

# LIBERIA IS NOT READY: 2010

A REPORT OF COUNTRY CONDITIONS IN LIBERIA AND REASONS  
THE UNITED STATES SHOULD EXTEND  
DEFERRED ENFORCED DEPARTURE FOR LIBERIANS



*A Report of*



**DORSEY**  
DORSEY & WHITNEY LLP

*for*



FOR HUMAN RIGHTS



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The Advocates

F O R H U M A N R I G H T S



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## **ABOUT THE PHOTOGRAPHS**

All photographs included in this Report were taken by members of the February 2008 delegation to Liberia by Dorsey & Whitney LLP and The Advocates for Human Rights.



## TABLE OF CONTENTS

<b>I.</b>	<b>EXECUTIVE SUMMARY .....</b>	<b>1</b>
<b>II.</b>	<b>BACKGROUND.....</b>	<b>3</b>
<b>III.</b>	<b>REFUGEES AND TEMPORARY PROTECTED STATUS .....</b>	<b>4</b>
	<b>A. Liberia’s Refugee Crisis .....</b>	<b>4</b>
	<b>B. History of Temporary Protected Status for Liberians .....</b>	<b>6</b>
<b>IV.</b>	<b>LIBERIA’S GOVERNMENT AND ECONOMY.....</b>	<b>8</b>
	<b>A. Overview of Liberia’s Government.....</b>	<b>8</b>
	<b>1. Executive Branch</b>	<b>8</b>
	<b>2. Legislative Branch</b>	<b>9</b>
	<b>3. Judiciary</b>	<b>10</b>
	<b>B. Liberia’s Economy .....</b>	<b>11</b>
	<b>1. Pre-Civil War</b>	<b>11</b>
	<b>2. The Civil War</b>	<b>12</b>
<b>V.</b>	<b>COUNTRY CONDITIONS IN LIBERIA TODAY .....</b>	<b>12</b>
	<b>A. Liberia’s Post-Civil War Economy .....</b>	<b>12</b>
	<b>1. Productivity</b>	<b>12</b>
	<b>2. Unemployment and poverty</b>	<b>12</b>
	<b>3. Remittances</b>	<b>13</b>
	<b>4. Government initiatives</b>	<b>13</b>
	<b>B. Security .....</b>	<b>15</b>
	<b>1. Overview of the Security Situation in Liberia</b>	<b>15</b>
	<b>2. Liberian National Police</b>	<b>16</b>
	<b>3. Vigilante Justice and Random Violence</b>	<b>19</b>

4.	<b>The Role of Ex-Combatants</b>	<b>20</b>
5.	<b>Gender-Related Violence</b>	<b>20</b>
C.	<b>Liberia’s Infrastructure .....</b>	<b>22</b>
1.	<b>Electricity</b>	<b>22</b>
2.	<b>Water</b>	<b>24</b>
3.	<b>Transportation</b>	<b>25</b>
D.	<b>Health Care in Liberia.....</b>	<b>25</b>
1.	<b>Health Issues / Conditions</b>	<b>25</b>
2.	<b>Access to Health Care</b>	<b>26</b>
3.	<b>Health Care Workers</b>	<b>27</b>
4.	<b>The Threat of Losing NGO Support</b>	<b>27</b>
5.	<b>Fraud and Corruption</b>	<b>29</b>
E.	<b>Education.....</b>	<b>29</b>
F.	<b>Current State of the Justice System in Liberia .....</b>	<b>30</b>
1.	<b>Legal Training</b>	<b>31</b>
2.	<b>Infrastructure</b>	<b>31</b>
3.	<b>Corruption</b>	<b>32</b>
4.	<b>Funding</b>	<b>34</b>
5.	<b>Gender and the Courts</b>	<b>34</b>
6.	<b>Juveniles and the Courts</b>	<b>35</b>
7.	<b>Deportees and the Liberian Justice System</b>	<b>35</b>
8.	<b>Non-Government Sponsored Customary Law</b>	<b>35</b>
G.	<b>Prison Conditions.....</b>	<b>36</b>
VI.	<b>CONCLUSION .....</b>	<b>37</b>



## I. EXECUTIVE SUMMARY<sup>1</sup>

The United States has a special historical relationship with Liberians. In 1820, a group of former slaves from the United States arrived in what was to become Liberia's capital city, Monrovia—named after U.S. President James Monroe. The American Colonization Society, an American group promoting resettlement, helped send more than 10,000 freed slaves to Liberia during the middle of the 19th century. "Americo-Liberians" governed the country for years.

So it is not surprising that when civil war erupted in Liberia in 1989, forcing hundreds of thousands of Liberians to flee, thousands looked to the United States for peace, safety, employment, health, and education. They left a country where their lives were physically threatened, and they have established stable and secure homes in the United States. They hold regular jobs, pay rent and own houses, and go to school. Many have children who were born in this country—these children are U.S. citizens.

The war in Liberia has ended. A peace agreement was signed in 2003, and a new president took office in 2006. But Liberia's economy, infrastructure, and social services remain devastated. Security remains a concern, and the crime rate is exacerbated by high unemployment.

Unemployment and poverty are commonplace in Liberia. Only 15 percent of Liberians have employment in the formal sector. As of 2006, 76.2 percent of Liberians lived below the poverty line (less than US \$1 per day), while 52 percent lived in extreme poverty (less than US \$0.50 per day). A 2007 survey showed little improvement, finding that an estimated 63.8 percent of Liberians lived below the poverty line and an estimated 48 percent lived in extreme poverty. The vast majority of Liberians do not have work to support themselves or their families. Liberia's illiteracy rate is estimated to be over 60 percent, and the school system's capacity is far below the needs of the population.

According to the Liberian government, only about 41 percent of the population had access to health services in 2006, with many people in rural areas walking up to seven or eight hours to reach a health care facility.

Health care capacity, especially at hospitals, is grossly inadequate. There are not enough beds to treat the population, and inadequate access to obstetric emergency care contributes to the high maternal mortality rate. Many health care facilities lack access to clean water and sufficient electricity to operate full time. The inadequacy of basic health care available to the majority of the population is compounded by "the absolute shortage of trained health staff.

The Liberian population suffers from a number of serious health concerns—malaria, acute respiratory infections, worms, diarrhea, tuberculosis, skin infections, malnutrition, and anemia—many of which contribute to high morbidity and mortality and many of which could be prevented with better access to health care, including preventive care. A major source of illness and death in Liberia is diarrhea, which is primarily caused by poor hygiene and a lack of sanitation. Limited access to clean water, poor waste management (leading to household trash, human feces, and hazardous medical waste becoming piled up throughout city streets), and malnutrition caused in part by the breakdown in the infrastructure for food production and delivery all contribute to serious health concerns plaguing Liberians.

Most Liberians do not have access to clean and safe drinking water. Access to safe drinking water fell dramatically during the last decade. In 2005, 24 percent of Liberian households had access to clean drinking water, and estimates are that safe drinking water is currently accessible to only about one-third of the population.

The security situation in Liberia remains precarious. Law enforcement and military officials continue to be regarded with fear, rather than as a source of protection. The police are still widely considered to be ineffective and corrupt. The prevalence of law and order incidents, including mob justice and random violence, has become a major national security concern. Rape and sexual violence, especially the rape of minors, remains a serious problem. According to police statistics, rape, especially of girls between the ages of 10 and 14, is the most frequently reported crime.

In September of 2006, the Department of Homeland Security (DHS) announced its decision to end Temporary Protected Status (TPS) for Liberians. TPS is a special immigration status that allows certain populations to remain in the United States on a temporary basis because of ongoing armed conflict, environmental disaster, or other extraordinary and temporary conditions. In 2007, President George W. Bush granted Deferred Enforced Departure (DED), which deferred the removal of Liberians who were under TPS, and in March 2009 President Barack Obama extended DED for Liberians for an additional 12 months. Thousands of Liberians legally live and work in the United States under TPS and DED. When the extension of DED expires on March 31, 2010, Liberians will be uprooted once again, along with their families, or divided from their children who, as U.S. citizens, may legally remain in the United States.

Liberians should not be sent back to a still struggling war-torn country. They have been productive members of U.S. society now for years, establishing careers, homes, and families. Liberians who have been working in the United States and sending regular remittances to friends and family in Liberia will return to find no jobs to support them or the people who rely on those remittances. Students will have to adjust to a barely functioning school system and exposure to untreated water and diseases, without adequate health care. Many will discover that their homes or land have been destroyed or taken over by squatters. The Liberian government needs more time to rebuild the infrastructure and social services necessary to support its population and to establish a stable and secure democracy.

In 2007, when TPS was scheduled to expire, Dorsey & Whitney LLP prepared a report for the Advocates for Human Rights<sup>2</sup> entitled *Liberia Is Not Ready*. The purpose of the report was to highlight the most significant reasons why Liberians should not be sent back to Liberia, through an examination of the most recent accounts of Liberia's refugee return program, government, economy, infrastructure, health care, education, security, justice system, and prisons. In 2009, when DED was first scheduled to expire, Dorsey & Whitney LLP reexamined the findings in its 2007 report and issued an updated report which analyzed then-current country conditions in Liberia with the goal of assessing whether Liberia was ready to absorb the return of Liberians following the end of DED. The conclusion reached in the 2009 report was that Liberia was not yet ready. Now that the 12-month extension of DED is scheduled to expire, Dorsey & Whitney LLP has again reexamined the findings in its 2009 report. The current report provides

an updated analysis of current country conditions in Liberia, again with the goal of assessing whether Liberia is ready to absorb the return of Liberians following the end of DED. The conclusion remains clear: Liberia is still not ready.

## II. BACKGROUND

The country of Liberia was founded by freed United States slaves, later known as Americo-Liberians, in the 1820s. On February 6, 1820, an initial group of 86 settlers formed a settlement in Christopolis, later to be named Monrovia after President James Monroe.<sup>3</sup> Thousands of freed slaves followed and formed more communities. The American Colonization Society (ACS), an American organization promoting the resettlement of slaves in Africa, helped send approximately 10,000 freed slaves to Liberia between 1821 and 1867.<sup>4</sup> The ACS also helped govern the Commonwealth of Liberia until the Republic of Liberia officially declared independence from the ACS on July 26, 1847.<sup>5</sup> The new government and constitution were modeled after those of the United States.

Disputes between the freed slaves from America and Liberia's indigenous people were commonplace. The Americo-Liberians monopolized political power and prevented indigenous Liberians from asserting their basic rights. In 1980, this internal conflict culminated in a coup led by Samuel K. Doe of the Krahn ethnic group, whose forces ousted and killed Americo-Liberian President William R. Tolbert.<sup>6</sup> This ended more than a century of domination by the Americo-Liberians. Doe promoted members of the Krahn ethnic group in the political and military realms. After an election in 1985 marked by obvious fraud, Doe solidified his control of the country.<sup>7</sup> Despite considerable human rights violations committed by Doe and his administration, they enjoyed close relations with the United States; the United States supported Doe politically and financially during his reign.<sup>8</sup>

On December 24, 1989, rebels led by Americo-Liberian Charles Taylor, Doe's former procurement chief, invaded Liberia's Southern border from the Ivory Coast.<sup>9</sup> Taylor and his rebel group, the National Patriotic Front of Liberia (NPFL), rapidly gained support and attempted to remove Doe from power. The Economic Community of West African States (ECOWAS) intervened and prevented Taylor from capturing Monrovia in 1990.<sup>10</sup> On September 9, 1990, Doe was captured and killed by Independent National Patriotic Front of Liberia forces led by Prince Johnson, a former member of Taylor's NPFL who formed the breakaway group. The same year, ECOWAS formed an Interim Government of National Unity to promote peace negotiations.<sup>11</sup> Charles Taylor refused to recognize the interim government and continued fighting until 1997. From 1989 to 1996, Liberia witnessed one of the bloodiest civil wars in recent memory. More than 200,000 people were killed, and nearly a million people were displaced during the war.<sup>12</sup>



In 1997, Taylor agreed to a transitional government until proper elections could be implemented.<sup>13</sup> Taylor won the ensuing elections, reportedly because Liberians feared a return to war if Taylor lost.<sup>14</sup> As president, Taylor failed to improve the lives of the Liberian people or the

country's devastated infrastructure.<sup>15</sup> During his tenure, Liberia was plagued by illiteracy, unemployment, and a lack of necessary utilities, as well as human rights atrocities.<sup>16</sup>

By 2003, rebel groups (first LURD, and later, Movement for Democracy in Liberia (MODEL)) were challenging Taylor and his increasingly discontented supporters near Monrovia.<sup>17</sup> On June 4, 2003, ECOWAS facilitated talks in Accra, Ghana among the Government of Liberia, representatives from civil society, and the LURD and MODEL groups.<sup>18</sup> The same day, the Chief Prosecutor of the Special Court for Sierra Leone issued a press statement announcing Taylor's indictment for atrocities committed in Sierra Leone.<sup>19</sup> Under extreme pressure from the United States and other international groups, Taylor resigned and fled to Nigeria.<sup>20</sup> Taylor's resignation allowed the deployment of a multinational peacekeeping mission in Liberia. On August 18, 2003, leaders from the Liberian Government, the rebels, political parties, and civil society signed a Comprehensive Peace Agreement that established a two-year transitional government.<sup>21</sup> Charles Taylor is currently on trial for eleven counts of war crimes and crimes against humanity at the Special Court for Sierra Leone.<sup>22</sup> In October 2008, Charles Taylor's son, Chuckie Taylor, was found guilty in a U.S. District Court of torture and related crimes he committed in Liberia while serving as head of the former Liberian President's Anti Terrorist Unit.<sup>23</sup> As of October 2008, however, no one in Liberia had been investigated and prosecuted for torture or any other crime under international law.<sup>24</sup>

In 2005, Liberia held its first elections since the civil war. Ellen Johnson Sirleaf won the 2005 presidential election following a run-off, becoming Africa's first democratically elected female president.<sup>25</sup> She took office in January 2006.<sup>26</sup> While the Liberian government has made progress toward political and economic recovery since 2005, Liberia is still challenged with rebuilding its devastated economy and continues to suffer high unemployment and a lack of basic infrastructure such as electricity, roads, and water. The country is simply not ready to accept the return of thousands of Liberians living in the United States.

### **III. REFUGEES AND TEMPORARY PROTECTED STATUS**

#### **A. Liberia's Refugee Crisis**

Fourteen years of civil war displaced close to one-third of Liberia's population of approximately three million people.<sup>27</sup> The combined total of registered displaced Liberians during the conflict is estimated to have reached about 554,264.<sup>28</sup> Of these, 233,264 were classified as refugees, having fled the country; the remaining 321,000, who left their homes but remained in Liberia, were considered Internally Displaced Persons (IDPs).<sup>29</sup> Overall, it is estimated that 80 percent of Liberia's rural population was displaced at some point during the 14-year conflict.<sup>30</sup> Thousands of displaced Liberians have since returned to their homes, either on their own initiative or through organized programs, but the resettlement process has been difficult.

The United Nations High Commissioner for Refugees (UNHCR), in conjunction with other agencies, facilitated the voluntary repatriation of more than 105,000 Liberian refugees between October 2004 and July 2007.<sup>31</sup> UNHCR-facilitated voluntary repatriation concluded by early July 2007.<sup>32</sup> Between November 2004 and April 2007, an inter-agency operation helped nearly 327,000 IDPs to return to their places of origin.<sup>33</sup> 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 been met with minimal participation. In mid-February 2008, a group of refugees in the Buduburam refugee camp delivered a petition to the UNHCR and the Ghana Refugee Board. The petition stated that the group “strongly oppose[d]” integration into Ghanaian society and that they were requesting to be resettled in a third country or to be given US \$1,000 (the standard repatriation allowance was US \$100) in order to start a new life back in Liberia.<sup>34</sup> 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.<sup>35</sup>

On March 17, 2008, Ghanaian authorities arrested 630 of the protesters.<sup>36</sup> The detained protesters were taken to Kordiabe youth training facility 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.<sup>37</sup> 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.<sup>38</sup> 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 fall 2008 were that Liberians were registering for repatriation and were returning home, though there was no change in the stipend for returnees.<sup>39</sup>

In addition to the results from formal repatriation efforts, at least 45,000 Liberian refugees have returned on their own.<sup>40</sup> There also has been a major effort within Liberia to help IDPs return to their homes. As of June 2007, approximately 314,000 IDPs had returned to their homes with the assistance of the UNHCR and its partners.<sup>41</sup> A significant number of IDP camps that had been set up during the conflict have been closed.<sup>42</sup>

Despite “repatriation packages” (containing food and household items) and other assistance from UNHCR and its partners to help the transition of returning refugees and IDPs, the resettlement has not been an easy process.<sup>43</sup> According to the United Nations Common Humanitarian Action Plan (CHAP) in early 2007:

[a] key challenge that remains is to successfully reintegrate displaced populations in communities in their areas of return and at the same time meeting the most urgent needs of these communities. The influx of the displaced back to their areas of return has already and will in the future strain the already inadequate basic social services provided in these areas. Unless basic social services are provided and opportunities for sustainable livelihoods are generated in areas of return, there is a strong possibility that returning populations will migrate towards urban centres.<sup>44</sup>

By 2007 Monrovia’s population already was double what it was before the war,<sup>45</sup> and it stands now at over 1,000,000.<sup>46</sup>

As refugees and IDPs return to their homes, many have struggled to recover their land and property that was seized during and after the war.<sup>47</sup> “They are refusing to leave,” lamented

one returnee in early 2007 whose houses were being occupied by a group from a different ethnic tribe.<sup>48</sup> There also have been reports of violent incidents and ethnic tension as returning refugees and IDPs attempt to reclaim their land.<sup>49</sup> A survey conducted by the Liberian Truth and Reconciliation Commission during 2008 warned that land disputes could cause a resurgence in violence in the country.<sup>50</sup> One group labeled land disputes as “the most explosive issue in Liberia today.”<sup>51</sup>



According to Amnesty International’s 2008 Report, approximately 80,000 Liberians still live outside of their home country.<sup>52</sup> In reality, the figure may be much higher; one source estimates that 75,000 Liberian refugees still live outside the country in Africa alone.<sup>53</sup> While the Liberian Refugee Resettlement Commission is striving to provide services and goods to returnees, it, like many groups in Liberia, does not have an adequate budget to achieve its goals.<sup>54</sup> The forced return of thousands of more Liberians now, before the government is able to make the significant progress it is striving for in all areas of Liberian life, is likely to exacerbate the strain on social services recognized by CHAP and the struggle of recent returnees.

Liberians deported from the United States have also met with trouble upon their return to Liberia. In December 2008, the Liberian government detained 22 Liberians who had been deported from the United States for crimes such as possession of illegal substances, rape, fraud and robbery.<sup>55</sup> Liberian authorities stated that the deported Liberians would be held for several weeks to receive counseling to help them transition back into Liberian society and to protect Liberian citizens from further criminal activity from the deportees. According to advocates from the Interfaith Refugee Action Team, which visits immigration detainees at the Elizabeth, New Jersey detention center, at least one of the Liberian deportees had no criminal history in the United States. He was deported simply because he had not succeeded on his asylum application. However, the Liberian government persisted in treating the deportees as criminals. The Catholic Justice and Peace Commission in Monrovia, which represents the detainees in Liberia, reported that their petition for writ of habeas corpus was denied on the ground that the deportees had committed serious crimes in the United States, and it was not safe to return them to Liberian society without counseling.<sup>56</sup>

## **B. History of Temporary Protected Status for Liberians**

The United States Immigration Act of 1990 created a procedure that allowed TPS to be declared for aliens in the United States who are unable to safely return to their home countries due to ongoing armed conflict, environmental disaster, or other extraordinary and temporary conditions.<sup>57</sup> TPS allows eligible aliens to stay in the United States and obtain work authorization during the period designated and is subject to review by the DHS.<sup>58</sup> TPS for Liberians was extended to Liberians between 1991 and 1999.

Although TPS was terminated in 1999, Liberians were able to stay in the United States between 1999 and September 2002 thanks to presidential directives for DED. President William J. Clinton ordered DED in 1999 and 2000, which permitted Liberians to stay in the United States

until September 29, 2001.<sup>59</sup> On September 25, 2001, President George W. Bush signed a Presidential Memorandum directing the Attorney General to defer enforced departure and grant employment authorization to Liberians for one more year.<sup>60</sup> The President determined that there was a “significant risk” that sending Liberians back at that time would “caus[e] instability in Liberia and the region” and that it was “in the [country’s] foreign policy interest” to defer enforcement of the end of TPS.<sup>61</sup>

By 2002, the fighting in Liberia had intensified, had spread to more parts of the country, had displaced 75,000 Liberians to neighboring countries and 120,000 internally in Liberia, and put vital services “on the verge of collapse.”<sup>62</sup> TPS was reinstated.<sup>63</sup> TPS was extended again in 2003, for many of the same reasons.<sup>64</sup>

By 2004, the armed conflict in Liberia ended, and the DHS decided to terminate TPS for Liberians. However, it then re-designated the country for TPS,<sup>65</sup> finding that “extraordinary and temporary conditions” continued to prevent a safe return for Liberians.<sup>66</sup> Although a peace agreement had been signed, there had been no reports of fighting between March and May of 2004, and 42,000 ex-combatants had been disarmed, DHS found that the new government suffered from “widespread corruption” and was not in effective control of “large swaths of the interior.”<sup>67</sup> DHS also noted that 80 percent of the housing stock was damaged, only ten percent of arable land was being cultivated, and food, shelter, water, sanitation, and healthcare were “practically non-existent.” In addition, the voluntary return of refugees was taxing the country’s resources.<sup>68</sup>

In 2005, the U.S. government determined that another extension of TPS was warranted:

Although disarmament and demobilization of the warring factions has been completed with the disarmament of over 100,000 ex-combatants, funding shortfalls and a lack of sufficient rehabilitation and reintegration programs have the potential to destabilize the security situation in Liberia, and have led to riots among ex-combatants in Ganta. In one area, ex-combatants briefly held NGO workers captive to protest the lack of rehabilitation and reintegration programs.<sup>69</sup>

DHS noted that there were still 200,000 IDPs receiving food assistance. The economy was operating at one-third its pre-war level, with unemployment at 85 percent. The government was still unable to provide essential social services.<sup>70</sup>

Twelve months later, in September 2006, DHS decided that TPS status for Liberians would end in 2007.<sup>71</sup> In its announcement of the TPS termination, DHS stated that the uncertainty that followed the end of the long war was easing and observed that the Liberian government had initiated reform programs.<sup>72</sup> However, DHS itself recognized at the end of 2006 that despite these steps towards rebuilding, “the situation remain[ed] fragile.”<sup>73</sup> The country remained fragile a year after DHS’s report, as recognized by President George W. Bush in September 2007.<sup>74</sup> On September 12, 2007, President Bush issued an executive order again deferring the removal of Liberians under TPS status (a DED order). He found that despite the “progress ongoing in Liberia under [the] country’s current administration,” “there are compelling

foreign policy reasons not to enforce the removal of Liberians” under TPS in the United States.<sup>75</sup> In particular, he said:

Liberia is struggling to implement reconstruction and economic stabilization programs for the population, including the thousands of former Liberian refugees who have returned from the West African region and elsewhere.

On March 20, 2009, President Barack H. Obama issued an executive order extending DED for an additional 12 months, finding that there remained "compelling foreign policy reasons to extend DED to those Liberians [then] residing in the United States under the existing grant of DED."<sup>76</sup>

As will be illustrated in this report, despite the on-going efforts by the Liberian administration and improvements in Liberia’s country conditions, the time is still not right to require Liberians living in the United States to return to Liberia.

The remainder of this report focuses on the current country conditions in Liberia. As the report demonstrates, the progress that Liberia has made since the end of the war is overshadowed by the challenges that lie ahead. In the government, corruption and a lack of adequate funding remain significant obstacles. Liberia’s physical infrastructure remains shattered, and the majority of citizens do not have access to adequate health care or education. The security situation continues to be unstable and is exacerbated by insufficient police and judicial resources. These problems are compounded by severe unemployment. All of these factors make the return of Liberians from the United States inappropriate at this time.

#### **IV. LIBERIA’S GOVERNMENT AND ECONOMY**

##### **A. Overview of Liberia’s Government**

###### **1. Executive Branch**

Liberia’s executive branch is headed by the president, who serves as both chief of state and the head of government.<sup>77</sup> The president and vice president are elected on a single ticket by popular vote for a six-year term and are eligible for a second term.<sup>78</sup> The country is divided into 15 administrative divisions, which correspond to the counties.<sup>79</sup> The president appoints a superintendent to govern each of the 15 counties.<sup>80</sup> The president also appoints cabinet members, who are confirmed by the senate.<sup>81</sup> The cabinet currently consists of 22 members, each of whom oversees one of 22 ministries.<sup>82</sup> There are additional commissions that oversee special institutions and projects.<sup>83</sup>

The current president, Ellen Johnson Sirleaf, was elected on November 8, 2005, following a run-off, and took office on January 16, 2006.<sup>84</sup> President Johnson Sirleaf is the first president elected since the end of the civil war. A Harvard-trained economist, Johnson Sirleaf served as finance minister in the late 1970s under President Tolbert.<sup>85</sup> She fled the country after the Tolbert government was overthrown and has since worked for both the United Nations and the World Bank.<sup>86</sup>



Since assuming office, President Johnson Sirleaf has undertaken the difficult tasks of repairing Liberia's economy and infrastructure. She has declared a "zero tolerance" policy towards corruption in the country and called for an International Arms Trade Treaty to curb arms trade.<sup>87</sup> Other significant initiatives include a poverty reduction strategy, debt reduction program, and civil service reform.<sup>88</sup> In addition, President Johnson Sirleaf supported the implementation of a Truth and Reconciliation Commission to "investigate and heal the wounds of war."<sup>89</sup> A number of observers have hailed President Johnson Sirleaf's election as a turning point for Liberia.<sup>90</sup>

Despite the optimism created by President Johnson Sirleaf's election, the country is far from stable. Random mob violence is prevalent in the country and, due to its frequency, is considered a national security concern.<sup>91</sup> The country has recently experienced violent disturbances in many of Liberia's rubber plantations.<sup>92</sup> In addition, high frequency of armed robbery and rape throughout the country, coupled with drug and weapons trafficking in the subregion, have contributed to continued instability.<sup>93</sup> These security concerns underscore the significant challenges that face the country as it struggles with an unstable economy, high unemployment, high numbers of ex-combatants living in the country, widespread displacement, a lack of infrastructure, and an absence of basic services such as water, electricity, and education.

## **2. Legislative Branch**

The Liberian legislature is modeled after that of the United States. The legislature is bicameral, consisting of a Senate (the upper house) and a House of Representatives (the lower house). The legislature is comprised of 30 Senators and 64 Representatives.<sup>94</sup>

The 2005 elections signaled a new era in Liberia. Due to the implementation of a new government, all seats in the Senate and House were contested in the 2005 elections.<sup>95</sup> Each of the 15 counties elected two senators.<sup>96</sup> Senatorial candidates who received the majority of the popular vote from each county became senior senators and were each awarded nine-year terms.<sup>97</sup> The candidates receiving the second-highest number of votes are junior senators and will each serve a six-year term.<sup>98</sup> The shorter term only applies to the junior senators elected in the 2005 elections; the varied term lengths will ensure a staggered election for Senators as mandated by the Liberian Constitution.<sup>99</sup> Beginning with the 2011 elections, all winning candidates will be elected for nine-year terms.<sup>100</sup> The 64 seats in the House of Representatives are divided among the 15 counties based on the number of registered voters in each area, with each county receiving at least two representatives.<sup>101</sup> The Representatives serve six-year terms; the next election will be held in 2011.<sup>102</sup>

Liberia's Congress faces many difficult challenges in the years that lie ahead. One of the greatest difficulties confronting the legislature is how to allocate Liberia's extremely small budget. The 2008/2009 fiscal year budget for the entire country was approximately US \$298 million.<sup>103</sup> For the 2009/2010 fiscal year, that figure has increased to approximately US \$372 million.<sup>104</sup> With a population of well over three million,<sup>105</sup> this means that the annual spending per person is approximately US \$107. Liberia's government has identified poverty reduction as an important focus due to the wide array of challenges posed by the country's extremely high unemployment rate,<sup>106</sup> and specific priorities looking forward to the 2010/2011 fiscal year include improvements in the areas of health, education, infrastructure, food and agriculture,

mining, water and sanitation, energy, post and telecommunications, public building and housing, and governance and rule of law.<sup>107</sup>

### **3. Judiciary**

#### **a. General Structure of the Judicial Branch**

Liberia's judiciary consists of a statutory law system and a customary law system. The statutory law system is comprised of the Supreme Court, circuit courts, magistrates' courts, and justice of the peace courts.<sup>108</sup> Liberia's customary law system is officially headed by the executive branch and is used primarily to adjudicate disputes in the countryside.<sup>109</sup> The government-created customary courts originated when whites and blacks shared governance of the country in the 19th century. Customary law was meant to be used by non-Christian indigenous Liberians; Americo-Liberians and missionaries were to have recourse to statutory law.<sup>110</sup> This agreement signaled a compromise between the central government and the villages. Today, the Ministry of Information describes the dichotomy as a "[d]ual system of statutory law based on Anglo-American common law for the modern sector and customary law based on unwritten tribal practices for the indigenous sector."<sup>111</sup> It is imperative that both systems function efficiently in order for the judicial system to protect the rights of Liberians.

#### **b. Structure of the Statutory Law System**

The Supreme Court is the highest court in Liberia; five justices sit on the Supreme Court.<sup>112</sup> Located in Monrovia in the Temple of Justice, the Supreme Court hears cases on appeal from the circuit courts.<sup>113</sup> The circuit courts have original jurisdiction over the most serious crimes such as rape, burglary, and murder.<sup>114</sup>

Below the circuit courts are magistrates. Liberia's approximately 300 magistrate judges have original jurisdiction over less serious claims.<sup>115</sup> However, only ten of those magistrates have law degrees, even though a law degree is supposed to be a requirement for the position.<sup>116</sup> Many ad hoc appointments to the bench were made in recent years, further weakening the status of the judiciary.<sup>117</sup> Magistrates preside over civil cases where the amount in controversy is not more than \$2,000.<sup>118</sup> In criminal proceedings, the magistrates' original jurisdiction is limited to petty larceny.<sup>119</sup> Magistrates also handle preliminary matters for the more serious claims brought before the circuit courts.<sup>120</sup>

Operating underneath the magistrate courts are the justice of the peace courts. The jurisdiction of the Justices of the Peace (JPs) is limited by statute to civil actions up to \$50 for recovery of assets and \$100 for debt payments; their criminal jurisdiction is limited to petty larceny.<sup>121</sup> There are approximately 300 Justices of the Peace in Liberia.<sup>122</sup>

#### **c. Structure of the Customary Law System**

The customary law system is the only legal system that most Liberians encounter. The state-sanctioned customary law system is overseen by the Executive Branch's Ministry of Internal Affairs. It is governed in part by procedural rules and regulations,<sup>123</sup> but it has been suggested that these rules may not conform to the mandates of the Constitution or international human rights norms.<sup>124</sup>

Under the customary law system, clan chiefs adjudicate disputes between towns. Disputes within towns are adjudicated by town chiefs and village elders. Town chiefs and clan chiefs call witnesses, assess fines, and issue judgments.<sup>125</sup> Judgments in these courts may be appealed to paramount chief courts.<sup>126</sup> More complex cases may start in paramount chief courts if they are transferred by the town or clan chiefs. A ruling by the paramount chief court may be appealed to the district commissioners and superintendents; the final level of appeal is the Office of Tribal Affairs in Monrovia.<sup>127</sup> Technically, decisions in the customary law system may be appealed to the circuit courts of the statutory law system, but this procedure is utilized very rarely.<sup>128</sup>

Customary law forums are fraught with discrimination and inequity.<sup>129</sup> Chiefs often exceed the bounds of their power by presiding over criminal cases, detaining people (sometimes in their own homes), and imposing forced labor.<sup>130</sup> Chiefs also have been reported to impose excessive or improper fines, motivated by the extreme poverty of the country and infrequency with which they are paid by the government for their services.<sup>131</sup>

#### **d. Other Functioning Systems**

In addition to the government-sponsored customary law system, there are customary law courts functioning in the countryside that are outside the control of the government.<sup>132</sup> These courts sometimes function very much like the state-sponsored customary law courts, where an elder male resolves disputes between extended family.<sup>133</sup> However, often these non-government sponsored courts involve leaders who are believed to wield magical and spiritual powers or they are run by indigenous power societies, such as Poro and Sande, which may condemn members who do not conform to societal norms.<sup>134</sup> These power societies are secretive; decisions affecting villages are made in secret and presented to the villages.<sup>135</sup> Trial by ordeal is thought to be used commonly in some traditional dispute resolution forums.<sup>136</sup>

### **B. Liberia's Economy**

#### **1. Pre-Civil War**

Prior to the civil war, Liberia demonstrated great economic potential, establishing itself as a large exporter of its abundant natural resources. Liberia's main sources of revenue were derived from the exportation of iron ore and rubber.<sup>137</sup> The country was also able to capitalize on its significant resources in water, mineral resources, forests, and a climate favorable for agriculture.<sup>138</sup>

Liberia began to realize its economic capacity prior to the upheaval caused by the war. The Gross Domestic Product (GDP) averaged nine percent annual growth in the 1950s and 1960s owing to heavy foreign investment in Liberia's promising mining sector.<sup>139</sup> The exportation of iron ore accounted for more than half of the country's export earnings in the 1970s and 1980s.<sup>140</sup> In addition, the rubber industry generated more than US \$100 million in export earnings annually.<sup>141</sup> Liberia's strong presence in the external trade market peaked in 1978, when the country reached US \$486.4 million in exports.<sup>142</sup> Other than iron and rubber, the traditional exports for the country included timber, diamonds, cocoa, and coffee.<sup>143</sup>

At the very beginning of the crisis in 1989, Liberia reported a positive trade balance of US \$212.9 million.<sup>144</sup> In 2004, this figure dropped to *negative* US \$325.5 million.<sup>145</sup> This heavy decline in exports of goods both decreased the government's tax base and destroyed jobs.

## **2. The Civil War**

The civil war caused many successful businesspeople and foreign investors to flee the country, taking their expertise and capital with them.<sup>146</sup> By the time the fighting ended, most foreign businesspeople had left.<sup>147</sup> The physical destruction that took place during the war also impacted the economy. Numerous mines were demolished during the fighting, and rubber production decreased as a result of destruction of plants and rubber trees.<sup>148</sup> Consequently, exports of these and other natural resources plummeted. Liberia, a country economically dependent on the extraction and exportation of rich resources such as iron ore, rubber, and timber, no longer had the business leadership or political stability to maintain its position in the foreign trade market.<sup>149</sup>

To further exacerbate the economic frustration in Liberia, the United Nations placed sanctions on the export of timber and diamonds, two of Liberia's most significant exported goods.<sup>150</sup> These sanctions were in response to Liberia's political discord and human rights violations. Government initiatives requiring transparency in both sectors have resulted in a lifting of the sanctions in recent years.<sup>151</sup> Following the United Nations decision to lift sanctions on diamonds, the Government of Liberia lifted a moratorium on diamond mining.<sup>152</sup>

## **V. COUNTRY CONDITIONS IN LIBERIA TODAY**

### **A. Liberia's Post-Civil War Economy**

#### **1. Productivity**

Economic indicators reflect the poor quality of life in Liberia. The World Bank estimated that Liberia's GDP was US \$730 million in 2007, while the International Monetary Fund estimate for 2007 was US \$735 million.<sup>153</sup> The International Monetary Fund estimated Liberia's 2009 GDP at US \$868 million with projected increases in the coming years, but the GDP is still meager compared to a GDP of more than US \$14 trillion in the United States.<sup>154</sup> Liberia's extremely low GDP translates into a GDP per capita of approximately US \$210.<sup>155</sup> In contrast, the GDP per capita in the United States is more than US \$46,000 dollars.<sup>156</sup>

#### **2. Unemployment and poverty**

Unemployment and poverty are commonplace in Liberia. Only 15 percent of Liberians have employment in the formal sector.<sup>157</sup> As of 2006, 76.2 percent of Liberians lived below the poverty line (less than US \$1 per day), while 52 percent lived in extreme poverty (less than US \$0.50 per day).<sup>158</sup> A 2007 survey showed little improvement, finding that an estimated 63.8 percent of Liberians lived below the poverty line and an estimated 48 percent lived in extreme poverty.<sup>159</sup> The vast majority of Liberians do not have work to support themselves or their families. Of the estimated 85 percent of Liberians who do not have formal sector employment, many are self-employed in Liberia's large informal sector comprised of roadside stands and petty trading.<sup>160</sup> The bulk of the income generated through the informal sector is used for food and

sustenance, with a small percentage of the money being used for education and health care.<sup>161</sup> Although current poverty statistics for Liberia are scarce, a 2008 United Nations report indicated that a global food crisis may push more Liberians into extreme poverty.<sup>162</sup> In contrast, an estimated 74 percent of Liberians living in the United States were employed in 2008.<sup>163</sup>

### **3. Remittances**

Remittances from relatives living in the United States and elsewhere are an important source of income for many Liberians. A 2006 report by the United Nations Development Program estimated net remittances to Liberia to be US \$54.2 million, a staggering figure considering Liberia's GDP.<sup>164</sup> Another report estimated the 2006 figure to be even higher—\$163 million, equal to 25.8 percent of Liberia's GDP at that time,<sup>165</sup> and a 2009 report estimates that remittances to Liberia in 2007 were US \$65 million.<sup>166</sup> According to the World Bank, “[r]emittance flows are more than twice as large as total development aid and represent the largest source of foreign exchange for numerous countries.”<sup>167</sup> But the World Bank also has predicted that worldwide remittances will decline in 2009 due to the global financial crisis.<sup>168</sup> The World Bank projects that remittances will fall by 0.9 percent to 6 percent; the World Bank also projects that the decline in capital from other sources—both private and official—will be much larger during the financial crisis.<sup>169</sup> Therefore, remittances to developing countries such as Liberia will play a more important role than ever before. If Deferred Enforced Departure is not extended, many Liberians will lose this income source.

### **4. Government initiatives**

Unemployment and the emergence of a large informal sector harms both the Liberian people and their government. The growth of the informal sector has led to an increase in tax evasion and a decrease in the possible tax base.<sup>170</sup> The Liberian government, under the leadership of President Johnson Sirleaf, has implemented new programs to combat these problems. In order to restore basic economic infrastructure, the Government of Liberia has partnered with the international community to create the Governance and Economic Management Assistance Program (GEMAP). “GEMAP is a partnership between the Government of Liberia (GOL) and the international community to improve governance, enhance transparency and accountability, and lay a solid foundation for sustainable peace.”<sup>171</sup> GEMAP collaborators include the United Nations, European Union, ECOWAS, African Union, United States, International Monetary Fund, and World Bank.<sup>172</sup> There is an Economic Governance Steering Committee that monitors and guides the implementation of GEMAP.<sup>173</sup>

Since GEMAP was implemented in September 2005, Liberia's economy has shown signs of improvement. The projected national budget for 2009/2010 of approximately US \$372 million was significantly higher than the 2008/2009 budget of approximately US \$298 million.<sup>174</sup>

Despite current improvements, the government's budget is still extremely small by any measure. In addition, Liberia's debt burden remains a significant concern. In January 2007, the Government of Liberia issued an Interim Poverty Reduction Strategy (iPRS) in partnership with the International Monetary Fund and the World Bank.<sup>175</sup> The iPRS was followed by the publication of a Poverty Reduction Strategy (PRS) in April 2008.<sup>176</sup> The PRS report outlines the immediate challenges facing Liberia and provides a strategy for combating these issues. One

major concern is the disproportionate ratio between Liberia's small government budget and immense external and domestic debt. Liberia's external debt was estimated at more than US \$4.5 billion in 2006, equivalent to 800 percent of the country's GDP and 3,000 percent of exports.<sup>177</sup> The Government of Liberia has undertaken a comprehensive debt reduction strategy aimed at reducing its external debt load.<sup>178</sup> In February 2007, the United States announced that it would take steps to cancel US \$391 million of Liberia's bilateral debt.<sup>179</sup> In December 2007, the World Bank and the African Development Bank agreed to reduce Liberia's debt by US \$400 million and US \$240 million, respectively.<sup>180</sup> In March 2008 the International Monetary Fund cleared Liberia's arrears and its major creditors formally agreed to deliver interim relief to reduce Liberia's debt burden.<sup>181</sup> Liberia was to forego external borrowing as part of its debt relief agreements.<sup>182</sup> In April 2009, Liberia further reduced its debt by buying back US \$1.2 billion from foreign commercial creditors at a significant discount, dropping Liberia's foreign debt to US \$1.8 billion.<sup>183</sup>

In addition to GEMAP, the United Nations and non-governmental organizations have had a tremendous impact on the Liberian economy. The United Nations created the United Nations Mission in Liberia (UNMIL) in 2003. With the help of the World Bank, United Nations Development Programme (UNDP), UNHCR, World Food Programme, International Labour Organization, and Liberian Ministry of Public Works, UNMIL has been a significant employer for Liberians.<sup>184</sup> UNMIL created jobs for both skilled and unskilled workers to improve public infrastructure by rehabilitating destroyed roads.<sup>185</sup> UNMIL specifically created positions to aid those who are most vulnerable, including women and young people.<sup>186</sup> As of 2007, 26 percent of the people employed under UNMIL's programs were women.<sup>187</sup> These additional jobs help both the employed citizens and Liberia's infrastructure, but UNMIL's programs still employ only a small percentage of the population. In addition, UNMIL is in the process of conducting a "drawdown," meaning that its presence in Liberia will be phased out over time. This likely will result in the elimination of an important source of jobs.<sup>188</sup>

Liberia is working to rehabilitate its heavily damaged extractive industries through the government-created Liberia Extractive Industries Transparency Initiative (LEITI).<sup>189</sup> LEITI's purpose is to restore the mineral and forest resources that made Liberia a great exporter prior to the civil war. LEITI aims to redevelop the once promising mining sector and increase the productivity of the forestry sector. A major focus of the program is to achieve transparency in the allocation and use of Liberia's natural resources in order to reduce corruption.<sup>190</sup>

Other economic development initiatives include a Forestry Law providing for the sustainable and beneficial use of Liberia's forests, and a Telecommunications Act, which seeks to improve the government's revenue base through proper taxation and licensing fees in the telecommunications sector.<sup>191</sup> With these and other initiatives, foreign investors have started to show interest in investing in Liberia. For example, Bridgestone Firestone North America Tire, LLC, (Firestone) continues to operate its rubber plantations<sup>192</sup> in spite of heavy destruction during the civil war.<sup>193</sup> However, Firestone has faced ongoing problems with gangs attacking its workers and illicitly tapping rubber trees at its plantation outside of Monrovia.<sup>194</sup> Also, Mittal Steel, one of the world's largest steel companies, is redeveloping iron ore mines.<sup>195</sup> In August 2005, Mittal Steel entered into a Mining Development Agreement with the Government of Liberia. Mittal plans to invest US \$900 million to develop mines, related railways, port infrastructure and means for community development in western Liberia.<sup>196</sup>

There is a disturbing history of human rights violations associated with some of Liberia's major industries. This problem is still prevalent, particularly in the form of child labor. For example, Firestone, the largest employer in Liberia, has been accused of utilizing child labor. Firestone's official position is that it does not condone or support the use of child labor. However, the daily rubber quota that must be met by each worker is so high that many workers bring their children to help collect rubber.<sup>197</sup> A lawsuit was filed in 2005 against Firestone in connection with its labor practices in Liberia.<sup>198</sup> Also, in April 2007, Liberian workers at the Firestone plant went on strike, resulting in a clash with the police.<sup>199</sup> In December 2007, another strike resulted in another confrontation with police.<sup>200</sup> In August 2008, after years of failed attempts to organize, workers at the Firestone plantation in Liberia entered into a collective bargaining agreement with Firestone.<sup>201</sup>

In January 2009, President Johnson Sirleaf announced that the Government of Liberia has entered into two forestry concession agreements with two Liberian-owned and operated companies.<sup>202</sup> The agreements cover more than 100,000 hectares and reflect a goal on the part of the government to create jobs by developing Liberia's forestry sector.<sup>203</sup> Also in January 2009, President Johnson Sirleaf announced the signing of two additional concession agreements, one with a power company to provide electricity to Monrovia, and the other with a Chinese mining company to develop mining resources.<sup>204</sup> In April 2009, President Johnson Sirleaf announced the execution of a concession agreement for the rehabilitation and expansion of the Guthrie Rubber Plantations, representing a further step toward developing its agricultural sector and expanding employment opportunities for Liberians.<sup>205</sup>

While Liberia has begun to achieve incremental progress in attracting foreign investment and developing Liberia's natural resources, these efforts will undoubtedly be slowed by the global financial crisis. At a conference in early 2009, President Johnson Sirleaf expressed her concern that the economic crisis will halt the development momentum that some African countries have begun to experience in recent years.<sup>206</sup> Despite the government's notable successes, the majority of Liberians will continue to live in poverty until the unemployment rate is drastically reduced. Liberia needs time to develop and stabilize its severe budget concerns before absorbing new residents.

## **B. Security**

### **1. Overview of the Security Situation in Liberia**

Security sector reform in Liberia continues to present significant post-civil war challenges, and the slow progress towards meeting the core security and rule of law benchmarks remains a source of serious concern for the United Nations.<sup>207</sup> Since the August 2003 Comprehensive Peace Agreement, both the transitional government and the population have been deeply mistrustful of law enforcement and military officials.<sup>208</sup> Law enforcement and military officials are regarded with fear, rather than as a source of protection.<sup>209</sup> The police are still widely considered to be ineffective and corrupt.<sup>210</sup> The prevalence of law and order incidents, including mob justice and random violence, have become a major national security concern.<sup>211</sup> A May 2008 joint security assessment conducted by the Liberian government indicated that most Liberians felt their security was more precarious than at any time since the war ended and that the presence of police in the counties was negligible.<sup>212</sup>

UNMIL was formed on September 19, 2003 and, since the end of the civil war, has been charged with helping to rebuild the infrastructure and ranks of the Liberian military and police forces, as well as reestablishing trust between civilians and law enforcement officials. While UNMIL and the international community have made progress toward these goals, serious challenges remain in addressing violent crime, including gender-related violence, armed robbery, mob violence, human rights violations, and the rehabilitation of ex-combatants. UNMIL is in the process of conducting a drawdown, which will result in fewer UNMIL officers and an overall decrease in the United Nations' presence in Liberia over time.<sup>213</sup>

## 2. Liberian National Police

The main focus of UNMIL's mandate is to reform the Liberian National Police (LNP). The National Police Academy was reopened on July 12, 2004.<sup>214</sup> The United Nations Civil Police (CivPol) Training and Development Unit assisted in the creation of the Police Service Training Program for new recruits, retention of existing officers, and specialized training.<sup>215</sup> All candidates for the new LNP force must attend the Academy, and candidates come from both within and outside the former LNP.<sup>216</sup> As of August 15, 2008, UNMIL has trained 3,661 officers.<sup>217</sup> The Administration and Professional Standard/Law Enforcement Agencies within CivPol are responsible for the restructuring of the LNP, the Bureau of Immigration and Naturalization, National Port Authority, the airports, and other statutory security units.<sup>218</sup> The Operations Section of CivPol supports the LNP in securing a crime-free environment through Joint Task Force Patrols with CivPol and LNP personnel and providing communication and crime analysis (including traffic analysis) support.<sup>219</sup>



While UNMIL did reach its original mandated target of completing the Police Service Training Program of 3,500 Liberian National Police Officers by June 2007,<sup>220</sup> its efforts to build a strong and effective LNP remain a work in progress. A new Basic Recruit Training Program was developed in 2007 by UNPOL LNP trainers.<sup>221</sup> The new program was implemented in January 2008 with 284 recruits.<sup>222</sup> Based on the findings of a comprehensive Training Need Assessment Report, various special training programs were instituted to increase the LNP law enforcement capacity.<sup>223</sup> Only 438 LNP officers completed these specialized advanced and/or management trainings in 2008.<sup>224</sup> Further, it is believed that the upper management of the LNP is not equipped to build and stabilize the organization for the future. Deficiencies in human resources management, accounting and budgeting, procurement, and logistics have been described as “serious” and “dire.”<sup>225</sup> Critics blame poor police performance for turning communities into breeding grounds for crime.<sup>226</sup>

Although progress is being made in identifying the needs of a successful LNP, the Government of Liberia does not currently have adequate resources to maintain such a force. The LNP lack basic necessities such as cellular telephones and walkie-talkies; raincoats; generators to light stations; vehicles; fuel; torches; and the equipment to perform crime scene investigations.<sup>227</sup> In addition, LNP officers were not allowed to carry firearms before 2006 when the United Nations Liberia Arms Embargo was amended to permit the purchase and use of firearms by LNP and military personnel.<sup>228</sup> The LNP often complain of delays in payment of salaries, poor



logistical support, and lack of transportation to facilitate their work.<sup>229</sup> For example, in January 2008, LNP officers in the Harper and Karluway districts of Maryland County reported that they had not received their salaries for three months.<sup>230</sup> During the same time period, only four LNP officers remained in the Konobo district in Grand Gedeh County.<sup>231</sup> All of the others had left their posts due to the delay of payment of their salaries.<sup>232</sup> In addition, police presence outside Monrovia remains limited as officers leave their posts to collect their salary arrears in the city.<sup>233</sup>

The uncertainty and inadequacy of funds has undermined the ability to ensure LNP presence throughout the country but primarily in the outlying districts. In August 2008, there was not a single police officer in the Sanoyea District, an area in Lower Bong County with over 40,000 inhabitants.<sup>234</sup> The rule of law is also undermined by a lack of basic infrastructure and police equipment in the rural outlying districts, including a lack of vehicles and communication devices and poor logistic and transport facilities. Because LNP salaries are low and not always paid on time, the system is prone to corruption. For example, in December 2008, a grand jury indicted the LNP deputy commissioner for criminal investigations and the chief of narcotics for theft and false statements.<sup>235</sup>

These circumstances have encouraged the population in rural areas of Liberia to engage in illegal vigilante activities and rely on traditional forms of justice, such as trial by ordeal, in order to combat criminal activity and settle disputes.<sup>236</sup> The victims of these practices are at great risk of serious human rights abuses, including physical and sexual assault and extra-judicial killings.<sup>237</sup> In addition, the trial by ordeal process is often used for subversive ends, such as a means of consolidating power over the community and extorting money from victims.<sup>238</sup>

The lack of basic infrastructure and equipment will continue to hamper policing efforts not only in Monrovia, but throughout the interior parts of the country. In April 2008, the Security Council reported that Liberia is still a place where one could wake up in the morning and learn that an argument between fish sellers had degenerated into an ethnic problem with a threat to burn down a house of worship, where rumors about ritual killings could suddenly lead to the burning down of a police station, or where Liberian and UNMIL security forces and United Nations vehicles could still be attacked.<sup>239</sup> The Secretary-General's Special Representative and Coordinator of United Nations Operations in Liberia, Ellen Margrethe Loj, told the Security Council that "[t]his is clear evidence that peace has not taken firm root and it is not yet time to declare victory and leave the country."<sup>240</sup>

There is also a lack of an internal discipline structure within the LNP, and police corruption and brutality can often occur with impunity. Police have harassed, abused, and intimidated civilians, particularly while attempting to extort money on the streets.<sup>241</sup> In several cases of police brutality reported to police commanders during 2008, no action was taken by the end of the year.<sup>242</sup> In May 2009, four officers in the LNP's antitheft unit were indicted for torturing suspects, but the case was dismissed during trial, the judge citing as justification for the dismissal the prosecutor's request to subpoena witnesses.<sup>243</sup>

The LNP have also been accused of using their power to interfere with the work of human rights defenders and to infringe on media rights and the freedom of demonstration. In February 2008, the LNP detained an advocate for the establishment of a War Crimes Tribunal to prevent him from carrying on peaceful demonstrations.<sup>244</sup> The LNP are reported to have arrested

this man on two other occasions.<sup>245</sup> Further, it was reported that the LNP helped to shut down a radio station that had criticized the government.<sup>246</sup>

Government officials made several arbitrary arrests in 2008, and in some cases detainees, especially those without means to hire a lawyer, were held for over 48 hours without charge.<sup>247</sup> As many as 93 percent of the prisoners at Monrovia Central Prison in 2008 were pretrial detainees.<sup>248</sup> In some cases, the length of pretrial detentions exceeded the sentence that could have been imposed for the crime.<sup>249</sup>

One of the major criticisms of the police reform program has been that the new LNP is comprised of individuals who served in previous regimes.<sup>250</sup> In an attempt to avoid engaging war criminals in the LNP and the Armed Forces of Liberia, CivPol investigates the background of each LNP recruit, but this vetting process itself has limited effect. The vetting process is performed by the United Nations International Police Service in cooperation with the Ministry of Justice and with support from the UNMIL Human Rights and Protection Section. The first step of the screening process involves determining whether the individual has any record of criminal activity or internal disciplinary concerns by submitting the names for review to the Ministry of Justice.<sup>251</sup> Second, checks are made with the Special Court for Sierra Leone and other groups in the international community regarding charges or accusations of war crimes or human rights violations.<sup>252</sup> Finally, the Liberian public's input is solicited on each candidate.<sup>253</sup> CivPol usually publishes the names of the recruits in Monrovia newspapers, with requests for citizens to come forward with information on anyone who committed crimes during the civil war.<sup>254</sup> This vetting process is limited, however, by the lack of reliable documentation in identifying ex-combatants and the low literacy rate among the Liberian population (which makes the publication of names ineffective in identifying ex-combatants).<sup>255</sup>

Lastly, there is a major concern that LNP officers have been committing gross human rights violations through torture, arbitrary arrests and killings, and the use of official power for private gain, often with impunity.<sup>256</sup> For example, in June 2008, a man was jailed and charged with criminal malevolence after he publicly claimed that he received death threats for refusing to bribe local officials.<sup>257</sup>

The LNP has also been found to be negligent in preventing violent acts committed by people in custody against other detainees. In 2006, inmates of the Tubmanburg detention facility, Bomi County, repeatedly assaulted a new detainee and stripped him of his clothes.<sup>258</sup> The assault and shouting could be heard outside the police building, where Human Rights Officers were standing with an LNP officer. However, the LNP failed to take any steps to stop the assault before the Human Rights Officers requested him to do so.<sup>259</sup> Human Rights Officers reported that inmates had their own rules in the cell and that the LNP officers were aware of this.<sup>260</sup> The LNP officers claimed that the overcrowding of the holding cells left them powerless to prevent the unruly behavior.<sup>261</sup> Prison conditions continue to be harsh and can also be life-threatening, and women and juveniles are subject to abuse both by guards and by fellow inmates.<sup>262</sup> In addition, many prisons are overcrowded. The Monrovia Central Prison is at four times capacity due to lengthy pretrial detentions.<sup>263</sup> Overall, the reports of human rights violations committed by the LNP do not appear to be isolated incidents. In order to build trust among the Liberian citizens and the LNP, which is major piece of UNMIL's reform of the security sector, the LNP must be seen as upholding and respecting the rule of law.

While the LNP is being revamped, Liberian citizens have relied largely on CivPol forces for security.<sup>264</sup> However, there have been clashes between the various security forces. For example, in July 2007, LNP officers clashed with rival seaport officers, who are responsible for guarding the main port in Monrovia.<sup>265</sup> In addition, Armed Forces of Liberia soldiers attacked LNP officers on three separate occasions in February, April and May of 2009.<sup>266</sup>

### 3. Vigilante Justice and Random Violence

One of the most serious security issues that has developed in modern Liberia is the prevalence of mob justice and random violence, including an epidemic of armed robbery.<sup>267</sup> The LNP have been unable to stop the violence. As recently as September 15, 2009, Security Council recognized the continuing problems of violent crime in Liberia and called upon the Liberian government, UNMIL and the United Nations country team and international partners to redouble efforts to develop national security and rule of law institutions.<sup>268</sup>

There are many reasons for this sharp increase in mob violence. Mobs have burned down police stations and court houses to harm criminals whom they believe will escape justice.<sup>269</sup> A



mob burned down a hospital to protest the unavailability of emergency medical personnel.<sup>270</sup> Violent mobs have also targeted UNMIL personnel and installations.<sup>271</sup> It does not appear that the Government of Liberia has the resources to control these mobs. A program has been implemented to train an Emergency Response Unit (ERU) within the LNP that may help quell mob violence. There appears to be confusion, however, as to exactly what the ERU's main purpose will be and if the number of units trained will be sufficient in light of the high degree of unrest.<sup>272</sup>

As of August 10, 2009, 207 officers were fully trained as part of the ERU, out of its planned strength of 500 officers.<sup>273</sup>

Armed robbery, which sometimes results in murder, is the primary security concern for the citizens of Liberia.<sup>274</sup> Complaints of armed robbery became more prevalent in 2008 than any time since 2004.<sup>275</sup> It was such a concern that the LNP launched "Operation Thunderstorm," a collaborative effort to track down and arrest armed robbers and known criminals.<sup>276</sup> In further response to the crippling violent crime epidemic, on July 23, 2008, President Johnson Sirleaf signed an Act making armed robbery, terrorism, and hijacking capital offenses if deaths occur as a result of the crimes.<sup>277</sup> An explanatory note attached to the bill that was passed through the Senate and House of Representatives argued that these crimes have the potential to create a state of fear and panic in the nation with the ultimate objective of fomenting instability.<sup>278</sup> The Act was a departure from the Liberia's commitment to the international community to seek to abolish the death penalty, and President Johnson Sirleaf has promised to revisit the Act as soon as there is a significant reduction in the rate of armed robbery.<sup>279</sup>

Violence over land disputes has become another major security concern in Liberia. Some disputes are over land that was vacated during the long civil war.<sup>280</sup> Some disputes arise between subsistence farmers and plantation owners.<sup>281</sup> In April 2008, a land dispute escalated into violence that resulted in the destruction of three villages and the death of one person.<sup>282</sup> Several

other people were severely wounded.<sup>283</sup> In June 2008, 19 men were massacred in Margibi County in clashes between day laborers working for two rival claimants of a plantation.<sup>284</sup>

#### **4. The Role of Ex-Combatants**

One of the greatest challenges to security sector reform in Liberia has been the rehabilitation of young ex-combatants. Half of Liberia's population is under 30 years of age, and many have experienced or directly participated in the brutality of the civil war. With this demographic structure, and given the widespread deprivation and lack of economic opportunities, youth provide a readily-available pool of recruits for resistance movements, gangs, and other potential threats to the stability of the government and security of the population.

Programs are in place to address the potential threat of ex-combatants, but delays in implementation have hampered their effectiveness. Beginning in December 2003, UNMIL implemented the Disarmament, Demobilization, Reintegration, and Rehabilitation (DDRR) program.<sup>285</sup> In the first phase of the program, UNMIL peacekeepers were successful in disarming 13,490 ex-combatants and collecting 8,679 weapons, 2,650 unexploded ordnance, and 2,717,668 rounds of small arms ammunition.<sup>286</sup> The next two phases of the program focused on enlisting ex-combatants in formal education programs and other vocational skills programs.<sup>287</sup> As of August 10, 2009, over 101,000 demobilized ex-combatants had completed reintegration programs.<sup>288</sup> However, the effectiveness of the DDRR program has been limited by stagnant economic conditions, which have limited job opportunities for these ex-combatants who have received formal training. Many turn to criminal activities in order to survive.<sup>289</sup>

One example of the potential threat of ex-combatants has been the crime wave plaguing Monrovia. According to the Ministry of Justice, daily acts of banditry and lawlessness, including killings and armed robberies, have overwhelmed the police.<sup>290</sup> Liberian citizens complain that rebel groups continue to threaten the safety of Monrovia.<sup>291</sup> Ex-combatants have also created disruption outside of Monrovia, particularly in the government-owned rubber plantations. Ex-combatants, claiming that they had not received promised compensation from the United Nations after the Comprehensive Peace Agreement, began squatting at the Guthrie and Sinoe rubber plantations in 2006, effectively ruling the area, illegally tapping rubber and damaging the environment, extorting money from merchants and transporters, and robbing citizens at will.<sup>292</sup> These ex-combatant groups continued to commit violent attacks on rubber plantations and in diamond-mining areas continued in 2009.<sup>293</sup> It is apparent that in both Monrovia and the rural parts of Liberia, the high incidence of crime will not substantially improve until economic opportunities become more readily available. Given the correlation between the lack of economic opportunity and the incidence of crime, Liberians returning from the United States, who have more economic resources than the average Liberian citizen, will likely become targets of crime.<sup>294</sup>

#### **5. Gender-Related Violence**

During the civil war, rape and other forms of sexual violence became endemic in Liberia. Following the signing of the Comprehensive Peace Agreement in August 2003, the incidence of reported sexual violence increased and spread to previously unaffected parts of the country.<sup>295</sup> An initial study of sexual and gender based violence during the conflict was performed in 2004 by

the UNDP and non-governmental organizations (NGOs) with the National Human Rights Center of Liberia.<sup>296</sup> The study found that from December 1989 to August 2003, between 60 and 70 percent of the population (including men and boys) had suffered some form of sexual violence.<sup>297</sup> These statistics are corroborated by findings of other NGOs. For instance, a survey conducted by the International Rescue Committee found that approximately 75 percent of the female Liberian refugees in Sierra Leone had suffered some form of sexual violence, including rape, sexual harassment, and being stripped, before being displaced from their homes in Liberia.<sup>298</sup> Most of the sexual violence was perpetrated by armed combatants, and in a majority of cases, the perpetrator was unknown to the victim.<sup>299</sup>

A 2008 study found that more than 40 percent of female combatants and 32 percent of men who fought in the war suffered sexual violence during the conflict.<sup>300</sup> According to the same study, 74 percent of female and 81 percent of male combatants who suffered sexual violence during the war had symptoms of post traumatic stress disorder.<sup>301</sup> A 2009 report by Médecins Sans Frontières (MSF) (Doctors Without Borders) observed that sexual violence experienced during war continues at alarming rates in post-conflict or stable contexts.<sup>302</sup>

During her presidential campaign, President Johnson Sirleaf promised to address the problem of rape and sexual violence.<sup>303</sup> With her support, the Rape Amendment Act came into force in January 2007.<sup>304</sup> The Act provides a clearer and broader definition of rape than the previous Liberian laws concerning sex crimes, putting the law in line with international standards.<sup>305</sup> It also imposes heavier penalties for the rape of children, gang rape, and rape involving a threat with a deadly weapon.<sup>306</sup> Thus, any sexual penetration by an adult of a person below 18 years of age is considered first degree rape punishable by a minimum penalty of ten years and a maximum penalty of life imprisonment.<sup>307</sup> Gang-rape and rape committed with a particularly serious level of violence or with a threat of violence also fall under first degree rape.<sup>308</sup> All other forms of rape are categorized as second degree rape and are punishable by seven years in prison.<sup>309</sup>



Despite the hope the Rape Amendment Act represents, it has made only a small impact in stemming the high incidence of sexual violence in Liberia. The judicial system has not yet adapted the changes set forth in legislation, and perpetrators of sexual violence are still hardly ever convicted.<sup>310</sup> Rape and sexual violence, especially the rape of minors, remains a serious problem.<sup>311</sup> According to police statistics, rape, especially of girls between the ages of 10 and 14, is the most frequently reported crime.<sup>312</sup> In 2008, more than 70 percent of victims of sexual violence treated at facilities run by MSF were Liberian children.<sup>313</sup>

Sexual violence occurs across all socio-economic and cultural backgrounds, and it undermines security at every level.<sup>314</sup> Yet the law is still inadequately enforced so that perpetrators can act with impunity.<sup>315</sup> Rape survivors and their parents are still hesitant to report sexual violence,<sup>316</sup> and rape is still widely considered an act of aggression that should be dealt with privately.<sup>317</sup> A 2009 report spoke of a 14-year old girl who had been raped by her stepfather, but whose mother had the stepfather released from police custody so that she could “deal with

the ‘affair’ within the family.”<sup>318</sup> A 14-year old boy who was the victim of repeated rape at the hands of a stranger stated that “[i]t happened five times. The sixth time, I could not take it anymore. I started yelling and managed to escape. I was taken to hospital and they took care of me. When I think about it, I feel awful. I regret that I ever let him have sex with me.”<sup>319</sup>

Despite programs intended to increase awareness about sexual violence, fewer than one-third of the victims treated at facilities run by MSF arrive within 72 hours of their attack.<sup>320</sup> According to Jill Huberty, the psychologist in charge of the sexual violence program in Liberia, the victims “feel ashamed, shocked. Disclosing the rape often leads to rejection from the husband, family or even community.”<sup>321</sup> Most women will only seek medical care if they suffer physical symptoms related to the rape.<sup>322</sup> Even when rape is reported, it is unlikely that the perpetrator will be held accountable. Of the 771 victims of sexual violence that were treated by MSF in 2008, only four took their perpetrators to court.<sup>323</sup> This glaring lack of justice can have devastating effects on the psychological well-being of victims. According to one psychologist who has worked with MSF in Liberia, “if [the victims] know the perpetrator and justice is not done, they feel afraid and powerless.”<sup>324</sup> Many victims may also be at risk of repeated attacks.<sup>325</sup>

In December 2008, the Liberian government reopened a court with exclusive original jurisdiction over cases of sexual violence.<sup>326</sup> President Johnson Sirleaf expressed hope that the court would help confront the increase in sexual violence in Liberia.<sup>327</sup> In June 2008, the Stipendiary Magistrate of Brewerville, Montserrado County, stated that in some cases, complainants and their families preferred monetary payments resulting from amicable settlement of rape cases instead of going through the legal process.<sup>328</sup> This sort of private settlement may encourage impunity for rape. Overall, despite efforts to prevent and respond to acts of gender-related violence, it remains a significant challenge to the rule of law and the protection of fundamental human rights in Liberia.

### **C. Liberia’s Infrastructure**

The war drastically impacted the Liberian population’s access to electricity, safe and accessible water, and passable roads. The damage has been recognized by the government and it has adopted plans to begin to address these problems, but significant progress has yet to be made. These problems also serve as a major impediment to improving economic conditions in the country and the provision of basic services, which are critical to Liberia’s stability and success in this tenuous post-war period.

#### **6. Electricity**

Liberia’s electricity-generating capacity was almost completely destroyed by the civil war.<sup>329</sup> With the help of the European Union, the World Bank, USAID and the Norwegian government, Liberia’s only power company, the Liberia Electricity Corporation (LEC), operates a temporary system for providing electricity. But this temporary system generates only about 10-12 megawatts of electricity, providing power to public buildings for essential public services (e.g., hospitals and schools) and some neighborhoods in Monrovia.<sup>330</sup> Currently, USAID estimates that about ten percent of Monrovia and less than two percent of rural areas have modern energy sources.<sup>331</sup> Other residents rely on small hydropower plants, solar power, kerosene lamps and individual diesel generators for power.<sup>332</sup> Even where power may be

available, it is not always affordable for Liberians.<sup>333</sup> Further, in some rural communities, there is a complete lack of power supply.<sup>334</sup>

Liberia faces a number of challenges in rebuilding the electricity infrastructure of the country, including raising the significant funds required for these projects and the time it takes to get new or rebuilt power sources online. Commitments from foreign governments, aid organizations and investors continue to assist in the slow process, but do not alleviate the large financial burden of this process on the government. Buchanan Renewables B.V., a Liberian corporation, recently announced that it had received approval for a loan of up to US \$112 million



from the Overseas Private Investment Corporation for a 35-megawatt independent biomass power project expected to provide electricity to Monrovia and its surrounding area.<sup>335</sup> This project plans to use the country's overgrown rubber trees as an alternative power source; however, construction is only just beginning, and electricity is not expected to be transmitted to the LEC's power grid until the end of 2010.<sup>336</sup> The European Union has also agreed to sponsor a cross border electricity project that aims to supply electricity from the Ivory

Coast to 18 rural border towns and communities in Liberia.<sup>337</sup> It is not clear, however, how long the project will take to complete, and the Liberian government is obligated to fund one-fourth of the total project costs, which are estimated at 9.65 million Euros.<sup>338</sup> Prior to the war, Liberia's main power source was the Mount Coffee Hydro Plant. LEC has estimated that renovation of the Mount Coffee Hydro Plant will cost approximately US \$500 million.<sup>339</sup> The necessary renovations or rebuilding, as well as a transmission and distribution network, will take at least five years to complete once the funding is available.<sup>340</sup> However, because of the significant debt burden on the Liberian government, the country was having difficulty obtaining funding from multilateral organizations and it is not clear when this project will be funded.<sup>341</sup>

In addition to funding problems, LEC has experienced further obstacles in its attempt to provide electricity to Liberia: power theft and faulty equipment. LEC has at times lost approximately US \$40,000 per month—nearly 20 percent of its monthly revenue—owing to a “heightened wave of power theft” at its facility by “unknown individuals.”<sup>342</sup> In 2005, the government's police chief was suspended after diverting a generator, intended for the national police headquarters, for his own personal use.<sup>343</sup> Not only does power theft result in lost revenues, but it also strains the LEC's generators and harms the machines when current is stolen from the main lines.<sup>344</sup> The LEC also is experiencing problems with its equipment. In late 2008, a consultant to the LEC acknowledged that the measuring equipment at LEC's generating plants is faulty, resulting, in one instance, in a shortfall of over 1,500 gallons of fuel out of the 27,000 gallons delivered to LEC's plants between October 8 and October 10, 2008.<sup>345</sup>

Prior to the conflict, Liberia had an electricity generating-capacity of 180 megawatts.<sup>346</sup> But as a result of these significant challenges, some predict that Liberia may not reach its pre-war electric power capacity during the current government's tenure, which ends in 2011.<sup>347</sup>

## 7. Water

While statistics vary, most Liberians do not have access to clean and safe drinking water. Access to safe drinking water fell dramatically during the last decade. In 1997, 58 percent of households had access to clean water.<sup>348</sup> In 2005, access had dropped to 24 percent.<sup>349</sup> Before the war, almost half of urban Liberia had clean piped water, and the country's 15 counties had water treatment facilities.<sup>350</sup> Groups estimate that safe drinking water is currently accessible to only about one-third of the population (although counties have varying access).<sup>351</sup> In late 2008, Mr. Hun-Bu Tulay, head of the state-owned Liberia Water and Sewage Corporation (LWSC), said that fewer than one in three Liberians had access to safe water.<sup>352</sup> Even where water pipes have been reconnected, in late 2009 most residents still cannot afford or access clean water.<sup>353</sup> In Monrovia, the population has almost tripled since the end of the war in 2003, and the increased population is straining the capacity of Monrovia's outdated water-pipe system.<sup>354</sup> In many parts of Liberia, people rely on wells and hand pumps for drinking water.<sup>355</sup> A single hand pump generally serves anywhere from 400 to 800 people, according to a 2006 report.<sup>356</sup> As a result, women and girls often spend up to two hours a day simply standing in line for water, compromising their safety and their ability to attend school.<sup>357</sup> Without access to wells or hand pumps to retrieve water, the people in remote villages such as Nrowkia in Grand Kru County continue to drink water from creeks.<sup>358</sup> A 2007 report explained that in Sinoe County, located in southeastern Liberia, people walk from 30 minutes to an hour in order to find drinking water, most of which also is drawn from a creek.<sup>359</sup> According to the Comprehensive Food Security and Nutrition Survey, carried out nationwide in late 2006, approximately 68 percent of Liberians were relying on "untreated wells, rivers, ponds, creeks and swamps for drinking water."<sup>360</sup> As of November 2008, only one water treatment facility out of the nine across Liberia was working. The government needs US \$143 million to overhaul the water and sanitation network, but only US \$57.5 million had been committed as of May 2008.<sup>361</sup>



The treatment facilities and pipes that once supplied water to residents in Monrovia were neglected and damaged during the war and became inoperable to such an extent that the entire network will have to be ripped up and replaced before clean water will again be available.<sup>362</sup> With little money to restore the infrastructure, it has been a slow process to restore running water.<sup>363</sup> The task has been taken on by the LWSC,<sup>364</sup> and in July 2006, parts of Monrovia received pumped water for the first time in 15 years.<sup>365</sup> Residents and businesses in those areas were purchasing the water for a fee.<sup>366</sup> Others were relying on water being delivered via tanker trucks.<sup>367</sup>

Poor water quality has caused endemic cholera and diarrhea outbreaks, which are made worse by poor sanitation and waste disposal systems, overwhelmed sewage systems, poor hygiene, and failure to use latrines or using communal latrines.<sup>368</sup> Endemic cholera occurs annually, after the start of the rainy season, and hotspots have been identified in a number of counties.<sup>369</sup> The lack of clean drinking water has also been linked to the high mortality rate of children in Liberia.<sup>370</sup> In recognition of this problem, UNICEF announced in 2008 its intention to dedicate a significant amount of money to construct and rehabilitate wells and sanitary facilities,



conduct training on water and sanitation assessments, and promote hygiene education and hygiene awareness programs in 200 schools and communities.<sup>371</sup> But it will take time for a sanitary water supply to be developed. The 2007 rural water and sanitation program budget of US \$125,000 was limited to salaries of employees.<sup>372</sup>

## **8. Transportation**

Like other aspects of the infrastructure, Liberia's transportation systems also suffered a severe blow as a result of the war. Although, the Liberian government has been working to build new roads and bridges, there is still a limited number of usable roads in the country, as the conflict left the majority of roads in need of drastic repairs.<sup>373</sup> It is common to find poor road surfaces and large potholes, even on paved roads, making driving dangerous.<sup>374</sup> Traveling outside the city is worse, and often requires the use of a four-wheel drive vehicle.<sup>375</sup> The rainy season in Liberia creates additional obstacles for road transportation; from April to October each year, many roads outside Monrovia become impassable.<sup>376</sup> As a result, many small villages and towns outside the capital are inaccessible for approximately six months each year.<sup>377</sup> The poor road conditions not only affect the economy, but also make it difficult for the government to combat crime, as the police force is unable to reach a large portion of the country. This inaccessibility also makes the delivery of social services to people living in these areas difficult.<sup>378</sup>

Additional means of transportation have also been seriously damaged by the civil war. The railroad systems in Liberia stopped operating in 1989 after iron ore operations ceased, and the rail lines were damaged or dismantled for use as scrap during the war.<sup>379</sup> As of December 2008, sections of the railway system in Liberia were still inoperable because of significant damage.<sup>380</sup> The country's airports are in similar disrepair. There is only one international airport in Liberia—the Roberts International Airport (RIA)—located approximately 45 kilometers outside of Monrovia, and most of its infrastructure also was destroyed during the war.<sup>381</sup> In addition to RIA, there is one other airport with a paved runway that is currently used as a United Nations air base, as well as only five of 43 smaller domestic gravel-surfaced airstrips throughout the country that are serviced only by UNMIL flights.<sup>382</sup>

### **D. Health Care in Liberia**

In its National Health Policy released in 2007, the Ministry of Health and Social Welfare (MoHSW) identified two competing challenges that must be addressed to create a workable health care system: (1) expand access to quality basic health care; and (2) develop the building blocks for a sustainable health care delivery system.<sup>383</sup> Meanwhile, the Liberian population has severely limited access to acceptable health care, and the Liberian government currently lacks both the human and financial resources that are essential to the creation of a functional health system.<sup>384</sup>

## **9. Health Issues / Conditions**

The Liberian population suffers from a number of serious health concerns—malaria, acute respiratory infections, worms, diarrhea, tuberculosis, skin infections, malnutrition, and anemia—many of which contribute to high morbidity and mortality and many of which could be prevented with better access to health care, including preventive care (*e.g.*, vaccinations, better

hygiene, and mosquito netting).<sup>385</sup> Malaria alone accounts for over forty percent of the out-patient treatment and 18 percent of inpatient deaths.<sup>386</sup> HIV/AIDS is a concern, especially for young, child-bearing women in the country, although its prevalence is difficult to determine.<sup>387</sup>

A major source of illness and death in Liberia is diarrhea, which is primarily caused by poor hygiene and a lack of sanitation.<sup>388</sup> Limited access to clean water, poor waste management (leading to household trash, human feces, and hazardous medical waste becoming piled up throughout city streets), and malnutrition caused in part by the breakdown in the infrastructure for food production and delivery all contribute to serious health concerns plaguing Liberians.<sup>389</sup>

According to a United Nations report from 2007, the average life expectancy in Liberia is 42 years, which is lower than the Sub-Saharan African average of 46 and the United States average of 78.<sup>390</sup> In fact, in 2009, Liberia rated 221 out of 224 countries for life expectancy from birth – well behind most countries in the world and the U.S. ranking of 49.<sup>391</sup> The adult mortality rate for ages 15 to 60 averages 537 per 1,000 people, according to 2004 WHO figures.<sup>392</sup> In 2007, Infant mortality was 157 children per 1,000 live births (compared to 102 per 1,000 in the rest of Sub-Saharan Africa and seven per 1,000 births in the United States).<sup>393</sup> Maternal mortality was 760 per 100,000 births in 2000 and increased to 994 per 100,000 births in 2007.<sup>394</sup> The under five mortality rate was 235 per 1,000 people in 2004, the fifth highest in the world.<sup>395</sup> The two leading causes of child morbidity are malaria and diarrhea, which account for forty-two percent and 22 percent, respectively.<sup>396</sup> In addition, almost forty percent of Liberian children are growth stunted due to poor nutrition, almost one-third of children under five are severely underweight and one-fifth of all deaths in children under five is attributable to malnutrition.<sup>397</sup>

## **10. Access to Health Care**

There are approximately 354 functioning health care facilities in Liberia, including hospitals, health centers, and clinics, but many do not meet the primary and secondary needs of the population.<sup>398</sup> Although the available statistics on access and quality of health care vary, the United Nations noted that in 2006 fewer than 20 percent of rural communities reported the presence of a functional health facility and, in some counties, only five percent of the communities had functional health facilities.<sup>399</sup> According to the Liberian government, only about 41 percent of the population had access to health services in 2006, with many people in rural areas walking up to seven or eight hours to reach a health care facility.<sup>400</sup> In order for the Liberian government to achieve its goal of expanding access to basic health services to most of its population, it will need to have 500-550 health facilities fully operational.<sup>401</sup> It is far from accomplishing this minimal goal.

Many of the health care facilities that are functioning do not perform at acceptable levels. In 2008, MoHSW conducted a detailed review of 184 functioning health care facilities to assess their progress towards implementing the government's Basic Package of Health Services and found that 68 percent of the facilities did not meet standards for any level of accreditation.<sup>402</sup> Capacity, especially at hospitals, is grossly inadequate; there are not enough beds to treat the population.<sup>403</sup> The availability of secondary health care is limited to Monrovia and regional hospitals,<sup>404</sup> and inadequate access to obstetric emergency care contributes to the high maternal mortality rate.<sup>405</sup> At Island Hospital in Monrovia, a 140-bed pediatric hospital run by MSF, there were regularly two patients and two mothers per bed, according to a 2007 report.<sup>406</sup> Many health

care facilities lack access to clean water and sufficient electricity to operate full time.<sup>407</sup> These problems, coupled with the country's war-devastated infrastructure, buildings, roads, and communication systems, continue to plague Liberia's efforts to deliver even the most basic of health care services.<sup>408</sup>

## **11. Health Care Workers**

The inadequacy of basic health care available to the majority of the population is compounded by "the absolute shortage of trained health staff,"<sup>409</sup> and the United Nations stated in 2007 that there was non-coherent planning at the national level to ensure that existing health facilities will be staffed adequately in the future.<sup>410</sup> While the government has been working to remedy this deficiency by adopting policies covering a number of health care issues, the challenges to train and employ adequate numbers of qualified health care professionals loom large for a country with limited financial resources.<sup>411</sup> As of 2004, the WHO estimated that there were 0.03 physicians, 0.18 nurses, 0.12 midwives, 0.01 pharmacists, 0.04 public and environmental health workers, 0.04 community health workers, 0.06 lab technicians for every 1,000 people in Liberia.<sup>412</sup> In 2002, the number of health care workers per capita was substantially lower (as low as one-tenth) than the average in the WHO Africa region.<sup>413</sup> In 2006, the total number of health care workers was 4,000 full time and 1,000 part time for a population of over three million people.<sup>414</sup> The health care worker shortage is further compounded because the distribution of such workers is "grossly imbalanced" to favor urban over rural areas and nurse attendants over more skilled health care workers, especially doctors, physicians' assistants, certified midwives and laboratory technicians, for which there is a critical need.<sup>415</sup>

The entire country of Liberia has one medical school and one pharmacy school, both located in Monrovia.<sup>416</sup> Only seven of ten prewar health-training institutions are functional.<sup>417</sup> While training is available for doctors, nurses, midwives, physicians' assistants, pharmacists, environmental health inspectors, and laboratory technicians, the schools' output is too low to meet current health care staffing needs. For example, the two institutions that train midwives have a combined average of graduating 100 midwives per year for the past several years.<sup>418</sup> This number is far too low to meet the immediate and long-term staffing requirements of the country and is further eroded by attrition to private organizations or elsewhere due to the government's inability to pay competitive compensation to health care workers.<sup>419</sup>

Moreover, all of these training institutions lack resources in the form of supplies and funding. The "[c]urricula are outdated, curative oriented, and do not adequately reflect current health and social welfare realities."<sup>420</sup> Further, only one of the health-training institutions has been accredited since the mid-1980s, and all of the schools suffer from a lack of teaching materials and weak instructors.<sup>421</sup> The Liberian government notes that many health care workers hold substandard qualifications.<sup>422</sup>

## **12. The Threat of Losing NGO Support**

Delivery of health care services and the majority of the progress that has been made in health care in the past few years has been highly dependent on international NGOs, a resource the country is now at risk of losing.<sup>423</sup> As of 2007, more than 70 percent of health facilities in Liberia were dependent on NGO support.<sup>424</sup> These NGOs provide medical personnel, equipment,

drugs, and physical facilities. In 2007, MSF estimated that its two clinics on Bushrod Island alone handled 20,000 medical consultations each month and treated approximately 13,000 patients each month.<sup>425</sup> In 2006, 55 percent of the public hospital beds and 80 percent of the public pediatric beds in Monrovia were provided by MSF.<sup>426</sup>

Many of the emergency NGOs concluded or reduced their support in Liberia during 2007 and 2008 due to funding shortages or because they only provide assistance in official states of “humanitarian crisis.”<sup>427</sup> If other aid organizations are not able to fill the gaps left by the departing NGOs, the people of Liberia will be left with even less access to health facilities, drugs, and competent medical personnel. The United Nations has stated that a projected transitional gap will result from the withdrawal of the NGOs, raising “a serious concern across the humanitarian spectrum”<sup>428</sup> that could likely impact two-thirds of the Liberian population.<sup>429</sup> MSF has scaled back its efforts in Liberia, but unlike other agencies, has made the “unusual” decision to continue doing some work in Liberia because it does “not believe that patients who currently rely on the care from MSF-supported health facilities will be able to find decent and accessible alternatives, even at a minimal level, once we leave.”<sup>430</sup>



Although the Liberian government is mapping the transitional gaps,<sup>431</sup> it has a limited ability to prevent these gaps from occurring. In a 2007 report, the United Nations stated repeatedly that the government will not be able to fill in the gaps that will be left when NGOs close their operations in Liberia. The government has been struggling with a lack of funding as well as the already inadequate state of health services, which “may have severe implications on already high levels of morbidity and mortality.”<sup>432</sup> The Minister of Health and Social Welfare pled with donors and NGOs “to maintain an active and engaging role in the Liberian health sector at least until December 2008 . . . to assist in reforming and growing the capacity of the Liberian healthcare delivery system.”<sup>433</sup> A 2006 UNICEF investment case simulation on Liberia examined the state of health care and said that “given the very low health system functioning in Liberia, the impact of maintaining the current coverage is not very different from that of a worst case scenario of less than ten percent coverage.”<sup>434</sup>

The Liberian government has very limited resources to dedicate to health care. The entire country’s fiscal budget was almost US \$372 million for FY2009/2010, with only 11 percent apportioned to the health system.<sup>435</sup> Given the government’s limited resources, the United Nations predicts that “it will be a long time before the Government can provide basic social services for all.”<sup>436</sup> In fact, a 2008 government report stated that the government “will not be able to independently fund the health care sector without sustained donor support and private provider participation for at least the next ten years.”<sup>437</sup>

A constant challenge in Liberia over the last several years has been raising monetary support from donors and volunteer agencies. The United Nations has been active in leading a “Health Cluster” aimed at improving the effectiveness of humanitarian response to Liberia’s health conditions. The health cluster is formed by United Nations agencies, local and international NGOs, donors, and the Minister of Health and Social Welfare and works to improve communications with the government. In 2006, the health cluster was only successful in

raising 13 percent of the total health funds that it requested to meet its goals.<sup>438</sup> Because of this lack of funds, most of the health needs of the country went unaided.<sup>439</sup> In 2007, the health cluster was again only partially funded, and Dr. Bernice Dahn, Chief Medical Officer and Deputy Minister of Health Services in Liberia, noted that “by the end of 2008, only thirty-six percent of the currently functioning facilities will be supported, if ongoing negotiations do not yield additional funding.”<sup>440</sup> As more NGOs leave the country, there is concern that if the government is not able to secure funding from aid organizations, private donors, and foreign governments, the resulting loss of humanitarian relief and services could threaten the stability of Liberia.<sup>441</sup>

### **13. Fraud and Corruption**

In addition to facing a lack of medical personnel, a patient in Liberia also faces the threat that the person administering care is not actually a licensed doctor. The region has had people fraudulently posing as doctors, nurses, and physicians’ assistants. For example, one of the first sites a person will find with an Internet search on Liberia medical schools is the website for the St. Luke School of Medicine in Liberia. However, in 2005 the Minister of Health, Dr. Benson Barh, announced that the St. Luke School of Medicine in Liberia was not actually an existing or accredited medical school, even though the school had been “clandestinely issuing diplomas and medical degrees to Liberians and other foreign nationals to form part of the medical labor force.”<sup>442</sup>

Fraud is also common with respect to pharmaceutical drugs. Despite the government’s adoption of a National Drug Policy in 2001, there is considerable distribution of counterfeit, sub-standard and expired pharmaceuticals in the country,<sup>443</sup> compounding problems for health care facilities, which often lack the essential drugs they need.<sup>444</sup>

#### **E. Education**

President Johnson Sirleaf has emphasized the importance of educating Liberia’s children, but the education system in Liberia continues to struggle in the aftermath of the war, which caused destruction or severe damage to more than 75 percent of the educational infrastructure of the country.<sup>445</sup> About 50 percent of the schools were destroyed.<sup>446</sup> During the war, displaced Liberians burned school furniture, doors, and window frames for cooking fuel.<sup>447</sup> Some school buildings were used as military warehouses and war rooms.<sup>448</sup> The poor access to and quality of education is reflected in the literacy rate in Liberia, estimated by the Liberian government to be less than 40 percent.<sup>449</sup>

The percentage of children enrolled in primary and secondary school in Liberia is alarmingly low. A 2004 report indicated that the percentage of students starting first grade and reaching fifth grade was 34.6 for boys and 26.6 for girls.<sup>450</sup> In 2007, 30 percent of boys and 37 percent of girls of school age were not enrolled, mainly because they were unable to pay for associated school costs or did not have a school in the community.<sup>451</sup> A census in Liberia found that the majority of students in first grade were “over age;” some students in the first grade were as old as 20.<sup>452</sup> Children, especially girls, were being kept at home to help with household chores or to care for children. Some parents are still hesitant to send their children to school for security reasons, as schools were frequent targets by groups hostile to the government during the civil conflict.<sup>453</sup> It is not uncommon to find older ex-combatants attending school alongside younger

children, creating friction.<sup>454</sup> Sexual violence is also a problem for girls attending school, particularly when there are no private bathrooms for them to use.<sup>455</sup>

Enrollment in schools is increasing—one of President Johnson Sirleaf’s first public initiatives was to make public primary education compulsory and free for all children. The country has also seen proposals for low-cost secondary education.<sup>456</sup> Estimates from 2007 suggest that 400,000 to 500,000 students were enrolled in primary schools, compared to 95,000 prior to 2006.<sup>457</sup> The government also is making strides in promoting girls’ education. With President Johnson Sirleaf specifically advocating for improvements, the gender gap is gradually closing. In 2007 to 2008, 664,000 girls compared to 729,000 boys were in school.<sup>458</sup> While a positive step toward improving the literacy rate and educational level of Liberians, rising enrollment is also straining already-limited resources.<sup>459</sup> Classrooms are overcrowded; books and supplies are scarce.<sup>460</sup> There also is a shortage of trained and qualified teachers.<sup>461</sup> Many Liberian teachers were killed or fled when the war began.<sup>462</sup> As a result, the student-teacher ratio, though officially claimed to be 1:40, is in some cases more like 1:100.<sup>463</sup> Approximately 62 percent of teachers have no formal training.<sup>464</sup> About 41 percent of teachers in Liberia have not even completed high school, according to a 2006 report.<sup>465</sup> Possibly contributing to the teacher shortage is low pay: an article from 2007 estimated that “[t]he average Liberian public school teacher makes the equivalent of US \$36 per month or less.”<sup>466</sup> During the conflict in Liberia, the Teachers College at the University of Liberia (UL) was closed at various times, meaning that teachers in training could not take classes.<sup>467</sup> Many of the Teachers College records were destroyed.<sup>468</sup>

Higher education has also suffered as a result of the civil war in Liberia. The University of Liberia was closed at some points during the war.<sup>469</sup> The University of Liberia is the only public university in the country (there also are some smaller, private universities).<sup>470</sup> The University of Liberia has experienced difficulties with finances; as a result of the conflict, in 2007 UL received only 30 percent of its annual budget from the government.<sup>471</sup> As with primary schools, the university also struggles to attract qualified faculty and administrators, as many left Liberia during the conflict and salaries are low.<sup>472</sup> Despite these difficulties, enrollment at the University of Liberia has increased from 9,500 in 1989, before the war, to 15,000 students in 2006.<sup>473</sup> The school had about 1,000 faculty and staff members in 2006.<sup>474</sup>

The government is making significant efforts to improve the educational opportunities and school quality in Liberia. In 2007, it gave a grant of more than US \$1 million to support its primary education program for the budget year 2007/2008.<sup>475</sup> However, the Ministry of Education also is having difficulty implementing this program because of an overall shortage of resources and capacity.<sup>476</sup> Despite the government’s focus on primary education, the drop out rate remains high; fewer than half of the students enrolled in primary education go on to secondary education.<sup>477</sup>

## **F. Current State of the Justice System in Liberia**

Although the institutions are in place to accommodate an effective justice system in Liberia, the reality is that the justice system is functioning so poorly that criminals are rarely prosecuted and businesses are forced “to shun the courts and turn to politicians and other traditional fixers.”<sup>478</sup> The American Bar Association (ABA) recognized, in 2007, that the

destruction of the Liberian justice system during the years of war “will take decades to repair”<sup>479</sup> and launched a Rule of Law initiative aimed at promoting access to justice and improving the Liberian justice system.<sup>480</sup> Although that initiative has achieved success in renovating the sole law school in Liberia and in providing much-needed training for judges and magistrates, the ABA has recognized that rebuilding will be a long-term process.<sup>481</sup> In the words of UNMIL’s August 2008 progress report: “Although progress has been made, the administration of justice countrywide continues to face serious challenges.”<sup>482</sup>

#### **14. Legal Training**

The lack of legal training has limited the number of legal professionals available to enforce the rule of law,<sup>483</sup> and many individuals employed by the court lack the training necessary to implement an effective justice system.<sup>484</sup> The only law school in Liberia is the Louis Arthur Grimes School of Law in Monrovia. In 2005, it graduated 60 new lawyers—twice the number of lawyers working in the country at that time.<sup>485</sup> Until relatively recently, the building that houses the law school had a damaged roof, ceiling and floor, and lacked windows.<sup>486</sup>

While the school is operating and graduating at least some lawyers, the lack of qualified prosecutors and defense lawyers remains a pressing concern and one that may not have an immediate solution.<sup>487</sup> Overall, there were only 17 prosecutors and 13 public defenders in the entire country at the end of 2007.<sup>488</sup> As of February 2008, not all of the prosecutors had formal legal training.<sup>489</sup> In a 2006 report, the International Crisis Group toured five counties and “failed to find a single public defender or prosecutor in a courthouse during normal working hours.”<sup>490</sup> In the capital, the government has established a public defender’s office in an attempt to address the severe shortage of attorneys who are able to try cases.<sup>491</sup> NGOs are also providing resources for legal aid clinics. Still, there also was a disturbing shortage of private attorneys practicing law in the counties as of November 2006. In Sinoe County, the only private lawyer was more than 80 years old, and his ill health prevented him from trying cases.<sup>492</sup>

Judges and Justices of the Peace, even those who are present in their courtrooms, are ill-trained to handle the responsibilities of their positions. The International Crisis Group estimated that anywhere from 50 to 75 percent of JPs are illiterate.<sup>493</sup> This makes it impossible for them to effectively carry out their duties. The situation is not much better in the magistrate courts, where only 10 of the 300 magistrates had law degrees, according to an April 2008 update from the ABA, even though a law degree is a requirement of the position.<sup>494</sup> As a result, “magistrates often run courts that have only an improvised, uneven relationship with statutory law norms.”<sup>495</sup> The lack of training in the judiciary, especially in the lower courts where average Liberians come into contact the most with the formal justice system, creates an unstable, unpredictable, and poorly run system that fuels the growth of the customary law systems and destroys the public’s confidence in the Judiciary.

#### **15. Infrastructure**

The lack of facilities and supplies available to the Judiciary also contribute to its ineffectiveness.<sup>496</sup> JPs commonly use their own homes as courthouses and detention centers to hold prisoners even though they have no authority to do so.<sup>497</sup> Magistrates often are compelled to use their own homes or private houses that are rented by the government as courthouses.<sup>498</sup>

Magistrates also lack access to legal texts<sup>499</sup> and record-keeping equipment. As a result, in many cases, there are no records of case proceedings kept at all.<sup>500</sup> Aid agencies are trying to ensure that, at a minimum, each courthouse has a typewriter (computers would not be practical because many of the courthouses lack electricity).<sup>501</sup> Some magistrates try to keep records by long-hand, but this leads to inaccuracies and delays in adjudicating cases.<sup>502</sup>

The courts also lack vehicles to transport prisoners from the detention centers to the courthouses.<sup>503</sup> In Kakata, the court bailiff simply encourages the prisoners not to escape during the 30-minute walk to the courthouse without handcuffs.<sup>504</sup> In Nimba County, complainants are sometimes required to transport the persons they have accused to prison.<sup>505</sup>

The situation in the circuit courts is not much better. In some cases, the circuit courts are not even functioning because no physical courthouse exists.<sup>506</sup> In rural counties where this is the case, trial by ordeal and other traditional forms of justice fill the vacuum of judicial power, often to the detriment of human rights.<sup>507</sup> Many judges have had to spend their own money on desk chairs and office supplies while some of the courthouses lack windows and doors.<sup>508</sup> The record-keeping capabilities are so poor in many of the circuit courts that NGOs have trouble calculating how many cases are being heard and whether convictions result. Even where the infrastructure is in place in terms of facilities and record-keeping capabilities, “[s]ome Circuit Courts did not conduct a single trial during the November [2006] Term,” according to UNMIL.<sup>509</sup> By the end of 2007, the situation had improved somewhat, and in 2007 each county held at least one term of court.<sup>510</sup>

The Temple of Justice in Monrovia houses the Supreme Court and is in the same dilapidated shape as many of the country’s other courtrooms:

The Temple of Justice in Monrovia is fatigued and decayed. Its judges and clerks pooled their money to buy necessities such as desks and chairs but the court remains shockingly unbecoming of the central seat of justice. The unsightly building smells of urine and is peppered with peeling paint, cracked windows, and broken furniture.<sup>511</sup>

## **16. Corruption**

Corruption is a problem in all levels of government, including the Judiciary.<sup>512</sup> JPs are known for being “notoriously corrupt” and charging fines in excess of those allowed by law.<sup>513</sup> JPs regularly hear criminal cases that are outside their jurisdiction by treating them as civil cases and handing out fines.<sup>514</sup> In many cases, defendants are presented with the option of paying a large fine directly to the JP or spending time in jail.<sup>515</sup> The Crisis Group interviewed a circuit court judge who called JPs “A law unto themselves.”<sup>516</sup> A central reason for the level of corruption is that the JPs are not on the judicial payroll and as a result must charge large fees and fines to attempt to make a living.<sup>517</sup> There are widespread reports that JPs have continued to practice despite the fact that their commissions have expired.<sup>518</sup> In 2008, UNMIL recommended that the government of Liberia review the entire JP system “with a view to removing judicial functions from their jurisdiction.”<sup>519</sup>



Unlike JPs, magistrates are on the judicial payroll, but their salaries are so low that they, too, often use their position to extort large fines. In order to collect their \$22 monthly salary, the magistrates must travel to Monrovia (often long distances) on damaged roads, creating an incentive for them to “implement ad hoc court fees to supplement their income.”<sup>520</sup> UNMIL’s May 2007 report cites multiple instances where a magistrate extorted illegal bribes out of prisoners in exchange for their release; the magistrate took the money but did not release the prisoners.<sup>521</sup> In one case, the magistrate at Bondiway Magistrates’ court was giving prisoners sentenced to one month imprisonment the option of paying a fine of \$500 for their release.<sup>522</sup> These practices appear to be the norm, rather than the exception, owing in part to a lack of oversight by the circuit courts that are charged with the task.<sup>523</sup>

At the circuit court level, many of the judges are simply absent from their courtrooms.<sup>524</sup> Many circuit court judges accept their positions and collect their salaries, but stay in Monrovia and rarely set foot in their courtrooms.<sup>525</sup> Ironically, the judges who remain in Monrovia rather than working are able to collect their salaries, while judges actually working in more distant counties often are not, because they must travel to Monrovia to do so.<sup>526</sup> As of July 2006, circuit courts in five counties were not operating.<sup>527</sup> The May 2007 United Nations report confirmed that the Lofa County Circuit Court judge left for Monrovia shortly after the term began, and the court did not hear a single case.<sup>528</sup> There is so much corruption and “[t]he repercussions of non-functioning circuit courts are so harsh” that the International Crisis Group has called for the Liberian government to force the resignations of circuit judges who have physical structures in which to work but refuse to do so.<sup>529</sup> It has also been suggested that the chief justice of the Supreme Court should make random appearances at circuit courts to see if the judges are present.<sup>530</sup> Because circuit courts have original jurisdiction over the most serious offenses, when they do not function, murderers and rapists are set free.<sup>531</sup> For instance, in Gbarpolu County Circuit Court, there were ten cases pending for the November 2006 Term, three of which alleged murder and three of which alleged rape; none of the ten cases were heard.<sup>532</sup> Even where Court personnel are present and willing to work, the government has been late in paying some of their salaries.<sup>533</sup>

Historically, the Judiciary has been under the control of the Executive Branch even though the Constitution designed it to be an independent branch of government.<sup>534</sup> When Justices have shown signs of independence from the Executive Branch, it has traditionally been the case that the President had them removed using a power known as Joint Resolution.<sup>535</sup> Recent events have produced optimism that the judiciary can become an independent branch.<sup>536</sup> Still, some observers have expressed concern about the operation of the Liberian Supreme Court. One area of concern is that Kabineh Ja’neh was named an associate Justice to the Supreme Court despite the fact that he is a former political leader of the armed group LURD.<sup>537</sup> On a positive note, on January 29, 2007, the Supreme Court showed signs of independence when it ruled that the House of Representatives acted unconstitutionally in passing a resolution to remove the speaker of the House, Mr. Edwim Snowe.<sup>538</sup> It has proved difficult to reign in the lower courts where there is still widespread corruption: “Although corruption tends to be most entrenched at the JP level, it pervades all ranks of the justice system.”<sup>539</sup>

## 17. Funding

The lack of funds devoted to the judiciary contribute to the current struggles of the justice system, including the infrastructure and corruption problems discussed above.<sup>540</sup> At the lower levels of the courts, corruption is due in large part to the meager salaries paid to JPs and magistrates.<sup>541</sup> As noted above, magistrates' salaries are so low that for some magistrates assigned to counties far from Monrovia, this trip would cost more than the amount they receive in compensation.<sup>542</sup> This environment breeds corruption and allows people with money to act with impunity.<sup>543</sup>

Also, as discussed above, the government does not even have the funds to purchase vehicles to transport people from the jails to the courtrooms.<sup>544</sup> Courthouse employees have had to purchase their own supplies; there are no computers with which to keep court records, and the government cannot even provide the funding to purchase typewriters for courts.<sup>545</sup> There also are not enough funds to hire prosecutors to work for the counties, so many times there is no one to try cases.<sup>546</sup> In the 2006-2007 budget, the government planned to spend L\$6,700,000, or 5.16 percent of the budget on the judiciary.<sup>547</sup> Because there is so much that needs to be fixed, it will take years of strong financial support from the government (and donors) before the judicial system ceases to be plagued by chronic difficulties.<sup>548</sup>

## 18. Gender and the Courts

The justice system is failing in its mandate to protect the rights of all Liberians, and women and girls have been particularly neglected.<sup>549</sup> This is not a new phenomenon; throughout Liberia's history, women have had a difficult time securing justice through the country's court system, whether for rape or domestic issues.<sup>550</sup> During the civil war, violence against women was rampant, and it has continued to be a problem since the end of the war. In many cases, women feel that recourse to customary law courts is their only option. However, the customary law courts do not have a strong record of treating cases of violence against women seriously.<sup>551</sup> "[T]hat [rape cases] rarely are publicly adjudicated strengthens the belief they are not real crimes."<sup>552</sup> Often, rape is not reported because of the social stigma that attaches to a victim of rape.<sup>553</sup>

The Rape Amendment Act, enacted in 2006,<sup>554</sup> "was not fully implemented between November 2006 and January 2007, resulting in human rights violations and continuing impunity for rape. Sexual and gender-based violence, particularly rape of children, remained a significant challenge to the rule of law and the protection of fundamental human rights."<sup>555</sup> Unfortunately, as noted in UNMIL's August 2008 progress report, the incidence of rape of women and children continues to be high.<sup>556</sup>

Where people have been convicted of rape, only "minimum sentences were handed down."<sup>557</sup> In Bong County, many suspected rapists were released on bail because the cells were full, and the detention facility was not operational after a prison riot.<sup>558</sup> During the August 2006 Term of Court, there were no rape cases indicted in six counties.<sup>559</sup> In two cases of gang-rape, one in Bong County and one in Lofa County, the suspects were still free and the courts had not handled the charges in accordance with the law, according to the May 2007 UNMIL Quarterly Report.<sup>560</sup> The Solicitor General of Liberia has made the prosecution of rape cases a top priority,

but limited resources hamper the ability of the government to prosecute all rapes effectively.<sup>561</sup> The customary law system most often deals with domestic violence and family issues affecting women, but it is run by men, which is a concern among people advocating for women's rights.<sup>562</sup> When rape cases are handled outside the statutory law system, the end result can be a monetary settlement between the woman's family and the assailant.<sup>563</sup> The situation pertaining to gender violence has gotten so desperate that the United Nations has advocated that the Ministry of Justice create a circuit court in Montserrado county that deals specifically with gender violence.<sup>564</sup> The newly dedicated criminal court "E" established to handle cases of rape and sexual assault may help to combat the increasing wave of sexual violence.<sup>565</sup> In sum, the justice system in Liberia is failing women to even a greater degree than it is men.

## **19. Juveniles and the Courts**

In addition to failing women, the Liberian courts are failing to protect the rights of juveniles. As of September 2007, the country had just one operational juvenile court. As a result, a majority of juveniles end up being processed by the county magistrate courts, a majority of which "don't have much grasp of juvenile law."<sup>566</sup> Despite the fact that Liberian law prohibits detention in prison or a police station of a juvenile under age 16 except with good cause and upon order of a juvenile court judge, juveniles are frequently detained and incarcerated alongside adults.<sup>567</sup> UNMIL has noted that the Liberian juvenile justice system remains "a source of deep concern."<sup>568</sup>

## **20. Deportees and the Liberian Justice System**

In December 2008, the Liberian government detained 22 Liberians who had been deported from the United States. Upon arriving in Monrovia, the deportees were detained by authorities and transported to the National Palace of Corrections in Zwedru, Grand Gedeh County. According to statements from the Liberian Commissioner of the Bureau of Immigration and Naturalization, Chris Massaquoi, the deportees were deported from the United States for crimes such as possession of illegal substances, rape, fraud, and robbery. He stated that the "criminals" would be held for several weeks to receive counseling to help them transition back into Liberian society and to protect Liberian citizens from further criminal activity from the deportees. According to advocates from the Interfaith Refugee Action Team, which visits immigration detainees at the Elizabeth, New Jersey detention center, at least one of the Liberian deportees had no criminal history in the United States. He was deported simply because he had not succeeded on his asylum application. However, the Liberian government persisted in treating the deportees as criminals. The Catholic Justice and Peace Commission in Monrovia, which represents the detainees in Liberia, reported that their petition for writ of habeas corpus was denied on the ground that the deportees had committed serious crimes in the United States, and it was not safe to return them to Liberian society without counseling.<sup>569</sup>

## **21. Non-Government Sponsored Customary Law**

Because the statutory system is inaccessible to many Liberians, many are turning to the customary law system, and there are numerous people enforcing customary law who are not overseen or licensed by the government.<sup>570</sup> These people often engage in dangerous practices such as trial by ordeal, despite denunciations of such proceedings by the justice department.<sup>571</sup>

Trial by ordeal is characterized by subjecting the accused to severe pain; often this involves placing a hot knife on the accused person's skin.<sup>572</sup> If the wound festers, then the person is thought to be guilty.<sup>573</sup>

The Justice Department has renounced trial by ordeal, but this is in juxtaposition to the Executive's Branch's endorsement of the practice (as long as the life of the individual is not in danger and the poisonous sassywood bark is not used).<sup>574</sup> Further complicating matters, as of April 2006, "the ministry of internal affairs, in violation of the constitution and a judicial mandate, was licensing 'ordeal doctors' to perform these rituals."<sup>575</sup> At the beginning of 2007, the Ministry of Post and Telecommunications reported that it used trial by ordeal to identify the culprit following a mail theft at the Minister's office.<sup>576</sup>

## **G. Prison Conditions**

Liberia is facing a shortage in available prison space, and the prisons that are functioning fail to meet minimum human rights standards.<sup>577</sup> A report filed in November 2006 noted that Monrovia Central Prison was filled to three times its operational capacity.<sup>578</sup> This number has increased so that the Central Prison is now filled to four times its capacity, despite the opening of a new women's block at that facility and the reopening of the National Palace of Corrections in Zwedru, Grand Gedeh County.<sup>579</sup> Overcrowding undermines security and contributes to mass escapes.<sup>580</sup> On several occasions during the past year, detainees escaped from the often overcrowded Sanniquellie Central Prison in Nimba County.<sup>581</sup> In January 2008, five detainees escaped from the Sanniquellie Central Prison.<sup>582</sup> On June 7, 2008, 25 male prisoners broke the cell doors and escaped from Gbarnga Central Prison in Bong County.<sup>583</sup>

Many counties do not even have legal detention facilities.<sup>584</sup> Many counties have turned to using private buildings, contributing to the failure of the prison system to respect the basic human rights standards all detention centers worldwide are supposed to meet. For example, on November 27, 2007, three inmates were found being held in an unauthorized detention facility in Lofa County.<sup>585</sup> The situation is so dire in some counties that suspects had to be released on bail because there were no prisons to hold them in.<sup>586</sup>

Because the judiciary fails to hear cases in a timely manner or observe the 48 hour limit on detention without charging the suspect, a high percentage of the inmates in Liberian prisons are in pre-trial detention.<sup>587</sup> Many inmates are held in pre-trial detention for more than 90 days, often in the same cells as convicted criminals.<sup>588</sup> In 2008, hundreds of people were held in prolonged pre-trial detention.<sup>589</sup> One reason cited for the prevalence of prison riots is the lengthy pre-trial detention.<sup>590</sup>

Even where there are detention facilities and they aren't overcrowded, they often fail to observe basic human rights standards.<sup>591</sup> Most correctional facilities are in a deplorable state, and some prison conditions are life-threatening.<sup>592</sup> Juveniles and women are subject to abuse by guards or other inmates.<sup>593</sup> There was no juvenile detention facility in Liberia as of the beginning of 2007, and juveniles often share cells with adults.<sup>594</sup> According to the U.S. State Department in 2008, "Men and women were held together in the same cell in some counties or cities."<sup>595</sup> In the Tubmanberg detention facility, the one female detainee of the 39 prisoners was allowed to go home for the night because the facility was so overcrowded there was no way to leave an entire

cell for her.<sup>596</sup> In 2006, the United Nations found that no detention facility had adequate bedding, including mattresses or floor mats and sheets.<sup>597</sup> Moreover, none of the prisons in Liberia had toilets inside the cell.<sup>598</sup> The United Nations has reported that inmates must go without food for days at a time; the food for the prisons is provided by the World Food Programme and NGOs, and that food is often misused or eaten by the prison guards before it can be given to the prisoners.<sup>599</sup> In June 2008, the Assistant Prison Superintendent of Fishtown Central Prison was dismissed by the Ministry of Justice for theft of rice meant for prisoners and of part of the monthly stipend for corrections staff.<sup>600</sup>

The prisons also are understaffed, and the staff are undertrained. Often, where there are no authorized detention facilities, officials construct illegal holding cells that are understaffed by untrained personnel.<sup>601</sup> UNMIL has, with support from donors, trained 143 corrections officers since 2005.<sup>602</sup> In 2007, the Ministry of Justice was able to hire 60 prison officers.<sup>603</sup> However, as reported by the UNMIL Secretary-General, these numbers are not sufficient to run all of Liberia's correctional facilities, and further recruitment and training of new officers has been suspended for lack of funding.<sup>604</sup> An inspection of the Tubmanberg Prison in Bomi County revealed only two detention personnel on staff; they were both elderly and could not perform basic tasks such as escorting the detainees to fetch water.<sup>605</sup> At the Owensgrove Magistrate Court's holding cell, the warden abandoned his post after only a few weeks, and an Owensgrove village resident with no training or experience was acting as the jailor.<sup>606</sup> On June 15, 2006, at the LAC Magistrate's Court in Grand Bassa County, all the personnel left for Buchanan, abandoning the five detainees locked in their cells without food or drinking water.<sup>607</sup> Between July 14 and July 28, 2006, 26 detainees were illegally released from the Sanniquellie Central Prison; this included eight charged with rape, six charged with murder, and three with aggravated assault.<sup>608</sup> The working conditions for the prison guards that are hired are so poor that they are a factor in the occurrence of jailbreaks.<sup>609</sup> An element of the poor working conditions is the inability of the government to pay prison personnel's salary on time.<sup>610</sup> According to the United Nations, "[t]he retention of corrections personnel was a challenge during the reporting period due to low morale caused by interruptions in salary payments."<sup>611</sup> For example, at Sanniquellie Central Prison, employees threatened to resign after they had not received their salary payments in four months.<sup>612</sup>

## **VI. CONCLUSION**

Post-war conditions in Liberia remain sufficiently unstable that it would be dangerous to send Liberians back to Liberia at this time. While Liberia's new government has taken steps to rebuild the country, its achievements are small in comparison to the significant challenges that lie ahead. Liberia is simply still not equipped to accommodate an influx of people at this time.



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532 United Nations Mission in Liberia [UNMIL], *Quarterly Report on the Human Rights Situation in Liberia November 2006 – January 2007* 17 (May 2007), available at [http://unmil.org/documents/humanrights\\_nov\\_jan\\_2007\\_report.pdf](http://unmil.org/documents/humanrights_nov_jan_2007_report.pdf) (last visited Feb. 13, 2010).

533 United Nations Mission in Liberia [UNMIL], *Quarterly Report on the Human Rights Situation in Liberia November 2006 – January 2007* 19 (May 2007), available at [http://unmil.org/documents/humanrights\\_nov\\_jan\\_2007\\_report.pdf](http://unmil.org/documents/humanrights_nov_jan_2007_report.pdf) (last visited Feb. 13, 2010) (“On 18 December, Magistrates’ Courts in River Gee County closed in protest at the alleged failure of the government to pay salaries to Magistrates and other personnel in the County since April 2006. The Courts stayed closed throughout January.”); UNITED STATES OF AMERICA STATE DEPARTMENT, COUNTRY REPORTS ON HUMAN RIGHTS PRACTICES 8 (Mar. 6, 2007), available at <http://www.state.gov/g/drl/rls/hrrpt/2006/78742.htm> (last visited Feb. 13, 2010) (Civil servants often wait months for salaries, and “corruption remained endemic at middle and lower levels of government due to low civil servant salaries, a culture of impunity, and long delays in payment of wages.”).

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<http://www.crisisgroup.org/home/index.cfm?id=4061&CFID=62793589&CFTOKEN=90851082> (password required for full report;  
last visited Jan. 28, 2010); Liberian 2006-07 Budget (on file with The Advocates for Human Rights) (The government devoted  
roughly five percent of the budget for 2006-2007 towards the judiciary, but this amounted to only \$6.7 million.).

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<http://www.crisisgroup.org/home/index.cfm?id=4061&CFID=62793589&CFTOKEN=90851082> (password required for full report;  
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<http://www.crisisgroup.org/home/index.cfm?id=4061&CFID=62793589&CFTOKEN=90851082> (password required for full report;  
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last visited Jan. 28, 2010); United Nations Mission in Liberia [UNMIL], *Quarterly Report on the Human Rights Situation in Liberia*  
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Feb. 13, 2010) (“Poor salaries...may have encouraged corruption.”).

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<http://www.amnesty.org/en/region/liberia/report-2007> (last visited Feb. 7, 2010); HUMAN RIGHTS WATCH, WORLD REPORT 2007—  
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last visited Jan. 28, 2010); United Nations Mission in Liberia [UNMIL], *Quarterly Report on the Human Rights Situation in Liberia*  
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Feb. 13, 2010) (Girls as young as one year old were reportedly raped in 2006); United Nations Mission in Liberia [UNMIL],  
*Quarterly Report on the Human Rights Situation in Liberia May 2006 – July 2006* (October 2006), *available at*  
<http://unmil.org/documents/hrreportmayjune2006.pdf> (last visited Feb. 13, 2010) (“Rape and other forms of sexual assault and  
exploitation remain a serious risk for women and girls, including young children.”). *See* United Nations Mission in Liberia [UNMIL],  
*Thirteenth Progress Report of the Secretary-General on the United Nations Mission in Liberia* 7 (Dec. 11, 2006), *available at*  
<http://unmil.org/documents/sgreports/srep200613.pdf> (last visited Feb. 13, 2010) (“Every effort must be made to ensure that criminal  
justice is rapidly and fairly addressed and that widespread violence against women is brought to an end.”).

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<http://www.crisisgroup.org/home/index.cfm?id=4061&CFID=62793589&CFTOKEN=90851082> (password required for full report;  
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<http://www.crisisgroup.org/home/index.cfm?id=4061&CFID=62793589&CFTOKEN=90851082> (password required for full report;  
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(explaining in some cases, the detainees must be escorted outside the prison to defecate in a bush); United Nations Mission in Liberia  
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(October 2006), available at <http://unmil.org/documents/hrreportmayjune2006.pdf> (last visited Feb. 13, 2010) (stating that NGO’s  
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