothing else to eat.⁶³

Numerous statement givers, and those traveling with them, were suffering from injuries and other illnesses as they tried to escape further harm. Medical care was difficult to find, as were medications and treatment for what should have been non-fatal illnesses. One statement giver who now lives in Ghana told the TRC that her mother died en route to Sierra Leone as a result of complications from hypertension.⁶⁴ Another told of his mother treating his father's heart condition with herbs because his father ran out of medication as they were fleeing the fighting.⁶⁵ Another statement giver now in Ghana told the TRC about an attack by LURD in 2003 on her home in Duala, during which her husband and son were killed in front of her and she miscarried because of being beaten:

My neighbor was leaving. I was still sick, but my neighbor brought me along. We walked to Guinea. We were on the road for months because my health was so bad and I had to rest a lot. We saw fighting as we were walking. We would hide in the bush. Shots were fired over our heads...My neighbor

helped me and paid for everything.⁶⁶

Not everyone was fortunate enough to have a neighbor who could provide assistance. Those who were disabled or otherwise vulnerable often had to be left behind. One statement giver told the TRC about leaving behind her stepmother and others who could not walk in Lofa County in 1993:

The people in the town who could leave, and were physically capable of leaving, decided that they had to flee because the rebels were coming. The people in the town who could travel decided to put all of the people that couldn't make the journey to Guinea, 230 old and disabled peasants, in a village together. We hoped that the rebels would respect the fact that the people in the town were handicapped and defenseless and pass it by.

The rebels killed everyone in the town, including my stepmother and brother (they both had had leg problems), [except for] one person who managed to survive. The survivor told me that the rebels put my brother in a house and set it on fire, and that they had beheaded my stepmother.⁶⁷

Safety along the travel routes also was a critical concern. One witness in the U.S. public hearings told the TRC that he became responsible for leading his siblings out of Liberia during the war, although he was only a young teenager at the time. He told the TRC:

I would walk ahead of the group of my siblings. And when I walked ahead, I would make sure there ain't no rebel ahead of us. Then I would come back, and then I would walk with my siblings. So every time, I will do that...[a] mile and a half I would walk and then walk back, and make sure for their own safety...At one point, I kind of walk[ed] ahead, and then when I came back, my siblings weren't there.⁶⁸

This young man tried for a full day to find his siblings, but without success, and then was forced to go on alone to the Sierra Leone border.⁶⁹

The Checkpoint Experience

Trying to survive the maze of checkpoints established all over the country by warring factions was another virtually universal experience.⁷⁰ Describing checkpoints on the road between Monrovia and the city of Buchanan, one statement giver said, "if it was here [in the United States], it would be like walking five blocks and a checkpoint. Two blocks and a checkpoint."⁷¹

Checkpoints were established along major travel routes throughout the country and at many border crossings. Moreover, informal checkpoints guarded by small groups of fighters, often child soldiers, sprung up across Liberia. The checkpoints were designed for extortion⁷² and to control any freedom of movement within the country. “Every checkpoint someone had to pay.”⁷³

My family had to run away from Monrovia. We went into Bomi County, district of Klay. We had to go through check points. As we were crossing, fighting started. A gun shot missed me, flew in front of my face. When we reached Bomi County, I decided to come back to Monrovia to my house to get my belongings. I stayed in Monrovia for three days. I met Taylor’s soldiers when I was coming back to Bomi. They said that I disobeyed the order. People were not supposed to leave the area. There was an order that nobody should leave. I was carrying food and they took food, shoes, made me lay on the ground for some time. They put me in a prison hole where I had to sit on a rug until next morning. Then they said “you can go to your village.” After I was released and before I could reach my village, I came to another check point. Area commander came...He ordered fifty-two lashes for disobeying the order (not to leave the area) and then they took me to another prison where I slept till next morning. Next morning they freed me and I went to my village in Bomi.⁷⁴

Checkpoints were gruesome testaments to the atrocities committed by the warring factions. One statement giver, now residing in Minnesota, described a checkpoint near Kakata as “hell on earth. There were bodies in the water, and the scent was so strong [I] could not stand it. [My] sister had rice. One of the rebel women said, ‘if you give us the rice, we will let you pass.’ People were tied up, sitting and crying in the sun.”⁷⁵ Another told the TRC that there “were dead bodies scattered all along the roads, many bearing marks of hideous violence. It was common practice for soldiers to tabay⁷⁶ their victims and cut out their hearts. I knew that many women were raped. At one checkpoint, I saw human intestines unraveled and used as a barricade to prevent people from crossing.”⁷⁷ Another statement giver told the TRC that at “a checkpoint on the way...I saw a dead body. The body had been cut with knives around the chest. Two men were carrying the body and threw it into the bushes.”⁷⁸ Yet another described seeing the heads of his dead relatives on a checkpoint near his community.⁷⁹

Checkpoints were used by warring factions to target people for execution, detention, assault, and torture. People trying to flee were “pulled off the line” because of their perceived tribal affiliation, perceived employment, perceived family relationship, or other perceived affiliation. “[E]very checkpoint we met up with the question[s] [were] always: ‘Where are you going? What tribe are you? Where are you from?’ And many more crazy things.”⁸⁰

Liberians engaged in an array of tactics to survive the innumerable checkpoints. One man noted that he survived because he knew many Liberian dialects and would speak whichever dialect he thought would be least threatening to the fighters he encountered.⁸¹ Another statement giver said that her “Auntie tried to keep everyone together and in the center of the groups moving through the checkpoints, because those on the edges were more likely to be pulled off the line.”⁸² Sometimes life or death was simple blind luck – a statement giver said that at one checkpoint “the soldiers shot every fourth person in line for no apparent reason.”⁸³

Most who were pulled off the line did not survive, but a statement giver now living in Ghana told the TRC of being pulled off the line and ultimately released at a checkpoint in Kakata.

The rebels told me to tell my family to go on ahead because I was going to die there. After my family left, I again pleaded with them not to kill me, saying, “I don’t think I deserve to die for no reason.” Finally, one of the rebels said, “Let’s leave him.” That rebel left and two others walked with me, telling me that if I was there tomorrow, they would kill me. At this time, my spirit left me, and I thought I was dead. I became mute, and was unable to speak for days.⁸⁴

Checkpoints were also used for forced recruitment of adults and children as fighters, sexual slaves, and forced laborers. One statement giver now living in Minnesota recounted that her entire family was pulled off the line and “were sent to do forced labor, unloading the cargo at the port of Monrovia, which the rebels were systematically looting. One [of them] was told to stay behind to watch over the little children, while the rest of the family was forced to load trucks...[They] were forced to work unloading cargo for the rest of the day, and they had to sleep overnight at the docks. The next day, the rebel commander came down and ordered them all to get out of the area, and began beating people, so they ran away as fast as they could.”⁸⁵



Another statement giver traveling from Monrovia to Buchanan with his family noted that it was dangerous for men to travel because of the risk of forced recruitment and dangerous for women because of the risk of rape and other assault.⁸⁶ He had been pulled off the line at one checkpoint but was saved by a former student who was a young fighter. Forced recruitment along the highway between Monrovia and Sierra Leone was well documented.⁸⁷ One statement giver now residing in

Minnesota told the TRC about approaching the Bo Waterside checkpoint while trying to escape to Sierra Leone.

When we got there it seemed like chaos, all the rebels were running all around and smoking and drinking...a young rebel named Small Soldier came over to me. I still had some clothes with me...Small Soldier wanted my clothes. He was smoking pot and had a gun and told me he would 'zero' me if I didn't do what he said. He took my clothes and I started to cry because they were all that I had left. I kept arguing with him and spent forty-five minutes trying to get my clothes back. My cousin kept talking to me in Vai and telling me not to argue with them. Finally, Small Soldier came back and said that he thought I should not be let through but should be recruited as a small soldier like him. I said no that I would not be a small soldier. One of the other rebels spoke Vai and kept telling me to just go along and that I could get away later. We were so close; we could see Sierra Leone across the river. They detained us at the checkpoint and put us in jail.⁸⁸

The Internally Displaced Persons' Experience

Many who fled their homes found themselves in formal and informal internally displaced centers for weeks or months on end. Estimates of the numbers of internally displaced persons during the Liberian conflict are in the hundreds of thousands⁸⁹ – sometimes more than a half a million⁹⁰ – depending on the year and the source of information. Certain locations became major centers for displaced persons at the beginning of the conflict, including church compounds, embassy compounds, army barracks, sports stadiums, and university campuses. One statement giver now living in Minnesota told the TRC why he decided to take refuge at the Fendell campus.

Food was scarce; people boiled leaves for sustenance. Between June and July of 1990, I moved to Fendell camp on the outskirts of Monrovia. Fendell was part of the University of Liberia, but, when the war started, it became a shelter where a lot of people went to seek refuge. I believed this location would be better because from there, one could go into the bush and hunt or fish for food.⁹¹

At the beginning of the war, camps were informal and some were controlled by rebel factions. The Fendell campus, described above, was a major internally displaced persons' center that came under the control of the NPFL.⁹² "[T]housands of refugees went there," one statement giver now living in Atlanta noted.⁹³ Many Liberians describe being forced to move to the Fendell campus during the summer of 1990. One statement giver whose family took refuge at the ELWA Christian radio

compound was later forced to go to Fendell.

The rebels told my family we had to leave ELWA. The rebels said “just follow us.” Everyone there, about two hundred people, had to pack their stuff, and start walking. We walked through bushes until, at night, we stopped at a big open field. The field was in the area of Duport Road, but I was not sure of its exact location. The rebels said everyone had to rest until the next day. Near the field was a big house. There was a fenced area around the house. The rebels were taking all the women and girls into a fenced area around the house. I saw girls that went into the house that were crying, saying they had been raped. My dad was scared for me, but I had to go inside the fenced area while the men in my family stayed outside in the field. I never went in the house—I stayed outside and hid beneath a flower bush. I was not raped, and I didn’t see anyone get raped, but I saw one girl come out with torn clothes, crying and saying she got raped by seven soldiers. In the morning the soldiers opened the gates and let people out. I was able to find my brothers and father.⁹⁴

A statement giver now living in Ghana described trying to seek a safe refuge among the chaos in Monrovia in the summer of 1990:

When the rebels...overran Paynesville, I fled from my home. That was during the earliest part of July 1990. My younger brother...also fled along with me to the ELWA compound. We stayed there for about two weeks. The U.S marines that were assigned there were recalled by their government. After their withdrawal, the NPFL rebels took over the compound. They beat and killed some people. They also forced us to go to Fendell.⁹⁵

One statement giver noted that those fleeing the conflict were used as “human shields” and “slaves” at Fendell.⁹⁶ News of the dangerous conditions at Fendell spread, and some Liberians sought to warn others to stay away.

The government told people to go to a college campus called Fendell in Cuttington, outside Monrovia. They were told that from Fendell they would be taken by bus to their hometowns so they would be safe, but the people taken away on the buses were killed. If we saw journalists on the road to Monrovia, we stopped the journalists and told the journalists, “If you see our friends, tell them not to come to Fendell. Tell everyone, it is dangerous here. It is not safe.”⁹⁷

Liberians also took refuge in the U.S. Embassy (Greystone) compound and the Voice of America compound, hopeful that a U.S. presence would lend some protection.⁹⁸ One statement giver told of taking refuge in St. Thomas Church in Monrovia, but then being forced out by United Liberation Movement – Johnson faction (ULIMO-J) forces.⁹⁹ Others sought shelter in Firestone’s vast rubber plantation near Harbel.¹⁰⁰ Statement givers also report seeking shelter at Soul Clinic,¹⁰¹ Barclay Training Center,¹⁰² and other locations in and around Monrovia. After the death of Samuel Doe, the Barclay Training Center was a place of refuge for members of the Krahn tribe. “All the Krahn families were packed into Barclay Training Center – there were thousands of Krahn people there because there was no other safe place.”¹⁰³

Eventually, some security was established in official internally displaced persons’ centers. By October 2000, the World Food Programme reported that it was assisting 183,900 internally displaced persons living in 14 camps located around Monrovia.¹⁰⁴ By the end of the conflict in 2003, at which point the United Nations High Commissioner for Refugees (UNHCR) estimated that there were more than half a million internally displaced persons in Liberia, Fendell was still housing many of them.¹⁰⁵ Major internally displaced persons’ centers outside of Monrovia included Maimu in Bong County and Basayma Camp in Buchanan.¹⁰⁶ By 2004, there were at least 20 official camps within Liberia housing more than 261,000 people.¹⁰⁷ These camps hosted not only Liberian internally displaced persons, but also Sierra Leonean and Ivorian refugees.¹⁰⁸ But even when there was relative safety in the camps, conditions were often desperate. Liberians told the TRC of loved ones dying from cholera in the Barclay Training Center and other internally displaced persons’ areas during the conflict.¹⁰⁹ According to one source, by the end of 2002 less than five percent of deaths in the camps were the result of violence, while 61 percent resulted from diarrhea, malaria, malnutrition, anemia, febrile disease, or respiratory infections.¹¹⁰

Crossing the Border

Hundreds of thousands of Liberians became refugees in surrounding countries in West Africa, with numbers peaking at more than 780,000 in 1996, according to U.N. estimates.¹¹¹ Those Liberians who fled the conflict in the 1990s got out by any means possible. Often this meant walking for days, weeks, or months, hitching rides in vehicles, and traveling in boats – large and small. Liberians sought safety primarily in the neighboring West African countries of Sierra Leone, Guinea, and Côte d’Ivoire. A significant number of Liberians also went to Ghana and Nigeria, although these nations do not share a border with Liberia. Guinea and Côte d’Ivoire received the largest groups of Liberian refugees over time, numbering in the hundreds of thousands, but Sierra Leone and Ghana also received large groups of Liberian refugees.¹¹² The largest group moved from Nimba and Lofa counties into neighboring Sierra Leone and Guinea. Another huge group of refugees traveled from southeastern Liberia into Côte d’Ivoire.

Physically crossing the border was a challenge described by many statement givers. Whether on foot, by car, or by boat, it was a journey fraught with danger. Many Liberians coming out of Grand Gedeh and Nimba counties crossed the Cavally River¹¹³ between Liberia and Côte d'Ivoire. They describe crossing the river by dugout canoe, floating on a tree, or swimming across.¹¹⁴ Several statement givers described losing family members during these crossings.

The river was filled with water. My mother, brother, and sister got in [the] canoe. I was too afraid to get into the canoe, and stayed on shore. [The] canoe capsized, and only the canoe driver survived. My whole family died. However, other people still convinced me to cross the river.¹¹⁵

Another statement giver described his ordeal getting into Côte d'Ivoire, which involved an escorted taxi run by soldiers trying to make an extra dollar.

These soldiers would take passengers to their destination at a certain time of night; this was the only real method for escaping out of Liberia. The night I attempted to make the trip, a fire fight between two rebel factions took place and we were caught in the crossfire. That night I saw many innocent refugees trying to make their way into the Ivory Coast, many of them ultimately killed in their attempt to escape to the border.¹¹⁶

Entering Sierra Leone was also treacherous. Crossing the Mano River at the Bo Waterside checkpoint often led to detention, forced recruitment, or death.¹¹⁷ One public hearing witness described his experience to the TRC:

Bo is a big town between Cape Mount and Sierra Leone...They were doing some investigation and interrogation in the desert huts. When you go in there, you most likely [don't] come out. So I say...I'm going to sit here and wait for the group [coming] out, and then...I can probably try to slip my way through there. So I tried to do that the first time. Then people were looking, so I went back. So I tried the second time. People were looking; I went back. So the third time when I tried, no one was looking, so I joined the single-file line. So that's how I crossed to Sierra Leone.¹¹⁸

Another statement giver described crossing by sea into Sierra Leone on a fishing boat, avoiding Bo altogether.¹¹⁹

At the borders, refugees were still subject to human rights abuses as they attempted to flee to safety. Refugees reported extortion, arbitrary arrest and detention, and *refoulement* (forced repatriation or

being turned away at the border). According to Amnesty International, security forces at the Ivorian and Guinean borders harassed refugees or demanded fines to allow them to pass.¹²⁰ “At the border, government soldiers acted as immigration officers...They requested money from people who were leaving the country. This was expensive for the large families. [I didn’t] believe they should make [me] pay to leave my own country.”¹²¹ Refugees were arbitrarily arrested and detained, some because they were accused of being members of a fighting faction¹²² and others because they had no documents.¹²³ A statement giver now living in Minnesota told the TRC he had been abused by Ivorian rebel forces in 1998 when trying to cross the border:

Ivorian soldiers arrested [us] four Liberians from the back of a truck at a checkpoint. They demanded money and water. The soldiers put rocks and sand on my back and beat me with a stick. They also twisted the stick into my skin. They had overthrown the Ivorian government and accused me of bypassing the gate.¹²⁴

Human rights groups documented refugees being denied entry at the border of neighboring countries, a measure which amounts to refoulement.¹²⁵ Refoulement is specifically prohibited under international refugee law. Guinean security forces reportedly closed the border to refugees.¹²⁶ Sierra Leone also closed its border to Liberian refugees at various times, fearing that armed fighters were crossing the border.¹²⁷ Moreover, fighting spilled across borders and often was very intense at the border itself. A statement giver who fled to Côte d’Ivoire with her children after her husband was killed told the TRC that “there was killing at the border, and she lost track of [her children].”¹²⁸ She described looking for her children along the border for three days but never finding them.



Transport by ship out of the port in Monrovia was another major mode of border crossing. Both commercial and military vessels transported refugees out of the port. Liberians desperate to escape the atrocities overran ships. Although not designed to carry thousands of wounded and/or starving passengers, these ships were nevertheless a lifeline for many.

One statement giver who escaped Liberia by ship in October 1990 told the TRC that, using French he had learned in school, he lied to a peacekeeper and pretended to be Guinean so as to get into the port at all.¹²⁹ Then he had to fight for hours to get on board the Tano River cargo ship.¹³⁰ The statement giver said that, after an entire day fighting to get on the ship, he finally boarded at 3:00 AM.¹³¹ Another statement giver said that he was allowed on a ship first because he was in such a terrible wounded state, but that his family was not able to get on board until 12 hours later.¹³² “Many people died and were stepped over in the struggle to get on board.”¹³³ Those who were able to make it aboard often had to turn over all their cash to be allowed to travel on crowded, under-supplied vessels.¹³⁴ One statement giver told the TRC he was on board a ship bound for Ghana for five days with no food.¹³⁵

On top of the conditions on the ship, neighboring countries refused to let ships dock, such as the infamous ships Bulk Challenge, Victory Reefer, and Zolotitsa.¹³⁶ These three ships caught international attention in 1996 after no port would accept their passengers. The 2,000 Liberians, Ghanaians and Nigerians on board the Bulk Challenge were turned away by Côte d’Ivoire.¹³⁷ Ghana also declared the ship to be *non desiderata*, only to ultimately allow the ship to land in Ghana after days at sea.¹³⁸ The Victory Reefer was prohibited from docking in Sierra Leone, and the 450 passengers on the Russian Zolotitsa were refused by both Ghana and Togo.¹³⁹ The Victory Reefer was eventually allowed to land in Freetown, Sierra Leone, after refugees spent six days at sea. Liberians were taken to a refugee camp outside of town, while other non-Sierra Leoneans were taken to their respective embassies.¹⁴⁰ The Zolotitsa returned to Monrovia after being turned away by Ghana and being lost at sea for several days.¹⁴¹

ECOMOG was also credited by numerous statement givers with helping them get to the port, receive medical treatment, and then get transport on a ship out of Liberia.¹⁴² A statement giver who was in Fendell described how ECOMOG attacked the rebels at the campus and eventually liberated those held there. “ECOMOG transported me and my family to barracks in Monrovia. After three days a ship came and transported us all to Ghana. I remember very clearly how crowded the ship was.”¹⁴³

REFUGEE

Now I am a refugee, because I had crossed an international border. It was so different. There were all kinds of non-governmental organizations there to process you and give you help, whereas just an hour ago you were fighting for your life.¹⁴⁴

Persons who flee a conflict and cross an international border in the process become refugees and are protected by several international treaties; primary among them is the 1951 Convention Relating to the Status of Refugees.¹⁴⁵ Once in Sierra Leone, Guinea, Ghana, or Nigeria, refugees were assisted at camps under the auspices of the UNHCR. Côte d’Ivoire followed a different approach. Even

though the government invited UNHCR assistance, it was opposed to camps. Instead, refugees were encouraged to settle among the local population in the western part of the country, called the *Zone d'Accueil des Réfugiés*.¹⁴⁶

The various periods of turmoil, with intermittent times of peace, resulted in many changes over time in the number of Liberians living in one of the surrounding countries in West Africa, as demonstrated by the table below from the UNHCR statistical yearbook.¹⁴⁷

D. REFUGEES AND ASYLUM-SEEKERS FROM LIBERIA -- MAIN COUNTRIES OF ASYLUM

1. Refugee population, end of year--main countries of asylum (main countries in 2005)

Asylum country*	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005
Sierra Leone	13,521	13,000	9,862	6,566	6,543	10,498	63,491	81,192	65,433	59,141
Guinea	415,003	243,036	183,031	129,096	117,069	82,792	119,293	149,839	127,256	54,141
Côte d'Ivoire	327,288	207,014	148,910	135,649	117,749	122,846	43,000	74,180	70,402	39,141
Ghana	15,178	17,145	12,569	10,373	9,454	8,865	28,298	42,466	40,853	38,141
United States	4,809	4,717	5,627	8,004	10,822	14,430	14,868	15,484	19,555	21,141
Other	8,409	8,428	5,399	5,006	5,293	5,177	6,472	10,383	11,968	18,141
Total	784,008	493,340	365,398	294,604	266,930	244,608	276,422	363,344	335,487	231,141

The numbers of refugees have been steadily decreasing since the end of the fighting in 2003. In February 2006, UNHCR noted that an estimated 160,000 refugees were still outside Liberia,¹⁴⁸ and in 2008 that number had dropped to just over 75,500.¹⁴⁹

Intraregional Refugee Flow

The ongoing conflict in Liberia and the related conflicts that erupted in Liberia's neighboring countries resulted in waves of Liberian refugees within countries in West Africa. When war broke out in Sierra Leone in 1991 and in Côte d'Ivoire in 2003, many Liberians were forced to flee back to Liberia or to other countries in the sub-region. The statement giver, whose experience when his father took him to Côte d'Ivoire is described earlier, told the TRC that after his father was killed:

A nice Ivorian found me and helped me find my way back to Liberia. Just before I made it back to Liberia I was caught by unknown Liberian combatants. One of the combatants knew me, but didn't try to help me. The combatants stripped me naked and were going to sodomize me, but then other rebels attacked and I escaped in the chaos. Barefoot and naked, I hiked most of the night, and slept in the bush for two nights. I pretended to be Ivorian, and worked as a porter in Ivory Coast and eventually made it to Abidjan and then Ghana.¹⁵⁰

Another statement giver who now lives in Ghana told the TRC of transiting through Sierra Leone,

Guinea, and Côte d'Ivoire, and returning to Liberia at least once, before going to Ghana.

In 1990, we ran to Sierra Leone. We took a bus there and lived in Bo-Waterside among the Sierra Leoneans for one year. When there was an attack on the border, we fled to Guinea. That was in 1991. We lived on a football field in Conakry for one month. We entered Côte d'Ivoire later that year. We went to Toulépleu and lived there with the Ivorians for six years. In 1997 we returned to Liberia. We went back to live in Sinkor right before the presidential election. We spent one year in Monrovia until we had to run again...We came back to Toulépleu in September 1998. In September 2001 I came to Ghana. I came alone, and then my family joined me here.¹⁵¹

Côte d'Ivoire

Côte d'Ivoire, alone among the host countries for Liberian refugees, did not initially support camps. Instead, Liberians were integrated with the local population in the Zone d'Accueil des Réfugiés.¹⁵² The Zone d'Accueil des Réfugiés was made up of the four departments of Danané, Toulépleu, Guiglo, and Tabou communities on the Ivorian/Libarian border.¹⁵³

In 1995, one camp was established at Nicla after an armed incursion from Liberia into Taï, during which Liberians and Ivorians were killed.¹⁵⁴ In 2001, to qualify for assistance, UNHCR required incoming refugees to settle at Nicla, rather than integrating within the Zone d'Accueil des Réfugiés.¹⁵⁵



Because ethnic groups exist across national borders in the sub-region, many refugees who fled to Côte d'Ivoire settled in ethnic enclaves. For example, the Gio settled in the area of Danané and the Krahn settled in the area of Guiglo where Ivorians of the same ethnic group were living.¹⁵⁶ As of 2001, more than 122,000 Liberians were living in Côte d'Ivoire.¹⁵⁷

Many Liberians adjusted to life in Côte d'Ivoire. For example, a young woman now living in Ghana told the TRC that she arrived in Côte d'Ivoire as an eight-year-old. In the UNHCR camp, she "was able to get rice and other aid, including a chance to further her education at a U.N. school."¹⁵⁸ But difficulties remained. Life in Côte d'Ivoire was described as very difficult for those refugees who did not speak French.¹⁵⁹ Liberian refugees faced continuing safety issues because of cross border incursions from Liberian rebel factions.¹⁶⁰ When many Liberians returned to Liberia after the election of Charles Taylor, Ivorians accused Liberian refugees of burning the houses and the rice they had planted.¹⁶¹ When these same refugees sought to return, local chiefs were less welcoming.¹⁶²

Liberians also complained of harassment by security forces in the Zone d'Accueil des Réfugiés as well as in other parts of Côte d'Ivoire.¹⁶³ One statement giver described how refugees were attacked by NPFL forces from Liberia if they stayed near the border, but, if they went to the interior of Côte d'Ivoire, they were harassed by the Ivorians.¹⁶⁴ Human rights groups reported that Ivorian security forces often would force Liberians to pay bribes or would subject them to arbitrary arrest and beatings as they tried to travel within Côte d'Ivoire.¹⁶⁵

The situation became more complicated as fighting spread throughout the sub-region. Ivorians increasingly viewed Liberians as potential rebels or fighters trying to destabilize Côte d'Ivoire.¹⁶⁶ Fighting broke out in 2002 in Côte d'Ivoire, after a failed coup attempt against President Laurent Gbagbo.¹⁶⁷ Life in the Niela camp near Danané became dangerous as rebels gained control of the area.¹⁶⁸ In 2003, refugees had to be evacuated from the western part of the country to escape more fighting.¹⁶⁹ Tens of thousands of returning Liberians as well as Ivorian refugees entered Liberia to escape the conflict in Côte d'Ivoire.¹⁷⁰ One statement giver described how the Ivorian army blamed Liberian refugees for rebel incursions into Côte d'Ivoire and began to kill the Liberians.¹⁷¹ He stated that more than 20 of his friends were killed in Taï, Côte d'Ivoire.¹⁷² The young woman described above who had gone to school in Côte d'Ivoire, said that she "couldn't stand the tension in Côte d'Ivoire by 2003, [so] she decided to go to Ghana."¹⁷³ Another statement giver summarized her experience:

I and my baby sister lived in la Cote d'Ivoire from 1990 to 2002. I was in Danané, Cote d'Ivoire, when the Ivorian civil conflict broke out. The war there started a day after I arrived in Danané. I left Cote d'Ivoire to go to Ghana because of the outbreak of the war there. I have not seen my baby sister since I left that country...¹⁷⁴

Statement givers also reported that Ivorian fighting factions recruited Liberians to fight in their civil conflict. One said that Ivorian rebels wanted Liberians to fight for them because "Liberians know about fighting."¹⁷⁵ When the statement giver refused to fight, the rebels punished him by hanging him in the air and tying his penis to a stake, until the group leader ordered them to release him.¹⁷⁶ The constant threat from rebel raids and the growing resentment of the Ivorians was cited by numerous

statement givers as the reason they left Côte d'Ivoire.

Sierra Leone

Tens of thousands of refugees from Liberia fled to Sierra Leone, particularly during the second civil war. During the 1990s, there were fewer than 14,000 Liberians in Sierra Leone, but starting in 2002, more than 60,000 people had sought refuge there.¹⁷⁷ Nearby Lofa County produced the majority of Liberians who left to live in Sierra Leone as refugees.¹⁷⁸ Accordingly, some chose not to move into UNHCR camps because they could integrate into the local community and wanted to be near the border to tend fields back home.¹⁷⁹ But when fighting arose in March 2002, many Liberians who had settled in villages in Sierra Leone along the border with Liberia were moved by UNHCR further inland.¹⁸⁰

One statement giver described his memories of life as a refugee in Sierra Leone to the TRC:

Life in Bo was very difficult for us. We and the other Liberian refugees were often mistreated by the Sierra Leoneans and discriminated against. On one occasion, my male cousin got into a fight at the village water pump after one of the local residents had cut him in line for water. During the fight, the cousin was badly injured. Instead of investigating the incident and punishing the individual who had instigated the fight, the police arrested my cousin instead...

One night after living in Bo for approximately eight months, I awoke to hear gunshots being fired. I jumped out of bed and started running into the woods with my brother. As I was running, a bullet passed between us and came within inches of hitting us. While fleeing, we were separated from the rest of our family...We traveled for a week on foot from Bo to Freetown. As we traveled, we encountered many more people fleeing the violence and eventually were reunited with some of our family members including my aunt and her three children, two brothers, and another cousin. The refugees traveled together as a group, sleeping on the ground, drinking river and rain water, collecting cans of food that [we] found along the way, and begging for rice and other food when [we] would encounter villages on the way. During this time, only one family allowed the group to stay temporarily with them. On one occasion [we] encountered a Red Cross mobile unit, but the unit had no plates or utensils, so [we] had to eat the food out of their hands.

Eventually, we reached a refugee camp near Freetown. The camp had no

formal organization or protection and security measures, but it provided a safe community space for the refugees to live together.¹⁸¹

Other statement givers noted that they received services in the camps in Sierra Leone from non-governmental organizations and UNHCR. Statement givers reported receiving medical care¹⁸² and that younger Liberians were able to continue their education.¹⁸³ One statement giver, a young girl at the time, said that she stayed in Sierra Leone for a year so that she could go to school and that “everything was provided” by the United Nations.¹⁸⁴

As the Liberian conflict spread to Sierra Leone, thousands of Sierra Leoneans became refugees in Liberia. The regional conflict pushed both Liberians and Sierra Leoneans back and forth across the border, as well as to other countries in the sub-region. The young girl described above noted that:

In Sierra Leone, Liberians were targeted because the [refugees] were thought to be rebels. Women were not targeted as much. She told her cousins to speak their own native language in Sierra Leone so that the rebels there wouldn't think they were part of the conflict in Sierra Leone. She told the kids that they shouldn't dress like Sierra Leone boys. Her cousins were at risk in Sierra Leone, and the tension was growing. They didn't want to stay in Sierra Leone. She wanted to go back to Liberia.¹⁸⁵

Guinea

In the late 1990s, Guinea, bordered by Liberia and Sierra Leone, found itself host to hundreds of thousands of refugees from both countries.¹⁸⁶ Although numbers of Sierra Leonean refugees diminished starting in 2002, hundreds of thousands of Liberians remained in Guinea.¹⁸⁷ Refugees were assisted by UNHCR in 60 camps as well as in border villages.¹⁸⁸

According to one statement giver who now lives in Philadelphia:

Life in Guinea was hard. I did not speak French, and I did not have access to different things that I needed in life. Because of the way I spoke and the way I dressed, I stood out as Liberian, and people would not talk with me. Initially, the Liberians were not given ID cards, and the gendarmes would walk around asking for individuals' ID cards and they would collect fines from those who did not have them. Ultimately, though, I was able to get a job with the IRC...¹⁸⁹

One participant in a palava hut meeting in a suburb of Atlanta told the TRC that Liberians in Guinea

were rounded up and held in “concentration camp” conditions.¹⁹⁰ He noted that in Kindia there was a military torture brigade similar to the Liberian Anti-Terrorist Unit (ATU) that would torture refugees.¹⁹¹ “It didn’t matter where you actually were from, but if you were part of any Liberian tribe you were assumed to be a trouble maker.”¹⁹²

This statement reflects the security concerns created by a spreading sub-regional conflict. Ultimately, refugees were caught between rebel forces attacking across the border, civil dissidents in Guinea, and the Guinean army.¹⁹³ Numerous reports emerged of killings and kidnappings in the refugee camps by rebel forces.¹⁹⁴ “Guinea was not a safe place to be because it was too close to Liberia and people were being killed there as well.”¹⁹⁵ One statement giver in Ghana described how she disguised herself as old to avoid being taken.¹⁹⁶ Amnesty International reported that LURD was recruiting from among refugees in Guinea in 2001.¹⁹⁷

LURD rebel activity created other problems for refugees. In 2002, the Guinean President made a radio broadcast “alleging that Liberian and Sierra Leonean refugees in the country were a source of insecurity and should be sent home.”¹⁹⁸ This statement resulted in refugees becoming “the victims of numerous human rights abuses, including arbitrary arrest, harassment, sexual abuse, extortion, eviction and disappearances.”¹⁹⁹ Guineans also became concerned about overuse of farm land because of the influx of refugees.²⁰⁰

Many of the refugees who left Sierra Leone, Guinea, and Côte d’Ivoire because of security concerns, found their way to Ghana. Because Ghana does not share a border with Liberia, it provided relative calm in comparison to neighboring countries where cross-border incursions had become a problem. Moreover, the conflict in Liberia eventually engulfed Sierra Leone and Côte d’Ivoire, making Ghana one of the only safe options.

To further examine the experiences of the Liberian Diaspora living in refuge in West Africa, the following section focuses in detail on the situation in the Buduburam Refugee Settlement in Ghana. Buduburam is the largest remaining camp of the many Liberian refugee camps that were established in West Africa. Because of its size, and because many of the refugees who reside there spent time in other camps around the region, the Liberian TRC chose to focus statement taking efforts in that settlement.

Ghana

Many refugees who left Sierra Leone, Guinea, and Côte d’Ivoire because of security concerns, found their way to Ghana. Two refugee camps existed in Ghana, Krisan-Senzolli and Buduburam. In 1997, UNHCR reported that approximately 17,000 refugees were residing in Ghana.²⁰¹ In 2007, when the TRC took statements in the camp, Buduburam was home to between 35,000 and 40,000 Liberians.²⁰²



A sizable number of those individuals were children who had been born in Ghana and who had never seen Liberia.

In 1990, Liberian refugees began pouring off of ships into the port of Tema, near Accra, Ghana. Escaping the devastation in Liberia, they sought safe haven in Ghana's relative stability. None of these Liberian refugees thought they would still be in Ghana almost two decades later. In the settlement, there is an overriding sense of languishing in limbo and

deep frustration about what is seen as more than a decade of life wasted. Even so, refugees in Ghana expressed little interest in returning to Liberia at the time, often because of an abiding fear. Events in Ghana, however, pushed many to return home.

BUDUBURAM REFUGEE SETTLEMENT – LIFE IN LIMBO

Buduburam was established, like most refugee camps, as a tent city to provide for the immediate needs and physical security of a war ravaged population. The settlement, approximately 35 kilometers (22 miles) outside of Accra, is adjacent to a Ghanaian village. A panoply of international agencies coordinated by UNHCR provided services in the early years of the camp's existence. A statement giver told the TRC "first [we] lived in a shelter. The U.N. gave [us] a tarp and you cut your own sticks. People could build houses."²⁰³ Another statement giver noted that in "Ghana there were many volunteers to help with food and supplies."²⁰⁴ As a result of the more than a decade of conflict in Liberia that made return unimaginable for many, Buduburam became increasingly established. Residents replaced tents with more permanent structures of brick, tin, or wood. Today the settlement looks much like Ghanaian villages in the surrounding district, except that almost everyone living there is Liberian.²⁰⁵

Despite the surface similarities, life in Buduburam is not like life in other Ghanaian villages. Liberians live in a protracted state of limbo. As outsiders living in Ghana, but with nothing to draw them home to Liberia, they wait for something to force a change. Many Liberians in Ghana have a precarious legal status. Through the 1990s, UNHCR recommended *prima facie* refugee status determinations for Liberians entering other African countries.²⁰⁶ This determination enabled Liberians to access the valuable refugee identification card that entitled them to a number of services. In 2000, however, the Ghanaian government began processing refugee status determinations on an individual basis.²⁰⁷ This

change left many who arrived in Buduburam after the initial waves in the 1990s with an uncertain legal status in Ghana and without entitlement to assistance from UNHCR.²⁰⁸ A backlog of cases exists, and many Liberians are not even aware of whether their status determination has ever been made.²⁰⁹ Meanwhile, those in Buduburam try to make ends meet while dealing with their memories of war.

Every day at Buduburam is harder than the day before, and nobody at the camp can help me. When I first arrived, I sold bags of water so that I could go to school on the camp. Now, there are many days when I don't bathe or eat, and when I beg for my food. I'm haunted and permanently depressed by the loss of my family, and feel deep sadness whenever I see other people's kids on the camp.²¹⁰

All those who fled Liberia have suffered the same devastating trauma described in the previous sections of this report. The mental health consequences of that trauma go largely unaddressed. The need for psychological counseling for refugees was clear in TRC statements, and statement givers themselves identified the need for counseling assistance.²¹¹ An illustrative case is that of a middle-aged Liberian man who had been a soccer player and had managed his family's business before the war.²¹² Two of his former employees led a raid on his home during which NPFL rebels killed his father and aunt, raped his sister, and beat his children and threatened to throw them into his burning house. The rebels repeatedly slashed him all over his body with a cutlass. He and his remaining family were saved only by an attack from an opposing rebel force.²¹³

This man described the daily suffering and mental strain he endures as a result of the torture he experienced:²¹⁴

I am very nervous whenever I see people with [fire]arms, police on camp for example. I start to have flashbacks when I see them. I have nightmares over and over. I can't trust anyone anymore because the people who did this were my employees. I get splitting headaches with the flashbacks that take days to go away. It happens every couple of weeks. The pain in my legs is pretty constant. It is triggered just from walking.²¹⁵

This man's situation is demonstrative of a high rate of psychosomatic illness and depression in Buduburam.²¹⁶ Statement givers describe feeling "pressure," chest pain, feeling weak or faint, night sweats, and other symptoms. One woman reported feeling "dead" ever since she saw her brother tied up and thrown into their burning home.²¹⁷ A young man told the TRC that he used to work as a brickmaker but that now the pain from the beatings he received during the war keeps him from working.²¹⁸ "The sounds of war, gunboats, and airplanes are always in [my] head. They are terrible."

This statement giver told the TRC that he tried to drink kerosene one day in a suicide attempt.²¹⁹ A young woman living in Buduburam told the TRC that “sometimes she loses hope and wants to commit suicide. She has no education and no parents.”²²⁰

Living with the daily strain of this trauma, refugees in Buduburam also struggle to meet basic needs. Most in the camp are acutely aware of the obligations of the international community to protect refugees, yet they feel that they have been left to fend for themselves. Statement givers identified access to basic necessities as an ongoing issue 17 years after the camp had been established. Conditions at Buduburam are “very difficult...because we are not receiving adequate ration[s], sanitary condition is very poor, lack of proper health care, refugees are unemployed and opportunities for learning are lacking.”²²¹ One camp resident who fled Liberia when he was ten years old described his situation and perceptions of life. After losing both his mother and father in the war, this statement giver was brought to Ghana by a Liberian woman who took him in. She was then resettled in the United States, however, and since then he has not heard from her. The following is his interviewer’s description of his concerns.

He has since done yard work to make money, and this has allowed him to pay for his education. He was able to afford tuition with the help of a sponsor, and he finished his Buduburam education in 2002. He did not take the national exam, however, until 2004 when the UNHCR came to the camp to sponsor the test.

In 2005 he learned about electrical installation at a technical school, which was sponsored by AGRE and UNHCR. One of his teachers hired him for electrical installation jobs around Accra, but in November 2006 the teacher left for the United States and this work was no longer available. [He] has since sold water in the camp.

[His] time at the camp has been very tough, as he is generally alone. It is difficult to maintain steady employment, so he cannot obtain food on a consistent basis. He would also like to continue his education, which he has not been able to do. He is very dissatisfied with the economic conditions.

He has numerous security concerns. The camp is disturbingly polluted, as there are few available [toilets] and no one cleans it. He is very fearful of contracting malaria, typhoid fever, or dysentery. In particular, the public toilets and ‘the gulf’ are extremely unhealthy. Those in charge of the toilets charge 500 cedis for each use, and they have told him that as they are unpaid otherwise, they use the money for personal use, not for cleaning the toilet.

This leads [him] and others to use ‘the gulf’, an especially unsanitary field where residents go to ‘defecate for free.’ In addition to the health concerns posed by an open field of trash and feces, this is also where many robberies and beatings occur. [He] himself was attacked in July 2007 by two Ghanaian men in the middle of the day. Luckily for [him], two camp residents were nearby and prevented the attack from escalating.

[He] was also attacked in February 2007, when two camp residents and a Ghanaian man attacked him behind the internet café around 9 p.m. One of the internet café workers happened to come outside at that time, and the attackers – one of whom [he] often sees around camp – fled. The worker helped [him] inside, and he escorted [him] back to his home.

[He] explained that security conditions are very bad generally in the camp. He knows of three children that have gone missing in the past few years, only to turn up dead at various points within the camp. In 2002, a boy was found at ‘the gulf,’ and in 2003 they found a child at the dam. In 2004, a boy’s body turned up at St. Gregory College. Worst of all is the indignity of the deaths, as there is no way to properly bury them and no one bothers to investigate. He described a man named Miller, who was chopped to pieces in 2003. When the UNHCR showed up, they buried the body in a matter of hours and left without further investigation.²²²

This young man’s concerns were echoed again and again in statement taking in Buduburam. In fact, many residents are worse off because they have had no education and virtually no work. There is no freely available water in the settlement. All water for drinking, cooking, and bathing must be trucked in and then purchased on an as-needed basis.²²³ Food is available for sale in the markets in the camp and in various cook shops, but many cannot afford it.²²⁴ The World Food Programme provides food rations for individuals identified as vulnerable,²²⁵ but numerous statement givers stated that they could not get on the “list” for food, or that some refugees were on the list and others were not, with apparently little information available about the rationale for exclusion.²²⁶ Many complained that distribution of rice had been stopped and replaced with corn,²²⁷ which is not a Liberian staple and was perceived by some Liberians to be comparable to animal feed. Like so many other programs in Buduburam, funding for the food distribution program had been dramatically cut over the years. In fact, the coordinator, a Liberian refugee, was volunteering his services and had not been paid for months.²²⁸

Statement givers also repeatedly mentioned problems accessing adequate healthcare in the camp. This sentiment was echoed in interviews with staff from the St. Gregory Catholic Clinic, the only

health care facility in Buduburam.²²⁹ As of October 2007, UNHCR was paying for two physicians to work part-time at the camp, but does not fund any other clinic staff.²³⁰ The clinic is managed by a volunteer assigned by a French non-governmental organization. Out of the 34 staff at the clinic, 30 were Liberians, all of whom were working without Ghanaian employment authorization.²³¹ Fees are charged so as to keep the clinic running, but refugees are frustrated about the costs.²³²



There are limited services available to treat specific health issues in Buduburam. The UNHCR and the National Catholic Secretariat have operated an HIV/AIDS Program in Buduburam Camp since 2002.²³³ It offers walk-in HIV-testing, an anti-retroviral program, prevention of mother-to-child transmission program, outreach and education, and post-exposure prophylaxis.²³⁴

A small number of support services are available in Buduburam for women victims of violence, but as with the services for physical health needs, the mental health services do not begin to address the scope of the problem in Buduburam.

Security, especially for such a severely traumatized population, is a critical concern. Liberians in Buduburam, although they felt safer for the most part than in Liberia, were clearly afraid for their security.²³⁵ Official crime statistics are not publicly available,²³⁶ but the Neighborhood Watch Team (NEWAT) notes in its literature that the group was “established due to the uncontrollable crime rate in the settlement; such crimes are as follows: robbery, juking²³⁷ of people at night, rape, abduction of children, illicit drugs, burglary, and kidnapping...”²³⁸ NEWAT also notes that, since its establishment in 2002, crime has been reduced to almost “zero level.” The Ghanaian police also maintain a 24-hour presence in the camp, with two to three officers present during each shift.²³⁹

Despite NEWAT’s assertion of a “zero level” of crime, security concerns remain for those who spoke to the TRC. Confrontations with Ghanaians including alleged abductions and ritual killings,²⁴⁰ concerns about perpetrators from the Liberian civil war moving freely about the camp,²⁴¹ and issues of sexual assault and domestic violence were consistently reported.²⁴² A woman statement giver told the TRC that the female NPFL fighter who had facilitated her gang rape by the NPFL was still in the camp and that the statement giver saw her everywhere.²⁴³ Another statement giver noted that in a town near Buduburam she was approached on the road by a man who called her name and said, “So

[A], you're still living. We will get you..."²⁴⁴ One statement giver noted that "Liberians know not to go out alone, but rather to travel in groups"²⁴⁵ because of fear of being targeted by Ghanaians. Ethnic tensions among Liberians, especially targeting those of Krahn ethnicity, remain a problem as well.²⁴⁶ The Refugee Welfare Council previously hosted county league soccer tournaments, but the matches between Grand Gedeh (home of the Krahn tribe) and other counties became so heated that inter-county competitions were discontinued.

Because the Liberian conflict lasted so long, refugees in Buduburam have seen funding for settlement services ebb and flow, and have had to suffer firsthand the consequences of "donor fatigue."²⁴⁷ Support from UNHCR and other non-governmental organizations continued through the early 1990s; after Taylor's election in 1997, however, UNHCR initiated a policy of repatriation. UNHCR funding for most programs at Buduburam was eliminated, although funding continued for certain programs serving refugees identified as vulnerable.²⁴⁸ All services in the camp virtually ceased after the withdrawal of UNHCR funding, but only a few thousand Liberians were repatriated.²⁴⁹ Water supply to the camp ended in 1996.²⁵⁰ The camp clinic closed in 2000 because of lack of funds, ultimately reopening under the auspices of a Catholic charity.²⁵¹ The implementing partner for the camp school pulled out in 2000 because of lack of funds.²⁵² The main result of the UNCHR funding withdrawal is that all services in the camp became fee-based.²⁵³ The overriding complaint from Liberians living in Buduburam is that life in Ghana was "hard" because they had to pay for everything, including food, water, medical care, use of the toilet, and school fees. One statement giver told the TRC that "he tries to eat one meal every day but sometimes does not eat. Everything on the camp costs money."²⁵⁴

Wasted Years

Having to pay for these services would not be such a hardship if sufficient employment existed. But the lack of employment and educational opportunities led many to describe their time in Buduburam as "wasted" years.²⁵⁵ Liberians are legally entitled to work in Ghana if they obtain a permit.²⁵⁶ Even with the appropriate documents, however, jobs are almost impossible to come by. Subsisting off of remittances from family and friends abroad, or doing "small, small" work, such as petty trading or braiding hair, Liberians in the camp try to make ends meet.²⁵⁷ One woman told the TRC that she collects discarded plastic water sacs for recycling so as to make some money, but she still has to beg for food in order to eat.²⁵⁸

The cycle of missed opportunities is evident to almost everyone. Many cannot afford to send their children to primary school because they cannot pay the fees.²⁵⁹ Those who can send their children realize that they may have limited opportunities in a land where they are foreigners.

Our children who are here are not in school because we don't have money to send them. We're depending on them to rebuild. My children are just sitting

there with nothing to eat or drink. I want them to go to school anywhere – they have nothing to do here. They can't get a job.²⁶⁰

Some refugees attempt to get vocational training at one of the on-camp schools or in the neighboring Ghanaian schools, but complain that fees are high and, even upon completion of a degree, there is little work.²⁶¹ A young woman statement giver who was in a beauty training program told the TRC that she “often walks to Accra or Kasoa to earn money by styling hair. On the trips she sleeps on the streets, often in the rain.”²⁶² This statement giver said that, despite the money she makes, she often has no money to buy food or water and relies on the help of friends.²⁶³ Another young woman told the TRC a similar story:

I came from the fire to the frying pan at this camp. Life in the camp is very hard. I go to town to braid hair for money to buy food. My brothers and sisters sell small goods for money. One of my sisters began prostituting at the age of 13. I went to school in the camp and paid for it myself. I would go to town Friday after class and work braiding hair all weekend. I would sleep on the streets for the weekend and go back to camp Sunday night.²⁶⁴

Life as a Woman in Buduburam

As these last two statements demonstrate, life for women in Buduburam is particularly precarious. Liberian refugee women face tremendous economic hardship because of altered familial structures and a lack of economic opportunities and aid. Family separation and flight has left many women alone to raise children. One woman in Buduburam described how she and her family split up to survive in 1997.²⁶⁵ Her husband left by himself, because he did not want to put his family at risk while people were looking for him.²⁶⁶ She gave birth to their last child in October 1997 and has not seen her husband since then.²⁶⁷ She later discovered from friends that he is now re-married and living in the United States.²⁶⁸ Another refugee in the camp described her situation, “as a single mom, it is very difficult to afford to send the children to school and some days we don't eat.”²⁶⁹

In many cases, women statement givers described taking responsibility for the children of others. These situations increased during the war. They included women who found and protected the children of neighbors or relatives during an attack or after fleeing violence, and other women who took care of the children their partners or husbands had with other women after the mothers were killed or lost in the conflict.

Refugee life is especially difficult without a husband. Since the September 18, 1998 fighting in Monrovia, I have not seen my husband. I generate a meager income from pastry making and selling cold drinking water. I am

here with my children and step-children; five children of my own and four step-children. I am also catering to six of my grandchildren.²⁷⁰

Some women reported being forced by extreme poverty into prostitution. One woman whose parents were each killed during the war said that to make a living she worked in domestic labor and in sex work. She became pregnant as a result of her work in prostitution and had a son who lives with her in the camp. She stated, “life at the Buduburum Camp is very difficult; my son and I barely survive.”²⁷¹

Violence against women is a serious problem in Buduburam. Many statement givers recounted incidents of rape and domestic violence. In one case, a woman who was raped as a child during the war was raped again in the camp:

The rebels raped my mother and me when I was six years old...We were helped by ordinary civilians to get to Ivory Coast where we stayed for five years. My mother sold produce to provide medical care for the infections I had. Then we went to Ghana. The abusers were in the camp. I was once attacked by the same group who had raped me in Liberia. My mother advised me not to bother with the rapist so I decided to put the first rape behind me.²⁷²

Then I was raped again in Ghana by a teacher. I passed out after the rape. I reported the rape to the Ghanaian police. The teacher has since been released and blames me for bringing disgrace upon him. My mother and I are still in Ghana. We fear for our lives because the rapists are on the camp. These people are dangerous and could harm us any time with impunity.²⁷³

Some statement givers describe receiving no assistance from police when they reported crimes. Others reported that it would be futile to even attempt to make a report to the police. One woman reported how boys wearing masks raped her in Buduburam, where she was living alone. She stated the reason she did not report the incident to the police is because she has no family with her in Ghana.²⁷⁴ Another Liberian woman summarized:

[T]he camp is difficult for single mothers. It is not safe. When their children are beaten they can't protect them; some children have been killed, some men kill their wives and there are rapes, but the police do not respond.²⁷⁵

Taking Matters into their Own Hands

While there is significant frustration and hardship in Buduburam, Liberians there have built a vibrant community and have developed structures to attempt to provide the support their community needs. There are no less than 70 registered community-based organizations operating in Buduburam.²⁷⁶ These groups address many issues, including orphaned children, water, literacy, disability rights, peacebuilding and community reconciliation, and women's rights. Many refugees have started training programs to help their fellow Liberians

learn productive skills. Some of these organizations have external donor funding and significant international volunteer support. The faith community in Buduburam is also very strong.



Despite these community structures, life for many in Buduburam has been simply a nearly two decade waiting game. Although frustrated with life in Ghana, Liberians in Buduburam overwhelmingly told the TRC that they did not want to return to Liberia until they were certain that the security situation was improved and until they had had an opportunity to gain skills or savings to start over.²⁷⁷ Some noted they never wanted to go back.²⁷⁸

If I ever went back, I don't know where I would live...I want to send my children to school, but I'm not able to. I know that my children are an investment in the future, but I cannot afford to feed them properly. I hope that one day my children will empower themselves and live somewhere else. Despite my problems, I feel I would suffer more in Liberia.²⁷⁹

Many said they did not want to return because they had no one and no place to go back to in Liberia.²⁸⁰ The young woman who spoke to the TRC about her sister engaging in prostitution stated that, although she wasn't sure whether life in the camp was worse than in Liberia, "at least in the camp I've started, I know people. In Liberia I'd start all over."²⁸¹ Another noted, "how can we go home? We don't even recognize it."²⁸²

Statement givers also expressed fear of returning to a place where they had experienced so much trauma. Numerous individuals noted that they could not go back to a place where their loved ones had been killed and harmed in such terrible ways.²⁸³ Statement givers also expressed fear because faction leaders whom they viewed as responsible for the abuses perpetrated against themselves and their

families are now leaders in government or are known to be living freely in Monrovia. Others noted that they had heard perpetrators who had carried out attacks on them were now in other positions of power, such as in the police.²⁸⁴

While waiting for the situation in Liberia to improve, many in Buduburam also desperately hope for resettlement in a third country. A statement giver now living in the United Kingdom told the TRC she had lived in Buduburam for nine years before being resettled.²⁸⁵ Another statement giver now in Minnesota told the TRC that he was in Buduburam for almost ten years before being resettled in the United States²⁸⁶ Both of these statement givers, like countless others, left family members behind who are still waiting.²⁸⁷



As conditions in Liberia continued to improve, however, resettlement began to fade as a viable option.²⁸⁸ At the beginning of 2008, the Ghanaian government announced a multi-million dollar program to integrate Liberian refugees into Ghanaian society, as previous repatriation efforts had met with minimal participation. In mid-February 2008, a group of refugees delivered a petition to the UNHCR and the Ghana Refugee Board. The petition stated that they “strongly oppose” integration into Ghanaian society and that they were requesting to be resettled in a third country or to be given \$1,000 USD (the standard repatriation allowance was \$100 USD) in order to start a new life back in Liberia.²⁸⁹ In conjunction with this request, hundreds of Liberian refugees – primarily women and children – held a five-week long protest on the central sports field in Buduburam.²⁹⁰

On March 17, 2008, Ghanaian authorities arrested 630 of the protesters,²⁹¹ in some cases separating families when mothers or children were taken away while other family members were left behind.²⁹²

The detained protesters, virtually all women and children, were taken to Kordeabe Youth Camp in the Eastern Region of Ghana, a several-hour drive from Buduburam and held there for several days. The Ghanaian Minister of the Interior threatened to strip all the detained refugees of their status and summarily deport them back to Liberia within a week.²⁹³ Although that threat was never carried out, 16 detained Liberians, 13 of whom had valid refugee status, were summarily deported to Liberia without due process of law.²⁹⁴

The Liberian government, the UNHCR, and the Ghanaian government began negotiations to resolve the standoff. Ultimately, the tripartite group came to an agreement to “close” the camp and repatriate the refugees back to Liberia. Reports from the camp as of early 2009 are that Liberians from Buduburam are registering for repatriation and are returning home, though there was no change in the stipend for returnees.²⁹⁵ Thousands of refugees still remain in Buduburam, despite the reality that almost no Liberians are being resettled out of Ghana to third countries at this time and that Ghana may no longer recognize Liberians as refugees.²⁹⁶

REFUGEE RESETTLEMENT IN THE UNITED STATES

Resettlement, along with repatriation and local integration, is one of three durable solutions to refugee crises.²⁹⁷ Throughout the Liberian conflict, thousands of refugees were resettled in third countries. Even so, this number of resettled refugees is an extremely small percentage of the total number of Liberian refugees. Between 1980 and 2007, the United States resettled approximately 31,500 Liberian refugees out of the estimated 500,000 who fled.²⁹⁸ The decision to offer third-country resettlement is complex, involving foreign policy, humanitarian, and practical considerations.²⁹⁹ Designation of third-country resettlement can result in a “magnet” effect of new migration and may be resisted by the host country government.³⁰⁰ The durable solutions often are in tension with one another, and the offer of resettlement may disrupt efforts seeking repatriation – long considered the most desirable solution by UNHCR³⁰¹ – or local integration.³⁰²

The United States’ Refugee Program resettles refugees in the United States.³⁰³ The United States’ Refugee Program coordinates with the UNHCR, and private organizations referred to as Overseas Processing Entities and Voluntary Agencies. Using a priority system, cases are designated into categories, Priority One through Five. Priority One cases (P1) include those most in need of resettlement and are referred by the UNHCR or the local U.S. Embassy. Priority Two (P2) cases include those of special humanitarian concern. The remaining priority categories are for family members of refugees or asylees living in the United States. Priority Three (P3) cases have been open to Liberians sporadically during the past decade, allowing some spouses, minor children, and parents of Liberian refugees to join family in the United States. Priority Four and Five categories, which allow resettlement of more distant relatives, have been closed to all resettlement since 1999.³⁰⁴

Refugees entering the United States through the United States' Refugee Program have legal status as refugees upon their admission. Refugees are authorized for employment and have limited access to certain public assistance programs. Local resettlement and assistance programs, affiliated with the national Voluntary Agencies and funded on a per capita basis by the federal Office of Refugee Resettlement, provide short-term practical and financial assistance to resettled refugees in the months immediately following their arrival. After one year, refugees are required to register for lawful permanent resident status; five years after admission, they may apply for citizenship.

ASYLUM

My aunt left the children at the refugee camp and went into Freetown to call my parents in the United States. My aunt discovered that my parents had previously given a friend all their savings to come to Sierra Leone and find the family and return them safely to the U.S. Instead, this person had used the money to bring their own family members back to the US instead of me and my family.

My parents were able to wire enough money to my aunt to get a car and bring all of us children to Freetown. My parents were then able to successfully send a member from their church in the United States to go to Sierra Leone and bring us to the United States...once we got to New York, we immediately claimed asylum.³⁰⁵

While more than 30,000 Liberians were resettled as refugees in the United States,³⁰⁶ thousands more sought asylum in the United States based on their fear of return to Liberia. Like refugee status, asylum may be granted to persons who have a well-founded fear of persecution on account of their race, religion, nationality, membership in a particular social group, or political opinion. Unlike the refugee resettlement process, however, asylum applications are made by individuals who are in the United States. Those granted asylum receive similar, although not identical, protection from return to their home country as refugees, while those denied asylum ultimately face deportation from the United States.

I was already in America when Monrovia fell, and once the Liberians arrived here in the United States shortly thereafter in large waves, the system was not ready for them. It took almost four to five years for the processing of asylum applications, and [Temporary Protected Status] (TPS) did not come until maybe 1991. In the interim, the immigration service was not giving people asylum and not making decisions, it was simply accepting people's applications, giving work authorization and then the files lingered. It

was later when the U.S. government established the asylum offices in the different districts that cases began to be processed.³⁰⁷

The number of Liberian asylum seekers rose dramatically as a result of the outbreak of war at the end of 1989. In 1989, the number of Liberians seeking asylum in the United States was 27. By 1990, that number had jumped to 1,572. Ultimately, more than 6,600 individuals were granted asylum by the Immigration and Naturalization Service between 1992 and 2007. An additional 1,789 individuals were granted asylum between 1997 and 2007 by the Executive Office for Immigration Review.³⁰⁸ Of the 1,309 Liberian asylum applications decided by Immigration Judges between 1994 and 1999, 44.5 percent were denied.³⁰⁹

I struggled to get my own immigration status in the United States. When I applied for asylum, the asylum office lost my application and they could not locate it. Going through all this by myself, it made me realize that I had lost my own innocence as a young woman and now had to do things on my own.³¹⁰

It took ten years for my asylum status to be granted, and another five or six years until I was granted my green card.³¹¹

Liberian asylum seekers, like all asylum seekers in the United States throughout the 1990s, faced a difficult and lengthy process. By 1994, the Immigration and Naturalization Service, the agency then responsible for adjudication of asylum cases, had a backlog of more than 425,000 pending asylum claims.³¹² In some cases long processing delays led to changes in circumstances in Liberia or in the United States that affected pending asylum claims.

I graduated from high school in Staten Island and I have worked in the USA and paid taxes but I have had difficulty acquiring permanent resident status. I came to the U.S. with my mother in 1988, but my mother's asylum application was not approved until 1996. By that time it was too late for me to be approved under my mother's application because I was already 21. I had to begin my application all over again.³¹³

Delays in asylum cases often meant prolonged separation from families left behind in Liberia or in refugee camps in the sub-region. While asylum seekers are permitted to remain in the United States while their cases are pending, they cannot petition for their immediate families to join them until they are granted asylum.³¹⁴ One statement giver described a common story: "By August 1997, I left Liberia and came to the United States and applied for political asylum. My family had been living in the Ivory Coast, but they joined me in the United States after four years."³¹⁵

Some asylum seekers have been unable to reunite with their families due to the limits on family relationships recognized under U.S. immigration law. One statement giver's story is common: "After I obtained asylum in the United States I was able to bring two daughters here. My four other children were denied visas on grounds that they were not my biological children, so they remain in Guinea."³¹⁶

Many asylum claims by Liberians were denied.³¹⁷ For some Liberians, this denial has meant remaining legally in the United States under TPS,³¹⁸ now Deferred Enforced Departure (DED).³¹⁹ For others, it has resulted in arrest, detention, or deportation by Immigration and Customs Enforcement.³²⁰

I filed for political asylum in New Jersey. The case was decided by a court in Minnesota, where I had moved. Before moving back to New Jersey, I filed an appeal with the Board of Immigration Appeals (BIA) and notified the BIA in writing of my change of address. In March 2006, I was arrested for overstaying my visa and was taken to a prison in York County, Pennsylvania. It was only then that I found out that the BIA had entered an order for deportation after not receiving my appeal. I was detained in York County prison until September 2006, when I was taken to Virginia to see the Liberian consulate. I was then moved to a prison in Louisiana. In October 2006, I filed a habeas corpus petition alleging that I had been unfairly detained. In total, I was imprisoned for nine months. I was released in December 2006 under an order of supervision and have continued to report to my immigration officer. My immigration status has yet to be determined.³²¹

TEMPORARY PROTECTED STATUS

So many Liberians have been unable to straighten out the mess with immigration that [Temporary Protected Status] has created. Now there are Liberians in the United States with 18 or 19 years of TPS.³²²

Beginning on March 27, 1991, the United States extended TPS³²³ to Liberians then present in the United States because of the conflict raging in Liberia.³²⁴ TPS provides a blanket temporary safe haven to eligible nationals of designated countries in 12- or 18-month increments.³²⁵ People on TPS are not subject to removal and are authorized to work during the designated period. Approximately 15,000 Liberians in the United States registered for TPS at the height of the program. By design, TPS does not lead to permanent resident status.³²⁶ When TPS ends, beneficiaries revert to the same immigration status they held before TPS (unless that status had since expired or been terminated) or to any other status they may have acquired while registered for TPS. Those with a final order of removal (deportation) may be deported without further hearing.

Although Liberians were not required to choose between TPS and other, more permanent immigration options such as asylum or family-based immigration, in practice Liberian asylum cases often were “administratively closed” by immigration judges or de-prioritized by overburdened Asylum Offices because TPS was available to them. People in this position were permitted to work and to remain in the United States, but they were unable to reunite with family members who remained outside the United States or to secure the more permanent asylum status which leads to lawful permanent residency and, eventually, citizenship.

Each year, Liberians on TPS were required to re-register for TPS, paying filing fees to renew their status and work permission. In September 2006, the Department of Homeland Security announced the termination of Liberian TPS, effective October 1, 2007. On September 12, 2007, President Bush announced that Liberians who were registered under TPS would be permitted to remain and to work in the United States under DED, a similar status to TPS, until March 31, 2009. On March 20, 2009, President Obama extended DED for Liberians for an additional 12 months from March 31, 2009.

The termination of Liberian TPS caused great anxiety throughout the Liberian community in the United States. Social workers and police officers reported increases in truancy among Liberian students because parents kept children home out of fear they would be deported while at school.³²⁷ One social worker reported that clients were hoarding food out of fear that their work authorization would end.³²⁸ After many Liberian families had experienced traumatic family separations during the conflict, Liberians on TPS feared the same fate. One community leader stated:

[W]e have a situation where some people have been on TPS now for eighteen years. We have families that came from Liberia with two children, they had two children here, and they're on TPS. The American-born children can stay, but the Liberian-born children have to leave.³²⁹

The termination of TPS coincided with dramatic increases in immigration enforcement generally and with a contentious Congressional immigration debate, further exacerbating community fears. A faith leader in the Liberian community noted that it has been “disappointing, considering the historic ties between Liberia and the United States for Liberians to be begging to stay in the United States.”³³⁰

The Liberian Refugee Immigration Fairness Act of 2007, S. 656, was introduced in the Senate on February 16, 2007. The House companion, the Liberian Refugee Immigration Protection Act of 2007, H.R. 1941, was introduced on April 19, 2007. This legislation, if passed, would have allowed eligible Liberians living in the United States, to apply for lawful permanent resident status.³³¹

LIFE AFTER RESETTLEMENT

The length of the conflict and the multiple changes of government resulted both in an extended period of emigration from Liberia as well as the emigration of specific groups as their political, social and economic fortunes changed. Resettlement, while clearly a desirable and safe outcome for many, has stresses of its own. This section of the report considers the experiences of Liberians in the third phase of the paradigm, resettlement outside their country of origin, and will focus specifically on the experiences of the diaspora community in the United States and the United Kingdom.

Successive waves of emigration to the United States by various groups are reflected in the statements of those who fled the Doe regime in the period 1980-1990, and the Taylor regime in the period 1997-2003, as well as those who left the country in the intervening years between the two regimes. Many early arrivals in the United States were not driven by the need to escape violence or persecution, but rather left Liberia for political or economic reasons,³³² to further their education³³³ or to work.³³⁴ In the 1970s there were only about 25 Liberians in Minnesota.³³⁵ “Most came...a technical college in the Minneapolis Uptown area that was providing training in mining technology...”³³⁶



In the aftermath of the 1980 coup, emigration to escape violence and persecution or to ensure personal safety increased and continued until the end of the conflict. “1980 came, the coup came, and Liberia became uninhabitable for a lot of people. And many of them found their way to [a third country], and it became sort of a temporary but permanent home, hoping that conditions in Liberia would change.”

³³⁷

As war broke out, Liberians who were already abroad were sometimes stranded in their host countries. One Liberian now living in the United Kingdom noted that he had arrived in the United Kingdom on a scholarship in 1989.³³⁸ He had been planning to travel back to Liberia to see his family when Charles Taylor’s and Prince Johnson’s forces began fighting for control of Monrovia.

My bags were packed when I received a fax through the student union stating that all Liberian students were to remain in the country because it was not safe to return to Liberia. At this point, I thought the restriction would only apply for a week or two. I waited with my suitcase packed but no one would tell me what was going on and there was no information coming out of Liberia. It was only when The Guardian newspaper started to report the events in Liberia that I became fully aware of the situation.³³⁹

During the civil wars, a majority of those arriving were refugees.

We had the post-1990 migration...except now the conditions in Liberia were so terrible, people came fleeing the war. Some had already given up on Liberia because [of] the trauma they faced, and some hope and want, [that] one day they will be able to return to Liberia.³⁴⁰

Post-conflict emigration has been driven in part by family reunification efforts. The demographics of the diaspora community in the United States thus show a community that is not monolithic, but rather includes members of different ethnic groups,³⁴¹ as well as persons who describe their tribe or ethnicity as “multiple tribes.”³⁴² This dramatic change in population “represent[s] different challenges, different opportunities, different demographics.”³⁴³ One community leader described the situation in this manner:

The group that came prior to the 1980s knew exactly what they were coming for, were focused, tended to have an education. The group that came ... between 1980 and 1990, was sort of a mix...the post-1990 migration pattern presents a different set of circumstances...We had families that relocated simply because...there was a refugee program. But the issues of cultural assimilation [were]...more difficult for those families and it's been a challenge for our community.³⁴⁴

The assimilation process begins as soon as new immigrants arrive and often starts with attempting to adjust expectations to the realities of life in a new land.

Arrival: Expectations vs. Realities in the United States

After a year [in Ivory Coast], we were interviewed by the Lutheran Church Family Refugee Program for eligibility to leave West Africa for refuge in the United States. I passed the interview and I and my wife soon boarded a plane which took us to JFK airport in New York. We were lent the money for the

plane tickets, which we would later slowly pay back to the Lutheran church in small monthly payments.

We suffered very much during our first three months in the United States. While we began the slow process of filing for relief funds, we lived in a homeless shelter with very little food. Later we were able to become eligible for the monthly refugee funds and move to Park Hill, Staten Island, where we now reside.³⁴⁵

While statement givers in the Buduburam refugee settlement overwhelmingly desired resettlement in the United States or in another English-speaking country outside of Africa, life for resettled refugees and other immigrants does not always match expectations, as described by the statement giver above.³⁴⁶ “[W]hat I experienced in the United States is not what I had heard before I arrived, and expected to experience.”³⁴⁷ Some statement givers described the fact that Liberians in Africa saw the United States as “paradise.”³⁴⁸ Another noted that Liberians see the United States as the iconic “land of milk and honey.”³⁴⁹ Resettled Liberian refugees and other immigrants have “very high” expectations that everything in their new country will be easy – it will be easy to find a job, easy to make money, easy to find a place to live.³⁵⁰ On the contrary, newly arrived refugees confront an array of issues including trouble finding housing,³⁵¹ food insecurity,³⁵² and difficulty finding sufficient employment.³⁵³ Even for immigrants who have traveled extensively, have visited the United States on previous occasions, or have heard from relatives and friends about the challenges of adaptation, high expectations often persist.³⁵⁴ “You can tell them, but they don’t believe you – they want to experience it for themselves.”³⁵⁵

Liberians noted that high expectations, particularly for life in the United States, come in part from a perception that there is a special relationship between the United States and Liberia, and accordingly, Liberians will be well-treated when they come to the United States.³⁵⁶ When Liberians arrive and discover that most Americans have never heard of Liberia, it is a shock:

There is no ‘special relationship’ between Liberia and the United States. When living in Liberia your perception of America is completely different. It was very easy for Americans to move around Liberia. This is not reciprocal. This is something that Liberians learn only once they arrive in America.³⁵⁷

Another interviewee in Rhode Island noted that the “U.S. views anyone from a third world country with suspicion.”³⁵⁸

Adaptation to Life in a New Land

After the initial shock of arrival, Liberians must find their way into the American system. Experiences

of Liberians emigrating to the United States often mirror those encountered by other immigrant groups. Among these many challenges for Liberians adapting to life in the United States, key themes emerged as affecting the entire community. Most critical are concerns about immigration status, particularly the recent termination of TPS for Liberians. Apart from immigration concerns, many Liberians discuss a feeling of isolation and loss of cultural identity in America, partly as they deal with issues of race in America.

In addition, Liberians often discuss the notion of America as a great “equalizer.” One Liberian academic described the phenomenon this way: “When there is displacement...[t]here is an involuntary migration. They are leaving a place of comfort without a plan and leaving abruptly, leaving resources behind. When you do this every person leaving enters the new country at the same level. They have no material assets to travel with, but there are other assets that they do travel with that do not normally get tabulated. These are immaterial assets such as education.”³⁵⁹ This notion expresses itself in many ways including through employment and education, changing gender roles, and changing age roles, especially between parents and children. There is no doubt that the Liberian conflict upended the Liberian social and cultural structure, forcing Liberians into a new landscape where they must take on new roles. Those who were in positions of power and influence in Liberia may find themselves underemployed and living in obscurity in the United States. For those who may have had little opportunity in Liberia, life in the United States presents a chance to get an education, make money, and get the material things that were available only to the very few in Liberia. One interviewee reported:



Coming to America used to be reserved for the elite, the city people, or those with education. But truth be told, the war has brought everybody to America – I don’t blame people if they feel empowered and equalized.³⁶⁰

This phenomenon has been clearly observed by community members who have watched gender and age roles, among other roles, alter substantially in the United States. One interviewee stated,

“Even your younger brother will try to measure up with you when you are in America, while in Liberia they always used to respect you.”³⁶¹ Moreover, legal regimes in the United States that protect women and children through active enforcement have contributed to equalizing power relationships in the community, among men and women and among parents and children. All of these aspects of adjustment to life in the United States – employment, isolation, race, as well as gender and youth issues – will be discussed in detail in the following sections.

Underemployment

Statement givers in the United States describe again and again suffering from “underemployment.”³⁶² Numerous statement givers report that their professional degrees and credentials are not recognized in the United States, forcing them to accept employment at jobs far below their qualifications and of lesser prestige and pay.³⁶³ In one case, a statement giver who holds a Liberian college degree reported working only at “menial” jobs.³⁶⁴ A focus group participant in Rhode Island described the situation in this way:

Many educated Liberians come to the United States and are looked upon as not intelligent...For example, medical doctors who leave Liberia and come to the United States are not employed as doctors. They reduce themselves to jobs as medical assistants. That is true for other competent individuals, such as engineers. The community does not absorb them.³⁶⁵

One statement giver who is a Liberian and Canadian-trained physician confirmed this assertion, noting that she had never been able to successfully integrate into the U.S. healthcare system, despite experience working with the World Health Organization in Liberia.³⁶⁶ Another noted:

When I was in Liberia I had an undergraduate degree in business management. I worked as a junior project economist. I worked for an oil company and an electric company. However even that experience wasn't considered when I applied for jobs in the United States.³⁶⁷

An interviewee with a master's degree from Indiana University and a World Bank fellowship stated that her first job in the United States was cleaning the house for a female college student.³⁶⁸

Obtaining a job can be difficult for various reasons. According to some members of the diaspora community, their Liberian accents posed an obstacle to them in finding employment. One interviewee who has been in Atlanta since 1985 noted that when she first arrived, it was easier to find a job than it is today, which she attributes to increased hostility towards illegal immigrants and increased focus on securing necessary legal documentation as a prerequisite to employment.³⁶⁹ The pressure to send

money home right away can also lead Liberians to get the first job that comes their way regardless of its relevance to their professional skills. One interviewee noted:

When I got here, I was forced by the people I was stopping with to go into the nursing home because there was this notion that this is where you make the money. Every time I left work I was sick. I was lucky to have a professor who talked to me and actually asked me what I had done for a profession in Africa, and then she helped steer me to other training. I was able to get a job...that was actually related to what I had done in Liberia because I had that help, but hardly anyone does.³⁷⁰

Statement givers also report, however, that educational and employment opportunities that were not available to them in Liberia can be pursued in the United States, and that many have moved to mainstream careers after graduating from high school, obtaining a GED,³⁷¹ or obtaining associate, undergraduate, or graduate degrees from U.S. colleges and universities. Careers cited by statement givers include, but are not limited to, law and medicine,³⁷² nursing,³⁷³ home health care,³⁷⁴ business owner,³⁷⁵ security services,³⁷⁶ and restaurateur.³⁷⁷ One statement giver, a former child soldier, observed that, had he remained in Liberia, his only option would have been to become a farmer.³⁷⁸ Another young Liberian woman in California noted that she has just completed her LPN degree and she sees herself as a more empowered woman than she would have been had she stayed in Liberia.³⁷⁹

African American – African Race Relations in the United States

Immigrants from any non-white background often confront for the first time racial discrimination in the United States. Institutional racism and systemic xenophobia are a longstanding problem in the United States. Members of the first African diaspora, African Americans, have confronted and challenged white racism for decades. Although important gains have been made, racism continues to manifest in acts of discrimination by institutions and private actors. The history of deeply entrenched racial politics in the United States provides a backdrop for a phenomenon that was often raised by interviewees and statement givers as a problem in the Liberian diaspora – the negative interactions between African immigrants and African Americans.

Some Liberians also described unexpected conflicts with African Americans. One Liberian journalist in Minnesota described his perceptions:

We get this negative look from our African American brothers because there is this feeling that we came from the jungle and everything is about disease, violence, and civil war. There is a constant attempt by them to draw a line of demarcation – there is not a cordial relationship. Even in the classroom

in a university. We are looked at as if we came here to take from them what belongs to them.³⁸⁰

Another interviewee noted that there is a perception that African Americans “accused us of taking over their community.”³⁸¹ “African Americans are always afraid that Africans coming here will take their jobs and that white people like Africans better. It’s a myth...it’s a divide-and-rule tactic.”³⁸²

Conflicts between recent African immigrants and African Americans can become very dangerous when played out amongst youth. Interviewees in Minnesota reported these conflicts as a problem in schools, and this very serious concern for youth was documented in other sources as well.³⁸³ “African pupils are singled out because of their accents and non-trendy dress and...the harassment exceeds normal middle-school-age teasing...”³⁸⁴ In Staten Island, a service provider noted that relations got so bad that a group of African children formed a group for protection. One member of that group, a Liberian, shot another student in 2005 and was convicted of murder.³⁸⁵

An African American community leader in Minnesota noted that, although initiatives to bring African immigrants and African Americans together have been undertaken, they are often “one-shot” efforts and there is little sustained opportunity.³⁸⁶ He noted that the African American community does sometimes perceive immigrants, whether from Africa or elsewhere, as “taking something” such as opportunities, from established communities.³⁸⁷ He noted that African immigrants and African Americans have common problems as people of color. According to him, those mutual concerns should lead to mutual understanding and collaborative work on issues such as education, health disparities, and other social and economic rights.³⁸⁸

Gender Role Reversals

Liberian women in the United States have found new economic and educational opportunities. They have found increased job prospects, thus garnering greater economic power and independence for themselves. Furthermore, because many Liberian women work in the health care industry, they have the opportunity to work overtime and possibly make more money than their partners.³⁸⁹

New opportunities in the diaspora have led to a shift in gender roles from traditional lifestyles in Liberia where, according to one community leader, “our moms were the ones who were involved in our lives...dad brought home the money.”³⁹⁰ Here in the diaspora, “most women in our community make more money than men” and they work more hours, meaning that “they’re not home to take care of kids, not home to cook for their husbands.”³⁹¹

Both men and women interviewees reported that some Liberian men find the altered gender roles and power structure in the United States difficult to accept.³⁹² “The men feel less of a man...it is about

male ego.”³⁹³ This interviewee noted that he himself had been ashamed to take work in a factory or a nursing home when he first came to America because his family had been well-off in Liberia. “They have more opportunities for women here than for men. The notion that husbands have to be bread winner and the inflexibility associated with that has forced them to keep looking for jobs that are comparable to that in Liberia instead of taking lesser job and working their way up.”³⁹⁴ One Liberian community leader saw this gender role reversal as a particular issue with younger women of child bearing age.

Well, what I see happening in the community...a lot of women are in control and the men are not in favor of that, but they just, they just go with it. And what I see happening more and more...the women have been left alone to raise their children because most men, especially African men, they were raised to be head of the household, and if they're not, I've seen a lot of them just leaving, leaving thinking they leave and go to the next person it's going to be different...So I see more and more women and girls having babies by these men thinking that he will be there to help them raise these children. And it's not happening. And so therefore most of these women are taking control...going to school, getting their education and raising their children, pretty much by themselves.³⁹⁵

Another community leader found a similar issue among older women in the Liberian community. She described a female client who sought literacy and functional skills training:

We're all working together with this lady, she's coming to the literacy class and we're working with her to learn how to catch the bus...And I just never understood, the lady couldn't understand, why her husband was so resistant to his wife learning anything to become independent. He just fought everything we did. So I think at the end we just realized that it was more about control...she has always looked up to him, for everything. She didn't know how to read and write, she didn't know anything. She was there and he was a knight in shining armor, a hero. Now all of the sudden there is this opportunity for her to learn to read, to catch the bus, she's going to go to work, she's going to be independent, and he just fought against it...And every time she had to come to school, he found an excuse, he didn't want her there. So we just drew a conclusion that he was very controlling. There is a lot of this, where men are having a hard time adjusting to the women being independent and having financial independence.³⁹⁶

According to the interviewee, the struggle to accept Liberian women's independence has at times

given rise to problems within the home.³⁹⁷ For example, dynamics of power and control become apparent in domestic violence in Liberian families after they resettled in the United States: “[M]ost Liberian women did not work. The men did. In a way, they controlled the women. Then war came. Everything changed. Men found themselves humiliated whether in refugee camps or in America. They no longer had the means to support families properly.”³⁹⁸ Men perceive that women now are “disobeying” and are resisting the traditional systems of power and control that were prevalent in Liberia.³⁹⁹



Violence during war furthers the misconception that violence against women is acceptable.⁴⁰⁰ In describing domestic violence in the Liberian community, one public hearing witness stated:

The effect of the war on domestic violence is that for an already-existing problem that we have in the Liberian culture, where we consider domestic problems as something that only the family deals with, the war has actually aggravated that problem, because rather than finding ways – rather than finding peaceful ways to solve problems...perpetrator[s] of these problems, just go ahead and they become aggressive towards their domestic partners... And when they are arrested, they don't realize how aggressive the laws are in this country against domestic violence perpetrators.⁴⁰¹

Relatives see domestic violence as a family issue and generally discourage Liberian women from reporting these circumstances.⁴⁰² Furthermore, strong, enforceable laws that protect victims and hold offenders accountable contrast sharply with the lack of enforcement in Liberia. As one interviewee noted, the “protections existed back home but no one cared to enforce those laws.”⁴⁰³ A male community leader recounted the following to the TRC:

[T]here is a story about...a young man who came from Liberia. He had an argument with his girlfriend so he got mad. He stopped the car on the side of the highway and began to beat her, and the police stopped him and went to intervene. He told them, ‘I'm beating my momu.’ He was promptly arrested, of course, and he learned a lesson in American culture and the legal system.⁴⁰⁴

With regard to victims, a public hearings witness stated that “They’re so used to these things that they’re in a state of learned helplessness. They think there is no recourse, they have nothing – no way out.”⁴⁰⁵ Thus, she works with an organization that seeks to raise awareness about legal recourse for domestic violence victims.⁴⁰⁶

Young, illiterate adult women between 20 and 40 years of age comprise a particularly vulnerable population.⁴⁰⁷ Traditionally, there is a greater proportion of elderly women among the illiterate due to historical trends relative to gender and education.⁴⁰⁸ An interviewee observed, however, a recent trend of increasing numbers of younger women with little to no education. She attributed this to relocation from the war, changed familial structures, and unwanted pregnancies from early sexual exposure or rape. These women drop out of school, and with no support and a child to raise, their education ceases.⁴⁰⁹ These young women may blend in, be well-spoken and well-dressed, but they are unable to fill out a job application.

Raising Children in a New Cultural Landscape

Within the diaspora community, there are youth who have grown up largely in the United States, having arrived at young ages, as well as youth who arrived at older ages. The experiences and views of those who have been primarily raised in the United States are, in many respects, different from those who arrived at later ages. For this former group, their stories are often indistinguishable from many young persons born in the United States. One statement giver who arrived in the United States at age four reports that he self-identifies as American, that most of his friends are non-Liberians, that he is a high school graduate and college bound, and that he plans a career in business.⁴¹⁰ For the other group, many of whom have experienced trauma in Liberia or in the emigration process, life in the United States can be more complicated.

Liberian youth who arrived at older ages face significant challenges. For these young persons, school issues predominate. Multiple statement givers and interviewees reported that school age Liberians are initially placed in classrooms based on age, rather than academic level. As many of these young persons have not attended school continuously because of the conflict, their academic status lags behind their biological age.⁴¹¹ A refugee resettlement educator summarized:

Imagine an eighteen-year-old at a fourth grade level. The schools put them in classes based on their age and it’s a real problem – they can’t be with the little kids but they can’t manage academically as a senior in high school either.⁴¹²

While some students ultimately may catch up to their age peers, one statement giver reported that in his community Liberian youth are graduating from high school by memorizing material rather than

by learning the material.⁴¹³ Additional school-related problems reported are that Liberian students may have difficulty in adjusting to the behavioral expectations of schools in the United States;⁴¹⁴ Liberian students are subject to ridicule about their accents⁴¹⁵ or are placed in English as a Second Language (ESL) classes;⁴¹⁶ many students lack family support and financial resources to engage in extra-curricular activities;⁴¹⁷ and some of the students live in unstable homes with unrelated sponsors who provide little or no emotional or financial support.⁴¹⁸ Many Liberian students also have unmet needs for counseling and other mental health and social services to address their traumatic histories.⁴¹⁹

Parents' involvement with the educational system is also a concern. Service providers and Liberian community leaders from across the country report that illiteracy, particularly amongst Liberian women, is a problem that needs to be addressed. It hampers many aspects of life, including communication with the school system. "[If] you can't...read and write, you [can't] know, what's going on...looking at [a] grade sheet or [a] report card – you won't know the difference. But if [you] go and talk to the teacher, it's not writing, it's speaking, which most Liberians speak English."⁴²⁰

The heavy work-load that many Liberians maintain to support extended family in the United States, Liberia, or in refugee camps can prevent parents from actively participating in the education of their children. "Well, the school district [is] having [a] problem too, because they are not being able to get the parents to come to the parents and teachers meeting because the parents have to go to work, so you have to schedule the meeting at a time when the parents will be home."⁴²¹ Liberians also report that expectations for behavior in school are different in Liberia from here in the United States. "Some parents are getting calls from the school wanting to prescribe for [Attention Deficit Hyperactivity Disorder] ADHD. The system doesn't understand how Liberians behave and that there are different customs."⁴²²

Within the diaspora community, concern is expressed about the corrupting influence of U.S. culture on Liberian youth, including loss of traditional cultural values such as respect for elders.⁴²³ Because of the financial demands on new immigrants, all adults in a household may be working one or more jobs, leaving children alone much of the time.⁴²⁴ Other statement givers' descriptions of their concerns about youth include the prevalence of trauma, anger, and feelings of displacement among young Liberians;⁴²⁵ lack of services for youth;⁴²⁶ use of drugs by youth;⁴²⁷ involvement in criminal activity,⁴²⁸ and lack of educational and employment prospects.⁴²⁹

There are also concerns specific to Liberian girls in the United States. Interviews revealed that teenage pregnancy among young Liberian girls is a serious problem. A Liberian women's advocate reported that of the 30 immigrant teenagers who were pregnant at a Minnesota high school in 2008, the majority were Liberian girls.⁴³⁰ Counselors at a Minnesota high school confirmed that teen pregnancy in the Liberian diaspora community is high.⁴³¹ They stated that, while assistance is available for these teenage mothers, they encounter difficulties finishing their high school education unless they have

child care resources at home.⁴³² Teenage mothers are encouraged to attend an alternative school, but limited space and transportation pose hurdles.⁴³³

Changed Community Structure

Compared to life in Liberia, the greater isolation that Liberians experience in the United States is also a significant challenge. One interviewee living in Minnesota stated:

When I came here I thought it would be just like back home, where I could see my friends all the time, where the community would be so close. But people don't realize how spread out everyone here is. It's easy to get isolated – I have friends I haven't seen in ten years.⁴³⁴

Isolation from others and loss of regular community support falls particularly heavily on elderly members of the Liberian diaspora. Older members of the community report feelings of isolation and longing for the social interaction common in Liberia. They report that many members of the diaspora community have adopted an American lifestyle of keeping to themselves and not becoming involved with their neighbors.⁴³⁵

Elderly Liberian women are particularly vulnerable to hardship in adjusting to an American lifestyle. Because they may be illiterate and lack a formal education, they tend to be more disconnected from society. Even if they do attend community events, full participation remains a challenge. The programs may be printed in English and exclude those who cannot read.⁴³⁶ Even basic tasks involved in attending public events may present an obstacle. A community service provider described the social experiences of one of her literacy students:

[A]ll the time she went to events, she had to ask a child to take her to the bathroom, because she did not know if it was a woman or man's bathroom, so she couldn't distinguish between bathrooms.⁴³⁷

Elderly women often live with their adult children and tend to assume the role of homemakers and child caretakers. Within the home, illiteracy and adjustment issues continue to pose a challenge for this population. For example, elderly women may not know how to use the telephone, dial 911, or call for help in an emergency.⁴³⁸ As caretakers, elderly women are isolated within the confines of the home. This circumstance is especially difficult as it represents a major shift from their lifestyles in Liberia. According to one community leader, many of these women formerly were respected leaders with pivotal roles in the family, community, and the marketplace.⁴³⁹ In the United States, one interviewee stated, "they're just lost."⁴⁴⁰

Liberians also reported concerns about losing traditional community supports for childrearing and adapting to a legal system that is more protective of the rights of children. One focus group participant stated:

In Liberia, if two parents are working, the neighbor will step in as a parent. Here a neighbor will not do that. Consequently, one cannot leave a 9 or 13 year old at home in America, but can in Liberia.⁴⁴¹

This issue is particularly critical for single parents in the Liberian community.⁴⁴² One service provider noted that she has encouraged clients to enroll their children in after-school activities so that they do not have to stay home alone.⁴⁴³

The U.S. legal system provides protections for children against abuse and other forms of negligence. But, in Liberia, practices that may be considered abuse in the United States were accepted as forms of discipline. Many believed that “if you spare the rod, you spoil the child.”⁴⁴⁴ For example, one statement giver reported that during his youth in Liberia he was locked in a closet with no food for a day as a punishment.⁴⁴⁵ Another interviewee noted that a traditional punishment was to rub hot pepper juice all over parts of the body so that it would burn with pain.⁴⁴⁶ “In Liberia, parents were not afraid to punish their children. Here there is a fear that children will tell the guidance counselor if they are punished, and that the punishment will be considered child abuse.”⁴⁴⁷ While many reported this as a concern in the diaspora community, Liberians and law enforcement authorities are working together to address the issue. Police efforts at educating the community were reported as having helped to mitigate the problem, and Liberians are growing increasingly aware that they need to find alternative means to discipline their children in the United States. According to one community leader, however, “it’s a challenge for Liberian parents to find a way to keep the kids in line without using these practices.”⁴⁴⁸

One Liberian academic in Minnesota summarized the situation:

The struggle that we have is...in our country where we don’t have law enforcement in child protection. Instead we have a hierarchical system, where you are supposed to yell at your kids, but kids now say you cannot do this... In the old days you have children to help you on the farm, but that is not their obligation anymore. Your responsibility as a parent is to provide them an environment conducive to them being competitive...[Some families] in the community have kids before they are prepared, and these conditions lead to social stressors that lead to abuse of kids. We need to intervene in the lives of brothers and sisters so we can help them.⁴⁴⁹

Adjustment to Life in the United Kingdom

The Liberian community in the United Kingdom is much smaller than that in the United States,⁴⁵⁰ and accordingly, many fewer TRC statements were taken there. Nevertheless, these statements reflect similar patterns of adjustment and adaptation. A small community of Liberians lived in the United Kingdom before the war, and as in the United States, those individuals generally left Liberia for educational or professional reasons.⁴⁵¹ Once the war began, however, these Liberians were forced to stay. Thereafter, some Liberians arrived in the United Kingdom as refugees from the war and were resettled through the U.K.'s Gateway Protection Programme.⁴⁵²

Liberians in the United Kingdom who found themselves separated from their families back in Liberia noted the extreme difficulty of getting information about their loved ones. One statement giver noted that, after the 1980 coup, she did not hear from her family for several months.⁴⁵³ When she finally got a letter, she was shocked to see a clipping of her sister's husband in shackles being taken to jail.⁴⁵⁴ Thereafter during the years of civil conflict, she was lucky to hear from her family once a year.⁴⁵⁵ Another statement giver told the TRC that she had left her four young sons in Liberia when she had gone to work in the United Kingdom.⁴⁵⁶ Once the conflict started, she could not get any news about her sons for seven years. She reported being so worried that she often could not eat or sleep; she even had trouble cooking because she felt so guilty about having food when she thought about what was happening in Liberia.⁴⁵⁷ When she later found out that her family's home in Bong County had been targeted, she told the TRC that she believed it was targeted because rebels in the area knew she was working in the United Kingdom and thus assumed that her family had a lot of money.

Liberians in the United Kingdom in general reported a somewhat easier time adjusting to resettlement, in part because of the strong social safety nets in place there. In fact, the United Kingdom had such a strong policy in favor of Liberian refugees that many other West Africans came there under the guise of Liberian nationality.⁴⁵⁸

A higher percentage of the Liberians in the United Kingdom had arrived there prior to the war. According to the president of the U.K. Liberian community organization, "Most of the Liberians here came here before the war started to go to school. So most of them went to school in the British society and so have been integrated into the British community quite easily. But those who came after the war are not having the easiest time integrating."⁴⁵⁹

The system of government support for U.K. residents also helps to mitigate some of the phenomena that have been major stressors for the Liberian diaspora in the United States. For example, Liberians in the United Kingdom report that, while underemployment is a problem,⁴⁶⁰ it is not as severe as in the United States. "In the U.K., if you are a professional, you will be able to get a job according to your status. If you have no skills you will be at that level and working for the bare minimum."⁴⁶¹

For example, foreign medical professionals are readily integrated into the U.K. healthcare system, according to interviewees.⁴⁶² Although Liberians noted that professionals outside the medical field have more difficulty, they are generally able to find some form of professional work, as opposed to more menial labor.

In turn, the fact that Liberian men in the United Kingdom are able to find higher level employment also appears to mitigate the dramatic gender role reversals that many Liberians describe taking place in the United States.⁴⁶³ Interviewees noted that, while women are also well employed in the United Kingdom and may indeed make more than their spouses, “the pressure is not as much.”⁴⁶⁴ They attribute this directly to the fact that in the United Kingdom “families are looked after” by the state.⁴⁶⁵ This high level of social welfare, however, along with a strong child protection regime, can exacerbate problems in childrearing, according to some. One community leader reported that children were aware that the government provided monetary support to families with children and thus felt they could “have their way.”⁴⁶⁶



Like their counterparts in the United States, Liberians in the United Kingdom have built a strong structure of community organization that encompasses the United Kingdom and Europe, as described below.

Building a New Community

Although some Liberians report feelings of loss of community and concerns about isolation from other Liberians, the diaspora community has developed numerous structures that provide opportunities to interact with other Liberians. These structures include political organizations, ethnic and tribal associations, women’s groups, alumni associations, social clubs, and faith-based groups.

Liberians also socialize and stay connected through a network of list serves, blog postings, websites, news magazines, journals, and chat rooms. At times, the array of diaspora organizations can add pressure to the lives of new and established immigrants:

Take for instance, a friend of mine living in Philadelphia. He is a Mandingo from Lofa County and has been living in the city of brotherly love ever since late 1990s. This friend is part of the Lofa county organization; he is part of the Mandingo organization; he is part of Liberian Mandingo of Pennsylvania;

he is also part of the Quardu Borni Chiefdom Mandingo Association; he is a part of the Liberians in Pennsylvania-ULAA⁴⁶⁷ chapter; and, obviously a part [of] the umbrella ULAA. Beside these six organizations with almost the same objectives (development back home), this friend is also [a] member of the Movement for Political Reform in Liberia and his high school alumni association. Let us not forget that he is [a] family man and part of a local congregation in addition to attending graduate school and working a full time job.⁴⁶⁸

This quote not only illustrates the complexity of Liberian diaspora socialization and accompanying responsibilities, it also demonstrates the proliferation of groups based on ethnic, regional, and political persuasions in the Liberian diaspora.

Umbrella Political Organizations

In the early 1970s, Liberian students across the United States organized an umbrella organization to advocate for the interests and welfare of Liberian students and immigrants throughout North America as well as to provide a sense of a national community in the Americas and to impact economic and political decisions in their homeland.⁴⁶⁹ This organization ultimately was named the Union of Liberian Associations in the Americas (ULAA).⁴⁷⁰ Many key figures in Liberia's civil crises were also key leaders in ULAA. Today, ULAA has remained active throughout the United States, with chapters and branches in most states where Liberians are populous.⁴⁷¹

Organization of the Liberian community in the United Kingdom and Europe is similar to that in the United States. For example, the European Federation of Liberian Associations is analogous to ULAA.⁴⁷² Liberians in Europe have also established country-based umbrella organizations, for example the Union of Liberian Organizations in the United Kingdom (ULO-UK)⁴⁷³ and the Liberian Association of Belgium,⁴⁷⁴ which are analogous to state-based entities in the United States.⁴⁷⁵

County and Ethnic Organizations

Liberian counties are organized in large part based on traditional home territories of particular ethnic groups. For example, Grand Gedeh County is traditionally the home of the Krahn people, Maryland County is traditionally home of the Grebo people, and Grand Kru County is traditionally the home of the Kru people. For every major county in Liberia, an association exists in the United States. Where counties are not surrogates for ethnic associations, such as for Mandingos who are settled across Liberia, an association in America represents that ethnic group.⁴⁷⁶ These associations are one of the mainstays by which members socialize and network in America.⁴⁷⁷ In these groups, members enjoy their traditional practices unique to the individual ethnic group. For example, on Mandingo

association websites in the United States and the United Kingdom, there are announcements of births and naming ceremonies, traditional weddings, and funerals.⁴⁷⁸ County and ethnic organizations also hold national conventions, meetings, and major gatherings so as to address issues affecting the group or to focus on development projects for their local communities back in Liberia.

High School Alumni Associations

Another major area of the Liberian diaspora socialization network is the network of high school alumni associations across the United States. Like county and ethnic organizations, for every major high school, especially for those in Monrovia, there is an alumni association in the United States.⁴⁷⁹ These alumni associations are mainly organized for social and developmental purposes.⁴⁸⁰

If only for psychological purposes, alum groups are a great means of socializing in the Liberian communities in America. People reconnect; establishing serious relationships at these events, some times leading to marriages, business partnerships, and so on. They look forward to it every year.⁴⁸¹

Religious Institutions/Affiliations

Many Liberians like to say that, “[w]e are a religious people,”⁴⁸² and “whether you are a Christian or Muslim, or neither of the two, we revere our religious leaders and institutions.”⁴⁸³ Aside from the family unit, arguably the most commonly available means of Liberian diaspora socialization are religious institutions, such as the church, mosque, or other types of spiritual venues. In every major U.S. city with a large Liberian diaspora population, there are Liberian churches, as well as associations of faith leaders. In Minnesota alone, there are more than 35 community churches with sizable Liberian congregations.⁴⁸⁴ In addition to regular church services, weddings, and funerals, serious matters of community concern are often referred to the church, a pastor, or an imam for intervention.⁴⁸⁵ One statement giver said in a follow-up interview:

[W]ithout this kind of well structured system of socialization via religious authorities, co-existence in the Liberian diaspora would be impossible, for people brought with them the vestiges of the problems that ignited the war.⁴⁸⁶

Aside from the organized church or mosque, Liberians also maintain prayer chains, faith networks, and spiritual social groups.

Little Liberias in the Diaspora

The waves of emigration of Liberians in the early and late 1990s have led to the creation of Liberian settlements in the United States. Within the diaspora community, the most clustered of these communities have been given names of Liberian towns and cities. The Park Hill neighborhood on Staten Island, New York, is home to a large Liberian community. This neighborhood is often called “Little Liberia,”⁴⁸⁷ as are communities in Bridgeport, Connecticut,⁴⁸⁸ and Albany, New York.⁴⁸⁹ The suburbs of Brooklyn Park and Brooklyn Center, Minnesota, are home to one the largest Liberian populations outside of West Africa. Liberians call these Midwestern neighborhoods “New Kru Town.”⁴⁹⁰



Liberians also refer to a popular Liberian enclave on Woodland Avenue in northwest Philadelphia, Pennsylvania, as “Little Monrovia,” whereas Liberian-Americans have named Providence, Rhode Island, after an infamous business district of Monrovia called “Waterside.”⁴⁹¹ And finally, although not as famous by its name as the other U.S.-based Liberian areas, the Washington, DC, metro area is often referred to as “Oldest

Congo Town,” because of its status as the oldest place of residence for Liberian students, diplomats, and other privileged visitors and immigrants.⁴⁹²

Many Liberians in these communities enjoy meeting and socializing at Liberian-owned food stores, restaurants, barber shops, and other Liberian owned and operated entities.⁴⁹³ Liberians congregate at these shops to not only buy familiar African food items, but also to engage in political and social discussions pertaining to events back in Liberia. By doing so, they provide the necessary social support to one another, as well as promote the business and financial interests of the owners of those businesses or organizations to sustain them in the community.

Liberian communities in the United States are also engaged in nonprofit work. While there is a dearth of data to accurately reflect the number of Liberian-operated nonprofit organizations (or, for that

matter, for-profit businesses), certain Liberian demographics, such as the elderly and the youth, benefit from social services programs designed and run by other diaspora Liberians.⁴⁹⁴

Families, Family Reunions, and Foundations

Although adapting to a new culture has been difficult for Liberian immigrant families in many respects, the family, family reunions, and in limited instances, family foundations have been a principal source of diaspora socialization and comfort.⁴⁹⁵ Even the most distant relative, or a familiar person from the same town or village from back home, can be a source of relief and social interaction in the United States. Some families meet every year for a reunion. These reunions and annual family gatherings provide opportunities for psychosocial support, guidance, nurturing follow-ups, and other necessary support.⁴⁹⁶ It is at these gatherings that serious family matters, whether achievements or failures, are reassessed and discussed.⁴⁹⁷

Clubs: Susu, Sports Clubs or Associations

Liberians turn their passion for football (soccer) into a social support mechanism.⁴⁹⁸ They also socialize and network through traditional social support venues for economic, sports, and social institutions such as Susu clubs,⁴⁹⁹ football clubs,⁵⁰⁰ and musical groups, among others. Around the sporting events, Liberians in the diaspora organize county leagues, tournaments, and meets. One of the organizers and club owners in New York stated, “it is mainly for family recreation.”⁵⁰¹ Another interviewee, however, suggested that the benefit of these events runs deeper. According to the interviewee, these county meets represent every county in Liberia and help to heal some of the wounds and ethnic hatreds that started the violence in Liberia.⁵⁰²

Major football tournaments are held annually on July 26, which is Liberia’s Independence Day. The July 26 tournaments bring together Liberians from all walks of life.⁵⁰³ There are also kickball teams for girls and women.⁵⁰⁴ The love of football is not limited to the young people, and there are major clubs all throughout the diaspora known as old-timers associations. These older Liberian men come together not only to enjoy the games, but also to support one another in matters ranging from personal to professional concerns.⁵⁰⁵ “We use the games to mentor young people and keep them out of trouble.”⁵⁰⁶

Communication and Media Socialization

Computer-literate Liberians have used the Internet to lessen some of the isolation inherent in life in the diaspora.⁵⁰⁷ They use the Internet to share information about their community including births, weddings, deaths, conventions, anniversaries, and social, economic, and political news or commentaries from both the diaspora and Liberia.⁵⁰⁸

In addition to online news magazines,⁵⁰⁹ chat rooms, blog postings, and other social networking sites, the Liberian diaspora has also developed a number of sophisticated email listservs, through which they engage in sometimes acrimonious exchanges. For example, the Organization of Liberians in Minnesota runs a well-established listserv.⁵¹⁰ Phone tree and mobile phone messaging are also used to keep the community connected and to invite people to major community events.⁵¹¹ In Atlanta, Georgia, for instance, there is a longstanding community phone line which provides daily updates of community news to people who use the service.⁵¹²

These social networking and support mechanisms provide a reserve of community support for Liberians separated by distance and oceans. These mechanisms can also play a divisive role, however, as they reflect and magnify tensions in a community dealing with the effects of a devastating conflict.

DAMAGING THE FABRIC OF LIBERIAN SOCIETY: ONGOING IMPACT OF THE WAR



Many of the challenges and coping strategies in the Liberian diaspora community are similar to those evident among other immigrant populations. But the trauma that Liberians faced during more than fourteen years of civil war poses unique challenges as the community builds a new life in the diaspora. The legacy of the Liberian war impacts the Liberian diaspora at all levels, from the individual, to the family, to community-level structures.

Individual-Level Impact

The diaspora community includes many individuals who have experienced significant personal trauma, and for many, their traumatic history has exacerbated the difficulties experienced in the resettlement process. One interviewee noted that little effort has been made by the U.S. government to understand Liberian culture and how deeply Liberians have been affected by their war experience.⁵¹³ Liberians in the United Kingdom also described dealing with issues of re-traumatization upon arrival. For example, one statement giver mentioned that she arrived in the United Kingdom around the time of Bonfire Night and everyone was setting off fireworks.⁵¹⁴ The noises terrified her because she had no idea what was happening and it brought back memories of the war.⁵¹⁵

Another interviewee described trying to support two young women who had been through extreme,

yet typical, trauma by the time they arrived in the United States as refugees:

I used to be an aunt for two Liberian girls...[b]y the time they got refugee status, one had a three-year old baby. They came to the United States, and I was contacted by a Catholic relief organization, and they told me they were coming and they found foster parents for them...Well, one thing I saw was that they were not prepared for these children. The girls were [children] when the bomb fell in their yard and killed their ma, and they ran...They had a five-year-old brother, and their father was executed. Their five-year-old brother got lost, so they were very traumatized, their father was executed in their presence, and they lost their brother and were raped constantly for five years. They went through five African countries. They were 13 and 15 years old when they got here, with a baby, having run for years. I told the people these children are very traumatized, and they need counseling...So, I looked at them, and they were not prepared for these children. If you bring traumatized people here, then they need proper psychological counseling.⁵¹⁶

Numerous statement givers and interviewees report that mental health issues are prevalent in the diaspora community, including Post-Traumatic Stress Syndrome,⁵¹⁷ depression, and feelings of inadequacy. Some feel these issues are of particular concern among Liberian men because of their dramatic change in status.⁵¹⁸ One interviewee in Minnesota told the TRC that he saw his friends turning to drugs and alcohol as a coping mechanism to deal with the stress of past trauma and adjustment to life in the United States.⁵¹⁹

Physical health concerns are ongoing as a result of trauma and often are linked to mental health issues. Liberians suffer from all manner of physical disability resulting from the conflict, including chronic pain, scarring, vision problems, dental pain, loss of limbs, hearing loss, and traumatic brain injury.⁵²⁰ Women in particular suffer from the long term consequences of rape and sexual assault as well as traumatic pregnancies and miscarriages during the conflict. In addition, health care providers also report that many Liberians are dealing with the after-effects of malnutrition and that older Liberians are dealing with hypertension and diabetes.⁵²¹ Statement givers also were likely to describe physical manifestations of mental health concerns, such as feeling “pressure,” chest pain, feeling weak or faint, and night sweats. Nightmares and flashbacks also are commonly reported. Within the diaspora community, youth and former child soldiers are specifically cited as being in need of mental health treatment to assist in their recovery from their war experiences.⁵²²

There is general consensus both within the diaspora community and among those providers who work with the community that few Liberians receive appropriate mental health treatment, due both to a strong cultural bias on the part of Liberians against therapy and mental-health treatment⁵²³ and

to a lack of culturally-appropriate resources and services.⁵²⁴ According to a Liberian service provider in the community:

[I]f you come at it straight...if you come in and say ‘Oh, I think you need to go talk to Doctor So-and-So in mental hospital’ she wouldn’t have gone. She wouldn’t have. Because [among] Liberians...it’s not something that’s talked about. ‘Cause crazy is not a word that they want to hear.⁵²⁵

Liberians often have alternative explanations for why mental and other health problems are afflicting them based on their traditional cultural practices. These rationales may include “violation of natural or traditional laws (e.g., inappropriate relations with kin, stealing, etc), not performing expected rituals (e.g., ritual for a deceased elder), mental poisoning by an enemy, a curse by an aged elder for serious traditional violation (e.g., disrespect, abandonment, etc.), or bad luck leading to possession by evil spirit.”⁵²⁶ These beliefs can lead to alternative care seeking, as opposed to formal counseling or therapy.⁵²⁷

Perpetrators in the Community

Like refugees in Ghana and elsewhere in the sub-region, individuals in the United States also report encounters with those who perpetrated crimes against them during the war.⁵²⁸ This experience can re-traumatize individuals finally beginning to adjust to life in a new country.⁵²⁹ Encounters with perpetrators are reported to lead to changes in victim behavior, increased isolation, or other changes such as moving.⁵³⁰

One young woman saw another Liberian who had committed crimes against her family in the parking lot of her apartment complex in Minnesota. She later discovered that he was living on the floor above her. She went to the apartment management, and they helped her to move. She did not, however, report the encounter to anyone else. A social service provider described why:

[T]hey made eye contact and she had the feeling that he doesn’t know her, he doesn’t know it’s her. But just the fact that, it’s him and not recognizing what he had done. First of all he doesn’t know who she is so how can he recognize what he had done...And I think her issue was she was helpless, how can they hold him accountable, what she can do, who will she go to to believe what [she is] saying. It’s her word against his, especially here, so what [is she] going to do? Talking to him and maybe seeing him more often would just keep bringing everything back to [her] and [she] didn’t want to go through that.⁵³¹

A community leader in Minnesota told the TRC that “I’ve seen people move, I know of a family that

actually moved out of state. I know a family that left a job because [one member] ran into another person that actually killed somebody in her sight.”⁵³² Victims generally do not report these encounters, leading to an accountability vacuum.⁵³³ Another Liberian professional living in Minnesota recounted his encounter with a perpetrator in a newspaper interview: “[w]hen he was least expecting it – at a peaceful Liberian community meeting in Minnesota – he saw the man who, years earlier, had tortured him. . . . After the confrontation years later in Minnesota, [the] torturer apologized. But. . . he’s not ready to forgive.”⁵³⁴

Family-Level Impact

The war has also severely affected families. Because of deaths of family members during the war and the vagaries of immigration policy, roles within Liberian families have been forced to change. “The division of families occurs in several ways. Often families were divided during the war. Also, it costs a lot to bring a whole family to the United States. Many times one person will come to work with the hope that they can later pay to have the whole family arrive.”⁵³⁵

Some youth are in the diaspora with no adult members of their families or with no other family members at all. Both during the conflict and now in the diaspora, “kids have to grow up fast. . . they’re becoming breadwinners.”⁵³⁶ Accordingly, they are less willing to respect elders and traditional structures, when they view themselves as independent of them.⁵³⁷ This view is a major change from the Liberian extended family system in which aunts and uncles have the same power and responsibilities as parents and in which there is virtually no distinction between cousins, half-siblings, step-siblings, foster-siblings – all are brothers and sisters.⁵³⁸

One interviewee in Minnesota noted that:

When I grew up. . . my parents were there, we didn’t have war, we had stable community, day-in, day-out. . . structure was there, rules are the same, discipline, respect, that kind of thing. But all of that was taken away and these kids were just thrown from one place to another, some of them don’t have any parent around, so in some families, some homes, they don’t have any real structure. They’re just there, existing.⁵³⁹

Another interviewee in Providence expressed the concern that this lack of structure is “damaging the fabric of Liberian society.”⁵⁴⁰

Community-Level Impact

As noted elsewhere in this report, the Liberian diaspora was established before the Liberian civil war that began in 1989. The composition of the diaspora has undergone significant change, however, as a result of the conflict.

As the conflict progressed, the diaspora changed from a relatively homogeneous community of elites with connections to the United States, to a very diverse community reflecting the ethnic, class, and political divisions that were the roots of the conflict itself. Ethnic divisions are regularly cited by statement givers as a continuing problem in diaspora communities around the United States.⁵⁴¹ A community leader in Washington, DC, told the TRC that “differences among Liberian tribes became more visible during the civil war...the Liberian community began to



sectionalize to the point where certain members of the community were only comfortable dealing with their tribesmen.”⁵⁴² A community leader in Minnesota observed the same phenomenon, noting that just as during the war, factions developed and split off in Liberia, one saw the same phenomenon in the United States, with new organizations splitting off to protect specific interests.⁵⁴³ This statement giver also observed that in the 1990s, there was a significant Krahn-Nimba divide in Minnesota, which hurt the community. According to this statement giver, as the community has become larger and as more perceived perpetrators have been coming into the community, the diaspora community has drifted apart.⁵⁴⁴

One statement giver opined that Americo-Liberians in the United States continue to discriminate against Liberians of indigenous heritage.⁵⁴⁵ By contrast, a statement giver with ties to the Congo/Americo Liberian elite reported feeling “ostracized” by the diaspora community, in part because she was not in Liberia during the war and did not suffer personal trauma.⁵⁴⁶ Another statement giver who acknowledges that such tensions exist recommended that the community should organize, reconcile, and engage in mediation among ethnic groups, as most members of the diaspora community will not be returning to Liberia in the near future.⁵⁴⁷

Other statement givers noted, however, that among younger Liberians in the diaspora, much more

inter-tribal mixing occurs than ever before. Focus group participants in Providence believe that, as a result of the war, there have been more inter-marriages, which, they say, is a good thing.⁵⁴⁸ A Krahn statement giver living in Minnesota told the TRC:

My niece has a child by a Gio man here in the United States. I talked to her and asked her how she could date a Gio man, and have his baby, after a Gio had killed her uncle. She said that she couldn't hold against her boyfriend what some other Gio person did – he “didn't know anything about it.” This is an example of how things are different here in the United States – the younger generation is not as concerned with tribal divisions...⁵⁴⁹

The fracturing of the Liberian community since the war has also occurred along political lines. In the past five years, national ULAA elections,⁵⁵⁰ as well as community elections in Staten Island, New York,⁵⁵¹ in Minnesota,⁵⁵² and in Atlanta, Georgia,⁵⁵³ have been extremely divisive. In each community, election results were contested and legal action was pursued or threatened. Leaders in Washington, DC, also noted that “in the past, some members of the Liberian community did not accept local community association election results because they felt it was not free and fair.”⁵⁵⁴ These controversies in some cases appear to be related to undercurrents of mistrust as a result of the conflict in Liberia. In the 2007 election for the leadership of the Organization of Liberians in Minnesota, the ultimate winner was accused of being a “warlord” by his opponents, based on his admitted role as a spokesperson for one faction that emerged during the civil war.⁵⁵⁵ No evidence of the candidate's participation in any fighting was ever produced, but the accusation led to extensive controversy within the community, as well as negative media attention for the candidate and the community. In the 2008 ULAA elections, one of the candidates was accused of being a rebel leader and was compared to the likes of Charles Taylor and Robert Mugabe.⁵⁵⁶

The successful candidate in the Minnesota election, Kerper Dwanyen, appeared at the public hearing in Minnesota and gave lengthy testimony concerning his work for the Nimba Redemption Council during the war and the emotional impact he suffered due to the allegations against him:

If you're running for president of the United States...it's somewhat easier to understand because the stakes are high, but when you're trying to lead your community on a volunteer basis and people engaged in these tactics it's somewhat befuddling. For me it was like grabbing my father and killing him right before me once again. That was the most painful part of it. That was the very painful part of it.

...

And it's sad what we are doing to each other here in this Diaspora, fighting this war in ways which are very, very unhealthy and very, very unhelpful to our country.⁵⁵⁷

From their perspective, Dwanyen's former opponents point to his acknowledged association with the Nimba Redemption Council and repeat allegations that this organization was associated with violence or human rights abuses. Such continued and highly emotional conflicts and confusion or disagreement over what happened and who is responsible are a significant challenge for continuing progress in the Liberian diaspora. The strains in the community have made mobilizing around important issues, such as extension of Liberians' temporary immigration status,⁵⁵⁸ unduly difficult.

“A HOUSE WITH TWO ROOMS”

Liberians, like many other forced migrant communities, maintain close relationships with Liberia.⁵⁵⁹ This relationship exists at the individual, local community, and national levels. The relationship expresses itself primarily through remittances, diaspora philanthropy targeted at development and rebuilding, as well as extensive diaspora involvement in the national politics of Liberia both during and after the conflict.

Diaspora Remittances

It was so heartbreaking, to see everyone on the streets begging. To see people who had nothing. Even people who used to be okay now have nothing. My friends, my family, people I knew who were fine before, would come round where I was staying and I went broke. I gave them all that I had, and I went broke.⁵⁶⁰

The pressure on Liberians living outside of West Africa to support and to assist those in Liberia or in refugee settlements in the sub-region is an omnipresent aspect of life for Liberian immigrants in the United States. One academic study reports that more than 72 percent of Liberian households send remittances;⁵⁶¹ community leaders report that the number is even higher.⁵⁶² The pressure to remit reportedly falls on everyone in the Liberian community, regardless of whether they are earning a wage. A high school-based social worker who works with Liberian students reports that even her students are subjected to pressure to support relatives – primarily mothers – who remain in Liberia.⁵⁶³ One study noted that the amount remitted to relatives in Liberia by an average Liberian household in Minnesota was between \$3,700 and \$4,150 per year.⁵⁶⁴ Based on that average, remittances in total from the United States to Liberia annually amount to between \$19 million and \$23 million dollars annually with another \$10 million to \$13 million annually going to Liberians in the rest of the West African sub-region.⁵⁶⁵

A researcher interviewing Liberians in Providence, Rhode Island, documented Liberians getting calls daily, sometimes five or six times, often from people who simply got their number from someone in Liberia who knows them.⁵⁶⁶ In keeping with the broad concept of “family” in Liberian culture, remittances are often paid to multiple generations of extended family, including spouses, parents, children, siblings, grandparents, aunts, uncles, and cousins.⁵⁶⁷ Remittances from a single individual in the United States often support between 10 and 20 people back in Liberia.⁵⁶⁸ The Providence study described the following typical remitting pattern:

The participant sends around \$300 every month to his wife and three children in Ghana. Bi-monthly he also sends up to \$300 dollars to a brother in Liberia and the money is shared between this brother and his wife and family, an uncle and his wife and family, and sometimes other siblings. He sometimes sends extra for his father. Each month he may send up to another \$200 in response to specific requests he receives from siblings, cousins, uncles, aunts as well as from unrelated friends in Ghana, Liberia and Cote D’Ivoire. At Christmas and for Liberia’s Independence Day (July 26th) he sends money particularly extensively, including extra money to be shared among more people in his transfer to his brother. On top of this personal sending, he has donated money to a collection for orphaned children in Liberia.⁵⁶⁹

Attempting to save money to send home can have a significant impact on the quality of life of Liberian immigrants, many of whom also support large extended families in the United States.

[T]hat’s what we get when we’re there and everybody else is sending money – your family is sending money, and then when you get here and you’re not able to do that for your family right away – it becomes a problem. Our people think, oh, I’m a failure to my family because I’m not able to help them right away. So they face a lot of issues going through that. Whenever they get a job all they think about is to send money, they’re not thinking about maintaining your apartment here, maintaining a phone line which is a necessity, is not a luxury.⁵⁷⁰

A police liaison officer in Minnesota who has worked extensively with the Liberian community observed that it is not unusual for a single wage-earner to be supporting ten dependents here in the United States.⁵⁷¹ One statement giver reported that the stress of working multiple jobs to support relatives in Liberia has left her little time or resources for her children living with her in the United States;⁵⁷² another statement giver described the impact of remittances to Liberia as forcing her to live “paycheck to paycheck.”⁵⁷³

Liberians report that they save money to remit by lodging with other family members (saving rent money), by collecting cans for recycling refunds, or by limiting their own educational opportunities (choosing to pay for education of family in Liberia rather than their own).⁵⁷⁴ The plight of relatives living in refugee camps is well understood by members of the diaspora, many of whom lived in the same camps prior to emigrating to the United States.⁵⁷⁵ The perception of many family members who receive remittances that relatives living in the United States are well-off and can thus afford to make the payments is at painful odds with the reality for many Liberians in the diaspora.⁵⁷⁶

The ability to remit also impacts one's standing in the community, both in the diaspora and in Liberia.

This is how they judge you in the family. If you are here and you don't send money back then they will classify you as unimportant, and they will not respect you if you go back. Because if you can't send money it is a kind of disgrace to your family, people will laugh at them and say "you have family in America but you are still poor!"⁵⁷⁷

As described above, remittances play a critical role in maintaining links between the diaspora and the population in Liberia. Remittances also play an important role in meeting the needs of Liberians who may be overlooked or outside the mandate of large international non-governmental organizations and other donors.⁵⁷⁸ One Liberian interviewed for an academic study noted that he remits to keep his brothers, who were former fighters, from returning to that lifestyle.⁵⁷⁹ Lubkemann has posited that remittances may even "mitigate some of the forms of social antagonism and conflict that repatriation and other forms of targeted humanitarian assistance have...been documented to generate."⁵⁸⁰ In this way, remittances may play a key role in Liberia's transition out of conflict.

Diaspora Philanthropy and Entrepreneurship

Apart from involvement at the individual level through remittances and other support, resettled Liberians also are very involved in communities to which they have ties in Liberia. Whether through helping with projects in their home villages, working through a high school alumni organization, or by starting their own non-profit organizations, a number of statement givers reported specific plans to assist in the rebuilding of Liberia, both in the present and the future. These statement givers reflect the view that the diaspora community must assist if conditions in Liberia are to improve⁵⁸¹ and that Liberia can benefit from what those in the Diaspora have learned.⁵⁸² "[W]e all think we have a solemn responsibility to be a part of the economic revival of Liberia, because ultimately...the issue of reviving Liberia's economy is very, very critical to this whole issue of reconciliation."⁵⁸³ Projected contributions include sharing knowledge about starting and operating businesses,⁵⁸⁴ operating children's clinics,⁵⁸⁵ and teaching.⁵⁸⁶

Several statement givers and interviewees reported that they are currently working with groups on specific projects to rebuild Liberia through non-profit organizations and foundations based in the United States.⁵⁸⁷ For example, the Grand Gedeh Association in the Americas, Inc., the primary association for those who identify themselves as Krahn, reports that it has run programs that put “students on scholarships in various colleges, universities and technical institutions in Liberia, supplies hospital beds and medications, repairing public buildings, schools textbooks/materials etc.”⁵⁸⁸ The National Association of Cape Mountainians in the Americas recently raised \$13,000 from a U.S.-based foundation and matched that through fundraising from its members to rebuild a bridge in Cape Mount County.⁵⁸⁹ The President of the Organization of Liberians in Minnesota told the TRC that the Minnesota community is working “with institutions that can help us in the relief area as it relates to two particular [issues]...revitalizing the health care and revitalizing the educational sector.”⁵⁹⁰ A Liberian living in Washington, DC, told the TRC that he funds a rebuilding project through a “clan” association. The organization has “completed the reconstruction phase of a clinic in its community at home and been involved in supplies of textbooks and school’s materials, provid[ing] monthly stipend for teachers in its clan” as well as other activities.⁵⁹¹ A Liberian woman in Atlanta told the TRC about a foundation she and her sister started to provide scholarships to young women and girls in Liberia. Liberian Women’s Initiatives – Minnesota was founded to send money and supplies back to Liberia and now provides services in the diaspora. Numerous other philanthropic endeavors were also reported, including a school supplies and sanitation project in Buchanan organized by the Bassa Action Group, for example.⁵⁹² The European Federation of Liberian Associations has instituted “The Development Challenge for Liberia” and held a conference on the issue in Paris in summer 2008. Proposed projects focus on health, education, agriculture, and resettlement and integration.⁵⁹³

Focusing on economic opportunity is also a key part of much work among resettled Liberians. A statement giver living in North Carolina told the TRC about his plans to begin the LIGREEID Corporation which would build small business infrastructure and work to empower small business start-ups in Liberia.⁵⁹⁴ The Organization of Liberians in Minnesota and several other state and European associations have brought Liberian ministers of trade to their states and have worked to organize trade missions to Liberia.⁵⁹⁵

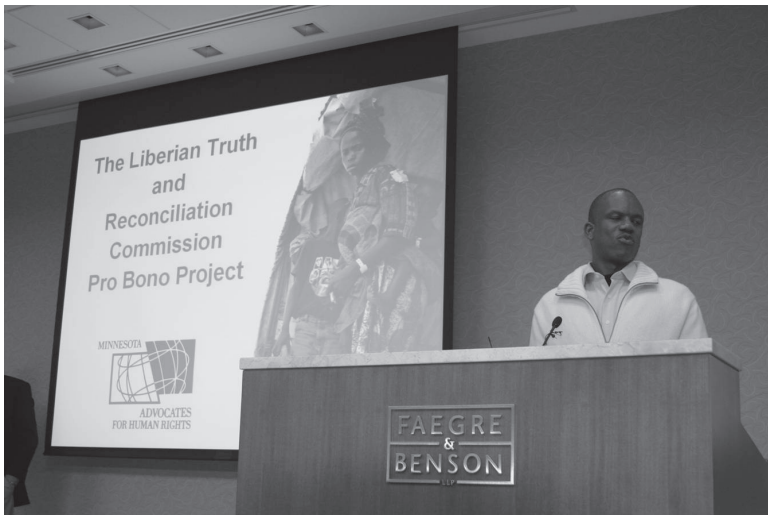
Some individual Liberians are contributing without any organization behind their efforts. An academic researcher documented this anecdote about a diaspora “philanthropist”:

His first visit to find relatives had required several days of journey by car, by boat, and by foot because bridges and roads had been destroyed by the war. During his visit it became clear that the greatest needs of the village stemmed from its problems with lack of outside access, primarily because the old road had been mined and three small bridges destroyed. With a contribution of \$800 USD this individual provided the villagers with tools and resources they needed to clear a new road and build three rudimentary

bridges over streams that would allow a four-wheel vehicle to reach the community—if not during the entire year, at least during the dry season. Indeed, when Edward visited them the following year he was able to hire a car that took him all the way to the village itself in considerably less time than his first trip had taken.

On this second trip community leaders asked for Edward's assistance in establishing a small-scale lumber extraction business. Above all they needed a chainsaw and funds to pay for a truck to take their first shipment of lumber to the nearest market. On his return to the U.S. Edward purchased a chainsaw and sent it back through relatives in Ghana. When the villagers communicated back to him that the chainsaw was breaking down he paid for a Ghanaian operator to go and instruct the villagers in the chainsaw's use and to repair the machine. Once he was notified that the first load of lumber was ready to be sent to market he had a relative in Monrovia hire an independent truck driver to go to the village. By his account a total investment of \$1500 USD had provided the village with the means to now run a self-sustaining small-scale lumber extraction and milling business.⁵⁹⁶

Diaspora Involvement in Liberia's Political Fortunes



Liberia researcher Mary Moran has opined that, to ignore the role of the diaspora, particularly in the United States, is to “tell only half the story” when it comes to Liberia’s decline into conflict and its road to peace.⁵⁹⁷ TRC statements from the Diaspora reflect a sentiment that many Liberians in the diaspora played a role in fomenting and funding the conflict in Liberia. One community leader in Washington, DC, said that “some Liberians blame ULAA

for the war” because it was founded by individuals who later played significant roles in Liberia’s civil crises.⁵⁹⁸ According to him, in the early days, ULAA collaborated with and “agitated” along with home-based student organizations such as the Liberian National Student Union (LINSU), Progressive

Alliance of Liberia (PAL), and the Movement for Justice in Africa (MOJA).⁵⁹⁹ ULAA called on the Liberian authorities to implement fundamental changes in the social, political, and economic systems of the country.⁶⁰⁰

One month before the coup in which President Tolbert was killed, ULAA representatives were in Monrovia to meet with Tolbert at the Executive Mansion. The delegation included Charles Taylor.⁶⁰¹ Then-president of ULAA, Bai Gbala, presented Tolbert with a statement that is instructive about the way in which members of the diaspora saw themselves interacting with the political situation in Liberia.

[C]an it not be argued, and persuasively so, that those Liberians such as we are, who have traveled and lived abroad, and who have had the opportunity to observe and experience the mechanics and dynamics of other social, economic, and political systems...have a clear and inescapable responsibility...to deal with and speak out unequivocally on the multiple problems that now grip our common country and people?⁶⁰²

The statement outlined three major concerns, including “Freedom of Speech and Press,” “Suffrage,” and the treatment of Liberians by U.S. immigration authorities.⁶⁰³ The document also described several other meetings that had taken place between ULAA representatives and Liberian government officials in the United States and proposed a constitutional amendment to address some of ULAA’s concerns about voting rights in Liberia.⁶⁰⁴ At public hearings in St. Paul, Minnesota, a ULAA board member told the TRC that “ULAA has a history of being in the vanguard of changing the political landscape. They consistently advocated for social justice...ensuring that there was a political change in Liberia that reflected the aspirations of the majority of the Liberian people.”⁶⁰⁵

A public hearing witness, the President of the Organization of Liberians in Minnesota, testified that the diaspora has had a major impact on events in Liberia, both positive and negative:

People in the diaspora have been a part of this. What we have to understand is that diaspora Liberians beginning from the seventies have been at the forefront of advocating for human rights in Liberia speaking out against the ills of the society throughout. Then we have the component in the diaspora who felt like dialogue was not the answer, military action is the answer...I know that as the result of the atrocities against the people of Nimba, the Nimba organization in this country did raise money to give to the NPFL.

After the fall of Doe, the Krahn and Mandingo organizations raised money...to fund LPC and LURD and MODEL. But that’s one component,

but the diaspora community has also been actively involved in resolving the conflict. The 1990 Banjul Conference was brought about because people in the diaspora lobbied along with people in Liberia. I don't want to have people in the diaspora take total credit for this, but diaspora Liberians have been a part of finding solutions to the conflict. Ironically, some of the same people who have been involved in looking for solutions have been involved in instigating the crisis as well.⁶⁰⁶

After the coup and as the civil war progressed, there was also a perception that Liberians abroad were supporting various factions, sometimes with funding. Although this link between diaspora funding and fighting factions was often mentioned, specific information was very difficult to obtain. Most statement givers echoed an interviewee living in Arizona who noted that he “believes that the diaspora has played a significant role in the Liberian conflict. . .[but] [h]e cannot give specific examples of funding or identify individuals who headed up that effort.”⁶⁰⁷

Not only did diaspora Liberians strategize about and take part in events that affected the course of the Liberian war, diaspora Liberians have also played an active role in steering the nation toward peace. In January 2003, for example, a meeting of prominent diaspora Liberians was held at Indiana University (an institution with which former interim president Amos Sawyer has had a long term relationship). The stated intent was to “begin a discussion designed to provide a deeper understanding of Liberian governance institutions and their potentials to contribute to peace and democratic governance in Liberia.”⁶⁰⁸ In August 2003, another “workshop” of prominent diaspora Liberians was held at the University of Pennsylvania under the auspices of the Solomon Asch Center for the study of Ethnopolitical Conflict and the Liberty Center for Survivors of Torture.⁶⁰⁹ The product of that



workshop was an extensive report intended to influence the course of peace processes in Liberia. In addition to these gatherings, Liberians in the diaspora also organized protests in Washington, DC, to demand assistance and military intervention from the United States.⁶¹⁰ ULAA also continued to be involved by sending a delegation to the Accra Peace Conference and participating in election monitoring.⁶¹¹

After the establishment of peace in Liberia, members of the diaspora continued to play a role in politics back home. In 2004, Liberians in the diaspora participated in a virtual town hall meeting with transitional government chairman Gyude Bryant.⁶¹² Statement givers reported actively campaigning for various candidates in the 2005 elections. Moran notes that the Liberian government issued a directive that campaigning outside of Liberia was prohibited by Liberian election laws in response to the “very active organizing being waged by candidates for the 2005 elections in diaspora communities.”⁶¹³

Diaspora Liberians consider themselves to have “long-term commitments and responsibilities to both a country of origin and a country of resettlement,” effectively making them “transnationals.”⁶¹⁴ This transnational identity inevitably leads to the question of a return home, a topic discussed by many statement givers in both the United States and the United Kingdom.

THE RETURN

Concerning a return to Liberia, members of the diaspora community express many views about whether they wish to return and under what conditions. An issue that looms large for both Liberians in the diaspora and those back home in Liberia is the issue of dual citizenship.⁶¹⁵ Liberia does not allow dual citizenship. Accordingly, those immigrants who wish to become citizens in their countries of resettlement must give up their Liberian citizenship. Some resettled Liberians view their lack of citizenship as tantamount to being wrongly disenfranchised.⁶¹⁶ Although many Liberians are seeking citizenship in other countries, some choose not to become citizens so that they can remain Liberian citizens.⁶¹⁷ For example, one Liberian living in the United Kingdom noted that he resisted taking on British citizenship for more than a decade because “I felt that if I took on British citizenship I was selling out.”⁶¹⁸

Many resettled Liberians see themselves as entitled to citizenship in Liberia and to its benefits, such as land ownership or government jobs. “Over the years we’ve sustained them, advocated for them over the course of the war...became the economic lifeline of the country over the course of the war.”⁶¹⁹ But not everyone is in favor of allowing dual citizenship because, in one interviewee’s opinion, it “defeats nation-building and only ensures the continuance of incompetence and corruption as dual nationals leave the country at the first sign of trouble...”⁶²⁰ Still others see the Liberian citizenship regime as antiquated and violating human rights.

Most diaspora Liberians would appreciate and want to see dual citizenship happen. I strongly believe that one of the main forces that kept us in the dark is this question of only people of negro descent to own property and have a government position. I think our constitution prior to the war was a racist constitution because only someone of Negro descent can do certain things...There should be no restrictions on a man who has been out of his

country through no fault of his own on going back and wanting to help his country and also taking a spouse and children who may be of different race; there should be no question about their ability to contribute to Liberia and be a part of the nation.⁶²¹

Apart from feeling entitled to dual citizenship, many diaspora Liberians feel that they have something to contribute to Liberia after having been abroad and having gained new education and experiences that would aid Liberia's rebuilding. "There is an economic argument to be made that what you do with dual citizenship is that you are benefiting from both sides. If our kids are prohibited from having dual citizenship then they will not forgo the United States for Liberia. So the benefits that would have been accrued to them will not happen, they will not want to take their business to Liberia and/or to go back to Liberia, this is the economic argument."⁶²² Another Liberian living in the United Kingdom noted that "I want to go back to Liberia at some point, so you are going to tell me that because I have British citizenship you aren't going to let me come there and work with the skills that I have. I think I owe a debt to my country and I want the opportunity to go and pay back at some point. Because I have British citizenship or American citizenship I can't do certain things? Many of us have argued that point. Hopefully I think the government should realize it."⁶²³

Some statement givers are clear that they do not want to return to Liberia under any conditions.⁶²⁴ Others report a wish to be able to return to the country for a limited period to attend to the burial of loved ones,⁶²⁵ attend life cycle events, visit family, or take care of property, but do not see themselves as returning permanently.⁶²⁶ Several older Liberians expressed a general wish to "go home and be in peace."⁶²⁷ Many others say they consider returning to Liberia, but only under certain conditions. These conditions range from a requirement that there be "less corruption and a better mentality in Liberia"⁶²⁸ or an opportunity for someone who has completed his education to be able to "help the Liberian people,"⁶²⁹ to being able to "lead a normal life,"⁶³⁰ have sufficient funds to live and travel,⁶³¹ and "live like an American does."⁶³²

Notes

- 1 See Steven Vertovec, *The Political Importance of Diasporas* MIGRATION INFORMATION SOURCE (Migration Policy Institute, Washington, DC, June 2005, <http://www.migrationinformation.org/Feature/display.cfm?ID=313>).
- 2 U.N. High Comm'r for Refugees, 2005 UNHCR STATISTICAL YEARBOOK: LIBERIA 400-401 (2007) (listing the total number of Liberian refugees in 1996 at 784,008) [hereinafter U.N. High Comm'r for Refugees, STATISTICAL YEARBOOK], <http://www.unhcr.org/statistics/STATISTICS/4641be64d.pdf>.
- 3 *Id.*
- 4 R. Baker, *Psychological Consequences for Tortured Refugees Seeking Asylum and Refugee Status in Europe*, in TORTURE AND ITS CONSEQUENCES: CURRENT TREATMENT APPROACHES 83-106 (M. Basoglu ed., 1992).
- 5 See Chapter 6 for a discussion of tactics used by fighting factions during the war. See Amnesty Int'l, *Liberia: Civilians Face Human Rights Abuses at Home and Across Borders* 3, AI Index AFR 34/020/2002, Oct. 1, 2002 [hereinafter *Abuses at Home and Across Borders*], <http://www.amnesty.org/en/library/info/AFR34/020/2002>.
- 6 TRC Diaspora Statement Rec. 36.
- 7 TRC Diaspora Statement Rec. 1553.
- 8 TRC Diaspora Statement Rec. 1367; see also, e.g., TRC Diaspora Statement Recs. 589 and 1682.
- 9 TRC Diaspora Statement Rec. 211. ECOMOG refers to the Economic Community of West African States Monitoring Group peacekeeping force. Buchanan is a coastal city to the south of Monrovia.
- 10 TRC Diaspora Statement Rec. 1378.
- 11 Fourteen peace accords were signed between 1990 and the end of the fighting in Liberia in 2003. PRISCILLA HAYNER, HENRY DUNANT CENTRE FOR HUMANITARIAN DIALOGUE, NEGOTIATING PEACE IN LIBERIA: PRESERVING THE POSSIBILITY FOR JUSTICE 6, <http://www.ictj.org/static/Africa/Liberia/HaynerLiberia1207.eng.pdf>.
- 12 TRC Diaspora Statement Rec. 115.
- 13 *Id.*
- 14 TRC Diaspora Statement Rec. 1646.
- 15 *Id.*
- 16 TRC Diaspora Statement Rec. 16.
- 17 *Id.*
- 18 TRC Diaspora Statement Rec. 182. The offices of the TRC of Liberia are currently located on 9th Street in the Sinkor district of Monrovia.
- 19 See Chapter 4 for background discussion of ethnic tensions.
- 20 TRC Diaspora Statement Rec. 65.
- 21 TRC Diaspora Statement Rec. 151.
- 22 TRC Diaspora Statement Rec. 478.
- 23 See Chapter 7.
- 24 E.g., TRC Diaspora Statement Recs. 32, 105, 1435, 1598, 1646, 1738.
- 25 TRC Diaspora Statement Rec. 707.
- 26 TRC Diaspora Statement Rec. 120.
- 27 TRC Diaspora Statement Rec. 28.
- 28 TRC Diaspora Statement Rec. 182.
- 29 TRC Diaspora Statement Rec. 1616.
- 30 SHELLY DICK, FORCED MIGRATION ONLINE, RESEARCH GUIDE: LIBERIA § 2.4.1 (2003) [hereinafter DICK, FORCED MIGRATION ONLINE], <http://www.forcedmigration.org/guides/fmo013/>.
- 31 Human Rights Watch, *World Report 1999 – Liberia Human Rights Developments* 49, 51 [hereinafter *Liberia Human Rights Developments*], <http://www.hrw.org/legacy/worldreport99/africa/liberia.html>; Amnesty Int'l, *Liberia: War in Lofa County Does Not Justify Killing, Torture and Abduction*, AI Index AFR 34/003/2001, May 1, 2001, <http://www.amnesty.org/en/library/info/AFR34/003/2001/en>; *World Briefs*, Hous. CHRONICLE, Sept. 20, 1998, at 35; *U.S. Airlifts Opposition Leader Out of Liberia*, N.Y. TIMES, Sept. 26, 1998, at A3. After one week at the U.S. embassy, Johnson was flown to Sierra Leone and later to Nigeria, where he was jailed and made to await trial for charges of treason. *Liberia Human Rights Developments*, *supra* note 31, at 49, 51; *Liberian Dismisses U.S. Rescue of Rival*, WASH. POST, Sept. 27, 1998, at A32.
- 32 See, e.g., TRC Diaspora Statement Recs. 1452 (describing how Chuckie Taylor's bodyguards bayoneted a statement giver in his arm and neck, causing deafness in one ear, and detained him in jail) and 201 (describing the shooting and death of statement giver's daughter, knifing of statement

- giver, rape of statement giver's sister-in-law, and burning of their house).
- 33 Bai Gbala, Testimony at the Diaspora Public Hearings of the Truth & Reconciliation Comm'n of Liberia 7 (June 12, 2008, St. Paul, Minn., U.S.A.) (transcript on file with author). Due to pressure from the international community, Taylor granted clemency to Gbala and the others on July 21, 2001 and released them after three years. *Id.* at 7-8.
- 34 TRC Diaspora Statement Rec. 1325.
- 35 TRC Diaspora Statement Rec. 479.
- 36 *E.g.*, TRC Diaspora Statement Recs. 430, 438, 444, 445, 479, 484, 494, 623, 637, 665, 668, 672, 679, 680, 1099, 1122, 1124, 1133, 1149.
- 37 TRC Diaspora Statement Rec. 1646.
- 38 *E.g.*, TRC Diaspora Statement Recs. 16, 585, 1481.
- 39 TRC Diaspora Statement Rec. 16.
- 40 TRC Diaspora Statement Rec. 16.
- 41 TRC Diaspora Statement Rec. 1330.
- 42 TRC Diaspora Statement Rec. 1529.
- 43 TRC Diaspora Statement Rec. 866.
- 44 *See, e.g.*, TRC Diaspora Statement Rec. 1646 (describing her mother going to run an errand in a suburb of Monrovia and being separated from the statement giver and her brother for months by the rebel advance).
- 45 TRC Diaspora Statement Rec. 637.
- 46 TRC Diaspora Statement Rec. 176.
- 47 TRC Diaspora Statement Rec. 1515.
- 48 *Id.*
- 49 *Id.*
- 50 *Id.*
- 51 Memorandum from Commanding Officer of Marine Medium Helicopter Squadron 261 to Commandant of the Marine Corps regarding Command Chronology for Period 1 July 1990 through 31 December 1990 at 8-9, dated January 10, 1991 (on file with author, FOIA); Michael R. Gordon, *U.S. Forces Evacuate 74 After Threats in Liberia*, N.Y. TIMES, Aug. 6, 1990; LAUREN PLOCH, CONG. RESEARCH SERVICE, AFRICA COMMAND: U.S. STRATEGIC INTERESTS & THE ROLE OF THE U.S. MILITARY IN AFRICA 36 (2007), <http://www.fas.org/sgp/crs/natsec/RL34003.pdf>.
- 52 TRC Diaspora Statement Rec. 648.
- 53 ROBIN DUNN-MARCOS ET AL., CTR. FOR APPLIED LINGUISTICS, LIBERIANS: AN INTRODUCTION TO THEIR HISTORY AND CULTURE 26-27 (Donald A. Ranard ed., 2005), http://www.cal.org/co/liberians/liberian_050406_1.pdf. *See generally*, AYODEJI OLUKOJU, CULTURE AND CUSTOMS OF LIBERIA 91-104 (2006).
- 54 *See infra* text accompanying notes 535 – 580
- 55 *See supra* section on Family-Level Impact for additional discussion.
- 56 TRC Diaspora Statement Rec. 1350.
- 57 TRC Diaspora Statement Rec. 184.
- 58 TRC Diaspora Statement Rec. 1277.
- 59 *Id.*
- 60 TRC Diaspora Statement Rec. 478.
- 61 TRC Diaspora Statement Rec. 1352 .
- 62 TRC Diaspora Statement Rec. 468; *see also* TRC Diaspora Statement Rec. 187.
- 63 TRC Diaspora Statement Rec. 1303.
- 64 TRC Diaspora Statement Rec. 1448.
- 65 TRC Diaspora Statement Rec. 1482.
- 66 TRC Diaspora Statement Rec. 741.
- 67 TRC Diaspora Statement Rec. 1424.
- 68 Ali Sylla, Testimony at the Diaspora Public Hearings of the Truth & Reconciliation Comm'n of Liberia 12 (June 13, 2008, St. Paul, Minn., U.S.A.) (transcript on file with the author).
- 69 Ali Sylla, Testimony at the Diaspora Public Hearings of the Truth & Reconciliation Comm'n of Liberia 12 (June 13, 2008, St. Paul, Minn., U.S.A.) (transcript on file with the author).
- 70 Checkpoints were also a phenomenon during the Doe era between 1980 and 1989. A statement giver now living in Atlanta told the TRC that “Doe soldiers were [giving] Liberian people [a] hard time by taking money from them at checkpoints. If traveling out of town, they would take food and money from you.” TRC Diaspora Statement Rec. 1303.
- 71 TRC Diaspora Statement Rec. 1352.
- 72 *E.g.*, TRC Diaspora Statement Recs. 16, 36 and 116.
- 73 TRC Diaspora Statement Rec. 32.
- 74 TRC Diaspora Statement Rec. 1303.
- 75 TRC Diaspora Statement Rec. 187.
- 76 Tabay is a method of binding prisoners with arms

- behind the back, tied at the elbow so that the ribcage is close to bursting and all sensation in the arms is lost.
- 77 TRC Diaspora Statement Rec. 1350.
- 78 TRC Diaspora Statement Rec. 36.
- 79 TRC Diaspora Statement Rec. 32.
- 80 TRC Diaspora Statement Rec. 1594.
- 81 TRC Diaspora Statement Rec. 1352.
- 82 TRC Diaspora Statement Rec. 16.
- 83 TRC Diaspora Statement Rec. 120.
- 84 TRC Diaspora Statement Rec. 1525.
- 85 TRC Diaspora Statement Rec. 16.
- 86 TRC Diaspora Statement Rec. 1352. See Chapter 10's section on Gender-based Violence during Flight.
- 87 *Abuses at Home and Across Borders*, *supra* note 5, at 4.
- 88 TRC Diaspora Statement Rec. 15.
- 89 INTERNAL DISPLACEMENT MONITORING CENTRE (IDMC), LIBERIA: KEY CHALLENGE IS ENSURING SUSTAINABILITY OF IDP RETURN 46-47 (2006), <http://www.unhcr.org/refworld/docid/44e9b3484.html>.
- 90 SHARON COOPER & ROY HERRMANN, U.N. HIGH COMM'R FOR REFUGEES EVALUATION & POLICY UNIT, REAL-TIME EVALUATION OF UNHCR'S RESPONSE TO THE LIBERIA EMERGENCY 5-6 (2003), <http://www.unhcr.org/cgi-bin/texis/vtx/home/openssl.pdf?tbl=RESEARCH&id=3fd7320c4&page=research>.
- 91 TRC Diaspora Statement Rec. 25.
- 92 *See, e.g.*, TRC Diaspora Statement Rec. 1156.
- 93 TRC Diaspora Statement Rec. 740.
- 94 TRC Diaspora Statement Rec. 36. Another statement giver described going to Eternal Love Winning Africa (ELWA) because U.S. citizens had been encouraged to go there. TRC Diaspora Statement Rec. 1102.
- 95 TRC Diaspora Statement Rec. 1156.
- 96 TRC Diaspora Statement Rec. 1396; *see also* TRC Diaspora Statement Rec. 586 (describing forced labor for the NPFL at Fendell).
- 97 TRC Diaspora Statement Rec. 1323.
- 98 See Chapter 12 for discussion on the role of the United States.
- 99 TRC Diaspora Statement Rec. 490.
- 100 *E.g.*, TRC Diaspora Statement Rec. 1350.
- 101 *E.g.*, TRC Diaspora Statement Recs. 36, 349.
- 102 *E.g.*, TRC Diaspora Statement Recs. 106, 107, 62, 71, 136, 748, 977, 1058, 1210.
- 103 TRC Diaspora Statement Rec. 107.
- 104 DICK, FORCED MIGRATION ONLINE, *supra* note 30, § 2.4.2.
- 105 COOPER & HERRMANN, *supra* note 90, at 2-3.
- 106 Humanitarian Information Centre for Liberia, *Location of Formal IDP Camps and Spontaneous Settlements and Return Package Assistance Distribution*, Map Catalog Code: LIB 135, June 3, 2005, http://www.humanitarianinfo.org/liberia/mapcentre/thematic/idps/pdf/LIB135_IDP_Camps_Locations_02Jun2005.pdf.
- 107 Internal Displacement Monitoring Centre, Key statistics of official IDP camps (May 2004), [http://www.internal-displacement.org/idmc/website/countries.nsf/\(httpEnvelopes\)/A5995FF71ECA62BC802570B8005AAD9B?OpenDocument](http://www.internal-displacement.org/idmc/website/countries.nsf/(httpEnvelopes)/A5995FF71ECA62BC802570B8005AAD9B?OpenDocument) (last visited Dec. 30, 2008).
- 108 U.N. High Comm'r for Refugees Africa Bureau, UNHCR's Position in the Treatment of Liberian Asylum Seekers and Return to Liberia 1, Aug. 3, 2005, http://www.unhcr.dk/Pdf/protect/Position_Liberia.pdf.
- 109 *E.g.*, TRC Diaspora Statement Recs. 419, 971, 977, 1116, 1352.
- 110 JENNIFER SCHLECHT, MIGRATION POLICY INST., WAR IN LIBERIA HIGHLIGHTS HEALTH THREATS TO REFUGEES (2003), www.migrationinformation.org/feature/display.cfm?ID=151.
- 111 U.N. High Comm'r for Refugees, STATISTICAL YEARBOOK, *supra* note 2, at 400-01.
- 112 *Id.*
- 113 The source of the Cavally River is in the Nimba Mountains of Guinea. The river delineates the border between Côte d'Ivoire and Liberia for more than half of its length. LIBRARY OF CONGRESS, IVORY COAST: A COUNTRY STUDY (Robert E. Handloff ed., 1988), <http://countrystudies.us/ivory-coast/16.htm>.
- 114 *E.g.*, TRC Diaspora Statement Recs. 134, 147, 162, 363, 644, 646, 650, 771, 804, 931, 428, 478, 1092, 1294, 1298, 1356.
- 115 TRC Diaspora Statement Rec. 1518; *see also* TRC Diaspora Statement Rec. 475.
- 116 TRC Diaspora Statement Rec. 785
- 117 TRC Diaspora Statement Rec. 15.

- 118 Ali Sylla, Testimony at the Diaspora Public Hearings of the Truth & Reconciliation Comm'n of Liberia 14-15 (June 13, 2008, St. Paul, Minn., U.S.A.) (transcript on file with the author).
- 119 TRC Diaspora Statement Rec. 105.
- 120 *Abuses at Home and Across Borders*, *supra* note 5, at 6, 9.
- 121 TRC Diaspora Statement Rec. 707.
- 122 *Abuses at Home and Across Borders*, *supra* note 5, at 9.
- 123 *E.g.*, TRC Diaspora Statement Rec. 741 (“My neighbor [and I] went by car to Mali. I was put in jail for a week in Mali because I did not have documents.”); TRC Diaspora Statement Rec. 472.
- 124 TRC Diaspora Statement Rec. 459.
- 125 *E.g.*, *Abuses at Home and Across Borders*, *supra* note 5, at 7.
- 126 *Id.*
- 127 *Id.* at 8.
- 128 TRC Diaspora Statement Rec. 1457.
- 129 TRC Diaspora Statement Rec. 34.
- 130 *Id.* The Tano River was a Ghanaian vessel sent to evacuate Ghanaian nationals but it also carried Liberians to safety. TRC Diaspora Statement Recs. 593, 1567, 1572, 1579, 178.
- 131 TRC Diaspora Statement Rec. 34.
- 132 TRC Diaspora Statement Rec. 1738.
- 133 TRC Diaspora Statement Rec. 34.
- 134 Francis Kpatindé, *Liberia – Shaking Off Bad Memories*, 106 REFUGEES MAG., Dec. 1, 1996, <http://www.unhcr.org/publ/PUBL/3b5833e5f.html>.
- 135 TRC Diaspora Statement Rec. 1351.
- 136 Cynthia Jikpamu, *Overcoming the Liberian Nightmare*, 107 REFUGEES MAG., Mar. 1, 1997, <http://www.unhcr.org/publ/PUBL/3b66ce692.html>.
- 137 DICK, FORCED MIGRATION ONLINE *supra* note 30, § 2.4.1.
- 138 Kpatindé, *supra* note 134.
- 139 *Id.*
- 140 Sierra Leone Web, Sierra Leone News: May 1996-May 14, <http://www.sierra-leone.org/Archives/slnews0596.html>.
- 141 *Id.*
- 142 *E.g.*, TRC Diaspora Statement Recs. 437, 464, 484, 494, 586. See Chapter 7’s section on Deployment of ECOMOG for additional discussion.
- 143 TRC Diaspora Statement Rec. 586.
- 144 TRC Diaspora Statement Rec. 15.
- 145 See Appendix C: Protections for Refugees in International Law for additional discussion.
- 146 DUNN-MARCOS ET AL., *supra* note 53, at 21.
- 147 UNHCR, STATISTICAL YEARBOOK, *supra* note 2, at 400-01.
- 148 *Liberia: UNHCR to Promote Voluntary Repatriation Following Positive Changes*, UNHCR BRIEFING NOTES. Feb. 17, 2006, <http://www.unhcr.org/cgi-bin/texis/vtx/print?tbl=NEWS&id=43f5b0c611>.
- 149 The Secretary-General, *Sixteenth Progress Report of the Secretary-General on the United Nations Mission in Liberia*, 12, delivered to the Security Council, U.N. Doc. S/2008/183 (Mar. 19, 2008), <http://www.un.org/Docs/sc/sgrep08.htm>.
- 150 TRC Diaspora Statement Rec. 1515.
- 151 TRC Diaspora Statement Rec. 1383.
- 152 See *supra* note 146.
- 153 TOM KUHLMAN, UNHCR POLICY AND EVALUATION UNIT, RESPONDING TO PROTRACTED REFUGEE SITUATIONS: A CASE STUDY OF LIBERIAN REFUGEES IN CÔTE D’IVOIRE 11 (2002), <http://www.unhcr.org/publ/RESEARCH/3d4006412.pdf>.
- 154 *Id.*
- 155 *Id.* at 12.
- 156 *Id.*
- 157 U.N. High Comm’r for Refugees, STATISTICAL YEARBOOK, *supra* note 2, at 400-01.
- 158 TRC Diaspora Statement Rec. 588.
- 159 *E.g.*, TRC Diaspora Statement Rec. 457, 447.
- 160 TRC Diaspora Statement Recs. 439, 440, 446, 453.
- 161 KUHLMAN, *supra* note 153, at 22.
- 162 *Id.*
- 163 *E.g.*, TRC Diaspora Statement Rec. 651. See also KUHLMAN, *supra* note 153, at 24.
- 164 TRC Diaspora Statement Rec. 478.
- 165 KUHLMAN, *supra* note 153, at 24; *Abuses at Home and Across Borders*, *supra* note 5, at 7.
- 166 See, *e.g.*, TRC Diaspora Statement Recs. 428, 465, 391.
- 167 DUNN-MARCOS ET AL., *supra* note 53, at 21.
- 168 *Id.*
- 169 Fati Kaba, *Tensions in Côte d’Ivoire Affect UNHCR*

- 170 *Refugee Registration*, UNHCR NEWS STORIES, Mar. 3, 2005, <http://www.unhcr.org/cgi-bin/texis/vtx/home/opendoc.htm?tbl=NEWS&id=4227260c4&page=news>.
- 171 U.N. High Comm'r for Refugees, *supra* note 2, at 400-01 (listing the total number of Liberian refugees in 1996 at 784,008).
- 172 TRC Diaspora Statement Rec. 428. *See also* TRC Diaspora Statement Rec. 843; *Abuses at Home and Across Borders*, *supra* note 5, at 2.
- 173 TRC Diaspora Statement Rec. 428.
- 174 TRC Diaspora Statement Rec. 588.
- 175 TRC Diaspora Statement Rec. 165.
- 176 TRC Diaspora Statement Rec. 223.
- 177 *Id.*
- 178 U.N. High Comm'r for Refugees, STATISTICAL YEARBOOK, *supra* note 2, at 400-01.
- 179 Rachel Goldstein-Rodriguez, *Biggest Convoy to Date Heads Back to Lofa County, Liberia*, UNHCR NEWS STORIES, Mar. 21, 2005, <http://www.unhcr.org/news/NEWS/423eccca94.html>.
- 180 *Liberian refugees relocated in neighboring countries*, UNHCR NEWS STORIES, May 1, 2002, <http://www.unhcr.org/news/NEWS/3cd00df24.html>.
- 181 *West Africa Update*, UNHCR COUNTRY UPDATES, Mar. 7, 2002, <http://www.unhcr.org/news/NEWS/3c8762c64.html>.
- 182 TRC Diaspora Statement Rec. 1408.
- 183 TRC Diaspora Statement Rec. 32.
- 184 *E.g.*, TRC Diaspora Statement Recs. 15, 65, 707.
- 185 TRC Diaspora Statement Rec. 707.
- 186 *Id.*
- 187 UNHCR, STATISTICAL YEARBOOK, *supra* note 2, at 400-01.; UNHCR, 2005 UNHCR STATISTICAL YEARBOOK: SIERRA LEONE 486-87 (April 2007), <http://www.unhcr.org/statistics/STATISTICS/4641bec111.pdf>.
- 188 U.N. High Comm'r for Refugees, STATISTICAL YEARBOOK, *supra* note 2, at 400-401 (Liberia), 486-87 (Sierra Leone).
- 189 DICK, FORCED MIGRATION ONLINE, *supra* note 30, § 3.1.1.
- 190 TRC Diaspora Statement Rec. 1556.
- 191 Statement of Anonymous, Truth & Reconciliation Comm'n of Liberia Palava Hut Meeting (June 16, 2007, Clarkston, Ga., U.S.A.) (notes on file with author).
- 192 *Id.*
- 193 Elizabeth Blunt, *Civil War Fears in Guinea*, BBC NEWS, October 23, 2000, <http://news.bbc.co.uk/2/hi/africa/986375.stm>, (describing cross border attacks from both Sierra Leone and Liberia); *Guinea Crisis 'Worst in World'*, BBC NEWS, Jan. 24, 2001, <http://news.bbc.co.uk/2/hi/africa/1132796.stm>.
- 194 TRC Diaspora Statement Recs. 206, 379, 412, 647, 676, 749, 1285, 1637.
- 195 TRC Diaspora Statement Rec. 1637.
- 196 TRC Diaspora Statement Rec. 206.
- 197 *Abuses at Home and Across Borders*, *supra* note 5, at 7.
- 198 JEFF CRISP, THE CENTER FOR COMPARATIVE IMMIGRATION STUDIES, NO SOLUTION IN SIGHT: THE PROBLEM OF PROTRACTED REFUGEE SITUATIONS IN AFRICA 14, <http://www.ccis-ucsd.org/publications/wrkg68.pdf> (2002) (citation omitted).
- 199 *Id.* at 16.
- 200 *Id.* at 10.
- 201 UNHCR, STATISTICAL YEARBOOK, *supra* note 2, at 400-01. There are two camps for Liberian refugees in Ghana, Buduburam and Krisan-Senzolli. The vast majority of refugees settled in Buduburam. Numbers at Krisan are estimated to be less than 2,000.
- 202 Interview with Varney Sambola, Chairman, Liberian Refugee Welfare Council, Buduburam, Ghana (Oct. 4, 2007).
- 203 TRC Diaspora Statement Rec. 306; *see also* TRC Diaspora Statement Rec. 585.
- 204 TRC Diaspora Statement Rec. 587.
- 205 A small population of Sierra Leonean refugees also lives in Buduburam.
- 206 U.N. High Commissioner for Refugees, UNHCR's Position on the Treatment of Liberian Asylum Seekers and Return to Liberia, Aug. 3, 2005, http://www.unhcr.se/Pdf/protect/Position_Liberia.pdf.
- 207 SHELLY DICK, UNHCR EVALUATION AND POLICY UNIT, RESPONDING TO PROTRACTED REFUGEE SITUATIONS: A CASE STUDY OF LIBERIAN REFUGEES IN GHANA 25-27 (2002), [hereinafter DICK, RESPONDING TO PROTRACTED REFUGEE SITUATIONS] <http://www.unhcr.org/research/RESEARCH/3d40059b4.pdf>.

- 208 *E.g.*, TRC Diaspora Statement Rec. 391 (“She has no ID card because UNHCR had finished giving them out.”)
- 209 DICK, RESPONDING TO PROTRACTED REFUGEE SITUATIONS, *supra* note 207, at 25-27.
- 210 TRC Diaspora Statement Rec. 436.
- 211 *E.g.*, TRC Diaspora Statement Recs. 433, 309, 382.
- 212 TRC Diaspora Statement Rec. 641.
- 213 *Id.*
- 214 *Id.*
- 215 *Id.*
- 216 Interview with Sebastian Nerault, clinic administrator, and Elise Nerault, physical therapist, St. Gregory Clinic, Buduburam, Ghana (Sept. 30, 2007). *See also* Peter M. Crosta, *Fighters in Liberia More Likely to Have Mental Health Disorders After Exposure to Sexual Violence*, MED. NEWS TODAY (Aug. 14, 2008), <http://www.medicalnewstoday.com/articles/118172.php> (describing a mental health study conducted in Liberia in May 2008, which found that 40% of Liberians have major depressive disorder, 44% have PTSD, 8% met criteria for social dysfunction).
- 217 TRC Diaspora Statement Rec. 587.
- 218 TRC Diaspora Statement Rec. 252.
- 219 *Id.*
- 220 *Id.*
- 221 TRC Diaspora Statement Rec. 170.
- 222 TRC Diaspora Statement Rec. 592.
- 223 *E.g.*, TRC Diaspora Statement Recs. 162, 164, 166, 422, 424, 463, 467, 474, 494, 529, 539, 541, 555, 564, 570, 606, 614, 618, 633, 784, 900, 934, 935, 936, 1114, 1123, 1124, 1126, 1138, 1139, 1145, 1268, 1451, 1497, 1501, 1702, 1716.
- 224 *E.g.*, TRC Diaspora Statement Recs. 238, 249, 252, 282, 310, 388, 407, 419, 463, 539, 555, 564, 570, 618, 624, 900, 935, 970, 1123, 1124, 1138, 1139, 217, 246, 290, 416, 431, 436, 478, 480, 485, 521, 592, 599, 602, 605, 614, 627, 688, 695, 727, 775, 803, 898, 933, 976, 1127, 1134, 1149, 1153, 1155, 1298, 1672, 1706, 1715, 972.
- 225 As of October 2007, the World Food Programme disbursement program consisted of a malnutrition program, serving 400 children, and a monthly rations program, serving 7,700 people. Children in the malnutrition program were referred to the program by the clinic or by the camp social worker. Eligibility for the monthly rations program was determined by a committee of leaders and organizational representatives who assessed each individual’s vulnerability. The number of individuals allowed in the program was capped at no more than 9,500, and the number actually served apparently changed with budgetary fluctuations, at times dropping to as few as 4,700 individuals at the end of a budget cycle. Factors leading to vulnerability for purposes of food aid included having no income or remittance, consuming one meal or less in a day and having limited assets. For the purpose of the vulnerability assessment, “mobile phones, generators, or television sets were to be considered as the bench mark for determining whether a person was well off or in need of food assistance.” Moreover, the following groups were to be considered vulnerable: malnourished children (including at most three family members); women-headed households without a member earning income or carrying on economic activity; HIV/AIDS affected households, infected breadwinner without a household member earning an income or engaged in economic activity; isolated/stigmatized social cases like teenage single parents; people with physical and mental disabilities without support; elderly man/woman (65 years or older) without support (without household member earning an income or engaged in an economic activity); unaccompanied minors/abandoned children; lactating and pregnant women without support, and/or without a member earning an income or engaged in an economic activity. Criteria for the Selection of Beneficiaries in Buduburam Refugee Settlement (on file with the author); Interview with Eugene Sekpeh, WFP/NCS/UNHCR Food Aid Distribution Coordinator, Buduburam, Ghana (Oct. 3, 2007).
- 226 *E.g.*, TRC Diaspora Statement Rec. 46 (noting she only receives food rations for 3 out of 12 people in her household); TRC Diaspora Statement Rec. 53 (noting that his food rations had stopped after the election of Charles Taylor); TRC Diaspora Statement Rec.56 (“When we arrived in Ghana newly we were registered and supplied food but later discontinued. It has now restarted but told I was omitted.”); TRC Diaspora Statement Rec. 162 (describing her perception that only refugees who

- had arrived after 2003 were allowed rations); TRC Diaspora Statement Rec. 178 (stating that they could not get food rations); TRC Diaspora Statement Rec. 268 (noting that his sons are on the list for food); TRC Diaspora Statement Rec. 325 (“I have to sell things to get money because my name does not come up on the list to get food. If your name is not on the list on the board, you will not receive food.”); TRC Diaspora Statement Rec. 387 (“didn’t get on the UNHCR food distribution list until I begged and begged...think that the area heads on the camp are corrupt and are not willing to give food to me because I have no money to bribe them. I always put my name down and they say it is not there.”); TRC Diaspora Statement Rec. 388 (was never put on UNHCR lists for food); TRC Diaspora Statement Rec. 389 (“When we arrived on camp, we couldn’t get food because I came so late. I arrived in Ghana in 2003 and just this morning (9/26/07) got on the list for UNHCR food distribution. My wife and I are on the list but not my daughter.”); TRC Diaspora Statement Rec. 467 (“some people get food while certain people do not”).
- 227 *E.g.*, TRC Diaspora Statement Recs. 74, 201.
- 228 Interview with Eugene Sekpeh, WFP/NCS/UNHCR Food Aid Distribution Coordinator, Buduburam, Ghana (Oct. 3, 2007).
- 229 Interview with Sebastian Nerault, clinic administrator, and Elise Nerault, physical therapist, St. Gregory Clinic, Buduburam, Ghana (Sept. 30, 2007). To serve a population of more than 35,000 individuals, the clinic has nine adult beds, ten children’s beds, a lab, a pharmacy, and ultrasound capacity. There is no surgery or X-ray capability, so anyone needing those or other services must be transferred out to other health care facilities in the district. According to the Neraults, Liberians who are transferred out to Ghanaian health care facilities are required to pay double fees because they are “foreigners.” While the clinic has a small budget to assist with these fees, the full-year’s allocated budget is usually dispersed within the first half of the year because of the high costs. Sebastian Nerault identified funding for referral health care as one of the most critical needs the clinic was facing. In 2006, the clinic budget was cut by between 50% and 60%. The funding shortfall was so severe that the clinic couldn’t afford to pay for lights or to purchase water.
- While that budgetary crisis was resolved, the clinic has begun charging refugee patients a registration fee, a consultation fee, and a fee for prescriptions in order to be able to provide some minimal remuneration to the Liberian staff at the clinic.
- 230 *Id.*
- 231 *Id.* Elise Nerault indicated that many of the Liberian staff were unable to become licensed to practice in Ghana because the licensing exam cost approximately \$200 and because the Ghanaian government had burdensome document production requirements that Liberian refugees could not meet. She also noted that many Liberians would have had difficulty getting licensed because their training had been interrupted by the outbreak of war in Liberia. The clinic was unable to hire licensed Ghanaian practitioners because the cost was prohibitive.
- 232 *E.g.*, TRC Diaspora Statement Rec. 389 (“The clinic on camp is too expensive and if they want to transfer to a hospital it’s impossible.”). *See also* TRC Diaspora Statement Recs. 564, 627, 933, 485, 653, 45, 46, 59, 241, 413, 514, 739, 958, 1123, 239, 602, 645, 972, 1138, 1331, 1702.
- 233 Interview with Ruben Gboweh, UNHCR/NCS HIV/AIDS Program Coordinator, Buduburam, Ghana (Oct. 3, 2007).
- 234 *Id.*
- 235 *E.g.*, TRC Diaspora Statement Rec. 434 (“When someone goes to the bush to use the toilet, he runs the risk of being hurt, beat, or killed. The reason there are so many dogs on camp is for protection against such abuses. I have even been cut by someone on the camp. There is no freedom of speech on the camp, and anyone who speaks his mind runs the risk of being attacked.”) *See also* TRC Diaspora Statement Recs. 541, 618, 1124, 1138, 1451, 1702, 285, 564, 1154, 514, 579, 972, 1138, 472, 502, 523, 561, 579, 592, 599, 741, 779, 988, 1698, 1730, 753, 578, 1495, 292, 438, 699.
- 236 The police inspector assigned to the camp noted that the most common crimes are assault, petty theft, and fraud and these account for between six and ten cases of all types per month. Interview with Chief Inspector G.K. Agyei, Ghanaian Police, Buduburam, Ghana (Oct. 4, 2007). Domestic violence cases and child abuse cases are sent to a special unit in Kasoa, a nearby town. *Id.*

- 237 “Juking” means getting revenge on someone through nefarious means.
- 238 Letter from Buduburam Neighborhood Watch Team (Aug. 13, 2007) (on file with the author). The Ghanaian police inspector on the camp generally confirmed this sentiment, noting that the Neighborhood Watch Team (NEWAT) had been established after a crime wave of armed robberies and other forms of intimidation. Interview with Chief Inspector G.K. Agyei, Ghanaian Police, Buduburam, Ghana (Oct. 4, 2007).
- 239 Interview with Chief Inspector G.K. Agyei, Ghanaian Police, Buduburam, Ghana (Oct. 4, 2007).
- 240 *See, e.g.*, TRC Diaspora Statement Rec. 292 (noting that there have been murders in the camp).
- 241 For example, legendary rebel fighter-turned-evangelist General Butt-Naked is often seen in Buduburam. Moreover, ex-combatants and former child soldiers have formed their own community-based-organization, and many are well-known to the camp residents.
- 242 TRC Diaspora Statement Recs. 149, 855.
- 243 TRC Diaspora Statement Rec. 215.
- 244 TRC Diaspora Statement Rec. 78.
- 245 TRC Diaspora Statement Rec. 428.
- 246 *E.g.*, TRC Diaspora Statement Recs. 156, 136, 221, 386, 389, 438, 582, 608, 753, 784, 1123, 1153, 1487, 1529, 1639, 1654.
- 247 *See generally* Interview with Diana DuBois, Exec. Dir., Minn. Int’l Health Volunteers (July 15, 2008) (describing the difficulty of getting funding to continue an International Red Cross program in Buduburam as early as 1995 because of donor fatigue).
- 248 DICK, RESPONDING TO PROTRACTED REFUGEE SITUATIONS, *supra* note 207, at 15, 18-19; TRC Diaspora Statement Rec. 53 (noting that his food rations had stopped after the election of Charles Taylor).
- 249 DICK, RESPONDING TO PROTRACTED REFUGEE SITUATIONS, *supra* note 207, at 15, 18-19.
- 250 *Id.* UNHCR notes that the reason water was cut off was that refugees left the taps on continuously. *Id.* Camp residents dispute this information, noting that piped water was only ever available in three of the camp “zones.” Residents note that water was shut off to the camp because there was a national water shortage in Ghana and UNHCR took advantage of the situation to stop providing water. Moreover, water was coming from hand pumps, which cannot be left “on.” *E.g.*, Email communication from Eugene Sekpeh, WFP/NCS/UNHCR Food Aid Distribution Coordinator, to The Advocates for Human Rights (July 12, 2008, 10:33 AM CST); Email communication from Eugene Sekpeh, WFP/NCS/UNHCR Food Aid Distribution Coordinator, to The Advocates for Human Rights (July 14, 2008, 10:33 AM CST).
- 251 DICK, RESPONDING TO PROTRACTED REFUGEE SITUATIONS, *supra* note 207, at 15, 18-19.
- 252 *Id.*
- 253 *Id.* at 20.
- 254 TRC Diaspora Statement Rec. 742.
- 255 TRC Diaspora Statement Rec. 392 (“Time is wasting in Ghana.”); TRC Diaspora Statement Rec. 427 (“I have no money, no education that would allow me to make money, and I have wasted so much time at the camp”); TRC Diaspora Statement Rec. 630 (“I am unhappy because I feel that my life has been a waste. I feel frustrated about being stranded in the camp and about being robbed of the adult life I would have had had there been no war.”); *see also, e.g.*, TRC Diaspora Statement Recs. 509, 512, 585, 586, 422, 515, 630, 671, 931, 1708.
- 256 DICK, RESPONDING TO PROTRACTED REFUGEE SITUATIONS, *supra* note 207, at 16.
- 257 *E.g.*, TRC Diaspora Statement Recs. 1016, 1020, 1025, 1292.
- 258 TRC Diaspora Statement Rec. 480.
- 259 *E.g.*, TRC Diaspora Statement Recs. 265, 281, 282, 387, 463, 468, etc. 66, 288, 424, 463, 934, 1139, 50, 246, 688, 716, 933, 1127, 1149, 1522, 767, 45, 49, 50, 55, 155, 157, 212, 249, 251, 280, 300, 325, 336, 422, 438, 442, 453, 464, 470, 489, 599, 613, 657, 755, 932, 958, 1113, 1240, 1398, 1495, 1522, 1716.
- 260 TRC Diaspora Statement Rec. 157.
- 261 *E.g.*, TRC Diaspora Statement Recs. 498 and 309.
- 262 TRC Diaspora Statement Rec. 238.
- 263 *Id.*
- 264 TRC Diaspora Statement Rec. 589.
- 265 TRC Diaspora Statement Rec. 730.

- 266 *Id.*
- 267 *Id.*
- 268 *Id.*
- 269 TRC Diaspora Statement Rec. 388.
- 270 TRC Diaspora Statement Rec. 164.
- 271 TRC Diaspora Statement Rec. 37.
- 272 TRC Diaspora Statement Rec. 149.
- 273 *Id.*
- 274 TRC Diaspora Statement Rec. 855.
- 275 TRC Diaspora Statement Rec. 972.
- 276 Dep't of NGOs/CBOs of the Liberian Refugee Welfare Council, List of NGOs/CBOs (Sept. 2007) (on file with author).
- 277 *E.g.*, TRC Diaspora Statement Rec. 113 (“I am not ready to go back to Liberia. There would be no help for my children...I have heard that [the] repatriation program is not helping with anything substantial for anyone to truly start a life after returning home”).
- 278 *E.g.*, TRC Diaspora Statement Rec. 407 (“if I had to go back to Liberia, I would kill myself”).
- 279 TRC Diaspora Statement Rec. 453.
- 280 *E.g.*, TRC Diaspora Statement Recs. 936, 1124, 62, 249, 635, 1298, 1557, 1715, 1123, 1153, 99, 138, 170, 177, 210, 213, 215, 222, 289, 481, 484, 567, 573, 638, 644, 657, 680, 701, 733, 775, 779, 784, 800, 821, 827, 832, 835, 889, 907, 933, 966, 968, 1013, 1121, 1159, 1214, 1261, 1298, 1332, 1340, 1471, 1494, 1496, 1505, 1518, 1557, 1643, 1654, 1706, 1711.
- 281 TRC Diaspora Statement Rec. 589.
- 282 TRC Diaspora Statement Rec. 590.
- 283 *E.g.*, TRC Diaspora Statement Recs. 212, 523, 1268, 783, 212, 217, 225, 462, 563, 577, 638, 692, 741, 744, 774, 909, 920, 1106, 1107, 1108, 1109, 1110, 1190, 1334, 1421, 1469, 1517, 1700.
- 284 *E.g.*, TRC Diaspora Statement Rec. 641.
- 285 TRC Diaspora Statement Rec. 895.
- 286 TRC Diaspora Statement Rec. 107.
- 287 TRC Diaspora Statement Rec. 895 (describing leaving her brother and sister behind on Buduburam and noting that her brother has not been able to leave because of accusations that he fought in the conflict); TRC Diaspora Statement Rec. 107 (describing leaving his sister and her family behind).
- 288 *See infra* note 304. *See generally also* DICK, RESPONDING TO PROTRACTED REFUGEE SITUATIONS, *supra* note 207, at 29-30.
- 289 U.N. High Comm’r for Refugees, Ghana: Deportation to Liberia, UNHCR Briefing Notes, Mar. 25, 2008, <http://www.unhcr.org/news/NEWS/47e8f5722.html>; Telephone interview with Tenneh Kamara, Liberian Refugee Women (July 14, 2008).
- 290 *Id.*
- 291 *Id.*
- 292 Telephone interview with Tenneh Kamara, Liberian Refugee Women (July 14, 2008); Telephone interview with George Nimley, Assistant to the Liberian Ambassador to Ghana (July 12, 2008).
- 293 *Ghana-Liberia: Cessation Clause Invoked over Refugee Demos*, IRIN NEWS, Mar. 20, 2008, <http://www.alertnet.org/thenews/newsdesk/IRIN/da4d8a135b90f8c2f8bfd9f5ec5236e6.htm>.
- 294 U.N. High Comm’r for Refugees, Ghana: deportation to Liberia, *supra* note 289.
- 295 U.N. High Comm’r for Refugees, Notice for Refugees and Asylum-Seekers – Voluntary Repatriation by Road to Liberia (Aug. 6, 2008) (on file with author). Moreover, Liberians who are not registered with UNHCR cannot participate in the repatriation program. *Id.*
- 296 Telephone interview with Tenneh Kamara, Liberian Refugee Women (Oct. 16, 2008).
- 297 *Strongly reaffirms* the fundamental importance and the purely humanitarian and non-political character of the function of the Office of the High Commissioner of providing international protection to refugees and seeking permanent solutions to refugee problems, recalls that these solutions include voluntary repatriation and, where appropriate and feasible, local integration and resettlement in a third country, reaffirming that voluntary repatriation remains the preferred solution, supported by necessary rehabilitation and development assistance to facilitate sustainable reintegration.
- G.A. Res. 57/187, ¶ 10, U.N. Doc. A/RES/57/187 (Feb. 6, 2003)
- 298 *See* U.S. DEPT. OF HOMELAND SECURITY, YEARBOOK OF IMMIGRATION STATISTICS: 2007, Table 14 (listing refugee arrivals from Liberia for fiscal years 1998 to 2007 as 28,991), <http://www.dhs.gov/ximgtn/>

- statistics/publications/YrBk07RA.shtm (last visited Dec. 29, 2008); U.S. DEPT. OF JUSTICE, 1998 STATISTICAL YEARBOOK OF THE IMMIGRATION & NATURALIZATION SERVICE 97 (2000) (listing refugee arrivals from Liberia for fiscal years 1992 to 1997 as 2,537, Table 25), <http://www.dhs.gov/xlibrary/assets/statistics/yearbook/1998/1998yb.pdf>; U.S. DEPT. OF JUSTICE, SECOND TRIENNIAL REPORT ON IMMIGRATION 160 (listing refugee arrivals from Liberia for fiscal years 1983 to 1991 as 6), <http://www.uscis.gov/files/article/2ndfullTriReport.pdf> (last visited Jan.5, 2009).
- 299 David A. Martin, *A New Era for U.S. Refugee Resettlement*, 36 COLUM. HUMAN RIGHTS L. REV. 299, 304-311 (2005).
- 300 *Id.* at 307.
- 301 *Id.* at 309.
- 302 *Id.* at 309-10.
- 303 The 1980 Refugee Act established the U.S.’ current refugee resettlement system. The Refugee Act codifies the definition of a “refugee” found in the 1951 Convention relating to the Status of Refugees. *See* Convention relating to the Status of Refugees art. 1, 189 U.N.T.S. 150, *entered into force* Apr. 22, 1954, as amended by the Protocol Relating to the Status of Refugees art. 1, ¶ 2, 606 U.N.T.S. 267, *entered into force* Oct. 4, 1967. Those seeking resettlement as refugees, therefore, must establish that they are outside their country of nationality, that they have a well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion, and that they are not barred from refugee protection due to criminal, persecutory, or terrorist conduct. 8 U.S.C. §1101(42) (2008). The refugee’s spouse and minor, unmarried children may accompany or follow to join the refugee without establishing that they qualify as a refugee in their own right, so long as they are not barred from protection. 8 U.S.C. §1157(c)(2)(A)-(B) (2008).
- 304 DAVID A. MARTIN, THE UNITED STATES REFUGEE ADMISSIONS PROGRAM: REFORMS FOR A NEW ERA OF REFUGEE RESETTLEMENT 39 (2005).
- 305 TRC Diaspora Statement Rec. 1408 (noting also that it took ten years for her asylum status to be granted, and another five or six years until she was granted her green card).
- 306 *See supra* note 298.
- 307 TRC Diaspora Statement Rec. 1682.
- 308 *See* U.S. Dept. of Justice, Asylum Statistics by Nationality 1997-2007, <http://www.usdoj.gov/eoir/efoia/foiafreq.htm> (last visited Dec. 29, 2008). Defensive asylum statistics predating 1997 were not readily available.
- 309 Syracuse Univ. Transactional Records Access Clearinghouse, Asylum Denial Rates by Nationality: FY 1994 - FY 1999, http://trac.syr.edu/immigration/reports/160/include/nat_denial_9499.html (last visited Dec. 29, 2008).
- 310 TRC Diaspora Statement Rec. 1743.
- 311 TRC Diaspora Statement Rec. 1412.
- 312 Press Release, U.S. Dept. of Justice, Immigration and Naturalization Service, Asylum Reform: 5 Years Later: Backlog Reduced and Number of Non-Meritorious Claims Drops (Feb. 1, 2000), <http://www.uscis.gov/files/pressrelease/Asylum.pdf>.
- 313 TRC Diaspora Statement Rec. 1410.
- 314 8 U.S.C. §1158(b)(3).
- 315 TRC Diaspora Statement Rec. 1203.
- 316 TRC Diaspora Statement Rec. 1552.
- 317 Syracuse Univ. Transactional Records Access Clearinghouse, *supra* note 309.
- 318 *See infra* text accompanying notes 322-330.
- 319 Press Release, White House, Deferred Enforced Departure for Liberians (March 20, 2009) [hereinafter Press Release, White House, Deferred Enforced Departure], http://www.whitehouse.gov/the_press_office/Presidential-Memorandum-Regarding-Deferred-Enforced-Departure-for-Liberians/.
- 320 *See* 8 U.S.C. §1231(a)(2008) (setting forth the authority of Immigration and Customs Enforcement to arrest, detain and deport those aliens with final orders of removal).
- 321 TRC Diaspora Statement Rec. 1652.
- 322 TRC Diaspora Statement Rec. 1682.
- 323 Immigration Act of 1990 (IMPACT), Pub. L. No. 101-649, 104 Stat. 4978 (1990).
- 324 There have been several “re-designations” of TPS, allowing Liberians who had arrived more recently to register for the status.
- 325 Press Release, White House, Deferred Enforced Departure, *supra* note 319. TPS exclusions include

- Liberians “(1)who are ineligible for TPS for the reasons provided in section 244(c)(2)(B) of the Immigration and Nationality Act, 8 U.S.C. § 1254a(c) (2)(B); (2) whose removal [Dept. of Homeland Security] determine[s] is in the interest of the United States; (3) whose presence or activities in the United States the Secretary of State has reasonable grounds to believe would have potentially serious adverse foreign policy consequences for the United States; (4) who have voluntarily returned to Liberia or his or her country of last habitual residence outside the United States; (5) who were deported, excluded, or removed prior to the date of this memorandum; or (6) who are subject to extradition.”
- 326 RUTH ELLEN WASEM & KARMA ESTER, CONG. RESEARCH SERVICE, TEMPORARY PROTECTED STATUS: CURRENT IMMIGRATION POLICY AND ISSUES 4-5 (2008) (noting that this design was a result of lengthy Congressional negotiations throughout the 1980s to provide safe haven to Salvadorans fleeing that country’s civil war and to depoliticize the practice of ad hoc safe haven determinations), http://assets.opencrs.com/rpts/RS20844_20080930.pdf.
- 327 Personal communication from anonymous to Michele Garnett McKenzie, Police Roll Call Training, Brooklyn Center, Minn. (April 6, 2007).
- 328 Personal communication from Alice Tindi, Social Worker, Center for Victims of Torture, to Michele Garnett McKenzie (April 6, 2007).
- 329 Kerper Dwanyen, President, Organization of Liberians in Minnesota, Testimony at the Diaspora Public Hearings of the Truth & Reconciliation Comm’n of Liberia 40-41 (June 14, 2008, St. Paul, Minn., U.S.A.) (transcript on file with author).
- 330 Interview with Anonymous, Brooklyn Park, Minn. (May 26, 2008).
- 331 Both bills have been re-introduced in the Senate and House. The Liberian Refugee Immigration Fairness Act, S.F. 656, and the Liberian Refugee Immigration Protection Act, H.R. 2258, would allow eligible Liberians to apply for lawful permanent resident status.
- 332 Interview with Anonymous, Brooklyn Park, Minn. (May 23, 2008).
- 333 TRC Diaspora Statement Recs. 1323, 1437.
- 334 TRC Diaspora Statement Recs. 122, 1293.
- 335 Kerper Dwanyen, President, Organization of Liberians in Minnesota, Testimony at the Diaspora Public Hearings of the Truth & Reconciliation Comm’n of Liberia 36-37 (June 14, 2008, St. Paul, Minn., U.S.A.) (transcript on file with author).
- 336 *Id.*
- 337 *Id.* at 37.
- 338 TRC Diaspora Statement Rec. 789.
- 339 *Id.*
- 340 Kerper Dwanyen, President, Organization of Liberians in Minnesota, Testimony at the Diaspora Public Hearings of the Truth & Reconciliation Comm’n of Liberia 37 (June 14, 2008, St. Paul, Minn., U.S.A.) (transcript on file with author).
- 341 Analysis of TRC statements collected in the United States reflects that every ethnic group in Liberia is represented in the diaspora. *See* Appendix H.
- 342 TRC Diaspora Statement Recs. 33 and 1345.
- 343 Kerper Dwanyen, President, Organization of Liberians in Minnesota, Testimony at the Diaspora Public Hearings of the Truth & Reconciliation Comm’n of Liberia 37 (June 14, 2008, St. Paul, Minn., U.S.A.) (transcript on file with author).
- 344 *Id.* at 37-38.
- 345 TRC Diaspora Statement Rec. 1337.
- 346 *See generally* TRC Diaspora Project Focus Group, Providence, R.I. (June 25, 2008) (Memorandum from Dechert LLP, July 18, 2008 on file with author).
- 347 *Id.*
- 348 TRC Diaspora Statement Rec. 1329.
- 349 Telephone interview with Williametta Saydee-Tarr, Prog. Coord., New Arrivals Resource Empowerment Workshops, Refugee Services, Minn. Council of Churches (Aug. 8, 2008).
- 350 *Id.*
- 351 Interview with Ada Beh, Co-founder, Minnesota African Women’s Association (MAWA), Minneapolis, Minn. (Sept. 4, 2008).
- 352 *See generally* Craig Hadley, et al., *Acculturation, Economics and Food Insecurity Among Refugees Resettled in the USA: a Case Study of West African refugees*, 10 PUB. HEALTH NUTRITION 405-12 (2007).
- 353 Telephone interview with Jefferson Cooper, Liberian diaspora journalist, Minneapolis, Minn. (Sept. 26, 2008).
- 354 Telephone interview with Williametta Saydee-Tarr,

- Prog. Coord., New Arrivals Resource Empowerment Workshops, Refugee Services, Minn. Council of Churches (Aug. 8, 2008).
- 355 *Id.*
- 356 TRC Diaspora Project Focus Group, Providence, *supra* note 356. *See also* Chapter 12.
- 357 TRC Diaspora Project Focus Group, Providence, *supra* note 346.
- 358 *Id.*
- 359 Telephone interview with Dr. Emmanuel Dolo, Liberian diaspora academic (Sept. 30, 2008).
- 360 Telephone interview with Thomas Parker, Liberian diaspora community elder, Providence, R.I. (Sept. 18, 2008).
- 361 Telephone interview with J. Siaka Konneh, former journalist and community leader, Sacramento, Cal. (Sept. 22, 2008).
- 362 This concern does not appear to be as clearly expressed in the United Kingdom –for example, doctors trained in Liberia are more readily able to practice in the United Kingdom.
- 363 *E.g.*, TRC Diaspora Statement Rec. 1598.
- 364 TRC Diaspora Statement Recs. 1293 and 1461.
- 365 TRC Diaspora Project Focus Group, Providence, *supra* note 356.
- 366 Interview with Dr. Wilhelmina Holder, Exec. Dir., Women’s Initiative for Self-Empowerment (WISE), June 2, 2008.
- 367 TRC Diaspora Project Focus Group, Providence, *supra* note 356.
- 368 Telephone interview with Dr. Patricia Jabbeh-Wesley, Professor, Pennsylvania State Univ. (May 5, 2008).
- 369 Telephone interview with Veronica Barr, Co-founder, Mary Martha Foundation (May 14, 2008).
- 370 Telephone interview with Jefferson Cooper, Liberian diaspora journalist, Minneapolis, Minn. (Sept. 26, 2008).
- 371 TRC Diaspora Statement Rec. 1390.
- 372 *Id.*
- 373 TRC Diaspora Statement Rec. 1350.
- 374 TRC Diaspora Statement Rec. 1415.
- 375 TRC Diaspora Statement Recs. 1440 and 1475.
- 376 TRC Diaspora Statement Rec. 1440.
- 377 TRC Diaspora Statement Rec. 1293.
- 378 TRC Diaspora Statement Rec. 1462.
- 379 Telephone interview with Comfort Kollie, nurse and community member, Oakland, Cal. (Sept. 18, 2008).
- 380 Telephone interview with Jefferson Cooper, Liberian diaspora journalist, Minneapolis, Minn. (Sept. 26, 2008).
- 381 Telephone interview with Jacob Massaquoi, Exec. Dir., African Refuge, Staten Island, N.Y. (Sept. 24, 2008).
- 382 Telephone interview with Dr. Patricia Jabbeh-Wesley, Professor, Pennsylvania State Univ. (Sept. 23, 2008).
- 383 Group interview with Mitzi Heath, Student Assistance Counselor, Melody Hahn-Merges, English Language Learners School Social Worker, & Sandra Buechel, Social Worker, Park Center Senior High School, Brooklyn Center, Minn. (June 4, 2008). *See also* Michael Matza, *Liberian immigrants transforming S.W. Phila.*, PHILLY.COM, June 6, 2008, <http://www.philly.com/philly/news/homepage/19593974.html>.
- 384 *See* Matza, *supra* note 383.
- 385 Telephone interview with Jacob Massaquoi, Exec. Dir., African Refuge, Staten Island, N.Y. (Sept. 24, 2008).
- 386 Telephone interview with Roger Banks, Council on Black Minnesotans (March 3, 2009).
- 387 *Id.*
- 388 *Id.*
- 389 Interview with Doris Parker, Exec. Dir., Liberian Women’s Initiative – Minnesota (LIWIM), Minneapolis, Minn., (Aug. 1, 2008).
- 390 Telephone interview with Jacob Massaquoi, Exec. Dir., African Refuge, Staten Island, N.Y. (Sept. 24, 2008). *See also* Interview with Doris Parker, Exec. Dir., Liberian Women’s Initiative – Minnesota (LIWIM), Minneapolis, Minn., (Aug. 1, 2008); Telephone interview with Matilda Washington, Providence, R.I (Sept. 25, 2008).
- 391 Telephone interview with Jacob Massaquoi, Exec. Dir., African Refuge, Staten Island, N.Y. (September 24, 2008).
- 392 *Id.*; *see also* Interview with Doris Parker, Exec. Dir., Liberian Women’s Initiative – Minnesota (LIWIM), Minneapolis, Minn., (Aug. 1, 2008); Interview with Ada Beh, Co-founder, Minnesota African

- Women's Association (MAWA), Minneapolis, Minn. (Sept. 4, 2008); Telephone interview with Ali Sylla, IDDT Program Specialist/Psychotherapist, Mercer Behavioral Health Services, Trenton, N.J. (Sept. 19, 2008); Telephone interview with J. Siaka Konneh, former journalist and community leader, Sacramento, Cal. (Sept. 22, 2008).
- 393 Telephone interview with Ali Sylla, IDDT Program Specialist/Psychotherapist, Mercer Behavioral Health Services, Trenton, N.J. (Sept. 19, 2008).
- 394 Telephone interview with Dr. Emmanuel Dolo, Liberian diaspora academic (Sept. 30, 2008).
- 395 Interview with Ada Beh, Co-founder, Minnesota African Women's Association (MAWA), Minneapolis, Minn. (Sept. 4, 2008).
- 396 Interview with Doris Parker, Exec. Dir., Liberian Women's Initiative – Minnesota (LIWIM), Minneapolis, Minn., (Aug. 1, 2008).
- 397 *Id.*
- 398 Telephone interview with Thomas Parker, Liberian diaspora community elder, Providence, R.I. (Sept. 18, 2008).
- 399 Telephone interview with J. Siaka Konneh, former journalist and community leader, Sacramento, Cal. (Sept. 22, 2008).
- 400 Interview with Doris Parker, Exec. Dir., Liberian Women's Initiative – Minnesota (LIWIM), Minneapolis, Minn., (Aug. 1, 2008).
- 401 Harriette Badio, Testimony at the Diaspora Public Hearings of the Truth & Reconciliation Comm'n of Liberia 14, 15 (June 14, 2008, St. Paul, Minn., U.S.A.) (transcript on file with author).
- 402 Interview with Doris Parker, Exec. Dir., Liberian Women's Initiative – Minnesota (LIWIM), Minneapolis, Minn., (Aug. 1, 2008).
- 403 Telephone interview with Jefferson Cooper, Liberian diaspora journalist, Minneapolis, Minn. (Sept. 26, 2008).
- 404 Kerper Dwanyen, President, Organization of Liberians in Minnesota, Testimony at the Diaspora Public Hearings of the Truth & Reconciliation Comm'n of Liberia 39 (June 14, 2008, St. Paul, Minn., U.S.A.) (transcript on file with author).
- 405 Harriette Badio, Testimony at the Diaspora Public Hearings of the Truth & Reconciliation Comm'n of Liberia 14 (June 14, 2008, St. Paul, Minn., U.S.A.) (transcript on file with author).
- 406 *Id.*
- 407 Interview with Doris Parker, Exec. Dir., Liberian Women's Initiative – Minnesota (LIWIM), Minneapolis, Minn., (Aug. 1, 2008).
- 408 *Id.*
- 409 *Id.*
- 410 TRC Diaspora Statement Rec. 1389.
- 411 TRC Diaspora Statement Recs. 1350 and 1551.
- 412 Telephone interview with Williametta Saydee-Tarr, Prog. Coord., New Arrivals Resource Empowerment Workshops, Refugee Services, Minn. Council of Churches (Aug. 8, 2008).
- 413 TRC Diaspora Statement Rec. 1551.
- 414 Group interview with Mitzi Heath, Student Assistance Counselor, Melody Hahn-Merges, English Language Learners School Social Worker, & Sandra Buechel, Social Worker, Park Center Senior High School, Brooklyn Center, Minn. (June 4, 2008); *see also* TRC Diaspora Statement Rec. 1551.
- 415 TRC Diaspora Statement Rec. 1412.
- 416 Group interview with Mitzi Heath, Student Assistance Counselor, Melody Hahn-Merges, English Language Learners School Social Worker, & Sandra Buechel, Social Worker, Park Center Senior High School, Brooklyn Center, Minn. (June 4, 2008).
- 417 *Id.*; *see also* Interview with Doris Parker, Exec. Dir., Liberian Women's Initiative – Minnesota (LIWIM), Minneapolis, Minn., (Aug. 1, 2008).
- 418 Group interview with Mitzi Heath, Student Assistance Counselor, Melody Hahn-Merges, English Language Learners School Social Worker, & Sandra Buechel, Social Worker, Park Center Senior High School, Brooklyn Center, Minn. (June 4, 2008); *see also* Interview with anonymous student, Park Center Senior High School, Brooklyn Center, Minn. (June 4, 2008).
- 419 *Id.*
- 420 Interview with Ada Beh, Co-founder, Minnesota African Women's Association (MAWA), Minneapolis, Minn. (Sept. 4, 2008).
- 421 Interview with Patrick Kugmeh, former Liberian government official and diaspora community leader, Minneapolis, Minn. (Oct. 3, 2008). *See also* Interview with Ada Beh, Co-founder, Minnesota African

- Women's Association (MAWA), Minneapolis, Minn. (Sept. 4, 2008).
- 422 Interview with Ishmael Komara, Liberian Mandingo community leader, Minneapolis, Minn. (May 28, 2008); Interview with Patrick Kugmeh, former Liberian government official and diaspora community leader, Minneapolis, Minn. (Oct. 3, 2008) (noting that Liberian children can be viewed as “troublesome children” because the way things are done in the U.S. is different from in Liberia).
- 423 TRC Diaspora Statement Rec. 1322; *see also* Telephone interview with Jefferson Cooper, Liberian diaspora journalist, Minneapolis, Minn. (Sept. 26, 2008); Interview with Patrick Kugmeh, former Liberian government official and diaspora community leader, Minneapolis, Minn., at 74-79 (Oct. 3, 2008).
- 424 TRC Diaspora Project Focus Group, Providence, *supra* note 356; TRC Diaspora Statement Rec. 1477.
- 425 TRC Diaspora Statement Rec. 1555.
- 426 TRC Diaspora Statement Rec. 1373.
- 427 *See generally* Garswah Blacktom, Testimony at the Diaspora Public Hearings of the Truth & Reconciliation Comm'n of Liberia 16, 53 (June 11, 2008, St. Paul, Minn., U.S.A.) (transcript on file with author); Interview with Doris Parker, Exec. Dir., Liberian Women's Initiative – Minnesota (LIWIM), Minneapolis, Minn., (Aug. 1, 2008).
- 428 TRC Diaspora Statement Rec. 1477.
- 429 TRC Diaspora Statement Rec. 1414.
- 430 Liberia: Truth, Reconciliation and Women's Human Rights after the Civil War, Presentation, Doris Parker and Robin Phillips, Minneapolis, Aug. 12, 2008
- 431 Group interview with Mitzi Heath, Student Assistance Counselor, Melody Hahn-Merges, English Language Learners School Social Worker, & Sandra Buechel, Social Worker, Park Center Senior High School, Brooklyn Center, Minn. (June 4, 2008).
- 432 *Id.*
- 433 *Id.*
- 434 Telephone interview with Williametta Saydee-Tarr, Prog. Coord., New Arrivals Resource Empowerment Workshops, Refugee Services, Minn. Council of Churches (Aug. 8, 2008).
- 435 TRC Diaspora Statement Rec. 1137.
- 436 Interview with Doris Parker, Exec. Dir., Liberian Women's Initiative – Minnesota (LIWIM), Minneapolis, Minn., (Aug. 1, 2008).
- 437 Liberia: Truth, Reconciliation and Women's Human Rights after the Civil War, Presentation, Doris Parker and Robin Phillips, Minneapolis, Aug. 12, 2008.
- 438 Lynette Murray Gibson, Testimony at the Diaspora Public Hearings of the Truth & Reconciliation Comm'n of Liberia 19 (June 14, 2008, St. Paul, Minn., U.S.A.) (transcript on file with author).
- 439 Interview with Doris Parker, Exec. Dir., Liberian Women's Initiative – Minnesota (LIWIM), Minneapolis, Minn., (Aug. 1, 2008).
- 440 *Id.*
- 441 TRC Diaspora Project Focus Group, Providence, *supra* note 356.
- 442 Interview with Ada Beh, Co-founder, Minnesota African Women's Association (MAWA), Minneapolis, Minn. (Sept. 4, 2008).
- 443 *Id.*
- 444 Telephone interview with Williametta Saydee-Tarr, Prog. Coord., New Arrivals Resource Empowerment Workshops, Refugee Services, Minn. Council of Churches (Aug. 8, 2008).
- 445 TRC Diaspora Statement Rec. 1329.
- 446 Telephone interview with Williametta Saydee-Tarr, Prog. Coord., New Arrivals Resource Empowerment Workshops, Refugee Services, Minn. Council of Churches (Aug. 8, 2008).
- 447 TRC Diaspora Project Focus Group, Providence, *supra* note 356.
- 448 Telephone interview with Williametta Saydee-Tarr, Prog. Coord., New Arrivals Resource Empowerment Workshops, Refugee Services, Minn. Council of Churches (Aug. 8, 2008).
- 449 Telephone interview with Dr. Emmanuel Dolo, Liberian diaspora academic (Sept. 30, 2008).
- 450 Telephone interview with John N. Brownell, President, Union of Liberian Organizations – United Kingdom (ULO-UK) (Oct. 6, 2008) (estimating the entire UK Liberian population to be about 4,000-5,000).
- 451 *E.g.*, TRC Diaspora Statement Rec. 522 (describing the fact that statement giver left Liberia to work as a nanny); Telephone interview with Dr. George Flahn, President, Liberian Med. Assoc. in the United

- Kingdom (Sept. 29, 2008) (describing coming to the United Kingdom for advanced medical training).
- 452 The Gateway program in the United Kingdom is analogous to the United States Refugee Program, see *supra* note 303. The Gateway Protection Programme is operated by the Immigration and Nationality Directorate in conjunction with the UNHCR, and a quota, which is set annually, determines its intake. The number of arrivals to the United Kingdom through the Gateway Protection Programme is determined by an annual quota, the level of which is established by Ministers each year having considered the resources available, the need for resettlement globally, and impact on local services in the United Kingdom. More information is available at <http://www.bia.homeoffice.gov.uk/sitecontent/documents/policyandlaw/asylumpolicyinstructions/>.
- 453 TRC Diaspora Statement Rec. 460.
- 454 *Id.*
- 455 *Id.*
- 456 TRC Diaspora Statement Rec. 522.
- 457 *Id.*
- 458 Interview with H.E. Wesley M. Johnson, Ambassador to Great Britain, London, United Kingdom (Sept. 21, 2007) (describing a collaboration between the Home Office and the Liberian Embassy to interview thousands of purported Liberians and determine whether they actually qualified for the benefits they were receiving through the Liberian resettlement program).
- 459 Telephone interview with John N. Brownell, President, Union of Liberian Organizations – United Kingdom (ULO-UK) (Oct. 6, 2008).
- 460 See Telephone interview with Dr. George Flahn, President, Liberian Med. Assoc. in the United Kingdom (Sept. 29, 2008) (describing lawyers, professors, and engineers who have had trouble finding related employ); see also TRC Diaspora Statement Rec. 486 (TRC Diaspora Statement Recounting experiences of two male relatives who were judges in Liberia and could not find legal employment outside Liberia).
- 461 Telephone interview with John N. Brownell, President, Union of Liberian Organizations – United Kingdom (ULO-UK) (Oct. 6, 2008).
- 462 Telephone interview with Dr. George Flahn, President, Liberian Med. Assoc. in the United Kingdom (Sept. 29, 2008) (noting that “Britain is used to having “lots of foreign doctors” in their system).
- 463 Telephone interview with John N. Brownell, President, Union of Liberian Organizations – United Kingdom (ULO-UK) (Oct. 6, 2008).
- 464 Telephone interview with Dr. George Flahn, President, Liberian Med. Assoc. in the UK (Sept. 29, 2008); Telephone interview with Leslie Togbah, President, Liberian Union of Manchester (Sept. 30, 2008).
- 465 Telephone interview with Dr. George Flahn, President, Liberian Med. Assoc. in the UK (Sept. 29, 2008).
- 466 Telephone interview with Leslie Togbah, President, Liberian Union of Manchester (Sept. 30, 2008).
- 467 ULAA is an acronym for Union of Liberian Association in the Americas, see <http://www.ulaaliberia.net/ulaahome.htm>.
- 468 Dennis Jah, What is Wrong with Liberian Community Organizations? (Apr. 27, 2008), <http://dennisjah.blogspot.com/2008/04/what-is-wrong-liberian-community.html>.
- 469 Siahonkron Nyanseor, A Brief Assessment of the Union of Liberian Associations in the Americas: 1974-1985 (Aug. 31, 1985) (paper delivered at the LCA-Georgia Board of Director’s Meeting, Charlotte, N.C., on file with the author).
- 470 *Id.*
- 471 On its website (<http://www.ulaaliberia.net/ulaahome.htm>), ULAA lists the following chapters: Connecticut, Georgia, Illinois, Maryland, Minnesota, Michigan, New Jersey–North, New Jersey–South, New York–Manhattan, New York–Staten Island, New York–Bronx, North Carolina, Ohio, PA–Philadelphia, PA–Pittsburg, Rhode Island, Wisconsin, Washington D.C., and Washington State. Founding members of ULAA came from metro Washington, D.C., the Delaware Valley including Philadelphia, New Jersey, Brooklyn, N.Y., Syracuse, N.Y., Bridgeport, Conn. and Boston, Mass. Siahonkron Nyanseor, A Brief Assessment of the Union of Liberian Associations in the Americas: 1974-1985 (Aug. 31, 1985) (paper delivered at the LCA-Georgia Board of Director’s Meeting, Charlotte, N.C., on file with the author).

- 472 See <http://www.liberiansineurope.org/about/about.htm>, which states that “The European Federation of Liberian Associations (EFLA) is an umbrella European Liberian organizations and associations that was established in July 2003 in an effort to provide support to Liberians in Europe and Liberia. EFLA is a legally-registered Belgian based federation comprising a network of Liberian Associations and Organizations located in The Netherlands, France, Luxemburg, Germany, Sweden, Switzerland, Poland, Norway, The United Kingdom and The Kingdom of Belgium.”
- 473 See John Nimly Brownell, *Liberians in Britain*, <http://jnbrownell2.tripod.com/id44.html>.
- 474 See *Liberians in Belgium*, <http://liberiansinbelgium.org/>.
- 475 One ULAA founder noted that the organization’s structure reflects the founders’ political mindset at the time – the need for inclusiveness and democratic transparency in the Liberian society. “The actual power emanates from the people at the local levels.” Telephone interview with Siahyonkron Nyanseor, ULAA founding member and eleventh president (Aug. 1, 2008). The framers of ULAA wanted to reflect their desire for decentralization of the Liberian political and governmental system in the Union’s structure. *Id.* Finally, in addition to the local chapters, ULAA has a membership arm, which is a stand-alone arm. The membership body encompasses all formal local chapters, other Liberian organizations that may not hold official status with the union, as well as friends of Liberia as honorary members. *Id.*
- 476 See, e.g., *The Federation of Liberian Mandingo in the United States of America (FELMAUSA)* at www.felmausa.org, *Liberian Mandingo Association of Pennsylvania (LIMAP)* at www.limap.org, *The United Bong County Association in the Americas* at www.unitedbong.org, *the United Nimba Citizen’s Council (UNICCO)* at www.unicco.org, *the United Bassa Organization in America (UNIBOA)* at www.uniboa.org, *the National Bomi County Association in the Americas* at www.nbcaa.org, etc.
- 477 One interviewee opined that, in addition to the need to socialize, some members of the ULAA withdrew from the organization in the 1980s and formed county, ethnic, or high school alumni associations to protest certain policies in favor of or against the new PRC regime in Liberia. Telephone interview with Siahyonkron Nyanseor, ULAA founding member and eleventh president (Aug. 1, 2008).
- 478 E.g., FELMAUSA, *supra* note 476; *The National Association of Cape Mountainians in the Americas* at <http://siteground214.com/~sanfranc/NACA/?q=frontpage>.
- 479 For example, the University of Liberia has a major alumni association in the United States with branches in every state with a high Liberian population. High school alumni associations include, for example, C.H. Dewey High School Alumni Association in America, The William V.S. Tubman High School Alumni Association, Samford Dennis Alumni Association, Ricks Institute Alumni Association, Cathedral Catholic High School Alumni Association, College of West Africa Alumni Association, and Konola Academy Alumni Association.
- 480 Interview with Wayne Douglas Doe, 1998-2002 president of the Konola Academy Alumni Association, Minneapolis, Minn. (Aug. 5, 2008).
- 481 *Id.*
- 482 Telephone interview with Father James N. Wilson II, past-president, Liberian Ministers Association of Minnesota (Aug. 22, 2008).
- 483 *Id.*
- 484 Liberian Ministers Association official membership listing 2007 (on file with the author); DANA K. NELSON, *MISSION AND MIGRATION: FIFTY TWO AFRICAN AND ASIAN CONGREGATIONS IN MINNESOTA* 42-46, 138-42 (2007).
- 485 Numerous Liberian community disputes have been referred to religious leaders whether Christian or Muslim. For example, community elections and leadership disputes in Minnesota, Rhode Island, and Staten Island have been settled by pastors in the recent past.
- 486 Telephone interview with Father James N. Wilson II, past-president, Liberian Ministers Association of Minnesota (Aug. 22, 2008).
- 487 Johnny Dwyer, *Trying Times in Little Liberia: On Staten Island, Reflections of a War-Torn Country*, THE VILLAGE VOICE, Aug. 19 2003, <http://www.villagevoice.com/2003-08-19/news/trying-times-in-little-liberia/>.
- 488 *Historic ‘Little Liberia’ Homes Face Forclosure*, BAY STATE

- BANNER, Sept. 4, 2008, <http://www.baystatebanner.com/Local19-2008-09-04>.
- 489 Jesse Delaughter, U.S. Comm. for Refugees & Immigrants (USCRI), "Little Liberia," <http://www.refugees.org/article.aspx?id=1540> (last visited Dec. 30, 2008).
- 490 The actual New Kru Town is a populous borough of the city of Monrovia, located in northwestern Bushrod Island on the outskirts of Monrovia.
- 491 Telephone interview with Georgette Gray, Board Member, Organization of Liberians in Minnesota (Nov. 7, 2008).
- 492 *Id.*
- 493 *See* Delaughter, *supra* note 489 (describing the fact that the Liberian community in Albany has "an African shop run by a leader from the local Liberian community who stocks his shelves with African videos and foods like cassava leaf and plantains").
- 494 *See* Interview with Doris Parker, Exec. Dir., Liberian Women's Initiative – Minnesota (LIWIM), Minneapolis, Minn., (Aug. 1, 2008); Telephone interview with Jacob Massaquoi, Exec. Dir., African Refuge, Staten Island, N.Y. (September 24, 2008); Telephone interview with Vofee Jabateh, Founder, African Cultural Alliance of North America (ACANA) (Nov. 14, 2008).
- 495 *See* TRC Diaspora Statement Recs. 1551, 1011.
- 496 Telephone interview with Rufus Z. Arkoi, Roza Productions (Aug. 6, 2008); Telephone interview with Telee Brown, president, Staten Island Liberian Community Association, Inc. (SILCA) (Aug. 6, 2008).
- 497 Telephone interview with Rufus Z. Arkoi, Roza Productions (Aug. 6, 2008).
- 498 *Id.*
- 499 Susu is an informal savings system in Liberia, where members contribute and collect money and take turns to receive the whole sum as a means of savings.
- 500 *E.g.*, Junior Lone Star (Philadelphia, PA); Club Cavalla (Philadelphia, PA); Coatesville United (Coatesville, NJ); Roza Promotions (Staten Island, NY); New York FC; Mission Professionals (Bristol, PA); A Mon-Nue Sports and Social Association, Brooklyn Park (MN); Old-Timers Sports Club (Brooklyn Park, MN).
- 501 Telephone interview with Rufus Z. Arkoi, Roza Productions (Aug. 6, 2008).
- 502 *Id.*
- 503 Any single July 26 event could bring together from 5,000 to 10,000 Liberians in a given area. *Id.*
- 504 *Id.*
- 505 *Id.*
- 506 *Id.*
- 507 Telephone interview with Abdullah Kiatamba, Publisher, The Liberian Journal (August 7, 2008).
- 508 *Id.*
- 509 *E.g.*, FrontPage Africa (<http://frontpageafrica.com/>), The Perspective (<http://www.theperspective.org/>), The Liberian Journal (<http://www.theliberianjournal.com/>), Running Africa (<http://www.runningafrica.com/>).
- 510 *See, e.g.*, 'Bleeding Hearts': Family in Awe after Liberian Confesses to Killing Girlfriend, FRONTPAGE AFRICA, May 14, 2007 (describing a statement that one Liberian family distributed on the Organization of Liberians in Minnesota listserv after their son confessed to a shooting), <http://www.frontpageafrica.com/newsmanager/anmvviewer.asp?a=3957>.
- 511 Telephone interview with Abdullah Kiatamba, Publisher, The Liberian Journal (August 7, 2008).
- 512 Telephone interview with Hassan Kiawu, Liberian Association of Metro Atlanta (May 21, 2008).
- 513 Interview with Anonymous (May 23, 2008).
- 514 TRC Diaspora Statement Rec. 1015.
- 515 TRC Diaspora Statement Rec. 1015; *see also* TRC Diaspora Statement Rec. 1345.
- 516 Telephone interview with Dr. Patricia Jabbeh-Wesley, Professor, Pennsylvania State Univ. (Sept. 23, 2008).
- 517 Group interview with Mitzi Heath, Student Assistance Counselor, Melody Hahn-Merges, English Language Learners School Social Worker, & Sandra Buechel, Social Worker, Park Center Senior High School, Brooklyn Center, Minn. (June 4, 2008).
- 518 Interview with Anonymous (June 2, 2008).
- 519 Interview with John Bartee, Brooklyn Center, Minn. (May 15, 2008).
- 520 Presentation by Ev Lennon & Gboyee Seeyon, Center for Victims of Torture, Healing Through Faith Conference, St. Paul, Minn. (March 7-8, 2008).

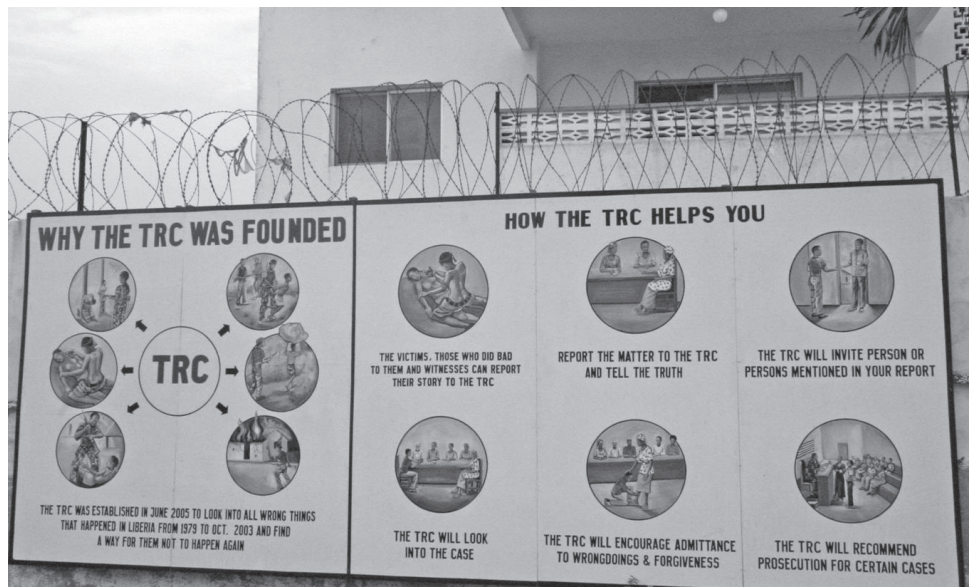
- 521 Office of Global Health Affairs U.S. DHHS, Background on Potential Health Issues for Liberian Refugees (Jan. 30, 2004), http://www.brycs.org/documents/ft_brycs0847.pdf.
- 522 TRC Diaspora Statement Recs. 1004, 1337, 1555, 1738.
- 523 TRC Diaspora Statement Rec. 1475.
- 524 Telephone interview with Dr. Patricia Jabbeh-Wesley, Professor, Pennsylvania State Univ. (May 5, 2008); *see also* Group interview with Mitzi Heath, Student Assistance Counselor, Melody Hahn-Merges, English Language Learners School Social Worker, & Sandra Buechel, Social Worker, Park Center Senior High School, Brooklyn Center, Minn. (June 4, 2008).
- 525 Interview with Ada Beh, Co-founder, Minnesota African Women’s Association (MAWA), Minneapolis, Minn. (Sept. 4, 2008); *see also* Telephone interview with Dr. Patricia Jabbeh-Wesley, Professor, Pennsylvania State Univ. (Sept. 23, 2008) (noting that Liberians are “afraid to seek mental health [assistance], because they are afraid to be seen as mentally ill [by other Liberians]. I’m sure if you put them in another place where there are no Liberians, I am sure they would go for help.”)
- 526 Office of Global Health Affairs, U.S. Dep’t of Health and Human Services, Background on Potential Health Issues for Liberian Refugees 20 (Jan. 30, 2004), http://www.brycs.org/documents/ft_brycs0847.pdf.
- 527 *Id.*
- 528 TRC Diaspora Statement Recs. 122, 784, 1254, 1434, 1444, 1611.
- 529 Telephone interview with C. Hendrix Grupee, United Nimba Citizens Council, (June 7 & 8, 2008).
- 530 *See* Interview with Ada Beh, Co-founder, Minnesota African Women’s Association (MAWA), Minneapolis, Minn. (Sept. 4, 2008).
- 531 *Id.*
- 532 *Id.*
- 533 A notable exception is the trial of Chuckie Taylor, son of Charles Taylor. Chuckie Taylor, whose actions during the Liberian civil conflict were notorious, was arrested in the United States on immigration fraud charges and ultimately was convicted of criminal torture under 18 U.S.C. § 2340A. Chuckie Taylor is a U.S. citizen.
- 534 Sharon Schmickle, *Stories from more survivors*, STAR TRIB. (Feb. 20, 2007), <http://www.startribune.com/local/11551991.html>.
- 535 TRC Diaspora Project Focus Group, Providence, *supra* note 356.
- 536 Interview with Doris Parker, Exec. Dir., Liberian Women’s Initiative – Minnesota (LIWIM), Minneapolis, Minn., (Aug. 1, 2008).
- 537 *See generally id.*
- 538 *Id.*
- 539 *Id.*
- 540 TRC Diaspora Project Focus Group, Providence, *supra* note 356.
- 541 TRC Diaspora Project Focus Group, Washington, D.C. (May 18, 2008); TRC Diaspora Statement Recs. 183, 1254, 1551.
- 542 TRC Diaspora Project Focus Group, Washington, *supra* note 541.
- 543 TRC Diaspora Statement Rec. 1611.
- 544 TRC Diaspora Statement Rec. 1611.
- 545 TRC Diaspora Statement Rec. 1302.
- 546 TRC Diaspora Statement Rec. 1373.
- 547 TRC Diaspora Statement Rec. 1551.
- 548 TRC Diaspora Project Focus Group, Providence, *supra* note 356.
- 549 TRC Diaspora Statement Rec. 107.
- 550 *See Dr. Mariab Seton Threatens ULAA Elections...Points To Boycott of Chapters*, THE LIBERIAN JOURNAL, Oct. 2, 2008, <http://www.theliberianjournal.com/index.php?st=news&sbst=details&rid=544&comesOfTheHome=1>; Nat G. Gbessagee & Sylvestine Payne, *Major ULAA Actors Discuss Elections Crisis on Friday*, THE LIBERIAN JOURNAL, Sept. 19, 2008, <http://www.theliberianjournal.com/index.php?st=news&sbst=details&rid=508&comesOfTheHome=1>.
- 551 Abdullah Kiatamba, *Liberians In Staten Island Cancel Elections...Hold Service for July 26*, THE LIBERIAN JOURNAL, July 26, 2008, <http://www.theliberianjournal.com/index.php?st=news&sbst=details&rid=372&comesOfTheHome=1>; Kirk Semple, *Political Dissension Troubles Liberian Groups on Staten Island*, July 28, 2008, N.Y. TIMES, <http://www.nytimes.com/2008/07/28/nyregion/28liberians.html>.

- 552 See, e.g., Assoc. Press, *Liberian Leader In Minn. Accused Of Being Warlord*, WCCO, Dec. 10, 2007, <http://wcco.com/local/warlord.kerper.dwanyen.2.607602.html>.
- 553 See, e.g., Tewroh-Wehtoe Sungbeh, *Unprecedented and Frivolous*, THE LIBERIAN DIALOGUE, Dec. 16, 2007, <http://www.theliberiandialogue.org/articles/c121607twsh.htm>.
- 554 TRC Diaspora Project Focus Group, Washington, *supra* note 541.
- 555 Assoc. Press, *Liberian Leader In Minn. Accused Of Being Warlord*, WCCO, Dec. 10, 2007, <http://wcco.com/local/warlord.kerper.dwanyen.2.607602.html>.
- 556 Don't Listen to Mr. Anthony Kesselly's Verbiage: Warnings for Rebel Leader Anthony "Morris Kanneh" Francis Duwana" Kesselley: ULAA's Worst Nightmare, Posting to theliberiancommunityusa@yahoo.com, November 17, 2008 (on file with the author).
- 557 Kerper Dwanyen, Testimony at the Diaspora Public Hearings of the Truth & Reconciliation Comm'n of Liberia 33-35 (June 14, 2008, St. Paul, Minn., U.S.A.) (transcript on file with author).
- 558 See *infra* section on Temporary Protected Status.
- 559 See generally Mary H. Moran, *Time and Place in the Anthropology of Events: A diaspora perspective on the Liberian transition*, 78 ANTHROPOLOGICAL QUARTERLY 457-463 (2005); Sophie Briant, *Remittance Sending Behavior of Liberians in Providence* 32, (May 2005) (unpublished master's thesis, Brown University, on file with the author); Stephen C. Lubkemann, *Remittance Relief and Not-Just-for-Profit Entrepreneurship: The Case of Liberia*, in DIASPORAS & DEVELOPMENT: EXPLORING THE POTENTIAL 45-66 (Jennifer M. Brinkerhoff ed. 2008).
- 560 Sophie Briant, *Remittance Sending Behavior of Liberians in Providence* 32, (May 2005) (unpublished master's thesis, Brown University, on file with the author).
- 561 Lubkemann, *supra* note 559, at 52.
- 562 Interview with Doris Parker, Exec. Dir., Liberian Women's Initiative – Minnesota (LIWIM), Minneapolis, Minn., (Aug. 1, 2008).
- 563 Group interview with Mitzi Heath, Student Assistance Counselor, Melody Hahn-Merges, English Language Learners School Social Worker, & Sandra Buechel, Social Worker, Park Center Senior High School, Brooklyn Center, Minn. (June 4, 2008). Elderly Liberians who are in the U.S. also attempt to send remittances, even though they may not be working. Interview with Doris Parker, Exec. Dir., Liberian Women's Initiative – Minnesota (LIWIM), Minneapolis, Minn., (Aug. 1, 2008).
- 564 Lubkemann, *supra* note 559, at 52.
- 565 *Id.* at 53.
- 566 Briant, *supra* note 559, at 30, 40.
- 567 TRC Diaspora Statement Recs. 896, 1103, 1350.
- 568 Lubkemann, *supra* note 559, at 54; see generally Briant, *supra* note 559.
- 569 Briant, *supra* note 559, at 25.
- 570 Interview with Ada Beh, Co-founder, Minnesota African Women's Association (MAWA), Minneapolis, Minn. (Sept. 4, 2008).
- 571 Telephone interview with Anonymous (June 2, 2008).
- 572 TRC Diaspora Statement Rec. 1477.
- 573 TRC Diaspora Statement Rec. 1103.
- 574 Briant, *supra* note 559, at 36.
- 575 TRC Diaspora Statement Rec. 1413.
- 576 Telephone interview with Anonymous (June 2, 2008); Sophie Briant, *Remittance Sending Behavior of Liberians in Providence* 30, (May 2005) (unpublished master's thesis, Brown University, on file with the author).
- 577 Briant, *supra* note 559, at 30-31. Another interviewee in the Providence study noted that "[t]here are some people who can't go back. They can't go back because they haven't been contributing. They don't have a rapport with the people back home. If I go back tomorrow then many people will come to see me. They have a lot of respect for me and they are proud because I send money. They will come to see me and thank me for having helped them." *Id.* at 31.
- 578 See Lubkemann, *supra* note 559, at 55-56.
- 579 See *id.* at 55.
- 580 *Id.* at 55-56.
- 581 TRC Diaspora Statement Rec. 1463.
- 582 TRC Diaspora Statement Rec. 1440.
- 583 Kerper Dwanyen, President, Organization of Liberians in Minnesota, Testimony at the Diaspora Public Hearings of the Truth & Reconciliation Comm'n of Liberia 43 (June 14, 2008, St. Paul,

- Minn., U.S.A.) (transcript on file with author).
- 584 TRC Diaspora Statement Rec. 1440.
- 585 TRC Diaspora Statement Rec. 1389.
- 586 TRC Diaspora Statement Rec. 1467.
- 587 TRC Diaspora Statement Rec. 1475; *see also* Interview with Veronica Barr, *supra* note 369.
- 588 Email communication from Henry Glay, August 7, 2008, on file with the author.
- 589 NACA raised over \$70,000 in 2008, Oct. 8, 2008. Posting by James Kaidii to theliberiancommunityusa@yahoogleroups.com (on file with the author).
- 590 Kerper Dwanyen, President, Organization of Liberians in Minnesota, Testimony at the Diaspora Public Hearings of the Truth & Reconciliation Comm'n of Liberia 43 (June 14, 2008, St. Paul, Minn., U.S.A.) (transcript on file with author).
- 591 Email from Henry Glay to Patricia Minikon (Aug. 7, 2008, 18:54:32 EST) (on file with the author).
- 592 *See* Bassa Action Group, <http://www.bassaactiongroup.org/history.html> (last visited Dec. 30, 2008).
- 593 *See* European Federation of Liberian Associations, <http://www.liberiansineurope.org/about/about.htm> (last visited Dec. 30, 2008).
- 594 Email from James Y. Hunder to Laura Young (June 13, 2008, 9:57:00 CST) (on file with the author).
- 595 *See generally* Kerper Dwanyen, President, Organization of Liberians in Minnesota, Testimony at the Diaspora Public Hearings of the Truth & Reconciliation Comm'n of Liberia (June 14, 2008, St. Paul, Minn., U.S.A.) (transcript on file with author).
- 596 Lubkemann, *supra* note 559, at 60-61.
- 597 Moran, *supra* note 559, at 459.
- 598 TRC Diaspora Project Focus Group, Washington, D.C. (May 18, 2008).
- 599 Telephone interview with Siahyonkron Nyanseor, ULAA founding member and eleventh president (Aug. 1, 2008).
- 600 Telephone interview with Siahyonkron Nyanseor, ULAA founding member and eleventh president (Aug. 1, 2008); Siahyonkron Nyanseor, A Brief Assessment of the Union of Liberian Associations in the Americas: 1974-1985 (Aug. 31, 1985) (paper delivered at the LCA-Georgia Board of Director's Meeting, Charlotte, N.C., on file with the author).
- 601 Bai Gbala, Testimony at the Diaspora Public Hearings of the Truth & Reconciliation Comm'n of Liberia 9-10 (June 12, 2008, St. Paul, Minn., U.S.A.) (transcript on file with author).
- 602 Speech by Bai M. Gbala, President of ULAA, at the Meeting with President Tolbert, At the Executive Mansion, Monrovia, March 11, 1980 (on file with author).
- 603 *Id.*
- 604 *Id.*
- 605 Sam Slewion, Testimony at the Diaspora Public Hearings of the Truth & Reconciliation Comm'n of Liberia 50 (June 14, 2008, St. Paul, Minn., U.S.A.) (transcript on file with author).
- 606 Kerper Dwanyen, Testimony at the Diaspora Public Hearings of the Truth & Reconciliation Comm'n of Liberia 41-42 (June 14, 2008, St. Paul, Minn., U.S.A.) (transcript on file with author).
- 607 Telephone interview with Clarence Moniba, doctoral student, Arizona State University (May 23, 2008).
- 608 Moran, *supra* note 559, at 459.
- 609 Liberia Institute For Peace, Democracy, & Good Governance, *Workshop Report on the Implementation of the Comprehensive Peace Agreement Between the Government of Liberia, the Liberians United for TRC Diaspora Statement Reconciliation Democracy (LURD), the Movement for Democracy in Liberia (MODEL), and Political Parties*, THE PERSPECTIVE, Oct. 30, 2003, <http://www.theperspective.org/workshopreport.htm>.
- 610 Statement of Anonymous, Truth & Reconciliation Comm'n of Liberia Palava Hut Meeting (June 16, 2007, Clarkston, Ga., U.S.A.) (notes on file with author); *see also* THE LOVE OF LIBERTY BROUGHT US HERE (Gerald K. Barclay 2004).
- 611 Sam Slewion, Testimony at the Diaspora Public Hearings of the Truth & Reconciliation Comm'n of Liberia 52 (June 14, 2008, St. Paul, Minn., U.S.A.) (transcript on file with author).
- 612 Audio recording of this United States Institute of Peace town hall forum from February 9, 2004, http://www.usip.org/events/2004/0209_thliberia.html.
- 613 Moran, *supra* note 559, at 463.

- 614 *See* Nina Glick Schiller, Long-Distance Nationalism *in* THE ENCYCLOPEDIA OF DIASPORAS: IMMIGRANT AND REFUGEE COMMUNITIES AROUND THE WORLD 570-580 (Melvin Ember et al. ed. 2005).
- 615 *E.g.*, TRC Diaspora Statement Rec. 1637.
- 616 *E.g.*, Telephone interview with Jacob Massaquoi, Exec. Dir., African Refuge, Staten Island, N.Y. (Sept. 24, 2008).
- 617 *See* TRC Diaspora Statement Rec. 1681.
- 618 Telephone interview with Dr. George Flahn, President, Liberian Med. Assoc. in the UK (Sept. 29, 2008).
- 619 Telephone interview with Jacob Massaquoi, Exec. Dir., African Refuge, Staten Island, N.Y. (Sept. 24, 2008).
- 620 TRC Diaspora Statement Rec. 1491.
- 621 Telephone interview with Jefferson Cooper, Liberian diaspora journalist, Minneapolis, Minn. (Sept. 26, 2008).
- 622 Telephone interview with Dr. Emmanuel Dolo, Liberian diaspora academic (Sept. 30, 2008).
- 623 Telephone interview with Dr. George Flahn, President, Liberian Med. Assoc. in the UK (Sept. 29, 2008).
- 624 TRC Diaspora Statement Rec. 1486.
- 625 TRC Diaspora Statement Rec. 1329.
- 626 TRC Diaspora Statement Recs. 122, 1366, 1417.
- 627 TRC Diaspora Statement Rec. 1550 (80 year-old statement giver). *See also* TRC Diaspora Statement Rec., 1322 (75 year-old statement giver), 1490 (78 year-old statement giver).
- 628 TRC Diaspora Statement Rec. 1437.
- 629 TRC Diaspora Statement Rec. 1463.
- 630 *Id.*
- 631 TRC Diaspora Statement Recs. 1490, 1514, 1535.
- 632 TRC Diaspora Statement Rec. 1424.

Chapter Fourteen



Recommendations

Chapter Fourteen. Recommendations Submitted to the Truth & Reconciliation Commission of Liberia

Introduction

The Advocates for Human Rights presents these recommendations to the Truth and Reconciliation Commission (TRC) of Liberia. As discussed in Chapter 2, it is difficult to prioritize recommendations in this context. The Advocates heard many pressing needs and competing demands from statement givers, public hearings witnesses, interviewees, and other Liberian community members throughout the course of its work. In heeding their requests, The Advocates has identified what it considers priority recommendations for implementation and set them forth in Chapter 2. This chapter contains the full list of recommendations made by The Advocates, in response to the TRC's request to provide the full scope of international human rights standards.

Many recommendations can and should be implemented immediately. Others will take time and the investment of substantial resources. The recommendations reflect the urgent need to address the immediate physical and mental health problems of victims and other vulnerable populations. The organization of this section, however, is not intended to convey the priority or importance of any particular recommendations. Rather, we seek to coherently present the recommendations—all of which are integral to recognizing the needs of Liberians and promoting “peace, justice, and reconciliation.”¹

LIBERIA'S INTERNATIONAL LEGAL OBLIGATIONS

The Advocates based its recommendations on an international human rights and humanitarian law framework. Liberia has ratified many important human rights treaties. These include the:

- International Covenant on Civil and Political Rights (ICCPR),
- International Covenant on Economic, Social and Cultural Rights (ICESCR),
- Convention on the Elimination of All Forms of Discrimination against Women (CEDAW),
- Convention on the Rights of the Child (CRC),
- Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT),
- Convention on the Elimination of All Forms of Racial Discrimination (CERD),
- International Labour Organisation Convention (No. 182) Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labor,
- Convention Relating to the Status of Refugees,
- African Charter on Human and Peoples' Rights,
- African Charter on the Rights and Welfare of the Child,
- Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa, and
- African Union Convention Governing the Specific Aspects of Refugee Problems in Africa.

Likewise, Liberia has ratified important humanitarian law instruments, including the Geneva Conventions, Protocol Additional to the Geneva Conventions of August 12, 1949, and Relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II), the Rome Statute of the International Criminal Court, and the Agreement on the Privileges and Immunities of the International Criminal Court. Other relevant ratifications include the U.N. Convention against Corruption, African Union Convention on Preventing and Combating Corruption, Convention for the Elimination of Mercenarism in Africa, International Convention against the Recruitment, Use, Financing and Training of Mercenaries, U.N. Convention against Transnational Organized Crime, Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, and Protocol against the Illicit Manufacturing of and Trafficking in Firearms. A more comprehensive list of Liberia's ratification status is available in Appendix B.

The Government of Liberia should take all appropriate legislative and other measures to ensure that the provisions of these treaties are fully reflected in domestic law and practice. The government should pay particular attention to reviewing the current status of its laws to ensure compliance with these treaties.

Periodic reports describing Liberia's treaty compliance were due on the dates indicated to the treaty

bodies and are now overdue:

- Committee against Torture on Oct. 22, 2005;
- Committee on Civil and Political Rights on Dec. 22, 2005;
- Committee on the Elimination of Discrimination against Women on Aug. 16 of 1985, 1989, 1993, 1997, 2001, and 2005;
- Committee on the Elimination of Racial Discrimination on Dec. 5 of 1977, 1979, 1981, 1983, 1985, 1987, 1989, 1991, 1993, 1995, 1997, 1999, 2001, 2003, 2005, and 2007;
- Committee on Economic, Social and Cultural Rights on June 30, 2006;

The Government of Liberia has signed, but neither ratified nor acceded to the following treaties:

- Optional Protocol to the International Covenant on Civil and Political Rights,
- Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women,
- International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families,
- Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict,
- Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography,
- Convention on the Rights of Persons with Disabilities,
- Optional Protocol to the Convention on the Rights of Persons with Disabilities,
- Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others,
- Convention on the Political Rights of Women,
- Protocol amending the Slavery Convention signed at Geneva on 25 September 1926,
- Slavery Convention, signed at Geneva on 25 September 1926 and amended by the Protocol,
- Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery,
- Protocol of the Court of Justice of the African Union,
- Protocol to the African Charter on Human And Peoples' Rights on the Establishment of an African Court on Human and Peoples' Rights,
- African Youth Charter,
- African Charter on Democracy, Elections and Governance, and
- Protocol Relating to the Establishment of the Peace and Security Council of the African Union.

The Government of Liberia has neither signed nor ratified the following treaties:

- Protocol on the Statute of the African Court of Justice and Human Rights,
- International Convention for the Protection of All Persons from Enforced Disappearance, and
- International Labour Organisation Plantations Convention (No. C110) (ratified on July 22, 1959 but denounced on Jan. 22, 1971),
- Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes Against Humanity.

The Advocates makes the following recommendations with regard to Liberia's international and regional obligations:

- The Government should ratify or accede to the treaties mentioned above.
- The Government of Liberia should take all appropriate legislative and other measures to ensure that the provisions of these treaties are fully reflected in domestic law and practice.
- The Government of Liberia should dedicate appropriate and sufficient resources to submit all due and overdue periodic reports to the U.N. treaty bodies without delay. The Government of Liberia should include in its reports to the treaty bodies appropriate information as required by the treaty as well as the directions set forth in general comments and recommendations of the treaty committees.
- The Government of Liberia should continue to work toward the full implementation of the recommendations of the Committee on the Rights of the Child in its 2004 Concluding Observations and the Committee on the Elimination of Racial Discrimination in its 2003 Concluding Observations.
- As a State Party to the African (Banjul) Charter on Human and Peoples' Rights, the Government of Liberia is bound to submit a periodic report every two years, describing "the legislative or other measures taken with a view to giving effect to the rights and freedoms recognized and guaranteed by the present Charter."² The Government of Liberia should dedicate appropriate and sufficient resources to submit all due and overdue periodic reports with regard to its compliance with the Banjul Charter.
- The Government of Liberia should dedicate appropriate and sufficient resources to submit a report describing the legislative and other steps taken to give effect to the rights set forth in the:
 - Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa in its report submitted under Art. 62 of the Banjul Charter;³
 - African Charter on the Rights and Welfare of the Child;⁴
 - African Charter on Democracy, Elections and Governance, and;⁵
 - African Union Convention on Preventing and Combating Corruption, as required through communications to the Advisory Board on Corruption.⁶

SECTION I. REPARATIONS FOR AFFECTED INDIVIDUALS AND COMMUNITIES

Individuals and communities affected by the events in Liberia can never be made whole. Any scheme to provide them with some measure of redress will be incomplete at best. Nevertheless, governments around the world have attempted to provide redress for gross violations of human rights law or serious violations of humanitarian law committed in the past. In general, victims are entitled to vindicate the right to truth, the right to justice, and the right to reparation. This section focuses on the right to reparation, which can include *restitution* (restoration of rights, return of property, etc.), *compensation* (monetary damages), *rehabilitation* (medical care, rebuilding things that were destroyed, etc.), and *satisfaction* (apologies, public acknowledgements, memorials, etc.).

Victims are defined in international law as:

persons who individually or collectively suffered harm, including physical or mental injury, emotional suffering, economic loss or substantial impairment of their fundamental rights, through acts or omissions that constitute gross violations of international human rights law, or serious violations of international humanitarian law. Where appropriate, and in accordance with domestic law, the term ‘victim’ also includes the immediate family or dependants of the direct victim and persons who have suffered harm in intervening to assist victims in distress or to prevent victimization.⁷

The definition of a victim is independent of whether the perpetrator has been identified, apprehended, prosecuted, or convicted and regardless of the familial relationship between the perpetrator and the victim.⁸ Under international law, victims have the right to remedies for gross violations of international human rights law and serious violations of international humanitarian law.

The U.N. Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Violations of International Human Rights and Humanitarian Law provide a guiding framework with regard to addressing the needs of victims.⁹ The Advocates makes the following recommendations to the TRC, as well as the subsequent recommendations to the Government of Liberia, concerning specific populations.

General Recommendations for a Reparations Program

The TRC has the authority to make recommendations to the Government of Liberia regarding “[r]eparations and rehabilitation of victims and perpetrators in need of specialized psycho-social and other rehabilitative services.”¹⁰ Any reparations plan proposed by the TRC to the Liberian government should include specific suggestions from civil society organizations and victims groups and should

include suggestions for making the reparations program viable. The Advocates makes the following recommendations:

- The TRC should provide general recommendations for a reparations program and specifically recommend that an independent post-commission body be created to implement the reparations program and manage the distribution of any reparations funds.¹¹
- The reparations program should utilize the definition of “victim” set forth in Article V of the U.N. Basic Principles and Guidelines on Reparation.¹²
- In addition to individual victims’ rights of access to justice, adequate provisions should also be made to allow groups of victims to present collective claims for reparations and to receive reparation collectively.¹³
- Reparations should be in the form of restitution, compensation, rehabilitation, satisfaction, and guarantees of non-repetition.¹⁴
- Rehabilitation of victims should include the search for the whereabouts of the disappeared, for the identities of the children abducted, and for the bodies of those killed. It should also include assistance in the recovery, identification, and reburial of the bodies in accordance with the expressed wishes of the victims or the cultural practices of the families and communities.¹⁵
- Reparations should be proportional to the gravity of the violations and the harm suffered, and should be made to victims regardless of whether the violations were committed by the government forces or combatant groups.¹⁶
- A reparations program should include a public awareness campaign to inform the public and victims about the program and about how to access available funds and services that are part of the program.

Family Tracing and Reunification

The central place of the family in Liberian life, and the scattering of families during the wars, was a dominant theme in the TRC statements. The Government of Liberia has ratified the International Covenant on Civil and Political Rights, the African Charter on Human and Peoples’ Rights, the African Charter on the Rights and Welfare of the Child, and Additional Protocol I to the Geneva Conventions, and is therefore bound to the obligations set forth in them. Under these treaties, the family is recognized as the “natural unit and basis of society” and is entitled to protection by the state.¹⁷ Key components of the right to family under international law include the right to be informed of the fate of missing relatives,¹⁸ assistance with family tracing, and ultimately, with family reunification.¹⁹ The African Charter on the Rights and Welfare of the Child, Additional Protocol I, International Committee of the Red Cross resolutions, and United Nations High Commissioner for Refugees documents provide a guiding framework on family reunification. The Advocates recommends the following:

- The Government of Liberia should ensure that information in TRC archives is made accessible to the Liberian public and to relevant non-governmental organizations for purposes of family tracing as well as locating the dead. In this effort, the Government of Liberia should coordinate closely with the International Committee of the Red Cross, the U.N. High Commissioner for Refugees, and victims' groups both in Liberia and in the diaspora.
- The Government of Liberia should take “all necessary measures to trace and re-unite children with parents or relatives where separation is caused by internal and external displacement arising from armed conflicts or natural disasters.”²⁰
- The Government of Liberia should take all necessary measures to facilitate and expedite family reunification and “actively encourage the work of humanitarian organisations engaged in this task.”²¹
- In order to facilitate unification, the Government of Liberia should promptly issue passports or other travel documents at no cost or a reasonable cost.²²
- The Government of Liberia should prioritize assistance for vulnerable groups such as unaccompanied children, unaccompanied elderly, handicapped, and chronically ill, as well as meet specific needs of unaccompanied women and single heads of households.²³
- The Government of Liberia should develop and implement policies that promote family reunification of non-Liberians who may be in Liberia as a result of the widespread sub-regional conflict in West Africa.
- The Government of Liberia should utilize available media resources such as national radio and/or television stations to provide families or individuals searching for a missing relative the opportunity to send out a search notice.

Potential Implementation Strategy: Refugees United

The Government of Liberia and the Liberian Refugee Repatriation and Resettlement Commission may wish to coordinate with Refugees United, a nonprofit organization that provides a free web-based service for refugees to find family members who are dispersed globally. See <http://www.refunite.org/31914/>.

Potential Implementation Strategy: The International Commission on Missing Persons

The Government of Liberia may wish to collaborate with the International Commission on Missing Persons (ICMP) which provides technical assistance in locating, recovering, and identifying the mortal remains of persons missing because of armed conflict, crimes against humanity, and other violations of human rights. ICMP assists governments in the process of locating, recovering, and identifying these missing persons through the use of forensic archaeology, anthropology, and DNA science. In Bosnia, for example, almost 12,000 different individuals have been identified. ICMP provides policy assistance to governments in the establishment of appropriate laws and mechanisms to address the missing persons issue, and it strengthens the ability of civil society groups and family members of victims to engage in this important humanitarian and human rights issue. See <http://www.ic-mp.org/about-icmp/>.

- Given the extent of the Liberian diaspora in West Africa and other parts of the world, the Government of Liberia should work in collaboration with the governments of countries where members of the Liberian diaspora have been reported in order to match the names with those of the missing family members. The creation of a National Information Bureau, as recommended by the International Committee of the Red Cross (Resolution 14, 1986)²⁴ could serve as an appropriate source of the missing persons name collection and matching.
- The Government of Liberia “should closely co-operate with competent intergovernmental and non-governmental organisations and in particular the U.N. High Commissioner for Refugees, the International Committee of the Red Cross, the International Federation of Red Cross and Red Crescent Societies and national Red Cross and Red Crescent Societies.”²⁵
- The Government of Liberia should adopt a policy across ministries of assisting relevant entities, such as the International Committee of the Red Cross and victims groups, in locating the graves of the dead and in accounting for the missing and the dead.²⁶ The Liberian Refugee Resettlement and Repatriation Commission should play an important role in tracing activities, given its role in registering returning refugees. Tracing should be done even when individuals believe that their family members are most likely dead – TRC statements from the diaspora and experience in other countries suggests that some family members still may be alive.²⁷

Potential Implementation Strategy: Facilitating Family Reunification

The government should “recognize the right of [internally displaced persons] to family unity, including both the right to remain together in displacement and the right to domestic reunification when separated.”²⁸ It should “facilitate inquiries and tracing requests and establish a centralized database or registry for the collection, coordination, management, and protection of all information relating to missing persons and requests for reunification.”²⁹ The Government of Liberia may wish to consider working in conjunction with the U.N. High Commissioner for Refugees to launch a widespread campaign similar to that carried out in Columbia to issue identification documents to internally displaced persons.³⁰

- The Government of Liberia should ensure that parties to the conflict, such as the Armed Forces of Liberia, the Liberian National Police, and other state entities assist in the search for persons reported missing.³¹
- The Government of Liberia should adopt appropriate legislation or official policy as necessary to facilitate the issuance of death certificates for the dead and those missing who are presumed dead.

Programs for Vulnerable Groups: Victims of Sexual Violence

Sexual violence was widespread throughout the conflict and was perpetrated against both men and

women. The U.N. Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Violations of Human Rights and Humanitarian Law, resolutions of the International Committee of the Red Cross, the Convention on the Elimination of Violence against Women, and the Declaration on the Elimination of Violence against Women provide a guiding framework for the effective promotion and protection of the human rights of victims of sexual violence. The Advocates recommends the following:

- The Government of Liberia should evaluate current programs and establish new programs as needed to provide victims of conflict with medical, psychological, and social assistance by qualified personnel aware of and trained in the specific issues involved.³² Such assistance can include rehabilitation, assistance in child care and maintenance, treatment, counseling, and health and social services facilities and programs, as well as support structures, and all other appropriate measures to promote victims' safety and physical and psychological rehabilitation.³³
- The Government of Liberia should give special attention to the health needs and rights of women in vulnerable and disadvantaged groups, such as migrant women, refugee and internally displaced women, girl children and older women, women in prostitution, indigenous women, and women with physical or mental disabilities.³⁴
- The Government of Liberia should promote the availability of and access to reproductive health clinics to diagnose and treat sexually transmitted infections and to provide counseling for victims of sexual violence.³⁵

Potential Implementation Strategy: Working with Communities to Support Victims of Sexual Violence

In Sierra Leone, the non-governmental organization Christian Children's Fund (i) analyzed the general situation of girl victims of sexual violence in ten villages, (ii) assessed the availability of resources for victims to recover and reintegrate, and (iii) used focus groups to determine the scope of rape and abduction as perpetrated against village girls.³⁶ The Christian Children's Fund developed the "Sealing the Past, Facing the Future" program, which had the following three main objectives: (1) reduce stress and enable psychosocial recovery; (2) promote community awareness of the impact of sexual violence on young girls and to change community attitudes and behaviors about sexually abused girls; and (3) provide opportunities for the economic development of female ex-combatants.³⁷ Examples of some of the components of the "Sealing the Past, Facing the Future" program include: (1) the creation of a "purification" ritual for sexually abused girls that was based on local practices and which apparently reduced social isolation and enabled girls to reintegrate into the local community; (2) the involvement of local leaders on sexual violence committees, which conducted activities such as coordinating regular meetings to discuss consequences of sexual violence and to establish rules to protect girls from physical and verbal abuse (and to work with the "chief" to levy fines for violations of such rules); and (3) the implementation of bi-weekly recreational activities that coach the girls on interpersonal skills with the overall aim of their re-integration into society.³⁸ According to the Christian Children's Fund website, this program "has successfully reduced stigma, and four out of five girls who worked with [the Christian Children's Fund] have been returned to and been accepted by their families."³⁹

While such programs are important for facilitating re-integration, other long-term programs should aim at eradicating misperceptions that victims of sexual abuse are somehow tainted and in need of purification. Such perceptions are erroneous and perpetuate harmful stereotypes about women and girls.

- The Government of Liberia should: 1) give special attention to the rights and needs of women and children, and to the factors relating to the reproductive role of women and their subordinate position in some societies, which make them especially vulnerable to HIV infection; 2) increase its public education efforts regarding the risk and effects of HIV/AIDS, especially in women and children; and 3) take steps to promote the role of women in the health care sector.⁴⁰
- The Government of Liberia should establish and strengthen mechanisms to investigate, bring to justice, and punish those responsible for committing acts of sexual violence.⁴³
- The Government of Liberia should establish a fund to assist victims of sexual violence without delay.⁴⁴

Potential Implementation Strategy

In its report on reparations for victims of sexual violence in Sierra Leone, Amnesty International made several recommendations that the Government of Liberia may wish to consider in addressing the needs of victims. Among others, the report recommended the inclusion of a gender component, including consultation and expertise, in the creation and implementation of any reparations program,⁴¹ as well as the issuance of a public acknowledgement or apology for the suffering of women and girls.⁴²

Potential Implementation Strategy: Resource Directory for Victims of Sexual Violence

In its final report, the TRC of Sierra Leone recommended the creation of a resource directory for women and girl victims of sexual violence.⁴⁵ The Government of Liberia may wish to consider creating a directory of skills programs, service providers, and donor agencies in Monrovia and rural Liberia available to victims of sexual violence for dissemination, taking into account the needs of illiterate populations.

Programs for Vulnerable Groups: Elders

Liberians regard elders in their communities as individuals deserving particular respect and protection. During the conflict, many of the social patterns of reverence for elders were undermined as armed groups specifically targeted elder leaders when attacking communities. The U.N. Principles on Older Persons, the U.N. Proclamation on Ageing, and the relevant General Comments by the Committee on Economic, Social, and Cultural Rights provide a guiding framework for the effective promotion and protection of the human rights of Liberian elders.⁴⁶ The Advocates recommends the following:

- The Government of Liberia should seek to create national support mechanisms to promote policies that address aging.⁴⁷ Also, it should integrate national policies regarding the elderly into development programs⁴⁸ and facilitate collaboration between the non-governmental and governmental sectors to develop “primary health care, health promotion and self-help programs for the elderly.”⁴⁹
- The Government of Liberia should ensure that elderly women are free from violence and age-based discrimination and are treated with dignity.⁵² This requires providing protection to elderly women taking into account their socio-economic and physical needs, as well as their access to the workforce and training.⁵³
- The Government of Liberia should ensure “access to adequate food, water, shelter, clothing and health care through the provision of income, family and community support and self-help” and to ensure that elderly persons “have the opportunity to work or to have access to other income-generating opportunities.”⁵⁴
- The Government of Liberia should ensure elderly people have “access to social and legal services to enhance their autonomy, protection and care.”⁵⁵
- The Government of Liberia should provide “guidelines on health policy to preserve the health of the elderly and take a comprehensive view, ranging from prevention and rehabilitation to the care of the terminally ill.”⁵⁶

Potential Implementation Strategy: Vienna International Plan of Action on Ageing

The Vienna International Plan of Action on Ageing sets forth principles and recommendations for action on health and nutrition, protecting elderly consumers, housing and environment, family, social welfare, income security, and employment and education.⁵⁰ Also, the plan highlights the important role of governments in setting short-term, medium-term, and long-term goals, monitoring the aging process, paying attention to improving the status of elderly women, establishing machinery, and striving for coordinating across sectors and levels.⁵¹

Potential Implementation Strategy: Addressing the Post-Conflict Needs of Older Persons

A World Health Organisation report on older people in emergency situations notes that the post-conflict phase should focus on establishing and executing mid- to long-term health policies. At the same time, this recovery process provides an opportunity to remedy the challenges that older persons face in this stage. It outlines four objectives for this stage:

Objective 1: Build institutional capacity and commitment to ensuring the health and safety of older people in emergencies.

Objective 2: Strengthen the capacity of ministries of health and health care systems to meet the needs of older people in emergencies.

Objective 3: Develop mechanisms to ensure continuing development and the exchange of expertise as these relate to older people in emergencies.

Objective 4: Promote active ageing as a strategy to reduce vulnerability and develop resiliency to disasters.”⁵⁷

- The Government of Liberia should ensure access to health care to help the elderly to “maintain or regain the optimum level of physical, mental and emotional well-being and to prevent or delay the onset of illness.”⁵⁸
- The Government of Liberia should provide specific training on gerontology, geriatrics, and psychogeriatrics to health and social welfare personnel, as well as education on self-care to the elderly.⁵⁹
- The Government of Liberia should provide elderly people with access to suitable education programs and training on the basis of their preparation, abilities, and motivation.⁶⁰
- The Government of Liberia should recognize and utilize the position of respect, influence, and knowledge of elderly people in the development of future programs and planning.⁶¹

**Potential Implementation Strategy:
Addressing Multi-Generational
Relationships**

The Conceptual Framework for the International Year of Older Persons (1999) suggests that communities play a central role in facilitating multi-generational relationships. Youth and elder groups can together address issues of common concern, including “safety, environmental protection, cultural enrichment, income-generation and others.” The Conceptual Framework also notes the role of communities in bridging older and younger generations through the sharing of new/old technologies and new/traditional lifestyles.⁶²

Programs for Vulnerable Groups: Children

Children suffer disproportionately during all armed conflict. Many statements given to the TRC of the extreme suffering of children as a result of preventable disease, malnutrition or outright starvation, family separation, forced conscription, and targeted violence against these most vulnerable members of Liberian society. The Government of Liberia has ratified the Convention on the Rights of the Child, the African Charter on the Rights and Welfare of the Child, and International Labour Organisation Worst Forms of Child Labour Convention and is therefore bound to the obligations set forth in them. In order to strengthen its commitment to the protection of children, the Government of Liberia should:

- Ratify both optional protocols to the Convention on the Rights of the Child and International Labour Organisation Minimum Age Convention without delay.
- Dedicate appropriate and sufficient resources to submit its report to the Secretary-General of the African Union describing the measures taken to give effect to the rights set forth in the African Charter on the Rights and Welfare of the Child.⁶³
- Dedicate appropriate and sufficient resources to submit its required reports to the Committee on the Rights of the Child.

The treaties and instruments described above provide a guiding framework for the effective promotion

and protection of the human rights of children. The Advocates recommends the following:

- The Government of Liberia should recognize the right of the child to education.⁶⁴ (See also Recommendations relating to education). With a view to achieving this right progressively and on the basis of equal opportunity, the Government of Liberia should:
 - Make primary education compulsory and available free to all;
 - Encourage the development of different forms of secondary education, including general and vocational education, make them available and accessible to every child, and take appropriate measures such as introducing free education and offering financial assistance in case of need;
 - Make higher education accessible to all on the basis of capacity by every appropriate means; and
 - Take measures to encourage regular attendance at schools and to reduce drop-out rates.
- The Government of Liberia should take “all appropriate legislative, administrative, social and educational measures to protect children from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child.”⁶⁶ These measures may include “effective procedures for the establishment of social programmes to provide necessary support for the child and for those who have the care of the child, as well as for other forms of prevention and for identification, reporting, referral, investigation, treatment and follow-up of instances of child maltreatment described heretofore, and, as appropriate, for judicial involvement.”⁶⁷

Potential Implementation Strategy: Peace and Human Rights Curricula

The Government of Liberia may wish to consider incorporating human rights, peacebuilding, and conflict resolution into school curricula. In 2004, working with the Ministry of Education, UNICEF assisted with the implementation of a new “Peace and Tolerance” curriculum that seeks to advocate peace among children who likely were impacted by the Côte d’Ivoire’s civil unrest.⁶⁵ Also, The Advocates has developed a curriculum, The Road to Peace, for ninth-graders through adult learners on conflict resolution and restoration of justice in the aftermath of war, emphasizing the processes that countries coming out of conflict undertake to seek resolution, address past human rights abuses, reform their societies, and heal from violence.

Potential Implementation Strategy: Enacting Legislation that Promotes and Protects Children’s Rights

The Government of Liberia should consider enacting legislation similar to that of South Africa’s Child Care Act, 1983.⁶⁸ The Child Care Act 1983 of South Africa incorporates many of the African Charter

on the Rights and Welfare of the Child principles.⁶⁹ The Child Care Act provides for the creation of children's courts and governs the appointment of commissioners of child welfare and the treatment of children.⁷⁰

- The Government of Liberia should recognize the “right of every child to a standard of living adequate for the child’s physical, mental, spiritual, moral and social development.”⁷¹ The government should take “appropriate measures to assist parents and others responsible for the child to implement this right and shall in case of need provide material assistance and support programs, particularly with regard to nutrition, clothing and housing.”⁷²
- The Government of Liberia should recognize the “right of the child to the enjoyment of the highest attainable standard of health and to facilities for the treatment of illness and rehabilitation of health. States Parties shall strive to ensure that no child is deprived of his or her right of access to such health care services.”⁷³ The government should take appropriate measures “to ensure the provision of necessary medical assistance and health care to all children with emphasis on the development of primary health care.”⁷⁴
- The Government of Liberia should provide “special protection and assistance” to children who have been deprived of their family environment, including alternative care in accordance with national legislation.⁷⁵
- The state should pay “due regard” to “the desirability of continuity in a child’s upbringing and to the child’s ethnic, religious, cultural and linguistic background.”⁷⁶
- The Government of Liberia should take “effective and appropriate measures with a view to abolishing traditional practices prejudicial to the health of children.”⁷⁷ This may include enacting appropriate legislation prohibiting such harmful practices as female genital mutilation and forced or early marriage, as well as conducting public awareness campaigns.

Potential Implementation Strategy: Gambia’s BAFROW programs

The Government of Liberia may consider working to train village leaders and councils on educating others in the community on the issue of forced/early marriage.⁷⁸ Such efforts should include efforts to devise a different rite of passage that excludes female genital mutilation (FGM). Guidance may be found from a program implemented by the Foundation for Research on Women’s Health, Productivity and the Environment (BAFROW) in Gambia.⁷⁹ The BAFROW program had five objectives:

1. Assess the occurrence of FGM and social attitudes;
2. Educate key individuals, including decision-makers, community leaders, and those who perform FGM, about re-designing existing rituals that use FGM;
3. Develop curriculum on a new ritual that does not include FGM;
4. Train those who traditionally perform FGM on using the new curriculum;
5. Carry out public education aimed at parents of girls at-risk of FGM.⁸⁰

- The Government of Liberia should “recognize the right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child’s education, or to be harmful to the child’s health or physical, mental, spiritual, moral or social development.”⁸¹ The government should take measures to ensure this right, including setting minimum age(s) for employment, appropriately regulating hours and conditions of employment, and imposing appropriate sanctions as enforcement.⁸²
- The Government of Liberia should prevent the engagement of children in the worst forms of child labor using measures outlined in International Labour Organisation Worst Forms of Child Labour Convention, Art. 7(1)-(2).⁸³
- The Government of Liberia should designate one governmental body to be responsible for formulating a coherent policy on child exploitation, which includes a component to educate the public about combating child exploitation.⁸⁴
- The Government of Liberia should establish a code of conduct for staff working with children; violations of the code of conduct should be criminal offenses under national law.
- The Government of Liberia should continue to work toward the full implementation of the recommendations set forth by the Committee on the Rights of the Child in its 2004 Concluding Observations.

Potential Implementation Strategy: The Sankhu-Palubari Community School

The Advocates for Human Rights partners with the non-governmental organization Hoste Hainse in Nepal to provide free elementary education to Nepalese girls and boys to promote education as an alternative to harmful child labor. These girls and boys would otherwise be subjected to child labor. In addition to their lessons in reading, writing, and arithmetic, the children receive a free meal—a very important and popular part of the program. The teachers have been trained in human rights awareness and are incorporating human rights into the curriculum. The school also currently provides immunizations for all of its students. The Advocates has worked with volunteers, individual donors, and school groups to support the school in Nepal. For example, U.S.-based school groups have collected school supplies and organized fundraisers to benefit the school.⁸⁵

Programs for Vulnerable Groups: Orphans & Children Separated from their Families

In addition to general human rights protections for children, specific international standards govern the rights of orphans, children deprived of their family environment, and unaccompanied or separated children. The Convention on the Rights of the Child and related Comments and Concluding Observations, the International Covenant on Economic, Social and Cultural Rights and related Comments, and the African Charter on the Rights and Welfare of the Child provide a guiding framework for the effective promotion and protection of the human rights of orphans, children deprived of their family environment, and unaccompanied or separated children. The Advocates recommends the following:

- The Government of Liberia should take special measures to protect and assist children and

young persons, without discrimination for reasons of parentage, to ensure their protection against exploitation and harmful employment, and to establish a minimum working age.⁸⁶

- The Government of Liberia should recognize that all children, born in or out of wedlock, are entitled to the same social protection.⁸⁷
- The Government of Liberia should ensure that special protection and assistance, including alternative care, is provided to children who are temporarily or permanently deprived of their family environment.⁸⁸ Such alternative care should aim toward continuity in a child's upbringing and to the child's ethnic, religious, cultural, and linguistic background.⁸⁹
- The Government of Liberia should be guided in its efforts to trace and reunify by the Inter-agency Guiding Principles on Unaccompanied and Separated Children.⁹⁰ These principles emphasize family unity and the best interests of the child, as well as family reunification, and provisional and long-term responses in emergency situations.⁹¹ In addition, The Advocates suggests that the Government of Liberia seek to implement the recommendations on Family Reunification set forth in this report.⁹²
- The Government of Liberia should urgently adopt relevant legislation in order to issue quality standards and establish a monitoring system for institutional homes and, in particular, orphanages, as well as to increase allocations available to these institutions and to provide training for their staff.⁹³
- The Government of Liberia should take all appropriate measures to ensure that non-orphan children living in institutional homes are brought back to their families, taking into consideration the best interests of the child.⁹⁴
- The Government of Liberia should evaluate and ensure that conditions in orphanages comply with basic human rights standards set forth in the Convention on the Rights of the Child, International Covenant on Economic, Social and Cultural Rights, and African Charter on the Rights and Welfare of the Child.⁹⁵
- The Government of Liberia should ensure that in cases of adoption, the child's best interests are of highest consideration. It should ensure that such adoption is authorized by competent authorities and is permissible in view of the child's status regarding parents, family members, and guardians.⁹⁶ The Government of Liberia should seek to comply with the standards set forth on adoption in the Convention on the Rights of the Child and African Charter on the Rights and Welfare of the Child, including the following:
 - Establish competent authorities to oversee adoption matters and ensure they conform with relevant laws and regulations;⁹⁷
 - Ensure that safeguards and standards equal to those for national adoption are available to a child undergoing an inter-country adoption; and⁹⁸
 - Take all appropriate measures to ensure that inter-country adoptions do not lead to trafficking or improper financial gain for the potential adopters.⁹⁹

Programs for Vulnerable Groups: Children Associated with Armed Forces or Armed Groups

The Government of Liberia has ratified International Labour Organisation Worst Forms of Child Labour Convention, and is therefore bound to the obligations set forth in it. The Government of Liberia has signed, but not ratified, the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict. The Advocates recommends that the Government of Liberia:

- Ratify the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict without delay.

The Paris Principles and Guidelines on Children Associated with Armed Forces or Armed Groups and the Worst Forms of Child Labour Convention provide a guiding framework with regard to rehabilitation and reintegration of former child soldiers. The Advocates recommends the following:

- The Government of Liberia should take all appropriate measures to promote physical and psychological recovery and social reintegration. Some children may require particular support, including children with a disability or a serious health problem, including drug and alcohol abuse, survivors of sexual abuse, and those whose families have died or rejected them.
- Children accused of crimes under international or national law allegedly committed while working with armed forces or armed groups are entitled to be treated in accordance with international standards for juvenile justice, including the U.N. Standard Minimum Rules for the Administration of Juvenile Justice, the U.N. Guidelines for the Prevention of Juvenile Delinquency, and the U.N. Rules for the Protection of Juveniles Deprived of their Liberty. They should not be prosecuted or punished or threatened with prosecution or punishment solely for their membership in those groups. Alternatives to judicial proceedings should be sought for children at the national level.
- The Government of Liberia should ensure that programs working with former child combatants are based on child rights and humanitarian principles, that applicable minimum standards of programs are met, and that systems for accountability are developed.
- The Government of Liberia should facilitate coordination among programs working with former child soldiers.
- The Government of Liberia and all other relevant authorities should treat personal information relating to violations of children's rights, including unlawful recruitment or use by armed forces or armed groups, as confidential.
- The Government of Liberia should recognize that education, vocational and skills training, and/or opportunities to gain a livelihood are essential elements for reintegration.¹⁰⁰ Accelerated learning programs suitable for adolescents and adults who have missed years of school should be compatible with and recognized by the formal system of education.¹⁰¹ Alternative forms of

education, such as adult literacy classes or evening classes, should be offered to children who cannot or do not wish to enter the formal educational system.¹⁰²

Programs for Vulnerable Groups: Girls Associated with Armed Groups

The Advocates suggests that the Government of Liberia implement the following measures with regard to Girls Associated with Armed Forces. The following recommendations are drawn from The Paris Principles¹⁰³ and reports produced by Amnesty International¹⁰⁴ and Development Alternatives, Inc.¹⁰⁵ Additionally, The Advocates recommends the following:

- Ensure that staff working with girls associated with armed forces “are familiar with Security Council Resolution 1325, as well as, relevant international guidelines to provide for a gendered approach to both implementation and planning;”¹⁰⁶
- Ensure that gender appropriate information campaigns as well as access to female employees are made available to women and girls by collaborating with women’s organizations.¹⁰⁷
- Ensure that specific gender dynamics regarding access to accommodations are considered,¹⁰⁸ including reproductive health care, separate washing facilities, hygiene kits, and clean birthing kits. Measures should be taken to provide and guarantee safety and protection, including proper lighting as well as regular surveillance and patrolling by security forces.
- Ensure that psychosocial counseling is made available in communities to all who need it.¹⁰⁹ Care should be taken to assist girls in addressing whether they desire to recognize or reject relationships established with a member of an armed group.
- Ensure that education and training programs related to parenting skills and child health, as well as training unrelated to reproductive status, be made available and accessible.¹¹⁰
- Provide nutrition and health care for infants and young children, as well as child care, to allow women and girls to participate in training and education.¹¹¹
- Ensure that communities are part of the reintegration, reconciliation, and healing process.¹¹² Work with community leaders and groups to establish a forum to address stigmatization and increase public awareness of reintegration issues, including substance abuse, HIV/AIDS, STIs, obstetric fistula, and sexual violence.¹¹³
- Use business and skill training to improve the overall livelihood of women. Ensure that access to credit and/or capital is available to supplement these trainings.¹¹⁴
- Ensure that women and girls have access to quality career counseling which allows them to make choices that will maximize their options and lead them to choose marketable vocational skills.¹¹⁵
- Adopt flexibility to adapt to the range of needs specific to each victim, and ensure that programs are accessible to women experiencing particular health problems related to their experience of the conflict.¹¹⁶

Programs for Vulnerable Groups: Internally Displaced Persons

Displacement was a defining characteristic of the Liberian civil wars, with hundreds of thousands displaced over time. The U.N. Guiding Principles on Internal Displacement, as well as relevant treaty body documents, provide a guiding framework for the effective promotion and protection of the human rights of internally displaced persons. The U.N. principles note that national authorities hold the primary responsibility for rendering humanitarian aid to internally displaced persons.¹¹⁷ The Advocates recommends the following:

- The Government of Liberia should provide internally displaced persons with protection and humanitarian aid, without persecution or punishment for such requests for assistance, and taking into account the needs of vulnerable internally displaced populations, including children, unaccompanied children, pregnant women, disabled persons and the elderly, females with children, or heads of households.¹¹⁸
- The Government of Liberia should ensure that humanitarian aid for displaced persons is rendered without discrimination and is not diverted to political or military purposes.¹¹⁹
- The police force of Liberia should have an explicit mandate in national law to protect civilians, including internally displaced persons and humanitarian aid providers.¹²¹
- The Government of Liberia should enact legislation which recognizes internally displaced persons' right to freedom of movement and the right of all internally displaced persons to make a voluntary and informed choice between return, integration at the location of displacement, or resettlement or relocation in another part of the country.¹²²
- The Government of Liberia should provide information to internally displaced persons regarding the viability of return, local integration, and resettlement or relocation options. To facilitate an internally displaced

Potential Implementation Strategy: Clear Policies for Providing Humanitarian Assistance to the Displaced

The Government of Liberia should:

1. Assign to relevant authorities or organizations at the national and local levels clear and specific obligations in the area of humanitarian assistance to internally displaced persons, and provide them with the necessary means to do so.
2. Establish mechanisms and procedures to identify beneficiaries of humanitarian assistance on the basis of need and particular vulnerability.
3. Determine criteria for the delivery of humanitarian goods and services in accordance with recognized international minimum standards.
4. Eliminate any obstacles hindering the provision of humanitarian goods from domestic sources.
5. Facilitate the import and internal transport of humanitarian goods not sufficiently available domestically.
6. Provide for the criminalization of attacks by state as well as non-state actors against humanitarian relief personnel and their material, transport, and supplies when such attacks would amount to a war crime under the Rome Statute.¹²⁰

person's choice, the government should provide physical security, humanitarian access, transportation, and access to the law.

- The Government of Liberia should ensure that lack of access to documentation does not prevent internally displaced persons from exercising the right to freedom of movement within the country or right to leave the country. Further, the Government should facilitate access to documentation.
- The Government of Liberia should ensure that internally displaced persons are able to enjoy freely their right to participate fully and equally in public affairs and have access to all public services.¹²³ Specifically, the government should assist internally displaced persons obtaining or recovering all documents required to exercise their legal rights such as birth certificates, passports, voting and military registration cards, marriage certificates, and other personal identification.¹²⁴

Potential Implementation Strategy: Brookings Institution Policy Manual

The manual, entitled *Protecting Internally Displaced Persons: A Manual for Law and Policymakers*, outlines strategies Liberia can implement to promote the rights of internally displaced persons. The government may consider the following suggestions:

- "institute a universal and mandatory birth registration system;"¹²⁵
- "identify and, when necessary, modify documentation requirements in domestic legislation relevant to the exercise of [internally displaced persons'] rights;"¹²⁶
- "permit [internally displaced persons] to vote in elections related to (1) the constituency from which they were displaced, or (2) in the constituency in which they found refuge without unreasonable restrictions and ensure that in the latter case they do not lose eligibility for humanitarian aid or other benefits;"¹²⁷
- "inform voters, including [internally displaced persons], in a language they understand about the electoral process and facilitate adequate and safe access to information about the political platforms of the parties to the election."¹²⁸

- The Government of Liberia should implement the recommendations of the Committee on the Rights of the Child in its 2004 concluding observations relating to internally displaced children, especially in regard to articles 7 and 22 specifically, the Government of Liberia should:
 - Strengthen its efforts to provide adequate assistance to the internally displaced children, including access to food, education, and health services and to support their return and reintegration into their communities;
 - Prevent sexual assaults and other exploitation of refugee and internally displaced children, with particular attention to girls, and provide for their rehabilitation and reintegration into society; and
 - Prevent forcible conscription of refugee and internally displaced children

and provide for their rehabilitation and reintegration into society.¹²⁹

Restitution & Compensation for Property

Because of the massive displacement of the Liberian population, many individuals were forced to abandon their land, farms, homes, and other property. The U.N. Principles on Housing and Property Restitution for Refugees and Displaced Persons (The Pinheiro Principles) provide a guiding framework for the right to restitution of housing, land, and/or property. Importantly, all refugees and displaced persons have the right to restitution of “any housing, land and/or property of which they were arbitrarily or unlawfully deprived.”¹³⁰ While the preferred remedy is restitution, refugees and displaced persons also have the right to be compensated for the loss of such property as adjudicated by an independent and impartial court.¹³¹ Other international documents, including General Recommendation 22 by the Committee on the Elimination of Racial Discrimination, the Guiding Principles on Internal Displacement, and women’s human rights treaties likewise address land rights and provide a guiding framework. The Advocates recommends the following:

- The Government of Liberia should establish national procedures, institutions, and mechanisms that are “equitable, timely, independent, transparent and non-discriminatory,” to address claims for restitution.¹³² These procedures should be age- and gender-sensitive,¹³³ have adequate resources and support,¹³⁴ be directed by guidelines to ensure effectiveness,¹³⁵ draw upon the technical assistance of appropriate international organizations as needed,¹³⁶ and be included in voluntary repatriation agreements.¹³⁷ Alternative dispute resolution mechanisms may be used providing they comply with international human rights standards, particularly freedom from discrimination.¹³⁸
- The Government of Liberia should ensure that restitution claims procedures are “just, timely, accessible, free of charge, [and are] age and gender sensitive” and without prerequisites.¹⁴¹
- The Government of Liberia should ensure such processes

Potential Implementation Strategy: Decentralized District Land Boards in Uganda

Uganda’s 1998 Land Act created District Land Boards to administer land as well as 4,500 local land committees to support the Boards.¹³⁹ According to one scholar, the Act’s purpose was to develop a land tenure system through decentralized administration. Uganda’s 1998 Land Act contained considerable rights for women regarding their ability to own and control their land. This was particularly relevant to rural women. Customary laws are null and void if they prevent women and children from inheriting land. Land committees are specifically charged with protecting “the interests of women, children and persons with disabilities.” To ensure this duty is carried out, women are allotted at least 25% of the positions on the land committees and tribunals. Furthermore, in order to transfer land on which a family lives or farms its own food, both the husband and wife must provide written consent.¹⁴⁰

are accessible to vulnerable populations, including women (through positive measures to ensure women’s equal participation); separated and accompanied children (as guided by the “best interest of the child”); illiterate and disabled persons (through special assistance); and users, including tenants (through the availability of collective claims).¹⁴²

- The Government of Liberia should ensure that claims forms are easy to understand and available in Liberian English or Liberian indigenous languages through translators when needed.¹⁴³
- The Government of Liberia should increase public knowledge about the claims process both throughout Liberia and in the diaspora, ensure the availability of legal aid, locate claims stations in areas of claimants’ current residence, and provide internet based, proxy, and in-person submission options.¹⁴⁴
- The Government of Liberia should take steps to prevent the persecution or punishment of claimants for submitting a claim.¹⁴⁵
- The Government of Liberia should use the remedy of compensation only when: “the remedy of restitution is not possible, or when the injured party knowingly and voluntarily accepts compensation in lieu of restitution, or when the terms of a negotiated peace settlement provide for a combination of restitution and compensation.”¹⁴⁷ In some cases, however, a combination of both compensation and restitution may be appropriate.¹⁴⁸
- The Government of Liberia should ensure that the right of refugees and displaced persons to housing, land, and property restitution is incorporated into legislation, which should be internally consistent and compatible with other agreements and international human rights law, clearly demarcate all affected and eligible persons or groups, and fully protect women and girls against discrimination.¹⁴⁹ Laws that prejudice the restitution process or are discriminatory should not be adopted or should be repealed.¹⁵⁰
- The Government of Liberia should delegate enforcement of restitution decisions to specific public agencies.¹⁵¹ The government should take steps to educate secondary occupants of their rights and legal ramifications of refusing to comply with restitution decisions, and prevent the obstruction of enforcement of restitution decisions, as well as the “destruction or looting of contested or abandoned housing, land and property,” such as by inventorying contents.¹⁵²
- The Government of Liberia should establish a registration system for housing, land, and

**Potential Implementation Strategy:
Food and Agriculture Organization Land Tenure
Studies: Access to Rural Land and Land Administration
after Violent Conflicts**

The Food and Agricultural Organization of the United Nations has promulgated a guide on addressing post-conflict access to rural land and land administration. The guide includes a section on the development of policies related to access to land, specifically restitution, resettlement, establishment of an operational system, and coordination and communication. Also, the document discusses implementation of policies, including evaluations.¹⁴⁶ The Government of Liberia may wish to refer to this guide when developing its policies on land reform and administration.

property rights; such a system should have the capacity to recognize and record collective possession of land by traditional or indigenous communities.¹⁵³

- The Government of Liberia should adopt measures to prevent the destruction of records, furnish copies of documentation in its possession upon request by a claimant, and seek to collect relevant information from refugees and displaced persons.¹⁵⁵ The government should adopt measures to ensure legal security of tenure following any decision regarding rights to housing, land, and/or property.¹⁵⁶

Satisfaction & Commemoration

Remembering the victims of the conflict and memorializing the suffering of the Liberian people was described by many statement givers as an important part of the national healing process. International standards provide little guidance in this regard, as the process of remembering is specific to each nation, culture, community, and individual. Statement givers provided some important suggestions in this regard.

- The Government of Liberia should collaborate with the TRC to designate a specific body to work nationally, at the community level, and with the diaspora to solicit recommendations for memorials to victims of the Liberian civil crises.
- The process of developing memorials and commemoration programs should be inclusive, transparent, and participatory.
- As expressed by statement givers, memorials to specific groups such as youth, women, and other vulnerable populations should be considered.
- Public apologies and acceptance of responsibility from those who were involved in commission of human rights and humanitarian violations should be actively encouraged.
- Some statement givers expressed their perception of an Americo-Liberian bias in the national holidays and names of public streets, institutions, holidays, and other locations. The government should consider creating new national holidays and renaming these locations, institutions, and holidays to dispel notions of bias and honor Liberia's diversity.

Potential Implementation Strategy: Monitoring and Evaluating Land Reform Policies

In creating procedures for monitoring and assessing its policies regarding access to land, the Government of Liberia will need to develop evaluation indicators. The FAO has outlined examples of indicators to assess implementation of land policies:

- Land legislation
- Adjudication procedures for land claims and disputes
- Existing land administration systems
- Housing strategies
- Evictions procedures
- Administration of state-owned land
- Administration of private abandoned land
- Transparency¹⁵⁴

Potential Implementation Strategy: Addressing Post-Conflict Restitution

The Food and Agriculture Organization of the United Nations has outlined steps to take in addressing restitution of land following a conflict, which the Government of Liberia may wish to follow:

Creation of organizational bodies:

- Legal aid units
- Claims processing centers
- Decision-making structures, including mediation facilities, adjudication bodies, specialized land courts, mobile courts and an enforcement unit

Rules for adjudicating claims:

- Types of eligible claims
- Scope of eligible people
- A date past which the owner had been dispossessed of the property at issue
- Admissible evidence for restitution claims

Accessibility:

- Facilitate ease of submission of claims, without sacrificing quality through decentralization
- Ensure forms and information are available in appropriate languages and take into account literacy levels
- Ensure the system is affordable to both the potential claimants and the government

SECTION II. RECOMMENDATIONS RELATED TO REFUGEES IN THE WEST AFRICAN SUB-REGION

Refugees in Ghana and the West African Sub-Region

Refugee situations in Africa are governed by the 1951 Convention on the Status of Refugees, the 1969 Organization of African Unity Convention Governing the Specific Aspects of Refugee Problems in Africa, as well as the panoply of international and regional human rights instruments including the International Covenant on Civil and Political Rights and the African Charter on Human and Peoples' Rights. In Ghana, site of the largest Liberian refugee settlement in the sub-region, the Refugee Law of 1993 governs many aspects of the situation.

International refugee law and Ghanaian law contain three fundamental principles – the right to return to one's own country, the prohibition of *refoulement*, and the absolutely voluntary nature of refugee repatriation. States are prohibited from expelling or returning a refugee to the frontiers of territories where he or she would be threatened with persecution.¹⁵⁷ “Even when the circumstances in the country of origin have undergone a fundamental change, individual refugees may continue to have a well-founded fear of persecution or compelling reasons not to return arising out of previous persecution. [When this has] been determined, the ‘ceased circumstances’ cessation clauses should thus not apply to them.”¹⁵⁸ Moreover, refugees are entitled to basic human rights and fundamental freedoms. The Advocates recommends that the Government of Ghana and other West African host nation governments comply fully with their obligations under domestic and international refugee law as well as international human rights law. The Advocates recommends the following:

- The Government of Ghana and other host countries should immediately cease any activities with respect to Liberian refugees that impose physical, psychological, or material pressure on individuals duly recognized as having refugee status to return.¹⁵⁹
- Despite changed country conditions in Liberia, the Government of Ghana and other host countries should recognize that compelling reasons may, for certain individuals, support the continuation of refugee status.
 - Host countries, in collaboration with the U.N. High Commissioner for Refugees, should facilitate ongoing asylum applications and timely refugee status determinations, specifically, “Asylum requests of Liberians should be examined thoroughly in fair and effective individual refugee status determination procedures with the necessary procedural safeguards, taking into consideration the individual merits of their asylum claims, based on the criteria in the 1951 Convention, and where applicable, Article I.1 of the 1969 [African Union] Convention...Additionally, in light of the particularly violent nature of the armed conflict in past years, asylum claims of victims of particularly atrocious forms of persecution suffered in the past should be examined taking into account the consequences and effects of such persecution on

the victims concerned where the continuing impact of the past persecution could put the individuals at risk of serious harm to their well being if returned.”¹⁶⁰

- Host countries should expedite status determination procedures to ensure that Liberians who wish to stay in Ghana can acquire legal status, including but not limited to, a residence permit.¹⁶¹
- The Government of Ghana and other host countries should consider appropriate arrangements, which would not put into jeopardy their established situation, for those persons who cannot be expected to leave the country of asylum because of a long stay in that country resulting in strong family, social, and economic links there.¹⁶²
- The Government of Ghana should increase its efforts to assist recognized refugees in seeking employment or education inside Ghana.¹⁶³
 - A process should be developed to allow Liberians to obtain work permits despite the fact that they may not have appropriate documents, such as a passport, as required under Ghanaian law for other immigrants.
 - Recognized refugees remaining in Ghana should be eligible for enrollment in Ghanaian public schools and for participation in the Ghanaian National Health Insurance program.¹⁶⁴
- The Government of Ghana and other West African host countries should fully respect their obligations to treat refugees in accordance with international human rights law as long as refugees remain in their territory, paying specific attention to the right to work, the right to health, the right to property, and the right to education.
- In fulfillment of its duty to establish the voluntary nature of repatriation and to provide refugees with appropriate information about country conditions in Liberia, the U.N. High Commissioner for Refugees should ensure dissemination of accurate information regarding the repatriation process and the right to claim asylum in the host country to Liberians in Liberian English and in indigenous languages when necessary.
- In the interest of finding durable solutions for refugees who do not voluntarily repatriate, UNCHR should accelerate processing for refugees eligible for third country resettlement.

Refugees Recently Repatriated or in Process of Repatriation

For those Liberians who do wish to repatriate, the U.N. High Commissioner for Refugees, host country governments, and the Government of Liberia must ensure that refugees can return in safety and dignity. As noted in the Organization of African Unity Convention Covering the Specific Aspects of Refugee Problems in Africa, “the essentially voluntary character of repatriation shall be respected in all cases and no refugee shall be repatriated against his will.”¹⁶⁵ The Advocates recommends the following:

- The Government of Ghana, the Government of Liberia, and the U.N. High Commis-

sioner for Refugees should ensure that the repatriation process is carried out in consideration of the policy guidelines contained in the U.N. High Commissioner for Refugees Hand-book on Voluntary Repatriation, specifically taking into account:

- refugees' physical safety at all stages during and after their return including en route, at reception points, and at the destination,
 - the need for family unity,
 - attention to the needs of vulnerable groups,
 - the waiver or, if not possible, reduction to a minimum of border crossing formalities,
 - permission for refugees to bring their movable possessions when returning,
 - respect for school and [agricultural] seasons in the timing of such movements, and
 - freedom of movement.¹⁶⁶
- The Government of Liberia should “allow its nationals to return in safety and with dignity without any fear of harassment, discrimination, arbitrary detention, physical threat or prosecution on account of having left or remained outside the country, and should provide guarantees and/or amnesties to this effect. It should also take all measures to ensure the restoration of full national protection.”¹⁶⁷
 - Where refugees have lost their nationality, the Government of Liberia should arrange for its restoration as well as for its granting to children born outside the territory and, as appropriate, to non-national spouses.¹⁶⁸
 - The Government of Liberia and the international community should prioritize support for the Liberia Integration Program, specifically funding for: non-food items, shelter, agricultural training and supplies, skills training, a cash grant program and other high priority areas as

Potential Implementation Strategy: Refugee Repatriation Lessons Learned from Sierra Leone

In coordinating the return of refugees from Ghana and other West African host nations, the Government of Liberia (in collaboration with the U.N. High Commissioner for Refugees) may wish to consider the following lessons learned from refugee repatriation programs in Sierra Leone.

- Transport for refugees to rural communities was one of the greatest challenges. Government-backed, regularized transport to rural communities may be one method of assisting refugees who wish to return to rural areas and ensuring that they are not victimized en route.
- Trucks should be used as the primary means of transport due to their luggage capacity. Proper tagging systems should be implemented to ensure that refugee possessions are not lost en route.
- Provide incentives for families to repatriate together and to continue to register as a family on a regular basis to discourage the practice of abandoning children.

identified by the Liberia Refugee Repatriation and Resettlement Commission.

- In fulfillment of its duty to monitor the situation of returnees in their country of origin,¹⁶⁹ the U.N. High Commissioner for Refugees should engage in monitoring of Liberia Refugee Repatriation and Resettlement Commission activities with relation to returnees, focusing specifically on ensuring non-discrimination and protection of vulnerable groups in the repatriation and reintegration process.
- In recognition of the right of refugees to return to their country in safety and in dignity, the U.N. High Commissioner for Refugees, the Government of Liberia, and the international community should support expansion of services for returning refugees to include mental health screening, service-provider referral information, security information, employment referral, etc.
- The Government of Liberia, Liberian civil society, and the international community should promote establishment of a legal aid regime for returning refugees to adjudicate property claims.
- The Government of Liberia, Liberian civil society, and the international community should promote identification of international law and human rights violations against refugees in their host country, either while in residence or during the process of resettlement, so as to facilitate non-repetition in future sub-regional refugee crises and to effectively advance the humane application of refugee policy in the West African sub-region.
- Because of the protracted nature of the Liberian conflict, many refugees have buried deceased family members in their host countries. Host governments, the U.N. High Commissioner for Refugees, and the Government of Liberia should engage in a consultation with refugee families to ensure that repatriated refugees maintain access to the gravesites of family members and that the graves remain protected and undisturbed.

SECTION III. CIVIL AND POLITICAL RIGHTS

Liberia's constitution currently includes important protections for civil and political rights, such as the right to life, liberty, property, due process, equality before the law, freedom of thought, conscience, and religion, as well as freedom of expression. Throughout the Liberian conflict however, these protections were disregarded, and the rights of the Liberian people were abrogated. Re-establishing protection of these fundamental freedoms in Liberia was an important theme enunciated by statement givers in their TRC statements.

Apart from its constitutional commitments, the Government of Liberia is bound by several international treaties related to civil and political rights. Primary among these are the International Covenant on Civil and Political Rights, the African Charter on Human and Peoples' Rights, as well as the Convention against Torture and Other Inhuman or Degrading Treatment or Punishment. Several other important international treaties ratified by Liberia are discussed in each section below. With regard to general international legal obligations, The Advocates recommends that the Government of Liberia:

- Ratify the Convention for the Suppression of the Traffic in Persons and of the Exploitation or Prostitution of Others without delay;
- Dedicate appropriate and sufficient resources to submit its report describing the measures taken to give effect to the rights set forth in the Banjul Charter;
- Dedicate appropriate and sufficient resources to submit all due and overdue periodic reports describing its compliance with the International Covenant on Civil and Political Rights to the U.N. Human Rights Committee and its compliance with the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment to the Committee against Torture.

Personal Integrity & Dignity

The Government of Liberia is under an immediate obligation to take whatever measures are necessary to respect and ensure fundamental rights including the right to life, prohibition of torture or cruel, inhuman and degrading treatment, and prohibition of slavery. During the Liberian conflict, the right to life of many Liberians was completely disregarded. Liberians were tortured and subjected to inhuman and degrading treatment. They were also abducted and held in slavery by fighting factions. Effective protections against these abuses must be integrated into all aspects of Liberian national life to ensure non-repetition of these types of violations and to eliminate impunity for those who perpetrate these most severe violations of human dignity.

Personal Integrity & Dignity: The Right to Life

In 2005, Liberia acceded to the Second Optional Protocol to the International Covenant on Civil and Political Rights, which obligates each state party to ensure that no one within its territory is executed and to take all necessary measures to abolish the death penalty within its jurisdiction. In 2008, however, Liberia passed new legislation authorizing the death penalty for certain crimes,¹⁷⁰ and individual Liberians have been sentenced to death by Liberia's courts.¹⁷¹ Apart from legally-sanctioned executions as a criminal punishment, Liberia has a long history of extra-legal, arbitrary, and summary executions. The Second Optional Protocol to the International Covenant on Civil and Political Rights provides a guiding framework on the right to life. The Advocates recommends the following:

- In compliance with its obligations, the Government of Liberia should immediately repeal provisions of its criminal code, and any other legislation, that authorize capital punishment. It should immediately commute the death sentences of any inmates to a punishment that complies with international standards.
- The Government of Liberia should ensure that no individual within its jurisdiction is executed through state sanctioned judicial procedures.
- The Government of Liberia should prohibit by law all extra-legal, arbitrary and summary executions and should ensure that any such executions are recognized as offences in the criminal code, and are punishable by appropriate penalties which take into account the seriousness of such offences.¹⁷² The law should make clear that exceptional circumstances, including a state of war or threat of war, internal political instability, or any other public emergency, should not be invoked as a justification for such executions.¹⁷³

Personal Integrity & Dignity: Prohibition of Torture and Inhuman & Degrading Treatment

TRC statements from the diaspora reflect that torture and other inhuman and degrading treatments were endemic during the Liberian conflict. The Convention against Torture and Other Inhuman or Degrading Treatment or Punishment requires that Liberia “take effective legislative, administrative, judicial or other measures to prevent acts of torture in any territory under its jurisdiction.”¹⁷⁴ The Guidelines and Measures for the Prohibition and Prevention of Torture, Cruel, Inhuman or Degrading Punishment in Africa (The Robben Island Guidelines) provide a framework for protecting Liberians from these practices. The Advocates recommends the following:

- The Government of Liberia should ensure that acts that fall within the definition of torture, based on Article 1 of the U.N. Convention against Torture, are offenses within the national legal system.¹⁷⁵
- The Government of Liberia should pay particular attention to the prohibition and prevention of gender-related forms of torture and ill-treatment, as well as the torture and ill-treatment

- of young persons.¹⁷⁶
- The Government of Liberia should ensure that Liberian courts have jurisdictional competence to hear allegations of torture in accordance with Article 5(2) of the U.N. Convention against Torture.¹⁷⁷
 - The Government of Liberia should ensure that the trial or extradition of those suspected of torture takes place expeditiously in conformity with relevant international standards.¹⁷⁸
 - Circumstances such as state of war, threat of war, internal political instability, or any other public emergency should not be invoked as a justification of torture, cruel, inhuman, or degrading treatment or punishment.¹⁷⁹ Nor should notions such as “necessity,” “national emergency,” and “public order” be invoked as a justification for torture, cruel, inhuman or degrading treatment or punishment.¹⁸⁰
 - The Government of Liberia should ensure that superior orders never provide a justification or lawful excuse for acts of torture, cruel, inhuman, or degrading treatment or punishment.¹⁸¹ Moreover, no one should be punished for disobeying an order to commit acts amounting to torture, cruel, inhuman, or degrading treatment or punishment.¹⁸²
 - The Government of Liberia should prohibit and prevent the use, production, and trade of equipment or substances designed to inflict torture or ill-treatment and the abuse of any other equipment or substance to these ends.¹⁸³
 - In order to combat impunity with respect to acts of torture and ill-treatment, the Government of Liberia should:
 - Ensure that those responsible for acts of torture or ill-treatment are subject to legal process.
 - Ensure that there is no immunity from prosecution for nationals suspected of torture, and that the scope of immunities for foreign nationals who are entitled to such immunities be as restrictive as is possible under international law.
 - Ensure expeditious consideration of extradition requests to third states, in accordance with international standards.
 - Ensure that rules of evidence properly reflect the difficulties of substantiating allegations of ill-treatment in custody.
 - Ensure that, where criminal charges cannot be sustained because of the high standard of proof required, other forms of civil, disciplinary, or administrative action are taken if it is appropriate to do so.¹⁸⁴
 - The Government of Liberia should cooperate with the United Nations Human Rights Treaty Bodies, as well as with the U.N. Commission on Human Rights’ thematic and country specific special procedures, including the issuance of standing invitations for these and other relevant mechanisms.¹⁸⁵
 - The Government of Liberia should support the adoption of an Optional Protocol to the Convention against Torture, which would create an international visiting mechanism with the mandate to visit all places where people are deprived of their liberty by a government actor.¹⁸⁶

Personal Integrity & Dignity: Prohibition of Slavery

Despite a clear prohibition of slavery in Liberia's constitution,¹⁸⁷ Liberia's history includes documented forced labor, slavery-like practices,¹⁸⁸ as well as a "ward" system."¹⁸⁹ In addition, factions during the civil war employed forced recruitment, forced labor, and sexual slavery. As a result, the Government of Liberia must adopt an effective anti-slavery regime including national legislation, policy, and programming. The Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery; the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children; and the International Covenant on Civil and Political Rights provide a guiding framework on the elimination of slavery and involuntary servitude. The Advocates recommends the following:

- The Government of Liberia should take all practicable and necessary legislative and other measures to abolish the following institutions and practices where they still exist and whether or not they are covered by the definition of slavery contained in Article 1 of the Slavery Convention signed at Geneva on 25 September 1926:
 - Debt bondage;¹⁹⁰
 - Serfdom;¹⁹¹
 - Any institution or practice whereby:
 - A woman, without the right to refuse, is promised or given in marriage on payment of a consideration in money or in kind to her parents, guardian, family, or any other person or group; or
 - The husband of a woman, his family, or his clan has the right to transfer her to another person for value received or otherwise; or
 - On the death of her husband, a woman is liable to be inherited by another person;
 - Any institution or practice whereby a child or young person under the age of 18 years is delivered by either or both of his natural parents or by his guardian to another person, whether for reward or not, with a view to the exploitation of the child or young person or of the child's labor.¹⁹²
- The Government of Liberia should support Economic Community of West African States (ECOWAS) initiatives to continue to establish legal and regulated migration between countries in the sub-region.¹⁹³
- In consideration of the fact that modern forms of slavery are directly related to poverty, the international community must fully support Liberia's plans for poverty eradication with funding, technical, and logistical support.

Administration of Justice

Liberians in the diaspora expressed important concerns about the Liberian judicial system's ability to provide access to justice for all Liberians, including equality before the law, the right to due process of law, the presumption of innocence, and protection against self-incrimination.

In addition to core human rights treaties, the following documents provide a guiding framework for the effective promotion and protection of the rights to a remedy, due process, and equal protection of the law:

- U.N. Basic Principles on the Independence of the Judiciary,
- Basic Principles on the Role of Lawyers,
- Guidelines on the Role of Prosecutors, the Principles and Guidelines on the Right to a Fair Trial and Legal Assistance in Africa,
- U.N. Standard Minimum Rules for the Administration of Juvenile Justice, and findings from relevant monitoring bodies.

Administration of Justice: Safeguards in Criminal Proceedings

In order to comply with the Liberian constitution as well as its international legal obligations, the Government of Liberia must ensure that:

- No one is subjected to arbitrary arrest or detention and no one is deprived of his or her liberty except as in accordance with established law.¹⁹⁴
- Anyone who is arrested is informed at the time of arrest of the reasons for the arrest and is promptly informed of any charges.¹⁹⁵
- Anyone arrested or detained on a criminal charge is brought promptly before a judge or other officer authorized by law to exercise judicial power and is entitled to trial within a reasonable time or to release. It should not be the general rule that persons awaiting trial shall be detained in custody, but release may be subject to guarantees to appear for trial, at any other stage of the judicial proceedings, and, should occasion arise, for execution of the judgment.¹⁹⁶
- Anyone who is deprived of his or her liberty by arrest or detention is entitled to take proceedings before a court, so that court may decide without delay on the lawfulness of the detention and order release if the detention is not lawful.¹⁹⁷
- Anyone who has been the victim of unlawful arrest or detention has an enforceable right to compensation.¹⁹⁸
- All persons deprived of their liberty are to be treated with humanity and with respect for the inherent dignity of the human person.¹⁹⁹
- Accused persons should be segregated from convicted persons and are subject to separate

treatment appropriate to their status as unconvicted persons.²⁰⁰

- All persons must be immediately informed by the competent authority of their right to be assisted by a lawyer of their own choice upon arrest or detention or when charged with a criminal offence.²⁰¹
- Any detained or arrested person who does not have a lawyer is, in all cases in which the interests of justice so require, entitled to have a lawyer of experience and competence commensurate with the nature of the offence assigned to him or her in order to provide effective legal assistance, without payment if the person lacks sufficient means to pay for such services.²⁰²
- All persons arrested or detained, with or without criminal charge, have a right to prompt access to a lawyer, and in any case not later than 48 hours from the time of arrest or detention.²⁰³
- All arrested, detained, or imprisoned persons are to be provided with adequate opportunities, time, and facilities to be visited by and to communicate and consult with a lawyer, without delay, interception, or censorship and in full confidentiality. Such consultations may be within sight, but not within the hearing, of law enforcement officials.²⁰⁴
- No one is to be imprisoned merely on the ground of inability to fulfill a contractual obligation.²⁰⁵

Administration of Justice: Judicial Independence

- The Government of Liberia should support amendment of the constitution of Liberia to include an explicit guarantee of judicial independence.²⁰⁶
- A judicial code of conduct should be written, disseminated, and enforced.²⁰⁷
- The Government of Liberia should ensure judges and lawyers receive appropriate training.²⁰⁸
- The Government of Liberia should ensure that the term of office of judges, their independence, security, adequate remuneration, conditions of service, pensions, and the age of retirement are adequately secured by law.²⁰⁹
- The Government of Liberia should ensure that promotion of judges is based on objective factors, in particular ability, integrity, and experience.²¹⁰
- The Government of Liberia must ensure that judges are subject to suspension or removal only for reasons of incapacity or behavior that renders them unfit to carry out their duties. All disciplinary, suspension, or removal proceedings must be determined in accordance with established standards of judicial conduct. Decisions in disciplinary, suspension, or removal proceedings should be subject to an independent review.²¹¹
- The Government of Liberia should ensure that all individuals appointed to judicial office are

Potential Implementation Strategy: Reforming the Judiciary

Relative to rebuilding confidence and trust in the judiciary, in a 2006 report the Liberian Governance Reform Commission suggested that a permanent judicial training institute should be established to address the training needs of all levels of the judiciary.²¹² The Government of Liberia and international donors should continue to support efforts to establish such an institution.

appointed through the appropriate process of law and as their qualifications merit.

Administration of Justice: Access to Lawyers & Legal Services

- The Government of Liberia should ensure that efficient procedures and responsive mechanisms for effective and equal access to lawyers are provided for all persons within its territory and subject to its jurisdiction, without distinction of any kind, such as discrimination based on race, color, ethnic origin, sex, language, religion, political or other opinion, national or social origin, property, birth, economic, or other status.²¹³
- The Government of Liberia should ensure the provision of sufficient funding and other resources for legal services to the poor and, as necessary, to other disadvantaged persons. The Liberian Bar Association should cooperate in the organization and provision of these services, facilities, and other resources.²¹⁴
- The Government of Liberia should ensure that lawyers:
 - are able to perform all of their professional functions without intimidation, hindrance, harassment, or improper interference;
 - are able to travel and to consult with their clients freely both within their own country and abroad; and
 - shall not suffer, or be threatened with, prosecution or administrative, economic, or other sanctions for any action taken in accordance with recognized professional duties, standards, and ethics.²¹⁵
- The Government of Liberia should support policies to assist prosecutors when appropriate in waiving prosecution, discontinuing proceedings conditionally or unconditionally, or diverting criminal cases from the formal justice system, with full respect for the rights of suspects and victims. For this purpose, the Government of Liberia should fully explore the possibility of adopting diversion schemes not only to alleviate excessive court loads, but also to avoid the stigmatization of pre-trial detention, indictment, and conviction, as well as the possible adverse effects of imprisonment.²¹⁶

Administration of Justice: Juvenile Justice

- The Government of Liberia should ensure that prosecution of juvenile offenders is undertaken consistent with the United Nations Standard Minimum Rules for the Administration of Juvenile Justice.²¹⁷
- Accused juvenile persons should be separated from adults and brought as speedily as possible for adjudication.²¹⁸
- Juvenile offenders should be segregated from adults and be accorded treatment appropriate to their age and legal status.²¹⁹

Potential Implementation Strategy: Training for Judicial Officers

The government may wish to implement the U.N. Mission in Liberia's proposal to provide continuous training in the provisions of the Juvenile Court Procedural Code (JCPC) and child protection issues to all judicial officers. The Chief Justice should consider providing written instructions to Magistrates regarding the procedure for handling cases involving juvenile offenders.²²⁰

Security Sector

Liberians living in the diaspora expressed grave concerns about the security situation in Liberia. Improved security, both in relation to domestic crime and with regard to national security, was a condition for return mentioned by many in the diaspora. Military and police reform was an important part of improving the security situation, specifically ensuring professionalized and representative police and military forces that can carry out their duties while respecting the human rights of all Liberians.

Security Sector: Armed Forces of Liberia

Throughout Liberia's history, the Armed Forces of Liberia has been an entity used less for defense against foreign threats but more as a means to quell civil unrest and to enforce policies of the central government in greater Liberia. The Armed Forces of Liberia was a major actor in the civil crises that plagued Liberia between 1979 and 2003. Much work has already been undertaken to rebuild and reform the Armed Forces of Liberia. The recommendations that follow do not endorse or argue against programs currently in place but seek simply to highlight the concerns of statement givers from the diaspora. The Advocates recommends the following:

- The Government of Liberia should maintain a long term focus on ensuring positive and timely reform of the Armed Forces of Liberia.
- The Government of Liberia should collaborate closely with the U.N. Mission in Liberia to maintain a rigorous vetting process for all recruits to ensure that perpetrators of human rights violations do not become members of the newly constituted Armed Forces of Liberia.
- The Government of Liberia should work closely with international donors to ensure that, upon U.N. Mission in Liberia drawdown, a clear plan for ongoing reform and training of the Liberian military is in place, including sufficient funding. International partners, in particular the United States, should recognize their responsibility in this regard and make a long-term commitment to development and rebuilding of the Armed Forces of Liberia.
- The Government of Liberia should ensure that recruiting policies of the Armed Forces of Liberia will lead to the creation of a military force that is representative of the diversity, both geographic and ethnic, of the Liberian people.

- The Government of Liberia should ensure that extensive training in humanitarian law and human rights principles and practices is a fully integrated component of basic and recurring training for Armed Forces of Liberia members at all levels. Specifically, training on the rights of women should be a priority.
- Recruitment of women into the Armed Forces of Liberia should be a government priority as part of an overall plan to increase opportunities and eliminate discrimination against women in Liberia.

Security Sector: Liberian National Police

Liberian National Police were victims of human rights violations during the conflict, often because of their affiliation with the government, but they were also perpetrators of human rights abuses. The national police force must be reformed to ensure the trust of Liberian citizens and effective implementation of the rule of law. Much work in this area has already been carried out in coordination with the United Nations Mission in Liberia. The U.N. Code of Conduct for Law Enforcement Officials and The Robben Island Guidelines provide a guiding framework with regard to police conduct. The Advocates recommends the following:

- The Government of Liberia, the U.N. Mission in Liberia, and the Liberian National Police should continue to work together to ensure that all Liberian law enforcement officials are trained and can effectively:
 - respect and protect human dignity and maintain and uphold the human rights of all persons,²²¹ specifically the rights of traditionally marginalized groups, including women and ethnic and religious minorities;
 - use force only when strictly necessary and to the extent required for the performance of their duty;²²²
 - refrain from inflicting, instigating, or tolerating any act of torture or other cruel, inhuman or degrading treatment or punishment;²²³
 - keep matters of a confidential nature in the possession of law enforcement officials fully confidential, unless the performance of duty or the needs of justice require otherwise;²²⁴
 - ensure the full protection of the health of persons in their custody and, in particular, take immediate action to secure medical attention whenever required; and²²⁵
 - oppose and combat corruption both within the police and in the society at large²²⁶
- The Government of Liberia should work closely with civil society to ensure effective civilian oversight of the police and to ensure the availability of procedures for Liberians to make complaints about police misconduct to an independent investigatory body.²²⁷
- The international community and the Government of Liberia should provide ongoing support to the Liberian National Police in the areas it has identified as critical challenges, including training, infrastructure development, logistics, and information technology.²²⁸

Security Sector: Combating Extra-Legal, Arbitrary, & Summary Executions

The U.N. Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions²²⁹ and the United Nations Manual on the Effective Prevention and Investigation of Extra-Legal, Arbitrary and Summary Executions²³⁰ provide a guiding framework for addressing these practices. The Advocates recommends the following:

- The Government of Liberia should ensure strict control, including a clear chain of command over all officials responsible for apprehension, arrest, detention, custody, and imprisonment, as well as those officials authorized by law to use force and firearms.
- The Government of Liberia should prohibit orders from superior officers or public authorities authorizing or inciting other persons to carry out extralegal, arbitrary, or summary executions. All persons should have the right and the duty to defy such orders. Training of law enforcement officials should emphasize these rights and duties.
- The Government of Liberia should ensure thorough, prompt, and impartial investigation of all suspected cases of extra-legal, arbitrary, and summary executions, including cases where complaints by relatives or other reliable reports suggest unnatural death in the above circumstances.
- The Government of Liberia should maintain investigative offices and procedures to undertake such inquiries. The purpose of the investigation should be to determine the cause, manner, and time of death, the person responsible, and any pattern or practice which may have brought about that death. It should include an adequate autopsy, collection and analysis of all physical and documentary evidence and statements from witnesses. The investigation should distinguish between natural death, accidental death, suicide, and homicide.
- The Government of Liberia should ensure that the investigative authority has the power to gather information necessary to the inquiry. Investigators should have at their disposal all the necessary budgetary and technical resources for effective investigation. They should also have the authority to oblige officials allegedly involved in any such executions to appear and testify. The same should apply to any witness. To this end, they should be entitled to issue summonses to witnesses, including the officials allegedly involved, and to demand the production of evidence.
- The Government of Liberia should pursue investigations through an independent commission of inquiry or similar procedure in cases in which the established investigative procedures are inadequate because of lack of expertise or impartiality, because of the importance of the matter, or because of the apparent existence of a pattern of abuse, and in cases where there are complaints from the family of the victim about these inadequacies or other substantial reasons. Members of such a commission should be chosen for their recognized impartiality, competence, and independence as individuals. In particular, they should be independent of any institution, agency, or person that may be the subject of the inquiry.
- The Government of Liberia should ensure that bodies of deceased individuals are handled

in accordance with the guidelines in the United Nations Manual on the Effective Prevention and Investigation of Extra-Legal, Arbitrary and Summary Executions and that autopsies are conducted in an impartial and independent manner. The family of the deceased should have the right to insist that a medical or other qualified representative be present at the autopsy. When the identity of a deceased person has been determined, a notification of death should be posted, and the family or relatives of the deceased should be informed immediately. The body of the deceased should be returned to them upon completion of the investigation.

- The Government of Liberia should ensure that complainants, witnesses, those conducting the investigation, and their families are protected from violence, threats of violence, or any other form of intimidation. Those implicated in extra-legal, arbitrary, or summary executions should be suspended from any position of control or power, whether direct or indirect, over complainants, witnesses and their families, as well as over those conducting investigations.
- The Government of Liberia should ensure that families of the deceased and their legal representatives are informed of, and have access to, any hearing, as well as to all information relevant to the investigation, and should be entitled to present other evidence.
- The Government of Liberia should ensure that a written report is made within a reasonable period of time on the methods and findings of such investigations. The report should be made public immediately and should include the scope of the inquiry, procedures, and methods used to evaluate evidence as well as conclusions and recommendations based on findings of fact and on applicable law. The report should also describe in detail specific events that were found to have occurred and the evidence upon which such findings were based, and list the names of witnesses who testified, with the exception of those whose identities have been withheld for their own protection. The Government should, within a reasonable period of time, either reply to the report of the investigation or indicate the steps to be taken in response to it, including termination of anyone found to have engaged in summary executions.

Security Sector: Combating Torture

Because of the longstanding systemic use of torture and other forms of inhuman and degrading treatment in Liberia's civilian and military detention systems, effective prohibitions against torture in the Liberian penal system are essential. The Robben Island Guidelines provide a guiding framework for protecting Liberians from these practices. The Advocates suggests that the preceding recommendations on torture set forth in this report also apply. The Advocates recommends the following:

- The Government of Liberia must ensure the establishment of readily accessible and fully independent mechanisms to which all persons can bring their allegations of torture and ill-treatment.²³¹
- The Government of Liberia must ensure that whenever persons who claim to have been or who appear to have been tortured or ill-treated are brought before competent authorities an

investigation will be initiated. Investigations into all allegations of torture or ill-treatment should be conducted promptly, impartially, and effectively, guided by the U.N. Manual on the Effective Investigation and Documentation of Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (The Istanbul Protocol).²³²

- The Government of Liberia should encourage and facilitate visits by appropriate non-governmental and inter-governmental organizations to places of detention.²³³

Security Sector: Bureau of Corrections Staff, Policies, and Facilities

Conditions of detention and treatment of prisoners was an important theme enunciated during TRC statement taking in the diaspora. Prisoners in Liberia prior to and during the civil crises were routinely held in inhuman conditions and were subject to torture as well as cruel, inhuman, and degrading treatment. The Kampala Declaration on Prison Conditions in Africa and The Robben Island Guidelines provide a guiding framework for improving prison conditions in Liberia. The Advocates recommends the following:

- The international community and the Government of Liberia should work closely with the Liberian Bureau of Corrections to: 1) strengthen the bureau's human resource capacity; 2) incorporate human rights and gender issues into training for bureau personnel; 3) improve and/or develop new policies and procedures that reflect international guidelines on the treatment of offenders; and 4) construct and refurbish prison facilities so as to provide humane custodial conditions.²³⁴
- Human resource capacity at the bureau should be developed in full consideration of the principles of the Kampala Declaration that provides that: 1) there should be a proper career structure for prison staff; 2) all prison personnel should be linked to one government ministry and there should be a clear line of command between central prison administration and the staff in prisons; 3) the State should provide sufficient material and financial resources for staff to carry out their work properly; and 4) the penitentiary administration should be directly involved in the recruitment of prison staff.²³⁵
- The Government of Liberia should ensure that: 1) the human rights of prisoners are safeguarded at all times; 2) prisoners retain all rights that are not expressly taken away by the fact of their detention; 3) prisoners live in conditions compatible with human dignity; 4) prison conditions and regulations do not aggravate the suffering already caused by the loss of liberty; 5) the detrimental effects of imprisonment are minimized so that prisoners do not lose their self-respect and sense of personal responsibility; 6) prisoners are given the opportunity to maintain and develop links with their families and the outside world; 7) prisoners have access to education and skills training in order to make it easier for them to reintegrate into society after their release; and 8) special attention is paid to vulnerable prisoners, and non-governmental organizations are supported in their work with these prisoners.²³⁶
- The Government of Liberia should ensure that all persons who are deprived of their liberty

by public order or authorities should have that detention controlled by properly and legally constructed regulations. Such regulations should provide a number of basic safeguards, all of which should apply from the moment when they are first deprived of their liberty. These include: a) the right that a relative or other appropriate third person is notified of the detention; b) the right to an independent medical examination; c) the right of access to a lawyer; and d) notification of the above rights in a language that the person deprived of their liberty understands.²³⁸

- The Government of Liberia, with the full support of international partners including the U.N.

Mission in Liberia, should ensure that basic health and sanitation practices are enforced at the level of each prison. Specifically:

- Primary health care should be a priority. Prisoners should be allowed to take responsibility for their health.
- Each prisoner must have a confidential clinical health record giving all essential details of the individual's health profile. It should record all incidences of illness and treatment. It should contain a fitness certificate on discharge.
- Health examinations and treatment should be conducted in privacy.
- Discipline regarding maintenance of hygiene and sanitation in institutional environment must be enforced.
- Professionally trained personnel, diagnostic facilities, and drugs should be available in adequate quantities at all times.
- Health education and counseling should form an integral part of the treatment for all health care management.
- There should be a public health program for staff and prisoners alike to prevent disease.²³⁹

Potential Implementation Strategy: Kadoma Declaration

Relative to ensuring justice with scarce resources, the Kadoma Declaration on Community Service Orders in Africa notes that the use of prison should be strictly limited as a measure of last resort. Prisons represent a waste of scarce resources and human potential. In consideration of Liberian tradition and the country's development needs, community service should be effectively implemented and supervised and involve a program of work where the offender is required to carry out a number of hours of voluntary work for the benefit of the community.²³⁷

Security Sector: Treatment of Juvenile Offenders

- Detention and incarceration of juveniles should be carried out in full compliance with the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (The Beijing Rules)²⁴⁰ and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty.²⁴¹

- Continuous training in the provisions of the Juvenile Court Procedural Code and child protection issues should be provided to all Liberian National Police officers and Bureau of Corrections staff.

Freedom of Expression

Journalists, publishers, and those associated with media outlets in general were specifically targeted during the TRC’s mandate period. Government policies severely undermined freedom of press and freedom of expression. In addition, those attempting to exercise their rights were killed, detained, abducted, tortured, and otherwise harassed. Article 19 of the International Covenant on Civil and Political Rights requires the Government of Liberia to take all necessary measures to ensure the right to freedom of expression, which includes the freedom to seek, receive, and impart information and ideas of all kinds through any media of choice. In addition to this core human rights treaty, the U.N. Educational, Scientific, and Cultural Organisation Declaration of Windhoek on Promoting an Independent and Pluralistic African Press, the Johannesburg Principles on National Security, Freedom of Expression, and Access to Information, and other relevant civil society and non-governmental organization reports cited herein provide a guiding framework for protection of freedom of expression in Liberia. The Advocates recommends the following:

Freedom of Expression: Legal & Regulatory Reform

- The Government of Liberia should undertake a systematic review of laws pertaining to the media and freedom of expression with the goal of reforming existing laws or adopting new legislation so as to comply with the Johannesburg Principles on National Security, Freedom of Expression, and Access to Information.²⁴²
- Government influence over the media should be limited.²⁴³ Accordingly, the Government of Liberia should ensure that public officials and political appointees do not hold positions of influence in the Liberian media.
- Regulatory mechanisms should be developed to ensure quality, sustainable reporting.²⁴⁴
- The Government of Liberia should support legislation that ensures that libel actions against journalists proceed only in civil court and cannot become criminal actions.²⁴⁵
- The Government of Liberia should adopt an act designed to extend the right of members of the public to access information in the possession of public authorities or private bodies and to guarantee the protection of individuals in possession of and providing information to members of the public.²⁴⁶

Potential Implementation Strategy: Disciplinary Regulations

Disciplinary regulations might require a journalist to issue an apology or allow the Press Union of Liberia to license and to suspend journalists for abuse of press freedoms.

- The Government of Liberia should adopt an act designed to regulate and reform the national broadcasting system, in consideration of the recommendations issued at the National Conference on Media Law and Policy Reform in 2004²⁴⁷ and the African Charter on Broadcasting.²⁴⁸

Freedom of Expression: Capacity Building

The Government of Liberia, the Press Union of Liberia, civil society, and the international community should collaboratively focus on:

- Developing a long-term communications education program, as well as short-term training workshops for Liberian journalists. Trainings should emphasize the importance of freedom of expression, the role of the media in community and peace building, and ethical standards. Training on conflict reporting, especially safety training and risk-awareness for local journalists, who tend to be less equipped and more vulnerable than international journalists, can help strengthen media recovering from conflict.²⁴⁹ Workshops for trainers can expand these efforts even further.²⁵⁰
- Establishing and financing an independent local “press aid” foundation, so as to ensure a means of assisting journalists to carry out their work long-term without a need to resort to activities that compromise the integrity of their reporting.²⁵¹
- Encouraging media outlets to develop their own mission, code of ethics, and enforcement mechanisms in order to strengthen their commitment to professional and ethical journalism.²⁵²
- Promoting town meetings and open workshops to facilitate dialogue on democracy, civil rights, and ethical journalism.
- Educating journalists about what constitutes a violation of ethical and legal standards, as well as potential repercussions.²⁵³

Freedom of Expression: Privatization & Sustainability

The Government of Liberia, Press Union of Liberia, civil society, and the international community should collaboratively focus on:

- Developing exchange networks between editors, managers and publishers on local and international levels to raise awareness about press repression. Networks also promote exchange and competition regarding development issues.²⁵⁴
- Developing training programs that address business management issues in order to promote sustainability by helping media outlets manage their finances and development.²⁵⁵
- Financing a study on usership of independent media outlets to establish an advertising market that will stimulate the private, independent media.²⁵⁶

- Ensuring that the government does not own media outlets. Instead, the Government of Liberia should support the development of a competitive and professional private media.
- Supporting expansion and development of infrastructure to remote areas of the country. Special attention should be paid to areas currently without access to the media.
- Working together to foster connections and networking between rural and urban media outlets.²⁵⁷

SECTION IV. ENDING IMPUNITY FOR VIOLATIONS 1979-2003

The TRC has been charged with ensuring accountability for gross violations and abuses of human rights that occurred between 1979 and 2003,²⁵⁸ and it was envisioned that the TRC would make recommendations to the Government of Liberia for prosecutions and other anti-impunity measures.²⁵⁹ The U.N. Principles for the Protection and Promotion of Human Rights through Action to Combat Impunity provide a guiding framework for the post-TRC implementation of prosecution, amnesty, vetting, and civil claims against perpetrators.²⁶⁰ There is no single model that will adequately address the many violations of human rights and humanitarian law committed during the conflict. The government of Liberia should take a creative, pragmatic approach to ensuring accountability with its limited resources and utilize all possible mechanisms on the international, national and local levels.

Prosecution

The Government of Liberia has a legal duty to prosecute perpetrators from the conflict. It must ensure “that those responsible for serious crimes under international law are prosecuted, tried and duly punished.”²⁶¹ Although individuals cannot be prosecuted for actions that did not constitute a crime under law when the act was committed, numerous criminal laws apply to the time period of the Liberian conflict. These include Liberian domestic law,²⁶² customary international law, the Geneva Conventions (ratified by Liberia in 1954), and Additional Protocols (ratified by Liberia in 1988), as well as the Convention on the Prevention and Punishment of the Crime of Genocide (ratified by Liberia in 1950). The Advocates recommends the following:

- The Government of Liberia should evaluate all possible options for prosecution, including existing bilateral and international options, domestic prosecutions, and prosecutions before a specially-authorized international or domestic tribunal. The Government of Liberia should also evaluate possible innovative options, including new bilateral agreements, multi-lateral agreements, and amendments to existing tribunals’ mandates. Such evaluation should be done in consultation with civil society, the international community, and other stakeholders.
- All prosecutions must comply with the minimum standards as set forth by the U.N. High Commissioner for Human Rights. Thus, the Government of Liberia must ensure that any prosecutorial process:
 - operates with the highest standards of transparency, impartiality, and efficiency,
 - includes specific mechanisms to involve victims in the process,²⁶³
 - ensures the protection of victims and witnesses,²⁶⁴
 - protects the human rights of accused persons,
 - does not permit the death penalty as a sentence for offenders,
 - engages appropriate investigation and evidence handling techniques,²⁶⁵
 - does not restrict its facilities and activities solely to Monrovia,

- incorporates capacity building of the Liberian judicial system in all of its policies and activities,²⁶⁶
- protects the due process rights of accused persons, including
 - the right to a presumption of innocence,
 - the right to counsel,
 - the right to translated documents,
 - the right to be promptly informed of charges,
 - the right to be tried without undue delay,
 - the right to be present during trial,
 - the right to a public trial,
 - the right to confront witnesses and evidence,
 - the right not to be prejudiced by choosing not to testify in one's own defense,
 - the right to appeal,
 - the right to proportionate and consistent sentencing in accordance with law, and
 - the right to a remedy for breaches of process rights.²⁶⁷
- Specific care should be taken to protect the rights of any former child combatants who might be tried for their crimes.
 - Neither capital punishment nor life imprisonment without possibility of release should be imposed for offenses committed by persons below 18 years of age.²⁶⁸
 - Children accused of crimes under international or national law allegedly committed while associated with armed forces or armed groups are entitled to be treated in accordance with international standards for juvenile justice.²⁶⁹
 - Individuals should not be prosecuted or punished or threatened with prosecution or punishment solely for their membership in those groups.²⁷⁰
 - Alternatives to judicial proceedings should be sought for children.²⁷¹
- The Government of Liberia should immediately pass legislation criminalizing the destruction of or tampering with evidence and otherwise obstructing the process of evidence gathering related to war crimes and human rights violations committed during the TRC mandate period from 1979 to 2003.²⁷²
- The Government of Liberia should seek assurances from key African and non-African nations that those governments will not extend any protective status, including diplomatic asylum, to persons with respect to whom there are reasons to believe they have committed a serious crime under international law.²⁷³
- A key part of the Government of Liberia's prosecution strategy should include appropriate use of existing international accountability mechanisms, such as the International Criminal Court, African regional bodies, and national courts in other jurisdictions. Coordinated and carefully planned use of these mechanisms can be cost-effective and can help build the capacity of Liberia's legal and judicial sectors.
- In evaluating all bilateral and international options, the Government of Liberia should make

efficient use of existing mechanisms with current jurisdiction over crimes committed during the TRC mandate period.

- The Government of Liberia should consider issuing an Article 12(3) declaration of intent²⁷⁴ to accept International Criminal Court jurisdiction over crimes committed before Liberia's date of ratification of the Rome Statute (September 22, 2004)²⁷⁵ but after entry into force of the Rome Statute (July 1, 2002).²⁷⁶
- The Government of Liberia should assess the possibility of using existing regional mechanisms to pursue intergovernmental claims and to bring individual perpetrators to justice.
 - The Government of Liberia should ratify both the 1998 Protocol to the African Charter on Human and Peoples' Rights on the Establishment of an African Court on Human and Peoples' Rights and the Protocol on the Statute of the African Court of Justice and Human Rights.
 - The Liberian government should consider seeking jurisdiction in the Economic Community of West African States Court of Justice for human rights claims against member states that may have arisen as a result of the conflict.²⁷⁷
- The Government of Liberia should coordinate with national prosecutorial and immigration bodies in the United States and European states to assess extraterritorial prosecution options for Liberian perpetrators physically present in another jurisdiction.
 - The Government of Liberia should evaluate with U.S. authorities the possibility of bringing prosecutions using U.S. federal criminal laws.²⁷⁸
 - The Government of Liberia should evaluate with European authorities the possibility of bringing prosecutions for serious violations of international law. Universal jurisdiction laws in several countries may provide options for trying perpetrators present in that territory under domestic legislation.²⁷⁹
- In carrying out any domestic prosecutions, the Government of Liberia should create a platform for reforming and building capacity in the judicial system, as well as entrenching the rule of law. Any additional infrastructure, such as courts, administrative staff, and computer systems, created for the purpose of prosecutions of individuals recommended for prosecution by the TRC should be transitioned to serve the basic needs of the Liberian justice system when the process is complete.
 - The Government of Liberia should only consider traditional and customary justice mechanisms that comply with international human rights standards in developing an accountability strategy for post-conflict Liberia. Traditional and customary justice mechanisms may be most appropriate for low-level perpetrators who participated in less serious offenses and for former child combatants. Special care must be taken that any traditional accountability mechanisms comply with international human rights standards including due process and other rights of the accused, as well as

Potential Implementation Strategy: Prosecution Options under U.S. Law and Universal Jurisdiction

U.S. Prosecution Options

The following statutes allow prosecutions of foreign nationals for crimes committed abroad, although the individual must be in the U.S. for jurisdiction to apply.

- Genocide Accountability Act of 2007: Applies to alleged perpetrators who are present in the United States and provides for penalties including life in prison for acts of genocide committed outside the United States.
- Child Soldiers Accountability Act of 2008: The Act provides for up to 20 years in prison for any person who knowingly “recruits, enlists, or conscripts” a person under 15 years of age to the armed forces or compels such a child to engage in active hostilities. The act is intended to only affect adult perpetrators.
- War Crimes Act of 1996 (18 USC § 2441): This statute applies if the victim or the perpetrator is a U.S. citizen or member of the U.S. armed forces and provides for sentences including life imprisonment for grave breaches of the Geneva Conventions.
- Extraterritorial Torture Statute (18 USC § 2340A): The statute provides for sentences including life imprisonment for any person who commits torture abroad. Chuckie Taylor, former ATU leader, was recently convicted and sentenced in U.S. District Court to 97 years under this statute²⁸⁰

European Prosecution Options

- Universal Jurisdiction: Investigation and prosecution of foreign nationals who were accused of committing serious crimes under international law have been undertaken in Belgium, France, the U.K., Spain, Germany, Denmark, and the Netherlands. While actions in many of these countries could initially be commenced upon a complaint by a private individual, some laws – in Belgium, for example – have been amended to limit these types of privately initiated actions. Although changes such as these prevent victims from directly initiating a prosecution, they do not prevent victims from interacting with prosecuting authorities and advocating for an investigation and prosecution. Moreover, a coordinated strategy on the part of the Liberian government or Liberian civil society actors to work with authorities in Europe to initiate prosecutions of individuals believed to have committed genocide, crimes against humanity, and war crimes could be effective in ending impunity and reducing the burden on a special war crimes court. In most countries, a foreign national must actually be present or the individual’s presence must be anticipated in order to initiate an investigation.

- protections against discrimination on the basis of gender, ethnicity, or religion.
- The Government of Liberia’s prosecution strategy should not be dependent on the capacity of prisons in the country. The government should evaluate the appropriateness and feasibility of non-custodial sentencing in lieu of imprisonment for low-level perpetrators who committed less serious crimes or who did not hold command and control responsibility. Any such measures should uphold and respect international human rights standards. Alternative sentencing schemes should be implemented consistent with the U.N. Standard Minimum Rules for Non-Custodial Measures.²⁸¹
 - The Government of Liberia should consider authorizing an international or special tribunal to exercise jurisdiction over violations of domestic law or other serious crimes under international law that took place between 1979 and 2003. Such consideration should take place in consultation with civil society, the international community, and other appropriate stakeholders.
 - Any such special tribunal must meet the minimum standards for post-conflict states’ prosecution as set forth by the U.N. High Commissioner for Human Rights.
 - Any such special tribunal should be developed so as to build the capacity of Liberia’s judicial system.
 - Any such special tribunal should leverage existing judicial infrastructure to the greatest extent possible.
 - The Government of Liberia may wish to consider, in consultation with the international community, new hybrid models that combine international prosecutorial mechanisms with internationally-assisted domestic prosecutions. Such examples may include:
 - Operating an ad hoc international or regional tribunal in tandem with a special, internationally-assisted domestic court in Liberia. The domestic court would retain jurisdiction over lower-level perpetrators, while the international tribunal would have jurisdiction over the worst offenders. Such a mechanism would not only allow an international tribunal to try the most controversial cases outside the country,

**Potential Implementation Strategy:
Incorporating Traditional Anti-impunity
Mechanisms**

Given the past marginalization of indigenous Liberian cultural practices, the Government of Liberia should consider incorporation of indigenous models of conflict resolution, such as palava hut mediation, into its anti-impunity strategy to the extent that these models conform to international human rights standards.

- The Government of Liberia must ensure that the fundamental human rights of Liberians are assured during any process that incorporates traditional practices.
- The Government of Liberia should ensure that training for traditional leaders or other arbiters of informal or traditional mechanisms is effective in engendering protection for the fundamental rights of the participants, both victims and perpetrators.

but also retain the benefits to the Liberian judiciary and enhance visibility to the Liberian people through the domestic court.

- Creating an ad hoc regional or international tribunal to act as a court of appeals. This tribunal would have limited jurisdiction to hear cases appealed from a special, internationally-assisted domestic court in Liberia. The responsibility and authority to try all conflict-related cases would rest on the Liberian judiciary, but retain an international mechanism for appeals. Such a tribunal could also serve as a permanent, regional appeals court for crimes of international law tried in domestic African courts.
- In evaluating all bilateral and international options, the Government of Liberia should

Tokyo Rules: Non-custodial Sentences for Low-level Perpetrators

According to the Tokyo Rules, sentencing authorities may dispose of cases in the following ways:²⁸²

- Verbal sanctions, such as admonition, reprimand, and warning;
- Conditional discharge;
- Status penalties;
- Economic sanctions and monetary penalties, such as fines and day-fines;
- Confiscation or an expropriation order;
- Restitution to the victim or a compensation order;
- Suspended or deferred sentence;
- Probation and judicial supervision;
- Community service order;
- Referral to an attendance center;
- House arrest;
- Any other mode of non-institutional treatment; and
- Some combination of the measures listed above.

determine the feasibility of using existing mechanisms by seeking to expand their jurisdiction to encompass crimes committed during the TRC mandate period.

- The Government of Liberia should evaluate the possibility of proposing an amendment of the Rome Statute to grant jurisdiction to the International Criminal Court for crimes committed in Liberia before July 1, 2002.²⁸³
- The Government of Liberia should evaluate the possibility of proposing an amendment to the Economic Community of West African States treaty to grant the Community Court of Justice authority to redress criminal violations of international law committed by nationals of Member States.²⁸⁴
- The Government of Liberia should explore, with international and regional actors, the possibility of a bilateral agreement to try perpetrators using an ad hoc prosecutorial mechanism. Such discussions may include amending the Special Court

for Sierra Leone's statute to grant it jurisdiction over crimes committed in Liberia during the conflict, and using International Criminal Court facilities as a more secure mechanism to try perpetrators, as in the case of Charles Taylor.

Amnesty

- The Government of Liberia must ensure that any grants of amnesty do not benefit perpetrators who violated international humanitarian law or who committed crimes against humanity, as specified in the TRC Act.²⁸⁵
- The process for requesting and the criteria for granting amnesty should be developed in consultation with civil society and victims groups. Criteria should be transparent and widely disseminated in a form that is accessible to all Liberians.
- The Government of Liberia must ensure that any grants of amnesty or clemency do not prejudice victims' right to reparation or the right to know.²⁸⁶

Vetting

- The Government of Liberia must ensure that public officials and employees who are personally responsible for violations of human rights do not continue to serve in state institutions.²⁸⁷ A vetting process is particularly important given that many individuals who participated in human rights violations may not realistically be subject to prosecution.
- The Government of Liberia must ensure that persons formally charged with individual responsibility for serious crimes under international law are suspended from official duties during criminal or disciplinary proceedings.²⁸⁸
- In undertaking vetting processes, the Government of Liberia should prioritize personnel reform in the military, law enforcement, intelligence services, the judiciary, and other institutions that are designed to uphold the rule of law.²⁸⁹ Because vetting processes are already under way with regard to the military and police, attention should rapidly focus on the judiciary and the legislature.
- Any vetting process for government office holders and personnel should be carried out under a legal mandate, be individualized, guarantee fundamental due process of law, involve a fair hearing, utilize a preponderance of the evidence standard, and entail a right to appeal.²⁹⁰ In any vetting process, a preliminary assessment of whether an individual was appointed in accordance with law should be undertaken, as that determination may eliminate the need for a vetting process because individuals who were illegally appointed can be immediately

Potential Implementation Strategy: Vetting

Because of the deep divisions in Liberian society, the widespread involvement in conflict activities, and the fundamental lack of civic trust, it may be useful to engage a non-Liberian entity to implement a vetting process.

removed.

Civil Claims

- The Government of Liberia should guarantee broad legal standing to any wronged party and to any person or non-governmental organization having a legitimate interest in pursuing a civil action on behalf of a wronged party.²⁹¹
- The Government of Liberia should ensure that its policies do not impede the efforts of individual Liberians or groups of Liberians to file claims in foreign jurisdictions for human rights and humanitarian violations committed during Liberia's civil wars, such as claims under the U.S. Alien Tort Claims Act or the Torture Victims Protection Act.

SECTION V. CORRUPTION

Corruption, both real and perceived, has undermined the confidence of many Liberians in their government and other public and private institutions. The Government of Liberia has made combating corruption one of its top priorities. It must maintain vigilance in this regard in order to rebuild the confidence of Liberians inside and outside of Liberia.

The Government of Liberia is a state party to the U.N. Convention against Corruption²⁹² and the African Union Convention on Preventing and Combating Corruption.²⁹³ Accordingly, the Government of Liberia is obligated to implement the provisions of these treaties, specifically ensuring the existence of an independent body, such as the newly established Anti-Corruption Commission, to oversee domestic implementation of the Conventions in the areas of conduct of public officials, public procurement, the judiciary, and prosecutors, as well as in the private sector. The Advocates recommends the following:

- The Government of Liberia should provide the U.N. Conference of the States Parties with information on its programs, plans, and practices, as well as on legislative and administrative measures to implement the U.N. Convention against Corruption.²⁹⁴
- The Government of Liberia should encourage the development of procedures for accreditation and active participation of relevant non-governmental organizations in the U.N. Convention against Corruption Conference of the States Parties.²⁹⁵
- The Government of Liberia should cooperate fully with the A.U. Advisory Board on Corruption.²⁹⁷

Potential Implementation Strategy: 2004 Global Corruption Report

In seeking to reduce corruption in the political sphere, the Government of Liberia may wish to consider the following strategies put forth in the 2004 Global Corruption Report:

1. Disclosure is one of the best methods to track corruption. The capacity to generate an audit trail is invaluable to both deterrence and accountability.
2. Enforcing asset disclosure laws is another means of countering the misuse of funds, as well as to facilitate and aid the work of enforcement bodies.
3. The Government of Liberia should aim for total rather than partial disclosure. Poor data quality or inconsistent interpretations thereof, limited access to data, and low quantity data constitute examples of partial disclosure and are to be avoided.²⁹⁶

In addition to these core treaties, relevant non-governmental organization and civil society monitoring reports provide a guiding framework in combating corruption. The Advocates recommends the following:

- The Government of Liberia should provide the newly established Anti-Corruption Commission with the necessary resources and enforcement powers to effectively carry out its mandate.
- The Government of Liberia should pass legislation that establishes and provides penalties for criminal acts constituting corruption including bribery of national public officials, embezzlement or misappropriation of public property by a public official, abuse of functions, bribery in the private sector, illicit enrichment, embezzlement in the private sector, laundering of proceeds of crime, and obstruction of justice.²⁹⁸

Potential Implementation Strategy: 2007 Global Corruption Report

In seeking to reduce corruption in the judicial sphere, the Government of Liberia may wish to consider the following strategies put forth in Transparency International's 2007 Global Corruption Report:

1. Development of an objective and transparent appointment process that will ensure that high quality candidates are selected without being indebted to an influential politician or senior judge.
2. Introduction of laws to protect judicial salaries and working conditions in order to ensure that judicial rulings are free from manipulation and intimidation.
3. Limits on judicial terms of ten years, not subject to renewal, so that judges do not allow anticipation of term renewal to affect their rulings.
4. Adoption of a confidential complaint procedure to trigger an investigation by an independent body to address claims of judicial corruption.²⁹⁹

- The Government of Liberia should actively prosecute individuals who commit crimes of corruption.
- The Government of Liberia should update criminal procedure laws to ensure that a longer statute of limitations is linked to discovery of acts of corruption and that whistleblower witnesses can be protected as they give evidence in court through the use of technology to shield their identity.
- The Government of Liberia should ensure that public officials declare assets prior to taking office and continue to do so regularly during the course of their tenures so as to better monitor illicit enrichment.
- The Government of Liberia should ensure the dissemination of and adherence to its public officials' code of conduct and rules and procedures for civil servants.
- The Government of Liberia should establish a Civil Service Commission and ensure timely, adequate remuneration of civil servants.
- The Government of Liberia should focus on strengthening and auditing both the internal control and the compliance culture in the entire system of public procurement and management of public finance.

- The Government of Liberia should ensure transparency and competitive bidding in the process of public procurement and concessions.
- The Government of Liberia should develop a national policy on decentralization across ministries, as well as clear guidelines and a timeframe for implementation.
- The Government of Liberia should advance reforms that provide increased opportunities for political participation on the local and county levels.
- The Government of Liberia should ensure that the tax system is structured so that a proportion of taxes stay in the county for the purposes of development, education, rebuilding infrastructure, etc.
- The Government of Liberia should develop sustainable mechanisms for local constituencies to play a role in decision-making about resource allocation and prioritization in their areas.

Potential Implementation Strategy: 2005 Global Corruption Report

In seeking to reduce corruption in the sphere of public construction contracts as well as post conflict reconstruction, the Government of Liberia may wish to consider the following strategies put forth in Transparency International's 2005 Global Corruption Report:

1. Opening of state awarded contracts to competitive bidding free of favor. A reasonable amount of time must be given between the selection and signing of the contract, so as to allow any aggrieved competitor an opportunity to challenge the decision.
2. Provision of open access to all information regarding the contract, save what is legally protected, by the contracting authority.
3. Decentralization to ensure that contractor selection, contracting supervision, and project control are based in separate offices.
4. Adequate remuneration of and regular rotations for staff in sensitive positions.³⁰⁰

SECTION VI. ECONOMIC, SOCIAL, AND CULTURAL RIGHTS

An overriding concern of statement givers in the diaspora was the sustainable and equitable development of Liberia's people, infrastructure, and natural resources. Statement givers generally outlined rebuilding of schools, hospitals, and roads as paramount priorities. Sanitation, electricity, business investment, and agriculture were also important. The right to sustainable and equitable development is already enshrined in Liberia's constitution, which states that the government "shall, consistent with the principles of individual freedom and social justice...manage the national economy and the natural resources of Liberia in such manner as shall ensure the maximum feasible participation of Liberian citizens under conditions of equality [so] as to advance the general welfare of the Liberian people and the economic development of Liberia."³⁰¹ In addition, the Liberian constitution provides for equal access to education and employment.³⁰²

Much action and planning related to sustainable and equitable development in Liberia, including education and healthcare, is already underway as part of the national Poverty Reduction Strategy. This strategy document provides policy guidance for development priorities in Liberia and should receive the support of national, regional, and international actors, donors, and policy makers.

Apart from these domestic initiatives, the Government of Liberia has ratified the main international treaty that pertains to these issues – the International Covenant on Economic, Social and Cultural Rights. Although many of the international principles relevant to sustainable and equitable development and economic and social rights are not contained in any treaty, the Government of Liberia should undertake the following actions with regard to international treaties:

- Dedicate appropriate and sufficient resources to submit its initial periodic report to the CESCR;
- Ratify and incorporate into domestic law International Labour Organisation (No. 117) Social Policy (Basic Aims and Standards) Convention;
- Work toward the full implementation of the recommendations of the Committee on the Rights of the Child in its 2004 concluding observations relating to education;
- Dedicate appropriate and sufficient resources to submit its report to the Secretary-General of the OAU describing the measures taken to give effect to the rights set forth in the African Charter on the Rights and Welfare of the Child;³⁰³
- Ratify and incorporate into domestic law the Convention on Technical and Vocational Education, which sets forth the standards relating to the development of technical and vocational education;
- Dedicate appropriate and sufficient resources to submit all due and overdue periodic reports to the Committee on the Elimination of All Forms of Discrimination against Women without delay, and dedicate appropriate and sufficient resources to submit its second and

third periodic reports to the Committee on the Rights of the Child describing the measures taken to give effect to the rights set forth in the Convention on the Rights of the Child by July 3, 2009; and

- Take all appropriate legislative and other necessary measures to ensure that the provisions related to health in the International Covenant on Economic, Social and Cultural Rights, the African Charter on Human and Peoples' Rights, the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa, and the African Charter on the Rights and Welfare of the Child are fully reflected in domestic law and practice.

The Liberian constitution, International Covenant on Economic, Social and Cultural Rights, the Social Policy (Basic Aims and Standards) Convention, the Declaration on the Right to Development, Declaration on Social Progress and Development, and Millennium Development Goals provide a guiding framework in making recommendations related to sustainable and equitable development in Liberia. The Advocates recommends the following:

- The Government of Liberia should direct its policies toward the “well-being and development of the population and to the promotion of its desire for social progress,” with “due regard to [more general policies’] effect upon the well-being of the population.”³⁰⁴ When planning economic development, “improvement of standards of living [must] be regarded as the principal objective.”³⁰⁵
- The Government of Liberia should recognize that everyone has the right to enjoy the “highest attainable standard of physical and mental health.”³⁰⁷ The Liberian government should take steps to achieve realization of this right, including measures required for:
 - The reduction of the stillbirth-rate and infant mortality and for the healthy development of the child;
 - The improvement of all aspects of environmental and industrial hygiene;
 - The prevention, treatment, and control of epidemic, endemic, occupational, and other diseases; and
 - The creation of conditions that would assure to all citizens medical service and medical attention in the event of sickness

Potential Implementation Strategy: Education and Agricultural Development

In Malawi, the *Millennium Villages Project* impacts the lives of people on many levels. The program provides fertilizer and maize seeds for cultivation on individual farms. Those who receive these supplies must contribute bags of maize to a community grain bank after cultivation. The community participating in the program also sets aside land to raise new trees and plants nitrogen-fixing trees to ensure the sustainability of the program. Finally, the community grain bank allows the community not only to access maize at a price agreed upon by the community when government grain provision is running low, but also to use the maize as a part of a feeding program for the community schools. Community volunteers prepare the community maize to provide meals once a day to pupils; the provision of meals has greatly enhanced education performance in the area.³⁰⁶

or injury.³⁰⁸

- The Government of Liberia should ensure all necessary measures for the realization of the right to development, including equality of opportunity for all to access basic resources, education, health services, food, housing, employment, and the fair distribution of income. Effective measures should be undertaken to ensure that women have an active role in the development process. Appropriate economic and social reforms should be carried out with a view to eradicating all social injustices.³¹⁰

Potential Implementation Strategy: Water Pumps as Toys

PlayPumps International has developed a roundabout (merry-go-round) toy that pumps water whenever children spin on it. The roundabout has the capacity to pump 1400 liters of water per hour from underground into a storage tank. Furthermore, communities can use the 2,500 liter storage tanks to lease space for educational messages about health or consumer advertising—profits from which can finance the pump’s maintenance.³⁰⁹

Potential Implementation Strategy: Income Generation through the SEED Program

In Mozambique, the *Sustainable and Effective Economic Development (SEED)* Program aims to reduce poverty by diversifying both agricultural and non-agricultural income-generating activities and increasing local access to and control over these activities. The project “1) strengthens and increases farmers’ links with civil society, government, and private sector partners who can contribute to commercial opportunities; 2) builds farmers’ capacity to identify, develop, and manage agricultural activities with the greatest potential for commercialization; and 3) builds farmers’ capacity to identify and develop non-agricultural economic opportunities with the greatest income-generating potential.” It has included access to technical services for agricultural projects, training on techniques, and training on business topics.³¹¹

- The Government of Liberia shall recognize the right of everyone to “enjoy the benefits of scientific progress and its applications.”³¹² Cooperation between the private sector and the state should make available the “benefits of new technologies, especially information and communications.”³¹³
- The Government of Liberia, in concert with the international community, should take action to implement measures toward:
 - advancement of industrialization with due regard for its social aspects, in the interests of the entire population;
 - development of an adequate organization and legal framework conducive to an uninterrupted and diversified growth of the industrial sector;
 - measures to overcome the adverse social effects which may result from urban development and industrialization, including automation;
 - maintenance of a proper balance between rural and urban development; and
 - in particular, measures designed to ensure healthier living conditions, especially in

large industrial centers.

Education

Liberians again and again told the TRC that lack of education was a primary cause of the civil crises in Liberia and they recommended that education be the basis for Liberia's development going forward. The Constitution of Liberia enshrines this national priority, stating that the government must provide "equal access to educational opportunities and facilities for all citizens" and placing emphasis on "the mass education of the Liberian people and the elimination of illiteracy."³¹⁴ In addition, the Government of Liberia has ratified the Convention against Discrimination in Education and the African Charter on the Rights and Welfare of the Child which create legally binding obligations relative to the provision of free and compulsory primary education, access to education without discrimination, and making higher and vocational educational accessible and available.³¹⁵ Drawing on these and other relevant international standards, The Advocates recommends the following:

- The Government of Liberia should recognize that everyone has the right to education, which is to be directed to the "full development of the human personality and the sense of its dignity, and shall strengthen the respect for human rights and fundamental freedoms...[E]ducation shall enable all persons to participate effectively in a free society, promote understanding, tolerance and friendship among all nations and all racial, ethnic or religious groups, and further the activities of the United Nations for the maintenance of peace."³¹⁶
- The Government of Liberia should increase access to education by ensuring respect for the right to education without discrimination based on "race, colour, sex, language, religion, political or other opinion, national or social origin, economic condition or birth."³¹⁹
- In compliance with the Convention on the Elimination of All Forms of Discrimination Against Women and the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa, the Government of Liberia should eliminate discrimination against women in order to ensure to them equal rights with men in the

Potential Implementation Strategy: Increase Access to Primary Education through Elimination of User Fees Charged by Public Schools

The Government of Liberia should take measures to eliminate user fees charged by public primary schools by ensuring such institutions need not resort to charging fees to fund operations, which leads to large dropout rates due to economic hardship on their parents.³¹⁷ Nevertheless, as the World Bank notes, to ensure that the abolition of user fees does not adversely affect the quality of education, other revenue sources must be available to replace user fees.³¹⁸ The role of the donor community is indispensable to achieving elimination of these user fees. The Government of Liberia should work with the donor community to eliminate user fees and find alternative funding for education.

field of education and, in particular, to ensure on a basis of equality of men and women the “reduction of female student drop-out rates and the organization of programmes for girls and women who have left school prematurely.”³²⁰

Potential Implementation Strategy: Increasing the Enrollment of Girls in School

Efforts to increase girls’ enrollment should include not only gender-neutral measures to increase accessibility, but measures to address social and cultural practices that discriminate against women and girls.

The Women’s Refugee Commission (formerly the Women’s Commission for Refugee Women and Children) provides strategies in this regard, e.g. conduct public sensitization on education of girls, enforce prohibitions against early marriage, carry out reproductive health campaigns aimed at eliminating teenage pregnancy, ensure that schools have adequate facilities including restrooms for girls, and prohibit and punish sexual violence against girls in schools. The government should explore, with donor agencies, the possibility of providing economic incentives or wage-earning opportunities to girls, particularly girl mothers, who attend school.³²¹

The Bangladesh Female Secondary School Assistance Program used the following implementation strategies when seeking to increase rural girls’ enrollment and retention in secondary schools: 1) providing scholarships that cover tuition, books, school supplies, and transport for rural girls; 2) increasing the number of female teachers; 3) educational/training programs to educate communities on the importance of girls’ education; and 4) the reformation of curricula to include relevant occupational skills to girls.³²²

Other models include Canadian programs in Egypt that have created flexible schooling schedules to better enable girls in rural environments to attend school while still doing their work at home.³²³

- The Government of Liberia should ensure that educational quality not be compromised in the wake of increased enrollment under Liberia’s free and compulsory primary education policy.³²⁴ The Liberian government should assign high priority to earmarking an adequate proportion of the national budget for the development of education.³²⁵
- The Government of Liberia should take steps to improve Liberian teachers’ socioeconomic status, living and working conditions, terms of employment, and future professional prospects.³²⁶
- The Government of Liberia should undertake “as a matter of urgency” to eradicate overcrowding, as well as shortages of educational materials and qualified teachers.³²⁷
- The Government of Liberia should reform the salary and payment structure for teachers to ensure teachers receive adequate wages in a manner that is both timely and accessible. In particular, teachers’ salaries should reflect the importance of the teaching profession, teachers, and their responsibilities; correlate with other jobs’ wages requiring similar qualifications, as well as be commensurate with teachers’ certifications; and provide teachers “with the means to ensure a reasonable standard of living for themselves and their families as well as to invest in further education or in the pursuit of cultural activities, thus enhancing their professional qualification.”³²⁸

- With regard to rural teachers, the Government of Liberia should take steps to accommodate their situation, for example, through the provision of free or subsidized housing, payment of travel and moving expenses, and provision of travel expenses to maintain their professional qualifications.³³¹
- The Government of Liberia should prioritize the recruitment, selection, training, and retention of teachers in Liberia. The Advocates recommends that the 1966 ILO/UNESCO Recommendation concerning the Status of Teachers and the 1997 U.N. Educational, Scientific, and Cultural Organisation Recommendation concerning the Status of Higher Education Teaching Personnel serve as the guiding framework with regard to this issue. In particular, the Government of Liberia should:
 - Provide adequate spots for training teachers and incentives to complete teacher certification,³³²
 - Require completion of secondary school and the teacher training institute to teach in Liberia, recognizing there may be exceptions for persons who possess valuable experience, especially in vocational and technical areas; and³³³
 - Work toward the creation of more teacher training institutions. To this end, refer particularly to the guidelines in the Teacher Preparation Programmes and Teacher Preparation Institutions sections of the ILO/UNESCO Recommendation concerning the Status of Teachers.³³⁴

Potential Implementation Strategy: Scaled Salaries for Teachers

The Kosovo government increased salaries for all teachers, varying those increases according to education credentials; the range of increases spanned from up to 22% for teachers with certification from a teachers' college to up to a 47% increase for masters and Ph.D. level educators.³²⁹ Also, one agency coordinated the range of training initiatives launched by non-governmental organizations, communities, and agencies so as to provide clarity regarding the options and also to assist the Ministry of Education in developing its teacher training policy.³³⁰

Potential Implementation Strategy: Increase Female Representation in the Teaching Profession

Take active steps to increase recruitment and retention of females to the teaching profession. The Women's Commission on Refugee Women and Children notes that this will require increasing female enrollment that stems largely from low enrollment of girls in higher primary and post-primary grades.³³⁵ Thus, implementing recommendations related to education of the girl child is essential to achieving this goal.

- The Government of Liberia should identify strategies and implement programs and curricula for technical and vocational education designed for young people and adults, within the framework of their respective education systems. Such programs should enable them to acquire the knowledge and skills “essential to economic and social development as well as to

the personal and cultural fulfillment of the individual.”³³⁶

Healthcare

Much of the trauma Liberians experienced during the conflict has gone untreated or remains under-treated, and Liberians remain in need of both basic and specialized health care services, including mental health services. The international instruments discussed at the beginning of this section provide a guiding framework for effective implementation of the right to health for Liberians, specifically making clear that every individual has a right to the best attainable state of physical and mental health. The Advocates recommends the following:

- The Government of Liberia should ensure that the right to health includes both “timely and appropriate health care,” as well as the “underlying determinants of health, such as access to safe and potable water and adequate sanitation, an adequate supply of safe food, nutrition and housing, healthy occupational and environmental conditions, and access to health-related education and information, including education on sexual and reproductive health.”³³⁷
- To fully recognize the right to health, the Government of Liberia should base activities on the premise that the right to health includes the following elements as defined by the Committee on Economic, Social and Cultural Rights:³³⁸
 - *Availability.* Functioning public health and health-care facilities, goods, and services, as well as programs, have to be available in sufficient quantity. The precise nature of the facilities, goods, and services will vary depending on numerous factors, including Liberia’s developmental level. At a minimum, however, they will include the underlying determinants of health, such as:
 - safe and potable drinking water and adequate sanitation facilities,
 - hospitals, clinics, and other health-related buildings,
 - trained medical and professional personnel receiving domestically competitive salaries, and
 - essential drugs, as defined by the WHO Action Programme on Essential Drugs.

Potential Implementation Strategy: Coupling Health Education with Healthcare Packages

In Mexico the program *Oportunidades* included a component whereby health packages were provided to families, and those health packages included mandatory health promotion talks that educated families on issues of reproductive health.³³⁹ The Government of Liberia may consider similar education campaigns to help combat issues associated with reproductive health such as early pregnancy, HIV/AIDS, STI transmission, maternal care, and other health issues.

- *Accessibility.* Health facilities, goods, and services have to be accessible to everyone without discrimination within Liberia. Accessibility has four overlapping dimensions:
 - Non-discrimination: health facilities, goods, and services must be accessible to all, especially the most vulnerable or marginalized sections of the population, in law and in fact, without discrimination on any of the prohibited grounds.
 - Physical accessibility: health facilities, goods, and services must be within safe physical reach for all sections of the population, especially vulnerable or marginalized groups, such as ethnic minorities and indigenous populations, women, children, adolescents, older persons, persons with disabilities, and persons with HIV/AIDS. Accessibility also implies that medical services and underlying determinants of health, such as safe and potable water and adequate sanitation facilities, are within safe physical reach, including in rural areas. Accessibility further includes adequate access to buildings for persons with disabilities.
 - Affordability: health facilities, goods, and services must be affordable for all. Payment for health care services, as well as services related to the underlying determinants of health, must be based on the principle of equity, ensuring that these services, whether privately or publicly provided, are affordable for all, including socially disadvantaged groups. Equity demands that poorer households should not be disproportionately burdened with health expenses as compared to richer households.
 - Information accessibility: accessibility includes the right to seek, receive and impart information and ideas concerning health issues. Accessibility of information, however, should not impair the right to have personal health data treated with confidentiality.
- *Acceptability.* All health facilities, goods, and services must be respectful of medical ethics and respectful of the culture of individuals, minorities, peoples and communities, sensitive to gender and life-cycle requirements, and be designed to respect confidentiality and improve the health status of those concerned.
- *Quality.* Health facilities, goods, and services must also be scientifically and medically appropriate and of good quality. This requires skilled medical personnel, scientifically approved and unexpired drugs and hospital equipment, safe and potable water, and adequate sanitation.
- Counseling and psycho-social support should be available to all victims and their dependents as needed. To this end, the government should collaborate with mental health organizations to provide training to religious organizations, non-governmental organizations, and community-based groups on this issue.³⁴⁰ Mental health care should also be context-appropriate and gender- and culturally-sensitive, and it should avoid re-victimization and stigmatization.³⁴¹ The government should sensitize those working in services such as education and civil

society to mental health issues and care.³⁴² It should also utilize and help rebuild traditional and community-based support mechanisms as a way of promoting mental health of the population.³⁴³ When addressing the mental health needs of people, the government should refer to the recommendations set forth in the Declaration of Cooperation in Mental Health of Refugees, Displaced and Other Populations Affected by Conflict and Post-Conflict Situations (2000) as a guiding framework.³⁴⁴

- Health care to treat physical ailments should be available to all victims, in particular those who sustained injuries during the war and victims of sexual violence.
- The Government of Liberia should ensure the promotion of women's right to health, including sexual and reproductive health.³⁴⁶

This right includes:

- the right to control fertility;
- the right to decide whether to have children, the number of children, and the spacing of children;
- the right to choose any method of contraception;
- the right to self-protection and to be protected against sexually transmitted infections, including HIV/AIDS;
- the right to be informed on one's health status and on the health status of one's partner, particularly if affected with sexually transmitted infections, including HIV/AIDS, in accordance with internationally recognized standards and best practices;
- the right to have family planning education; and³⁴⁷
- the right to maternal health and nutritional services.³⁴⁸

Potential Implementation Strategy: Public Education on Reproductive Health

Studies by the Guttmacher Institute looking at groups of African countries have found several implementation strategies that are particularly necessary or effective for addressing issues of reproductive health.³⁴⁵ For example, mass media--particularly radio, and also television and newspapers--was found to be a major source of information for youth. Television shows or government newspapers with programs addressing issues of sexual and reproductive health had a positive impact. People in traditional roles had a large impact through disseminating information, and thus education and awareness programs targeted at these leaders are essential. Importantly, those interventions that were most comprehensive and relied on multiple sectors such as schools, health systems, and communities, had the greatest impact. The Government of Liberia may wish to consider similar strategies when seeking to promote and enhance reproductive health.

SECTION VII. NON-DISCRIMINATION MEASURES RELATED TO MINORITIES AND WOMEN

Statement givers clearly identified discrimination as a major root cause of the conflict in Liberia. Protection of minorities both through assuring non-discrimination and through affirmative action to address past discriminatory policies should be the central tenets of regaining national unity. One of the key doctrines of protecting against discrimination is constitutionalization of an anti-discrimination norm.³⁴⁹ Liberia's constitution already enshrines several important non-discrimination principles. Article 11(a) states that all "persons, irrespective of ethnic background, race, sex, creed, place of origin or political opinion, are entitled to the fundamental rights and freedoms of the individual, subject to such qualifications as provided for in this Constitution." Also, the constitution specifically protects the right to equal employment regardless of membership in any of the aforementioned categories.³⁵⁰ The constitution includes a policy directive to provide equal access to educational opportunities and facilities for all citizens.³⁵¹

Protection of Minorities

Minorities for the purpose of international human rights are groups in a non-dominant position relative to the state who possess ethnic, religious, or linguistic characteristics differing from the rest of the population, and who demonstrate a sense of solidarity directed towards preserving their distinctive collective identity.³⁵² Targeting of ethnic, religious, and linguistic groups during the conflict was widely reported by statement givers and must be addressed in order to rebuild national unity in Liberia.

Liberia acceded to the International Convention on the Elimination of All Forms of Racial Discrimination in 1976 and is accordingly obligated to implement the terms of that international treaty. Liberia has never submitted a periodic report to the Committee on the Elimination of Racial Discrimination.³⁵³ The Convention on the Elimination of All Forms of Racial Discrimination, relevant treaty body instruments, the Convention against Discrimination in Education, the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious or Linguistic Minorities, and the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief provide a guiding framework for the right to be free from discrimination. The Advocates recommends the following:

- The Government of Liberia should support an amendment to the Liberian Constitution to protect against discrimination based on ethnicity, tribe, and language.
- The Government of Liberia should ensure that Liberia's constitutional protections against discrimination are fully enforced through implementing legislation and national policy.³⁵⁴
- The Government of Liberia should take all appropriate legislative measures to ensure that the provisions of the Convention on the Elimination of All Forms of Racial Discrimination are fully reflected in domestic law.³⁵⁵

- The Government of Liberia should undertake as quickly as possible to comply with Article 9 of the Convention on the Elimination of All Forms of Racial Discrimination requiring a “report on the legislative, judicial, administrative or other measures which they have adopted and which give effect to the provisions of this Convention.” In submitting its report to the United Nations Committee on the Elimination of Racial Discrimination, Liberia should pay particular attention to reviewing the current status of its laws relative to the right to a nationality,³⁵⁶ the right to property,³⁵⁷ and the right to inherit,³⁵⁸ as well as the full scope of economic, social, and cultural rights.³⁵⁹

Potential Implementation Strategy: Constitutional Protections against Discrimination

The Ugandan constitution provides for a wide array of protected classes. “(1) All persons are equal before and under the law in all spheres of political, economic, social and cultural life and in every other respect and shall enjoy equal protection of the law. (2) Without prejudice to clause (1) of this article, a person shall not be discriminated against on the ground of sex, race, colour, ethnic origin, tribe, birth, creed or religion, social or economic standing, political opinion or disability. (3) For the purposes of this article, “discriminate” means to give different treatment to different persons attributable only or mainly to their respective descriptions by sex, race, colour, ethnic origin, tribe, birth, creed or religion, social or economic standing, political opinion or disability. (4) Nothing in this article shall prevent Parliament from enacting laws that are necessary for— (a) implementing policies and programmes aimed at redressing social, economic, educational or other imbalance in society; or (b) making such provision as is required or authorised to be made under this Constitution; or (c) providing for any matter acceptable and demonstrably justified in a free and democratic society.”³⁶⁰ The constitution of Malawi prohibits discrimination on the basis of several enumerated statuses as well as “other status.”³⁶¹

- The Government of Liberia should welcome the offer of the Committee on the Elimination of Racial Discrimination to send a representative to visit Liberia and to initiate dialogue on full and effective implementation of its obligations under the Convention.³⁶²

Protection of Minorities: Education

- The Government of Liberia should ensure that its national educational policy is developed in compliance with international standards on non-discrimination, in particular the Convention against Discrimination in Education, which Liberia ratified in 1962.³⁶³ The policy should expressly include non-discrimination measures and

Potential Implementation Strategy: Bilingual Education

Many children learn most effectively when they learn through the medium of their first language; however, providing primary education in all Liberian indigenous languages likely would prove an insurmountable barrier. U.N. Educational, Scientific, and Cultural Organisation suggests that bilingual education in an official language and in an indigenous language is an appropriate strategy to ensure that children have equal opportunity to learn and maintain their cultural heritage.³⁶⁴

should provide for effective individual complaint mechanisms to ensure enforcement of those measures.

- The Government of Liberia should ensure that indigenous African traditional knowledge is a component of the national educational policy. The Liberian national educational policy should provide for inclusion of local knowledge and practices into the framework of the formal education system,³⁶⁵ in compliance with international human rights standards.
- The Government of Liberia should ensure that educational materials, teacher recruitment and training, and curricular development all promote intercultural education.³⁶⁶
- The Government of Liberia must ensure that persons belonging to minorities have adequate opportunities to gain knowledge of the society as a whole, have the right to all levels and forms of education of the State without discrimination, and have access, when possible, to an education in their own culture and provided in their own language.³⁶⁷

Protection of Minorities: Land & Cultural Rights

- The Government of Liberia should ensure that commercial and development initiatives conduct pre-implementation assessments of proposed projects' impact on traditional land use patterns and on marginalization of local communities. Where assessments indicate that there would be a negative impact, project redesign should be undertaken in consultation with local communities.
- The Government of Liberia should develop a national policy on protection of cultural rights, including measures detailing how Liberia will provide resources, and take other affirmative action to guarantee the exercise of cultural rights.³⁶⁸

Potential Implementation Strategy: Using a Local-Knowledge Approach

Villages in both Guatemala and Bolivia take a local-knowledge approach in order to make learning more accessible and holistic. In a Guatemalan village, Save the Children's Early Childhood Development project created lessons through the lenses of Mayan folklore, developing children's cognitive abilities, communication, and problem solving skills.³⁶⁹ This encouraged respect for Mayan values, as well as for nature and family. Women in Bolivia gain literacy skills in their indigenous language as they read about relevant health issues.³⁷⁰

Protection of Minorities: Linguistic Rights

- The Government of Liberia should take measures wherever possible to ensure that persons belonging to minorities have "adequate opportunities to learn their mother tongue or to have instruction in their mother tongue."³⁷¹

- The Government of Liberia should engage in a national consultative process focused on developing a strategy for protection and promotion of indigenous languages as well as a framework for ensuring that linguistic barriers do not prohibit Liberians from effectively exercising their rights and benefiting from opportunities.
- The Government of Liberia should ensure that protection of indigenous languages is embedded in appropriate legislation, including the constitution.

Protection of Minorities: Religion

- The Government of Liberia should “take effective measures to prevent and eliminate discrimination on the grounds of religion or belief in the recognition, exercise and enjoyment of human rights and fundamental freedoms in all fields of civil, economic, political, social and cultural life”³⁷² in full-consideration of the directives in the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief as well as the African Charter on Human and Peoples’ Rights.³⁷³
- The Government of Liberia should “make all efforts to enact or rescind legislation where necessary to prohibit any such discrimination, and...take all appropriate measures to combat intolerance on the grounds of religion or other.”³⁷⁴ In particular, national holidays and official government closures should be evaluated in light of discrimination on the basis of religion or belief.³⁷⁵
- To ensure that the Liberian constitutional and legislative system provides adequate and effective guarantees of freedom of thought, conscience, religion, and belief to all without distinction, the Government of Liberia should ensure provision of effective remedies in cases where the right to freedom of thought, conscience, religion, or belief, and the right to practice freely one’s religion, including the right to change one’s religion or belief, is violated.³⁷⁶

Protection of Minorities: Disability Access Rights

- The Government of Liberia should ratify and incorporate into Liberian law the Convention on the Protection and Promotion of the Rights and Dignity of Persons with Disabilities and its First Optional Protocol.³⁷⁷
- The Government of Liberia should institute appropriate measures for the rehabilitation of mentally or physically disabled persons, especially children and youth, so as to enable them to the fullest possible extent to be productive and participating members of society. These measures should include the provision of treatment and technical appliances, education, vocational and social guidance, training and selective placement, and other assistance required to create social conditions in which the handicapped are not discriminated against because of their disabilities.³⁷⁸

Women's Human Rights

Women in Liberia experienced violence and other forms of discrimination as a result of their sex, prior to, during, and after the conflict. Many women spoke to the TRC about the structural societal constraints that impact their lives in Liberia. But women also play powerful social, economic, political, and other roles in Liberian culture. Ensuring their safety, health, participation, and empowerment in all aspects of Liberian society will be essential to developing the full potential of the Liberian nation in the post-conflict era. The Government of Liberia has ratified the Convention on the Elimination of All Forms of Discrimination against Women and the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa, and is therefore bound to the obligations set forth in those treaties. The Government of Liberia has signed, but not ratified, the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women.

Making a commitment to women's human rights through international instruments is an important component of protecting and empowering women in Liberia. Accordingly, The Advocates recommends that the Government of Liberia:

- Ratify the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women;
- Dedicate appropriate and sufficient resources to submit all due and overdue periodic reports to the Committee on the Elimination of All Forms of Discrimination against Women;
- Dedicate appropriate and sufficient resources to submit a report describing the legislative and other steps taken to achieve the rights set forth in the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa.³⁷⁹

The international treaties and declarations discussed above provide a guiding framework for the promotion and protection of women's human rights in Liberia. In addition, many of the issues pertinent to women's human rights intersect with other recommendations that are described elsewhere in this report. The Advocates makes the following recommendations:

Women's Human Rights: Ending Violence against Women

- The Government of Liberia should condemn violence against women as defined in the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa and in the Convention on the Elimination of All Forms of Discrimination against Women. Specifically, "violence against women means all acts perpetrated against women which cause or could cause them physical, sexual, psychological, or economic harm, including the threat to take such acts; or to undertake the imposition of arbitrary restrictions on or deprivation of fundamental freedoms in private or public life in peace time and during

situations of armed conflicts or of war.”³⁸⁰

- The Government of Liberia should “take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of prostitution of women.”³⁸¹
- The Government of Liberia should work toward the full implementation of the measures outlined in article 4 of the U.N. Declaration on the Elimination of Violence Against Women, specifically:

- Exercise due diligence to prevent, investigate, and, in accordance with national legislation, punish acts of violence against women, whether those acts are perpetrated by the State or by private persons;
- Develop penal, civil, labor, and administrative sanctions in domestic legislation to punish and redress the wrongs caused to women who are subjected to violence; women who are subjected to violence should be provided with access to the mechanisms of justice and, as provided for by national legislation, to just and effective remedies for the harm that they have suffered; States should also inform women of their rights in seeking redress through such mechanisms;
- Consider the possibility of developing national plans of action to promote the protection of women against any form of violence, or to include provisions for that purpose in plans already existing, taking into account, as appropriate, such cooperation as can be provided by non-governmental organizations, particularly those concerned with the issue of violence against women;
- Work to ensure, to the maximum extent feasible in the light of available resources

**Potential Implementation Strategy:
Self-sustaining Shelters for Victims of
Violence against Women**

In Bulgaria, the organization Open Door Center provides legal and other assistance to women victims of violence. The Municipality of Pleven gave permission to the shelter to operate economic activities. The laundry service run by Open Door Center enables it to generate revenue that is re-invested into providing assistance to women victims of violence. This model enables the group to maintain a self-sufficient shelter for victims of violence that is not dependent on external funding from governmental or international sources.³⁸²

Potential Implementation Strategy: Gender Mainstreaming in Government-funded Programs

The Government of Liberia may wish to consider mainstreaming actions to combat violence against women into its government funded programs, projects, or loans. For example, the Inter-American Development Bank has developed loan practices that integrate gender concerns into its projects. When making loans that relate to citizen security, the relevant projects have included funding to raise awareness on domestic violence; funding for training of police and judges on issues of domestic violence; funding that enables government security information systems that contain relevant and accurate data on domestic violence; and funding to women’s non-governmental organizations with expertise in the area of domestic violence.³⁸³

and, where needed, within the framework of international cooperation, that women subjected to violence and, where appropriate, their children have specialized assistance, such as rehabilitation, assistance in child care and maintenance, treatment, counseling, and health and social services facilities and programs, as well as support structures, and should take all other appropriate measures to promote their safety and physical and psychological rehabilitation;

- Include in government budgets adequate resources for activities related to the elimination of violence against women;
- Take measures to ensure that law enforcement officers and public officials responsible for implementing policies to prevent, investigate and punish violence against women receive training to sensitize them to the needs of women;
- Adopt all appropriate measures, especially in the field of education, to modify the social and cultural patterns of conduct of men and women and to eliminate prejudices, customary practices, and all other practices based on the idea of the inferiority or superiority of either of the sexes and on stereotyped roles for men and women;
- Promote research, collect data, and compile statistics, especially concerning domestic violence, relating to the prevalence of different forms of violence against women and

Beijing Platform for Action: Twelve Areas of Concern

The Beijing Platform for Action reaffirms that the rights of women and girls are an “inalienable, integral and indivisible part of universal human rights.”³⁸⁴ The Platform for Action calls upon governments to take action in 12 areas of concern. The Advocates recommends that when designing national policies and programs to address women’s human rights the Government of Liberia take into account these critical issues:

- The persistent and increasing burden of poverty on women
- Inequalities and inadequacies in and unequal access to education and training
- Inequalities and inadequacies in and unequal access to health care and related services
- Violence against women
- The effects of armed or other kinds of conflict on women, including those living under foreign occupation
- Inequality in economic structures and policies, in all forms of productive activities and in access to resources
- Inequality between men and women in the sharing of power and decision-making at all levels
- Insufficient mechanisms at all levels to promote the advancement of women
- Lack of respect for and inadequate promotion and protection of the human rights of women
- Stereotyping of women and inequality in women’s access to and participation in all communication systems, especially in the media
- Gender inequalities in the management of natural resources and in the safeguarding of the environment
- Persistent discrimination against and violation of the rights of the girl child.³⁸⁵

encourage research on the causes, nature, seriousness and consequences of violence against women and on the effectiveness of measures implemented to prevent and redress violence against women; those statistics and findings of the research will be made public; and

- Encourage the development of appropriate guidelines to assist in the implementation of the principles set forth in the U.N. Declaration on the Elimination of Violence Against Women.

Women’s Human Rights: Anti-discrimination Measures

Discrimination against women is pervasive in Liberia. As outlined in article 1 of the Protocol to the African Charter on Human and Peoples’ Rights on the Rights of Women in Africa, discrimination against women means any distinction, exclusion, or restriction or any differential treatment based on sex and whose objectives or effects compromise or destroy the recognition, enjoyment, or the exercise by women, regardless of their marital status, of human rights and fundamental freedoms in all spheres of life. In order to begin to address the problem of discrimination against women in Liberia, the Government of Liberia should undertake to fully implement the provisions of the Protocol and of the Convention on the Elimination of All Forms of Discrimination against Women.

- In order to comply with article 2 of the Convention on the Elimination of All Forms of Discrimination against Women and the Protocol, the Government of Liberia should:
 - Support efforts to include specific language embodying the principle of equality between men and women in the national constitution;
 - Adopt appropriate legislative and other measures, including sanctions where appropriate, prohibiting all discrimination against women;
 - Ensure that public authorities and institutions shall act in conformity with this obligation;
 - Take appropriate measures to eliminate discrimination against women by any person, organization, or enterprise; and
 - Take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs, and practices that constitute discrimination against women.
- The Government of Liberia should “prohibit and condemn all forms of harmful practices which negatively affect the human rights of women and which are contrary to recognized international standards.”³⁸⁶ The Government of Liberia should take all necessary, appropriate, and effective measures to eliminate harmful traditional practices, which measures may include increasing public awareness about the harmful traditional practices, providing assistance (such as health, legal, judicial, emotional support, and vocational training) to victims of harmful practices, and protecting women at-risk of harmful practices.³⁸⁷
- The Government of Liberia should prohibit and take appropriate steps to eliminate the

practice of female genital mutilation.³⁸⁸ Such steps could include data gathering and dissemination, involving public figures and community leaders in shifting societal attitudes toward eliminating this practice, use of educational and training programs, and incorporation of appropriate strategies in national health policies.³⁸⁹

- The Government of Liberia should ensure the protection of the human rights of widows by, among other things, ensuring that: 1) they are not subject to inhuman, humiliating, or degrading treatment; 2) upon a husband's death, the widow becomes the guardian and custodian of her children subject to the best interest of the child; 3) a widow has the right to remarry a person of her choosing; and 4) widows have the "right to an equitable share in the inheritance" of the husband's property including continued residence in the matrimonial home.³⁹¹
- The Government of Liberia should ensure the elimination of discrimination against women in all matters relating to marriage and family relations.³⁹²
- The Government of Liberia should ensure that national laws comply with standards set forth in the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa, including setting forth a minimum age of 18 years to marry, encouraging of monogamous marriages, promoting and protecting women's rights in polygamous marriages, and providing for the written registration of all marriages for purposes of legal

Potential Implementation Strategy: De Jure Protection of Women's Rights in Marriage

When drafting or modifying legislation to eliminate discrimination against women, the Government of Liberia may wish to consider Mozambique's Family Law (2005) as a potential model for women's protecting human rights in marriage. Some of the measures that the Family Law codifies include the following:

- Raising the minimum age of marriage for girls to 18
- Permitting women to seek divorce in cases of domestic violence or infidelity
- Legally recognizing customary or non-formal traditional marriages
- Ensuring the right of women to create and enforce prenuptial agreements
- Protecting the right of women to work outside the home without the permission of a husband or male relative
- Ensuring the right of women to buy, own, and manage property or other financial assets
- Promoting the sharing of authority as head of household between men and women.³⁹⁰

Potential Implementation Strategy: Long-distance Skills Training

The Gobi Women's project, which took place in Mongolia, broadcasted radio programs as a means of providing informal skills training to women long-distance. The topics, based on a needs assessment conducted in coordination with communities, included survival tools (making saddles, boots, etc., producing wool), health issues (family planning, first aid, nutrition), and commercial skills (price negotiating, handling money). Programs were broadcast twice a week at times most convenient for the women. If women were unable to tune in at that time, learning centers offered tapes of the program. Visiting teachers would come and answer any questions; guidance booklets were also provided.³⁹⁴

recognition.³⁹³

- The Government of Liberia should ensure that women in traditional marriages not recognized by formal legal systems are guaranteed equality with men in the family and a share of earnings and property.³⁹⁵ The Government of Liberia should ensure that laws protect and enforce a woman's right to choose when, if, and whom she will marry.³⁹⁶
- The Government of Liberia should take appropriate measures to ensure the enjoyment by rural women of the rights under the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa and article 14 of the Convention on the Elimination of All Forms of Discrimination against Women, specifically ensuring their right to:
 - participate in the elaboration and implementation of development planning at all levels;
 - have access to adequate health care facilities, including information, counseling and services in family planning;
 - benefit directly from social security programs;
 - obtain all types of training and education, formal and non-formal, including functional literacy, as well as, inter alia, the benefit of all community and extension services, in order to increase their technical proficiency;
 - organize self-help groups and co-operatives in order to obtain equal access to economic opportunities through employment or self employment; and
 - have access to agricultural credit and loans, marketing facilities, appropriate technology, and equal treatment in land and agrarian reform as well as in land resettlement schemes.

Potential Implementation Strategy: Diesel-powered Multifunctional Platforms

Rural women suffer a tremendous burden with respect to fuel collection – in terms of time, health, safety, and other issues. In Mali, the UN Industrial Development Organization and the International Fund for Agricultural Development developed diesel-powered multifunctional platforms to reduce the burdens on rural women.³⁹⁷ The platforms included a diesel engine that supplied power that assisted with labor-intensive work such as agricultural processing, welding, water pumping, and electricity.³⁹⁸ The Government of Liberia may want to consider implementing similar labor-saving energy services/ devices to help reduce the onus of acquiring fuel. Additionally, the program in Mali further advanced women's rights by involving women in the design, management, and implementation of the project of establishing the platform.³⁹⁹ Such involvement placed women in decision-making positions and allowed them to give input on the project.

Women's Human Rights: Access to Equal Protection of the Law, Justice, and Right to a Remedy

In order to ensure true equality for women in Liberia, women must stand equal before the law.⁴⁰⁰The

Advocates recommends the following:

- The Government of Liberia should accord to women in civil matters a legal capacity identical to that of men as well as the same opportunities to exercise that capacity. In particular, the government should give women equal rights to enter into contracts and to administer property and should treat them equally in all stages of procedure in courts and tribunals.
- The Government of Liberia should implement a national policy that all contracts and all other private instruments of any kind with a purported legal effect of restricting the legal capacity of women shall be deemed null and void.
- The Government of Liberia should accord to men and women the same rights relating to the movement of persons and the freedom to choose their residence and domicile.
- The Government of Liberia should take steps to increase women's access to free legal aid throughout Liberia.⁴⁰¹

**Potential Implementation Strategy:
Training Paralegals to Raise Awareness**

A Rwandan association, *Haguruka*, has organized training sessions for hundreds of paralegals who can educate and guide women on their rights with respect to property and other issues.⁴⁰² The Government of Liberia may wish to consider facilitating similar resources to educate women and men on the rights of women and the recourses available where such rights have been violated.

Women's Human Rights: Economic Empowerment

In order to fully participate in Liberian society, women must have equal opportunities in the area of work, professional advancement, and economic opportunities.⁴⁰³ The Advocates recommends the following:

- The Government of Liberia should promote equality of access to employment;
- The Government of Liberia should recognize and enforce the right to equal remuneration for jobs of equal value for women and men;
- The Government of Liberia should ensure transparency in recruitment, promotion, and dismissal of women;
- The Government of Liberia should combat and punish sexual harassment in the workplace;
- The Government of Liberia should guarantee women the freedom to choose their occupation and protect them from exploitation by their employers;
- The Government of Liberia should create conditions to promote and support the occupations and economic activities of women, in particular, within the informal sector;
- The Government of Liberia should recognize and enforce the right of salaried women to the same allowances and entitlements for their spouses and children as those granted to salaried

- men;
- The Government of Liberia should take effective legislative and administrative measures to prevent the exploitation and abuse of women in advertising and pornography.

SECTION VIII. IMPLEMENTATION AND INTERNATIONAL SUPPORT

Re-envisioning Liberia: Implementation of TRC Recommendations

The legislation creating the TRC specifies that “all recommendations shall be implemented”⁴⁰⁴ and that the “Independent National Human Rights Commission shall be seized with the responsibility to ensure that all the recommendations contained in the report of the TRC are implemented.”⁴⁰⁵ Past experience from similar truth seeking bodies around the world demonstrates that implementation of TRC recommendations is a critical phase of the process, but one that often stalls for a variety of reasons. While the development of the Independent National Commission on Human Rights will play a key role in the successful implementation of the TRC recommendations, the Independent National Commission on Human Rights will need the full support of government, civil society, the international community, and other actors to ensure that Liberia moves forward. The Principles relating to the Status of National Institutions (The Paris Principles)⁴⁰⁶ provide a guiding framework for the effective implementation of the recently inaugurated Human Rights Commission of Liberia. Other tools, including reports from the U.N. High Commissioner for Human Rights and the U.N. Mission in Liberia, may provide additional guidance on the role of the Independent National Commission on Human Rights. The Advocates makes the following recommendations based on international standards.

Recommendations to the Government of Liberia

- The Government of Liberia and the Independent National Commission on Human Rights should ensure timely, wide, and accessible distribution of the report of the TRC of Liberia, in particular its recommendations. The report and recommendations should be made readily available to all stakeholders, in particular the Liberian diaspora community in the West Africa sub-region and around the globe. Moreover, the report should be made accessible to all Liberians regardless of language, literacy, age, or disability.⁴⁰⁷
- The Government of Liberia should move forward without further delay toward the establishment of the Independent National Commission on Human Rights. Based on selected provisions from the United Nations Principles relating to the status and functioning

**Potential Implementation Strategy:
Alternative Formats of the TRC Report**

Distribution of the TRC report in video, audio, Braille, Liberian-English, indigenous dialects where possible, and in a children’s version should be considered. All formats of the TRC report should be made available in electronic form on the world wide web so as to facilitate diaspora and international engagement. Copies of the report in the appropriate format should be delivered to refugee settlements in the West African sub-region.

of national institutions for protection and promotion of human rights,⁴⁰⁸ the Independent National Commission on Human Rights should:

- Be given a broad mandate, with rights and obligations clearly set forth in statutory and/or constitutional domestic law.⁴⁰⁹
 - Be granted the power to, without endorsement or authorization from a higher government agency, review or investigate any human rights situation it so desires, and to submit to the government a report, recommendation, or opinion concerning such a situation, which it may then publicize at its discretion.
 - Be responsible for monitoring and encouraging the observance of regional and international human rights treaties to which Liberia is a party.⁴¹⁰ The Commission should also contribute to any human rights reports the government is required to submit under any treaty obligations.⁴¹¹
 - Have the authority to hear individual complaints regarding alleged human rights violations, to advise the complainant of the available remedies, and to transmit the complaint to the competent authorities along with the Commission's views and recommendations pertaining to the complaint.⁴¹²
 - Seek assistance in strengthening the capacity to promote and protect human rights in Liberia by participating in and seeking accreditation from the National Human Rights Institutions Forum, as well as the Network of National Human Rights Institutions in West Africa.
- As a matter of priority, the president should make appointments to the Independent National Commission on Human Rights and expedite its operations.⁴¹³
 - The Government of Liberia should formally direct all ministries and relevant government entities to provide full support to the Independent National Commission on Human Rights in its efforts to ensure implementation of TRC recommendations.
 - The Government of Liberia should ensure sufficient time, staff, and budgetary resources to comply with the statutory directive obligating the Head of State to report to the National Legislature on a quarterly basis regarding implementation of the TRC recommendations.⁴¹⁴ The process of reporting on implementation should be public, transparent, and undertaken in consultation with the Independent National Commission on Human Rights, civil society, and other relevant stakeholders.
 - The Government of Liberia and the Independent National Commission on Human Rights should act immediately to facilitate the participation of Liberian civil society organizations in monitoring the implementation of TRC recommendations.

Potential Implementation Strategy: Budgeting for the TRC Recommendations

Government ministries should consider including a line item in their budgets for implementation of TRC recommendations so as to recognize the obligation to facilitate implementation, even if the resources allocated are minimal.

- The Government of Liberia and the Independent National Commission on Human Rights should request that regional bodies such as the Economic Community of West African States and the African Commission on Human and Peoples' Rights assist with monitoring the effective implementation of TRC recommendations.
- As the TRC ceases operations, the Government of Liberia and the Independent National Commission on Human Rights should ensure that a specific plan for archiving TRC records and for ensuring their availability to the public, as well as their confidentiality when appropriate, is in place.⁴¹⁵

Recommendations to Civil Society Organizations

- Civil society organizations should play an active role in monitoring and advocacy related to implementation of the TRC recommendations.
- Civil society organizations should partner with the Independent National Commission on Human Rights to ensure that individuals who participated in the TRC process continue to receive support and continue to be engaged with implementation of TRC recommendations that they participated in crafting.
- In particular, civil society should be actively involved in advocacy, documentation, and planning of vetting and other personnel reform processes for public employees given the dire need for these reforms and given the difficulty of self-reform in this context.⁴¹⁶

Potential Implementation Strategy: Monitoring Implementation of the TRC Recommendations

Following the model in Sierra Leone (see <http://www.slcmp.org/drwebsite/index.shtml>), civil society organizations in Liberia may wish to establish a coalition of groups to monitor TRC implementation of TRC recommendations, the Independent National Commission on Human Rights, as well as any prosecutorial processes that are established. A first step in this regard might be establishment of a Non-governmental Sectoral & Thematic Coordination Network relative to TRC implementation under the auspices of the Ministry of Planning and Economic Affairs (see <http://www.emansion.gov.lr/doc/NGOPolicguidelines.pdf>).

- Civil society and international organizations in Liberia should carry out their activities in compliance with Liberia's National Policy on Non-governmental Organizations⁴¹⁷ and in consideration of the International Non-Governmental Organisations Accountability Charter,⁴¹⁸ specifically:
 - Compliance with accreditation and reporting procedures, as well as the laws of Liberia;
 - Transparency, non-discrimination, and respect for human rights at all levels of organizational activity;
 - Formulation of projects should be guided by national development priorities;
 - Projects should be designed and implemented in collaboration with target beneficiaries.

Potential Implementation Strategy:

Incorporating Economic, Social, and Cultural Rights and Non-discrimination into National Institutions

The Independent National Commission on Human Rights should give due regard to documents promulgated by the treaty bodies specifically with regard to national institutions. This includes: Mainstreaming economic, social, and cultural rights in all relevant activities, through measures such as:

- “(a) The promotion of educational and information programmes designed to enhance awareness and understanding of economic, social and cultural rights, both within the population at large and among particular groups such as the public service, the judiciary, the private sector and the labour movement;
- (b) The scrutinizing of existing laws and administrative acts, as well as draft bills and other proposals, to ensure that they are consistent with the requirements of the International Covenant on Economic, Social and Cultural Rights;
- (c) Providing technical advice, or undertaking surveys in relation to economic, social and cultural rights, including at the request of the public authorities or other appropriate agencies;
- (d) The identification of national-level benchmarks against which the realization of Covenant obligations can be measured;
- (e) Conducting research and inquiries designed to ascertain the extent to which particular economic, social and cultural rights are being realized, either within the State as a whole or in areas or in relation to communities of particular vulnerability;
- (f) Monitoring compliance with specific rights recognized under the Covenant and providing reports thereon to the public authorities and civil society; and
- (g) Examining complaints alleging infringements of applicable economic, social and cultural rights standards within the State.”⁴¹⁹

Mainstreaming the right to be free from racial discrimination, which includes the following steps:

- “(a) To promote respect for the enjoyment of human rights without any discrimination, as expressly set out in article 5 of the International Convention on the Elimination of All Forms of Racial Discrimination;
- (b) To review government policy towards protection against racial discrimination;
- (c) To monitor legislative compliance with the provisions of the Convention;
- (d) To educate the public about the obligations of States parties under the Convention;
- (e) To assist the Government in the preparation of reports submitted to the Committee on the Elimination of Racial Discrimination.”⁴²⁰

Recommendations to the International Community: Accountability & Justice

The Geneva Conventions, the Rome Statute of the International Criminal Court, and principles of universal jurisdiction provide a guiding framework with regard to accountability and justice. Taking into account the obligation to prosecute grave breaches of the Geneva Conventions, The Advocates recommends the following:

- States Parties of the international community should “undertake to enact any legislation

necessary to provide effective penal sanctions for persons committing, or ordering to be committed, any of the grave breaches” of the Geneva Convention.⁴²¹

- States Parties of the international community should “search for persons alleged to have committed, or to have ordered to be committed, such grave breaches, and shall bring such persons, regardless of their nationality, before its own courts” or hand such persons over to another State Party for prosecution.⁴²²

Potential Implementation Strategy: The Principle of Universal Jurisdiction⁴²³

Universal jurisdiction allows a court to prosecute alleged perpetrators of human rights violations even where there is no direct link between the court’s country and the alleged violation. The court’s jurisdiction stems from the nature of the crime and generally applies to violations of international humanitarian law, such as grave breaches of the Geneva Conventions, slavery, crimes against humanity, and torture.

Civil law jurisdictions and some common law jurisdictions have allowed privately initiated criminal prosecution for extraterritorial acts. For example, Spain and France have allowed victims to submit complaints directly to a judge or prosecutor, a right which has been extended to universal jurisdiction cases. Even the United Kingdom, a common law country, permits individuals to request arrest warrants when the police do not investigate a claim.⁴²⁴ The privately initiated complaint can be a useful tool in universal jurisdiction prosecution, as it allows for international crime investigations when domestic prosecutors may be reluctant to intervene or may be concerned about the foreign policy implications of their actions. The requests to extradite Chile’s former dictator Augusto Pinochet from the United Kingdom to Spain and Chad’s former dictator Hissène Habré from Senegal to Belgium are two examples of universal jurisdiction cases stemming from privately initiated complaints.

Some countries have created investigative mechanisms to facilitate prosecution of alleged international crime perpetrators after the complaint is filed. Denmark, the Netherlands, Norway, Canada, and Ethiopia have established special units with police and prosecutorial powers, as well as experts on complex criminal cases and international criminal law.⁴²⁵ International cooperation networks may also be instrumental in the investigations of international crimes. For example, there are Interpol’s “Expert Meetings” and international crime “Working Groups” and the European Union’s “Network of contact points in respect of persons responsible for genocide, crimes against humanity and war crimes.” These bodies have the capacity to provide limited information on domestic laws, the establishment of specialized units, as well as advice on conducting extraterritorial investigations.⁴²⁶

With regard to crimes that fall under the jurisdiction of the International Criminal Court:

- States Parties to the Rome Statute should “cooperate fully with the Court in its investigation and prosecution of crimes within the jurisdiction of the Court²⁴²⁷ with due regard to the provisions set forth in the Rome Statute relating to international cooperation.

Recommendations to the International Community: Development

With regard to development, the U.N. Declaration on Social Progress and Development, the U.N. Declaration on the Right to Development, and the Millennium Declaration and its associated documents provide a guiding framework. The international community should recognize that “[s]ocial progress and development are the common concerns of the international community, which shall supplement, by concerted international action, national efforts to raise the living standards of peoples.”⁴²⁸ Therefore, with regard to the development of international policies and cooperation, The Advocates recommends that:

- The international community should intensify international cooperation to ensure “the international exchange of information, knowledge and experience concerning social progress and development.”⁴²⁹
- The international community should “[c]o-operate with [one] another in ensuring development and eliminating obstacles to development. States should realize their rights and fulfil their duties in such a manner as to promote a new international economic order based on sovereign equality, interdependence, mutual interest and co-operation among all States, as well as to encourage the observance and realization of human rights.”⁴³⁰
- The international community should take individual and collective steps in the development of international policies that facilitate the right to development, and ensure international cooperation to provide Liberia “with appropriate means and facilities to foster [its] comprehensive development.”⁴³¹
- The international community should work toward the development of “international policies and measures to avoid the ‘brain drain’ and obviate its adverse effects.”⁴³²

Recommendations to the International Community: Financial Assistance

With regard to financial assistance and other support, the Paris Declaration on Aid Effectiveness may serve as part of the guiding framework in addition to the aforementioned and other documents.⁴³³ The Advocates recommends the following:

- The international community should base its support and conditions for implementation on Liberia’s national development strategies;⁴³⁴
- The international community should work together with Liberia to create frameworks for evaluating country systems, performance, accountability, and transparency;⁴³⁵
- The international community should employ existing systems and procedures as much as possible and should strengthen such systems through other measures where needed; it should avoid reliance on “creating dedicated structures” for managing and executing aid-funded projects;⁴³⁶

- The international community should harmonize activities and simplify procedures by cooperating to decrease the “number of separate, duplicative missions to the field and diagnostic reviews” and use joint trainings to build capacity.⁴³⁷ The international donor community should “align to the maximum extent possible behind central government-led strategies,” “avoid activities that undermine national institution building,” and “use an appropriate mix of aid instruments.”⁴³⁸ The donor community should more effectively allocate responsibility by delegating authorities on the sectoral or national level, where appropriate, to direct the execution of such activities.⁴³⁹
- The international community should enhance aid predictability by scheduling how Liberia’s financial aid will be increased to better allow the Government of Liberia to plan for multi-year projects.⁴⁴⁰
- The international community should continue to fund and scale up assistance to Liberia.⁴⁴¹ It should follow through on pledges and immediately appropriate outstanding funds and other assistance to Liberia.⁴⁴²
- The international community should renew aid funding for long-term and unresolved displacement, with attention to vulnerable populations.⁴⁴³
- The international community should take steps toward facilitating Liberia’s development in economic terms, including:
 - “The laying down of economic growth rate targets. . .within the United Nations policy for development, high enough to lead to a substantial acceleration of [Liberia’s] rates of growth;
 - The provision of greater assistance on better terms; the implementation of the aid volume target of a minimum of [one] per cent of the gross national product at market prices of economically advanced countries; the general easing of the terms of lending to [Liberia] through low interest rates on loans and long grace periods for the repayment of loans, and the assurance that the allocation of such loans will be based strictly on socioeconomic criteria free of any political considerations;
 - The provision of technical, financial and material assistance, both bilateral and multilateral, to the fullest possible extent and on favourable terms, and improved co-ordination of international assistance for the achievement of the social objectives of national development plans;
 - The provision to [Liberia] of technical, financial and material assistance and of favorable conditions to facilitate the direct exploitation of [its] national resources and natural wealth. . .with a view to enabling the [Liberian people] to benefit fully from their national resources;
 - “The expansion of international trade based on principles of equality and non-discrimination, the rectification of the position of [Liberia] in international trade by equitable terms of trade, a general non-reciprocal and non-discriminatory system of preferences for the exports of [Liberia] to the developed countries, the establishment and implementation of general and comprehensive commodity agreements, and the

financing of reasonable buffer stocks by international institutions.²⁴⁴⁴

- The international community should continue its commitment to the Millennium Declaration and achieving the Millennium Development Goals. This includes, in particular, those commitments to address the needs of least developed states:
 - Adopt a “policy of duty- and quota-free access for essentially all exports from the least developed countries;”
 - “implement the enhanced programme of debt relief for the heavily indebted poor countries without further delay and to agree to cancel all official bilateral debts of those countries in return for their making demonstrable commitments to poverty reduction;” and
 - “grant more generous development assistance, especially to countries that are genuinely making an effort to apply their resources to poverty reduction.”²⁴⁴⁵
- Work toward full implementation of the Recommendations of the Millennium Development Goals Africa Steering Group.

The Norms on the Responsibilities of Transnational Corporations and Other Business Enterprises with Regard to Human Rights (the “Norms”) set forth provisions for transnational businesses and corporations to promote and protect human rights, which include rights related to equal opportunity and non-discriminatory treatment, security of persons, rights of workers, respect for national sovereignty and human rights, and consumer and environmental protection. The Norms provide a guiding framework with regard to transnational business entities, and The Advocates recommends that:

- The international community, as individual states, should promote and protect human rights as recognized in international and national law, which includes “ensuring that transnational corporations and other business enterprises respect human rights.”²⁴⁴⁶
 - The international community, as individual states, should “establish and reinforce the necessary legal and administrative framework for ensuring that the Norms and other relevant national and international laws are implemented by transnational corporations and other business enterprises.”²⁴⁴⁷
- The international community should conduct “periodic monitoring and verification” of transnational corporations and other business enterprises that is “transparent and independent and take into account input from stakeholders (including non governmental organizations) and as a result of complaints of violations of these Norms.”²⁴⁴⁸

The Advocates supports the recommendations made to the international community by the U.N. Mission in Liberia in its Report on the Human Rights Situation in Liberia: November 2007 – June 2008 and recommends that:

- The international community should continue to support and provide technical assistance to the domestic court system;⁴⁴⁹
- The international community should continue to support Liberia's Ministry of Justice in improving conditions of detention and imprisonment through trainings, infrastructural improvements, and the provision of basic supplies; and⁴⁵⁰
- The international community should encourage the state and civil society to promote children's human rights by increasing public awareness of the family and child neglect and work collaboratively with the state, non-governmental organizations, and inter-governmental organizations to develop guidelines and a framework on international adoption.⁴⁵¹

The international community should take steps to eradicate harmful traditional practices through public education campaigns and prioritization of the issue by the U.N. Country Team in its planning.⁴⁵²

SECTION IX. RECOMMENDATIONS RELATED TO LIBERIANS RESIDING IN THE UNITED STATES

Protection of Refugees

As a party to the Refugee Convention, the United States has a duty not to return refugees who face persecution in their home countries.⁴⁵³ Under international and federal law, the United States is prohibited from expelling or returning a refugee to the frontiers of territories where he or she would be exposed to persecution.⁴⁵⁴ “Even when the circumstances in the country of origin have undergone a fundamental change, individual refugees may continue to have a well-founded fear of persecution or compelling reasons not to return arising out of previous persecution. [When this has] been determined, the ‘ceased circumstances’ cessation clauses should thus not apply to them.”⁴⁵⁵ Moreover, refugees are entitled to basic human rights and fundamental freedoms. The Advocates recommends that the Government of the United States comply fully with their obligations under domestic and international refugee law as well as international human rights law. The Advocates recommends the following:

Despite changed country conditions in Liberia, the Government of the United States should recognize that compelling reasons may, for certain individuals, support the continuation of refugee status.

- The United States should facilitate ongoing asylum applications and timely refugee status determinations. “Asylum requests of Liberians should be examined thoroughly in fair and effective individual refugee status determination procedures with the necessary procedural safeguards, taking into consideration the individual merits of their asylum claim, based on the criteria in the 1951 Convention... Additionally, in light of the particularly violent nature of the armed conflict in past years, asylum claims of victims of particularly atrocious forms of persecution suffered in the past should be examined taking into account the consequences and effects of such persecution on the victims concerned where the continuing impact of the past persecution could put the individuals at risk of serious harm to their well being if returned.”⁴⁵⁶
- The Government of the United States should consider appropriate arrangements, which would not put into jeopardy their established situation, for those persons who cannot be expected to leave the country of asylum because of a long stay in that country resulting in strong family, social, and economic links there.⁴⁵⁷

Protection of the Family

As a party to the International Covenant on Civil and Political Rights, the United States recognized that “[t]he family is the natural and fundamental group unit of society and is entitled to protection by society and the State.”⁴⁵⁸ The unification of Liberian families is of primary concern, in particular

where lengthy family separation has been the result of U.S. immigration policy. The separation of families was consistently reported as one of the most traumatic outcomes of the Liberian conflict and has resulted in ongoing trauma for many Liberians. The conflict also resulted in the reorganization of many families. For example, statement givers frequently reported assuming responsibility for the children of their siblings who had been killed or gone missing during the war. In this regard, clearly identified needs in the Liberian community include assistance in caring for children when parents are working, assistance in developing discipline methods that comport with child protection laws, and support for families dealing with role reversals in a new culture.

The U.N. Conference of Plenipotentiaries on the Status of Refugees & Stateless Persons has specifically recommended that governments take the necessary measures for the protection of a refugee's family especially with a view to:

- (1) Ensuring that the unity of the refugee's family is maintained particularly in cases where the head of the family has fulfilled the necessary conditions for admission to a particular country,
- (2) The protection of refugees who are minors, in particular unaccompanied children and girls, with special reference to guardianship and adoption.⁴⁵⁹

The Executive Committee of the U.N. High Commissioner for Refugees has recommended that countries of asylum apply liberal criteria in identifying those family members who can be admitted in order to promote a comprehensive reunification of the family.⁴⁶⁰ "When deciding on family reunification, the absence of documentary proof of the formal validity of a marriage or of the filiation of children should not per se be considered as an impediment."⁴⁶¹ The Executive Committee also noted that, in order to promote the rapid integration of refugee families in the country of settlement, close family members should in principle be granted the same legal status and facilities as the head of the family who has been formally recognized as a refugee.⁴⁶² In appropriate cases, family reunification should be facilitated by special measures of assistance to the head of family so that economic and housing difficulties in the country of asylum do not unduly delay the granting of permission for the entry of the family members.⁴⁶³

These principles are important guidelines, and The Advocates for Human Rights recommends that

**Potential Implementation Strategy:
Enact the Child Citizen Protection Act**

Passage of The Child Citizen Protection Act would amend the Immigration and Nationality Act in the case of an alien subject to removal, deportation, or exclusion who is the parent of a U.S. citizen child to authorize an immigration judge to decline to order such removal if the judge determines that such action is against the child's best interests.

the United States Government take the following steps to ensure their effective implementation relative to Liberian refugees:

- The United States Government should eliminate the two-year deadline for filing an I-730 Petition for Refugee/Asylee Relative, to accommodate applications on behalf of the spouses

**Potential Implementation Strategy:
Review of the P-3 Process**

The U.N. High Commissioner for Refugees should establish a dedicated review process for P-3 refugee resettlement to allow for a more accurate assessment of family structure while effectively preventing fraud.⁴⁶⁴

or children of refugees or asylees whom the principle refugee or asylee could not locate because of the conflict. At a minimum, a workable waiver process should be created that permits the consideration of I-730 petitions after the two-year deadline in cases where the petitioner can demonstrate that he or she did not file because he or she could not locate the family members or required documentation of the relationship because of the conflict.

- The United States Government should

amend the statutory definition of a “child” for purposes of U.S. family reunification visas, 8 U.S.C. §1101(b)(1), to reflect the reality of family structures that are altered by conflict and that vary based on cultural patterns, particularly foster or adoptive relationships that are not recognized by civil courts because of the lack of a functioning court system.

- The United States Government should ensure that the current statutory definition of “child” is properly applied, particularly in the refugee resettlement context. Although 8 U.S.C. §1101(b)(1) defines a “child” relatively broadly to include adopted children, step-children, and legitimated children, in practice these children, who may meet the statutory definition of a “child” but who are not biologically related to the rest of the family group traveling, are assumed to be engaging in fraud. The State Department’s reliance on DNA evidence, rather than on the statutory definition of “child,” has resulted in the suspension of the Refugee Family Reunification Program (P-3) for Liberians.

**Potential Implementation Strategy:
Youth Programming**

Programming for newly reunified youth should include family counseling, information about immigration consequences of criminal behavior, and strategies to assist parents in adapting to the U.S. child protection regime. Modeling programs on efforts such as the Immigrant Law Center of Minnesota’s *No Second Chance* curriculum focusing on the immigration consequences to youth of criminal behavior could be an effective strategy.

- The United States Government should immediately review the decision of the State Department’s Bureau of Population, Refugees, and Migration to suspend the Refugee Family Reunification Program for Liberian and other African refugees to ensure that bona fide family members of refugees are not being denied the ability to reunite with their families.

- The United States Government should immediately review the Refugee Family Reunification Program policy which renders entire family groups ineligible for resettlement when one member is found not to have a DNA match to the rest of the group.
- The United States Government should amend the Immigration and Nationality Act to restore discretion to immigration judges when considering the deportation of Liberians who are the parents of U.S. citizen children so as to ensure that Liberians with United States citizen children are not arbitrarily denied the protection of the family unit.
- The United States Government should reform U.S. immigration policies which have resulted in lengthy backlogs for visas based on family relationships to expeditiously reunify family members.
- The United States Government should design and fully fund tailored programming for “newly reunified youth” (those young people who arrive in the United States on family reunification visas after lengthy separations) and their families.
- The United States Government should support and expand training of social service providers, such as educators, police, and courts, on issues related to family reunification for Liberians.

Addressing the Legacy of Temporary Protected Status (TPS)

Because of the extended duration of the Liberian conflict and its aftermath, protection from deportation from the United States was regularly extended from 1990 through 2009 through grants of Temporary Protected Status (TPS) or Deferred Enforced Departure (DED). During this period many Liberians were denied meaningful access to the asylum process due to the U.S. government’s failure to adjudicate their claims in a timely manner.⁴⁶⁵

- The United States Government should enact legislation pending in both the House (H.R. 2258) and Senate (S. 656) that would allow Liberians who are (or should be but for some reason are not) registered under Temporary Protected Status/Deferred Enforced Departure to apply for lawful permanent resident status.
- The United States Government should amend the Immigration and Nationality Act to restore discretion to immigration judges when considering the deportation of Liberians who are the parents of U.S. citizen children. The Child Citizen Protection Act (H.R. 182) would amend the Immigration and Nationality Act in the case of an alien subject to removal, deportation, or exclusion who is the parent of a U.S. citizen child, to authorize an immigration judge to decline to order such removal if the judge determines that removal is against the child’s best interests.
- The United States Government should enact immigration reform that includes legalization for Liberians who have been in the United States for a prolonged period of time under Temporary Protected Status/Deferred Enforced Departure or in undocumented status.

Asylee-Refugee Parity

Liberian refugees and Liberian asylees fled the same brutal civil war and suffered the same human rights violations in Liberia. Although both refugees and asylees must prove they are “refugees” under the statutory definition found at 8 U.S.C. § 1101(a)(42), individuals who arrive in the United States through refugee resettlement are treated differently under the law from those granted asylum while in the United States.

- The United States Government should eliminate the filing fees for adjustment of status to lawful permanent resident for asylees so as to create parity with refugees, who are not subject to a comparable fee.⁴⁶⁶
- The United States Government should amend federal regulations permitting termination of asylum to be consistent with regulations covering refugees. Current U.S. law permits the termination of refugee status only because of subsequently discovered fraud in the application, while asylum may be terminated because of discovery of fraud in the application or because of changes in the country conditions which no longer necessitate protection.⁴⁶⁷
- In consideration of the right of all people to enjoy family life, the United States Government should support a change in International Organization for Migration policy to allow travel loans to be made available to relatives of asylees who are joining them in the United States.

Funding for Refugee Resettlement Services

The refugee resettlement system plays a critical role in assisting newly arrived refugees through initial reception and placement services and longer-term support. Statements and interviews indicate that the refugee resettlement system is a lynchpin in the service delivery network for many Liberian refugees in the United States. Appropriations for the Department of Health and Human Services’ Office of Refugee Resettlement’s resettlement and related services have been chronically under-funded and fall far short of the real need. Recommendations by the Refugee Council USA, provided below, address the details of specific programs and recommendations for funding to sustain this critical service delivery system.

- The United States Government should provide adequate funding to rejuvenate refugee resettlement capacity and strengthen the community hosting model, which traditionally has served as the core of the refugee resettlement system.
- The United States Government should fully fund the Office of Refugee Resettlement’s Transitional and Medical Services program, which provides reimbursement to states for transitional cash and medical assistance to refugees for up to eight months after their arrival in the United States⁴⁶⁸
- The United States Government should fully fund the Office of Refugee Resettlement’s

Matching Grant program, a public/private partnership to help refugees become self-sufficient and avoid the welfare system.

- The United States Government should fully fund the Refugee Social Services and Special Needs Program and the Refugee Cash and Medical Assistance Program as the funds for this line item are currently inadequate.⁴⁶⁹
- The United States Government should increase funding for torture survivor services, which has remained static for more than five years despite continuing increases in demand.⁴⁷⁰

Physical and Mental Health Services

“Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including ... medical care.”⁴⁷¹ Liberians face significant barriers to accessing health services, including lack of insurance coverage, lack of culturally appropriate health services, and unfamiliarity with the U.S. health care delivery system. Many Liberians in the U.S. cannot access medical care because they lack insurance coverage. Federal or state medical assistance may be available, depending on the immigration status of the individual and other eligibility criteria. Refugees and asylees are eligible for refugee health screenings, administered through the Office of Refugee Resettlement, and for federal medical assistance for the first eight months after arrival (or the grant of asylum). Liberians who are on TPS/DED may not qualify for the coverage at all. Survivors of the Liberian conflict must have access to specialized programs for survivors of torture and war trauma that include medical and psychological treatment. Programs that support Liberians’ recovery from trauma benefit not only Liberians themselves, but also the communities in which they settle. Diverse programming is needed, including culturally relevant services and services for child soldiers, former combatants, and others who were held behind rebel lines. Accordingly, The Advocates urges state, federal, and local government entities, as well as community based organizations, to take the following actions to assist Liberians in accessing appropriate and effective mental and physical health care services.

Potential Implementation Strategies: Assistance and Support to Immigrants

In Minnesota, state law allows immigrants who have been accepted at a licensed torture treatment center to apply for and receive state-funded benefits to cover their care. Advocating for comparable legislation in other states with large Liberian populations might be an important strategy to provide services that are in the public interest.

The Center for Victims of Torture in Minnesota has implemented a “New Neighbors/Hidden Scars” project, designed to bring together Liberian and non-Liberian service providers to support the Liberian community in healing from trauma.⁴⁷²

The Extended Support Services for New Asylees program in Minnesota linked new asylees with the state department of health to ensure that they received free health screenings and other social services.⁴⁷³

- The United States Government should expand federal funding for torture treatment under the Torture Victims Relief Act.
- The relevant government authorities should support the development of programs designed specifically to provide services to former combatants and others who were held behind rebel lines. Because torture treatment centers sometimes maintain policies that prohibit them from serving those who participated in fighting, this population is currently underserved.
- The relevant government authorities should support the development of programs to train and deploy Liberian community mental health workers in large diaspora communities. Training curricula should be based on a curriculum designed by specialists in the field.
- The relevant government authorities should increase efforts to support seeking mental health assistance and to decrease the stigma associated with mental health treatment from all sources in the community including peer-to-peer education, clear messaging from leaders, and increasing creativity in providing services so as to increase privacy and anonymity.
- The United States Government should extend Medicaid or other comparable insurance coverage to Liberians to enable them to access appropriate mental health treatment, including prescription medication.
- The relevant government authorities should support the development of pilot programs that specifically address cultural barriers to healthcare access in communities where there are large Liberian populations.
- The United States Government should link access to health services with the refugee and asylum service systems to ensure that care providers are aware of arriving asylees and refugees and can provide them with information about available health services.

Employment Services

Liberians in the diaspora are underemployed. Many with professional qualifications are unable to work in their chosen fields due to lack of recognition of credentials or experience gained abroad.⁴⁷⁴ Liberians with qualifications from U.S.-based institutions may lack the job search and interviewing skills to effectively gain employment. Accordingly, The Advocates urges state, federal, and local government entities, as well as community-based organizations, to take the following actions to assist Liberians in preparing for the U.S. job market and securing employment.

Potential Implementation Strategy: Integration of Foreign-trained Health Professionals

In Minnesota, the African-American Friendship Association for Cooperation & Development in collaboration with the International Institute of Minnesota provides programs to assist African-trained health professionals to integrate into the U.S. health care system.⁴⁷⁵ This program could be evaluated for potential expansion to other professions and other states with large Liberian communities. Moreover, a state pilot program helped support foreign-trained medical professionals as they pursued U.S. credentialing and licensure.

- The relevant government authorities should support and expand current programming that facilitates the integration and licensing of Liberian professionals into careers that match their skills and training.
- Government agencies should ensure that employment services, particularly those funded through the refugee resettlement reception and placement programs, maintain or develop career skills and job readiness programming designed to achieve employment in trades or professions in which the job-seekers have training and experience. Programs should ensure that Liberians can access peer-mentoring in resume review, mock interviewing, basic computer skills, and other skills needed to obtain employment in the United States.
- Employment services programs to serve the Liberian diaspora should be expanded in general, rather than continuing to be limited to arriving refugees and asylees only.

Education

Despite access to free public education in the United States, statement givers, public hearing participants, and others reported that Liberian youth are struggling in the U.S. education system. Although some of these struggles may be related to mental health issues discussed above, many in the community attribute these challenges to interrupted education during the conflict. Accordingly, some Liberian youth are not prepared to enter a U.S. grade level appropriate for their age or are placed into English Language Learner classes. Additionally, many community leaders identified lack of parental involvement in the school system as a barrier to student success. Low literacy skills, especially amongst older Liberian women and young women whose education was interrupted, was also identified by many as a key issue in the diaspora. Accordingly, The Advocates urges state, federal, and local government entities, as well as community based organizations, to take the following actions

Potential Implementation Strategy: Extended High School Enrollment Age

In Minnesota, students can attend high school through age 21.⁴⁷⁶ Other states may wish to implement similar policies to allow students to complete high school outside of the normal age range.

Potential Implementation Strategy: Museums to Facilitate Community Remembering and Dialogue

Museums such as the District Six Museum in South Africa or the Rwanda Genocide Museum are possible mechanisms to facilitate community dialogue.⁴⁷⁷ Local or national governments should consider creating or promoting similar museums and exhibits as a way to build dialogue and educate the public. Such memorials have an impact on not only remembering the past but addressing the future in that they:

- claim public space;
- create physical reminders, conversation starters, or provocative history lessons;
- operate on the level of local culture;
- demand that society remember what happened.⁴⁷⁸

to ensure that Liberians are able to access educational services.

- School systems serving Liberians should reevaluate policies that may place English-speaking Liberian students into English Language Learner (ELL) programs with the goal of creating appropriate educational programs for native speakers of non-American English.
- Establish and/or evaluate the effectiveness of school-community liaison programs to engage Liberian parents in the educational lives of their children so that these programs meet the needs of immigrants who may have low literacy and who often are working multiple jobs.
- Establish and/or evaluate the effectiveness of current literacy education programs for Liberian adults, especially women, to ensure that Liberian women in the diaspora can fully participate in the cultural, social, and political life of their new community.

Community Reconciliation

The Liberian community in the resettled diaspora is in recovery from the trauma and disruption of the war. Political, religious, ethnic, and interpersonal conflicts continue to permeate the community and hamper effective action. In many post-conflict societies, institutions that are tainted by their perceived or actual role in the conflict must be dismantled and reconstituted so as to regain integrity and social trust. Accordingly, the following recommendations to address community cohesion and unity are put forward.

- In consultation with traditional, faith, and political leaders in the Liberian community, a comprehensive community reconciliation needs assessment should be undertaken with the goal of developing a long-term program designed to meet the reconciliation needs of Liberians in the communities where they have resettled.
- Memorializing the sufferings of the past and recognizing their ongoing impact often forms a key part of reconciliation in transitioning societies. The Liberian diaspora community should embark on a broad consultative process to develop memorials to the Liberian diaspora experience. Memorials at the local (statues, building dedication, street renaming, etc.), state (proclamations, days of remembrance, annual cultural events, exhibits in state historical societies, etc.), national (national conferences, film festivals, essay contests, participation in National festivals such as the Festival of American Folklife, establishment of an African diaspora museum, etc.), and international (U.N. resolutions, using electronic media to engage a global audience, etc.) level should be considered.

Diaspora Interaction with Liberian Homeland

Liberians in diaspora expressed a clear desire to play an ongoing part in the rebuilding and reconciliation process in their native land.

- The Government of Liberia should undertake a national consultative process on diaspora involvement in the future of Liberia with the goal of developing a national policy and structure, such as an office of diaspora affairs, for consulting, mobilizing, and partnering with the Liberian diaspora.
- The Government of Liberia should undertake a comprehensive review of Liberia's citizenship regime, in consideration of international human rights standards and a specific focus on the availability of dual citizenship. (See also Recommendations on Non-discrimination)
- The Government of Liberia, the TRC, and the Independent National Human Rights Commission should maintain ongoing consultation with and integration of the Liberian diaspora in transitional justice mechanisms in Liberia, including a review of the TRC's diaspora integration strategy to determine lessons learned and possibilities for application of the model in other contexts.

Potential Implementation Strategy: Low-cost Money Transfers

Given the critical role that remittances play in the Liberian economy, the Government of Liberia may wish to work with international partners to facilitate official low cost money transfer schemes to enable the sending of remittances in the sub-region and internationally. One model is the system used by the Banque de l'Habitat du Senegal to transfer remittances from France to Senegal.⁴⁷⁹

CONCLUSION

The Liberia TRC Diaspora Project was a historic first attempt to systematically engage a diaspora population in all aspects of a post-conflict truth seeking process. Diaspora Liberians played a role in the process at every stage, from membership on an advisory committee, to assisting with outreach, to giving statements, to testifying at public hearings held in the United States. The Liberia TRC Diaspora Project used hundreds of volunteers to take statements and provide other support for its work. Ultimately, more than 600 individual volunteers were trained as statement takers and many more were involved in outreach and support for the U.S. public hearings. The project documented the stories of hundreds of refugees, asylees, and other diaspora Liberians on three continents.

The voices of diaspora communities present an important piece of the post-conflict puzzle in Liberia. For example, many individuals fled Liberia before the conflict and were living in the diaspora. These people held key information about the early years of the TRC mandate, such as the Tolbert administration and 1980 coup d'etat, that could help fill information gaps for the TRC. The experiences of Liberian refugees in Ghana highlight the regional implications of post-conflict transitional justice. Systematic documentation of the experiences of refugees highlighted the breakdowns in the system of international protection for refugees fleeing conflict. In Liberia and elsewhere, refugees must be considered part of the post-conflict transitional justice equation. Documenting their experiences provides important information about human rights violations that take place during flight and in refuge, and offer direction as to what actions must occur in order to secure a stable future in Liberia and the West African sub-region.

As this report demonstrates, many diaspora Liberians outside of the sub-region see themselves as transnationals, living in “a house with two rooms.” Liberians in the United States and the U.K. have deep connections to both their country of origin and their country of residence. They struggle with the legacy of conflict on an individual, family, and community level. While dealing with the ongoing impact of physical and psychological trauma, they struggle to keep families together and endure the bureaucracy of immigration systems. Liberian youth, many of whom have grown up outside of Liberia, face a set of unique challenges in trying to define their identity and navigate between cultures. All the while, at the community level, the Liberian civil crisis drags on as community politics, social gatherings, and the internet become new fields to play out old battles.

Powerful threads run from Liberia, through the refugee settlements in the sub-region, out into the United States and Europe, and back again to Liberia. For the most part, statement givers expressed their strong desire to return to Liberia and, at a minimum, to assist the nation's development from afar. Many described the actions they are taking to do so. The desire to see Liberia thrive again is reflected in diaspora recommendations focusing on development, education, justice, and a new Liberia that provides equal opportunity to all. Equally clear from statements, however, is the view that

Liberia cannot rebuild without assistance.

The international community, and the United States in particular, share responsibility for Liberia's traumatic past and, accordingly, for its future. The mass displacement caused by the international community's failure to stem the bloodshed in Liberia means that nations across the globe have an even greater stake in Liberia's peaceful and prosperous development. Liberians are members of communities in West Africa, the United States, the United Kingdom, and many other countries around the world. Because of improved communications—particularly the internet—what happens in Liberia affects those in diaspora communities more quickly and widely. What happens to an individual has an effect on the whole community, even when that community is thousands of miles from the shores of Liberia.

Apart from being a historic effort to fully engage a diaspora in a truth commission, the Liberia TRC Diaspora Project has been a powerful opportunity for Liberians in Liberia, West Africa, the United States, and the United Kingdom to strengthen and build new networks that will support diaspora communities and Liberia as a whole. It has also been an important opportunity for non-Liberian volunteers to develop ties to their Liberian neighbors. As the TRC process comes to a close, the work to weave these many threaded connections into a more peaceful future is just beginning.

Notes

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- 2 African (Banjul) Charter on Human and Peoples' Rights art. 62, *entered into force* Oct. 21, 1986, 21 I.L.M. 58 [hereinafter African Charter on Human and Peoples' Rights].
- 3 Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa art. 26(1), CAB/LEG/66.6 (Sept. 13, 2000), *entered into force* Nov. 25, 2005 [hereinafter African Women's Rights Protocol].
- 4 African Charter on the Rights and Welfare of the Child art. 43, O.A.U. Doc. CAB/LEG/24.9/49 (1990), *entered into force* Nov. 29, 1999 [hereinafter African Charter on the Rights of the Child].
- 5 African Charter on Democracy, Elections and Governance art. 49(1), 8th ord. sess. (Jan 30, 2007), <http://www.africa-union.org/root/au/Documents/Treaties/treaties.htm>.
- 6 African Union Convention on Preventing and Combating Corruption art. 22(7), 2d ord. sess. (July 11, 2003), <http://www.africa-union.org/root/au/Documents/Treaties/treaties.htm>.
- 7 U.N. Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law ¶ 8, C.H.R. res. 2005/35, U.N. Doc. E/CN.4/2005/L.10/Add.11 (19 April 2005) [U.N. Principles on Right to a Remedy].
- 8 *Id.* ¶ 9.
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- 11 PRISCILLA B. HAYNER, UNSPEAKABLE TRUTHS: FACING THE CHALLENGE OF TRUTH COMMISSIONS 182 (2001).
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- 13 Basic Principles and Guidelines on Reparation, *supra* note 7, art. VIII, ¶ 13.
- 14 *Id.* art. X, ¶ 21.
- 15 *Id.* art. X, ¶ 22(c). *See also* Recommendations related to family tracing and reunification.
- 16 *Id.* art. IX.
- 17 International Covenant on Civil and Political Rights art. 23(1), G.A. Res. 2200A (XXI), U.N. Doc. A/6316 (1966), *entered into force* Mar. 23, 1976, 999 U.N.T.S. 171; African Charter on Human and Peoples' Rights, *supra* note 2, art. 18.
- 18 Protocol Additional to the Geneva Conventions of 12 Aug. 1949, and Relating to the Protection of Victims of International Armed Conflicts (Protocol I), art. 32, 1125 U.N.T.S. 3, *entered into force* Dec. 7, 1978 [hereinafter Additional Protocol I].
- 19 *Id.* art. 74. *See also* *Compilation of General Comments and General Recommendations Adopted by Human Rights Treaty Bodies: Note by the Secretariat*, at 150, U.N. Doc. HRI/GEN/1/Rev.7 (May 12, 2004).
- 20 African Charter on the Rights of the Child, *supra* note 4, Art. 25(2)(b).
- 21 European Council on Refugees and Exiles, Position on Refugee Family Reunification ¶ 33 (2000), <http://www.ecre.org/files/family.pdf>.
- 22 *Id.* ¶ 34.
- 23 *See generally* U.N. HIGH COMM'R FOR REFUGEES (UNHCR), HANDBOOK: VOLUNTARY REPATRIATION: INTERNATIONAL PROTECTION ch. 7.1 (1996) [hereinafter UNHCR REPATRIATION HANDBOOK], <http://www.unhcr.org/publ/PUBL/3bfe68d32.pdf>.
- 24 *National Information Bureau (NIB): 25th International Conference of the Red Cross, Geneva, 23 to 31 October 1986, Resolution 14*, 256 INT'L REV. RED CROSS 340 (1986), <http://www.icrc.org/web/eng/siteeng0.nsf/htmlall/57JMdhpdocument>.
- 25 European Council on Refugees and Exiles, Position on Refugee Family Reunification, *supra* note 21, ¶ 33.
- 26 *See* 22nd Int'l Conference of the Red Cross and Red Crescent, Nov. 8 - Nov. 15, 1973, *Resolution V: The Missing and Dead in Armed Conflicts*.
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- 28 Brookings Institution, *Protecting Internally Displaced Persons: A Manual for Law and Policymakers* 96, Oct. 2008.
- 29 *Id.* at 97.
- 30 *See* http://lib.ohchr.org/HRBodies/UPR/Documents/Session3/CO/UNHCR_COL_UPR

- S3_2008_ UnitedNationsHighCommissionerforRefugees_uprsubmission.pdf.
- 31 See Additional Protocol I, *supra* note 18, art. 33.
- 32 26th Int'l Conference of the Red Cross and Red Crescent, Dec. 3-7, 1995, *Resolution 2: Protection of the Civilian Population in Period of Armed Conflict* art. B(e) [hereinafter ICRC Res. 2], <http://www.icrc.org/Web/eng/siteeng0.nsf/html/57JMRV>.
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- 36 Kathleen Kostelny, *The Problem of Re-Acclimating Child Soldiers into Society Assuming Peacekeeping Is Successful: What About the Girls?*, 37 CORNELL INT'L L.J. 505, 507 (Winter 2004).
- 37 *Id.*; cf. Davidson Jonah, Christian Children's Fund, Programs to Rebuild in Sierra Leone, <http://www.christianchildrensfund.org/content.aspx?id=4113>.
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- 39 Christian Children's Fund, Sierra Leone, <http://www.christianchildrensfund.org/content.aspx?id=244>.
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- 41 Amnesty Int'l, *Sierra Leone: Getting Reparations Right for Survivors of Sexual Violence* 32, ¶ VIII(1)(2), AI Index AFR 51/005/2007, Nov. 1, 2007.
- 42 *Id.* at 31, ¶ VIII(1)(1).
- 43 ICRC Res. 2, *supra* note 32, art. B(c); *see also* Declaration on the Elimination of Violence against Women, *supra* note 33, art. 4(c)-(d).
- 44 Fundación para las Relaciones Internacionales y el Diálogo Exterior (FRIDE), *Justice for Women: Seeking Accountability for Sexual Crimes in Post-Conflict Situations* 9, ¶ 7 (2008); *see also* Amnesty Int'l, *Sierra Leone: Getting Reparations Right for Survivors of Sexual Violence*, *supra* note 41, at 31, ¶ VIII (1)(2).
- 45 SIERRA LEONE TRUTH & RECONCILIATION COMM'N, FINAL REPORT OF THE TRUTH & RECONCILIATION COMMISSION OF SIERRA LEONE VOL. 2 169, ¶ 331 (2004).
- 46 The U.N. Principles for Older Persons states that governments should "incorporate the following principles into their national programmes whenever possible." G.A. Res. 46/91, Annex, U.N. Doc. A/RES/46/91 (Dec. 16, 1991).
- 47 U.N. Committee on Economic, Social and Cultural Rights, *Gen. Comment 6: The Economic, Social and Cultural Rights of Older Persons* ¶19, 13th sess., U.N. Doc. E/1996/22 (1996).
- 48 U.N. Proclamation on Ageing art. 2(a), G.A. Res. 47/5, U.N. Doc. A/RES/47/5 (Oct. 16, 1992).
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- 52 African Women's Rights Protocol, *supra* note 3, art. 22(b).
- 53 *Id.* art. 22(a).
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- 56 Comm. on Economic, Social and Cultural Rights, *Gen. Comment 6*, *supra* note 47, ¶ 34.
- 57 DAVID HUTTON, OLDER PEOPLE IN EMERGENCIES: CONSIDERATIONS FOR ACTION AND POLICY DEVELOPMENT 33-35 (2008).
- 58 U.N. Principles for Older Persons, *supra* note 46, ¶ 11.
- 59 Vienna International Plan of Action on Ageing, *supra* note 50, Recommendation 7.
- 60 Comm. on Economic, Social and Cultural Rights, *Gen. Comment 6*, *supra* note 47, ¶ 37; *see also* U.N. Principles for Older Persons, *supra* note 46, ¶ 4.
- 61 World Health Organization, *Older Persons in Emergencies (draft fact sheet)* 2, Aug. 7, 2009.
- 62 United Nations Programme on Ageing Multi-generational Relationships, http://www.un.org/ageing/iyop_multi.html (last visited June 2, 2009).
- 63 African Charter on the Rights of the Child, *supra* note 4, art. 43.
- 64 Convention on the Rights of the Child arts. 28(1), 31(1), 32, 34, G.A. Res. 44/25, Annex, U.N. Doc. A/44/49 (1989), *entered into force* Sept. 2 1990 . *See also* International Covenant on Economic, Social and Cultural Rights arts. 13(1)-(2), G.A. Res. 2200A (XXI), U.N. Doc. A/6316 (1966), *entered into force* Jan. 3, 1976, 993 U.N.T.S. 3.
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- 66 Convention on the Rights of the Child, *supra* note 64, art. 19(1).
- 67 *Id.* art. 19(2).
- 68 Child Care Act of 1983 (S. Afr.), http://www.acts.co.za/child_care/index.htm.
- 69 *Id.*
- 70 *Id.*
- 71 Convention on the Rights of the Child, *supra* note 64, art. 27(1).
- 72 *Id.* art. 27(3).
- 73 *Id.* art. 24(1). See also International Covenant on Economic, Social and Cultural Rights, *supra* note 64, art. 12(1), (2)(a).
- 74 Convention on the Rights of the Child, *supra* note 64, Art. 24(2)(b). See also in this chapter the recommendations on health care.
- 75 *Id.* art. 20(1)-(2). See also in this chapter the recommendations on orphans.
- 76 *Id.* art. 20(3).
- 77 *Id.* art. 24(3).
- 78 U.N. Children's Fund, Real Lives: Preventing Early Marriage in Niger and Benin, http://www.unicef.org/infobycountry/niger_1420.html.
- 79 Int'l Center for Research on Women, *Rites of Passage: Responses to Female Genital Cutting in the Gambia* (1999), <http://catalog.icrw.org/docs/ribs/BAFROW.pdf>.
- 80 *Id.* at 1-2.
- 81 Convention on the Rights of the Child, *supra* note 64, art. 32(1).
- 82 *Id.* art. 32(2).
- 83 The worst forms of labor include:
- (a) all forms of slavery or practices similar to slavery, such as the sale and trafficking of children, debt bondage and serfdom and forced or compulsory labour, including forced or compulsory recruitment of children for use in armed conflict; (b) the use, procuring or offering of a child for prostitution, for the production of pornography or for pornographic performances; (c) the use, procuring or offering of a child for illicit activities, in particular for the production and trafficking of drugs as defined in the relevant international treaties; (d) work which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or morals of children.
- 84 Int'l Labour Organisation, *The End of Child Labour: Within Reach* 66, Int'l Labour Conference 95th sess. Report I(B), 2006.
- 85 Background of the Sankhu-Palubari Community School, http://www.theadvocatesforhumanrights.org/Background_of_the_Sankhu-Palubari_Community_School.html; The Nepal School Project, http://www.theadvocatesforhumanrights.org/The_Nepal_School_Project.html.
- 86 International Covenant on Economic, Social and Cultural Rights, *supra* note 64, art. 10(3).
- 87 Universal Declaration of Human Rights art. 25(2), G.A.. Res. 217A (III), U.N. Doc A/810 (Dec. 12, 1948).
- 88 Convention on the Rights of the Child, *supra* note 64, Art. 20.
- 89 *Id.* art. 20.
- 90 U.N. Children's Fund, *Principles and Guidelines on Children Associated with Armed Forces or Armed Groups (The Paris Principles)* § 2.1 (2007) [hereinafter Paris Principles], http://www.un.org/children/conflict/_documents/parisprinciples/ParisPrinciples_EN.pdf; Int'l Committee of the Red Cross, Inter-agency Guiding Principles on Unaccompanied and Separated Children, Jan. 2004.
- 91 Inter-agency Guiding Principles on Unaccompanied and Separated Children, *supra* note 90, at 3.
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- 95 See also *id.* ¶ 39.
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- 97 African Charter on the Rights of the Child, *supra* note 4, art. 24(a); Convention on the Rights of the Child, *supra* note 64, art. 21(a).
- 98 African Charter on the Rights of the Child, *supra* note 4, art. 24(c); Convention on the Rights of the Child, *supra* note 64, art. 21(c).
- 99 African Charter on the Rights of the Child, *supra* note 4, art. 24(d); Convention on the Rights of the Child,

- supra* note 64, art. 21(d).
- 100 Paris Principles, *supra* note 90, ¶ 7.77.
- 101 *Id.* ¶ 7.80.
- 102 *Id.* ¶ 7.81.
- 103 *Id.* ¶ 7.81.
- 104 Amnesty Int'l, *Liberia: A Flawed Process Discriminates against Women and Girls* 44-49, AI Index AFR 34/004/2008, Mar. 31, 2008.
- 105 Development Alternatives, Inc., *Assessment of the Situation of Women and Children Combatants in the Liberian Post-Conflict Period and Recommendations for Successful Integration* xiv (2003).
- 106 Amnesty Int'l, *Liberia: A Flawed Process*, *supra* note 104, at 44.
- 107 *Id.*
- 108 *Id.*
- 109 *Id.*
- 110 Paris Principles, *supra* note 90.
- 111 Paris Principles, *supra* note 90; Amnesty Int'l, *Liberia: A Flawed Process*, *supra* note 104, at 44.
- 112 Amnesty Int'l, *Liberia: A Flawed Process*, *supra* note 104, at 45.
- 113 Development Alternatives, Inc., *supra* note 105, at xiv.
- 114 Amnesty Int'l, *Liberia: A Flawed Process*, *supra* note 104, at 45.
- 115 *Id.*
- 116 Development Alternatives, Inc., *supra* note 105, at xiv.
- 117 U.N. Comm'n on Human Rights, Guiding Principles on Internal Displacement, Principle 25(1), U.N. Doc. E/CN.4/1998/53/Add.2 (Feb. 11, 1998).
- 118 U.N. Guiding Principles on Internal Displacement, *supra* note 117, Principles 3, 4(2).
- 119 *Id.* Principle 24; *see also* 26th International Conference of the Red Cross and Red Crescent, Dec. 3-7, 1995, Res. 4, art. A1(c) (Jan. 1, 1996) [hereinafter ICRC Res. 4].
- 120 Brookings Institution, *supra* note 28, at 67.
- 121 Brookings Institution, *supra* note 28, at 68-69.
- 122 U.N. High Comm'r for Human Rights, Sub-Commission on Prevention of Discrimination and Protection of Minorities, Sub-Commission Res. 1998/26 (Aug. 26, 1998): Housing and Property Restitution in the Context of Return of Refugees and Internally Displaced Persons.
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- 126 Brookings Institution, *supra* note 28, at 159.
- 127 *Id.* at 207.
- 128 *Id.*
- 129 Committee on the Rights of the Child, *supra* note 93, ¶ 61.
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- 131 *Id.* Principles 2.1-2.2.
- 132 *Id.* Principle 12.1.
- 133 *Id.* Principle 12.2.
- 134 *Id.* Principle 12.3.
- 135 *Id.* Principle 12.4. Guidelines may address "institutional organization, staff training and caseloads, investigation and complaints procedures, verification of property ownership or other rights of possession, as well as decision-making, enforcement and appeals mechanisms." *Id.*
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- 157 Convention relating to the Status of Refugees art. 33, *entered into force* April 22, 1954, 189 U.N.T.S. 150.
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- 163 Refugee Law of 1992 § 5(e) (1992) (Ghana), <http://www.unhcr.org/cgi-bin/texis/vtx/refworld/rwmain?docid=3ae6b4e51c>.
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- 181 *Id.* at 69.
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- 183 *Id.*
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- 188 See *The 1930 Enquiry Commission to Liberia*, 30 J. ROYAL AFR. SOC’Y 277 (1931).
- 189 J. GUS LIEBENOW, LIBERIA: THE EVOLUTION OF PRIVILEGE 16 (1969).
- 190 Debt bondage is defined as “the status or condition arising from a pledge by a debtor of his personal services or of those of a person under his control as security for a debt, if the value of those services as reasonably assessed is not applied towards the liquidation of the debt or the length and nature of those services are not respectively limited and defined.” Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery art. 1(a), 226 U.N.T.S. 3 (1956).
- 191 Serfdom is defined as “the condition or status of a tenant who is by law, custom or agreement bound to live and labour on land belonging to another person and to render some determinate service to such other person, whether for reward or not, and is not free to change his status.” *Id.* art. 1(b).
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- 196 *Id.* art. 9(3).
- 197 *Id.* art. 9(4).
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- 199 *Id.* art. 10(1).
- 200 *Id.* art. 10(2)(a).
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- 202 *Id.* ¶ 6.
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- 207 U.N. Principles on the Judiciary, *supra* note 206, arts. 2, 4, 7; Principles and Guidelines on the Right to a Fair Trial and Legal Assistance in Africa, *supra* note 206, arts. A(4), D(a).
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- 209 U.N. Principles on the Judiciary, *supra* note 206, art. 11; Principles and Guidelines on the Right to a Fair Trial and Legal Assistance in Africa, *supra* note 206, art. A(4)(a), A(4)(b), A(4)(j).
- 210 U.N. Principles on the Judiciary, *supra* note 206, art. 13; Principles and Guidelines on the Right to a Fair Trial and Legal Assistance in Africa, *supra* note 206, art. A(4)(o).
- 211 U.N. Principles on the Judiciary, *supra* note 206, arts. 18-20; Principles and Guidelines on the Right to a Fair Trial and Legal Assistance in Africa, *supra* note 206, arts. A(4)(q-r).
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- 221 Code of Conduct for Law Enforcement Officials art. 2, G.A. Res. 34/169 (Dec. 17, 1979), http://www.unhchr.ch/html/menu3/b/h_comp42.htm.
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- 224 *Id.* art. 4.
- 225 *Id.* art. 6.
- 226 *Id.* art. 7.
- 227 *See generally* Robben Island Guidelines, *supra* note 175, at 68.
- 228 *See* The Republic of Liberia Ministry of Justice website at <http://www.karlwebdesign.com/moj/lmp-challenges.html>.
- 229 Principles on the Effective Prevention and Investigation of Extra-Legal, Arbitrary and Summary Executions, *supra* note 172.
- 230 The purpose of the manual is to supplement the Principles on the effective prevention and investigation of extra-legal, arbitrary, and summary executions. Preparation of the manual was facilitated

- by the Minnesota Lawyers International Human Rights Committee, now The Advocates for Human Rights. At The Advocates' initiative, an international group of experts in forensic science, lawyers, human rights experts, and others volunteered their time and expertise to assist in the preparation of the draft Principles and to provide appropriate follow-up for their implementation, the contents of which constitute the major part of the manual. The manual is available at <http://www1.umn.edu/humanrts/instree/executioninvestigation-91.html>.
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- 232 *Id.* at Part I(F) ¶ 18-19. *See also* U.N. Principles on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, G.A. Res. 55/89 (Dec. 4, 2000), <http://www2.ohchr.org/english/law/investigation.htm>.
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- 234 *See* UNMIL, Corrections Advisory Unit, <http://unmil.org/1content.asp?ccat=corrections&zdoc=1> (last visited June 13, 2009).
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- 236 *Id.* at 12-13.
- 237 Kadoma Declaration on Community Service Orders in Africa ¶¶ 1, 4, *supra* note 216, at 20.
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- 258 An Act to Establish the Truth and Reconciliation Commission of Liberia, art. VII, § 26(d) (enacted by the National Transitional Legislative Assembly, May 12, 2005), <https://www.trcofliberia.org/about/trc-mandate>.
- 259 *See id.* art. X § 44.
- 260 U.N. Updated Set of Principles for the Protection and Promotion of Human Rights through Action to Combat Impunity, Principle 19, U.N. Doc. E/

- CN.4/2005/102/Add.1 (Feb. 8, 2005) [hereinafter U.N. Principles to Combat Impunity].
- 261 *Id.*
- 262 Although Liberian domestic law provides for prosecution of a wide array of crimes applicable in the context of the conflict, prosecutors must be prepared to deal with statutes of limitations defenses, which for a non-capital felony is five years. Liberia has not ratified the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity.
- 263 *See* U.N. HIGH COMM’R FOR HUMAN RIGHTS, RULE-OF-LAW TOOLS FOR POST-CONFLICT STATES: PROSECUTION INITIATIVES 17-19 (2006) [hereinafter RULE-OF-LAW TOOLS: PROSECUTION].
- 264 *Id.* at 19-20.
- 265 *See id.* at 11-17.
- 266 *See id.* at 34-35.
- 267 *Id.* at 25-27.
- 268 *Paris Principles*, *supra* note 90, ¶ 7.6.1.
- 269 *Id.* ¶ 8.8.
- 270 *Id.* ¶ 8.7.
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- 272 *See* RULE-OF-LAW TOOLS: PROSECUTION, *supra* note 263, at 14-15.
- 273 U.N. Principles to Combat Impunity, *supra* note 260, Principle 25.
- 274 Rome Statute of the International Criminal Court arts. 11(2), 12(3), *entered into force* July 1, 2002, 2187 U.N.T.S. 90.
- 275 The Rome Statute places temporal limits on the court’s jurisdiction. It may only consider criminal conduct occurring *after* the states to which the case applies have ratified the Statute (Sept. 22, 2004 for Liberia). *Id.* art. 11(2).
- 276 “The Court has jurisdiction only with respect to crimes committed after entry into force of this Statute.” *Id.* art. 11(1).
- 277 The ECOWAS Community Court of Justice has jurisdiction to address breaches of human rights occurring in any Member State. Supplementary Protocol A/SP.1/01/05 Amending the Preamble and Articles 1, 2, 9, 22 and 30 of Protocol A/P.1/7/91 Relating to the Community Court of Justice and article 4 Paragraph 1 of the English Version of the Said Protocol, at art. 3, Jan. 19, 2004. Until recently, jurisdiction of the court was limited to disputes between Member States concerning issues such as interpretation of the ECOWAS treaty and cases brought by Member States on behalf of their own nationals against other Member States or ECOWAS institutions. William Onzivu, *Globalism, Regionalism, or Both: Health Policy and Regional Economic Integration in Developing Countries, an Evolution of a Legal Regime?* 15 MINN. J. INT’L L. 111, 168 (2006) (citing ECOWAS Court Protocol, ECOWAS Doc. A/P.1/7/91 (Jan. 7, 1991)). The 2004 Supplementary Protocol, however, added a new provision that grants access to the court to individuals seeking relief for human rights violations, providing the issue is not under adjudication by another international court. Supplementary Protocol A/SP.1/01/05 Amending the Preamble and Articles 1, 2, 9, 22 and 30 of Protocol A/P.1/7/91 Relating to the Community Court of Justice and article 4 Paragraph 1 of the English Version of the Said Protocol, at art. 4, Jan. 19, 2004. In addition, the new Article 10 grants access to “individuals and corporate bodies in proceedings for the determination of an act or inaction of a Community official which violates the rights of the individuals or corporate bodies.” *Id.* art. 4. At the time of publication, the ECOWAS Community Court of Justice website was not available, and it was impossible to verify whether the Supplementary Protocol has received the requisite nine ratifications to enter into force. *See id.* art. 11.
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- 283 Rome Statute, *supra* note 274, art. 121(1); *see also* art. 123(1) calling for a review conference relative to the status of the ICC on July 1, 2009. *Id.*
- 284 *See* Revised ECOWAS Treaty art. 90, July 24, 1993, <http://www.comm.ecowas.int/sec/index.php?id=treaty&lang=en>.
- 285 An Act to Establish the Truth and Reconciliation Commission of Liberia, § 26(g) (enacted by the National Transitional Legislative Assembly, May 12, 2005), <https://www.trcofiberia.org/about/trc-mandate>.
- 286 U.N. Principles to Combat Impunity, *supra* note 260,

- Principle 24(b).
- 287 *Id.* Principle 36(a).
- 288 *Id.*
- 289 RULE-OF-LAW TOOLS: PROSECUTION, *supra* note 263, at 10.
- 290 *Id.* at 25-26.
- 291 U.N. Principles to Combat Impunity, *supra* note 260, Principle 19.
- 292 *See* U.N. Convention against Corruption, G.A. Res. 58/4, U.N. Doc. A/RES/58/4 (Oct. 31, 2003).
- 293 African Union Convention on Preventing and Combating Corruption, (July 11, 2003) *entered into force* Aug. 2006, http://www.africa-union.org/Official_documents/Treaties_%20Conventions_%20Protocols/Convention%20on%20Combating%20Corruption.pdf. Liberia ratified the AUCPCC in June 2007. *List of Countries Which Have Signed, Ratified/ Acceded to the A.U. African Convention on Preventing and Combating Corruption 2*, Apr. 13, 2009, <http://www.africa-union.org/root/au/Documents/Treaties/List/African%20Convention%20on%20Combating%20Corruption.pdf>
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- 299 Transparency Int'l, *supra* note 296, at xxv-xxvii.
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- 304 Gen. Conference of the Int'l Labour Organisation, Convention concerning Basic Aims and Standards of Social Policy art. 1 (June 22, 1962), *entered into force* Apr. 23, 1964, <http://www.ilo.org/ilolex/cgi-lex/convde.pl?C117>.
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- 307 International Covenant on Economic, Social and Cultural Rights, *supra* note 64, art. 12(1).
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- 315 *See, e.g.*, Convention on the Rights of the Child, *supra* note 64, art. 28.
- 316 International Covenant on Economic, Social and Cultural Rights, *supra* note 64, art. 13(1).
- 317 Rep. of Liber. Ministry of Education, *Liberian Primary Education Recovery Program 7* (March 30, 2007), http://www.poledakar.org/IMG/Liberia_EFA-FTEI.pdf.
- 318 Raja Bentaouet Kattan & Nicholas Burnett, The World Bank, *User Fees in Primary Education 4* (2004). The World Bank notes four alternative sources of revenue:
1. "Countries may increase expenditure on education by switching spending from other sectors or by increasing revenues.
 2. Improving the efficiency of education spending, particularly the balance between different educational levels and the balance between salaries and other expenditures. Expenditure shifts do take time, however, and must be well prepared politically, sometimes being as difficult to implement as the introduction or augmentation of fees.
 3. Using HIPC debt relief funds on a temporary basis to close the financing gap in many heavily indebted countries over the next few years.
 4. Using funds from the FTEI Catalytic

- Fund on a temporary basis represents an extraordinary opportunity to provide temporary financing to FTI countries working towards the elimination of fees." *Id.* at 5.
- 319 Convention on the Rights of the Child, *supra* note 64, art. 2(1); Convention against Discrimination in Education art. 3, *entered into force* May 22, 1962, 429 U.N.T.S. 93.
- 320 Convention on the Elimination of All Forms of Discrimination against Women art. 10(f), G.A. Res. 34/180, U.N. Doc. A/34/46, *entered into force* Sept. 3, 1981. Other measures the government should take, as outlined in article 12 of the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa, *supra* note 3, include:
- The elimination of stereotypes perpetuating discrimination against women and girls in educational curricula, and the incorporation of human rights and gender issues into curricula and teacher training;
 - Protection against sexual harassment in the educational setting, including providing sanctions against the perpetrators of such practices and rehabilitation services to victims;
 - Promotion of literacy, education and training for women at all levels and in all disciplines.
- 321 See e.g., Women's Commission for Refugee Women and Children, *Help Us Help Ourselves: Education in the Conflict to Post-Conflict Transition in Liberia* 16-17 (2006).
- 322 CAREN GOWAN ET AL., U.N. MILLENNIUM PROJECT, TAKING ACTION: ACHIEVING GENDER EQUALITY AND EMPOWERING WOMEN 49 (2008)).
- 323 See Canadian International Development Agency, Equality between Women and Men, <http://www.cida.gc.ca/equality> (last visited June 15, 2009).
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- 327 *Id.* art. 141(2).
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- 331 *Id.* art. 111-12. It should be noted that the Liberian government has set a goal of constructing 105 teacher houses in its Poverty Reduction Strategy.
- 332 ILO/UNESCO Recommendation concerning the Status of Teachers, *supra* note 325, art. 12.
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- 334 *Id.* art. 19-30.
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- 336 U.N. Educational, Scientific, and Cultural Organization, Convention on Technical and Vocational Education art. 2(1), *entered into force* August 29, 1991. Liberia has not yet ratified the Convention on Technical and Vocational Education.
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- 338 *Id.* ¶ 12 (citations omitted).
- 339 Janine Barden-O'Fallon et al., U.S. Agency for Int'l Development, MEASURE Evaluation, Prodim, *Impact of Oportunidades on Contraceptive Methods Use in Adolescent and Young Adult Women Living in Rural Areas, 1997-2000* (Oct. 2008).
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Appendix A



Commissioners of the Liberia TRC

Councillor Jerome J. Verdier, Sr., Chair

Councillor Jerome J. Verdier, Sr. is a practicing attorney, credited for rendering pro bono legal services to indigents, civil society activists and journalists, while also leading civil society adversarial legal teams in several successful lawsuits against the government of Liberia. He holds a Bachelors of Business Administration (BBA) from the University of Liberia and a Bachelors of Laws Degree (LLB) from the Louis Arthur Grimes School of Law. Apart from working in the private and public sectors as a senior accountant, comptroller, and executive director, he has been instrumental in strengthening civil society advocacy. Cllr. Verdier served as executive director of Liberia Democracy Watch (LDW), as chairman of the board of directors of The National Human Rights Center of Liberia (NHRCL), as board chairperson of the Foundation For International Dignity (FIND), as senior staff attorney for the Association of Environmental Lawyers (Green Advocates), and as the first research and program officer of the Catholic Justice & Peace Commission (JPC).

Dede Dolopei, Vice Chair

Dede Dolopei is an administrator, manager, social worker and peace activist. She is a graduate of the University of Liberia, holding a Bachelors of Business Administration (BBA) in accounting. She served as a member of the board of directors for NAWOCOL and the Christian Foundation for Children and the Aging. Commissioner Dolopei has been instrumental to the promotion and protection of women rights in Liberia. She is well known for her efforts and expertise in peace building, conflict resolution, and psychosocial counseling.

Oumu K. Syllah, Treasurer

Oumu K. Syllah is a registered nurse, HIV/AIDS counselor, and social worker. She holds a Bachelor of Science degree in nursing from Cuttington University College, Bong County, Liberia, and a certificate in nursing as a state registered nurse (SRN) from the National School of Nursing in Freetown, Sierra Leone. Commissioner Syllah has worked as a professional nurse and social worker at Cannaught Hospital in Freetown and St. Joseph Catholic Hospital in Monrovia. She has also acted as a trainer/facilitator and participant in numerous workshops in the field of social work.

Sheikh Kafumba F. Konneh, Member

Sheikh Kafumba F. Konneh is a leader in the Liberian Muslim community who has a long record of conflict resolution and peace building efforts. In addition to his theological (Al-Islamic) achievement, Commissioner Konneh studied secular law through apprenticeship. He held several positions in the Liberian civil service, including Justice of the Peace, Associate Stipendiary Magistrate, and County Commissioner. He has also served as Secretary General and Managing Director of the Liberian Muslim Union, as well as Secretary General and National Chairman of the National Muslim Council of Liberia. Commissioner Konneh was born in Nimba County.

Councillor Pearl Brown Bull, Member

Councillor Pearl Brown Bull has been a lawyer and Liberian politician since the late 1970s. She has a

Bachelor of Arts in political science from the University of Liberia and a law degree from Quinnipiac University, USA. Cllr. Bull also served as a professor of Management & Supervision in Law Enforcement and Criminal Evidence at Shaw University, USA. In the public sector, Cllr. Bull served as a member of the Interim Legislative Assembly, the Constitutional Advisory Assembly, the Public Procurement and Concession Commission, the Panel of Experts for the Selection of Commissioners of the Independent National Human Rights Commission of Liberia, and as Vice President of the International Federation of Women Lawyers.

Reverend Gerald B. Coleman, Member

Rev. Coleman is an electrical engineer and project manager by training, having completed a masters degree in electrical engineering (M.S.E.E.) and post graduate studies at Northeastern University, USA. Rev. Coleman is the Spiritual Elder and founding national missionary of the Unification Movement of Liberia and has worked with the mission for over 25 years. In 1996, he was commissioned Ambassador and Special Envoy of the Government of Liberia to the Far East. During this period, he worked for the peaceful transition to civilian government by facilitating several peace-building, scholarship, cultural exchange, and food-aid programs between Asia and Liberia. In 2000, Rev. Coleman helped launch the Inter-Religious & International Federation for World Peace of Liberia (IIFWP-Liberia). The National Transitional Legislative Assembly asked Rev. Coleman to help facilitate the establishment of the current TRC, a process which culminated in the final passage of the TRC Act of Liberia in June 2005.

John H. T. Stewart, Member

John H. T. Stewart is a Liberian journalist and activist in Liberia. He was educated at the University of Liberia and has held numerous positions including local consultant for the Media Foundation for West Africa, reporter for Channel Africa, regional coordinator for the Catholic Justice and Peace Commission, information assistant for the United Nations Population Fund (UNFPA), and National Assistant Field Security Advisor to the United Nations Development Program. Commissioner Stewart's advocacy efforts include work with the Citizens of Liberia Against Gambling (COLAG), Citizens of Liberia in Defense of Albert Porte (COLIDAP), and the Movement for Justice in Africa (MOJA). He has been an advocate for the past 30 years and has suffered imprisonment as well as physical and mental torture as a result of his efforts. As a journalist, he served as associate editor of the New Democrat Weekly and presenter of the Radio Veritas Topical Issues program.

Massa A. Washington, Member

Massa A. Washington is a journalist with more than 20 years of experience. She holds a B.A. in mass communication from the University of Liberia and took a leave from graduate studies at Temple University School of Social Administration and Management, USA, to take up her post as a commissioner. Her past positions include Public Relations Officer of the Liberian National Red Cross Society, Senior Reporter for the New Liberian Newspaper, and News Editor for the Independent Inquirer. Commissioner Washington covered the Liberian crises extensively, reporting in a column in the

Inquirer dedicated to Liberian women. She is a women's rights and civil society activist and is a member of the Liberian Women Initiative (LWI) which has been at the vanguard of peace advocacy in Liberia. She has represented the women of Liberia at peace conferences including the Accra Clarification Conferences and the Abuja Conference. Commissioner Washington has worked with Liberians in the diaspora, serving as Chairman of the Association of Liberian Journalists in the Americas (ALJA), Delaware Valley Chapter, and co-owned and published the Iwina Heritage Newspaper targeting the African immigrant community in the United States.

Bishop Arthur F. Kulah, Member

Bishop Arthur F. Kulah is a well-known Methodist prelate who traveled throughout Liberia during the civil war, spreading hope to the people. He holds many degrees in theology and other disciplines from Cuttington University College, Bong County, Liberia; St. Paul Theology Seminary, Kansas City, MO, United States of America; and Wesley Theological Seminary, Washington, DC, USA. Commissioner Kulah began serving as pastor of the United Methodist Church in Liberia in 1980, and held numerous prominent positions until his retirement in 2000, including Resident Bishop of the Liberia Annual Conference/United Methodist Church. As an educator, administrator and author, Bishop Kulah has served as Dean of the Gbarnga School of Theology, and Dean and Principal of the Theological College and Church Training Center in Freetown, Sierra Leone. He has written several books and articles including *Liberia will Rise Again* and *Theological Education in Liberia: Problems and Opportunities*. In June 1990, Bishop Kulah and others organized a sixty thousand person peace march that initiated the creation of an interfaith committee and helped build a foundation for the 2003 peace process in Liberia. *Bishop Kulah resigned his position on the Liberian TRC in March 2008, to become the Interim Bishop of the United Methodist Church of Nigeria.

Appendix B



International Law and Liberia's International Legal Obligations

I. Introduction

International human rights and humanitarian law developed largely in response to monumental human tragedies in the modern era. International humanitarian law (IHL) is older than human rights law and traces its roots to the middle of the nineteenth century. IHL, commonly called the “law of war,” applies in specifically defined instances of international and internal armed conflict. IHL regulates the conduct of hostilities and aims to protect victims of war (e.g., civilians, wounded and sick, prisoners, displaced persons, etc.) and prevent excessive human suffering and material destruction.

International human rights law (IHRL), which developed primarily after the Second World War, generally provides broader protection than IHL. IHRL protects a number of individual rights, including freedom of movement, liberty and security, freedom of association, and freedom of speech. Under IHRL, however, certain human rights may be suspended in limited circumstances, such as in times of public emergency that threaten the life of the nation, but only to the extent required by the exigencies of the situation. Still, not all human rights may be suspended, and, importantly, IHL and IHRL apply simultaneously to limit the suspension of an individual’s right to exercise his or her basic human rights. Together, IHL and IHRL establish an essential set of human rights that cannot be suspended under any circumstances. These core protections include the right to life, the prohibition of slavery and servitude, the prohibition of torture and inhumane treatment, and the prohibition of any retroactive application of the law.

The core IHL and IHRL protections apply in Liberia. In fact, Liberia has joined most of the treaties and conventions that comprise the foundations of IHRL and IHL, either through ratification or accession, or by signature only. Liberia did not ratify many of these conventions, however, until after the exile of Charles Taylor in 2003. For example, Liberia signed the International Covenants on Civil and Political Rights and Economic, Social and Cultural Rights in 1967, but did not ratify those instruments until 2004. Likewise, Liberia joined the Convention Against Torture and Other Cruel, Inhuman or Degrading Punishment or Treatment in 2004, after having taken no action on it for twenty years, and did not sign the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict until 2004.

This section will discuss the sources of international law, the major instruments of IHRL, including universal and regional instruments, and the major instruments of IHL.

II. Sources of International Law

Article 38 of the Statute of the International Court of Justice (ICJ) is generally regarded as a complete statement of the sources of public international law.¹ Article 38 defines four primary sources of public international law:²

1. international conventions, whether general or particular, establishing rules expressly recognized by the contesting states;
2. international custom, as evidence of a general practice accepted as law;
3. the general principles of law recognized by civilized nations;
4. subject to the provisions of Article 59 [decisions of the Court have no binding force except between the parties and in respect of that particular case], judicial decisions and the teachings of the most highly qualified publicists of the various nations, as subsidiary means for the determination of rules of law.³

1. International treaties, such as conventions, covenants,⁴ protocols,⁵ or pacts, are an important source of international law. A treaty is generally a legally binding, written agreement concluded between states or between the United Nations and a state.⁶ At the international level, a state establishes its consent to be bound through ratification,⁷ acceptance or approval,⁸ or accession.⁹ Law-making treaties establish general norms for the future conduct of the parties, and the obligations are basically the same for all parties.¹⁰ States may sign treaties; however, until the treaty is ratified, accepted, approved, or acceded to by domestic legislation, a state's signature serves only as an expression of the state's intent to refrain from acts that would defeat the object and purpose of the treaty.¹¹ Once a human rights treaty has entered into force, states have an obligation to strictly perform their treaty obligations in good faith.¹² Examples of influential treaties in the human rights area include the International Convention on Civil and Political Rights and the International Convention on Economic, Social, and Cultural Rights.¹³

2. Customary international law is derived from the actual conduct of states. The existence of a custom is shown by two factors: (1) "settled practice," and (2) "*opinio juris*."¹⁴ Settled practice may be established even after relatively little time has passed so long as state practice is "both extensive and virtually uniform in the sense of the provision invoked."¹⁵ *Opinio juris* may be established by "evidence of a belief that [a certain] practice is rendered obligatory by the existence of a rule of law requiring it."¹⁶ "It is thus beyond doubt that basic human rights obligations form part of customary international law. . . . [T]he [ICJ] has expressly mentioned the crimes of genocide and aggression, as well as the prohibition of racial discrimination, slavery, arbitrary detention and physical hardship as forming part of a universally binding corpus of law, [but] it has not limited the scope of [customary international] law to these elements."¹⁷

3. General principles of law are legal propositions so fundamental to human existence that they can be found in all major legal systems world-wide.¹⁸ For example, if there is evidence that domestically states adhere to a legal principle providing for a right or that is essential to the protection of a right, this illustrates the existence of a legally binding principle under IHRL.¹⁹

4. Judicial decisions and the teachings of the most highly qualified publicists may also constitute binding public international law. In the IHRL area, a wealth of international caselaw now exists, and it must be regarded as authoritative evidence of the state of IHRL law.²⁰ Domestic judicial decisions may also be used as evidence of binding IHRL.²¹ The writings of international legal commentators and scholars may also inform IHRL, but “it is advisable to exercise considerable care before relying on legal articles and principles and comments adopted by private bodies outside the framework of the officially established treaty organs.”²²

III. Major Instruments of International Human Rights Law

Effective protection of human rights promotes peace and stability at the national level and is an essential precondition for peace and justice at the international level. Protecting human rights at the domestic level and providing a framework within which domestic conflicts can be resolved peacefully eases social tensions before they can create a threat to international peace and security.

A. United Nations Charter

IHRL as we know it today began in 1945 with the Charter of the United Nations. The preamble to the United Nations Charter “reaffirm[ed] faith in fundamental human rights, in the dignity and worth of the human person, [and] in the equal rights of men and women and of nations large and small,” and it established the United Nations’ goal “to promote social progress and better standards of life in larger freedom.”²³ To this end, one of the four main purposes of the United Nations is to “achieve international co-operation in solving international problems of an economic, social, cultural, or humanitarian character, and in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion.”²⁴

Articles 56 and 55(c) of the Charter require Member States “to take joint and separate action in co-operation with the Organization for the achievement of . . . universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion.”²⁵ Although this language is generally regarded as vague, the obligation imposed by Article 56 “provided the United Nations with the requisite legal authority to embark on what became a massive lawmaking effort to define and codify [IHRL].”²⁶ The centerpiece of this effort was the 1948 Universal Declaration of Human Rights. Then, in 1966, two international covenants on human rights were adopted. “These two treaties, together with the human rights provisions of the [United Nations] Charter and the Universal Declaration [of Human Rights], constitute the International

Bill of Rights.”²⁷ In turn, this International Bill of Rights represents a codification of international norms of conduct into a statutory treaty system designed to protect human rights.

B. International Bill of Rights

i. Universal Declaration of Human Rights

On December 10, 1948, the United Nations General Assembly adopted the Universal Declaration of Human Rights (UDHR) to give meaning to the “human rights and fundamental freedoms” protected in the United Nations Charter.²⁸ The UDHR “recognizes civil, cultural, economic, political[,] and social rights, and, although it is not a legally binding document per se . . . the principles contained therein are now considered to be legally binding on States either as customary international law, general principles of law, or as fundamental principles of humanity.”²⁹ Indeed, on the twentieth anniversary of its adoption, the U.N. General Assembly declared that the UDHR “states a common understanding of the peoples of the world concerning the inalienable and inviolable rights of all members of the human family and constitutes an obligation for the members of the international community.”³⁰ Moreover, all significant human rights treaties adopted after 1948 recognize the UDHR in their preambles. The ICJ also has recognized that the UDHR is a part of customary international law.³¹ Thus, it may be argued that the UDHR is binding on a state even if the state has made no effort to adopt its provisions.

The UDHR applies without regard to race, color, sex, religion, or national origin and secures the right to life, liberty, and security of person.³² It prohibits slavery or servitude; torture or cruel, inhuman, or degrading treatment or punishment; discrimination based on race, color, sex, or religion; arbitrary arrest, detention, or exile; *ex post facto* laws; interference with travel; and arbitrary deprivation of property.³³ It also protects the right to recognition before the law; to an effective remedy by competent national tribunals for acts violating fundamental rights; to a fair and public hearing by an independent and impartial tribunal and a presumption of innocence for persons accused of a crime; to seek asylum; to a nationality; to marry; to freedom of religion; to freedom of thought and expression; to freedom of association; to equally participate in government; to social security; to work; to an adequate standard of living; and to an education.³⁴

The UDHR provides “that human rights should be protected by the rule of law.”³⁵ Thus, the UDHR envisions an international legal system in which domestic legal systems directly provide for the protection of a person’s human rights. The UDHR does not specifically recognize a state’s right to derogate from (i.e., suspend) their obligations under the UDHR but allows only “such limitations as are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society.”³⁶

From an ethical perspective, the rights provided in the UDHR and further developed in other human rights treaties spring not from positive law but rather are a component of “the inherent dignity and . . . the equal and inalienable rights of all members of the human family.”³⁷ The American Convention on Human Rights also expressly recognizes “that the essential rights of man are not derived from one’s being a national of a certain state, but are based upon attributes of the human personality.”³⁸ The African Charter on Human and Peoples’ Rights recognizes “that fundamental human rights stem from the attitudes of human beings, which justifies their international protection.”³⁹ In this respect, states must provide human rights to all individuals within their jurisdiction, and these rights cannot be suspended even in emergency situations. For example, the Inter-American Court of Human Rights found that the rights provided under the American Convention on Human Rights cannot be suspended even in emergency situations because they are “inherent to man.”⁴⁰

ii. International Covenant on Economic, Social and Cultural Rights

The International Convention on Economic, Social and Cultural Rights (ICESCR) was adopted by the U.N. General Assembly in 1966 and entered into force in January 1976.⁴¹ As of June 11, 2009, 160 states are party to the ICESCR.⁴² The U.N. Economic and Social Council (ECOSOC) is formally entrusted under the ICESCR with the task of monitoring compliance by state parties but since 1987 this task has been carried out by the Committee on Economic, Social and Cultural Rights.⁴³

The ICESCR addresses a state’s obligation to provide certain economic, social, and cultural rights to its citizens. Each State Party to the ICESCR “undertakes to take steps, individually and through international assistance and co-operation, especially economic and technical, to the maximum of its available resources, with a view to achieving progressively the full realization of the rights recognized in the present Covenant by all appropriate means, including particularly the adoption of legislative measures.”⁴⁴ The ICESCR also provides that state parties agree “to guarantee that the rights enunciated in the . . . Covenant will be exercised without discrimination of any kind as to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.”⁴⁵

The ICESCR guarantees, *inter alia*, the following rights:

- the equal right of both women and men to the enjoyment of all rights set forth in the convention;
- to work in just and favorable conditions;
- to form trade unions;
- to social security and social insurance;
- to marriage;
- to an adequate standard of living;

- to the highest attainable standard of physical and mental health;
- to an education and the enjoyment of the benefits of cultural freedom and scientific progress; and
- recognition of protection and assistance to the family, in particular mothers, children, and young persons.⁴⁶

The ICESCR contains a general limitation in article 4: recognizing “that, in the enjoyment of those rights provided by the State in conformity with the present Covenant, the State may subject such rights only to such limitations as are determined by law only in so far as this may be compatible with the nature of these rights and solely for the purpose of promoting the general welfare in a democratic society.” Satisfying the general limitation is a difficult task. Otherwise, the only specific derogation allowed is provided in article 8(1)(a), (c) with respect to trade unions and allows for limitations on this right as prescribed by law “which are necessary in a democratic society in the interests of national security or public order or for the protection of the rights and freedoms of others.”⁴⁷ Liberia ratified the ICESCR on September 22, 2004.

iii. International Covenant on Civil and Political Rights

The International Covenant on Civil and Political Rights (ICCPR) went into effect on March 23, 1976, and as of June 11, 2009, 164 states have ratified or acceded to the ICCPR.⁴⁸ The Human Rights Committee monitors the implementation of the ICCPR.⁴⁹

The ICCPR addresses the state’s responsibility for administering justice and maintaining the rule of law. The ICCPR is not “confined to the respect of human rights, but . . . States Parties have also undertaken to ensure the enjoyment of these rights to all individuals under their jurisdiction.”⁵⁰ States Parties have a legal duty to ensure that (1) domestic laws are modified where necessary in order to comply with the state’s international obligations, and (2) domestic laws are effectively implemented in practice by all public organs and officials, such as courts, prosecutors, police officers, prison officials, schools, the military, and hospitals.⁵¹

The ICCPR guarantees the following rights:

- to life;
- to freedom from torture or cruel, inhuman, or degrading treatment or punishment;
- to freedom from slavery, servitude, or forced labor;
- to liberty and security of the person;
- to liberty of movement and freedom to choose one’s residence;
- to a fair hearing before an impartial tribunal;
- to freedom from *ex post facto* laws;
- to recognition as a person before the law;
- to freedom of thought and expression;

- to peaceful assembly;
- to association;
- to marriage;
- to participate in government; and
- to a nationality.⁵²

The ICCPR also prohibits, among other things, war propaganda and advocacy of national, racial, or religious hatred constituting incitement to discrimination, hostility, or violence.⁵³

The ICCPR has two Optional Protocols.⁵⁴ The first establishes the procedure for dealing with communications (i.e., complaints) from individuals claiming to be victims of the violation of any right set out in the ICCPR.⁵⁵ The second abolishes the death penalty.⁵⁶

Unlike the UDHR and the ICESCR, the ICCPR authorizes a state to suspend the enjoyment of certain rights in times of an officially declared public emergency that threatens the life of the nation.⁵⁷ Such limitations are permitted only to the extent that they are prescribed by law and strictly necessary under the circumstances.⁵⁸ Furthermore, any suspension must be consistent with the state's other international legal obligations and cannot be for the purpose of discriminating on the basis of race, color, sex, language, religion, or social origin.⁵⁹ Derogations also must be reported to the United Nations.⁶⁰ Some provisions, however may never be suspended, such as the rights to life, freedom from torture, slavery, *ex post facto* laws, recognition as a person before the law, and freedom of thought and religion.⁶¹ The right to access the courts may not be suspended to the extent that a judicial system is required to enforce and protect these rights. For example, article 2(3) requires Member States:

- (a) To ensure that any person whose rights or freedoms as herein recognized are violated shall have an effective remedy, notwithstanding that the violation has been committed by persons acting in an official capacity;
- (b) To ensure that any person claiming such a remedy shall have his right thereto determined by competent judicial, administrative or legislative authorities, or by any other competent authority provided for by the legal system of the State, and to develop the possibilities of judicial remedy;
- (c) To ensure that the competent authorities shall enforce such remedies when granted.⁶²

The rights provided in these universal international instruments must be enforced by domestic legislation. It therefore follows that, before a state, or in certain circumstances an individual, may enforce human rights instruments at the international level, all domestic enforcement avenues must be exhausted unless they are unavailable or ineffective. Liberia ratified the ICCPR on September 24, 2004.

iv. Specific Application of International Bill of Rights to Police and Law Enforcement, Judicial, and Legislative Branches

Generally, international human rights instruments apply to all public authorities, including the judicial and legislative branches and police and law enforcement, by their own terms. In other words, the right to be free from arbitrary arrest and detention provided in the UDHR applies with equal weight to the branches of the national and local governments and to the individual police officers working within a state. The United Nations High Commissioner on Human Rights has produced a pocket book for police describing the application of international human rights to police and law enforcement officers specifically.⁶³ Furthermore, the United Nations High Commissioner for Human Rights also has produced a background guide for judges, prosecutors, and lawyers, detailing the application of IHRL to the coordinate branches of a national government and police and law enforcement.⁶⁴

The concept of state responsibility under international law is expansive, and it is generally recognized that human rights law applies even to “private” conduct. Specifically, states are not only obligated to refrain from committing human rights violations themselves, but may also be responsible for failing to exercise due diligence toward otherwise “private” acts when they fail to fulfill their duty to prevent, investigate, or punish such acts.⁶⁵

C. Other Major Universal International Human Rights Instruments

In addition to the UDHR, ICESCR, and ICCPR, several other major universal international human rights instruments are especially relevant.

i. The Convention on the Prevention and Punishment of the Crime of Genocide

The Convention on the Prevention and Punishment of the Crime of Genocide (Genocide Convention) was adopted by the U.N. General Assembly on December 9, 1948 and entered into force on January 12, 1951.⁶⁶ As of June 11, 2009, 140 states were parties to the Genocide Convention.⁶⁷ The parties to the Genocide Convention “confirm that genocide, whether committed in time of peace or in time of war, is a crime under international law which they undertake to prevent and to punish.”⁶⁸ Thus, the Genocide Convention recognizes that genocide is likely already a crime under customary international law.

The Genocide Convention does not have an international body charged with the implementation of the Convention; rather, the parties “undertake to enact, in accordance with their respective Constitutions, the necessary legislation to give effect to the provisions of the...Convention, and, in particular, to provide effective penalties for persons guilty of genocide” or of conspiracy to commit, incitement or attempt to commit, or complicity in, the crime of genocide.⁶⁹ The Genocide

Convention defines genocide as “any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such:

- (a) Killing members of the group;
- (b) Causing serious bodily or mental harm to members of the group;
- (c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;
- (d) Imposing measures intended to prevent births within the group;
- (e) Forcibly transferring children of the group to another group.”⁷⁰

Liberia ratified the Genocide Conventions on June 9, 1950.

Tribunals have been established to prosecute various large-scale human rights abuses that constitute grave violations of the laws and customs of war, genocide, and crimes against humanity.⁷¹ In Africa, for example, an International Criminal Tribunal for Rwanda was created by the U.N. Security Council.⁷² Additionally, on July 17, 1998, the Rome Statute of the International Criminal Court (ICC) was adopted by the U.N. Conference of Plenipotentiaries.⁷³ The ICC is competent to try national persons irrespective of their official capacity, but will not have jurisdiction over legal entities, such as states and corporations.⁷⁴ The ICC Statute went into effect on July 1, 2002.⁷⁵

ii. The International Convention on the Elimination of All Forms of Racial Discrimination

The International Convention on the Elimination of All Forms of Racial Discrimination (CERD) was adopted by the United Nations General Assembly on December 21, 1965, and entered into force on January 4, 1969.⁷⁶ As of June 11, 2009, 173 states were parties to it.⁷⁷ The term racial discrimination means “any distinction, exclusion, restriction or preference based on race, colour, descent, or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life.”⁷⁸ The States Parties to the Convention “condemn racial discrimination and undertake to pursue by all appropriate means and without delay a policy of eliminating racial discrimination in all its forms and promoting understanding among all races.”⁷⁹ They agree not to practice racial discrimination and to prohibit public institutions from practicing the same, not to support racial discrimination by any persons or organizations, to take effective public policy measures to eliminate racial discrimination, and to encourage multiracial organizations and movements permitting integration.⁸⁰ They also agree to assure that adequate remedies exist in their jurisdictions for acts violating the Convention.⁸¹ The Committee on the Elimination of Racial Discrimination is tasked with monitoring and implementing the Convention.⁸² Liberia acceded to CERD on November 5, 1976.

iii. The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) was adopted by the U.N. General Assembly on December 10, 1984 and entered into force on June 26, 1987.⁸³ As of December 16, 2008, 146 states were parties to the Convention.⁸⁴ Under the Convention “torture means any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity. It does not include pain or suffering arising only from, inherent in or incidental to lawful sanctions.”⁸⁵ “Each State Party [to the Convention] shall take effective legislative, administrative, judicial or other measures to prevent acts of torture in any territory under its jurisdiction.”⁸⁶

The Convention also expressly specifies that torture is not justified in any circumstance (e.g., internal political instability, public emergency, etc.) or for any reason (e.g., order from superior, order from public authority, etc.).⁸⁷ The fact that international protection against torture may not be suspended is consistent with the ICCPR, which also does not permit suspension of the right to be free from torture.⁸⁸

The Committee against Torture was established to supervise and implement the Convention.⁸⁹ The Committee receives reports from states and considers communications (i.e., complaints) from states and individuals.⁹⁰ The Convention only authorizes the Committee to visit countries where torture is practiced with the consent of the State Party concerned, but efforts have been made since 1991 to draft an optional protocol that would establish a preventive system of regular visits to places of detention.⁹¹ Liberia acceded to CAT on September 22, 2004.

iv. The Convention on the Elimination of All Forms of Discrimination against Women

The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) was adopted by the United Nations General Assembly on December 18, 1979 and entered into force on September 3, 1981.⁹² As of June 11, 2009, 186 states are party to the Convention.⁹³ The Convention defines discrimination against women as “any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field.”⁹⁴ States Parties agree to embody the principle of equality of gender in

their national laws, to adopt legislation prohibiting discrimination against women, to establish equal rights for women, to refrain from discriminating against women, and to take appropriate measures to eliminate discrimination against women by any person, organization, or enterprise.⁹⁵ States also agree to modify the social and cultural patterns of society that are based on the idea of superiority or inferiority of the sexes or stereotyped roles for men and women, to ensure that family education includes a proper understanding of maternity as a social function and recognizes the common responsibility of men and women in raising children, and to take all appropriate measures to suppress all forms of traffic in women and exploitation of prostitution of women.⁹⁶

CEDAW established a monitoring committee called the Committee on the Elimination of Discrimination against Women.⁹⁷ The implementing Committee receives reports from States Parties and makes recommendations.⁹⁸ The Committee is also restricted to meeting for no more than two weeks annually.⁹⁹ An Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women entered into force on December 22, 2000.¹⁰⁰ The optional protocol allows the committee to consider petitions from individuals or groups and to conduct confidential enquiries into grave or systematic violations of CEDAW.¹⁰¹ Liberia ratified CEDAW on July 17, 1984.

v. The Convention on the Rights of the Child

The Convention on the Rights of the Child (CRC) was adopted by the U.N. General Assembly in 1989 and entered into force on September 2, 1990.¹⁰² As of June 11, 2009, 193 states are parties to the CRC.¹⁰³ The Convention has two optional protocols that entered into force in 2002, one relating to the involvement of children in armed conflict, and the other relating to the sale of children, child prostitution, and child pornography.¹⁰⁴

The guiding principle of the CRC is that “in all actions concerning children . . . the best interests of the child shall be a primary consideration.”¹⁰⁵ The Convention protects certain general rights, including non-discrimination and equality of opportunity; the right to life, survival, and development, including physical, mental, emotional, cognitive, social, and cultural development; and the freedom to express opinions and have those opinions taken into account, depending on the child’s age and maturity level.¹⁰⁶ Other rights of children include free and compulsory primary education; protection from economic exploitation; protection from sexual abuse, child prostitution, and child pornography; protection from physical and mental harm and neglect; special treatment and education for disabled children; and protection of children affected by armed conflict.¹⁰⁷ A Committee on the Rights of the Child was established “for the purpose of examining the process made by States Parties in achieving the realization of the obligations undertaken in the . . . Convention.”¹⁰⁸ Liberia ratified the CRC on June 4, 1993.

D. Regional Human Rights Instruments

Regional instruments also protect human rights. For example, both the European Convention for the Protection of Human Rights and Fundamental Freedoms (European Convention) (entered into force Sept. 3, 1953) and the Inter-American Convention on Human Rights (American Convention) (entered into force July 17, 1978) recognize and give effect to the human rights principles established in the UDHR.¹⁰⁹ In Africa, a specific regional charter protects human rights.

i. African Charter of Human and Peoples' Rights

The African Charter of Human and Peoples' Rights (African Charter) was adopted in 1981 and entered into force on October 21, 1986.¹¹⁰ As of June 11, 2009, 53 African states were parties to the African Charter.¹¹¹ Liberia ratified the African Charter on August 4, 1982. While it was inspired by the UDHR, the two international covenants, and the other regional human rights charters, the African Charter reflects a high degree of specificity due in part to the African conception of the term "right" and its meaning in reference to the responsibilities of human beings.¹¹² State parties undertake to "recognize the rights, duties and freedoms enshrined in [the Charter] and . . . to adopt legislative or other measures to give effect to them."¹¹³ State parties also "have the duty to promote and ensure through teaching, education and publication, the respect of the rights and freedoms contained in the present Charter and to see to it that these freedoms and rights as well as corresponding obligations and duties are understood" and "to guarantee the independence of the Courts and . . . allow the establishment and improvement of appropriate national institutions entrusted with the promotion and protection of the rights and freedoms guaranteed by the present Charter."¹¹⁴ Thus, the African Charter places an especially strong emphasis on the need for an independent administration of justice to protect human rights.¹¹⁵

The African Charter recognizes the following civil, political, economic, social, and cultural rights of individual human beings:

- freedom from discrimination;
- equality before the law;
- respect for one's life, personal integrity, and inherent dignity, including freedom from slavery, slave trade, and torture, and from cruel, inhuman or degrading punishment and treatment;
- the right to liberty and personal security, including freedom from arbitrary arrest or detention;
- access to the courts for redress of grievances;
- presumption of innocence and the right to a defense, to be tried within a reasonable time, and to be free from *ex post facto* laws;
- freedom of conscience, profession, thought, and religion;
- the right to receive information;
- freedom of association;

- freedom of movement;
- the right to participate in the government;
- the right to own property;
- the right to work and to receive equal pay for equal work;
- the right to enjoy the best attainable state of physical and mental health; and
- the right to an education;
- and the right to family.¹¹⁶

Also recognized are the peoples' rights to equality, existence, and self-determination; right to dispose of wealth and natural resources; economic, social, and cultural development; national and international peace and security; and "a general satisfactory environment favorable to their development."¹¹⁷

Uniquely, the African Charter also imposes certain general duties on individuals in regard to groups, including "family and society, the State and other legally recognized communities and the international community," and toward other individuals.¹¹⁸ In particular, "every individual shall have the duty to respect and consider his fellow beings without discrimination, and to maintain relations aimed at promoting, safeguarding and reinforcing mutual respect and tolerance."¹¹⁹ The African Charter requires every individual to preserve the harmonious development of the family, serve one's national community, not compromise the security of the state, preserve and strengthen the social and national solidarity, work to the best of one's abilities and competence, pay taxes, preserve and strengthen positive African cultural values, and contribute to the best of one's ability to the promotion and achievement of African unity.¹²⁰

Unlike the ICCPR and the American and European Conventions, the African Charter does not explicitly provide for any derogation of rights in times of public emergency. The African Commission on Human and Peoples' Rights ("African Commission") has interpreted this to mean that derogations are not permissible under the African Charter.¹²¹ Rather, the African Charter states that the "rights and freedoms of each individual shall be exercised with due regard to the rights of others, collective security, morality and common interest."¹²² In specific instances, states may place restrictions on certain rights as "provided for by law for the protection of national security, law and order, public health or morality."¹²³

The African Charter created the African Commission "to promote human and peoples' rights and ensure their protection in Africa."¹²⁴ The African Commission may study particular problems and make recommendations to states, "formulate and lay down principles and rules aimed at solving legal problems relating to human and peoples' rights," and cooperate with other African and international institutions to promote human rights.¹²⁵ The African Commission is also empowered to consider disputes between states but only after all domestic remedies have been exhausted "unless . . . the procedure of achieving these remedies would be unduly prolonged."¹²⁶ Individual communications

(i.e., complaints) may also be sent to the African Commission under certain narrow, well-defined circumstances.¹²⁷ Finally, the African Commission is charged with issuing a report detailing its efforts every two years.¹²⁸

ii. Additional African Regional Instruments

Protocols and subject-specific charters also regulate human rights in Africa. For example, the African Charter on the Rights and Welfare of the Child was adopted in 1990 and entered into force in 1999; it spells out a long list of children's rights and establishes an African Committee of Experts on the Rights and Welfare of the Child.¹²⁹ It defines a child as any person below the age of 18 years (Art. 2) and enumerates rights, including the right to an education (Art. 11), protection against child abuse, torture (Art. 16), economic exploitation (Art. 15), and sexual exploitation (Art. 27). The treaty also calls upon States Parties to ensure respect for international humanitarian law pertaining to the child and to "ensure that no child shall take a direct part in hostilities and refrain in particular, from recruiting any child" (Art. 22). It also ensures that the child refugees or children seeking refugee status are accorded protection and assistance as provided for by the treaty and international law (Art. 23). Also, any child who is deprived of a family environment, whether permanently or temporarily, is to be afforded protection and assistance (Art. 25). Liberia ratified the African Charter on the Rights and Welfare of the Child in 2007.

A specific African convention also deals with women's rights and refuge problems.¹³⁰ The Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa enumerates several rights and obligations of States Parties. It requires States Parties to eliminate discrimination against women (Art. 2), as well as ensure equal protection for women before the law (Art. 8), equal rights in marriage (Art. 6), and women's increased participation in the peace process (Art. 10). The Protocol also requires States Parties to respect international humanitarian law, particularly with regard to women, and to protect civilians, including women, during armed conflict (Art. 11). The protocol affirms the right of women to life, respect and security of person (Art. 4), and it requires States Parties to pass laws prohibiting violence against women and to punish perpetrators who violate such laws (Art. 4(2)(a), (e)). Liberia ratified the protocol in 2007.

Finally, a protocol to the African Charter establishes a regional court, the African Court on Human and Peoples' Rights, to rule on compliance issues raised under the African Charter.¹³¹ The African Court on Human and People's Rights, created in 2004, is composed of eleven judges, and is currently in the process of merging with the African Court of Justice, following a decision by the African Convention states at a June 2004 summit. Liberia has only signed the African Court on Human and Peoples' Rights, which it did in 1998.

IV. Major Instruments of International Humanitarian Law

The evolution of warfare and weaponry since the beginning of the twentieth century has resulted in very high civilian casualty rates (heavily comprised of women, children, and elderly) and ever increasing dangers to humanitarian workers in situations of armed conflict.¹³² In recent years, the increasing impact of war on vulnerable civilian populations and humanitarian workers has driven the development of more detailed and concrete rules of warfare.

International Humanitarian Law (IHL), also known as the law of war or armed conflict, aims to place restrictions on the conduct of hostilities (namely on the use of certain weaponry and means of warfare), protect those who are not or who are no longer participating in the conflict (e.g., civilians, prisoners of war, wounded and sick, and humanitarian workers, etc.), and confine the use of violence to the achievement of the objectives of the conflict.¹³³ IHL's goal is to "protect human dignity and to limit suffering during times of war."¹³⁴

The rules of IHL differ in content and application depending upon the type of conflict. First, the most comprehensive IHL rules apply to situations of "international armed conflict" (i.e., conflicts between states).¹³⁵ It is not surprising that the bulk of IHL applies to this type of conflict because states can more easily sign and enforce agreements regulating the conduct of their wars. Second, less extensive rules cover situations of "internal armed conflict" (i.e., those that take place within a country and involve one or more groups and possibly the state government).¹³⁶

A. Background and Differences Between IHL and IHRL

There are two major differences between international humanitarian law ("IHL") and international human rights law ("IHRL"). First, while both bodies of law share a common goal of protecting the rights and dignity of individuals, they pursue that goal in different ways.¹³⁷ IHL operates in a specific emergency situation – armed conflict; IHRL applies more broadly and seeks generally to protect the rights of individuals regardless of the presence of conflict.¹³⁸ Second, no derogations are allowed from IHL rules;¹³⁹ however, states may suspend some IHRL rights during a public emergency that threatens the security of the state.¹⁴⁰

IHL applies to international armed conflict and internal armed conflict, but it does not apply to internal disturbances, such as riots or isolated and sporadic acts of violence.¹⁴¹ There is no formal system, however, for determining whether a conflict is an "internal armed conflict" or an "internal disturbance." State sovereignty concerns may induce a state to evade the requirements of IHL by characterizing internal conflict as an "internal disturbance" or some other national emergency to which IHL does not apply.¹⁴² The state also may be concerned that designating the situation as "internal armed conflict" would give legitimacy to the opposition and implicitly recognize its existence. Accordingly, it is often difficult to persuade a state to accept the application of IHL to a violent conflict occurring within its borders.¹⁴³ As a result, situations arise where IHL does not apply because no actual conflict has been declared. Additionally, provisions of IHRL may be suspended

due to the national emergency. In such situations, individuals are left with only limited international humanitarian and human rights protections.¹⁴⁴

B. Principal Instruments of IHL¹⁴⁵

i. The Early IHL Instruments

The Hague Convention (including the Convention for the Protection of Cultural Property)* (1899; 1954). In 1899,¹⁴⁶ at the First Hague Peace Conference, a group of nations met with the primary goal of establishing a system for resolving disputes without resorting to warfare and a secondary goal of setting rules regarding the conduct of war.¹⁴⁷ The notion of agreeing prospectively to submit disputes to arbitration proved to be unpopular, but the Conference's attendees were more willing to discuss proposals related to the conduct of war.¹⁴⁸

The result of this conference was a set of regulations addressing land combat between nations at war.¹⁴⁹ Section I attempted to draw the lines between “belligerents,” “prisoners of war,” and others, and established rules for how prisoners of war and the sick or wounded should be treated (the goal being “humane” treatment).¹⁵⁰ Section II set limits on the means and practice of warfare, including conduct during hostilities, and practices concerning spies, surrender, and armistices.¹⁵¹ Certain practices were specifically banned, including the use of poison, “kill[ing] or wound[ing] treacherously,” killing or wounding an enemy who has surrendered, using any weapon that would “cause superfluous injury,” giving orders not to take any prisoners, and attacking undefended towns or villages.¹⁵² Section III requires that occupying forces restore public order and refrain from looting or pillaging; most interestingly, this section states that life and religion must be “respected.”¹⁵³ Finally, Section IV allows neutral states to detain “belligerent” forces (it also requires the detaining state to provide food and clothing for detainees) and permit sick and wounded into their territories.¹⁵⁴

In 1954, an additional instrument titled the Convention for the Protection of Cultural Property (“CPCP”) was added to the Hague Convention regime. Prompted by the massive destruction of cultural properties in World War II and other conflicts, the CPCP sought to protect cultural property of all kinds, including buildings with historical and/or architectural value.¹⁵⁵ The CPCP is one of the few instruments that applies to non-international armed conflicts, unlike the 1899 Hague Convention, which binds only states involved in international conflicts.¹⁵⁶ Specifically, Article 19 of the CPCP states that “in the event of an armed conflict not of an international character” occurring within the territory of a State Party to the CPCP, any party to the conflict is bound by the CPCP provisions mandating respect for cultural properties.¹⁵⁷

ii. The Geneva Convention and Additional Protocols

Spurred to action by the violence and horrors of the Spanish Civil War and World War II, members of the international community drafted the four Geneva Conventions during 1949.¹⁵⁸ The Geneva Conventions are the most widely recognized of any IHL or IHRL instruments, and their provisions cover the treatment of combatants on land and sea, prisoners of war, and civilians.¹⁵⁹ Over the years, as advancements in weaponry, changes in combat tactics (guerrilla tactics, etc.), and changes in the context of war (i.e., the rise of intra-state civil conflict and the severity of its consequences upon civilian populations) resulted in new problems in the conduct of war, another diplomatic conference was called in 1974, resulting in two Additional Protocols being added to the Geneva regime in 1977.¹⁶⁰

Convention I (1949). Convention I creates obligations relating to the treatment of wounded or sick members of armed forces on land. Article 12 dictates that all wounded and sick who are in the power of any party to the conflict must be given medical care, and forbids murdering or experimenting upon the wounded or sick.¹⁶¹ All parties to a conflict must make all possible efforts to search out and take custody of any sick or wounded regardless of their affiliation.¹⁶² Medical military services and Red Cross societies are also given protection, and medical units may not be attacked by any party.¹⁶³ Interestingly, civilians are given the ability to take in and care for wounded soldiers.¹⁶⁴ Finally, this Convention makes it clear that reprisals against forces that are not or have not been following this Convention are forbidden.¹⁶⁵

Convention II (1949). Convention II creates similar obligations as Convention I, except in the context of sick, wounded, or shipwrecked armed forces at sea.¹⁶⁶ Like Convention I, it prohibits reprisals against parties protected by the treaty.¹⁶⁷

Convention III (1949). Convention III deals with the treatment of prisoners of war (“POWs”). In general terms, all POWs must “at all times be humanely treated.”¹⁶⁸ No killing of POWs is allowed, and no reprisals against them are allowed.¹⁶⁹ POWs are entitled to protection and must be evacuated from combat areas as soon as practicable and cared for in a way that respects individual concerns such as hygiene, mental health, and religion.¹⁷⁰ The detaining state may put POWs to work, but Convention III places restrictions on the type of labor that they may be compelled to do.¹⁷¹

Convention IV (1949). Convention IV grants protection to civilians during war but these protections are not as extensive as those granted to combatants in Conventions I-III.¹⁷² Convention IV restrictions apply only to the treatment of civilians by enemy forces, not to the treatment of a civilians by its own state’s forces. Further, the restrictions of Convention IV do not seek to “protect civilians from the dangers of warfare – such as aerial bombardment.”¹⁷³

Common Article 3 to Conventions I-IV* (1949). Each of the four Geneva Conventions described above shares an identical provision, known as the Common Article 3, that covers the minimum rules that must apply in cases of internal armed conflicts (as opposed to the rest of the articles of

Conventions I-IV that apply only in cases of international armed conflicts).

Those persons who take no active part in the fighting, including any combatants who have surrendered their weapons and those who have been taken out of the fighting by sickness, wounds, or capture, must be treated humanely at all times without discrimination on the basis of race, color, religion, sex, birth, wealth, or similar criteria.¹⁷⁴ Common Article 3 states that this requirement forbids the following acts: “(a) violence to life and person, in particular murder of all kinds, mutilation, cruel treatment and torture; (b) taking of hostages; (c) outrages against personal dignity, in particular humiliating and degrading treatment; (d) the passing of sentences and the carrying out of executions without previous judgment pronounced by a regularly constituted court, affording all the judicial guarantees which are recognized as indispensable by civilized peoples.”¹⁷⁵ All wounded and sick also must be collected and cared for, although how humanitarian assistance is to be provided is not explained in practical terms.¹⁷⁶ Most noticeably, there are no provisions in Common Article 3 regarding the treatment of POWs.¹⁷⁷

Application of Common Article 3 has certain limitations. First, armed opposition groups cannot be parties to the Convention. Thus, these groups are not bound by Common Article 3; although, as a practical matter, it might be helpful both internally and externally for these groups to comply.¹⁷⁸ Second, sovereignty concerns render states extremely reluctant to recognize an opposition party in any capacity.¹⁷⁹ Common Article 3 therefore is rarely invoked. Nonetheless, all parties regardless of their status are called upon to follow and make special formal agreements concerning the full application of the Conventions I-IV, and these types of agreements have been reached in various conflicts in cooperation with the International Committee for the Red Cross.¹⁸⁰

In addition, the Geneva Conventions require States Parties to penalize and prosecute “grave breaches.” The four Geneva Conventions plus Additional Protocol I provide definitions of these grave breaches. Under Geneva Convention IV, grave breaches include: “wilful killing, torture or inhuman treatment, including biological experiments, wilfully causing great suffering or serious injury to body or health, unlawful deportation or transfer or unlawful confinement of a protected person, compelling a protected person to serve in the forces of a hostile Power, or wilfully depriving a protected person of the rights of fair and regular trial prescribed in the present Convention, taking of hostages and extensive destruction and appropriation of property, not justified by military necessity and carried out unlawfully and wantonly.”¹⁸¹ Additional Protocol I defines grave breaches as, “[a]ny wilful act or omission which seriously endangers the physical or mental health or integrity of any person who is in the power of a Party other than the one on which he depends and which either violates any of the prohibitions in paragraphs 1 and 2 or fails to comply with the requirements of paragraph 3 shall be a grave breach of this Protocol,” as well as, *inter alia*, “making the civilian population or individual civilians the object of attack” and “launching an indiscriminate attack affecting the civilian population or civilian objects in the knowledge that such attack will cause excessive loss of life, injury to civilians or damage to civilian objects” which, when committed

willfully, causes death or serious injury to body or health.¹⁸² Liberia ratified the four Geneva Conventions on March 29, 1954.

Additional Protocol I (1977). A large portion of the Additional Protocol I (a Protocol that applies only in cases of international armed conflict) is the codification of pre-existing rules of customary international law.¹⁸³ Major provisions of this protocol discuss combatant and POW status, methods and means of warfare, protection of and humanitarian assistance to civilian populations, treatment of the wounded, sick, and shipwrecked, and treatment of those persons “in the power of a party to the conflict.”¹⁸⁴ Liberia ratified Additional Protocol I on June 30, 1988.

Additional Protocol II* (1977). This protocol supplements Common Article 3.¹⁸⁵ As compared to the extensive Additional Protocol I, this protocol establishes a limited set of rules that apply to internal armed conflicts. As defined in Article 1, internal armed conflict does not include “situations of internal disturbances and tensions, such as riots, isolated and sporadic acts of violence and other acts of a similar nature.”¹⁸⁶ This vague definition means that characterization of a given conflict “has largely been left to the discretion and the good faith of the state concerned . . . [m]uch will therefore depend on the good will of the authorities in the state concerned and, as the case may be, on such pressure as the outside world may be able to exert.”¹⁸⁷ In answer to state sovereignty fears inherent in recognizing an opposition group, this protocol makes no mention of “parties to a conflict,” and instead speaks in terms of “military operations” and situations involving “hostilities.”¹⁸⁸

This protocol applies to “all persons affected by an armed conflict” and it must be applied without any discrimination based upon race, color, sex, language, religion, ethnicity, wealth, or other similar criteria.¹⁸⁹ Any person who is not taking part in or who is no longer taking part in hostilities must be treated humanely.¹⁹⁰ Article 4 repeats the prohibition of acts forbidden by the Common Article 3, and forbids the following acts: corporal punishment, acts of terrorism, outrages upon personal dignity (including rape, forced prostitution, and any form of indecent assault), slavery and the slave trade, pillaging, and threats to commit any of these forbidden acts.¹⁹¹ Specifically dealing with the problem of child soldiers, this protocol provides that no one under the age of 15 may be recruited or allowed to take part in the armed conflict.¹⁹² Article 6 places due process requirements on the punishment of criminal offenses. Echoing Common Article 3, all wounded, sick, and shipwrecked must be protected and cared for, and special protections are added for medical and religious personnel.¹⁹³ Any attack that would directly target civilians or certain key pieces of social infrastructure is prohibited, and starvation or forced displacement of civilians (except for displacements due to security or “imperative military reasons”) is also prohibited.¹⁹⁴ Liberia ratified Additional Protocol II on June 30, 1988.

iii. The Post-Geneva Conventions and Protocols

Post-Geneva law includes conventions on the prohibition against or use of certain weapons. Such

treaties include the Convention on Certain Conventional Weapons and its Protocols (1980-1996), the Convention on Chemical Weapons (1993), and the Ottawa Convention on the Prohibition of Anti-Personnel Mines (1997).

Rome Statute of the International Criminal Court* (1998). As discussed above, the ICC Statute went into effect in July 2002. The ICC has jurisdiction over individuals who commit “war crimes, crimes against humanity, genocide, and the crime of aggression.”¹⁹⁵ Detailed provisions of the ICC Statute apply to international armed conflicts and less specific portions of the ICC Statute apply to internal armed conflicts. The major acts forbidden by Article 8 of the ICC Statute are murder, mutilation, torture, taking hostages, “committing outrages upon personal dignity,” “intentionally directing attacks against the civilian population,” intentionally attacking humanitarian or peacekeeping personnel or property, pillaging a town or place, commission of sexual violence (rape, sexual slavery, forced pregnancy, enforced prostitution, etc.), and the conscription of children under the age of 15 into military service.¹⁹⁶ These rules, however, do not apply to “situations of internal disturbances and tensions, such as riots, isolated and sporadic acts of violence or other acts of a similar nature.”¹⁹⁷ Liberia ratified the Rome Statute on September 22, 2004.

CRC Protocol on Armed Conflict* (2000). In 1989, U.N. member states signed the CRC giving specialized human rights protection to a vulnerable sector of society – children.¹⁹⁸ In 2000, an Optional Protocol was signed in response to the growing use of child soldiers in combat.¹⁹⁹ The optional protocol forbids any compulsory conscription of persons under age 18, and voluntary enlistment of those under 18 is allowed only if strict guidelines are met (including parental consent). Although only states may be signatories, this instrument also states that “armed groups that are distinct from the armed forces of a State should not, under any circumstances, recruit or use in hostilities persons under the age of 18 years” and state parties must take “all feasible measures to prevent such recruitment and use.”²⁰⁰ Thus, this Optional Protocol is one of the few IHL instruments that places requirements upon non-state actors engaged in armed conflict. Liberia signed only the OP-CRC-AC on September 22, 2004.

V. Summary of Instruments Signed or Ratified by Liberia

Significantly, Liberia did not ratify many of the instruments of IHRL and IHL until after Charles Taylor was exiled in 2003. Then, after taking no action on certain instruments of international law for as many as 20 years, Liberia formally joined many international treaties in 2004. Liberia has ratified or joined by accession the following treaties and conventions:

- Convention on the Prevention and Punishment of the Crime of Genocide (1950)²⁰¹
- The Geneva Conventions of August 12, 1949 (1954)
- Convention Relating the Status of Stateless Persons (1964)
- Convention Relating to the Status of Refugees (1964)

- International Convention on the Elimination of All Forms of Racial Discrimination (but not Declaration Article 14) (1976)
- Protocol Relating to the Status of Refugees (1980)
- The Organization of African Unity Convention Governing the Specific Aspects of Refugee Problems in Africa (1971)
- The African Charter on Human and Peoples' Rights (1982)
- African Charter on the Rights and Welfare of the Child (2007)
- Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (2007)
- Convention on the Elimination of All Forms of Discrimination against Women (1984)
- Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages (2005)
- U.N. Convention against Transnational Organized Crime (2004)
- Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the U.N. Convention against Transnational Organized Crime (2004)
- Protocol Additional to the Geneva Conventions of August 12, 1949, and Relating to the Protection of Victims of International Armed Conflicts (Protocol I) (but not Declaration Article 90) (1988)
- Protocol Additional to the Geneva Conventions of August 12, 1949, and Relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II) (1988)
- Convention on the Rights of the Child (1993)
- ILO No. 182 Convention Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labor (2003)
- ILO No. 29 Forced Labour Convention (1931)
- ILO No. 105 Abolition of Forced Labour Convention (1962)
- ILO C111 Discrimination (Employment and Occupation) Convention (1959)
- Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction (1999)
- Convention Against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment (2004)
- Optional Protocol to the Convention Against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment (2004)
- International Covenant on Civil and Political Rights (2004)
- International Covenant on Economic, Social and Cultural Rights (2004)
- Second Optional Protocol to the International Covenant on Civil and Political Rights (2005)
- U.N. Convention against Corruption (2005)
- African Union Convention on Preventing and Combating Corruption (2007)
- Convention against Discrimination in Education (1962)
- Rome Statute of the International Criminal Court (2004)

- International Convention on the Suppression and Punishment of the Crime of Apartheid (1976)

Liberia has signed the following treaties and conventions:

- Optional Protocol to the International Covenant on Civil and Political Rights (2004)
- Optional Protocol to the Convention on the Elimination of All Forms of Discrimination Against Women (2004)
- International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (2004)
- Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (2004)
- Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (2004)
- Convention on the Rights of Persons with Disabilities (2007)
- Optional Protocol to the Convention on the Rights of Persons with Disabilities (2007)
- Protocol of the Court of Justice of the African Union (2003)
- Protocol to the African Charter on Human And Peoples' Rights on the Establishment of an African Court on Human and Peoples' Rights (1998)
- Convention on the Political Rights of Women (1953)
- African Youth Charter (2008)
- African Charter on Democracy, Elections and Governance (2008)

VI. Conclusion

Read together, IHRL and IHL require that the following rights be afforded to Liberians at all times: the right to life, the prohibition of slavery and servitude, the prohibition of torture and inhumane treatment, and the prohibition of any retroactive application of the law. In addition, the specific treaties above may provide additional rights to Liberians in certain circumstances. For example, during times of internal armed conflict, the core provisions of IHRL apply to Liberia, but other provisions of IHL also apply and can provide greater protection of individual liberties. For further details on the specific application of instruments of IHRL and IHL, the relevant treaty, convention, or protocol should be consulted, and international case law, where available, should be used to inform the reading of IHRL and IHL instruments.

Notes

- 1 IAN BROWNLIE, PRINCIPLES OF PUBLIC INTERNATIONAL LAW 3 (4th ed. 1990).
- 2 U.N. Charter arts. 92-96 (establishing the Int'l Court of Justice); Statute of the International Court of Justice art. 38, as amended June 26, 1945, 1031 U.N.T.S. 993 (*entered into force* Oct. 24, 1945) [hereinafter ICJ Statute].
- 3 ICJ Statute, *supra* note 2, art. 38.
- 4 A convention or covenant is a formal written agreement between states.
- 5 Protocols often modify other international agreements and are less formal than a convention or treaty.
- 6 U.N. Office of the High Comm'r for Human Rights, *Human Rights in the Administration of Justice: A Manual on Human Rights for Judges, Prosecutors and Lawyers* 7 (2003) [hereinafter "*Human Rights in Administration of Justice*"].
- 7 Ratification defines the international act whereby a state indicates its consent to be bound to a treaty if the parties intended to show their consent by such an act. The institution of ratification grants states the necessary time-frame to seek the required approval for the treaty on the domestic level and to enact the necessary legislation to give domestic effect to that treaty.
- 8 The instruments of acceptance or approval of a treaty have the same legal effect as ratification and consequently express the consent of a state to be bound by a treaty. In the practice of certain states acceptance and approval have been used instead of ratification when, at a national level, constitutional law does not require the treaty to be ratified by the head of state.
- 9 Accession is the act whereby a state accepts the offer or the opportunity to become a party to a treaty already negotiated and signed by other states. It has the same legal effect as ratification. *Human Rights in Administration of Justice*, at 7.
- 10 BROWNLIE, *supra* note 1, at 12.
- 11 *Id.*
- 12 *Human Rights in Administration of Justice*, *supra* note 6, at 7.
- 13 *Id.* at 8; BROWNLIE, *supra* note 1, at 12.
- 14 *Human Rights in Administration of Justice*, *supra* note 6, at 8; North Sea Continental Shelf Cases (F.R.G. v. Den., F.R.G. v. Neth.), 1969 I.C.J. 4, ¶ 77 (Feb. 20, 1969).
- 15 *Continental Shelf* ¶ 74.
- 16 Military and Paramilitary Activities (Nicar. v. U.S.), 1986 I.C.J. 14, ¶ 207 (June 27, 1986) (quoting *Continental Shelf*, ¶ 77).
- 17 *Human Rights in Administration of Justice*, *supra* note 6, at 10.
- 18 *Id.* at 11.
- 19 *Id.*; BROWNLIE, *supra* note 1, at 15-16, 19.
- 20 *Human Rights in Administration of Justice*, *supra* note 6, at 11.
- 21 *Id.* at 12.
- 22 *Id.* Brownlie also cautions that the writings of publicists must be used with care but states that these "opinions . . . are used widely." BROWNLIE, *supra* note 1, at 25.
- 23 U.N. Charter Preamble.
- 24 *Id.* art. 1(3). Other U.N. Charter provisions referencing human rights include articles 13(1)(b), 55(c), 62(2), 68, and 76(c).
- 25 *Id.* arts. 56, 55(c).
- 26 Thomas Buergenthal, *The Evolving International Human Rights System*, 100 AM. J. INT'L L. 783, 786-87 (2006).
- 27 *Id.* at 787; Universal Declaration of Human Rights, G.A. Res. 217A, at 71, U.N. GAOR, 3d Sess., 1st plen. mtg., U.N. Doc. A/810 (Dec. 10, 1948) [hereinafter UDHR].
- 28 *Human Rights in Administration of Justice*, *supra* note 6, at 3.
- 29 *Id.*
- 30 U.N. Int'l Conference on Human Rights, Apr. 22 - May 13, 1968, *Final Act of the International Conference on Human Rights*, ¶ 3, U.N. Doc. A/CONF. 32/41 (May 13, 1968), <http://www1.umn.edu/humanrts/instree/l2ptchr.htm>.
- 31 Concerning United States Diplomatic and Consular Staff in Tehran (U.S. v. Iran), 1980 I.C.J. 3, ¶ 91 (May 24, 1980).
- 32 UDHR, *supra* note 27, arts. 2, 3.
- 33 *Id.* arts. 4, 5, 7, 9, 11(2), 13, 17(2). The UDHR also prohibits other practices.
- 34 *Id.* arts. 6, 8, 10, 11, 14(1), 15, 16, 18-23, 25, 26. The UDHR also recognizes other rights.
- 35 *Id.* Preamble.
- 36 *Id.* art. 29(2).
- 37 International Covenant on Civil and Political Rights Preamble, G.A. Res. 2200A (XXI), U.N. Doc. A/6316 (1966), *entered into force* Mar. 23, 1976, 999

- U.N.T.S. 171 [hereinafter ICCPR]; International Covenant on Economic, Social and Cultural Rights Preamble, G.A. Res. 2200A (XXI), U.N. Doc. A/6316 (1966), *entered into force* Jan. 3, 1976, 993 U.N.T.S. 3 [hereinafter ICESCR].
- 38 American Convention on Human Rights Preamble, 1144 U.N.T.S. 123, *entered into force* July 18, 1978 [hereinafter American Charter].
- 39 African (Banjul) Charter on Human and Peoples' Rights Preamble, *entered into force* Oct. 21, 1986, 21 I.L.M. 58 [hereinafter African Charter].
- 40 Habeas Corpus in Emergency Situations (Advisory Opinion OC-8/87), 1987 Inter-Am. Ct. H.R. (ser. A) No. 8, ¶ 18 (Jan. 30, 1987).
- 41 ICESCR, *supra* note 37.
- 42 United Nations Treaty Collection, Chapter IV: Human Rights, <http://treaties.un.org/Pages/Treaties.aspx?id=4&subid=A&lang=en> (last visited June 11, 2009).
- 43 *Human Rights in Administration of Justice*, *supra* note 6, at 39.
- 44 ICESCR, *supra* note 37, art. 2(1).
- 45 *Id.* art. 2(2).
- 46 *Id.* arts. 3, 6–15.
- 47 *Id.* art. 8(1)(a), (c).
- 48 ICCPR, *supra* note 37; United Nations Treaty Collection, Chapter IV: Human Rights, <http://treaties.un.org/Pages/Treaties.aspx?id=4&subid=A&lang=en> (last visited June 11, 2009).
- 49 ICCPR, *supra* note 37, arts. 28–45.
- 50 U.N. Human Rights Comm., *Gen. Comment No. 3, Article 2 Implementation at the National Level*, ¶ 1, Compilation of General Comments and General Recommendations Adopted by Human Rights Treaty Bodies, U.N. Doc. HRI/GEN/1/Rev.1 at 4 (1994).
- 51 ICCPR, *supra* note 37, art. 2; *see also Human Rights in Administration of Justice*, *supra* note 6, at 32.
- 52 ICCPR, *supra* note 37, arts. 6–9, 12(1), 14–16, 18, 19, 21, 22, 25, 27.
- 53 *Id.* art. 20.
- 54 Optional Protocol to the International Covenant on Civil and Political Rights, G.A. Res. 2200A (XXI), U.N. Doc. A/6316 (Dec. 16, 1966), 999 U.N.T.S. 171, [hereinafter ICCPR Optional Protocol]; Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty, G.A. Res. 44/128, Annex, 44, U.N. Doc. A/44/49 (Dec. 15, 1989) [hereinafter ICCPR Second Optional Protocol].
- 55 ICCPR Optional Protocol, *supra* note 54.
- 56 ICCPR Second Optional Protocol, *supra* note 54.
- 57 ICCPR, *supra* note 37, art. 4.
- 58 *Id.*
- 59 *Id.*
- 60 *Id.* General Comment 29, adopted by the Human Rights Committee, provides more details on the interpretation of various conditions set out in article 4 of the ICCPR. U.N. Human Rights Comm., *Gen. Comment 29, States of Emergency (article 4)*, U.N. Doc. CCPR/C/21/Rev.1/Add.11 (2001).
- 61 ICCPR, *supra* note 37, art. 4(2).
- 62 *Id.* art. 2(3).
- 63 *See generally* U.N. High Comm'r for Human Rights, *Human Rights Standards and Practice for the Police: Expanded Pocketbook on Human Rights for the Police* (2004), http://www.unhcr.ch/html/menu6/2/pts5add3_E.pdf.
- 64 *See generally Human Rights in Administration of Justice*, *supra* note 6. For example, Chapters 5 to 7 of the manual address pre-arrest and trial issues in terms of IHRL. Chapter 16 addresses the administration of justice during states of emergency.
- 65 *See, e.g.*, U.N. Comm. on the Elimination of Discrimination Against Women, *Gen. Rec. No. 19, ¶ 9*, <http://www.un.org/womenwatch/daw/cedaw/recommendations/index.html>.
- 66 Convention on the Prevention and Punishment of the Crime of Genocide, Dec 9, 1948, 78 U.N.T.S. 277 (*entered into force* Jan. 12, 1951) [hereinafter Genocide Convention].
- 67 United Nations Treaty Collection, Chapter IV: Human Rights, <http://treaties.un.org/Pages/Treaties.aspx?id=4&subid=A&lang=en> (last visited June 11, 2009).
- 68 Genocide Convention, *supra* note 66, art. 1.
- 69 *Id.* arts. 3, 5.
- 70 *Id.* art. 2.
- 71 For a short discussion on international war crimes tribunals *see, e.g., Human Rights in Administration of Justice*, *supra* note 6, at 49–50.
- 72 S.C. Res. 955, U.N. Doc. S/RES/955 (Nov. 8, 1994) (establishing an International Criminal Tribunal for Rwanda).
- 73 U.N. Doc. A/CONF/183/9 (1998) (adopting the Rome Statute of the ICC).
- 74 Rome Statute of the International Criminal Court arts. 25, 27, U.N. Doc. A/CONF/183/9 (July 17,

- 1998) [hereinafter Rome Statute].
- 75 *Id.* art. 126 (stating that the Rome Statute would enter into force after 60 ratifications).
- 76 International Convention on the Elimination of All Forms of Racial Discrimination, 660 UNTS 195 (Dec. 21, 1965) [hereinafter CERD].
- 77 United Nations Treaty Collection, Chapter IV: Human Rights, <http://treaties.un.org/Pages/Treaties.aspx?id=4&subid=A&lang=en> (last visited June 11, 2009).
- 78 CERD, *supra* note 77, art. 1.
- 79 *Id.* art. 2(1).
- 80 *Id.* art. 2(1)(a)–(1)(e).
- 81 *Id.* art. 6.
- 82 *Id.* art. 8.
- 83 Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, G.A. Res. 39/46, Annex, U.N. Doc. A/39/51 (1984), *entered into force* June 26, 1987 [hereinafter CAT].
- 84 United Nations Treaty Collection, Chapter IV: Human Rights, <http://treaties.un.org/Pages/Treaties.aspx?id=4&subid=A&lang=en>.
- 85 CAT, *supra* note 83, art. 1.
- 86 *Id.* art. 2(1).
- 87 *Id.* art. 2(2)–2(3).
- 88 ICCPR, *supra* note 37, art. 4(2).
- 89 CAT, *supra* note 83, art. 17(1).
- 90 *Id.* arts. 19–22.
- 91 *Human Rights in Administration of Justice, supra* note 6, at 56. The World Conference on Human Rights unanimously called for the early adoption of this optional protocol. World Conference on Human Rights, June 14–25, 1993, *Vienna Declaration and Programme of Action* ¶ 61, U.N. Doc. A/CONF.157/23 (July 12, 1993).
- 92 Convention on the Elimination of All Forms of Discrimination against Women, G.A. Res. 34/180, U.N. Doc. A/34/46, *entered into force* Sept. 3, 1981 [hereinafter CEDAW].
- 93 United Nations Treaty Collection, Chapter IV: Human Rights, <http://treaties.un.org/Pages/Treaties.aspx?id=4&subid=A&lang=en> (last visited June 11, 2009).
- 94 CEDAW, *supra* note 92, art. 1.
- 95 *Id.*, art. 2.
- 96 *Id.*, arts. 5–8, 10, 11, 13, 14(2).
- 97 *Id.*, art. 17–22.
- 98 CEDAW, *supra* note 92, art. 18, 20–21; *Human Rights in Administration of Justice, supra* note 6, at 60–61.
- 99 CEDAW, *supra* note 92, art. 20(1).
- 100 Optional Protocol to the Convention on the Elimination of All Forms of Discrimination Against Women, G.A. Res. 54/4, U.N. Doc. A/Res/54/4 (1999) *entered into force* Dec. 22, 2000, [hereinafter Protocol to CEDAW]. Liberia signed this optional protocol on September 22, 2004 but has not yet ratified or acceded to it. United Nations Treaty Collection: Chapter IV: Human Rights, <http://treaties.un.org/Pages/Treaties.aspx?id=4&subid=A&lang=en>.
- 101 Protocol to CEDAW, *supra* note 100, arts 2, 8.
- 102 Convention on the Rights of the Child arts. 27(1), 31(1), 32, 34, G.A. Res. 44/25, Annex, U.N. Doc. A/44/49 (1989), *entered into force* Sept. 2 1990 [hereinafter Conv. on Rights of the Child].
- 103 United Nations Treaty Collection, Chapter IV: Human Rights, <http://treaties.un.org/Pages/Treaties.aspx?id=4&subid=A&lang=en> (last visited June 11, 2009).
- 104 Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflicts, May 25, 2000, 2173 U.N.T.S. 236; 8 I.H.R.R. 288, *entered into force* Feb. 12, 2002; Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, May 25, 2000, 2171 U.N.T.S. 247; 8 I.H.R.R. 293 *entered into force* Jan. 18, 2002.
- 105 Conv. on Rights of the Child, *supra* note 102, art. 3(1).
- 106 *Id.* art. 2, 3, 6, 12.
- 107 *Id.* arts. 19, 23, 28, 32, 34, 38.
- 108 *Id.* art. 43.
- 109 Council of Europe Convention for the Protection of Human Rights and Fundamental Freedoms, *entered into force* Sept. 3, 1953, 213 U.N.T.S. 222, <http://conventions.coe.int/Treaty/en/Treaties/Html/005.htm>; American Convention, *supra* note 38.
- 110 African Charter, *supra* note 39.
- 111 For a list of countries which have signed, ratified/acceded to the African Union Convention on African Charter on Human and Peoples’ Rights, African Union, see <http://www.africa-union.org/root/au/Documents/Treaties/List/African%20Charter%20on%20Human%20and%20Peoples%20Rights.pdf> (last visited June 11, 2009).
- 112 *Human Rights in Administration of Justice, supra* note 6, at 72.
- 113 African Charter, *supra* note 39, art. 1.

- 114 *Id.* art. 25, 26.
- 115 *Human Rights in Administration of Justice, supra* note 6, at 73.
- 116 African Charter, *supra* note 39, arts. 2–18.
- 117 *Id.* arts. 19–24.
- 118 *Id.* art. 27(1), 28.
- 119 *Id.* art. 28.
- 120 *Id.* art. 29.
- 121 *Human Rights in Administration of Justice, supra* note 6, at 75; *Commion Nationale des Droits de l'Homme et des Libertés v. Chad*, No.74/92, decision taken at the 18th ordinary session, October 1995, ¶ 21, <http://www1.umn.edu/humanrts/africa/comcases/74-92.html>.
- 122 African Charter, *supra* note 39, art. 27.
- 123 *Id.* art. 12(1) (allowing restriction of the right to movement); *see also id.* art. 11 (allowing restriction of the right to assemble).
- 124 *Id.* art. 30.
- 125 *Id.* art. 45(1).
- 126 *Id.* arts. 47–53.
- 127 *Id.* art. 55–58
- 128 *Id.* art. 62.
- 129 African Charter on the Rights and Welfare of the Child, African Commission on Human and Peoples' Rights, O.A.U. Doc. CAB/LEG/24.9/49 (1990), http://www.achpr.org/english/_info/child_en.html.
- 130 Convention Governing the Specific Aspects of Refugee Problems in Africa, 1001 U.N.T.S. 45, *entered into force* June 20, 1974; Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa, Adopted by the 2nd Ordinary Session of the Assembly of the Union, Maputo, CAB/LEG/66.6 (Sept. 13, 2000); reprinted in 1 Afr. Hum. Rts. L.J. 40, *entered into force* Nov. 25, 2005.
- 131 Protocol to the African Charter on Human and Peoples' Rights on the Establishment of an African Court on Human and Peoples' Rights, African Commission on Human and Peoples' Rights, http://www.achpr.org/english/_info/court_en.html.
- 132 Robyn Layton & Victoria Bannon, *International Law and Armed Conflict: Implications for Emergency and Humanitarian Organisations*, 15 AUSTRALIAN J. OF EMERGENCY MANAGEMENT 58-63 (Winter 2000).
- 133 American Red Cross International Services, Fact Sheet: International Humanitarian Law and Human Rights (March 2006), http://www.redcross.org/www-files/Documents/International%20Services/file_cont5229_lang0_1901.pdf; U.N. High Comm'r for Human Rights, Fact Sheet No. 13 – Int'l Humanitarian Law and Human Rights, <http://www.ohchr.org/Documents/Publications/FactSheet13en.pdf> (hereinafter “U.N. Fact Sheet No. 13”).
- 134 Int'l Comm. of the Red Cross, IHL: The Basics of Int'l Humanitarian Law (2005), <http://www.icrc.org/web/eng/siteeng0.nsf/html/p0850>.
- 135 IHL-IHRL Fact Sheet, *supra* note 133.
- 136 *Id.*
- 137 Int'l Committee of the Red Cross (ICRC), Int'l Humanitarian Law: Answers to Your Questions 36 (Oct. 2002), http://www.ehlicrc.org/images/stories/resources/ihl_answers_to_your_questions.pdf.
- 138 Am. Red Cross, *supra* note 133.
- 139 *Id.*
- 140 ICRC, *supra* note 137, at 36.
- 141 DAVID P. FORSYTHE & BARBARA ANN J. RIEFFER-FLANAGAN, THE INTERNATIONAL COMMITTEE OF THE RED CROSS: A NEUTRAL HUMANITARIAN ACTOR 41 (2007).
- 142 *Id.* at 68-69.
- 143 *Id.* at 68-69.
- 144 *Id.* at 68.
- 145 All instruments that apply in situations of internal armed conflict are noted with an asterisk. All other instruments apply only in situations of international armed conflict.
- 146 The Declaration of St. Petersburg (1868) is the earliest formal agreement forbidding the use of specified weapons in warfare. *See St. Petersburg Declaration Renouncing the Use, in Time of War, of Explosive Projectiles Under 400 Grammes Weight, Dec. 11, 1868*, 1 AM. J. INT'L. L. (Supp.) 95 (1907), <http://www.icrc.org/ihl.nsf/INTRO/130?OpenDocument>. The preamble to the Declaration states that “the only legitimate object which States should endeavour to accomplish during war is to weaken the military forces of the enemy.” The Declaration bans a particular version of explosive ammunition, with the reason that its use would “be contrary to the laws of humanity.”
- 147 Frits Kalshoven & Liesbeth Zegveld, *Constraints on the Waging of War: An Introduction to Int'l Humanitarian Law*, p. 21 (2001) [hereinafter *Constraints on Waging War*], <http://www.icrc.org/web/eng/siteeng0.nsf/html/p0793>.
- 148 U.N. Comm'r for Human Rights, *supra* note 133.
- 149 ICRC, *supra* note 137, at 10.

- 150 The Hague Convention with Respect to the Laws and Customs of War on Land and its annex § I, July 29, 1899, 32 Stat. 1803 *entered into force* Sept. 4, 1990 [hereinafter Hague Convention II], <http://www.icrc.org/ihl.nsf/FULL/150?OpenDocument>. Hague Convention treaties may also be accessed at The Avalon Project – Yale Law School – The Laws of War [hereinafter Avalon Project], <http://www.yale.edu/lawweb/avalon/lawofwar/lawwar.htm>.
- 151 Hague Convention II, *supra* note 150, § II.
- 152 *Id.*
- 153 *Id.* § III.
- 154 *Id.* § IV.
- 155 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict, May 14, 1954, 249 U.N.T.S. 215 [hereinafter Hague Convention Cultural Property], <http://www.icrc.org/ihl.nsf/FULL/400?OpenDocument>.
- 156 Henckaerts, Jean-Marie, *Study on Customary International Humanitarian Law: A Contribution to the Understanding and Respect for the Rule of Law in Armed Conflict*, 87 INT'L REV. OF THE RED CROSS 175, 178 (March 2005), [http://www.icrc.org/Web/eng/siteeng0.nsf/htmlall/review-857-p175/\\$File/irrc_857_Henckaerts.pdf](http://www.icrc.org/Web/eng/siteeng0.nsf/htmlall/review-857-p175/$File/irrc_857_Henckaerts.pdf).
- 157 Hague Convention Cultural Property, *supra* note 155, art. 19.
- 158 ICRC, *supra* note 137, at 36.
- 159 *Id.*
- 160 *Id.*
- 161 *Constraints on Waging War*, *supra* note 147, at 54.
- 162 Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field art. 15, Oct. 21, 1950, 75 UNTS. 31 [hereinafter Geneva Convention I], http://avalon.law.yale.edu/20th_century/geneva05.asp.
- 163 *Constraints on Waging War*, *supra* note 147, at 55.
- 164 *Id.* at 54.
- 165 *Id.* at 56.
- 166 Geneva Convention for the Amelioration of the Condition of the Wounded, Sick and Shipwrecked Members of Armed Forces at Sea, Oct. 21, 1950, 75 UNTS. 85 [hereinafter Geneva Convention II], http://avalon.law.yale.edu/20th_century/geneva06.asp.
- 167 *Id.* art. 47.
- 168 Geneva Convention Relative to the Treatment of Prisoners of War art. 13, Oct. 21, 1950, 75 UNTS. 135 [hereinafter Geneva Convention III].
- 169 *Id.* art. 13.
- 170 *Id.* arts. 15, 19, 21.
- 171 *Id.* arts. 49, 50.
- 172 *Constraints on Waging War*, *supra* note 147, at 52; Geneva Convention Relative to the Protection of Civilians in Time of War, Aug. 12, 1949 [hereinafter Geneva Convention IV].
- 173 *Id.*
- 174 *See, e.g.*, Geneva Convention I, *supra* note 162, art. 3; Geneva Convention II, *supra* note 166, art. 3 [hereinafter Common Article III].
- 175 *Id.*
- 176 ICRC, *supra* note 137, at 19; *Constraints on Waging War*, *supra* note 147, at 70.
- 177 *Constraints on Waging War*, *supra* note 147, at 70.
- 178 *Id.* at 69.
- 179 *Id.*
- 180 *See id.* at 70.
- 181 Geneva Convention IV, *supra* note 172, art. 147.
- 182 Protocol Additional to the Geneva Conventions of 12 Aug. 1949, and Relating to the Protection of Victims of International Armed Conflicts (Protocol I) art. I, June 8, 1977, 1125 U.N.T.S. 3, art. 11, 85 [hereinafter Additional Protocol I].
- 183 *Id.* art. 1(1).
- 184 *Id.* art. 22.
- 185 *Id.* art. I
- 186 Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II) art. 1, June 8, 1977, 1125 U.N.T.S. 609 [hereinafter Additional Protocol II].
- 187 *Constraints on Waging War*, *supra* note 147, at 133.
- 188 *Id.*
- 189 Additional Protocol II, *supra* note 186, art. 2(1).
- 190 *Id.* art. 4(1).
- 191 *Id.* art. 4(2).
- 192 *Id.* art. 4(3).
- 193 *Id.* arts. 7, 9.
- 194 *Id.* arts. 13–17.
- 195 *Constraints on Waging War*, *supra* note 147, at 189.
- 196 ICC Statute, *supra* note 74, arts. 8(2)(c), 8(2)(e)–(f).
- 197 *Id.* arts. 8(2)(d), 8(2)(f).
- 198 Conv. on Rights of the Child, *supra* note 102.
- 199 Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflicts, May 25, 2000, 2173 U.N.T.S. 236; 8 I.H.R.R. 288, *entered into force* Feb. 12, 2002).
- 200 *Id.*

201 The date following the treaty or convention is the date of ratification, accession or signature by Liberia.

Appendix C



Protections for Refugees in International Law

I. International Refugee Protection

The protection of the world's estimated 14 million refugees¹ is governed by an international system which emerged following the Second World War.² The Convention relating to the Status of Refugees (1951 Refugee Convention), adopted in 1951 and amended by the 1967 Protocol to the Convention, continues to control today, with 144 states party to the Convention and the Protocol.³ The 1951 Refugee Convention defines who is a "refugee" under international law and sets forth the comprehensive set of protections to which refugees are entitled. Despite this international standard, the protection of refugees varies substantially around the world, as States Parties to the convention have implemented domestic procedures for refugee processing and as regional instruments have expanded the protection framework. And while the 1951 Refugee Convention can be recognized as "saving countless lives and ensuring a means of escape for people facing imprisonment, torture, execution and other human rights abuses for reasons such as their political or religious beliefs, or membership in a particular ethnic or social group,"⁴ the system has also come under criticism both for failing to adequately address economic migrants and for serving as a "back door" to migration from poor to rich countries.⁵

a. **Well-Founded Fear of Persecution: The Refugee Definition**

The 1951 Refugee Convention defines as a refugee any person who "owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion ... is unable or, owing to such fear, is unwilling to avail himself of the protection of that country."⁶

Certain persons are excluded by the 1951 Refugee Convention from refugee protection. Those who have committed a crime against peace, a war crime, or a crime against humanity; those who have committed a serious non-political crime outside the country of refuge; or those guilty of acts contrary to the purposes and principles of the United Nations are excluded from the refugee definition and its attendant protections.⁷

Refugee status and the protection accorded to refugees may cease under certain conditions. The Refugee Convention provides for cessation of refugee status when a refugee voluntarily re-avails himself of the protection of the country of nationality; when the refugee, having lost his nationality, voluntarily re-acquires it; when the refugee acquires a new nationality and enjoys the protection of the country of new nationality; or when an individual "can no longer, because the circumstances in connection with which he has been recognized as a refugee have ceased to exist, continue to refuse to avail himself of the protection of the country of his nationality," unless that person "is able to invoke compelling reasons arising out of previous persecution for refusing to avail himself of the protection of the country of nationality."⁸

The Organization of African Unity (OAU) Convention Governing Specific Aspects of Refugee Problems in Africa (OAU Refugee Convention) adopts the definition of refugee from the 1951 Refugee Convention. In addition, the OAU Refugee Convention holds that an individual fleeing generalized violence shall also be considered a refugee, extending protection beyond those subjected to targeted persecution identified in the 1951 Refugee Convention:

The term “refugee” shall also apply to every person who, owing to external aggression, occupation, foreign domination or events seriously disturbing public order in either part or the whole of his country of origin or nationality, is compelled to leave his place of habitual residence in order to seek refuge in another place outside his country of origin or nationality.⁹

The U.S. definition of a refugee is founded upon the 1951 Convention relating to the Status of Refugees. The Immigration and Nationality Act (INA) sets forth the refugee definition:

Any person who is outside any country of such person’s nationality or, in the case of a person having no nationality, is outside any country in which such person last habitually resided, and who is unable or unwilling to return to, and is unable or unwilling to avail himself or herself of the protection of, that country because of persecution or a well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion.¹⁰

Amending 8 U.S.C. §1158(b)(1)(B)(i), the REAL ID Act adds the following to the law of asylum: “The burden of proof is on the applicant to establish that the applicant is a refugee, within the meaning of section 101(a)(42)(A). To establish that the applicant is a refugee...the applicant must establish that race, religion, nationality, membership in a particular social group, or political opinion was or will be at least one central reason for persecuting the applicant.”¹¹ As in the 1951 Refugee Convention, certain persons are excluded from the refugee definition by U.S. law,¹² and refugee and asylum status are subject to termination under certain circumstances.¹³

b. Prohibition of Expulsion or Return: Non-refoulement

Essential to refugee protection is the concept of *non-refoulement*. Article 33 of the 1951 Refugee Convention prohibits the expulsion or return of an individual “to the frontiers of territories where his life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social group or political opinion.”¹⁴ Refugees unlawfully within a country must be afforded the opportunity to present themselves for refugee status determination.¹⁵ Refugees lawfully within a country may not be expelled except on grounds of national security or public order, and only in accordance with due process of law.¹⁶ The 1951 Refugee Convention allows, however, that the benefit of *non-refoulement* cannot be claimed by a refugee for “whom there are reasonable grounds

for regarding as a danger to the security of the country in which he is, or who, having been convicted by a final judgment of a particularly serious crime, constitutes a danger to the community of that country.”¹⁷

Under Article 2(3) of the OAU Refugee Convention, a state is obliged not to return an individual from its frontiers to a territory where he or she would be subject to the treatment outlined in Article 1¹⁸ (see Section 1, above). Again, relative to other international standards, Article 2(3)’s *non-refoulement* standard is generous to displaced individuals. First, an individual may not be returned if he or she would face treatment encompassed by the expanded generalized violence refugee definition found in Article 1. Second, an individual may not be expelled from a country’s “frontiers,” suggesting that a State’s obligation extends to those over whom it exercises control, not only those who are within its territory.¹⁹ The African [Banjul] Charter on Human and Peoples’ Rights (African Charter) also maintains an absolute prohibition on the mass expulsion of non-nationals on account of their membership in “national, racial, ethnic or religious groups.”²⁰

The United States executes its obligation to avoid *refoulement* through the concept of withholding of removal.²¹ The Immigration and Nationality act (INA) prohibits the removal of an alien to a country if it is determined that the alien’s life or freedom would be threatened in that country because of the alien’s race, religion, nationality, membership in a particular social group, or political opinion.²² Withholding of removal is mandatory once the alien establishes a clear probability that his or her life or freedom will be threatened on account of one of the protected grounds. Withholding of removal may also be granted to persons who establish a clear probability of torture, fulfilling the government’s obligations under the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT).²³

c. Durable Solutions

Voluntary repatriation, local integration, and third-country resettlement constitute what are commonly referred to as durable solutions to refugee crises.²⁴ These durable solutions relate directly to the tension between states’ obligation against *refoulement* and their sovereign right to determine to whom, if anyone, an offer of permanent asylum will be granted. While refugees must not be forced to return to their country of origin involuntarily,²⁵ states are under no international legal obligation²⁶ to offer asylum.

The durable solutions often may be in conflict with one another. The decision to offer third-country resettlement is complex, involving foreign policy, humanitarian, and practical considerations.²⁷ Designation of third-country resettlement, for example, can result in a “magnet” effect of new migration and may be resisted by the government of the country of first asylum²⁸ or may disrupt efforts toward voluntary repatriation – long considered the most preferred solution by the United Nations High Commissioner for Refugees (UNHCR).²⁹

d. Asylum from Persecution

The political and legal reality is that states generally have not undertaken, and foreseeably will not undertake, an obligation to grant asylum in the sense of a lasting solution. The peremptory norm of *non-refoulement* secures admission and, in the individual case, may further raise the presumption that a local durable solution will be forthcoming. In the case of large-scale movements, however, no such presumption is raised.³⁰

The concept of asylum relates more to the rights and duties of states – both to grant asylum and to respect asylum that is granted by another sovereign state – rather than to the right of individual refugees seeking protection. States have not accepted an international obligation to grant asylum to refugees³¹ and the 1951 Refugee Convention does not include the affirmative right to asylum.³² Efforts to recognize a right to asylum in treaty largely have stalled since the adoption of the Declaration on Territorial Asylum in 1967 and the U.N. Conference on Territorial Asylum convened a decade later.

Under the OAU Refugee Convention, states “shall use their best endeavours consistent with their respective legislations to receive refugees and to secure the settlement of those refugees who, for well-founded reasons, are unable or unwilling to return to their country of origin or nationality.”³³ A State Party thus must both accept a refugee within its borders and find a longer-term solution for settlement. This obligation is tempered in three ways. First, a state is obligated to provide harbor only to the extent that they are capable. Second, such harbor need only be provided to the extent that domestic legislation does not dictate otherwise. Third, a state is not obligated to provide longer-term harbor itself: it need only receive the refugee, but then may find a durable solution for the individual in a second state.

The right to asylum is also upheld in the African Charter.³⁴ Under Article 12(3) of the Charter: “Every individual shall have the right, when persecuted, to seek and obtain asylum in other countries in accordance with laws of those countries and international conventions.” The right contained within Article 12(3) also should be read within the context of a State Party’s other treaty-based obligations. However, unlike within the OAU Refugee Convention, the African Charter does not limit an individual’s right to asylum by a state’s capacity to provide safe harbor.

While the United States does provide that any person who is physically present in the United States or who arrives in the United States may apply for asylum,³⁵ whether to grant asylum remains discretionary and numerous exceptions to asylum eligibility exist.³⁶

II. RIGHTS OF REFUGEES

The 1951 Refugee Convention provides that refugees shall be accorded the same treatment as a national in matters pertaining to access to the courts, including legal assistance;³⁷ elementary education;³⁸ public relief and assistance;³⁹ labor protections and social security;⁴⁰ and finally, “[w]here a rationing system exists, which applies to the population at large and regulates the general distribution of products in short supply, refugees shall be accorded the same treatment as nationals.”⁴¹

In addition, refugees are to be accorded “the most favourable treatment accorded to” nationals of a foreign country or other aliens under similar circumstances, with regard to acquisition of movable and immovable property,⁴² right of association,⁴³ the right to engage in wage earning employment,⁴⁴ and self-employment;⁴⁵ housing rights;⁴⁶ the right to education beyond elementary education, including in the award of scholarships;⁴⁷ and freedom of movement and the right to freely choose place of residence.⁴⁸

Both the 1951 Refugee Convention and the OAU Refugee Convention prohibit discrimination between groups of refugees. Article 3 of the 1951 Refugee Convention states: “The Contracting States shall apply the provisions of this Convention to refugees without discrimination as to race, religion or country of origin,” while the OAU Refugee Convention expands the prohibition to discrimination based on membership of a particular social group or political opinions.⁴⁹

In addition, major international human rights instruments apply equally to citizens and non-citizens alike, as set forth in the Universal Declaration of Human Rights, which states: “Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.”⁵⁰ The principle of equality and non-discrimination is reiterated in the International Covenant on Economic, Social and Cultural Rights,⁵¹ International Covenant on Civil and Political Rights,⁵² the Convention on the Elimination of All Forms of Discrimination Against Women,⁵³ and the Convention on the Rights of the Child.⁵⁴ While the Convention on the Elimination of All Forms of Racial Discrimination allows for States to distinguish among citizens and non-citizens under limited circumstances,⁵⁵ States may do so only in a manner that avoids undermining the basic prohibition of discrimination.⁵⁶

Similarly, under the African Charter, states must ensure that all individuals are equal before the law,⁵⁷ and:

Every individual shall be entitled to the enjoyment of the rights and freedoms recognized and guaranteed in the present Charter without distinction of any kind such as race, ethnic group, color, sex, language, religion, political or any other opinion, national and social

origin, fortune, birth or other status.⁵⁸

States are therefore prohibited from discrimination against refugees in application of the rights afforded by the OAU Refugee Convention, as well as in the application of the rights afforded by the African Charter,⁵⁹ including the rights to life,⁶⁰ dignity,⁶¹ the prohibition against torture,⁶² personal liberty and security,⁶³ health,⁶⁴ education,⁶⁵ and the rights of the accused and convicted.⁶⁶ To the extent to which states are obligated to provide for these rights to their own citizens, which includes the obligation to both “recognize” and “undertake to adopt legislative or other measures to give [them] effect,”⁶⁷ states must also provide them to refugees. The African Commission has supported this position, holding that Article 2 of the Charter “imposes an obligation on the contracting state to secure the rights protected in the Charter to all persons within their jurisdiction, nationals or non-nationals.”⁶⁸

The right to freedom of movement has been supported by the OAU in a number of resolutions⁶⁹ and in the African Charter, which ensures that: “Every individual shall have the right to leave any country including his own, and to return to his country. This right may only be subject to restrictions, provided for by law for the protection of national security, law and order, public health or morality.”⁷⁰ In addition, the OAU Refugee Convention requires a State Party to issue travel documents “to refugees lawfully staying” in its territory so that they might travel outside of that territory.⁷¹ A Member State “may” issue travel documents to other refugees.⁷² It is bound, however, only to issue travel documents to persons who conform “with its laws and regulations as well as with measures taken for the maintenance of public order” and does not engage in “subversive activities” or “any activity likely to cause tension between Member States.”⁷³

The International Covenant on Economic, Social and Cultural Rights provides for compulsory and free primary education. Additionally it provides for secondary and higher education “generally available and accessible to all by every appropriate means, and in particular by the progressive introduction of free education.”⁷⁴

The 2002 Report of the Special Rapporteur on the right to education noted, “[e]xpansion of jurisprudence on the right to education at the domestic and international levels has been supplemented by the work of national human rights institutions.”⁷⁵ The report commented:

In its resolution 2001/29, the Commission on Human Rights reiterated the necessity to progressively ensure that primary education is compulsory, accessible and available free to all and identified those often denied education: girls (including pregnant girls and child-mothers); children in rural areas; minority, indigenous, migrant and **refugee children**; internally displaced children, children affected by armed conflicts, children with disabilities, children affected by HIV/AIDS and children deprived of

their liberty. . . The Commission's listing of categories often denied education illustrates how the initially simple and neat legal categorizations of prohibited grounds and types of discrimination have gradually become complex.⁷⁶ (emphasis added)

The African Commission has “underline[d]” the importance of States directing education towards the “need[s] of specific groups,” including refugees.⁷⁷

The Office of the UNHCR, established December 14, 1950, has as its primary purpose, “to safeguard the rights and well-being of refugees. It strives to ensure that everyone can exercise the right to seek asylum and find safe refuge in another State, with the option to return home voluntarily, integrate locally or to resettle in a third country.”⁷⁸

International law recognizes that providing for refugees can be a burden on host countries. The Preamble to the 1951 Refugee Convention specifically notes, “that the grant of asylum may place unduly heavy burdens on certain countries, and that a satisfactory solution of a problem of which the United Nations has recognized the international scope and nature cannot therefore be achieved without international co-operation.”⁷⁹

The UNHCR engaged states in a new dialogue about protecting refugees in 2000 which resulted in a non-binding pledge, the “Agenda for Protection.” After reaffirming a commitment to the 1951 Convention, States committed “to providing, within the framework of international solidarity and burden-sharing, better refugee protection through comprehensive strategies, notably regionally and internationally, in order to build capacity, in particular in developing countries and countries with economies in transition, especially those which are hosting large-scale influxes or protracted refugee situations, and to strengthening response mechanisms, so as to ensure that refugees have access to safer and better conditions of stay and timely solutions to their problems.”⁸⁰

Unfortunately budget cuts have hindered UNHCR and other international organizations' abilities to provide for refugees. “In 2001, UNHCR reported that relief programmes assisting over 2.5 million refugees in West, East and Central Africa were severely under-funded leading to food shortages, unreliable drinking water, bare medical clinics, overcrowded schools, and other cuts in basic services to refugee populations throughout these regions.”⁸¹ The World Food Program (WFP) has continuously had to reduce food rations.⁸² These reductions can be linked not only to poorer health and malnutrition, but also to sexual exploitation and lower school attendance rates.⁸³

Notes

- 1 U.S. COMMITTEE FOR REFUGEES, *WORLD REFUGEE SURVEY* 2008 31.
- 2 *See* International Covenant on Civil and Political Rights Preamble, G.A. Res. 2200A (XXI), U.N. Doc. A/6316 (1966), *entered into force* Mar. 23, 1976, 999 U.N.T.S. 171 [hereinafter ICCPR]; International Covenant on Economic, Social and Cultural Rights Preamble, G.A. Res. 2200A (XXI), U.N. Doc. A/6316 (1966), *entered into force* Jan. 3, 1976, 993 U.N.T.S. 3 [hereinafter ICESCR]; Convention on the Elimination of All Forms of Discrimination Against Women, G.A. Res. 34/180, 34 U.N. GAOR Supp. (No. 46) at 193, U.N. Doc. A/34/46, *entered into force* Sept. 3, 1981 [hereinafter CEDAW]; International Convention on the Elimination of All Forms of Racial Discrimination (CERD), 660 U.N.T.S. 195, *entered into force* Jan. 4, 1969; Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, G.A. Res. 39/46, annex, 39 U.N. GAOR Supp. (No. 51) at 197, U.N. Doc. A/39/51 (1984), *entered into force* June 26, 1987 [hereinafter CAT]; Convention on the Rights of the Child, G.A. Res. 44/25, annex, 44 U.N. GAOR Supp. (No. 49) at 167, U.N. Doc. A/44/49 (1989), *entered into force* Sept. 2, 1990 [hereinafter Conv. on Rights of the Child]; and Optional Protocol to the Conv. on Rights of the Child on Children in Armed Conflict, G.A. Res. 54/263, Annex I, 54 U.N. GAOR Supp. (No. 49) at 7, U.N. Doc. A/54/49, Vol. III (2000), *entered into force* February 12, 2002 (providing protections to refugees who also fall within the scope of these specific treaties).
- 3 United Nations Treaty Collection, http://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=V-5&chapter=5&lang=en (last visited June 10, 2009).
- 4 Press Release, U.N. High Commissioner for Refugees, UNHCR Marks 50th Anniversary of U.N. Refugee Convention (July 26, 2001).
- 5 *Id.*
- 6 Convention relating to the Status of Refugees art. 1(A)(2), July 28, 1951, 189 U.N.T.S. 150, *entered into force* April 22, 1954 [hereinafter 1951 Refugee Convention].
- 7 *Id.* art. 1(F).
- 8 *Id.* art. 1(C).
- 9 Organization of African Unity Convention Governing the Specific Aspects of Refugee Problems in Africa art. 1(2), June 20, 1974, 1001 U.N.T.S. 45 [hereinafter OAU Refugee Convention].
- 10 8 U.S.C. § 1101(a)(42)(A) (2008).
- 11 REAL ID Act, Pub. L. 109-13, 119 Stat. 231 (May 11, 2005).
- 12 8 U.S.C. § 1158(b)(2) (2008).
- 13 8 U.S.C. § 1158(c)(2) (2008).
- 14 OAU Refugee Convention art. 33(1). *See also* *Compilation of General Comments and General Recommendations Adopted by Human Rights Treaty Bodies: Addendum ¶¶ 25-28*, U.N. Doc. HRI/GEN/1/Rev.7/Add.1 (May 4, 2005) [hereinafter Gen. Rec. 30] (containing General Recommendation 30 of the Committee on the Elimination of Racial Discrimination, outlining specific responsibilities vis-à-vis non-citizens in the context of expulsion and deportation, including ensuring that non-citizens are not returned or removed to a country or territory where they are at risk of being subject to serious human rights abuses, including torture and cruel, inhuman or degrading treatment or punishment).
- 15 1951 Refugee Convention, *supra* note 6, art. 31(1).
- 16 *Id.* art. 32.
- 17 *Id.* art. 33(2).
- 18 “No person shall be subjected by a Member State to measures such as rejection at the frontier, return or expulsion, which would compel him to return to or remain in a territory where his life, physical integrity or liberty would be threatened for the reasons set out in Article I, paragraphs 1 and 2.” OAU Refugee Convention, *supra* note 9, art. 2(3).
- 19 In contrast, the 1951 Convention provides no geographic requirement over its *non-refoulement* obligation. Article 33(1) of the 1951 Refugee Convention reads:
No Contracting State shall expel or return (“refouler”) a refugee in any manner whatsoever to the frontiers of territories where his life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social group or political opinion.
1951 Refugee Convention, *supra* note 6, art. 33(1). This formulation has “allowed” for controversial interpretations such as that of the United State Supreme Court in *Sale v. Haitian Ctrs. Council*, 113 S. Ct. 2549, 125 L. (92-344), 509 U.S. 155 (1993). In *Sale*, the Court ruled

- that interdicting Haitian refugees beyond the borders of the U.S. so that they might not enter U.S. territory and claim asylum did not violate the 1951 Convention's Article 33 *non-refoulement* obligation.
- 20 African [Banjul] Charter on Human and Peoples' Rights art. 12(5), June 27, 1981, OAU Doc. CAB/LEG/67/3 rev. 5, 21 I.L.M. 58 (1982), *entered into force* Oct. 21, 1986 [hereinafter African Charter]. *See also* Addis Ababa Document on Refugees and Forced Population Displacements in Africa, adopted at a 1994 OAU/UNHCR Symposium on Refugees and Forced Population Displacements in Africa (recommending that Member States "safeguard refugees against refoulement or expulsion").
- 21 8 U.S.C. § 1231(b)(3) prohibits "restriction" on removal. Prior to the Illegal Immigration and Immigrant Responsibility Act of 1996, Pub. L. 104-208, 110 Stat. 2009 (1996), this provision was known as "withholding of deportation" and continues to be referred to as "withholding" despite the change in the statutory language.
- 22 8 U.S.C. § 1231(b)(3)(A) (2008).
- 23 8 CFR § 208.16 (2009).
- 24 G.A. Res. 57/187, ¶ 10, U.N. Doc. A/RES/57/187 (Feb. 6, 2003) ("*Strongly reaffirms* the fundamental importance and the purely humanitarian and non-political character of the function of the Office of the High Commissioner of providing international protection to refugees and seeking permanent solutions to refugee problems, recalls that these solutions include voluntary repatriation and, where appropriate and feasible, local integration and resettlement in a third country, reaffirming that voluntary repatriation remains the preferred solution, supported by necessary rehabilitation and development assistance to facilitate sustainable reintegration"). *See also* G.A. Res. 62(I), Refugees and Displaced Persons A/RES/62(I) (Dec. 15, 1946).
- 25 OAU Refugee Convention, *supra* note 9, art. 5(1).
- 26 *But see id.* § d. Asylum from Persecution *infra* (noting that while there is no customary or conventional international legal obligation to offer permanent asylum, the OAU Refugee Convention and the African Charter on Human and Peoples' Rights do impose certain obligations upon member states to offer asylum).
- 27 David A. Martin, *A New Era for U.S. Refugee Resettlement*, 36 COLUM. HUM. RTS. L. REV. 299, 304-11 (2005).
- 28 *Id.* at 307.
- 29 GUY S. GOODWIN-GILL, THE REFUGEE IN INTERNATIONAL LAW 219 (1983); Martin, *supra* note 27, at 309.
- 30 GOODWIN-GILL, *supra* note 29, at 119.
- 31 GOODWIN-GILL, *supra* note 29, at 107 (noting that the 1951 Refugee Convention imposes no conventional obligation upon States Parties to provide asylum and observing that while states do grant asylum in individual cases, this is not done out of a sense of legal obligation and therefore fails to rise to the level of customary international law).
- 32 *But see* 1951 Refugee Convention, *supra* note 6, art. 34 (encouraging states to facilitate the assimilation and naturalization of refugees within their territory and to reduce as far as possible the costs of such processes).
- 33 OAU Refugee Convention, *supra* note 9, art. 2(1).
- 34 African Union, List of Countries that have Signed, Ratified/Acceded to the African Charter on Human and Peoples' Rights 2 (Jan. 28, 2009), <http://www.africa-union.org/root/au/Documents/Treaties/List/African%20Charter%20on%20Human%20and%20Peoples%20Rights.pdf> (last visited April 20, 2008).
- 35 8 U.S.C. § 1158(a)(1) (2008).
- 36 *See, e.g.* 8 U.S.C. § 1158(a)(2)(2008) (providing exceptions to asylum eligibility for those who pass through a safe third country, fail to file for asylum within one year of arrival in the U.S., or who have previously applied for asylum); 8 U.S.C. § 1158(b)(2)(A)(2008) (providing that aliens who have participated in persecution of others, have been convicted of a particularly serious crime, are a danger to the security of the U.S., are inadmissible due to terrorist activities, and are firmly resettled in another country may not apply for asylum).
- 37 1951 Refugee Convention, *supra* note 6, art.16.
- 38 *Id.* art. 22(1).
- 39 *Id.* art. 23.
- 40 *Id.* art. 24.
- 41 *Id.* art. 20.
- 42 *Id.* art. 13.
- 43 *Id.* art. 15.
- 44 *Id.* art. 17.
- 45 *Id.* art. 18.
- 46 *Id.* art. 21.
- 47 *Id.* art. 22(2).

48 *Id.* art. 26.
 49 1951 UN Refugee Convention, *supra* note 6; OAU
 Refugee Convention, *supra* note 9, art. 4.
 50 Universal Declaration of Human Rights art. 2, G.A.
 Res. 217A, at 71, U.N. GAOR, 3d Sess., 1st plen.
 mtg., U.N. Doc. A/810 (Dec. 10, 1948) [hereinafter
 UDHR].
 51 ICESCR, *supra* note 2, art. 2.2 (“The States Parties
 to the Present Covenant undertake to guarantee that
 the rights enunciated in the present Covenant will be
 exercised without discrimination of any kind as to
 race, colour, sex, language, religion, political or other
 opinion, national or social origin, property, birth or
 other status.”).
 52 ICCPR, *supra* note 2, art. 2.1 (“Each State Party to
 the present Covenant undertakes to respect and
 to ensure to all individuals within its territory and
 subject to its jurisdiction the rights recognized in the
 present Covenant, without distinction of any kind,
 such as race, colour, sex, language, religion, political
 or other option, national or social origin, property,
 birth or other status.”).
 53 CEDAW, *supra* note 2. Although CEDAW does
 not include a specific non-discrimination provision
 similar to those included in other treaties, there are
 no restrictions or limitations on which women are
 covered; rather, is aimed to protect all women.
 54 Conv. on Rights of the Child, *supra* note 2 (Article
 1 defines a “Child” for the purposes of the
 Convention as “every human being below the age of
 eighteen years unless under the law applicable to the
 child, majority is attained earlier,” and Article 2(1)
 provides “States Parties shall respect and ensure the
 rights set forth in the present Convention to each
 child within their jurisdiction without discrimination
 of any kind, irrespective of the child’s or his or her
 parent’s or legal guardian’s race, colour, sex, language,
 religion, political or other opinion, national or social
 origin, property, disability, birth or other status.”).
 55 CERD, *supra* note 2, art. 1(2).
 56 Gen. Rec. 30, *supra* note 14, ¶ 2.
 57 African Charter, *supra* note 20, art. 3.
 58 *Id.* art. 2.
 59 It should be noted that territorial or jurisdictional
 scope of this obligation is undetermined. It
 appears less restrictive than that of the European
 Convention on Human Rights, Article 1 which
 restricts a State’s obligations to those within its
 “jurisdiction.” Convention for the Protection of

Human Rights and Fundamental Freedoms as
 amended by Protocol No. 11 art. 1, Nov. 4, 1950,
 213 U.N.T.S. 222.
 Perhaps more comparable would be
 Article 1 of the American Convention
 on Human Rights, which also prohibits
 discrimination against “any individual.”
 American Convention on Human Rights art.
 1, O.A.S.Treaty Series No. 36, 1144 U.N.T.S.
 123, *entered into force* July 18, 1978. The Inter-
 American Court has read this clause, and
 thus the Convention generally, to apply to all
 within the “authority and control” of the State
 Party. *See Coard and Others et al. v. the United
 States (US military intervention in Grenada)*, § 37,
 IACHR Report No. 109/99, Case No. 10.951,
 (Sept. 29, 1999). *See also* The Human Rights
 Committee, *General Comment 31: Nature of the
 General Legal Obligation Imposed on States Parties
 to the Covenant: 26/05/2004*, § 10, UN Doc.
 CCPR/C/21/Rev.1/Add.13. (May 26, 2004)
 on the jurisdictional scope of the International
 Covenant on Civil and Political Rights, article
 2, *and* The Committee Against Torture, *Draft
 General Comment 2: Implementation of article 2
 by States Parties*, § 16, [http://www.ohchr.org/
 english/bodies/cat/docs/AdvanceVersions/
 CAT.C.GC.2.CRP.1.Rev.2.pdf](http://www.ohchr.org/english/bodies/cat/docs/AdvanceVersions/CAT.C.GC.2.CRP.1.Rev.2.pdf) on the
 jurisdictional scope of the Convention against
 Torture, article 2 (last visited April 20, 2008).
 60 African Charter, *supra* notes 20, 57 art. 4.
 61 *Id.* art. 5.
 62 *Id.* art. 5.
 63 *Id.* art. 6.
 64 *Id.* art. 16.
 65 *Id.* art. 17.
 66 *Id.* art. 7.
 67 *Id.* art. 1.
 68 African Commission on Human and Peoples’ Rights,
*Tenth Annual Activity Report of the African Commission
 on Human and Peoples’ Rights 1996/97*, Annex X, at
 49-69.
 69 The Resolution on Refugees, Returnees and
 Displaced Persons in Africa held that States should
 “encourage voluntary repatriation of refugees to
 their countries of origin, once the conditions that
 caused their exile have disappeared.” Organization
 of African Unity, Resolution on Refugees, Returnees
 and Displaced Persons in Africa, 18, CM/Res.1521

- (LX) (1994). In its Resolution on Voluntary Repatriation of African Refugees, the OAU called upon Member States to “Launch a campaign to encourage the refugees to return to their countries, of their own free will...” Organization of African Unity, Resolution on Voluntary Repatriation of African Refugees, CM/Res.399 (XXIV) (1975). In the Resolution on Africa Refugee Day, the Organization also called upon States to “[a]ccept and abide scrupulously by the international agreements and the OAU Convention on Refugees, particularly as regards the voluntary nature of repatriation...” Organization of African Unity, Resolution on Africa Refugee Day CM/Res.398 (XXIV) (1975). In the Addis Ababa Document, the OAU called upon States to “actively promote voluntary repatriation, respect the principle of voluntariness in repatriation...” Addis Ababa Document, *supra* note 20, rec. 5(ii).
- 70 African Charter, *supra* note 57, art. 12(2).
 71 OAU Refugee Convention, *supra* note 9, art. 6.
 72 *Id.* art. 6.
 73 *Id.* art. 3 (describing prohibition of subversive activities). Article 6 “Travel Documents” is subject to the conditions set forth in Article 3 of the convention. *Id.* at 6.
 74 ICESCR, *supra* note 2, art. 13(2)(b).
 75 The Special Rapporteur on the Right to Education, *Annual Report of the Special Rapporteur on the Right to Education, Katarina Tomaševski, submitted pursuant to Commission on Human Rights resolution 2001/29, at ¶ 1, delivered to the Economic and Social Council, U.N. Doc. E/CN.4/2002/60* (Jan. 7, 2002).
 76 *Id.* ¶ 32.
 77 African Commission on Human and Peoples’ Rights, Resolution on Human Rights Education, / Res.6(XIV)93, The African Commission on Human and Peoples’ Rights meeting at its Fourteenth Ordinary Session in Addis Ababa, 1 - 10 December, 1993 at ¶ 3 (1993).
 78 U.N. High Comm’r for Refugees: Basic Facts, <http://www.unhcr.org/basics.html> (last visited June 12, 2009).
 79 1951 Refugee Convention, *supra* note 6.
 80 U.N. High Comm’r for Refugees, *Agenda for Protection 28 & ¶ 12*, (3rd ed. 2003). *See also* Declaration, African Parliamentary Conference: Refugees in Africa: The Challenges of Protection and Solutions, Cotonou, BENIN, 1-3 June 2004 [hereinafter Refugees in Africa]. Full conference report including Cotonou Declaration and Programme of Action available at <http://www.unhcr.org/cgi-bin/texis/vtx/publ/opendoc.pdf?tbl=PUBL&id=425e7ab14>.
 81 Ninette Kelley, *International Refugee Protection Challenges and Opportunities*, 19 INT’L J. REFUGEE L. 401, 415 (2007).
 82 *Id.*
 83 *Id.*

Appendix D



Key Events in Liberian History

1979

Liberia enters into a treaty of mutual defense with Guinea.

April 14, 1979 – President Tolbert’s proposal to increase the price of rice provokes the Rice Riots. Later, Tolbert grants general amnesty to those charged with instigating the events of April 14.

July 1970- Liberia hosts the 16th annual Organization of African Unity summit meeting.

1980

April 12, 1980 – Master Sergeant Samuel Kanyon Doe launches a bloody coup with a group of other noncommissioned officers, executing President Tolbert in the Executive Mansion.

April 22, 1980 – A firing squad publicly strips and executes 13 government officials at a beachside military base in Monrovia. Ellen Johnson-Sirleaf, along with other members of the educated elite, flee the country.

1985

October 15, 1985 – Amid claims that the voting was rigged, the Doe government holds and wins multi-party general elections.

November 12, 1985 – General Thomas Quiwonkpa stages a failed coup, invading Monrovia and securing the national radio station before being overtaken by Doe’s military reinforcements. Within days, Quiwonkpa is executed, his corpse is mutilated by Doe’s soldiers, and his body is paraded around Monrovia amid celebrations by loyalist soldiers.

January 6, 1986 – Samuel Doe becomes the president of the Second Republic, inaugurating a new constitution.

December 24, 1989 – Charles Taylor, leading the National Patriotic Front of Liberia (NPFL), instigates a civil war upon launching an invasion from Cote d’Ivoire into Liberia’s northeastern Nimba County, supported by guerrilla fighters trained in Libya.

1990

May 30, 1990 – The Economic Community of West African States Monitoring Group (ECOWAS) heads of state convene in Banjul, Gambia on the Liberian civil war and institute a five-member

Standing Mediation Committee to bring about a peaceful settlement to the conflict.

June 1990 – Clashes in Monrovia between the NPFL and Doe's forces result in indiscriminate killings and mass displacement.

July 1990 – Roughly 600 men, women, and children who sought refuge from the violence are massacred at a Lutheran church in Monrovia by government soldiers.

July 6, 1990 – ECOWAS leaders gather in Banjul and approve sending a multinational peacekeeping force into Monrovia.

July 1990 – The Independent National Patriotic Front of Liberia (INPFL) forms under Prince Johnson after breaking from Charles Taylor and enters Monrovia.

August 7, 1990 – ECOWAS Standing Mediation Committee establishes a Military Observer Group (ECOMOG) and gives it the power of collective military action for the purposes of restoring peace in Liberia.

August 8, 1990 – The NPFL enters the Nigerian embassy in Monrovia, killing those taking refuge inside.

August 24, 1990 – 4,000 ECOMOG peacekeepers from Guinea, Sierra Leone, and Gambia, led by Ghana and Nigeria, land in Monrovia amidst shellfire from the NPFL.

September 9, 1990 – President Samuel Doe is abducted from ECOWAS headquarters and tortured to death by Prince Johnson and the INPFL, who then publicly display his corpse in Monrovia. A film is made of these events and then distributed around Monrovia.

November 27-28, 1990 – ECOWAS-organized peace talks are held in Bamako, Mali, with Professor Amos Sawyer being sworn in as Liberia's first interim head of state. The NPFL and Doe's soldiers sign Liberia's first ceasefire agreement.

January 1991 – In defiance of a ceasefire, Charles Taylor forms a parallel government based out of the central Liberian town of Gbarnga. At this point in the conflict, NPFL is in control of 90 percent of the country.

April 1991 – The United Liberation Movement for Democracy (ULIMO) is created by former Doe loyalists in Guinea and Sierra Leone committed to opposing Taylor's NPFL. Alhaji Kromah, formerly a member of Doe's administration, becomes ULIMO's leader.

October 15, 1992 – Charles Taylor launches Operation Octopus, leading to clashes between the NPFL and ECOMOG forces in Monrovia.

December 21, 1994 – The now five warring parties meet in Accra, Ghana for ECOWAS-sponsored peace talks and agree to a five-member Transitional Ruling Council.

1995

September 1995 – Leaders of fighting groups Charles Taylor, Alhaji Kromah, and George Boley are sworn in with three civilian representatives as part of a collective presidency that will head up a transitional government.

April 6, 1996 – The NPFL and ULIMO forces under Alhaji Kromah battle in Monrovia against a splinter ULIMO group led by Roosevelt Johnson, leading to 2,000 deaths and extensive looting.

August 17, 1996 – Another ECOWAS-brokered peace deal is signed in Abuja, Nigeria with representatives from civil society. Ruth Sando Perry is selected as chair for a new transitional government charged with organizing elections for May 1997.

November 22, 1996 – With help from the United Nations Observer Mission in Liberia, ECOMOG begins disarmament of armed groups.

July 19, 1997 – Charles Taylor wins ECOWAS-supervised presidential elections, in which Taylor garners an overwhelming majority of the approximate 80 percent of the population that turn out to vote. A song sung by young NPFL supporters goes: “He killed my Ma, he killed my Pa, I’ll vote for him!”

August 4, 1997 – Charles Taylor is sworn in for a six-year term as President in Monrovia before other West African heads of state.

September 18-17, 1998 – Taylor’s government forces clash with Roosevelt Johnson’s ULIMO faction.

July 1999 – In Freetown, Sierra Leone, a group of Liberians form the rebel faction Liberians United for Reconciliation and Democracy (LURD) in opposition to the Taylor regime.

2000

September 2000 – LURD launches an insurgency from inside Guinea, raiding Liberian villages in Lofa County.

May 2001 – U.N. Security Council renews an arms embargo on Liberia as punishment for Taylor's trading of weapons for diamonds with rebels in Sierra Leone.

February 5, 2002 – Charles Taylor declares a state of emergency when it appears that LURD rebels may be gaining on Monrovia.

June 4, 2003 – In Accra, Ghana, Liberian peace talks commence while the U.N.-mandated Special Court in Sierra Leone indicts Charles Taylor's on 17 counts of war crimes committed in support of rebels in Sierra Leone.

June 6, 2003 – First offensive by LURD rebels on Monrovia.

June 17, 2003 – In Accra, Ghana, representatives from LURD and another rebel group, the Movement for Democracy in Liberia (MODEL), sign a ceasefire agreement with the Taylor government.

June 21-22, 2003 – Breaking the ceasefire, LURD and Taylor's government forces continue fighting in Monrovia.

June 27, 2003 – Another ceasefire is signed in Accra, Ghana.

July 4, 2003 – ECOWAS approves sending 3,000 regional peacekeepers into Liberia in order to restore peace.

July 19, 2003 – LURD launches their final attack on Monrovia, leaving 1,000 dead and nearly 600,000 displaced.

August 4, 2003 – The first group of Nigerian peacekeepers under an ECOWAS mandate arrive in Liberia.

August 11, 2003 – Charles Taylor steps down from the presidency and leaves for asylum in Nigeria.

August 18, 2003 – Representatives from LURD, MODEL, and the Liberian government sign the Comprehensive Peace Agreement in Accra, Ghana.

Appendix E



TRC Diaspora Project Memorandum of Understanding

MEMORANDUM OF UNDERSTANDING

This Memorandum of Understanding (“MOU”) is this 17 day of February, A.D. 2007 entered into between the Truth & Reconciliation Commission of Liberia (“TRC”) of the City of Robertsport, Republic of Liberia, represented by its Chairperson, Jerome J Verdier, Sr and Minnesota Advocates for Human Rights (“Minnesota Advocates”), a nongovernmental organization operating and existing under the laws of the State of Minnesota, United States of America, represented by its Executive Director, Robin Phillips, for the purposes herein stated;

WITNESSETH

PREAMBLE

WHEREAS, the TRC is an Independent Commission of the Government of Liberia established to redress years of human rights violations resulting from nearly two decades of protracted conflict in Liberia which displaced nearly half a million of its 3 million inhabitants in the west African sub-region, Europe and the USA; and

WHEREAS, the TRC plans to expand its program activities to incorporate the experiences and participation of Liberians in the Diasporas, including the State of Minnesota, USA, which is host to the largest Liberian refugee population in North America; and

WHEREAS, Minnesota Advocates is a nongovernmental human rights advocacy organization with vast experience in working with Liberian refugee and asylum communities in Minnesota and is interested in assisting the TRC with fostering its mandates and achieving its goals of reaching out to Liberians in the Diaspora, especially in the State of Minnesota; and

WHEREAS, pursuant to the foregoing, the TRC and Minnesota Advocates have agreed to work together to implement TRC programs in the USA, thereby enhancing its outreach objectives for the benefit of Liberian communities in the USA, especially in the State of Minnesota.

THEREFORE, and in consideration of the foregoing, the PARTIES AGREE AS FOLLOWS:

1. Background to the TRC

2. Designation The TRC Designates Minnesota Advocates as the representative institution to represent the interest of the TRC in working and coordinating with Liberians and Liberian community organizations in the implementation of the TRC programs in the USA, beginning in the State of Minnesota.

3. Contractual Rights This Memorandum is not intended to create contractual rights in any party, with the sole exception of the mutual releases and indemnities set forth herein, which are contractual. This Memorandum simply documents the mutual understandings and intentions of the parties so that a consistent approach to the issues and challenges of this project are adopted as it proceeds.

4. Scope of Minnesota Advocates Work Minnesota Advocates is responsible for the overall supervision and direction of the programmatic, administrative and operational implementation of the project; will work with the National Advisory Committee and Local/State or Community Advisory Committees, in the overall design and implementation of the project; recruit volunteer and other staff as and when necessary; solicit funding, whether jointly or separately with the TRC for the implementation of the project or other TRC programs; and work with local Liberian community organizations, groups, professionals and individuals to ensure the maximum feasible participation of Liberians in the project.

Minnesota Advocates is dependent for its funding and operations on donations and volunteers. Its ability to perform in this matter is dependent on, among other things, the scale of the operation and the amount of donated and volunteer resources that prove to be available.

5. The Project Subject of this memorandum, the Project involves sensitization, education, mobilization and participation of Liberians in the work of the TRC, in the following areas of the USA, namely New England, Minnesota, Staten Island & New York, DC and Maryland,

Pennsylvania and elsewhere as Minnesota Advocates may determine appropriate and feasible. The Project also entails the taking of voluntary statements from Liberians now resident in the United States of America; the compilation of such statements in a data base; the analysis of such statements; the holding of public and confidential hearings; community hearings and town hall discussions, workshops, seminars, etc on TRC thematic issues—women, children, human rights violations, prosecution, institutional reforms, economic crimes and corruption; and preparation of a Report to be submitted to the TRC responsive to the mandate of the TRC and that addresses the subjects set forth herein above.

The Project is piloted in Minnesota and will be extended to other parts of the USA, as envisaged, depending on the financial, material and human resource capacity of the parties.

6. Project Logistics The TRC bears ultimate responsibility for the leadership and implementation of the project, while Minnesota Advocates is at liberty to mobilize any amount of resources including logistics it deems appropriate or needed for the implementation of the project. Already, Minnesota Advocates have secured the services of a consortium of pro bono lawyers to work on the project as volunteers; Minnesota Advocates will establish a structure to provide project leadership at the global national level while the local community advisory committees will provide project leadership at the state/community level. Other resources already mobilized by Minnesota Advocates include the Law Firm of Fredrikson & Byron which have agreed to provide the technological support necessary to create and house the statement and thematic hearings data base for the project; the law firm of Faegre & Benson have agreed to provide meeting space for the Project training sessions and to take a first chair role in administering the Project.

Minnesota Advocates has, in conjunction with the TRC, facilitated training programs and will continue to do so as the project progresses and as needed. Working with the Community

Advisory Committee resources, Minnesota Advocates will also identify volunteers with professional knowledge and experience related to counseling victims of trauma, and other professional services to be available at the sites where statements will be taken. Minnesota Advocates will make available to statement takers a list of referrals to providers of legal, immigration and mental and public health services, for distribution to potential statement givers as may appear advisable. In conjunction with community resources, Minnesota Advocates will identify sites for statement taking that will be of optimal convenience for the Liberian community, such as in churches, schools and community centers. Sites will be staffed, on designated days and times, with statement takers and, if possible, with one counseling volunteer per site. Statement givers will be given opportunities both to sign up for appointments in advance, and to appear at the sites on a walk-in basis; Ensure that statements will be recorded in such a manner as to facilitate their input into the TRC data base and their subsequent analysis; Minnesota Advocates will identify a team of volunteers to analyze the data and draft the comprehensive project Report, reflecting analysis of statements, project recommendations and inputs from both the national and community advisory committees for submission to the TRC.

7. **Project Liaisons** The TRC will identify to Minnesota Advocates a single individual to act as a point of contact and liaison between the Parties with respect to the Project. Minnesota Advocates identifies its Deputy Director Jennifer Prestholdt as Minnesota Advocates point of contact and liaison with the TRC. Either organization may change its point of contact/liaison at will, by written notice to the other organization. The points of contact will endeavor to communicate regularly, and no less than weekly, on the status of their organizations' respective operations.
8. **Taking Statements** Statements will be taken using, as nearly as possible, the TRC Statement

Form with variations approved by the TRC when deemed appropriate to the uniqueness of the project. Project statements will be taken from individuals currently residing in the United States.

At the beginning of a statement session, the statement takers will read to statement givers a disclosure to be agreed upon between the TRC and Minnesota Advocates. It will inform the statement givers that the statement takers are not acting as their lawyers or representatives; that the giving of statements is entirely voluntary and must be truthful and will be confidential to the limits of US laws when applicable; statements may be given anonymously, but anonymous statements will be treated separately in the data base and if statement givers are anonymous, identifying information as to alleged perpetrators will be regarded with lesser probity unless supported by other leads.

9. **Confidentiality** The TRC will share with Minnesota Advocates any provisions it may put in place in Liberia to preserve confidentiality as to all or part of the statements taken there. Minnesota Advocates will, to the extent possible, adopt confidentiality procedures consistent with those of the TRC and applicable under US laws. Statement takers will record the names and other identifying information of statement givers and such information will be maintained in the Project data base. It will be maintained in such a way that names and addresses may be readily redacted for purposes of distributing statements without such identifying information. However, all information will be made accessible to the TRC which will be fully responsible for decisions and actions as to use of data.

As part of the project, statement takers and all staff connected to/with the project are under obligations of confidentiality not to disclose the identities or contents of statements to persons or institutions not connected or privy to the project unless otherwise required by law. Minnesota Advocates will make reasonable efforts to preserve and defend confidentiality

as stated herein, consistent with the expressed goals of the Project. Statements may be given anonymously and in which case they will be distinguishable in the report and recorded to preserve the identity of the anonymous statement giver from public disclosure.

10. **Professional Responsibility** The majority of the volunteer statement takers for the Project, and of the professional staff at Minnesota Advocates, are lawyers or paralegals. These individuals are providing their services to the Project as a matter of public service, and are not acting as attorneys for any particular individuals or entities in connection with this Project. In particular, none of the statement givers are the clients of any of the statement takers, and the statement givers will be so informed. If the statement givers have a need for legal services, the statement takers may refer them to appropriate resources. The statement takers will agree, as a condition to going forward on the Project, that they will not accept the representation of any statement giver as a result of the statement taking process. In addition, neither Minnesota Advocates, nor the law firms contributing resources to the Project, nor the individual statement takers and other volunteers, are acting as attorneys for the TRC or any of its members. The Project is undertaken entirely as a service to the public and to the people of Liberia.
11. **Liability** Neither party to this Memorandum intends that the other party shall incur any liability as a result of its participation in the Project. To the maximum extent allowed by law, the TRC and Minnesota Advocates mutually release and forever discharge each other, and the Project volunteers and their law firms, of and from any and all claims and lawsuits arising from or in any way connected to their activities connected with the Project. The mutual releases set forth in this paragraph specifically apply to claims that one entity was negligent or otherwise at fault, to the maximum extent allowed by applicable law. The mutual indemnifications shall be applicable to claims by either party that one party is negligent or otherwise at fault.

Responsibilities to third parties, if any, shall be assessed according to applicable law. If any portion of this paragraph is deemed unenforceable as a matter of law or public policy, the remainder of the obligations hereunder shall remain in full force and effect. This paragraph 11 of this Memorandum of Understanding shall be interpreted in accordance with the law of the State of Minnesota.

12. **Funding** The TRC and Minnesota Advocates will each be responsible for the funding of its own activities contemplated in this Memorandum, and neither will have any responsibility to fund the other, absent subsequent agreement.
13. **Data Base** The data base generated or created by the project is solely for the benefit of the TRC and shall be owned by it. Minnesota Advocates will not share it or distribute it to third parties without the prior consent of the TRC. Best efforts will be made to make the data base compatible with the corresponding data base used by the TRC for statements taken in Liberia, including consistency of coding to the extent possible. Upon submission of the Report, the data base will be provided in its entirety to TRC, with a copy retained by Minnesota Advocates under such terms and conditions as the parties may further agree, provided however that Minnesota Advocates will always preserve the confidentiality of the identifying information in the data base, to the best of its ability under applicable law.
14. **Reports** Regular reports including quarterly reports on the project performance will be made to TRC at least one week prior to the end of any particular quarter. The Final Report on the Project shall address the following:
 - A. Description of Project processes and activities;
 - B. Factual findings, based on thematic and public hearings, community seminars, recommendations and analysis of witness statements, concerning occurrences of and responsibilities for human rights abuses within the scope of the TRC's work;

- C. Recommendations, if appropriate, for further investigation and possible prosecutions of perpetrators;
- D. Recommendations concerning societal, legal and political factors contributing to the nation's vulnerability to human rights abuses;
- E. Recommendations for traditional, societal, legal or political initiatives to contribute to reconciliation, help victims of human rights abuses and assist in the building of a strong, stable and peaceful nation;
- F. Recommendations concerning possible reparations for victims;
- G. Other issues that may be requested by TRC or initiated by Minnesota Advocates.

15. Timeline The ability of Minnesota Advocates to adhere to any particular timeline will depend in part on factors beyond its control, such as the availability of volunteered resources and the ability of the LTRC to meet its own schedule and provide requested information and feedback. It is currently contemplated that Minnesota Advocates will train its volunteer statement takers through the fall of 2006, and will conduct a pilot program during that season, in which a limited number of statements will be taken by members of the Pro Bono Advisory Committee for purposes of trying out contemplated procedures.

It is expected that the full scale statement-taking program will begin in January of 2007, and will continue through the end of June, 2007. It is expected that a first draft of the Project Report will be provided for comment to the TRC by October 31, 2007, and that the final Report will be submitted to the TRC, along with the statement data base, thereafter. All of these deadlines are aspirational and subject to revision as necessary. Minnesota Advocates will continue to communicate regularly with TRC concerning its progress in accomplishing its tasks and its expectations for meeting the deadlines.

WHEREFORE, this Memorandum of Understanding is entered into effective this 17th day of

February, 2007.

FOR : TRUTH & RECONCILIATION COMMISSION OF LIBERIA



Jerome J Verdier, Sr. (Cllr)
Chairman

WITNESS

FOR: MINNESOTA ADVOCATES FOR HUMAN RIGHTS



Robin Phillips
Executive Director

WITNESS

APPENDIX:

1. constitution and qualification for membership of the National and State/Community Advisory Committees
2. functions, duties and roles of national and community advisory committees
3. functions, duties and roles of staff, volunteers generally and Liberian community associations.
4. statement/oath of confidentiality by all associated with the project.

Appendix F



Listing of Pro Bono Management and Advisory Committee Members

Members of the Pro Bono Management Team

Dulce Foster, Fredrikson & Byron, Minneapolis
 Dianne Heins, Faegre & Benson, Minneapolis
 Mark Kalla, Dorsey & Whitney, Minneapolis
 Jeff Keyes, Briggs & Morgan, Minneapolis
 Jim O'Neal, Faegre & Benson, Minneapolis

Members of the Community Advisory Committee

Anderson, Yende	Kiatamba, Abdullah
Badio, Harriett	Kugmeh, Patrick
Beh, Ada	Minikon, Patricia
Ben, Irvinton	Nyanwleh, Seyon
Brewer, Yeamah	Nyenie-Wea, Writhers
Brownell, John N.	Parker, Doris
Dakinah, Catherine	Qualah, James
Diahn, Kamaty	Russell, Wynfred
Doe, Wayne Douglas	Saydee, Williametta
Dolo, Emmanuel	Sesay, Mamadee
Dukule, Abdoulaye W.	Sherif, Muhammad
Elliot, Michael	Sinoe, Martha
Garsinii, Dennis	Sirleaf, Ahmed
Gaye, Artemus	Tarr Grimes, Benoni
Gbojueh, Beatrice	Watson, Arthur
George, Jackson	Weah, Kirkpatrick
Gray, Georgette	Wilson, James
Hayes, Marie	Wopea, Miamen
Jabbeh Wesley, Patricia	Zakama, Arthur
Kaine, Demenia	

Appendix G



Lessons Learned from the Diaspora Project

Sensitization and Outreach

1. **Outreach and sensitization required more resources than anticipated.** Coverage of the TRC in the diaspora press was minimal before the opening of the public hearings. There was also confusion about the process based on prior knowledge of how other TRC processes had worked elsewhere, such as in South Africa where amnesty was an important component of the process. This created a need for intensive outreach and education about the role of the TRC. In Minnesota, staff and volunteer resources were available to conduct widespread outreach and education, but outreach was a challenge in other cities where there was less capacity to do extensive outreach.
2. **Immigration policy, particularly in the United States, imposed an additional need for outreach and sensitization.** Perhaps the largest unforeseen obstacle to the TRC project was the U.S. government's decision to end Temporary Protected Status (TPS) for Liberians in October of 2006. Thousands of Liberians who were on TPS faced potential deportation by October of 2007. Even Liberians with pending asylum claims and legal permanent resident status were nervous about their status in the United States, and this anxiety had a chilling effect on participation.
3. **Implementation of the TRC process in some communities had important reconciliatory effects.** The TRC diaspora project activities encouraged the participation of Liberians from all walks of life. As a consequence, major Liberian diaspora communities in the United States benefited from these non-discriminatory interactions. For example, when the TRC process began, the Liberian community association of Staten Island, New York was in political disarray. Contentious community election results were in dispute, with lawsuits threatened and bitter disagreement on all sides. A similar situation was happening in Providence, Rhode Island. In these communities, although certain individuals were not on speaking terms, the Advocates encouraged them all to participate in the TRC process. This message resonated. As a result, Liberians who would not speak to each other, let alone work together, came together. During a TRC Rhode Island launching event, a Liberian cleric remarked that he saw many Liberians together in the same room who had not spoken in a long time. In Staten Island, previously opposing political groups were able to put their differences aside and work on outreach projects. These interactions led to the election of new community leadership, with many former "enemies" serving together on the board or as executive officers.

Statement Taking

1. **Modeling the statement taking protocol too closely on the in-country process misses important components of the diaspora experience.** Although certain modifications were made to the statement taking protocols in the diaspora, little change was made to the substantive nature of the questions asked of interviewees. It became clear later in the process

that rich information about the diaspora experience was being left out. This necessitated adjustment to the substantive questions asked during interviews. Extensive background interviews and group interviews also helped fill in the gap. This data collection focused on examining diaspora community dynamics and the interaction of Liberians in the diaspora with systems and communities where they had settled. This information, which proved important in conceptualizing recommendations for reconciliation within the diaspora itself, was not captured through the initial statement taking process.

2. **Multiple logistical models for statement taking were required to meet the varying needs of Liberian communities in the diaspora.** The Advocates adopted three main logistical models for statement taking that were used as appropriate in the different project locations. First, a legal clinic model, in which statement givers could walk in for appointments to meet with statement takers at certain designated times, was piloted in Minnesota. Although it met with limited success in Minnesota, the model worked well in Ghana, where word spread quickly through a small, dense community. The clinic model was also successful in Philadelphia and other cities where a clinic was set up for a one-time statement taking opportunity. Second, an individual appointment model was more successful in communities where Liberians lived at further distances from each other, such as in the United Kingdom or Washington, DC/Maryland. Finally, a door-to-door model operated well in communities where there was a large concentration of Liberians living in a single apartment complex, neighborhood, or other discrete area. In these areas, as in Liberia, volunteers went door-to-door explaining the process and offering to document experiences for the TRC that very day.
3. **Multiple process models for offering statement taking were required to meet the varying needs of statement givers in the Diaspora.** While the individual, signed statement of experiences and recommendations to the TRC was the staple method of gathering information for the Liberian TRC, several other processes were employed to reach out to those who were not comfortable presenting their individual statements as part of the official historical record of the TRC. Offering anonymous statements was an important part of getting many individuals who had safety or immigration concerns in the diaspora to participate. Group discussions were held around the United States and in Ghana, and the comments from Liberians were documented as part of the TRC record. This process allowed for information to be documented while at the same time minimizing the individual focus and allowing participants to support each other through discussion. Finally, The Advocates' staff and volunteers conducted background interviews with Liberians around the United States and the United Kingdom to fill in gaps in information gathered during the statement taking process.
4. **Liberians in the diaspora were sensitive to questions about their tribe/ethnicity and about the status of their children.** The process of interviewing Liberians to document their statements was first tested in Minnesota with members of the advisory committee and

with others who volunteered to participate. The forms initially used mirrored very closely the forms used in Liberia. During the pilot testing, it became clear that diaspora Liberians viewed questions about their tribal/ethnic identity as a political issue. Although this question was included in the final statement taking forms, statement takers made clear to statement givers that they could choose not to respond if they wished. Moreover, pilot testing revealed that Liberians in the United States had concerns about discussing the number and status of their children, possibly owing to immigration concerns. After much negative feedback, this question was deleted from the final forms used in the diaspora.

5. **Combatants who remained in refugee camps were more willing to participate in the statement giving process than were combatants who had been resettled in the United States.** Almost no former combatants came forward to provide statements to the TRC in the United States or in the United Kingdom. In contrast, former combatants made up an important part of the statement giver pool in the Buduburam refugee settlement. Given the immigration policy climate in the United States in particular, this discrepancy is not surprising. Admitted participation in an armed rebel group is an admission that can have serious immigration consequences for resettled refugees and other non-citizens. Admitted participation as a combatant can have consequences for refugees in the West African sub-region as well; thus, immigration consequences alone cannot explain this difference. Former combatants in the United States and United Kingdom chose not to take advantage of the anonymous statement option. Ultimately, this difference may be attributable to the feasibility of targeted outreach. Whereas in Ghana, former combatants – child soldiers in particular – have formed their own support organization and are a readily identifiable group, no similar support network has been established in the United States. When community members were asked to assist with identifying former combatants who might want to participate in the TRC process, there was extreme reluctance to do so.

Public Hearings

1. **Witnesses who participated in the public hearings process reported it as a positive experience.** While retraumatization is a major concern in TRC public hearings, witnesses who participated in the Diaspora Public Hearings did not report such retraumatization. Telephone follow-up was conducted with each witness in the weeks following the public hearings, and feedback was unexpectedly positive. Some witnesses did, however, express concern that they were unable to fully discuss all the topics they would have liked because of a lack of time. Others expressed frustration that certain questions were not explored with other witnesses.

Using *Pro bono* Resources to Support the TRC in the Diaspora

2. **Leveraging *pro bono* resources was a largely successful model to create a labor force for a TRC in the diaspora, in the United States and in the United Kingdom.** Non

governmental organizations, law firms, religious organizations, and academic institutions were extremely interested in volunteering on the project. The project has also created collaborations across professions and cultures as representatives from Liberian community organizations worked in coalition with large law firms and academic institutions toward the goal of engaging Liberians in the United States in the TRC process. One immediate and unanticipated benefit of this collaboration in every city has been to connect Liberians to existing legal and social services that many members of the Liberian community needed and were eligible for, but of which they were not aware.

Appendix H



Descriptive Statistics for Statement Givers in the Diaspora

Table 1. Number of Statement Givers by Project Area

Project Area	Statements	% of Total
United States	237	15.3%
Atlanta, GA	21	1.2%
Chicago, IL	8	< 1%
Minnesota	70	4.3%
Staten Island, NY	61	3.7%
Philadelphia, PA	30	1.8%
Providence, RI	23	1.4%
Washington, DC/ Maryland	9	< 1%
Other US – Southeast	15	< 1%
United Kingdom	15	< 1%
Buduburam, Ghana ¹	1379	84.6%
Total Diaspora Statements	1631	

Table 2. Participation of Statement Givers by Sex¹

Project Area	Women	Men
United States	99 (42%)	138 (58%)
United Kingdom	7 (47%)	8 (53%)
Ghana	819 (59%)	559 (41%)
Project Total	925 (57%)	705 (43%)

1 Additional statements were gathered in Ghana but were not included in The Advocates diaspora dataset.

2 One statement record did not have a sex entry, and sex could not be determined from the narrative.

Table 3. Participation of Statement Givers by Self-Reported County of Origin²

County of Origin	Project Area			% of Total
	United States	United Kingdom	Ghana	
Bomi	10	-	28	2.3%
Bong	22	2	100	7.6%
Gbarpolu	-	-	3	< 1%
Grand Bassa	21	3	126	9.2%
Grand Cape Mount	6	-	58	3.9%
Grand Gedeh	10	2	364	23.1%
Grand Kru	1	-	64	4.0%
Lofa	19	3	100	7.5%
Margibi	6	-	25	1.9%
Maryland	11	1	120	8.1%
Montserrado	50	-	80	8.0%
Nimba	39	1	121	9.9%
River Cess	3	1	18	1.3%
River Gee	1	-	12	< 1%
Sinoe	9	2	131	8.7%
Not Liberian	1	-	2	< 1%
Did Not Respond	3	-	1	< 1%

³ County data is missing for 24 records.

Table 4. Participation of Statement Givers by Ethnicity³

Tribe/Ethnicity	Project Area			% of Total
	United States	United Kingdom	Ghana	
Bassa	36	2	154	11.8%
Belleh	-	-	11	< 1%
Congo/Americo-Liberian	20	1	13	2.1%
Dei	1	-	3	< 1%
Gbandi	5	-	15	1.2%
Gio	10	-	27	2.3%
Gola	6	-	22	1.7%
Grebo	15	1	164	11%
Kissi	4	1	18	1.4%
Kpele	19	2	131	9.3%
Krahn	16	2	414	26.5%
Kru	11	1	156	10.3%
Lorma	6	2	50	3.5%
Mano	11	1	22	2.1%
Mandingo	22	-	19	2.5%
Mende	1	-	1	< 1%
Sarpo	2	1	31	2.1%
Vai	6	-	56	3.8%
Multiple Tribes	14	1	28	2.6%
Other	3	-	11	< 1%
Did not wish to answer	7	-	4	< 1%

4 Tribe/ethnicity data is missing for 20 records.

Appendix I



Public Hearings Witnesses by U.S. State of Residence

Minnesota

1. Samuel Kalongo Luo
2. Wilhelmina Tolbert Holder
3. Alfred K. Zeon
4. Marie Hayes
5. Miatta Adotey
6. Marie Vah
7. Doris Parker
8. Kerper Dwanyen
9. Miamen Wopea
10. Georgette Gray
11. Aicha Cooper
12. Harriette Badio
13. Tete Cole
14. Lynette Murray-Gibson
15. In camera witness
16. In camera witness

Georgia

17. Dr. Augustine Konneh
18. Hassan Kiawu
19. Rev. William B.G.K. Harris

Oklahoma

20. Bishop Bennie D. Warner

North Carolina

21. James Y. Hunder

Pennsylvania

22. Sackor Zahnee
23. Bai Gbala
24. Ali Sylla
25. Dr. Patricia Jabbeh Wesley
26. Sam Slewion

Illinois

27. Garswah Blacktom

New Jersey

28. Jane Samukai

New York

29. Telee Brown

Rhode Island

30. Pajibo Kyne

Washington, D.C.

31. Ambassador Herman J. Cohen

Photo Legend

Chapter One

- Page 1: TRC billboard in Monrovia.
Page 4: A wooden sign depicting hope for Liberia.
Page 7: Ministry of Information billboard in Monrovia.
Page 13: Fishermen off the Liberian coast.
Page 15: A billboard urging Liberians to vote in elections.
Page 16: Monrovia cityscape in 2006.

Chapter Two

- Page 21: Liberian boy looks over Liberia's Atlantic coast.
Page 27: Member of the Liberian community in Minnesota asks a question during Diaspora Public Hearings of the Truth and Reconciliation Commission of Liberia in St. Paul, Minnesota.
Page 29: TRC Diaspora Project volunteer greets Liberian man in Monrovia.

Chapter Three

- Page 33: Signing of the Robertsport Accord, the Memorandum of Understanding between the TRC of Liberia and The Advocates for Human Rights.
Page 35: Volunteers at a statement taker training in Minneapolis, Minnesota.
Page 38: TRC Diaspora Project volunteer speaks with Commissioner Coleman in Minneapolis, Minnesota.
Page 41: Liberian Minnesota resident speaks with Commissioner Washington at a statement taker training in Minneapolis, Minnesota.
Page 43: Commissioners Brown Bull and Konneh confer during the Diaspora Public Hearings of the Truth and Reconciliation Commission of Liberia in St. Paul, Minnesota.

Chapter Four

- Page 49: Traditional chief in Gweatamue, Bong County, Liberia.
Page 54: Beach in Robertsport, Grand Cape Mount County, Liberia.
Page 57: HIV/AIDS billboard in Monrovia.
Page 60: Chairman Verdier and The Advocates' staffperson during the Diaspora Public Hearings of the Truth and Reconciliation Commission of Liberia in St. Paul, Minnesota.
Page 64: Village hut in Gbarpolu County, Liberia.
Page 67: Ghana's Atlantic coastline.

Chapter Five

- Page 81: Woman and young boy in Monrovia.

Page 89: Commissioner Stewart during the Diaspora Public Hearings of the Truth and Reconciliation Commission of Liberia in St. Paul, Minnesota, U.S.A.

Page 92: Woman walking along Liberia's coast.

Chapter Six

Page 109: Young girl carrying a baby through the streets of Monrovia.

Page 113: Village hut in Bong County, Liberia.

Page 117: United Nations Development Programme t-shirt.

Page 119: Petty vendors along a street in Accra, Ghana.

Chapter Seven

Page 127: Performer at a TRC event in Monrovia.

Page 133: Partially constructed buildings in Monrovia.

Page 145: Petty traders in Monrovia.

Page 160: Beach in Robertsport, Grand Cape Mount County, Liberia.

Page 163: Beach in Robertsport, Grand Cape Mount County, Liberia.

Chapter Eight

Page 181: Liberian cemetery.

Page 188: TRC Diaspora Project staff and volunteers with TRC commissioners and staff in Liberia in 2006.

Chapter Nine

Page 201: A banner for the Veteran Child Soldiers Association of Liberia (VECSAOL) in Buduburam Refugee Settlement in Ghana.

Page 205: A U.N. vehicle in Liberia.

Page 209: Village scene in Gbarpolu County, Liberia.

Chapter Ten

Page 225: Dancers at a TRC event in Monrovia.

Page 227: Commissioners Washington and Sylla during the Diaspora Public Hearings of the Truth and Reconciliation Commission of Liberia in St. Paul, Minnesota.

Page 243: Palava hut in Gbarpolu County, Liberia.

Page 246: A billboard to combat violence against women.

Page 249: A Liberian mother and baby.

Page 251: Classroom building used by community-based women's empowerment and training group in Buduburam Refugee Settlement.

Chapter Eleven

Page 263: Street in front of a mosque in Sinkor, Monrovia, Liberia.

- Page 266: Ghana's Atlantic coast.
Page 269: Monrovia street scene.
Page 272: Beach slum in Monrovia.

Chapter Twelve

- Page 283: Member of Minnesota's Liberian Ministers Association attending The Advocates' "Healing through Faith" conference hosted by Luther Seminary in St. Paul, Minnesota.
Page 287: Witness testifies during the Diaspora Public Hearings of the Truth and Reconciliation Commission of Liberia in St. Paul, Minnesota.
Page 288: Audience members listen during the Diaspora Public Hearings of the Truth and Reconciliation Commission of Liberia in St. Paul, Minnesota.
Page 291: Liberian flags flying above streets of Monrovia.

Chapter Thirteen

- Page 301: TRC Diaspora Project staff and Advisory Committee members after a meeting with TRC Chairman Verdier.
Page 308: Main vehicle entrance to Buduburam Refugee Settlement in Ghana.
Page 314: A poster encouraging people to give a statement to the TRC.
Page 319: Fisherman in traditional dugout canoe.
Page 322: Beach in Robertsport, Grand Cape Mount County, Liberia.
Page 327: Sign encouraging repatriation posted in Buduburam Refugee Settlement in Ghana.
Page 331: Truck carrying bagged water for sale in Buduburam Refugee Settlement in Ghana.
Page 335: Petty trader on bicycle in Buduburam Refugee Settlement in Ghana.
Page 336: TRC Diaspora Project staff and volunteers with refugee statement takers in Buduburam Refugee Settlement in Ghana.
Page 342: TRC Diaspora Project Advisory Committee members at Diaspora Statement Taking Kick-off Celebration in Brooklyn Park, Minnesota.
Page 345: TRC Diaspora Project staff and volunteers with Commissioner Gerald Coleman and members of the Liberian Organization of the Piedmont during a statement-taking weekend in North Carolina.
Page 350: A public hearings witness is sworn in at the Diaspora Public Hearings of the Truth and Reconciliation Commission of Liberia in St. Paul, Minnesota.
Page 356: Liberian pop star Juli Endee at the Diaspora Statement Taking Kick-off Celebration in Brooklyn Park, Minnesota.
Page 359: Community members and TRC Diaspora Project staff sing the Liberian National Anthem at the Diaspora Statement Taking Kick-off Celebration in Brooklyn Park, Minnesota.
Page 361: Commissioners of the TRC listen to testimony during the Diaspora Public Hearings of the Truth and Reconciliation Commission of Liberia in St. Paul, Minnesota.
Page 365: Community members sing the Liberian National Anthem at the Diaspora Statement Taking Kick-off Celebration in Brooklyn Park, Minnesota.

Page 371: TRC Chairman Verdier at a TRC Diaspora Project volunteer training.

Page 373: Sign encouraging repatriation posted in Buduburam Refugee Settlement in Ghana.

Appendices

Page 513: The official logo of the TRC of Liberia.

Page 519: The Liberian flag.

Page 551: School building in Buduburam Refugee Settlement in Ghana.

Page 565: A statue of Joseph Roberts, Liberia's first president.

Page 573: Signing of the Robertsport Accord, the Memorandum of Understanding between the TRC of Liberia and The Advocates for Human Rights.

Page 585: Official launch of the Liberia TRC Diaspora Project at the state capitol in St. Paul, Minnesota, June 2006.

Page 589: TRC Diaspora Project staff and volunteers with the TRC Commissioners in Monrovia.

Page 597: Community members at the Diaspora Statement Taking Kick-off Celebration in Brooklyn Park, Minnesota.

