

MINNESOTA



ADVOCATES  
FOR HUMAN RIGHTS

# **Liberian Truth and Reconciliation Project**

Briefing Book  
Spring 2007



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# I. General Volunteer Information



## Liberian Truth and Reconciliation Diaspora Project

The Liberian Truth and Reconciliation Commission (TRC) and Minnesota Advocates for Human Rights have engaged in a historic partnership to ensure the participation of the Liberian Diaspora community in the TRC process. Mirroring the TRC's work in Liberia, Minnesota Advocates is coordinating an effort to collect statements from thousands of Liberians living in the United States. This groundbreaking project is the first effort by a truth and reconciliation commission to systematically involve a Diaspora population in the United States in its proceedings. The TRC Diaspora Project will give Liberians living in the U.S. a role in promoting international justice and human rights and will also raise awareness of transitional justice mechanisms and the Liberian TRC process here in the United States.

Many Liberians fled that nation's 14-year civil war to escape egregious human rights violations against civilians, including summary execution, widespread use of child combatants, rape, sexual violence, internal and external displacement, looting, and banditry. Out of a population of roughly 3 million, an estimated 250,000 people were killed, with as many as 1.5 million displaced.

The Liberian TRC was negotiated and agreed upon during the August 2003 Accra peace accords and was subsequently enacted into law with the TRC Act of 2005. The TRC will "promote national peace, security, unity and reconciliation," and at the same time make it possible to hold perpetrators accountable for gross human rights violations and violations of international humanitarian law that occurred in Liberia between January 1979 and October 2003. The nine-member TRC was inaugurated in February 2006, and it officially launched its work on June 22, 2006.

The Liberian TRC asked Minnesota Advocates for Human Rights to take on this project because of the organization's history of work with Liberian refugees and asylum seekers as well as its experience working with the TRC in Sierra Leone. The national project is based in Minnesota, where statement taking began in January 2007. With the help of Liberian groups and NGO, law firm and academic partners across the U.S., statements will be gathered in other cities with large Liberian populations such as Philadelphia, Atlanta, Providence, and Washington, D.C.

**Volunteer Statement Takers:** Minnesota Advocates' will gather statements in the U.S. with the help of volunteer statement takers. Minnesota Advocates estimates that each interview will take approximately 1-2 hours, with an additional time commitment of 2-3 hours to transcribe notes and write up the statement in the TRC's format. Volunteers will receive training on (1) the truth and reconciliation process; (2) the protocol for taking statements; (3) the history of Liberia and the conflict; (4) cultural considerations for working with Liberians; and (5) avoiding vicarious traumatization. In addition to volunteer statement takers, we are recruiting volunteer mental health professionals to be available to support individuals giving statements and to make appropriate referrals.



**Information Gathering:** Volunteers will conduct interviews with Liberians in the U.S. who voluntarily come forward to give statements to the TRC. Information from interviews will be compiled and stored on a searchable database and coded so it is compatible with the TRC's database and can be included in the TRC's historical record. Minnesota Advocates staff and volunteers will draft a report that summarizes findings makes recommendations to the Liberian TRC for use in its final report to the government of Liberia.

**Community Forums:** In association with Liberian community groups and the Liberian TRC, Minnesota Advocates will present findings on the Liberian Diaspora experience and other pertinent thematic topics at public hearings in the U.S. and Liberia. Minnesota Advocates will publicly release its report in a series of community forums and will share its findings with members of the Liberian community, government representatives, and other community stakeholders.



## Liberian Truth & Reconciliation Diaspora Project Timeline

- June 22, 2006** LAUNCH OF TRC IN THE UNITED STATES AND LIBERIA  
*Concurrent ceremonies took place in Monrovia and at the Minnesota State Capitol in St. Paul. MN Advocates begins outreach in the Liberian community.*
- July 2006** FORMATION OF THE NATIONAL ADVISORY COMMITTEE  
*Composed of prominent Liberians from Minnesota and the U.S., this group advises MN Advocates in developing the project.*
- July 28, 2006** COMMENCEMENT OF VOLUNTEER TRAINING  
*A consortium of 13 Twin Cities law firms stepped forward to provide volunteer and logistical support to the TRC's work in the U.S. The 200 volunteers are required to complete 15 hours of training before the end of 2006 and provide 50 hours of pro bono time in 2007.*
- September 28-  
October 15, 2006** TRC MEMBER MASSA WASHINGTON VISITS THE U.S.  
*As the Commissioner with oversight over the Diaspora project, Washington conducted community outreach events in Minnesota, Washington, DC and Staten Island, NY.*
- November 2006** TRC CHAIRMAN CLLR. JEROME J. VERDIER, SR. VISITS THE U.S.  
*Verdier met with the Project management team in Minnesota participated in a full-day Advisory Committee retreat and conducted community outreach in Minnesota and Providence, RI.*
- Nov.-Dec. 2006** PILOT TESTING OF STATEMENT TAKING  
*Working with the National Advisory Committee, Minnesota Advocates took a small number of statements to test forms and protocol and get feedback from statement givers*
- January 2007** COMMUNITY OUTREACH BEGINS IN CHICAGO  
*Working with Organization of Liberians in Illinois, Northwestern University Human Rights Clinic hold public forums*
- Jan. 11, 2007** LARGE SCALE STATEMENT-TAKING BEGINS IN MINNESOTA  
*Statement taking in the Midwest will continue through December 2007*
- Feb. 4-5, 2007** COMMUNITY OUTREACH BEGINS IN PHILADELPHIA  
*Executive Director Robin Phillips holds planning meetings with implementing partners in Philadelphia and members of the Liberian community.*
- Feb. 10-17, 2007** MN ADVOCATES TEAM TRAVELS TO LIBERIA  
*Robertsport Accord (Memorandum of Understanding - MOU) signed between MN Advocates and the TRC*



- Feb. 18, 2007** TOWN HALL FORUM WITH LIBERIAN COMMUNITY IN CHICAGO  
*Co-sponsored by Northwestern Law School, the Organization of Liberians in Chicago, and MN Advocates*
- Feb. 24, 2007** TRC U.S. STATEMENT TAKING PROJECT KICK-OFF CELEBRATION!  
*Co-sponsored by the Organization of Liberians in Minnesota and Minnesota Advocates, the event featured Commissioner Massa Washington, Liberian Cultural Ambassador at Large Juli Endee, and TRC Executive Director Nathaniel Kwabo.*
- March 3, 2007** STATEMENT TAKING BEGINS IN CHICAGO  
*As part of the Midwest project, a small number of statements are being taken by students from the Northwestern University Law School.*
- March 8-11, 2007** COMMUNITY OUTREACH BEGINS IN ATLANTA  
*Commissioner Washington and Executive Director Robin Phillips hold planning meetings with implementing partners in Atlanta. Commissioner Washington and Ambassador Juli Endee conduct outreach in the Liberian community.*
- March 22-April 1, 2007** COMMUNITY OUTREACH BEGINS IN BUDUMBURUM REFUGEE CAMP, GHANA  
*Commissioner Washington conducts planning and outreach for statement taking in the Diaspora community in Ghana.*
- Mid-April 2007** PLANNING MEETINGS FOR STATEMENT TAKING IN NEW ENGLAND (BOSTON/PROVIDENCE)
- May 2007** STATEMENT-TAKING BEGINS IN GHANA REFUGEE CAMPS  
*MN Advocates staff and volunteers join TRC staff to take statements.*
- Mid-June 2007** LAUNCH OF TRC IN ATLANTA AND PHILADELPHIA
- Summer 2007** TRC DIASPORA PROJECT EXPANSION CONTINUES  
*Statement taking will also take place in the Staten Island/New York metro and Maryland/Washington D.C, as well as areas with smaller Liberian communities based on interest and available volunteer resources. Statement taking will continue through 2007.*
- August 2007** MINNESOTA ADVOCATES FOR HUMAN RIGHTS BEGINS DRAFTING FINAL REPORT AND RECOMMENDATIONS TO THE TRC
- Spring 2008** PUBLIC HEARINGS IN THE U.S.  
*With participation of TRC commissioners, MN Advocates will conduct at least three public hearings on the Diaspora experience and other thematic topics.*
- Spring 2008** DIASPORA PROJECT'S FINAL REPORT AND RECOMMENDATIONS TO THE TRC SUBMITTED





## About Minnesota Advocates for Human Rights

The mission of Minnesota Advocates for Human Rights is to implement international human rights standards to promote civil society and reinforce the rule of law. Minnesota Advocates was founded in 1983 by a group of Minnesota lawyers who recognized the community's unique spirit of social justice as an opportunity to promote and protect human rights here at home and worldwide. We are a non-profit, volunteer-based organization that investigates and exposes human rights violations; represents immigrants and refugees in our community who are victims of human rights abuses; trains and assists groups that protect human rights; and works through education and advocacy in Minnesota to engage the public, policy-makers and children about human rights and cultural understanding. Minnesota Advocates holds Special Consultative Status with the United Nations.

## TRC Project Staff Contact Information

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## II. Logistics of Taking Statements

humiliated feelings, instilled by their aggressors, that they are worthless and their stories meaningless. Levi's dream, in its premonition of his relatives' failure to acknowledge his suffering, symbolizes the universal crisis of connection between the traumatized person and the normal world.

But the dream may also have guided Levi to a solution. Perhaps at some level it helped him understand why his sister could not tolerate the emotional distress associated with listening to his story. Although trauma survivors must share their experiences with others in order to heal, they must also try to do so in a sensitive way, so as not to overwhelm the listener. Levi came to see that people like his sister could be reached only if properly addressed. Before traumatized persons can engage effectively in telling their stories, they must assess the capacity of others to hear them.

The medical doctors, social workers, community activists, and many others who are in contact with traumatized persons can serve as "storyteller" coaches. Grasping the full therapeutic potential of the trauma story means successfully working with traumatized persons on their storytelling skills. And this does not just include those who have experienced extreme violence. The abused housewife, the victim of domestic violence, those suffering from serious medical illnesses, and troubled adolescents and children can all benefit from the effective sharing of their stories with others. Adolescents and the elderly need special help at this, because each group feels disenfranchised and marginalized, believing that no one cares about their interests.

#### POOR STORYTELLING

A Chilean's story illustrates the failure of the traumatized person to share her experiences of torture under Pinochet's regime in such a way as to invite in a listener:

#### Chapter 5

## STORYTELLING AS A HEALING ART

**I**N HIS MEMOIR *Survival in Auschwitz*, the late Primo Levi describes a recurrent dream he had while in the death camp. In it he has returned home and is telling his story to his friends and family:

It is an intense pleasure, physical, inexpressible to be at home, among friendly people and to have so many things to recount: but I cannot help noticing that my listeners do not follow me. In fact, they are completely indifferent: they speak confusedly of other things among themselves as if I was not there. My sister looks at me, gets up and goes away without a word.... A desolating grief is now born in me.<sup>1</sup>

For traumatized persons who leave a world like Auschwitz, the ultimate fear is being unable to ever reconnect with the normal world. They dread that those closest to them will turn away in neglect or indifference when they try to share their most intimate experiences. A listener's detachment only reinforces the survivors'

I have been interrogated five times, and every single time I was completely naked; they ordered me to take off all my clothes. Yes, I was completely naked. During each of the five interrogations I started menstruating even though it wasn't the right time for it; maybe it was due to nerves. Anyway it resulted in me always being covered with blood. There were always at least five torturers present, and they forced me to take off my clothes at the same time, always making me look at them in their eyes. They then humiliated me verbally in all possible manners, saying that they would rape me while they mauled me all over my body; it was extremely sexually humiliating... and they kept on making me look them in their eyes. They then lined themselves up in a row making me walk in front of them as if it was a fashion show, still making me look them in their eyes. It keeps on coming back to me that I had to keep on looking them in their eyes because it felt so incredibly humiliating.<sup>2</sup>

This story does not allow us to consider anything but the event itself: the sexual humiliation of a Roman Catholic woman that maximized her shame and degradation. As we visualize and experience the torture scene in our minds, our emotions overwhelm us. The Chilean woman, whom I will call Maria, is forced to participate in a perverse fashion show, where all aspects of feminine beauty are mocked and ridiculed by her tormentors. Her own body is forced to betray her as a very private female experience is made public. We want the perpetrators punished, but the story paralyzes our empathic response. While the courage of this woman is implied, since she had the strength to endure, the story reveals little of her resiliency and survival skills. It teaches us little, in fact, about coping with and surviving adversity. If this woman had been encouraged to tell her full trauma story, that is, the cultural origins of her experiences and examples of her resiliency and insights following the

trauma, she would have contributed significantly to a listener's understanding of the healing response to violent sexual abuse in a Latin American country. Instead, she chose to emphasize the brutal details of the experience.

In contrast, a middle-aged Cambodian man named Dara used his story to repulse and emotionally wound his listeners. Dara, who had resettled in Boston, encountered a man in his new community who he believed had killed his family members, including his previous wife and children, under the Pol Pot regime. Although in America Dara had tried to put the past behind him by remarrying a Cambodian woman and having two more children, this brief encounter threw him into a homicidal rage. He found himself reliving the massacre and losing control over his life. No one could calm him down. Eventually he painted a four-foot-square canvas, depicting in more than ten cartoonlike scenes his family members being disemboweled and roasted alive over a fire by the Khmer Rouge. After completing the painting, he folded it and placed it in a canvas bag, which he wore attached to his belt. Every night in his sparsely furnished home, he hung the painting over his bed for his wife and children to see. Eventually, because of his intense despair, he was brought to the clinic by the local Cambodian community.

Dara took his caregivers to the brink of empathic collapse, for it was impossible to look at his painting, the primary representation of this man's trauma, for more than a few seconds without feeling nauseated. It revealed a life frozen in time at the moment of the massacre, with no potential for transformation or healing. The rage it expressed was at the highest level I had ever witnessed. Yet we could not enter into his suffering with him because the images were too repulsive. Their emphasis solely on the facts excluded any regard for other

elements of the trauma story. In order to cope with his emotions, Dara had chosen a living death of homicidal rage and rank depression. Listening to his story meant you had to allow yourself to be psychologically brutalized as well. After even a brief encounter with Dara's canvas, your head would ache and you would struggle to remove the images from your mind.

Dara's recovery began with his acknowledgment of the intended toxicity of his painting toward all those who were forced to witness it, especially his new wife, children, and therapists. Culturally the painting also revealed that his entire family, having been slaughtered more cruelly than animals and buried in a mass grave without benefit of a proper Buddhist ceremony, was destined to suffer until their souls could be brought to rest by proper religious actions. The symbolism of the painting further revealed that his slaughtered family would remain alive as long as the painting existed. Hanging on to his deceased family in this way prevented him from engaging with his new life and family.

After recognizing and discussing these issues, Dara achieved a germ of self-healing by reaching out to his new children. Little by little, over many years, he was gradually able to fulfill his roles as parent and husband. As this slow transformation occurred, the power of the painting subsided. Eventually a Cambodian staff member told him that he had to put the painting away. At first Dara flew into a rage, all his grief for his lost loved ones again bursting out, but then he was able to put the painting away in a closet. He now could shift from an emphasis on the facts as represented in his painting into more subtle discussions of his grief for his dead relatives and his fears of never being able to function as a normal human being, especially with his new wife and children. Once Dara recognized his destructive style, he slowly began to heal.

## A BIOLOGICAL MIRACLE

The foundation of storytelling is the capacity of human beings to empathically listen to the suffering of others, an act that is therapeutic for the storyteller and beneficial to the listener.<sup>3</sup> Not only can storytelling establish a human connection with others, abolishing the isolation caused by violence, it can also enhance the biological extinction of traumatic memories and hasten the psychological recovery of a traumatized person. These positive outcomes emerge from the biological miracle of empathy.<sup>4</sup>

Empathy is defined as the "power of identifying oneself mentally with (and so fully comprehending) a person or object of contemplation." In modern psychology the term describes the process by which the therapist puts him- or herself in the shoes of the other person in order to experience fully that person's feelings and emotions. But by emphasizing the survivor's emotions, these modern concepts of empathy may fail to acknowledge a more valuable aspect of the experience.

More than a hundred years ago the German psychologist Robert Vischer coined the term *emfindung*, or "empathy" within the context of art. Theodor Lipps, another German psychologist, later adopted the term for use in psychology, using it to explain the process by which art, as the object of our perceptions, generates emotions within us and prompts us to respond by exploring its meaning. He and other early psychologists were aware that art is capable of generating in us emotions and thoughts that mirror those within the artwork itself. Human beings are able to attribute human qualities to nonhuman objects, such as paintings, thereby rendering the process of making meaning in art a thoroughly human endeavor. The concept of *emfindung* gradually transformed into the current concept of empathy, as used in counseling and other human interactions.

If empathy is an act of perception that emerges out of an aesthetic attitude, then the empathic listener to a trauma story does considerably more than merely project himself into the survivor's emotions. The empathic observer must first become aware of the mental image of the survivor's traumatic world that is being illuminated in the observer's mind. Through the act of empathy, the observer can then "look" at these mental images and experience the physical sensations, emotions, and thoughts associated with them. If the observer thinks of the traumatic mental images as a painting, he or she will naturally explore them in detail, with keen interest and curiosity. This exploration can result in a deeper, more meaningful understanding of the survivor's world. Viewing the trauma story as a work of art allows for a slightly detached but more careful kind of listening, which, paradoxically, can be more healing to the storyteller and more informative to the listener.

Storytelling is a powerful process because of the listener's ability to form pictures of what the teller is saying. For years, I formed in my mind vibrant and colorful images of my patients' stories but did not consider such images relevant to the therapeutic process. One Cambodian survivor, Sokham, experienced the physical sensation and mental panic of drowning each time he washed his face. He reported that when he had been a prisoner in a slave labor camp under the Khmer Rouge, he was used like an ox to pull a plow through the flooded rice fields. Often Sokham slipped under the heavy weight of the yoke and fell into the muddy water. With the wooden yoke pushing him face down, he would slip deeper and deeper into the water and begin to drown. Eventually fellow slave workers would pull his head out of the water so that he could breathe again and continue to pull the plow. While caring for Sokham I had a difficult time coping with this image. It never left my thoughts; indeed, sometimes while washing

my face, I experienced an intense feeling of water closing in over my eyes and mouth and a panic that I was drowning. This sensory congruence between my experience of the water and Sokham's experience of torture threatened to shut down my capacity for empathy.

Over time, as I worked more closely with my patients, the pictures became clearer and more intense, as if a movie were running simultaneously inside my head. Ultimately I reached a breakthrough in acknowledging that patients were placing these images in my mind and that, despite our cultural differences, I could actually experience their reality visually. This realization came when Marina, a Cambodian Buddhist nun in her sixties, participated in the Cambodian women's oral history project. From all outside appearances, Marina seemed cheerful and undamaged from the Khmer Rouge experience. Dressed in white and with a shaved head, she had a round face that looked like a bright and shiny apple. Her smile radiated joy.

Yet as a child, Marina had suffered from severe poverty in a small rural village in Cambodia. In order to give her a better life, her father arranged a marriage with a man twenty-eight years her senior. This joyless marriage resulted in many miscarriages until she conceived one child, a son, who made her extremely happy. She devoted herself to him. But as with most Cambodians, the Khmer Rouge revolution swept away all of her family except for herself and her son, who was then twenty years old. The two tried to rebuild their lives, but then in 1980 Vietnamese soldiers occupied their village, looking for Cambodian men, especially young boys, to join their military operations against the Cambodian resistance on the Thai-Cambodian border. Marina and her son hid in their makeshift home, but the soldiers found them and, as his mother screamed for his release, forced the boy at gunpoint to join the army.

At this point in Marina's story, she offered the explanation that she had lost her son not because of the Vietnamese soldiers but because she had played with a bird irresponsibly as a small child:

I think in my mind that, perhaps, in my previous life, or in this life, I don't really know, I may have tampered with a young bird. The Cambodians believe that we have Karma if we tamper with a baby bird, and we will be separated from our own loved ones. We have Karma when we make the birds lose their feathers, or if we take the young birds and play with them. I would say that maybe I did this in the previous life or in this life, and that is why I am separated from my husband and my child. This is what I tell people. This is the reason I try my best to do good deeds so I don't have Karma. Because, in this life, when I was young, I played with Tradiev Dey's young in their burrows [a kind of large swallow that lives in holes in the ground]. I put my hand inside their burrow and I took out its young and played with it. When I had enough, I put it back in. I don't know how many days I played with it, or even how many months before I stopped doing it. At the time I was young and I was still running around and playing and was still wearing a pair of shorts, without any blouse, and my upper part was bare.

The beautiful scene of a little girl playing with a small bird replaced the more immediate reality. Marina's life experience appears as a vivid landscape painting. Her impoverished but relatively peaceful childhood was transformed by the actions of violent perpetrators. Marina tried to find a "why" for her daily suffering, not knowing the fate of her son, through her story of the bird. The world of Marina can be made whole again as pieces of it that have been destroyed or damaged are repaired or replaced. The self-healing process creates a new natural world. When a listener allows the powerful images from these worlds-in-transition to be visualized, it contributes to the recognition and support of the storyteller's healing process.

### BRIDGING CULTURES

Empathic understanding of trauma storytellers is often blocked by social and cultural biases. If the listener is prejudiced against the storyteller, the empathic process will not develop; it is easy to become deaf to people we do not like, respect, or trust. However, bridges can be made between cultures in order to understand and empathize with each other's traumatic life experiences. This reality became apparent among survivors of an earthquake in Kobe, Japan.<sup>5</sup> At 5:46 A.M. on January 17, 1995, an earthquake struck the Japanese mainland, causing massive physical and emotional trauma. The earthquake lasted for twenty seconds, with its epicenter about twenty kilometers off the shore of the city of Kobe. Approximately 5,500 persons were killed, 34,500 injured, and more than 320,000 left homeless. More than 80,000 homes were demolished, and 100,000 homes were partially destroyed. Our team of mental health professionals from the Indochinese Psychiatry Clinic, along with a Japanese anthropologist, went into the ruins of Kobe ten days after this disaster.

One of our major goals was to determine the psychological status of the earthquake survivors in order to assist Japan's humanitarian relief efforts. We interviewed hundreds of people made homeless by the disaster. Although it is widely believed that Japanese citizens do not openly express emotional distress, especially to outsiders, this conventional wisdom proved invalid. The earthquake survivors engaged readily in warm and friendly conversations, sharing intimate details of their trauma experiences and making it easy to cross the linguistic and cultural divide.

Our interview with Kyoko, a delicate elderly woman, was typical. She was sitting on a mat the size of a small rug, surrounded by her few remaining possessions in the school shelter where she was now living. The tatami mat was her home in a sea of thousands of

other mat homes. The shelter was very cold, and during the interview she noticed my discomfort. In spite of having no food, she prepared hot green tea for me. Though my impulse was to refuse because of the scarcity of her resources, I understood and accepted her cultural need to be hospitable in this way.

Although Kyoko had lost nearly everything, when asked to describe her traumatic experiences, she focused entirely on her lack of privacy and the humiliation of living passively with strangers in an evacuation shelter. It bothered her that she was asked to do absolutely nothing to help herself or others. She described one incident of waiting in line for hours to meet the shelter doctor. When her turn came, she told him that she was feeling depressed, that she could not sleep, and that she was afraid in the shelter. In a loud voice, in front of many waiting patients, the doctor screamed that she was selfish, self-centered, and weak for making a ridiculous personal request for help. He said that she was wasting his time and his other patients', who really needed medical care. After publicly degrading her, he angrily chased her away, revealing a complete failure in empathy. As we drank our tea after she concluded her story, tears streamed from her eyes.

This strong feeling of mutual connection between a Japanese citizen, especially an elderly woman, and an American was thought at the time to be impossible to achieve. Fifty years earlier on the very day of our meeting, American bombers had attacked Kobe, leaving the city in ruins and rendering Kyoko homeless and destitute. She said she could never have imagined that fifty years later an American doctor would be sharing tea with her and listening to her traumatic life experiences. Empathic perception had bridged our cultural and linguistic divide. The emotions we felt are expressed beautifully in the *tanka* poem written by a fellow earthquake survivor, Sumako Harada:

*Our true faces*

*Are said to reveal*

*Their true faces*

*When we lose clothes, food and houses*

*At the limits of existence.<sup>6</sup>*

### THE TRAUMA STORY AS OBJECT OF ART

The human capacity for empathic listening does not guarantee that others will listen to traumatic life histories. Often listeners have to fight off their own reactions to the tragic events by telling themselves, "I've heard enough," or, "This story is too upsetting, like all the others I've heard." When repetition is combined with empathic overload, people withdraw and refuse to listen. In fact, empathic listening is a double-edged sword because the sensitive and compassionate listener is not only better able to connect to the trauma storyteller, but can also easily be overcome by the emotions and traumatic pictures the storyteller has experienced. Storytellers must understand how to give "just enough" and not to overwhelm the listener. The storyteller needs to work with the listener's empathic capacity using an engaging storytelling approach.

Storytellers should understand the method for good storytelling. For example, they must know how to work with the symbols that are unique to their own experiences. Trauma stories are filled with symbols of the storyteller's personal biography and cultural background. Powerful images are used to represent life experiences, emotional reactions, and behaviors; they convey things that we have no words for or cannot speak about directly. A Rwandan journalist symbolized his experience of the genocide in his country by speaking of coming across a man cooking his meal over a fire of human bones, a simple image with a complex meaning. The symbolic process takes all of the pieces of the traumatic world and fits them together



to make a coherent whole. When survivors come in for their appointments and begin to tell their stories, they are struggling to create something whole from the physical and psychological destruction that has happened to them.

In the doctor-patient relationship, medication can symbolize the self-healing process. Tran, a middle-aged Vietnamese patient who had been a prisoner of war, said he would die if his medication was taken away from him because of state budget cuts, although his medication was not crucial to his survival and he did not have a life-threatening illness. For him, medication was a potent symbol of the life-giving force of the new society after decades of torture in Vietnam, and he religiously took it to control his chronic medical and psychiatric problems. Other storytellers refer to themselves as little birds or as other small, vulnerable animals.

Expressing emotions is a powerful aspect of storytelling. How can the storyteller do this without overwhelming the listener? Many traumatized persons are plagued by the two poles of humiliation—sadness and despair on one side, and anger and revenge on the other. Some traumatized people swing between each of these poles, while others fixate on hatred and revenge. Some who are sad due to traumatic loss also experience hope, joy, and humor. Another common feeling is fear. Survivors may be afraid to leave the house by themselves, fearing that something bad will happen to them and their family members. Fear restricts what they do, whom they see, and where they go, to the point where they can become prisoners of fear. Storytellers must be aware that a sensitive listener will experience their emotions at comparable levels of intensity.

When the trauma story is viewed aesthetically, like a work of art, it possesses stylistic as well as symbolic and emotional characteristics. The style in which a survivor presents his or her experiences is

significant. Some styles of communication are easier to connect with and understand than others. Some survivors are aloof and reserved, while others are dramatic and outgoing. Some can be delightful and charming; others are morbid and depressing. Outsiders are not prepared for the black humor that characterizes so many tales told of the war by Bosnian citizens. A popular joke in Bosnia tells of a Muslim boy who, having lost his arms and legs from a land mine, was said to be throwing all of his artificial limbs out of a school window because he was "trying to escape his life in pieces." The style is the rhythm by which the survivor moves through the world. The story contains the unique "signature" of the artist, in this case the trauma survivor.

A well-crafted and communicated story fosters the biological, psychological, and social processes of self-healing. Traumatized persons have so much to gain in their interactions with listeners if they share the full trauma story. But communicating the details of the trauma story is not enough. The story must be told in a manner that can be readily received by the other person without causing the listener to be overwhelmed and to withdraw. With coaching, in which a concerned therapist, relative, or friend positively supports the storytelling process, storytellers can learn to successfully share their experiences with others.

Coaching can help the storyteller to modulate the intense emotions associated with violent experiences and how they are expressed. Strong emotions need to be contained so that they do not dominate the story. In our society, many forces act to carelessly and even intentionally elicit toxic emotions associated with trauma—debriefing sessions, media reporting of violence, films, and public ceremonies that emphasize the most sensational aspects of a community's violence. Once survivors realize the importance of expressing their

feelings in a way that does not overwhelm the listener, they can usually bring their emotions under control and share them in an appropriate way.

Coaching can also help by encouraging the use of imagination and creativity to communicate the full trauma story. Traumatized persons need to deliberately consider how metaphors and symbols can express their feelings and ideas, and how the style in which they tell the story can enhance their message. It is rare that interesting details and insights are lacking, but the storyteller might need encouragement to effectively incorporate them into their story. Sometimes reviewing the story in written or tape-recorded form can assist this process. An empathic listener acting as a coach can be helpful when the process evokes too much upset to be undertaken in isolation. It is also important to recognize that that trauma story can be told in brief segments rather than all at once. In our clinic we have a saying to describe this: "A little bit, a lot over a long period of time."

The confidence of the storyteller to reach out to others may also need to be reestablished. Suffering caused by human aggression often diminishes a person's capacity for a creative and open exchange unencumbered by fears of humiliation and future violence. Traumatized persons should be helped to realize that they have something to offer that everyone in society needs and desires. Everyone wants to learn how to deal with losses, tragedies, bullies, and hurtful families or communities. The great classics of literature are based upon our human craving for this kind of knowledge. Survivors of violence have been pushed out onto the stage by fate and given the opportunity to teach us about coping with tragedy and human violence. The survivor need not pretend to have a falsely positive attitude, but should be aware that the healing process has the potential for insight, hopefulness, and even joy. Most trauma-

tized persons are interested in the idea that their stories can help others.

The best way of helping survivors tell their stories is to have them take on the role of teacher. This approach recognizes that everyone has something to learn from those who have experienced violence. It also deemphasizes the therapeutic aspects of telling the story for the traumatized person and stresses the benefits to the larger social group. This underscores the altruistic nature of storytelling. As we will see, altruism is one of the most powerful social means to foster self-healing.

## GOOD STORYTELLING

### FINDING THE RIGHT BALANCE

In 1999 the Harvard Program in Refugee Trauma introduced a new course into two of Bosnia's three medical schools, the department of social work at the University of Sarajevo, and the Franciscan Theological Seminary. In a radical departure, the curriculum formally turned the trauma survivor into the "teacher" and the healing professional in training into the "student." The new course was greeted enthusiastically by patients as they became good storytellers and by health professionals as they became good listeners.

In one such case Majda, a young educated woman from a middle-class Muslim family in Bosnia, was the "teacher," and a medical doctor at the University of Sarajevo medical school was her "student." Majda told us that she had never trusted men because her father drank too much and her older sister's marriage had failed. Because she was also raising her nephew, she did not want to get too involved with a man. "I refused every relationship that would exclude my nephew. I could not find the right balance where someone would respect me and where I would respect the man." When she

met Franjo, though, "It was love at first sight." As she explained, "All of my life I dreamed of meeting a person like Franjo. For the first time, I found myself in a relationship I did not want to break too soon." The fact that Franjo was a Croat and Roman Catholic had no influence over her. She immediately realized that he was exceptional:

I was attracted to him because he was intelligent, good, generous, open with a sense of humor, sociable and gentle. He treated me with respect. The only thing I did not like was that he would drink sometimes and he would openly say things others would not dare to say. In a way, he was in conflict, because of what was happening in Bosnia and to its people. One day he came to our house and warned us, "Muslims are fasting and praying, and they do not see what is waiting for them."

When the war broke out, Majda briefly joined Franjo at his family's house in Fojnica, but worried for the safety of her own family, she returned home. As the conflict intensified and Franjo was called away to help out with the war effort, their contact diminished and they lost touch. Majda feared their relationship would not last:

It was New Year's when my friend called. I was hoping she was going to wish me a happy New Year. But she said, "Did you hear what happened to Franjo? He was killed." As if that did not reach my brain, I continued talking to her. Then she interrupted me and said, "He was killed in an ugly way. It seems they slaughtered him." I went to the bathroom and started to cry. I kept saying that it was not possible. Even now it seems like a bad dream.

Later she found out that he had been killed by extremists from his own people. Because he was a devout Catholic, they killed him on Christmas Day. But she maintained her beliefs:

I still believe in the goodness of mankind, in humanity, honor in Bosnia, and all the good things Franjo tried to

preserve. He gave his life against darkness and primitivism. He was a symbol of an educated man who loved his country. Some tell me that with his death they killed Bosnia as well—and that hurt me.

They tried to kill love among the people, and everything that was good in human relations. We never had religious hatred here. We celebrated in Bosnia all religious traditions equally. This was an attempt to destroy our traditions. People who only carried evil in themselves, and who had deranged values, did this. They do not love people and are only after their selfish interests.

As for her own goals:

I am still looking for his characteristics in other people. I learned that real value exists, it is just difficult to find it in people. I am glad that I loved the right man. I learned that only a small number of people are spiritually rich. With time, I have learned he is gone forever. I am going to stay the way I was when I met him.

This story illustrates good storytelling. Unlike Maria and Dara, Majda was given the opportunity to teach her medical doctor something about healing through telling her traumatic life history. She took her teaching task seriously. She told her story directly and in her own words, without coaching, censorship, or the need to meet anyone else's expectations. While the facts were presented, Majda did not tell them in a direct and violent way. As part of her self-healing, she spared us the details of her lover's slaughter. Through her gentle description of Franjo's death, she avoided the risk of turning her listeners away from her story. Symbolically, her fight against evil was clear. She did not succumb to ethnic hatred, because she continued to celebrate all religious traditions as well as her love for a Croatian man. She remained undeterred and continued to believe in human goodness.

Majda's story illustrates the many elements of the trauma story. She was forced to look behind the curtain after Franjo's death and discover the real value that exists in the world. She was able to get past the political rhetoric to see that the conflict in Bosnia was not a religious war but one promoted by primitive people with selfish interests, who were attempting to destroy Bosnian culture and civilization through religious and ethnic intolerance. One can imagine her now being a force for reconciliation within her family and community.

Through Franjo's death, Majda came to a sense of her own dedication: "I am going to stay the way I was when I met him." She did not allow the brutality of Franjo's killing to corrupt her own values. Though she told us she was depressed after his death, her love of her job, her responsibility to her family and nephew, and her memory of Franjo's goodness brought her out of her social withdrawal and helped her cope with everyday life. The student doctor shared her sad and painful emotions, but also her love and affection for Franjo. She was able to activate our empathy so that we could in turn participate in the healing process. The violence in her life had transformed her into a vital healing force in spite of the social chaos and fear that exist all around her in Bosnian society today.

As a teacher, Majda never withdrew her attention from her student doctor. When he asked her what kind of relationship she wanted with her primary care physician, she stated, "I expect a relationship full of warmth, trust, and honesty. It is important for the doctor and patient to have a sense of openness, trust, and respect." These were the very characteristics that she valued in her relationship with Franjo; she had finally found the right balance in herself. Her ultimate challenge was to teach this balance to her society so that all of its citizens could achieve a collective good.

#### MAKING A MARK ON THE WORLD

In June 2002 ABC News *Nightline* aired a program that focused on the Harvard Program in Refugee Trauma's work with refugees around the world. The next day I received a telephone call from Liz and Steve Alderman, whose son Peter had been killed in the September 11 attacks, saying they wanted to contribute to our activities. A partnership was launched between the Alderman family and our group that led to the Peter C. Alderman Masterclass. The mission of this project is to provide scientific training and professional support to health-care professionals from around the world who work with persons damaged by extreme violence. Medical doctors, psychiatrists and other mental health professionals, and policy makers from countries that have experienced violent conflicts—such as Afghanistan, Iraq, Cambodia, Rwanda, Uganda, Peru, Bosnia, and Chile—are brought together with faculty from Italy, the United States, and England. During the annual gathering, held in Orvieto, Italy, participants have opportunities for learning new clinical skills and practices as well as for self-care. Liz Alderman and her husband Steve, who is a medical doctor, participate fully in each Masterclass, contributing in a direct and meaningful way out of their own traumatic life experience. As with Majda in the class of student doctors, Liz Alderman transformed herself in this setting from a housewife into a teacher and a colleague of the group.

Liz illustrates all the characteristics of a good storyteller. She is sincere, direct, and strives to be honest when presenting her life experience, avoiding theorizing and rationalizations. As did Majda, she speaks from the heart. The symbol that characterizes her life experience since September 11 is the Peter C. Alderman Foundation, created in honor of her son. In spite of her tragic loss, Liz is rarely angry. She never offends or emotionally overwhelms the listener. Yet

there is always an undercurrent of grief, and in hearing her story one feels close to that grief. As she says, "What happened is your worst nightmare coming true. We lost our child in a brutal and totally unexpected way. This is something I have learned that you can never recover from."

The youngest of the Aldermans' three children, Peter was twenty-five years old when he died. At the time Liz was in France with her husband and realized that Peter might have been attending a conference in the World Trade Center when the planes struck. As Liz describes that day:

The bottom fell out. I was on the other side of the world and I did not know where my son was...it was just this hopeless frantic feeling. I took all of the dishes out of the dishwasher and washed them by hand.

Later, she realized that her son had died in the building. "I knew Peter was dead but I did not really know what being dead meant. I did not really know the 'foreverness' of it. And that took a long time to set in." As time passed, she had to decide how to continue on with her life:

I had two options when he died. I could either kill myself...I do not mean literally putting a gun to my head, but getting into bed and never getting out. Or, just put one foot in front of the other.... You tend to grieve and mourn the same way you live.

Four years after the loss of her son, Liz's heartache is as great as it was at the moment she realized he had died.

I do not know who I am anymore. I always felt that I knew who I was and what I was about. My parents gave me a strong ego and I marched to my own drummer.

Now I do not have the slightest idea who I am. I do not know how I will act from day to day and from minute to minute.... I have not given myself permission to enjoy life. My grief as awful as it is for me cannot compare to Peter's loss. Peter lost his future. He will never have the opportunity to have a wife, children, and the joys life will bring you.... I have not given myself permission to enjoy things. I used to love to hear opera, I cannot listen to that music because it makes me cry. I cannot look at a nice sky that is beautiful because Peter cannot see it. I do not like beautiful days because Peter cannot experience it.... I have not given myself permission to go back to the things I enjoy. It is difficult for me. Maybe it is my image as a mother. How can I enjoy my life in this world if Peter has no life?

In spite of her pain Liz is making important contributions through her family's new foundation. She says, "Maybe I am screaming inside and do not know it. But I do think if this were so I would not be able to function. But I am functioning at a very high level." Liz, her husband, and her children have worked to transform their tragedy into a constructive effort to create health and well-being in the lives of people damaged by war. Her radical drive to produce good in the world is even a surprise to Liz.

I never cared about leaving a mark in the world. My mark was my children. But Peter was too young when he died to leave a mark so the foundation was set up to make up for this.

I would teach others out of my experience the following things I have learned. The pain has not gone away and it is not any less than four years ago when Peter died. I will never recover and will never be the same person and I have to accept this. But Peter is always there. I feel good at the Masterclass and I feel good that I am really making

a mark in the world in Peter's name. I have started a foundation, which is like running a small business. I've gotten good on the computer. Although Peter will never know these things, I know he would be thrilled to see what I am doing.

Liz and her husband, Steve, began their altruistic efforts eight months after their son's death. She was wrapped in Peter's blanket on his bed when the *Nightline* program came on. There she saw three children orphaned by the war in Afghanistan. She felt an urge to gather these children in her arms and bring them into her home, take care of them, and make life good for them. And as she continued to watch the program she realized that perhaps she could do more than just help these three children. She had an overwhelming feeling that she had the need to do something positive.

Liz still suffers from the tragic death of her son. She is always sad, although her sadness cannot be readily seen on her face or in her behavior. She declares, "I am not a basket case," and "I am trying to bring pleasure back into my life." Most important, she feels she is accomplishing tremendous things to benefit others. Liz tells us that she believes she makes some people very uncomfortable. She thinks people do not want to hear about the work of the foundation because they are doing little to help others. But she also feels that they stay away from her because she has become so direct and honest that she cannot tolerate everyday lies and deceptions.

Liz readily shares her inspiring story at the Masterclass. Many listen to her words, learn about the difficulty of recovering from the loss of a child, and are energized by her spirit and altruism. As with Majda, Liz's story allows the listener to share her painful emotions but also to share her love for her son Peter. She activates our empathy so that we can believe in and participate in her dream to heal the

suffering and pain of others damaged by violence. She has been able to transform her suffering into a powerful healing force for others, for her family, and for herself.

Strong emotions comprise the traumatic memories that are imprinted in the survivor's brain. One of the mind's key tasks after trauma is to take these strong emotions and gradually reduce them over time through good storytelling. A poor storyteller tells a toxic trauma story, unhealthy to mind and body with its focus on facts and high expressed emotions.<sup>7</sup> In our society situations that demonstrate this type of storytelling are common, including superficial, sensational media reporting of tragedies and debriefing therapy by misguided mental health workers. In contrast, a good storyteller is able to express tragic emotions with the artfulness of a musician playing an instrument, engaging the listener's interest and involvement.

The trauma story is one of the survivor's greatest tools for healing. For the listener, a well-told story takes advantage of its cultural and revelatory wisdom to teach the storyteller's profound lessons about human survival and recovery. The mutual sharing and emotional solidarity between listener and storyteller occur, becoming a source of vitality and creativity for each of them.

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Human Rights Monitoring**



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# .....Chapter VIII INTERVIEWING .....

## Key concepts

*The human rights officer should consider who to interview, how to protect them, who should conduct the interview, in what language, who will translate, where the interview should be done so as to protect the witness, how the interview should be recorded so as to protect the security of the information, what the interviewer needs to know before the interview, how to deal with cultural differences which inhibit communication, and how to initiate the interview.*

*The human rights officer should develop a rapport, introduce him/herself and the interpreter, explain the mandate of the UN human rights field operation, establish the purpose of the interview, discuss the ground rules for the interview, talk about how the witness may be protected after the interview, anticipate the use which will be made of the information, and encourage the witness to tell his/her story in his/her own words before asking specific questions.*

*The human rights officer should be aware of the particular needs and characteristics of some categories of interviewees — including for example victims of torture, women, children, refugees and internally displaced persons, rural populations, indigenous communities and lower-income groups — and be adequately prepared before interviewing them.*

## A. Introduction

1. Interviewing is the most common method of collecting information about alleged human rights abuses. In addition, oral evidence is often necessary to supplement written information. In this section, various aspects of interviewing will be discussed. The basic techniques of preparing for, initiating and conducting the interview will be examined in this chapter. Topics include using interpreters, verifying information, and interviewing individuals with particular characteristics. It is important to keep in mind that interviews occur in many different contexts — office, prison, in the field and on the road. The interview process should be tailored to fit each situation. Also, HROs should think strategically about what information they need to collect.



Where can they get it? Who would know? What are the witnesses' interests in coming forward and telling their stories?

## B. Identifying individuals for interviewing

### 1. Identification of witnesses

2. Often individuals identify themselves by coming forward in search of protection or recourse for past violations of human rights. Yet it is common for witnesses and victims to feel that it is useless or dangerous for them to identify themselves. For particular types of violations, for example sexual abuses or other forms of violence against women, the victims' reluctance to report violations may be even greater. It may be necessary, therefore, for HROs to be **pro-active** rather than passive in determining whom to interview. It is indispensable that fact-finders develop good relations with human rights and other organizations working in their area. This task implies active efforts to contact the organizations, to arrange periodic meetings, etc. Local human rights and other organizations can put HROs in touch with victims and witnesses of human rights violations. Clinics and treatment centres may also serve as a starting point. In addition, lawyers and journalists may be able to identify potential interviewees.

3. As indicated above, HROs must be available and ready to leave their office and go to where they can receive information from a person who considers himself or herself to be a victim of a violation. HROs must **regularly** visit prisons, hospitals, morgues and areas where the population is most at risk (such as slums, working class districts and rural communities). When moving into remote rural areas, HROs should choose between several approaches. One approach is to establish and follow a schedule of visits to allow witnesses to contact them. Another possibility is to visit irregularly and arrive unexpectedly. A third approach is to schedule occasional visits through a trusted third party, such as a member of the clergy.

4. HROs should **never** pay for testimony, but should consider providing for the travel costs of witnesses who have to travel long distances. One reason not to pay for an interview is concern that the interviewee will tell the story that s/he thinks the HRO wants to hear.

### 2. Protection of witnesses

5. Another consideration for interviewing witnesses — especially interviewing conducted by human rights field operations — is the **need to protect witnesses**. The subject of protecting witnesses needs to be considered in the context of all the measures which should be taken — from the first stages of arranging for the interview through post-interview communications.

6. While there can be no complete assurance that witnesses will be protected after they have been interviewed, one partial solution to the problem of retaliation against witnesses, used chiefly by intergovernmental organizations (IGOs), is an agreement by the Government not to undertake retaliatory measures. For example, Article 58 of the Regulations of the Inter-American Commission requires the government to bind itself not to take reprisals against witnesses as a condition of the mission. The "Agreement on the establishment of an Office of the United Nations High Commissioner for Human Rights in Colombia" states at art. 31 that "[t]he Government undertakes [...] to ensure that no person who has had contact with the Office is subjected to abuse, threats, reprisals or legal proceedings on those grounds alone."

7. In the absence of a protection agreement or in any case, several measures may be taken to protect the witness:

- (a) Interviews should be undertaken in a context in which the field operation would not focus unnecessary attention on the witness. HROs should try to interview a significant number of people in a community so as to avoid focusing attention on a few individuals.
- (b) The interviews should occur in a place where surveillance is minimal. Governmental surveillance is less likely to be a problem if HROs are mobile and travel around the countryside.
- (c) The interviewer should never refer explicitly to statements made by one witness when interviewing another witness. Such an error may endanger the first witness and will make the second witness uncomfortable about the confidentiality of the information which is provided. Indeed, it is best to avoid revealing the identity of other people who have provided information. Contacts should be very carefully protected and their identity should not be divulged except under complete assurances of safety.
- (d) The interviewer should inquire as to whether the witness is in danger, and what security measures the witness believes should be taken.
- (e) Briefly at the beginning of the interview and more thoroughly at the end, the interviewer should inquire as to what precautions may be taken to give some protection to the witness after the interview. Some witnesses may want to have a card indicating that they have been interviewed so that they can show that card to authorities indicating that the UN will care if any harm befalls them. Others will view such cards as dangerous to possess because they may attract the attention of authorities. These witnesses may, instead, want to develop some method of keeping in contact. Some interviewees may prefer to remain anonymous. In any case, it should be made clear that the HRO cannot assure the safety of the witness.

8. In order to protect the persons interviewed, it is crucial to keep all records in a secure location at all times. Files might as an extra precaution be identified by number and not by the name of the individual. Lists identifying the interviewees would then be kept separate from the substantive files and records of interviews. When additional information becomes available, the HRO should mark it with the number of the file, and not the name of the victim. Duplicate copies of all records should be made and kept in a secure location.

## C. Preparing for an interview

9. In preparing for the interview, the HRO should consider *who* to interview, *how* to protect them, *who* should conduct the interview, in *what* language will the interview be conducted, *who* will translate into and from local languages, *where* the interview should be done, *how* the interview should be recorded, *what* the interviewer needs to *know* before the interview, and *how* the interview should be initiated.

10. Because of a reticence to discuss traumatic experiences with others present, it is the practice of most organizations to interview witnesses and victims individually. The UN Draft Model Rules, for example, exclude witnesses from the hearing room while others are testifying if the testifying witness so requests. Amnesty International also follows this pattern. It is worth noting, however, that in a prison context, the ICRC often interviews several people together in one prison cell. This approach gives the interviewer a general view of what people in the group are willing to tell before s/he decides whom to interview individually.

### 1. Who will conduct the interview

#### a. Number of interviewers

11. In general, it is best to have two persons do the interview. One person can maintain eye contact and ask questions. The other interviewer can discreetly take notes and may identify missed questions. It may, however, be practically impossible to have two interviewers present for all or even most interviews. If there is only one interviewer, s/he should take limited notes and then prepare more complete notes after the session. Also, if an interpreter is necessary, three individuals may be too large a group of listeners. In general, people are willing to be more candid when there are fewer people present. Witnesses may be reluctant to speak in front of a panel of listeners.

#### b. Language skills

12. The UN human rights field operation should determine which if any members of the UN operation speak the relevant local languages. Many of the people who are suffering speak only a local language; UN HROs should learn the local language, if at all possible.

#### c. Cross-cultural differences

13. Cultural differences between interviewer and interviewee can cause communication problems. These cross-cultural differences include attitudes about the meaning of the traumatic experience, gender and status roles, and appropriate topics of conversation. Even culturally specific ideas about physical interaction (eye contact, personal space) can lead to misunderstandings. It is crucial that the interviewer be sensitive to these cultural differences, be patient with the interviewee and attempt to learn more about the interviewee's culture.<sup>1</sup>

<sup>1</sup> Glenn Randal and Ellen Lutz, *Serving Survivors of Torture* 64-67 (1991)

14. Another cultural difference may be the extent to which politics is a factor in the life of the interviewee. The interviewee may be extremely committed to a particular political view or party, and may describe in detail their political activities. The interviewer should respectfully listen and record this testimony, even though s/he may not agree with the views expressed.

## 2. Interpreters

15. It is a much *better practice* for HROs to *speak the language* spoken by the people of the country or area in which they work. If HROs must use interpreters, they will not be able to get as full an understanding of the information they receive. Also, many people will be more reluctant to speak with the HROs through an interpreter — particularly if the interpreter is from the country in which the operation is established. If interpreters are required, they must be vetted as to their background to make sure that the work of the UN human rights field operation is not infiltrated by informers from the Government or opposition groups. Care should also be taken to make sure that interpreters are not intimidating to the interviewees. For example, former members of the military or individuals of the same ethnicity as the persecutors should be avoided. In addition, female interpreters may be less threatening than males in the interview context. Also, HROs should be sure that the interpreter speaks the same local variation or dialect as the interviewee.

16. Guidelines should be developed regarding the use of interpreters. If an interpreter is used for an interview, the interviewer should explain the ground rules to the interpreter in private, before the interview begins. The interpreter should be asked to relay questions exactly, word for word to the extent possible. If the questions are unclear or if the witness does not understand them, the interviewer should ask the interpreter to let the interviewer know, so that questions can be rephrased. The interviewer should speak in concise sentences, which are easy to understand and translate. The interpreter should relay questions or statements one at a time so as to make sure that the witness understands them. The interviewer should repeat questions several times, if needed, until comprehension is achieved. The interviewer should look at and speak directly to the witness, rather than to the interpreter.

17. Like all other employees of the UN, interpreters need to be protected. It might be helpful to recruit interpreters from areas outside of the place where they are asked to work. The reliability of interpreters and drivers is very important to the credibility of the work of the officers and the UN.

18. When working with interpreters, it is important to keep in mind the potential for interpreters to learn too much. In the worst case scenario, interpreters may become or be pressured into becoming informants for the persecutors; at the very least, interpreters may become so familiar with certain facts or country conditions that they translate carelessly, incompletely or inaccurately. One possible solution to this problem, used by the European Community Monitors in the former Yugoslavia, is the use of university students as interpreters for only two weeks at a time. Other interpreters are then rotated in as replacements.

### 3. Location and privacy

19. The interview should be conducted in a location which will present the least risk of eavesdropping and of retaliation against the witness. The greatest risk arises in places such as hotels where interviews may be overheard and where there is a considerable likelihood of surveillance. The selected interview location should raise the least suspicion among persons who see the participants enter or see them talking. Similarly, the location should establish the proper atmosphere for the interview, so that frank discussion can occur without undue interruptions. As with so many other issues, the interviewers should consult their contacts to get advice as to the best locations for interviews.

### 4. Recording the interview

20. Tape recording in most circumstances presents grave security concerns and should not be pursued. In some countries, however, where security conditions permit, the interviewer should consider the use of a tape recorder. A tape recorder can only be used with the express consent of the interviewee. They can therefore only be used where the witness develops a considerable degree of trust in the interviewer. Tape recorders are particularly useful where there is only one interviewer and thus note taking is very difficult. Also, tape recorders are helpful where translation/interpretation is needed. The only way to verify the interpretation may be to record the interview, so that it can be considered at a later moment. The tape recorder should not be introduced until after the interviewer has established his/her credibility and reassured the witness about the objectives of the interview and the confidentiality of the information. The witness should be asked whether s/he would permit tape recording, so as to assist the interviewer in recalling the information. There should never be a hidden tape recorder. A tape should never contain the name of the individual who is interviewed. The identity of the witness should be recorded in another place and in a coded manner so that no visible connection can be made between the taped interview and the name of the individual. After the tape has been made, the tape should be hidden, so that it cannot be confiscated or be related easily to the witness.

21. Cameras are even more problematic. There is a considerable risk of retaliation against individuals as a result of photographs. Some witnesses may want their wounds from torture to be photographed. Even such a photograph should not indicate the identity (for example, by showing the face) of the witness. If permission is obtained to take a photo, the witness should be asked about publishing or otherwise disseminating the photo. A very visible individual who is at great risk of death may want to be photographed as a means of self-protection. Nonetheless, most witnesses will probably not want to be photographed.

22. Video recording is more dangerous for interviews, because they will inhibit obtaining information and will place the witness at considerable risk, if found and confiscated. Video recording may be somewhat more useful in recording demonstrations or similar public events, but creates security risks. It is important to keep in mind that in some cases the video camera may, in fact, precipitate an event or demonstration. The HRO should take care not to endanger people or distort events by video recording.

## 5. Preparatory research

23. The interviewer should **prepare for the interview by learning** as much as possible about the witness and the relevant circumstances. If a dossier has already been prepared, the interviewer should read the dossier and other **background material**. The interviewer should also become familiar with terms and acronyms relevant to the situation.

24. The interviewer should prepare for interviews (particularly important ones) by setting out an **outline of the interview** (including a list of the topics to be covered in the order in which they should be addressed). The interviewer might even write out key questions. Some of the key questions are suggested below with regard to the information necessary to sustain a complaint. Preparing the list of queries helps the interviewer develop a strategy for the interview. The interviewer should commit the questions to memory or should avoid relying too heavily on the list of topics. *Eye contact and establishing rapport are more important than adhering to a particular order of questions.* The list of topics might be used as a memory refresher at the end of the interview to be sure that the major questions have been asked. The HRO should be careful to avoid allowing the list of questions to become an artificial barrier to communication with the witness.

## D. Initiating the interview

25. Prior to the interview, the interviewer should have already met with the interpreter and discussed the ground rules for the interview. At the beginning of the interview, the interviewer should greet the individual in a friendly way (smile, shake hands, etc. according to local customs). Before asking any questions in the interview, the interviewer should **introduce him/herself and the interpreter, explain the mandate of the UN human rights field operation, establish the purpose of the interview, discuss the ground rules for the interview, talk about how the witness may be protected after the interview, and anticipate the use which will be made of the information.** The HRO should stress that it is crucial to obtain as many details as possible in order to establish the facts, for example, that there has been a human rights violation.

26. The interviewer should project an attitude of **professionalism, sincerity and sensitivity.** The interviewer must also explain to the interviewee the different steps the information will go through, and the uses that will be made of it.

27. In order to **establish an initial rapport** with the individual to be interviewed, the interviewer might wish to offer water, coffee, soda or other refreshment. (It is often useful to have a supply of water and tissues available during the interview.) The interviewer should speak directly to the witness and try to maintain eye contact, even if an interpreter is being used.

28. The interviewer should **explain their mandate.** One problem about explaining the mandate in any detail is that the witness may tailor their story to fit or even mimic the violations mentioned by the introduction of the mandate. The interviewer should explain that the UN human rights field operation is entirely **separate from the**

**Government.** Unless unavoidable, HROs should generally not travel in Government vehicles or accept military escorts. The UN operation may need to monitor military activities, but the HROs should keep their distance. As with many other aspects of this manual, HROs should seek policy guidance from the leadership of the human rights operation on such questions.

29. Similarly, the interviewer should *assure the witness that information will be kept in confidence and explain how* the confidential nature of the information will be preserved. (Interviews with Government officials, however, are generally not confidential.) Non-governmental witnesses need to be reassured about the objectives of the interview and why the witness should take the risk of providing information. The witness should be aware that notes are being taken of the interview, but the notes will be kept confidential. The witness should be able to give permission as to the use of the material, whether names and details will be cited, etc. The witness should also be reassured about how the notes of the interview will be protected. The witness should be encouraged to provide as much detail as possible. The witness will want to know how the information will be used and the interviewer should ask the witness what the witness thinks ought to be done. The witness should be asked about how the UN human rights field operation can keep in touch after the interview in order to provide some assurance that the witness will not be harmed. At the end of the interview the discussion should return to these issues of how the information will be used, what needs to be done, and how to protect the witness.

## E. Interview

30. During the interview, the HRO should maintain rapport with the interviewee, and develop a climate of acceptance and trust. Basic to the development of this climate, the interviewer must avoid the appearance of judging the individual, disapproving of his or her conduct, or disbelieving the information provided. In addition, the interviewer must always follow through on his or her promises. The interviewer should exhibit an interest in the person as an individual, someone worthy of respect and concern, and requiring attentiveness to their perspective and motivations. The interviewer should treat the individual as having important information and as worth the interviewer's undivided attention. The individual should not be made to feel like only a single case in a succession of nameless cases of momentary interest.

### 1. Narrative statement

31. It is a good idea to let the interviewee begin by narrating his/her story, as this approach will minimize his/her feelings of loss of control and helplessness. The interviewer should ask the witness what has happened to him/her which might be the subject of a complaint. The interviewer should listen attentively to the "narrative presentation" of the witness, and be patient with circular and repetitive statements which are not logically ordered. Allowing the witness to tell the HRO what the witness considers to be important is a *critical element of establishing rapport*, even though the information may not be strictly relevant to the monitoring task. Indeed, the HRO

should be patient in listening to political and other discussion, which is not strictly relevant to human rights. *If the witness is not permitted to tell the story in his/her own way, s/he may be reluctant to talk about sensitive issues* (such as ill-treatment) which are directly relevant to the human rights field operation. The witness should be given time to develop trust and confidence in the interviewer.

32. Questions should be formulated in an understanding tone to get clarification, rather than in a cool or harsh manner. The interviewer should use **open-ended questions**, rather than many specific questions in the style of cross-examination. In general, the interviewer should **work from non-controversial and non-sensitive questions towards more sensitive issues**. The interviewer should *not try to push the witness*. *If a topic arises that is too emotional or sensitive for the witness, change the subject and come back at a later time. Take a break during the interview* or between interviews, if it appears that the witness, the interpreter or the interviewer is growing tired. Again, the interviewer might wish to offer water or coffee. The interviewer should be respectful and sympathetic to the painful experiences the witness has suffered. The interviewer can let the witness know that the HRO is trying to help. The interviewee may need to express his/her emotions and the interviewer needs to be patient and reassuring.

33. The interviewer should try to be very careful **not to communicate** through body language, facial expressions or other means that **s/he does not believe** what is being said. If there is a capacity for video taping mock or practice interviews, the interviewers might want to look at themselves taking evidence, so as to be sure that they do not communicate negative messages which would deter the flow of information. *Some note-taking while maintaining regular eye contact* would appear to be the best way of handling a narrative statement.

34. Interviewers should **avoid leading questions**, because the witness may be tempted to give the questioner only the information they want rather than the truth. Interviewers should *not directly challenge exaggerations or credibility* problems. Much of the exaggerations may relate to the failure of previous fact-finders to establish their own credibility or to their failure to act on individual cases. The informants may feel they must exaggerate in order to engender action. The HROs need to build their credibility. Direct challenges to the credibility of witnesses may result in the witness refusing to provide further information. Also, other informants may hear that the interviewer does not find witnesses to be credible.

35. If the interviewer believes that the narrative is inconsistent, *the interviewer should try to clarify the facts by telling the witness that s/he did not grasp the sequence of events*. Once again, the interviewer should *not betray scepticism, mistrust or condescension*. It may be useful to **ask the same questions in different ways** in order to help the individual see the facts from different perspectives and to assess the reliability of the entire story.

36. Based on the information needed to support a complaint of a human rights violation, certain information should be collected. If the witness is literate, the interviewer should ask the *witness to spell each name*. It may also be very useful to *carry a map*. The map will contain place names which might be cited during the interview. It is also useful to carry a calendar, which may help the witness keep events in order. If the witness uses numbers (persons killed, injured, etc.), the interviewer should ask how the witness knows the number. This question will enable the interviewer to get a sense of the witness' ability to observe the facts.



## 2. Specific questioning

37. After hearing the witness' narrative statement, the interviewer may wish to ask questions about specific incidents. For example, if a witness says that soldiers came to her house, the interviewer might want to ask questions such as:

- ❖ How could you tell that they were part of the military?
- ❖ How were they dressed? A certain type of uniform?
- ❖ How many soldiers were there?
- ❖ Did they carry any weapons? If so, what kind?
- ❖ Did you know any of their names? Their unit?
- ❖ Did anyone else see them at your house?
- ❖ What did they do when they arrived or while they were at the house?
- ❖ Did they threaten you or your family?
- ❖ Did they harm any of your family?
- ❖ Did you have any physical contact with them?
  - If so, did they physically harm you in any way?
  - If so, were you beaten or ill-treated?
  - If so, how long did the beating take place?
  - How many blows were struck?
  - What did they use to strike you?
  - To what part(s) of your body?
  - How did you feel at that time? Later?
  - Did it have any effect on your body?
- ❖ Did the soldiers ask you to do anything?
  - Did they ask you to leave the house?
  - Were you taken away to a jail or detention centre?
  - Where?
  - Did anything happen during the trip?
- ❖ What happened when you arrived at the jail or detention centre?
- ❖ What were the conditions of confinement? (Size of the cell, number of occupants, amount and nature of food, sanitary conditions, etc.)
- ❖ Do you know the names of other persons who may have been held at the same time?
- ❖ When were you released? How?

38. Such questions are suggested in Chapter XX: "Human Rights Reporting", Appendix 1: "Questionnaire — Interview Form".

39. The interviewer should also ask about other witnesses or sources of information. In addition, the interviewer should ask the name, date of birth, address, and method of contacting the present witness. As a security precaution, the HRO might keep the information separate from the notes of the interview itself. Accordingly, if those notes are somehow obtained, they will probably not be able to be used easily to endanger the individual.

40. The interviewer should attempt to ascertain the kinds of information about which the witness would have personal knowledge. These questions will help in assessing later information, without in any way suggesting that the witness is being quizzed as to their credibility. The interviewer might also ask the same questions to several individuals in order to identify concordant facts. The interviewer should never, however, tell the witness what other people have said. It may be that some information, albeit inconsistent in some ways, will have concordant elements which will be useful in establishing the facts.

41. An average interview would probably run no less than 45 minutes for an involved witness. A valuable informant, who knows what has been happening in the neighbourhood, may require far longer to gather information.

## F. Concluding the interview and keeping in contact

42. The interviewer should ask the witness if she or he has any questions or has thought of any additional information which might be useful. The interviewer should, once again, assure the witness of confidentiality. The interviewer may give advice to the witness, but should avoid raising false hopes. The interviewer should explain what possible follow-up actions will be pursued in connection with the problem, once again without encouraging expectations which are unlikely to be fulfilled. The interviewer may also wish to review his/her notes with the witness.

43. The interviewer should be sure to establish a mechanism for continuing communications with the witness. It may be possible to keep in touch through the telephone, a reliable contact, a religious leader, or some other individual in whom both the UN human rights field operation and the witness have trust. At a minimum, the witness should know how to get in touch with the UN operation. Always leave the door open to a person who has contacted the operation, so that s/he can reach an HRO quickly at any time, to provide any new information, or to inform about threats or reprisals received because of his/her testimony.

44. At the end of the interview, the HRO may wish to arrange a follow-up meeting with the interviewee or a way of getting together in a few days in order to give sufficient time to verify statements with other sources and to take the steps agreed upon, etc.

45. The interviewer should also verify that the interviewee has fully understood the modalities of the interview and the follow-up required, the actions to be undertaken, whether the information was given anonymously, and whether negotiation or other intervention with the authorities will be undertaken. This last precaution is necessary, because the person has the right to change his/her mind during or after the meeting.

## G. Interview report

### 1. Reconstructing the interview

46. After the interview is completed, the interviewer should immediately prepare complete notes on the interview based on the sketchy notes taken during the interview and the outline which was prepared in advance — particularly if notes were not taken during the interview. The information should provide the detail which is necessary to determine what happened, when it happened, where it happened, who was involved, how it happened, and why it happened. (See the Questionnaire — Interview Form in Appendix 1 to Chapter XX: “Human Rights Reporting”). The more detail contained in the report of the interview the more useful the report will be for undertaking action and in preparing more formal reports.

47. Psycholinguists have learned that recall strategies are different from strategies for communicating. The witness probably used a recall strategy during the interview; it is the task of the interviewer to convert the material recalled into a logical presentation. In writing the interview report, it is important for the HRO to structure the story in such a way as to best communicate what happened. For example, the *facts should normally be presented in chronological order.*

### 2. Assessing credibility

48. The interviewer should explain why s/he did or did not believe a witness' account. HROs should not, however, feel compelled to make a definitive judgement in this regard. It is not uncommon to be unsure as to a victim or witnesses' credibility. In considering issues of credibility, the interviewer should consider several general observations about credibility:

- (a) A person would not ordinarily take the time and risk to give an interview unless something serious had happened. The interviewer needs to identify the information which is based upon the personal experiences of the witness. Nonetheless, any indirect information may be useful to provide leads to other relevant information.
- (b) Many fact-finders consider a person to be credible if they are assertive and clear. The witness may have been neither clear nor assertive. The witness may be relatively powerless and traumatized. The culture of the country may not permit the witness to communicate so directly or even to look at the interviewer while talking. Nonetheless, there is probably a core of important information which needs to be identified.
- (c) As discussed more fully in the section on interviewing torture victims, individuals who have been traumatized often have difficulties with their memory and, for this reason, may not be assertive or clear. This problem of memory loss applies to all traumatized individuals and not just torture victims.
- (d) The interviewer needs to be patient with a witness who is not very clear about time sequences. Many witnesses may not refer regularly to the calendar in their

daily lives. They may need to be assisted by tying the events of concern to holidays or other remarkable days which are clearly fixed.

- (e) The interviewer should try to identify the information from the witness which is consistent with the information from entirely independent sources. Many fact-finders consider that a fact cannot be established unless two **unrelated witnesses give concordant testimony**. The reliability of the witnesses and the experience of the HROs with that reliability may be an important factor in assessing the veracity of information. **Detail helps to provide credibility**, and the fact that a witness is able to give a lot of particularized information is important. Also, some witnesses may have evident biases and those biases need to be factored into the assessment of veracity.
- (f) The interviewer should record information provided by a witness even if the interviewer is not sure of its reliability, because that information may be useful when further information is collected.

## H. Further inquiry

### 1. Verification and cross-checking of information and documentation

49. The interviewer should **verify the information collected with appropriate persons** — for example the family of the alleged victim, friends, neighbours and other witnesses. In this context the interviewer may visit families, neighbours, workplaces, schools, prisons, etc. The interviewer may wish to examine documents or other records (medical records, death certificates, departure from territory, etc.). The interviewer may also collect, register, photograph or reproduce necessary information.

50. HROs may consult with doctors, psychologists, psychiatrists and forensic experts. HROs should obtain any medical reports which may be necessary. They should also request the assistance of all organizations or individuals working for the protection of human rights having knowledge of the case or the general situation.

51. The HROs or their superiors in the human rights operation should **request information from the appropriate authorities**. (See Chapter XIX: "Following-Up and Seeking Corrective Action".) The authorities should, in turn, promptly and conscientiously furnish a response. In that context, HROs may wish to consider suggesting provisional remedies to the authorities, so as to avoid aggravating the situation. If the authorities do not provide requested information within a reasonable time, HROs should make their own conclusions, recommendations and decisions on the matter insofar as the material available permits. A "reasonable time" should ordinarily be about five days, but could be either as little as 24 hours in an urgent situation or much longer in a routine situation. The UN operation should continue to intervene politely but firmly with the authorities for as long as they have not provided a satisfactory response, have not taken the required measures, or if the evolution of the case requires it.

## 2. Follow-up cases

52. Some witnesses, such as torture victims, will probably have to be interviewed several times in order to establish rapport and to allow the interviewer to get a clear and accurate understanding of their stories.

53. If possible, the HRO(s) who dealt with the case should be entrusted with the follow-up. But, all-in-all, it is the area office staff that is responsible for the follow-up of each case. (See Chapter XIX: "Following-Up and Seeking Corrective Action".) This principle is essential to compensate for the effects of personnel transfers and other changes in the team (leaves of absence, sick leaves, etc.). Until the case is closed, HROs should proceed with the investigation as an "active" case of a violation.

## 1. Interviewing "special groups" or individuals with particular characteristics

54. HROs should be aware that some interviewees have particular characteristics, such as age or traumatic experiences, that provide special challenges. In addition, "special groups" such as women and children may need to be approached and dealt with differently. Preparation and a little extra patience are needed to interview these individuals successfully.

### 1. Victims of torture

55. Interviewing torture victims (and witnesses who are so traumatized that they are very much like victims) about their experiences is an extremely delicate process and one which should never be taken lightly. The fact-finding interview may sufficiently mimic the torturer's interrogation to raise conscious and subconscious fears in the torture victim. Interviewers should be particularly aware of the problem of sensitivity and avoid retraumatizing the victim/witness.

56. While such terms as "torture victim", "victim" and "case" are used in this Manual for ease of exposition, the HRO should be aware that such terms may dehumanize and continue the degradation which the torturer may have intended to inflict upon the individual. *The individual must be made to feel important and not a subject of pity.*

57. An HRO who interviews a torture victim must be prepared to deal with emotions. The HRO should empathize with the victim and encourage him/her to talk about the traumatizing experience. If the victim becomes overcome with emotion, the interviewer should be supportive. The interviewer can suggest that they take a break from the interview and offer water or coffee. After allowing the interviewee to regain his/her composure, the interviewer should, if possible, try to bring the interview back to less upsetting topics. HROs should be sympathetic, but should keep in mind that they are not trained psychiatrists and that their job is not to provide treatment.

58. Victims suffering from post-traumatic stress disorder (particularly after experiencing torture) are characterized by severe anxiety; insomnia with nightmares about persecution, violence, or their own torture experiences; and somatic symptoms of anxiety, phobias, suspiciousness and fearfulness. Torture victims may also suffer from psychic numbing, minimization, repression or denial of the experience. *Victims' lack of trust, shame, humiliation and memory impairments can lead to confusing and seemingly contradictory statements, as well as inability to remember details.* In short, victims may not be able to describe the torture they experienced. In such cases, it may be necessary to rely on other sources of information (such as statements of friends and relatives) about the victim's history and background. HROs should, whenever possible, obtain expert medical advice.

59. The medical examination of a torture victim generally includes the individual's (1) pulse; (2) blood pressure; (3) height; (4) weight; (5) any significant changes in weight experienced; (6) any breakage of the teeth, bones, etc.; (7) condition (including tenderness, swelling and flexibility) of the individual's muscles and joints; (8) bruises and scars; (9) a general assessment of the intellectual functioning and orientation of the individual; (10) voice modulation which might reveal stress; (11) any complaints about hallucinations, sleep disruption, nightmares, fear, etc.; and (12) emotional appearance, including crying, tears, trembling lips, depression, etc. In the course of the medical examination, detailed information should be recorded as to each of these subjects. Since neurological damage due to beatings may be one of the most serious medical effects of torture, the examining doctor should look for evidence of neurological damage.

60. Physical, emotional and psychological damage may also be confirmed by using laboratory, roentgenographic, histopathological biopsy and photographic evidence. In order to avoid identifying the individual and to obtain the individual's consent for photographs, only the affected portions of the body should be photographed. All torture victims, however, must be handled with sensitivity as to the sorts of ill-treatment they underwent and the sorts of testing they will tolerate.

61. The fact-finding doctor may also attempt to obtain *access to the results of other medical or psychiatric examinations* performed on the individual both before the detention and as soon as possible after the ill-treatment supposedly occurred. By interviewing the doctors involved in any such examinations and by reading the reports, the fact-finding doctor may be able to distinguish pre-existing medical conditions or self-inflicted injuries from those caused by ill-treatment, may be able to *learn of bruises and other symptoms of ill-treatment* which may diminish or change over time, and may be able to confirm or question his or her own diagnosis.

## 2. Women<sup>2</sup>

62. Female interviewees may be particularly reluctant or unable to talk about rape or other forms of sexual violence because of the social stigma attached to such suffering. Extra effort should be made to develop rapport with women who may have suffered rape or other sexual violence. More effort should be made to make sure that

<sup>2</sup>See UNHCR, *Guidelines on the Protection of Refugee Women* (1991); UNHCR, *Sexual Violence against Refugees, Guidelines on Prevention and Response* 32-34, 38-41 (1995).

the woman wants to be interviewed and understands that the information will be kept confidential or used only in the ways she accepts. The interviewee should be informed that she may refuse to answer any question she finds uncomfortable and can stop the interview at any time. Great delicacy is necessary in establishing the basic facts of torture or other abuse, including what occurred, when, where, by whom, and whether there were other witnesses. Once those facts have been established, however, there may be no need to dwell upon the details of abuse.

63. If at all possible, a female member of the UN human rights field operation should conduct the interview and a female interpreter should be used. The female HRO should be sensitive and yet objective in handling the interview. The HRO should be alert to signs that the interview is causing the retraumatization of the witness. If the witness is overcome by memories of her suffering, the interview should be suspended briefly or resumed at another time. The officer should be aware of the differences in cross-cultural communication which may occur in talking with a stranger. For example, a woman may be reluctant to make eye contact because of the dictates of her culture. The HRO should inquire as to whether the woman needs medical and/or psychological care. However, as in every other interview situation, care should be taken to avoid making offers or promises which cannot be kept.

### 3. Refugees and other displaced persons

64. It is important to be sensitive to the fact that refugees and displaced persons are under a lot of stress due to the fact that they are without resources, and away from their homes and (possibly) families. The interviewer should determine the refugee's current status. Are they at risk of being sent back to their home country/region? Are they seeking asylum or resettlement? The interviewer should be sure to find out where the refugee is staying (camp, placement in a home, etc.) Such information is important for future follow-up action.

65. The interviewer may begin by asking why the individual fled his/her country or region. This question will eventually lead into a discussion of the human rights abuses experienced by the refugee. The interviewer should empathize not only with the refugee's experiences as a victim or witness of human rights violations, but also with his/her feelings of uncertainty, displacement and loss of control.

66. Corroborating the testimony of refugees and displaced persons presents a special problem as it may not be possible to visit their home country or region. It is especially important, therefore, to review with the interviewee his/her testimony to check for detail and veracity. *Further corroboration may be obtained by interviewing other refugees/ displaced persons from the same area.*

### 4. Children<sup>3</sup>

67. A child perceives the world very differently from an adult. The interviewer should keep in mind this difference and should approach the interview differently according to the age, maturity and understanding of the child. It will probably be

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<sup>3</sup>For further information on the rights specific to children, please refer to Chapter XII: "Children's Rights".

necessary to use simpler language and to spend more time developing a rapport with a child who needs to be interviewed. If an interpreter is needed, the HRO may wish to *identify an interpreter who is either trained for or accustomed to dealing with children*. It may be particularly useful to explain more carefully the role of the HRO, the interview process, and the need to ask certain types of questions. The HRO should encourage the child to ask questions during the interview and to indicate if s/he does not understand a question or the reasons for asking it. The HRO should expect that the interview will require patience and more time than usual. The HRO should be attentive to signs that the child is growing anxious or overwhelmed. It may be necessary to interrupt the interview, to take a break, or to return another day. (For further information, see also Chapter XII: "Children's Rights".)

68. In addition to interviewing the child, the interviewer should (if possible) talk to members of the child's family and community, teachers, other care-givers, etc. who have provided services. It may also be useful to seek advice from individuals with expertise in understanding the child's perspective.

## 5. Rural populations

69. Like members of indigenous groups, individuals accustomed to a rural lifestyle may have a *different conception of time*. It is important to clarify statements about dates and times. Precise dates may have little meaning, so it is important for the interviewer to use a familiar frame of reference. For example, the interviewer may ask "Did that happen before or after the planting season?"

70. It is also important to keep in mind that *poor, uneducated or otherwise vulnerable individuals may lack confidence and may be reluctant to share information*. Local human rights organizations may be of assistance by working to reassure the interviewees who are afraid to come forward with information.<sup>4</sup>

## 6. Indigenous communities

71. Indigenous communities may have a way of life that is very different from the rest of the society or country — or indeed, from that of the fact-finder. The interviewer should be sensitive to and respectful of differences in language, methods of communication, sense of time and social structure. If possible, the interviewer should learn about the particular indigenous group's culture and customs before the interview.

## 7. Lower-income groups

72. Lower-income groups including slum-dwellers, squatters, and those living in poverty generally may also have different views and perspectives than those working for human rights field operations. The poor may just as easily have unrealistically high expectations of an improved standard of living as a result of the UN operation as they

<sup>4</sup>Daniel J. Ravindran, Manuel Guzman, Babes Ignacio eds., *Handbook on Fact-Finding and Documentation of Human Rights Violations* 41 (1994).



may be entirely distrustful of uninvited involvement in their communities. Great care should be exercised by field workers to recognize and understand points of view which may, at first glance, appear difficult to fathom. For instance, a squatter community (even if they might have occupied the land in question for many decades) might become suspicious if the human rights worker begins immediately discussing issues of law. The often massive discrepancies between income and opportunities of the human rights worker and persons belonging to lower-income groups, too, may create significant hurdles in securing fruitful cooperation.

## 8. Government officials and suspected perpetrators

73. **Interviewing authorities** is very different from interviewing victims or witnesses of human rights violations, and **requires both diplomacy and careful planning**. The interviewer must probe statements without being too confrontational. The interviewer must remain polite and keep an open mind while questioning. The more significant the interview, the more important would be the preparation. The interviewer should, as suggested above, **prepare a list of questions** and should even think carefully about the order of the questions. Such an order of questions should not be too rigidly followed, because it will be more important to respond to the information provided by the Government official and to ask follow-up questions. If possible, Government officials should be interviewed *after the UN human rights field operation has gathered a fair amount of information, but with time to collect more material*. This approach will allow the Government to give explanations of statements made by victims and witnesses, and permit the UN operation to make further inquiries with regard to the Government's responses.

74. A difficult situation may arise when, in the course of interviewing an individual, the interviewer comes to believe that the interviewee is or was involved in personally persecuting others. This scenario should be discussed in advance, so that the interviewer has a plan of action should this situation arise. In general, it is important to gather the individual's information and include it in the interview report. Occasionally a Government official will provide invaluable information regarding human rights abuses.

## Secondary Traumatization and Stress Management

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### *Learning Objectives-*

*After studying this unit you should be able to:*

- 1. Understand what secondary traumatization is and its effects*
- 2. Recognize factors that contribute to secondary traumatization*
- 3. Identify signs and symptoms of secondary traumatization in yourself*
- 4. Identify steps you can take to reduce the effects of secondary traumatization on your work and personal life*
- 5. Organize groups with other colleagues to discuss the effects of working with trauma survivors and offer support to one another in dealing with these experiences*

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### **Introduction**

Secondary traumatization refers to the effects of working with people who have experienced trauma and being exposed to the traumatic stories they share. It is called "secondary" traumatization because the trauma is experienced indirectly, through the process of being a witness to another person's story. Secondary traumatization is a normal, inevitable part of working with individuals and groups of people who have suffered major losses or experienced terrible events. It cannot be avoided or eliminated, though its effects can be modified or reduced. Since most refugees have experienced major losses or life-shattering events, it follows that all people who work with refugees - be they advocates, case workers, counselors, lawyers, nurses, immigration workers, judges, volunteers, teachers, doctors, or others—are subject to secondary traumatization and its effects. Secondary traumatization is often a slow, cumulative process that occurs over the course of hearing many personal stories of tragedy, loss, and pain. This makes its effects difficult to detect. Often helping professionals do not



realize that they are suffering from secondary traumatization until it is too late and they are already "burned out." The effects of secondary traumatization, like the effects of trauma itself, can be quite serious and permanent. At a minimum, it interferes with our ability to do our jobs effectively. Therefore, it is very important to learn how to recognize, monitor, and minimize the impact of secondary traumatization on our lives.

### **Understanding Secondary Traumatization and Its Effects**

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*Definitions: Secondary traumatization is the experience of trauma-related stress caused by working closely with trauma survivors. Trauma may be defined as any experience that involves either (1) serious threat of harm to oneself or others, or (2) overwhelming negative emotions, such as fear, helplessness, grief, or rage. Trauma may be experienced at any phase of the refugee experience, including during the resettlement process.*

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Secondary traumatization is one of several terms that have been used in recent years to describe the effects of working with traumatized individuals and communities. Other terms include "compassion fatigue" (Figley, 1995), "vicarious traumatization" (Pearlman & Saakvitne, 1995), "soul sadness" (Chessick, 1978), and "secondary traumatic stress" (Stamm, 1995). While these terms sometimes differ in their focus, they share in common a recognition of the stress experienced by workers who encounter human suffering on a regular basis. This stress takes a toll. It is simply very difficult to hear story after story of tragic losses, needless suffering, gross injustices, and human brutalities. The only way not to be affected by these traumas is to become numb and block off our senses, but this is no solution because it renders us ineffective as helpers and can lead to depression and other problems. The truth is, we are changed by the



unique stresses of our jobs, often in ways we do not anticipate or like. For example, a case worker who once prided himself on his optimism and desire to help others may find himself becoming increasingly cynical and discouraged. An ESL teacher who previously viewed her patience as one of her best assets may be alarmed to find herself irritable and impatient with students. Common indicators of secondary traumatization are listed below.

Secondary traumatization can take many different forms, depending on the individual and the work environment. Because people respond to stress differently, there is no single sign or set of problems that provides definitive evidence of secondary traumatization. Likewise, no exhaustive list of signs and symptoms can be provided. However, many of the effects of secondary traumatization are similar to the effects of trauma itself.

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#### Signs and Symptoms of Secondary Traumatization

- ❖ Fatigue, loss of energy, taking greater amounts of time to complete the same amount of work, loss of efficiency
- ❖ Sadness, depression, withdrawal from others or from activities
- ❖ Apathy, indifference, emotional numbness, inability to have strong feelings, "tuning out" while listening to traumatic stories
- ❖ Forgetfulness, confusion, difficulty making decisions, difficulty concentrating
- ❖ Cynicism, discouragement, loss of compassion, loss of faith/trust in humanity, use of negative stereotypes to form quick judgments
- ❖ Demoralization, disillusionment, loss of faith in beliefs that previously gave meaning to life (e.g., religious beliefs), grief, despair
- ❖ Difficulty containing your emotions, loss of emotional control, strong emotional reactions to minor events
- ❖ Loss of creativity, loss of problem-solving skills
- ❖ Loss of sense of humor or playfulness, loss of capacity to feel joy
- ❖ Feelings of helplessness, hopelessness, lack of control over your life and future
- ❖ Feeling alone, isolated, alienated; feeling like others cannot understand you
- ❖ Irritability, intolerance, anger and rage



- ❖ Disbelief and denial of others' experiences, especially traumas
  - ❖ Guilt for having survived trauma or having an "easier" life than others, holding unrealistically high expectations of yourself, denying or downplaying your own pain and/or difficulties
  - ❖ Preoccupation with safety of self and loved ones, increased sensitivity to violence
  - ❖ Nightmares related to refugee trauma, intrusion of violent images into your daily thoughts or activities (can't "get it out of your head")
  - ❖ Sleep disturbances, exaggerated startle response, difficulty relaxing
  - ❖ Physical complaints: headaches, abdominal discomfort, diarrhea, joint pain, muscle aches or tension, frequent illness
- 

Like other forms of stress, the effects of secondary traumatization are cumulative. On a day-to-day basis, we may hardly notice that we are experiencing any stress. However, as the stress accumulates over time, it gradually begins to interfere with our work performance and our personal lives. To understand this process, it may be helpful to consider the effects of water running over a rock in a stream. On a day-to-day basis, it looks like nothing is happening. A million years later, however, only half the rock is left! While the effects of secondary traumatization aren't quite that slow, the process is similar. Gradually, secondary traumatization wears us down. Eventually, if it is not addressed, it can leave us exhausted. Once we are exhausted, we are unable to listen well, to make sound judgments, to think clearly, or to help others. In addition, qualities such as cynicism, disillusionment, and despair can become a permanent part of our identities. These are serious and damaging consequences. Fortunately, such consequences can be avoided by taking an active role in reducing trauma-related stress. Accepting the fact of secondary traumatization and taking it seriously is the first step towards addressing its effects. It is also important to understand what contributes to secondary traumatization.

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## **Factors That Contribute to Secondary Traumatization**

The factors that contribute to secondary traumatization come from three main sources: (1) the work itself, (2) the work environment, and (3) the worker.

First, characteristics of the work itself contribute to trauma-related stress by affecting (1) the severity of the traumas we are exposed to, and (2) our degree of trauma exposure. For example, working with refugees who have suffered multiple atrocities of human design can be more stressful than working with refugees with less severe trauma histories. Some types of trauma, such as torture, are often deliberately designed to be so cruel and bizarre that the victim's story will not be believed. Working with refugees who may have been perpetrators of violence as well as trauma survivors can cause conflicted, mixed feelings that increase stress. It is also very stressful to work closely with people who are suffering ongoing, current trauma (for example, separation from children, disappeared or missing loved ones, family members who remain in danger, news of further atrocities). Communication difficulties due to cultural and language differences can cause additional stress. Finally, some jobs require more intimate contact with trauma, such as jobs that involve counseling. Greater exposure to graphic or detailed trauma stories increases secondary traumatization.

Factors in the work environment also contribute to secondary traumatization. Broadly speaking, the work environment includes not only our job setting but also the society in which we live. Social and political forces such as racism, anti-immigrant prejudice, blaming the victim, increased tolerance of violence, ignorance, and denial of refugee trauma all work to increase secondary traumatization. These broad, powerful forces can make workers feel hopeless about their ability to address the root causes of violence and persecution. Examples of factors that contribute to secondary



traumatization in the specific job setting include inadequate job training; inadequate resources and equipment; work overload; inadequate job supervision; lack of choice or control on the job; inadequate vacation and health benefits; isolation from other co-workers; lack of administrative support for employees' needs to address job stress; and lack of places to refer refugees who have additional or special needs.

Finally, characteristics of the worker and his or her current life situation can contribute to secondary traumatization. As noted earlier, the effects of stress are cumulative. Stress in our personal lives can increase the impact of work-related stress, especially when it deprives us of the activities, outlets, or supports we ordinarily use to relieve work-related stress. A personal or community history of trauma may increase vulnerability to secondary traumatization or intensify its effects. Workers who have been refugees themselves may find it difficult to be reminded of their own experiences or to work with certain groups of refugees. Our individual and cultural coping styles, beliefs, values, histories, and personality characteristics all affect how we respond to trauma and stress.

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#### Summary of Contributing Factors

##### 1) Work with trauma survivors

- ❖ The severity of the trauma, such as torture and other traumas of human design
- ❖ Trauma survivors who have also participated in violence
- ❖ Refugees who are experiencing current, ongoing trauma (e.g., separation from their children)
- ❖ Communication difficulties due to cultural and language differences
- ❖ Amount and intensity of exposure to trauma (e.g., jobs that involve counseling require more frequent, intense exposure)

##### 2) Work environment

- ❖ Social and political forces such as racism, anti-immigrant prejudice, blaming the victim, increased tolerance of violence, ignorance, and denial of refugee trauma



- ❖ Lack of support in the work setting: inadequate job training, inadequate resources and equipment, inadequate job supervision, work overload, inadequate vacation and health benefits, isolation from co-workers, lack of choice and control on the job, lack of administrative support for employees to address job stress, lack of referral sources for refugees with additional or special needs

### 3) Worker

- ❖ Current life stress
  - ❖ History of trauma (refugee experience or other trauma)
  - ❖ Individual and cultural coping styles, beliefs, values, histories, and personality characteristics
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### **Reducing Secondary Traumatization: Stress Management for People Who Work With Trauma Survivors**

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*Awareness, Balance, and Connection have been identified by two authors (Saakvitne & Pearlman, 1996) as the "ABCs of Addressing Vicarious (Secondary) Traumatization." These three concepts provide an easy way to remember what you need to do to manage stress. The following sections explain these concepts and give examples of how to put them into practice.*

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A. *To reduce secondary traumatization, you must first be able to identify its signs and symptoms in yourself. This requires **Awareness**.*

Like other job skills, stress management skills require training and practice. It takes practice to become aware of how you respond to trauma-related stress and what works best for you to reduce this stress. Awareness is not something that can be achieved in a single exercise or event and then crossed off your list of things to do. Instead, it is a continuous process of paying attention to yourself. In particular, it involves paying attention to any changes in yourself, including changes in your feelings, attitudes, beliefs, physical health, and daily activities.

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There are many exercises that have been designed to help people develop self-awareness. A list of books that provide these exercises and other stress management techniques is provided at the end of this chapter. One simple way to begin developing awareness is to review the list of common signs and symptoms of secondary traumatization given earlier in this chapter. Have you noticed any changes in yourself in any of these areas? Has anyone else noticed any of these changes in you? Do you experience any of these difficulties? If so, which ones? While this may be a useful checklist to review on occasion, it is also important to remember that you may be affected by stress in ways that are not on this list.

Employers and organizations where people work with refugees also need to develop awareness of secondary traumatization and its effects on employees. Workers need support from their employers in managing trauma-related stress. Many of the contributing factors in the work setting are caused by lack of awareness and support within organizations, as well as economic pressures and lack of resources. It may be necessary to organize staff meetings, have staff attend training workshops, or seek outside consultation to find ways your organization can help workers reduce secondary traumatization and other forms of job stress. For assistance in finding organizational consultation or training resources in your area, contact the Immigration and Refugee Services of America (IRSA) at (202) 797-2105.

B. *Seek **Balance** among different types of activities, including work, personal and family life, rest, and leisure.*

Living a balanced life is a central theme of most training materials on stress management. To many people, the word "balance" sets up unrealistic expectations about achieving perfect harmony among all the different areas of ' their busy lives. It can



be discouraging and even more stressful to have unrealistic goals about stress management. Therefore, it is important to clarify that balance, as it is used here, does not mean a perfect state of equality or harmony among all your life activities. As a stress management technique, seeking balance simply means making sure you do activities that provide you with rest and renewal. It means having a life outside your work, so that you can take care of your health and your own needs for rest, fun, relaxation, and a meaningful personal life.

There are many ways to build balance into your work and personal life. At work, it may be helpful to rotate or alternate between different tasks, to the extent that your schedule and work setting permit it. For example, scheduling paperwork time and staff meetings in between contacts with trauma survivors can provide you with natural breaks from intense trauma-related work. Working with different refugee groups or changing the variety of tasks you take on at work can help build diversity and balance into your workload. If your job requires continuous, back-to-back work with trauma survivors, it can be helpful to take short breaks in between your contacts (for example, in between appointments, classes, home visits, interviews, or whatever form of contact your job involves). Taking a minute to stretch, walk, do a breathing or relaxation exercise, listen to music in the car, or do any other relaxing activity, can help clear your mind and reduce stress. There are many short, easy relaxation and meditation exercises you can learn from the books listed at the end of the chapter. Longer work breaks during the day, such as coffee breaks and lunch breaks, as well as vacations from work, are also important sources of rest and renewal. Setting reasonable limits on the hours you work, the amount of help you are able to offer, and your exposure to trauma stories are other ways to maintain balance on the job. While work with refugees requires some exposure to



trauma, it is important to avoid obtaining, sharing, or listening to details of other people's traumatic experiences that are unnecessary for your work.

In your personal life, keeping your balance involves making decisions that protect and promote your physical, mental, and spiritual health. Because stress wears down the body's immune system and makes it more vulnerable to illness and disease, it is very important to maintain your physical strength by getting enough sleep, good nutrition, regular physical exercise, and good medical care. Beyond meeting these basic needs, the list of ways to find rest and renewal in your personal life is endless, limited only by the imagination! The important thing is to make time for activities you find relaxing, enjoyable, stimulating, or personally meaningful. A simple way to begin is to identify three such activities for yourself. Try this right now. For one person, these activities might include playing with his children, taking a nap, and going to a mosque. For someone else, gardening, reading, and karate might be listed. Everyone has his or her own ways to relieve stress. Once you have identified three ways for yourself, make a plan to do at least one of them in the near future.

*C. Build **Connections** and supportive relationships with your co-workers, friends, family, and community.*

The third and final word in "The ABCs of Addressing Vicarious Traumatization" put forth by Saakvitne and Pearlman (1996) is connection. Maintaining connections with people who support and love us is especially critical in addressing the feelings of isolation, loneliness, hopelessness, grief, and despair that often accompany secondary traumatization.



At work, supportive connections between you and your colleagues can be established by having structured, planned opportunities to talk about secondary traumatization. If these opportunities are not already in place at your work setting, you can create a support group to serve this purpose. To set up a support group, it may be helpful to get advice from someone who has experience with group approaches to dealing with trauma and stress. The following section contains some basic suggestions for getting a group started.

A support group can include people from within and outside your organization who work with refugees. Ideally, support groups should be organized so that group members who have evaluative authority over other members are not in the same group (for example, separate groups for supervisors and supervisees). However, this is not always possible or necessary, and it is a decision that can be made by group members. Before or at the first meeting, group members should also discuss and decide the following:

- ❖ Time, place, and frequency of meetings (weekly or bimonthly meetings for 1-2 hours are common).
- ❖ Group size (6-8 people is common) and procedure for accepting new members once the group has started.
- ❖ Any limitations on how long the group will last or interruptions in its ability to meet (e.g., during summer vacations).
- ❖ Format for group meetings (e.g., who will lead meetings, if anyone; whether outside speakers or consultants will be used; how meetings will be organized; possible group activities to relieve stress).
- ❖ Expectations of group members. These should include confidentiality (what is said in the group does not leave the group), regular attendance, and respect for other members' reactions to trauma (see below).
- ❖ Goals of the group (e.g., to provide opportunities to talk about the effects of working with trauma survivors; to share and work through feelings and other reactions to trauma that may be painful or difficult; to learn from each other about effective ways of managing job stress; to learn how to support each other at work, etc.).



It is important to remember that support groups can offer support only if group members treat each other with respect and acceptance. This means being careful not to criticize, judge, diagnose, blame, dismiss, ridicule, or minimize other people's experiences. An atmosphere of nonjudgmental acceptance is needed for group members to feel safe and comfortable in sharing their reactions to trauma. They will also need to trust that other group members will respect their privacy by not talking outside group meetings about what they said or did in the group meeting.

Sometimes people have very strong reactions to trauma that require professional intervention. If you believe a co-worker is having a serious reaction to trauma that needs more help than a support group can provide, you should encourage him or her to get professional help. Of course, you should also seek such assistance for yourself if you need or want it. It is common and normal for people who work with trauma survivors to get professional counseling or other mental health services at some point during their careers.

Another way for staff to build connections and support each other is to develop a procedure for "debriefing" after facing a crisis, critical incident, or difficult situation at work. Debriefing can take place in a large group, such as a staff meeting, or in a meeting as small as a one-to-one discussion with a co-worker or supervisor. Debriefings usually include discussion of the following questions:

- ❖ What happened?
- ❖ What still needs to happen? What is the plan for making it happen?
- ❖ What was learned from the experience? For example, what worked or went well? What didn't work? What could be done differently next time?
- ❖ What was the experience like for the staff involved in it?
- ❖ What can staff do to take care of themselves and recover from the experience? How can the organization or other staff members support them in these efforts?

Debriefings are best handled in the same respectful, confidential manner described above in the section on support groups. Successful debriefings allow feelings to be openly acknowledged and resolved so that the stress of the incident is not carried forward into new work.

Finally, outside of work, having supportive relationships with friends, family, and a community provides a very powerful remedy for secondary traumatization. As social creatures, human beings are healed, renewed, and restored through positive relationships -whether these relationships take the form of a marriage, a friendship, a family, a political party or cause, a social action group, an ethnic or cultural community, a

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religious community, a sports team, a club, a pet animal, a chat group on the Internet, or any other form of relating to others. Connection to something or someone beyond ourselves brings meaning to our lives and reminds us that we are not alone, though we may feel alone in our experiences at times. Trauma-related stress, whether it is experienced directly or secondarily, has the capacity to silence and isolate individuals. This is especially characteristic of violent images and thoughts that can invade our consciousness and sleep long after the trauma is over or long after we have heard about it. Spending time with persons or doing activities that strengthen your sense of connection to something larger than yourself can help break this silence and isolation. By breaking the silence and isolation of trauma, we make it possible to heal ourselves and to hope for a better future.

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#### **What To Read To Learn More**

- ❖ The Miracle of Mindfulness: A Manual on Meditation. By Thich Nhat Hanh. Published by Beacon Press: Boston, Massachusetts, 1975. A short, classic book by a Zen master on how to develop awareness. Teaches skills in meditation, relaxation, and concentration.
- ❖ The Relaxation and Stress Reduction Workbook: Third Edition. By Martha Davis, Elizabeth Robbins Eshelman, and Matthew McKay. Published by New Harbinger: Oakland, California, 1988. A user-friendly, practical guide full of information and exercises on topics such as breathing and relaxation techniques, body awareness, coping skills, visualization, job stress management, nutrition, and physical exercise.
- ❖ Secondary Traumatic Stress: Self-Care Issues for Clinicians, Researchers, and Educators. Edited by B. Hudnall Stamm. Published by Sidran Press: Lutherville, Maryland, 1995. This book is written for professionals, especially therapists and counselors, but it is very readable for those without training in therapy and it contains useful information for the interested reader. A chapter on classroom

teaching about trauma for educators and a chapter on an Artic community-based approach to trauma are especially interesting.

- ❖ Stretching. By Bob Anderson. Published by Shelter Publications, Inc.: Bolinas, California, 1980. A classic, simple text containing illustrated stretching exercises and instructions on how to stretch. Published in 10 languages: Danish, Dutch, French, German, Italian, Japanese, Norwegian, Portuguese, Spanish, and English.
  
- ❖ Transforming the Pain: A Workbook on Vicarious Traumatization. By Karen W. Saakvitne, Laurie Ann Pearlman, and the staff of the Traumatic Stress Institute. Published by W. W. Norton & Co., Inc.: New York, 1996. A practical, how-to guide on secondary traumatization designed for all levels of professionals, paraprofessionals, and volunteers who work with traumatized persons. Contains exercises for individuals and groups that come from the authors' experience giving workshops on this topic.
  
- ❖ Wellness at Work: Building Resilience to Job Stress. By Valerie O'Hara. Published by New Harbinger: Oakland, California, 1995. A more general guide for managing job stress. Contains exercises and practical suggestions.

#### **Other Books and Articles Cited in this Chapter**

Chessick, R. D. (1978). The sad soul of the psychiatrist. Bulletin of the Menninger Clinic. Vol. 42. pp. 1-9.

Figley, C. R. (Ed.). (1995). Compassion fatigue: Coping with secondary traumatic stress disorder in those who treat the traumatized. New York: Brunner/Mazel.

Pearlman, L. A., & Saakvitne, K. W. (1995). Trauma and the therapist: Countertransference and vicarious traumatization in psychotherapy with incest survivors. New York: W. W. Norton & Co., Inc.





## A TRC Volunteer's Quick Reference





## KEYWORDS YOU NEED TO KNOW

### Counties & Capital Cities

Bomi (Baw-mi)	Margibi (Mar-gee-bee)
Tubmanburg (Tub-mun-berg)	Kakata (Kah-kah-tah)
Bong (Bawng)	Maryland
Gbarnga (Bahn-gah)	Harper
Gbarpolu (Baar- pulu) (Bah-poo-loo)	Montserrat
Bopolu (Bur-pulu) (Baw-poo-loo)	Monrovia
Grand Bassa (Grand Bah-sa)	Nimba
Buchanan	Saniquele (Sah-nee-qwell-ee)
Grand Cape Mount	River Cess
Robertsport	River Cess
Grand Gedeh (Grand Gee-deh)	River Gee (River Gii)
Zwedru (Zur- weh -droo)	Fish Town
Grand Kru	Sinoe (Sye-no)
Barclayville	Greenville
Lofa (Low-fah)	
Voinjama (Voy-n-jah-mah)	

### Tribal/Ethnic Groups

Americo-Liberian	Gola	Lorma (Law-mah)
Bassa (Bah-sah)	Grebo (Gree-boh)	Man (Mano) (Mah-no)
Belleh (Beh-leh)	Kissi (Kee-see)	Mandingo
Dei (Day)	Kpelle (Peh-leh)	Mende (Men-deh)
Gbandi ( Bahn-dee)	Krahn	Vai (Vye)
Gio (Gee-oh)	Kru (Kr-oo)	

### Alleged Individual Perpetrators

Alison, Gray	Johnson, Prince	Quiwonkpa, Thomas
Boley, George	Johnson, Roosevelt	Sankoh, Foday
Conneh, Sekou	Julu, Charles	Taylor, Charles
Doe, Samuel	Karpeh, General Albert	Taylor, Chucky
Doumbouya, Mohammed	Kromah, Alhaji	Taylor, D. Benjamin
Fanbulleh, H. Boima	Massaquoi, Francois	Yeaten, General Benjamin
Gbollie, Saah	Mulbah, Joseph	
Giba, General Momo	Mulbah, Paul	



## KEYWORDS YOU NEED TO KNOW

### Rebel Groups

CRC (Central Revolutionary Council)  
FPDL (Front for Popular Democracy in Liberia)  
INPFL (Independent National Patriotic Front of Liberia)  
LDF (Lofa Defense Force)  
LUDF (Liberian United Defense Force)  
LURD (Liberians United for Reconciliation & Democracy)  
MODEL (Movement for Democracy in Liberia)  
MRM (Movement for Redemption of Muslims)  
NPFL (National Patriotic Front of Liberia)  
RUF (Revolutionary United Front)  
ULIMO (United Liberation Movement for Democracy in Liberia)  
ULIMO-J  
ULIMO-K

### Government Forces

AFL (Armed Forces of Liberia)  
ATU (Anti-Terrorist Unit)/ SATU (Special Anti-Terrorist Unit)  
Black Berets  
CID (Criminal Investigations Division)  
ECOMOG (Economic Community of West African States Cease-fire Monitoring Group)  
LNP (Liberian National Police)  
NBI (National Bureau of Investigation)  
NSA (National Security Agency)  
SOD (Special Operation Division)  
SSS (Special Security Service)  
SSU (Special Security Unit or Executive Mansion Special Security Unit)



## **INTERVIEWING SURVIVORS OF TORTURE AND OTHER TRAUMA: STRATEGIES FOR MINIMIZING RETRAUMATIZATION**

### **I. General Principles**

- Interviews in which a torture victim recounts the events of his/her abuse are extremely stressful for the victim. Recounting the events is potentially retraumatizing for the victim; in fact, sometimes retraumatization cannot be prevented or avoided, only minimized and managed.
- Listening to accounts of torture can be very stressful for the interviewer as well. There is strong potential for secondary traumatization.
- It often takes multiple sessions with a torture survivor to establish rapport and to elicit a complete history.
- There is great variability in the degree of physical and psychological signs, symptoms, or consequences that a torture survivor will manifest.
- There is great variability in the manner in which torture survivors conduct themselves in interviews and in recounting their abuse. For example, some survivors will react with great emotion and frequently become tearful. Others will appear extremely calm and detached, describing the events as if they happened to someone else.
- There is great variability in the amount and detail of information that torture survivors will recall with regard to the events of the trauma. This is often the case when the individual was subjected to repeated episodes of torture or abuse. The events of a particular episode may begin to blur. Survivors may have been detained under conditions in which they may lose a sense of time/place.



## II. Preparation for the Interview

- Review the Liberian TRC Volunteer Training Materials provided.
- Learn as much as you can about the statement-giver's country and culture
- Anticipate, and when possible, address possible barriers to effective communication

### Examples of Possible Barriers to Communication:

- Environmental Barriers
  - Lack of privacy
  - Comfort of interview setting
  - Inadequate time for interview
  - A physical setting that emphasizes difference in power and control between the interviewer and survivor, such as the interviewer sitting behind a big desk or using a higher chair
  - Other aspects of the environment that may be reminiscent of the torture experience, such as bright lights or having to wait a long time before seeing the interviewer
- Physical Barriers
  - Pain or other discomfort the survivor may be experiencing as a result of his/her abuse, such as difficulty sitting for long periods of time
  - Fatigue
  - Sensory deficits, such as partial blindness or deafness
- Psychological Barriers
  - Lack of trust
  - Lack of hope
  - Symptoms of Post-traumatic Stress Disorder and Depression, such as flashbacks, avoidance of traumatic memories, fear anxiety, excessive guilt, inability to recall important aspects of the trauma, etc.
  - Cognitive deficits, such as attention/concentration difficulties and memory lapses (these are also part of PTSD and Depression)
  - Shame (central to the torture experience)
  - Fear of being overwhelmed/flooded with painful memories/feelings
- Sociocultural barriers
  - Cultural issues
  - Language issues, especially appropriateness and accuracy of interpreter
  - Interviewer's age, gender, social class, ethnicity, nationality, etc. Gender is particularly important for survivors of sexual violence.



### **III. Tasks of the Interview**

1. Providing Information
  - Explaining your role
  - Describing the [statement-taking] process
  
2. Handling Emotions
  - Pace the interview so as to avoid overwhelming the survivor
  - Recognition
  - Acknowledgement
  - Empathy
  - Validation and normalization
  - Redirection
  - Self-awareness, monitoring, and management
  
3. Gathering Information
  - Use of general, open-ended questions
  - Active listening and attending



## IV. Components of the Interview

### 1. Introduction/Establishing Rapport

- **Providing information:** Explaining your role and the process/goals of the interview; . . . clarifying information that needs to be obtained; negotiating priorities such as issues regarding time limitations; encouraging questions
- **Handling emotions:** Opening the interview and greeting the survivor in a respectful manner, being sensitive to cultural issues; recognition/acknowledgement of the difficulties of talking about the trauma; giving the survivor as much of a sense of control as possible, such as asking if he/she is ready to begin and giving permission to withhold information he/she is not ready to divulge . . .
- **Gathering information:** Detecting and addressing barriers to communication

### 2. Eliciting the story

- **Providing information:** Minimal clarifications as needed
- **Handling emotions:** See above (recognize, acknowledge, empathize, validate, normalize, etc.). Check in with the survivor and allow emotional breaks. If the survivor bursts out with the story in a pressured way you may need to help moderate the pace. . . .
- **Gathering information:** Establish a narrative thread by allowing the survivor to tell the story in his/her own words, initially with as few interruptions as possible. Use open-ended questions. Asking specific questions too early in the interview may bias the information received or shut the survivor down. . . . Offer to rephrase difficult or confusing questions.

### 3. Concluding the interview

- **Providing Information:** Explaining the subsequent process; Making appropriate referrals
- **Handling Emotions:** Provide closure; *Do not let a survivor walk away with bleeding, open emotional wounds from an interview.* Leave enough time at the end to talk about non-traumatic topics and allow the survivor to compose him/herself and make the transition back into the present. Recognize/ acknowledge that it may be difficult to talk about past abuse and then go back out into the world: check in s to whether the survivor is OK, has somewhere to go or someone to be with that evening, etc. Validate and normalize the manner in which the survivor conducted him/herself during the interview. Offer a sense of hope while being careful not to make false assurances/ promises.
- **Gathering information:** Elicit further information and questions. Clarify whether there is anything else the survivor wishes you to know.<sup>1</sup>

<sup>1</sup> Above adapted from training materials developed by Allen Keller, M.D. Bellevue/NYU Program for Survivors of Torture; Eric Egli, Ph.D. and Andrea Northwood, Ph.D., Center for Victims of Torture.



## BACKGROUND FOR INTERVIEWING RAPE SURVIVORS

### Types of sexual violence

It is important to note that sexual violence can occur in many forms. In addition to rape,<sup>2</sup> sexual violence may also include:

- Forced prostitution
- Sexual slavery
- Forced impregnation
- Forced maternity
- Forced termination of pregnancy
- Enforced sterilization
- Indecent assault
- Trafficking
- Inappropriate medical examinations
- Strip searches<sup>3</sup>

### Prevalence of sexual violence during the conflict

Widespread rape and sexual violence was prevalent throughout the conflict. According to Amnesty International,

“Thousands of women and girls were raped, forced into sexual slavery or subjected to other forms of sexual violence during 14 years of almost continuous conflict in Liberia. As fighting intensified in 2003, civilian communities were targeted by forces of the former government and armed opposition groups. All sides systematically abused the rights of women and girls. An initial study by the UN and Liberian non-governmental organizations in 2004 found that between 60 and 70 per cent of the civilian population had been raped or had suffered other sexual violence, such as being publicly stripped and humiliated. Most were women and girls, and many had been gang-raped. These were war crimes on a massive scale.”<sup>4</sup>

<sup>2</sup> The International Criminal Court, Elements of Crimes, provides the following definition of rape as a war crime:

“1. The perpetrator invaded the body of a person by conduct resulting in penetration, however slight, of any part of the body of the victim or of the perpetrator with a sexual organ, or of the anal or genital opening of the victim with any object or any other part of the body.

2. The invasion was committed by force, or by threat of force or coercion, such as that caused by fear of violence, duress, detention, psychological oppression or abuse of power, against such person or another person, or by taking advantage of a coercive environment, or the invasion was committed against a person incapable of giving genuine consent.

3. The conduct took place in the context of and was associated with an armed conflict not of an international character.

4. The perpetrator was aware of factual circumstances that established the existence of an armed conflict.”

Int'l Criminal Court, Elements of Crimes, art. 8 (2) (e) (vi)-1, U.N. Doc. PCNICC/2000/1/Add.2 (2000) (footnotes omitted).

<sup>3</sup> Charlotte Lindsey-Curtet, et al., *Addressing the Needs of Women Affected by Armed Conflict*, International Committee of the Red Cross, Mar. 2004.

<sup>4</sup> *Liberia: Rape is a War Crime – There Can Be No Impunity*, Amnesty International, Dec. 8, 2004.



The International Rescue Committee (IRC) found that 75% of Liberian women refugees in Sierra Leone had experienced some form of sexual violence prior to their displacement.<sup>5</sup> Of nearly 1,000 women and girls in Liberian camps who had experienced gender-based violence,<sup>6</sup> the IRC found that:

- 63 % of sexual assaults were perpetrated by armed combatants
- 376 women or girls were gang-raped
- 247 were raped by a single man
- 44 women suffered another type of sexual assault during the war.<sup>7</sup>

### Other Factors to Consider

- Acts of sexual violence were often **accompanied by other human rights violations**, including killings, looting, torture, ill-treatment, abductions and forced recruitment.<sup>8</sup>
- Combatants raped most women and girls **in their own homes or villages**.<sup>9</sup>
- Perpetrators often **threatened death** against women and girls who tried to resist sexual violence.<sup>10</sup>
- Sexual violence was perpetrated against **individuals of all ages**, including the very young and elderly. Pregnant women were also targeted.
- Perpetrators often **forced family members to witness the rape** of another family member.<sup>11</sup>
- Women and girls may have experienced **repeated rape**, whether on the same occasion or over different periods in time during the conflict.<sup>12</sup> **Gang rape**, or non-consensual sex committed by two or more people against another, was also common during the Liberian conflict.
- Perpetrators also committed sexual violence by the **insertion of foreign objects** into victims' anus or vagina.
- **Rape and sexual abuse of men** was reported in Liberia, particularly as a method of torture of political detainees.<sup>13</sup>
- Thousands of women and girls were **abducted, raped, and forced into sexual slavery** by combatants. In addition, these "wives" were forced to provide other services, such as cooking, cleaning, carrying weapons, and fighting.<sup>14</sup>
- **Listen for indicators** to follow up on whether sexual violence occurred. For example, statements such as, "I can't get married now," or "I feel pain in a certain [private, target region] of my body" may be the interviewees' way of communicating that sexual violence may have occurred.

<sup>5</sup> See International Rescue Committee, *Liberia, Situation Analysis of Gender-based Violence*, Apr. 2004.

<sup>6</sup> This information reflects statistics gathered from camps in Montserrado County from the period between October 2003 and April 2004.

<sup>7</sup> See International Rescue Committee, *supra* note 4.

<sup>8</sup> See *Liberia: No Impunity for Rape - a Crime against Humanity and a War Crime*, Amnesty International, Dec. 14, 2004, at 5, 9.

<sup>9</sup> See *id.* at 5.

<sup>10</sup> See *id.* at 7.

<sup>11</sup> See *id.* at 9.

<sup>12</sup> See *id.* at 6.

<sup>13</sup> See U.S. Dept. of State, *Country Report on Human Rights Practices - Liberia, 1999 - 2003*.

<sup>14</sup> See Amnesty International, *supra* note 7, at 10.





## Consequences of sexual violence

*Physical consequences:* In addition to the injuries that may be sustained as a result of physical abuse that may accompany the sexual assault, forced sexual contact can also result in genital injuries and gynecological complications, such as bleeding, infection, chronic pelvic pain, pelvic inflammatory disease, vesico-vaginal fistula, and urinary tract infections. Sexual violence can also lead to unwanted pregnancy and sexually transmitted infections, including HIV/AIDS, and other communicable diseases; unwanted pregnancies may lead to an unsafe abortion or to injuries sustained during an abortion.<sup>15</sup>

*Social consequences:* Survivors of sexual violence may face social consequences, including stigmatization by family and community, a collapse of family life, and isolation and withdrawal.<sup>16</sup> Women who have been the victims of sexual assaults may experience problems in relationships with intimate partners and friends. Women may be reluctant to trust others and may withdraw from social situations. Victims of sexual assault may also experience sexual dysfunction, and they may fear, lack interest in, and/or avoid sexual activity.<sup>17</sup>

*Emotional and psychological consequences:* Victims of sexual assault can experience a wide range of psychological and emotional disorders, including shock, anxiety, depression, disturbed sleep, loss of self-esteem, sexual dysfunctions, and behavioral and eating disorders. Psychological and emotional trauma can also manifest itself in physical reactions such as stomachaches, headaches, and back problems. Sexual assault victims are more likely to attempt or to commit suicide. Victims often blame themselves for the assault. Self-blame, in turn, can have further serious and significant psychological consequences for victims. Self-blame is associated with feelings such as fear, depression and anxiety.<sup>18</sup> Disassociation is another common occurrence, where a person separates their mental processes to avoid emotional pain or disconnects emotional significance from ideas.<sup>19</sup>

Research indicates that a high percentage of women who have been the victims of sexual assault suffer from post-traumatic stress disorder (PTSD) or "rape trauma syndrome." Studies have found there is a 50% to 95% chance that a woman will experience PTSD following a rape.<sup>20</sup> Rape trauma syndrome generally refers to the "cluster of emotional responses to the extreme stress experienced by the victim during the sexual assault." These responses can include feelings of hopelessness, loss of control, anger and guilt, "phobias, depression, sexual difficulties, failure to resume previous social or sexual relationships, failure to return to work, substance abuse, suicidal ideation;"<sup>21</sup> other responses include recurrent nightmares, flashbacks of the event, social withdrawal, anxiety and feelings of numbness. One study found that the psychological consequences of rape were comparable to those of torture or kidnap.<sup>22</sup>

<sup>15</sup> See Health Consequences of Sexual Assault, Minnesota Advocates for Human Rights, at [http://www.stopvaw.org/Health\\_Consequences\\_of\\_Sexual\\_Assault.html](http://www.stopvaw.org/Health_Consequences_of_Sexual_Assault.html) (last visited Jan. 3, 2007) (citations omitted); Amnesty International, *supra* note 7, at 24.

<sup>16</sup> See Amnesty International, *supra* note 7, at 26.

<sup>17</sup> See Health Consequences of Sexual Assault, Minnesota Advocates for Human Rights, at [http://www.stopvaw.org/Health\\_Consequences\\_of\\_Sexual\\_Assault.html](http://www.stopvaw.org/Health_Consequences_of_Sexual_Assault.html) (last visited Jan. 3, 2007) (citation omitted).

<sup>18</sup> See Minnesota Advocates for Human Rights, *supra* note 16 (citations omitted).

<sup>19</sup> See Nancy Bronson, Central Minnesota Sexual Assault Center, Minnesota Coalition against Sexual Assault, Training Manual, "Disassociation," at 4-11. Disassociation may manifest as different states along a continuum, for example, from daydreaming on one end to multiple personality disorder on the other. *See id.*

<sup>20</sup> See Minnesota Advocates for Human Rights, *supra* note 16 (citations omitted).

<sup>21</sup> Ivana Bacik, Catherine Maunsell, & Susan Gogan, *The Legal Process and Victims of Rape*, at 27 (Sept. 1998), at <http://www.drcc.ie/report/rapevic.pdf>.

<sup>22</sup> See *Ending Violence Against Women*, 7 Population Reports, at 20 (Dec. 1999), at <http://www.infoforhealth.org/pr/11/violence.pdf> (citation omitted).



## TIPS FOR INTERVIEWING SURVIVORS OF SEXUAL VIOLENCE AND TORTURE

### Gender-based Considerations for Interviewing

*The following list has been adapted from the Minnesota Coalition Against Sexual Assault Training Manual, entitled "What People Who Are Victims/Survivors Need:"*

- Statement-takers should actively listen to what the interviewees are saying.
- Statement-takers should avoid making assumptions about the interviewee.
- Statement-takers should control their own shock and anger about interviewees' victimization. Expressing feelings about the experience is permissible, but statement-takers should not assume that interviewees are ready to feel the same way.
- Allow the interviewee to be in control. Statement-takers should avoid being directive toward the interviewee.
- Statement-takers should educate themselves about the relevant issues and history. Statement-takers should not expect the interviewee to educate them on general background information.
- Statement-takers should encourage the expression of interviewees' feelings in a fully supportive environment.
- Statement-takers should not hug or otherwise touch the interviewee.
- Statement-takers should own their own mistakes and talk with the statement-giver about them if there is confusion or a mistake happens during the interview.
- Statement-takers should not judge the interviewee or his or her behaviors.
- Statement-takers should avoid labeling or categorizing the interviewee's behavior.
- Statement-takers should own their discomfort with any of the interviewee's issues, so that the interviewee knows that it is the issue and not himself or herself that is causing the statement-taker discomfort.
- Statement-takers should not shame the interviewee.

### *Working with Male Survivors<sup>23</sup>*

There is a common human response to rape, and shame, guilt, self-hatred, fear, problems with physical intimacy, and anger are common responses of both male and female survivors. All survivors need to know that they are not alone with their pain, that healing is possible, and that being assaulted was not their fault.<sup>24</sup> When interviewing male rape or sexual assault survivors, remember the following guidelines:<sup>25</sup>

- When interviewing men who identify themselves as victims of attack, assault, or imprisonment, it is important to respond openly. He may not identify himself as a rape victim right away and may assess your trustworthiness in order to make the decision to disclose.
- Use the survivor's words and concepts initially. Using words like "rape," "sodomy," "sexual assault," etc., prematurely may make him uncomfortable and hamper communication.
- It is important to understand the cultural emphases on strength and sexuality as they pertain to a man's self-identity. Questions like "Does this mean I'm gay?" or comments like, "This isn't supposed to

<sup>23</sup> Excerpted from Tracy Sheeley, Minnesota Coalition Against Sexual Assault, Training Manual, "History of Sexual Violence," at 2-29.

<sup>24</sup> *Id.* at 2-29.

<sup>25</sup> *Id.* at 2-32 to 2-33.



happen to men,” are not uncommon and should be treated seriously. Being able to empathize will increase your effectiveness.

- Do not try to convince a male survivor the incident is more or less serious than he presents it. Following his lead is one way to assist him in regaining a sense of control.
- Be aware of your own mythology and be prepared within yourself to work with a male rape survivor.

#### *Handling Flashbacks<sup>26</sup>*

Other, more profound, mental health issues may present when interviewing sexual violence survivors. Flashbacks, or the reliving of the original abuse, are rare but frightening events. Tips for helping a survivor through flashbacks include the following:

- Name it. Not everyone realizes what they are suffering is a flashback.
- Tell the survivor that you know it feels real to them but that it actually isn't happening again.
- If someone is in the middle of a flashback, help them to ground themselves. Encourage them to take slow, gentle breaths. Tell them they are remembering. You may have them slowly, calmly look around the room to establish where they are. You might want them to describe out loud where they are and the fact that the abuser is not present.

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<sup>26</sup> Excerpted from Carolyn G. Halliday, M.A., edited by Lesa Engebretson. Sexual Offense Services of Ramsey County, Minnesota Coalition against Sexual Assault. Training Manual, "Flashbacks," at 4-9.



## UNDERSTANDING SECONDARY TRAUMATIZATION

**Definition:** *Secondary traumatization is the experience of trauma-related stress caused by working closely with trauma survivors. Trauma may be defined as any experience that involves either (1) serious threat of harm to oneself or others, or (2) overwhelming negative emotions, such as fear, helplessness, grief, or rage. Trauma may be experienced at any phase of the refugee experience, including during the resettlement process.*

### Signs and Symptoms of Secondary Traumatization

- Fatigue, loss of energy, taking greater amounts of time to complete the same amount of work
- Sadness, depression, withdrawal from others or from activities
- Apathy, indifference, emotional numbness, inability to have strong feelings, “tuning out” while listening to traumatic stories
- Forgetfulness, confusion, difficulty making decisions, difficulty concentrating
- Cynicism, discouragement, loss of compassion, loss of faith/trust in humanity, use of negative stereotypes to form quick judgments
- Demoralization, disillusionment, loss of faith in beliefs that previously gave meaning to life (e.g., religious beliefs), grief, despair
- Difficulty containing your emotions, loss of emotional control, strong emotional reactions to minor events
- Loss of creativity, loss of problem-solving skills
- Loss of sense of humor or playfulness, loss of capacity to feel joy
- Feelings of helplessness, hopelessness, lack of control over your life and future
- Feeling alone, isolated, alienated; feeling like others cannot understand you
- Irritability, intolerance, anger and rage
- Disbelief and denial of others’ experiences, especially traumas
- Guilt for having survived trauma or having an “easier” life than others, holding unrealistically high expectations of yourself, denying or downplaying your own pain and/or difficulties
- Preoccupation with safety of self and loved ones, increased sensitivity to violence
- Nightmares related to refugee trauma, intrusion of violent images into your daily thoughts or activities (can’t “get it out of your head”)
- Sleep disturbances, exaggerated startle response, difficulty relaxing
- Physical complaints: headaches, abdominal discomfort, diarrhea, joint pain, muscle aches or tension, frequent illness

### Addressing Secondary Traumatization

- Debrief with your partner after each TRC interview
- Attend team meetings with your firm group to discuss your experiences
- Remember the larger mission of the TRC as protection against helplessness
- Address your own emotions and mental health needs
- Nurture sources of hope and inspiration
- Contact Minnesota Advocates for Human Rights with concerns and questions<sup>27</sup>

<sup>27</sup> Adapted from *Interviewing Survivors of War Trauma and Torture*. Patricia Shannon, Ph.D. L.P., Center for Victims of Torture, presented for Minnesota Advocates for Human Rights on Dec. 15, 2006; Secondary Traumatization, by Andrea Northwood, Ph.D. Center for Victims of Torture.



## Statement-Taking Instructions



## Overview of the Interview Protocol

There are five main parts of a TRC interview. Parts 2-4 need not be completed in any particular order. However, by the end of the interview you must have collected the information and recorded the details as specified on the forms listed below to the best of your ability. Remember that statement givers need not answer any questions they are not familiar with.

**1. PRELIMINARY INFORMATION:** Volunteers welcome the statement-giver and talk with him or her about the purpose of the TRC project, what will happen to their statement, and options for follow-up. Statement-giver is asked to sign a form indicating that he or she promises to give an accurate and truthful statement.

➔ Use **IMPORTANT INFORMATION ABOUT GIVING A TRC STATEMENT** form and instructions

**2. PERSONAL INFORMATION:** Volunteers collect basic demographic information (name, address, age, tribe, etc.) mirroring what the TRC is collecting in Liberia.

➔ Use **PERSONAL INFORMATION** form and instructions

**3. STATEMENT-GIVER'S NARRATIVE:** The statement-giver tells her/his story. Volunteers will ask follow-up questions about details, and help direct the interview using open-ended questions.

➔ Use the **STATEMENT-GIVER'S NARRATIVE** instructions and your own pen & paper (or laptop)



**4. STATEMENT-GIVER'S OPINIONS & RECOMMENDATIONS:** The TRC has requested that volunteers ask statement-givers about their opinions regarding reconciliation, the TRC process, and any recommendations they have for the government of Liberia. Volunteers will also ask some questions about how reconciliation should proceed in the United States.

➔ Use instructions for documenting the **STATEMENT-GIVER'S OPINIONS**

**5. CLOSING:** Volunteers thank the statement-giver, ask them if they know of anyone else who wishes to give a statement and how they felt about giving their statement and inform them about next steps.

➔ Use **Statement-Giver's Take-Home Packet** and **CLOSING** Instructions

**ADMINISTRATION:** Volunteers need to record administrative information for record keeping purposes. You may be able to complete some sections of the **INTERVIEW DETAILS** and **PERSONAL INFORMATION** before the interview. *After* the interview is complete, please record any observations about the statement-giver's physical and emotional state in the space on the **INTERVIEW DETAILS** form or in your notes. Please also record your general comments about the interview. You will be asked to enter that information into the database.

➔ Use **INTERVIEW DETAILS** form



## Instructions for Providing Preliminary Information

- As you begin the interview you will want to introduce yourselves, welcome the statement giver, and affirm the importance of the act of giving a statement.

*Thank you for coming today. You are playing an important role in helping Liberia to heal and build a better future. Giving a TRC statement is a chance for you to tell YOUR story. As volunteers we are here to help you do that. We are honoured that you are willing to share your experiences with us.*

- Before documenting the statement-giver's story, **you must discuss** the project's policies on anonymous statements, immigration and mental health referrals, and amnesty from prosecution with the statement giver. These policies are outlined in the 2 sided IMPORTANT INFORMATION ABOUT GIVING A TRC STATEMENT document. You will need to:

- Ask the statement giver whether they would like to read the information or whether they would like you to summarize it or read it to them.
- Ask them if they have any questions about what you just read/summarized.
- Review the back side, part 1 of this form with the statement giver.
- Ask the statement-giver to sign and/or initial the front of the form.
- Statement-givers making anonymous statements or those not wishing to sign the form for any reason may make a verbal attestation of truthfulness and you can initial the form for them.

- Keep this form easily accessible as you will need it at the end of the interview.

**PRELIMINARY INFORMATION INSTRUCTIONS**





## **Instructions for Completing the PERSONAL INFORMATION Form**

- **You do not need to gather all of the personal information at the beginning of the interview – it can be done throughout, or at the end.**
  
- **Statement-givers may refuse to answer personal information questions – do not press them if they do not wish to provide information.**
  
- **If you are taking an anonymous statement do not complete the Personal Information: Contact Form, only complete the Personal Information: Demographic Form.**
  
- **You may want to preface the collection of this information with:**

*The TRC has asked that we collect certain personal information about you to help them analyze the statements and make effective recommendations to the government. Would you like to do that now, or at the end of the interview?*

**PERSONAL INFORMATION INSTRUCTIONS**



## **Instructions for Documenting the STATEMENT-GIVER'S NARRATIVE**

➤ You may want to transition into this portion of the interview by reviewing some or all of the following information with the statement giver. This information need not be read word-for-word, but you can summarize it to meet the needs of each statement-giver:

- The purpose of this TRC statement is for you to clear your heart and tell the TRC what you would like them to know.
- The TRC is most interested in human rights and humanitarian violations that occurred between 1979 and 2003. The TRC would also like to know your opinion about the roots of the conflict in Liberia, and your recommendations for the TRC and the government. You may want to talk about some or all of the following topics:
  - What happened to you between 1979 and 2003
  - What happened to friends, family, and others you knew then
  - What happened to your property during the conflict

**STATEMENT GIVER'S NARRATIVE INSTRUCTIONS**



- We will be taking notes and asking some follow-up questions. When you are describing specific events, the TRC would like to know:
  - Who were the victims?
  - What happened, when and where?
  - Who committed the violations?
  - How were the violations committed?
  - Why were the acts committed?
  
- **Some simple ways to invite the statement-giver to begin are to ask:**
  - *Where would you like to begin your story?*
  - *What would you like the TRC to know about your experiences?*
  
- **Please use the checklist that follows as a guide for recording the details of the statement. You may want to refer to the follow-up questions throughout the interview, or you may want to use the checklist as a way to review the details of the statement-giver's story with them at the end of the interview.**
  
- **If you are taking an anonymous statement, please note that you should not record certain details. Specifically, do not ask for or record victims' relationship to the statement giver.**

#### **STATEMENT GIVER'S NARRATIVE INSTRUCTIONS**



## STATEMENT TAKER'S CHECKLIST:

⇒ **Details About People:** Please collect as many details as are known – be aware that statement givers simply may not have detailed information about alleged perpetrators.

- Victims
  - Full name
  - Date of Birth
  - Sex
  - Relationship to statement giver (Not for anonymous statement)
- Alleged Perpetrators
  - Full name
  - Nickname/alias
  - Age
  - Sex
  - Tribe
  - Language spoken
  - Physical identifiers including scars, clothes, insignias
  - Was the alleged perpetrator of the attack acting alone or in a group? Was there a chain of command?
- Witnesses
  - Full name
  - Date of Birth
  - Sex
  - Current whereabouts

**DETAILS CHECKLIST**



## ➤ Details About Events

- Location

Please be as detailed as possible including:

- County
  - Town
  - If in Monrovia, which neighborhood/quarter and street
  - Names of buildings, checkpoints, major landmarks
  - Refer to your map, keywords list, or ASK about spellings
- 
- What took place
    - Full details: If the statement-giver is willing, gather as many details as possible. For example do not simply document an incident of torture, but document how the torture was carried out, what methods were used, for how long, etc.
    - Targeting: Was the victim of the event specifically targeted? Did the perpetrator know the victim? For what reasons was the victim targeted: tribe, religion, affiliation, political, etc.?
    - Attack: Was the attack deliberate or spontaneous? Was it systematic? Did the attack fit a modus operandi?

**DETAILS CHECKLIST**



- Dates: Survivors of trauma often have trouble pinpointing dates. You may want to provide the statement giver with some date benchmarks from the list below to help narrow the date range. For example, you might ask, “*Did this event occur after Operation Octopus or before? Operation Octopus was in October 1992. Does that help you remember the date?*”

April 12, 1980:	Assassination of President Tolbert
April 22, 1980:	Execution of 13 gov’t officials by firing squad
October 15, 1985:	Samuel Doe wins presidential election
December 1989:	NPFL starts war, invades through Nimba Co.
July 1990:	Lutheran Church massacre
September 1990:	Capture and assassination of President Doe
October 1992:	Operation Octopus in and around Monrovia
April 1996:	Third battle for Monrovia
July 19, 1997:	Charles Taylor wins presidential
Nov. 1997	Murder of Samuel Dokie and family
Sept. 1998:	Camp Johnson Road uprising
Sept. 2000:	LURD launches offensive through Lofa Co.
June – July 2003:	Three LURD offensives to take Monrovia
July 6, 2003:	Charles Taylor flees Liberia

#### **DATE BENCHMARKS**



➤ Other suggestions for follow-up questions:

- At the time of the violation/abuse were you a member of any organization, faction, or group?
- Were you sick, injured, captured or surrendered at the time of the violation?
- Did anybody witness the violations and abuses you suffered?
- Would they be willing to make a statement to the TRC?
- Are you able to confirm that other people have suffered human rights violations and/or abuses with you in the same incident?
- Did you sustain any physical or mental injury, damage or loss as a result of the violation or abuses?
- Have you received any compensation for the loss or damage you sustained?
- What impact did the human rights violation have on you?

**FOLLOW-UP QUESTIONS**



**Instructions for Documenting the  
STATEMENT GIVER'S OPINIONS & RECOMMENDATIONS**

- You may want to transition into gathering information about the statement-giver's opinions regarding reconciliation, restitution, and their experience in the U.S. by explaining the following:

*The TRC has been charged with making recommendations about reconciliation and restitution, and also is responsible for investigating the root causes of the conflict in Liberia. Could I ask you a few questions about that now?*

**A. RECONCILIATION & RESTITUTION:**

- Have you taken part in any traditional healing or reconciliation ceremonies?  
Yes No
  - If so, how? Where?
- Would you be willing to reconcile with the person(s) who committed violations against you?  
Yes No
- What do you think would be necessary to restore you to the full social and economic life of the community? Are there any ways that the perpetrator could assist?
- What types of processes or services would help Liberians in the United States achieve truth & reconciliation?

**STATEMENT GIVER'S OPINIONS INSTRUCTIONS**





## **B. DIASPORA INFORMATION:**

- How were you able to get out of Liberia and come to the United States?
- Do you want to return to Liberia to live? Under what conditions?
- Has your experience in the United States changed your perspective on the Liberian conflict? How?
- How would you like to participate in the TRC process from this point forward?

## **C. RECOMMENDATIONS TO THE TRC AND GOVERNMENT:**

- In your opinion, what caused the conflict in Liberia?
- How can reconciliation be achieved?
- What is your opinion about reconciliation?
- What recommendations do you have for the TRC?
- What recommendations do you have for the government of Liberia?

**STATEMENT GIVERS OPINIONS INSTRUCTIONS**



## Instructions for CLOSING

➤ When the statement-giver is ready to conclude the interview, we ask that you do the following:

- **Express your thanks. Give them the Statement-giver's Take Home Packet and briefly explain to them what each document is:**
  - Letter from Minnesota Advocates for Human Rights and the TRC Chairman
    - **Please review the bolded paragraph in this letter with them**
  - A copy of "Important Information About Giving a TRC Statement"
  - Immigration and Mental Health Resources
  - Minnesota Advocates for Human Rights Contact information
- **Tell them what you will do next:**
  - *We will compile our notes into a document that, along with your personal information, will be entered into a computer database. When statement taking in the U.S. is completed, all the information in the database will be sent to the TRC in Liberia. It will become part of the permanent historical record of the TRC.*
- Review the Important Information About Giving Your TRC Statement with the statement giver, in particular the confidentiality and follow-up checklists.
- Ask if they know of others who may be interested in giving a statement to the TRC. If so, have them fill out as much information on the attached intake form about the interested person, or they may take the form with them to give away. Submit any names and contact information to Minnesota Advocates.
- **Express your thanks again and help them find their way out if needed**



**Liberian Truth & Reconciliation Commission**  
**Appointment Request Form**

1. Return the completed form to:
  - a. Minnesota Advocates for Human Rights  
650 Third Avenue South #550  
Minneapolis, MN 55402-1940  
Fax: 612-341-2971
2. OR Email to Liberia-trc@mnadvocates.org.
3. OR Call the TRC Appointment Line at 612-776-7788 or 1-800-799-3688

**Statement-Giver Information**

1. First Name(s): \_\_\_\_\_
2. Family Name/Last Name: \_\_\_\_\_
3. Name you would like to be called: \_\_\_\_\_
4. Address: \_\_\_\_\_  
Street \_\_\_\_\_ Apartment # \_\_\_\_\_  
City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_
5. Telephone Numbers:  
Work: \_\_\_\_\_  
Home: \_\_\_\_\_  
Mobile: \_\_\_\_\_
6. Email address: \_\_\_\_\_
7. Contact Person Name: \_\_\_\_\_ Phone: \_\_\_\_\_
8. Dates & Times you could be available to give a statement:  
\_\_\_\_\_
9. Are you:      Male                  Female
10. **Language Information** – Please indicate your preferred language for the statement giving process.  
I am most comfortable giving my statement in: ENGLISH                  LIBERIAN-ENGLISH  
Another language: \_\_\_\_\_



## Statement-Taking Forms



**INTERVIEW DETAILS:**

1. Interview Date \_\_\_\_\_

2. In which project area was this statement taken? (Circle one)

Minnesota    Chicago    Philadelphia    Atlanta    DC/Maryland  
New York    Ghana    Providence    Other: \_\_\_\_\_

3. Location (including city/state) \_\_\_\_\_

Example: *Brooklyn Park Central Library, Brooklyn Park, MN*

4. Interview Start Time \_\_\_\_\_ 5. End Time \_\_\_\_\_

6. Names of Statement-Takers \_\_\_\_\_

7. Language in Which the Statement Was Taken \_\_\_\_\_

8. Was an interpreter used? Yes    No

If yes, Name: \_\_\_\_\_

9. Was disclosure statement read to interviewee? Yes    No

10. Did interviewee request consultation with a lawyer prior to giving statement? Yes    No

Referred to: \_\_\_\_\_

11. Does the statement-giver want their statement to be anonymous (i.e. we will not associate their name/contact info in connection with their statement)? Yes    No

**Statement Taker's Observations:**



### Important Information about Giving a TRC Statement

Thank you for giving your statement today. You are playing an important role in helping Liberia to heal and build a better future. Giving a TRC statement is a chance for you to tell YOUR story. As volunteers we are here to help you do that. We are honoured that you are willing to share your experiences with us. If at any time you do not want to answer a question, want to end the interview or need to take a break, please do not hesitate to tell us.

#### What will happen to your statement after you give it:

- The volunteers taking your statement will not give any identifying information about you or what you say to the media or other members of the public.
- All of the statements taken in the U.S. will be gathered in a confidential manner and entered into a password-protected database; every effort will be made to safeguard the confidentiality of the information contained in the statements.
- When statement-taking in the U.S. is completed all the information in the database will be sent to the TRC in Liberia along with a final report summarizing Minnesota Advocates' findings.
- The TRC in Liberia will conduct investigations into information from statements, will hold public hearings, and will write a final report that will be submitted to the government and people of Liberia.
- The archives of the TRC shall remain in the public domain except those records or documents classified by the TRC as "confidential" which shall remain classified for 20 years following the retirement of the TRC.
- If you have any concerns about your name being linked to your statement for any reason, you should give an anonymous statement, meaning that no individually identifying information about you will be included with your statement. Less weight may be given to anonymous statements.

**Volunteers:** The volunteer statement taker is not your lawyer. The volunteers are not being paid.

**Immigration issues:** The volunteer statement takers cannot give you immigration advice. If you have any concerns about potential immigration consequences of giving a statement, you should talk to your immigration lawyer first. If you don't have an immigration lawyer, we will attempt to provide a referral or have someone call you to follow up.

**Amnesty from prosecution:** Minnesota Advocates for Human Rights does not have the power to grant amnesty from prosecution to anyone.

**Mental health questions:** Counselors, pastors, and others trained in helping survivors of trauma have volunteered to talk with statement givers who want to debrief after their statement. We can give you a referral or have someone call you to follow-up.

**I understand the information above and I promise to provide an accurate and truthful statement to the best of my knowledge and recollection.**

\_\_\_\_\_  
Print your Name (do not print if this is an anonymous statement)

\_\_\_\_\_  
Sign your Name (do not sign if this is an anonymous statement)

\_\_\_\_\_  
Date

Statement-giver did not sign, but made a verbal attestation.

\_\_\_\_\_  
(statement-taker's initials)

LIBERIAN TRC DIASPORA PROJECT • MINNESOTA ADVOCATES FOR HUMAN RIGHTS  
650 3<sup>RD</sup> AVENUE SOUTH • SUITE 550 • MINNEAPOLIS, MN • USA • 55402  
WWW.MNADVOCATES.ORG • LIBERIA-TRC@MNADVOCATES.ORG

**IMPORTANT INFORMATION FORM**



*Please review part 1 of this checklist with the statement giver at the beginning of the interview.  
Please review both parts 1 and 2 at the end of the interview.*

**1. How do you want your statement treated?**

*Please check off all options that apply.*

- I choose to give an anonymous statement. My name and contact information will not be included with my statement. I am aware that the TRC may give my statement less weight because it is anonymous.

--- OR ---

- I choose to provide my name and contact information to the TRC for purposes of its investigation and analysis. I understand the archives of the TRC shall remain in the public domain except those records or documents classified by the TRC as “confidential” which shall remain classified for 20 years following the retirement of the TRC. However:
- I do not want my name released in the TRC’s final report.
  - I do not want to testify at a public hearing in Liberia.
  - I do not want to testify at a public hearing in the United States.
  - I want my statement to remain “confidential” as described above.

**2. What kind of follow-up would you like?**

*Please check off all options that apply.*

- I have questions about my immigration status and would like an immigration attorney to call me for a brief consultation.
- I would like to talk with someone about the memories and emotions that have come up during the statement giving process. Please have a trained counselor call me.
- I have general questions about the TRC Project. Please have a staff member from Minnesota Advocates for Human Rights call me.
- I DO NOT want to be added to Minnesota Advocates for Human Rights email and mailing lists related to the TRC.

If you are giving an anonymous statement but would like a follow-up, please enter a phone number or email address below. This information will not be connected with your statement.

Tel/Email: \_\_\_\_\_



**STATEMENT GIVER'S PERSONAL INFORMATION: CONTACT**

**(DO NOT COMPLETE THIS FORM FOR ANONYMOUS STATEMENTS)**

1. First Name \_\_\_\_\_
2. Middle Name(s) \_\_\_\_\_
3. Last Name \_\_\_\_\_
4. Generation (Jr., Sr., III) \_\_\_\_\_
5. Any other Name (nickname, combat name, alias)  
\_\_\_\_\_

6. Date of Birth: \_\_\_\_\_ Month: \_\_\_\_\_ Day: \_\_\_\_\_ Year: \_\_\_\_\_

7. Telephone Numbers:

Work: \_\_\_\_\_

Home: \_\_\_\_\_

Mobile: \_\_\_\_\_

8. Address: \_\_\_\_\_  
Street Apartment #

\_\_\_\_\_ City State Zip

9. Email address: \_\_\_\_\_

10. Other contact information or persons that would enable the TRC to contact you if more information is needed (Name, address, telephone, relationship to statement-giver):  
\_\_\_\_\_





**STATEMENT GIVER'S PERSONAL INFORMATION: DEMOGRAPHICS**  
**(COMPLETE FOR ALL STATEMENT GIVERS)**

1. Sex: [select one]

Male  Female

2. Marital Status: [select one]

Married  Widowed  Did not wish to respond  
 Single  Separated  
 Divorced  Other

3. When did you leave Liberia: Month: \_\_\_\_\_ Year: \_\_\_\_\_

4. When did you arrive in the United States: Month: \_\_\_\_\_ Year: \_\_\_\_\_

*Do not reconfirm. Please enter 0 if in  
any field in database.*

5. What is your COUNTY of Origin [select one]

Bomi  Lofa  River Gee  
 Bong  Margibi  Sinoe  
 Gbarpolu  Maryland  Not Liberian  
 Grand Bassa  Montserrado (Monrovia)  Did not wish to respond  
 Grand Cape Mount  
 Grand Gedeh  Nimba  
 Grand Kru  River Cess

6. What is your tribe/ethnicity: [select one]

Bassa  Grebo  Mende  
 Belle  Kissi  Sarpo  
 Congo/Americo Liberian  Kpele  Vai  
 Dei  Krahn  Multiple tribes  
 Gbandi  Kru  Other tribe  
 Gio  Lorma  Did not wish to respond  
 Gola  Mano  
 Mandingo

7. What is your education level: [select one]

No Education  College student  Did not wish to respond  
 Elementary  College graduate  
 Junior High  Post graduate  
 High school  Other



## TRC Sample Narratives



### General Guidelines for Compiling Notes into a TRC Statement

- Complete sentences & clear paragraph structure
- Third person
- Identify statement-giver by last name
- Generally chronological (There is no definite rule as to how to organize the statement. Headings are not necessary, but may be inserted if you think they will be helpful.)
- Use quotes
- Detailed!! As much detail as possible about who did what to whom when.
  - First and last name of all individuals mentioned by the statement-giver
  - Birthdates of individuals mentioned by the statement-giver when possible
  - Dates and specific locations for all incidents
  - Identifying characteristics of perpetrators (dress, scars, nicknames, etc., as well as proper name if known)
- Check spellings of places, tribes, etc. against the keywords lists
- Hearsay is ok
- Stories about other people are ok
- Err on the side of inclusion! If you are unsure whether to include something, ask the statement-giver at the end of the interview what their preference would be. If you become unsure about something later on, keep it in. If there are inconsistencies in the statement, try to clarify them with the statement giver, but do not make assumptions if you have not had a chance to clarify. The TRC Commissioners in Liberia will investigate incidents, inconsistencies, and accusations in TRC statements – statement-takers should not insert their own assumptions about inconsistencies or potentially false information into the TRC narrative.



### Sample TRC Statement from a Liberian Woman

At the onset of the war in 1990, Statement-giver was 13 years old, living with her mother and going to school. Statement-giver lived with her siblings and several other children under her mother's care in Gardnersville on a housing estate. The estate was close to the main road, and they had heard that another estate further off the road and near the forest had been captured by the rebels. They had also heard that the rebels were nearing Red Light, a major intersection about 15 minutes from the housing estate. Statement-giver's mother decided to take Statement-giver and the other children living in the household into Monrovia to stay with Statement-giver's aunt, whom she refers to as her "auntie". Statement-giver remembered that her mother brought a newborn baby home to care for, because the baby's mother was in trouble with the police and there was no one else to take care of the little girl baby. After having taken the baby and the girls into town, statement-giver's mother went back to the housing estate to get the older boys who were living there. Statement-giver's mother was cut off by the rebel advance and Statement-giver did not see her mother again for almost three years.

Statement-giver stayed with her auntie during the war. Auntie's home was on the corner up on a hill in the French Cable neighborhood, an area that Prince Johnson had captured. In addition to Statement-giver, her siblings, and her auntie, the other residents of the auntie's home included her own seven or eight children, Statement-giver's cousins. One night in August, they heard shooting in the neighborhood. The house did not have running water, and the next morning Statement-giver was outside her aunt's home brushing her teeth when she saw "freedom fighters" walking in the street. There were about six boys between the ages of 14 and 18 in front of her auntie's yard. The boys were wearing fatigues and were armed. They identified themselves as Prince Johnson's boys. Statement-giver did not know any of the boys, but her auntie recognized one of them.

A man was walking in the street jubilating, and approached the armed boys to welcome them. The boys said, "We know you, you're an army guy." They accused him of being a member of the army



because they said that they could tell by indentation marks made from the combat hat and boots straps due to repeated wear. In the case of this individual, the rebel boys did not even check to really see if the man had these markings – they just accused him and shot him. The armed boys shot this man right in front of Statement-giver. She remembers seeing the white coming out of his ears. Statement-giver urinated on herself because she was so scared, and her auntie told her to come in the house quickly, and that they were going to leave.

After the shooting, Statement-giver's auntie packed up the entire family and moved them later on during the day. They had to wait until the so-called "Freedom Fighters" had left the area before they could leave and they could not go at night because there was a curfew imposed at that time. Statement-giver went with her auntie and auntie's children and the little baby her mother had brought home. On the way down to Waterside, the group came across the first of several checkpoints. There were bodies littering the streets, and they had mostly all been stripped. Statement-giver was terrified and described the scent as terrible, and the scene at the checkpoint as horrible. Auntie tried to keep everyone together and in the center of the groups moving through the checkpoints, because those on the edges were more likely to be pulled off the line.

Crossing the "Old Bridge", the group in which Statement-giver and her family were moving had to practically crawl, and people were regularly taken off the line for a variety of reasons. Statement-giver said that "If you were seen as being Krahn you were taken off the line and killed. If you looked a certain way they would kill you. Sometimes they would just pull people off the line and accuse them, if they found certain things on your person." Statement-giver witnessed people having their elbows tied back to the point at which they touched (a practice known as *tabbé*), being beaten, and being taken off the line. The men at the checkpoints would use their guns and rifle through the belongings of those passing the checkpoints, and take their money. After 2 hours trying to get through the checkpoint, they finally did so. Once Statement-giver, her family and the other persons in the group reached the other side of the bridge, three people were taken off the line and everyone heard shots.



The group walked on toward Bushrod Island and all along the route were bodies. At Claratown, there was another checkpoint where everyone had to take off their shoes. The rebels searched people to make sure that they were not hiding shoes. Again, people were pulled off the line and told to sit off to the side. Statement-giver does not know what happened to those people.

At Freeport there was another checkpoint and Statement-giver's family were all taken off the line. They were sent to do forced labor, unloading the cargo at the port of Monrovia, which the rebels were systematically looting. One of Statement-giver's cousins was told to stay behind to watch over the little children, while the rest of the family was forced to load trucks. All the INPFL rebel supervisors were wearing fatigues, and some had red t-shirts and/ or wigs and dark blue jeans – this was their unofficial uniform if they did not have army green camouflage/ fatigues. Statement-giver and her family were forced to work unloading cargo for the rest of the day, and they had to sleep overnight at the docks. The next day, the rebel commander came down and ordered them all to get out of the area, and began beating people, so they ran away as fast as they could.

Statement-giver and her family were able to reach another auntie's house in Logantown, which was closer to Prince Johnson's base in Caldwell. There was no food and no water, but there was a well at this auntie's house. They collected chicken greens that grew alongside the nearby swamp and cooked them over a fire on the septic tank at the back of the house. For some time they were not bothered because Prince Johnson's troops were busy emptying the port of Monrovia. Prince Johnson's troops would regularly use the Logantown road as a shortcut to get to Caldwell. One day, several so called "freedom fighters" came by the house and said that they were there to get wives for themselves. Auntie told him that all her children were too young for that, but the rebel took one of Statement-giver's cousins. Another soldier said that he would be coming back that night to sleep with Statement-giver. Another cousin, who was 19 or 20 at the time, said that Statement-giver was a virgin but she was not. That night, she wrapped Statement-giver up in a blanket so that she couldn't move and put her under the bed in their room, telling her not to make a sound. The rebel came back and asked for Statement-giver. When her cousin told the rebel that she didn't know where Statement-giver was, he kicked her and kept asking for Statement-giver, but her cousin continued to



lie. He was drunk and after her cousin didn't tell him where Statement-giver was, he raped her. Statement-giver was lying under the bed as the rebel raped her cousin, who didn't say a word. After he left, her cousin was screaming and crying, and Statement-giver felt as if she herself never wanted to see the light of day again. In the morning, her cousin went and immersed herself in the swamp. Statement-giver reported that she herself slept under the bed for many years after this incident.

Statement-giver's cousin who had been taken by a rebel as a wife, returned and decided that she had to get out of Monrovia. She went to the port where she had heard that there was a ship leaving for Ghana, and she somehow got on the ship and never came back.

During the war the rebels would come by on the Logantown road and ask Statement-giver about her tribe. Statement-giver knew that they would kill Krahns, but she told them she was Krahn anyway. Statement-giver's mother is Americo-Liberian, but her father is a Krahn. The rebels never believed her when she said that she was Krahn, and Statement-giver never argued with them. Statement-giver took care of the little baby her mother had brought home, but there was no milk or baby food. The baby was only a month or two old and she died on the same Wednesday that the SELF group came to distribute food.

During the war Statement-giver and her family always lived in fear. Apart from all the bad things that were happening, it was always dark because there was no electricity. One day Statement-giver saw a woman walking into town and she literally was like a walking skeleton – seeing that woman made statement-giver think about her mother whom she had not seen or heard from since the start of the war. The vision of that woman made statement-giver wonder if her mother was still alive and, if she had food to eat or, did she look like that woman now for lack of nutrition.

After President Doe was captured, ECOMOG troops came, and Statement-giver's family group went back to Monrovia. In May 1992, Statement-giver finally got word that her mother was in Kakata. During Operation Octopus, Kakata was targeted. Statement-giver's uncle and aunt, who had helped her mother, were killed – their burned bodies were found in their home. Statement-



giver's mother was able to get to Monrovia with the help of a friend. After arriving in Monrovia, Statement-giver's mother never went back to Kakata.

Another offensive began in the capital, and Statement-giver's mother went back and forth between the estate where they had once lived in Gardnersville and Monrovia. Rockets were being launched constantly, and a rocket hit the house where Statement-giver and her mother had lived. Everything was destroyed, and even after walking all the way there Statement-giver and her mother couldn't save anything because rain had flooded the building. Statement-giver and her mother were separated again, and Statement-giver's mother went to Ghana. Statement-giver also spent time in Ghana, but later returned to Monrovia.

Statement-giver's father had been searching for her throughout the conflict. He had left Liberia at the start of the war and had fled to the United States. He located her in the spring of 1996 and Statement-giver was informed that there were papers waiting for her at the embassy so that she could get out of Liberia. Statement-giver was able to locate her mother in Ghana and brought her to the United States in 1999.





### Sample TRC Statement from a Liberian Man

Statement giver had just returned from studying abroad, at the outset of the war in 1990. Statement giver lived with his family in a place called Millionaire Quarter. Statement giver heard rumors about the war coming to Monrovia from friends in the neighborhood. He didn't believe it since he had never experienced anything like that before.

In July 1990, statement giver lived with his wife and four children. During this time, heavy fighting had erupted between the Armed Forces of Liberia (AFL) soldiers and Prince Johnson's INPFL forces. Statement giver thought that it was a "do or die." He thought that they would not survive the situation since the fighting was so heavy. The fighting forced him and his family move to the Perry Street neighborhood, which is near the G.W. Gibson Junior High School on the Capital Bypass.

Once they arrived in Perry Street, things were all chaotic. There was shooting everywhere. Friends warned statement giver and his family to leave. The Prince Johnson forces were attacking the AFL from their Caldwell base. Statement giver heard the notorious reputation of the Prince Johnson boys. Some people were crossing the Gabriel Tucker Bridge to Bushrod Island, walking toward Duala and Brewersville. Statement giver and family decided to leave for the Island too.

Statement giver was detained at the Gate of Heaven Check Point at Crown Hill in Monrovia. He had forewarned his family that if he was stopped then they should keep going and not look back. He wanted to save his family if anything were to happen to him. At the Gate of Heaven check point he saw his first actual dead body that he had been hearing about. Statement giver was not sure about which group had killed this individual. He said it could have been either the AFL or the INPFL. Statement giver was tortured at this check point. He was tied up, made to confess for being a Krahn, or also an AFL soldier. He said he didn't confess to something he was not. Because of his refusal to confess, he was severely tortured. He said the rebels didn't want anyone calling them "rebel"; they preferred people calling them "Freedom Fighters."



After eventually being allowed to pass the checkpoint, statement giver and his family passed by the Daily Observer newspaper offices, across from the YMCA building. They encountered another check point, manned by the INPFL rebels. These rebels wore red pieces of clothing on their heads and guns. They quizzed people trying to cross about their ethnicities and governmental affiliations. The rebels also asked people questions about what they saw on the other side.

Statement giver said that since he had just returned from abroad, he was looking a bit different so the rebels could tell that he was an important person. Because of this assumption, they began to strip him naked. In the process, the rebels found his wallet with his identity cards. One of the IDs was his National Social Security card. Upon seeing this card, the rebels became infuriated and said that he was a security person. The illiterate rebels who could only recognize the word “Security,” thought that statement giver was their enemy. Statement giver said that he was held against his will and tortured again for several hours. Statement giver was tied in a “Dog-Fat” tabae. Tabae meant they tied his hands behind his back so that his chest protruded to a point of breaking his chest cavity. He was in this position from 8 am to 9 pm. He was interrogated intermittently about his ethnicity and affiliation to the AFL soldiers. At that check point, while being tortured, he saw the rebels dismember and torture other civilians who were being interrogated as well.

While all this was going on, statement giver saw a former student. Statement giver used to be a public school teacher. Statement giver said he intentionally made incessant noises so that his former student would notice him. This former student was a member of the INPFL rebels. At first, when the former student recognized him, the former student ignored him. Despite his effort to make the student see him, this student refused to assist statement giver. He said that he thought perhaps the student didn't help him because the student was afraid if he did, he might have suffered a similar fate since that was common practice of the rebels. Or perhaps, the former student might have been just a low ranking officer in the rebel force at that time and thus had no authority to release him. Statement giver said his family left him and went to an unknown destination while he was being kept at the check point. He remained at this checkpoint tied up until dawn.



Statement giver said that while he was in was in captivity, the rebels asked him his opinion about what was happening. He then told them that he thought they (the rebels) said that they had come to save the people, that they were “freedom fighters.” Statement giver said his comments got him into further trouble when the rebels accused him of being a “Big-Shot” and they said he “know too much book.” These accusations led to further torturing. At this point the rebels decided to take him to Slipway Township, where the rebels had a detention facility. At this Slipway facility, statement giver said the rebels had other torture victims as well. At one point, statement giver heard a woman crying and cursing the rebels. This went on intermittently. He said the woman was complaining and urging the rebels to not harm her. However, statement giver heard the woman saying she didn’t care who the rebels were, and the rebels were not freedom fighters for her. But he didn’t know exactly what the rebels were doing to this woman.

Statement giver said that the following morning, he saw the rebels let some captives go. Others were still being humiliated. They took some people, including statement giver behind Slipway Community School, and then all of a sudden shooting broke out. The shooting was happening across the Bridge in Vaitown. The rebels said it was AFL soldiers attacking. Statement giver said the rebels were heavily armed. He said the rebels and the government soldiers were exchanging recriminations and insults. The rebels accused the AFL of massacring their people at the Lutheran Church in Sinkor. Again the rebels began to torture him and others because of the Lutheran Church massacre. Again, he was accused of being Krahn, which he repeatedly denied. At this point he was still stripped naked. One of the rebels’ commanders arrived and asked who statement giver was. The rebel commander asked to see statement giver’s ID. Upon seeing the ID, he concluded that statement giver was not man enough because he was from Sinoe County and not Grand Gedeh County. So, the commander ordered his boys to let this “woman” go. Another commander named General Noriega saw statement giver’s ID and said they let him go because he worked for a hospital and they thought he was a doctor. The commander asked statement giver to join the rebels, but statement giver opted to go find his family. At this point General Noriega warned statement giver that the boys on the other side were more ruthless and that they would kill him if he went to their



territory. Statement giver insisted on leaving to find his family. They took his personal belongings and some of his IDs and let him finally go. However, one of the rebels followed him and gave his voting id back to him. He couldn't tell whether the previous rebels group was NPFL or Johnson boys. But as soon as he crossed the Bridge to Vaiton, he realized he was now in Prince Johnson territory. This was July 31, 1990. Johnson rebels had heard also about the Lutheran Church massacre. There was chaos and confusion. All he wanted was to get to Duala to find his wife and four children because he heard that that was where most of the people from the check point went to.

He met another INPFL rebel former student of his who was a commando at the Johnson check point. He was afraid, but this time around the student helped him. He gave him 200 Liberian dollars and some Garri or Farina (cassava product, food). The former student urged statement giver to stay with them and promised to introduce statement giver to Field Marshall Prince Johnson. But statement giver refused and said he was going to find his family. Statement giver then trekked toward Demi in Bomi County. He left Demi to go to Malima Gobla in Bomi. As a result of the torture and extensive trekking, statement giver still feels pains in his body.

*View on root causes of conflict:*

Statement giver attributed the crises in Liberia to the 1979 Rice riot and its antecedent unresolved problems under the late President Richard Tolbert. He also said corruption and the monopoly of the rice market by the government led to the crisis in 1979. He said Liberians were far ahead of other African countries in terms of democratic practices, but the country also was ahead on corruption and lack of essential services to the people.

*Recommendations for reconciliation in the USA:*

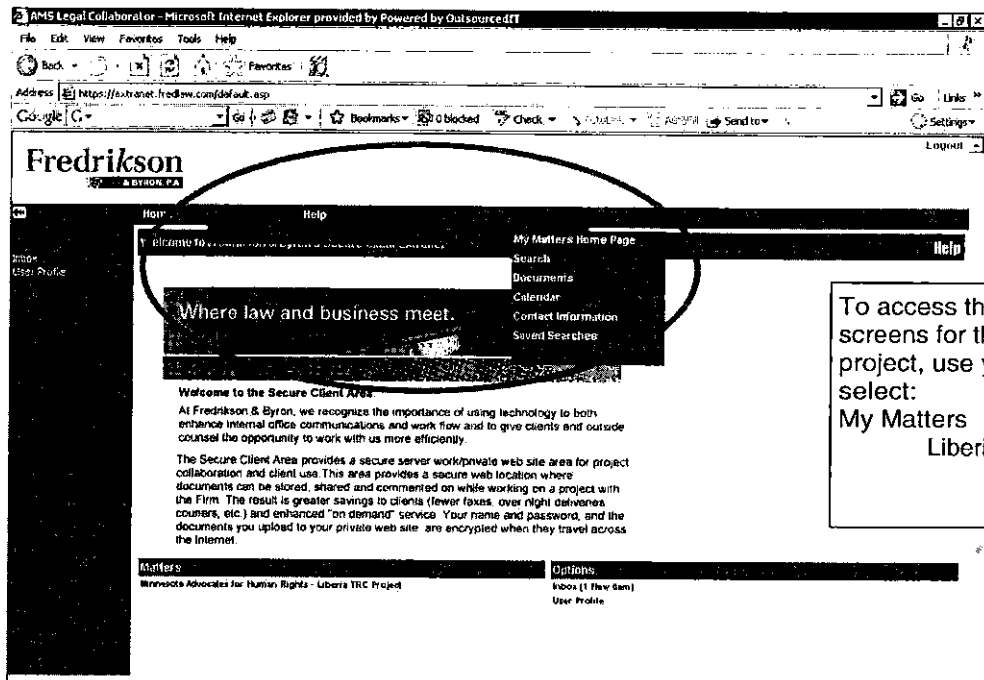
Statement giver believes that Liberians in American have adopted the individualist nature of the American society. As a result, statement giver said it is difficult to bring people together as would easily happen in a communitarian manner in Liberia. Statement giver nevertheless urged Liberians in the USA to come forward to give their statements to the TRC. He also feels that Liberians should



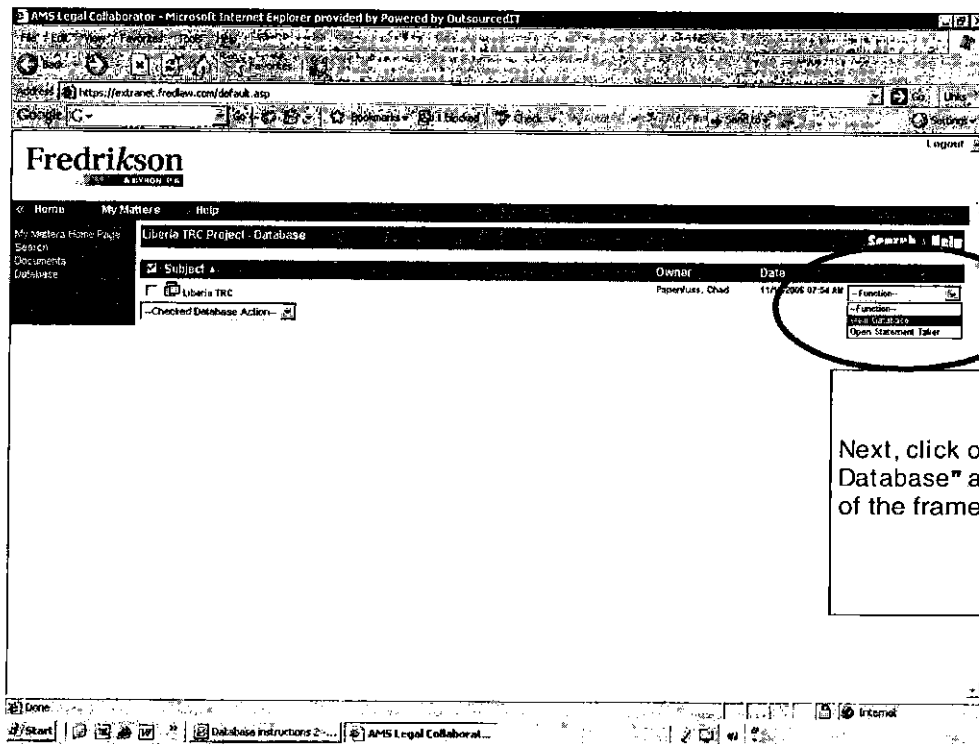
forgive one another. He made references to South Africa's former President Mandela's attitude of forgiveness toward the people who abused his rights for many years. He said the reason why Liberians must forgive one another is that there is no such thing as Americo-Liberians and indigenous Liberians. Statement giver says that everybody is now fused as one body of Liberians.

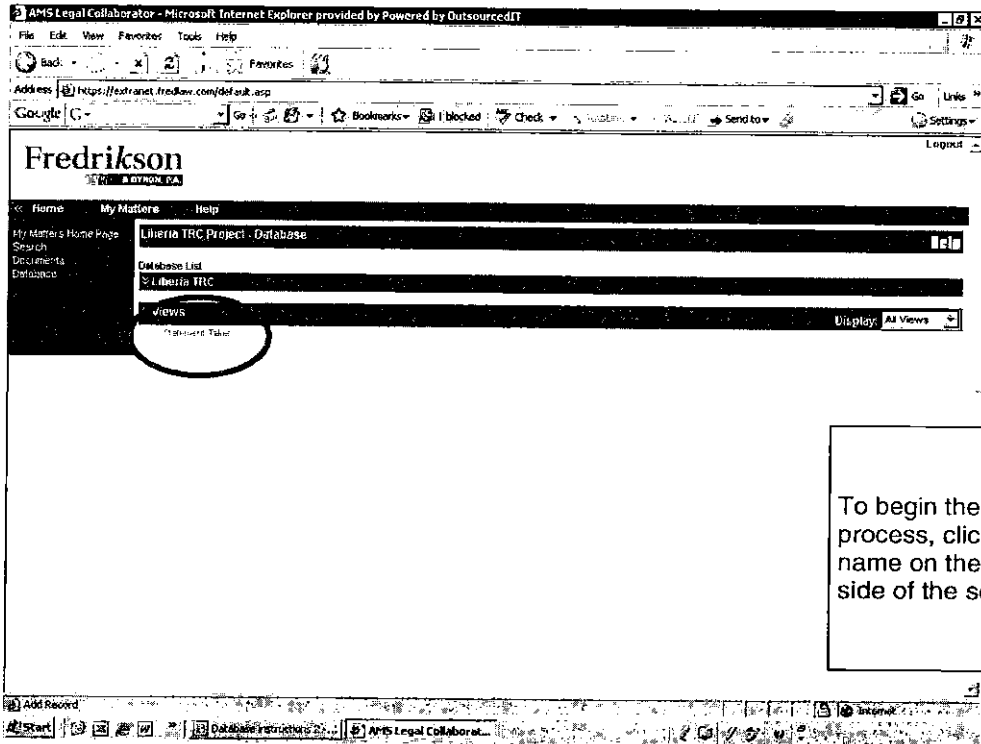
He, nevertheless, still believes that in order to deter the reoccurrence of war, people who deliberately committed human rights abuses as a way of revenge, etc. should be prosecuted for their crimes. Statement giver said the TRC recommendations should be presented to the International Community, not the Liberian government since the government could sit on them. He fears that if the recommendations are presented to the government, it will fail to investigate itself.

Lastly, statement giver said that people who committed human rights abuses and now sit in government should be held accountable for their crimes.

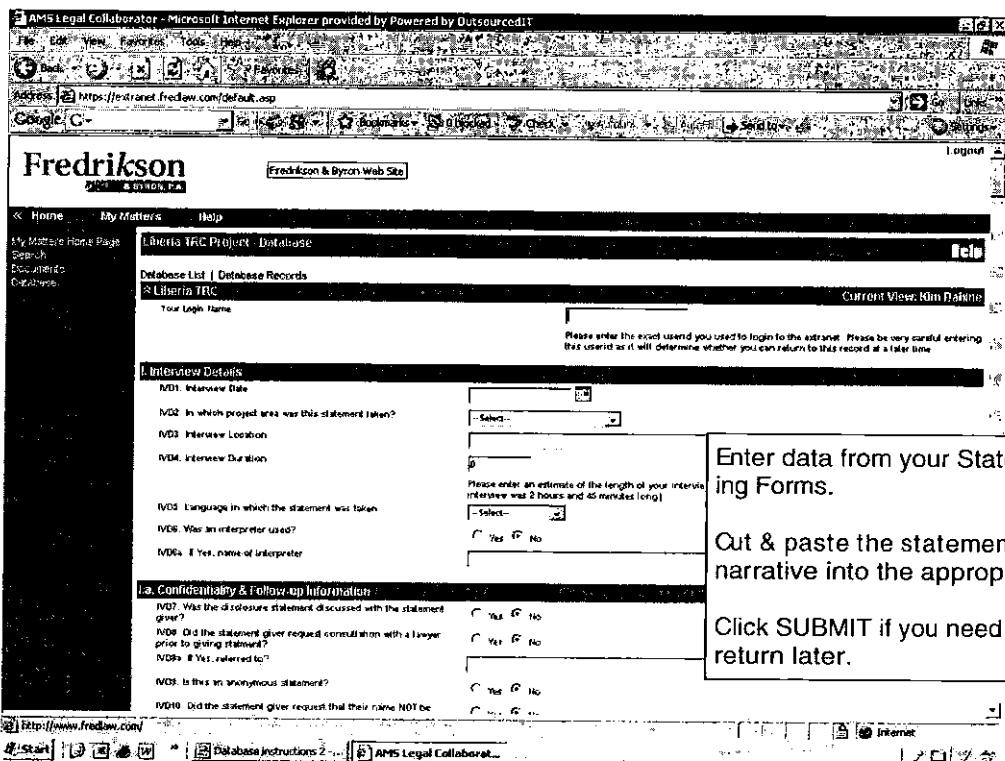


Please note that the small, black arrows at the top left of the sidebar, are not BACK or FORWARD navigation buttons. They will simply eliminate the sidebar.

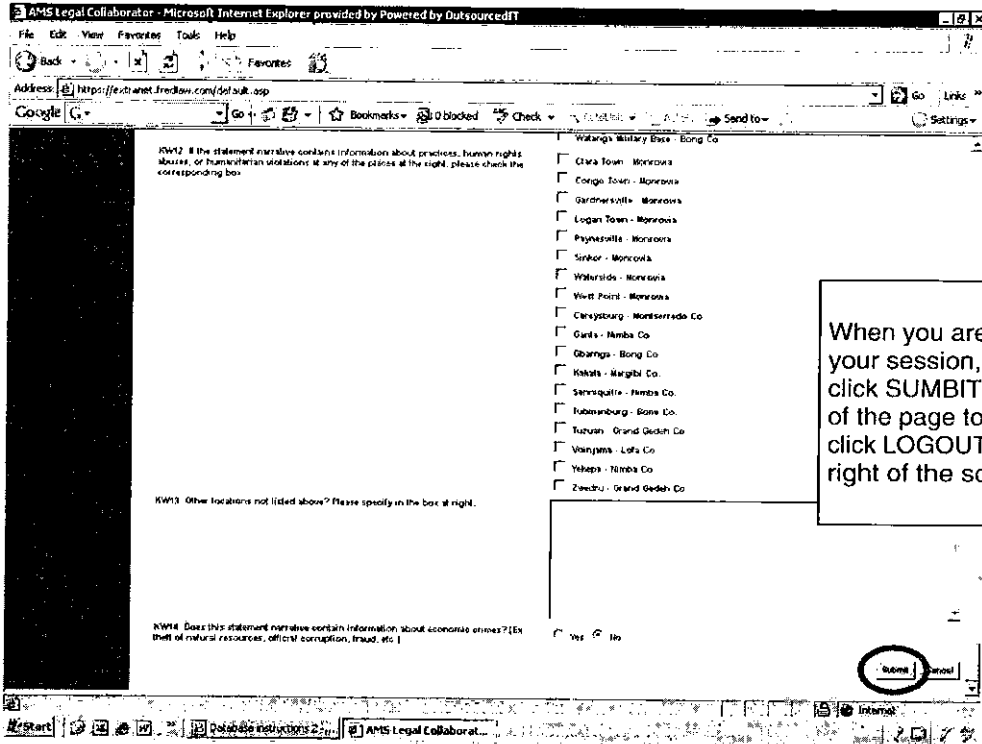




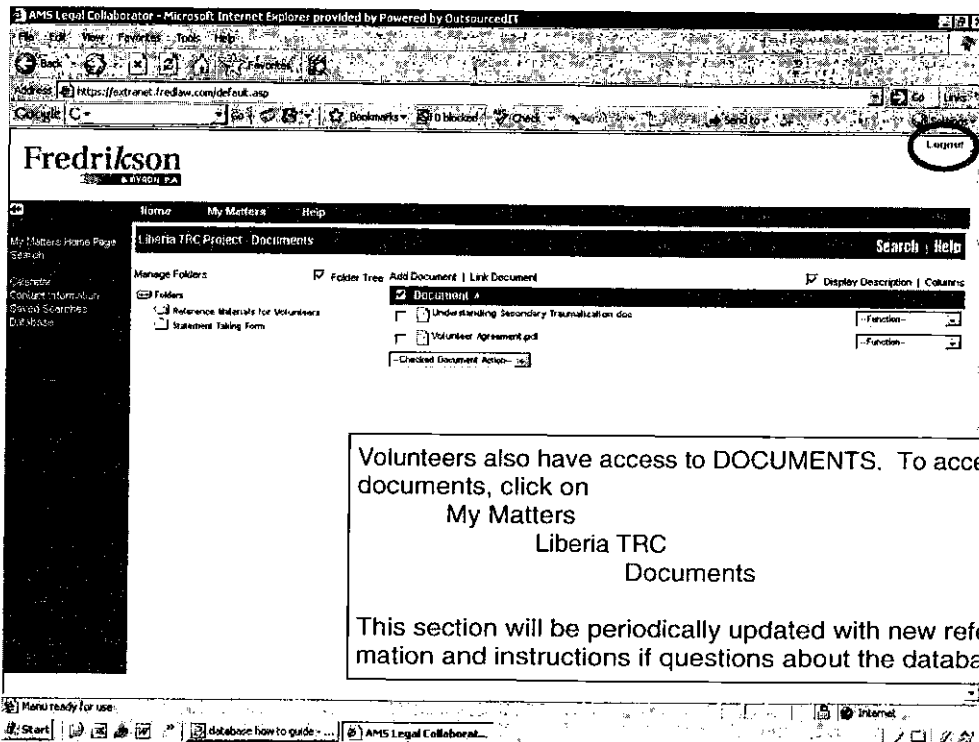
To begin the data entry process, click on your name on the right hand side of the screen.



Enter data from your Statement Taking Forms.  
 Cut & paste the statement giver's narrative into the appropriate box.  
 Click SUBMIT if you need to stop and return later.



When you are ready to end your session, be sure to click SUMBIT at the bottom of the page to save. Then click LOGOUT at the top right of the screen.







# **LIBERIAN TRUTH AND RECONCILIATION COMMISSION PROJECT**

## **FORMS AND INFORMATION FOR INDIVIDUALS TO SUBMIT A STATEMENT TO THE TRC**



## **INSTRUCTIONS FOR SUBMITTING YOUR STATEMENT TO THE TRC**

1. Read the "Important Information for Giving a TRC Statement" Form (2 pages).
2. Determine how you would like your statement treated. Would you prefer to give an anonymous statement?

### **If you choose to provide your name and contact information to the TRC with your statement:**

1. Print and sign your name on page 1 of the "Important Information for Giving a TRC Statement Form."
2. Complete both the contact and demographic information pages of the "Personal Information Form."
3. Complete your narrative, opinions, and recommendations using the guidelines included.
4. Complete page 2 of the "Important Information for Giving a TRC Statement" Form regarding how you would like your statement to be treated and what kind of follow up you would like.
5. Include in your envelope to Minnesota Advocates:
  - Your signed and completed "Important Information for Giving a TRC Statement" Form (2 pages).
  - Your completed "Personal Information" form with both contact and demographic information.
  - Your completed narrative, opinions, and recommendations.
6. Send sealed envelope to:  
Minnesota Advocates for Human Rights  
Liberian TRC Project  
650 3<sup>rd</sup> Avenue South, #550  
Minneapolis, MN 55402

### **If you choose to give an anonymous statement:**

1. Do NOT sign your name on page 1 of the "Important Information for Giving a TRC Statement Form."
2. Do NOT complete the "Contact Information" page of the Personal Information Form
3. DO complete the "Demographic Information" page of the Personal Information Form.
4. DO complete your narrative, opinions, and recommendations using the guidelines included.
5. DO complete page 2 of the "Important Information for Giving a TRC Statement" Form regarding how you would like your statement to be treated and what kind of follow up you would like.
6. Include in the envelope:
  - Your completed page 2 of the "Important Information for Giving a TRC Statement" Form.
  - Your completed "Demographic Information" page of the Personal Information Form.
  - Your completed narrative, opinions, and recommendations.
7. Send sealed envelope to:  
Minnesota Advocates for Human Rights  
Liberian TRC Project  
650 3<sup>rd</sup> Avenue South, #550  
Minneapolis, MN 55402



### Important Information about Giving a TRC Statement

Thank you for giving your statement today. You are playing an important role in helping Liberia to heal and build a better future. Giving a TRC statement is a chance for you to tell YOUR story.

#### What will happen to your statement after you give it:

- The volunteers taking your statement will not give any identifying information about you or what you say to the media or other members of the public.
- All of the statements taken in the U.S. will be gathered in a confidential manner and entered into a password-protected database; every effort will be made to safeguard the confidentiality of the information contained in the statements.
- When statement-taking in the U.S. is completed all the information in the database will be sent to the TRC in Liberia along with a final report summarizing Minnesota Advocates' findings.
- The TRC in Liberia will conduct investigations into information from statements, will hold public hearings, and will write a final report that will be submitted to the government and people of Liberia.
- The archives of the TRC shall remain in the public domain except those records or documents classified by the TRC as "confidential" which shall remain classified for 20 years following the retirement of the TRC.
- If you have any concerns about your name being linked to your statement for any reason, you should give an anonymous statement, meaning that no individually identifying information about you will be included with your statement. Less weight may be given to anonymous statements.

**Immigration issues:** If you have any concerns about potential immigration consequences of giving a statement, you should talk to your immigration lawyer first. If you don't have an immigration lawyer, please contact Minnesota Advocates for Human Rights.

**Amnesty from prosecution:** Minnesota Advocates for Human Rights does not have the power to grant amnesty from prosecution to anyone.

**Mental health questions:** Counselors, pastors, and others trained in helping survivors of trauma have volunteered to talk with statement givers who want to debrief after their statement. If you would like a follow up call, please check the appropriate box on the next page.

---

**I understand the information above and I promise to provide an accurate and truthful statement to the best of my knowledge and recollection.**

---

Print your Name (do not print if this is an anonymous statement)

---

Sign your Name (do not sign if this is an anonymous statement)

Date



## Important Information about Giving a TRC Statement

### 1. How do you want your statement treated?

*Please check off all options that apply.*

- I choose to give an anonymous statement. My name and contact information will not be included with my statement. I am aware that the TRC may give my statement less weight because it is anonymous.

--- OR ---

- I choose to provide my name and contact information to the TRC for purposes of its investigation and analysis. I understand the archives of the TRC shall remain in the public domain except those records or documents classified by the TRC as "confidential" which shall remain classified for 20 years following the retirement of the TRC. However:

- I do not want my name released in the TRC's final report.
- I do not want to testify at a public hearing in Liberia.
- I do not want to testify at a public hearing in the United States.
- I want my statement to remain "confidential" as described above.

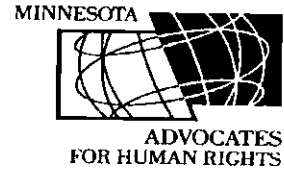
### 2. What kind of follow-up would you like?

*Please check off all options that apply.*

- I have questions about my immigration status and would like an immigration attorney to call me for a brief consultation.
- I would like to talk with someone about the memories and emotions that have come up during the statement giving process. Please have a trained counselor call me.
- I have general questions about the TRC Project. Please have a staff member from Minnesota Advocates for Human Rights call me.
- I DO NOT want to be added to Minnesota Advocates for Human Rights email and mailing lists related to the TRC.

If you are giving an anonymous statement but would like a follow-up, please enter a phone number or email address below. This information will not be connected with your statement.

Tel/Email: \_\_\_\_\_



**STATEMENT GIVER'S PERSONAL INFORMATION: CONTACT**

**(DO NOT COMPLETE THIS FORM IF YOU ARE GIVING AN ANONYMOUS STATEMENT)**

1. First Name \_\_\_\_\_
2. Middle Name(s) \_\_\_\_\_
3. Last Name \_\_\_\_\_
4. Generation (Jr., Sr., III) \_\_\_\_\_
5. Any other Name (nickname, combat name, alias)  
\_\_\_\_\_

6. Date of Birth: \_\_\_\_\_ Month: \_\_\_\_\_ Day: \_\_\_\_\_ Year: \_\_\_\_\_

7. Telephone Numbers:

Work: \_\_\_\_\_  
Home: \_\_\_\_\_  
Mobile: \_\_\_\_\_

8. Address: \_\_\_\_\_  
Street Apartment #

\_\_\_\_\_ City State Zip

9. Email address: \_\_\_\_\_

10. Other contact information or persons that would enable the TRC to contact you if more information is needed (Name, address, telephone, relationship to you):  
\_\_\_\_\_



## STATEMENT GIVER'S PERSONAL INFORMATION: DEMOGRAPHICS

(ALL STATEMENT GIVERS SHOULD COMPLETE THIS FORM)

1. Sex: [select one]  
 Male  Female
2. Marital Status: [select one]  
 Married  Widowed  I do not wish to respond  
 Single  Separated  
 Divorced  Other
3. When did you leave Liberia: Month: \_\_\_\_\_ Year: \_\_\_\_\_
4. When did you arrive in the United States: Month: \_\_\_\_\_ Year: \_\_\_\_\_ Do not record day
5. What is your COUNTY of Origin [select one]  

<input type="checkbox"/> Bomi	<input type="checkbox"/> Lofa	<input type="checkbox"/> River Gee
<input type="checkbox"/> Bong	<input type="checkbox"/> Margibi	<input type="checkbox"/> Sinoe
<input type="checkbox"/> Gbarpolu	<input type="checkbox"/> Maryland	<input type="checkbox"/> Not Liberian
<input type="checkbox"/> Grand Bassa	<input type="checkbox"/> Montserrado	<input type="checkbox"/> I do not wish to respond
<input type="checkbox"/> Grand Cape Mount	(Monrovia)	
<input type="checkbox"/> Grand Gedeh	<input type="checkbox"/> Nimba	
<input type="checkbox"/> Grand Kru	<input type="checkbox"/> River Cess	
6. What is your tribe/ethnicity: [select one]  

<input type="checkbox"/> Bassa	<input type="checkbox"/> Grebo	<input type="checkbox"/> Mende
<input type="checkbox"/> Belle	<input type="checkbox"/> Kissi	<input type="checkbox"/> Sarpo
<input type="checkbox"/> Congo/Americo Liberian	<input type="checkbox"/> Kpele	<input type="checkbox"/> Vai
<input type="checkbox"/> Dei	<input type="checkbox"/> Krahn	<input type="checkbox"/> Multiple tribes
<input type="checkbox"/> Gbandi	<input type="checkbox"/> Kru	<input type="checkbox"/> Other tribe
<input type="checkbox"/> Gio	<input type="checkbox"/> Lorma	<input type="checkbox"/> I do not wish to respond
<input type="checkbox"/> Gola	<input type="checkbox"/> Mano	
	<input type="checkbox"/> Mandingo	
7. What is your education level: [select one]  

<input type="checkbox"/> No Education	<input type="checkbox"/> College graduate
<input type="checkbox"/> Elementary	<input type="checkbox"/> Post graduate
<input type="checkbox"/> Junior High	<input type="checkbox"/> Other
<input type="checkbox"/> High school	<input type="checkbox"/> I do not wish to respond
<input type="checkbox"/> College student	



### NARRATIVE

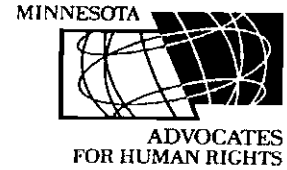
*The purpose of the TRC statement is for you to clear your heart and tell the TRC what you would like them to know. Please write your narrative, opinions, and recommendations on separate paper using the questions below as a guideline.*

- The TRC is most interested in human rights and humanitarian violations that occurred between 1979 and 2003. The TRC would also like to know your opinion about the roots of the conflict in Liberia, and your recommendations for the TRC and the government. You may want to talk about some or all of the following topics:
  - What happened to you between 1979 and 2003
  - What happened to friends, family, and others you knew then
  - What happened to your property during the conflict
- When you are describing specific events, the TRC would like to know:
  - Who were the victims?
  - What happened, when and where?
  - Who committed the violations?
  - How were the violations committed?
  - Why were the acts committed?
- Please include as many details as are known.
  - **Details About People**
    - Victims
      - Full name
      - Date of Birth
      - Sex
      - Relationship to you
    - Perpetrators
      - Full name
      - Nickname/alias
      - Age
      - Sex
      - Tribe
      - Language spoken
      - Physical identifiers including scars, clothes, insignias
      - Was the perpetrator or alleged perpetrator of the attack acting alone or in concert with others? Was there a chain of command?
    - Witnesses
      - Full name
      - Date of Birth
      - Sex
      - Current whereabouts



- **Details About Events**
  - Location
    - County
    - Town
    - If Monrovia, which neighbourhood/quarter and street
    - Names of buildings, checkpoints, major landmarks
  - What Took Place
    - *Full details:* If you are willing, please include as many details as possible. For example, do not simply document an incident of torture, but document how the torture was carried out, for how long, etc.
    - *Targeting:* Was the victim of the event specifically targeted? Did the perpetrator know the victim? For what reasons were the victim targeted: tribe, religion, affiliation, political, etc.?
    - *Attack:* Was the attack deliberate or spontaneous? Was it systematic? Did the attack fit a modus operandi?
  - Other details the TRC would like to know
    - At the time of the violation/abuse were you a member of any organization, faction, or group?
    - Were you sick, injured, captured or surrendered at the time of the violation?
    - Did anybody witness the violations and abuses you suffered?
    - Would they be willing to make a statement to the TRC?
    - Are you able to confirm that other people have suffered human rights violations and/or abuses with you in the same incident?
    - Did you sustain any physical or mental injury, damage or loss as a result of the violation or abuses?
    - Have you received any compensation for the loss or damage you sustained?
    - What impact did the human rights violation have on you?





## OPINIONS & RECOMMENDATIONS

*The TRC has been charged with making recommendations about reconciliation and restitution, and is responsible for investigating the root causes of the conflict in Liberia.*

### ○ **RECONCILIATION & RESTITUTION:**

- Have you taken part in any traditional healing or reconciliation ceremonies?  
Yes No
  - If so, how? Where?
- Would you be willing to reconcile with the person(s) who committed violations against you?  
Yes No
- What do you think would be necessary to restore you to the full social and economic life of the community? Are there any ways that the perpetrator could assist?
- What types of processes or services would help Liberians in the United States achieve truth & reconciliation?

### ○ **DIASPORA INFORMATION:**

- How were you able to get out of Liberia and come to the United States?
- Do you want to return to Liberia to live? Under what conditions?
- Has your experience in the United States changed your perspective on the Liberian conflict? How?
- How would you like to participate in the TRC process from this point forward?

### ○ **RECOMMENDATIONS TO THE TRC AND GOVERNMENT:**

- In your opinion, what caused the conflict in Liberia?
- How can reconciliation be achieved?
- What is your opinion about reconciliation?
- What recommendations do you have for the TRC?
- What recommendations do you have for the government of Liberia?



Dear Statement-Giver,

On behalf of the Liberian Truth and Reconciliation Commission and Minnesota Advocates for Human Rights, thank you for giving your statement to the TRC. Your courage in telling your story to the TRC makes you a leader in Liberia's healing process.

The TRC has been charged with the responsibility of investigating the root causes of the conflict in Liberia, amplifying historical truths and thereby undermining falsehoods that have overtime assumed the status of historical truths. The TRC is also to establish an independent and accurate record of human rights violations and abuses occasioned by the conflict and form the basis for justice and reconciliation, foster national repentance, and strike the delicate balance between accountability and forgiveness in order to heal the land and unite the people of Liberia.

In order to achieve the goals of the TRC of Liberia, the statements gathered in the United States will be compiled and sent to the TRC in Liberia for analysis and inclusion in the TRC's historical record. These statements will be the basis for a final report compiled by Minnesota Advocates for Human Rights which will include recommendations to the TRC and the government of Liberia. This report will be presented to the TRC, the Liberian community in the U.S., and other project partners. This report also will form the basis for public hearings in the United States, mirroring those held in Liberia. The TRC's final report will be made available to the Liberian people and the Liberian government in print and on the internet.

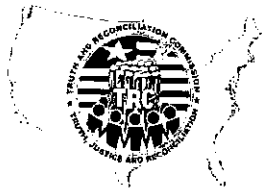
**We hope that you will continue to participate in the TRC process now that you have given your statement. Unless you have specified otherwise, you will receive notice about public hearings and other TRC events via the contact information that you provided to the statement-takers. You can also find out when TRC events are upcoming by calling Minnesota Advocates for Human Rights at 612-341-3302 or by visiting the Minnesota Advocates for Human Rights website at [www.mnadvocates.org](http://www.mnadvocates.org). Please do not hesitate to contact Minnesota Advocates for Human Rights if you have any questions. To find out what the TRC is doing in Liberia, visit [www.trcofliberia.org](http://www.trcofliberia.org).**

Thank you again for sharing your story with the Truth and Reconciliation Commission of Liberia. We are honored to have your participation.

Sincerely,

Cllr. Jerome J. Verdier, Sr.  
Chairman  
Truth & Reconciliation Commission

Robin Phillips, Esq.  
Executive Director  
Minnesota Advocates for Human Rights



### **Important Information about Giving a TRC Statement**

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---

**I understand the information above and I promise to provide an accurate and truthful statement to the best of my knowledge and recollection.**

---

Print your Name (do not print if this is an anonymous statement)

---

Sign your Name (do not sign if this is an anonymous statement)

Date

**IMPORTANT INFORMATION FORM - PAGE 1**

**YOUR COPY TO KEEP**



## Important Information about Giving a TRC Statement

### 1. How do you want your statement treated?

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- I DO NOT want to be added to Minnesota Advocates for Human Rights email and mailing lists related to the TRC.

If you are giving an anonymous statement but would like a follow-up, please enter a phone number or email address below. This information will not be connected with your statement.

Tel/Email:

---

**IMPORTANT INFORMATION FORM – PAGE 2**

**YOUR COPY TO KEEP**



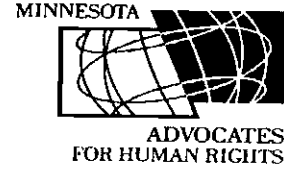
**Liberian Truth & Reconciliation Commission**  
**Appointment Request Form**

1. Return the completed form to:
  - a. Minnesota Advocates for Human Rights  
650 Third Avenue South #550  
Minneapolis, MN 55402-1940  
Fax: 612-341-2971
2. OR Email to Liberia-trc@mnadvocates.org.
3. OR Call the TRC Appointment Line at 612-776-7788 or 1-800-799-3688

**Statement-Giver Information**

1. First Name(s): \_\_\_\_\_
2. Family Name/Last Name: \_\_\_\_\_
3. Name you would like to be called: \_\_\_\_\_
4. Address: \_\_\_\_\_  
Street \_\_\_\_\_ Apartment # \_\_\_\_\_  
City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_
5. Telephone Numbers:  
Work: \_\_\_\_\_  
Home: \_\_\_\_\_  
Mobile: \_\_\_\_\_
6. Email address: \_\_\_\_\_
7. Contact Person Name: \_\_\_\_\_ Phone: \_\_\_\_\_
8. Dates & Times you could be available to give a statement:  
\_\_\_\_\_
9. Are you:      Male                  Female
10. **Language Information** – Please indicate your preferred language for the statement giving process.

I am most comfortable giving my statement in: ENGLISH                  LIBERIAN-ENGLISH  
Another language: \_\_\_\_\_



## About Minnesota Advocates for Human Rights

The mission of Minnesota Advocates for Human Rights is to implement international human rights standards to promote civil society and reinforce the rule of law. Minnesota Advocates was founded in 1983 by a group of Minnesota lawyers who recognized the community's unique spirit of social justice as an opportunity to promote and protect human rights here at home and worldwide. We are a non-profit, volunteer-based organization that investigates and exposes human rights violations; represents immigrants and refugees in our community who are victims of human rights abuses; trains and assists groups that protect human rights; and works through education and advocacy in Minnesota to engage the public, policy-makers and children about human rights and cultural understanding. Minnesota Advocates holds Special Consultative Status with the United Nations.

## TRC Project Staff Contact Information

**Minnesota Advocates Office:** 612-341-3302

Robin Phillips	Executive Director	ext. 109
Jennifer Prestholdt	Deputy Director	ext. 111
Michele Garnett McKenzie	Refugee & Immigrant Program Director	ext. 117
Rosalyn Park	Staff Attorney	ext. 106
Ahmed Sirleaf	Program Associate	ext. 134
Laura Young	Wellstone Legal Fellow	ext. 128
Kim Babine	Program Assistant	ext. 113

**Minnesota Advocates Website:** [www.mnadvocates.org](http://www.mnadvocates.org)

**TRC Project Website:** <http://liberiatrtrc.mnadvocates.org>

**TRC Project E-Mail:** [Liberia-TRC@mnadvocates.org](mailto:Liberia-TRC@mnadvocates.org)

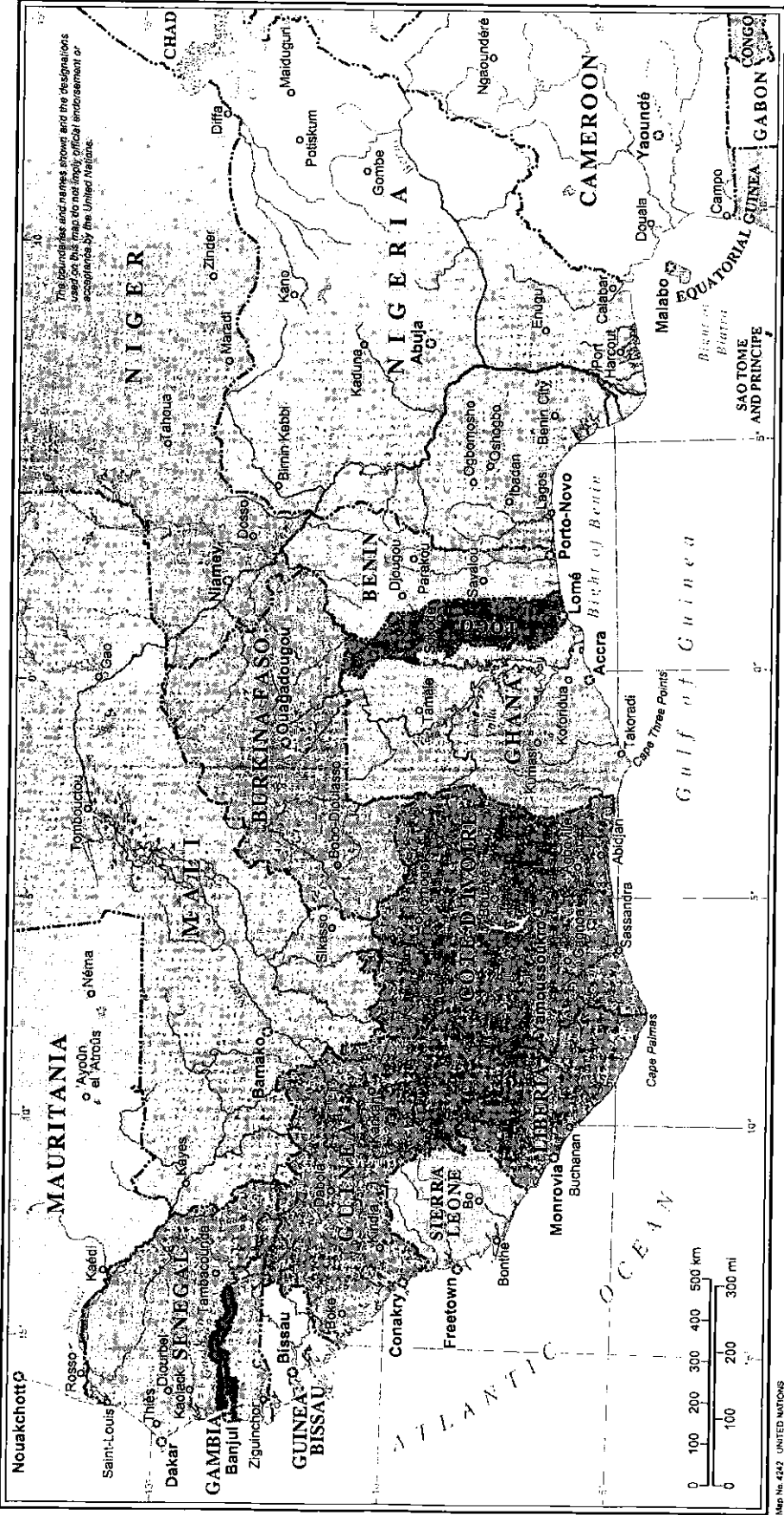


# III. General Information About Liberia





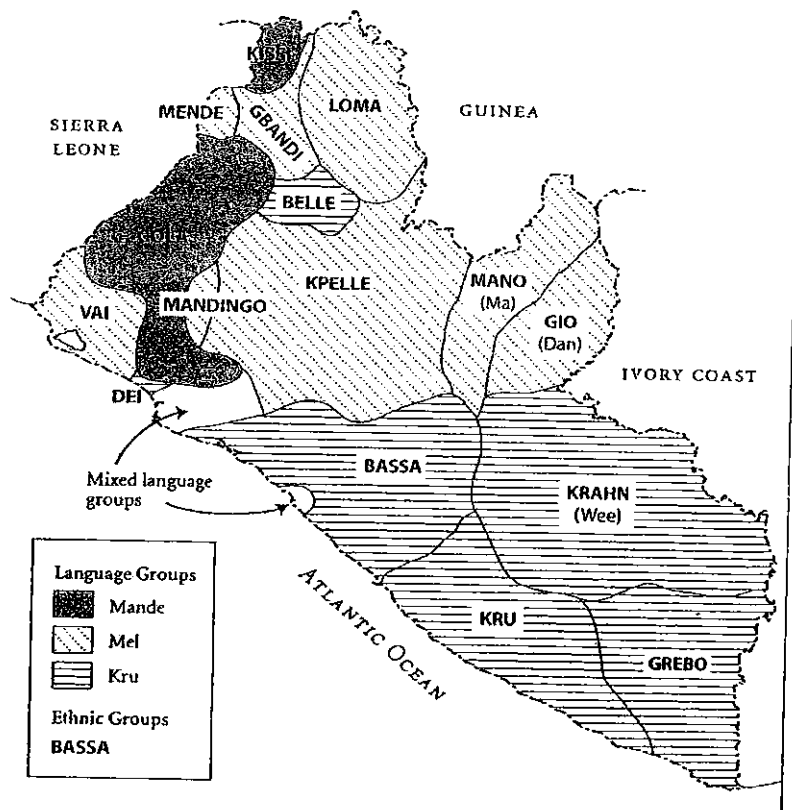
# WEST AFRICA



Map No. 4342 UNITED NATIONS  
February, 2005

Department of Peacekeeping Operations  
Cartographic Section

# MAPS



Map 1. Distribution of Major Liberian Ethnic and Language Groups

From: Levitt, Jeremy I., *The Evolution of Deadly Conflict in Liberia*, Carolina Academic Press (2005).

# Liberians

An Introduction to their History and Culture

Edited by Dr. David M. Forster, University of Maryland, Baltimore  
and Dr. J. J. Jones

Author: David M. Forster

**CAE**  
Center for African Studies

**CON**  
Cultural Orientation Resource Center

Center for African Studies  
University of Maryland, Baltimore  
College Park, MD 20742

TEL: 410-326-7300  
FAX: 410-326-7300  
http://www.culturalorientation.net  
http://www.conet.org

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This profile was published by the Center for Applied Linguistics (CAL), but the opinions expressed herein do not necessarily reflect positions or policies of CAL.

Production supervision: Sanja Bebic, Sharyl Tanck

Editing: Donald A. Ranard

Copyediting: Jeannie Rennie

Design, illustration, production: SAGARTdesign, 2005

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All other rights reserved. No part of this book may be reproduced, in any form or by any means, without permission in writing from the publisher. All inquiries should be addressed to the Cultural Orientation Resource Center, Center for Applied Linguistics, 4646 40th Street, N.W., Washington, D.C. 20016.

## Acknowledgments

Many people helped to produce this profile. The sections "People," "History," "Life in Liberia," and "Education and Literacy" were written by Dr. Konia T. Kollehlon, Associate Professor of Sociology and Department Chair, Trinity University, Washington, D.C. The writer for "Liberian Refugees in West Africa" was Emily Russ, Deputy Director for Cultural Orientation, Church World Service/Overseas Processing Entity, Accra, Ghana, and the writer for "Language" was Dr. Bernard Ngovo, Reading Instructor, Pima Community College, Tucson, Arizona. "Resettlement in the United States" was written by Robin Dunn-Marcos, Regional Director, International Rescue Committee, Phoenix, Arizona.

Drafts of the manuscript were reviewed for accuracy, balance, and tone by four Liberia area specialists: Dr. William C. Allen, Instructor of History, Georgia Perimeter College, Atlanta; Dr. Kenneth Best, founder and publisher of the *Daily Observer*, the first independent daily newspaper in Liberia and the Gambia; Dr. Martin Ford, Associate Director, Maryland Office for New Americans, Baltimore; and Dr. Jane Martin, former Executive Director of the U.S. Educational and Cultural Foundation in Liberia. We are grateful to them for their thorough and thoughtful review.

In addition, many professionals involved in refugee processing and resettlement commented on the manuscript. In particular, we would like to thank the members of the Cultural Orientation Work Group and Margaret Burkhardt, Program Officer in the Admissions Office at the U.S. Department of State's Bureau of Population, Refugees, and Migration. For her assistance throughout the development of the profile, our special thanks go to Kelly Gauger, Program Officer in the Admissions Office at the U.S. Department of State's Bureau of Population, Refugees, and Migration.

Finally, we would like to thank the Bureau for Population, Refugees, and Migration, U.S. Department of State, whose support made this profile possible.

Sanja Bebic, Director, Cultural Orientation Resource Center  
Sharyl Tanck, Program Coordinator, Cultural Orientation Resource Center  
Donald A. Ranard, Editor



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## Introduction

A little more than a year after the Liberian civil war broke out in late 1989, the United States initiated its resettlement program for Liberian refugees. Since then, more than 24,000 Liberian refugees have been admitted to the United States.

Most of the refugees who entered the United States in the early 1990s were family reunification cases. Many were from the urban areas of Liberia, and most arrived with at least some previous formal education and proficiency in English.

In contrast, most recent Liberian arrivals have not had relatives in the United States to help them with their initial adjustment. Many of these Liberians spent more than a decade living in refugee camps in West Africa, and in Liberia most lived in rural areas, where opportunities for schooling—limited in the best of times—virtually vanished during the war years. Many speak little or no English.

The new arrivals join a Liberian community that numbered well over 39,000 in 2004. In addition to the Liberian refugees who arrived in the early 1990s, the community is made up of thousands of Liberians who were already in the United States—mostly as students, businesspeople, and visitors—when the civil war broke out. Many were granted temporary asylum and eventually permanent residency in the United States. Many of these Liberians have gone on to contribute to their communities as doctors, nurses, educators, businesspeople, religious leaders, and social service providers.

Because of their background experiences in Liberia and in the refugee camps, recent arrivals have encountered greater challenges in the United States than have previous Liberian refugees. A particularly thorny issue facing resettlement workers is the many Liberian families headed by single women. Another issue of concern is the number of young Liberian teenagers who have become the primary caregivers for their younger siblings. Yet despite these challenges, we can expect that with help from their families, friends, and service providers, the new arrivals will survive the hardships of resettlement and go on to rebuild their lives and contribute to their communities.

This profile provides general information about Liberians—their history, culture, language, and resettlement experiences—as well as information about the new arrivals in particular. The profile is intended primarily for service providers who will be assisting the refugees in their new communities in the United States. But others may find it useful, too. Teachers may use it to educate students about a people whose history is so closely intertwined with that of the United States. Local government agencies—the courts, the police, the housing and health departments—may use it to help their staff better understand, and thus better serve, the new arrivals.

For readers who wish to learn more about Liberians, we provide a list of books, films, and Web sites at the end of this profile. But ultimately the best source of information about Liberians is the Liberian people themselves, and readers who

*Recent arrivals have encountered greater challenges in the United States than have previous Liberian refugees.*

find this profile interesting should consider taking the next step—getting to know those whose history, culture, and experiences are described on these pages. Readers who do will discover a warm and hospitable people eager to share their lives and stories.

## People

### A Diverse Population

In 2004, the Population Reference Bureau estimated the population of Liberia to be 3.5 million people. About 350,000 Liberian refugees live outside of Liberia, in neighboring West African countries, as a result of the 14-year civil war that ended in 2003. The number of Liberian immigrants and refugees living in the United States is a matter of some debate. Based on the 2000 U.S. census, which includes a count of Liberians in the United States, and on the number of refugees that the U.S. State Department has admitted since the census, a conservative estimate puts the number at well over 39,000.

Liberia's relatively small population is ethnically diverse, consisting of about 18 ethnic groups. The relative share of the population of each ethnic group has not changed much over the last three censuses (1962, 1974, and 1984). The Kpelle and Bassa continue to be the first and second largest ethnic groups, with about 20% and 15% of the total population, respectively. The Belle, Dey, and Mende are among the smallest, each with about 0.5% of the total population. The Krahn, who appear to be well represented among Liberian refugees in the United States, made up 3.8% of the total population of Liberia in 1984.

Liberia's population can be roughly divided into two major categories, indigenous Liberians and Americo-Liberians. Indigenous Liberians are descendants of African ethnic groups who were already inhabiting the area when the first African American settlers arrived. Americo-Liberians are largely made up of descendants of three groups: 19th-century African American settlers who founded Liberia, freed Afro-Caribbean slaves who came to Liberia in the mid-1800s, and Africans captured on U.S.-bound slave ships by the U.S. Navy (enforcing a U.S. law against the importation of slaves) and sent to Liberia. Americo-Liberians may also include some members of two other groups: children of marriages and informal liaisons between Americo-Liberians and indigenous Liberians, and indigenous Liberian children raised by Americo-Liberian families (a system known as *wardship*).

The overwhelming majority (about 97%) of the Liberian population is indigenous; Americo-Liberians make up the remaining 3%. The indigenous groups speak languages belonging to the Niger-Congo family of African languages, found throughout Sub-Saharan Africa, and can be further subdivided into four ethnic clusters on the basis of cultural and linguistic similarities:

*Liberia's relatively small population is ethnically diverse.*

- the Kwa, consisting of Bassa, Belle, Dey, Grebo, Krahn, Kru, and Sapo;
- the Mande-Fu, consisting of the Gbandi, Gio/Dan, Kpelle, Loma, Mano/Ma, and Mende;
- the Mande-Tan, consisting of the Mandingo and Vai; and
- the Mel or West Atlantic, consisting of the Gola and Kissi.

There are also a small number of Fanti, who are originally from Ghana.

It is important to note that most of the ethnic groups in Liberia extend into neighboring countries, albeit sometimes under different names. For example, the Mende and Vai are also found in Sierra Leone; the Kissi, Kpelle, and Loma are found in Guinea; and the Gio, Krahn, and Mano are found in Ivory Coast. The existence of transnational ethnic groups has had important consequences for today's Liberian refugee situation: Many Liberians who fled to neighboring countries have been able to find homes among familiar people.

There have been inhabitants in present-day Liberia for at least 700 years. The Mel entered Western Liberia between 1300 and 1700, followed shortly by Kwa-speaking groups. The Mande speakers arrived in northwestern Liberia between 1500 and 1550. Early arrivals may have migrated to Liberia in search of fertile agricultural land, after the desertification of their former habitats. The instability that followed the collapse of the third great Sudanic empire—Songhai—around the late 16th century likely prompted an influx of migrants as well. In the late 19th century, Samory Toure's conquests and eventual establishment of a short-lived empire in the area of present-day Mali, Guinea, and Sierra Leone, along with French colonial pacification campaigns in French West Africa, led to the movement of more people into the area that came to be known as Liberia.

### **Relations Between Americo-Liberians and Indigenous Liberians**

Relations between Americo-Liberians and indigenous Liberians were marked almost from the beginning by mutual ethnocentrism, which led in turn to conflict. The Americo-Liberian settlers, representing Western culture, considered it their Christian duty to replace the "barbarous" customs, religion, and political institutions of indigenous Liberians with their own "superior" values, practices, and institutions. Indigenous Liberians in turn viewed the Americo-Liberians as liberated slaves, who should occupy a lower status in society than themselves.

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

Nevertheless, from the very beginning, there was a process of cultural assimilation, whereby some indigenous peoples were incorporated into "civilized" soci-

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ety. Almost always, this assimilation occurred at the expense of some aspects of the indigenous cultural identity. An indigenous Liberian might become a member of civilized society by assimilating into Americo-Liberian subculture and leaving behind much of his or her indigenous subculture.

## **A Stratified Society**

Competition for land, trade routes, and indigenous Liberian labor led to numerous conflicts between the two groups, especially during the early period of Americo-Liberian settlement. But the superior military organization and power of the Americo-Liberians, with occasional assistance from the United States, provided them a clear advantage in these conflicts. This early advantage enabled the Americo-Liberians to develop and institutionalize an elaborate system of stratification in which they became the dominant group, controlling the country's major social, economic, cultural, and political institutions, especially in the coastal areas. The stratification system was maintained by Americo-Liberian organizations that in the beginning largely excluded indigenous Liberians. These organizations included social clubs (e.g., the Crowds and the Saturday Afternoon Club), fraternities (e.g., the United Brothers Friendship, the Odd Fellows, and the Free Masons), and sororities (e.g., the House of Ruth, the Sisters of the Mysterious Ten, and the Order of the Eastern Stars).

Avenues for upward social mobility by indigenous Liberians were not completely closed, however. Indigenous Liberians could move up socially in a number of ways: by being adopted into an Americo-Liberian family, by marrying into an Americo-Liberian family, by being born as the result of an informal liaison between an Americo-Liberian man and an indigenous woman, by receiving a formal Western education, and by being admitted into the Americo-Liberian clubs or fraternities and sororities.

The Americo-Liberians maintained their control from the founding of Liberia until 1980, when their government was violently overthrown by indigenous noncommissioned army officers in a military coup d'état. That the overthrow occurred during the administration of President Tolbert (1971-1980)—the most liberal, progressive, and ethnically inclusive government up to this point in Liberia—was ironic but not unexpected. Violent political upheavals are more likely to occur when conditions for oppressed minority groups begin to improve. In Liberia, relative deprivation amid rising expectations provided the context within which the coup was possible.

In terms of intergroup relations, the Americo-Liberian-dominated governments pursued a policy of cultural assimilation: Indigenous Liberians who wished to rise socially were expected to adopt Americo-Liberian norms, values, practices, and life styles. But while cultural assimilation was a prerequisite for upward social mobility, it was not always a sufficient condition. Many members of the hinterland ethnic groups found it harder to assimilate than did those of the coastal ethnic groups— such as the Bassa, Dey, Grebo, and Kru— because they lacked

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the earlier contacts and sustained interactions with the Americo-Liberians experienced by the coastal groups.

The Unification Policy of President William Tubman (1944-1971) was somewhat of a departure from the norm of cultural assimilation pursued by his predecessors. His policy represented an incipient form of cultural pluralism—the harmonious coexistence of many different subcultures, each equally respected, within a society. Tubman’s policy appeared to have been partly motivated by the independence movements in neighboring African countries and the president’s partnership with such cultural nationalists as Presidents Ahmed Sekou Toure of Guinea and Kwame Nkrumah of Ghana. In addition to bringing about greater integration between Americo-Liberians and indigenous Liberians, Tubman’s policy prompted greater respect for indigenous Liberian culture. This policy was continued under Tubman’s successor, President William Tolbert.

Despite this relatively enlightened policy, ethnic, class, and gender inequalities continued to pervade Liberian society. These inequalities had long been part of Liberian life. Until 1980, all of the presidents of Liberia were Americo-Liberians, even though that group has never constituted more than 3% of the population. Indigenous Liberians were not granted Liberian citizenship until 1904, more than a half century after Liberia’s declaration of independence in 1847. Suffrage was extended to indigenous Liberians about a century later in 1946; it had been extended to women a year earlier, in 1945. In the 1930 Fernando Po scandal, top Liberian government officials, including president Charles King himself, were charged with practicing slavery (for a discussion of this scandal, see the section “History” in this profile). On the eve of the 1980 coup that toppled the Americo-Liberian government, about 4% of Liberia’s population owned more than 60% of the wealth. The longevity and pervasiveness of social inequalities in Liberia were no doubt major contributors to the 1980 coup and the devastating 14-year civil war that began in 1989.

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## **History**

### **Pre-Liberian Times**

Historical accounts of Liberia usually begin by focusing on Americo-Liberians, whose ancestors founded the modern state of Liberia in the 19th century. Such a focus, however, overlooks the fact that before the arrival of the first African American immigrants in 1822, various African ethnic groups already inhabited the area.

While little is known about the earliest inhabitants of present-day Liberia, it is possible to piece together a picture of life in pre-Liberian society from anthropological and historical accounts and from narratives of journeys to the Liberian hinterland. Experts speculate that Africans inhabited this region at least as far back as the 12th century and possibly earlier.

It appears that since medieval times, the westward expansion of Mende speakers forced the southward migration of smaller ethnic groups along the West Atlantic region. Anthropologist Warren d'Azevedo notes that the Kwa-speaking Deys, Bassa, and Kru, as well as the West Atlantic Gola and Kissi, were among the earliest arrivals in the region of present-day Liberia. The migration of these early ethnic groups into pre-Liberia is said to have occurred in stages and was partly stimulated by the instability and turmoil that followed the declines of the ancient Western Sudanic empires of Mali in 1375 and Songhay in 1591. The desertification of the original homelands of these early groups and the greater availability of arable land in the region of present-day Liberia were no doubt additional reasons for their migration. These earliest immigrants to pre-Liberia brought with them the skills of cotton spinning, cloth weaving, iron smelting, rice cultivation, and models of social and political institutions from the ancient empires of Mali and Songhay.

The earliest information about the area now known as Liberia comes from European explorers and merchants who founded settlements in the late 14th and early 15th centuries on the coast, in the areas of present-day Lower Buchanan and Greenville. Perhaps the most notable of these early European merchants was the Portuguese sailor, Pedro de Cintra, who arrived in 1461. He named the area the Grain Coast because of the abundance of malagueta peppers, which were in high demand as a trade item at that time. At the end of the 16th century, the Dutch followed the Portuguese and began to trade in many of the same items—malagueta peppers, gold dust, and ivory, among other things—traded earlier by the Portuguese.

The Portuguese and Dutch taught the local Vai and Kru their languages and gave names to many rivers, lakes, capes, and mountains in this region. Over time, many of these names became partly or fully Anglicized (for example, Cape Mount, Saint Paul River, Saint John River, Cape Palmas, and Cape Mesurado). A Dutch observer of the 17th century, Olfert Dapper, noted that the local population enjoyed a high standard of political and social organization, with institutions similar to those of the ancient Western Sudanic empires.

Pre-Liberia can be roughly divided into three economic zones. The first zone, consisting of the southern interior, was rich in iron ore and wild game. The main economic activity of this zone, tuber horticulture, was supplemented with salt and fish from the coast. Since the economic activities did not produce much of a surplus, economic production was largely for family consumption.

The Kwa Coast, the second economic zone, spanned the area from Cape Mesurado to Cape Palmas. This area was rich in salt, seafood, rice, and malagueta peppers. Boat building and fishing were the main economic activities in this zone.

The third economic zone consisted of Cape Mount and the north-central portion of the territory, originally populated by Mel- and Kwa-speaking peoples. Extensive trade in salt and kola nuts attracted Mende speakers from the mid-

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15th to mid-16th centuries, pushing the Mel and Kwa speakers southward. Rice production, gold mining, iron smelting, and the production of cotton cloth came to dominate the economic activities of this region. Long-distance trading by Mandingo traders linked the region to much of western Sudan (which comprised much of present-day West Africa).

Competition for the control of markets and trade routes between the coastal region and the hinterland led to intense interethnic rivalries, especially between the Mandingo and the Gola peoples. Salt, gun powder, rum, tobacco, cloth, and beads from the coastal areas were sold and exchanged for slaves and such hinterland products as ivory, gold, kola nuts, rice, camwood, and palm kernels and oil.

In the early 19th century, this rivalry led to the emergence of two competing confederations. The Mandingo Condo Confederation, with its headquarter at Bopolu, was led by chief Sao Boso and controlled traffic to the coast through the Saint Paul River. The rival confederation was the Gola Confederation, with its headquarter at Kongba, under the leadership of Chief Zolu Duma.

With the Kongba Gola becoming custodians of the poro and sande secret societies - the indigenous schools that initiate boys and girls into traditional society—the Gola established a short-lived pan-ethnic confederation involving the Vai, Dey, Mende, Kissi, Loma, and Gbandi chiefdoms in the West Atlantic region. (For a discussion of the poro and sande secret societies, see the section "Education and Literacy" in this profile.) The Gola extended their power and influence in two primary ways: through control of the secret societies and through their unique system of women exchange, whereby Gola women, given to powerful chiefs as wives, influenced their male children to affiliate themselves with the Gola male side of their family.

It was difficult for the Golas to infiltrate the Mandingo, however, because the Moslem Mandingo were reluctant to marry Gola women. Moreover, the Mandingo did not participate in the Poro and Sande Secret Societies, because they had their own separate secret societies. The Gola moved to cut off trade links to the coast from the Mandingo confederacy at Bopolu, and by 1845 the Gola Confederacy was able to wrestle power from the Mandingo at Bopolu. The African American settlers arrived in 1822 at the height of the competition between the Golas and the Mandingo.

### **Early Americo-Liberian Settlements**

The events that brought the first freed American slaves to Liberia in 1822 had their roots in the back-to-Africa movement in the early 1800s. The movement, made up of Southern slave plantation owners, antislavery activists, and Black nationalists, grew out of a dramatic growth in the population of free Blacks in the period following the Revolutionary War. This population increase was in part the result of antislavery laws in the North and the law of manumission, which permitted slave masters to free their slaves, in the South.

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With an increase in the population of free Blacks, the question of their status in the United States became an important part of the national debate regarding slavery. Because of widespread belief in the inferiority of Blacks, it was generally thought that Blacks and Whites could not coexist in the United States as citizens under conditions of equality. It was also thought that the existence of free Blacks during this time posed a threat to the institution of slavery. News of the successful slave revolt in Haiti in 1791 led to increased fears of a similar revolt in the United States. These concerns, along with more humanitarian ones, prompted a search for a safe, morally acceptable solution that would remove free Blacks from the United States and relocate them elsewhere.

In 1815, Paul Cuffe, an African American Quaker and maritime entrepreneur and a pioneer in the back-to-Africa movement, successfully repatriated 38 African Americans to the then British colony of Sierra Leone in his own vessel, the *Traveller*. However, Cuffe's vision of establishing a trading network between the United States and West Africa, with African Americans leading the venture, was not fully realized because of his sudden death in 1817. But his successful repatriation of a small group of African Americans to West Africa, at his own expense, provided a model for White proponents of colonization.

In 1816, Robert Finley, a Presbyterian clergyman, and a group of very prominent White American men founded the American Colonization Society (ACS). Its prominent members included future U.S. Presidents James Monroe and Andrew Jackson, Judge Bushrod Washington (nephew of George Washington), Francis Scott Key (author of *The Star Spangled Banner*), John Randolph, Henry Clay, and Daniel Webster.

ACS members held fundamentally different views on the issue of slavery. The antislavery faction consisted of clergymen and philanthropists, who espoused the abolition of slavery and the voluntary repatriation of freed slaves to Africa. The other faction consisted of slave owners like Virginian John Randolph, who saw free Blacks (especially successful ones) as a threat to the institution of slavery and for that reason supported their repatriation to Africa. Many free Blacks in the United States, who had earlier supported Paul Cuffe's venture, were suspicious of the initially all-White and mostly Southern membership of the ACS and did not fully support it.

In 1819, members of the ACS, after successfully lobbying the U.S. president and Congress, received \$100,000 for the back-to-Africa venture. The first ship, the *Elizabeth*, carrying 88 Black emigrants and 3 White ACS agents, sailed from New York in late 1820 and landed at Sherbro Island, off the coast of southern Sierra Leone, in 1821. Settlers suffered terribly in the mosquito-infested, swampy, coastal terrain, dying of malaria, yellow fever, and other tropical diseases.

In 1822, U.S. Naval Lieutenant Robert Stockton rescued the survivors of the *Elizabeth* and others who had arrived on a second ship, the *Nautilus*, and took them to Cape Mesurado, near present-day Monrovia. There, Lt. Stockton and Dr. Eli Ayres, the new agent for the ACS, successfully negotiated the purchase of

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Cape Mesurado and a small island at the mouth of Mesurado Bay from the chiefs of the local Deys and Bassas for \$300 worth of muskets, tobacco, gunpowder, beads, clothing, food, mirrors, and rum. They initially called the island Perseverance; later it became known as Providence Island. The emerging colony at Cape Mesurado also accepted Africans captured by the U.S. Navy from slave ships bound for the New World between 1820 and 1860, after the United States ended the legal importation of slaves in 1808. Eventually, thousands of these recaptured slaves—later to be known as *recaptives*, or *Congoes*—found homes in the new state of Liberia.

Other colonization societies, formed in Maryland, Mississippi, Pennsylvania, and New York, founded their own settlements in the larger colony that later came to be called Liberia. Over time, the population of Black immigrants to the Liberia colony grew, despite the very high rate of mortality among the early African American settlers. In 1824, the main settlement at Cape Mesurado, called Christopolis, was renamed Monrovia after the fifth U.S. president, James Monroe, who before becoming president had been a prominent member of ACS.

The indigenous African ethnic groups in the area, notably the Bassa, Dey, and Gola, resisted the expansion of the settlers into their (own) lands, and numerous wars between the settlers and the indigenous groups took place. With their superior arms, better military organization, and occasional assistance from the U.S. Navy, the settlers usually prevailed. While relations between the settlers and the indigenous groups were often hostile, from time to time some of the groups (notably the Dey) felt the need to cede more territory to the new settlers, because settler expansion provided some protection from attacks by surrounding neighbors, markets for trade, and Western education for their children.

From 1821 to around 1835, the main settlement of Montserrado expanded throughout the St. Paul River region, with the creation of such towns as Arthington, Bensonville, Brewerville, Caldwell, Clay-Ashland, Crozierville, Dixville, Harrisburg, Johnsonville, Louisiana, Millsburg, New Georgia, Virginia, and White Plains, among others.

### **The Commonwealth Period**

By early 1838, several colonies had been founded by different independent state colonization societies. These included Bassa Cove (founded by the Quaker Youngmen's Colonization Society of Pennsylvania), Maryland in Africa, and Mississippi in Africa (later called the Greenville Settlement). Later in 1838, with the help of Harvard University Law Professor Simon Greenleaf, the ACS drew up a constitution that united the four major settlements (Bassa Cove, Greenville, Maryland, and Montserrado) that adopted it into the Commonwealth of Liberia. The ACS appointed Thomas Buchanan, a relative of future U.S. President James Buchanan, as the governor of the Commonwealth, with Joseph J. Roberts, originally of Norfolk, Virginia, as the lieutenant governor. When Buchanan died in

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office in 1841, Roberts became the Commonwealth's first African American governor.

As the stature and power of the Liberian Commonwealth grew, many indigenous chiefs annexed their territories to the Commonwealth for protection and mutual aid. The Commonwealth received most of its revenues from custom duties levied on indigenous traders and on the British and French colonial powers in neighboring Guinea, Ivory Coast, and Sierra Leone.

The years between 1830 and 1850 saw the emergence of a group of African American immigrants who came to be known as the *merchant princes*, entrepreneurs engaged in commerce and international trade. These shipping entrepreneurs included Edward J. Roye, a future president of Liberia and the owner of the ship the *Eusebia Roye*; Francis Payne and Beverly Yates, owners of the *Liberia*; George Washington Young, owner of the *Mary Elizabeth*; and James B. McGill, owner of the *Eliza Francis* and the *Patsy*, among other vessels.

Eventually, the nearby British and French colonial powers refused to pay custom duties to the Commonwealth, questioning the authority of the ACS to exercise such state power. In 1845, the ACS held a constitutional convention in Monrovia, where, with the help of Harvard University Law School Professor Simon Greenleaf, a new constitution was adopted. In 1847, the ACS declared Liberia an independent, sovereign state with a republican form of government. In the first election of 1848, Governor Joseph J. Roberts of the True Liberian Party (later named the Republican Party) defeated Reverend John Sey of the Old Whig Party, making Roberts the first president of the independent Republic of Liberia. In 1854, the Maryland colony declared its independence from the Maryland State Colonization Society and became the independent country of Maryland in Africa. In 1857, it joined Liberia as a county.

### **Americo-Liberian Rule**

The African American settlers (later known as Americo-Liberians) brought with them many of their customs, traditions, and practices to their new home. These included styles of dress, the English language, food habits, religion, place names, economic and political systems, and architectural designs.

One tradition that the Americo-Liberians brought with them that proved to be very divisive during the early years was a system of status stratification based on skin color. *Colorism*, as this system is sometimes called today, had its origin in the occupational hierarchy of the slave plantation in the southern United States and became a feature of African American life and culture that endures even to this day, although in more subtle forms than before.

In the pre-Civil War south, colorism was essentially the dichotomy between lighter skinned house slaves—illegitimate children of White slave masters and African American women—and darker skinned field slaves, who had more pronounced Negroid features. The former assimilated more into White American

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culture and enjoyed somewhat more privileges than did the latter. During slavery and the period of post-emancipation in the United States, lighter skinned African Americans directed prejudice and discrimination against those who were darker skinned. These status distinctions, and the inequality flowing from them, had been kept under control by White agents of the ACS in the Liberian colony, but they resurfaced after independence in Liberia.

Other factors, such as education and economic resources, played a role in the rift, and some scholars view the conflict between mulattos and darker skinned Americo-Liberians as essentially an economic struggle between the nonliterate poor and the economically and educationally advantaged. Nevertheless, it seems impossible to ignore the key role that color played in Liberia's political and social institutions, at least up to about 1884.

Color-based status distinctions manifested themselves most clearly in the political and occupational arenas. The Republican Party came to be associated with Monrovia-based mulattoes, who dominated the government and the civil service, while the Old Whig Party (renamed The True Black Man's Party) came to be associated with rural, darker skinned Americo-Liberian farmers. Darker skinned Americo-Liberians like Edward Blyden and Edward J. Roye (the latter being one of the few darker skinned members of the merchant princes) did not hesitate to exploit these status divisions for political advantage.

In 1923, Abayomi Karnga, a scholar and politician of recaptive parentage, noted that the status divisions among the Liberians eventually evolved into a hierarchical caste system with four distinct orders. At the top were the Americo-Liberian officials, consisting largely of light-complexioned people of mixed Black and White ancestry. They were followed by darker skinned Americo-Liberians, consisting mostly of laborers and small farmers. Then came the captives, the Africans who had been rescued by the U.S. Navy while aboard U.S.-bound slave ships and brought to Liberia. At the bottom of the hierarchy were the indigenous African Liberians.

These divisions affected many aspects of life, leading to de facto social segregation between the two groups. Marriage between upper status mulattoes and lower status groups was socially forbidden, and the Masonic Craft was initially founded as a mulatto-only secret society. Mulattoes lived for the most part in Monrovia, while most of the others lived in the outlying rural areas. Only mulattos were admitted to Liberia College (later known as the University of Liberia) during the tenure of its first president and founder Joseph J. Roberts; later, during his tenure as president of the college, Edward Blyden, a darker skinned Americo-Liberian, gave priority in admissions to darker skinned students and captives. Colorism affected national policy, too, with darker skinned Americo-Liberians favoring the early extension of citizenship and citizenship rights to indigenous African Liberians, whereas mulattoes opposed such a move.

From Liberia's declaration of independence in 1847 until 1870, politics was dominated by the Republican Party and the mulatto elite. Joseph J. Roberts,

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Liberia's first president (1848-1856), was able to obtain formal recognition of Liberia as an independent, sovereign country from a number of major European countries, with Great Britain and France leading the way in 1848. (However, because it was believed that southern U.S. states would be unwilling to accept a Black ambassador in Washington, U.S. recognition of Liberia did not come about until the U.S. Civil War in 1862, during the administration of Liberia's second president, Stephen A. Benson.) When President Roberts founded Liberia College in 1851, Liberia became the second country in West Africa, after Sierra Leone, to have an institution of higher learning.

The biggest achievement of Stephen A. Benson, Liberia's second president (1856-1864), was the incorporation of the independent country of Maryland in Africa into Liberia as Maryland County. Liberia's third president, Daniel B. Warner (1864-1868), authored the words to the Liberian national anthem. It was also during President Warner's administration that 346 immigrants from Barbados arrived in Liberia in 1865, comprising the largest group of immigrants from the Caribbean up to that point. Liberia's fourth president, James S. Payne (1868-1870), organized the first expedition of Benjamin Anderson into the Liberian hinterland. Anderson, who reached as far as Musardu in present-day Guinea, wrote detailed accounts that gave the Liberian government important knowledge about the indigenous people and their culture at that time.

### **True Whig Party Dominance**

The True Whig Party (TWP) was founded in 1869 in Clay-Ashland by upriver farmers and came to include many Barbadian immigrants and recaptive Africans among its early members. Except for the period from 1872 to 1878, when the Republicans made a brief comeback in Liberian politics, all of the presidents of Liberia from 1870 to 1980 were standard bearers of the TWP.

The first standard bearer, Edward J. Roye, won the election of 1869 and became Liberia's fifth president in 1870. A dark-skinned African American barber from Newark, Ohio, Roye obtained some education from Ohio State University before immigrating to Liberia. In Liberia, Roye accumulated immense wealth and held many important positions before running for the presidency. His victory was largely assured by the support of lower status Americo-Liberians, recaptive Africans, and West Indian immigrants.

In seeking external funding for road and school construction in Liberia, President Roye hastily negotiated a loan in Britain at an exorbitantly high interest rate, without consulting the Liberian legislature. This led to resentment against him, especially among the mulatto elite. The disastrous loan, Roye's alleged attempt to unconstitutionally change the term of the presidency from 2 to 4 years, and the mulatto elite's deep resentment of the darker skinned Roye triggered Liberia's first coup d'état. Roye died (some say he was assassinated) in Monrovia on February 12, 1872. Despite Roye's short-lived presidency, his election began the process of dismantling the Republican Party domination of Liberian politics.

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Some of the prominent presidents of Liberia during the long period of True Whig Party dominance were Hilary R. W. Johnson (1884-1892), Arthur Barclay (1904-1912), Charles D. B. King (1920-1930), William V. S. Tubman (1944-1971), and William R. Tolbert (1971-1980). Johnson, the country's 11th president, was the first Liberian-born president. Nominated by both the Republican and True Whig Parties, he ran unopposed and, after winning the election, declared himself a True Whig. During his administration, Britain annexed the Gallinas, a former slave depot in southern Sierra Leone that was deeded to Liberia by local rulers in the mid-19th century. Cuttington College, a private Episcopal Church college and the second institution of higher learning in Liberia, was founded during Johnson's administration.

The endorsement of Johnson by the Republican and True Whig Parties—the two major political parties that stood on opposite sides of the color divide—signaled a truce of some sort on the issue of color. Starting with the Johnson administration, status division based on skin color ceased to be the divisive issue in Liberian politics and society that it had been under the rule of the mulatto oligarchy. Instead, political power and economic wealth came to dominate the stratification system in Liberia.

Arthur Barclay, who became Liberia's 15th president in 1904, was a prominent member of the 1865 West Indian immigrants, a group that was widely regarded as the most intelligent, most educated, and most industrious group of immigrants to Liberia. A native of Bridgetown, Barbados, Barclay immigrated to Liberia with his father. Through hard work, scholarship, and ambition, Barclay rose from very humble beginnings as a salt seller to become president. President Barclay extended Liberian citizenship to indigenous Liberians in 1904 (probably largely as a way to demonstrate Liberia's control of the hinterland and to forestall British and French encroachment); renegotiated the terms of the exorbitant British loan that President Roye had negotiated; and established the Liberian militia, known as the Liberian Frontier Force (forerunner of the current Armed Forces of Liberia). Barclay's rule marked the beginning of indirect rule of the hinterland. The Liberian Frontier Force (LFF) consisted mainly of indigenous Liberian soldiers under Americo-Liberian officers. Charged with maintaining peace and order in the hinterland, the LFF was notorious for corruption, extortion, brutality, and abuse of hinterland residents, especially in its enforcement of the hut tax.

Corruption and repression in the interior reached their zenith during the administration of Liberia's 17th president, Charles D. B. King. Born in Freetown, Sierra Leone, of recaptive Yoruba parents, King migrated to Liberia with his parents and was educated in Liberia. After occupying a number of important government positions, including attorney general and secretary of state, King rose to the presidency of Liberia in 1920.

President King inherited a devastated economy. In 1917, during the administration of President Daniel Howard, Liberia had entered World War I on the side of the Allies against Germany. The ensuing German naval blockade essentially

*A status division based on skin color ceased to be the divisive issue in Liberian politics and society.*

halted all trade between Liberia and her major trading partners (France, Britain, and the United States), with disastrous results for Liberia's economy.

After Liberia was unsuccessful in obtaining a \$5 million loan from the U.S. government during King's first term, the Firestone Rubber Company of Akron, Ohio, came to the rescue. In 1926, in light of Liberia's desperate financial situation, Firestone was able to negotiate a lease of 1 million acres of land (representing 10% of Liberia's arable land at that time) for 99 years at the rate of 6 cents an acre, making Firestone the largest foreign-owned company in Liberia. The initial agreement was renegotiated and revised several times, up to the late 1970s.

Another serious problem that plagued the King administration and eventually brought about its downfall was the Fernando Po Scandal (1927-1930). This scandal came to light after the chiefs and subchiefs of Wedabo and Kplapo chiefdoms in Maryland County filed a complaint against the King administration for forced labor recruitment of indigenous Liberian men to the then-French colony of Gabon and the Spanish Island of Fernando Po, off the West African coast. The complaint, supported by U.S. missionaries and expatriates working in Liberia, charged that several thousand men were being forcibly recruited, under threats of beatings and severe punishments against their chiefs and people if they refused, to work on plantations in Gabon and Fernando Po. Each man recruited brought a fee of \$45, paid by the Gabon and Fernando Po plantation owners, to the recruiting officials and some relatives of President King. A League of Nations inquiry, headed by an Englishman, Dr. Cuthbert Christy, was launched. An African American sociologist from Fisk University, Dr. Charles Johnson, and former Liberian President Arthur Barclay also served on the commission. A Kru man, P. G. Wolo, a graduate of Harvard University, served as its secretary.

The commission found that slavery, as defined by the Anti-slavery Convention, did not exist in Liberia and that the Liberian government did not participate in or encourage domestic slavery. However, it found that the government did employ forced indigenous Liberian labor for public and private purposes and that the practice of sending forced laborers to Gabon and Fernando Po was associated with slavery because of the compulsory method of recruitment. Among other recommendations, the Christy Commission called for the cessation of labor recruitment and transport to Gabon and Fernando Po, a radical restructuring of the government's interior policy, and the restoration of tribal authority in the interior. The uproar that the publication of the commission's report stirred up in Monrovia led the House of Representatives to call for the resignation of President King and Vice President Allen Yancy. Following their resignations, the new government of President Edwin Barclay agreed to implement the commission's recommendations. Edwin Barclay completed the unexpired term of Charles King and was elected in his own right in 1931.

The longest serving Liberian president, and perhaps the one who had the greatest impact on Liberia, for good or bad, was its 19th president, William V. S. Tubman (1944-1971). Among his many achievements were the Open Door

*The president who had the greatest impact on Liberia, for good or bad, was William V. S. Tubman.*

Policy and the Unification Policy. The former opened the country to foreign investment based on joint ventures between the foreign investors and the Liberian government. The latter brought about greater social integration between the Americo-Liberian and indigenous Liberian segments of the population. An incipient model of cultural pluralism, the Unification Policy was a significant psychological boost to indigenous Liberians in that they could now publicly take pride in their cultural identities through tribal names, dress, religious practices, and other ways.

In 1946, about a century after Liberia's 1847 declaration of independence, President Tubman extended the vote to indigenous Liberians. He had extended the vote to women a year earlier. The franchise extended to indigenous Liberians, however, included a property qualification—ownership of at least a hut on which hut taxes were paid—that was reminiscent of clauses used in the postbellum southern United States to disenfranchise the newly freed African American slaves.

President Tubman also eliminated the provincial system of government and created four new counties in the former three provinces. With economic prosperity brought about by his Open Door Policy, Tubman oversaw the construction of new, modern public buildings, as well as roads and schools throughout the country.

Despite its achievements, Tubman's administration became autocratic, ruthlessly suppressing political opposition and essentially bringing an end to multiparty politics in Liberia during his long tenure. Through an elaborate patronage system and network of formal and informal security (i.e., the countless domestic spies known as Public Relations Officers, or PRO), Tubman consolidated his power and ruled Liberia until his death in 1971.

Tubman's vice president of 19 years, William R. Tolbert (1971-1980), completed Tubman's unexpired term of office and in 1975 was elected in his own right as Liberia's 20th president. Unlike Tubman, who was clearly pro-West in his foreign policy, Tolbert pursued an activist foreign policy, involving Liberia more actively in the Nonaligned Movement, establishing full diplomatic relations with the Communist world and breaking diplomatic ties with Israel, a longtime ally of Liberia. These moves obviously did not sit well with Liberia's traditional Western allies, particularly the United States. Tolbert hosted the Organization of African Unity (OAU) Conference in Monrovia in 1979, becoming chairman of the OAU.

On the domestic front, Tolbert liberalized the political system, welcoming political opposition as long as it was not destructive. His government was ethnically more inclusive than previous Liberian governments had been. Tolbert, who was more of a technocrat than a politician, significantly improved work ethics in Liberia with his emphasis on punctuality, which he personally rigidly enforced. He emphasized greater meritocracy in job appointments and promotions and significantly overhauled the civil service. Among its other achievements, the Tolbert administration encouraged domestic rice production, with the president

*Tolbert involved  
Liberia more  
actively with the  
Nonaligned  
Movement.*

himself being a major domestic rice producer; brought about improvements in public housing, at least in the Monrovia area; and reduced tuition at the University of Liberia by half.

Domestically, Tolbert's pronouncements and policies created rising expectations that his domestic and social programs could not meet. While the socioeconomic conditions of the masses, and particularly those of educated indigenous Liberians, were improving, sizeable gaps in living standards between the average Liberian and the upper middle class still remained. Relative deprivation amid rising expectations led to disenchantment and discontent. Forces advocating social change, such as student groups, the grassroots development agency Susukuu, the Movement for Justice in Africa (MOJA), and the Progressive Alliance of Liberia (PAL), widely disseminated information about social inequality and injustice. Their political agitation galvanized the Liberian masses in an unprecedented way.

When the Tolbert administration proposed to increase the price of rice, Liberia's staple food, popular dissatisfaction ignited into the 1979 Rice Riot. The riot and the brutal way in which it was put down led to a considerable loss of property and human life. Sensing Tolbert's weakness in his handling of the riot, the opposition demanded more concessions. The more Tolbert conceded to the opposition, the more the stalwarts of the True Whig Party felt that Tolbert was losing control of the political system.

Sensing vulnerability in the Tolbert government, a group of 17 indigenous Liberian soldiers under the leadership of Samuel K. Doe, a master sergeant and an ethnic Krahn, staged a military coup d'état on April 12, 1980, violently overthrowing the Tolbert government and assassinating President Tolbert. About 10 days after the coup, 13 top officials of the Tolbert government were tried, found guilty of various crimes, and publicly executed by firing squad in Monrovia, as indigenous Liberians danced in the streets singing "Country woman born soldier, Congo woman born rogue."<sup>1</sup> But subsequent events in the Doe administration would make the euphoria short-lived.

### **The Doe Administration**

Doe became the first Liberian head of state of fully indigenous Liberian parentage. Within a very short time of assuming leadership, his regime became synonymous with terror, crackdowns on press freedom and political opposition, massive corruption, and human rights abuses. In 1985, following U.S. pressure to return the country to civilian rule, an election was held. Doe allegedly changed the timetable for the election, changed his year of birth in order to meet the age requirement of the Liberian Constitution, banned two major political parties from participating in the election, and declared himself winner in an election that was considered rigged.

Like former Liberian president William Tubman, whom Doe claimed to admire, Doe was clearly pro-Western and especially pro-United States. Liberia under Doe became a listening post for U.S. intelligence and an important Cold War ally in

*Liberian soldiers under the leadership of Samuel K. Doe staged a military coup d'état on April 12, 1980.*



the effort to prevent the spread of Soviet influence in the region. Partly because of Doe's pro-U.S. policies, the United States increased financial aid to the country significantly. Doe, in turn, closed down the Libyan embassy in Monrovia (just as the Reagan administration had closed the Libyan Embassy in Washington), reduced the staff at the Soviet Embassy by expelling some of its diplomats, reestablished diplomatic ties with Israel, and gave the U.S. military the right to use the Roberts International Airport and the port of Monrovia with only 24-hour advance notice.

With the end of the Cold War in the late 1980s, U.S. political interest in Liberia faded. This fact, coupled with Doe's massive corruption and his flagrant abuse of human rights, led the United States to cut back financial aid to the Doe government.

On December 24, 1989, Charles Taylor launched an invasion of Liberia from the Ivory Coast. Taylor was a former head of the General Services Agency in the Doe government who had escaped from a U.S. prison, where he was being held pending trial and possible extradition to Liberia to answer charges of embezzling nearly \$1 million. In the ensuing civil war that eventually engulfed Liberia, Doe was captured, tortured, and murdered in 1990 by Prince Johnson's Independent National Patriotic Front of Liberia, a splinter group from Taylor's National Patriotic Front of Liberia. The civil war eventually came to involve about a half dozen different factions who fought for control of Liberia's natural resources and the government. With the intervention of a mediation force from the Economic Community of West African States (ECOWAS), a regional organization under the leadership of Nigeria, a shaky semblance of peace and order returned to Liberia in 1996.

Largely through fear and intimidation, Taylor, son of an Americo-Liberian father and a Gola mother, won the 1997 election by a landslide. Like his predecessor, Samuel Doe, Taylor rained terror and intimidation on the Liberian people. Taylor went one step further by exporting terror to the neighboring countries, especially Sierra Leone, where he allegedly helped form the Revolutionary United Front (RUF). RUF committed atrocities on a scale previously unknown in the area, chopping off the hands and arms of innocent men, women, and children.

Liberia once again plunged into civil war during the Taylor administration when a rebel group, Liberians United for Reconciliation and Democracy (LURD), emerged to overthrow the Taylor government. As civil war spread from the countryside into the Monrovia suburbs by 2003, Taylor was indicted for war crimes and crimes against humanity by a United Nations Court in Sierra Leone. The indictment was announced while Taylor was attending a conference in Accra, Ghana, with representatives of the warring factions and other Liberian groups in an effort to find ways of ending the civil war. With the war crimes indictment, military pressures from two rebel groups, U.S. naval ships sitting visibly off the Liberian coast, and pressure from the Bush government (especially President Bush's ultimatum, "Taylor Must Leave"), Taylor was forced to resign the presidency on August 11, 2003. After handing over power to his vice presi-

*Taylor rained terror and intimidation on the Liberian people.*

dent, Moses Blah, Taylor left for exile in Nigeria, where he still faces the charges of the U.N. Court in Sierra Leone.

In August 2003, the All-Party Peace Talks in Accra, Ghana, chose Liberian businessman Charles G. Bryant, an ethnic Grebo, to serve a 2-year term as Chairman of the National Transitional Government of Liberia and to prepare Liberia for general elections in October 2005.

## **Liberian Refugees in West Africa**

When fighting erupted in Liberia in 1989, people fled the conflict into neighboring countries in West Africa. Large movements of Liberians continued throughout the 1990s whenever conflict flared. Liberian refugees soon found themselves in dangerous situations in their countries of asylum as the war spread throughout the region. Sadly, Liberian refugees were often forced to relocate many times to escape the fighting near the refugee camps. Consequently, many Liberian refugees have lived in at least two countries of asylum.

Joe, for example, a refugee from western Liberia, initially fled to a remote refugee camp in Ivory Coast in 1999. Three years later, when civil war broke out in that country, he traveled for many weeks by foot to seek refuge in Abidjan, the commercial capital of Ivory Coast. Wisdom, another refugee, has a similar story. He fled to safety in Guinea in 1990. In 2000, life in Guinea became unbearable for him and his family when rebels took control of the area, and they fled to Ghana where they remain today. The stories of Joe and Wisdom are not unusual.

As the war continued to destabilize the entire region in the 1990s, the number of Liberian refugees in West Africa swelled to 700,000, with the largest numbers of displaced people found in Ghana, Guinea, Ivory Coast, and Sierra Leone. Today many of these refugees live in camps under the protection of the United Nations High Commissioner for Refugees (UNHCR), but many others live in villages, cities, and urban refugee settlements. In August 2003, after leading his country through 14 years of bloody civil war, President Charles Taylor agreed to leave Liberia. While a fragile peace exists in

Today, an estimated 320,000 Liberian refugees remain outside their country. As of late 2004, the UNHCR and other aid agencies were optimistic that a repatriation exercise would help many of these refugees start new lives again in Liberia.

### **Liberians in Flight**

Liberians are living in many different conditions throughout West Africa. As in other regions of the world with large numbers of refugees, each host country has a different attitude and set of laws pertaining to its refugee population. In Guinea, the majority of Liberian refugees live in UNHCR-recognized camps,

*An estimated  
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country.*

while in Ghana most Liberians live in an urban refugee settlement near the capital, Accra. Until civil war broke out in Ivory Coast in 2002, most Liberians there enjoyed many freedoms in a special hospitality zone established for refugees. Sierra Leone, which continues to recover from its own civil war, hosts an estimated 70,000 refugees in eight refugee camps and in larger cities. Smaller urban populations of Liberian refugees also exist in Gambia and Nigeria. The following sections will focus on the larger populations living in Guinea, Ivory Coast, and Ghana.

### **Liberian Refugees in Guinea: Life on the Edge**

French-speaking Guinea, one of the poorest countries in the world, has hosted many waves of Liberian refugees since the Liberian civil war began in 1989. When regional fighting was at its peak in the mid-1990s, as many as 400,000 Liberian refugees sought refuge in Guinea. Many were able to return in 1996, but others remained in Guinea due to continuing unrest in various border counties.

In 2002, as a result of the war in neighboring Ivory Coast, tens of thousands of Liberian refugees who had sought refuge in that country fled into Guinea. In 2003, another large group of refugees again entered Guinea seeking refuge from renewed fighting in Liberia between the government and rebel groups attempting to depose President Charles Taylor.

While many of the 150,000 Liberian refugees estimated to be living in Guinea in 2004 live in refugee camps several days drive from the capital, many also live in cities. Many of these urban refugees, however, were recently transferred to interior camps due to disturbances in the city. Another segment of the population has locally integrated into small villages and cities throughout the country. Guinea has continued to host refugees despite government concern about the infiltration of rebels from Liberia. In 2000, this concern became a reality when various rebel forces from neighboring countries, including Liberia, occupied the Parrot's Beak region of Guinea. Many refugees living in area camps and local Guineans suffered as a consequence. In an annual Independence Day speech shortly after the rebel attacks, the Guinean president blamed refugees for crime, drug and arms smuggling, and AIDS in Guinea. Refugees became the victims of unlawful detainment, harassment, and various forms of violence as these inflammatory comments spread throughout the country.

While refugees in Guinea generally have freedom of movement, they can be arbitrarily detained when traveling around the country, according to the UNHCR. While reports of arrests are not alarmingly high, refugees suspected of participating in rebel activity are stopped. To facilitate travel to and from Conakry, the Guinean capital, the UNHCR issues documents to the refugees to present to officials. In addition, refugees may have ration or registration cards to prove their identity. Travel in areas close to Liberia is especially risky. In these border areas, armed groups prey on fleeing refugees, robbing them and forcing them to pay bribes.

*Refugees in Guinea became the victims of unlawful detainment.*

A large portion of the refugee population in Guinea lives in the southern forest region, which is extremely isolated and difficult to access. Most of these camps, hosting an estimated 73,000 Liberians, are located near the towns of Kissidougou and N'zerekore. Liberian refugees are also located in border towns and urban centers in the region. The roads in this area are dangerous and riddled with potholes the size of small trucks. The inaccessibility of these camps, however, also has one positive consequence: It serves to protect the refugees from rebel movements in the region.

### **Refugee Services and Facilities in Guinea**

Although Guinea's refugee law of 2000 allows refugees the right to work, very few jobs exist. Consequently, many refugees living in the camps and cities take low-paying manual jobs as farm workers, vendors, and household helpers. In many of the camps, the UNHCR has funded vocational training as well as loans for income-generating activities to promote self-sufficiency. Women have participated in activities such as tie-dye, soap making, and poultry farming, while the men have focused on masonry, mattress making, and carpentry. Employment opportunities for educated refugees are virtually nonexistent.

Refugee camps are managed by the UNHCR and its implementing partners. Refugee committees, typically made up of refugee representatives, operate in the camps to provide a communication link between UNCHR and the refugees. A person becomes a committee representative either by camp-wide election or appointment by Guinean government officials.

The UNHCR, its implementing partners, and refugee committees work together to meet the refugees' basic living requirements. Most refugees live in small shelters built with materials provided by the UNHCR or, in the case of recent arrivals, in communal hangars. In 2003, each refugee received 20 to 25 liters of water per day. It was estimated that there was one latrine for every 30 people and one shower for every 55 people. During that year, the World Food Program distributed food equaling 2,100 daily calories to camp residents. Household items such as buckets, blankets, and mosquito nets are also distributed regularly.

Refugees also receive basic health and educational services. Medical clinics, health education programs, and basic prevention services attempt to meet the refugees' medical needs. In 2003, there was one health center for 6,200 refugees. During that year, approximately 22,000 Liberian children attended school. Vocational and literacy classes were also available to small numbers of adults, primarily women.

### **Laine: A Guinean Camp**

Located 2 hours by road from N'zerekore, in the Parrot's Beak region of southern Guinea, Laine Camp grew very quickly in 2002 as Liberian refugees from camps in nearby Ivory Coast fled violence in that country. Laine now hosts nearly

*Refugees receive basic health and educational services.*

25,000 refugees. This UNHCR-managed camp is divided into eight sections, primarily by ethnicity and religion. Although located deep in the forest, the camp itself sits on a clearing, leaving it very exposed to sun and heat.

Most refugees have built their own homes with materials provided by the non-governmental organization (NGO) Action Against Hunger, a UNHCR-funded program. New arrivals receive technical assistance from this NGO to turn locally made bricks into latrines and homes. In addition, the World Food Programme distributes food to supplement what the refugees grow and trade.

Many other NGOs also provide services in the camp. Right to Play offers sports and play activities to children, and the International Rescue Committee works with unaccompanied minors. Several schools, a hospital, one small movie theater, a water purification system, and a washing area are located in the camp. Basic services such as telephone lines and electricity are not available, although refugees do have access to mobile phone coverage and generator power. Although security is provided at the main entrance to the camp, the surrounding area, where women frequently gather firewood, is not secure.

At the beginning of 2005, Laine and other camps in the region established departure centers for Liberians wishing to return home with UNHCR repatriation assistance. While many refugees have made a decision to return, many others prefer to remain in the relative safety of the camp.

### **Liberian Refugees in Ivory Coast: From Hospitality to Hostility**

In September 2002, a civil war broke out in Ivory Coast that dramatically affected the lives of refugees living in that country. Prior to the fighting, the Ivorian government had allowed refugees to live freely among the local population in western regions of the country. When fighting broke out initially in Liberia in 1989, the Ivorian president appealed to local people to assist their “brothers in distress” and take them in. Up to 400,000 refugees lived in villages and camps in this refugee zone (*zone d’accueil des réfugiés*, or ZAR) at the height of the war in Liberia. Many Liberian refugees came from areas bordering Ivory Coast and had ethnic ties to Ivorians living in this area. Consequently, they settled in villages where they had access to land, employment, and business. Those who did not have any cultural ties settled in larger towns or in the UNHCR-administered Nicla Camp.

This hospitality ended in 2002 when a failed coup d’état in Ivory Coast led to a rebellion throughout the country, including the ZAR. Xenophobia spread throughout the country, and all non-Ivorians, including Liberians, were targeted by fighting groups as well as by previously friendly neighbors. In addition, rebels from Liberia entered Ivory Coast, recruiting soldiers from the camps. As a result, thousands of refugees living in this zone fled to neighboring countries, to Nicla Camp, or to the commercial capital, Abidjan. Many others, however, were trapped between fighting factions. In late 2004, a peace agreement signed a

*Most refugees have built their own homes with materials provided by a UNHCR-funded program.*

year earlier was broken, and civil war erupted again in Ivory Coast, threatening the lives of many Ivorians and refugees. Those in the zone remain extremely vulnerable.

As of the beginning of 2005, the UNHCR estimates that 44,680 Liberian refugees live in Ivory Coast. Approximately 8,500 refugees live in UNHCR-operated Nicla Camp, while the remaining refugee population lives in the surrounding villages of the ZAR, a 300-mile strip of land bordering Liberia that is primarily tropical forest. The northern sections of the zone are mountainous, while southern areas are more coastal.

### **Life as a Refugee in Ivory Coast**

Most villages in the ZAR are extremely remote. Refugees living in these areas are expected to be self-sufficient, and assistance to them is minimal. For example, Yeouli, a village in the ZAR that hosts approximately 400 Liberian refugees, is inaccessible by road. To visit Yeouli, it is necessary to hike through swamp land for several hours. This village does not have electricity or potable water, but the Ivorian government hopes to move the village to a drier location with an access road. Liberians living in villages like Yeouli have typically rented homes from Ivorians or built their own houses.

Located in a dangerous rebel-held area, Nicla Camp is near the town of Danane in the northern section of the ZAR. The most recently arrived refugees, many of whom are elderly, disabled, or single women with children, are considered the most vulnerable members of the community.

Basic community and maintenance services such as medical clinics and food distribution are available in Nicla. A medical clinic is set up in the camp as well as in several of the surrounding towns. As is the case throughout West Africa, malaria is a primary health concern. The UNHCR also works with local NGOs to promote an end to sexual exploitation and violence against refugee women living in the area.

The UNHCR provides basic household supplies such as buckets and blankets to camp residents, as well as materials for building homes and shelters. Many camp residents rely on day labor or selling food for income. Other income-generating projects are difficult to implement, as the population in the area remains very transient. Many refugees supplement their income through money received from relatives living in the United States. A Western Union office operates in nearby Danane.

Educational opportunities in Nicla are limited. While an informal education system exists for children living in the camp, few Liberians are able to access secondary or vocational training, the UNHCR reports.

*Most villages in the ZAR are extremely remote.*

### **Life in the Transit Center**

Approximately 200 Liberians live in an urban transit center in Abidjan. Many of these refugees were given emergency housing in transit centers by UNCHR after they were forced to leave their homes following the outbreak of violence in Abidjan. Many others were brought to Abidjan in 2002 to escape escalating violence in the rebel-held areas in the western part of the country. As with other Liberian refugees living in Ivory Coast, this urban group faces anti-immigrant hostility from the local population. During the initial outbreak of violence in 2002, for example, neighborhoods with significant non-Ivorian populations were burned and looted.

### **Liberian Refugees in Ghana: A “Normal” Life in the Suburbs**

Unlike its neighbors, Ghana has remained very peaceful in recent years, and many Liberians have sought refuge there. During the initial influx of Liberians in 1990, Ghanaian churches helped the newly arrived refugees with food and clothing while the local communities offered accommodation. Although this early hospitality ended quickly, larger numbers of refugees arrived in 1996, 1999, and 2002. As of 2003, an estimated 42,000 Liberian refugees were living in Ghana, primarily in Buduburam refugee settlement on the outskirts of Accra, the capital.

Approaching Buduburam from the road, it is difficult to distinguish it from other neighboring communities. A large transportation hub bustling with taxis and small buses sits at the entrance to the settlement as a testament to the freedom of movement refugees enjoy in Ghana. While the settlement technically occupies 141 acres of a former prayer camp, many of the residents have spread to adjacent communities, as overcrowding is a major issue. Inside the congested camp, dusty roads lead the residents through a labyrinth of shops, houses, and even an Internet café. Although many of the shops offer the latest fashions and hair styles, only those residents lucky enough to have relatives in the United States are usually able to afford them.

While the UNHCR no longer provides financial or material aid to refugees living in the settlement, it does support community-based projects that assist the entire population. As a result, Buduburam benefits from many grassroots organizations created by refugees to resolve various problems within the community. For example, the Liberian Welfare Council, a representative group of refugees, acts as the liaison between the government of Ghana and the settlement residents. In addition, this self-governing group settles disputes within the community. A 200-member neighborhood watch team, formed in 2003 and trained by the Ghana police, enforces a nightly curfew and prevents petty crime. According to the settlement manager, crime has significantly decreased due to the efforts of this group. In addition, a very dynamic women’s association, a lively Liberian dance troupe, and peer counselors trained to provide psychological support are all very active in the camp.

*A self-governing group settles disputes within the community.*

Facilities within the camp range from good to poor. Houses are one- or two-room cement blocks crowded together. Many settlement residents rent their homes from Ghanaians or other Liberians. Because the settlement, which is well over its 10,000- resident capacity, has no remaining space, many refugees are living in neighboring villages. Water has not been available in the camp since 1999, so trucks deliver water everyday. A Western Union office is located on the fringe of the camp.

A medical clinic that has recently reopened with the support of the UNHCR provides accessible health care for settlement residents. An ambulance is also available to convey patients to nearby Accra for more comprehensive treatment.

There are 40 primary schools in the settlement, most of them private. They are not free, and many parents cannot afford to send their children to school. More than 50 churches and one mosque also exist in the settlement.

The primary complaints of refugees living in Buduburam are boredom and lack of work opportunities. While the camp is full of entrepreneurs, opportunities are limited, and most residents have difficulty supporting their families. For example, Joseph, a settlement resident since 1992, was enrolled in school when the war started in Liberia. Since living in the settlement, he has become a photographer after managing to purchase a camera. He lacks the proper developing chemicals, however, and he complains that he is often unpaid by customers who are dissatisfied with the quality of his photographs. Another refugee, Moima, a single parent of two children, volunteers full-time with the women's association and struggles to feed her family.

As of 2004, the future of this settlement, which the UNHCR described as a "small Liberia in peace," remains unclear. UNHCR is very optimistic about a voluntary repatriation program that has already begun to assist people wanting to return home. It is unclear at this time how many will participate in this program. Some Buduburam residents have become so integrated into the larger community that it is doubtful that they will want to leave. Other residents remain because they continue to fear persecution if they return to Liberia. Still others stay in Buduburam in hope that they will be accepted for resettlement in a third country.

*The primary complaints in Buduburam are boredom and lack of work opportunities.*

## **Life in Liberia**

### **Land**

Situated on the West coast of Africa, Liberia covers an area of approximately 38, 250 square miles, making it a little larger than the U.S. state of Indiana. The country is bordered by the Atlantic Ocean on the south, Guinea on the north, Ivory Coast on the east, and Sierra Leone on the west. Liberia has a humid, tropical climate with two primary seasons: the dry season, which runs from November to March, and the rainy season, which runs from April to October.



The average annual rainfall is about 158 inches, with the coastal area receiving about 197 inches and the hinterland receiving considerably less.

The average annual temperature in Liberia is about 82° Fahrenheit, with very little variation throughout the year. The humidity is generally higher in the coastal area than in the hinterland area, and between December and February the *harmattan*, a dry, dusty wind that blows across the northwest coast of Africa, increases temperatures during the day and lowers them significantly at night. Except for the northwest and the coastal area, Liberia is covered with tropical rainforest.

## **The Economy**

The 14-year Liberian civil war devastated the Liberian economy, and today there is very little economic activity in the country.

Before the outbreak of war, the economy experienced a boom that started with World War II and ended with the 1973 OPEC oil crisis that negatively impacted many developing countries. The boom was ushered in by President Tubman's Open Door Policy, which opened the country to foreign investment through trade and capital flow. The boom was largely a result of an increase in Liberia's share of the profits of the Firestone Rubber Company, the country's oldest and largest foreign-owned company, as well as the discovery and mining of rich iron ore deposits. During the boom, almost every leading indicator of economic growth—gross domestic product, government receipts, tonnage of goods imported, and rubber and iron ore exports—more than quadrupled. The exceptional economic growth was accompanied by very little structural and institutional development, however. A 2-year economic survey of Liberia, conducted by Northwestern University, characterized the Liberian boom as an instance of economic growth without economic development. The rapid growth in production had little developmental impact on Liberia or Liberians, the study noted.

Liberia's economy is primarily an export-based economy. Its major exports are iron ore, rubber, timber, diamond, and some agricultural products. About 70% percent of the population is engaged in traditional agriculture, growing rice, coffee, cocoa, and other crops. Nevertheless, the agricultural sector, except for Firestone, is quite small and has very little impact on the overall economy. The manufacturing and construction sectors of the economy are equally small, with the former producing goods and services primarily for domestic consumption. The Liberian government has been and still is the single largest employer in the country.

Although most Liberians are poor by international economic standards, the country is rich in natural resources. In addition to iron ore, rubber (from the second largest rubber plantation in the world), diamond, and gold, Liberia has rich deposits of barite, kyanite, manganese, bauxite, and chromite. With peace, stability, good governance, and a more equitable distribution of wealth, there is great potential for significantly improving the standard of living of Liberians.

*Today there is very little economic activity in Liberia.*

## Social Organization and Institutions

Marriage and the family represent the most basic social institutions in Liberia and constitute the basis of social organization in the country. As in other societies, the family consists of a relatively permanent group of people who are related by ancestry, marriage, or adoption and live together as an economic unit. The family is part of a much larger social network of relatives known as *kinship*.

In Liberia, as elsewhere, family patterns and practices differ among different ethnic groups. In Liberia, however, the primary contrast is between the Western-educated (locally referred to as *civilized*) Liberians and the non-Western-educated (locally referred to as *uncivilized*) Liberians. Americo-Liberians form the core of the Western-educated elite, while indigenous Liberians make up the core of the non-Western-educated group.

### Marriage Customs

In Liberia, both monogamy (one man having one wife) and polygyny (one man having more than one wife at a time) are permitted and practiced. Monogamy is considered the ideal form of marriage among the Western educated, while both monogamy and polygyny are commonly practiced among non-Western-educated Liberians. According to the 1986 *Liberian Demographic and Health Survey*, polygyny is highest among the Mandingo, very low among Kru and Sapo, and virtually nonexistent among Americo-Liberians.

Although monogamy is the normative ideal among Americo-Liberians, long-standing liaisons outside of marriage, often between Americo-Liberian men and indigenous Liberian women, have long been common. In many cases, the children from these relationships are brought into the man's home, accepted by the wife, and brought up as legitimate children of the couple. In fact, the concept of illegitimate children has little or no application in Liberian society.

In terms of mate selection, there is a basic contrast between Western- and non-Western-educated Liberians. Romantic love—in which a man and a woman meet, go out on a number of dates, and come to find one another personally and physically attractive and compatible—is the predominant form of mate selection among Western-educated Liberians. Dating usually culminates in a marriage proposal from the man to the woman, and a wedding, very similar to a U.S.-style wedding, legitimizes the marriage.

Among non-Western-educated Liberians, dating and marriage are regarded as somewhat of a practical social and economic arrangement between families. Marriage often involves payment of a bride price to the bride's parents at the time a marriage is agreed upon. The value of the bride price, which is often paid in installments, varies among the different ethnic groups and depends on factors such as the age and social standing of both sets of parents. Even before the marriage agreement, the suitor must make himself acceptable to his fiancée's par-

*Dating and marriage are regarded as somewhat of a practical social and economic arrangement between families.*

ents by offering them numerous gifts. Among the traditional Mano, for example, the initial marriage contract consists of a man asking a blacksmith to make a special small knife. He presents this small knife and a homespun cloth to the young woman's parents. If the woman and her parents consent to the marriage, they keep the presents, inform the man's parents of their consent, and the man proceeds to pay the bride price. If they do not consent, the items are returned.

In addition to (or in place of) the bride price, the groom is often expected to provide a bride service to his future in-laws. This service generally involves help with farm work. Once he is married, the husband continues to help his in-laws. Such service points to the importance of indigenous marriage as a relationship between families, rather than just between a man and a woman.

Among traditional indigenous Liberians, the actual wedding may be very festive, as it is among the traditional Gbandi, with the shooting of guns at dawn to launch festivities that may go on for 2 days before the actual wedding feast begins. Or the wedding ceremony may be subdued and almost clandestine, as it is among the traditional Kpelle. At their wedding ceremonies, usually only immediate families of the groom and bride are present. Older people, usually men, sternly lecture the couple about marital responsibilities, sexual fidelity, the need for family members to intervene in marital disputes, and repayment of the bride price to the groom should the marriage end in divorce.

As for partner preference, there is little or no difference between Western- and non-Western-educated Liberians. Both groups are allowed to marry outside of their own ethnic group, but in practice most people marry within their own group.

### **Family**

Where is a newlywed couple expected to live in Liberia? Western-educated Liberians generally find a residence of their own, while non-Western-educated Liberians are more likely to reside with or near the husband's family.

With respect to authority within the family—that is, who has the final say in family matters—patriarchy is the prevailing norm among all groups in Liberia, although women may have greater influence in some family matters, particularly regarding the disciplining of children, especially female children. However, patriarchy is likely to be more pronounced among non-Western-educated Liberians than among Americo-Liberians. Among the latter, there may be greater egalitarianism between husband and wife.

How do Liberians trace their ancestry and pass down property from one generation to the next? Here again the basic contrast is between Western- and non-Western-educated Liberians. While Western-educated Liberians, especially Americo-Liberians, trace ancestry and pass down property to the younger generation through both male and female sides of the family, non-Western-edu-

*Patriarchy is the prevailing norm among all groups in Liberia.*

cated Liberians—with the exception of the matrilineal Fanti—tend to trace descent and pass down inheritance only through the male side of the family.

Finally, the form of the Liberian family may be the nuclear family, with parents and their children living apart from other relatives, or the extended family, with two or more generations living together in the same or adjacent dwellings, usually under the authority of the oldest male. Nuclear families are more common among Western-educated Liberians and extended families more common among non-Western-educated Liberians.

## Religion

Religion is a pervasive feature of Liberian society and takes a variety of forms, with animism, ancestral worship, and two monotheistic religions (Christianity and Islam) being the principal ones. Witchcraft, the notion that misfortune, disease, and death derive from the ill wishes of others, is also practiced, particularly among indigenous peoples.

Animism, the belief that spirits are capable of helping or harming people, has existed among the indigenous ethnic groups in Liberia from time immemorial. The two subtypes of animism, shamanism (the belief in a person who is able to communicate with the spirits) and totemism (the belief in a special kinship between humans and animals or plants), are practiced among many indigenous Liberians, especially those without Western education. These Liberians may also practice Christianity or Islam, since some of Liberia's ethnic groups accommodate multiple faiths and practices.

In ancestral worship, there is the belief that when death occurs, the soul departs the physical body and, after several days of earthly duties, moves into the spirit world. From the spirit world, departed ancestors can influence events, positively or negatively, in the lives of their living descendants. To appease their ancestors, family members make sacrifices to them. Those who offend their ancestors or fail to make the necessary sacrifices must consult a shaman (in local Liberian usage, a zoe) to intercede on their behalf.

In Liberia, especially among indigenous ethnic groups, a totem is a personal animal, plant, or object that is always with the individual and can help him or her, if the person keeps its laws. The totem also has the power to harm the individual who violates the totem's laws.

Among the Gio/Dan, Kpelle, Loma, and Mano, a person's totem is a secret that cannot be publicly revealed; once revealed, it loses its power. There are different versions of how one gets to know one's totem. It may be revealed in a dream, passed down from father to son or from mother to daughter, or it may manifest itself by the qualities it imparts to the individual. Animals that frequently serve as totems are the leopard, snake, manatee, and elephant, and the most frequently mentioned plants include the banana, plantain, oil palm, and the kola tree. Objects and natural phenomena such as rocks, wind, and water are also totems.

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How does a totem help an individual? If the leopard is one's totem, for example, it enables the person to run fast and avoid danger. The banana or plantain as a totem helps a woman to have many children, while the elephant, leopard, or antelope as totems can help a hunter get game. The cardinal, universal rule of totemism is that one should never eat one's totem. The proscription against eating one's totem is as strong as the Muslim prohibition against eating pork. As the Loma put it, "Your totem is yourself. If you eat it, you eat yourself."

Some of the hinterland ethnic groups also believe in a higher God or creator, known as *Ngala* by the Gbandi, *Abi* by the Gio/Dan, *Yala* by the Kpelle, *Gala* by the Loma, and *Wala* by the Mano.

Islam was brought to what is now Liberia in the second half of the 18th century by Mandingo traders and clerics from present day Guinea, while Christianity arrived with the Americo-Liberian settlers, who quickly established the Methodist Episcopal and Baptist Churches. Shortly afterward, Christian missionaries, representing many different denominations, arrived in Liberia from the United States.

According to the 1984 Liberian census, 68% of the population is Christian and 14% is Moslem. While the Americo-Liberians, Bassa, Gio/Dan, Kpelle, and Kru are predominantly Christian, the Gola, Mandingo, and Vai tend to be predominantly Moslem.

It is important to note that the practice of Islam in Liberia lacks the fundamentalism found in other parts of the world. Liberian Moslems do not practice *Sharia*, traditional Islamic laws. Women are not forced to wear a veil in public places or practice *purdah* (seclusion in the inner parts of their husbands' compounds). Moslem women in Liberia work outside of the home, can pursue higher education, and have as much freedom of movement as do non-Moslem women.

### **Daily Life and Values**

In the pattern of Liberian daily life, the basic contrast is—once again—between Western- and non-Western-educated Liberians. In the urban areas, the more highly educated members of society perform various jobs in the public and private sectors, working as school teachers, government bureaucrats, health care workers, accountants, and security officers. The work schedules and the daily routines of these Liberians are not markedly different from those of Americans in similar positions.

Less educated urban Liberians work as auto mechanics, tailors, soldiers, police officers, and government messengers. Those with low levels of education are engaged in trade or sales work; women sell foodstuffs in markets and work in small restaurants known as *cook shops*. As in other urban areas throughout much of Sub-Saharan Africa, traders of African clothing and art work can be seen throughout much of urban Liberia, from morning to night.

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In rural Liberia, daily routines do not follow a fixed time schedule as in the modern sector of society. Still, life follows a predictable pattern. The day begins at dawn, with women and girls fetching water to heat for the men's baths. As the water is being heated, women sweep and dispose of trash near their homes and start getting everything ready for work on the farms. During the farming season, which usually begins in January with the clearing of the undergrowth, workers are off to their farms by 7:00 or 8:00 a.m.

During the day, goats, sheep, fowl, and dogs usually wander around town seeking something to eat. The tranquility and routine pattern of village life is sometimes interrupted by the sudden appearance of a government official, messenger, or soldier, demanding palm wine and food.

During the planting or early harvest season, workers return from the farms at about 4:00 or 5:00 p.m., with women carrying heavy loads of firewood, water, and edible foods. From late afternoon to early evening, women fetch water, pound rice and cassava, make palm oil and palm butter, and prepare the evening meal. Some men busy themselves with house repairs and get tools ready for the next day's work. Others gather with friends in the *palava* hut around gourds of palm wine.

At dusk, the last of the farm workers arrive, and their wives prepare the evening meals. At night, if there is a new moon, it is play time. As a drummer taps out a rhythm, a circle of dancers is formed, with each person entering the middle of the circle for a solo dance. This dancing and drinking of palm wine, and sometimes cane juice (an alcoholic beverage), might go on far into the night.

Liberians value many of the things that other people value: good health, long life, prosperity, peace, living in harmony with nature, and better lives for their children. Among some of the most highly cherished values in Liberian society are hospitality, politeness, and respect, especially for elders. Friends (and sometimes even strangers) passing each other on a road or street are expected to stop and greet one another. In greeting, people generally shake hands, using the unique Liberian handshake—snapping the fingers of the right hand once or twice after the hand clasp. Women often embrace each other in greeting, although they may shake hands as well. It is also common to offer a visitor *cold water*, which may consist of water, palm wine, and/or white kola nuts.

Traditionally, respect for elders is a very important cultural value in Liberian society, although it can be expected that the civil war, with its use of children soldiers, may have undermined this tradition. Respect governs the behavior of children and adolescents not only toward their parents but also toward other elders with whom they come into contact. Respect is shown through proper forms of address: Elders are referred to by such general kinship terms as *Uncle* or *Aunt*, or titles such as *Mister*, *Mrs.*, *Old Man*, *Papaye*, *Old Pop*, and *Old Lady*. Respect to one's elders is also shown through curtsies and bows. It is generally considered impolite for young people to stand erect and look their elders in the

*Respect for elders is a very important cultural value in Liberian society.*

eyes when communicating with them. Another way that young people show their respect for elders is by offering their seats to them in a gathering or on a bus.

To instill the value of respect in children, Liberians use stern discipline, including corporal punishment. Many older Liberians in the United States have difficulty adjusting to what they consider to be the lack of discipline and respect among children, including Liberian children, in the United States.

A number of sexual taboos exist in Liberia, especially among less educated Liberians. These include taboos against having sex with pregnant women and with women who are still breastfeeding their children.

## Food

Rice is the staple food for most Liberians, and Liberian women learn how to cook it from an early age. For the most part, properly cooked rice should have the grains separate and distinct and not be watery, soggy, or raw inside the grain. Cooked rice can be eaten with soup, cooked greens, or alone with raw palm oil, salt, and pepper. Among Liberians, cooking is seen as an essential skill for women.

Pounded new rice, beaten to a coarse meal with or without sugar, can be used to make *country bread*, chewed by the handful as a snack. Pounded rice meal mixed with mashed ripe bananas and other ingredients is used to make rice bread.

Sweet cassava, a tuberous vegetable high in starch, is probably the second most popular food in Liberia. Peeled, it can be eaten raw, roasted, boiled, or cooked and pounded (with pestle and mortar) into a dough called *dumboi*. Fermented cassava can be made into *fufu*, a dumpling that is favorite of the Bassa. *Dumboi* and *fufu* can be eaten with cooked greens, palm butter, or soup. The Gio/Dan and Mano/Ma are famous for a special kind of *dumboi* called *gaigba*, which is made from a coarse dough and may be somewhat difficult for the neophyte to swallow.

Some famous Liberian dishes are prepared with palm butter, a thick sauce made from cooked palm nuts. Palm butter can be cooked with meat, fish, and poultry and is a specialty of the Grebo and Kru. In Liberian cuisine, unlike U.S. cuisine, it is common to mix fish, meat, and poultry in a given dish. Among non-Western-educated Liberians, and even among some Western-educated Liberians, there is no rigidly fixed time for meals: People eat when food is ready.

The Vai are famous for their delicious cassava leaves, often cooked with dried monkey meat and red palm oil, while the Loma are known for *torporgee*, a mixture of beans, bitter balls (a small variety of eggplant), and usually lots of hot Liberian peppers. Ham hocks, collard greens, and corn bread are a specialty of

*Rice is the staple food for most Liberians.*

Americo-Liberians, as are split peas cooked with salt pork and salt beef eaten as a thick soup or with cooked rice. Jollof rice, very similar to jambalaya, is also a famous Liberian dish and was probably introduced into Liberia by the Wolofs from Gambia and Senegal.

Other foods grown and eaten in Liberia include corn, plantain, sweet potatoes, yams, peanuts, palm cabbage (the tender heart bud of the oil palm), varieties of beans, the leaves of the cassava, and sweet potato plants. Various tropical fruits—oranges, grapefruits, bananas, lemons and limes, papaya, mangoes, pineapples, avocados, and breadfruit—are all grown and consumed in Liberia.

From the smallest insects to the largest elephant, there is hardly anything that has not been eaten by some ethnic group in Liberia. A particularly appreciated snack is termites that have reached the swarming stage and are ready to come out of the ground. Attracted by the lights of a raffia torch, they fly toward the torch and fall into a 20-inch pit in the ground. After they have been dried and had their wings fanned off, they are roasted with salt and pepper in a hot pot. Then these *bug-a-bugs*, as they are called, are ready to be eaten. They make a particularly special treat when served with roasted cassava.

Liberians living in large metropolitan areas in the United States can find many Liberian foods—from palm wine to *palava sauce* (jute leaves)—in Spanish or Asian supermarkets.

## **Festivities**

The three major festivities in Liberia are Christmas, New Year, and Independence Day (July 26). These holidays, introduced by the African American founders of the country, are celebrated as national holidays throughout Liberia. Liberian Moslems also celebrate the *Eid al Fitr* festival on the first day after the end of Ramadan, the Moslem month of fasting.

Each of the three major national holidays is celebrated with feasting, dancing, and merriment. It is customary to give a small gift to a person who first greets you on each of these holidays and says, "My Christmas/New Year/26th on you, oh!"

A unique feature of Christmas, especially in urban areas, involves Santa Claus. Although Santa Claus was most likely introduced into Liberia by the country's African American founders, the Liberian Santa differs from his U.S. counterpart. The Liberian Santa is a street performer, a master dancer colorfully dressed in a dance costume who moves from neighborhood to neighborhood with his troupe of young, working-class male musicians. With their improvised instruments—bottles, cans, and a saw—Santa and his troupe entertain one neighborhood after another, usually receiving gifts of money.

In Monrovia, the New Year celebration generally begins with worship services on New Year's Eve, when every church is packed to capacity. Most people want to be in church at the moment the New Year arrives. Church services usually end

*The Liberian  
Santa is a master  
dancer colorfully  
dressed in a dance  
costume.*



shortly after midnight. With church bells ringing, people on the streets cry out, "Happy New Year, me no die, oh!" Then many celebrants head for parties or prepare to go out and celebrate for the rest of the night.

Independence Day celebrations are also festive affairs. The Tubman Administration was especially known for its lavish Independence Day parties in Monrovia, with the grandest one taking place at the Executive Pavilion. Independence Day celebrations featured parades, marches, and speeches from morning to afternoon, culminating with dance parties at night. On the next night, the 27th, more parties would be held for those born during the Tubman administration. It was a day that everyone, even those of modest means, eagerly looked forward to and prepared for long in advance. Those who did not own the proper attire would borrow a necktie from one friend, a suit or jacket from another, and a pair of shoes from a third.

Graduation from the *poro* and *sande* secret societies can also be festive affairs among the ethnic groups that participate in them. (For a discussion of *poro* and *sande*, see the section "Education and Literacy" in this profile.) Among the Kpelle, for example, the graduation festivities involve a couple of days of eating, drinking, and dancing.

## Clothing

Clothing worn by Liberians varies greatly. Between the heavy European clothing, including the black silk top hat and long black frock coat occasionally worn by urban sophisticates, and the simple loin cloth worn by village men, there are various gradations of attire. In the urban areas, most educated Liberians dress in the latest European or American styles, although on some formal occasions or when they travel abroad, they dress in African attire.

For many Liberians, typical attire for a man would consist of a pair of pants (long or short) and a home-tailored *vai* shirt—a simple, inexpensive, usually short-sleeved shirt, made from brightly colored trade cloth, with a round neck, three front buttons, and three front pockets: one on the top left, and one on each side of the lower front. Typical attire for a Liberian woman would consist of a *lappa*, a two-yard piece of cloth wrapped around the waist, and a *bubba*, a short-sleeved, loose blouse gathered at the top and with sleeves. The cloth most commonly worn today by Liberians is an imported, brightly colored trade material that has largely replaced the homespun native cloth, called *country cloth*. In the rural areas, however, some chiefs and other persons of high status still wear gowns, usually made of a homespun cloth, with a hole for the head in the center. Tie-dye materials made in Liberia are popular for a variety of clothing.

## Music, Dance, and Art

Liberia has a very rich cultural heritage of music and dance. In fact, music permeates just about every aspect of life, particularly for the less educated indigenous Liberians. Whether at work or at play, Liberians are fond of singing, and

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almost any object can be easily transformed into a musical instrument. What the anthropologist George Schwab noted about Liberia in 1947 would still be true in many parts of the country today:

**An old kerosene tin or a box serves as a drum. A goat skin and hollowed-out piece of wood becomes a guitar. A gourd, a forked stick, and some piassava fibers make a harp. Even sticks and string will serve. Machetes cutting the jungle, axes felling trees, hoes scratching rice, all swing to the rhythm of song or the beating of drums. The knife of the rice harvester moves to the cadences of the master folktale-teller. . . . Song, alone or with drum accompaniment, keeps the hammock bearer in step and makes him forget his load.**

Much of the traditional Liberian culture is transmitted from one generation to the next through music, stories, dance, and singing. Typical of such stories is the Kpelle *meni-pele*, a form of musical dramatic folktale. One epic tale, *Woi-meni-pele*, tells of the life and adventures of the hero Woi.

Liberian music and dance are often a mix of indigenous and Western cultures. The quadrille, a stately march-like dance originating in France in the 1700s and most likely introduced to Liberia by Americo-Liberians, is a popular formal dance. Every major national celebration involving dancing usually culminates with the quadrille.

Perhaps even more popular is the grand march, which does not demand as much dancing skill as the quadrille and is very popular among Liberians in the United States, especially at weddings and other celebrations. Danced to the tunes of West African high life music, the grand march is led by a man who knows the dance, with long lines of couples following his lead.

The past 30 or so years have seen a revival of indigenous Liberian song and dance. Liberians use a variety of indigenous musical instruments, including various types of drums, harps, rattles (especially the *sa-sa*), resonators, side-blown horns, xylophones, musical bows, and flutes, among other instruments. Since the opening of the Cultural Center in Kendejah, near Monrovia, the Liberian Cultural Dance Troupe has performed in many countries in Africa and Europe. The troupe performed at the U.S. Bicentennial celebration in Washington, D.C., and won a gold medal at the All Africa Trade Fair in Algeria in the 1970s.

Liberia is also rich in arts and crafts. The wide variety of hardwood found in Liberia's forests—ebony, camwood, walnut, and mahogany—provides materials for wood carving. The Gio/Dan, Mano/Ma, and Vai have rich artistic traditions in sculpture and weaving. Masks play important sacred and social roles in traditional societies and are seen with costumes in performance. Other works of art among Liberians include the intricate figurines and masks of the Gio/Dan, the clay models of the Grebo, the soapstone carvings of the Kissi, and the reed dolls of the Loma.

*Liberian music and dance are often a mix of indigenous and Western cultures.*

## Education and Literacy

Although Liberia has espoused the principle of universal education since the mid-1800s, its levels of educational attainment and literacy are as low as, if not lower than, those of many other developing African countries. This situation can be attributed to the country's difficult, humble beginning as a modern nation state, to persistent patterns of social and educational inequities, and to the recent 14-year civil war that almost brought a halt to the normal operations of most of its institutions, including its school system.

There are two systems of education in Liberia: the modern, Western system that was introduced by the African American settlers and Christian missionaries during the early 19th century and the traditional system, which originated among some of the indigenous ethnic groups and continues, in some form, to this day. While Western education has served to develop and support the modern state of Liberia, the traditional education system is the primary means of transmission of the indigenous culture from one generation to the next.

### Western Education

As noted in the "History" section of this profile, the modern state of Liberia was founded in the early 19th century by freed slaves from the United States, under the auspices of a private philanthropic organization, the American Colonization Society (ACS). During the more than 200 years of slavery in the United States, it was illegal to teach a slave how to read or write anything other than numbers. The ACS provided no educational training for the emigrants either before their departure from the United States or immediately upon their arrival in what was to become Liberia. The ACS was primarily concerned with the cost of transporting the emigrants to Liberia and supporting them financially for 6 months. After that, they were expected to become economically independent of the ACS.

Given this background, it is not surprising that the overwhelming majority of the emigrants—later to be known as Americo-Liberians—were not literate. (It should be noted, however, that literacy was fairly high among the earliest group of arrivals, especially those from northern U.S. states.) Although in the 1843 census of emigrants to Liberia 99% reported themselves as literate, there is reason to believe that the literacy rate could have been as low as 22%. (The reason for this discrepancy may be the tendency of people in the 19th century to report themselves as literate if they could write their names.) This background of very low educational attainment and literacy among the founders of Liberia, the addition of thousands of poor and nonliterate recaptives in the mid-1800s, and the very limited efforts of the ACS to make education and school construction a priority help to explain why public education did not expand significantly until long after World War II.

Missionary schools led the efforts in primary and secondary education in Liberia. The Methodists founded a high school, Liberia Conference Seminary (later renamed the College of West Africa), in 1839 and the Cape Palmas Seminary in

*There are two systems of education in Liberia: the modern, Western system and the traditional system.*

1857; the Presbyterians founded the short-lived Alexander Academy School in 1849; and the Protestant Episcopal Church established the Orphan Asylum for Girls in 1855 and the Hoffman Institute in 1862.

The primary goals of these mission schools were “civilizing and Christianizing,” especially with respect to the indigenous Africans. Because the highest priority of the schools was to train teachers, preachers, and church leaders, vocational/technical education was largely neglected. Vocational education at the high school level was not introduced until the 20th century, with the opening of the Booker T. Washington Institute in Kakata in 1929. A Bureau of Education was established in 1900. Today the Ministry of Education is primarily responsible for the administration of both public and private primary and secondary schools in the country. Since the 1960s, there has been a dramatic increase in the number of both public and private schools in Liberia.

Higher education in Liberia began in 1862 with the opening of Liberia College, later renamed the University of Liberia. The private, mission-operated Cuttington College opened in Cape Palmas in 1889 and later moved to Bong County, Central Liberia. The first technical college, the William V. S. Tubman College of Science and Technology, opened in the 1970s in Cape Palmas, Maryland County. Since the founding of Liberia, many Liberians have come to the United States for higher education on government scholarships and with mission support.

### **The Quality of Western Education Today**

Despite the increase in the number of schools in Liberia since the 1960s, the quality of education varies greatly. In general, the quality of education is better in private schools than it is in public schools, and, with the exception of rural missionary schools, it is better in urban areas than it is in rural areas.

The modern, Western educational system in Liberia is modeled somewhat after that of the United States, with three levels: primary (Grades 1 to 6), secondary (Grades 7 to 12), and postsecondary (consisting of college-level degree programs). For many public and some private nondenominational schools in Monrovia and other major urban areas, the school day runs from about 8:00 a.m. to as late as 10:00 p.m. and is divided into three sessions. The morning session, usually for primary grades, begins at about 8:00 a.m. and ends around 12:45 p.m.; the afternoon session, usually for secondary students, runs from about 1:00 p.m. to around 5 p.m.; and the night session, usually secondary classes for working adults, runs from about 6 p.m. to around 10 p.m.

The Liberian school curricula also resemble those in U.S. schools. The primary school curriculum generally consists of courses in English language arts (spelling, vocabulary, phonics, writing, and literature); arithmetic (addition, subtraction, division, and multiplication); arts and crafts; science; health science (with a focus on basic hygiene); and religion (especially in missionary schools). Generally, the

*The educational system in Liberia is modeled somewhat after that of the United States.*

secondary school curriculum consists of core courses such as English language, literature, geometry, algebra, physics, chemistry, history (Liberian and world), civics, geography, French, physical education, music (in some urban and private schools), and Bible studies (in nearly all missionary schools).

In teaching approach and style, Liberian schools differ markedly from U.S. schools. Teachers generally tend to focus on memorization and rarely encourage students to participate actively in their own learning. One common way to learn spelling, for example, is the "so, so" chant, in which students repeat rhyming strings of words: "s-o, so; g-o, go; n-o, no; m-e, me; h-e, he; w-e, we," and so forth. Once they have mastered this sequence, they move on to three-letter words. In the past, fourth- and fifth-grade students in some schools studied West African geography through the chant, "From Senegal to Gambia, to Portuguese Guinea, and also French Guinea, Sierra Leone to Liberia; we go to Ivory Coast, Gold Coast, Gold Coast, Togoland, Togoland, Dahomey, Nigeria to Cameroon." In missionary schools, students memorize religious materials, such as the Lord's prayer, the Ten Commandments, the Apostle's Creed, and famous Bible verses.

Discipline in Liberian schools is generally harsh. Corporal punishment is common. Other forms of discipline include sweeping an assigned area of the school, picking up debris from the campus grounds, cutting grass, suspension, and expulsion.

Poverty is the single greatest impediment to a good education in Liberia. Rural schools often lack basic resources, such as textbooks. In schools that do have textbooks, poor students cannot afford to purchase them. Homes often lack adequate light for studying, and parents are too busy trying to make enough money for basic necessities to support their children's education. Because of low teacher salaries, high teacher absenteeism, especially in public and rural schools, is common. It is also not uncommon for a teacher to be employed on a full-time basis in two or even three schools.

The 14-year civil war worsened an already poor educational situation. The government continually cut back on school supplies and paid teachers irregularly. As teachers left the country, became internally displaced, or became victims of the war, schools opened only intermittently. In their place, many ill-equipped, poorly staffed private schools sprung up, largely to make money from students desperate for an education. (For a discussion of schools in the West African refugee camps, see the section "Resettlement in the United States" in this profile.)

### **Levels of Literacy and Education Today**

While literacy and school attendance rates remain relatively low, data from Liberia's three most recent national censuses (1962, 1974, and 1984) show significant improvement in these rates in recent years. In 1962, 20% of the school-age population was enrolled in school; by 1984 that figure had more than doubled, to 46%. Over that same time period, literacy rates for the population 10 years of age and older rose from 9% to 31%.

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generally harsh.*

These figures, however, conceal disparities in educational attainment that have persisted since the introduction of Western education. In general, boys, urban children, and Americo-Liberians receive a significantly better education than do girls, rural children, and indigenous Liberians.

In 1962, 29% of school-age boys were enrolled in school, while the figure for girls was only 11%. By 1984, the figures had risen to 57% for boys and 34% for girls. Over the same time period, literacy rates rose from 13% to 34% for males and from 5% to 17% for females. Thus, while recent years have seen an upward trend in educational attainment and literacy for both males and females, females continue to lag behind males.

One interesting exception to this trend is found among Americo-Liberians.<sup>1</sup> In this group, women tend to have more education than do men, a pattern that is also found among African Americans in the United States. In 1974, for example 42% of adult Americo-Liberian men were found to have no formal schooling; the figure for women was 21%. At the upper end of the educational spectrum, 24% of Americo-Liberian women had schooling beyond the secondary level; the figure for men was 15%.

The most significant ethnic disparity in Liberia is between Americo-Liberians, the politically and socially dominant group in Liberia before 1980, and the indigenous Liberian groups. The 1974 census shows that 37% of Americo-Liberian adults had completed no formal schooling; for indigenous adults the figure was 83%. At the upper end of the educational spectrum, 18% of Americo-Liberian men and women had completed 13 or more years of education, while only 1% of indigenous men and women had attained that level of education.

Although indigenous Liberians generally have much less formal education than Americo-Liberians, rates vary considerably among the various indigenous groups. A 1986 survey of Liberian women age 15 to 49 found that while 92% of Americo-Liberian women surveyed had completed at least a secondary education, the rates among indigenous groups varied from a high of 38% for the Grebo to a low of 9% for the Mandingo. Coastal ethnic groups such as the Bassa, Grebo, Kru, and Vai, who had an earlier contact with the Americo-Liberians, tend to have more formal education than do some of the hinterland ethnic groups, such as the Gbandi, Gio/Dan, Kissi, Kpelle, Mandingo, and Mano.

### **Reasons for Educational Inequalities**

The lower school enrollment and educational attainment of rural youth in general and rural girls in particular is not unique to Liberia; it is typical of much of sub-Saharan Africa and the developing world. In Liberia, these inequities, which date back to the colonial period, are the result of a confluence of causes:

<sup>1</sup>The Liberian census/1986 Liberian Demographic & Health Survey ethnic category, No Tribal/Ethnic Affiliation, is used as a proxy or indirect measure for Americo-Liberian.

*Indigenous Liberians generally have much less formal education than Americo-Liberians.*

- The limited availability of schools in rural areas, where most of the indigenous people live
- The mismatch between the school curriculum and the realities of rural life
- The expense of migrating to an urban area for schooling
- The risk of teenage pregnancy among female migrants to an urban area
- The greater need for female labor in subsistence agriculture
- The belief among many rural parents that modern, Western education will alienate their children, especially their female children, from traditional values and practices
- A modern occupational structure that generally favors men over women

### **Liberians in the United States**

According to refugee service providers, many recently arrived Liberian refugees have little or no formal education. In contrast to these recent arrivals and to most Liberians in Liberia, other members of the Liberian community in the United States tend to have relatively high levels of education. These levels, in the case of men, even exceed those of many native-born American groups. In 1990, before the first influx of Liberian refugees, the U.S. census revealed that 55% of Liberian men age 25 to 64 had completed a bachelor's degree or higher, with an average of 16 years of schooling completed. In contrast, only 27% of white, non-Hispanic U.S. men of the same age had a bachelor's degree or higher, with an average of 14 years of schooling completed. For Liberian women in the United States, the educational attainment was closer to that of White, non-Hispanic U.S. women. Whereas 23% of White, non-Hispanic women had a bachelors degree or higher, with an average of 14 years of schooling completed, 26% of Liberian women had a bachelor's degree or higher, with an average of 14 years of schooling completed.

### **The Traditional System of Education**

Many of the indigenous ethnic groups of Liberia, especially the Mende and the Mel-speaking groups, have always maintained a traditional and formal, though nonliterate, system of education, administered by the *poro* (for men) and *sande* (for women) secret societies.

These schools, often referred to as *bush schools* because they convene in the forest, teach the initiates the fundamentals of traditional culture. Students learn everything from pottery making and basket weaving to the basics of traditional agriculture, religion, politics, and the art of warfare. The extent and quality of instruction varies from one ethnic group to another and from one region to another within the same ethnic group. In addition, education takes place informally at home and in the community as parents, relatives, and other adults teach the young the skills they need to become productive members of their community.

*Bush schools teach the fundamentals of traditional culture.*

In the past, the poro secret society generally lasted for 4 years, while the sande secret society lasted for 3 years. In recent years, perhaps in an effort to enable young people to attend the modern Western schools, the bush school has become a much truncated version of what existed in the past. Today's bush school may convene for only a few weeks during the summer vacation. The old bush schools that lasted for years and involved advancement through ranks is gone.

## Indigenous Writing Systems

While the traditional system of education in Liberia is essentially a nonliterate system,<sup>2</sup> this does not mean that indigenous Liberians were preliterate. In fact, five indigenous, non-Arabic, non-Roman scripts have been developed by indigenous Liberians. Most were invented in the early 20th century, although one was devised in the early 1800s. Most of the scripts share three characteristics: According to their inventors, they originated through divine revelation (usually through a dream); they are written from left to right; and they have been used primarily for personal communication.

The earliest of these scripts, the Vai syllabary, with 212 characters, was devised by Momolu Duwalu Bukele, a member of the Vai aristocracy, around 1833. The Vai king, Fa Toro, asked Bukele and his associates to set up a school in the town of Dshondu in order to teach the script, and people came from other Vai towns to learn it. Dshondu was eventually captured by the neighboring Gola ethnic group in warfare and burned down, destroying most of the manuscripts and scattering the teachers all over the region. Later, Momolu Massaquoi, a former Liberian Consul in Hamburg, Germany, standardized the Vai script and formally introduced it into the school curriculum at St. John's Episcopal High School in Robertsport, Cape Mount County. In the late 1960s to early 1970s, the University of Liberia became interested in further standardizing the script under the leadership of Professor Fatima Fahnbulleh-Massaquoi, director of the African Studies Program and daughter of Momolu Massaquoi. The Vai script still survives among the Vai, where it is used primarily for personal correspondence.

The Mende syllabary, also called the ki-ka-ku script, consists of 195 characters and was devised in 1921 by Kisimi Kamara, a tailor. Kamara gave instructions in the script to both children and adults at Potoru town, in present-day Sierra Leone, and the script gained a limited degree of popularity among the Mende in the 1920s and 1930s, but declined rapidly from the 1940s onward.

The Loma syllabary, with about 185 characters, was devised in the 1930s by Wido Zobo, who worked on the U.S.-owned Firestone Rubber plantation in Liberia and was probably also a tailor. He is believed to have developed the script with the assistance of a weaver and perhaps also a woman. Like the other indigenous scripts, the Loma script was used primarily for personal correspondence. It

<sup>2</sup>One scholar has speculated that indigenous scripts were not introduced into the poro and sande secret societies out of a fear that writing would be used to record the oral secrets of these societies.

*Scripts have  
been developed  
by indigenous  
Liberians.*



was also used by Loma foremen on the Firestone Rubber Plantation to record the names of workers.

The Kpelle syllabary, with 88 characters, was devised by Paramount Chief Gbili of Sanoyea in the early 1930s. The script seems to have acquired some measure of popularity in the Kakata-Sanoyea area of Liberia and reached Kpelle-speaking Guinea by 1942. Although one of Gbili's wives, Nane-tee, mastered the script and often dazzled people in Sanoyea by reading letters from her husband during his travels and telling townspeople the exact day of her husband's return, only a small minority of Kpelle people mastered the script.

The origins of the Bassa alphabet, known as the VAH script, are unclear. It apparently was first developed in the early 1800s by a Bassa man named Dirah. His son, Jinni Darah, is said to have taught an improved version of the script to Dr. Thomas Flo Lewis, a Bassa medical doctor, who further refined it. It was introduced to the Bassa by Jinni Dirah, probably in the 1920s.

With 23 consonants, 7 vowels, and 5 tonal marks, the VAH alphabet is considered, from a purely practical point of view, to be superior to the other scripts because it is simpler in form and phonetically more sophisticated. However, as an invention, it is said to involve less imagination and ingenuity than the others.

The VAH script has a colorful history, which limited its popularity and use. The script was first learned by wives of the Bassa chiefs, who were said to have used it to communicate with their lovers. Dirah, the script's inventor, allegedly used it to communicate with his lover, Madam Toeman, who happened to be the head wife of King Blogbee. Upon learning of the affair, the king immediately sold Dirah to Cuban and Portuguese slave traders, and he eventually landed in the United States as a slave. Years later, when Dr. Lewis began an institution in Bassa County to teach the script, many chiefs refused to let their wives learn it, for fear that they would become unfaithful.

Nevertheless, Dr. Lewis taught hundreds of Bassa men the script, and used it to translate several chapters of the Bible into Bassa. By the late 1960s, the script was widely used among the Bassa, mostly for personal correspondence.

Clearly, while the use of these indigenous scripts has declined in recent years, their invention and past use, however limited, debunks the popular conception of indigenous Liberians as preliterate peoples.

*The use of these indigenous scripts debunks the popular conception of indigenous Liberians as preliterate peoples.*

## Language

Although 28 indigenous languages and dialects are spoken in Liberia, English is the official language of government and formal education, as well as the language of wider communication among different indigenous groups. Western-educated Liberians speak English as a first, second, or third language. Rural Liberians who have not been formally educated may speak little or no English. Service providers report that while most of the Liberian refugees who came to the United States in the early 1990s arrived with varying degrees of English proficiency, many of the current arrivals have little or no knowledge of English.

After a brief discussion of indigenous languages, this section focuses on English in Liberia—its history, role, and varieties. This focus was chosen because of the importance of English in Liberian society.

### Indigenous Languages

Prior to 1980, the government of Liberia recognized 16 indigenous languages as the African languages officially spoken in the country. Anthropologists, however, have determined that Liberia actually has 28 living indigenous languages and dialects, with Kpelle having the largest number of native speakers and Bassa the second largest.

Since the 19th century, five indigenous non-Arabic, non-Roman scripts have been developed by indigenous Liberians. For one reason or another, however, none of these scripts became widely used vehicles of communication. The scripts either fell into complete disuse or have been used primarily for the purpose of personal communication. (For a brief discussion of the different scripts, see the section "Education and Literacy" in this profile.) Western missionaries have developed Roman-alphabet-based scripts for the sole purpose of producing religious materials. This has been done with Bandi, Kissi, and Loma by the Episcopal and Lutheran Churches in Lofa County; with Bassa by the United Methodist Church in Grand Bassa County; and with Glebo by the Episcopal Church in Cape Palmas.

Almost all of the indigenous languages in Liberia belong to the Niger-Congo family. The distribution of these languages is geographic; that is, each of them is spoken primarily in a single county. For example, Bandi, Kissi, and Loma are spoken primarily in Lofa County, while Kpelle is mostly spoken in Bong County. Bassa is spoken mainly in Grand Bass, Gio and Manu are spoken in Nimba, Grebo is spoken in Maryland, Krahn is spoken in Grand Gedeh, and Vai is spoken in Cape Mount. Languages that are spoken in the same county or in adjacent counties are, for the most part, mutually intelligible because they are linguistically similar.

*English is the official language of government and formal education in Liberia.*

The three groups of words below illustrate the close relationships among indigenous Liberian languages. In the first group, the only difference between the Kpelle word for come and the Bandi, Loma, and Mende version of that word is that in Kpelle the word begins with the sound [p]<sup>3</sup>, whereas in all the other languages it begins with a [v]. In the second group, there is practically no difference in pronunciation among the words used for the English word war in Grebo, Krahn, and Kru. In the third group, one has to be a Grebo, Krahn, or Kru speaker to hear the slight differences in pronunciation among the words these three languages use for god.

<u>Language</u>	<u>Word</u>	<u>English Meaning</u>
Bandi	[va]	come
Kpelle	[pa]	come
Loma	[va]	come
Mende	[va]	come
Grebo	[tor]	war
Krahn	[tor]	war
Kru	[tor]	war
Grebo	[nyensuwa]	god
Krahn	[nyensuwa]	god
Kru	[nyensuwa]	god

Similar to many other African languages, Liberian tribal languages are tonal languages. This means that words with the same pronunciation that are spoken with different pitches are considered different words. For instance, in Bandi the word [korwoi] spoken with a high pitch means “my leg” but spoken with a low pitch means “his, her, or its leg.” Similarly, the word [kor] spoken with a high pitch means “share your (e.g., food) with me” but spoken with a low pitch means “share your (e.g., food) with him, her, or it.”

### **The Establishment of English in Liberia**

In Liberia, English is the official language of government, Western education, international commerce, and mass communication. It is also the lingua franca for speakers of different indigenous languages.

English was brought to Liberia by the freed African slaves from the United States. No sooner had the first group of Americo-Liberian settlers found a home in Liberia than they declared English as their official language, dismissing Liberian tribal languages as unintelligible and uncivilized. The settlers touted English as a symbol of Western civilization and political power, and they thanked the Almighty for exposing them to English and its concomitant privileges and bless-

<sup>3</sup>Brackets indicate phonetic notation, used by linguists to show how a letter or word is pronounced.

*English was brought to Liberia by the freed African slaves from the United States.*

ings in the United States. In his Independence Day oration in 1860, a prominent Americo-Liberian bragged that the settlers were blessed by God to have been given the opportunity to speak the language of Chaucer, Shakespeare, Milton, Wordsworth, Bacon, Burke, and Webster.

Although the settlers established English as the official language of Liberia, they did not force indigenous Liberians to speak it. However, indigenous Liberians, realizing the socioeconomic benefits they stood to derive from English, took it upon themselves to learn it. Many even sent their children to live with settler families for the sole purpose of learning English. Children who became wards of settler families took the last names of those families as their own, because the practice of family names is not native to Liberian tribes. Many tribal chiefs also asked settlers to build schools in their localities in exchange for land so that the children in their tribes could learn English. Although the indigenous chiefs granted the land, the settlers never built the schools.

Although initially Americo-Liberians were the only segment of the Liberian population that spoke English natively, the number of native speakers of English in Liberia has steadily increased over the years. Today, many people are monolingual in English. This includes children of educated people who do not expose their children to their indigenous language for three key reasons. First, in marriages between members of different indigenous groups, spouses often do not know each other's language. Consequently, they and their children communicate with one another only in English. Second, because English is the language of education, children often communicate with their schoolmates and school personnel in English only. Finally, educated Liberian parents generally want their children to become proficient in English. These parents believe that exposing their children to their tribal language will impede the children's ability to learn English.

Further, many Liberians, though proud of their cultural heritage, have gradually come to believe that English is more prestigious than their indigenous languages. Even nonliterate Liberians expect their school-going children to speak English to one another, because they equate speaking English with "civilization" and being highly educated.

Most Liberian children start formal schooling after they have already become fluent in their native language. For these children, learning English is a challenge, because there are as yet no bilingual education programs in the country, even for children who enroll in school with no knowledge of English at all. As soon as they begin their educational career, children are expected to be able to understand and speak English. Unable to keep up, many eventually drop out.

### **Varieties of Spoken Liberian English**

Over the years, Liberians have adapted English to local purposes, transforming it into their own rich variety of speech. There is almost no difference between written American English and written Liberian English as used by educated people in

*The number of native speakers of English in Liberia has steadily increased over the years.*

both countries. However, Liberian English, showing the influence of the sound systems of the Liberian tribal languages, differs markedly from American English in the spoken form.

Spoken Liberian English has three major varieties. One is spoken by well-educated people and is used in political and social speeches, conversations, and education. Speakers follow the conventions of prescriptive English grammar and usage. Another variety of spoken Liberian English is what may be referred to as nonstandard English. Liberians who speak this variety are, by and large, less educated and do not strictly observe conventional rules of grammar and usage. Many dropped out of elementary or secondary school. A third variety of Liberian English is spoken primarily by Liberians with little or formal education, including market vendors, soldiers, unskilled laborers, and those who reside in rural areas. Many of the Liberian refugees now arriving in the United States fall into this category.

It should be pointed out that the existence of these varieties generally does not impede communication among Liberians. Many educated Liberians, especially indigenous Liberians, are able to switch easily back and forth between the varieties.

### **Nonverbal Communication**

Like people everywhere, Liberians use body language and gestures to communicate nonverbally with one another. Some of these forms of communication may cause misunderstanding in the United States, however. For instance, when a Liberian elder is talking angrily to a child and looking him or her in the eye, it is unacceptable for the child to also look the elder in the eye. To do so would be considered a form of defiance. In the United States, however, a person who doesn't look someone in the eye may be considered shifty and untrustworthy.

Liberians also consider it rude to wag the index finger back and forth as a gesture for someone to come closer; they use this gesture with dogs, not humans. To gesture to other humans, Liberians use all four fingers on one hand.

An example of a Liberian form of nonverbal communication that would be considered offensive in the United States is the practice of snapping one's fingers to get another person's attention. In Liberia, this gesture is commonly used in restaurants to get the attention of the server. New arrivals will need to understand that in the United States this gesture would be considered rude and inappropriate.

### **Words, Phrases, and Sayings in Liberian English**

Below are examples of words, phrases, expressions, and sayings in Liberian English. The meanings are given along with samples sentences. The examples are written to reflect spoken Liberian English rather than standard spelling conventions.

*Liberian English  
differs from  
American English  
in the spoken form.*

## English Words and Phrases with Liberian English Meanings

In this category are English words that have acquired specific meanings in Liberian English. Some Liberians may use these words when speaking with non-Liberian English speakers.

<u>Words</u>	<u>Meaning</u>	<u>Examples</u>
Big heart	Greedy, pride	You really get big heart; you want my part the meat, you small boy?
Big man	Big shot, important person	Many of the big men in Monrovia work for the government.
Born	To bear, give birth	She don' want to born any more children.
Dress	To move over, make room for another person	Please dress over there so I can sit down here.
Frisky	Rude, insolent, disrespectful, often said of children	You boy, don' be frisky with me.
Haul	To pull something or someone	Haul the rope.
I beg you	Don't bother me, leave me alone, I won't do that	Can you go with me today? I beg you, my friend; I am too tired.
I'm coming/ I coming	Just a minute, in a few minutes, wait for me	David, when will you do the dishes? I coming.
Know book	Literate, educated	This man don' know book, but that other man know book.
Law	Taboo, usually a vegetable or the meat of certain animals or fish that should not be eaten for tribal religious reasons	Catfish is my law. I don' eat it.
Mean	Selfish, not sharing with others, used as an adjective and a verb	He is very mean with his food. Don' mean your little sister.

My people	Everybody, used to politely address a group people	My people, who took my bucket from here?
Pay debt	Revenge, take vengeance, often used by children	If you hit me, I will pay my debt.
People	Used when the speaker refers to himself or herself in the third person	Stop the noise; people want to rest.
Ol' ma	Mother, used as a title of respect	My ol' ma gave me this shirt for Christmas.
Pregnant	Used as a verb	He is the one who pregnant her.
Put me down	Do not talk about me, do not gossip about me	Please put me down; I don't like you always talking about me.
Show oneself	To show that one is important, powerful, stronger	If you do not know me, I will show myself to you. I will make sure you do not live in this house anymore.
Soup	Stew, cooked vegetables, gravy, eaten with rice; not necessarily a liquid food	I want some more collard green soup on my rice.
Stranger	Guest	This man is my stranger; he just came yesterday.
Them (pronounced then)	Used for the pronoun <i>their</i> ; may also be used to mean <i>and others</i>	I am going to Sam then house. Joseph then are here.
Trying	Fine, in good health, used in response to the question <i>How are you?</i>	I am trying or I trying.
Vex	Angry	My mother was vex with me.
Yah	A polite expression meaning <i>okay?</i>	Please bring me some water, yah.
Waste	To spill something	Do not waste the rice on the floor.
Your part (pronounced you pa)	As for you	You pa, you don't like me.

## **Liberian English Coined Words, Phrases, and Expressions**

The following words and phrases are not used in American or other Englishes. They are words and phrases that were coined by Liberian English speakers and given Liberian meanings.

<b><u>Phrase</u></b>	<b><u>Meaning</u></b>	<b><u>Examples</u></b>
Bah	My friend	Bah go with me to the market.
Belly/big belly	Pregnant/pregnant woman	That woman got belly. Let big belly sit here.
Bobo	Deaf mute	He can't talk. I think he is bobo.
Broken veins	Stretch marks	She has broken veins all over her arms.
Catch head (pronounced <i>catch hey</i> )	To get drunk:	I want to catch my hey tonight.
Col bowl	Left over food	I want to warm col bowl in that pot.
Coal pot	A small, round portable appliance for cooking, heated by charcoal	I don' know who took my coal pot.
Cook shop	Unsophisticated restaurant	What kind of food they sell in that cook shop?
Door mouth	Doorway	He was standing in the door mouth.
Eat money	To spend or use money	He ate my money I gave him to keep for me.
Get best (pronounced <i>ge best</i> )	To not want to argue	The man say ge best. What you want to say again?
Gronna	Often used to refer to children who are sexually promiscuous or disobedient	That girl is very gronna.



Hold your heart	Be patient	Just hold your heart. He will one day come back to beg you.
In the bottle	Intoxicated	He is in the bottle.
Liberian white man/woman	Albino	Sam is a Liberian white man.
Man business	Knowledge about sex with men	That girl already know man business.
My heart cut	Frightened, scared	When my mother enter in the house, my heart cut.
My one	By myself	I do not want to stay here my one.
Put one's mouth on someone	Gossip about someone	You should not put your mouth on my ma.
Some timely	Moody; exhibiting varying moods	She is very some timely; someday she wan' to joke. Someday she do not wan' to joke.
Stranger father/mother	Host/hostess	Who is your stranger father in town?
Woman business	Knowledge about sex with women	You, boy, you know woman business now?
You/ [persons's name] and all	Even you/,he/,she/they, used pejoratively	Steve and all want to be president of Liberia.
You yourself ya	You should know better	You yourself ya. You should not talked to her again.

**Some Liberian English Expressions and Sayings**

Monkey jam eat pepper.	When one is desperate, one can do something that one does not normally do.
Softly, softly catches monkey.	Easy does it.
Bug-a-bug ate his brain.	He is stupid.

He cut off the phone  
in my ear.

He hung up on me.

Da how I looking

That is his how I behave: "If people  
respect me, I will respect them. Da how I  
looking."

You got name.

You are a person of economic status, and  
you should act accordingly.

My mouth is full.

So surprised as to be speechless.

## Resettlement in the United States

Shortly after the start of the Liberian civil war in 1989, the United States initiated a resettlement program for Liberian refugees. Between 1992 and 1994, the United States admitted 2,211 of the roughly 700,000 Liberians that the World Refugee Survey estimated were living in West African countries of first asylum. Of the refugees that entered the United States through the resettlement program, 75% were family reunification cases, and many were from the urban areas of Liberia. Over the next 9 years, the United States continued to resettle Liberian refugees, with the numbers fluctuating from a low of 44 in 1995 to a high of 3,444 in 2003.

By 2003, an estimated 250,000 Liberians still lived in exile in Ghana, Guinea, Ivory Coast, and Sierra Leone. Many of these Liberians were classified as dual-flight refugees, meaning that they had to flee their location of first asylum due to political unrest. Many, in fact, have fled multiple times back and forth across international borders.

In 2004, the United States admitted 7,174 Liberian refugees, more than in any other year, bringing to nearly 23,500 the total number of Liberian refugees that the United States resettled from 1992 to 2004.

Unlike the Liberians who were resettled in the early 1990s, most recent arrivals do not have family connections in the United States; fewer than one third of the 2004 arrivals were reuniting with family members. Most of the recent arrivals are from rural areas of Liberia, and many lived in Ivory Coast as refugees for nearly 14 years. The largest resettlement sites for the 2004 caseload, in order of the number of arrivals, were Phoenix, Philadelphia, Providence, Houston, Dallas, St. Louis, Tucson, Buffalo, Jacksonville, and Staten Island.

## Liberians in the United States

The 2000 U.S. census recorded 25,140 Liberians living in the United States, with the largest concentrations found in New York (13%), Minnesota (12%),

*Most recent  
arrivals do not  
have family  
connections in  
the United States.*

Maryland (11%), Pennsylvania (7%), and New Jersey (10%). Smaller communities were found in North Carolina (5%), Georgia (5%), and California (5%). Fewer than 10,000 of these were Liberian refugees who had been admitted for resettlement; many of the rest were Liberians who had entered the United States on student, business, or visitor visas in the 1980s and were granted temporary asylum and eventually permanent residency. The 14,000-plus Liberian refugees who have entered the United States since 2000 brings the total number of Liberians in the United States to well over 39,000.

In many cities with Liberian populations, there are both formal and informal Liberian community associations that may be willing to assist with the resettlement of the new arrivals. Service providers should consider collaborating with these organizations. In one large city, the existing Liberian community has developed welcome packets for the resettlement agencies to give to the refugees upon arrival. The packets include orientation information, including names and telephone numbers of Liberians in the community who can be of help to the newcomers.

### **General Adjustment Challenges**

Unlike other refugee groups, Liberians have a special affinity for the United States. Americo-Liberians, descendants of the African Americans who founded the modern state of Liberia, consider America their original homeland. Even refugees from rural areas with no ancestral relationship to the United States feel a special connection to this country. This is a result of the intertwined histories of Liberia and the United States. Because Liberia is a country that was modeled after the United States in its government, banking, education, and social institutions, Liberians do not view United States culture as foreign.

In terms of resettlement, this view has both advantages and disadvantages. The obvious advantage is that Liberians, particularly those who have spent time in the urban areas of Liberia, will find certain aspects of life in the United States familiar. The disadvantage is that Liberians may arrive with false assumptions and unrealistic expectations that may impede the adjustment process.

The assumptions and expectations that Liberian refugees may have about life in the United States include the following:

- Americans will be well versed in the history of the two countries and know about Liberia and its recent problems.
- Life in America will be like the movies—everyone will have money and drive a new car.
- Americans will welcome Liberians as Liberians would open up their homes to Americans.
- Liberians will have much in common with their African Americans counterparts.
- Americans will understand Liberian English.

*Liberians have a special affinity for the United States.*

As a result of these assumptions, Liberians often expect their resettlement in the United States to be easy. Most experience various stages of culture shock as they attempt to adjust to a country that is quite different from the one they had imagined. Generally speaking, Liberians value frankness, and service providers should be polite but open and direct in discussing the realities that Liberians will face in the United States.

The new arrivals will have many more needs than did previously resettled Liberians. This is a direct result of several background factors: the prolonged refugee camp experience, comparatively low levels of formal education and exposure to modern urban life, lack of transferable employment skills, and inadequate family support.

The following three examples help to illustrate the backgrounds of many new arrivals and the complexity of the challenges faced by resettlement agencies in providing services to them.

- *Single grandmother with two grandchildren.* The grandmother is HIV positive, nonliterate, and without previous work experience.
- *Single man, 75 years old, with no formal education and several health problems.* Since his arrival, he has undergone surgery that has led to postoperative complications. He neither comprehends nor retains information and does not follow through with taking medicine or paying bills.
- *Single father with four children, ages 5 to 14.* The father has never taken care of children without assistance from his extended family.

In one large resettlement city, four resettlement agencies identified 33% of their Liberian caseload as needing follow-up or intensive medical care and another 17% as having special needs. Another resettlement agency in the same city recently reported that 20% of its Liberian caseload is made up of households headed by single women. Clearly, these single-parent households present greater logistical challenges than do their two-parent counterparts. If possible, service providers should arrange for intensive one-on-one assistance to single parents to help them adjust to their new responsibilities in the United States.

Another common feature of Liberian cases is the presence of attached, biologically unrelated minors—children under the age of 18 whose biological parents died or somehow became separated from their children during the civil war. These families will need help obtaining legal guardianship of these children.

Sorting out biological relationships in a Liberian family can present challenges. For one thing, families may be made up of children with different biological fathers, because many Liberian women were widowed or separated from their spouses for long periods, and new marriages or relationships were formed.

Moreover, the Liberian family is a flexible unit that easily expands to include others. Families typically consist of extended family members, which may include not only nephews, cousins, and unofficially adopted children, but also unrelated

*The new arrivals will have many more needs than did previously resettled Liberians.*

adults who fled Liberia with the family and have lived together with their adopted family ever since. In the United States, a Liberian family may continue to change size and composition, expanding as secondary migrants from other parts of the United States join the family or contracting as members of the household leave to join other families elsewhere.

Adding to the possible confusion is the Liberian custom of referring to a cousin or close friend as a brother or sister. There is no intention to mislead. Liberians, for the most part, simply consider all members of a household as part of their immediate family, and in at least one indigenous language the term for brother/sister is the same as the term for cousin. To distinguish relationships, one can ask if two people have the same ma ("mother") and pa ("father").

### **Language and Communication Style**

With the exception of Americo-Liberians, a Liberian's first language is typically his or her indigenous language, with English spoken as a second language by those who have received some formal education. However, some indigenous Liberians raised and formally educated in the urban areas of Liberia may speak English as their first and perhaps only language.

As descendants of the African American founders of Liberia, Americo-Liberians speak English as their native language, although those who live in the rural areas are often fully bilingual in the local indigenous language and English.

While most Liberian refugees who were resettled in United States in the 1990s spoke English with some proficiency, service providers report that recent arrivals often speak little or no English. School-age children may or may not speak English. Those who lived in French-speaking countries of asylum may speak more French than English. Indeed, for some children raised in French-speaking countries, French has largely replaced the mother tongue.

Even in the case of English-speaking Liberians, service providers should anticipate some difficulties and possible misunderstandings in communication. The English that many Liberians speak incorporates many words not commonly used in American English. (For more on Liberian English, see the section "Language" in this profile.) English is often spoken in a way that sounds musical, with the word *oh* frequently added to the end of sentences. This can be seen in the common Liberian greeting, *How'd body-oh?* ("How's the body?" or "How are you?").

Another cultural practice that will be unfamiliar and perhaps even offensive to some Americans is the frank use of adjectives to describe a person's physical appearance. For example, a Liberian woman might refer to her case manger as *the fat one*, *the tall one*, *the dry* (skinny) *one*, and so on. Americans may also be taken aback to hear a Liberian compliment a heavy American on his or her weight. Generally, in rural Liberia, an overweight person is regarded as someone wealthy, and there is no stigma attached to body weight.

*Liberians consider all members of a household as part of their immediate family.*

Referring to someone's skin color is also very common among Liberians. The categories usually include *black*, *brown*, and *bright*, with the last term being applied to a light-complexioned Americo-Liberian or, in the United States, to a light-complexioned African American.

Age, too, is openly described. It is common to identify someone as either old or small ("young"): "That small boy at the hotel told me to see the old pa," a Liberian might say. While these descriptive phrases may be offensive to Americans, there is no malice or disrespect intended. In fact, *old ma* and *old pa* are terms of respect.

Areas of life that Americans generally consider private, such as age and personal finances, can be public topics of conversation among Liberians. Liberians may not hesitate to ask someone how old he or she is or how much money he or she makes. Again, this should not be seen as disrespectful. Service providers, however, may want to cover these areas in their initial orientations.

Another common practice in Liberia is to nod the head or do a quick intake of air to indicate agreement with the speaker. Service providers, however, should not assume comprehension when they see one of these signs. When communicating with rural Liberians, service providers should ask the refugees to explain their understanding of what has been communicated.

English-speaking Liberians may find it frustrating that their American caseworkers do not understand their English. If it is determined that instruction in American English is needed, the service providers should help the Liberians find a course that is appropriate to their needs and to their level of language proficiency.

### **Case Study: Communications**

During her orientation for a Liberian family, Sue, a resettlement caseworker, underscores the importance of home safety. She tells the family to make sure to keep the front door of their apartment shut and locked. Periodically she asks the father if he understands, and he always replies with a nod of his head and a "Yes." One week later, Sue visits the family and finds the front door of the apartment wide open.

#### **Discussion Questions**

- *How should Sue handle the situation? She is clearly worried about the family's safety.*
- *What could Sue have done differently in the orientation to make sure that the family understood?*

*Liberians may not hesitate to ask someone how old he or she is or how much money he or she makes.*

## Family and Parenting Issues

The African proverb “It takes a village to raise a child” is widely practiced in Liberia. Generally speaking, everyone looks out for one another in a Liberian village. Responsibility for raising children is widely shared within the family and the community. It is not uncommon for children to be cared for by someone other than their biological parents.

In a Liberian family, responsibility for small children is usually delegated to older siblings. In the event of a divorce or separation—not unusual in Liberia—the father typically assumes custody of the children and may delegate childcare responsibilities to the eldest child. War and refugee camp life have served to expand the cultural practice of delegating childcare responsibilities to older siblings.

With this practice in mind, it is understandable that Liberians will not approach childcare in the same manner as Americans. Service providers will need to be sensitive to Liberian attitudes and help Liberians understand the American approach to childrearing. In particular, service providers should alert refugees to the dangers (such as drowning, kidnapping, drugs, molestation, and car accidents) that children unsupervised by adults may encounter in the United States.

In addition, service providers should carefully monitor the new arrivals’ adjustment to the United States and be willing to provide intervention, such as parenting classes, as needed. Parents, as well as older siblings, will need assistance in the preparation of nutritious, well-balanced meals and in home hygiene, particularly in the area of food preparation and storage.

Liberian parents will need to learn about legally acceptable forms of discipline in the United States, because in Liberia parents commonly use corporal punishment to discipline their children. It is common for Liberians to use the word beat when they are trying to correct a behavior. A parent’s response to a child displaying inappropriate behavior might be, “I will beat you.” But in this instance the word beat is more like a warning, similar in meaning to “I’ve had enough” or “Stop that right now.” However, if a neighbor or teacher overheard this exchange it could lead to the parent being reported for potential child abuse.

There have been reports of behavioral problems with Liberian children in the public schools. Children have been disciplined, and in some cases, suspended from school for fighting and aggressive behavior. Children will need to understand what is and what is not acceptable behavior in the American classroom. Educators and service providers, for their part, can reduce the incidence of problems by ensuring that the children have someone to discuss their problems with and a mentor to help them develop appropriate problem-solving skills to cope with the myriad challenges they face in their new environment.

Finally, service providers should be aware of the practice among the various warring factions in Liberia of using child soldiers. While the United States government has not knowingly resettled Liberians who were child soldiers, service

*Responsibility for small children is usually delegated to older siblings.*

providers should be prepared for the possibility that some young Liberians saw service as child soldiers.

### **Case Study: Parenting**

Fanta, a single mother from Liberia, listens carefully to her resettlement caseworker, because she wants to do everything right and start a new life for her and her children. Upon returning to her apartment, she is shocked to see the police at her home. The police have been called to the apartment to investigate a child neglect report. Fanta cannot understand the problem. She did not leave her baby alone while she went to the store; she left her in the care of her 8-year-old son.

#### **Discussion Questions**

- *What basic information did Fanta miss during the orientation?*
- *How can this situation be resolved?*

### **Education**

Liberian refugees will arrive in the United States with varying amounts of education. Although education is highly valued in Liberian culture, literacy rates are very low. Before the civil war, school fees made it difficult to get an education in Liberia. Moreover, in the rural areas, children, especially girls, left school to help their parents with subsistence farming. It was not unusual for children to miss a year or more of schooling due to a lack of tuition or the need to help their families. Those who did attend school in Liberia would likely have studied in a school that emphasized rote learning and did not encourage independent thinking. (For more on Liberian schools, see the section "Education and Literacy" in this profile.)

One resettlement agency found that of the Liberian refugees with a rural background that it had resettled, 31% of the adults were nonliterate, with 90% of the women and 10% of the men unable to read or write; 37% had little or no formal education; and 100% of children under the age of 16 who were tested placed between a first- and third-grade reading level. One 15-year-old who had been enrolled in high school could only recognize 100 written English words.

For young refugees raised in refugee camps, the level of education depends on the camp they were in. Many refugees have attended schools operated by international organizations; these refugees may have certificates of completion. It is believed that refugees in Guinea and Ghana were more likely to attend schools than refugees who lived in the rural areas of Ivory Coast.

Grade placement in Liberia and in many of the camps is made by the last grade completed and not necessarily by age. Many children may arrive in the United States expecting to be placed in the next higher grade even if their age is sig-

*Liberian refugees will arrive in the United States with varying amounts of education.*



nificantly older. Although Liberian schools were modeled after American schools, grade levels are rarely equivalent. In most cases, eighth grade in Liberia would not be academically equivalent to eighth grade in the United States.

On the positive side, most Liberian children will be eager to begin school in the United States and will be active participants in the classroom. Unlike many American children, Liberian children are usually not shy about singing, acting, or answering questions.

Service providers will need to help parents understand what the schools expect of them and how they can participate in their children's education. Many young parents may not have had any schooling past the primary years and may not understand how to relate to a teacher or a school official. They might also hesitate to discuss problem areas or misunderstandings with a teacher out of a traditional belief that the teacher is always right. Service providers should assist parents in bridging this gap so parents can better provide their children with the support that they need.

Another area that should be addressed with all families is the sensitivities of U.S. school officials toward guns and physical threats of violence. It is common for children who have grown up in a war setting to play out violent scenes or pretend to shoot guns. Service providers should work closely with the schools to help educate school officials on the backgrounds of the Liberian refugee children.

### **Case Study: Education**

Sam, a 12-year old from Liberia, is having a difficult time at school. He actually loves school, but the other children make fun of him because of his accent and his reading level. One day during recess, a child starts a fight with Sam, and he tries to defend himself. The children get caught, and the other child blames Sam. Sam insists he didn't start the fight, but no one believes him. He gets suspended from school. Sam tells his parents, and although they believe him, they do not want to talk to the principal. Sam becomes depressed and withdrawn.

### **Discussion Questions**

- *Why do you think Sam's parents aren't willing to meet with the principal?*
- *How can Sam be helped in this situation?*

## **Employment**

Generally, Liberians are eager to work and earn an income. At the same time, many are hoping for an education first. This hope may delay their entry into the workforce. There may even be an underlying belief among newly arrived refugees that "America will take care of me." Service providers will need to provide thorough and ongoing counseling about the need to work.

*Although Liberian schools were modeled after American schools, grade levels are rarely equivalent.*

Those who do enter the work force soon after arrival appear to adjust to it relatively easily. They are eager to learn new skills and enthusiastic about earning their own salary. For many, this will be the first time that they have ever earned their own money.

Liberian refugees have a wide variety of employment backgrounds, depending on where they are from in Liberia and where they lived as refugees. Liberians from urban areas will have more transferable work skills; some will have worked as teachers, mechanics, store attendants, bankers, and so forth. Liberians from the rural areas will have backgrounds primarily in subsistence farming; they may also have had some experience in marketing their goods. Generally, women do not have as much work experience as men, although some refugee women worked as housekeepers or childcare providers while in the refugee camps. Traditionally, women are the marketers in Liberia and are very skilled at bargaining and monitoring prices.

For the most part, Liberians will face the same challenges in finding and maintaining employment that many other refugee groups face. A lack of numeracy skills, English proficiency, transferable work skills, and familiarity with modern technology and appliances constitute common barriers to employment for Liberian refugees. For those in the work force, punctuality, regular attendance, and a steady work pace have emerged as problem areas. Service providers should ensure that Liberians understand the full scope of their work responsibilities, including the time requirements. Special attention should be given to the importance of punctuality in the U.S. workplace.

For single mothers, employment can be a particularly difficult challenge. Coordinating work, childcare, schooling, and household chores can be overwhelming for a single parent. One effective strategy, service providers have found, is the use of volunteers, who help guide the parents with childcare and household chores. Service providers may also direct the parent to appropriate youth programs for the children.

### **Case Study: Employment**

George, an employment coordinator, was recently assigned his first Liberian case: a 58-year-old single mother with her two biological children, three nonbiological children, and her 77-year-old mother. The five children range in age from 5 to 16. This means that in a family of seven there is only one employable adult.

#### **Discussion Questions**

- *If you were George, how would you approach employment with this family?*
- *What steps would you advise the mother to take to help her family achieve self-sufficiency?*

*Liberians from rural areas will have backgrounds primarily in farming.*

## Housing

Liberians from urban areas will be familiar with modern housing, but the majority of Liberian refugees come from rural areas with limited exposure to the kind of housing found in the United States. In rural Liberia, most of the living is done outdoors. Housing varies from stick and mud huts with thatched roofs to clay brick houses with zinc roofs. Most homes contain separate rooms for sleeping. The kitchen is typically outside and constructed with natural materials to provide a shaded and open-air area. Latrines and bathhouses are also outside. In urban areas of Liberia where there is indoor plumbing, it is common practice to discard toilet paper into a wastebasket instead of into the toilet due to poor plumbing. Service providers should review with refugees what should and should not be flushed down the toilet.

Most rural Liberian refugees will arrive having had minimal experience with electrical appliances, bathroom fixtures, and thermostats. This lack of knowledge can be dangerous: One refugee, after seeming to understand how to operate the stove and oven, collected wood, put it in the oven, lit it, closed the oven door, and then turned on the stove. Thorough orientations should be provided with no assumptions of prior knowledge.

Rural Liberians typically live with their extended families, usually within a village of their own ethnic group. For most, it will be a new experience to live in an apartment complex with diverse populations. Service providers should take extra care to go over the contents of the lease with the refugees, explaining both their rights and responsibilities, particularly with regard to the number of people who can live in an apartment.

Service providers should make sure that Liberians understand how much income they will have and what their financial obligations are, particularly in relation to housing. In rural areas, Liberians tend to live in the present and not make significant plans for the future. Helping Liberians understand the billing cycles in America, credit, and the consequences of not paying bills is vital for successful adjustment. For rural Liberians, the concept of homelessness is unimaginable. The possibility of eviction for not paying the rent may not completely sink in.

## Legal Issues

Like other refugee groups, Liberians will need to understand their rights and responsibilities under U.S. law. One area of concern is bribery. Commonly practiced in many areas of Liberia, bribery may be viewed by Liberians as simply a form of tipping. In Liberia, it is not uncommon to “tip” a policeman to avoid a ticket, a headmaster to gain access to the next grade level, or a government official for faster service. Refugees will need to understand American attitudes toward this practice. In particular, they will need to understand the possible legal consequences of attempting to “tip” a police officer.

*Most Liberians from rural areas will have limited exposure to the kinds of housing found in the United States.*

There have been some reports of refugee women entering the sex trade industry. Women need to understand the laws of the United States with regard to prostitution. More importantly, they need to understand their rights and know how to get help if they need it.

## **Health and Well-Being**

It is expected that Liberian refugees will arrive with numerous health issues. Preventive health care is extremely limited in Liberia and in the refugee camps. That fact, coupled with an unbalanced diet, means that illnesses such as malnutrition, anemia, and skin diseases are commonplace. Many Liberians will arrive with ongoing physical health care needs that require many hours of medical treatment and counseling.

Inadequate health care in the past, combined with cultural habits such as sharing food from one bowl and engaging in unprotected sex, has led to the spread of communicable diseases. The Liberian refugee population, like other refugee populations, includes incidence of HIV/AIDS. For agencies not already working with HIV-positive refugees, information may be obtained by viewing the *Helping Refugees with Special Health Needs* link at [www.refugeesusa.org](http://www.refugeesusa.org). Service providers and health practitioners should also be aware that some ethnic groups in Liberia practice female circumcision, more commonly referred to in the United States as female genital mutilation (FGM).

Although traditional healing is widely practiced in the rural areas of Liberia, Liberians have great respect for Western medicine. Nevertheless, they bring their own cultural attitudes about medicine with them. For example, Liberian patients who are sick may feel cheated if a visit to the doctor does not result in an injection. At the same time, many Liberians are very hesitant to have their blood drawn. They believe that there is only so much blood in the human body and that blood that has been drained from the body will not be replenished.

Liberians have ways of describing their ailments that can cause misunderstandings among U.S. healthcare providers. When Liberians are sick, they may say, "I have a fresh cold." This statement is used for a variety of ailments and does not necessarily indicate symptoms that Americans associate with the common cold. If Liberians are tired or are generally not feeling well, they may say, "I have low blood." They may also say that they have malaria, because it is common to use the word *malaria* to indicate a general feeling of sickness. Health care professionals should know about this broad use of the word, while understanding that malaria is also a real possibility with Liberians, who have lived in areas where the illness is common.

Rural Liberians do not practice the same hygiene habits as Americans. While bathing daily—and among some groups, even twice a day—is the norm in Liberia, it is typically done with one bucket of water and a bar of soap. Liberians will be unfamiliar with the large selection of hygiene products in the United

*Liberian refugees will arrive with numerous health issues.*

States. Initial orientations should include the use of deodorant, tissues to clean the nose, and women's products such as sanitary pads.

Dental hygiene in the rural areas of Liberia and in refugee camps is typically accomplished by brushing the teeth with a stick. Resettlement staff should show new arrivals proper brushing techniques with a toothbrush and an appropriate amount of toothpaste. Few rural Liberians will have fillings; typically teeth were pulled if there were problems. It should be anticipated that many Liberians will need ongoing dental treatment.

### **Case Study: Health**

In one week, Fatima was taken by her caseworker to the health department, a gynecologist, and her new primary health care physician. At each appointment, blood was taken. At the second appointment, Fatima informed her caseworker that she did not have enough blood. After much counseling, she agreed to allow them to draw blood. At the third appointment, she once again refused and told her caseworker that she did not have any blood left. Once again, the caseworker provided information and counseling and Fatima finally agreed. At the end of the appointment when they were departing the office, Fatima informed her case manager that the doctor was horrible—he took her blood and did not even give her any medication. She informed the caseworker that she wanted a new doctor.

### **Discussion Questions**

- *Why do you think Fatima is not satisfied with her health care?*
- *What can help Fatima feel better about preventative health care in the United States?*

### **Mental Health**

The civil war in Liberia was brutal. Refugees, while trying to flee, were forced to pass through various checkpoints, where they had to identify themselves and their ethnic group. Executions and torture were commonplace at checkpoints. Many Liberians were forced to watch, and some even to sing and dance, while a family member was killed or tortured. Even children were forced to watch. Horrible atrocities were committed against women, including gang rape and rape with objects such as rifles. There were also documented cases of babies being tortured and killed in front of their mothers.

One result of the war has been family separation. Many families were separated in their attempt to flee the country, and some family members were detained at checkpoints. It is common for Liberians to be uncertain about the whereabouts of family members. Many are presumed dead.

*One result of the war has been family separation.*

In the rural areas of Liberia, a person with a mental illness was widely believed to have been a victim of black magic, or *ju ju*. While Liberians may have mixed feelings about seeking mental or emotional help, service providers should make sure that the refugees understand the basic symptoms of posttraumatic stress disorder and where and how they can seek confidential help. Liberians suffering from mental health problems may repeatedly complain of physical symptoms such as aches and pains and problems sleeping.

One strategy that has been particularly successful in working with rural Africans unfamiliar with American mental health practices is the group meeting. Led by an mental health practitioner who has worked with Liberians, a group meeting can provide a socially acceptable format for addressing problems. Once the group achieves a certain comfort level with the practitioner, individual appointments are made as needed. It is important for refugees to understand that their feelings are normal and that with the help of the appropriate professional, they can work through their problems.

*Liberians suffering from mental health problems may complain of physical symptoms such as aches and pains and problems sleeping.*

## Recommended Reading and Viewing

For the general reader who would like to learn more about the people, history, and cultures of Liberia, the following books, films, and Web sites are recommended:

### Books

African Women and Peace Support Group. (2003). *Liberian women peacemakers: Fighting for the right to be seen, heard and counted*. Trenton, NJ: African World Press. (Available from African World Press, Box 1892, Trenton, NJ 08607; awprsp@africanworld.com; 609-695-3200)

This report contains excerpts from interviews with women peacemakers as well as a chronology and narrative of the civil war in Liberia.

Clegg, C. A. (2004). *The price of liberty: African Americans and the making of Liberia*. Chapel Hill: University of North Carolina.

This book, by a historian, examines the impact of African American colonization on native Africans by looking at the experiences of North Carolinians who went to Liberia. Clegg argues that ultimately the emigrants constructed a settler society marred by many of the same exclusionary, oppressive characteristics common to modern colonial regimes.

Dunn, D. E. *Liberia (World Bibliographical Series, No. 157)*. Oxford: Clio Press, 1995.

This extensive bibliography by one of Liberia's most respected scholars is broken down into sections. Entries are annotated.

Dunn, D. E., Burrowes, C. P., & Beyan, A. M. (Eds.). (2002). *Historical dictionary of Liberia (2nd ed)*. Lanham, MD: Scarecrow Press.

With short paragraphs and essays on important events, topics, and people, this easy-to-use and highly recommended work is more than a dictionary.

Ellis, S. D. K. (1999). *The mask of anarchy: The destruction of Liberia and the religious dimensions of an African civil war*. New York: New York University Press.

This thought-provoking work examines the political, ethnic, cultural, and religious aspects of Liberian society that shaped the nature and development of the civil war.

Fleischman, J. (1994). *Easy prey: Child soldiers in Liberia*. New York: Human Rights Watch.

Although international law forbids the use of children under the age of 15 as soldiers, all factions in the Liberian civil war used child soldiers. This book examines the impact of this practice on the children, their families, and the society at large.

Gay, J. (2004). *The brightening shadow*. Northridge, CA: New World African Press. (Original work published 1980)

The second in a trilogy of novels, this book tells the story of Kpelle twin brothers growing up in Liberia in the 1950s and 1960s. One boy follows Kpelle tradition, while the other immerses himself in Western culture. The author is an American who taught for many years at Cuttington College in Liberia.

Gay, J. (2004). *Long day's anger*. Northridge, CA: New World African Press.

This novel, the third in Gay's trilogy of novels about Kpelle twin brothers, explores the Liberian civil war through the experiences of its characters.

Gay, J. (2004). *Red dust on the green leaves*. Northridge, CA: New World African Press. (Original work published 1973)

This novel, the first in Gay's trilogy of novels about Kpelle twin brothers, is set in the 1950s and 1960s.

Keenan, J. (Ed.). (1997). *Liberian cookhouse cooking*. Washington, DC: Friends of Liberia.

This introduction to Liberian cooking includes short commentaries, proverbs, and observations about Liberian traditions and peoples. (Available from [www.fol.org](http://www.fol.org))

Kieh, G. (2002). *Zones of conflict in Africa: Theories and cases*. Westport, CT: Praeger.

This book examines the current thinking on the root causes of African conflicts. The second half focuses on cases studies drawn from the Great Lakes Region, Liberia, Nigeria, and Zambia.

Lawyers Committee for Human Rights. (1986). *Liberia: A promise betrayed*. New York: Author.

Through firsthand accounts, this book documents the widespread abuses of President Doe's military government.

Malakpa, S. W. G. (2002). *The village boy*. Northridge, CA: New World African Press.

A political and social satire, this novel tells the story of a boy genius in rural Liberia.

Moran, M. (1990). *Civilized women: Gender and prestige in southeastern Liberia*. Ithaca, NY: Cornell University Press, 1990.

This scholarly, well-written work illuminates the complex relationships between Americo-Liberians and indigenous Liberians.

Ruiz, H. (1992). *Uprooted Liberians: Casualties of a brutal war*. Washington, DC: United States Committee for Refugees.

With particular attention to the root causes of the Liberian civil war, this 32-page report provides a snapshot of the Liberian refugee situation in the mid-1990s.



Sankawulo, W. (2005). *Sundown at dawn: A Liberian odyssey*. Houston: Dusty Spark.

Written by the former interim head of state of Liberia, this novel provides insights into Liberian culture and politics and the Kpelle people, as it tells the story of one man's efforts to overcome challenging circumstances and obtain an education.

Singler, J. (1981). *An introduction to Liberian English*. East Lansing: Michigan State University.

Prepared for Peace Corps volunteers, this publication provides the nonspecialist with an introduction to the speech of Western-educated English speakers in Liberia. Although written more than 20 years ago, it remains current. (Out of print; limited availability)

## Films

Barnes, D. C. (Director) & Kahlor, M. (2000). *Cry of the Pepperbird: A Story of Liberia* [Documentary film]. (Available through HCC-TV, Howard Community College, Columbia, MD; 410-772-4411; nkahlor@howardcc.edu)

This award-winning 50-minute video presents Liberia's history from its 19th-century founding to the time of the first civil war.

Bright, N. [Producer/Director/Writer] (2002). *Liberia: America's step-child* [Documentary film]. (Available from Documentary Educational Resources, 101 Morse St., Watertown, MA; <http://www.pbs.org/wgbh/globalconnections/liberia/>)

This 90-minute film by Liberian filmmaker Nancee Bright is an excellent introduction to the history and societies of Liberia.

Ivers, G. H. (Producer). (1997). *Song of the refugee: A message of hope from Africa* [Documentary film]. (Available through Episcopal Parish Services, <http://www.episcopalparishservices.org/displayrecord.asp?EntryCode=SORE;800-903-5541>)

This film examines the plight of displaced persons from Liberia in refugee camps in Liberia and Ivory Coast, as well as the plight of other African refugee groups in Uganda and Rwanda. It features the Ugandan singer Samite.

Stack, J. (Producer/Director) & Brabazon, J. (Producer/Director). (2003). *Liberia: An uncivil war* [Documentary film]. (Available from International Documentary Association, <http://www.gabrielfilms.com/>)

Made for the Discovery Channel, this award-winning documentary vividly shows one of the most vicious periods of fighting in Liberia, in mid-2003, before the peace treaty was signed in August.

## Web Sites

<http://allafrica.com/liberia/>

Current news stories from Liberia

<http://etext.lib.virginia.edu/subjects/liberia/>

The 19th-century story of Liberia's early history through letters of freed slaves relocated to Liberia

<http://fol.org>

Friends of Liberia Web site focusing on education, human rights, community development, and good governance; maintained by former Peace Corps volunteers, businesspeople, missionaries, and others who have lived and worked in Liberia

<http://hrw.org/doc/?t=africa&c=liberi>

Liberia page for Human Rights Watch

[http://www.ethnologue.com/show\\_country.asp?name=Liberia](http://www.ethnologue.com/show_country.asp?name=Liberia)

Basic information on the languages spoken in Liberia

<http://www.onliberia.org>

A vast Indiana University collection of scholarly and nonscholarly books, articles, documents, artifacts, and audio and visual material

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### History

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The information in the "Resettlement in the United States" section is also based on the author's professional experiences in Liberia and in refugee resettlement, and on conversations in October and November 2004 with the following refugee resettlement service providers: Barbara Klimek, CSS Director, Phoenix; Craig Thoresen, LSMS Director, Phoenix; Pedro Denga, Betania Community Center Director, Phoenix; Mohamed Al-Sharmani, IRC Case Manager, Phoenix; Don Clement, IRC Regional Director, San Francisco; Lisa David, IRC Regional Director, Dallas; Kathleen Higgins, IRC Employment Coordinator, Phoenix; Chris Kerlin, IRC Program Specialist, Phoenix; and Visnja Robovic, IRC Case Manager, Phoenix.



## The Constitution of the Republic of Liberia

The Liberia 1984 constitution below, replaced the Liberia 1847 constitution which was suspended on April 12, 1980, following the coup d'etat which overthrew the presidency of H. E. William R. Tolbert, Jr. The process of writing a new constitution began on April 12, 1981, when Dr. Amos Sawyer, a political scientist at the University of Liberia, was appointed chairman of the National Constitution Committee (NCC), the 25-member body that was given the responsibility of drafting a new constitution for Liberia. The NCC completed its work in December 1982, and submitted the draft constitution to the PRC (The People's Redemption Council) in March 1983. A 59-member Constitutional Advisory Committee (CAA) was then appointed to review the draft constitution. The CAA completed its work on October 19, 1983. On July 3, 1984, the new constitution was submitted to a national referendum and approved.

### PREAMBLE

CHAPTER I	Structure of the State
CHAPTER II	General Principles of National Policy
CHAPTER III	Fundamental Rights
CHAPTER IV	Citizenship
CHAPTER V	The Legislature
CHAPTER VI	The Executive
CHAPTER VII	The Judiciary
CHAPTER VIII	Political Parties and Elections
CHAPTER IX	Emergency Powers
CHAPTER X	Autonomous Public Commissions
CHAPTER XI	Miscellaneous
CHAPTER XII	Amendments
CHAPTER XIII	Transitional Provisions
SCHEDULE	



## PREAMBLE

We the People of the Republic of Liberia:

Acknowledging our devout gratitude to God for our existence as a Free, Sovereign and Independent State, and relying on His Divine Guidance for our survival as a Nation;

Realizing from many experiences during the course of our national existence which culminated in the Revolution of April 12, 1980, when our Constitution of July 26, 1847 was suspended, that all of our people, irrespective of history, tradition, creed, or ethnic background are of one common body politic;

Exercising our natural, inherent and inalienable rights to establish a framework of government for the purpose of promoting unity, liberty, peace, stability, equality, justice and human rights under the rule of law, with opportunities for political, social, moral, spiritual and cultural advancement of our society, for ourselves and for our posterity; and

Having resolved to live in harmony, to practice fraternal love, tolerance and understanding as a people and being fully mindful of our obligation to promote African unity and international peace and cooperation,

Do hereby solemnly make, establish, proclaim, and publish this Constitution for the governance of the Republic of Liberia.

## CHAPTER I

### STRUCTURE OF THE STATE

#### Article 1

All power is inherent in the people. All free governments are instituted by their authority and for their benefit and they have the right to alter and reform the same when their safety and happiness so require. In order to ensure democratic government which responds to the wishes of the governed, the people shall have the right at such period, and in such manner as provided for under this Constitution, to cause their public servants to leave office and to fill vacancies by regular elections and appointments.

#### Article 2

This Constitution is the supreme and fundamental law of Liberia and its provisions shall have binding force and effect on all authorities and persons throughout the Republic.

Any laws, treaties, statutes, decrees, customs and regulations found to be inconsistent with it shall, to the extent of the inconsistency, be void and of no legal effect. The Supreme Court, pursuant to its power of judicial review, is empowered to declare any inconsistent laws unconstitutional.



### Article 3

Liberia is a unitary sovereign state divided into counties for administrative purposes. The form of government is Republican with three separate coordinate branches: the Legislative, the Executive and Judiciary. Consistent with the principles of separation of powers and checks and balances, no person holding office in one of these branches shall hold office in or exercise any of the powers assigned to either of the other two branches except as otherwise provided in this Constitution; and no person holding office in one of the said branches shall serve on any autonomous public agency.

## CHAPTER II

### GENERAL PRINCIPLES OF NATIONAL POLICY

#### Article 4

The principles contained in this Chapter shall be fundamental in the governance of the Republic and shall serve as guidelines in the formulation of legislative, executive and administrative directives, policy-making and their execution.

#### Article 5

The Republic shall:

- a. aim at strengthening the national integration and unity of the people of Liberia, regardless of ethnic, regional or other differences, into one body politic; and the Legislature shall enact laws promoting national unification and the encouragement of all citizens to participate in government;
- b. preserve, protect and promote positive Liberian culture, ensuring that traditional values which are compatible with public policy and national progress are adopted and developed as an integral part of the growing needs of the Liberian society;
- c. take steps, by appropriate legislation and executive orders, to eliminate sectionalism and tribalism, and such abuses of power as the misuse of government resources, nepotism and all other corrupt practices.

#### Article 6

The Republic shall, because of the vital role assigned to the individual citizen under this Constitution for the social, economic and political well being of Liberia, provide equal access to educational opportunities and facilities for all citizens to the extent of available resources. Emphasis shall be placed on the mass education of the Liberian people and the elimination of illiteracy.

#### Article 7

The Republic shall, consistent with the principles of individual freedom and social justice enshrined in this Constitution, manage the national economy and the natural resources of Liberia in such manner as



shall ensure the maximum feasible participation of Liberian citizens under conditions of equality as to advance the general welfare of the Liberian people and the economic development of Liberia.

#### Article 8

The Republic shall direct its policy towards ensuring for all citizens, without discrimination, opportunities for employment and livelihood under just and humane conditions, and towards promoting safety, health and welfare facilities in employment.

#### Article 9

The Republic shall encourage the promotion of bilateral and regional cooperation between and among Liberian and other nations and the formation and maintenance of regional organizations aimed at the cultural, social, political and economic development of the peoples of Africa and other nations of the world.

#### Article 10

The Republic shall ensure the publication and dissemination of this Constitution throughout the Republic and the teaching of its principles and provisions in all institutions of learning in Liberia.

### CHAPTER III

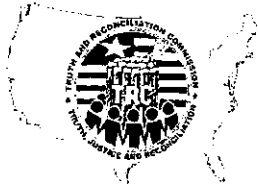
#### FUNDAMENTAL RIGHTS

#### Article 11

- a. All persons are born equally free and independent and have certain natural, inherent and inalienable rights, among which are the right of enjoying and defending life and liberty, of pursuing and maintaining and security of the person and of acquiring, possessing and protecting property, subject to such qualifications as provided for in this Constitution.
- b. All persons, irrespective of ethnic background, race, sex, creed, place of origin or political opinion, are entitled to the fundamental rights and freedoms of the individual, subject to such qualifications as provided for in this Constitution.
- c. All persons are equal before the law and are therefore entitled to the equal protection of the law.

#### Article 12

No person shall be held in slavery or forced labor within the Republic, nor shall any citizen of Liberia nor any person resident therein deal in slaves or subject any other person to forced labor, debt bondage or peonage; but labor reasonably required in consequence of a court sentence or order conforming to acceptable labor standards, service in the military, work or service which forms part of normal civil



obligations or service exacted in cases of emergency or calamity threatening the life or well-being of the community shall not be deemed forced labor.

#### Article 13

a. Every person lawfully within the Republic shall have the right to move freely throughout Liberia, to reside in any part thereof and to leave therefrom subject however to the safeguarding of public security, public order, public health or morals or the rights and freedoms of others.

b. Every Liberian Citizen shall have the right to leave and to enter Liberia at any time. Liberian citizens and non-Liberian residents may be extradited to foreign country for prosecution of a criminal offense in accordance with the provisions of an extradition treaty or other reciprocal international agreements in force. Non-Liberian residents may be expelled from the Republic of Liberia for cause.

#### Article 14

All persons shall be entitled to freedom of thought, conscience and religion and no person shall be hindered in the enjoyment thereof except as may be required by law to protect public safety, order, health, or morals or the fundamental rights and freedoms of others. All persons who, in the practice of their religion, conduct themselves peaceably, not obstructing others and conforming to the standards set out herein, shall be entitled to the protection of the law. No religious denomination or sect shall have any exclusive privilege or preference over any other, but all shall be treated alike; and no religious tests shall be required for any civil or military office or for the exercise of any civil right. Consistent with the principle of separation of religion and state, the Republic shall establish no state religion.

#### Article 15

a. Every person shall have the right to freedom of expression, being fully responsible for the abuse thereof. This right shall not be curtailed, restricted or enjoined by government save during an emergency declared in accordance with this Constitution.

b. The right encompasses the right to hold opinions without interference and the right to knowledge. It includes freedom of speech and of the press, academic freedom to receive and impart knowledge and information and the right of libraries to make such knowledge available. It includes non-interference with the use of the mail, telephone and telegraph. It likewise includes the right to remain silent.

c. In pursuance of this right, there shall be no limitation on the public right to be informed about the government and its functionaries.

d. Access to state owned media shall not be denied because of any disagreement with or dislike of the ideas express. Denial of such access may be challenged in a court of competent jurisdiction.

e. This freedom may be limited only by judicial action in proceedings grounded in defamation or invasion of the rights of privacy and publicity or in the commercial aspect of expression in deception, false advertising and copyright infringement.



#### Article 16

No person shall be subjected to interference with his privacy of person, family, home or correspondence except by order of a court of competent jurisdiction.

#### Article 17

All persons, at all times, in an orderly and peaceable manner, shall have the right to assemble and consult upon the common good, to instruct their representatives, to petition the Government or other functionaries for the redress of grievances and to associate fully with others or refuse to associate in political parties, trade unions and other organizations.

#### Article 18

All Liberian citizens shall have equal opportunity for work and employment regardless of sex, creed, religion, ethnic background, place of origin or political affiliation, and all shall be entitled to equal pay for equal work.

#### Article 19

No person other than members of the Armed Forces of Liberia or of the militia in active service shall be subject to military law, or made to suffer any pains or penalties by virtue of that law, or be tried by courts-martial.

#### Article 20

a. No person shall be deprived of life, liberty, security of the person, property, privilege or any other right except as the outcome of a hearing judgment consistent with the provisions laid down in this Constitution and in accordance with due process of law. Justice shall be done without sale, denial or delay; and in all cases not arising in courts not of record, under courts-martial and upon impeachment, the parties shall have the right to trial by jury.

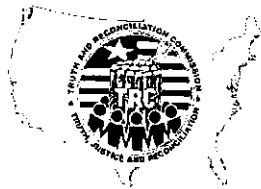
b. The right of an appeal from a judgment, decree, decision or ruling of any court or administrative board or agency, except the Supreme Court, shall be held inviolable. The legislature shall prescribe rules and procedures for the easy, expeditious and inexpensive filing and hearing of an appeal.

#### Article 21

a. No person shall be made subject to any law or punishment which was not in effect at the time of commission of an offense, nor shall the Legislature enact any bill of attainder or ex post facto law.

b. No person shall be subject to search or seizure of his person or property, whether on a criminal charge or for any other purpose, unless upon warrant lawfully issued upon probable cause supported by a solemn oath or affirmation, specifically identifying the person or place to be searched and stating the object of the search; provided, however, that a search or seizure shall be permissible without a search warrant where





the arresting authorities act during the commission of a crime or in hot pursuit of a person who has committed a crime.

c. Every person suspected or accused of committing a crime shall immediately upon arrest be informed in detail of the charges, of the right to remain silent and of the fact that any statement made could be used against him in a court of law. Such person shall be entitled to counsel at every stage of the investigation and shall have the right not to be interrogated except in the presence of counsel. Any admission or other statements made by the accused in the absence of such counsel shall be deemed inadmissible as evidence in a court of law.

d. i. All accused persons shall be bailable upon their personal recognizance or by sufficient sureties, depending upon the gravity of the charge, unless charged for capital offenses or grave offenses as defined by law.

ii. Excessive bail shall not be required, nor excessive fines imposed, nor excessive punishment inflicted.

e. No person charged, arrested, restricted, detained or otherwise held in confinement shall be subject to torture or inhumane treatment; nor shall any person except military personnel, be kept or confined in any military facility; nor shall any person be seized and kept among convicted prisoners or treated as a convict, unless such person first shall have been convicted of a crime in court of competent jurisdiction. The Legislature shall make it a criminal offense and provide for appropriate penalties against any police or security officer, prosecutor, administrator or any other public or security officer, prosecutor, administrator or any other public official acting in contravention of this provision; and any person so damaged by the conduct of any such public official shall have a civil remedy therefor, exclusive of any criminal penalties imposed.

f. Every person arrested or detained shall be formally charged and presented before a court of competent jurisdiction within forty-eight hours. Should the court determine the existence of a prima facie case against the accused, it shall issue a formal writ of arrest setting out the charge or charges and shall provide for a speedy trial. There shall be no preventive detention.

g. The right to the writ of habeas corpus, being essential to the protection of human rights, shall be guaranteed at all times, and any person arrested or detained and not presented to court within the period specified may in consequence exercise this right.

h. No person shall be held to answer for a capital or infamous crime except in cases of impeachment, cases arising in the Armed Forces and petty offenses, unless upon indictment by Grand Jury; and in all such cases, the accused shall have the right to a speedy, public and impartial trial by a jury of the vicinity, unless such person shall, with appropriate understanding, expressly waive the right to a jury trial. In all criminal cases, the accused shall have the right to be represented by counsel of his choice, to confront witnesses against him and to have compulsory process for obtaining witnesses in his favor. He shall not be compelled to furnish evidence against himself and he shall be presumed innocent until the contrary is proved beyond a reasonable doubt. No person shall be subject to double jeopardy.



i. The right to counsel and the rights of counsel shall be inviolable. There shall be no interference with the lawyer-client relationship. In all trials, hearings, interrogatories and other proceedings where a person is accused of a criminal offense, the accused shall have the right to counsel of his choice; and where the accused is unable to secure such representation, the Republic shall make available legal aid services to ensure the protection of his rights.

There shall be absolute immunity from any government sanctions or interference in the performance of legal services as a counselor or advocate; lawyers' offices and homes shall not be searched or papers examined or taken save pursuant to a search warrant and court order; and no lawyer shall be prevented from or punished for providing legal services, regardless of the charges against or the guilt of his client, no lawyer shall be barred from practice for political reasons.

j. Any person who, upon conviction of a criminal offense, was deprived of the enjoyment of his civil rights and liberties, shall have the same automatically restored upon serving the sentence and satisfying any other penalty imposed, or upon an executive pardon.

#### Article 22

a. Every person shall have the right to own property alone as well as in association with others; provided that only Liberian citizens shall have the right to own real property within the Republic.

b. Private property rights, however, shall not extend to any mineral resources on or beneath any land or to any lands under the seas and waterways of the Republic. All mineral resources in and under the seas and other waterways shall belong to the Republic and be used by and for the entire Republic.

c. Non-citizen missionary, educational and other benevolent institutions shall have the right to own property, as long as that property is used for the purposes for which acquired; property no longer so used shall escheat to the Republic.

d. The Republic may, on the basis of reciprocity, convey to a foreign government property to be used perpetually for its diplomatic activities. This land shall not be transferred or otherwise conveyed to any other party or used for any other purpose, except upon the expressed permission of the Government of Liberia. All property so conveyed may escheat to the Republic in the event of a cessation of diplomatic relations.

#### Article 23

a. The property which a person possesses at the time of marriage or which may afterwards be acquired as a result of one's own labors shall not be held for or otherwise applied to the liquidation of the debts or other obligations of the spouse, whether contracted before or after marriage; nor shall the property which by law is to be secured to a man or a woman be alienated or be controlled by that person's spouse save by free and voluntary consent.



b. The Legislature shall enact laws to govern the devolution of estates and establish rights of inheritance and descent for spouses of both statutory and customary marriages so as to give adequate protection to surviving spouses and children of such marriages.

#### Article 24

a. While the inviolability of private property shall be guaranteed by the Republic, expropriation may be authorized for the security of the nation in the event of armed conflict or where the public health and safety are endangered or for any other public purposes, provided:

(i) that reasons for such expropriation are given;

(ii) that there is prompt payment of just compensation;

(iii) that such expropriation or the compensation offered may be challenged freely by the owner of the property in a court of law with no penalty for having brought such action; and

(iv) that when property taken for public use ceases to be so used, the Republic shall accord the former owner or those entitled to the property through such owner, the right of first refusal to reacquire the property.

b. All real property held by a person whose certificate of naturalization has been cancelled shall escheat to the Republic unless such person shall have a spouse and/or lineal heirs who are Liberian citizens, in which case the real property shall be transferred to them in accordance with the intestacy law.

c. The power of the Legislature to provide punishment for treason or other crimes shall not include a deprivation or forfeiture of the right of inheritance, although its enjoyment by the convicted person shall be postponed during a term of imprisonment judicially imposed; provided that if the convicted person has minor children and a spouse, the spouse or next of kin in the order of priority shall administer the same. No punishment shall preclude the inheritance, enjoyment or forfeiture by others entitled thereto of any property which the convicted person at the time of conviction or subsequent thereto may have possessed.

#### Article 25

Obligation of contract shall be guaranteed by the Republic and no laws shall be passed which might impair this right.

#### Article 26

Where any person or any association alleges that any of the rights granted under this Constitution or any legislation or directives are constitutionally contravened, that person or association may invoke the privilege and benefit of court direction, order or writ, including a judgment of unconstitutionality; and anyone injured by an act of the Government or any person acting under its authority, whether in property, contract, tort or otherwise, shall have the right to bring suit for appropriate redress. All such suits brought



against the Government shall originate in a Claims Court; appeals from judgment of the Claims Court shall lie directly to the Supreme Court.

## **CHAPTER IV**

### **CITIZENSHIP**

#### **Article 27**

- a. All persons who, on the coming into force of this Constitution were lawfully citizens of Liberia shall continue to be Liberian citizens.
- b. In order to preserve, foster and maintain the positive Liberian culture, values and character, only persons who are Negroes or of Negro descent shall qualify by birth or by naturalization to be citizens of Liberia.
- c. The Legislature shall, adhering to the above standard, prescribe such other qualification criteria for the procedures by which naturalization may be obtained.

#### **Article 28**

Any person, at least one of whose parents was a citizen of Liberia at the time of the Person's birth, shall be a citizen of Liberia; provided that any such person shall upon reaching maturity renounce any other citizenship acquired by virtue of one parent being a citizen of another country. No citizen of the Republic shall be deprived of citizenship or nationality except as provided by law; and no person shall be denied the right to change citizenship or nationality.



## CHAPTER V

### THE LEGISLATURE

#### Article 29

The legislative power of the Republic shall be vested in the Legislature of Liberia which shall consist of two separate houses: A Senate and a House of Representatives, both of which must pass on all legislation. The enacting style shall be: "It is enacted by the Senate and House of Representatives of the Republic of Liberia in Legislature assembled."

#### Article 30

Citizens of Liberia who meet the following qualifications are eligible to become members of the Legislature.

- a. for the Senate, have attained the age of 30 years and for the House of Representatives, have attained the age of 25 years;
- b. be domiciled in the country or constituency to be represented not less than one year prior to the time of the election and be a taxpayer.

#### Article 31

Each member of the Legislature, before taking his seat and entering upon the duties of office, shall take and subscribe to a solemn oath of affirmation, before the presiding officer of the House to which such person was elected and in the presence of other members of that House, to uphold and defend the Constitution and laws of the Republic and to discharge faithfully the duties of such office.

#### Article 32

- a. The Legislature shall assemble in regular session once a year on the second working Monday in January.
- b. The President shall, on his own initiative or upon receipt of a certificate signed by at least one-fourth of the total membership of each House, and by proclamation, extend a regular session of the Legislature beyond the date for adjournment or call a special extraordinary session of that body to discuss or act upon matters of national emergency and concern. When the extension or call is at the request of the Legislature, the proclamation shall be issued not later than forty-eight hours after receipt of the certificate by the President.

#### Article 33



Simple majority of each House shall constitute a quorum for the transaction of business, but a lower number may adjourn from day to day and compel the attendance of absent members. Whenever the House of Representatives and the Senate shall meet in joint session, the presiding officer of the House of Representatives shall preside.

#### Article 34

The Legislature shall have the power:

- a. to create new counties and other political sub-division, and readjust existing county boundaries;
- b. to provide for the security of the Republic;
- c. to provide for the common defense, to declare war and authorize the Executive to conclude peace; to raise and support the Armed Forces of the Republic, and to make appropriations therefor provided that no appropriation of money for that use shall be for a longer term than on year; and to make rules for the governance of the Armed Forces of the Republic;
- d. to levy taxes, duties, imports, exercise and other revenues, to borrow money, issue currency, mint coins, and to make appropriations for the fiscal governance of the Republic, subject to the following qualifications:
  - i. all revenue bills, whether subsidies, charges, imports, duties or taxes, and other financial bills, shall originate in the House of Representatives, but the Senate may propose or concur with amendments as on other bills. No other financial charge shall be established, fixed, laid or levied on any individual, community or locality under any pretext whatsoever except by the expressed consent of the individual, community or locality. In all such cases, a true and correct account of funds collected shall be made to the community or locality;
  - ii. no monies shall be drawn form the treasure except in consequence of appropriations made by legislative enactment and upon warrant of the President; and no coin shall be minted or national currency issued except by the expressed authority of the Legislature. An annual statement and account of the expenditure of all public monies shall be submitted by the office of the President to the Legislature and published once a year;
  - iii. no loans shall be raised by the Government on behalf of the Republic or guarantees given for any public institutions or authority otherwise than by or under the authority of a legislative enactment;
- a. to constitute courts inferior to the Supreme Court, including circuit courts, claims courts and such courts with prescribed jurisdictional powers as may be deemed necessary for the proper administration of justice throughout the Republic;
- b. to approve treaties, conventions and such other international agreements negotiated or signed on behalf of the Republic;



- c. to regulate trade and commerce between Liberia and other nations;
- d. to establish laws for citizenship, naturalization and residence;
- e. to enact the election laws;
- f. to establish various categories of criminal offenses and provide for the punishment thereof;
- g. to enact laws providing pension scheme for various categories of government officials and employees in accordance with age and tenure of service; and
- h. to make other laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the Government of the Republic, or in any department or officer thereof.

#### Article 35

Each bill or resolution which shall have passed both Houses of the Legislature shall, before it becomes law, be laid before the President for his approval. If he grants approval, it shall become law. If the President does not approve such bill or resolution, he shall return it, with his objections, to the House in which it originated. In so doing, the President may disapprove of the entire bill or resolution or any item or items thereof. This veto may be overridden by the re-passage of such bill, resolution or item thereof by a veto of two-thirds of the members in each House, in which case it shall become law. If the President does not return the bill or resolution within twenty days after the same shall have been laid before him it shall become law in like manner as if he had signed it, unless the Legislature by adjournment prevents its return.

No bill or resolution shall embrace more than one subject which shall be expressed in its title.

#### Article 36

The Senators and Representatives shall receive from the Republic remuneration for their services to be fixed by law, provided that any increase shall become effective at the beginning of the next fiscal year.

#### Article 37

In the event of a vacancy in the Legislature caused by death, resignation, expulsion or otherwise, the presiding officer shall within 30 days notify the Elections Commission thereof. The Elections Commission shall not later than 90 days thereafter cause a by-election to be held; provided that where such vacancy occurs within 90 days prior to the holding of general elections, the filling of the vacancy shall await the holding of such general elections.

#### Article 38



Each House shall adopt its own rules of procedure, enforce order and with the concurrence of two-thirds of the entire membership, may expel a member for cause. Each House shall establish its own committees and sub-committees; provided, however, that the committees on revenues and appropriations shall consist of one member from each County. All rules adopted by the Legislature shall conform to the requirements of due process of law laid down in this Constitution.

#### Article 39

The Legislature shall cause a census of the Republic to be undertaken every ten years.

#### Article 40

Neither House shall adjourn for more than five days without the consent of the other and both Houses shall always sit in the same city.

#### Article 41

The business of the Legislature shall be concluded in the English language or, when adequate preparations shall have been made, in one more of the languages of the Republic as the Legislature may by resolution approve.

#### Article 42

No member of the Senate or House of Representatives shall be arrested, detained, prosecuted or tried as a result of opinions expressed or votes cast in the exercise of the functions of his office. Members shall be privileged from arrest while attending, going to or returning from sessions of the Legislature, except for treason, felony or breach of the peace. All official acts done or performed and all statement made in the Chambers of the Legislature shall be privileged, and no Legislator shall be held accountable or punished therefor.

#### Article 43

The power to prepare a bill of impeachment is vested solely in the House of Representatives, and the power to try all impeachments is vested solely in the Senate. When the President, Vice President or an Associate Justice is to be tried, the Chief Justice shall preside; when the Chief Justice or a judge of a subordinate court of record is to be tried, the President of the Senate shall preside. No person shall be impeached but by the concurrence of two-thirds of the total membership of the Senate. Judgments in such cases shall not extend beyond removal from office and disqualification to hold public office in the Republic; but the party may be tried at law for the same offense. The Legislature shall prescribe the procedure for impeachment proceedings which shall be in conformity with the requirements of due process of law.

#### Article 44





Contempt of the Legislature shall consist of actions which obstruct the legislative functions or which obstruct or impede members or officers of the Legislature in the discharge of their legislative duties and may be punished by the House concerned by reasonable sanctions after a hearing consistent with due process of law. No sanctions shall extend beyond the session of the Legislature wherein it is imposed, and any sanction imposed shall conform to the provisions on Fundamental Rights laid down in the Constitution. Disputes between legislators and non-members which are properly cognizable in the courts shall not be entertained or heard in the Legislature.

#### Article 45

The Senate shall be composed of Senators elected for a term of nine years by the registered voters in each of the counties, but a Senator elected in a by-election to fill a vacancy created by death, resignation, expulsion or otherwise, shall be so elected to serve only the remainder of the unexpired term of office. Each county shall elect two Senators and each Senator shall have one vote in the Senate. Senators shall be eligible for re-election.

#### Article 46

Immediately after the Senate shall have assembled following the elections prior to the coming into force of this Constitution, the Senators shall be divided into two categories as a result of the votes cast in each county. The Senator with the higher votes cast shall be the Senator from a county shall be placed in the same category. The seats of Senators of the first category shall be vacated at the expiration of the ninth year. In the interest of legislative continuity, the Senators of the second category shall serve a first term of six years only, after the first elections. Thereafter, all Senators shall be elected to serve a term of nine years.

#### Article 47

The Senate shall elect once every six years a President Pro Tempore who shall preside in the absence of the President of the Senate, and such shall officers as shall ensure the proper functioning of the Senate. The President Pro Tempore and other officers so elected may be removed from office for cause by resolution of a two-thirds majority of the members of the Senate.

#### Article 48

The House of Representatives shall be composed of members elected for a term of six years by the registered voters in each of the legislative constituencies of the counties, but a member of the House of Representatives elected in a by-election to fill a vacancy created by death, resignation or otherwise, shall be elected to serve only the remainder of the unexpired term of the office. Members of the House of Representatives shall be eligible for re-election.

#### Article 49



The House of Representative shall elect once every six years a Speaker who shall be the presiding officer of that body, a Deputy Speaker, and such other officers as shall ensure the proper functioning of the House. The speaker, the Deputy Speaker and other officers so elected may be removed from office for cause by resolution of a two-thirds majority of the members of the House.

## CHAPTER VI

### THE EXECUTIVE

#### Article 50

The Executive Power of the Republic shall be vested in the President who shall be Head of State, Head of Government and Commander-in-Chief of the Armed Forces of Liberia. The president shall be elected by universal adult suffrage of registered voters in the Republic and shall hold office for a term of six years commencing at noon on the third working Monday in January of the year immediately following the elections. No person shall serve as President for more than two terms.

#### Article 51

There shall be a Vice-President who shall assist the President in the discharge of his functions. The Vice-President shall be elected on the same political ticket and shall serve the same term as the President. The Vice-President shall be President of the Senate and preside over its deliberations without the right to vote, except in the case of a tie vote. He shall attend meetings of the cabinet and other governmental meetings and shall perform such functions as the President shall delegate or deem appropriate; provided that no powers specifically vested in the President by the provisions of this Constitution shall be delegated to the Vice-President.

#### Article 52

No person shall be eligible to hold the office of President or Vice-President, unless that person is:

- a. a natural born Liberian citizen of not less than 35 years of age;
- b. the owner of unencumbered real property valued at not less than twenty-five thousand dollars; and
- c. resident in the Republic ten years prior to his election, provided that the President and the Vice-President shall not come from the same County.

#### Article 53

a. The President and the Vice-President shall, before entering on the execution of the duties of their respective offices, take a solemn oath or affirmation to preserve, protect and defend the Constitution and laws of the Republic and faithfully execute the duties of the office. The oath or affirmation shall be administered in joint convention of both Houses of the Legislature by the Chief Justice or, in his absence, the most senior Associate Justice.



b. In an emergency where the Chief Justice and the Associate Justice are not available, such oath or affirmation shall be administered by a judge of a subordinate court of record.

#### Article 54

The President shall nominate and, with the consent of the Senate, appoint and commission-

- a. cabinet ministers, deputy and assistant cabinet ministers;
- b. ambassadors, ministers, consuls; and
- c. the Chief Justice and Associate Justice of the Supreme Court and judges of subordinate courts;
- d. superintendents, other county officials and officials of other political sub-divisions;
- e. members of the military from the rank of lieutenant of its equivalent and above; and
- f. marshals, deputy marshals, and sheriffs.

#### Article 55

The President shall appoint and commission Notaries Public and Justices of the Peace who shall hold office for a term of two years but may be removed by the President for cause. They shall be eligible for appointment.

#### Article 56

- a. All cabinet ministers, deputy and assistant cabinet ministers, ambassadors, ministers and consuls, superintendents of counties and other government officials, both military and civilian, appointed by the President pursuant to this Constitution shall hold their offices at the pleasure of the President.
- b. There shall be elections of Paramount, Clan and Town Chiefs by the registered voters in their respective localities, to serve for a term of six years. They may be re-elected and may be removed only by the President for proved misconduct. The Legislature shall enact laws to provide for their qualifications as may be required.

#### Article 57

The President shall have the power to conduct the foreign affairs of the Republic and in that connection he is empowered to conclude treaties, conventions and similar international agreements with the concurrence of a majority of each House of the Legislature.

#### Article 58



The President shall, on the fourth working Monday in January of each year, present the administration's legislative program for the ensuing session, and shall once a year report to the Legislature on the state of the Republic. In presenting the economic condition of the Republic the report shall cover expenditure as well as income.

#### Article 59

The President may remit any public forfeitures and penalties suspend and fines and sentences, grant reprieves and pardons, and restore civil rights after conviction for all public offenses, except impeachment.

#### Article 60

The President and the Vice-President shall receive salaries which shall be determined by the Legislature and be paid by the Republic. Such salaries shall be subject to taxes as defined by law and shall neither be increased nor diminished during the period for which the President and the Vice-President shall have elected.

#### Article 61

The President shall be immune from any suits, actions or proceedings, judicial or otherwise, and from arrest, detention or other actions on account of any act done by him while President of Liberia pursuant to any provision of this Constitution or any other laws of the Republic. The President shall not, however, be immune from prosecution upon removal from office for the commission of any criminal act done while President.

#### Article 62

The President and the Vice-President may be removed from office by impeachment for treason, bribery and other felonies, violation of the Constitution or gross misconduct.

#### Article 63

a. Whenever a person elected to the office of President dies or is otherwise incapacitated before being inaugurated into office, the Vice-President elected shall succeed to the office of President, and this accession shall commence a term.

b. Whenever the office of the President shall become vacant by reason of death, resignation, impeachment, or the President shall be declared incapable of carrying out the duties and functions of his office, the Vice-President shall succeed to the of the President to complete the unexpired term. In such a case, this not constitute a term.

c. The Legislature shall, no later than one year after the coming into force of this Constitution, prescribe the guidelines and determine the procedure under which the President, by reason of illness, shall be declared incapable of carrying out the functions of his office.



d. Whenever the office of the Vice-President becomes vacant by reason of death, resignation, impeachment, inability or otherwise, the President shall, without delay, nominate a candidate who, with the concurrence of both Houses of the Legislature, shall be sworn in and hold office as Vice-President until the next general elections are held. Whenever the Vice-President elect dies, resigns, or is incapacitated before being inaugurated, the President elected on the same ticket with him, shall, after being inaugurated into office, nominate without delay a candidate who, with the concurrence of both Houses of the Legislature, shall be sworn in and hold office as Vice-President until the next general elections are held.

#### Article 64

Whenever the office of the President and of the Vice-President shall become vacant by reason of removal, death, resignation, inability or other disability of the President and Vice-President, the Speaker of the House of Representatives shall be sworn in as Acting President until the holding of elections to fill the vacancies so created. Should the Speaker be legally incapable or otherwise unable to assume the office of Acting President, then the same shall devolve in order upon the Deputy speaker and members of the Cabinet in the order of precedence as established by law. The Elections Commission shall within ninety days conduct elections for a new President and a new Vice-President.

### CHAPTER VII

#### THE JUDICIARY

#### Article 65

The Judicial Power of the Republic shall be vested in a Supreme Court and such subordinate courts as the legislature may from time to time establish. The courts shall apply both statutory and customary laws in accordance with the standards enacted by the Legislature. Judgments of the Supreme Court shall be final and binding and shall not be subject to appeal or review by any other branch of Government. Nothing in this Article shall prohibit administrative consideration of the Justiciable matter prior to review by a court of competent jurisdiction.

#### Article 66

The Supreme Court shall be final arbiter of constitutional issues and shall exercise final appellate jurisdiction in all cases whether emanating from courts of record, courts not of record, administrative agencies, autonomous agencies or any other authority, both as to law and fact except cases involving ambassadors, ministers, or cases in which a country is a party. In all such cases, the Supreme Court shall exercise original jurisdiction. The Legislature shall make no law nor create any exceptions as would deprive the Supreme Court of any of the powers granted herein.

#### Article 67

The Supreme Court shall comprise of one Chief Justice and four Associate Justice, a majority of whom shall be deemed competent to transact the business of the Court. It a quorum is not obtained to enable the



Court to hear any case, a circuit judge in the order of seniority shall sit as an ad hoc justice of the Supreme Court.

#### Article 68

The Chief Justice and Associate Justice of the Supreme Court shall, with the consent of the Senate, be appointed and commissioned by the President; provided that any person so appointed shall be:

- a. a citizen of Liberia and of good moral character; and
- b. a counselor of the Supreme Court Bar who has practiced for at least 5 years.

#### Article 69

The judges of subordinate courts of record shall, with the consent of the Senate, be appointed and commissioned by the President, provided that any person so appointed shall be:

- a. a citizen of Liberia and of good moral character; and
- b. an Attorney-at-Law whom has practiced for at least 3 years, or a counselor of the Supreme Court Bar.

#### Article 70

The Chief Justice and the Associate Justices of the Supreme Court and all judges of subordinate courts shall, before assuming the functions of their office, subscribe to a solemn oath or affirmation to discharge faithfully and impartially the duties and functions of their office and to preserve, protect and defend the Constitution and laws of the Republic. The oath or affirmation shall be administered by the president or his designee.

#### Article 71

The Chief Justice and Associates Justices of the Supreme Court and the judges of subordinate courts of record shall hold office during good behavior. They may be removed upon impeachment and conviction by the Legislature based on proved misconduct, gross breach of duty, inability to perform the functions of their office, or conviction in a court of law for treason, bribery or other infamous crimes.

#### Article 72

a. The Justices of the Supreme Court and all other judges shall receive such salaries, allowances and benefits as shall be established by law. Such salaries shall be subject to taxes as defined by law, provided that they shall not otherwise be diminished. Allowances and benefits paid to Justices of the Supreme Court and judges of subordinate courts may by law be increased but may not be diminished except under a national program enacted by the Legislature; nor shall such allowance and benefits be subject to taxation.



b. The Chief Justice and the Associate Justices of the Supreme Court and judges of subordinate courts of record shall be retired at the age of seventy; provided, however, that a justice of judge who has attained that age may continue in office for as long as may be necessary to enable him to render judgment or perform any other judicial duty in regard to proceedings entertained by him before the attained that age.

#### Article 73

No judicial official shall be summoned, arrested, detained, prosecuted or tried civilly or criminally by or at the instance of any person or authority on account of judicial opinions rendered or expressed, judicial statements made and judicial acts done in the course of a trial in open court or in chambers, except for treason or other felonies, misdemeanor or breach of the peace. Statements made and acts done by such officials in the course of a judicial proceeding shall be privileged, and, subject to the above qualification, no such statement made or acts done shall be admissible into evidence against them at any trial or proceeding.

#### Article 74

In all matters of contempt of court, whether in the Supreme Court or in other courts, the penalties to be imposed shall be fixed by the Legislature and shall conform to the provision on Fundamental Rights laid down in this Constitution.

#### Article 75

The Supreme Court shall from time to time make rules of court for the purpose of regulating the practice, procedures and manner by which cases shall be commenced and heard before it and all other subordinate courts. It shall prescribe such code of conduct for lawyers appearing before it and all other subordinate courts as may be necessary to facilitate the proper discharge of the court's functions. Such rules and code, however, shall not contravene any statutory provisions or any provisions of this Constitution.

#### Article 76

a. Treason against the Republic shall consist of:

1. levying war against the Republic;
2. aligning oneself with or aiding and abetting another nation or people with whom Liberia is at war or in a state of war;
3. acts of espionage for an enemy state;
4. attempting by overt act to overthrow the Government, rebellion against the Republic, insurrection and mutiny; and
5. abrogating or attempting to abrogate, subverting or attempting or conspiring to subvert the Constitution by use of force or show of force or any other means which attempts to undermine this Constitution.



The Legislature shall have the power to declare the punishment for treason; provided, however, that such punishment shall not include a deprivation or forfeiture of the right of inheritance by the convicted person of any property although he may not be entitled to enjoyment thereof for as long as he continues to serve the term of imprisonment imposed after conviction in a court of competent jurisdiction. The right to enjoyment of any property inherited or otherwise conveyed to or acquired by such convicted person shall be automatically restored upon serving the term of imprisonment or other punishment, or upon an executive pardon by the President. No punishment shall preclude the inheritance and enjoyment, or cause the forfeiture by others entitled thereto, of any property which the convicted person at the time of any conviction or subsequent thereto may have possessed or been seized.

## CHAPTER VIII

### POLITICAL PARTIES AND ELECTIONS

#### Article 77

- a. Since the essence of democracy is free competition of ideas expressed by political parties and political groups as well as by individuals, parties may freely be established to advocate the political opinions of the people. Laws, regulations, decrees or measures which might have the effect of creating a one-party state shall be declared unconstitutional.
- b. All elections shall be by secret ballot as may be determined by the Elections Commission, and every Liberian citizen not less than 18 years of age, shall have the right to be registered as a voter and to vote in public elections and referenda under this Constitution. The Legislature shall enact laws indicating the category of Liberians who shall not form or become members of political parties.

#### Article 78

As used in this Chapter, unless the context otherwise requires, an "association" means a body of persons, corporate or other, which acts together for a common purpose, and includes a group of people organized for any ethnic, social, cultural, occupational or religious objectives; a "political party" shall be an association with a membership of not less than five hundred qualified voters in each of at least six counties, whose activities include canvassing for votes on any public issue or in support of a candidate for elective public office; and an "independent candidate" shall be a person seeking electoral post or office with or without his own organization, acting independently of a political party.

#### Article 79

No association, by whatever name called, shall function as a political party, nor shall any citizen be an independent candidate for election to public office, unless:

- a. the association or independent candidate and his organization meet the minimum registration requirements laid down by the Elections Commission and are registered with it. Registration requirements shall include filing with the Elections Commission a copy of the constitution of the association and guidelines of the independent candidate and his organization, a detailed statement of the names and





addresses of the association and its officers or of the independent candidate and the officers of his organization, and fulfillment of the provision of sub-sections (b), (c), (d) and (e) hereof. Registration by the Elections Commission of any association or independent candidate and his organization shall vest in the entity or candidate and his organization so registered legal personality, with the capacity to own property, real, personal or mixed, to sue and be sued and to hold accounts. A denial of registration or failure by the Elections Commission to register any applicant may be challenged by the applicant in the Supreme Court;

b. the membership of the association or the independent candidate's organization is open to every citizen of Liberia, irrespective of sex, religion or ethnic background, except as otherwise provided in this Constitution.

c. the headquarters of the association or independent candidate and his organization is situated:

i. in the capital of the Republic where an association is involved or where an independent candidate seeks election to the office of President or Vice- President;

ii. in the headquarters of the county where an independent candidate seeks election as a Senator; and

iii. in the electoral center in the constituency where the candidate seeks election as a member of the House of Representatives or to any other public office;

d. the name, objective, emblem or motto of the association or of the independent candidate and his organization is free from any religious connotations or divisive ethnic implications and that the activities of the association or independent candidate are not limited to a special group or, in the case of an association, limited to a particular geographic area of Liberia;

e. the constitution and rules of the political party shall conform to the provisions of this Constitution, provide for the democratic elections of officers and/or governing body at least once every six years, and ensure the election of officers from as many of the regions and ethnic groupings in the country as possible. All amendments to the Constitution or rules of a political party shall be registered with the Elections Commission no later than ten days from the effective dates of such amendments.

## Article 80

a. Parties or organizations which, by reason of their aims or the behavior of their adherents, seek to impair or abolish the free democratic society of Liberia or to endanger the existence of the Republic shall be denied registration.

b. Parties or organization which retain, organize, train or equip any person or group of persons for the use or display of physical force or coercion in promoting any political objective or interest, trained or equipped, shall be denied registration, or if registered, shall have their registration revoked.

c. Every Liberian citizen shall have the right to be registered in a constituency, and to vote in public elections only in the constituency where registered, either in person or by absentee ballot; provided that



such citizen shall have the right to change his voting constituency as may be prescribed by the Legislature.

d. Each constituency shall have an approximately equal population of 20,000, or such number of citizens as the legislature shall prescribe in keeping with population growth and movements as revealed by a national census; provided that the total number of electoral constituencies in the Republic shall not exceed one hundred.

e. Immediately following a national census and before the next election, the Elections Commission shall reapportion the constituencies in accordance with the new population figures so that every constituency shall have as close to the same population as possible; provided, however, that a constituency must be solely within a county

#### Article 81

Any citizen, political party, organization, or association, being resident in Liberia, of Liberian nationality or origin and not otherwise disqualified under the provisions of this

Constitution and laws of the land, shall have the right to canvass for the votes for any political party or candidate at any election, provided that corporate and business organizations and labor unions are excluded from so canvassing directly or indirectly in whatsoever form.

#### Article 82

a. Any citizen or citizens, political party association or organization, being of Liberian nationality or origin, shall have the right to contribute to the funds or election expenses of any political party or candidate; provided that corporate and business organizations and labor unions shall be excluded from making and contribution to the funds or expenses of any political party. The Legislature shall by law prescribe the guidelines under which such contributions may be made and the maximum amount which may be contributed.

b. No political party or organization may hold or possess any funds or other assets outside of Liberia; nor may they or any independent candidates retain any funds or assets remitted or sent to them from outside Liberia unless remitted or sent by Liberian citizens residing abroad. Any funds or other assets received directly or indirectly in contravention of this restriction shall be paid over or transferred to the Elections Commission within twenty-one days of receipt. Information on all funds received from abroad shall be filed promptly with the Elections Commission.

c. The Elections Commission shall have the power to examine into and order certified audits of the financial transactions of political parties and independent candidates and their organizations. The Commission shall prescribe the kinds of records to be kept and the manner in which they shall be conducted by a certified chartered public accountant, not a member of any political party.

#### Article 83



a. Voting for the President, Vice-President, members of the Senate and members of the House of Representatives shall be conducted throughout the Republic on the second Tuesday in October of each election year.



## Treaties Ratified by Liberia

International Bill of Human Rights	Signature	Ratification	Accession
International Covenant on Economic, Social and Cultural Rights	18 Apr 1967	22 Sep 2004	
International Covenant on Civil and Political Rights	18 Apr 1967	22 Sep 2004	
Optional Protocol to the International Covenant on Civil and Political Rights	22 Sep 2004		
Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty	Not signed		
Prevention of Discrimination on the Basis of Race, Religion, or Belief, and Protection of Minorities	Signature	Ratification	Accession
International Convention on the Elimination of All Forms of Racial Discrimination			5 Nov 1976
Women's Human Rights	Signature	Ratification	Accession
Convention on the Elimination of All Forms of Discrimination against Women			17 Jul 1984
Optional Protocol to the Convention on the Elimination of Discrimination against Women	22 Sep 2004		
United Nations Convention against Transnational Organized Crime			22 Sep 2004
Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime			22 Sep 2004
Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime			22 Sep 2004
Slavery and Slavery-Like Practices	Signature	Ratification	Accession
Slavery Convention	Not signed		
Protocol amending the Slavery Convention		Definitive signature 7 Dec 1953	
Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery	7 Sep 1956		
Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others	21 Mar 1950		
Protection from Torture, Ill-Treatment and Disappearance	Signature	Ratification	Accession
European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment	N/A		
Protocol No. 1 to the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment	N/A		
Protocol No. 2 to the European Convention for the Prevention of Torture and inhuman or Degrading Treatment of Punishment	N/A		
Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment			22 Sep 2004
Rights of the Child	Signature	Ratification	Accession



Convention on the Rights of the Child	26 Apr 1990	4 Jun 1993	
Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflicts	22 Sep 2004		
Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour		2 Jun 2003	
<b>Freedom of Association</b>	<b>Signature</b>	<b>Ratification</b>	<b>Accession</b>
Freedom of Association and Protection of the Right to Organise Convention		25 May 1962	
Right to Organise and Collective Bargaining Convention		25 May 1962	
<b>Employment and Forced Labour</b>	<b>Signature</b>	<b>Ratification</b>	<b>Accession</b>
Convention concerning Forced or Compulsory Labour		1 May 1931	
Equal Remuneration Convention	Not signed		
Abolition of Forced Labour Convention		25 May 1962	
Discrimination (Employment and Occupation) Convention		22 Jul 1959	
Employment Policy Convention	Not signed		
Convention concerning Occupational Safety and Health and the Working Environment	Not signed		
Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families	22 Sep 2004		
<b>Education</b>	<b>Signature</b>	<b>Ratification</b>	<b>Accession</b>
Convention against Discrimination in Education		17 May 1962	
<b>Refugees and Asylum</b>	<b>Signature</b>	<b>Ratification</b>	<b>Accession</b>
Convention relating to the Status of Refugees			15 Oct 1964
Protocol Relating to the Status of Refugees			27 Feb 1980
<b>Nationality, Statelessness, and the Rights of Aliens</b>	<b>Signature</b>	<b>Ratification</b>	<b>Accession</b>
Convention on the Reduction of Statelessness			22 Sep 2004
Convention relating to the Status of Stateless Persons			11 Sep 1964
<b>War Crimes and Crimes Against Humanity, Genocide, and Terrorism</b>	<b>Signature</b>	<b>Ratification</b>	<b>Accession</b>
Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes Against Humanity	Not signed		
Convention on the Prevention and Punishment of the Crime of Genocide	11 Dec 1948	9 Jun 1950	
Rome Statute of the International Criminal Court	17 Jul 1998	22 Sep 2004	
<b>Law of Armed Conflict</b>	<b>Signature</b>	<b>Ratification</b>	<b>Accession</b>
Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field		29 Mar 1954 (rat/acced)	
Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea		29 Mar 1954 (rat/acced)	
Geneva Convention relative to the Treatment of Prisoners of War		29 Mar 1954 (rat/acced)	
Geneva Convention relative to the Protection of Civilian Persons in Time of War		29 Mar 1954 (rat/acced)	
Protocol Additional to the Geneva Conventions of 12 August		30 Jun 1988	



1949, and Relating to the Protection of Victims of International Armed Conflicts (Protocol I)		(rat/acced)	
Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims on Non-International Armed Conflicts (Protocol II)		30 Jun 1988 (rat/acced)	
<b>Terrorism and Human Rights</b>	<b>Signature</b>	<b>Ratification</b>	<b>Accession</b>
International Convention Against the Taking of Hostages	30 Jan 1980	5 Mar 2003	
International Convention for the Suppression of Terrorist Bombing			5 Mar 2003
International Convention for the Suppression of the Financing of Terrorism			5 Mar 2003
International Convention for the Suppression of Unlawful Seizure of Aircraft			1 Feb 1982
International Convention on the Prevention and Punishment of Crimes Against International Protected Persons			30 Sep 1975
<b>U.N. Activities and Employees</b>	<b>Signature</b>	<b>Ratification</b>	<b>Accession</b>
Convention on the Privileges and Immunities of the United Nations			14 Mar 1947
Convention on the Safety of United Nations and Associated Personnel			22 Sep 2004
<b>African Regional Conventions</b>	<b>Signature</b>	<b>Ratification</b>	<b>Accession</b>
African [Banjul] Charter on Human and Peoples' Rights *	31 Jan 1983	4 Aug 1982	
Convention Governing the Specific Aspects of Refugee Problems in Africa *	10 Sep 1969	1 Oct 1971	
Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa *	16 Dec 2003		
Protocol to the African Charter on Human and Peoples' Rights on the Establishment of an African Court on Human and Peoples' Rights *	9 Jun 1998		
African Charter on the Rights and Welfare of the Child *	14 May 1992		

Source: University of Minnesota Human Rights Library



## **IV. Country Conditions & Human Rights Climate**



## Glossary of Key Terms in Liberian History

### Acronyms

ACS (American Colonization Society) – organization that began repatriating freed slaves and slaves intercepted in transit on the high seas to the area that would become Liberia

AFL (Armed Forces of Liberia) – the military of Liberia; loyal to Doe until 1990, thereafter an anti-Taylor faction with collective leadership

ATU (Anti-Terrorist Unit) – Extralegal, elite security force known for its brutality and headed by Charles Taylor's son, Chucky Taylor

CRC (Central Revolutionary Council) – formed by NPFL senior officials who defected to ECOMOG; participated in a coalition force which attacked Gbarnga in September 1994 but thereafter dissolved

ECOMOG (Economic Community of West African States Cease-fire Monitoring Group) - West African multilateral armed force established by the Economic Community of West African States (ECOWAS) originally created to intervene in the Liberian civil war in 1990

ECOWAS (Economic Community of West African States) – a regional group of West African nations that was founded with the Treaty of Lagos in 1975 under the banner of collective self-sufficiency; after Taylor's departure in 2003, ECOWAS deployed a 3,600-strong peacekeeping mission in Liberia (ECOMIL).

FPDL (Front for Popular Democracy in Liberia) – armed anti-Doe group in the 1980s

IGNU (Interim Government of National Unity) – the provisional government of Liberia from October 1990 to 1994, led by Professor Amos Sawyer; never formally recognized by the United States

INPFL (Independent National Patriotic Front of Liberia) – a militia led by Prince Johnson that was created in a breakaway from the NPFL in July 1990; dissolved in 1993

LDF (Lofa Defense Force) – established in refugee camps in Guinea in 1993-1994; led by Francois Massaquoi and allies with the NPFL

LPC (Liberia Peace Council) – a political lobby formed in 1991 and led by George Boley; it emerged as an armed group that received ECOMOG and AFL support in 1993

LUDF (Liberian United Defense Force) – formed by General Albert Karpheh in Sierra Leone in 1991, later merged into ULIMO





LURD (Liberians United for Reconciliation and Democracy) – a rebel group founded in 1999 to displace Charles Taylor; it is suspected that the group was heavily supported or started by the government of Guinea

MODEL (Movement for Democracy in Liberia) – a rebel group founded in 2003 to continue the war against Charles Taylor; it is suspected that the group was heavily supported or started by the government of Côte d'Ivoire

MOJA (Movement for Justice in Africa) – a pan-African radical political group formed in Liberia in 1973

MRM (Movement for the Redemption of Muslims) – formed by Alhaji Kromah in Conarky in 1991, later merged into ULIMO

NPFL (National Patriotic Front of Liberia) – the armed group led by Charles Taylor that initiated the war in 1989

NTGL (National Transitional Government of Liberia) – 2-year government created by peace agreement after Charles Taylor left in 2003, headed by businessman Gyude Bryant

PAE (Pacific Architects and Engineers) – American security company contracted to work with ECOMOG

PRC (People's Redemption Council) – the military regime led by Samuel Doe that took control of Liberia in 1980 and executed former president William Tolbert, Jr.

PAL (Progressive Alliance of Liberia) – radical political group led by Gabriel Matthews; later formed the Progressive People's Party in 1980

RUF (Revolutionary United Front) – Sierra Leonean armed group that formed in Libya in 1989 by Foday Sankoh; with support from the NPFL, launched attack on Sierra Leone from Nimba County in March 1991 and started the civil war there

SOD (Special Operation Division) – an elite force within the National Police Force under Doe

TWP (True Whig Party) – the ruling party of Liberia from 1870 until 1980

ULIMO (United Liberation Movement for Democracy in Liberia) – armed group that formed in Sierra Leone in 1991 under General Albert Karpoh; it split into two factions – ULIMO-K (under Alhaji Kromah) and ULIMO-J (under Roosevelt Johnson)

UNOMIL (United Nations Observer Mission in Liberia) – established by the Security Council in September 1993 to observe the implementation of peace accords by ECOWAS



UNMIL (United Nations Mission in Liberia) – established by Security Council in September 2003 to support the ceasefire agreement, the peace process, and humanitarian and human rights activities

## **People & Places**

Americo-Liberians – freed slaves from the United States who led the founding of the Republic of Liberia; dominated politics, trade, education and government until 1980

Boley, George – appointed Minister of State by Samuel Doe; later served as the leader of the LPC

“Congo” – common term used to refer to Americo-Liberians, but also applied to the descendents of slaves landed in Liberia after being intercepted by British or American navies in the early 1800s

“Country” – common term used to refer to all indigenous individuals in Liberia

Doe, Samuel – former president of Liberia (served from 1980-1990) and leader of the extremely repressive/authoritarian People’s Redemption Council; tortured and executed by Prince Johnson in 1990

Doumbuya, Mohammed – field commander for ULIMO-K

Firestone – American tire company given concessions for large rubber plantations in Liberia in the 1920s; the company has been accused of using forced labor and committing other human rights violations in Liberia, and is currently being sued in U.S. federal court by Liberians claiming violations under the Alien Tort Claims Act

Gbarnga - the capital city of Bong County; the second largest city in Liberia, where Charles Taylor based his Greater Liberia government between July 1990 to April 1996

Indigenous African tribes – Africans native to the land prior to the arrival of Americo-Liberians, Congolese individuals, and the ACS; tribes include the Kpelle, Bassa, Gio, Kru, Grebo, Man, Krahn, Gola, Gbandi, Lorma, Kissi, Vai, Dei, Belleh, Mandingo, and Mende

Johnson, Prince – leader of the INPFL, responsible for the assassination of Doe

Johnson, Roosevelt – former Ministry of Finance official; later led the ULIMO-J faction

Johnson-Sirleaf, Ellen – current president of Liberia, democratically elected in November 2005, and Africa’s first female head of state

Julu, Charles – served as a general for Samuel Doe; known for leading brutal campaigns in Nimba County

Kromah, Alhaji – former minister of information, founded the MRM, and later led the ULIMO-K faction



Monrovia – the capital city of Liberia, named after James Monroe

Nimba County – county in western Liberia, bordering on Guinea and Ivory Coast. NPFL fighters began war in Nimba County on December 24, 1989

Taylor, Charles – NPFL leader, president of Liberia (1997-2003), currently being prosecuted by the Special Court for Sierra Leone for his role in the war in Sierra Leone

Taylor, Chucky – Charles Taylor’s U.S.-citizen son. Led the brutal Anti-Terrorist Unit during Taylor’s presidency. Currently in federal custody in the U.S.

Tolbert, Jr., William – former president of Liberia (served from 1971 to 1980), overthrown in a coup in 1980 and executed by Samuel Doe and his supporters

Verdier, Jerome – human rights lawyer and chair of the Truth and Reconciliation Commission of Liberia



## Key Events in Liberian History from 1822 to 2006

### 1800s

**1822** – As part of the American Colonization Society's (ACS) effort to repatriate freed slaves to Africa, 86 emigrants land at Cape Mesurado, or what is now Monrovia, Liberia.

**July 26, 1847** – Liberia declares independence with the signing of the Liberian Declaration of Independence.

**1848** - Joseph J. Roberts is elected Liberia's first president.

### 1926

**1926** – Firestone Tire and Rubber Company signs an agreement with Liberia that grants Firestone a 99-year lease on one million acres of land at an annual rent of \$0.06 per acre. Many Liberians are forcibly recruited to work on the rubber plantation.

### 1930

**1930** – The Christy Report, released by the League of Nations, concludes that "forced labor ... hardly distinguishable from slavery," is being used on the Firestone rubber plantation. The report leads to the resignation of President Charles King.

### 1944 to 1980

**1944** – William V.S. Tubman is elected and serves as President of Liberia for seven terms until his death in 1971.

**July 23, 1971** – Vice-President William Tolbert succeeds Tubman and serves as President of Liberia until his death in 1980.

### 1980

**April 12, 1980** - Master Sergeant Samuel Kanyon Doe stages a bloody *coup d'etat*, murdering civilian president William R. Tolbert on grounds of rampant corruption and mismanagement.

**April 22, 1980** - Army officers publicly strip and execute 13 government officials by firing squad at beachside military barracks in the capital, Monrovia. Most of the educated elite, including then Minister of Finance Ellen Johnson-Sirleaf, flee the country.



## 1985

**October 15, 1985** - Samuel Doe holds and wins Liberia's first multi-party general elections. Opposition leaders cry fraud.

**November 12, 1985** - Samuel Doe's former comrade in arms General Thomas Quiwonkpa stages an abortive invasion has briefly toppled Doe's regime. Later that day, Doe announces the coup failed and loyal military take to the streets to celebrate. Within days, Quiwonkpa is arrested and murdered by Doe's army loyalists in Monrovia.

**January 6, 1986** - Samuel Doe is inaugurated as the president of the second republic and a new constitution - that remains in force today - comes into effect.

**December 24, 1989** - Civil war begins with Charles Taylor mounting an insurgency from neighboring Cote d'Ivoire into the northeastern Liberian border town of Butuo in Nimba County, helped by a group of guerrilla fighters trained in Libya.

## 1990

**May 30, 1990** - ECOWAS heads of State gather in Banjul, Gambia, to discuss the Liberian civil war. A five-member Standing Mediation Committee is set up to thrash out a peace settlement to end the Liberian civil war.

**June 1990** - Charles Taylor rebels and Doe's army battle in Monrovia leading to indiscriminate killings of civilians and mass displacement.

**July 1990** - Some 600 men, women and children who fled gun battles to take refuge in the Lutheran Church in Monrovia are massacred by government soldiers.

**July 6, 1990** - ECOWAS leaders meet again in Banjul and agree to send a multinational peacekeeping force into Monrovia.

**July 1990** - A splinter group from Charles Taylor's rebel movement emerges under the Command of General Prince Johnson and enters Monrovia.

**August 7, 1990** - ECOWAS Standing Mediation Committee establishes a Military Observer Group (ECOMOG), with the express aim of resolving internal conflict in West Africa and in particular in Liberia.

**August 8, 1990** - Taylor's rebel fighters enter the Nigerian embassy in Monrovia, killing scores of Nigerians who had sought refuge there while urging their leaders to send peacekeepers in to Liberia.



**August 24, 1990** – The first batch of 4,000 West African ECOMOG peacekeepers led by Ghana and Nigeria and comprising soldiers from Guinea, Sierra Leone and the Gambia land in Monrovia. Taylor's rebels, who oppose their intervention, greet them with gunfire and attacks.

**September 9, 1990** - President Samuel Doe is captured and tortured to death by Prince Johnson and his rebel fighters. The event is filmed and distributed in the capital.<sup>1</sup>

**November 27, 1990** – First attempts at peace talks brokered by ECOWAS are held in Bamako, Mali with Professor Amos Sawyer sworn in as Liberia's first interim head of state.

**November 28 1990** - Taylor's rebels and Doe's soldiers sign Liberia's first ceasefire agreement in Bamako, Mali.

**December 21, 1990** - Another peace agreement is signed in Banjul between the Interim Government, Taylor's rebels and the remains of Doe's loyalists.

**January 1991** - Rebel leader Charles Taylor throws out previously signed peace deals and forms a government based in the central Liberian town of Gbarnga. At this stage his forces control 90 percent of the country.

**February 13, 1991** - The Lome Peace Agreement is signed to clear the way for the deployment of ECOMOG peacekeepers throughout Liberia. The agreement is never implemented.

**April 1991** - The United Liberation Movement for Democracy (ULIMO) formed by former Doe loyalists in Guinea and Sierra Leone invade Liberia to resist Charles Taylor. Alhaji Kromah, a former Director of the Liberia Broadcasting Systems (LBS) under Doe, emerges as ULIMO's leader.

**June 30, 1991** - Rebel leader Charles Taylor and Interim President Amos Sawyer meet in Yamoussoukro, Cote d'Ivoire, for a reconciliation meeting.

**October 14, 1992** - Charles Taylor's rebels launch an all-out attack on peacekeepers and the interim government in the Liberian capital, Monrovia.

**July 17, 1993** - ULIMO, the Interim Government and Taylor's rebels meet and sign a ceasefire agreement in Geneva.

**July 25, 1993** - Another peace deal is signed in Cotonou, Benin, brokered by ECOWAS, the Organisation of African Unity (now the African Union) and the UN. Plans for disarmament and a new transitional government to organize general elections in February 1994 – which never take place - are agreed.

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<sup>1</sup> According to Human Rights Watch, this event took place on September 10, 1990. *Human Rights Watch World Report* (1990), available at [http://www.hrw.org/reports/1990/WR90/AFRICA.BOU-04.htm#P209\\_44481](http://www.hrw.org/reports/1990/WR90/AFRICA.BOU-04.htm#P209_44481).



**September 12, 1994** – Another peace accord is signed by all the warring parties in Akosombo, Ghana, again brokered by ECOWAS. Warring parties agree to establish a five-member state council to oversee general elections in October 1995. The elections never take place.

**December 21, 1994** – Warring parties, which by now have splintered and number five separate groups, travel to Accra, Ghana for more peace talks and agree to elections in November 1995 that never take place.

## 1995

**September 1995** - Warlords Charles Taylor, Alhaji Kromah and George Boley are sworn along with three civilian representatives as members of a collective presidency that will lead a transitional government.

**April 6, 1996** - Gun battles erupt in Monrovia between allied forces of Charles Taylor and Alhaji Kromah against forces of dead warlord Roosevelt Johnson who had led a splinter group from Kromah's ULIMO. Some 1000 civilians are killed in the violence and private homes and UN facilities are looted.

**August 17, 1996** - Another peace deal is signed by the now seven warring parties and civil society representatives in Abuja, Nigeria again brokered by ECOWAS. Ruth Sando Perry is chosen to chair a new transitional government to organize elections on May 30, 1997.

**November 22, 1996** - ECOMOG begins disarmament of warring groups with assistance from the United Nations Observer Mission in Liberia.

**July 19, 1997** - Charles Taylor wins ECOWAS-supervised elections in which two other warlords Alhaji Kromah and George Boley ran. Taylor's campaign song included the words: "He killed my Ma, he killed my Pa, I'll vote for him!"

**August 4, 1997** - Charles Taylor is sworn in as President before six West African heads of state in Monrovia for a six-year term.<sup>2</sup>

**September 18, 1998** - Taylor's government security forces clash with former rebels.

**April 1999** - Dissidents believed to be from Guinea, called the Joint Forces of Liberation for Liberia (JFFL), launch their first attack in Liberia raiding villages and holding six international aid workers hostage.

**July 1999** - A rebel group of exiled Liberians form a rebel faction in Freetown, Sierra Leone named Liberians United for Reconciliation and Democracy (LURD) to oppose Taylor's regime.

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<sup>2</sup> According to UNMIL, this event occurred on August 2, 1997. *History, UN Mission in Liberia, available at <http://www.unmil.org/content.asp?ccat=history> (last visited Sept. 19, 2006).*



## 2000

**September 2000** - LURD rebels launch their insurgency from Guinea raiding villages in northern Liberia's Lofa County.

**May 2001** - UN Security Council reinforces an arms embargo on Liberia over Charles Taylor's gun-running in return for diamonds from rebels in Sierra Leone.

**February 8, 2002** - Charles Taylor declares a state of emergency after LURD rebels make gains in northwestern Liberia.

**June 4, 2003** - Liberia peace talks open in Accra, Ghana, and the UN-backed Special Court in Sierra Leone indict Charles Taylor's on 17 counts of war crimes committed in supporting rebels in Sierra Leone.

**June 6, 2003** - First offensive by LURD rebels on the southern seafront capital, Monrovia.

**June 17, 2003** - Mediators from LURD and a second rebel group, the Movement for Democracy in Liberia (MODEL) along with Taylor government representatives sign a first ceasefire following peace talks in Accra, Ghana.

**June 24, 2003** - LURD rebels renew a second offensive on Monrovia, but are repelled by Taylor's troops.

**June 27, 2003** - Another ceasefire signed in Accra, Ghana.

**July 4, 2003** - ECOWAS military chiefs agree to send 3,000 regional peacekeepers to Liberia to restore peace.

**July 6, 2003** - Charles Taylor buckles under international pressure and agrees to leave Liberia and take up asylum in Nigeria after being offered shelter by Nigerian President Olusegun Obasanjo.

**July 19, 2003** - The Ceasefire is broken and LURD stage their final and third attack on Monrovia leaving almost 600,000 displaced. As shelling of the city intensifies, more than 1,000 civilians are killed..

**August 4, 2003** - The first batch of 200 West African peacekeepers from Nigeria land as part of a regional force sent to stabilize Liberia.

**August 11, 2003** - Charles Taylor steps down handing over power to his vice president. Three African heavyweight leaders travel to Monrovia to watch the ceremony.

**August 18, 2003** - Liberia's three warring parties and civilian representatives sign the comprehensive Peace Agreement.





**August 21, 2003** - Warring parties select non-partisan Gyude Bryant to head a power-sharing transitional government. Wesley Johnson is selected as his deputy.

**September 19, 2003** – The UN Security Council authorizes 15,000 blue-helmet peacekeepers for Liberia.

**October 1, 2003** - UN Peacekeepers begin their mandate in Liberia.

**October 14, 2003** – A power-sharing Transitional Government made up of representatives from armed groups and civilian society is inaugurated.

**December 1, 2003** – The UN formally launches a country-wide disarmament program for former combatants.

**December 7, 2003** - Fighters riot in Monrovia over poor organization of disarmament forcing a temporary suspension of the program.

**December 27, 2003** - UN peacekeepers make their first deployment outside of Monrovia.

**January 12, 2004** – UN training of a new Liberian police force begins.

**February 4, 2004** – A conference on reconstructing Liberia kicks-off in New York and US\$ 520 million is pledged to help rebuild the tattered West African country.

**April 15, 2004** - Nation-wide disarmament program re-starts after a three-month suspension.

**October 31, 2004** – The power sharing transitional government announces the official end of disarmament with close to 100,000 men women and child fighters disarmed. Disarmament continues in some remote regions.

**November 3, 2004** - Liberia's three warring parties are officially dissolved.

**November 8, 2004** – A first batch of internally displaced people begin their journeys home.

## 2005

**February 7, 2005** – The national elections commission releases the timetable for legislative and presidential elections on 11 October.

**October 11, 2005** - Internationally supervised presidential and legislative elections are held. Retired soccer star millionaire George Weah and Ellen Johnson Sirleaf qualify for a second round run-off poll.

**November 8, 2005** – Liberians go to the polls for a second time to choose between the two remaining presidential candidates, Ellen Johnson-Sirleaf and George Weah.



**November 17, 2005** – The International Labor Rights Fund (ILRF) files a class action lawsuit against Firestone claiming forced labor under the Alien Tort Claims Act. The ILRF also files claims alleging forced labor and involuntary servitude under the U.S. Constitution and California’s Constitution, as well as other claims under the California Code of Business & Professional Conduct.

**November 23, 2005** – The national electoral commission declares Ellen Johnson-Sirleaf winner of the run-off election.

## 2006

**January 16, 2006** - President Ellen Johnson-Sirleaf is inaugurated as Liberia and Africa’s first elected female president.

**February 28, 2006** – The Truth and Reconciliation Commission (TRC) of Liberia is inaugurated.

**June 22, 2006** – The TRC of Liberia is formally launched under the theme “Truth and Reconciliation, Challenges & Prospects For a New Liberia” at the Centennial Memorial Pavilion in Monrovia, Liberia.

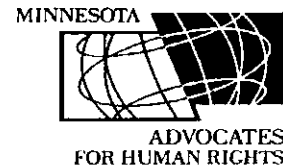
### *Compiled from:*

*LIBERIA: A Chronology of 25 Years of Conflict and Turmoil*, Integrated Regional Information Networks (IRIN) News, at [http://www.irinnews.org/S\\_report.asp?ReportID=51167&SelectRegion=West\\_Africa](http://www.irinnews.org/S_report.asp?ReportID=51167&SelectRegion=West_Africa) (last visited July 24, 2006);

*Time Line: History of Liberia*, American Colonization Society Collection, Library of Congress, at <http://rs6.loc.gov/ammem/gmdhtml/libhtml/libhome.html> (last visited July 24, 2006);

Dr Fred P.M. Van Der Kraaij, *The 1926 Firestone Concession Agreement*, Liberia Past and Present, at <http://www.liberiapastandpresent.org/1926FirestoneCA.htm> (last visited July 24, 2006);

*Liberia’s New Consensus Leader*, BBC News, Aug. 21, 2003, at <http://news.bbc.co.uk/2/hi/africa/3169873.stm>.



## **Human Rights Abuses During the Liberian Conflict**

The following is a list of rights guaranteed by the Universal Declaration of Human Rights and includes as examples some of the abuses documented during the Liberian conflict.

### **Freedom from discrimination**

Examples: Doe government policies included military promotion for soldiers from the Krahn tribal group and commercial privileges for the Mandingo tribal group. Gio, Krahn, Mandingo, and Mano tribal members were all targets of systematic, retaliatory discrimination and killings.

### **Right to life**

Examples: Arbitrary and extrajudicial killings were commonplace; one text reports that a teenage fighter selected every twentieth person in line at a checkpoint and shot them.

### **Freedom from torture**

Examples: Torture methods included rape, sodomy, water torture, being tied up by the elbows, and having to swim on a gravel road.

### **Freedom from cruel, inhuman and degrading punishment**

Examples: Individuals were burnt with cigarettes, beaten with whips, made to sit in the sun for extended periods with palm oil on their shaven heads, and threatened with death.

### **Freedom from wrongful arrest and/or detention**

Examples: Individuals were rounded up and detained based simply on suspicion of party affiliation. Post Stockade Prison in Monrovia was a main detention and torture center.

### **Right to a fair trial**

Examples: The Doe government ordered the trial of officials of the former regime, who were not allowed to present evidence nor have the assistance of defense counsel. Many prisoners of conscience were detained without any trial.

### **Protection of home and family**

Examples: Parents were forced to watch their children being killed or tortured and vice versa. Many families were forced to give shelter to fighters stationed in their home area.

### **Freedom of movement**

Example: Rebel groups established checkpoints on the major routes out of Monrovia, stopping specific tribal groups and certain professions.

### **Right to marry and have a family**

Example: Fighters often took women by force to become their “wives” and bear children.



### **Right to property**

Examples: Merchants and other property owners were systematically looted and their property was sold in markets around West Africa to fund the conflict. Attacks on rural villages were often simulated so that the inhabitants would flee and their property could be looted.

### **Freedom from slavery**

Examples: Sexual slavery, forced labor on rubber plantations, and enslavement of children to serve the various warring factions.

### **Freedom of expression and information**

Examples: Intimidation, arrests, detention, threats, torture and assaults on human rights defenders, journalists and students; ransacking of homes and offices; illegal searches of files and offices of media and organizations; confiscation of equipment; forcible closings of independent media; stopping media from issuing information on the internet

### **Right of peaceful assembly and association**

Examples: Security forces opened fire on student demonstrators at the University of Liberia in 1984 – unofficial reports indicate that many students were killed.

### **Right to participate in government and free elections**

Examples: Full voting rights for Internally Displaced Persons were violated when IDPs were allowed only to vote for the office of president, but not for local parliamentary representatives. Violence against political opponents and fraudulent/rigged elections also were documented.

### **Right to desirable work and to join trade unions**

Examples: Forced conscriptions; sexual harassment; inadequate protection against harmful materials and chemicals on the rubber plantations

### **Right to rest and leisure**

Examples: Forced labor, including carrying ammunition or food, running errands, manning checkpoints fighting, carrying out ambushes, or acting as bodyguards, was common, especially for children. The Firestone rubber plantations had work quotas amounting to 21 hours of work per day.

### **Right to adequate living standard**

Examples: Forced administration of drugs and alcohol; withholding of food and water from detainees or prisoners; insufficient food availability; lack of medical care at refugee camps and for those in custody; contaminated water sources due to unclean conditions and corpses

### **Right to education**

Examples: NPFL fighters overtook Cuttington University College in May 1990 to use it for a training camp. Students who led protests in Monrovia in 2001 were suspended and many left the country.



## Liberian Diaspora Overview

As a result of the conflict in Liberia, hundreds of thousands of Liberians fled or were forced from their homes. The Liberian diaspora resulted in three main categories of displacement: (1) internally displaced persons, (2) regional refugees, and (3) global migrants/refugees.

1. *Internally Displaced Persons (IDPs)* – Estimates of the numbers of internally displaced persons range from the hundreds of thousands<sup>1</sup> up to more than 1.5 million<sup>2</sup>, depending on the year and the source of information. Displaced Liberians lived in formal and spontaneous camps located along major roadways moving outward from the capital Monrovia toward the north and west in Bomi, Montserrado and Margibi counties.<sup>3</sup> Much of the displacement was of Liberians from Lofa, Gbarpolu, Capemount, Bomi and Bong counties in the northwest, where there are shared borders with Guinea and Sierra Leone.<sup>4</sup> A formal IDP return process began in November 2004 and ended in April 2006. According to the Internal Displacement Monitoring Centre, 13,000 recognized IDPs remained in former camps as of July 2006.<sup>5</sup>
2. *Regional Refugees in West Africa* – Hundreds of thousands of Liberians became refugees in surrounding countries in West Africa, with numbers peaking at more than 750,000 in 1996 according to UN estimates.<sup>6</sup> Guinea and Cote d'Ivoire received the largest groups of Liberian refugees over time, numbering in the hundreds of thousands, but Sierra Leone and Ghana also received large groups of Liberian refugees.<sup>7</sup> The largest group moved from Lofa County into neighboring Sierra Leone and Guinea. Other major refugee migrations included those from Maryland County into neighboring Cote d'Ivoire, from Nimba County into neighboring Guinea and Cote d'Ivoire, and from Montserrado County into Ghana and Gambia. When war broke out in Cote d'Ivoire in 2003 many Liberians were forced to flee back to Liberia.
3. *Global Migrants/Refugees* – Liberians have made their way to other nations as refugees and asylum seekers, students, and through other special immigration programs. The United States is one of sixteen countries that currently are committed to taking a regular annual quota of Liberian refugees

<sup>1</sup> Internal Displacement Monitoring Centre, *Liberia: Key challenge is ensuring sustainability of IDP return* (Aug. 3, 2006), available at <http://www.internal-displacement.org/>.

<sup>2</sup> African Red Cross Red Crescent Health Initiative, *Refugees and Internally Displaced Persons (IDPs) in Africa*, available at <http://www.ifrc.org/WHAT/health/archi/fact/frefugee.htm>.

<sup>3</sup> Internal Displacement Monitoring Centre, *Map: Location of Formal IDP Camps and Spontaneous Settlements and Return Package Assistance Distribution* (June 3, 2005), available at <http://www.internal-displacement.org/>.

<sup>4</sup> *Id.*

<sup>5</sup> Internal Displacement Monitoring Centre, *Liberia: Key challenge is ensuring sustainability of IDP return* (Aug. 3, 2006), available at <http://www.internal-displacement.org/>.

<sup>6</sup> UN High Commissioner for Refugees, *2004 UNHCR Statistical Yearbook: Liberia*, available at <http://www.unhcr.org/cgi-bin/texis/vtx/statistics/opendoc.pdf?tbl=STATISTICS&id=44e5c77311&page=statistics#search=%22UNHCR%20Statistical%20Yearbook%20Liberia%22>.

<sup>7</sup> *Id.*; OCHA West Africa Regional Office, *Map: Displaced Populations in West Africa – Oct. 2005*, available at <http://www.internal-displacement.org/>.



for resettlement.<sup>8</sup> According to the UNHCR, in 2003, the U.S. accepted more than half of Liberian refugees resettled worldwide.<sup>9</sup> There are growing Liberian communities in Australia and Canada, and Liberians have resettled throughout Europe, from the Netherlands to Poland.<sup>10</sup>

*Liberians in the U.S.* – Many Liberians arrive in the U.S. as part of the refugee resettlement program, whereby the United Nations identifies populations in need of a durable solution to their displacement. The number of refugees arriving from Liberia has steadily increased, from fewer than 50 in 1996 to more than 7,000 in 2004.<sup>11</sup> Along with resettled refugees, the Liberian community in the U.S. is comprised of asylum seekers, students, permanent residents, and Liberians who have become naturalized U.S. citizens. For example, in 2005, 69 Liberians arrived in the U.S. on student visas, 4,880 Liberians were classified as legal permanent residents, and more than 1500 Liberians became U.S. citizens.<sup>12</sup> Many Liberians are under temporary protective status (TPS), a temporary immigration status granted to eligible nationals of designated countries.<sup>13</sup>

Liberians have settled throughout the U.S., although communities of Liberians are more concentrated in certain areas. The concentration of Liberian community associations in different states sheds some light on Liberian settlement and migration patterns in the United States. Many Liberian community associations are organized around county of origin and/or ethnic group, but there also are several Liberian associations dedicated to political affiliation or simply Liberian national identity. Most associations have chapters in the DC/Maryland area, New York City (sometimes multiple chapters in different parts of the city), Pennsylvania (mostly Philadelphia/Delaware Valley, but also Pittsburgh), New Jersey, and Minnesota, where an estimated 25,000 Liberians reside. Many groups also are active in Georgia, Illinois (Chicago area), Rhode Island, Massachusetts, North Carolina, Ohio, Michigan (Detroit), and California. There is a strong Liberian community in Texas and Oklahoma from which a coalition of community organizations in southwestern states is based. Florida, Indiana, Iowa, Wisconsin, Missouri, Arkansas, and Colorado are home to growing Liberian populations.

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<sup>8</sup> UNHCR, *Liberian refugees take first steps towards new life in U.S.* (Aug. 24, 2006), available at <http://www.unhcr.org/cgi-bin/texis/vtx/news/opendoc.htm?tbl=NEWS&id=412dfc4c4>.

<sup>9</sup> *Id.*

<sup>10</sup> Migration Policy Institute, *Global Data Center: Inflow of foreign-born population by country of birth, by year*, available at <http://www.migrationinformation.org/GlobalData/>.

<sup>11</sup> U.S. Citizenship and Immigration Services, *Yearbook of Immigration Statistics - Refugee Arrivals by Region and Country of Origin: Fiscal Years 1996 to 2005*, available at <http://www.uscis.gov/graphics/shared/statistics/yearbook/index.htm>.

<sup>12</sup> U.S. Citizenship and Immigration Services, *Yearbook of Immigration Statistics 2005 Data Tables*, available at <http://www.uscis.gov/graphics/shared/statistics/yearbook/index.htm>.

<sup>13</sup> TPS for Liberia recently was extended until October 2007. During the period for which a country has been designated for TPS, TPS beneficiaries may remain in the United States and may obtain work authorization. However, when a TPS designation is terminated, beneficiaries revert to the same immigration status they maintained before TPS or to any other status they may have acquired while registered for TPS. Accordingly, if an individual had unlawful status prior to receiving TPS and did not obtain any status during the TPS designation, the individual reverts to unlawful status.



### Liberian Community Organization Websites

Coalition of Progressive Liberians in the Americas (<http://www.copla.org/index.html>)  
Conference of Liberian Organizations in the Southwestern U.S. (<http://www.colosus.org/>)  
Liberian Mandingo Association of The Carolinas  
(<http://limaca.org/>)  
Minnesota Mandingo Association  
(<http://www.minma.org/>)  
Movement for Democratic Change in Liberia  
(<http://www.mdcl.org/aboutus.htm>)  
National Association of Cape Mountainians in the Americas (<http://www.capemountusa.org/>)  
National Krao Association (Grand Kru County)  
(<http://www.krao.org/>)  
Sinoe Times  
(<http://sinoetimes.com/>)  
The Grand Gedeh Association in the Americas, Inc. (<http://www.grandgedeh.com/>)  
The Liberian Mandingo Association of New York  
(<http://limany.org/>)  
The Perspective  
(<http://www.theperspective.org/>)  
Union of Liberian Associations in the Americas  
(<http://www.ulaaliberia.org/>)  
United Bassa Organizations in the Americas  
(<http://www.uniboa.org/>)  
United Bong County Association in the Americas, Inc. (<http://www.unitedbong.org/>)  
United Liberian Mandingo Association of Pennsylvania (<http://limap.org/index.html>)  
United Nimba Citizens Council  
(<http://unicco.org/>)  
Wisconsin Mandingo Association of Milwaukee  
(<http://www.wimam.org/>)



## Liberia - UNMIL - Background

### United Nations Mission in Liberia

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#### Background

##### 1989 – 1997

Civil war in Liberia claimed the lives of almost 150,000 people – mostly civilians – and led to a complete breakdown of law and order. It displaced scores of people, both internally and beyond the borders, resulting in some 850,000 refugees in the neighbouring countries. Fighting began in late 1989, and by early 1990, several hundred deaths had already occurred in confrontations between government forces and fighters who claimed membership in an opposition group, the National Patriotic Front of Liberia (NPFL), led by a former government official, Mr. Charles Taylor.

From the outset of the conflict, a subregional organization, the Economic Community of West African States (ECOWAS), undertook various initiatives aimed at a peaceful settlement. The United Nations supported ECOWAS in its efforts to end a civil war. These efforts included establishing, in 1990, an ECOWAS's observer force, the Military Observer Group (ECOMOG). The Security Council in 1992 imposed an arms embargo on Liberia, and the Secretary-General appointed a Special Representative to assist in talks between ECOWAS and the warring parties.

After ECOWAS brokered a peace agreement in Cotonou, Benin, in 1993, the Security Council established the United Nations Observer Mission in Liberia (UNOMIL). Its task was to support ECOMOG in implementing the Cotonou peace agreement – especially compliance with and impartial implementation of the agreement by all parties. UNOMIL was the first United Nations peacekeeping mission undertaken in cooperation with a peacekeeping operation already established by another organization.

Delays in the implementation of the peace agreement and resumed fighting among Liberian factions made it impossible to hold elections in February/March 1994, as scheduled. In the following months, a number of supplementary peace agreements, amending and clarifying the Cotonou agreement, were negotiated. With the ceasefire in force, the United Nations successfully observed the conduct of the elections in July 1997. Mr. Charles Taylor was elected President. Following his inauguration on 2 August 1997, President Taylor formed a new Government and announced a policy of reconciliation and national unity. UNOMIL's principal objective was achieved.

##### 1997 – 2003

In November 1997, following the completion of UNOMIL's mandate on 30 September, the United Nations established the United Nations Peace-building Support Office in Liberia (UNOL), headed by a Representative of the Secretary-General. That first United Nations post-conflict peace-building support office was tasked primarily with assisting the Government in consolidating peace following the July 1997 multiparty elections.

With the full support of the Security Council, UNOL facilitated the promotion of national reconciliation and good governance and helped mobilize international support for the implementation of reconstruction and development programmes. In the most recent period, UNOL worked to fulfil the terms of a revised mandate, approved by the Security Council on 23 April 2003. Under the terms of that revised mandate, and in addition to its initial tasks, UNOL was to focus on assisting the Government of Liberia in addressing its expressed capacity needs in the areas of human rights and the conduct of elections, as well as on developing a peace-building strategy integrating political objectives, programme assistance and human rights considerations.



However, the peace-building efforts of UNOL were seriously hindered by the inability of the Government and opposition party leaders to resolve their differences over key issues of governance. Meanwhile, the promotion of national reconciliation was undermined by systematic abuses of human rights, the exclusion and harassment of political opponents and the absence of security sector reform. These elements contributed to the resumption of civil war in Liberia, prompting the international community to call on the warring parties to seek a negotiated settlement of the conflict.

On 8 July 2003, as fighting between Government forces and various warring factions intensified and humanitarian tragedy threatened, the Secretary-General decided (S/2003/695) to appoint Jacques Paul Klein of the United States his Special Representative for Liberia. He was entrusted with the task of coordinating the activities of the United Nations agencies in Liberia and supporting the emerging transitional arrangements. On 29 July, the Secretary-General outlined (S/2003/769) a three-phased deployment of international troops to Liberia, leading to a multidimensional United Nations peacekeeping operation. He also indicated that, in view of the appointment of Mr. Klein, and the envisaged establishment of a United Nations operation in Liberia, the mandate of UNOL would naturally have to be terminated.

Since that time the situation in Liberia has developed rapidly. On 1 August 2003, the Security Council adopted resolution 1497 (2003), authorizing the establishment of a multinational force in Liberia and declaring its readiness to establish a follow-on United Nations stabilization force to be deployed no later than 1 October 2003. On 18 August 2003, the Liberian parties signed a Comprehensive Peace Agreement in Accra. By that Agreement, the parties requested the United Nations to deploy a force to Liberia under Chapter VII of the Charter of the United Nations to support the National Transitional Government of Liberia and assist in the implementation of the Agreement. With the subsequent deployment of the ECOWAS Mission in Liberia, the security situation in the country improved.

*For the more complete account of the events leading to the establishment of UNMIL , including the 11 August resignation of President Charles Taylor and the peaceful transfer of power in Liberia, please click here (S/2003/875).*

#### **UN peacekeeping mission is recommended**

As requested by the Security Council, the Secretary-General submitted on 11 September a report (S/2003/875) providing update on the situation in the country, and containing his recommendations on the role the United Nations could play to facilitate the effective implementation of the Comprehensive Peace Agreement, as well as on the size, structure and mandate of a peacekeeping operation in Liberia.

The Secretary-General recommended that the Council, acting under Chapter VII of the United Nations Charter, authorize the deployment of a United Nations peacekeeping operation with a troop strength of up to 15,000, including 250 military observers, 160 staff officers, up to 875 UN police officers and an additional five armed formed units each comprising 120 officers, and a significant civilian component and necessary support staff.

He said that the United Nations Mission in Liberia (UNMIL) would be a multidimensional operation composed of political, military, police, criminal justice, civil affairs, human rights, gender, child protection, disarmament, demobilization and reintegration, public information and support components, as well as an electoral component in due course. The Mission would include a mechanism for the coordination of its activities with those of the humanitarian and development community. UNMIL would coordinate closely with ECOWAS and the African Union. In order to ensure a coordinated United Nations response to the many subregional issues, UNMIL would also work closely with the United Nations Mission in Sierra Leone (UNAMSIL), the United Nations Mission in Cote d'Ivoire (MINUCI) and the United Nations Office for West Africa.

The Mission would be headed by the Special Representative of the Secretary-General, who would have overall authority for the activities of the Mission and of the United Nations system in Liberia. The Special Representative would be assisted by a senior management team consisting of, among others, two Deputies, a Force Commander with the rank of Lieutenant General, and a Police Commissioner.

A senior gender adviser, with staff, would be part of the Office of the Special Representative of the Secretary-General to undertake and support gender mainstreaming within the various pillars of the Office and with civil society and other external partners. An HIV/AIDS policy adviser, with supporting staff, would also be attached to the Office of the Special Representative, to coordinate activities in the Mission area for the prevention of HIV transmission among civilian and military personnel and host communities.

The Secretary-General proposed that the mandate of UNMIL would be to support the National Transitional Government of Liberia and the other parties in the effective and timely implementation of the Comprehensive Peace Agreement; to monitor adherence to the ceasefire agreement of 17 June; to assist the National Transitional Government in extending State authority throughout Liberia; to provide security at key government installations, in particular, ports, airports and other vital infrastructure; to ensure the security and freedom of movement of United Nations personnel; to facilitate the free movement of people, humanitarian assistance and goods; to support the safe and sustainable return of refugees and internally displaced persons; and to protect civilians under imminent threat of physical violence in the areas of immediate deployment of United Nations formed military units.

In addition, the force would advise, train and assist the Liberian law enforcement authorities and other criminal justice institutions; assist the National Transitional Government in the implementation of a disarmament, demobilization and reintegration programme; guard weapons, ammunition and other military equipment collected from ex-combatants and assist in their subsequent disposal or destruction; assist in the preparation of elections; monitor and report on the human rights situation and provide training and capacity-building in the field of human rights and child protection; provide support for gender mainstreaming, including training; support the establishment and operations of the Truth and Reconciliation Commission; and cooperate with ECOWAS, the African Union and the United Nations on cross-cutting political and security issues.

In his report the Secretary-General observed that the transfer of power from President Charles Taylor to Vice-President Moses Blah and the signing of the Comprehensive Peace Agreement by the Liberian parties offered a unique window of opportunity to end the suffering inflicted on the people of Liberia and to find a peaceful solution to a conflict that had been the epicentre of instability in the subregion. While the United Nations and the international community at large stood ready to support the Liberian peace process, the effective and successful implementation of the Peace Agreement remained the primary responsibility of the Liberian parties themselves, he stressed.

#### **UNMIL established**

On 19 September, the Security Council unanimously adopted resolution 1509 (2003) welcoming the Secretary-General's report of 11 September 2003 and its recommendations. It decided that UNMIL would consist of up to 15,000 United Nations military personnel, including up to 250 military observers and 160 staff officers, and up to 1,115 UN police officers, including formed units to assist in the maintenance of law and order throughout Liberia, and the appropriate civilian component. The mandate of the Mission was established for a period of 12 months. The Council requested the Secretary-General to transfer authority to UNMIL on 1 October from forces led by ECOWAS, which it commended for its rapid and professional deployment. Among other things, the Council also took note of the intention of the Secretary-General to terminate the mandate of UNOL and to transfer the major functions performed by that Office to UNMIL.

As scheduled, UNMIL took over peacekeeping duties from ECOWAS forces on 1 October. Some 3,500 West African troops who had been serving with ECOMIL vanguard force were provisionally "re-hatted" as United Nations peacekeepers. In a statement issued on that day, the Secretary-General welcomed this very important development and saluted ECOWAS for its role in establishing the security climate that paved the way for the deployment of UNMIL. He commended the Governments of Benin, Gambia, Ghana, Guinea-Bissau, Mali, Nigeria, Senegal and Togo who have contributed to UNMIL, as well as the United States for its support to the regional force. The Secretary-General expressed confidence that UNMIL would be able to contribute in a major way towards the resolution of conflict in Liberia, provided all parties concerned cooperate fully with the force and the international community provides the necessary resources.

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## **V. The Truth and Reconciliation Commission of Liberia**

AN ACT TO ESTABLISH THE TRUTH AND RECONCILIATION COMMISSION  
(TRC) OF LIBERIA  
ENACTED BY THE NATIONAL TRANSITIONAL LEGISLATIVE ASSEMBLY ON MAY 12, 2005

**PREAMBLE**

Whereas in 1847, Liberia, was declared the first independent Republic in Africa as a beacon of hope, freedom, liberty and justice;

AND

Whereas the nation, since its independence, has been confronted with challenges and socio-economic and political conflicts, which polarized the nation and culminated into the violence of the late 70's leading to the military coup in 1980;

AND

Whereas the violence during the 1980s created even greater violence and armed conflict during the 1990s, decimating and displacing much of the population, internally and externally, ravaging the economy, polarizing the population further and thereby necessitating an intervention by the international community to restore peace and security to Liberia;

AND

Whereas the overwhelming aspiration of the people of Liberia for peace and security resulted in the convening of a number of peace conferences and the adoption of several peace agreements, which eventually culminated into the adoption of the Comprehensive Peace Agreement (CPA) as a sovereign state instrument in the City of Accra, Republic of Ghana on August 18, 2003, thus bringing to a formal end the civil strife and wars which have bedevilled the nation;

AND

Inspired by the principles of Chapter II, Article 5(a) of the 1986 Constitution of Liberia which provides that the national policies of the Republic shall *"aim at strengthening the national integration and unity of the people of Liberia, regardless of ethnic, regional or other differences, into one body politic; and the legislature shall enact laws promoting national unification and the encouragement of all citizens to participate in government;*

AND

Considering that the civil conflict was generally characterized by gross violations of human rights and the widespread commission of gruesome and heinous crimes against humanity in further violation of international humanitarian laws and standards;

AND

Convinced that national peace and security, unity and reconciliation are indispensable to the attainment of national development goals and objectives that ensure socio-economic growth, development and prosperity;

AND

Recognizing that introspection, national healing and reconciliation will be greatly enhanced by a process which seeks to establish the truth through a public dialogue which engages the nation about the nature, causes and effects of the civil conflicts and the impact it has had on the Liberian nation in order to make recommendations which will promote peace, justice and reconciliation;

AND

Recalling that Article XIII of the CPA provides for the establishment of a Truth and Reconciliation Commission to *"provide a forum that will address issues of impunity, as well as an opportunity for both victims and perpetrators of human rights violations to share their experiences in order to get a clear picture of the past to facilitate genuine healing and reconciliation;*

AND

Recognizing that prior to the enactment of this enabling TRC ACT the Chairman of the National Transitional Government of Liberia appointed a group of nine (9) commissioners;

AND

Recalling also that the CPA further mandates in Article XIII, that *" in the spirit of national reconciliation, the Commission shall deal with the root causes of the crises in Liberia, including human rights violations...[and] among other things, recommend measures to be taken for the rehabilitation of victims of human rights violations ... "*.

AND

Reaffirming the commitment of the Liberian people to peace and justice, unity, national healing and reconciliation and the general principles of human and peoples rights as enshrined in the Constitution of the Republic of Liberia, the African Charter on Human and Peoples Rights, the Charter of the United Nations and the Universal Declaration of Human Rights and other international conventions and protocols relating to the rights and protections of women and children;

NOW THEREFORE,

*It is enacted by the National Transitional Legislative Assembly of the National Transitional Government of Liberia, in Legislature Assembled:*

**Article I**  
**TITLE OF ACT**

Section 1. This Act shall be cited as "An Act to Establish the Truth and Reconciliation Commission of Liberia" or "The TRC Act of Liberia" for short.

## **Article II DEFINITIONS**

“**Chairman**” means the Chairman of the Commission designated pursuant to section 13 of this Act;

“**Commissioners**” means the (9) commissioners who are appointed by the Head of State, as described in section 7 and 8 of this Act;

“**Commission**” means the Truth and Reconciliation Commission of Liberia established in section 2 of this Act;

“**Selection Panel**” means the selection panel of seven individuals cited in section 8 of this Act;

“**Human Rights violations**” means: (1) violations of international human rights standards, including, but not limited to acts of torture, killing, abduction and severe ill-treatment of any person; (2) violations of international humanitarian law, including, but not limited to crimes against humanity and war crimes.

“**Violations of International Humanitarian law**” includes the Geneva Conventions of 12 August 1949 and its Additional Protocols.

Definitions of all other terms shall be guided by international human rights standards.

## **Article III ESTABLISHMENT**

Section 2. There is hereby established a body corporate to be known as the Truth and Reconciliation Commission (TRC) of Liberia.

Section 3. The National Office of the TRC shall be established in The City of Monrovia, with county or regional sub-offices, branches or units established in other parts of Liberia and elsewhere at the discretion of the TRC for the purpose of accomplishing its mandates and functions and in exercise of the powers granted by this Act.

## **Article IV MANDATE OF THE COMMISSION**

Section 4. The objectives/purpose of the Commission shall be to promote national peace, security, unity and reconciliation by:

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

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

- b. Providing a forum that will address issues of impunity, as well as an opportunity for both victims and perpetrators of human rights violations to share their experiences in order to create a clear picture of the past to facilitate genuine healing and reconciliation;
- c. Investigating the antecedents of the crises which gave rise to and impacted on the violent conflict in Liberia;
- d. Conducting a critical review of Liberia's historical past, with the view to establishing and giving recognition to historical truths in order to address falsehoods and misconceptions of the past relating to the nation's socio-economic and political development.
- e. Adopting specific mechanisms and procedures to address the experiences of women, children and vulnerable groups, paying particular attention to gender based violations, as well as to the issue of child soldiers, providing opportunities for them to relate their experiences, addressing concerns and recommending measures to be taken for the rehabilitation of victims of human rights violations in the spirit of national reconciliation and healing.
- f. Compiling a report that includes a comprehensive account of the activities of the Commission, and its findings.

Section 5. The TRC shall be established within 3(three) months of the enactment into law of this legislation. Upon establishment, the Commission shall be given 3(three) months preparatory period within which to facilitate activities necessary for the commencement of its mandatory functions. The Commission shall have a two-year lifespan in which to carry out its operational work with a further 3 months to wrap up its activities and write its report on its activities and findings.

Section 6. The National Legislature may on request by the TRC, by resolution, extend its tenure for an additional period of three months at a time only for good cause(s) shown. In no case shall such a request for the extension be given for more than four times.

#### **Article V COMPOSITION**

Section 7. The TRC shall comprise nine (9) commissioners, with not less than four (4) women making up its entire composition. The Head of State, subject to sections 8 and 9 hereof shall appoint members of the TRC.



Section 8. A Selection Panel shall be comprised of seven (7) individuals of integrity, repute and good standing in public life, and constituted as stipulated:

- a. Three representatives from civil society organizations
- b. Two representatives from political parties
- c. One representative from the United Nations Organization (UN)
- d. One representative from the Economic Community of West African States (ECOWAS)

Section 9.

- a. The Selection Panel shall be coordinated by the ECOWAS Representative, who shall preside over the Selection Panel as head, and coordinate the process of selecting representatives as stipulated in section 8. The Selection Panel shall vet nominees pursuant to the criteria set forth in section 11 of this Act and shall conduct a process of public scrutiny based on individual nominations and other petitions from the general public, institutions, and organisations.
- b. Recognizing that the Chairman of the NTGL appointed commissioners before the enactment of legislation establishing the Commission and acknowledging the role they have played in the TRC consultative process, affirming the need for the TRC process to be credible and legitimate and accepted by the nation, the Commissioners appointed by the Chairman of the NTGL before the enactment of the TRC Act, will be vetted pursuant to the criteria set forth in Section 11 of this Act.

Where any one of the current Commissioners is found to have met the character criteria in section 11 of this Act, he/she will be automatically considered a confirmed member of the Commission. In the event that any one of the current Commissioners does not meet the character criteria set forth in this Act, leaving vacancies on the Commission, the Selection Panel shall solicit nominations for Commission members, review, vet and select from those nominations to produce a short-list of fifteen (15) vetted candidates to be presented to the Head of State for his selection and appointment to the commission.

Once the vetted commissioners are selected and appointed by the Head of State, they shall not be subject to confirmation hearings before the National Legislature.

Section 10. An International Technical Advisory Committee (ITAC) of three persons shall be constituted to work directly with the Commissioners in the fulfillment of their mandate. These advisors shall have full disclosure rights in all matters regarding the Commission's activities and likewise be responsible as Commissioners for maintaining confidentiality according to Article IV, Section 25. Members of the International Technical Advisory Committee shall attend all meetings and forums of the Commission, provide advisory opinions on any and all issues considered by commission members, shall be entitled to full rights and privileges as commissioners, except that advisors shall not vote during such meetings. Members of this Committee shall be selected as follows:

ECOWAS shall nominate two individuals for membership in the Committee and the United Nations High Commissioner for Human Rights shall nominate one individual for membership in the Committee. All advisors shall be individuals of international distinction and repute.

The Head of State shall formally appoint the individuals so nominated to the TRC in the capacities so described herein.

Section 11. Members of the TRC shall be persons in good health, of credibility, high integrity and honour; not known or perceived as human rights violators or members of groups involved in human rights violations; and without prior conviction for a crime. As a whole, the Commission shall be balanced, representative of Liberian society, perceived as impartial in its collectivity, and of diverse professional and regional backgrounds. Upon appointment, commissioners shall renounce their membership of political parties.

Section 12. Members of the TRC shall be employed by the Government of Liberia and shall render services on a full-time basis and receive remuneration in an amount determined not to be less than that received by Justices of the Supreme Court of Liberia. Members of the International Technical Advisory Committee shall receive remuneration pursuant to international standards for persons carrying out similar mandates.

Section 13. Commissioners shall meet and shall designate from amongst themselves one of the Commissioners as the Chairperson, and another as the Vice-Chairperson of the Commission.

Section 14. Members of the TRC shall be removed for cause, such as misbehaviour, incapacity and incompetence, only by impeachment in the same manner provided for removal in the Constitution of Liberia of Justices of the Supreme Court of Liberia.

Section 15. A commissioner may at any time resign by tendering his or her resignation in writing to the Head of State provided that a 30-day notice is given.

Section 16. Vacancies on the TRC for any reason whatsoever shall be filled from the original pool of (15) fifteen short-listed candidates until the list is exhausted.

Section 17. If both the Chairperson and Vice-Chairperson are absent or unable to perform their duties, the other commissioners shall from among their number nominate an Acting Chairperson for the duration of such absence or incapacity.

Section 18. The persons appointed or employed by the Commission who are not officials of the state, shall receive such remuneration, allowances and other employment benefits and shall be appointed on such terms and conditions and for such periods as the Commission may determine.

Section 19. Meetings and quorum of meetings

- a. A meeting of the Commission shall be held at a time and place determined by the Chairperson of the Commission or, in the absence or inability of such Chairperson, by the Vice-Chairperson of the Commission or, in the absence or inability of both, the Acting Chairperson of the Commission.

- b. The Commission shall have the power to determine the procedures for its meetings, including the manner in which decisions shall be taken.
- c. The Commission shall cause a record to be kept of its proceedings.
- d. The quorum for the first meeting of the Commission shall be two persons less than the total number of the members of the Commission. Thereafter the Commission shall determine the quorum for any of its further meetings.

## **Article VI GENERAL POLICY**

Section 20. The TRC shall enjoy full independence in pursuit of the scope of its mandate and in the exercise of its duties, functions and powers, granted by this Act, free of undue influence and political manipulations from any source, governmental or otherwise. Its work and functions shall be regarded as a matter of national priority; all matters of the TRC appearing before the Supreme Court of Liberia shall be advanced for hearing and determination to the top of the Supreme Court's docket at all times without the slightest delay as a matter of first priority.

Section 21. The full authority and capacity, and the resources of the Government of Liberia shall and is hereby placed at the disposal of the TRC in furtherance of its independence and to fulfil its mandate expeditiously and free of constraint.

Section 22. Members of the TRC, its agents, employees and staff, shall be independent and function without political or other biases, prejudice or other motives, free from any party, factional, governmental, or other interests, directly or indirectly, and shall be immune from civil or criminal sanctions by virtue of statements made, actions taken in rightful pursuit of their work for or with the TRC.

Section 23. If at anytime during the course of the work of the TRC it appears that a commissioner has or may have financial or other interests which may cause or give rise to a conflict of interest in the performance of his or her functions on the TRC, a full disclosure of said interest shall be made by such commissioner, on the record, and he/she shall recuse him/herself from further participation in that particular matter. Failure to disclose shall be grounds for removal.

Section 24. The TRC shall consider and be sensitive to issues of human rights violations, gender and gender based violence thus ensuring that no one with a known record of human rights violations are employed by the TRC and that gender mainstreaming characterizes its work, operations and functions, ensuring therefore that women are fully represented and staffed at all levels of the work of the TRC and that special mechanisms are employed to handle women and children victims and perpetrators, not only to protect their dignity and safety but also to avoid re-traumatization.

Section 25. Owing to their fiduciary relationship and duty to the TRC, no member of the TRC or its employees or agents, shall divulge confidential or other information obtained by virtue of their affiliation or work with the TRC, or use said information for profits or gains other than for reasons related to the duty and functions of the TRC. The TRC, all its employees, or agents shall be sworn to or execute sworn statements to hold all matters relating to the work of the TRC and coming to their knowledge "confidential" the breach of which shall constitute a second degree felony, punishable under Liberian laws.

**Article VII**  
**FUNCTIONS AND POWERS**

Section 26. The TRC shall enjoy and exercise such functions and powers as are relevant for the realization of its mandates. Its functions and powers shall include, but not be limited to:

- a. Facilitating, and where necessary, initiating or coordinating enquiries into, and investigating:
  - i. Gross violations and abuses of human rights, privileges, powers and authority in Liberia including violations, which were part of a systematic pattern of abuse;
  - ii. The nature, causes and extent of gross violations and abuses of human rights, including the root causes, circumstances, factors, context, motives and perspectives which led to such violations;
- b. Identifying where possible persons, authorities, institutions and organizations involved in the violations
- c. Determining whether such violations were the result of deliberate planning on the part of the state, authority, or political organization, movement or group of individuals; and
- d. Ensuring accountability, political or otherwise, for any such violation.
- e. Gathering information and receive evidence from any person or persons, including persons claiming to be victims of such violations or the representatives of such victims, individuals, groups of individuals, perpetrators, witnesses and institutions through the taking of statements and through evidence gathered through the conduct of both public and confidential hearings upon request of witnesses, informants, petitioners, either as victims or perpetrators, subject to the exclusive discretion and authority of the TRC;
- f. Helping restore the human dignity of victims and promote reconciliation by providing an opportunity for victims, witnesses, and others to give an account of the violations and abuses suffered and for perpetrators to relate their experiences, in an environment conducive to constructive interchange between victims and perpetrators, giving special attention to the issues of sexual and gender based violence, and most especially to the experiences of children and women during armed conflicts in Liberia;
- g. Recommending amnesty under terms and conditions established by the TRC upon application of individual persons making full disclosures of their wrongs and thereby expressing remorse for their acts and/or omissions, whether as an accomplice or a perpetrator, provided that amnesty or exoneration shall not apply to violations of international humanitarian law and crimes against humanity in conformity with international laws and standards;

- h. Preparing a comprehensive report which sets out its activities and findings based on factual and objective information and evidence collected or received by it or placed at its disposal; and
- i. Creating an independent, accurate and objective record of the past and make recommendations reflective of the truth, to re-unify and reconcile contending groups and/or the peoples of Liberia;
- j. Making recommendations to the Head of State with regard to:
  - (i) Reparations and rehabilitation of victims and perpetrators in need of specialized psycho-social and other rehabilitative services;
  - (ii) Legal, institutional and other reforms;
  - (iii) The need for continuing investigations and inquiries into particular matters, at the discretion of the TRC; and
  - (iv) The need to hold prosecutions in particular cases as the TRC deems appropriate;
- k. Taking action, doing any and all acts, including but not limited to instituting the necessary enquiries referred to in this act, gather the information and receive the evidence referred to above, make findings and determinations on all matters brought before it, in furtherance of its mandates, the object of this Act, record allegations and complaints of gross violations of human rights and abuses as is required by its mandate; and
- l. Subject to other provisions of this Act, the TRC shall adopt its own rules, code of conduct and operating guidelines and procedures, schedules, work plans and other policies necessary for the accomplishment of its mandate including the conduct of research and investigations, holding of public and confidential hearings, making final determination of matters before it, recommending amnesty, making recommendations and publishing its report;
- m. At the discretion of the TRC, any person, group of persons or organizations or institutions shall be permitted to provide information as informants, witnesses, perpetrators or victims to the TRC on a confidential or non-confidential basis and the TRC shall not be compelled by any authority to disclose any such information given to it in confidence.
- n. The TRC shall take into account the security and other interests of victims and witnesses when appearing for hearing, design witness protection mechanisms on a case by case basis as well as special programs for children and women both as perpetrators and victims under burdens of trauma, stigmatization, neglect, shame, ostracization, threats, etc. and others in difficult circumstances who may wish to recount their stories either in privacy or public, subject to the discretion of the TRC.

- o. The TRC shall employ specialists in children and women's rights and shall ensure that special measures or mechanisms are employed that will enable women and children to provide testimony to the TRC, while at the same time protecting their safety and not endangering or delaying their social reintegration or psychological recovery.
- p. Hearings of the Commission
  - (i) The hearings of the Commission shall be open to the public, provided the Commission, in any proceedings before it, is satisfied that:
    - (a) It would be in the interests of justice; or
    - (b) That there would not be a likelihood that harm may ensue to any person as a result of proceedings being open,

The Commission may direct that proceedings be held in camera and that the public or any particular individual or individuals shall not be present at proceedings or any part thereof if the security of perpetrators, victims or witnesses is deemed to be threatened. Provided that the Commission shall permit any victim who has an interest in the proceedings concerned to be present.
  - (ii) An application for proceedings to be held in camera may be brought by victims, perpetrators or witnesses and such application shall be considered and passed upon as the Commission deems fit.
  - (iii) Where the Commission under this sub-section, on any grounds referred to in that sub-section, directs that the public or any part thereof shall not be present at any proceedings or part thereof, the Commission may direct that:
    - (a) No information relating to the proceedings or any part thereof held in camera shall be made public in any manner;
    - (b) No person may in any manner make public any information, which may reveal the identity of any witnesses in the proceedings;
    - (c) Give such directions in respect of the record of proceedings as may be necessary to protect the identity of any witness;

Provided that the Commission may authorize the publication of such information as it considers would be just and equitable.
- q. The Commission may where it deems it necessary seek assistance from traditional and religious leaders to facilitate its public sessions and in resolving local conflicts arising from past violations or abuses or in support of healing and reconciliation
- r. When dealing with victims, the Commission shall be guided by the following principles:
  - (i) Victims shall be treated with compassion and respect for their dignity; they shall be treated equally, without regard to race, ethnicity, religion, language, sex, or nationality; and, procedures dealing with victims shall be expeditious and fair;

- (ii) Appropriate measures shall be taken to minimize inconvenience to victims and, when necessary, to protect their privacy, to ensure their safety and that of their families or witnesses testifying on their behalf; and,
- (iii) The TRC shall take sufficient measures to allow victims to communicate in the language of their choice.

### **Article VIII**

#### **OTHER POWERS**

Section 27. The TRC shall exercise powers generally in any matter, manner and form and for any purpose related to the fulfillment of the objects expressed in this Act, and without limiting the generality thereof, it shall have powers to:

- a. Gather, by means it deems appropriate, any information it considers relevant, including the ability to request reports, assistance of foreign governments, non-resident Liberians, records, documents or any information from any source, including governmental authorities, and to compel the production of such information as and when necessary;
- b. Recommend at least three (3) lawyers from which the Head of State shall, with the advice and consent of the National Legislature, appoint and commission a Special Magistrate ranking as a Circuit Judge.

The Special Magistrate shall:

- i. Have a minimum staff and shall issue or cause to be issued a warrant of search and seizure, warrant of arrest for contempt, subpoenas, and citations to procure information and testimonies in furtherance of the work of the TRC to visit any establishment or place without giving prior notice, and to enter upon any land or premises for any purpose which is material to the fulfillment of the TRC's mandate and in particular, for the purpose of obtaining testimonies which may be vital to the work of the TRC.
- ii. Shall Conduct hearings for contempt of the Special Magistrate, whilst Contempt of the TRC itself shall be held before the Supreme Court of Liberia in manner and form as contempt of the Supreme Court is conducted, provided that appeals from the decisions, actions of the TRC does not operate as a stay of any proceedings of the TRC.
- c. Investigate and interview any individual, group or members of organizations or institutions in public or private at the TRC's discretion, including children, in furtherance of its mandate; administer oaths during investigation for the taking and making of statements the falsity of which is punishable for perjury;

- d. Compel attendance of any person before the TRC or any of its staff -for the purpose of assisting the TRC in the conduct of its work and may publish a warrant, subpoena, or citation after diligent efforts have been exhausted to no avail in making a personal service; reasonable financial allowances, at the discretion of the TRC, shall be made to facilitate the attendance of victims, perpetrators, witnesses, petitioners, informants or other persons needed by the TRC in pursuit of its work; to call upon any person to meet with the Commission or its staff, or to attend a session or hearing of the TRC;
- e. Request information from the relevant authorities of foreign countries and to gather information from victims, witnesses, government officials and others in foreign countries;

Section 28. Any person who willfully obstructs or otherwise interferes with the work of the TRC or any of its members or officers in the discharge of their functions under this Act, commits an offence and shall be liable on conviction to a fine not less than US\$300.00 and not more than US\$500.00 or its Liberian dollar equivalent for the first offence to include a term of imprisonment not less than six months or both fine and imprisonment depending on the gravity of the offence.

Section 29. Upon proper inquiry and investigation, the TRC may at any time prior to the end of its tenure ad interim, declare missing persons and others who were victims of mass murders and massacres, dead and recommend to the appropriate agency of government for issuance of certificates in testimony thereof as a form of immediate relief, consolation and reparation to survivors and relatives of victims.

Section 30. The TRC shall grant immunity to all persons or groups of persons, organizations or institutions from prosecution or tort actions on account of statements made or evidence given before the TRC in advancement of the public interest objective inherent in the functions and objects of the TRC and pursuant to the successful execution of its mandate, and which therefore, shall not be used in any court of law against the person making the statement.

Section 31. Any person who has been subpoenaed or called upon to appear before the Commission may appoint a legal representative. The Commission may in order to expedite proceedings place reasonable limitations with regard to the time allowed for cross-examination of witnesses or any address to the Commission.

## **Article IX ADMINISTRATION**

Section 32. The TRC shall exercise executive authority and be responsible for the overall supervision and implementation of the TRC's mandate and execution of its functions.



Section 33. A National Secretariat shall be established to render technical, professional, administrative and clerical assistance to the TRC; it shall comprise such sections or units and staff of diverse professional background relevant to the work of the TRC in the areas of finance, investigation, law, women, children and vulnerable groups, psychosocial and trauma counselling, amnesty, reparation, statement taking and in as many other disciplines as the TRC may deem desirable.

Section 34. The National Secretariat shall be headed by an Executive Secretary who shall serve the TRC as Secretary and be responsible for the daily administrative and operational functioning of the TRC; the TRC shall ensure and accord due consideration and preference to the appointment of a competent woman as Executive Secretary and constitute as many ad-hoc committees as the TRC will deem fit and relevant to its work.

Section 35. The TRC may establish such offices and employ such staff, including foreign staff, on such terms and conditions, as it may deem necessary and appropriate for the conduct of its mandate under this Act, and in pursuant of which it may request secondment of public officials to assist in the professional and expeditious execution of its mandate.

Section 36. The work of the TRC shall be financed from sources, including but not limited to the government of Liberia, individual Liberians and non Liberians, foreign governments and international financial institutions and specialized agencies of the United Nations Organization and International Nongovernmental Organisations, either as direct technical assistance, grants, donations and/or loans.

Section 37. The TRC shall adopt a system of sound financial management policies in conformity with internationally accepted principles and accounting practices, to ensure prudent and efficient management of funds; be transparent, maintain books of accounts, open such books to inspections by donors and partners, conduct periodic audits and publish quarterly financial statements in at least two regular dailies in Liberia.

Section 38. The TRC shall create a trust fund for the benefit of victims and survivors of the crises; appoint trustees and determine beneficiaries as part of the outcome of the proceedings, findings and recommendations of the TRC at the end of its tenure.

Section 39. Independence of the Commission

a. The Commission, its commissioners and every member of staff shall function without political or other bias or interference and shall, unless this act expressly otherwise provides, be independent and separate from any party, government, administration, or any other functionary or body by directly or indirectly representing the interests of such entity.

b. If at any stage during the course of the proceedings or any meeting of the Commission it appears that a commissioner has or may have a financial or personal interest which may cause a conflict of interest, in the performance of his or her functions, such commissioner shall forthwith disclose the nature of his or her interest and absent him or herself from that meeting so as to enable the remaining commissioners to decide whether such commissioner should be precluded from participating in the meeting by reason of that interest;

c. If a commissioner fails to disclose any conflict of interest as contemplated by this section, then as soon as such non-disclosure is discovered, it should be reviewed and where decisions have been taken which are affected or tainted by such non-disclosure, the decisions should be varied or set aside without the participation of the commissioner concerned.

d. Every Commission member shall:

(i) Notwithstanding any personal opinion, preference or former party affiliation, serve impartially and independently and perform his or her duties in good faith and without fear, favour, bias or prejudice;

(ii) Serve in a full time capacity to the exclusion of any other duty or obligation arising out of any other employment or occupation or the holding of any other office; provided that the Commission may exempt a commissioner from the provisions of this paragraph;

(iii) No commissioner shall:

(a) By his or her membership of the Commission, association, statement, conduct or in any other manner or way jeopardise his or her independence or in any other manner harm the credibility, impartiality or integrity of the Commission;

(b) Make private use of or profit from any confidential information gained as a result of his or her membership of the Commission;

(c) Divulge any such information to any other person except in the course of the performance of his or her functions as such a commissioner.

Section 40. Subject to the provisions of this act, the Commission shall with due regard to the purposes of this Act and the objectives and functions of the Commission, decide to what extent, if at all, the identity of any person who made a statement to the Commission or gave evidence at a hearing or any other inquiry or investigation carried out under the auspices of this Act may be disclosed in any report of the Commission.

Section 41. Confidentiality

a. Every commissioner and every member of the staff of the Commission shall, with regard to any matter dealt with by him or her, or information which comes to his or her knowledge in the exercise, performance or carrying out of his or her powers, functions or duties as such a commissioner or member, preserve and assist in the preservation of those matters which are confidential in terms of the provision of this Act or which have been declared confidential by the Commission.

b. Every commissioner and every member of the staff of the Commission shall upon taking office, take an oath or make an affirmation in the form specified by the Commission;

- c. For the purposes of this section the oath or affirmation shall be in the following form:

*“I, ....., hereby declare under oath/solemnly affirm that I understand and shall honour the obligations of confidentiality imposed upon me by any provision of the TRC ACT and shall not act in contravention thereof”.*

- Section 42. The Commission may, in order to carry out the objectives of its mandate, frame necessary rules and procedures consistent with this Act. While doing so, the Commission may consult other entities of the state.

### **Article X REPORTING AND RECOMMENDATIONS**

Section 43. The TRC shall submit a final report containing recommendations at the end of its tenure to the National Legislature and have key findings of the report published simultaneous with its presentation in at least three local dailies in pursuit of transparency and public interest objectives.

Section 44. The Report shall be detailed on all aspects of the TRC’s work, investigations, hearings, findings and recommendations for prosecution.

Section 45. The TRC shall further recommend for amnesty persons who so qualify under terms and conditions referred to Section 26(g) and reparations for victims, specific actions of government to be taken in furtherance of its findings, the enactment of specific legislations and legal and governmental reform measures to address specific concerns identified by the TRC and affecting relevant governmental authorities or functionaries.

Section 46. The Independent National Human Rights Commission shall be seized with the responsibility to ensure that all the recommendations contained in the Report of the TRC are implemented and that civil society organisations and moral guarantors of the CPA shall be seized of the responsibility to monitor, and campaign for the scrupulous implementation of all recommendations contained in the report.

Section 47. The archives of the TRC shall remain in the public domain except those records or documents classified by the TRC as “confidential” which shall remain classified for 20 years following the retirement of the TRC. This restriction extends to commissioners, staff and persons privy to such confidential and closed information by virtue of employment, assignment or their involvement with the TRC or otherwise.

Section 48. The Head of State shall report to the National Legislature within three months of receipt of the report of the TRC, and on a quarterly basis thereafter, as to the implementation of the Commission’s recommendations. All recommendations shall be implemented. Where the implementation of any recommendation has not been complied with, the Legislature shall require the Head of State to show cause for such non-compliance.

### **ANY LAW TO THE CONTRARY NOTWITHSTANDING**

**The Truth and Reconciliation Act of Liberia**  
**Submitted to the National Transitional Government of Liberia 22.09.2004**  
**Passed by the National Transitional Legislative Assembly 09.06.2005**  
**Summary of Key Provisions**

In accordance with Article XIII of the Liberian Comprehensive Peace Agreement, which calls for the establishment of a Truth and Reconciliation Commission in Liberia, UNMIL's Human Rights and Protection Section, together with the United Nations Development Program, and the Center for Democratic Empowerment, a member of the Transitional Justice Working Group, collaborated to hold a series of activities, which culminated in the production of this TRC Act. In particular, these groups, with the assistance of the USAID/Office of Transitional Initiatives, collaborated to hold national consultations in June 2004 with Liberian society in five counties and conducted a survey of such groups' expectations for the role of a TRC in Liberia.

A TRC Draft Act Workshop gathering more than 70 civil society organizations and individuals was then conducted in July 2004 to discuss issues to be considered in a draft TRC Act. Following this a two-week long drafting session conducted by a technical drafting group made of civil society members, distinguished lawyers and representatives of the Ministry of Justice was held in August 2004. The drafting sessions culminated in the Act which was submitted on September 22, 2004 to the National Transitional Government of Liberia for review. Following the review the Act was heard before the National Transitional Assembly and passed on June 10 2005.

**Establishment & Composition of the TRC**

According to the TRC Act, the Commission will be composed of nine (9) commissioners, four of which shall be women. The Act calls for a formal and transparent selection process of TRC commissioners and the current appointees will be included in the list of nominees for review and public scrutiny, according to specific criteria stated in Section 11 of the Act. This will involve a public call for nominations during August 2005. The call will ask for members of Liberian society to nominate those people whom they believe will be most suitable. Section 11 states:

'Members of the TRC shall be persons in good health, of credibility, high integrity and honour; not known or perceived as human rights violators or members of groups involved in human rights violations; and without prior conviction for a crime. As a whole, the Commission shall be balanced, representative of Liberian society, perceived as impartial in its collectivity, and of diverse professional and regional backgrounds. Upon appointment, commissioners shall renounce their membership of political parties.'

The commission members will be assisted in their work by an International Technical Advisory Committee composing three members which will advise commissioners on the implementation of their mandate. Once established during a six month preparatory phase the TRC will run for a period of two years, with the possibility of extension for good cause shown, and will have a national office in the city of Monrovia, as well as offices established in other parts of Liberia and elsewhere. TRC members are expected to carry out their functions free from political bias or personal interest, while the Commission on the whole shall function independently and separately from any party or government body.

## **Mandate**

The TRC expects to look into events that took place from January 1979 to October 14, 2003, the seating of the NTGL, although there is provision for the TRC to look at certain relevant events which occurred prior to January 1979. The purpose of the Commission will be to promote national peace, unity, security, reconciliation and contribute to the cause of human rights by:

- Investigating gross human rights violations and war crimes, including massacres, sexual violations, murder, extra-judicial killings and economic crimes (such as the exploitation of natural or public resources to perpetuate the armed conflict);
- Investigating such abuses, as well as the perspectives of victims and perpetrators;
- Providing an opportunity for victims and perpetrators of human rights violations to share their experiences, in order to create a record of the past and facilitate genuine healing and reconciliation;
- Addressing the experiences of women, children and vulnerable groups, paying particular attention to gender based violations, as well as to the issue of child soldiers, and providing opportunities for them to relate their experiences;
- Making recommendations for the rehabilitation of victims of human rights violations in the spirit of national reconciliation and healing; and
- Producing a report that includes a comprehensive account of the activities of the TRC and its findings.

## **Functions and Powers of the Commission**

The central functions and powers of the Commission, as stated in the TRC Act are:

- To investigate gross human rights violations and the nature, causes and extent of such abuses, including the root causes that led to such violations;
- To identify persons, institutions or organizations involved in such violations;
- To determine whether such violations were the result of a deliberate plan on the part of the government, political organization or group of individuals;
- To ensure accountability for such violations;
- To gather information through statement taking or public hearing from any person including victims of such violations, or the representatives of such victims, individuals, perpetrators, witnesses and institutions;
- To restore human dignity to victims and promote reconciliation, by providing an opportunity for victims, witnesses, and others to give an account of the abuses suffered as well as for perpetrators to relate their experiences, in an environment conducive to constructive interchange between victims and perpetrators. Special attention shall be given to issues of sexual and gender based violence, most especially to the experiences of children and women;
- To recommend amnesty under conditions established by the TRC, upon application of individual persons making full disclosures of their wrongs and thereby expressing remorse for their acts, provided that amnesty shall not apply to violations of international humanitarian law and crimes against humanity in conformity with principles of international law;
- To prepare a comprehensive report, which sets out its findings based on factual information collected by the TRC and includes recommendations for reparations for victims, legal and institutional reforms and the need for further investigation into particular matters or call for the prosecution of perpetrators of war crimes and gross human rights violations;

- The TRC shall take into account the security and interests of victims and witnesses appearing for hearings and shall develop special programs for women and children to address their trauma, neglect, ostracism from society and feelings of shame due to the abuses they suffered;
- Victims shall be treated equally, with compassion and respect for their dignity and shall enjoy special protections to be established to ensure their safety and privacy.

#### **Reporting and Recommendations**

- The TRC shall submit a final report containing recommendations at the end of its tenure to the National Legislature and such recommendations shall assume the force of law and shall be binding on the government and all concerned.

TRUTH AND RECONCILIATION COMMISSION OF LIBERIA

MONROVIA, LIBERIA

STATEMENT

BY

Jerome J Verdier, Sr (Cllr)

CHAIRMAN

ON THE OCCASION OF THE LAUNCHING

OF THE

TRUTH & RECONCILIATION COMMISSION (TRC)

AT THE

CENTENNIAL MEMORIAL PAVILION

ASHMUN STREET, MONROVIA, LIBERIA

22 JUNE 2006

Greetings

Her Excellency, Mrs. Ellen Johnson-Sirleaf, President of the Republic of Liberia

His Excellency, Mr Joseph Boakai, Vice President of the Republic of Liberia

Hon Edwin M Snowe, Speaker & Members of the Honourable House of Representatives

Hon Isaac Nyannebo, President Pro-Tempore & Members of The Honourable House of Senate

His Honor Cllr Johnny N Lewis, Chief Justice and Members of the Honourable Supreme Court of Liberia

His Excellency Ambassador Alan Doss, Special Representative of the Secretary General of the United Nations And Head of The UN Mission In Liberia (UNMIL) or His Designee

His Excellency Ambassador, Special Representative African Union

His Excellency Ambassador Ansumana Cesay, ECOWAS

His Excellency Ambassador Donald Booth, United States of America

The Doyen & Members of the Diplomatic Corps, Prelates and members of the Inter-religious Council, Members of the Liberian Cabinet, Members of the Donor Community and Partners in progress, Elders and Traditional Leaders, Members of Civil Society here present, the Youth and children of Liberia, Gallant Women of Liberia, Fellow Ex-combatants, Well wishers, friends, fellow citizens and residents, My fellow commissioners, Distinguished Ladies and Gentlemen:

### **Tribute**

I humbly beg your indulgence and request that we all kindly stand for a moment of silence to the ever green memory of all our fallen compatriots, foreign residents and service personnel men who lost their lives or were killed in our over 25 years of turbulent history including the 14 years of civil crisis. May their blood fertilize the seeds of peace and reconciliation and their souls rest in peace.

I thank you ladies and gentlemen for your indulgence.

### **Statement**

I give the ultimate praise and gratitude for this day, this occasion, this nation, and the current peace, to the Almighty God who has preserved this nation and brought us thus far as a nation and people.

History is known for recording events of the past and the people who make it, for good or for bad, by shaping those events. History also serves as a guide to avoid the repetition of mistakes and wrongs of previous generations. When we ignore the imperatives of the past; when we ignore the lessons of the past, when we ignore historical realities as essential elements for timely actions and judgment, we are bound to repeat history with the same ills of the same society, and even more suffering on the same people.

Liberia is no exception. It bears testimony to the repeated cycle of violence and inhumane treatment, by the same mind set of personalities, against the same victims in the "love of liberty", in the name of 'redemption', in the name of 'liberation' and in the name of 'maintaining law and order'.

Madam President, Distinguished Ladies and Gentlemen,

After over one and a half centuries of national existence, we are today launching the The Truth and Reconciliation Commission, to commission the truth of our past and establish a firm basis for reconciliation, lasting peace and development in Liberia. Why my people why?



It is common knowledge that our beloved people are restlessly wandering all over the world, seeking greener pastures and refuge in foreign lands against their will. It is our hope that a more secured environment can be eventually created in Liberia for their safe return.

It is also common knowledge that even we who remained in Liberia are even more profoundly impacted by deeply rooted historical realities ignored by us as a of people in constant search for peace, equal rights, equal economic opportunities and better standards of living.

May I endure the liberty of drawing your attention to some of the realities of our past which have shaped our present, and which, if ignored, will continue to shape our future. These realities have today led to the establishment and empowerment of the TRC with a statutory mandate that will, in no case, be compromised. They include:

1. The Prejudice of Class or Status which influences the belief that belonging to either the native or the Congo stock of Liberian entitles or limits you to rights and privileges superior or inferior to those of other Liberians depending on the circumstances or state of our national life;
2. Nepotism and the tendencies to regroup as a tribe to dominate other tribes at the detriment of their social, religious, economic and civil liberties. No sooner are we given opportunity or placed in a position of power or privilege, than we surround ourselves with our kinsmen and women, friends, cronies and relatives to the exclusion of better qualified and more deserving Liberians in utter debasement of the merit principles- a practice which also undermines loyalty to state institutions and fosters myopia and patron-client relationships.
3. The culture of impunity makes individuals who abuse the rights of others feel invincible and unaccountable for the wrongs committed against the state and the very people they profess to protect and lead.
4. The scourge of illiteracy and ignorance which has deprived the nation of proper leadership has produced a cycle of violence and civil strife which have successively undermined the growth and development of the nation.
5. Leadership without compassion has existed without a national vision in Liberia leading to the perishing of so many of our brothers and sisters without any just cause and therefore, in vain. The same people crying against abuses, exploitations and oppression in the past, soon become new leaders, new abusers, new exploiters and new oppressors. They put on new clothing, but repeat the mistakes of the past and perpetuate the evils of the past and very often with greater intensity and horrifying impunity.

Your Excellencies, Ladies and Gentlemen,

It is for these reasons that the In view of the foregoing, the TRC has been charged with the responsibility of investigating the root causes of the conflict in Liberia, amplifying historical truths and thereby undermining falsehoods that have overtime assume the status of historical truths.

The TRC is also to establish an independent and accurate record of rights violations and abuses occasioned by the conflict and set the basis for justice and reconciliation that will foster national repentance, strike the delicate balance between accountability and forgiveness in order to heal the land and unite the people of Liberia.

We are very mindful of the enormous confidence reposed in us by the people of Liberia and the international community. We are also very mindful of the juridical standards which must guide our work and shape its outcome. We will be faithful to our mandate and discharge our duties and functions to the best of our ability.

The TRC process will be open, transparent and accountable to all, including Liberians abroad. We pledge that the TRC will be no respecter of persons and all will be treated equally without regard to status, privilege or power. Naturally, preferences based on ethnicity, religion, and other irrelevant considerations will have no place in the work of the TRC. Notwithstanding, we will amplify the voices and issues of women and children; the youth and elderly and give equal voice to survivors and alleged perpetrators.

As we, this day, commence the work of the TRC, we call on all Liberians and non Liberians to give meaning to the work of the TRC and submit memoranda and petitions on:

- a. the root causes of the conflict;*
- b. historical issues, myth or reality, in need of public discourse and clarifications;*
- c. human rights abuses and violations of international human rights and humanitarian laws, committed between 1979 and August 2003;*
- d. economic crimes and other cases of corruption; and*
- e. Recommendations on issues and approaches to reconciliation and how the Liberia can transcend its bitter past and build a future of sustained peace, unity and development under the rule of law.*

Madam President, distinguished Ladies and Gentlemen,

The TRC continues to work relentlessly in readiness for the task entrusted to it. We continue to enjoy the support of our Government, and most importantly of the Liberian people, hundreds of whom have applied to assist us in our work, especially as statement takers, investigators and researchers. We extend gratitude to the Government and people of Liberia for the confidence reposed in us and the support which is significantly complimented by the enormous goodwill and generous contribution and support of all sorts, technical, financial, logistical, security, etc, from friendly governments and the international donor community.

May I seize this opportunity also to assure the thousands of victims, both home and abroad, that the TRC will afford them the opportunity to file complaints, petitions or statements about human

rights violations they or their loved ones suffered during our 14 years orgy of violence and mayhem. We shall do justice to all claims.

Fellow Liberians, Your Excellencies, Ladies and Gentlemen,

There will be no witch hunting but a scrupulous process of investigation will be undertaken to unravel and document the truth in vigorous pursuit of our mandate and goals. We will incorporate the wisdom of our traditional and religious leaders into our work as we search for lasting peace and genuine reconciliation. We will foster partnership with civil society groups involved in the promotion and protection of human rights , advocacy and human rights groups as well as community based organisations that share our goals and meet our very high standards.

We will take advantage of the wisdom of our traditional and religious leaders and explore all means to incorporate them into the processes of the TRC. We call for national repentance in pursuit of genuine reconciliation and national unity so that the expectant world and Liberians the world over can embrace a fruitful process that will not plaster the wounds but genuinely heal the nation and make it whole again. We remain confident that the guidance and wisdom of the Almighty will abide with us in this great national service.

**MAY GOD ALMIGHTY BLESS LIBERIA AND GRANT HER PEACE AND JUSTICE!  
THANK YOU.**



## Commissioners of the Liberian Truth and Reconciliation Commission

### **Cllr. Jerome J Verdier, Sr, Chairman**



Cllr. Verdier was a leading human rights and civil society activist prior to his selection to serve on the TRC. He holds a Bachelors of Business Administration (BBA) Degree in Accounting and Economics (1988) from the University of Liberia and a Bachelors of Laws Degree (LLB) from its Louis Arthur Grimes School of Law. Apart from working both in the private and public sectors as Senior Accountant, Comptroller and Executive Director, he has been instrumental in strengthening civil society advocacy whilst serving in several capacities as Executive Director of Liberia Democracy Watch (LDW); Chairman of the Board of Directors of The National Human Rights Center of Liberia (NHRCL), a consortium of nine human rights and pro-democracy organizations; Board Chairperson of the Foundation For International Dignity (FIND); Senior Staff Attorney for the Association of Environmental Lawyers (Green Advocates); and the first Research & Program Officer of the Catholic Justice & Peace Commission (JPC). Cllr. Verdier is a practicing attorney, credited for rendering pro bono legal services to indigents, civil society activists and journalists, whilst also leading civil society adversarial legal teams in several successful lawsuits against the government of Liberia.

### **Dede Dolopei, Vice Chairperson**



Commissioner Dede Dolopei is a Liberian administrator, manager, social worker and peace activist. She is a graduate of the University of Liberia, holding a BBA in Accounting with an emphasis in Management, and is currently a Msc. candidate in Regional Planning. She has served as a member of the Board of Directors for NAWOCOL and the Christian Foundation for Children and the Aging. Commissioner Dolopei has been instrumental to the promotion and protection of women rights in Liberia, and she is well known for her efforts and expertise in peace building, conflict resolution and psychosocial counseling.

### **Oumu K. Syllah, Treasurer**

Commissioner Oumu K. Syllah is a trained registered nurse, HIV/AIDS counselor and social worker. She holds a Bachelor of Science degree in Nursing from Cuttington University College, Bong County, Liberia and a Certificate in Nursing as a State Registered Nurse (SRN) from the National School of Nursing in Freetown, Sierra Leone. Commissioner Syllah has worked as a professional nurse and social worker in renowned hospitals, including Can-naught Hospital in Freetown and St. Joseph Catholic Hospital in Monrovia. She has also acted as a Trainer/Facilitator and participant in numerous workshops in the field of social work.



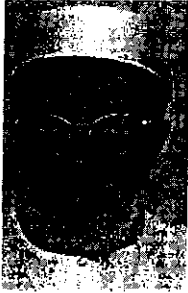
### **Bishop Arthur F. Kulah, Member**

Retired Bishop Arthur F. Kulah is a well-known Methodist prelate who traveled Liberia throughout the war spreading hope to the people. He holds many degrees in theology and other disciplines from Cuttington University College, Bong County, Liberia; St. Paul Theology Seminary, Kansas City, USA; and Wesley Theological Seminary, Washington, DC, USA. Commissioner Kulah began serving the United Methodist Church in Liberia as Pastor in 1980 and held numerous prominent positions including Resident Bishop of the Liberia Annual Conference until his retirement 2000. An educator, administrator and author, Bishop Kulah has served as Dean of the Gbarnga School of Theology, and Dean and Principal of the Theological College and Church Training Center in Freetown, Sierra Leone. He has written several books and articles, including Liberia will Rise Again and Theological Education in Liberia: Problems and Opportunities. In June 1990, Bishop Kulah and others organized a 60,000-person peace march that initiated the creation of an interfaith committee and helped build a foundation for the peace process in Liberia.





#### **Sheikh Kafumba F. Konneh, Member**



Commissioner Konneh is a Liberian Muslim Authority who has a long record of conflict resolution and peace building efforts throughout the major civil and military conflicts in Liberia. In addition to his theological (Al-Islamic) achievement, the Sheikh studied secular law through apprenticeship. He held several positions in the civil service, including Justice of the Peace, Associate Stipendiary Magistrate and County Commissioner in Nimba County, his birthplace. He has also served as Secretary General and Managing Director of the Liberian Muslim Union, as well as Secretary General and National Chairman of the National Muslim Council of Liberia.

#### **Cllr. Pearl Brown Bull, Member**

Cllr. Pearl Brown Bull has been a lawyer and renowned Liberian politician since the late seventies. She has obtained numerous degrees, including a Bachelors of Arts (BA) in Political Science from the University of Liberia and a Juris of Law degree from the University of Quinnepec, USA, and has graduated from both the Montheith Travel School in Raleigh, NC, USA and International & Domestic Airline Training at American Airlines in Cary, NC, USA. Cllr. Bull also served as Professor of Management & Supervision in Law Enforcement and Criminal Evidence at Shaw University, USA. She has held a number of high profile public positions including Member of the Interim Legislative Assembly, Member of the Constitutional Advisory Assembly, Member of the Public Procurement and Concession Commission, Member of the Panel of Experts for the Selection of Commissioners of the Independent National Human Rights Commission of Liberia, and Country Vice President of the International Federation of Women Lawyers. She is a legal drafter with over a quarter of a century of experience in peace building, conflict resolution and social work.



#### **Rev. Gerald B. Coleman, Member**

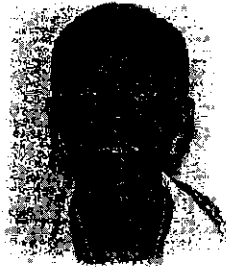


Ambassador Coleman is an electrical engineer and project manager by training, having completed a Masters degree in Electrical Engineering (M.S.E.E.) and post-graduate studies in Engineering Management at Northeastern University, USA. Rev. Coleman is the Spiritual Elder and founding national missionary of the Unification Movement of Liberia and has worked with the mission over 25 years. In 1996, he was commissioned Ambassador and Special Envoy of the Government of Liberia to the Far East. During this period, he worked for the peaceful transition of LNTG III to civilian government by facilitating several peace-building, scholarship and cultural exchange programs for Liberian youth and food-aid programs between Asia & Liberia. In 2000, Ambassador Coleman, along with several other prominent Liberians, launched the Inter-Religious & International Federation for World Peace of Liberia (IIFWP-Liberia) as a national branch of an international Peace-Building NGO. The NTGL asked Amb. Coleman to help facilitate the establishment of the current TRC, a process which culminated in the final passage of the TRC Act of Liberia in June 2005.

#### **Commissioner John H. T. Stewart, Member**

John Stewart is a Liberian journalist, rights advocate and activist in Liberia. He was educated at the University of Liberia and has held numerous positions including Local Consultant for the Media Foundation for West Africa; Reporter for Channel Africa; Regional Coordinator for the Catholic Justice and Peace Commission; Information Assistant for the United Nations Population Fund (UNFPA) and National Assistant Field Security Advisor to the United Nations Development Program. Commissioner Stewart's advocacy efforts have included work with the Citizens of Liberia Against Gambling (COLAG), Citizens of Liberia in Defense of Albert Porte, (COLIDAP), and the Movement for Justice in Africa (MOJA). He has been an advocate for the past 30 years, a time period spanning the administrations of Presidents William R. Tolbert, Samuel K. Doe, and Charles Taylor, and he has suffered imprisonment as well as physical and mental torture as a result of his efforts. As a journalist, he is well known for his acerbic writing and interviewing style, having served as Associate Editor of the New Democrat Weekly and presenter of the Radio Veritas Topical Issues program.



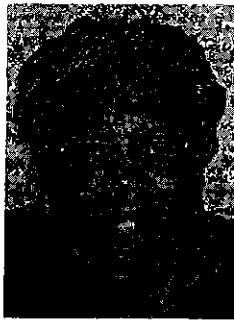


#### **Commissioner Massa Washington, Member**

Massa A. Washington is a journalist with more than twenty years of experience. She holds a B.A. in Mass Communication with emphasis in Print Journalism from the University of Liberia and is currently a second-year graduate student with high honors at the Temple University School of Social Administration and Management, Pennsylvania, USA. She also obtained training in Broadcast Journalism from the Voice of America (VOA) and the Liberian Broadcasting System (LBS) in 1984. Her past positions have included Public Relations Officer of the Liberian National Red Cross Society, Senior Reporter for the Ministry of Information New Liberian Newspaper, and News Editor for the Independent Inquirer. Ms. Washington has covered the Liberian crises extensively, reporting often from occupied territories and creating a column in the Inquirer dedicated to Liberian women. She is a women's rights and civil society activists and is a member of the Liberian Women Initiative (LWI) which has been at the vanguard of peace advocacy in Liberia. She has also represented the women of Liberia at peace conferences, such as both of

the Accra Clarification Conferences and the Abuja Conference. Ms. Washington has also worked with Liberians in the Diaspora, having represented and given sworn testimonies for Liberians seeking legal status in the USA. She served as Chairman of the Association of Liberian Journalist in the Americas (ALJA), Delaware Valley Chapter, representing the States of Pennsylvania, Delaware, and New Jersey in the U. S. A., and co-owned and published the Iwina Heritage Newspaper targeting the African immigrant community in the United States. Ms. Washington has received honors including; Press Union Reporter of the Year Award, Inquirer Reporter of the Year Award 1994,

The Association of Liberian Journalist in the Americas Appreciated Award in 2003, Liberian Community Association of Pennsylvania Award in 2003 and Special Recognition for distinguished leadership by the City of Philadelphia Welcoming Center for New Immigrants in 2004. Ms. Washington is also one of sixteen Liberian peace activists featured in a recent UN Peace Building Book.



#### **Prof. (Mrs.) Henrietta Joy Abena Mensa Bonsu, ITAC Member**

A national and internationally renowned legal academic, Prof. Joy Abena Nyarko Mensa-Bonsu was nominated by to the International Technical Advisory Committee by Economic Community of West African States (ECOWAS) is a Professor of the Faculty of Law, University of Ghana and she is currently the Vice-Dean of the Faculty of Law. She holds an LL.B First Class Honours (University of Ghana); LL.M. (Yale University) and was called to the Ghana Bar in 1982. She is the recipient of several academic awards and fellowships including Fulbright Fellowship. She was elected a Fellow of the Ghana Academy of Arts and Sciences in 2003 and currently serves as the Honorary Secretary of the Academy.

Prof. Mensa-Bonsu continues to serve her country in several capacities including membership of the Police Council of Ghana as the President's Nominee. She has previous experience of TRC work as a Commissioner of the National Reconciliation Commission of Ghana. She has also undertaken international assignments as a member of the OAU's Committee of Eminent African Jurists on the Lockerbie Case and the AU's Committee of Eminent African Jurists on the Hissene Habre Case. She was also a member of the

Advisory Panel of the International Bar Association for the drafting of a Code of Professional Conduct for Defence Counsel appearing before the International Criminal Court and was Ghana's representative on the Intergovernmental Committee of Experts on the Drafting of the African Charter on the Rights and Welfare of the African Child.

Professor Mensa-Bonsu has published widely on Criminal Law, Juvenile Justice, Children's rights, Family Law, and authored some basic texts in Criminal Law, including The Annotated Criminal Code of Ghana; The Annotated Criminal Procedure Code of Ghana; and The General Part of Criminal law,- A Ghanaian Casebook, vol. I and II .

She is also a member of Accra Ebony Lions Club and has held various positions of responsibility including Zone Chairman of Zone 161 of the International Association of Lions Clubs. She is married with three daughters.

# The Perspective

## Can The TRC Bring True Reconciliation?

By Abdoulaye W. Dukulé  
[Adukule@theperspective.org](mailto:Adukule@theperspective.org)

### The Perspective

Atlanta, Georgia  
June 30, 2006

The induction of the Truth and Reconciliation Commission (TRC) was hailed as a milestone in Liberia's road to peace and stability. It was the last tenet of the Comprehensive Peace Accord (CPA) signed in Accra in 2003 and that brought an end to the cycle of violence. The Sirleaf government deserves commendations for bringing the TRC on the front burner and finding the initial funding along with the UNDP and other donor agencies to kick-off the process.



Ellen With TRC Members

In a perfect world, perpetrators of hideous crimes and their victims would all stand in line and open their hearts to speak the truth. The perpetrators would confess their crimes and the victims would talk about their suffering and would then forgive their perpetrators. They would embrace, cry some and return home to their daily activities and Liberia will be a land of peaceful people.

However attractive its name and mission may sound, the TRC will be confronted to structural hurdles on its way to success, with some of those challenges predating its establishment.

Between a war crimes tribunal and a copycat of the South African "tell all and move on" forum, Liberia decided to adopt the latter. The decision was reached in Accra in June 2003, in the heat of the war during the negotiations that lead to the CPA. The two groups who negotiated to insert the institution of a TRC in the peace agreement should have never been allowed to discuss the issue. Some of the participants sought to continue the status quo and argued for a blanket amnesty for the wars. To defeat candidate Ellen Johnson Sirleaf in Accra, the argument used by the opposition was that she planned to bring a war crimes tribunal to put all warlords on trial. The same was again used against her in the 2005 campaign and she had to publicly announce that she would follow the terms of the CPA that called for a

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TRC.

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The warring factions bargained hard to kill any agreement that would have made them to face a war crimes tribunal, while the politicians were courting the leaders of the warring factions to head the next government. The real victims of the war had never had any saying in that decision.

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The choice between a war crimes tribunal and a TRC should have been postponed until after elections. Ideally, under the present conditions and by 2007, Liberians could have decided, through a referendum, how to look back on the war and made a rational decision.

Beyond the fact that it was conceived by political leaders and warring factions engaged in political bargain – most of the politicians had no experience of the war and the leaders of the warring factions were mostly cell phone generals who masterminded the war from abroad - the commission faces other great challenges that could impede its success, if not simply render it totally useless.

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### Financial Challenges

The first critical challenge facing the TRC will be that of financing. Unlike the Elections Commission where hundreds of NGOs and the UN as well as the European Union had vested interest, the TRC is not an “exciting” issue with palpable results that would produce a winner. After all, the biggest culprit of the war Charles Taylor is in the hands of the UN. There are neither clear villains nor victims in a country where people have a natural tendency to want to forget as quickly as possible. Falling somewhere between national psychotherapy and political carnival, the TRC will find it difficult to raise the \$10 million it needs to carry out its task. It could be wiser to spend that amount to strengthen the judiciary and security forces and invest in farms and schools.

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### Timeline

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The period to be covered by the TRC is a structural problem that could make its work irrelevant. The fact that the TRC would only address itself to events that occurred between 1979 and 2003 is tantamount to attacking the symptoms rather than looking at the core of the problems. The massive killings, looting and destruction that occurred during those years of national madness were simply the effects of what occurred between 1824 and 1979. The Rice Riots of 1979, the 1980 Military Coup and the 1989 NPFL Invasion are all parts a normal reaction to social conditions that had reached their points of saturation. If the TRC cannot go to the sources of these outbursts, it will simply be reduced to fighting the smoke while ignoring the fire still burning.

The period 1979 – 2003 marked the point of saturation of social tensions that exploded. The explosion-like a balloon blowing up under pressure – occurred because the governing body used coercion and violence rather than allowing outlets for relief and adjustment as was suggested by those who sought change through “democratic means,” such as D. Tweh, Morias, Porte, Sawyer, Tipoteh and others. The violence of 1979 – 2003 was a by-product of structural contradictions still intact. The old social inequities that led to the rice riots, the military coup and the multiple invasions have to be revisited for Liberia to move on.

### Going Beyond The Symbols



As a social scientist, the keynote speaker at the launching of the TRC, Dr. Amos Sawyer, alluded to the need to go into the past beyond the 1979 line drawn in the sand. He said: "Some of these challenges are directly associated with the intermittent conflicts and brutal civil war of the last quarter century; many run deeper into our history—as far back as to our founding..." Dr. Sawyer says that "some" of the challenges are associated with the conflicts of 1979 – 2003 but he adds that "many" of the challenges are things unresolved from as far back as the founding of Liberia. The comparison must be here between "some" and "many" and the latter carries more weight. It means simply that many of the problems that brought Liberia to its knees have to do with the foundation of the nation.

Dr. Sawyer, who pointed out in his speech that Liberians like to gloss over serious problems to find quick fix solutions cited as an example of things to revisit the motto of the republic: "The Love Of Liberty Brought US Here." This sentence, written on every official document and landmark in the nation, precludes any ownership of the state by 95 percent of Liberians.

The destruction of state properties during the war and the massive killing of people who worked for government were indicative of the alienation of the great majority of Liberians towards government. Dr. Sawyer asked this question when he wondered why people fighting for "liberation" were destroying everything on their way, including their own villages. It is because most Liberians viewed the government as belonging to a small clique in Monrovia that collects taxes, rides big cars and sends their children to school in Geneva, London or the US while there is no chalk or textbook in the classrooms in Monrovia, Fishtown or Robertsport.

#### **It is Also About Economics, Religion and the Laws**

The sources of the conflict are also embedded in issues that have to do with land tenure. Over the years, tribal lands were confiscated and appropriated by individuals when not simply sold to concessions. The biggest landowners in Liberia today are former "settlers" or descendants of a few natives who collaborated with the past exploitative regimes. The original owners of these lands are still alive, although most may have been displaced. Someday, their descendants will seek to take control of the government in order to regain their ancestral lands. Therefore, until the land issue is resolved, Liberia may still have another war coming. Unless, of course, if the TRC were to go beyond its boundaries.

Symbols of power in Liberia are still embedded in cultural borrowings from the US, such as the Christian religion and the English language. The religion of the minority group has become a de-facto state religion in a country where the majority of people goes to neither church nor to a mosque. This negation of the system of belief is source of a latent conflict and could lead to violent reaction. Government functions are still opened and closed with prayers in languages – English or Arabic – that the most Liberians don't understand.

The laws in Liberia are archaic. The existence of the customary and the statutory law institutes two nations. It creates sets of judiciaries only applicable to a certain group of people, with the Chief Executive of the Republic as the sole link between the two groups, standing separate and unequal.

By evoking the issue of symbols, Dr. Sawyer was - subtly - inviting Liberians to go beyond the isolated actions – no matter how horrific – that took place in a determined period and look at the root causes of the conflict. Short of this, the TRC would only be a smoke screen that would try to cure cancer with a band-aid.

Liberians have rarely taken time to reflect deeply on their state of being and find solution. The country has been in survival mode for a very long time. Liberians seem to always want to forget the past and move on. The oldest African republic has never had a single public library or a real bookstore in her

entire history. It seems that the country wants to always forget what happened yesterday. The fact that the National Archives built by Samuel Doe was destroyed and looted after the war and then taken over by the National Investment Commission is indicative of how much Liberians wants the past.

As conceived, and as set to function, the TRC could just turn out to be just a national neurotic carnival notwithstanding the great men and women that make up its membership and the goodwill of the support of a government that campaigned on a reform agenda. As Tiawan Gongloe once said, when the foundation is faulty, everything goes wrong. There could be no better closure that these words from Dr. Sawyer's keynote speech at the launching of the TRC:

“Some of the challenges that confront us have their roots in the process of state building that was experienced in Liberia, the historical narratives we adopt about it and symbols we project about our country and ourselves. As many of these are rooted in nineteenth century realities—and may have had their positive uses in earlier times, they tend, today, to promote exclusion and exacerbate division and, therefore, need to be reviewed. The story of Liberia is presented in our history books solely as an endless struggle between two homogenous and antagonistic political communities. History written this way cannot serve the purposes of reconciliation and healing.”

The TRC may be the greatest challenge for Liberians to move forward. Will they take advantage of it or will it be “business as usual,” to paraphrase Gyude Bryant.

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# The Perspective

## Amnesty and the Liberian TRC: Who Is Pardonable?

(A paper commissioned by Civic Initiative as part of its sensitization support to the truth and reconciliation process in Liberia)

By Aaron Sleh

### The Perspective

Atlanta, Georgia

April 18, 2006

In the last analysis, Liberians were able to reach a peace agreement at Accra in 2003. But it was a case of disagreeing to agree, because before they reached the agreement there were many points of disagreement that had to be trashed out. One of the biggest bones of contention was the choice between a war crimes tribunal (WCT) and a truth and reconciliation commission (TRC).

Many delegates from civil society and the political parties, perhaps motivated by the chronic legacy of abuse and impunity, opted for a WCT because they wanted a retributive justice process which would punish the guilty. Others from the same groups felt that a restorative justice process aimed at reconciliation and healing represented the better means of breaking Liberia out of the cycle of violence and revenge, and mitigating the sharp antagonisms within society.

#### Warring factions opt for TRC

The representatives of the warring parties were in strong solidarity with this last position, for understandable reasons. United in their opposition to a WCT, they bargained strongly for a TRC. And it has to be remembered that they were in a very strong bargaining position. This, after all, was the height of the battles for military supremacy in Monrovia and Buchanan. Although there was a temporary ceasefire in place, this ceasefire was only that – temporary. Fighting could resume any day again with dire consequences for civilians on the ground. This fact was not lost on the facilitators, nor was it lost on the delegates, some of whom had left behind family members in the jaws of war as they made the journey to Accra.

These delegates knew that concessions had to be made with the factions in exchange for an end to the fighting. Justice, in the traditional legal sense, had to become a currency for purchasing peace. This would be nothing new. Earlier Liberian peace agreements had offered blanket amnesty to the belligerent parties

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and their combatants. At least at Accra, the opportunity for some form of accounting was possible.

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And so, for better or for worse, the option of a TRC gained the ascendancy at Accra, and it was inscribed into the Comprehensive Peace Agreement (CPA) under Article XIII.

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Support for and opposition to a TRC, vis-à-vis a WCT, was largely informed by stereotypes of what these mechanisms are and what they do. For many delegates, the operative understanding of a TRC was shaped by what they knew about, for instance, the South African TRC, which granted amnesty in exchange for truth. The fact that next-door Sierra Leone had a WCT in addition to a TRC only reinforced the notion that the TRC was mainly about amnesty in exchange for truth from the perpetrators, while the WCT was about punishing guilty perpetrators.

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With such a semantical construct as the frame of reference for assessing the TRC idea, it can be understood why certain groups opposed and others supported the option of a TRC. The correlation of forces locked in debate on this issue at Accra is quite predictable. Warring party representatives perhaps hoped that blanket amnesty would be granted to their combatants and operatives under a TRC, while some civil society and political party representatives feared that the TRC would codify the evasion of justice and entrench the impunity regime from which they had suffered for so long in their struggle for a wider democratic space in Liberia.

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What does TRC Act says about amnesty?

As at the writing of this piece, different groups and different individuals still harbor conflicting expectations of what a TRC is and what it is not. Now that a TRC is in place, the question arises: what is the gap between people's expectations of the TRC on the one hand, and the actual possibilities of the TRC on the other? Can the TRC recommend amnesty for proven perpetrators? Can any and every perpetrator be recommended for amnesty? Who is pardonable through the TRC? We will begin our answer to these questions by taking you on a trip to Article VII Section 26g of the TRC Act. It states that the functions and powers of the Commission shall include:

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“Recommending amnesty under terms and conditions established by the TRC upon application of individual persons making full disclosures of their wrongs and thereby expressing remorse for their acts and/or omissions, whether as an accomplice or a perpetrator, provided that amnesty or exoneration shall not apply to violations of international humanitarian law and crimes against humanity in conformity with international laws and standards...” (Emphasis added.)

It is clear from this section of the Act that not all violations are pardonable. And since violations do not occur in isolation of violators, it means too that there are certain categories of perpetrators who cannot be recommended for amnesty by the TRC, and therefore cannot be granted amnesty through the TR process. These include persons liable for war crimes or crimes against humanity, as well as violators of international humanitarian law or international human rights law.

But these are all categories of crimes, not specific crimes. Not everybody will be able to associate specific violations with their proper category. It is therefore useful – no, imperative! – that we put these categories of violations in context, using for our reference set the full range of abuses committed in the

course of Liberian history, especially the period 1979 – 2003 which is of primary concern to the truth and reconciliation process. We will now identify some of these violations and associate them with their categories later.

From 1979 up to the end of the battle for Monrovia in 2003, Liberians have been subjected to a broad array of criminal and inhumane treatment. These have included: forced labor, eviction by force of arms, torture, forced conscription, conscription of children as soldiers, rape, sexual slavery, sodomy, mutilation, pillage, plunder of public and private property, wanton destruction of villages, imprisonment, unlawful deprivation of physical liberty, murder, massacre, beatings, military attacks against civilians, desecration of religious shrines and places of worship, collective punishment, acts and threats of violence against civilians, genocide, as well as torture and murder of captured or surrendered enemy combatants.

The list of abuses is truly long, though one could still go on. But which of these abuses fall under the prohibitive categories? This depends on what laws are applicable before the TRC. We are yet to find out. But if the Sierra Leonean TRC is something to go by, then one can conclude that all international conventions currently in force are applicable before the Liberian TRC.

What are some of these conventions, and what do they say about the mentioned violations? Let us find out.

#### Key International Conventions in the Context of the TR Process

The Additional Protocol to the Geneva Convention, Relating to the Protection of Victims of Non-International Conflicts (Protocol II) states in Article 4:

“...All persons who do not take a direct part or who have ceased to take part in hostilities...shall...be treated humanely...[T]he following acts against [these] persons...are and shall remain prohibited at any time and in any place whatsoever:...(a) violence to [their] life, health and physical or mental well-being...in particular murder...torture, mutilation or any form of corporal punishment...”

The same article prohibits “Collective punishments”, “Pillage”, and the recruitment into “armed forces or groups” of children under fifteen years of age.

In Article 13 Paragraph 2, the Protocol enjoins that, “The civilian population as such, as well as individual civilians, shall not be the object of attack.” It prohibits “[a]cts or threats of violence [with] the primary purpose of...spread[ing] terror among the civilian population...”

We mention genocide in the list of crimes. This may come as a shock to many, since this crime has not been mentioned seriously before in relation to Liberia. But let us define what genocide is; this may shed a brighter light on the issue.

According to Article 2 of the Convention on the Prevention and Punishment of the Crime of Genocide which was approved by UN General Assembly Resolution 260 A (III) on 9 December 1948 and entered into force on 12 January 1951, “genocide means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial, or religious group, such as...killing members of the group...”

Exactly this same definition is maintained in Article 6 of the Rome Statute of the International Criminal Court.

The targeted killings in the 1990s of Gio and Mano people by Samuel Doe’s loyalists and elements of

the Armed Forces of Liberia (AFL) on the one hand, and the reciprocal killings of Krahn and Mandingos by the NPFL and INPFL on the other, certainly fit the definition of genocide, unless we want to argue that these groups do not qualify as “ethnic” groups, or that their killers did not have “intent” to destroy them “in whole or in part”.

Then why did the United Nations or the United States not raise alarm about genocide in Liberia? Well, in Article 1 of the same convention, the “contracting parties confirm that genocide, whether committed in times of peace or in times of war, is a crime under international law which they undertake to prevent and to punish”. If the UN or the US had called attention to genocide in Liberia, they would have had to act decisively and immediately to intervene in the Liberian crisis, something they did not seem willing to do for a very long time. Hiding behind the cover of semantics, therefore, they refused to define what was obtaining in Liberia as genocide, a performance they would repeat many years later in Rwanda with disastrous consequences. But that is a story for another day. Back to the conventions.

Another applicable and relevant instrument is the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes Against Humanity, which entered into force on 11 November 1970 following adoption by UN General Assembly Resolution 2391 (XXIII) on 26 November 1968.

The convention declares in Article 1 that “No statutory limitation shall apply to...[w]ar crimes as defined in the Charter of the International Military Tribunal, Nuremberg, of 8 August 1945 and...[c]rimes against humanity as defined in the [same] charter...”

Well then, how are war crimes and crimes against humanity defined in the above mentioned Charter of the International Military Tribunal (IMT) of Nuremberg? Article 6b of the IMT Charter defines war crimes as follows:

“WAR CRIMES: namely, violations of the laws or customs of war. Such violations shall include, but not be limited to, murder, ill-treatment...of civilian population...murder or ill-treatment of prisoners of war...killing of hostages, plunder of public or private property, wanton destruction of cities, towns or villages, or devastation not justified by military necessity...”

Article 6c defines the following:

“CRIMES AGAINST HUMANITY: namely, murder, extermination, enslavement, deportation, and other inhumane acts committed against any civilian population...”

Article 6 further states: “Leaders, organizers, instigators and accomplices participating in the formulation or execution of a common plan or conspiracy to commit any of the foregoing crimes are responsible for all acts performed by any persons in execution of such plan.”

There has been “no specialized international convention since [the IMT] on crimes against humanity. Still, that category of crimes has been included in the statutes of the International Criminal Tribunal for the Former Yugoslavia (ICTY) and the International Criminal Tribunal for Rwanda (ICTR)...” In fact, the ICTY and the ICTR have expanded the list of “specific crimes contained within the meaning of crimes against humanity...to include...rape and torture...” (M. Cherif Bassiouni, *Crimes Against Humanity in International Criminal Law*, Springer, 1999.).

Finally, the Rome Statute of the International Criminal Court in The Hague is the latest international instrument to define crimes against humanity. Article 7 of the ICC Statutes states:

“For the purpose of this Statute, “crimes against humanity” means any of the following acts when committed as part of a widespread or systematic attack directed against any civilian population with knowledge of the attack...(a) Murder...(b) Extermination...(d)...forcible transfer of population...(e) Imprisonment or other severe deprivation of physical liberty in violation of fundamental rules of international law...(f) Torture...(g) Rape, sexual slavery, enforced prostitution...and any other form of sexual violence of comparable gravity...(h) Persecution against any identifiable group or collectivity on political, racial, national, ethnic, cultural ...grounds...(k) Other inhumane acts of a similar character intentionally causing great suffering, or serious injury to body or to mental or physical health.”

In the face of all the foregoing citations from international legal instruments, it should be clear as crystal that the crimes in Liberian history previously enumerated all constitute war crimes, crimes against humanity, or both. To the extent that the crimes come under any of these categories, to that same extent are they also violations of international humanitarian law, which is the body of laws (including the Geneva Conventions and their additional protocols) which govern the conduct of armed conflicts, be they inter-state conflicts or civil wars.

Some of the crimes, such as torture and the conscription of children as soldiers, go on to violate key international human rights conventions, including the Convention Against Torture (CAT) and the Convention on the Rights of the Child (CRC). These crimes are therefore grave breaches of international Human Rights Law.

Any and all persons liable for a single one of these violations are categorically exempted from amnesty via the TRC, consistent with Article VII Section 26g of the TRC’s constitutive act.

Having laid this theoretical groundwork, we will now situate our conclusions within the context of the TRC proceedings by doing a pre-emptive analysis of some of the cases that are likely to come before the Truth Commission. We will commence with cases arising out of the last round of fighting between Taylor’s forces and the LURD-MODEL axis, and progress backward in time. Let us begin with Greystone.

#### Mortar Attacks On Greystone

During the so-called world war III in 2003, a sustained mortar attack was mounted against the Greystone Compound, a civilian facility providing refuge to displaced people in Monrovia. As a result of these attacks, many dozens of men, women and babies were maimed and slaughtered. The attacks amount to a brazen violation of the laws of armed conflict. They are war crimes and crimes against humanity. The court of public opinion has already passed a guilty verdict against the LURD organization for these abuses. Assuming that the TRC reaches a similar decision, then individuals like Sekou Diamate Conneh, Aisha Conneh, General Sheriff, General Prince Sio and others could be found culpable for the Greystone slaughter. They would not be eligible for amnesty for these violations.

#### Punitive Attacks Against New Kru Town

As LURD made her advance from Po River to Monrovia, New Kru Town (and surrounding areas) exchanged hands at least twice between the opposing forces. On the two occasions that Taylor’s forces re-captured New Kru Town, they went on a spree of violence. They subjected civilians in the area to beatings, torture and murder on the grounds that the civilians were sympathetic to the insurgents. This even prompted the civilians on one occasion to appeal to LURD not to withdraw from the area, as they were planning to do, for fear that Taylor’s forces would subject them to further reprisals. These actions by Taylor’s forces are crimes of war and crimes against humanity. Former Defense Minister Daniel Chea, Mr. Benjamin Yeaten, General Roland Duo, among others, who were leading Taylor’s forces

might have to answer for these violations. Anyone found liable is not entitled to amnesty.

#### Violence Against Civilians in Bassa, Lofa, Southeast by MODEL, LURD, GOL

In Buchanan, Lofa and parts of Southeastern Liberia, MODEL forces, LURD troops and Taylor's militia are on record for brutalizing civilians and subjecting them to inhumane treatment without justification, and without punishment from their leaders. When these acts of violence against civilians in Buchanan are brought before the TRC, people like Thomas Yaya Nimely, Joe Wylie and others might have to answer. These violations would render these men ineligible for amnesty unless they are found to be blameless.

#### Torture, Sexual Violence and Murder at Gbatala, Watanga, and Other Places

In its various metamorphoses, the ATU of Charles Taylor, under the commands of Chucky Taylor, and Momo Geeba is alleged to have carried out some of the worst acts of systematic violence against people. Men were sodomized, and women were gang raped as acts of torture, and as acts of terrorism to frighten the general population. Others were wrapped in mattresses and subjected to brutal beatings until they suffered internal bleeding. These acts are alleged to have taken place at the ATU base in Gbatala, in the Taylor militia enclave called Watanga, and in the basement of the Executive Mansion. Unless the evidence is inadequate, people like Momo Geebah, Chucky Taylor, Charles Taylor and others could be found guilty of these violations of international humanitarian law which are also violations against humanity. They cannot receive amnesty under those circumstances.

#### September 18 Massacres

On 18 September 1998, government forces launched a massive assault on the residence of the late General Roosevelt Johnson of ULIMO forces, with the aim of "restoring law and order to Camp Johnson Road". In the course of this offensive, civilians seeking shelter in the St. Thomas Episcopal Church were massacred, allegedly for government troops. Another group of civilians taking refuge in the Ministry of Public Works Compound (the current offices of the TRC) were massacred by the same troops. Former president Charles Taylor, Daniel Chea, Benjamin Yeaten, Charles "Chucky" Taylor Jr., General Ami, Sahr Gbollie, and others could be held accountable for these massacres which are grave violations of international humanitarian law, war violations, and violations against humanity. If they are, they would be disqualified from receiving amnesty.

#### ULIMO in Lofa

The people of Lofa were subjected to systematic violence - including torture, murder and rape - by ULIMO forces during their campaign to dislodge Charles Taylor. Despite several cries of outrage in the press, these violations are alleged to have continued with impunity. General Alhaji Kromah and others could be held liable for these violations during the TR process. If they are, they will not be entitled to amnesty.

#### LPC in Sinoe

Gruesome horrors are still recorded on the memories of many who witnessed or experienced LPC's reign of terror in Sinoe County in the 1990s. It is alleged that people were impaled, mutilated and murdered on a casual basis. These are heinous abuses, all of which are violative of international human rights laws. They are also war crimes and crimes against humanity. If people like Dr. George Boley, Teh Quiah and others are found guilty of these abuses, no amnesty can apply to them.

#### Operation Octopus

In execution of the infamous "Operation Octopus" in 1992, the NPFL conscripted, drugged, armed and pushed to their deaths, hundreds of children under the age of fifteen. These acts are violations of



international law. Mr. John T. Richardson, the alleged architect of this campaign, could be found liable as a war criminal along with others, including Isaac Musa and Charles Taylor. If he is, he would not be entitled to amnesty.

#### Capture, Torture, Mutilation and Murder of Samuel Doe

When General Prince Johnson captured Samuel Doe, the ex-President was now entitled to his protection according to the laws of war. By torturing, mutilating and murdering Doe, an enemy combatant, Prince Johnson came into flagrant violation of international humanitarian law. He and his collaborators in this affair could be held liable as war criminals. This would deny them access to amnesty from the TRC.

#### NPFL/AFL Violence in 1990

Probably the highest level of violence in Liberia was perpetrated in 1990. AFL death squads went on a killing spree, murdering civilians on a systematic basis. In a macabre game to guess the sex of unborn children, NPFL fighters eviscerated pregnant women on a wide scale. Other women and under-aged girls were raped, and held as sex slaves. People were killed for their looks, for their tribes, and for their possessions. Villages were razed to the ground, people were subjected to forced labor, and children were conscripted as child soldiers. General Isaac Musa, Mr. Tom Woeweyu, General Charles Julu, among others, could be found responsible for these violations and abuses. Once they are, they will not be qualified for amnesty.

#### Systematic and Widespread killing of Gio, Mano, Krahn and Mandingo People

It can be argued that four separate cases of genocide occurred in Liberia in 1990. Samuel Doe's loyalists went on a blood lust, hunting, pursuing and murdering members of the Gio and Mano ethnic group on widespread and systematic basis. Some of the names associated with these violations include General Charles Julu, Mr. George Dweh, Mr. Edward Slinger, among others.

On the flip side, forces of the NPFL and the INPFL systematically targeted Krahn and Mandingo tribesmen, murdering them on a wide scale. General Prince Johnson, General Adolphus Dolo, and others could be linked to these killings. These acts amount to genocide, although they have not generally been described as such. Genocide is a major crime against humanity. These men and their collaborators and accomplices would not be entitled to amnesty if they are determined to be liable for these acts.

#### Lutheran Church Massacre

The Lutheran Church Massacre and the massacre at the UNDP Compound in Congo Town was a massacre against civilians. These violations are generally attributed to General Charles Julu, Mr. George Dweh and others. These are war crimes, crimes against humanity, violations of international humanitarian law and of international human rights law. Unless these suspected persons are found to be innocent, they are exempt from amnesty.

#### University of Liberia Massacre

On 22 August 1984, soldiers of the Armed Forces of Liberia attacked the Monrovia campus of the University of Liberia. The raped female students, shot at and killed dozens of unarmed students. The order to attack the UL campus came from the late President Samuel Doe to deceased Defense Minister Gray D. Allison, who passed it on to AFL Chief of Staff General Henry Dubar. General Henry Dubar may have to answer to the TRC for his role in this wicked act which amount to crimes against humanity. Unless he is found blameless, he will not be qualified for amnesty.

#### Conclusion

At this point it is easy to draw the conclusion that there are quite a number of likely perpetrators who may be ineligible for inclusion on the list of persons recommended by the TRC for amnesty. Is this a

good thing or what? Liberians will have to be the best judge of that.

But it is important to project these issues onto the public consciousness now, so as to protect the credibility of the TR process. People must understand clearly what to expect from the process. When people are not enlightened in advance, they may approach this process with misconceptions and misplaced assumptions. In such cases, they are bound to be disappointed and might react with feelings or even with claims that the TRC has misled them, deceived them, or betrayed them. We want to avoid this.

We realize that the points raised in this paper could discourage certain categories of perpetrators from coming forth with full disclosures. Let that be their choice. This society, for its part, cannot afford for the TR process to be less than fully transparent. As people engage the TRC, let them know what they are going in for. This is simply the right thing to do.

In summary, the TRC can recommend amnesty in exchange for full disclosures, but it can only do that for some violations and abuses. Those guilty of certain other abuses cannot be recommended for pardon by the TRC. As far as the TR process is concerned, these individuals are beyond forgiveness.



## **VI. Introduction to International Human Rights**



## What is International Human Rights Law?

International human rights law deals (1) with protection of individuals and groups against violations of principles of basic human dignity as guaranteed in international agreements and (2) with promotion of those principles. International human rights law embodies rights that are guaranteed to each individual by virtue of being human.

International human rights law is part of international law, which governs the relations between nation-states. But international human rights law also seeks to govern behavior of certain non-state actors who play a role in people's lives around the globe, for example multinational corporations.

### How did international human rights law originate?

Human rights concepts can be found in ancient documents such as the Ten Commandments and the Code of Hammurabi. Traditionally, however, a state's treatment of its own nationals was not a subject of international law.

In recent times, after World War I, the League of Nations adopted treaties protecting minorities, a significant development because these treaties codified standards relating to non-discrimination and freedom of religion. The International Labour Organisation (ILO) also emerged after World War I, focusing on questions of fair and humane labor conditions.

Global recognition of the atrocities during World War II generally marks the beginning of the modern human rights movement. The creation of the United Nations established human rights as an international concern. The U.N. Charter, adopted in 1945, states that the "Peoples of the United Nations" are determined "to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small."

### Where is international human rights law codified?

The fundamental codification of international human rights law is in the International Bill of Human Rights. It consists of the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, and the International Covenant on Civil and Political Rights and its two Optional Protocols. Article 1 of the Declaration states the basis for international human rights law, that "human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood."

International human rights law also is codified in major U.N. treaties covering specific topics, such as genocide, racial discrimination, apartheid, discrimination against women, torture and other cruel, inhuman or degrading punishment, the rights of the child, refugees, and abolition of the death penalty.

International human rights law also can be found in related U.N. instruments such as declarations and General Assembly resolutions. Other inter-national treaties, customary international law, and regional treaties are other sources. For example, the ILO has promulgated treaties pertaining to the right to organize and bargain collectively. Customary international law is a body of standards for state behavior that are long-standing and widely accepted, including prohibitions against genocide, slavery, and systematic discrimination based on race.



## What rights are guaranteed by the International Bill of Human Rights?

The right to be free from discrimination on grounds of race, color, sex, language, religion, political or other opinion, national or social origin, property, birth, disability or other status and the right to life, liberty and security of person.

*Civil and political rights:* freedom from slavery and servitude; freedom from torture and cruel, inhuman or degrading treatment or punishment; the right to recognition everywhere as a person before the law; the right to an effective judicial remedy; freedom from arbitrary arrest, detention or exile; the right to a fair trial and public hearing by an independent and impartial tribunal; the right to be presumed innocent until proved guilty; freedom from arbitrary interference with privacy, family, home or correspondence; freedom of movement and residence; the right of asylum; the right to a nationality; the right to marry and to found a family; the right to own property; freedom of thought, conscience and religion; freedom of opinion and expression; the right to peaceful assembly and association; and the right to take part in the government of one's country and to equal access to public service in one's country.

*Economic, social and cultural rights:* the right to social security; the right to work; the right to equal pay for equal work; the right to rest and leisure; the right to a standard of living adequate for health and well-being; the right to education; and the right to participate in the cultural life of the community.

## When does international human rights law apply?

International human rights law applies in peacetime and in times of war or other conflict. (This is in contrast to humanitarian law, which applies only during wars and other conflicts.) Under certain limited circumstances, however, states may limit or suspend some human rights guarantees. Permissible limitations on human rights are specified in the treaties guaranteeing those rights. For example, the ICCPR allows states to temporarily suspend certain rights during officially proclaimed public emergencies that threaten the life of the nation.

## How is international human rights law enforced?

International instruments that guarantee human rights are binding on states by consent, via the signature of a duly authorized national leader and subsequent acceptance by the national lawmaking body. The United Nations Security Council is authorized under the U.N. Charter to take action to deal with a "threat to the peace, breach of the peace, or act of aggression." This provision is increasingly used to deal with human rights and humanitarian crises. Moreover, major U.N. treaties have associated monitoring bodies which may receive complaints from individuals, states, or non-governmental organizations and then recommend action to a state or to the U.N. General Assembly. Regional human rights organizations also play a key role in enforcement. Regional organizations operate in Europe, under the European Convention for the Protection of Human Rights and Fundamental Freedoms, in Africa under the African Charter on Human and People's Rights, and in the Americas under the American Declaration of the Rights and Duties of Man. These regional organizations maintain courts to prosecute human rights violations. The International Court of Justice and the International Criminal court also enforces human rights law in certain circumstances.



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### ON INTERNATIONAL HUMANITARIAN LAW

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# What is International Humanitarian Law?

#### What is international humanitarian law?

International humanitarian law is a set of rules which seek, for humanitarian reasons, to *limit the effects of armed conflict*. It protects persons who are not or are no longer participating in the hostilities and restricts the means and methods of warfare. International humanitarian law is also known as the law of war or the law of armed conflict.

International humanitarian law is part of international law, which is the body of rules governing relations between States. International law is contained in agreements between States – treaties or conventions –, in customary rules, which consist of State practice considered by them as legally binding, and in general principles.

International humanitarian law applies to armed conflicts. It does not regulate whether a State may actually use force; this is governed by an important, but distinct, part of international law set out in the United Nations Charter.

#### Where did international humanitarian law originate?

International humanitarian law is rooted in the rules of ancient civilizations and religions – warfare has always been subject to certain principles and customs.

Universal codification of international humanitarian law began in the nineteenth century. Since then, States have agreed to a series of practical rules, based on the bitter experience of modern warfare. These rules strike a careful

balance between humanitarian concerns and the military requirements of States.

As the international community has grown, an increasing number of States have contributed to the development of those rules. International humanitarian law forms today a universal body of law.

#### Where is international humanitarian law to be found?

A major part of international humanitarian law is contained in the four **Geneva Conventions of 1949**. Nearly every State in the world has agreed to be bound by them. The Conventions have been developed and supplemented by two further agreements: the **Additional Protocols of 1977 relating to the protection of victims of armed conflicts**.

Other agreements prohibit the use of certain weapons and military tactics and protect certain categories of people and goods. These agreements include:

- the 1954 Convention for the Protection of Cultural Property in the Event of Armed Conflict, plus its two protocols;
- the 1972 Biological Weapons Convention;
- the 1980 Conventional Weapons Convention and its five protocols;
- the 1993 Chemical Weapons Convention;
- the 1997 Ottawa Convention on anti-personnel mines;

- the 2000 Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict.

Many provisions of international humanitarian law are now accepted as customary law – that is, as general rules by which all States are bound.

#### When does international humanitarian law apply?

International humanitarian law applies only to armed conflict; it does not cover internal tensions or disturbances such as isolated acts of violence. The law applies only once a conflict has begun, and then equally to all sides regardless of who started the fighting.

International humanitarian law distinguishes between international and non-international armed conflict. **International armed conflicts** are those in which at least two States are involved. They are subject to a wide range of rules, including those set out in the four Geneva Conventions and Additional Protocol I.

**Non-international armed conflicts** are those restricted to the territory of a single State, involving either regular armed forces fighting groups of armed dissidents, or armed groups fighting each other. A more limited range of rules apply to internal armed conflicts and are laid down in Article 3 common to the four Geneva Conventions as well as in Additional Protocol II.

It is important to differentiate between international *humanitarian law* and *human rights law*. While

some of their rules are similar, these two bodies of law have developed separately and are contained in different treaties. In particular, human rights law – unlike international humanitarian law – applies in peacetime, and many of its provisions may be suspended during an armed conflict.

#### **What does international humanitarian law cover?**

International humanitarian law covers two areas:

- the protection of those who are not, or no longer, taking part in fighting;
- restrictions on the means of warfare – in particular weapons – and the methods of warfare, such as military tactics.

#### **What is “protection”?**

International humanitarian law protects those who do not take part in the fighting, such as civilians and medical and religious military personnel. It also protects those who have ceased to take part, such as wounded, shipwrecked and sick combatants, and prisoners of war.

These categories of person are entitled to respect for their lives and for their physical and mental integrity. They also enjoy legal guarantees. They must be protected and treated humanely in all circumstances, with no adverse distinction.

More specifically: it is forbidden to kill or wound an enemy who surrenders or is unable to fight; the sick and wounded must be collected and cared for by the party in whose power they find themselves. Medical personnel, supplies, hospitals and ambulances must all be protected.

There are also detailed rules governing the conditions of detention for prisoners of war and

the way in which civilians are to be treated when under the authority of an enemy power. This includes the provision of food, shelter and medical care, and the right to exchange messages with their families.

The law sets out a number of clearly recognizable symbols which can be used to identify protected people, places and objects. The main emblems are the red cross, the red crescent and the symbols identifying cultural property and civil defence facilities.

#### **What restrictions are there on weapons and tactics?**

International humanitarian law prohibits all means and methods of warfare which:

- fail to discriminate between those taking part in the fighting and those, such as civilians, who are not, the purpose being to protect the civilian population, individual civilians and civilian property;
- cause superfluous injury or unnecessary suffering;
- cause severe or long-term damage to the environment.

Humanitarian law has therefore banned the use of many weapons, including exploding bullets, chemical and biological weapons, blinding laser weapons and anti-personnel mines.

#### **Is international humanitarian law actually complied with?**

Sadly, there are countless examples of violation of international humanitarian law. Increasingly, the victims of war are civilians. However, there are important cases where international humanitarian law has made a difference in protecting civilians, prisoners, the

sick and the wounded, and in restricting the use of barbaric weapons.

Given that this body of law applies during times of extreme violence, implementing the law will always be a matter of great difficulty. That said, striving for effective compliance remains as urgent as ever.

#### **What should be done to implement the law?**

Measures must be taken to ensure respect for international humanitarian law. States have an obligation to teach its rules to their armed forces and the general public. They must prevent violations or punish them if these nevertheless occur.

In particular, they must enact laws to punish the most serious violations of the Geneva Conventions and Additional Protocols, which are regarded as war crimes. The States must also pass laws protecting the red cross and red crescent emblems.

Measures have also been taken at an international level: tribunals have been created to punish acts committed in two recent conflicts (the former Yugoslavia and Rwanda). An international criminal court, with the responsibility of repressing *inter alia* war crimes, was created by the 1998 Rome Statute.

Whether as individuals or through governments and various organizations, we can all make an important contribution to compliance with international humanitarian law.

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PROFESSIONAL TRAINING SERIES No. 7

# Training Manual on Human Rights Monitoring



UNITED NATIONS  
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.....Chapter III

# APPLICABLE INTERNATIONAL HUMAN RIGHTS AND HUMANITARIAN LAW: THE FRAMEWORK.....

## *Key concepts*

*The International Bill of Human Rights provides the core definition of human rights law in the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights.*

*Humanitarian law is principally based on the four Geneva Conventions of 1949 and two Protocols of 1977 relating to international and non-international armed conflict.*

*There are certain very basic minimum rights which cannot be the subject of suspension even during armed conflicts or other public emergencies; they are found in Article 4 of the Covenant on Civil and Political Rights and Common Article 3 to the Geneva Conventions.*

## A. Introduction

1. Every HRO should have a good knowledge of the *rights guaranteed* by international human rights and humanitarian law insofar as *relevant to the mandate* of the operation. This chapter provides the framework for international human rights and humanitarian law, clarifies sources and legal force of international norms, explains the link between human rights and humanitarian law, and discusses the relevance of such law to the work of HROs.

2. International *human rights law* proclaims *broad guarantees* for the fundamental rights of all human beings. In addition, international *humanitarian law*, as set forth in the four Geneva Conventions of 1949 and the Additional Protocols of 1977, governs the treatment of combatants and civilians during times of international and internal *armed conflict*. International humanitarian law reaffirms the principle that, in situations of armed conflict, those persons not directly participating in the hostilities shall be treated humanely.

## B. Legal force of human rights and humanitarian law instruments

3. HROs may notice that multilateral treaties are often given different names, *e.g.*, charter, covenant, convention, and protocol. All are treaties among nations which carry **legally binding obligations** according to their language. Except for the UN Charter, which under its Article 103 should prevail in the case of conflict with another treaty, all other treaties are of the same legal effect. The term “protocol” is used for a multilateral treaty which would expand or modify the effect of the convention, covenant, or other treaty with which it is associated.

4. Other internationally agreed texts are referred to as declaration, body of principles, guidelines, etc. The principal difference between treaties and this second type of documents is that treaties may be formally accepted by governments (by ratification or accession) and are thus considered to be legally binding agreements among nations. Documents such as **declarations, guidelines, minimum rules, bodies of principles**, vary as to their binding effect depending upon the degree to which, for example, they authoritatively interpret treaty obligations, reflect customary international law or general principles of law, reflect customary international law in the process of formation, or are considered to reflect best practices without having more binding legal effect.

5. The term “*instrument*” is often used as a generic term to denote either a treaty or another standard-setting document, such as a declaration, body of principles, guidelines, etc.

## C. Relevance of international standards

6. HROs need to be aware of *international human rights standards* because those norms define their mandate, provide an international identity to the UN operation, establish legal obligations for the Government, and therefore provide the basis to require respect for human rights from the Government and other actors.

7. International human rights standards are the principal normative point of reference for HROs operating under the auspices of the United Nations. These cannot

be replaced or superseded by the national standards or experience of the country of origin of the HRO, however familiar the officer may be with them. Whether monitoring Government compliance, reporting violations, intervening with local authorities, or offering advice, the legitimate basis for any action of HROs is the international norms and standards contained in the full body of UN and regional human rights instruments.

## 1. Defining the mandate through the UN Charter, other treaties, and relevant norms

### a. UN Charter

8. Whatever the precise *mandate* of the field operation in a particular situation, it will ultimately be *based upon the authority of the United Nations under the UN Charter*. The UN Charter is both the *most prominent treaty among nations and contains fundamental human rights provisions*. (See UN Charter Arts. 1, 55, 56, 103.) *UN Charter Article 55* defines the basic human rights objectives of the UN in providing that

the United Nations shall promote:

- a. higher standards of living, full employment, and conditions of economic and social progress and development;
- b. solutions of international economic, social, health, and related problems; and international cultural and educational cooperation; and
- c. universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language or religion.

9. By ratifying the UN Charter, Member States in *Article 56* “pledge themselves to take joint and separate action in cooperation with the Organization for the achievement of the purposes set forth in Article 55.”

10. *Treaties*, including the Charter, constitute the **primary sources of international law**, including international human rights law. Hence, if the mandate indicates that the human rights operation should monitor and promote the protection of human rights, “*human rights*” will be defined by the terms of the UN Charter as well as the other treaties and relevant instruments promulgated by the international community. If the mandate is more precise (*e.g.*, monitoring free and fair elections, the return of refugees, or ethnic discrimination), the rights it identifies can be found and explicated through human rights treaties and other human rights instruments as well as relevant international customary law and general principles of law.

### b. International Bill of Human Rights

11. The UN General Assembly defined the human rights obligations of UN Member States in the *International Bill of Human Rights*, which is comprised of:

- ❖ Universal Declaration of Human Rights;
- ❖ International Covenant on Economic, Social and Cultural Rights; and
- ❖ International Covenant on Civil and Political Rights and its first Optional Protocol.

**c. International Covenant on Civil and Political Rights**

12. The *Covenant on Civil and Political Rights* establishes an international minimum standard of conduct for all States parties to it, *ensuring* the rights of self-determination; legal redress; equality; life; liberty; freedom of movement; fair, public, and speedy trial of criminal charges; privacy; freedom of expression, thought, conscience, and religion; peaceful assembly; freedom of association (including trade union rights and political parties); family; and participation in public affairs; but *forbidding* torture; “cruel, inhuman or degrading treatment or punishment”; slavery; arbitrary arrest; double jeopardy; and imprisonment for debt.

**d. International Covenant on Economic, Social and Cultural Rights**

13. The *Covenant on Economic, Social and Cultural Rights* establishes international minimum standards for States which have ratified this text to take steps to respect, protect and fulfil economic, social and cultural rights. This Covenant requires States parties to devote the maximum of their available resources to the most efficient and rapid manner in order to ensure the full, and in some cases progressive, realization of the rights it recognizes. The rights ensured in the Covenant include: the right to gain a living by work; to have safe and healthy working conditions; to enjoy trade union rights; to receive social security; to have protection for the family; to possess adequate housing and clothing; to be free from hunger; to receive health care; to obtain free public education; and to participate in cultural life, creative activity, and scientific research. The Covenant also strictly prohibits discrimination with respect to economic, social and cultural rights and ensures the equal rights of men and women to the enjoyment of these rights.

**e. Specialized treaties**

14. The UN has further codified and more specifically defined international human rights law in a *number of treaties relating to various subjects* initially identified by the International Bill of Human Rights. Treaties create legal obligations for those nations that are party to them, but are generally not binding on the international community as a whole. Treaties may, however, create general international law — that is binding on *all* States — when such agreements are intended for adherence by States generally, are in fact widely accepted, and restate general principles of law.

15. Aside from the UN Charter and the International Bill of Human Rights, the most significant UN treaties that have received enough ratifications or accessions to enter into force include (in order of their date of entry into force):

- ❖ Convention on the Prevention and Punishment of the Crime of Genocide;
- ❖ Convention relating to the Status of Refugees;
- ❖ Protocol relating to the Status of Refugees;
- ❖ International Convention on the Elimination of All Forms of Racial Discrimination;
- ❖ Convention on the Elimination of All Forms of Discrimination Against Women;
- ❖ Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;

- ❖ Convention on the Rights of the Child; and
- ❖ Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty (Second ICCPR Protocol).

16. In order for a *treaty to apply* to a particular country, the *State* (i.e. the country) must have *ratified* or otherwise formally adhered to the treaty. Hence, it is important for the HRO to check whether the State where the UN field operation is established has ratified the treaty. Some States attach *reservations* or other limitations on their ratification. Accordingly, it is also important to verify whether such a reservation/limitation has been asserted by the State as to the rights which might be relevant to an HRO's work. It should be noted that even if a reservation has been asserted, the *reservation may be invalid* if it violates the object and purpose of the treaty.

#### f. Treaty bodies

17. Pursuant to *six of the principal human rights treaties*, committees have been established to oversee their implementation. Those *six treaty bodies* are the Human Rights Committee (under the Covenant on Civil and Political Rights); the Committee on Economic, Social and Cultural Rights; the Committee on the Elimination of Racial Discrimination; the Committee on the Elimination of Discrimination Against Women; the Committee Against Torture; and the Committee on the Rights of the Child. The six treaty bodies regularly review reports by States parties as to their compliance with the respective treaties. Most of these bodies issue *general comments and recommendations* that reflect their experience in reviewing the States reports. In this way, they can provide authoritative interpretations of the treaty provisions. In addition, in periodically examining the extent to which the treaties have been implemented by States parties, through the analysis of the State reports, the treaty bodies issue *concluding observations* which describe and address particular areas where States parties should change legislation, policy and practice in order to promote compliance with the treaty in question. Concluding observations are often a valuable source of information of human rights workers. Moreover, three of the treaty bodies — the Human Rights Committee, the Committee on the Elimination of Racial Discrimination, and the Committee Against Torture — may under certain conditions receive *individual communications* complaining about violations of those treaties and thus issue adjudicative decisions interpreting and applying treaty provisions. While the other treaty bodies cannot yet receive formal complaints in the form of individual communications, they do issue pronouncements interpreting and applying treaty provision, as well as indicating — albeit often in an *ad hoc* manner — that State parties should alter behaviour in order to secure compliance with their treaty obligations.

#### g. Related UN non-treaty instruments

18. In addition to treaties, the United Nations has overseen the development and adoption of dozens of *declarations, codes, rules, guidelines, principles, resolutions, and other instruments that serve to interpret and expand on* the general human rights obligations of Member States under Articles 55 and 56 of the UN Charter and may reflect customary international law. The Universal Declaration of Human Rights is the most prominent of those human rights instruments, which not only provides an authoritative, comprehensive, and nearly contemporaneous interpretation of the human rights

obligations under the UN Charter, but also has provisions which have been recognized as reflective of customary international law binding on all States irrespective of whether they are party to the treaties which also contains those provisions. Among the other prominent instruments which are not treaties but which are of great importance in the field of human rights (in order of their date of adoption) are:

- ❖ Standard Minimum Rules for the Treatment of Prisoners;
- ❖ Declaration on the Rights of Disabled Persons;
- ❖ Code of Conduct for Law Enforcement Officials;
- ❖ Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power;
- ❖ Standards Minimum Rules for the Administration of Juvenile Justice ("The Beijing Rules")
- ❖ Declaration on the Right to Development;
- ❖ Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment;
- ❖ Principles on the Effective Prevention and Investigation of Extra-Legal, Arbitrary and Summary Executions;
- ❖ Basic Principles on the Use of Force and Firearms by Law Enforcement Officials
- ❖ Declaration on the Protection of All Persons from Enforced Disappearances;
- ❖ Declaration on the Rights of Persons Belonging to National or Ethnic, Religious or Linguistic Minorities;
- ❖ Declaration on the Elimination of Violence Against Women;
- ❖ Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms.

#### ***h. Other United Nations treaties and instruments***

19. The United Nations is not the only global organization which has issued or facilitated the issuance of worldwide human rights standards. Others include UN *specialized agencies* (such as the International Labour Organization (ILO) and the UN Educational, Scientific, and Cultural Organization (UNESCO)) as well as the International Committee of the Red Cross (ICRC).

20. As one of the oldest existing intergovernmental organizations, ILO has promulgated 183 recommendations and 176 conventions, including several treaties relating to human rights. UNESCO has promulgated several treaties related to human rights, for example, the Convention against Discrimination in Education, 429 U.N.T.S. 93, *entered into force* May 22, 1962.

#### ***i. Geneva Conventions and Protocols***

21. The *International Committee of the Red Cross* has, since the mid-19th century, convened governmental conferences to draft treaties protecting soldiers and sailors wounded in armed conflict, prisoners of war, and civilians in times of war. These treaties constitute the core of international humanitarian law which is designed to ensure respect for general principles of humanity during periods of international and

non-international armed conflict. In the context of armed conflicts, international humanitarian law provides a stronger and far more detailed basis for the protection of human rights than the International Bill of Human Rights and other UN human rights instruments.

22. The principal multilateral treaties that legislate *international humanitarian law* — the *four Geneva Conventions of 1949* — have been ratified by more governments than other human rights treaties, aside from the UN Charter and the Convention on the Rights of the Child. The two *Additional Protocols of 1977* extend and make more specific the protections of the 1949 Geneva Conventions to international and non-international armed conflicts. The Conventions and Protocols are as follows:

- ❖ Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field (First Geneva Convention)
- ❖ Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea (Second Geneva Convention)
- ❖ Geneva Convention Relative to the Treatment of Prisoners of War (Third Geneva Convention)
- ❖ Geneva Convention Relative to the Protection of Civilian Persons in Time of War (Fourth Geneva Convention)
- ❖ Protocol Additional to the Geneva Conventions and relating to the Protection of Victims of International Armed Conflicts (Additional Protocol I)
- ❖ Protocol Additional to the Geneva Conventions and relating to the Protection of Victims of Non-International Armed Conflicts (Additional Protocol II)

23. Many provisions of the four Geneva Conventions, the two Protocols, and the Hague Conventions of 1899 and 1907 are broadly accepted as restating customary international humanitarian law applicable to all countries. *Humanitarian law applies specifically to armed conflict situations*, which would ordinarily qualify as “public emergencies”.

#### j. *Limitations on rights*

24. Under certain *specific conditions* set forth in the relevant international human rights treaties, limitations can be imposed by States on the exercise of some human rights. It should be clear, however, that limitations on rights should be seen as the exception, rather than the rule. Limitations on rights, where they are permitted, are **specified in the texts** of the various human rights treaties. In general, such limitations and restrictions must be those which are **determined by law and necessary in a democratic society** to:

- ❖ ensure respect for the rights and freedoms of others; and
- ❖ meet the just requirements of public order, public health or morals, national security or public safety.

Limitations on rights imposed outside or beyond the above-mentioned conditions are not tolerated by international human rights law.

### k. States of emergency and derogations

25. Under the specific and strict conditions indicated in Article 4 (1) of the International Covenant on Civil and Political Rights, international *human rights law allows States to derogate from* (that is, temporarily suspend) rights during periods of “public emergency”. Article 4 (1) of ICCPR states:

In time of public emergency which *threatens the life of the nation* and the existence of which is *officially proclaimed*, the States Parties to the present Covenant may take measures derogating from their obligations under the present Covenant to the *extent strictly required by the exigencies of the situation*, provided that such measures are *not inconsistent with their other obligations* under international law and *do not involve discrimination* solely on the ground of race, colour, sex, language, religion or social origin.

26. There is, however, a group of rights which can never be restricted nor derogated — including in the situation described in Article 4 of ICCPR. These **non-derogable rights** include: the right to be free from arbitrary deprivation of life; torture and other ill-treatment; slavery; imprisonment for debt; retroactive penalty; non-recognition of the law; and infringement of freedom of thought, conscience, and religion (Article 4 (2)).

27. ICCPR provisions underline the exceptional nature of derogations from rights guaranteed in the Covenant. The substantive and procedural conditions under which derogations from rights are permitted by international law should be carefully noted:

- ❖ existence of a threat to the life of the nation;
- ❖ official proclamation of the state of emergency;
- ❖ derogations to be strictly required by the exigencies of the situation;
- ❖ derogations not to be inconsistent with other international obligations of the State;
- ❖ derogations not be discriminatory;
- ❖ non-derogable rights to be respected.

28. Article 4 (3) further requires that States introducing derogations from rights should immediately inform, through the UN Secretary-General, the other States Parties to ICCPR of the provisions from which they have derogated and of the reasons for the derogations.

### l. Applicability of international human rights and humanitarian law

29. As explained above and in Chapter I, international humanitarian law is that body of international law which applies to situations of armed conflict — both international and non-international. It establishes protections for individuals and limits on methods and means of warfare by belligerent States.

30. In times of conflict, *human rights law continues to apply*. However, since armed conflict situations would typically qualify as “public emergencies” as defined by Article 4 of ICCPR, it is possible and likely that in such situations restrictions and derogations to human rights may be introduced by States (under the conditions mentioned above). It is therefore likely that the highest level of protection to individuals in situations of armed conflict be provided by international humanitarian law provisions.



31. The following table highlights the applicability of international human rights and humanitarian law in various situations, corresponding to different levels of conflict:

### Applicability of Human Rights and Humanitarian Law<sup>1</sup>

Situation	Applicable Law
<p><b>1. International Armed Conflict</b> Including wars between States, and against colonial domination, alien occupation, racist regimes, in exercise of the right to self-determination.</p>	<p><b>Four Geneva Conventions of 1949</b> (1) Wounded and sick in the field (2) Shipwrecked (3) Prisoners of War (4) Civilian Persons (under occupation) <b>Additional Protocol I of 1977</b> <b>Other human rights provisions (insofar as non-derogable or no emergency declared)</b></p>
<p><b>2. Non-International Armed Conflict</b> Civil war or other situation in which organized armed forces, under responsible command, exercise such control over part of the territory so as to permit sustained and concerted military operations and to implement humanitarian law.</p>	<p><b>Common Article 3 of the Geneva Conventions (applies to Government and armed opposition force)</b> <b>Additional Protocol II of 1977 (more restrictive field of application)</b> <b>Other human rights provisions (insofar as non-derogable or no emergency declared)</b></p>
<p><b>3. State of Emergency</b> Disturbances, riots, isolated and sporadic acts of violence, and other public emergency which threaten the life of the nation, in which measures normally compatible with the Constitution and laws are inadequate to address the situation. <b>State of emergency must be officially declared</b></p>	<p><b>All human rights, with the following exceptions:</b></p> <ul style="list-style-type: none"> <li>● Derogations from certain rights may be permissible to the extent strictly required by the exigencies of the situation, and only if not inconsistent with other requirements under international law (including Geneva Conventions and Protocols).</li> <li>● No discrimination solely on the basis of race, colour, sex, language, religion, or social origin.</li> <li>● No derogation is permissible with regard to arbitrary deprivation of life, torture, slavery, or imprisonment for failure to fulfil a contractual obligation.</li> </ul>
<p><b>4. Other Internal Tensions</b> Disturbances, riots, and isolated acts of violence which do not qualify as public emergency threatening the life of the nation. <b>No state of emergency declared</b></p>	<p><b>All human rights (but as to each right, see any relevant limitation. Rights can be subject only to such limitations as are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others, and of meeting the just requirements of morality, public order and the general welfare in a democratic society).</b></p>

<sup>1</sup>Standard OHCHR Training Packages for Police and for Peace-keepers

Situation	Applicable Law
5. Normal Situations	All human rights (but as to each right, see any relevant limitation. Rights can be subject only to such limitations as are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others, and of meeting the just requirements of morality, public order and the general welfare in a democratic society).

**m. Most protective standard**

32. Since there are inconsistencies and gaps between the protections afforded by various human rights and humanitarian law instruments, as well as by national and local laws, the individual should be entitled to the most protective provisions of applicable international, national, or local laws. Accordingly, if humanitarian law affords better rights protections than human rights law, humanitarian law should be applied — and *vice versa*.

**n. Regional protection of human rights**

33. In addition to the UN mechanisms for implementing human rights, regional structures now operate in *Africa, the Americas, and Europe*. The rights protected by these structures derive from, and are similar to, those of the International Bill of Human Rights, but each of the structures has developed unique approaches to seeking assurance that the rights are put into practice. While the following materials often focus on UN and other worldwide standards, regional standards may be quite important in particular circumstances, for example because the country has ratified *significant regional human rights treaties* which the Government considers *more persuasive* or because those regional instruments are *given prominence in the agreement* with the UN human rights operation (for example, the Dayton Agreements on the conflict in Bosnia and Herzegovina confer the European Convention for the Protection of Human Rights and Fundamental Freedoms with equal status *vis-à-vis* domestic law). The three main regional treaties<sup>2</sup> on human rights which are referred to in this Manual are the following:

- ❖ African Charter on Human and Peoples' Rights (Banjul Charter)
- ❖ American Convention on Human Rights (American Convention)
- ❖ European Convention for the Protection of Human Rights and Fundamental Freedoms (European Convention).

<sup>2</sup>For a comprehensive collection of regional human rights instruments, see United Nations Office of the High Commissioner for Human Rights, *Human Rights: A Compilation of International Instruments — Volume II, Regional Instruments*, New York and Geneva, 1997.

## 2. Relevance of international standards to the identity of the human rights field operation and to its effectiveness

34. As indicated above, this Manual focuses on international human rights norms because they ordinarily define the mandate of the human rights operation. (See also Part III, Chapter VI: “Identification and Prioritization of Efforts Regarding Human Rights Violations”.) Moreover, those norms define the *international character* of the field operation, are capable of being explained in a manual intended to cover situations anywhere in the world, and are most likely to be persuasive as international minimum standards.

### a. International character of the operation

35. *Legitimacy* is the most important asset of a human rights field operation. It rests on the understanding that the operation is just and is representative of the *will of the international community* as a whole rather than some partial interest. This *legitimacy* is further enhanced by the *composition of the field operation*, typically including personnel from a broad spectrum of countries.

36. The *basis of human rights field operations in international law provides further support for the legitimacy of the operations* as reflecting the will of the international community. Indeed, it would be unlikely that the Government or the people of the country in which the operation is located would find HROs convincing if each officer argued that the Government should follow the human rights approaches of her/his own nation. The international minimum standards provide a point of basic agreement not only among nations, but also among the HROs as to what they should monitor, promote, or recommend.

### b. Usefulness of international standards

37. This Training Manual focuses on worldwide human rights standards because field operations may be mounted anywhere in the world and it would, as a practical matter, be very difficult to cover all the regional and national human rights standards which might be relevant in a particular situation. HROs should not, however, conclude that this Manual discusses all the relevant standards.

38. While the *mandate of a UN operation is based upon UN human rights standards* such as those discussed in this Manual, an agreement between the Government and the UN may define the mandate by referring also to other international norms, regional human rights treaties, the constitution of the country, or other standards. Indeed, if the mandate refers to those non-UN standards or if the non-UN standards are more protective or persuasive, HROs should become acquainted with whatever standards are most helpful to their work. For example, in some countries *regional standards* may be better known and better respected than nearly identical international standards. In those circumstances, HROs would be well advised to use regional standards. Similarly, the constitution or national law may incorporate regional standards, so that they should be prominently used. Another example might be found in a country in which the

constitution or the national law reflects the substance of international standards. Indeed, from the perspective of the individual in most countries, the most important means of protecting human rights and for implementing international law is through *the national legislation, courts, and administrative agencies*. The HRO may be more effective in referring to the constitution or national law to achieve protection for human rights.

39. A third example of the usefulness of non-UN human rights standards might be found in a country where the constitution, national law, or practice is even more protective of human rights than international law. After all, human rights treaties provide only international *minimum* standards. There is nothing to prevent a country from giving greater human rights protection than international standards provide. As indicated above, the individual should be entitled to the most protective provisions of applicable international, national, or local laws. Accordingly, the HRO should use *whatever standards are most protective*.

40. In general, however, HROs will find that there is more protection for human rights under international law than under national law and practice. Accordingly, officers need training on how to invoke the broader protections and profit from international insights as to how human rights can be implemented. The following chapter provides a basis for such training.

OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS



PROFESSIONAL TRAINING SERIES No. 7

# Training Manual on Human Rights Monitoring



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.....Chapter IV  
**OVERVIEW OF  
INTERNATIONAL  
HUMAN RIGHTS AND  
HUMANITARIAN LAW  
STANDARDS .....**

*Key concepts*

*Human rights officers should be aware of the whole range of international human rights norms, including civil, cultural, economic, political and social rights, although the specific focus of their monitoring work may vary based on the specific mandate of each field operation.*

*International human rights law contains specific provisions for groups requiring special protection, such as refugees, internally displaced people, women, minorities and children.*

*International human rights and humanitarian law requires States to prosecute and punish those responsible for violations of such law, for the purpose of ending impunity.*

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**A. Introduction**

1. This chapter provides a brief summary of international human rights and humanitarian law standards applicable to the work of HROs. In addition, more detailed coverage of standards relating to specific areas of international human rights may be found in **Part Three: “The Monitoring Function”**, in the chapters relating to such areas as elections, detention, economic, social and cultural rights, internally displaced persons, refugees, fair trial, and others.

2. The HRO should be aware, however, that this summary provides *only a brief view* of the larger constellation of international human rights and humanitarian law norms. The present Training Manual focuses on *only a few basic international human rights* and humanitarian law norms without suggesting that these are the only rights of concern to HROs. In order to narrow the scope of this chapter, the rights discussed were chosen

principally because of their relevance to previous UN human rights observer mandates and field operations. HROs are encouraged to refer to other texts containing more extensive information on human rights and humanitarian law, some of which are listed in the Bibliography at the end of the Manual.

3. The following international human rights and humanitarian law *principles will be discussed* in this chapter: right not to be arbitrarily deprived of life; right to personal integrity; right to liberty and security of person; rights in the administration of justice; freedom of opinion and expression; freedom of association and assembly; freedom of movement and residence; rights of refugees and internally displaced persons; the human rights of women; rights of minorities; right to non-discriminatory treatment; right to property; right to housing and other economic, social and cultural rights; impunity; and other human rights standards.

## B. Right not to be arbitrarily deprived of life

### 1. International standards

#### a. International human rights law

4. Pursuant to Article 3 of the Universal Declaration of Human Rights, "Everyone has the right to life, liberty and security of person." Article 6 of the Covenant on Civil and Political Rights states that, "Every human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life." The Human Rights Committee has noted that Article 6 enunciates "a right which should not be interpreted narrowly."<sup>1</sup> Article 4 of the Covenant on Civil and Political Rights provides that the right to be free from arbitrary killing is **non-derogable**, that is, it cannot be suspended even in times of emergency.

5. Article 4(1) of the American Convention declares, "Every person has the right to have his life respected. This right shall be protected by law... No one shall be arbitrarily deprived of his life." Furthermore, Article 4 of the Banjul Charter guarantees that "[h]uman beings are inviolable. Every human being shall be entitled to respect for his life and the integrity of his person. No one may be arbitrarily deprived of this right." Article 2(1) of the European Convention provides that "Everyone's right to life shall be protected by law."

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<sup>1</sup>Human Rights Committee, General Comment 6, Article 6 (Sixteenth session, 1982), *Compilation of General Comments and General Recommendations Adopted by Human Rights Treaty Bodies*, UN Doc. HRI/GEN/1/Rev.1 at 6 (1994).

## b. International humanitarian law

6. International humanitarian law also protects the right not to be arbitrarily deprived of life. *Common Article 3 in the four Geneva Conventions* prohibits “at any time and in any place whatsoever ... violence to life and person, in particular murder of all kinds” against persons taking no active part in an armed conflict not of an international character. Article 4 of Additional Protocol II also prohibits “violence to the life, health and physical or mental well-being of persons [who do not take a direct part or who have ceased to take part in non-international hostilities], in particular murder...”.

7. As to periods of international armed conflict, willful killings of protected persons (civilians, prisoners of war and soldiers *hors de combat*) under the Geneva Conventions constitute grave breaches of international humanitarian law. (See First Geneva Convention, Article 50; Second Geneva Convention, Article 51; Third Geneva Convention, Article 130; Fourth Geneva Convention, Article 147; Additional Protocol I, Article 85.)

8. Article 12 of both the First Geneva Convention and the Second Geneva Convention state that armed forces and others who are wounded or sick “shall be treated humanely... Any attempts upon their lives, or violence to their persons, shall be strictly prohibited; in particular they shall not be murdered or exterminated...”.

9. Article 13 of the Third Geneva Convention states that prisoners of war “must at all times be humanely treated. Any unlawful act or omission by the Detaining Power causing death or seriously endangering the health of a prisoner of war in its custody is prohibited, and will be regarded as a serious breach of the present Convention...”.

10. Article 32 of the Fourth Geneva Convention forbids any measure which causes “physical suffering or extermination of protected persons [civilians who are in the power of a party to an international armed conflict] in their hands. This prohibition applies not only to murder ... but also to brutality applied by civilian or military agents.”

## 2. Violations of the right not to be arbitrarily deprived of life

### a. Arbitrary execution

11. An arbitrary execution is the **killing of a person perpetrated by an agent of the State or any other person acting under Government authority or with its complicity, tolerance, or acquiescence, but without any or due judicial process.** Executions resulting from a death sentence issued by a court, are also arbitrary executions if the fair trial guarantees provided in Articles 14 and 15 of the Covenant on Civil and Political Rights are not respected.

12. Arbitrary executions (to be distinguished from executions after a fair trial) often are *killings under suspicious circumstances* with the following characteristics:

- (1) Death occurred when the person was in the hands of law enforcement officials (for example in police custody), public officials or other persons acting in an official capacity;



- (2) The death was not followed by an official inquiry. The authorities did not carry out an adequate autopsy of the victim or did not take the necessary steps to obtain relevant evidence (medical report, signs of previous torture, etc.).
13. Arbitrary executions include killings committed for political reasons, deaths following torture or any other cruel, inhuman or degrading treatment, and killings following kidnapping or forced disappearance, if the conditions mentioned are present.

**b. Investigation of arbitrary executions**

14. The United Nations Principles on the Effective Prevention and Investigation of Extra-Legal, Arbitrary and Summary Execution<sup>2</sup> contain important guidance for States and for HROs. The Principles are set forth under three headings: Prevention, Investigation and Legal Proceedings. Pursuant to Principle 1, governments shall prohibit by law all extra-legal, arbitrary and summary executions. Furthermore, governments shall ensure that any such executions are recognized as offences under their criminal laws, and are punishable by appropriate penalties which take into account the seriousness of such offences. The Principles reaffirm the duty of the Government to investigate all arbitrary and summary executions. The Principles further provide:

Principle 7. Qualified inspectors, including medical personnel or an equivalent independent authority, shall conduct inspections in places of custody on a regular basis, and be empowered to undertake unannounced inspections on their own initiative, with full guarantees of independence in the exercise of its function. The inspectors shall have unrestricted access to all persons in such places of custody, as well as to all their records.

Principle 8. Governments shall make every effort to prevent extra-legal, arbitrary and summary executions through measures such as diplomatic intercession, improved access of complainants to intergovernmental and judicial bodies, and public denunciation. Intergovernmental mechanisms shall be used to investigate reports of any such executions and to take effective action against such practices. Governments, including those of countries where extra-legal, arbitrary and summary executions are reasonably suspected to occur, shall cooperate fully in international investigations on the subject...

Principle 12. The body of the deceased shall not be disposed of until an adequate autopsy is conducted... Those conducting the autopsy shall have the right of access to all investigative data, to the place where the body was discovered, and to the place where the death is thought to have occurred...

Principle 13. The body of the deceased shall be available to those conducting the autopsy for a sufficient amount of time to enable a thorough investigation to be carried out. The autopsy shall, at a minimum, attempt to establish the identity of the deceased and the cause and manner of death. The time and place of death shall also be determined to the extent

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<sup>2</sup>The Principles were recommended in 1988 by the Committee on Crime Prevention and Control. The Principles were adopted by the Economic and Social Council in its resolution 1989/65, annex, of 24 May 1989, and endorsed by the General Assembly in its resolution 44/162 of 15 December 1989.

possible. Detailed colour photographs of the deceased shall be included in the autopsy report in order to document and support the findings of the investigation. The autopsy report must describe any and all injuries to the deceased including any evidence of torture.

15. Use of these procedures during death investigations should produce the evidence necessary for increased detection and disclosure of other executions. These standards also provide international observers with *guidelines to evaluate investigations of suspicious deaths*. The Principles are augmented and explained by United Nations, Manual on the Effective Prevention and Investigation of Extra-Legal, Arbitrary and Summary Executions.<sup>3</sup> Relevant information is also contained in the United Nations Guidelines for the Conduct of United Nations Inquiries Into Allegations of Massacres.<sup>4</sup>

**c. Limits on the use of force by government officials to prevent arbitrary executions**

16. The Human Rights Committee, commenting on Article 6 of the Covenant on Civil and Political Rights, stated that:

The protection against arbitrary deprivation of life which is explicitly required by the third sentence of Article 6 (1) is of paramount importance. The Committee considers that States parties should take measures not only to prevent and punish deprivation of life by criminal acts, but also to prevent arbitrary killing by their own security forces. The deprivation of life by the authorities of the State is a matter of the utmost gravity. Therefore, the law must strictly control and limit the circumstances in which a person may be deprived of his life by such authorities.<sup>5</sup>

17. Killings committed pursuant to a legitimate use of force authorized by law are not considered to be arbitrary executions. Law enforcement officials, in carrying out their duty, shall, as far as possible, apply **non-violent means** before resorting to the use of force and firearms. They may use force and firearms only if other means remain ineffective or without any promise of achieving the intended result. Whenever the lawful use of force and firearms is unavoidable, law enforcement officials shall **minimize damage and injury**, and respect and preserve human life.

18. Article 3 of the United Nations Code of Conduct for Law Enforcement Officials<sup>6</sup> establishes that "Law enforcement officials may use force only when **strictly necessary and to the extent required for the performance of their duty**." Moreover, the Commentary to Article 3 states:

(a) This provision emphasizes that the use of force by law enforcement officials should be exceptional; while it implies that law enforcement officials may be authorized to use force as is reasonably necessary under the circumstances for the prevention of crime in affecting or assisting in

<sup>3</sup>UN Doc.ST/CSDHIA/12 (1991).

<sup>4</sup>UN Doc. DPI/1710 (1995).

<sup>5</sup>Human Rights Committee, General Comment 6, Article 6 (Sixteenth session, 1982), *Compilation of General Comments and General Recommendations Adopted by Human Rights Treaty Bodies*, UN Doc. HRI/GEN/1/Rev.1 at 6 (1994).

<sup>6</sup>Adopted by General Assembly resolution 34/169 of 17 December 1979.

the lawful arrest of offenders or suspected offenders, no force going beyond that may be used.

(b) National law ordinarily restricts the use of force by law enforcement officials in accordance with a principle of proportionality. It is to be understood that such national principles of proportionality are to be respected in the interpretation of this provision. In no case should this provision be interpreted to authorize the use of force which is disproportionate to the legitimate objective to be achieved.

(c) The use of firearms is considered an extreme measure. Every effort should be made to exclude the use of firearms, especially against children. In general, firearms should not be used except when a suspected offender offers armed resistance or otherwise jeopardizes the lives of others and less extreme measures are not sufficient to restrain or apprehend the suspected offender. In every instance in which a firearm is discharged, a report should be made promptly to the competent authorities.

19. The United Nations Basic Principles on the Use of Force and Firearms by Law Enforcement Officials provide for the following guidelines on this matter:<sup>7</sup>

**i. General principles on the use of force**

Non-violent means are to be attempted first<sup>8</sup>

Force is to be used only when strictly necessary<sup>9</sup>

Force is to be used only for lawful law enforcement purposes<sup>10</sup>

No exceptions or excuses shall be allowed for unlawful use of force<sup>11</sup>

Use of force is to be always proportional to lawful objectives<sup>12</sup>

Restraint is to be exercised in the use of force<sup>13</sup>

Damage and injury are to be minimized<sup>14</sup>

A range of means for differentiated use of force is to be made available<sup>15</sup>

All officers are to be trained in the use of the various means for differentiated use of force<sup>16</sup>

All officers are to be trained in use of non-violent means<sup>17</sup>

<sup>7</sup>The following summary of international standards on the use of force and firearms by law enforcement officials is drawn from the publication: *International Human Rights Standards for Law Enforcement — A Pocket Book on Human Rights for the Police*, United Nations High Commissioner for Human Rights, 1996.

<sup>8</sup>Principles on Force & Firearms, principle 4.

<sup>9</sup>Principles on Force & Firearms, principles 4 and 5.

<sup>10</sup>Principles on Force & Firearms, principles 5 and 7.

<sup>11</sup>Principles on Force & Firearms, principle 8.

<sup>12</sup>Principles on Force & Firearms, principles 2 and 5(a).

<sup>13</sup>Principles on Force & Firearms, principles 2, 5(a) and 9.

<sup>14</sup>Principles on Force & Firearms, principle 5(b).

<sup>15</sup>Principles on Force & Firearms, principle 2.

<sup>16</sup>Principles on Force & Firearms, principles 4, 19, and 20.

<sup>17</sup>Principles on Force & Firearms, principles 4 and 20.

**ii. Accountability for the use of force and firearms**

All incidents of the use of force or firearms shall be followed by reporting and review by superior officials.<sup>18</sup>

Superior officials shall be held responsible for the actions of police under their command if the superior official knew or should have known of abuses but failed to take concrete action.<sup>19</sup>

Officials who refuse unlawful superior orders shall be given immunity.<sup>20</sup>

Officials who commit abuses of these rules shall not be excused on the grounds that they were following superior orders.<sup>21</sup>

**iii. Permissible circumstances for the use of firearms**

*Firearms are to be used only in extreme circumstances.*<sup>22</sup>

Firearms are to be used only in self-defence or defence of others against imminent threat of death or serious injury<sup>23</sup>

-or-

To prevent a particularly serious crime that involves a grave threat to life<sup>24</sup>

-or-

To arrest or prevent the escape of a person posing such a threat and who is resisting efforts to stop the threat<sup>25</sup>

-and-

In every case, only when less extreme measures are insufficient.<sup>26</sup>

*Intentional lethal use of force and firearms shall be permitted only when strictly unavoidable in order to protect human life.*<sup>27</sup>

**iv. Procedures for the use of firearms**

The officer should identify him/herself as a police official<sup>28</sup>

-and-

give a clear warning<sup>29</sup>

-and-

allow adequate time for warning to be obeyed,<sup>30</sup>

<sup>18</sup>Principles on Force & Firearms, principles 6, 11(f), and 22.

<sup>19</sup>Principles on Force & Firearms, principle 24.

<sup>20</sup>Principles on Force & Firearms, principle 25.

<sup>21</sup>Principles on Force & Firearms, principle 26.

<sup>22</sup>Principles on Force & Firearms, principle 4.

<sup>23</sup>Principles on Force & Firearms, principle 9.

<sup>24</sup>Principles on Force & Firearms, principle 9.

<sup>25</sup>Principles on Force & Firearms, principle 9.

<sup>26</sup>Principles on Force & Firearms, principle 9.

<sup>27</sup>Principles on Force & Firearms, principle 9.

<sup>28</sup>Principles on Force & Firearms, principle 10.

<sup>29</sup>Principles on Force & Firearms, principle 10.

<sup>30</sup>Principles on Force & Firearms, principle 10.

-but-

such precautions shall not be required if the delay would result in death or serious injury to the officer or others<sup>31</sup>

-or-

It is clearly pointless or inappropriate in the circumstances to do so.<sup>32</sup>

v. **After the use of firearms**

Medical aid is to be rendered to all injured persons.<sup>33</sup>

The relatives or friends of those affected are to be notified.<sup>34</sup>

Investigation are to be allowed for where requested or required.<sup>35</sup>

A full and detailed report of the incident is to be provided.<sup>36</sup>

20. Under international law, States are obliged to carry out impartial and exhaustive investigations into all allegations of arbitrary executions, including killings using firearms, with a view to clarifying the circumstances, identifying those responsible, bringing them to justice, compensating the victims or their families, and taking all necessary action to prevent the recurrence of similar acts in the future. The result of such investigations must be made public (UN Principles on the Effective Prevention and Investigations of Extra-legal, Arbitrary and Summary Executions).

21. Because the excessive use of force and firearms may result in arbitrary killing, this topic is covered under the heading "Right not to be arbitrarily deprived of life". It should be noted, however, that the excessive use of force and firearms may also result in violations of other fundamental rights, including the right to personal integrity (see below).

d. **Genocide**

22. The 1948 Convention on the Prevention and Punishment of the Crime of Genocide requires State Parties "to punish ... genocide, whether committed in time of peace or time of war." (Art. I). The Convention defines genocide as committing one of the following acts with *intent to destroy, in whole or in part, a national, ethnical, racial or religious group*:

- (a) Killing members of the group;
- (b) Causing serious bodily or mental harm to members of the group;
- (c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;
- (d) Imposing measures intended to prevent births within the group;

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<sup>31</sup>Principles on Force & Firearms, principle 10.

<sup>32</sup>Principles on Force & Firearms, principle 10.

<sup>33</sup>Principles on Force & Firearms, principle 5(c).

<sup>34</sup>Principles on Force & Firearms, principle 5(d).

<sup>35</sup>Principles on Force & Firearms, principles 6, 11(t), 22 and 23.

<sup>36</sup>Principles on Force & Firearms, principle 22.

(e) Forcibly transferring children of the group to another group.

23. It should be noted that genocide does not require killing, but may involve the other actions identified by the Convention if committed with genocidal intent and particularly if large numbers are involved.

**e. Attempted arbitrary execution**

24. The attempt to carry out an arbitrary execution, which fails for reasons beyond the initial intention of one or more Government agents, constitutes an attempted arbitrary execution. Any such attempts should be the subject of an inquiry taking into account the following elements:

- (a) The possible political, trade union, religious or associative activity exercised by the victim.
- (b) The function or scope of activity of the supposed author of the attempted arbitrary execution.
- (c) Any extortion, harassment, threat or stalking undergone by the victim or relatives prior to the execution attempt.
- (d) The use, in the attempted killing, of means capable of obtaining the expected result.
- (e) The form and means of the execution attempt.

**f. Death threats**

25. Any action or statement, explicit or implicit, likely to instil in a person a justified fear of becoming the victim of an arbitrary execution is a death threat. HROs should devote attention to death threats:

- (a) arising from members of the armed forces or any other public institutions;
- (b) arising from individuals or paramilitary groups related to the authorities or acting with the complicity of or the tacit approval of the authorities;
- (c) when there is reason to believe that these threats are part of a practice of arbitrary executions; when the threat is precise; and when there is reason to believe that the threat will be followed by action.

26. Accordingly, an HRO should give priority to making inquiries about cases where human life is endangered. The inquiries should attempt to establish that there was an arbitrary execution, an attempted arbitrary execution, or a death threat by identifying the elements of the violations as discussed in Chapter VI: "Identification and Prioritization of Efforts Regarding Human Rights Violations".

## C. Right to personal integrity

### 1. International standards

#### a. International human rights law

27. Pursuant to Article 5 of the Universal Declaration of Human Rights, “No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.” Article 7 of the Covenant on Civil and Political Rights also guarantees the right to be free from torture. The Human Rights Committee General Comment on Article 7 indicates that even in situations of public emergency this provision is non-derogable.<sup>37</sup>

28. In addition, Article 10(1) of the Covenant on Civil and Political Rights provides that, “All persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person.” The Human Rights Committee, in its General Comment 21, interprets Article 10(1) as applying to “anyone deprived of liberty under the laws and authority of the State who is held in prisons, hospitals — particularly psychiatric hospitals — detention camps or correctional institutions or elsewhere.”<sup>38</sup> Commenting on the interplay between Articles 7 and 10 of the Covenant on Civil and Political Rights, the Human Rights Committee stated in General Comment 21,

[N]ot only may persons deprived of their liberty not be subjected to treatment that is contrary to article 7, including medical or scientific experimentation, but neither may they be subjected to any hardship or constraint other than that resulting from the deprivation of liberty; respect for the dignity of such persons must be guaranteed under the same conditions as for that of free persons.

29. The Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment defines torture in Article 1(1):

For the purposes of this Convention, the term “torture” means any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity. It does not include pain or suffering arising only from, inherent in or incidental to lawful sanctions.

<sup>37</sup> Human Rights Committee, General Comment 7, Article 7 (Sixteenth session, 1982), Compilation of General Comments and General Recommendations Adopted by Human Rights Treaty Bodies, UN Doc. HRI/GEN/1/Rev.1 at 7 (1994).

<sup>38</sup> Human Rights Committee, General Comment 21, Article 10 (Forty-fourth session, 1992), Compilation of General Comments and General Recommendations Adopted by Human Rights Treaty Bodies, UN Doc. HRI/GEN/1/Rev.1 at 33 (1994).

30. The exception for “lawful sanctions” refers to lawfulness in both national and international law. Hence, it would not be lawful to impose a sanction which violates Rule 31 of the Standard Minimum Rules for Treatment of Prisoners, which *inter alia* forbids corporal punishment. Similarly, the Human Rights Committee has interpreted Article 7 of the Covenant on Civil and Political Rights, stating that “the prohibition must extend to corporal punishment, including excessive chastisement as an educational or disciplinary measure. Even such a measure as solitary confinement may, according to the circumstances, and especially when the person is kept incommunicado, be contrary to this article.”

31. All of the regional human rights conventions prohibit torture and cruel or degrading treatment or punishment. (American Convention, Article 5(2); Banjul Charter, Article 5; European Convention, Article 3). The American Convention further provides in Article 5(1) that, “Every person has the right to have his physical, mental, and moral integrity respected.” Pursuant to Article 5 of the Banjul Charter, “Every individual shall have the right to the respect of the dignity inherent in a human being and to the recognition of his legal status.” In addition, there are two regional treaties specifically focusing on torture: the Inter-American Convention to Prevent and Punish Torture, and the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment.

#### **b. International humanitarian law**

32. In all four of the Geneva Conventions and the two Additional Protocols there are provisions which either expressly or by implication forbid torture and other cruel, inhuman or degrading treatment or punishment. During international armed conflict, torture is forbidden as to those who are wounded and sick on land by the First Geneva Convention, Article 12; as to the wounded, sick and shipwrecked at sea by the Second Geneva Convention, Article 12; as to prisoners of war by the Third Geneva Convention, Articles 17 and 87; and as to civilians by the Fourth Geneva Convention, Article 32; Additional Protocol I, Article 75; Additional Protocol II, Article 4.

33. Civilians are also protected by Article 37 of the Fourth Geneva Convention, which provides that those civilians who are confined shall be “humanely treated”. Article 118 of the Fourth Geneva Convention forbids imprisonment “in premises without daylight and, in general, all forms of cruelty” against internees.

34. During periods of international armed conflict or wars of national liberation, Article 11 of Additional Protocol I prohibits endangering the “physical or mental health and integrity of persons who are in the power of the adverse party, or who are interned, detained or otherwise deprived of liberty...”. Article 75 also forbids “outrages upon personal dignity, in particular humiliating and degrading treatment...”.

35. As to non-international armed conflicts, Article 3 common to the four Geneva Conventions forbids “cruel treatment and torture” of persons taking no active part in the hostilities. Common Article 3 also proscribes “outrages upon personal dignity, in particular, humiliating and degrading treatment,” “mutilation, cruel treatment and torture.” Furthermore, Article 4 of Protocol II prohibits at any time and in any place whatsoever: “(a) violence to the life, health and physical or mental well-being of persons, in particular murder as well as cruel treatment such as torture, mutilation or any form of corporal punishment... (c) outrages upon personal dignity, in



particular, humiliating and degrading treatment, rape, enforced prostitution and any form of indecent assault... (h) threats to commit any of the foregoing acts.”

## 2. Violations of the right to personal integrity

36. A violation of the right to personal integrity occurs when the State, through its agents or any other person acting in an official capacity, on its instigation or with its consent or acquiescence, applies torture or cruel, inhuman or degrading treatment, thus causing physical, psychological or moral suffering. The greater the extent to which the pain and suffering are serious and intentionally inflicted, the greater the likelihood that the treatment involves an attack to the integrity of the person.

37. In general, three categories of acts correspond to this type of violation:

- (a) Torture;
- (b) Cruel, inhuman or degrading treatment or punishment; and
- (c) Attempted execution

### a. Torture

38. As defined by the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the term “torture” means any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as:

- (a) obtaining from him or a third person information or a confession;
- (b) punishing him for an act he or a third person has committed or is suspected of having committed;
- (c) intimidating or coercing him or a third person; or
- (d) for any reason based on discrimination of any kind.

39. The above-described pain or suffering constitutes torture when inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity. Behaviour that characterizes torture should, however, be construed broadly rather than narrowly. In any event, in this definition of torture, three elements should be emphasized:

- (a) acute suffering;
- (b) intentionally inflicted; and
- (c) by a public official or other person acting in an official capacity or on his instigation or with his consent or acquiescence.

40. Under this definition, rape is a form of torture. As discussed above, however, the HRO should note that pain or suffering arising only from, inherent in, or incidental to lawful sanctions may not fall within the definition of torture if the sanctions are acceptable under both domestic law and international human rights law. Conduct that is allowed under domestic law may be considered torture if it is unacceptable under

international instruments such as the Standard Minimum Rules for the Treatment of Prisoners.

### **b. Cruel, inhuman or degrading treatment or punishment**

41. Torture is an aggravated form of cruel, inhuman or degrading treatment. *Not all cruel, inhuman and degrading treatment, however, constitutes "torture". It is not always easy to establish a difference or a borderline.* For instance, do beatings which undoubtedly are cruel, inhuman and degrading treatment, come under the description of "torture"? After how many blows? Where is the threshold of intensity of suffering, the gravity of the wounds and injuries?

42. Pursuant to Article 16 of the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, **the obligations contained in Articles 10, 11, 12 and 13 apply to both torture and other forms of cruel, inhuman or degrading treatment or punishment.** Hence, Articles 12 and 13 require States to ensure that complaints of acts of both torture and cruel, inhuman or degrading treatment or punishment are investigated. Similarly, pursuant to Article 10, States are to include education and information regarding the prohibition against torture/cruel, inhuman or degrading treatment or punishment in the training of law enforcement personnel, medical personnel, public officials, etc.

43. *Defining an act as torture rather than cruel, inhuman or degrading treatment may, however, have important consequences.* For example, Article 4 of the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment requires each State Party to ensure that all acts of torture are offences under its criminal law. Furthermore, States shall ensure that victims of torture have an enforceable right to fair and adequate compensation (Article 14) and that any statement adduced by torture shall not be invoked as evidence in any proceedings except against a person accused of torture as evidence that the statements were made (Article 15). These provisions of the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment do not apply to cruel, inhuman or degrading treatment or punishment.

44. The distinction between torture and cruel, inhuman or degrading treatment is not always easy. *Nor is it necessary for the HROs to make the distinction.* Torture as well as cruel, inhuman or degrading treatment constitute a violation of human rights as to which the HROs must gather information and report.

## **D. Right to liberty and security of person**

### **1. International standards**

45. In accordance with Article 3 of the Universal Declaration of Human Rights, "Everyone has the right to life, liberty and security of person." In addition, Article 9 of the Universal Declaration states that, "No one shall be subjected to arbitrary arrest, detention or exile."

46. Article 9(1) of the Covenant on Civil and Political Rights guarantees that “Everyone has the right to liberty and security of person. No one shall be subjected to arbitrary arrest or detention. No one shall be deprived of his liberty except on such grounds and in accordance with such procedure as are established by law.” The Human Rights Committee has pointed out that “paragraph 1 is applicable to all deprivations of liberty, whether in criminal cases or in other cases such as, for example, mental illness, vagrancy, drug addiction, educational purposes, immigration control, etc.”<sup>39</sup>

47. The European Convention and the Banjul Charter also provide the right to liberty and security of person. (European Convention, Article 5(1); Banjul Charter, Article 6.) The American Convention in Article 7(2) states that, “No one shall be deprived of his physical liberty except for the reasons and under the conditions established beforehand by the constitution of the State Party concerned or by a law established pursuant thereto.” Furthermore, Article 7(3) declares, “No one shall be subject to arbitrary arrest or imprisonment.”

48. For additional standards relating to the rights of detainees, see Chapter IX: “Visits to Persons in Detention”.

## 2. Violations of the right to liberty and security of person

### a. Arbitrary detention

49. There is a violation of the right to individual liberty when a public official or any other person acting in an official capacity or with official instigation, consent or acquiescence, **deprives a person, without a valid reason, of his/her liberty** by confining him/her in a prison or any other detention facility or compels him/her to stay in an assigned residence.

50. Article 9 of the Covenant on Civil and Political Rights contains first of all a requirement of **legality** for arrest and detention. Deprivation of liberty is permissible only when it transpires on such grounds and in accordance with such procedures as are established by the law. The principle of legality is violated if somebody is arrested or detained on grounds which are not clearly established in law or which are contrary to such law.

51. Secondly, it prohibits “arbitrary” arrest. The concept of **arbitrary** goes beyond that of legality. The prohibition of arbitrariness provides for an additional limitation on the possibility to deprive a person of their liberty. It is not enough that the deprivation of liberty be provided by law. The law itself must also not be arbitrary, and the enforcement of the law must not take place arbitrarily. “Arbitrary” is more than against the law or unlawful. It must be interpreted more broadly, as containing elements of injustice, unreasonableness and disproportionality. Therefore, cases of deprivation of liberty provided for by law must not be unproportional, unjust or unpredictable, and the specific manner in which an arrest is made must not be discriminatory and must be appropriate and proportional in view of the circumstances of the case.

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<sup>39</sup> Human Rights Committee, General Comment 8, Article 9 (Sixteenth session, 1982), Compilation of General Comments and General Recommendations Adopted by Human Rights Treaty Bodies, UN Doc. HRI/GEN/1/Rev.1 at 8 (1994).

52. In addition, a violation of the rights of arrested persons indicated in Article 9 of the Covenant on Civil and Political Rights, or a combination of violations of those rights, can lead to arbitrary detention. For example, the Human Rights Committee has established that people who had been arrested without an arrest warrant and had not been informed of the grounds for the arrest, were being arbitrarily detained.

53. Detained persons shall be held only in officially recognized places of detention, and their family and legal representatives are to receive full information.<sup>40</sup>

54. Juveniles are to be separated from adults, women from men and persons who have been convicted from persons who are awaiting trial.<sup>41</sup>

55. Decisions about the duration and legality of detention are to be made by a judicial or equivalent authority.<sup>42</sup> Every detainee shall have the right to appear before a judicial authority and to have the legality of his/her detention reviewed.<sup>43</sup>

### b. Forced disappearance

56. According to General Comment No. 6 of the Human Rights Committee, States parties should take specific and effective measures to prevent the disappearance of individuals. The Declaration on the Protection of All Persons from Enforced Disappearance<sup>44</sup> contains detailed guidance on States' obligations on this matter. In general, enforced disappearances occur when:

a) persons are arrested, detained or abducted against their will or otherwise deprived of their liberty by officials of different branches or levels of Government, or by organized groups or private individuals acting on behalf of, or with the support — direct or indirect — consent or acquiescence of the Government, and

b) followed by the Government's refusal to disclose the fate or whereabouts of the persons concerned or a refusal to acknowledge the deprivation of their liberty.

57. The first criterion is that the person must have been arrested or abducted by a Government official or any other person acting in an official capacity or with his consent or acquiescence. Such State responsibility is often difficult to verify. Normally the perpetrators of an enforced disappearance cover their tracks carefully.

58. The likelihood of a disappearance is greater if the victims was involved in political, trade union or other association activities. The HRO should ask *whether the victim previously had been threatened because of his/ her political activities or beliefs*. Have any other individuals in the same organizations been reported missing?

<sup>40</sup>Principles of Detention or Imprisonment, principles 12 and 16(1); Standard Minimum Rules, rules 7, 44(3), and 92; Declaration on Enforced Disappearance, Article 10; Principles on Summary Execution, principle 6.

<sup>41</sup>Covenant on Civil and Political Rights, Art. 10; Children's Convention, Art. 37; Standard Minimum Rules, rules 5, 8, 53, 85(1), and 85(2); Principles of Detention or Imprisonment, principles 5(2) and 8.

<sup>42</sup>Covenant on Civil and Political Rights, Art. 9(4); Principles of Detention or Imprisonment, principles 32 and 37; Declaration on Enforced Disappearance, Art. 10(1).

<sup>43</sup>Covenant on Civil and Political Rights, Art. 9(4); Principles of Detention or Imprisonment, principle 32.

<sup>44</sup>Adopted by General Assembly resolution 47/133 of 18 December 1992, UN Doc. A/RES/47/133, 32 I.L.M. 903 (1993).

59. The second element of the definition relates to the Government's refusal to acknowledge the arrest or admit knowledge of the person's whereabouts. The inquiry should include a search for the missing person in official or unofficial detention centres. This inquiry could be pursued by members of his family, friends, HROs, etc. HROs should question Government officials on the previous location and the present whereabouts of the missing person. *Only after the Government's refusal to provide information or in the absence of any information, can an HRO conclude that a case of enforced disappearance is involved.*

60. In short, one may assume that there is a case of "enforced disappearance" when the inquiry leads nowhere, when there is every reason to believe that Government officials or people working for them are involved in the disappearance, and when there are strong indications that the disappearance was for political or similar reasons.

61. In most cases, the Government will not admit that its officials or people working for them are involved in the disappearance and omits or refuses to carry out a proper enquiry.

62. The closer a case approaches this definition, the more it constitutes a serious and continuous violation of human rights.

## E. Rights in the administration of justice

63. The administration of justice includes the functioning and independence of the courts; the role of prosecutors; the role of lawyers; the role of law enforcement officials; human rights during criminal investigations, arrest and detention; the right to a fair trial; standards for the protection of prisoners; non-custodial measures; the administration of juvenile justice; the rights of minorities, non-nationals and refugees; women's human rights in the legal system; protection and redress for victims of crime and abuses of power; the administration of justice under states of emergency; the right to habeas corpus, amparo or similar remedy; and the role of the courts in protecting economic and social rights. As to each of these subjects there are international standards, which are briefly summarized below. For a more detailed and complete treatment of these standards, see Office of the High Commissioner for Human Rights, *Human Rights in the Administration of Justice* (Professional Training Series, forthcoming); High Commissioner for Human Rights/Centre for Human Rights, *Human Rights and Law Enforcement* (Professional Training Series No. 5, 1997); and Office of the High Commissioner for Human Rights, *Human Rights and Prisons* (Professional Training Series, forthcoming).

### 1. Courts

64. Article 10 of the Universal Declaration of Human Rights states, "Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him".

65. This provision is amplified by Article 14(1) of the Covenant on Civil and Political Rights:

All persons shall be equal before the courts and tribunals. In the determination of any criminal charge against him or of his rights and obligations in a suit at law, everyone shall be entitled to a fair and public hearing by a competent, independent and impartial tribunal established by law.

66. More explicit protections for the independence and impartiality of the tribunal have been adopted by the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders in the Basic Principles on the Independence of the Judiciary.<sup>45</sup> Principle 1 states that “[t]he independence of the judiciary shall be guaranteed by the State and enshrined in the Constitution or the law of the country. It is the duty of all governmental and other institutions to respect and observe the independence of the judiciary”. Principle 2 states that “[t]he judiciary shall decide matters before them impartially, on the basis of facts and in accordance with the law, without any restrictions, improper influences, inducements, pressures, threats or interferences, direct or indirect, from any quarter or for any reason”.

67. According to Principle 6, “The principle of the independence of the judiciary entitles and requires the judiciary to ensure that judicial proceedings are conducted fairly and that the rights of the parties are respected.”

68. Principle 10 of the Basic Principles on the Independence of the Judiciary states that persons “selected for judicial office shall be individuals of integrity and ability with appropriate training or qualifications in law”. Principle 12 requires that judges “shall have guaranteed tenure until a mandatory retirement age or the expiry of their term of office, where such exists”.

69. The Basic Principles on the Independence of the Judiciary also guarantee freedom of expression and association for judges; other *standards* regarding their *qualifications, selection and training; conditions of service and tenure; professional secrecy and immunity; as well as discipline, suspension and removal.*

70. The Human Rights Committee emphasizes that:

the provisions of article 14 apply to all courts and tribunals within the scope of that article whether ordinary or specialized. The Committee notes the existence, in many countries, of military or special courts which try civilians. This could present serious problems as far as the equitable, impartial and independent administration of justice is concerned. Quite often the reason for the establishment of such courts is to enable exceptional procedures to be applied which do not comply with normal standards of justice. While the Covenant does not prohibit such categories of courts, nevertheless the conditions which it lays down clearly indicate that the trying of civilians by such courts should be very exceptional and take place under conditions which genuinely afford the full guarantees stipulated in article 14.<sup>46</sup>

<sup>45</sup>A/CONF.121/22/Rev.1 paras. 58-59 (1985), endorsed by General Assembly resolution 40/140, Official Records of the General Assembly, Fortieth Session, Supplement No. 53, paras. 154-55, (A/40/53)¶1986.

<sup>46</sup>Official Records of the General Assembly, Thirty-ninth Session, Supplement No. 40, para. 144, (A/39/40), 1984.

## 2. Prosecutors

71. The Guidelines on the Role of Prosecutors<sup>47</sup> recognize that prosecutors play a crucial role in the administration of justice, and rules concerning the performance of their important responsibilities should contribute to fair and equitable criminal justice and the effective protection of citizens against crime. Accordingly, the Guidelines provide standards with regard to qualifications, selection and training of prosecutors; status and conditions of their service; guarantees for their freedom of expression and association; their role in criminal proceedings; the performance of their discretionary functions; alternatives to prosecution; prosecutors' relationship with other Government agencies or institutions; and disciplinary proceedings.

72. Principle 10 requires that "[t]he office of prosecutors shall be strictly separated from judicial functions". Principle 12 states that "[p]rosecutors shall, in accordance with the law, perform their duties fairly, consistently and expeditiously, and respect and protect human dignity and uphold human rights, thus contributing to ensuring due process and the smooth functioning of the criminal justice system".

73. Principles 13 to 16 further establish the duty for prosecutors to carry out their functions impartially and without discrimination; to take proper account of the position of the suspect and the victim; to give due attention to the prosecution of crimes committed by public officials, particularly grave violations of human rights; and to refuse to use evidence that they know was obtained through recourse to unlawful methods, which constitute a grave violation of the suspect's human rights.

## 3. Lawyers

74. The Basic Principles on the Role of Lawyers<sup>48</sup> recognize that adequate protection of human rights requires effective access to legal services provided by an independent legal profession, and establish obligations for Governments to provide effective and equal access to lawyers for all without discrimination. The Principles guarantee access to lawyers and legal services; special safeguards in criminal justice matters; standards regarding qualifications and training; protections for the independence and functioning of lawyers; their freedom of expression and association; professional associations; and disciplinary proceedings.

## 4. Law enforcement officials

75. The Code of Conduct for Law Enforcement Officials<sup>49</sup> recognizes their duty, imposed upon them by law, to serve the community principally by protecting all persons against illegal acts, consistent with the high degree of responsibility required by their profession. The Code provides for the protection and respect by law

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<sup>47</sup>Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, 27 August to 7 September 1990, UN Doc. A/CONF.144/28/Rev.1 at 189 (1990).

<sup>48</sup>Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, 27 August to 7 September 1990, UN Doc. A/CONF.144/28/Rev.1 at 118 (1990).

<sup>49</sup>G.A. res. 34/169, annex, 34 UN GAOR Supp. (No. 46) at 186, UN Doc. A/34/46 (1979).

enforcement officials of human rights and dignity; limits their use of force to situations in which it is strictly necessary; notes their duty to keep certain matters confidential; forbids their use of torture or other ill-treatment; assures that they will protect the health of detainees; states that they will avoid corruption; and provides that they will respect the law. The Basic Principles on the Use of Force and Firearms by Law Enforcement Officials<sup>50</sup> have already been discussed in this chapter, section B: “Right not to be arbitrarily deprived of life” above. In addition, for a detailed analysis of international human rights standards relevant to law enforcement officials and functions, see UN High Commissioner/Centre for Human Rights, Human Rights and Law Enforcement (Professional Training Series No. 5, 1997).

## 5. Human rights during criminal investigations, arrest and detention

76. Article 9 of the Covenant on Civil and Political Rights provides that “No one shall be subject to arbitrary arrest or detention. No one shall be deprived of his liberty except on such grounds and in accordance with such procedure as are established by law.” “Anyone who is arrested shall be informed, at the time of arrest, of the reasons for his arrest and shall be promptly informed of any charges against him.” Further standards with regard to arrest and detention are discussed in Chapter IX: “Visits to Persons in Detention”.

## 6. Right to a fair trial

77. The right to fair trial is principally guaranteed by Articles 9, 14 and 15 of the Covenant on Civil and Political Rights. With regard to a criminal case, it includes the rights to be informed promptly of any charges upon arrest; to be brought promptly before a judge or similar judicial officer for an assessment of the legality of an arrest; to equal treatment before courts and tribunals; to a fair and usually public hearing by a competent, independent and impartial tribunal established by law; to be presumed innocent; to be informed promptly and in detail in a language one understands of the nature of charges; to have adequate time and facilities for the preparation of a defence; to communicate with counsel of one’s own choosing; to be tried without undue delay; to be tried in one’s presence; to defend one’s self in person or through legal assistance of one’s choice; to be informed that counsel will be appointed if one does not have sufficient funds and the interests of justice require appointment; to examine or have examined witnesses; to obtain the attendance and examination of witnesses on the same conditions as adverse witnesses; to have the free assistance of an interpreter if one cannot understand the language used in court; not to be compelled to testify against one’s self or to confess guilt; to have a conviction reviewed by a higher tribunal according to law; to be compensated for any punishment which is conclusively shown to be a miscarriage of justice; not to be convicted for any offence for which one has been finally convicted or acquitted (*non bis in idem*); not to be convicted for any act which did not constitute a criminal offence

<sup>50</sup>Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, 27 August to 7 September 1990, UN Doc. A/CONF.144/28/Rev.1 at 112 (1990).



under national or international law at the time of the conduct (prohibition of retroactivity of criminal law); to benefit from any subsequent decrease in punishment. For further discussion of fair trial standards, see Chapter XIII: "Trial Observation and Monitoring the Administration of Justice". (See also this chapter, section E-9: "Administration of juvenile justice" and section E-14 "The right to habeas corpus, amparo or similar remedy" below.)

## 7. Standards for the protection of prisoners

78. Article 10 of the Covenant on Civil and Political Rights states, "All persons deprived of liberty shall be treated with humanity and with respect for the inherent dignity of the human person." Article 7 provides further, "No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment." For further discussion of applicable standards, see Chapter IX: "Visits to Persons in Detention".

## 8. Non-custodial measures

79. Article 9(3) of the Covenant on Civil and Political Rights states, "It shall not be the general rule that persons awaiting trial shall be detained in custody, but release may be subject to guarantees to appear for trial, at any other stage of the judicial proceedings and, should occasion arise, for execution of the judgement." This norm is elaborated in United Nations Standard Minimum Rules for Non-custodial Measures (The Tokyo Rules).<sup>51</sup>

## 9. Administration of juvenile justice

80. Article 14(4) of the Covenant on Civil and Political Rights provides that juvenile persons shall be entitled to procedures that will take account of their age and the desirability of promoting their rehabilitation. Moreover, Article 40 of the Convention on the Rights of the Child states, *inter alia*, that any child alleged to have committed a criminal offence shall be treated in a manner consistent with the child's sense of dignity and worth as well as the desirability of promoting the child's reintegration in society. Such a child alleged to have infringed the penal law is entitled to the presumption of innocence; to be informed promptly of the charges; to have the matter determined without delay by a competent, independent and impartial authority or judicial body in a fair hearing according to law, in the presence of legal or other appropriate assistance, and usually in the presence of the child's parents or legal guardians.

81. The accused child should also not be compelled to give testimony or guilt, but should be able to examine or have examined adverse witnesses; to obtain the participation and examination of witnesses under conditions of equality; to have the free assistance of an interpreter, if needed; to have his privacy respected; and to have any adverse decision reviewed by a higher competent, independent and impartial authority or judicial body according to law.

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<sup>51</sup>G.A. res. 45/110, annex, 45 UN GAOR Supp. (No. 49A) at 197, UN Doc. A/45/49 (1990).

82. In addition, Governments are requested to promote the establishment of measures for dealing with children in conflict with the law without resorting to judicial proceedings. Article 40 also requires that a variety of dispositions, such as care, guidance and supervision orders; counselling; probation; foster care; education and vocational training programmes and other alternatives to institutional care be available to ensure that children are dealt with in a manner appropriate to their well-being and proportionate both to their circumstances and the offence.

83. Article 37 of the Convention on the Rights of the Child provides that children deprived of their liberty shall be treated in a manner which takes into account the needs of the person of his or her age, and be separated from adults unless it is considered in the child's best interest not to do so.

84. Article 6 of the Covenant on Civil and Political Rights states that sentence of death shall not be imposed for crimes committed by persons below eighteen years of age.

85. These standards are further developed and clarified in a number of specific instruments, including the also United Nations Rules for the Protection of Juveniles Deprived of their Liberty<sup>52</sup>; the United Nations Guidelines for the Prevention of Juvenile Delinquency (The Riyadh Guidelines)<sup>53</sup>; and the United Nations Standard Minimum Rules for the Administration of Juvenile Justice ("The Beijing Rules").<sup>54</sup>

## 10. Rights of minorities, non-nationals and refugees

86. Article 26 of the Covenant on Civil and Political Rights provides,

All persons are equal before the law and are entitled without any discrimination to the equal protection of the law. In this respect, the law shall prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

87. As mentioned above, Article 14(3)(f) of the Covenant provides an accused person with the right to "have the free assistance of an interpreter if he cannot understand or speak the language used in court". Article 27 also provides minorities with the right to use their own language. Further protections are established in the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities.<sup>55</sup>

88. Article 13 of the Covenant on Civil and Political Rights indicates that an *alien lawfully in the territory of a country may be expelled* only in pursuance of a decision reached in accordance with law and shall, except where compelling reasons of national security otherwise require, be allowed to submit the reasons against expulsion, to have the case reviewed, and to be represented for that purpose before the competent authority.

<sup>52</sup>G.A. res. 45/113, annex, 45 UN GAOR Supp. (No. 49A) at 205, UN Doc. A/45/49 (1990).

<sup>53</sup>G.A. res. 45/112, annex, 45 UN GAOR Supp. (No. 49A) at 201, UN Doc. A/45/49 (1990).

<sup>54</sup>G.A. res. 40/33, annex, 40 UN GAOR Supp. (No. 53) at 207, UN Doc. A/40/53 (1985).

<sup>55</sup>G.A. res. 47/135, annex, 47 UN GAOR Supp. (No. 49) at 210, UN Doc. A/47/49 (1993).

Additional protections are set forth in the Declaration on the Human Rights of Individuals Who are Not Nationals of the Country in Which They Live.<sup>56</sup>

89. Article 16 of the Convention relating to the Status of Refugees as applied by the Protocol relating to the Status of Refugees, assures refugees *free access to the courts of law and equal treatment with nationals* of the country pertaining to access to the courts, including legal assistance. For further discussion of applicable standards, see Chapter X: “Monitoring and Protecting the Human Rights of Refugees and/or Internally Displaced Persons Living in Camps” and Chapter XI: “Monitoring and Protecting the Human Rights of Returnees and Internally Displaced Persons (IDPs)”.

## 11. The human rights of women in the administration of justice

90. As cited above, Article 26 of the Covenant on Civil and Political Rights establishes that “[a]ll persons are equal before the law and are entitled without any discrimination to the **equal protection of the law**”, and forbids discrimination on any ground including sex. Article 3 also provides that ratifying governments “undertake to ensure the **equal rights of men and women** to the enjoyment of all civil and political rights set forth in” the Covenant. In addition, Article 1 of the Convention on the Elimination of All Forms of Discrimination against Women **forbids discrimination against women**. Article 2 of that Convention further obligates all ratifying governments to “establish legal protection of the rights of women on an equal basis with men and to ensure through competent national tribunals and other public institutions the effective protection of women against any act of discrimination.”

91. Also relevant is the Declaration on the Elimination of Violence Against Women.<sup>57</sup> Of particular importance is that the definition of “**violence against women**” contained in article 1 of the Declaration includes “any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women [...], whether occurring **in public or in private life**”. The definition encompasses, in addition to violence perpetrated or condoned by the State, violence occurring **within the family** (domestic violence), and **within the community** (article 2). The Declaration establishes the duty for the State — through its law enforcement and administration of justice systems — to **prevent, investigate and punish** all acts of violence against women, whether perpetrated by the State or by private persons, to provide women who are subjected to violence with access to the mechanisms of justice and to just and effective remedies, and to ensure that law enforcement officers and public officials concerned receive training to sensitize them to the needs of women.

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<sup>56</sup>G.A. res. 40/144, annex, 40 UN GAOR Supp. (No. 53) at 252, UN Doc. A/40/53 (1985).

<sup>57</sup>G.A. res. 48/104, 48 UN GAOR Supp. (No. 49) at 217, UN Doc. A/48/49 (1993).

## 12. Protection and redress for victims of crime and abuses of power

92. The Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power<sup>58</sup> provides that victims of crime and/or abuse of power should receive access to justice, prompt redress and fair treatment (paras. 4-7); restitution (paras. 8-11); compensation (paras. 12-13); as well as the necessary material, medical, psychological and social assistance (paras. 14-17). Pursuant to paragraph 1, “victims of crime” mean persons who, individually or collectively, have suffered harm, including physical or mental injury, emotional suffering, economic loss or substantial impairment of their fundamental rights, through acts or omissions that are in violation of criminal laws operative within Member States, including those laws proscribing criminal abuse of power. The definition of “victims of abuse of power” is identical to “victims of crime”, except that harm is caused by acts or omissions that do not yet constitute violations of national criminal laws but of internationally recognized norms relating to human rights.

93. There are a number of other practical concerns of victims, including the need for information about their rights, participation in the accused’s trial or other process of criminal justice, privacy, freedom from harassment or retaliation and reassurance about their safety.

## 13. The administration of justice under states of emergency

94. As discussed more fully in Chapter III: “Applicable International Human Rights and Humanitarian Law: The Framework”, Article 4 of the International Covenant on Civil and Political Rights states that governments *may derogate* from (that is, not apply) certain rights in times of *public emergency which threaten the life of the nation*, are properly *announced* and about which the *UN is notified*. There are, however, certain rights which are non-derogable including the right to be free from *discrimination; rights guaranteed under international law*, including the Geneva Conventions and the two Protocols; as well as the rights to be free from arbitrary deprivation of *life; torture* and other ill-treatment; *slavery; imprisonment for debt; retroactive penalty; non-recognition of the law*, and infringement of *freedom of thought, conscience and religion*. The following section (“The right to habeas corpus, amparo or similar remedy”) also contains important information relevant to the administration of justice in states of emergency.

## 14. The right to habeas corpus, amparo or similar remedy

95. While the Covenant on Civil and Political Rights does not use the terms “habeas corpus” or “amparo”, it contains several provisions which guarantee the essence of the

<sup>58</sup>G.A. res. 40/34, annex, 40 UN GAOR Supp. (No. 53) at 214, UN Doc. A/40/53 (1985).

habeas corpus writ and aspects of the amparo procedure which are similar in impact to habeas corpus. Article 9 (3) states,

Anyone arrested or detained on a criminal charge shall be brought promptly before a judge or other officer authorized by law to exercise judicial power and shall be entitled to trial within a reasonable time or to release...

96. Article 9(4) states,

Anyone who is deprived of his liberty by arrest or detention shall be entitled to take proceedings before a court, in order that court may decide without delay on the lawfulness of his detention and order his release if the detention is not lawful.

97. The right to habeas corpus and related aspects of amparo are also inherent in Article 2(3), which states,

3. Each State Party to the present Covenant undertakes:

(a) To ensure that any person whose rights or freedoms as herein recognized are violated shall have an effective remedy, notwithstanding that the violation has been committed by persons acting in an official capacity;

(b) To ensure that any person claiming such a remedy shall have his right thereto determined by competent judicial, administrative or legislative authorities, or by any other competent authority provided for by the legal system of the State, and to develop the possibilities of judicial remedy;

(c) To ensure that the competent authorities shall enforce such remedies when granted.

98. Although *habeas corpus* and the related aspects of *amparo* for challenging detention were not expressly made non-derogable under Article 4 of the International Covenant on Civil and Political Rights, *habeas corpus/amparo* have gradually been recognized as non-derogable. These developments have occurred because of the recognition that without the ability to challenge the legality of one's detention, especially in times of public emergency, one will never be assured of the other fundamental rights in the Covenant.

99. Two Advisory Opinions issued by the Inter-American Court of Human Rights have concurred in holding that *habeas corpus* and *amparo* — the legal remedies guaranteed in Articles 7(6) and 25(1) of the American Convention — may not be suspended, even in emergency situations, because they are among the “judicial guarantees essential” to protect the rights whose suspension Article 27(2) of the American Convention prohibits.<sup>59</sup> In the first opinion, the Court pointed out that *habeas corpus* performs a vital role in assuring that a person's life and physical integrity are respected. In its second Advisory Opinion, the Inter-American Court stated that the “essential” judicial guarantees not subject to derogation according to Article 27 include *habeas corpus*, *amparo*, and any other effective remedy before judges or competent

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<sup>59</sup>Advisory Opinion of 9 May 1986, Inter-Am. C.H.R., 13 OEA/Ser.L/III.15, doc. 14 (1986) and Advisory Opinion of 6 October 1987, Inter-Am. C.H.R. 13 OEA/Ser.L/V/III.19, doc. 13 (1988).

tribunals which is designed to guarantee respect for the rights and freedoms whose suspension are not authorized by the American Convention.

## 15. Role of the courts in protecting economic and social rights

100. As discussed more fully in this chapter, in section I: “Right to property” and section J: “Right to housing and other economic, social and cultural rights” below, international human rights law (the Universal Declaration of Human Rights and the Covenant on Economic, Social and Cultural Rights in particular) protects a wide range of economic, social and cultural rights, including right to and in work, trade union rights, social security rights, family rights, the right to an adequate standard of living, housing and food rights, rights to health care, education rights and rights to cultural life. Although human rights law has traditionally focused primarily upon the role of the courts in protecting civil and political rights, judiciaries have an equally important role to play in securing compliance with the individual economic, social and cultural rights as well. In many countries, individuals and groups entitled to the enjoyment of particular economic, social and cultural rights are turning increasingly to the judicial system as a means of claiming these rights.

101. Although the judicial enforceability (justiciability) of economic, social and cultural rights has been the subject of some controversy, perspectives denying the justiciability of these rights have been repeatedly shown to be far more reflections of misunderstandings than grounded in the status of human rights law.<sup>60</sup> The Limburg Principles on the Implementation of the International Covenant on Economic, Social and Cultural Rights<sup>61</sup> state, “Although the full realization of the rights recognized in the Covenant is to be attained progressively, the application of some rights can be made justiciable immediately while other rights can become justiciable over time... States parties shall provide for effective remedies including, where appropriate, judicial remedies.”

102. Indeed, a new complaint procedure was established in connection with the European Social Charter in 1995 and negotiations are continuing within the UN context for a similar procedure under the Covenant on Economic, Social and Cultural Rights. The UN Committee on Economic, Social and Cultural Rights has stated, for example, that “Among the measures which might be considered appropriate, in addition to legislation, is the provision of judicial remedies with respect to the rights which may, in accordance with the national legal system, be considered justiciable. [...] There are a number of other provisions in the Covenant on Economic, Social and Cultural Rights, including articles 3,7 (a) (i), 8, 10(3), 13(2)(a), 13(3), 13(4) and 15(3), which would seem to be capable of immediate application by judicial and other organs in many national legal systems”.<sup>62</sup>

<sup>60</sup>For a detailed discussion of the justiciability of one right, see: Scott Leckie, (1995), “The Justiciability of Housing Rights”, in *The Right to Complain about Economic, Social and Cultural Rights* (Coomans, van Hoof, Arambulo, Smith and Toebes, eds), pp. 35-72.

<sup>61</sup>UN Doc. E/CN.4/1987/17 (1987).

<sup>62</sup>General Comment N.3, The nature of States parties’ obligations (article 2, paragraph 1, of the Covenant, para. 5.

## F. Freedom of opinion and expression<sup>63</sup>

103. Article 19 of the Universal Declaration of Human Rights states, "Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through the media and regardless of frontiers."

104. The Covenant on Civil and Political Rights declares in Article 19:

1. Everyone shall have the right to hold opinions without interference.
2. Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information of all kinds, regardless of frontiers, either orally, in writing, in print, in the form of art or through any other media of his choice.
3. The exercise of the rights provided for in paragraph 2 of the present article carries with it special duties and responsibilities. It may therefore be subject to certain restrictions but these shall only be such as are provided by law and are necessary:
  - a) for the respect of the rights or reputation of others;
  - b) for the protection of national security or of public order (*ordre public*), or of public health and morals.

105. The Human Rights Committee has commented that Article 19(1) is "a right to which the Covenant permits no exception or restriction."<sup>64</sup>

106. The American Convention sets forth in Article 13 the right to freedom of thought and expression:

1. Everyone has the right to freedom of thought and expression. This right includes freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing, in print, in the form of art or through any other medium of one's choice.
2. The exercise of the right... shall not be subject to prior censorship...
3. The right of expression may not be restricted by indirect methods or means, such as the abuse of government or private controls over newsprint, radio broadcasting frequencies, or equipment used in the dissemination of information, or by any other means tending to impede the communication and circulation of ideas and opinions.

<sup>63</sup>For a more comprehensive review of international law relating to the right to freedom of expression, see *The Article 19 Freedom of Expression Handbook* (1993).

<sup>64</sup>Human Rights Committee, General Comment 10, Article 19 (Nineteenth session, 1983), Compilation of General Comments and General Recommendations Adopted by Human Rights Treaty Bodies, UN Doc. HRI/GEN/1/Rev.1 at 11 (1994).

107. Article 9(1) of the Banjul Charter states, “Every individual shall have the right to receive information.” Article 9(2) continues, “Every individual shall have the right to express and disseminate his opinions with the law.”

108. Pursuant to Article 9(1) of the European Convention, “Everyone has the right to freedom of thought, conscience and religion...”. In addition, Article 10(1) guarantees that “Everyone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers...”.

109. The right to freedom of opinion and expression is a basic right that acts as a cornerstone for many other rights, including political rights. For a more detailed examination of political rights guaranteed by international law, see Chapter XIV: “Election Observation”.

## G. Freedom of association and assembly

110. Article 20 of the Universal Declaration of Human Rights states, “Everyone has the right to freedom of peaceful assembly and association.”

111. The Covenant on Civil and Political Rights guarantees in Article 22(1) that, “Everyone shall have the right to freedom of association with others, including the right to form and join trade unions for the protection of his interests.” Pursuant to Article 22(2), “No restrictions may be placed on the exercise of this right other than those which are prescribed by law and which are necessary in a democratic society in the interests of national security or public safety, public order (*ordre public*), the protection of public health or morals or the protection of rights and freedoms of others.”

112. Article 11(1) of the European Convention declares, “Everyone has the right to freedom of peaceful assembly and to freedom of association with others, including the right to form and join trade unions for the protection of his interests.” Article 16(1) of the American Convention recognizes that “Everyone has the right to associate freely for ideological, religious, political, economic, labor, social, cultural, sports or other purposes”. Both of these regional conventions contain limiting language that mirrors Article 22(2) of the Covenant on Civil and Political Rights. Pursuant to Article 10(1) of the Banjul Charter, “Every individual shall have the right to free association provided that he abides by the law.”

113. *Freedom of association* includes forming, joining and participating in *political parties, trade unions, NGOs, neighbourhood associations, women’s organizations, religious groups and student organizations*. The violation of these rights interfere with the proper working of a democratic society.

114. The right to *peaceful assembly* should be considered in tandem with the right to freedom of association. Article 21 of the Covenant on Civil and Political Rights guarantees that “The right of peaceful assembly shall be recognized. No restrictions may be placed on the exercise of this right other than those imposed in conformity with



the law and which are necessary in a democratic society in the interests of national security or public safety, public order (*ordre public*), the protection of public health or morals or the protection of the rights and freedoms of others.” The right to freedom of peaceful assembly is also guaranteed by Article 15 of the American Convention and Article 11 of the Banjul Charter.

## H. Freedom of movement and residence

115. Pursuant to Article 13(1) of the Universal Declaration of Human Rights, “Everyone has the right to freedom of movement and residence within the borders of each State.” Article 13(2) further declares, “Everyone has the right to leave any country, including his own, and to return to his country.”

116. Article 12 of the Covenant on Civil and Political Rights guarantees the right to freedom of movement and residence:

1. Everyone lawfully within the territory of a State shall, within that territory, have the right to liberty of movement and freedom to choose his residence.
2. Everyone shall be free to leave any country, including his own.
3. The above-mentioned rights shall not be subject to any restrictions except those which are provided by law, are necessary to protect national security, public order (*ordre public*), public health or morals or the protection of the rights and freedoms of others, and are consistent with the other rights recognized in the present Covenant.
4. No one shall be arbitrarily deprived of the right to enter his own country.

117. The American Convention (Article 22) and Banjul Charter (Article 12) also guarantee the right to freedom of movement and residence. Government-imposed restrictions on the movement of women (for example, by requiring women to be accompanied by a male relative when travelling abroad) are clear violations of this right. Such restrictions also constitute a case of sex-based discrimination which is prohibited under the Universal Declaration of Human Rights and the Covenant on Civil and Political Rights.

118. A Government’s refusal to issue a *passport or personal identification document* is considered to obstruct the exercise of this right, and is therefore a violation of the right to freedom of movement. HROs should also be aware of the *link between residency and nationality* — another fundamental human right protected by Article 15 of the Universal Declaration of Human Rights, and of the impact that a Government’s denial of residency rights may have on the enjoyment of the right to a nationality and vice versa.

119. *Forced population displacement* may also be a violation of international humanitarian law if it occurs during periods of armed conflict. Article 17(1) of the Protocol II to the Geneva Conventions states that “the displacement of the civilian population shall not

be ordered for reasons related to the conflict unless the security of the civilians involved or imperative military reasons demand”, in which cases “all possible measures shall be taken in order that the civilian population may be received under satisfactory conditions of shelter, hygiene, safety and nutrition”. Furthermore, according to Article 17(2) of Protocol II, “civilians shall not be compelled to leave their own territory for reasons connected with the conflict”.

## I. Right to property

120. The Universal Declaration of Human Rights provides in Article 17, “Everyone has the right to own property alone as well as in association with others... No one shall be arbitrarily deprived of his property.” The two Covenants do not contain a similar provision. Indeed, Article 1 of the two Covenants provide, “All peoples may, for their own ends, freely dispose of their natural wealth and resources without prejudice to any obligations arising out of economic cooperation, based upon the principle of mutual benefit, and international law. In no case may a people be deprived of its own means of subsistence.” The two Covenants also *forbid* discrimination on several grounds, including *discrimination on the basis of property*.

121. The right to property is closely *associated with the right to housing*. The Covenant on Economic, Social and Cultural Rights provides in Article 11, “the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing...”. The right to housing is discussed more fully below as an example of an economic right.

## J. Right to housing and other economic, social and cultural rights

122. Article 2(1) of the Covenant on Economic, Social and Cultural Rights contains the basic obligation of all governments which ratify that treaty; it reads as follows:

Each State Party to the present Covenant undertakes to take steps, individually and through international assistance and cooperation, especially economic and technical, to the maximum of its available resources, with a view to achieving progressively the full realization of the rights recognized in the present Covenant by all appropriate means, including particularly the adoption of legislative measures.

123. The Covenant recognizes a number of rights, including the right to work, trade union rights, social security rights, family rights, the right to an adequate standard of living, housing and food rights, rights to health care, education rights and rights to cultural life.

124. Economic, social and cultural rights are discussed more fully in Chapter XVII: “Monitoring Economic, Social and Cultural Rights”. As an example, however, of the application of such rights, the Committee on Economic, Social and Cultural Rights in 1991 issued General Comment No. 4 on the *right to adequate housing*.

“Pursuant to article 11(1) of the Covenant, States parties “recognize the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions”. The human right to adequate housing, which is thus derived from the right to an adequate standard of living, is of central importance for the enjoyment of all economic, social and cultural rights...

Despite the fact that the international community has frequently reaffirmed the importance of full respect for the right to adequate housing, there remains a disturbingly large gap between the standards set in article 11(1) of the Covenant and the situation prevailing in many parts of the world. While the problems are often particularly acute in some developing countries which confront major resource and other constraints, the Committee observes that significant problems of homelessness and inadequate housing also exist in some of the most economically developed societies. The United Nations estimates that there are over 100 million persons homeless worldwide and over 1 billion inadequately housed. There is no indication that this number is decreasing. It seems clear that no State party is free of significant problems of one kind or another in relation to the right to housing...

The right to adequate housing applies to everyone. While the reference to ‘himself and his family’ reflects assumptions as to gender roles and economic activity patterns commonly accepted in 1966 when the Covenant was adopted, the phrase cannot be read today as implying any limitations upon the applicability of the right to individuals or to female-headed households or other such groups...

In the Committee’s view, the right to housing... should be seen as the right to live somewhere in security, peace and dignity. This is appropriate for at least two reasons. In the first place, the right to housing is integrally linked to other human rights and to the fundamental principles upon which the Covenant is premised... Secondly, the reference in article 11(1) must be read as referring not just to housing but to adequate housing. As both the Commission on Human Settlements and the Global Strategy for Shelter to the Year 2000 have stated: “Adequate shelter means... adequate privacy, adequate space, adequate security, adequate lighting and ventilation, adequate basic infrastructure and adequate location with regard to work and basic facilities — all at a reasonable cost.”<sup>65</sup>

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<sup>65</sup>Committee on Economic, Social and Cultural Rights, *Report on the Sixth Session, General Comment No. 4 (1991)*, Supp. No. 3, Annex III, at 114-15, UN Doc. E/1992/23 (1992) (footnotes omitted)

125. The Comment identifies seven aspects of the right to adequate housing: legal security of tenure; availability of services, materials, facilities and infrastructure; affordability; habitability; accessibility; location; and cultural adequacy.<sup>66</sup>

126. General Comment No. 4 concludes: “[T]he Committee considers that instances of forced eviction are *prima facie* incompatible with the requirements of the Covenant and can only be justified in the most exceptional circumstances, and in accordance with the relevant principles of international law.”<sup>67</sup>

127. In June 1997 the Committee on Economic, Social and Cultural Rights provided further guidance on forced evictions in its General Comment No. 7:<sup>68</sup>

“In essence, the obligations of States Parties to the Covenant in relation to forced evictions are based on Article 11(1), read in conjunction with other relevant provisions. In particular, Article 2(1) obliges States to use “all appropriate means” to promote the right to adequate housing. However, in view of the nature of the practice of forced evictions, the reference to Article 2(1) to progressive achievement based on the availability of resources will rarely be relevant. The State itself must refrain from forced evictions and ensure that the law is enforced against its agents or third parties who carry out forced evictions (as defined in para. 3 above). Moreover, this approach is reinforced by Article 17(1) of the International Covenant on Civil and Political Rights which complements the right not to be forcefully evicted without adequate protection. That provision recognizes, *inter alia*, the right to be protected against “arbitrary or unlawful interference” with one’s home. It is to be noted that the State’s obligation to ensure respect for that right is not qualified by considerations relating to its available resources.

Article 2(1) of the Covenant requires States Parties to use “all appropriate means”, including the adoption of legislative measures, to promote all the rights protected under the Covenant. Although the Committee has indicated in its General Comment No.3 (1991) that such measures may not be indispensable in relation to all rights, it is clear that legislation against forced evictions is an essential basis upon which to build a system of effective protection. Such legislation should include measures which (a) provide the greatest possible security of tenure to occupiers of houses and land, (b) conform to the Covenant and (c) are designed to control strictly the circumstances under which evictions may be carried out. The legislation must also apply in relation to all agents acting under the authority of the State or who are accountable to it. Moreover, in view of the increasing trend in some States towards their government greatly reducing their responsibilities in the housing sector, States Parties must ensure that legislative and other measures are adequate to prevent and, if appropriate, punish forced evictions carried out, without appropriate safeguards, by private persons or bodies. States parties should therefore review relevant legislation and policies to ensure that these are compatible with the

<sup>66</sup>*Id.* at 115-17.

<sup>67</sup>*Id.* at 119.

<sup>68</sup>UN Doc. E/CN.4/C.12/1997/4 (1997).

obligations arising from the right to adequate housing and to repeal or amend any legislation or policies that are inconsistent with the requirements of the Covenant.

...The non-discrimination provisions of Articles 2(2) and 3 of the Covenant impose an additional obligation upon governments to ensure that, where evictions do occur, appropriate measures are taken to ensure that no forms of discrimination are involved.

Where some evictions may be justifiable, such as in the case of the persistent non-payment of rent or of damage to rented property without any reasonable cause, it is incumbent upon the relevant authorities to ensure that those evictions are carried out in a manner warranted by a law which is compatible with the Covenant and that all the legal recourses and remedies are available to those affected...”

128. In addition to the relevant provisions of the Covenant on Economic, Social and Cultural Rights, international humanitarian law also contains provisions relevant to *forced evictions*. For example, Article 49 of the Fourth Geneva Convention states,

Individual or mass forcible transfers, as well as deportations of protected persons from occupied territory to the territory of the Occupying Power or to that of any other country, occupied or not, are prohibited regardless of their motive.

129. Similarly for non-international armed conflicts, Article 17 of Protocol II of the Geneva Conventions states,

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

2. Civilians shall not be compelled to leave their own territory for reasons connected with the conflict.

## K. Rights of refugees and internally displaced persons

### 1. Refugees

130. The definition of “refugee” is set forth in Article 1 of the Convention relating to the Status of Refugees (as modified by Article 1 of the Protocol) as any person who “owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside of the country of his nationality and is unable, or owing to such fear, is unwilling

to avail himself of the protection of that country". (See Chapter X: "Monitoring and Protecting the Human Rights of Refugees and/or Internally Displaced Persons Living in Camps".) Certain persons are excluded from refugee status if they have committed a crime against peace, war crime or crime against humanity; committed a serious non-political crime outside the country of refuge; or been guilty of acts contrary to the purposes and principles of the UN.

131. Regional refugee instruments have expanded the definition of refugee. The Convention Governing the Specific Aspects of Refugee Problems in Africa, adopted by the Organization of African Unity,<sup>69</sup> broadens the definition of refugee by stating in Article 1(2): The term "refugee" shall also apply to every person who, owing to external aggression, occupation, foreign domination or events seriously disturbing public order in either part or the whole of his country of origin or nationality, is compelled to leave his place of habitual residence in order to seek refuge in another place outside his country of origin or nationality.

132. A similar definition of refugee is applicable in Central America through the Cartagena Declaration. (See Chapter XI: "Monitoring and Protecting the Human Rights of Returnees and Internally Displaced Persons (IDPs)".)

133. Central to the concept of refugee protection is the principle of *non-refoulement*. Article 33(1) of the Convention relating to the Status of Refugees states, "No Contracting State shall expel or return ("*refouler*") a refugee in any manner whatsoever to the frontiers of territories where his life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social group or political opinion."

134. Article 31 of the Convention relating to the Status of Refugees *exempts refugees from normal immigration procedures* and provides that States "shall not impose penalties, on account of their illegal entry or presence, on refugees, who come in directly from another territory where their life or freedom was threatened..."

135. Once refugee status has been granted by a receiving State, the Convention relating to the Status of Refugees guarantees certain **substantive rights** in such areas as freedom of religion, ownership of property, access to the courts, and other.

136. The UNHCR has noted in this context that women "share the protection problems experienced by all refugees... In addition..., refugee women and girls have special protection needs that reflect their gender: they need, for example, protection against manipulation, sexual and physical abuse and exploitation, and protection against sexual discrimination in the delivery of goods and services... [S]pecial efforts may be needed to resolve problems faced specifically by refugee women...<sup>70</sup> The UNHCR has further noted that the gender-related claims of women to asylum or refugee status usually can be established based on the "political opinion" or "particular social group" categories of the refugee definition.<sup>71</sup>

<sup>69</sup>OAU Doc. CM/267/Rev. 1 (1969).

<sup>70</sup>UNHCR, *Guidelines on the Protection of Refugee Women* 7-8, 36 (1991).

<sup>71</sup>*Id.*

137. Another important right drawn from international refugee law is the *right to seek asylum*. Article 14(1) of the Universal Declaration of Human Rights proclaims, “Everyone has the right to seek and to enjoy in other countries asylum from persecution”.

138. Regional agreements that reinforce the rights of refugees have also been adopted. The OAU Convention Governing the Specific Aspects of Refugee Problems in Africa reaffirms the principle of *non-refoulement* and imposes upon member States the obligation to “...use their best endeavours consistent with their respective legislation to receive refugees and to secure the settlement of those refugees who, for well-founded reasons, are unable or unwilling to return to their country of origin or nationality.”

139. The American Convention includes provisions similar to the Convention relating to the Status of Refugees. Article 22(7) states, “Every person has the right to seek and be granted asylum in a foreign territory, in accordance with the legislation of the State and international conventions, in the event he is being pursued for political offenses or related common crimes.”

140. Moreover, pursuant to Article 22(8) of the American Convention, “In no case may an alien be deported or returned to a country, regardless of whether or not it is his country of origin, if in that country his right to life or personal freedom is in danger of being violated because of his race, nationality, religion, social status, or political opinions.” (See also Chapter X: “Monitoring and Protecting the Human Rights of Refugees and/or Internally Displaced Persons Living in Camps”).

## 2. Internally displaced persons

141. Persecution that produces massive involuntary movements across borders generally also produces massive internal displacement. According to the Guiding Principles on Internal Displacement,<sup>72</sup> internally displaced persons are:

“persons or groups of persons who have been forced or obliged to flee or to leave their homes or places of habitual residence, in particular as a result of or in order to avoid the effects of armed conflict, situations of generalized violence, violations of human rights or natural or human-made disasters, and who have not crossed and internationally recognized State border.”

(See Chapter XI: “Monitoring and Protecting the Human Rights of Returnees and Internally Displaced Persons (IDPs)”.)

142. International human rights and humanitarian law instruments, including the Guiding Principles on Internal Displacement, provide legal protection against the human rights violations to which people displaced within their countries are often vulnerable.

143. Although IDPs often experience the same threats and violations of their human rights, they are unable to benefit from the protection provided by international refugee law because they have not crossed an international border. The General Assembly has, however, sometimes requested the United Nations High Commissioner for Refugees

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<sup>72</sup>UN document E/CN.4/1998/53/Add.2.

(UNHCR) to provide protection and other assistance to internally displaced populations. Several other United Nations structures, including the Office of the High Commissioner for Human Rights and the United Nations Children's Fund, and many other inter-governmental and non-governmental organizations, also offer protection and assistance of varying forms. (See Chapter XI: "Monitoring and Protecting the Human Rights of Returnees and Internally Displaced Persons (IDPs)".)

## L. The human rights of women

144. International human rights law provides that (1) women and men are to receive *equal treatment*; and (2) special protections apply to women because of their status as a *vulnerable group*.

145. Article 1 of the Convention on the Elimination of Discrimination against Women defines "discrimination against women" as "any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field." Under this "non-discrimination model", women's rights are violated if women are denied the same rights as men.

146. Pursuant to Article 3 of the Covenant on Civil and Political Rights, "The States parties to the present Covenant undertake to ensure the equal rights of men and women to the enjoyment of all civil and political rights set forth in the present Covenant." The Human Rights Committee, in its General Comment No. 4, interpreted this provision to require not only measures of protection for women, but also **affirmative action** to ensure the positive enjoyment of enumerated rights. Affirmative action includes policies and activities which seek to strongly advance the rights of a vulnerable group through the adoption of measures which temporarily give special treatment or positive discrimination, to one group of people — to redress the inequalities. With specific regard to women, affirmative action is envisaged as a necessary strategy to achieve equality in Article 4 of the Convention on the Elimination of Discrimination against Women.

147. The Convention on the Elimination of Discrimination against Women reaffirms the obligation to accord women equality with men before the law (Article 15). In addition, the Convention on the Elimination of Discrimination against Women obligates States parties to take appropriate measures to *eliminate discrimination* against women in the fields of *public and political life* (Article 7), *education* (Article 10), *employment* (Article 11), *health care* (Article 12), *economic and social life* (Article 13), and *marriage and family relations* (Article 16).

148. Because of historically unequal power relations, women require special protection under international law. Article 6 of the Convention on the Elimination of Discrimination against Women calls upon States parties to suppress all forms of *traffic in and exploitation of women*. Furthermore, General Recommendation No. 19 of the Committee on the Elimination of Discrimination against Women states that *gender-based*



*violence is a form of discrimination which seriously inhibits a woman's ability to enjoy rights and freedoms on a basis of equality with men.*<sup>73</sup>

149. As previously mentioned, the Declaration on the Elimination of Violence against Women specifically addresses the problem of *violence against women*, a term defined in Article 1 as: "any act of gender-based violence that results in, or is likely to result in, physical, sexual, or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or private life."

150. This definition is broad and includes: *battering, sexual abuse of female children in the household, dowry-related violence, marital rape, female genital mutilation and other traditional practices harmful to women, non-spousal violence, violence related to exploitation, rape, sexual abuse and sexual harassment at work, school and elsewhere, trafficking in women, and forced prostitution.*

151. The obligations of the State with regard to the elimination of such acts are enunciated in Article 4 of the Declaration on the Elimination of Violence against Women. The State is obliged, *inter alia*, to condemn violence against women, and not to invoke any custom, tradition or religious consideration to avoid its obligations to eliminate violence against women; to pursue all appropriate means in adopting a policy to combat and prevent it; to refrain from engaging in violence against women; to prevent, investigate and punish acts of violence against women, whether perpetrated by the State or by private persons. For more information on international standards relating to the elimination of violence against women, see *Preliminary Report of the Special Rapporteur on violence against women*,<sup>74</sup> *Report of the Special Rapporteur on violence against women*,<sup>75</sup> and the two Reports of the Special Rapporteur on violence against women, its causes and consequences.<sup>76</sup>

## M. Rights of minorities

152. Article 27 of the Covenant on Civil and Political Rights proclaims, "In those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practice their own religion, or to use their own language." Accordingly, international minority rights includes at a minimum: (1) principles of equality before the law and non-discrimination; (2) right to profess and practice one's own religion; (3) right to enjoy one's own culture; and (4) right to use one's own language.<sup>77</sup>

<sup>73</sup>Committee on the Elimination of Violence against Women, Eleventh Session, General recommendation 19, UN Doc. CEDAW/C/1992/L.1/Add.155 (1992).

<sup>74</sup>UN Doc. E/CN.4/1995/42 (1995).

<sup>75</sup>UN Doc. E/CN.4/1996/53 (1996).

<sup>76</sup>UN Doc. E/CN.4/1997/47 (1997) and E/CN.4/1998/54 (1998).

<sup>77</sup>See Hurst Hannum, *Autonomy, Sovereignty, and Self-Determination* 69-70 (1992).

153. The Declaration on Persons Belonging to National, Ethnic, Religious or Linguistic Minorities,<sup>78</sup> reaffirms the above-referenced minority rights in Article 2. In addition, pursuant to Article 1(1), States have an affirmative obligation to “protect the existence and the national or ethnic, cultural, religious and linguistic identity of minorities within their respective territories and shall encourage conditions for the promotion of that identity.”

## N. Rights of the child<sup>79</sup>

154. Under international human rights law, children have the right to special care and protection. Pursuant to Article 1 of the Convention on the Rights of the Child, “child” means “every human being below the age of eighteen years unless under the law applicable to the child, majority is attained earlier.”

155. The Convention on the Rights of the Child is the most comprehensive instrument on this subject, encompassing recognition of civil, cultural, economic, political and social rights, and of special protections specifically required for children. The Convention has been ratified by more nations than any other human rights treaty and thus represents a significant tool for HROs.

156. The Committee on the Rights of the Child has identified four cardinal principles for applying the Convention on the Rights of the Child:

- (1) **non-discrimination** (Art. 2). It is important to note that the Convention protects children from discrimination not only on the basis of their own circumstances, but also on the basis of circumstances of their parents, legal guardians or other members of their families;
- (2) **best interests of the child** (Art. 3), which should be a primary consideration in all actions concerning children undertaken by public or private bodies;
- (3) **the rights to life, survival and development** (Art. 6), which emphasize not only the right of children not be arbitrarily deprived of life, but also to a life which ensures their full physical, mental, spiritual, moral and social development; and
- (4) **respect for the views of the child** (Art. 12). Children should be able to express their opinions freely, and those opinions should be listened to and given due weight in accordance with the age and maturity of the child, in all matters affecting them.

157. While article 24(1) of the Covenant on Civil and Political Rights requires the State party to take special measures to protect children, the Convention on the Rights of the Child lists specific areas where States are obliged to take measures to protect children’s interests, including:

- (a) the protection of children from physical or mental harm and neglect;

<sup>78</sup>G.A. res. 47/135, annex, 47 UN GAOR Supp. (No. 49) at 210, UN Doc. A/47/49 (1993).

<sup>79</sup>For further information on the rights specific to children, please refer to Chapter XII: “Children’s Rights”.

- (b) special consideration to be accorded children in conflict with the law;
- (c) the right of disabled children to special treatment, education and care;
- (d) health care for all children;
- (e) free and compulsory primary education;
- (f) protection from economic exploitation;
- (g) protection from all forms of sexual abuse and exploitation; and
- (h) prohibition on the recruitment of children under the age of 15 into the armed forces.

158. Among children there are particularly *vulnerable groups* requiring attention: children *in detention*, children *deprived of their family* environment, *street children*, *child soldiers* (reflecting relevant provisions of the Geneva Conventions and Protocols), *refugee children*, *unaccompanied children* during *repatriation*, and children with *disabilities*.

159. Specific rules on children in detention are contained in the United Nations Rules for the Protection of Juveniles Deprived of their Liberty. For other information on the rights of children, with specific reference to the administration of justice, also refer to this chapter, section E-9: "The administration of juvenile justice".

## O. Right to non-discriminatory treatment

160. International human rights law establishes norms of equal protection and non-discrimination. The Universal Declaration of Human Rights states in Article 7, "All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination."

161. Article 2(1) of the Covenant on Civil and Political Rights provides:

Each State Party to the present Covenant undertakes to respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the present Covenant, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

162. In addition, the Covenant on Civil and Political Rights provides for an independent right to equality in Article 26:

All persons are equal before the law and are entitled without any discrimination to the equal protection of the law. In this respect, the law shall prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

188. The International Criminal Court has **jurisdiction** over the following crimes, if committed after the entry into force of the Court's Statute: (1) **genocide**; (2) **crimes against humanity**; (3) **war crimes**; and (4) **aggression** (Article 5 of the Statute). The Court may exercise its jurisdiction with respect to any of the above acts if a situation in which one or more of such crimes appears to have been committed is referred to the Prosecutor *by a State Party or by the United Nations Security Council* acting under Chapter VII of the United Nations, or if the Prosecutor has *initiated an investigation* in respect of such a crime.

189. The Statute also establishes some *pre-conditions* to the exercise of the Court's jurisdiction (Article 12). The Court may exercise its jurisdiction if one or more of the following States are Parties to the Statute or have accepted the jurisdiction of the Court: (a) the State on the territory of which the crime occurred or (b) the State of which the person accused of the crime is a national.

190. The UN Sub-Commission on Prevention of Discrimination and Protection of Minorities is also in the process of studying and possibly elaborating further principles relating to impunity with regard to both civil and political rights and economic, social and cultural rights.

## R. Other international human rights law standards

191. There are many other human rights law standards in the two Covenants and in other human rights treaties or instruments. Simply because they are not discussed in this chapter does not make them any less worthy of concern. HROs should focus on the *human rights provisions which are most relevant to their operation's mandate*, but should acknowledge the importance of complying with all other human rights standards.

183. Under Article 2 of the Covenant on Civil and Political Rights, States undertake to ensure to all individuals the rights specified in the Covenant. States are also required to take the necessary legislative and other measures to give effect to these rights. As such, the Covenant imposes a positive duty upon the States to take measures towards the implementation of the rights protected by the Covenant. Although the Covenant does not explicitly require States Parties to punish violations, the Human Rights Committee has interpreted the Covenant as requiring States to *investigate extra-judicial executions, torture and disappearances*, and to *bring to justice* those persons who are responsible. Furthermore, in a General Comment on Article 7 of the Covenant (which prohibits torture), the Committee stated: "The Committee has noted that some States have granted amnesty in respect to acts of torture. Amnesties are generally incompatible with the duty of States to investigate such acts; to guarantee freedom from such acts within their jurisdiction; and to ensure that they do not occur in the future."

184. The Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment explicitly requires State Parties to institute criminal proceedings against torturers. Article 7 of the Convention requires that States extradite alleged torturers or "submit the case to [their] competent authorities for the purpose of prosecution."

185. The UN Declaration on the Protection of All Persons from Enforced Disappearance states in Article 14 that any person allegedly responsible for an enforced disappearance shall be brought before competent authorities "for the purpose of prosecution and trial unless he has been extradited to another State wishing to exercise jurisdiction..." In addition, Article 18(1) provides that "[p]ersons who have, or are alleged to have, committed [enforced disappearances] shall not benefit from any special amnesty law or similar measures that might have the effect of exempting them from any criminal proceedings or sanction."

186. The Security Council has reinforced the international efforts to ensure that impunity is not permitted for grave human rights violations by establishing the **International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of Former Yugoslavia** since 1991 and the **International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda**.<sup>84</sup>

187. On the basis of these *two ad hoc tribunals*, the experience of the *Nuremberg and Tokyo Tribunals*, the related trials after World War II under *Control Council Law No. 10*, and a draft from the International Law Commission, the Statute of the permanent **International Criminal Court** was developed under the auspices of the UN General Assembly and agreed in Rome in July 1998. The conclusion of the treaty establishing the permanent court marks a significant step forward in the fight against impunity, and is a clear indication of the international community's willingness to pursue prosecution and punishment of perpetrators of grave human rights violations.

<sup>84</sup>Security Council resolutions 827 of 25 May 1993 and 955 of 8 November 1994.

177. The right to development includes as its key elements: permanent sovereignty over natural resources; self-determination; popular participation; equality of opportunity; and the advancement of adequate conditions for the enjoyment of other civil, cultural, economic, political and social rights.

178. Article 2 states, "The human person is the central subject of development and should be the active participant and beneficiary of the right to development [...]." The right to development is claimable both by individuals, and collectively by peoples. More importantly, the right obliges both individual states in their ensuring of equal and adequate access to essential resources, and the international community in its duty to promote fair development policies and effective international cooperation.

179. Monitoring and reporting on the right to development is a complex task, which may require careful consideration of the actions, policies, and impact of a host of actors, both within and outside the country of assignment. In addition to those of domestic government agents and departments, the activities of foreign governments, international financial institutions and even multinational corporations can be relevant to a proper assessment of this complex right. In addressing right to development issues, HROs should therefore be prepared to consult closely with the economic and social development agencies and programmes of the UN system which are present in the country, and which can serve as rich sources of country-specific development data and analysis (civil, cultural, economic, political and social).

## Q. Impunity principles

180. The trend in international law has been to *foreclose a policy of impunity for grave violations of physical integrity*. The broad trend against impunity in international law can be seen in the final document of the World Conference on Human Rights, which declares that "States should abrogate legislation leading to impunity for those responsible for grave violations of human rights such as torture and prosecute such violations, thereby providing a firm basis for the rule of law."<sup>83</sup>

181. The 1948 Convention on the Prevention and Punishment of the Crime of Genocide requires States parties "to punish... genocide, whether committed in time of peace or time of war." (Article I.) Pursuant to Article IV of the Convention, persons who commit genocide "shall be punished, whether they are constitutionally responsible rulers, public officials or private individuals." Impunity for genocide is clearly incompatible with the Convention.

182. Crimes against humanity, such as genocide, are considered international criminal offences. Article 5 of the Principles of International Cooperation in the Detection, Arrest, Extradition and Punishment of Persons Guilty of War Crimes and Crimes Against Humanity states, "Persons against whom there is evidence that they have committed crimes against humanity shall be subject to trial and, if found guilty, to punishment, as a general rule in the countries in which they committed those crimes."

<sup>83</sup>A/CONF.157-/23, second part, sect. B.5, para. 6(i).

State Party shall take effective measures to review governmental, national and local policies, and to amend, rescind or nullify any laws and regulations which have the effect of creating or perpetuating racial discrimination wherever it exists." The Convention on the Elimination of All Forms of Discrimination Against Women contains a similar provision in Article 4, which states that "[a]doption by States parties of temporary special measures aimed at accelerating *de facto* equality shall not be considered discrimination [...]"

174. The HRO should note that much discriminatory treatment is *perpetrated by non-State actors*. General Recommendation XX(48) on Article 5 of the Committee on the Elimination of Racial Discrimination states, "[t]o the extent that private institutions influence the exercise of rights or the availability of opportunities, the State party must ensure that the result has neither the purpose nor the effect of creating or perpetuating racial discrimination." HROs should encourage institutions and non-governmental organizations to pursue inquiries as to individual cases of discrimination. Systematic practices may, however, make it necessary for UN officers to intervene, particularly if discriminatory treatment may trigger further violence. (See Chapter VI: "Identification and Prioritization of Efforts Regarding Human Rights Violations".)

175. Under Article 14 of the Convention on the Elimination of All Forms of Racial Discrimination, a State party may recognize the competence of the Committee on the Elimination of Racial Discrimination to receive communications from individuals or groups of individuals within its jurisdiction claiming to be victims of a violation by that State party of any of the rights set forth in the Convention. Hence, Article 14 provides a complaint mechanism for persons who believe that their right to non-discriminatory treatment has been violated. A similar complaint mechanism is available to individuals in States that have ratified the Optional Protocol to the Covenant on Civil and Political Rights.

## P. Right to development

176. In 1986, the UN General Assembly adopted the Declaration on the Right to Development,<sup>82</sup> which provides in Article 1: "The right to development is an inalienable human right by virtue of which every human person and all peoples are entitled to participate in, contribute to and enjoy economic, social, cultural and political development, in which all human rights and fundamental freedoms can be fully realized [...]" The Declaration recognizes development as "a comprehensive economic, social, cultural and political process, which aims at the constant improvement of the well-being of the entire population and of all individuals on the basis of their active, free and meaningful participation in development and in the fair distribution of benefits resulting therefrom."

<sup>82</sup>G.A. res. 41/128, 41 UN GAOR Supp. (No. 53) at 186, UN Doc. A/41/53 (1986).

169. Additionally, pursuant to Article 5 of the Convention on the Elimination of All Forms of Racial Discrimination, States parties undertake to prohibit and eliminate racial discrimination in all its forms and to guarantee the right of everyone to equality before the law, notably in the enjoyment of certain rights. General Recommendation XX(48) of the Committee on the Elimination of Racial Discrimination<sup>80</sup> states that, “Article 5 of the Convention contains the obligation of States parties to guarantee the enjoyment of civil, political, economic, social and cultural rights and freedoms without racial discrimination. Note should be taken that the rights and freedoms mentioned in Article 5 do not constitute an exhaustive list.” Pursuant to Articles 2 and 5 of the Convention on the Elimination of All Forms of Racial Discrimination, it is the obligation of the State party to ensure the effective implementation of the Convention.

170. In determining whether the right to non-discriminatory treatment has been violated, the *first* question to be posed is whether a discrimination exists: Any distinction between similarly situated individuals must be justified by reasonable and objective criteria. In other words, is the *distinction objectively or reasonably related to the aim of the law or the practice?* Is that aim itself consistent with recognized principles of human rights?

171. The *second* test of discrimination is whether a law or practice has a *discriminatory impact*. It is the application of this test which will often reveal “hidden” discrimination — such as that which routinely affects minority groups and women. If so, the HRO must assess whether the State has complied with its obligation — for example — under the Covenant on Civil and Political Rights (Art.26) to guarantee “equal and effective protection against discrimination”. Obviously, if the discrimination constitutes an intentional policy of the Government, the State has failed to fulfil its obligation in Article 26. The intention of the Government may be difficult to assess, but it may be inferred, for example, from the obvious and/or extremely disproportionate nature of the discrimination, from the seriousness of the consequences, or from related conduct or statements given by the authorities.

172. Even if the discrimination is not intentional, the Covenant “still sometimes requires States parties to take **affirmative action** in order to diminish or eliminate conditions which cause or help to perpetuate discrimination prohibited by the Covenant”. For example, in a State where the general conditions of a certain part of the population prevent or impair their enjoyment of human rights, the State should take specific action to correct those conditions. Such action may involve granting for a time to the part of the population concerned certain preferential treatment in specific matters as compared with the rest of the population. However, as long as such action is needed to correct discrimination in fact, it is a case of legitimate differentiation under the Covenant.”<sup>81</sup>

173. Moreover, if the discrimination is based on “race, colour, descent, or national or ethnic origin”, the Convention on the Elimination of All Forms of Racial Discrimination requires *significant affirmative efforts to ensure equality*. Article 2(1)(c) of the Convention on the Elimination of All Forms of Racial Discrimination provides, “Each

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<sup>80</sup>UN Doc. CERD/48/Misc.6/Rev.2

<sup>81</sup>Human Rights Committee, General Comment 18, Non-discrimination (Thirty-seventh session, 1989), Compilation of General Comments and General Recommendations Adopted by Human Rights Treaty Bodies, UN Doc. HRI/GEN/1/Rev.1 at 26 (1994).



163. The Human Rights Committee has noted that Article 26:

[D]oes not merely duplicate the guarantee already provided for in article 2 but provides for itself an autonomous right. It prohibits discrimination in law or in fact in any field regulated and protected by public authorities . . . Thus, when legislation is adopted by a State party, it must comply with the requirements of article 26 that its content should not be discriminatory. In other words, the application of the principle of non-discrimination contained in article 26 is not limited to those rights which are provided for in the Covenant.

164. It is important to note that under Article 4 of the Covenant on Civil and Political Rights, the right to be free from discrimination is non-derogable, that is, it cannot be suspended even in times of public emergency.

165. Article 2(2) of the Covenant on Economic, Social and Cultural Rights states:

The States parties to the present Covenant undertake to guarantee that the rights enunciated in the present Covenant will be exercised without discrimination of any kind as to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

166. The principle of non-discrimination is also expressly included in most of the “specialized” human rights treaties. As previously mentioned, the Convention on the Rights of the Child provides in Article 2 that:

States Parties shall respect and ensure the rights set forth in the present Convention to each child within their jurisdiction without discrimination of any kind [...].

167. Article 2(1) of the International Convention on the Elimination of All Forms of Racial Discrimination likewise forbids racial discrimination. Article 1(1) defines “racial discrimination” as:

any distinction, exclusion, restriction or preference based on race, colour, descent, or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life.

168. Similarly, Article 1 of the Convention on the Elimination of All Forms of Discrimination against Women provides that “discrimination against women” shall mean any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field.



## **VII. Introduction to Transitional Justice**

From *The Encyclopedia of Genocide and Crimes Against Humanity* (Macmillan Reference USA, 2004), vol. 3, pp. 1045-1047. Reproduced with permission.

## Transitional Justice

Transitional justice refers to a field of activity and inquiry focused on how societies address legacies of past human rights abuses, mass atrocity, or other forms of severe social trauma, including genocide or civil war, in order to build a more democratic, just, or peaceful future.

The concept is commonly understood as a framework for confronting past abuse as a component of a major political transformation. This generally involves a combination of complementary judicial and nonjudicial strategies, such as prosecuting perpetrators; establishing truth commission and other forms of investigation about the past; forging efforts toward reconciliation in fractured societies; developing reparations packages for those most affected by the violence or abuse; memorializing and remembering victims; and reforming a wide spectrum of abusive state institutions (such as security services, police, or military) in an attempt to prevent future violations.

Transitional justice draws on two primary sources to make a normative argument in favor of confronting the past (if one assumes that local conditions support doing so). First, the human rights movement has strongly influenced the development of the field, making it self-consciously victim-centric. Transitional justice practitioners tend to pursue strategies that they believe are consistent with the rights and concerns of victims, survivors, and victims' families.

An additional source of legitimacy derives from international human rights and humanitarian law. Transitional justice relies on international law to make the case that states undergoing transitions are faced with certain legal obligations, including halting ongoing human rights abuses, investigating past crimes, identifying those responsible for human rights violations, imposing sanctions on those responsible, providing reparations to victims, preventing future abuses, preserving and enhancing peace, and fostering individual and national reconciliation.

## Defining Transitional Justice

At its core, transitional justice is a link between the two concepts of transition and justice. The etymology of the phrase is unclear, but it had already become a term by the 1992 publication of the three-part volume *Transitional Justice: How Emerging Democracies Reckon With Former Regimes* edited by Neil Kritz, which brings together the early and significant texts of the field. The term itself is misleading, as it more commonly refers to "justice during transition" than to any form of modified or altered justice.

Transitional justice has certain defining characteristics. First, it includes the concept of justice. Although the field depends on international legal principles that require the prosecution perpetrators, this context also includes broader forms of justice, such as reparations programs and truth-seeking mechanisms.

The second key concept is transitional, which refers to a major political transformation, such as regime change from authoritarian or repressive rule to democratic or electoral rule or a transition from conflict to peace or stability. Although transitions are understood as long processes, there is also an emphasis on key historical moments such as those that occurred in Chile (1990), East Timor (2001), Guatemala (1994), Poland (1997), Sierra Leone (1999), and South Africa (1994). When a society "turns over a new leaf" or "gests a fresh start," mechanisms of transitional justice can help strengthen this process.

The transitional justice framework recognizes that transitions are complex and often characterized by both impediments and opportunities for new and creative democratic strategies. For example, the transition might be a negotiated settlement resulting in a tenuous peace or fragile democracy. The existing judicial system might be weak, corrupt, or ineffective. Justice during a transition may be limited by barriers such as a large number of perpetrators that is far beyond the capacity of the legal system to prosecute. Similarly, there might be an abundance of victims and survivors, many of whom would like the opportunity to tell their stories or receive financial compensation. Legal or constitutional limitations to accountability, such as amnesties for perpetrators associated with the former regime, may result from

negotiations, thereby limiting prosecutorial capabilities. Nascent democratic institutions might suffer from authoritarian enclaves or the lasting influence of former power brokers. In these contexts transitional justice requires an awareness of multiple imperatives during a political transition, suggesting that comprehensive justice must be sought in a context in which other values are also important, including democracy, stability, equity, and fairness to victims and their families.

#### **Development of a Field**

The origins of the field can be traced back to the post-World War II setting in Europe (e.g., the International Military Tribunal at Nuremberg and de-nazification programs in Germany). However, the transitional justice framework gained coherence in the last two-and-a-half decades of the twentieth century, especially beginning with the trials of the former members of the military juntas in Greece (1975) and Argentina (1983), in which domestic judicial systems successfully tried the intellectual authors of past abuses for their crimes.

The truth-seeking efforts in Latin America's Southern Cone—such as the Argentine National Commission on the Disappearance of People (1983), the Uruguayan nongovernmental effort that resulted in a best-selling report entitled *Uruguay: Never Again, and the Chilean Truth and Reconciliation Commission* (1990)—further expanded the possibilities of comprehensive justice during transition, relying on the idea of truth as an "absolute, unrenounceable value" (Zalaquett, 1993, p. xxxi). Argentina's and Chile's additional efforts to provide different forms of reparation to victims also made important contributions to establishing justice for victims of human rights abuses.

These developments emerged because democratic activists and their allies in government sought to find new and creative ways to address the past. To accomplish this, they began to develop the nascent transitional justice framework as a way to strengthen new democracies and comply with the moral and legal obligations that the human rights movement was articulating, both domestically and internationally.

Eastern European endeavors to deal with past violations by opening up the files of former

security agencies (e.g., the Stasi Records Act in Germany in 1991) also contributed to debates on how to achieve justice during transition.

In 1995, drawing on experiences from Latin America and Eastern Europe (Boraine, Levy, and Scheffer, 1997), South Africa established a Truth and Reconciliation Commission to address past human rights crimes. Since then truth commissions have become widely recognized instruments of transitional justice, and commissions have been formed in many parts of the world, including East Timor, Ghana, Peru, and Sierra Leone. All differ from previous models, and many demonstrate important innovations.

The creation of ad hoc tribunals for the former Yugoslavia and Rwanda, while not specifically designed to strengthen democratic transitions, have enhanced jurisprudence in transitional justice and achieved some visible victories for accountability. The ratification of the International Criminal Court (ICC) also represents an extremely important moment in the history of transitional justice.

Efforts to prosecute perpetrators of human rights abuses in Chile and Guatemala in the late 1990s and early 2000s have arguably strengthened movements for criminal accountability on the national level and been influential on an international scale in demonstrating the potential of this approach.

#### **Comprehensive Approach to Past Abuse**

By the first decade of the twenty-first century there was increasing consensus among scholars and practitioners about the basic contents of the transitional justice framework, which accepts the general premise that national strategies to confront past human rights abuses, depending on the specifics of the local context, can contribute to accountability, an end to impunity, the reconstruction of state-citizen relationships, and the creation of democratic institutions. It then proposes that such a national strategy consider the following complementary approaches in an effort to contribute to comprehensive justice at a critical political juncture.

These include:

- Prosecution of perpetrators, whether on the domestic level, in a hybrid internationalized court (i.e., the Special Court for Sierra Leone), or in an international court, such as the ICC.

- Establishing the truth about the past through the creation of truth commissions or other national efforts, such as engaging in major historical research, compiling victims' testimonials or oral histories, supporting the work of forensic anthropologists in determining the exact nature of victims' deaths, or exhuming the bodies of those killed.
- Establishing reparations policies that take into account the requirements of, or moral obligations to, the victims. These policies can include economic compensation as well as a variety of health (physical and mental) and education benefits, and symbolic measures, such as a state apology.
- Remembering and honoring victims through a series of measures, including consulting with victims to develop memorials and museums of memory, converting public spaces such as former detention camps into memorial parks and interpretive sites, and catalyzing constructive social dialogue about the past.
- Developing reconciliation initiatives, such as working with victims to determine what they require in order to experience healing and closure, and forging peaceful coexistence among former adversaries without sacrificing justice and accountability for perpetrators.
- Reforming institutions that have a history of abusive behavior, including, for example, security forces or the police, in order to prevent future patterns of abuse and establish state-society relationships based on functioning and fair institutions.

SEE ALSO Chile; East Timor; El Salvador; International Criminal Tribunal for the Former Yugoslavia; Reparations; Sierra Leone; Truth Commissions

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Louis Bickford

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## 4.9 Transitional Justice

## 4.9 Transitional Justice

*Strategies for coping with the past have ranged from massive criminal prosecution of the supporters of the previous order to unconditionally closing the book. In this section we review some of these strategies and examine the pros and cons of prosecution and punishment. In the next section, we examine two mechanisms in greater detail – truth commissions and war crime tribunals.*

- 4.9.1 *Policies for coping with the past*
- 4.9.2 *The case for and against prosecution and/or lustration*
- 4.9.3 *The case against punishment*
- 4.9.4 *Constraints*
- 4.9.5 *Conclusion*

Box 10 Policies for Coping with the Past (p. 274)

4.9.1 *Policies for coping with the past*

Coping with the past during the transition from a repressive regime to a democracy has taken a wide variety of forms. All policy choices involve answers to two key questions: whether to remember or forget the abuses, and whether to impose sanctions on the individuals who are responsible for these abuses. Some of these policies are offender-oriented (amnesty, prosecution and lustration), others are victim-oriented (compensation and symbolic measures). Truth commissions are directed towards both offenders and victims.

**Amnesty.** The granting of absolute amnesty is at one end of the spectrum. In some cases the unrestricted pardon is the result of the self-amnesty that the outgoing elite unilaterally award themselves before the transition gets underway. In other instances impunity is the outcome of negotiations between old and new leaders. In Uruguay, for instance, the government that succeeded the military dictatorship enacted, under pressure from the military, an amnesty law in 1986. A third route toward impunity is when democratic forces agree to confer immunity to individuals who committed crimes defending or opposing the previous regime, as was the case in post-Franco Spain.

#### 4.9 Transitional Justice

*Policy choices involve answers to two key questions: whether to remember or forget the abuses and whether to impose sanctions on the individuals who are responsible for these abuses.*

**Truth commissions.** Forgiving but not forgetting is the substance of a second major policy choice. Its usual format is the national or international truth commission (see following section). The first goal of such a commission is to investigate the fate of individuals, and of the nation as a whole, under the preceding regime. Its aim is not to prosecute and punish. Examples of truth commissions include the Chilean National Commission on Truth and Reconciliation (1990), the South African Truth and Reconciliation Commission (1995–1998) and the UN-sponsored Truth Commission in El Salvador (1991).

**Lustration.** Disqualification of agents of the secret police and their informers, of judges and teachers, of civil servants and military personnel is a third way to address the question of reckoning for past wrongs. It sometimes includes the loss of political and civil rights. In some of the post-communist countries of eastern and central Europe, the screening of officials has been the only policy step.

#### POLICIES FOR COPING WITH THE PAST

1. **Amnesty.** Absolute amnesty can be granted through self-amnesty that the outgoing elite unilaterally award themselves, through negotiations between old and new leaders, or through agreement by the new democratic forces.
2. **Truth Commissions.** The main goal is to investigate the fate of individuals and of the nation as a whole, not to prosecute and punish.
3. **Lustration.** Disqualification of the agents of the secret police and their informers, of judges and teachers, of civil servants and military personnel.
4. **Criminal Prosecution.** This can be done by an international body (e.g., International Criminal Tribunal for the Former Yugoslavia), or by national courts.
5. **Compensation.** Compensation by the state (monetary reparation, free medical and psychological treatment, reduced interest on loans for education and home building) and the establishment of permanent reminders of the legacy of the past (monuments, museums, public holidays, etc.)



#### 4.9 Transitional Justice

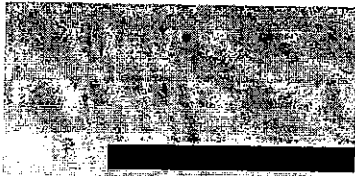
**Criminal prosecution.** The most radical interpretation of acknowledgement and accountability is outright *criminal prosecution* of the perpetrators. This task can be taken up by an international body, as in the case of the International Criminal Tribunal for the Former Yugoslavia. National courts also perform this function. A recent example is Ethiopia where some 5,000 officials of the fallen Mengistu regime have been named for trial. By contrast, as a strategy for dealing with the past, criminal prosecution has encountered almost no support in post-1989 Eastern and Central Europe and in the post-authoritarian regimes of Latin America.

**Compensation.** Prosecution and/or general knowledge of the truth might be seen as an incomplete dealing with the crimes of the previous regime. Additional steps may include *compensation* by the state (monetary reparation, free medical and psychological treatment, reduced interest on loans for education and home building) and the establishment of *permanent reminders of the legacy of the past*, such as monuments, museums, public holidays and ceremonies. In South Africa, such measures are seen to provide channels for the non-violent expression of pain and anger.

##### 4.9.2 The case for prosecution and/or lustration

In the ongoing public debate over post-transition justice, political leaders, academics and other analysts are divided on numerous points. The most divisive question, by far, is how to balance the demands of justice against the many, mainly political, factors that make prosecution a major risk to the new regime. Those who emphasize the beneficial effects of prosecution bring forward two crucial reasons. First, punishing the perpetrators of the old regime advances the cause of building or reconstructing a morally just order. The second reason has to do with establishing and upholding the young democracy that succeeds the authoritarian system.

**Reconstruct a morally just order.** Proponents of prosecution argue that "justice must be done" in order to rebuild the moral order that has been broken. They believe that the successor government owes it, first of all, as a moral obligation to the victims of the repressive system. Post-authoritarian justice serves to heal the wounds and to repair the private and public damage that the antecedent regime provoked. By serving as a sort of ritual cleansing process, it also paves the way for a moral and political renaissance. Asked by Adam Michnik, a prominent leader of the Polish opposition to communist rule, what he thought of such cleansing, the German writer Jurgen Fuchs answered:



#### 4.9 Transitional Justice

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*"If we do not solve this problem in a definite way, it will haunt us as Nazism did. We did not denazify ourselves, and this weighed on us for years."*

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**Strengthens fragile democracies.** Many believe that in the first months after a transition, the survival of the successor regime depends on swift and firm action against pro-authoritarian officials and their followers. Such action is seen as a necessary protection against sabotage "from within". Moreover, if the prosecution issue remains untouched other forms of social and political disturbance may be triggered, with perhaps a risk of vigilante justice with summary executions, or unbridled screening of political personnel, journalists and judges may be instigated, as was the case in post-communist Poland.

**Legitimacy.** What a new or reinstated democracy needs most, however, is legitimacy. Failure to prosecute and lustrate may generate feelings of cynicism and distrust towards the political system. This is precisely what has happened in some Latin American countries.

**Long-term democratic consolidation.** Some analysts believe that prosecutions also advance long-term democratic consolidation. They argue that amnesty endangers the inculcation of codes of conduct based on the rule of law. They claim that a discriminatory application of the criminal law, privileging certain defendants (such as military leaders), will breed cynicism toward the rule of law.

**Deter future human rights abuses.** Prosecutions, finally, are seen as the most potent deterrence against future abuses of human rights.

#### 4.9.3 The case against punishment

Some analysts argue that prosecuting those alleged to bear responsibility for the crimes of the past is both risky and ambivalent. There is no guarantee, they say, that its effect will be beneficial for democracy. They argue that partisan justice always lurks behind the scenes and that prosecutions can have highly destabilizing effects on an immature democracy. Raoul Alfonsin, Argentina's first elected president after the collapse of the military regime wrote:

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*"In the final analysis, punishment is one instrument, but not the sole or even the most important one, for forming the collective moral conscience."*

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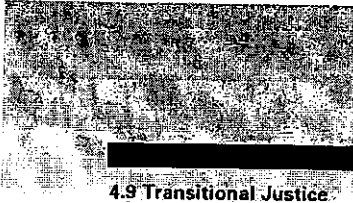
#### 4.9 Transitional Justice

May violate rule of law and thus weaken new regime's legitimacy. Young democracies place a high value upon the rule of law and human rights, but post-transition justice involves a number of decisions that may trespass on these legal principles. It may force the successor elite to violate rule of law principles today while judging the undemocratic behaviour of yesterday, which can weaken considerably the legitimacy of the new regime.

For example, the principles of the separation of powers and of judicial impartiality are at stake when dealing with the question of who will act as the judges of the authoritarian regime. Political pressure, time constraints and the unavailability of sufficient judicial personnel may lead the post-transition elite to create special tribunals in which lay-judges play a prominent role. This, the opponents of prosecutions argue, makes lapses from important legal norms almost unavoidable. Such special courts can, indeed, become instruments of partisan vengeance since non-professional judges are easier targets for pressure by the executive, the media and public opinion. This is what happened in post-war Belgium and France some 50 years ago.

Justice after transition must take place within a timeframe. This frame consists of answers to two questions: do we accept *ex post facto* criminal legislation? And will the existing statute of limitation be lifted or upheld? The first question deals with the *nullum crimen sine lege, nulla poena sine lege* principle. This principle means that no conduct may be held punishable unless it is precisely described in a penal law, and no penal sanction may be imposed except in pursuance of a law that describes it prior to the commission of the offence. The second question, dealing with the lifting of the existing statute of limitation is particularly acute in post-communist countries. Atrocities against life and property took place mostly in the late 1940s and during the 1950s. In most cases, as in Hungary where a 30-year statute of limitations, exists, criminal proceedings for the most reprehensible human rights abuses are precluded by reason of lapse of time. Those who disapprove of prosecutions assert that post-transition trials ultimately will result in changing the rules of the game after the fact, either by applying retroactive legislation or by recommencing the statute of limitation once it has run out.

Post-transition justice tends to be emergency justice. This is particularly true if it comes in the early phases of the transition. The climate is then seldom well suited for a scrupulous sorting out of all the gradations in responsibility for the abuses of the past.



#### 4.9 Transitional Justice

**Survival of democratic process.** A new or reinstated democracy is a frail construct. For that reason impunity or, at least, tolerance in the handling of past abuses might be a prerequisite for the survival of the democratic process. There is, first, the risk of a destabilizing backlash. Military leaders who feel threatened by projected prosecution may try to reverse the course of events by a coup or a rebellion. This problem especially haunts the young democracies of Latin America.

**Creation of sub-cultures and networks hostile to democracy.** A prolonged physical and social expulsion of certain sections of the population, based on criminal court decisions, may obstruct democratic consolidation by driving the supporters of the previous regime into social and political isolation. This in turn could result in the creation of sub-cultures and networks, which in the long run will become hostile to democracy.

**Precludes reconciliation.** Criminal prosecutions may also preclude the reconciliation required for a democracy to function. The need for closing the ranks is one of the main arguments of advocates of amnesty laws. See Uruguayan President Sanguinetti's justification of an amnesty law pardoning abuses of a previous military regime: "The 12 years of dictatorship have left scars which will need a long time to heal and it is good to begin to do so."

**Administrative and managerial personnel.** The viability of a young democracy depends too on its efficacy. A far-reaching purge of administrative and managerial personnel can be counter-productive as it endangers the badly needed political and economic development of the country. Prudent considerations of the problematic consequences of dismissals from civil service and high industrial jobs have been heard regularly in post-communist eastern and central Europe.

Dealing with the past is an inescapable task for new democratic regimes. Successor elites may be put off by the many delicate and explosive aspects of such assignment. But there is no way out. Choices must be made. One of Samuel Huntington's guidelines to democratizers reads:

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*"Recognize that on the issue of 'prosecute and punish vs. forgive and forget', each alternative presents grave problems, and that the least unsatisfactory course may well be: do not prosecute, do not punish, do not forgive, and, above all, do not forget."*

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#### 4.9 Transitional Justice

A major problem is that some of the arguments in the debate on pardon versus punish are quite contradictory. Most political leaders, journalists and academics seem to agree that the crucial challenge is to strike a balance between the demands of justice and political prudence or, in other words, to reconcile ethical imperatives and political constraints. This is no easy enterprise. It entails a difficult and, on occasion, tortuous cost-benefit analysis. All costs and gains, political and moral, of pardoning and punishing must be balanced against each other.

##### 4.9.4 Constraints

In their confrontation with the many questions and dilemmas which dealing with the past poses, political and judicial elites have limited freedom of action. Several factors restrict the number of accessible politico-legal strategies: earlier experiences with post-transitional justice; the international context at the time of the regime change; the presence or absence of organizational resources; and the state of the judiciary.

But the determining factor in how a state is able to deal with its past depends on the balance of power between the forces of the old and the new order during and shortly after the transition. There are three scenarios: (1) a clear victory of the new forces over the old order, as in a violent overthrow or the collapse of the repressive regime (e.g., Ethiopia); (2) reformers inside the forces of the past initiate democracy (e.g., Soviet Union); (3) joint action by a negotiated settlement between governing and opposition groups (e.g., South Africa).

The most important consequence of the mode of transition is the density of political constraints it generates. The widest scope for prosecutions and punishment arises in the case of an overthrow. Almost no political limits exist. Full priority can be given to the thirst for justice and retribution. A totally different situation comes up if the transition is based on reform or compromise. In that case the forces of the previous order have not lost all power and control. They are to a certain degree able to dictate the terms of the transition. The new elite have only limited options. They may be forced to grant the outgoing authorities a safe passage in return for their total or partial abdication. The need to avoid confrontation becomes the rationale for exchanging criminal prosecution and severe lustration for a policy of forgiveness.

##### 4.9.5 Conclusion


Many of the policy suggestions mentioned above are based on the premise that post-authoritarian elites can actually make



#### 4.9 Transitional Justice

choices. However, the first lesson of the study of past examples is that the actions of such elites are a function of the circumstances of the journey to democracy. The second conclusion is that there are no miracle solutions to the question of how to deal with a repressive past. In almost all cases the passage of time has not fully exorcised the ghosts of this past. Too much forgiveness undermines respect for the law, induces the anger of those who suffered, is an impediment to an authentic reconciliation and an invitation to recidivism. That is why most analysts argue that if the balance of forces at the time of the transition makes a negotiated mildness inevitable, a truth-telling operation with full exposure of the crimes of the former regime is the least unsatisfactory solution. Memory, it is said, is the ultimate form of justice. The truth is both retribution and deterrence, and undermines the mental foundation of future human rights abuses.

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## 4.10 Reckoning for Past Wrongs: Truth Commissions and War Crimes Tribunals

**4.10 Reckoning for Past Wrongs: Truth Commissions and War Crimes Tribunals**

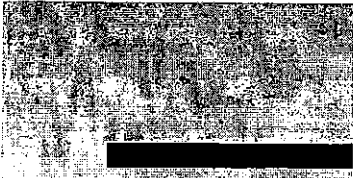
*As discussed in the previous section, when communities have been victimized by the government or by another group during a conflict, underlying feelings of resentment and the desire for revenge cannot be alleviated unless the group is allowed to mourn the tragedy and senses that wrongs have been acknowledged, if not entirely vindicated. In an environment where there is no acknowledgement of or accountability for past violent events, tensions among former disputants persist. Hence, confronting and reckoning with the past is vital to the transition from conflict to democracy. This section addresses two mechanisms to achieve this accounting: truth commissions and war-crime tribunals.*

- 4.10.1–4.10.4** *Truth commissions: description, tasks, strengths, limitations and organization*
- 4.10.5–4.10.8** *War crimes tribunals: description, tasks, strengths, limitations, and organization*
- 4.10.9** *Conclusion*

- |                    |   |
|--------------------|---|
| <b>Box 11</b>      | Examples of Truth Commissions (p. 283)        |
| <b>Factsheet 3</b> | Designing a Truth Commission (pp. 287–288)    |
| <b>Box 12</b>      | Examples of War Crimes Tribunals (p. 289)     |
| <b>Factsheet 4</b> | Designing a War Crimes Tribunal (pp. 295–296) |

During protracted periods of authoritarian rule and violent conflict, support for democratic mechanisms and the rule of law can atrophy. It is important to rebuild confidence in democratic government and eliminate such practices as political killings and ethnic cleansing in order to facilitate the transition to a civil society. The transformation can also be hindered by lingering feelings of injustice and mistrust on the part of the population against the government and other ethnic groups. In addition, the prospects for sustaining the peace process after a settlement





#### 4.10: Reckoning for Past Wrongs: Truth Commissions and War Crimes Tribunals

*Truth commissions are not courts of law. Their primary purpose is to provide an accurate record of who was responsible for extra-judicial killings in a country's past, so that the truth can be made part of a nation's common history and the process of national reconciliation can be facilitated.*

may be prejudiced if perpetrators of atrocities remain in positions of power or are seen to be continuing to act with impunity in the country or in their own communities.

### Truth Commissions

#### 4.10.1 Description

A truth commission is a body established to investigate human rights violations committed by military, government, or other armed forces under the previous regime or during a civil war. Truth commissions are not courts of law. Their primary purpose is to provide an accurate record of who was responsible for extra-judicial killings, such as assassinations and "disappearances", massacres, and grievous human rights abuses in a country's past, so that the truth can be made part of a nation's common history and the process of national reconciliation can be facilitated.

Truth commissions also address the demand for justice by victims and their families by providing a forum for victims to relate their stories as well as an official public record. By acknowledging the truth and assigning responsibility for violations to certain individuals, both the violators and the victims can come to terms with the past. Truth commissions do not focus on a specific event, but look at violations committed over a broad period of time. Truth commissions are usually established immediately after a peace settlement has been reached, since at this point the new regime is generally strong in relation to the military and other segments of society. A commission usually exists temporarily; its mandate usually ceases with the submission of a report of its findings. It is not intended as a prosecutorial body, but its findings may be used in separate judicial proceedings.

The legacy of brutal internal conflict or authoritarianism is often a lingering sense of injustice and mistrust of the government on the part of the citizens and thus a lack of confidence in new democratic mechanisms. A truth commission can enhance the process of national reconciliation by reducing the population's fear and mistrust of the government and demonstrating the new regime's commitment to democratic ideals, thus facilitating change in the public's perception of the government. Accepting responsibility for past violations displays respect for the rights of individuals and rule of law, which enhances the legitimacy of the new regime. Truth commissions can also be especially beneficial in "buying time" during the period of transition from the temporary political arrangements established by a peace process to the establishment of permanent judicial institutions.

4.10 Reckoning for Past Wrongs: Truth Commissions and War Crimes Tribunals

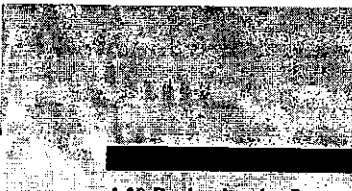
EXAMPLES OF TRUTH COMMISSIONS

Truth commissions have become a widely used tool in the transition from conflict or oppression to democracy, especially in Central and South America and Africa.

— **Chile's National Commission for Truth and Reconciliation.** In 1990, at the urging of non-governmental organizations, the president of Chile established a "National Commission for Truth and Reconciliation" to investigate violations committed over the previous 17 years of military rule. This commission worked for nine months, with a staff of over 60 people, and was able to thoroughly investigate each of the 3,400 cases submitted. Most notable in the Chilean example is that, following the commission's suggestion, the government created a mechanism for the implementation of the commission's recommendations.

— **Commission on the Truth for El Salvador.** In the case of El Salvador, the creation of the "Commission on the Truth for El Salvador" was written into the peace settlement ending the 12-year civil war in that country. Given the fragile foundation of the El Salvador settlement and the highly polarized nature of the country, the truth commission did not include any Salvadorans. Instead, the UN appointed three highly respected international figures to the commission. The mandate granted the commission six months to complete its investigation and submit a report, although it was later granted a two-month extension.

— **The South African Truth and Reconciliation Commission.** In South Africa, three commissions have been created. In 1992, Nelson Mandela created a "Commission of Enquiry" to investigate treatment of prisoners at African National Congress (ANC) detention camps. This is a rare example of a political party organization establishing a commission to investigate its own abuses. The findings of this commission were criticized for being biased and Mandela named a new commission consisting of three commissioners, from South Africa, Zimbabwe and the US. In December 1995 the Government set up a two-year "Truth and Reconciliation Commission" composed of 17 members and chaired by Archbishop Desmond Tutu. The commission's task included investigation of crimes committed by both the Government and the opposition during the struggle against apartheid, as well as consideration of amnesty for perpetrators and reparations to victims.



#### 4.10 Reckoning for Past Wrongs: Truth Commissions and War Crimes Tribunals

##### *4.10.2 Tasks and activities*

Truth commissions have performed the following functions:

- Investigation of past human rights violations committed over a given period of time by the government, military or other armed forces.
- Reporting of the commission's findings to government. Such reports can publicly identify individual perpetrators of human rights violations and recommend action to be taken by the government against these individuals. They can also include recommendations covering military and police reform, judicial reform, and ways of strengthening democratic institutions. In some cases, such as in South Africa, the report can also include recommendations on how to apportion reparations among victims.
- As part of their investigations, commissions can gather information on victims, locate victims' remains for their families, and search for persons who still may be alive.
- Examination of the context under which abuses occurred and analysis of what made such events possible, in order to lessen the likelihood of their recurrence.
- Education of the public on human rights through media reports and publications of the commission's findings.
- Granting of amnesty to those perpetrators who have fully confessed their crimes. This was the case in the South African Truth and Reconciliation Commission, where an amnesty committee, staffed primarily by judges, heard applications for amnesty.

##### *4.10.3 Strengths and limitations*

Truth commissions are often the result of a negotiated compromise between parties in conflict. As a result, they can be handicapped from the beginning depending on the political climate in which they take place. For example, they may place more emphasis on truth and pardon and less on justice, thus potentially leading to disappointment in the long term. In evaluating the efficacy of a commission at a later stage, therefore, it is important to remember that at the time the commission was negotiated, parties' options may have been limited and that the mere formation of a truth commission may, in itself, have played a valuable role in the transition process.

**Can maintain peace during transition.** Truth commissions can play an integral part in the maintenance of the peace process

#### 4.10 Reckoning for Past Wrongs: Truth Commissions and War Crimes Tribunals

during the early stages of transition from conflict to a permanent legitimate government by representing one of the first visible manifestations of the transition to the new democratic order. Truth commissions provide an impartial mechanism by which the current regime can display respect for individual rights, which helps to enhance their legitimacy. This in turn can help build confidence in democratic mechanisms.

**Truth commissions are limited in implementing recommendations.** The mandate of truth commissions usually prevents them from playing an active role in the implementation of their recommendations. If there is no real commitment on the part of the government to reform, many of the commissions' recommendations can go unheeded.

**They are not a substitute for criminal justice.** Truth commissions are separated from the formal judicial process and, though it can lead to such a process, actual prosecution of individuals responsible for abuses has been rare.

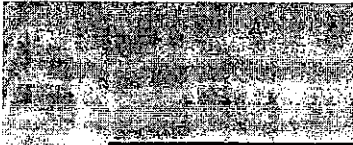
**They cannot investigate the current situation.** As the purpose of a truth commission is to bring a nation to terms with its past, it cannot investigate the current situation. Therefore, abuses by the new regime are often overlooked. An example of this can be seen in El Salvador, where death squads continued to operate after the peace settlement was in place. If there is no group monitoring the current regime, victims are often hesitant to testify for fear of reprisal. A truth commission does not take the place of a permanent human rights monitoring body.

##### 4.10.4 Organization

###### **Establishment, personnel and structures**

The executive branch, parliament or international organizations such as the UN have created truth commissions. Once the commission has been created, the establishing body then appoints individuals to serve as commissioners. The number of commissioners can vary, ranging anywhere from three to 30. The commissioners should comprise well-respected individuals representing a cross-section of society, such as politicians, lawyers, judges, and human rights personnel. In some cases where the country is extremely polarized, as in El Salvador, the commissions may be made up entirely of foreign citizens.

An executive secretary or chairperson, often appointed by the establishing body, heads the commissions. Personnel should include administrative and technical support staff.



**4.10 Reckoning for Past Wrongs: Truth Commissions and War Crimes Tribunal**

**Resources needed**


The main resources needed for an effective commission include: financing, appropriate information, a venue, modes of transportation, and skilled staff. In most cases, funding for the commissions has come from the government. In some instances, funding has come from international foundations, NGOs, foreign governments, or, as in El Salvador, from the United Nations.

Access to files of human rights cases from the country's courts or from human rights organizations is especially beneficial. Commissions also need the physical infrastructure necessary to conduct their investigations. This includes access to transportation in order to address complaints throughout the country as well as adequate office space, where victims and witnesses can come to give testimony. Among the staff required may be human rights specialists, social workers and forensics experts.

**Links to other mechanisms**

Truth commissions work quite effectively in conjunction with war crimes tribunals. A tribunal is endowed with the actual judicial and prosecutorial powers lacked by truth commissions. Yet tribunals often cannot be established until later in the peace process, after judicial reforms have taken place. Truth commission investigations can begin immediately and serve to fill in this time gap, thereby allowing time for establishment of a tribunal.

Also, as mentioned above, as truth commissions are not mandated to investigate current human rights abuses, a permanent human rights monitoring body should also be established.



# THE IMPACT OF RESTORATIVE JUSTICE ON THE CRIMINAL JUSTICE SYSTEM

HONORABLE MARY C. MORGAN (RET)

The cornerstone of the American criminal justice system is the protection of due process rights of criminal defendants. A person charged with violating the law is presumed innocent until proven guilty. They have a privilege against self-incrimination, which means the state cannot use a coerced confession to prosecute. Only testimony deemed reliable by legal rules of evidence is admissible at trial. The restitutions must not appeal to the sympathies of the jurors or inflame their passions. Before a defendant can be convicted, twelve jurors must be convinced that the prosecution has proven the defendant guilty beyond a reasonable doubt. If convicted, the punishment is usually incarceration.

The primary focus of our current system is the defendant: that person's apprehension, prosecution, conviction, and punishment. Much less consideration is given to the impact of crime on the victim, the victim's family, the defendant's family, or on the respective communities from which they come. As a result, the central question asked is "Did they do it?" Of much less concern are the questions: "Why did they do it?" "What can be done to repair the damage to the victim?" "How can the injury or wrong be prevented in the future?"

Unfortunately, this emphasis encourages wrongdoers to deny guilt and rarely accept responsibility for harming others. Confessions are evaluated as to whether they were coerced or obtained in violation of Miranda rights, rather than whether they are honest acknowledg-

ments of culpability. Rules of evidence are used to exclude a defendant's statement of remorse because it is irrelevant to guilt or innocence. Feelings of terror and grief are hidden from jurors because they might inflame passions. Cross-examination picks apart details and seeks to belittle and humiliate victims. There is little opportunity for a victim and defendant to see and have empathy for each other as human beings, each of whom has experienced pain.

The process of the Truth and Reconciliation Commission as depicted in *Long Night's Journey into Day* is a very different approach to criminal justice. The primary focus of the TRC was on the victim as well as the perpetrator of violence. Both were invited to voluntarily tell their stories fully and freely to the Commission. Justice became synonymous with complete disclosure and taking of responsibility. Indeed, no rules of evidence constrained witnesses before the TRC. One Commissioner, for instance, invited the testimony of an elderly woman whose son had been murdered, by saying, "I wonder if you would like to tell us what is on your heart." The point of inviting the victim's story was not merely to punish the perpetrator. As Archbishop Desmond Tutu stated, "This process is not about pillorying anybody. It's not about persecuting anybody. It's ultimately about getting to the truth so that we can help to heal. And also so that we may know what to avoid in the future." The goal of the process is reconciliation — for the

victim, perpetrator, and all of society — not merely punishment.

The stories in the film poignantly demonstrate the power of this process. Mongezi Christopher Mangina, one of the murderers of Amy Biehl, recognizes that Amy Biehl was a human being who did not deserve to die. His mother grieves not only for her son

who was incarcerated, but for Amy Biehl's family as well. The importance of the victim's forgiveness in order for the perpetrator of violence to heal is portrayed in the story of Eric Taylor, one of the murderers of the Cradock 4. The pain of a face-to-face meeting between murderer and mothers of those murdered and the process of forgiveness is vividly displayed in the story of the Guguletu 7. The TRC embodied a different paradigm of justice: reconciliation and restoration of all harmed by the violence.

Our criminal justice system is very successful in prosecuting and incarcerating defendants. It is less successful in creating communities in which citizens feel safe, victims of crime are treated with dignity, defendants and victims are reconciled, and defendants are not only held accountable but also reintegrated back into society as productive citizens.

A criminal justice system based on the philosophy of restorative justice, as portrayed in *Long Night's Journey into Day*, would no longer focus exclusively on the

defendant. This does not mean that victims' "rights" become more important than defendants' due process rights. But it does mean that protecting and healing individual victims and the larger community are equally important to punishing and/or rehabilitating offenders. Indeed, they are integrally linked, and one cannot be accomplished without the other.

Some jurisdictions have adopted restorative justice programs, such as victim-offender mediation, court-ordered apology, victim impact statements at the time of sentencing, restitution for economic loss, and service to the victim and/or community.

But restorative justice requires more than just innovative programs. It requires a reorientation of the criminal justice system so that victim and defendant are seen as part of the same social fabric. Justice is achieved when the victim's loss is publicly acknowledged, the offender is held accountable, the community is involved in healing and reintegrating both back into their common society, and the same commitment is made to healing victims as to punishing defendants. ■

## DISCUSSION QUESTIONS:

*How portable is the TRC model? Would it work as a substitute for criminal prosecutions of perpetrators of hate crimes in the United States?*

"We make the mistake of conflating all justice into retributive justice, where there is something called Restorative Justice. And this is the option that we have chosen. But there is justice. The perpetrators don't get off scot free. They have to confess publicly, in the full glare of television lights, that they did those ghastly things. And that's pretty, pretty tough."

— *Diamond Tutu on restorative versus retributive justice*

Some jurisdictions have adopted restorative justice programs, such as victim-offender mediation, court-ordered apology, victim impact statements at the time of sentencing, restitution for economic loss, and service to the victim and/or community. But restorative justice requires more than just innovative programs. It requires a reorientation of the criminal justice system so that victim and defendant are seen as part of the same social fabric. Justice is achieved when the victim's loss is publicly acknowledged, the offender is held accountable, the community is involved in healing and reintegrating both back into their common society, and the same commitment is made to healing victims as to punishing defendants. ■

## DISCUSSION QUESTIONS:

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# The Perspective

## Amnesty and the Liberian TRC: Who Is Pardonable?

(A paper commissioned by Civic Initiative as part of its sensitization support to the truth and reconciliation process in Liberia)

By Aaron Sleh

### The Perspective

Atlanta, Georgia

April 18, 2006

In the last analysis, Liberians were able to reach a peace agreement at Accra in 2003. But it was a case of disagreeing to agree, because before they reached the agreement there were many points of disagreement that had to be trashed out. One of the biggest bones of contention was the choice between a war crimes tribunal (WCT) and a truth and reconciliation commission (TRC).

Many delegates from civil society and the political parties, perhaps motivated by the chronic legacy of abuse and impunity, opted for a WCT because they wanted a retributive justice process which would punish the guilty. Others from the same groups felt that a restorative justice process aimed at reconciliation and healing represented the better means of breaking Liberia out of the cycle of violence and revenge, and mitigating the sharp antagonisms within society.

#### Warring factions opt for TRC

The representatives of the warring parties were in strong solidarity with this last position, for understandable reasons. United in their opposition to a WCT, they bargained strongly for a TRC. And it has to be remembered that they were in a very strong bargaining position. This, after all, was the height of the battles for military supremacy in Monrovia and Buchanan. Although there was a temporary ceasefire in place, this ceasefire was only that – temporary. Fighting could resume any day again with dire consequences for civilians on the ground. This fact was not lost on the facilitators, nor was it lost on the delegates, some of whom had left behind family members in the jaws of war as they made the journey to Accra.

These delegates knew that concessions had to be made with the factions in exchange for an end to the fighting. Justice, in the traditional legal sense, had to become a currency for purchasing peace. This would be nothing new. Earlier Liberian peace agreements had offered blanket amnesty to the belligerent parties

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and their combatants. At least at Accra, the opportunity for some form of accounting was possible.

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And so, for better or for worse, the option of a TRC gained the ascendancy at Accra, and it was inscribed into the Comprehensive Peace Agreement (CPA) under Article XIII.

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Support for and opposition to a TRC, vis-à-vis a WCT, was largely informed by stereotypes of what these mechanisms are and what they do. For many delegates, the operative understanding of a TRC was shaped by what they knew about, for instance, the South African TRC, which granted amnesty in exchange for truth. The fact that next-door Sierra Leone had a WCT in addition to a TRC only reinforced the notion that the TRC was mainly about amnesty in exchange for truth from the perpetrators, while the WCT was about punishing guilty perpetrators.

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With such a semantical construct as the frame of reference for assessing the TRC idea, it can be understood why certain groups opposed and others supported the option of a TRC. The correlation of forces locked in debate on this issue at Accra is quite predictable. Warring party representatives perhaps hoped that blanket amnesty would be granted to their combatants and operatives under a TRC, while some civil society and political party representatives feared that the TRC would codify the evasion of justice and entrench the impunity regime from which they had suffered for so long in their struggle for a wider democratic space in Liberia.

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What does TRC Act says about amnesty?

As at the writing of this piece, different groups and different individuals still harbor conflicting expectations of what a TRC is and what it is not. Now that a TRC is in place, the question arises: what is the gap between people's expectations of the TRC on the one hand, and the actual possibilities of the TRC on the other? Can the TRC recommend amnesty for proven perpetrators? Can any and every perpetrator be recommended for amnesty? Who is pardonable through the TRC? We will begin our answer to these questions by taking you on a trip to Article VII Section 26g of the TRC Act. It states that the functions and powers of the Commission shall include:

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“Recommending amnesty under terms and conditions established by the TRC upon application of individual persons making full disclosures of their wrongs and thereby expressing remorse for their acts and/or omissions, whether as an accomplice or a perpetrator, provided that amnesty or exoneration shall not apply to violations of international humanitarian law and crimes against humanity in conformity with international laws and standards...” (Emphasis added.)

It is clear from this section of the Act that not all violations are pardonable. And since violations do not occur in isolation of violators, it means too that there are certain categories of perpetrators who cannot be recommended for amnesty by the TRC, and therefore cannot be granted amnesty through the TR process. These include persons liable for war crimes or crimes against humanity, as well as violators of international humanitarian law or international human rights law.

But these are all categories of crimes, not specific crimes. Not everybody will be able to associate specific violations with their proper category. It is therefore useful – no, imperative! – that we put these categories of violations in context, using for our reference set the full range of abuses committed in the



course of Liberian history, especially the period 1979 – 2003 which is of primary concern to the truth and reconciliation process. We will now identify some of these violations and associate them with their categories later.

From 1979 up to the end of the battle for Monrovia in 2003, Liberians have been subjected to a broad array of criminal and inhumane treatment. These have included: forced labor, eviction by force of arms, torture, forced conscription, conscription of children as soldiers, rape, sexual slavery, sodomy, mutilation, pillage, plunder of public and private property, wanton destruction of villages, imprisonment, unlawful deprivation of physical liberty, murder, massacre, beatings, military attacks against civilians, desecration of religious shrines and places of worship, collective punishment, acts and threats of violence against civilians, genocide, as well as torture and murder of captured or surrendered enemy combatants.

The list of abuses is truly long, though one could still go on. But which of these abuses fall under the prohibitive categories? This depends on what laws are applicable before the TRC. We are yet to find out. But if the Sierra Leonean TRC is something to go by, then one can conclude that all international conventions currently in force are applicable before the Liberian TRC.

What are some of these conventions, and what do they say about the mentioned violations? Let us find out.

#### Key International Conventions in the Context of the TR Process

The Additional Protocol to the Geneva Convention, Relating to the Protection of Victims of Non-International Conflicts (Protocol II) states in Article 4:

“...All persons who do not take a direct part or who have ceased to take part in hostilities...shall...be treated humanely...[T]he following acts against [these] persons...are and shall remain prohibited at any time and in any place whatsoever:... (a) violence to [their] life, health and physical or mental well-being...in particular murder...torture, mutilation or any form of corporal punishment...”

The same article prohibits “Collective punishments”, “Pillage”, and the recruitment into “armed forces or groups” of children under fifteen years of age.

In Article 13 Paragraph 2, the Protocol enjoins that, “The civilian population as such, as well as individual civilians, shall not be the object of attack.” It prohibits “[a]cts or threats of violence [with] the primary purpose of...spread[ing] terror among the civilian population...”

We mention genocide in the list of crimes. This may come as a shock to many, since this crime has not been mentioned seriously before in relation to Liberia. But let us define what genocide is; this may shed a brighter light on the issue.

According to Article 2 of the Convention on the Prevention and Punishment of the Crime of Genocide which was approved by UN General Assembly Resolution 260 A (III) on 9 December 1948 and entered into force on 12 January 1951, “genocide means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial, or religious group, such as...killing members of the group...”

Exactly this same definition is maintained in Article 6 of the Rome Statute of the International Criminal Court.

The targeted killings in the 1990s of Gio and Mano people by Samuel Doe’s loyalists and elements of

the Armed Forces of Liberia (AFL) on the one hand, and the reciprocal killings of Krahn and Mandingoes by the NPFL and INPFL on the other, certainly fit the definition of genocide, unless we want to argue that these groups do not qualify as “ethnic” groups, or that their killers did not have “intent” to destroy them “in whole or in part”.

Then why did the United Nations or the United States not raise alarm about genocide in Liberia? Well, in Article 1 of the same convention, the “contracting parties confirm that genocide, whether committed in times of peace or in times of war, is a crime under international law which they undertake to prevent and to punish”. If the UN or the US had called attention to genocide in Liberia, they would have had to act decisively and immediately to intervene in the Liberian crisis, something they did not seem willing to do for a very long time. Hiding behind the cover of semantics, therefore, they refused to define what was obtaining in Liberia as genocide, a performance they would repeat many years later in Rwanda with disastrous consequences. But that is a story for another day. Back to the conventions.

Another applicable and relevant instrument is the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes Against Humanity, which entered into force on 11 November 1970 following adoption by UN General Assembly Resolution 2391 (XXIII) on 26 November 1968.

The convention declares in Article 1 that “No statutory limitation shall apply to...[w]ar crimes as defined in the Charter of the International Military Tribunal, Nuremberg, of 8 August 1945 and...[c]rimes against humanity as defined in the [same] charter...”

Well then, how are war crimes and crimes against humanity defined in the above mentioned Charter of the International Military Tribunal (IMT) of Nuremberg? Article 6b of the IMT Charter defines war crimes as follows:

“WAR CRIMES: namely, violations of the laws or customs of war. Such violations shall include, but not be limited to, murder, ill-treatment...of civilian population...murder or ill-treatment of prisoners of war...killing of hostages, plunder of public or private property, wanton destruction of cities, towns or villages, or devastation not justified by military necessity...”

Article 6c defines the following:

“CRIMES AGAINST HUMANITY: namely, murder, extermination, enslavement, deportation, and other inhumane acts committed against any civilian population...”

Article 6 further states: “Leaders, organizers, instigators and accomplices participating in the formulation or execution of a common plan or conspiracy to commit any of the foregoing crimes are responsible for all acts performed by any persons in execution of such plan.”

There has been “no specialized international convention since [the IMT] on crimes against humanity. Still, that category of crimes has been included in the statutes of the International Criminal Tribunal for the Former Yugoslavia (ICTY) and the International Criminal Tribunal for Rwanda (ICTR)...” In fact, the ICTY and the ICTR have expanded the list of “specific crimes contained within the meaning of crimes against humanity...to include...rape and torture...” (M. Cherif Bassiouni, *Crimes Against Humanity in International Criminal Law*, Springer, 1999.).

Finally, the Rome Statute of the International Criminal Court in The Hague is the latest international instrument to define crimes against humanity. Article 7 of the ICC Statutes states:

“For the purpose of this Statute, “crimes against humanity” means any of the following acts when committed as part of a widespread or systematic attack directed against any civilian population with knowledge of the attack... (a) Murder... (b) Extermination... (d)... forcible transfer of population... (e) Imprisonment or other severe deprivation of physical liberty in violation of fundamental rules of international law... (f) Torture... (g) Rape, sexual slavery, enforced prostitution... and any other form of sexual violence of comparable gravity... (h) Persecution against any identifiable group or collectivity on political, racial, national, ethnic, cultural ... grounds... (k) Other inhumane acts of a similar character intentionally causing great suffering, or serious injury to body or to mental or physical health.”

In the face of all the foregoing citations from international legal instruments, it should be clear as crystal that the crimes in Liberian history previously enumerated all constitute war crimes, crimes against humanity, or both. To the extent that the crimes come under any of these categories, to that same extent are they also violations of international humanitarian law, which is the body of laws (including the Geneva Conventions and their additional protocols) which govern the conduct of armed conflicts, be they inter-state conflicts or civil wars.

Some of the crimes, such as torture and the conscription of children as soldiers, go on to violate key international human rights conventions, including the Convention Against Torture (CAT) and the Convention on the Rights of the Child (CRC). These crimes are therefore grave breaches of international Human Rights Law.

Any and all persons liable for a single one of these violations are categorically exempted from amnesty via the TRC, consistent with Article VII Section 26g of the TRC’s constitutive act.

Having laid this theoretical groundwork, we will now situate our conclusions within the context of the TRC proceedings by doing a pre-emptive analysis of some of the cases that are likely to come before the Truth Commission. We will commence with cases arising out of the last round of fighting between Taylor’s forces and the LURD-MODEL axis, and progress backward in time. Let us begin with Greystone.

#### Mortar Attacks On Greystone

During the so-called world war III in 2003, a sustained mortar attack was mounted against the Greystone Compound, a civilian facility providing refuge to displaced people in Monrovia. As a result of these attacks, many dozens of men, women and babies were maimed and slaughtered. The attacks amount to a brazen violation of the laws of armed conflict. They are war crimes and crimes against humanity. The court of public opinion has already passed a guilty verdict against the LURD organization for these abuses. Assuming that the TRC reaches a similar decision, then individuals like Sekou Diamate Conneh, Aisha Conneh, General Sheriff, General Prince Sio and others could be found culpable for the Greystone slaughter. They would not be eligible for amnesty for these violations.

#### Punitive Attacks Against New Kru Town

As LURD made her advance from Po River to Monrovia, New Kru Town (and surrounding areas) exchanged hands at least twice between the opposing forces. On the two occasions that Taylor’s forces re-captured New Kru Town, they went on a spree of violence. They subjected civilians in the area to beatings, torture and murder on the grounds that the civilians were sympathetic to the insurgents. This even prompted the civilians on one occasion to appeal to LURD not to withdraw from the area, as they were planning to do, for fear that Taylor’s forces would subject them to further reprisals. These actions by Taylor’s forces are crimes of war and crimes against humanity. Former Defense Minister Daniel Chea, Mr. Benjamin Yeaten, General Roland Duo, among others, who were leading Taylor’s forces

might have to answer for these violations. Anyone found liable is not entitled to amnesty.

#### Violence Against Civilians in Bassa, Lofa, Southeast by MODEL, LURD, GOL

In Buchanan, Lofa and parts of Southeastern Liberia, MODEL forces, LURD troops and Taylor's militia are on record for brutalizing civilians and subjecting them to inhumane treatment without justification, and without punishment from their leaders. When these acts of violence against civilians in Buchanan are brought before the TRC, people like Thomas Yaya Nimely, Joe Wylie and others might have to answer. These violations would render these men ineligible for amnesty unless they are found to be blameless.

#### Torture, Sexual Violence and Murder at Gbatata, Watanga, and Other Places

In its various metamorphoses, the ATU of Charles Taylor, under the commands of Chucky Taylor, and Momo Geeba is alleged to have carried out some of the worst acts of systematic violence against people. Men were sodomized, and women were gang raped as acts of torture, and as acts of terrorism to frighten the general population. Others were wrapped in mattresses and subjected to brutal beatings until they suffered internal bleeding. These acts are alleged to have taken place at the ATU base in Gbatata, in the Taylor militia enclave called Watanga, and in the basement of the Executive Mansion. Unless the evidence is inadequate, people like Momo Geebah, Chucky Taylor, Charles Taylor and others could be found guilty of these violations of international humanitarian law which are also violations against humanity. They cannot receive amnesty under those circumstances.

#### September 18 Massacres

On 18 September 1998, government forces launched a massive assault on the residence of the late General Roosevelt Johnson of ULIMO forces, with the aim of "restoring law and order to Camp Johnson Road". In the course of this offensive, civilians seeking shelter in the St. Thomas Episcopal Church were massacred, allegedly for government troops. Another group of civilians taking refuge in the Ministry of Public Works Compound (the current offices of the TRC) were massacred by the same troops. Former president Charles Taylor, Daniel Chea, Benjamin Yeaten, Charles "Chucky" Taylor Jr., General Ami, Sahr Gbollie, and others could be held accountable for these massacres which are grave violations of international humanitarian law, war violations, and violations against humanity. If they are, they would be disqualified from receiving amnesty.

#### ULIMO in Lofa

The people of Lofa were subjected to systematic violence - including torture, murder and rape - by ULIMO forces during their campaign to dislodge Charles Taylor. Despite several cries of outrage in the press, these violations are alleged to have continued with impunity. General Alhaji Kromah and others could be held liable for these violations during the TR process. If they are, they will not be entitled to amnesty.

#### LPC in Sinoe

Gruesome horrors are still recorded on the memories of many who witnessed or experienced LPC's reign of terror in Sinoe County in the 1990s. It is alleged that people were impaled, mutilated and murdered on a casual basis. These are heinous abuses, all of which are violative of international human rights laws. They are also war crimes and crimes against humanity. If people like Dr. George Boley, Teh Quiah and others are found guilty of these abuses, no amnesty can apply to them.

#### Operation Octopus

In execution of the infamous "Operation Octopus" in 1992, the NPFL conscripted, drugged, armed and pushed to their deaths, hundreds of children under the age of fifteen. These acts are violations of

international law. Mr. John T. Richardson, the alleged architect of this campaign, could be found liable as a war criminal along with others, including Isaac Musa and Charles Taylor. If he is, he would not be entitled to amnesty.

#### Capture, Torture, Mutilation and Murder of Samuel Doe

When General Prince Johnson captured Samuel Doe, the ex-President was now entitled to his protection according to the laws of war. By torturing, mutilating and murdering Doe, an enemy combatant, Prince Johnson came into flagrant violation of international humanitarian law. He and his collaborators in this affair could be held liable as war criminals. This would deny them access to amnesty from the TRC.

#### NPFL/AFL Violence in 1990

Probably the highest level of violence in Liberia was perpetrated in 1990. AFL death squads went on a killing spree, murdering civilians on a systematic basis. In a macabre game to guess the sex of unborn children, NPFL fighters eviscerated pregnant women on a wide scale. Other women and under-aged girls were raped, and held as sex slaves. People were killed for their looks, for their tribes, and for their possessions. Villages were razed to the ground, people were subjected to forced labor, and children were conscripted as child soldiers. General Isaac Musa, Mr. Tom Woeweyu, General Charles Julu, among others, could be found responsible for these violations and abuses. Once they are, they will not be qualified for amnesty.

#### Systematic and Widespread killing of Gio, Mano, Krahn and Mandingo People

It can be argued that four separate cases of genocide occurred in Liberia in 1990. Samuel Doe's loyalists went on a blood lust, hunting, pursuing and murdering members of the Gio and Mano ethnic group on widespread and systematic basis. Some of the names associated with these violations include General Charles Julu, Mr. George Dweh, Mr. Edward Slanger, among others.

On the flip side, forces of the NPFL and the INPFL systematically targeted Krahn and Mandingo tribesmen, murdering them on a wide scale. General Prince Johnson, General Adolphus Dolo, and others could be linked to these killings. These acts amount to genocide, although they have not generally been described as such. Genocide is a major crime against humanity. These men and their collaborators and accomplices would not be entitled to amnesty if they are determined to be liable for these acts.

#### Lutheran Church Massacre

The Lutheran Church Massacre and the massacre at the UNDP Compound in Congo Town was a massacre against civilians. These violations are generally attributed to General Charles Julu, Mr. George Dweh and others. These are war crimes, crimes against humanity, violations of international humanitarian law and of international human rights law. Unless these suspected persons are found to be innocent, they are exempt from amnesty.

#### University of Liberia Massacre

On 22 August 1984, soldiers of the Armed Forces of Liberia attacked the Monrovia campus of the University of Liberia. The raped female students, shot at and killed dozens of unarmed students. The order to attack the UL campus came from the late President Samuel Doe to deceased Defense Minister Gray D. Allison, who passed it on to AFL Chief of Staff General Henry Dubar. General Henry Dubar may have to answer to the TRC for his role in this wicked act which amount to crimes against humanity. Unless he is found blameless, he will not be qualified for amnesty.

#### Conclusion

At this point it is easy to draw the conclusion that there are quite a number of likely perpetrators who may be ineligible for inclusion on the list of persons recommended by the TRC for amnesty. Is this a

good thing or what? Liberians will have to be the best judge of that.

But it is important to project these issues onto the public consciousness now, so as to protect the credibility of the TR process. People must understand clearly what to expect from the process. When people are not enlightened in advance, they may approach this process with misconceptions and misplaced assumptions. In such cases, they are bound to be disappointed and might react with feelings or even with claims that the TRC has misled them, deceived them, or betrayed them. We want to avoid this.

We realize that the points raised in this paper could discourage certain categories of perpetrators from coming forth with full disclosures. Let that be their choice. This society, for its part, cannot afford for the TR process to be less than fully transparent. As people engage the TRC, let them know what they are going in for. This is simply the right thing to do.

In summary, the TRC can recommend amnesty in exchange for full disclosures, but it can only do that for some violations and abuses. Those guilty of certain other abuses cannot be recommended for pardon by the TRC. As far as the TR process is concerned, these individuals are beyond forgiveness.



## VIII. Annotated Bibliography and Resources



## Annotated Bibliography & Resource List

### BACKGROUND ON THE LIBERIAN CIVIL WAR

“The Cycle of Abuse: Human Rights Violations Since the November Cease-Fire,” Human Rights Watch, October 21, 1991 at <http://www.hrw.org/reports/1991/liberia/>

- An exhaustive report on human rights violations that occurred throughout different regions of Liberia in 1991. Specifically, Human Rights Watch documents attacks on Krahn and Mandingo people in places such as Grand Gedeh. The article also describes intolerance against journalists who criticized Taylor and the National Patriotic Front of Liberia (NPFL) as well as intolerance against ECOMOG forces from near by countries that arrived during this time as peacekeeping forces. Additionally, the article touches on human rights abuses such as rape, forced prostitution, executions, arbitrary arrest and detention.

“Liberia: Flight from Terror, Testimony of Abuses in Nimba County,” Human Rights Watch, May 1990 at <http://www.hrw.org/reports/1990/liberia2/>

- Provides a snap shot into the human rights abuses that occurred in Liberia’s Nimba County in 1990. In particular, the article describes discrimination and persecution of people due to their tribal group, such as the Gio, Mano and Krahn. The article also discusses how Liberian government forces attacked civilians, forcing many to flee to the Cote d’Ivoire.

“Back to the Brink: War Crimes by Liberian Government and Rebels,” Human Rights Watch, 2002 at <http://www.hrw.org/reports/2002/liberia/index.htm#TopOfPage>

- A fairly good discussion of the Liberian conflict and its spillover into Guinea and Sierra Leone. The article specifically discusses human rights abuses by the Taylor Government and LURD forces. Such abuses include forced conscription, rape, water torture, burning, sexual assault, drinking urine and being burnt with cigarette butts. The article also emphasizes that Taylor’s Government was more complicit in perpetrating the violations than the LURD forces.

“Chronology 1989-1996,” Conciliation Resources at <http://www.c-r.org/our-work/accord/liberia/chronology.php>

- This document lists a month by month accounting of the conflict in Liberia from 1989 to 1996. It details which rebel groups were in control in different parts of Liberia as well as when and which U.N. based groups became involved in attempting to mitigate the violence.





## CHILD SOLDIERS

“How to Fight, How to Kill: Child soldiers in Liberia,” Human Rights Watch, 2004 at <http://hrw.org/reports/2004/liberia0204/liberia0204.pdf>

- This is an excellent article as it provides extensive details on how, who, when and why young boys and girls became child soldiers. The article quotes many people who were forced to be soldiers or support one of the combat groups. For example, Human Rights Watch interviewed boys and girls who described being abducted by rebels while at refugee camps or on their way to and from school, while other children did choose to fight. In addition, the article emphasizes that girls fought as soldiers almost as frequently as boys and were also used as sex slaves or cooks for the combat groups. Finally, the article notes that combat groups were often identified by their hair styles, such as long hair, orange hair or shaved heads.

“Youth, Poverty & Blood, the Lethal Legacy of West Africa’s Regional Warriors,” Human Rights Watch 2005 at <http://hrw.org/reports/2005/westafrica0405/>

- This in-depth article explains the creation of an insurgent diaspora/regional militia where primarily child soldiers moved from one conflict along the Mano river to another. The article further describes the extent to which this militia was responsible for human rights violations throughout the region such as rape, extrajudicial killings, looting, and recruitment of child soldiers.

“Easy Prey: Child Soldiers in Liberia,” Human Rights Watch, 1994 at <http://www.hrw.org/reports/pdfs/c/crd/liberia949.pdf>

- This report provides a very complete account of the background to the war in Liberia and how child soldiers were a significant part of the fighting forces for many of the rebel groups. Further, this report includes excerpts from child soldiers to document how they were recruited and what happened to them once they became soldiers. For example, rebels often kept child soldiers drugged to keep them high while they were fighting and kept girls they had recruited or abducted as sex slaves. The report also describes how the rebel forces used the children’s vulnerabilities to their advantage such as promoting a child to a higher rank if the child could cut off the head of another without hesitation.



## GENDER ISSUES

“Liberia: No impunity for rape - A Crime against Humanity and a War Crime,” Amnesty International, 2004 at <http://web.amnesty.org/library/index/engaf340172004>

- In this article, Amnesty International provides great detail as to the variety of sexual violence perpetrated against Liberian girls and women during the recent conflict. Specifically, Amnesty identifies rape, sexual assault, sexual harassment, stripping, abduction, forced combat, sex slavery, beating and killing as human rights violations that occurred against primarily females in Liberia. Significantly, the article includes the circumstances that often surrounded the violations. For example, perpetrators often first robbed their female victims in their homes before raping them. Following the discussion of violations, Amnesty includes an extensive discussion of rape as a crime against humanity, along with recommendations to bring the perpetrators to justice and healing for the victims.

“Peace Requires Justice for Women & Girls in Liberia,” Amnesty International, February 2005 at <http://web.amnesty.org/wire/February2005/liberia>

- This is a very short article, describing systemic rape that occurred during the Liberian conflict and general sexual violence that all sides perpetrated on women. E.g. “. . .gang-rape; 14-year-old girls abducted on their way to school, raped and forced into sexual slavery; pregnant women who lost their babies after being raped; and women raped at gun-point and threatened with death if they resisted.”

“Liberia: Killings, Torture & Rape Continue in Lofa County,” Amnesty International, August 1, 2001 at [http://web.amnesty.org/library/pdf/AFR340092001ENGLISH/\\$File/AFR3400901.pdf](http://web.amnesty.org/library/pdf/AFR340092001ENGLISH/$File/AFR3400901.pdf)

- Explicitly describes abuses by the Liberian government, ATU and LURD forces in 2000. Specifically, the Liberian government at the time committed many extrajudicial killings of civilians believed to be opposition supporters. The Liberian government forces would detain civilians, blindfold and tie their arms behind their backs at the elbows and publicly threaten to kill them. Comparatively, the Anti-Terrorist Unit (ATU) terrorized civilians using various cruel torture methods such as rubbing palm oil on individual’s shaven heads and making the people sit in the sun for extended periods of time, filling peoples’ mouths with pebbles and beating their faces or gang raping women for days and sometimes sticking inanimate objects into women’s vaginas. Additionally, women often experienced rape at checkpoints, in unofficial detention centers or if they were suspected of aiding the opposition.



## ECONOMIC FACTORS & REGIONAL CONFLICT

“The Human Rights and Humanitarian Situation in the Mano River Union: U.N. ‘Arria Formula’ Meeting,” Human Rights Watch, May 21, 2002 at <http://hrw.org/backgrounder/africa/liberia0521.htm>

- This short article describes the movement of rebels between in Sierra Leone, Liberia and Guinea in 2002. For example, various former soldiers from Sierra Leone began traveling into Liberia as mercenaries while LURD rebels would loot and abduct civilians in Sierra Leone. Also, the UNAMSIL force covering the Sierra Leone/Liberian border at the time was staffed with Guinean nationals, causing concern as to whether the force might actually be assisting the LURD rebels or intimidating refugees crossing the border.

“The Regional Crises and Human Rights Abuses in West Africa: A Briefing Paper to the U.N. Security Council,” Human Rights Watch, June 20, 2003 at <http://www.hrw.org/backgrounder/africa/wafrica/wafrica-humanrights.htm>

- This is a short but comprehensive article on the how conflict in one country has negatively impacted the others in the region. The article addresses the effects of war on each country and then describes the various human rights issues that have affected all of the countries such as the recruitment and abduction of children to fight, violence against refugees and internally displaced and the extensive arms trade.

“West African Arms Trafficking and Mercenary Activities Supported by the Liberian Government and Logging Companies,” Global Witness, March 31, 2003 at [http://www.globalwitness.org/press\\_releases/display2.php?id=186](http://www.globalwitness.org/press_releases/display2.php?id=186)

- This is a very short article on the Liberian government’s use of its timber industry to provide cover for its international illegal arms trade. See other short Global Witness articles on the intersection between natural resources in Liberia and the conflict at [http://www.globalwitness.org/press\\_releases/pressreleases.php?type=liberia](http://www.globalwitness.org/press_releases/pressreleases.php?type=liberia)

“Diamonds without Maps: Liberia, The UN, Sanctions and The Kimberley Process,” Lansana Gberie at <http://www.pacweb.org/e/images/stories/documents/LiberiaReport.pdf>

- This report describes the history of the Liberian state as well as the recent conflict in Liberia and the role diamonds played in it. Specifically, the author writes of how the term “Kimberly Process” evolved out of the Liberian and Angolan conflicts, a process created to monitor the trade of rough cut diamonds coming from conflict areas. Most importantly, this article explains the complexities of the diamond trade and its potent influence over Liberia.



## TRUTH & RECONCILIATION

Truth & Reconciliation Commission of Liberia, at <http://www.trcofliberia.org/>

- Official site for the Liberian TRC

Truth Commissions Digital Collection, Margarita S. Studemeister Digital Library in International Conflict Management, United States Institute of Peace, at <http://www.usip.org/library/truth.html>

- Contains general information on truth commissions around the world. There is no specific information on the Liberian TRC, but the report *Rethinking Truth and Reconciliation: Lessons from Sierra Leone* by Rosalind Shaw is a relevant and relatively brief analysis of how cultural norms around dealing with a painful past should impact TRC processes.

The Truth Commission, at <http://www.truthcommission.org/index.php?lang=en>

- A research consortium relating to transitional justice, focused on providing information to policy makers who might be considering implementing a TRC.

Ford Foundation: Selected Bibliography on Truth Commissions and Transitional Justice, at [http://www.fordfound.org/publications/ff\\_report/spring2000/truth\\_biblio.cfm?CFID=8438410&CFTOKEN=18977224](http://www.fordfound.org/publications/ff_report/spring2000/truth_biblio.cfm?CFID=8438410&CFTOKEN=18977224)

- Nice listing of books, articles, and special issue journals related to transitional justice.

Amnesty International, *Submission to the Liberian TRC* (2006), at <http://web.amnesty.org/library/Index/ENGAFR340062006?open&of=ENG-LBR>

- This report provides a detailed review of human rights abuses during the conflict in Liberia, beginning in 1979. The report also serves as a useful timeline of major events during the almost 30 years of conflict.



## UNITED NATIONS MATERIAL

United Nations Mission in Liberia, at <http://www.unmil.org>

Report by Special Representative of the Secretary-General on Human Rights, at <http://daccessdds.un.org/doc/UNDOC/GEN/G06/122/53/PDF/G0612253.pdf?OpenElement>

Report of the independent expert on the situation of human rights in Liberia, at <http://daccessdds.un.org/doc/UNDOC/GEN/G03/162/02/PDF/G0316202.pdf?OpenElement>

Resolution 1509, United Nations Security Council, 2003 at <http://www.globalpolicy.org/security/issues/liberia/2003/scres1509.pdf>

- This resolution established the mandate for the UN Mission in Liberia (UNMIL), outlining for the mission its role in implementing the ceasefire agreement, providing support for humanitarian assistance and security reform as well as implementing a peace process.

## LEGAL SYSTEM

1. "Liberia: Resurrecting the Justice System," Africa Report N°107, 6 April 2006 at <http://www.unhcr.org/cgi-bin/texis/vtx/home/opendoc.pdf?tbl=RSDCOI&id=4455fda84>

- A very technical article describing the post-conflict legal system in Liberia.

## OTHER

"Liberia: Lack of Justice for Students, Victims of Torture Including Rape," Amnesty International 2001 at <http://web.amnesty.org/library/Index/ENGAFR340102001?open&of=ENG-LBR>

- This article describes the detention, rape and torture of University of Liberia students in 2001 by the Anti-Terrorist Unit (ATU) and the Special Operation Division (SOD) who were protesting the detention of several journalists. While fairly short, the article provides another dimension of this war.



## JOURNAL ARTICLES

“Politics and Society in Post-War Liberia,” Max Ahmadu Sesay, *The Journal of Modern African Studies*, Vol. 34, No. 3 (Sep., 1996), pp. 395-420

“Citizenship at the Margins: Status, Ambiguity, and the Mandingo of Liberia,” Augustine Konneh, *African Studies Review*, Vol. 39, No. 2 (Sep., 1996), pp. 141-154

“The Administration of Law in Liberia,” *The American Law Register (1852-1891)*, Vol. 14, No. 2, New Series Volume 5 (Dec., 1865), pp. 65-75

“Liberia 1989-1994: A Study of Ethnic and Spiritual Violence,” Stephen Ellis, *African Affairs*, Vol. 94, No. 375 (Apr., 1995), pp. 165-197

“The Problem of Re-Acclimating Child Soldiers into Society Assuming Peacekeeping Is Successful: Demobilization and Reintegration During an Ongoing Conflict,” 37 *Cornell, Int’l L.J.* 497, 2004.

“War in West Africa,” 25 *Fletcher F. World Aff.* 33, 2001.

“Here Interest Meets Humanity: How to End the War and Support Reconstruction in Liberia, and the Case for Modest American Leadership,” 17 *Harv. Hum. Rts. J.* 207, 2004.

“UN Report: Taylor’s Liberia and the UN’s Involvement,” 19 *N.Y.L. Sch. J. Hum. Rts.* 923, 2003.

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Hayner, Priscilla, *Unspeakable Truths*, Routledge (2001).

Levitt, Jeremy I., *The Evolution of Deadly Conflict in Liberia*, Carolina Academic Press (2005).

Minow, Martha. *Between Vengeance and Forgiveness: Facing History After Genocide and Mass Violence*, Beacon Press (1998).

Mollica, Richard F. *Healing Invisible Wounds*, Harcourt, Inc (2006).

Sawyer, Amos. *Beyond Plunder: Toward Democratic Governance in Liberia*, Lynne Rienner Publishers (2005).

Tutu, Desmond, *No Future Without Forgiveness*, Doubleday (1999).

# Liberia

## Submission to the Truth and Reconciliation Commission

The Comprehensive Peace Agreement established the Truth and Reconciliation Commission (Commission) to "promote national peace, security, unity, and reconciliation". Amnesty International believes it is important for Liberia to engage in a process to overcome its painful and violent past. Liberian society must critically face the reality of past violence and violations of human rights as a means to contribute to a transition to lasting peace and the rule of law based on truth, justice, and reparation. The findings of the Commission will be one of the key building blocks in the process of transition, playing an important role in providing a full account of the human rights violations committed during the conflict, contributing to their investigation and eventual prosecution, preventing their repetition, and ensuring that victims and their relatives are granted full reparation.

The purpose of this submission is for Amnesty International to contribute to the work of the Commission. This submission will contribute to helping to establish an impartial and complete account of the historical past, provide information which will contribute to the understanding of the patterns of events, the causes and consequences of violence, as well as to the investigation of human rights violations and abuses, grave breaches and other violations of international humanitarian law, that occurred between January 1979 and 14 October 2003.

Amnesty International is submitting public documents including annual reports, urgent actions and press releases from 1977-2006. This submission is divided up into four sections. Under each section, along with a short summary of the time period in question, are a list of cases and events categorised under the human rights violations and abuses which the organization documented. The four sections include: Samuel Doe era [1979-1989], the first civil war [1990-1996], the Charles Taylor era [1997-2003] and the post war period [2004-2006].

### I. THE SAMUEL DOE ERA 1979-1989

Following the 1979 rice riots that took place during the William Tolbert administration, Master Sergeant Samuel K. Doe took power through a military coup in 1980. Doe led the country from 1980-1990, initially under military rule, and from 1985 as president. Upon coming to power in 1980, Doe ordered the execution of 13 senior government officials from the Tolbert administration without trial. During Doe's reign widespread and systematic practise of torture, enforced disappearances, extrajudicial executions, imprisonment of opposition leaders, and restriction on the freedom of expression were carried out on a regular basis. During this period, ethnic tensions began to find their way into the Liberian life beginning with the targeting of members of the Mano and Gio ethnic groups. The growing ethnic tensions and an ensuing economic crisis were key factors which contributed to the war which began in 1989.

Summary of cases and events include:

#### DEATH PENALTY

- **February 1979:** Seven people including one woman were hanged in Monrovia ordered by the Tolbert Administration. They were convicted of complicity in a ritual murder in 1976. After a retrial and several appeals, Amnesty International unsuccessfully appealed to President Tolbert to grant clemency. (AI Report 1979)
- **12 April 1980:** Doe's regime ordered the arrest of officials of the former administration for rampant corruption, high treason and gross violations of human rights. On 17 April proceedings began against a first group of 14 prisoners. All denied charges of treason and were not allowed defence counsel nor could they produce evidence in their own defence. Thirteen were publicly executed on 22 April. The prisoners were tied to stakes and shot before a jeering crowd. Their bodies were riddled with machine-gun bullets. Proceeding against the remaining 100 detained officials continued throughout May, and 400 other prisoners remained in custody without charge or trial. (AI: Newsletter July 1980 Vol. X No. 7 – *Crowds Jeers as Top Liberians are Executed*)
- **March 1981:** Seven people were executed by hanging after being convicted of alleged murder. This coincided with statements by government officials suggesting that the death penalty would apply to those convicted of "illegally attempting to influence the conduct of armed and police forces and security personnel for personal benefit and against the interest of the State" or of "disorganising the nation". (AI Annual Report 1981)
- **Late January 1982:** Sergeant David Gbedeh was executed by firing-squad after being convicted of murder by the Supreme Military Tribunal. (AI Annual Report 1983)

#### EXTRAJUDICIAL EXECUTIONS; UNLAWFUL KILLINGS

- **14 April 1979:** More than 100 people were killed and some 500 injured, according to Liberian government statements, when police clashed with, and opened fire against, demonstrators who were protesting price increases in the capital Monrovia. (AFR 34/01/80)
- **June 1981:** Fourteen lower-ranks soldiers were arrested and accused of plotting to overthrow the government and to assassinate several leading members. After a summary trial without defence counsel, 13 of the soldiers were sentenced to death. According to several reports the 13 were secretly executed in the Post Stockade prison, Monrovia. (AI Annual Report 1982)
- **3 February 1982:** Four soldiers were executed by firing-squad. They reportedly confessed during a hurried "preliminary investigation" by the military authorities to having participated in an armed robbery when three other soldiers had been killed by robbers. (AI Annual Report 1983)
- **1985:** Human rights abuses occurred on a substantial scale in the wake of the coup attempt of 12 November. In the days following its failure, AI received reports of political killings by government forces in Nimba County, the home area of the leader of the coup, Brigadier-General Thomas Quiwonkpa. The victims appeared mostly to be civilians who had not been involved in the conspiracy but who were suspected by the government of being sympathetic to Thomas Quiwonkpa.



AI was particularly concerned about a number of people unconnected with the coup who were reported to have been killed: Charles Gbenyon, a senior television journalist working for the Liberian Broadcasting System, who was killed at the official residence of Head of State Doe a few days after the coup. (AI Annual Report 1986)

**ILLEGAL DETENTION; TORTURE OF OPPOSITION LEADERS, STUDENTS, JOURNALISTS**

- **9 April 1980:** AI deplored Liberian Government's dead or alive hunt for opposition – Opposition party leaders of the 'People's Progressive Party' and many of their supporters were arrested and AI received eyewitness statements that many of them were tortured in Post Stockade prison. AI believes that many of those rounded up were put in detention simply because of their party affiliation. (AFR 34/02/80)
- **8/9 February 1984:** Willis Knuckles, journalist for the Daily Observer newspaper and a correspondent for the BBC in Liberia was detained at Post Stockade prison. He was severely beaten on his arrest and also whipped during the following days. (AFR: 34/01/84)
- **June 1984:** Rufus Darpoh, a freelance journalist and former editor of the government-controlled *New Liberian* newspaper, was arrested and taken to Bellah Yallah, where conditions have in the past been reported as very harsh. He was not charged and was eventually released on 17 November. (AI Annual Report 1985)
- **22 August 1984:** Security forces opened fire on university students demonstrating against the arrests of 10 alleged ringleaders of a "socialist plot" to overthrow the government,<sup>1</sup> and wounded 70. Unofficial sources claimed that some students were killed and afterwards secretly buried. (AI Annual Report 1985)
- **April – October 1985:** In the months preceding the elections several leading opposition politicians and others were imprisoned. They included Dusty Wolokollie, a prominent member of the Liberian People's Party (LPP) and John Karweaye, another LPP member, after expressing doubts as to whether the elections would be fair. Both were released without charge. (AI Annual Report 1986)
- **July 1985:** Ellen Johnson-Sirleaf, a leading member of the Liberian Action Party (LAP), was placed under house arrest, and a few days later she was detained and moved to Post Stockade prison. Although AI adopted her as a prisoner of conscience, she was tried before the Special Military Tribunal and sentenced to 10 years imprisonment for sedition. She was released twelve days later. (AI Annual Report 1986)
- **1987:** John Vambo, a journalist, was also detained without charge in August and later released. (AI Annual Report 1988)

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<sup>1</sup> They included Dr Amos Sawyer, Chairman of the newly-formed Liberia People's Party (LPP), Major-General Nicholas Podier, who had been Co-Chairman of the ruling People's Redemption Council (PRC) until its dissolution in late July when he became Speaker of the Interim National Assembly.

- 1989: At least 16 prisoners of conscience were detained without trial including an opposition party leader and a former Supreme Court Justice (AI Annual Report 1990)

#### **PROLONGED DETENTION WITHOUT TRIAL, ILL TREATMENT**

- 1981: First three months after the coup AI received several reports that detainees in Monrovia were frequently being beaten with whips and automobile fan belts. (AI Annual Report 1981)
- 1987: Cases of unlawful arrest: Zaye Gontee a businesswomen, was arrested in May and detained incommunicado and without trial for over three months in the Post Stockade and later released. (AI Annual Report 1998)

## **II. THE FIRST CIVIL WAR 1990-1996**

The period between 1990-1996 marked Liberia's descent into a brutal civil war characterised by gross violations of human rights amounting to war crimes and crimes against humanity. Arbitrary killing along ethnic lines including massacres, political and extrajudicial executions, rape, torture, ill-treatment, recruitment of child soldiers, hostage taking and killing of humanitarian workers were carried out on a regular basis. All parties to the conflict including the government army—the Armed Forces of Liberia (AFL), and rebel groups including the National Patriotic Front of Liberia (NPFL), United Liberation Movement and Democracy in Liberia (ULIMO)<sup>2</sup>, Liberian Peace Council (LPC), and the Lofa Defence Force (LDF) were considered to have carried out these crimes against civilians.

In 1989, the conflict started when an invasion force from neighbouring Cote d'Ivoire entered in late December 1989 to overthrow the Doe government. The conflict lasted until August 1995 with the signing of the Abuja Agreement and elections in 1997. Throughout the conflict, 14 peace accords were signed. Amnesty International estimates that approximately 200,000 civilians were killed, 700,000 became refugees in neighbouring countries, and 1.4 million were internally displaced. The Economic Community of West African States (ECOWAS) intervened to stabilize the crisis in Liberia and in August 1990 the Economic Community of West African States Monitoring Group (ECOMOG) was sent in to support the civilian government in Monrovia. The United Nations Observer Mission in Liberia (UNOMIL) was deployed in 1993 to monitor the ceasefire.

Throughout the conflict, attempts at peace were repeatedly made. Despite the brutality of the conflict and the level and types of human rights violations and abuses committed against civilians little effort was made to document or prevent their occurrence by the international community. UNOMIL failed to systematically document and report on the human rights situation and ECOMOG's mandate failed to protect civilians. Additionally, peace accords signed

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<sup>2</sup> ULIMO began as one faction comprised largely of members of the Krahn and Mandingo ethnic group. In 1993 ULIMO split into two factions, one of which was led by Alhaji Kromah called ULIMO-K with a composition of largely mandingos and ULIMO-J was led by Roosevelt Johnson comprised of mostly members of the Krahn ethnic group.

encouraged impunity as signatories were provided a general amnesty clause for acts committed in actual combat.

**Summaries of cases and events include:**

**ARBITRARY DETENTION; HOSTAGE TAKING**

**1989:** Gabriel William Kpoleh and nine other prisoners of conscience remained in prison throughout the year. It appeared they had been convicted after an unfair trial. They were reportedly held in poor conditions. (AI Annual Report 1990)

**October 1989:** Momodu Lavala and two other students were detained illegally and without charge for two weeks. (AI Annual Report 1990)

**January 1990:** The government said a number of rebels had been captured and would be brought to trial, but they appeared to include Gio and Mano civilians arrested in Monrovia. None was brought to trial and their fate is unknown. (AI Annual Report 1991)

**May 1990:** Angeline Watta Allison and two other people sentenced to life imprisonment for complicity to murder appeared to be prisoners of conscience. (AI Annual Report 1991)

**August 1990:** About 50 foreigners including Americans were detained by the NPFL. The NPFL also took prisoner at least 30 Nigerians as well as nationals of Guinea and Ghana. There were reports of widespread arrests among the Ghanaian community living in areas under the NPFL's control. (AI Annual Report 1991)

**1991:** The INPFL was reported to have held one woman at its camp throughout 1991, having taken her prisoner in November 1990, and to be holding a number of children at an orphanage within the camp to deter a possible attack by ECOWAS forces. (AI Annual Report 1992)

**February 1991:** The INPFL detained and ill-treated some seven members of the Interim Legislative Assembly for three days. (AI Annual Report 1992)

**September 1991:** After the September incursion into western Liberia from Sierra Leone, and again in December, foreign and Liberian aid workers were detained for several days by the NPFL, assaulted and accused of spying. (AI Annual Report 1992)

**April 1992:** Father Seraphino Dalpont was arrested for possessing Interim Government currency and a Roman Catholic newsletter alleged to be seditious literature. He was released after paying a large fine, but re-arrested allegedly on suspicion of espionage. He was held in a police station in Gbarnga until mid-May, when he was released and deported to Cote d'Ivoire. (AI Annual Report 1993)

**October 1992:** Two groups of foreign nationals – one mostly of aid workers, the other of missionaries – were detained for several days accused of spying for the ECOMOG forces. They were released uncharged. (AI Annual Report 1993)

**October 1992:** Up to 300 orphans and a former government official were apparently taken away by NPFL forces on about 28 October from an orphanage near Gardnersville; orphans who escaped reportedly said that the NPFL was forcing the boys to fight for them. (AI Annual Report 1993)

**November 1993:** The NPFL detained UN aid workers for several days, accusing them of spying. They were later released. (AI Annual Report 1993)

**November 1993:** After thousands of refugees had fled from fighting in Sierra Leone into Lofa County, ULIMO forces reportedly took prisoner of about 300 of them, on suspicion of being supporters of the Revolutionary United Front. (AI Annual Report 1994)

**May 1994:** The LPC reportedly detained 10 Ugandan ECOMOG soldiers, releasing them a few days later. (AI Annual Report 1995)

**May 1994:** In separate incidents Mandingo ULIMO fighters held hostage 17 UN employees delivering food aid and 16 Nigerian ECOMOG soldiers, accusing them of supporting the rival ethnic Krahn ULIMO faction. They were released after a few days. (AI Annual Report 1995)

**June 1994:** AFL soldiers detained UNOMIL staff at Schefflin barracks near Monrovia for three days. (AI Annual Report 1995)

**June 1994:** Krahn ULIMO fighters took hostage six unarmed UNOMIL officers in Tubmanburg for two days, reportedly beating them and subjecting them to mock executions. (AI Annual Report 1995)

**June 1994:** AFL soldiers detained UNOMIL staff at Schefflin barracks near Monrovia for 3 days. (AI Annual Report 1995)

**July 1994:** The NPFL was reported to be holding about 25 ECOMOG soldiers and 30 long-term political prisoners. (AI Annual Report 1995)

**July 1994:** The NPFL was reported to be holding about 25 ECOMOG soldiers and 30 long-term political prisoners. (AI Annual Report 1995)

**9 September 1994:** The NPFL arrested 43 unarmed UNOMIL observers and 6 NGO workers and held them at nine different sites. 33 were released after 5 days and the rest were released by the 18 September. The UN reported that some were beaten and terrorized by their captors. (AFR 34/01/95)

**September 1994:** NPFL fighters reportedly detained 43 UNOMIL officers and six aid workers in various parts of the country for up to 10 days. (AI Annual Report 1995)

**November 1994:** LPC fighters reportedly took 10 girls captive in Sabo Wofiken, slashing their feet and forcing them to walk back to the fighters' base in Sinoe County. (AI Annual Report 1995)

**January 1996:** In the area around Tubmanburg, ULIMO-J detained 130 ECOMOG troops who had been engaged in clearing mines and held them for 10 days as a shield against attacks. (AI Annual Report 1997)

**February 1996:** 8 aid workers were held for three days by the LPC in south-eastern Liberia. (AI Annual Report 1997)

**April 1996:** During the fighting in Monrovia, members of ECOMOG and other foreign nationals were held at the Barclay training Centre military barracks by Krahn groups loyal to Roosevelt Johnson. (AI Annual Report 1997; AFR 34/01/96)

**TORTURE, INCLUDING RAPE AND ILL-TREATMENT**

**Mid-1989:** A suspected murderer and another man sentenced to death for murder in February both died at Buchanan Central Prison reportedly as a result of harsh conditions. (AI Annual Report 1990)

**October 1989:** Henry B Walker, a murder suspect, died at Monrovia Central Prison reportedly as a result of harsh conditions. (AI Annual Report 1990)

**October 1989:** Two murder suspects died at Monrovia Central Prison, apparently as a result of torture, ill-treatment or medical neglect. Following their arrest thought to have been in April or May, they had been held illegally and incommunicado in the Post Stockade, a military detention centre where political detainees have been tortured in the past. (AI Annual Report 1990)

**January 1992:** While still formally allied to the Interim Government, the INPFL ill-treated and held two journalists – Isaac Bantu and Dan Brown – for three days in harsh conditions. (AI Annual Report 1993)

**September 1992:** Nearly 600 ECOMOG soldiers were taken prisoner some of whom were severely beaten by their NPFL captors. (AI Annual Report 1993)

**January 1993-**ECOMOG beat and injured a British Broadcasting Corporation journalist, apparently because he had criticized ECOMOG in his reports. (AI Report 1994)

**December 1993:** 800 captured NPFL fighters held by the Interim Government at Monrovia Central Prison were reported to be suffering severe malnutrition and medical neglect; five were said to have died. (AI Annual Report 1999)

**July 1994:** LPC fighters beat and detained for five days a civilian in Buchanan who resisted having his bicycle stolen. (AI Annual Report 1995)

**July 1994-** LPC fighters at Barnabo Beach in Number Four District allegedly heated machetes in a fire and branded their captives, leaving large third degree burns on their victims. (AFR 34/02/95)

**Augusts 1994:** The NPFL reportedly detained and ill-treated two chiefs in Bong County, Ruth Kollie and Willie Bestman. (AI Annual Report 1995)

**September 1994:** The NPFL reportedly detained and ill-treated 30 civilians from the Bassa ethnic group in Butuo, Nimba County, accused of supporting the LPC. (AI Annual Report 1995)

**September 1994:** Large numbers of civilians and refugees were beaten and raped and their property looted by the armed groups involved in the fighting around Gbarnga. (AI Annual Report 1995)

**September 1994:** LPC fighters allegedly cut off the fingers and ears of Albert Mende, a journalist. (AI Annual Report 1995)

**1995:** LPC fighters, operating with the support of the AFL, systematically swept through rural areas in southeastern Liberia, robbing, torturing and intimidating people and forcing them to take refuge in Buchanan or other places under ECOMOG control. Many of those fleeing to Buchanan in February were reported to have been bayoneted, shot or flogged by LPC fighters. At the time,

large numbers of people, perhaps as many as 6000, were reportedly being held by the LPC in the compounds of an agricultural company, where many were raped. (AI Annual Report 1996)

**April 1995:** ULIMO K set ablaze the towns of Fassama, Zuana 1 and Zuana 2. Survivors reported rapes, abductions and looting. (AI Annual Report 1996)

**April 1995:** Benjamin Wilson, a journalist with *The Eye*, was beaten by police when he refused to give them photographs he had taken of damage at a refugee compound in Monrovia. (AI Annual Report 1996)

**June 1995:** UNICEF workers in Buchanan reported that they had registered 652 cases of women who had been raped, mostly by members of the warring factions, within a period of less than 6 months. (AI Annual Report 1996)

**July 1995:** Bill Jarkloh, a journalist with *The News*, was beaten unconscious by ULIMO-J fighters. He had been interviewing Roosevelt Johnson when fighters stormed the building and he tried to photograph the incident. Three of those involved in the attack were arrested by ECOMOG and then handed over the ULIMO-J high command. (AI Annual Report 1996)

**September 1995:** James Momoh, a journalist with *The Inquirer*, was beaten by ECOMOG soldiers when trying to photograph AFL soldiers at a check-point. (AI Annual Report 1996)

**March 1996:** NPFL officials shot two men in the legs after they were found threatening civilians. (AI Annual Report 1997)

**July 1996:** Aid workers reported that ULIMO-K was restricting the movement of civilians in a displaced persons' camp in Suehn and starving the inhabitants to cause food supplies to be diverted to their troops. ULIMO-K released some 60 starving children within a few days, but did not permit the evacuation of other inhabitants for a further two weeks. (AI Annual Report 1997)

#### EXTRAJUDICIAL EXECUTIONS; UNLAWFUL KILLING OF CIVILIANS, INCLUDING MASSACRES

**January 1990:** Hundreds of unarmed civilians were killed by rebels and government troops in Nimba County in northeast Liberia. (AFR 34/01/90) (AI Annual Report 1990)

**January 1990:** A former prisoner of conscience, Robert Phillips, was brutally murdered at his home in Monrovia. (AFR 34/01/90)

**May 1990:** At least 30 Gio and Mano men, women and children were abducted by government soldiers from a UN compound where hundreds were seeking protection. They were then apparently executed extrajudicially. (AI Annual Report 1991) (AFR 34/04/90)

**June 1990:** A government soldier was executed by firing squad after being convicted by a court-martial of murdering a civilian. (AI Annual Report 1991)

**June 1990:** Several hundred Gio and Mano soldiers were reported to have been arrested. Some appear to have been extrajudicially executed – their bodies were found in the streets – although the government said that 150 had been released. (AI Annual Report 1991)

**July 1990:** Large-scale killings occurred when predominantly Gio and Mano rebel groups entered Monrovia. One rebel leader was said by eye-witnesses to have personally shot four people dead in cold blood, including a Red Cross worker and a woman whom he shot in the face in front of her child. (AI Annual Report 1991)

**July 1990:** About 600 defenceless people – including many women and children from the Gio and Mano communities – were extrajudicially executed by government troops who broke into a church refuge for displaced people in Monrovia. (AI Annual Report 1991)

**August 1990:** In Grand Gedeh County, the NPFL forces were responsible for indiscriminate killings of people belonging to the Krahn ethnic group. Former government minister Senator Fred J. Blay and Congressman William T. Jabbah were reportedly executed by the INPFL; they did not appear to have had any form of trial. (AI Annual Report 1991)

**October 1990:** Two Nigerian journalists detained by the NPFL, Tayo Awotunsin and Krees Imodibie, were reportedly executed extrajudicially. (AI Annual Report 1991)

**1990:** The predominantly Gio and Mano rebel forces summarily killed government officials and others considered to be supporters of President Doe's government, particularly members of the Krahn ethnic group and the Muslim Mandingo community. (AI Annual Report 1991)

**1990:** An unknown number of prisoners were executed after unfair trials before special courts set up by the rebels. At least a hundred people – government officials and members of the Krahn and Mandingo ethnic groups – were reportedly executed after being convicted of 'crimes against the people' or of supporting the government. (AI Annual Report 1991)

**June and July 1991:** AFL soldiers reportedly attacked members of the Interim Government, the Interim Legislative Assembly and others. (AI Annual Report 1992)

**July 1991:** Unconfirmed reports suggested that two civilians were executed by the NPFL. (AI Annual Report 1992)

**July 1991:** The NPFL executed four of its own men. (AI Annual Report 1992)

**September 1991:** It was reported that a number of NPFL soldiers had been extrajudicially executed after attempting to assassinate Charles Taylor. However, these reports were denied by the NPRA administration. It said that an NPFL officer had been executed after a special court-martial had convicted him of murdering five soldiers. (AI Annual Report 1992)

**1991:** The NPFL was responsible for the killings of hundreds of members of the Krahn ethnic group and members of the Mandingo community in Grand Gedeh Country, who were targeted for formerly supporting the Doe government. NPFL continued to detain torture and kill civilians in other areas under their control. (AI Annual Report 1992)

**1991:** The NPFL and INPFL killed Angeline Watta Allison. It was also reported that her husband, a former defence minister, Major-General Gray Diah Allison, was captured and executed by the NPFL. (AI Annual Report 1992)

**January 1992:** The INPFL had executed at least three of their own soldiers at an NPFL camp near Monrovia for being in possession of new currency issued by the Interim Government. (AI Annual Report 1993)

**February 1992:** An NPFL commander was executed after being convicted by a military court for murdering an INPFL fighter. (AI Annual Report 1993)

**April 1992:** NPRAG authorities charged four senior NPFL officers with the murder of seven suspected ULIMO supporters in Buchanan. Three were later released and it was not known if the other was tried. (AI Annual Report 1993)

**May 1992:** NPFL troops seized six Senegalese members of the ECOMOG forces in Vahun and took them to Gbarnga and reportedly tortured and executed them. (AI Annual Report 1993)

**3 July 1992:** NPFL fighters allegedly killed nine forestry workers in Jenimana. (AI Annual Report 1993)

**August 1992:** When ULIMO seized NPFL-controlled territory, both NPFL and ULIMO forces were alleged to have killed civilians suspected of supporting the other side in the fighting. (AI Annual Report 1993)

**August 1992:** Several dissident NPFL soldiers were reportedly executed by the NPFL for their involvement in an attempted assassination of Charles Taylor in which a bodyguard was killed. (AI Annual Report 1993)

**October 1992:** During an attack on Monrovia, NPFL forces were reported to have deliberately killed civilians and taken other prisoners. NPFL troops reportedly abducted 50 people and killed others when they took control of Louisiana township near the capital. (AI Annual Report 1993)

**20 October 1992:** Two nuns, both US nationals, a Liberian man employed by the nuns' convent and two ECOMOG soldiers were killed in the nuns' car near Barnersville apparently by the NPFL. (AI Annual Report 1993)

**23 October 1992:** Six NPFL soldiers entered the nuns' convent in the suburb of Gardnersville, killed three other American nuns and a Lebanese businessman, and abducted the businessman's Liberian wife, two other Liberian women with their four children, and four Liberian novices. Those abducted were apparently later released. NPRAG officials denied that NPFL forces were responsible. (AI Annual Report 1993)

**Late October 1992:** the NPFL allegedly killed more than 25 people in Maryland County, apparently because they were suspected of supporting ULIMO. (AI Annual Report 1993)

**October 1992:** Civilians in Monrovia were subjected to ill-treatment, harassment and looting by AFL and ULIMO troops. At least six people were reported to have been summarily executed by these forces on suspicion of being NPFL fighters. (AI Annual Report 1993)

**November 1992:** ECOMOG forces threatened to shoot on sight any member of the armed forces who broke a night curfew imposed in Monrovia. (AI Annual Report 1993)

**November 1992:** An AFL soldier was publicly executed in Monrovia by the AFL the day after he was convicted of murder and robbery by an AFL court-martial. (AI Annual Report 1993)

**January 1993:** Two unnamed soldiers were reportedly executed in January after being convicted of looting by an AFL court martial. (AI Annual Report 1994)

**January 1993:** AFL soldiers found responsible (by who?) for extrajudicial execution of Brian Garnham, manager of a research laboratory. (AI Annual Report 1994)



**February 1993:** ULIMO reportedly executed eight of its fighters in February for looting and harassing civilians. (AI Annual Report 1994)

**February 1993:** Thirteen elders at Haindi were held responsible for the drowning of a ULIMO commander and extrajudicially executed. (AI Annual Report 1994)

**March 1993:** ULIMO summarily executed 14 young men in Zorzor suspected of supporting the NPFL. Refugees who fled to neighbouring Guinea were reportedly either forcibly returned to Liberia or executed in Guinea after perfunctory investigations by an illegal tribunal of Liberian exiles base in Macenta and apparently linked to ULIMO. (AI Annual Report 1994)

**April 1993:** When ECOMOG forces took Buchanan in April, civilians who refused to flee with the NPFL were apparently killed by NPFL soldiers. (AI Annual Report 1994)

**May 1993:** In an attack on Fasama, a town under ULIMO control, about 200 civilians were reportedly killed indiscriminately by NPFL soldiers. (AI Annual Report 1994)

**July 1993:** ULIMO was alleged to have extrajudicially executed as many as 300 members of the Lorma ethnic group in Voinjama who opposed their control of the town. (AI Annual Report 1994)

**August/September 1993:** Reports of NPFL attacks on Liberian refugees in camps close to the border in Cote d'Ivoire or as they returned to tend their crops in southeastern Liberia. Several were reportedly killed. (AI Annual Report 1994)

**September 1993:** A UN inquiry found that the AFL had been responsible for the extrajudicial executions of nearly 600 unarmed civilians – mostly women, children and elderly people – at displaced people's camps near Harbel in June.

**October 1993:** ULIMO fighters reportedly killed large numbers of people from the Kissi ethnic group in Foya district. (AI Annual Report 1994)

**October 1993:** The NPFL was accused of killing civilians in the course of conflict with ULIMO for control of Lofa and Bong Counties. (AI Annual Report 1994)

**October 1993:** Sierra Leonean Revolutionary United Front forces were reported to have killed civilians in Lofa County on suspicion of supporting opposing forces. (AI Annual Report 1994)

**October 1993:** Liberian Peace Council fighters reportedly killed civilians in Sinoe County in the southeast who refused to join them. (AI Annual Report 1994)

**December 1993:** LPC fighters killed nine church ministers in Greenville after accusing them of being 'anti-Krahn'. (AI Annual Report 1994)

**December 1993:** About 20 people were killed in attacks by ULIMO on villages suspected of supplying NPFL combatants. (AI Annual Report 1994)

**June 1994:** Mandingo ULIMO fighters reportedly killed at least four civilians and took women hostage for money when they burned and looted villages in the Tienne area. (AI Annual Report 1995)

**17 June 1994-** ULIMO fighters raided the village of Goe. They forced all the villagers to assemble at a central point and accused them of supporting a rival ULIMO group. They burnt houses and looted extensively. They also tied up the village chief in his hut and set it on fire. (AFR 34/01/95)

**19 June 1994-** An ULIMO group led by Commander Keita killed six people from the Bangorama village and burnt down the house of the local chief. (AFR 34/01/95)

**23 June 1994:** An ULIMO K group attacked the village of Ngojah and murdered two people. They were tied up and their throats slit. (AFR 34/01/95)

**July 1994:** In Barnablo Beach LPC fighters allegedly tied their victims' arms behind their backs, burned them severely with heated machetes, forced them to carry looted goods to another village and shot dead one man who had collapsed on the way. (AI Annual Report 1995)

**July 1994:** LDF fighters reportedly killed more than 70 civilians in the village of Rusie, near Zorzor, Lofa County. (AI Annual Report 1995)

**August 1994:** Mandingo ULIMO fighters allegedly killed at least 20 civilians in Gbesseh. (AI Annual Report 1995)

**August/September 1994:** An ULIMO tribunal ordered the execution by firing-squad of civilians whom it suspected to be NPFL supporters. (AFR 34/01/95)

**August/September 1994:** Mandingo ULIMO fighters reportedly killed civilians in Lofa and Bong Counties. (AI Annual Report 1995)

**August 1994-** The NPFL was reported to have executed up to 80 of its own fighters, without trial, and to have tortured and killed Lieutenant-General Nixon Gaye, an NPFL Commander, for leading a mutiny against Charles Taylor. (AFR 34/01/95)

**September 1994:** NPFL fighters tied up at least 20 men, women and children and threw them into the St John River at Bahla Bridge. (AFR 34/02/95)

**September 1994:** At least two Tanzanian ECOMOG soldiers were killed in Kakata when Krahn ULIMO fighters reportedly attacked a convoy of civilians fleeing Gbarnga, which included UNOMIL observers and aid workers. (AI Annual Report 1995)

**September 1994:** On 23 September armed men reportedly killed displaced civilians and medical staff at Phebe Hospital near Gbarnga; responsibility was not clear but the killings apparently occurred after NPFL forces overran the area. (AI Annual Report 1995)

**September 1994:** NPFL fighters reportedly shot dead some 100 people in Palala, Bong County, on suspicion of being ULIMO supporters. (AI Annual Report 1995)

**September 1994:** LPC fighters in Greenville were reported to have killed MarieTokpa, a girl from the Kpelle ethnic group, who resisted being raped. (AI Annual Report 1995)

**September 1994:** LPC fighters reportedly assembled the inhabitants of Kpolokpai, Kokoya District, Bong Country, killed 30 alleged NPFL fighters and supporters with machetes, then shot dead 15 other civilian prisoners and fired into the crowd. (AI Annual Report 1995)

**September 1994:** NPFL fighters robbed and killed civilians as they fled the Gbarnga area. (AI Annual Report 1995)

**October 1994:** From October NPFL fighters reportedly killed scores of civilians in Maryland County whom they suspected of supporting the LPC, among them Simon Gyekye, a Ghanaian school principal in Plebo. (AI Annual Report 1995)

**October 1994:** LPC fighters apparently fired on assembled civilians in Zanzaye, killing scores of them. (AI Annual Report 1995)

**November 1994:** LPC fighters allegedly killed 12 residents of Sabo Wofiken. (AI Annual Report 1995)

**December 1994:** More than 50 civilians were massacred at Paynesville. Responsibility was unclear but witnesses said the attackers were Krahn AFL soldiers. (AI Annual Report 1995)

**December 1994:** The NPFL executed six senior commanders held responsible for the fall of Gbarnga in September, apparently after a court-martial. (AI Annual Report 1995)

**April 1995:** UNICEF representatives reported a massacre in Yosi, a village near Buchanan. They stated that at least 62 people, including women and children, had been rounded up and killed – most had been hacked to death. The UNICEF workers could not determine who was responsible for the massacre; the area had been controlled by the NPFL but was contested by the LPC. (AI Annual Report 1996)

**June 1995:** Clashes between ULIMO factions in Royesville left many civilians dead; survivors were raped and terrorized. (AI Annual Report 1996)

**August 1995:** After the peace agreement, it was reported that NPFL fighters had been responsible for the massacre of at least 75 civilians in the Tappeta area, Nimba County. Although he discounted the figure of those killed, Charles Taylor, leader of the NPFL, stated that some NPFL members had been arrested and would face court-martial for these acts. (AI Annual Report 1996)

**November 1995:** At least four LPC commanders were executed by firing-squad on the orders of a specially constituted court. According to reports, the execution followed a two-week investigation into human rights abuses. (AI Annual Report 1996) (AFR 34/04/95)

**December 1995:** UNOMIL observers commenting on the human rights situation in Tubmanburg confirmed that ULIMO-J had forced civilians out of the hospital where they had sought refuge from the fighting and had used that as 'human shields' to protect their positions. (AI Annual Report 1996)

**January 1996:** Reports that members of the LPC were killing, raping and harassing members of the Grebo ethnic group in southeast Liberia. (AI Annual Report 1997)

**January 1996:** The bodies of five civilians were exhumed in Tubmanburg, together with those of nine ECOMOG soldiers, allegedly killed by ULIMO-J. One of the victims had been decapitated and, according to a pathologist, another had apparently been tied up and then shot. (AI Annual Report 1997)

**February 1996:** Lieutenant Prince Musa of the NPFL was killed a few minutes after being found guilty by a court-martial of killing a civilian who refused to hand over money. (AI Annual Report 1997)

**March 1996:** At least four civilians were reportedly killed when LPC combatants in Buchanan opened fire on them after running over a pedestrian with their vehicle. (AI Annual Report 1997)

**April and May 1996:** Fighters loyal to the NPFL displayed the head of a ULIMO-J fighter who had been shot and then decapitated. (AI Annual Report 1997)

**April and May 1996:** The body of Benson Wyen, former Managing Director of the Forestry Development Agency, was found near the police academy in Paynesville. He was reportedly killed by the NPFL. (AI Annual Report 1997)

**May 1996:** Alhaji Kromah, leader of ULIMO-K, publicly stated that he would summarily execute any of these men who harassed civilians. (AI Annual Report 1997)

**May 1996:** Five bodies were found in Benson Street, Monrovia. The victims reportedly had their ears cut off or their throats cut before being shot, following fighting between ULIMO-J and the NPFL. (AI Annual Report 1997)

**September 1996:** Dozens of civilians were killed after clashes between ULIMO-J and ULIMO-K. At least 21 civilians were killed in Sinje, Cape Mount County, reportedly by ULIMO-K. One of those killed was a baby girl, whose skull had been fractured. (AI Annual Report 1997)

**1996:** An LPC official publicly stated that LPC fighters responsible for the killing of three civilians in Buchanan would be executed. (AI Annual Report 1997)

### **III. THE CHARLES TAYLOR ERA: 1997-2003**

Former president Charles Taylor was elected in 1997 and stayed in power until 2003 when he left for Nigeria as a means to end the war. During Charles Taylor's reign, which lasted from 1997-2003, no effort was made to address the human rights violations and abuses that were committed during the 1989-1996 conflict. Security forces were manned with former combatants without vetting, retraining, or any process of rehabilitation for combatants. Massacres, torture including rape, ill-treatment, and recruitment of child soldiers were regularly carried out by the security forces and the police against the civilian population. The arrest, ill treatment and killing of human rights defenders, journalists and opposition leaders were carried out on a regular basis.

In 1999 Amnesty International began reporting on human rights abuses and violations being carried out in the context of armed conflict against the civilian population by both government security forces and the Liberian United for Reconciliation and Development (LURD), an armed opposition group with bases in Guinea. The fighting and targeting of civilians led to massive displacement both in Liberia and across borders.

In 2003, a new armed opposition group, Movement for Democracy in Liberia (MODEL) emerged in the east of the country. With rebel groups controlling 70 percent of the country, civilians were denied access to both protection and humanitarian aid. Some of the worst reported destruction and death in Monrovia took place in June and July 2003 as LURD forces advanced with heavy weaponry. There are estimates that close to one thousand people died during this period. An elusive peace was established in August 2003 with the signing of the Comprehensive Peace Agreement in Accra, Ghana. Charles Taylor left for Nigeria. The National Transitional Government of Liberia (NTGL) took power in October 2003 which coincided with deployment of the United Nations Integrated Mission in Liberia (UNMIL) and by late 2004 all 15,000 troops were fully deployed throughout the country.

#### **Summaries of cases and events:**

**EXTRAJUDICIAL EXECUTIONS; UNLAWFUL KILLING OF CIVILIANS**

**September 1998:** It appeared that some of those who died during the fighting in September may have been extrajudicially executed. Some of the bodies retrieved reportedly had their hands tied behind their backs and showed evidence of bullet wounds. (AI Annual Report 1999)

**1998:** It was reported that people died when members of the security forces opened fire in one of two churches in the Camp Johnson Road area where they had sought refuge. Other victims were dragged out of ambulances despite appeals by the health personnel that they be allowed to receive the urgent medical attention they needed. (AI Annual Report 1999)

**October 1998:** A government spokesperson announced that 11 people had been killed on 22 September in what he described as a "shoot-out" between government soldiers and dissident troops trying to release their supporters from custody at the Post Stockade in Monrovia's Barclay Training Centre. The delay in making public this information and the refusal to return the bodies to the families, raised concerns that the 11 may have been extrajudicially executed. (AI Annual Report 1999)

**March 1999:** At least two people were killed, and eight houses and a mosque burned down in the town of Zowudomai, Lofa County, in one of several inter-communal clashes between members of the Lorma and Mandingo ethnic groups. (AI Annual Report 2000)

**April 1999:** The town of Voinjama was reportedly attacked by a group of armed men. A number of civilians, mostly belonging to the Mandingo ethnic group, were reportedly killed in Voinjama during and after the fighting. Some were alleged to have been deliberately killed by the Liberian security forces. Others, including children, were reportedly detained without charge or trial by the security forces in Voinjama for several weeks after the fighting. Some were reportedly beaten. (AI Annual Report 2000)

**4 August 1999:** At least one civilian was reported to have died after police reportedly belonging to the Special Operations Division attacked a group of street sellers in the red-light district in Paynesville, Monrovia. It appears that the police intervention was ordered to stop street sellers from trespassing on private land. Officers armed with guns and machine-guns were reported to have violently assaulted and in some cases beaten unarmed sellers, including women and children, and to have arrested about 15 civilians. (AI Annual Report 2000)

**May 2000:** The bodyguards of a government official reportedly beat and burned three people in Monrovia; they were suspected of stealing from the official. One of them, Gbaela Willie, died as a result of his injuries. Monrovia police reportedly arrested four bodyguards and opened an investigation into the death. (AI Annual Report 2001)

**September 2000:** An army commander said that he had personally executed Aruna Boakai, an Anti-Terrorist Unit officer, in the town of Voinjama, Lofa County, for killing a soldier in August. (AI Annual Report 2001)

**November 2000:** A Senate committee investigated allegations that a senator had ordered the security forces to detain illegally, beat and flog civilians in River Gee County, southeastern Liberia. (AI Annual Report 2001)

**June 2001:** After Anti-Terrorist Unit (ATU) officers entered Gilima, a town in upper Lofa County near Kolahun, they rounded up and "screened" approximately 50 people. Twenty-five were

accused of backing the rebels and taken away by the ATU. Later, fleeing civilians allegedly saw the bodies of at least 10 of those taken away by the ATU, on the side of a road near Kolahun. The victims had been blindfolded and some had their hands tied behind their backs. Eyewitnesses provided consistent accounts linking their deaths to the ATU. (AI Annual Report 2002)

**January 2002:** AFL soldiers shot dead a woman and wounded her four-year-old son at her home in Sawmill, near Tubmanburg, Bomi County. (AI Annual Report 2003)

**Mid-April 2002:** During fighting in Sawmill in mid-April, men and boys who refused to fight with government forces were summarily executed. They included Fofoe Kanneh, a Mandingo. (AI Annual Report 2003)

**May 2002:** Eleven people of Mandingo ethnic origin were killed in Gbaney and another eight in Gbeka, both close to Gbarnga, Bong County. (AI Annual Report 2003)

**May 2002:** More than a dozen boys, the youngest 15, and men were forcibly recruited in the suburbs of Monrovia; four were later summarily executed for refusing to fight. (AI Annual Report 2003)

**March 2003:** Three humanitarian workers were killed by government forces in late March and others were abducted. (AI Annual Report 2004)

**April 2003:** Government forces, including special security units such as the Anti-Terrorist Unit, and pro-Taylor militia were responsible for summary executions, rape and forced recruitment, including of children. Scores of civilians suspected of opposing President Taylor were reported to have been summarily executed, in particular by militia. Credible but unsubstantiated reports were received of killings by government forces of more than 350 civilians, including women and children, in villages in River Gee County. (AI Annual Report 2004)

**May 2003:** The circumstances of the death of Sam Bockarie, a leading member of the Sierra Leone armed opposition RUF, remained unclear. The government claimed that he had died in a confrontation with government forces but suspicions surrounding his death were compounded by the reported murder of his mother, wife and two children in Monrovia several days later. (AI Annual Report 2004)

**June 2003:** While indiscriminate shelling or stray bullets caused many civilian casualties in Monrovia, others resulted from random attacks by undisciplined government forces. (AI Annual Report 2004)

**June and July 2003:** More than a thousand civilians were killed and many others injured in Monrovia either in cross-fire or by indiscriminate shelling of areas with no obvious military targets, including those harbouring thousands of displaced people. While most shelling was attributed to the LURD, government forces were also responsible. (AI Annual Report 2004)

**June and July 2003:** Some members of militia accused of rape or caught looting were summarily executed by their commanders in Monrovia after the authorities announced that those responsible would be dealt with severely. (AI Annual Report 2004)

### ARBITRARY ARREST, DETENTION, TORTURE AND ILL-TREATMENT

**February to May 1997:** ECOMOG forces undertook cordon-and-search operations to find hidden weapons. More than 70 people were arrested and held in secret detention camps on suspicion of possessing weapons. Most of them were tortured or ill-treated. (AI Annual Report 1998)

**February 1997:** An ECOMOG patrol arrested 25 suspected former combatants in Grand Cape Mount County, took them to Monrovia and held them in a secret cell at the ECOMOG base. They were reportedly beaten with electric wire. (AI Annual Report 1998)

**February 1997:** Four dock workers suspected of being former United Liberation Movement of Liberia for Democracy Johnson branch (ULIMO-J) fighters were arrested in Sayontown and taken to the ECOMOG base in Monrovia. There, three ECOMOG soldiers reportedly beat them with wire on the back, shoulders and legs and kicked them. (AI Annual Report 1998)

**May 1997:** ECOMOG soldiers based in Fendu travelled to Grand Cape Mount County to conduct a cordon-and-search operation at Lajoy goldmine. During interrogation, six former fighters and three civilians were reportedly beaten with wooden sticks and electric wire and one civilian was reportedly slashed with razor blades. One former combatant died during the night following the beating. The other victims reportedly had swollen faces, injured eyes, slash wounds and hearing problems. (AI Annual Report 1998)

**September 1997:** Liberian police and ECOMOG soldiers assaulted a group of some 500 employees of the Firestone plantation company in Harbel, near Monrovia, who were demonstrating peacefully for the release of four colleagues held by the company's security staff. Police and soldiers reportedly beat the workers with batons and gun butts, then opened fire, injuring seven people. (AI Annual Report 1998)

**April 1999:** At least 34 people were charged with treason following the fighting in September 1998. In April, 13 of the defendants were convicted of treason, an offence carrying a sentence of death or life imprisonment. One defendant was acquitted. AI sent a delegate to observe the trial and was concerned about the competence of the court and irregularities in the trial proceedings. Some of the defendants told the delegate that they had been ill-treated before and during the trial. Some appeared to have been beaten severely, and at least two had loss of hearing and broken limbs. (AI Annual Report 2000)

**1999:** A group of military officers, nine of whom were charged with sedition, was arrested in connection with the fighting in Monrovia of September 1998 and brought to trial during 1999. Their trial was suspended several times by a Court Martial Board amid controversy about the government's reported failure to ensure adequate financial resources for the trial. By the end of 1999, the trial was suspended indefinitely. Concerns were also expressed about the perceived lack of guarantees for a fair trial and about alleged intimidation of defence lawyers. Moreover, the defendants were reportedly ill-treated and held in conditions which might have amounted to cruel, inhuman and degrading treatment. They were reported to have been regularly denied food and medical care. On at least one occasion defendants fainted during the trial proceedings, reportedly because they had been denied food for several days. The prisoners were also repeatedly beaten and flogged in the early days of their detention. (AI Annual Report 2000)

**February 2000:** A court martial convicted four army officers of sedition - General Joseph Jarlee, Major Alphonso Dubar, Master Sergeant Alexander Gee and Private Okpakakpu Monger - and sentenced them to 10 years' imprisonment. Five other officers were acquitted. There were

concerns that the trial did not meet international standards for fair trial and about the alleged intimidation of defense lawyers. The defendants, who were reportedly beaten following their arrest, continued to be detained in harsh conditions at a military barracks. General Jarlee was reportedly denied adequate food or medical treatment. (AI Annual Report 2001)

**August 2000:** The Liberian government issued an arrest warrant for Ellen Johnson-Sirleaf, an opposition leader in exile, to face treason charges, with 14 others, for allegedly supporting the insurgents. Of those charged, only Raleigh Seekie was arrested and was still in detention awaiting trial at the end of 2000. Several other civilians suspected of supporting the insurgents were reported to have been arrested in Monrovia and in other parts of the country. It was not known whether they had been released by the end of the year. (AI Annual Report 2001)

**December 2000:** The Supreme Court heard appeals by 13 people convicted of treason in April 1999 and by the prosecution in the same case which called for longer prison sentences. The Court increased the sentences from 10 to 20 years' imprisonment. In April 1999 the Criminal Court had given as its reason for a lenient sentence the "need for genuine reconciliation in the country". The trial had been marred by irregularities and some of the defendants had been beaten severely following their arrest. Most were former government officials serving 10-year prison sentences in the Central Prison, Monrovia, where they were reportedly harassed and denied adequate medical care. (AI Annual Report 2001)

**May 2001:** Over 100 men and boys in Bong County in northern Liberia were arrested as suspected dissidents. They were subsequently detained at Gbatala military base for periods of up to a month and reportedly tear gassed, had acid thrown at them, denied water and starved. Several reportedly died as a result. (AI Annual Report 2002)

**April and May 2001:** As many as 15,000 fleeing civilians were halted for several weeks at the St Pauls River on the border between Lofa and Bong Counties by the Liberian security forces. Civilians were subjected to violations such as torture, including rape, and forced recruitment into the security forces. There were reportedly numerous deaths from starvation, disease and unsanitary conditions. (AI Annual Report 2002)

**June 2001:** A 29-year-old man was captured by the LURD while trying to flee the fighting. His hands were tied behind his back. He was detained for several days with two other men and a woman. He reportedly witnessed the deliberate shooting and killing of the two other men on the orders of a high-ranking officer. The woman was reported to have been raped. Both the woman and the man eventually escaped. (AI Annual Report 2002)

**June and July 2001:** On several occasions ATU and police forces reportedly entered a camp for internally displaced people in Bong County, fired in the air, seized men and boys and took them to Gbatala military base where they were severely ill-treated. (AI Annual Report 2002)

**November 2001:** Two Nigerian nationals reportedly died in custody as a result of torture after being arrested on suspicion of stealing jewellery from a deputy government minister. The deputy minister and members of the security forces were subsequently arrested. (AI Annual Report 2002)

**December 2001:** A 14-year-old boy in Gbarnga, Bong County, was shot dead by police who subsequently said that he was an armed robber. (AI Annual Report 2002)



**January 2002:** A LURD commander forced several men from Kolahun, Lofa County, to carry ammunition. Two were shot in the leg for not walking fast enough, one of whom later died. (AI Annual Report 2003)

**24 February 2002:** ATU and SOD forces arrested 45 young men at a displaced people's camp in Monrovia. They were released the following day after payments by their families. (AI Annual Report 2003)

**February 2002:** In Tubmanburg, four men suspected of being "dissidents" were reportedly tortured by members of the ATU; one subsequently died. A surviving victim described his scrotum being beaten with a hammer. Arrests and ill-treatment of suspected opponents continued after the lifting of the state of emergency in September. (AI Annual Report 2003)

**June 2002:** During an attack by the LURD on a refugee camp at Sinje, Grand Cape Mount County, five nurses working with a Liberian medical relief organization were abducted and held until September. (AI Annual Report 2003)

**December 2002:** Leading members of the Inter-Religious Council of Liberia, David Kiazolu and Christopher Toe, were arrested, apparently suspected of collaborating with the LURD. (AI Annual Report 2003)

**11 December 2002:** Five members of opposition political parties were arrested in Grand Bassa County and taken to Monrovia where they remained held without charge before being released. (AI Annual Report 2003)

**14 December 2002:** Throble Suah, a journalist on *The Inquirer* newspaper, was stopped in a street in Monrovia and severely beaten by security forces, believed to be ATU members; he required urgent medical treatment. (AI Annual Report 2003)

#### **RAPE AND OTHER FORMS OF SEXUAL VIOLENCE**

**March 1999:** Members of the military, searching for a missing man, detained and beat elders in the village of Dambala, Grand Cape Mount County. Villagers complained that the soldiers had raped several women and had looted money and goods. The alleged violations followed several hours of shooting in the village. Military authorities admitted that looting had occurred but denied the allegations of violence and rape. (AI Annual Report 2000)

**June 2001:** A 17-year-old woman was seized in Vahun district by an ATU officer, detained and gang-raped repeatedly over 10 days. When she was released, her life was threatened if she told anyone. (AI Annual Report 2002)

**February 2002:** A woman aged 23 who had fled her home was gang-raped and severely beaten by security forces in Margibi County. (AI Annual Report 2003)

**May 2002:** As thousands of civilians fled fighting around Gbarnga as many as 20 women reported that they had been raped by security forces. They included a 19 year old raped by four government-allied militia. Another woman was abducted, held for two days and repeatedly raped by an ATU member. (AI Annual Report 2003)

**August 2002:** Three women fleeing to Guinea were abducted by LURD combatants between Kotolahun and Honyahun. They were forced to carry loads and then raped. Those responsible were subsequently beaten by their commanders. (AI Annual Report 2003)

**February 2003:** B.D., aged 18, from Bomi County, was captured by LURD forces in February 2003 and forced to become the "wife" of a LURD combatant. When Amnesty International representatives met her in November 2003, she had a baby boy: *"I was captured on 4 February 2003 in Cheesemanburg market where I was selling fish. The LURD fighters were shooting between themselves and one 21-year-old boy came to take me from the market to be his 'wife'. I was forced to join him to save my life. I didn't receive any training but I was given a gun to fight. I fought in February, March and April, before World War I. By World War I my stomach was getting big so I fled to Monrovia. My 'husband' was fighting. I ran to Seighbeh camp. People pointed at me and said that I was a fighter. I was with other boy and girl fighters. I came to the camp [Plumkor] but fighting broke out again and LURD said that we should go to our villages. I went home and had my baby. There was no medical treatment in the village so I returned to the camp. People still point us out. My 'husband' was still in Monrovia and when he came to the camp they beat him severely and he ran away and hid. He came back and we were thrown out of the house because we were fighters. Now we don't have anything. I want to go back to school and have some training, like tie-dye."* (AFR 34/017/2004)

**March 2003:** At a disused and dilapidated former government building in Monrovia housing several hundred former combatants with government forces and those associated with them, including women and children, several adolescent girls who had been abducted from Ganta by former government militia in March 2003 gave accounts of their ordeals; all had all been raped, including E.B., aged 14: *"I was coming from church on Sunday morning. They abducted five girls coming from church. They took us to the front line. We had to cook and carry ammunition in the bush. They treated us bad; if I didn't go [have sex] with them, they would kill me... They brought me to Monrovia and left me here. I want to go to school. I want to go back to Nimba to my people."* (AFR 34/017/2004)

**March 2003:** A 14-year-old girl, Y.D., was abducted from Ganta, Nimba County by former government militia as she was on her way to school: *"I was going to school in Ganta when they captured me. I had to carry ammunition through the bush to the front line. I was treated badly. I had to steal to get food but if you were caught you were beaten and put in the sun. When we slept, the men came over and took off our underwear and abused us. Several men abused us. I want to go back home and go to school and do petty trading."* (AFR 34/017/2004)

**April 2003:** T.S., aged 23, whom Amnesty International representatives met at Plumkor internally displaced people's camp, had been abducted from another internally displaced people's camp, Ricks Institute, by LURD forces in April 2003. She was taken to Bomi County, given a gun and, without any training, forced to fight. She in turn captured and abducted other girls. She described her own experience and that of other girls who had been abducted and forced to join the ranks of LURD forces: *"I captured other girls and brought them back to Bomi. They did it to me so I had the intention of paying back. I captured nine girls, beat them and tied them. I fought in Monrovia in June and July. Many of the girls died in the fighting. Some were captured and killed by government forces. During World War I, I lost six girls mainly because they were not familiar with the area and was captured by government soldiers. In World War II, I lost two girls in 'face-to-face' fighting. Some of the girls were ordered to cook and carry food to the front line and were*

killed at that time. Girls from 11 years old were captured and were part of my group. Even the small girls fought. The youngest in the camp is now 13. Many of the girls were raped when they were captured but once I had my own girls, I wouldn't let it happen. The men didn't take the girls by force to rape them. They would have to ask me if there was a girl they liked and they wanted to take her. In many cases I agreed and the girls would go with them. I had 46 girls under my command." (AFR 34/017/2004)

**June 2003:** K.L., a Sierra Leonean refugee with an eight-year-old daughter, was in the VOA camp in June 2003 when it was attacked first by LURD and then by government forces: "LURD didn't give any problems; they didn't loot. But then government troops came – Charles Taylor people. There was heavy fighting, shooting. Charles Taylor people came knocking about. They threatened to kill me and asked me to follow them. They took me and my friend and put us on the floor. They had guns. Three men raped us both. I later had a discharge. I got some medical treatment but I still have problems. I am embarrassed to go back home [to Sierra Leone]." (AFR 34/017/2004)

**June 2003:** P.P., aged 25, from Tubmanburg, Bomi County, fled from Wilson Corner camp when government forces attacked it in June 2003: "Government soldiers came. I was sick. They wanted to carry [abduct] me. They threatened to shoot me. I was afraid. They grabbed me and pulled me and started to beat me. They said, 'I will use [rape] you. Be my woman'. They beat me and kicked me in the stomach, then just left me. My stomach still hurts and my periods have stopped but I am not pregnant." (AFR 34/017/2004)

**June 2003:** M.C., aged 35, from Bomi County, but displaced to Wilson Corner camp, was raped by government forces in June 2003: "Two men raped me. I am bleeding all the time. I haven't been to hospital. There is no medical care." (AFR 34/017/2004)

**June 2003:** A 27-year-old woman who had been raped in 1990 when aged 14 and again in 1994 when she was gang-raped by three different men described the circumstances of yet another rape to a Médecins Sans Frontières staff member in June 2003: "The day before yesterday, I went to the bush to look for wood. There were three government soldiers with guns. One of them saw me and asked, 'Where are you going?' I said I was looking for wood. Then he told me, 'You are assigned to me for the day'. I was very afraid. He forced me to go far into the bush and he undressed me. Then he raped me. When I got dressed afterwards he took 50 Liberian dollars from me. I came back to the camp and yesterday I felt very sick. My stomach is very painful, but I don't have any money to go for treatment." (AFR 34/017/2004)

**June 2003:** A.B., a Sierra Leonean refugee, had fled to Liberia in 1991 when the internal armed conflict in Sierra Leone began. She was in the refugee camp known as VOA in Montserrado County when both former government and LURD forces attacked the camp in June 2003. (AFR 34/017/2004)

**June 2003:** A father described to Amnesty International representatives in November 2003 how his elder daughter was abducted by LURD forces from their home in Duala, Monrovia: "Government forces retreated and LURD took over; they made a patrol of the area and then came back at 10.30 and told me to open the door. They said, 'Who's there with you?' I had two children, daughters, a small one and a big one. They saw the small one and said, 'Where's the other one?' There was a lot of shouting. The older one was lying on the ground, covered. She was fully dressed, wearing trousers. Commander 'Muppet' said, 'Take this one.' I said that she was sick and my wife, who was pregnant, tried to intervene. They took my daughter. Another girl was with

them. They went around collecting a group of girls. They tried to get into a compound and told the girls to wait outside. My daughter ran away and hid between an old building and a fence. Commander 'Alligator' told 'Muppet' to stop. I don't know what happened to the other girl." (AFR 34/017/2004)

**June 2003:** A Sierra Leonean refugee, K.K., was raped while in the VOA camp in June 2003: "During World War I, I was raped by government troops. They came to the camp disguised as LURD rebels. They came into my house and said, 'mother-fucker, come outside'. I was then raped at gunpoint by five soldiers. My baby son was caught by a bullet and died. The soldiers took everything. I don't think that there were commanders; they were generals for themselves. I fled to Bushrod Island but the St Paul bridge was closed and there was heavy fighting. I went to a community centre and stayed there until the end of the war. There was a lot of harassment and looting there by renegade government militia. I want to return to Sierra Leone but I will need help when I get there." (AFR 34/017/2004)

**July 2003:** F.C., aged 38, a mother of four children, was at home in her village near Gbarnga, Bong County, when LURD forces attacked: "When the fighting began, I was beaten and raped by five 'dissidents' [LURD combatants]. Since then I haven't had a period. My stomach hurts when I eat. After they raped me, they forced me to go with them. Five other women were with me. They accused us of being Charles Taylor people and supporting Taylor's soldiers. I was afraid; anything they told me, I would do. I had a six-month-old baby but it got sick and died; there was no treatment. I spent two days with the soldiers. Then I escaped one day when I went to get water. I don't know where my husband is; he was not at home when the soldiers came." (AFR 34/017/2004)

**July 2003:** D.K., aged 30, from Grand Cape Mount County, but internally displaced in Perry Town camp, was raped in July 2003: "During World War III, four government soldiers forced my door open and demanded money. I said that I didn't have any. They forced me onto the bed and cut my panties with scissors. They kicked me in the stomach and then raped me. They threatened to kill me. My stomach has hurt since then. No man wants me because of the condition I have. Because of the pain, I can't do hard work. There isn't a good clinic in the camp and I have no money for medicine." (AFR 34/017/2004)

**July 2003:** E.G., aged 40 had fled to the camp in Kakata following an attack on Gbarnga by LURD forces in July 2003: "I heard heavy gun-fire as the rebels attacked and I ran into the bush. The rebels said, 'those who are supporting Charles Taylor government, we will deal with you people'. Two LURD rebels beat me and another one carried me into the bush and raped me. I stayed in the bush for two days and then went back to town to look for my family. My four children who had stayed behind said that their father was killed in front of them. The rebels said, 'We will kill your pa and you go tell your ma; aren't you the ones giving place to Charles Taylor? We will treat you like a dog and kill you.' I left Gbarnga with my four children and came to Kakata." (AFR 34/017/2004)

**August 2003:** M.M., aged 38, a mother of five children, was in Gbarnga in August 2003 when LURD forces attacked the town. She fled to Kakata and had not seen her husband since the attack: "The LURD hit Gbarnga. They raped me. Many LURD wanted to rape. Two LURD raped me. I still have pains in my stomach and in my spine. LURD took everything from the house; I escaped with my life. I walked from Gbarnga to Kakata. But then government militia took the few things that were left; they beat and looted. I arrived here with nothing." (AFR 34/017/2004)

A.B., a mother of three children, from Bomi County, had sought refuge in Perry Town camp: *"Charles Taylor people hurt me; they beat me and raped me. Ten people raped me. Since then I have been ill. I feel pain; all my body hurts. I have a discharge but there is no medicine."* (AFR 34/017/2004)

**August and September 2003:** Internally displaced people, whom Amnesty International representatives met in camps in Kakata, Margibi County, and Totota, Bong County, described how they had fled continuing insecurity in the region around Sanoyie, Bong County in the months following the peace agreement. Their villages had been first attacked and looted by LURD forces in August and September 2003 and then, as they fled, their remaining possessions were taken by former government forces based around Sanoyie. Former government forces were continuing to loot farms and villages in the Sanoyie area, accompanied in some cases by beatings, rape, abductions and forced labour. K.C., aged 35, who had fled to E.J. Yancey camp near Totota, described what she had witnessed: *"Every day and night the soldiers came to take our food, our clothes. They beat. They could come to the market and shoot, making people run away and then take their goods. I left there yesterday because of the beating and looting. I saw one woman who had given birth in the morning and was raped in the evening. Her baby died. Girls were also raped."* (AFR 34/017/2004)

M.S., also aged 35 and from Sanoyie, provided a similar account: *"They raped one of my sisters who had just delivered a baby. She died. Rape is going on but there is a lot more beating. My husband was beaten and all my possessions were taken by government militia. Some of the soldiers were aged about 14."* (AFR 34/017/2004)

E.W., a 54-year-old mother of seven children and with five grandchildren, from Gbarnga, was at the internally displaced peoples' camp in Kakata. She described the rape of her 15-year-old granddaughter: *"The rebels came into the town and my house was hit by a rocket and burned down. My 12-year-old son was killed. I ran away but the rebels stopped me and took all my belongings. While I was running to Kakata, we stopped at Cottingham College campus. My granddaughter was raped by rebels. I begged and cried for them to stop. I became separated from her and have not seen her since."* (AFR 34/017/2004)

Amnesty International representatives met H.B., from Bomi County, a week after she had arrived in Perry Town camp: *"I was in Bomi County in World War I when government soldiers came to my house. My husband was cut and tied up. I was raped by two men in front of him – I was pregnant. I was in pain for week and later I had a difficult birth. The soldiers took everything."* (AFR 34/017/2004)

P.M. had also sought refuge in Perry Town camp: *"I was raped in front of my family by four LURD rebels during World War II. My grandmother and father were killed at the same time. The rest of the family were told to laugh."* (AFR 34/017/2004)

**October and November 2003:** Amnesty International representatives visited Sagleipie in Nimba County in November 2003. Testimonies from internally displaced people described killings, beatings, abduction and rape by MODEL forces as they advanced northwards from Tapeta towards Graie and other villages during October and November 2003: *"They attacked Gblonar on 10 November [2003]. They burned it down. I don't know where my parents are. They carried people away. I don't know what MODEL are doing to them. They took one women's 18-year-old daughter; she was pregnant."* (AFR 34/017/2004)

**November 2003:** A 60-year-old man, V.V., described an attack by MODEL forces on Graie on 1 November 2003: "*I was on the farm. I heard that MODEL had entered Graie. After a few days I got information that the fighting had stopped. People started to go back to Graie. MODEL had burned most of the houses in Graie. They had tied some people, beat them with cutlasses. They stripped people – both men and women.*" (AFR 34/017/2004)

**2003:** At the VOA camp Amnesty International representatives spoke to a number of Sierra Leonean refugees who had been caught in the escalating violence during the first six months of 2003. Among them was a 22-year-old, J.S., a mother of one child: "*LURD rebels killed my father in Cape Mount [Grand Cape Mount County]; they tied and beat and killed him. LURD forces came to this camp and four of them raped me. They told me to run away and so I fled. Since then I have been bleeding and I have pain in my stomach. I have received some treatment but I am still bleeding.*" (AFR 34/017/2004)

**2003:** M.H., aged 29, from Bomi County, was pregnant when former government forces raped her. Amnesty International representatives met her in Wilson Corner internally displaced people's camp: "*I was pregnant and running away from the camp near St. Paul Bridge. Three government soldiers caught me and raped me. They beat me and my unborn baby died. All my belongings were stolen.*" (AFR 34/017/2004)

**2003:** H.S., from Bomi County, recounted her ordeal at Wilson Corner internally displaced camp, Montserrado County: "*I came to the camp one and half years ago. My husband [a civilian] was killed by LURD forces, leaving me with five children. I am disabled so I could not run away when government soldiers attacked the camp in World War II. Two soldiers came into my house and raped me. I have had stomach pains ever since but have not had any treatment. Afterwards I left the camp. Many of those who stayed were forced to go to Tubmanburg by the LURD.*" (AFR 34/017/2004)

**2003:** A.S., from Bomi County, who was in Perry Town internally displaced camp in Montserrado County, had been raped on two separate occasions by former government forces. She was clearly traumatized and felt deep shame, fearing the reaction of others in the camp if they became aware of what had happened to her: "*During World War I I was in Klay [Bomi County] but in World War II I fled into the bush with my four-year-old son. Three soldiers caught me and two other women and forced us to go with them. I had to cook for the soldiers. They hit me on my side with a gun. I put down my son and then two men raped me. Then I came to Perry Town but when World War III broke out, I ran away to Blamasee [an internally displaced people's camp]. I was sleeping behind a school building when two soldiers came and raped me. I couldn't fight. Since then my stomach hurts. I have seen a doctor and told them what happened and I was given some medicine.*" (AFR 34/017/2004)

#### **RECRUITMENT OF CHILD SOLDIERS**

**February 2003:** B.D., aged 18 years, from Bomi County, was captured by LURD forces in February 2003 and forced to become the "wife" of a LURD combatant. When Amnesty International representatives met her, she had a two-month-old baby boy: "*I was captured on 4 February 2003 in Cheesemanburg market where I was selling fish. The LURD fighters were shooting between themselves and one 21-year-old boy came to take me from the market to be his 'wife'. I was forced to join him to save my life. I didn't receive any training but I was given a gun*"

to fight. I fought in February, March and April, before World War I. By World War I my stomach was getting big so I fled to Monrovia. My 'husband' was fighting. I ran to Seighbeh camp. People pointed at me and said that I was a fighter. I was with other boy and girl fighters. I came to the camp [Plumkor] but fighting broke out again and LURD said that we should go to our villages. I went home and had my baby. There was no medical treatment in the village so I returned to the camp. People still point us out. My 'husband' was still in Monrovia and when he came to the camp they beat him severely and he ran away and hid. He came back and we were thrown out of the house because we were fighters. Now we don't have anything. I want to go back to school and have some training, like tie-dye." (AFR 34/006/2004)

At the "Titanic" several adolescent girls recounted how they had been abducted from Ganta, Nimba County, by former government militia in March 2003; they had all been raped, including E.B., aged 14 years: "I was coming from church on Sunday morning. They abducted five girls coming from church. They took us to the front line. We had to cook and carry ammunition in the bush. They treated us bad; if I didn't go with them, they would kill me...They brought me to Monrovia and left me here. I want to go to school. I want to go back to Nimba to my people." (AFR 34/006/2004)

Another 14-year-old girl, Y.D., was also abducted from Ganta in March 2003 by former government militia: "I was going to school in Ganta when they captured me. I had to carry ammunition through the bush to the front line. I was treated badly. I had to steal to get food but if you were caught you were beaten and put in the sun. When we slept, the men came over and took off our underwear and abused us. Several men abused us. I want to go back home and go to school and do petty trading." (AFR 34/006/2004)

A.B., now aged nine years, described how he had become separated from his parents in Lofa County after an attack on his village in late 1999. He followed LURD combatants simply in order to survive and, aged seven years, was given a gun: "To hold guns is not good for children. You cannot sleep good, you cannot eat good food...Now I see that I will have a good future by going to school." (AFR 34/006/2004)

P.K., now 13 years old, from Zorzor, Lofa County, was first captured by former government forces in 2002. Amnesty International representatives spoke to him at the "Titanic": "Government soldiers came and forced me and my father to join them. My father refused so they cut his throat. They beat me and tied me and forced me to join the fighters. First, I carried ammunition but then they gave me a gun and said that I should join the 'Small Boys Unit'. There were more than 10 small boys with me but there were 50 adults. I was sometimes beaten for misbehaving. While I was fighting, the LURD captured me in Lofa. They tied me and cut my foot to mark me in case I ran away. I had to fight with the LURD but while I was fighting I saw a friend with the soldiers so I ran back to the government side. I went to Gbarnga and fought in a village behind Gbatata. My commander brought captured LURD fighters and told me to kill them. I tied them and cut their throats or shot them. I killed more than seven people. I came to Monrovia with my commander during World War I. Then I heard that ECOMIL were disarming people. My commander took my weapon and I came to this camp. My mother is still in the village. I want to go home and do business selling goods." (AFR 34/006/2004)

A 10-year-old boy, E.G., from Bong County, who had been recruited by former government forces, described to Amnesty International representatives in November 2003 how he had been caught up

in the conflict: "I don't know where my parents are; I am with my aunt. I was in my village when armed men came. They tied my mother and my father and put them in the sun. I got angry and decided to join the fighters. I fought for one year with government forces. I was shown how to fire a gun and how to take cover. There were more than 20 small boys with me, from seven to 20. There were more adults than children. I used to beat people, tie people and kill people. I fought in Lofa. After that Commander Benjamin Yeaten brought me to Monrovia. I want to go back to school and learn a trade." (AFR 34/006/2004)

**February 2003:** A young woman, M.M., described to Amnesty International representatives in November 2003 how she and her 11-year-old son were abducted by LURD forces from Cheesemanburg, Bomi County, in February 2003: "I was selling doughnuts in the market on 4 February 2003 when I was captured by the LURD. My son was conscripted by LURD. I was taken to Bomi by LURD. I had a one-month-old baby who later died in Bomi. I had to do cooking and other chores for the fighters, including drawing water. LURD also captured other boys and girls and some died on the road. I am afraid to return to Bomi to get my son." (AFR 34/006/2004)

A 12-year-old boy, R.J., from Gbarnga, Bong County, described to Amnesty International representatives his abduction with other boys by former government forces in May 2002 and his involvement in the three successive attacks by LURD forces on Monrovia in June and July 2003, termed World Wars I, II and III by the inhabitants of Monrovia and Montserrado County: "I was playing football outside with some other young boys. Government soldiers came and said rebels had reached Lofa bridge. Commander Fasou [phonetic] was in charge of the group and they picked up 24 young boys. We were tied and put in a truck and carried to Lofa highway. I was taught how to shoot an AK 47. I fired a gun but I am not sure if I hit anyone. Some of my friends went to fight; some were wounded and some died. I was a 'Small Boys Unit' deputy commander. I wasn't beaten or ill-treated but soldiers harassed civilians, beat them and looted their things. The commander told the small boys not to do this but those behind the commander were doing it. During World War I, we came to Monrovia. While I was fighting, I saw my aunt, who was displaced, running. I asked where my mother was and she said that she had gone to Buchanan. I asked my commander for permission to take my aunt to the displaced camp. Then, I returned and fought in World War II. During World War III we ran out of ammunition. People were saying Charles Taylor should leave. We were not receiving any new supplies. I asked my commander if I could go to find my aunt and look for my mother. Then ECOMIL came and Taylor left. In September my commander let me go and I came with my aunt to 'Titanic'. We are suffering here with no toilet, no safe drinking water or a hand pump. I want to go back to school." (AFR 34/006/2004)

**April 2003:** A 23-year-old woman, T.S., whom Amnesty International representatives met at Plunkor internally displaced people's camp, near Brewerville, Montserrado County, on 16 November 2003, described how she had been abducted from another internally displaced people's camp, Ricks Institute, by LURD forces in April 2003. She was taken to Bomi County, given a gun and, without any training, forced to fight. She described her own experience and that of other girls who had been abducted and forced to join the ranks of LURD forces: "I captured other girls and brought them back to Bomi. They did it to me so I had the intention of paying back. I captured nine girls, beat them and tied them. I fought in Monrovia in June and July. Many of the girls died in the fighting. Some were captured and killed by government forces. During World War I, I lost six girls mainly because they were not familiar with the area and were captured by government soldiers. In World War II I lost two girls in 'face-to-face' fighting. Some of the girls were ordered



to cook and carry food to the front line and were killed at that time. Girls from 11 years old were captured and were part of my group. Even the small girls fought. The youngest in the camp is now 13. Many of the girls were raped when they were captured but once I had my own girls, I wouldn't let it happen. The men didn't take the girls by force to rape them. They would have to ask me if there was a girl they liked and they wanted to take her. In many cases I agreed and the girls would go with them. I had 46 girls under my command." (AFR 34/006/2004)

A.K., now aged 15 years, described in December 2003 how he had joined the LURD two years earlier: "I was in a refugee camp in Macenta [Guinea] when they came. They gave me a gun to fight for my country because Taylor was against Mandingo people." (AFR 34/006/2004)

**June 2003:** J.K., a boy aged 14 years, from Bong County, was captured by former government forces in June 2003. An Amnesty International representative spoke to him at the "Titanic" on 16 November 2003: "I was working on the farm and heard that soldiers were coming, so my father told me to hide. But I was caught. The soldiers tied me and beat me and took me to a barracks in Lofa County. There were many small boys in Lofa, more than the adults. Many were killed by bullets and rockets. They gave me an arm and told me how to use it... I used an AK 47; the adults used RPGs and other bigger weapons. I fired the gun but am not sure if I killed people. On the road enemy soldiers came and I tried to run away but a rocket hit my leg. Four people were wounded and some others died in the attack. Government soldiers came and took me to Phebe hospital. After a week and two days an ambulance from JFK hospital came to pick me up. At JFK they amputated my leg. The soldiers gave me a little money while I was in hospital so I paid my way to come to 'Titanic' from JFK. I want to go to school and start a small business." (AFR 34/006/2004)

#### **REPRESSION OF HUMAN RIGHTS DEFENDERS; OPPOSITION LEADERS**

**July 1997:** During the election campaign, there were numerous reports of intimidation and harassment by former combatants, particularly in the north and the southeast of the country and by former members of the National Patriotic Front of Liberia (NPFL). Both were accused of threatening civilians and some returning refugees. (AI Annual Report 1998)

**September 1997:** Philip Wesseh, managing director of an independent newspaper, *The Inquirer*, questioned police methods in dealing with alleged armed robbers. He was arrested and interrogated for several hours. (AI Annual Report 1998)

**November 1997:** Samuel Dokie, former deputy speaker of the recently dissolved transitional legislative assembly and a former minister of Internal Affairs, his wife, Janet Dokie, and two other relatives were arrested by officials of the Special Security Service. In early December their bodies were found in a burned car; Samuel Dokie had reportedly been beheaded. (AI Annual Report 1998)

**December 1997:** Seven journalists with *The Inquirer* were taken to the President's residence, the Executive Mansion, in connection with an article about the killing of Samuel Dokie (see below). They were questioned for two hours by members of the Special Security Services, who reportedly told them that some journalists might be killed if they did not improve their work. (AI Annual Report 1998)

**December 1997:** Alex Redd, a journalist with *Radio Ducor*, was abducted by plainclothes security officials, apparently in connection with interviews he had carried out while covering Samuel Dokie's funeral. He was abducted some 150 kilometres outside the capital, Monrovia, but was found two days later in police custody in the city. He had reportedly been beaten and bore knife wounds. His captors had apparently abandoned him in the capital with his arms still tied behind his back and he had been handed over to the police. He was held for questioning and charged with treason, but after six days in formal police custody the charges were reduced to felony and he was released on bail. (AI Annual Report 1998)

**January 1999:** A journalist was arrested and detained in January for four days, apparently because of his investigative work on the involvement of Liberia in the Sierra Leonean conflict. He was allegedly beaten and held naked. He was accused of treason and espionage, but no formal charges were brought against him. The police authorities denied his arrest. His fiancée was briefly detained when she tried to locate him. A few weeks later, he was again seized by plainclothes security officers, and released only after the intercession of senior officials and foreign representatives. He had previously been arrested and reportedly tortured in August 1998. (AI Annual Report 2000)

**March 1999:** Police briefly detained Isaac Menyongi of the *Heritage* newspaper for refusing to disclose the source of his article about a South African businessman's ties to Liberian officials.

**March 1999:** Philip Moore, a reporter with the independent newspaper *The News*, was arrested on charges of "criminal malevolence". He was released a day later after intervention from the Press Union of Liberia and the JPC. (AI Annual Report 2000)

**December 1999:** Police arrested the news editor of the *Concord Times* newspaper, Sarkilay Kantan, and a reporter on similar charges, following their articles about corruption in government and state-run companies. Four other journalists were also sought for arrest. (AI Annual Report 2000)

**December 1999:** Police arrested James Torh, the executive director of FOCUS, on charges of sedition in connection with comments he had made in a speech at a high school. James Torh had a record of speaking out about human rights concerns in Liberia and had publicly criticized President Taylor over the issue of a truth commission to investigate past abuses. He was released on bail after three days. (AI Annual Report 2000)

**March 2000:** Suah Deddeh, Chair of the Liberian Press Union, was arrested and questioned by security officers after criticizing the closure of two privately owned radio stations, Star Radio and Radio Veritas, by the authorities. He was released the next day without charge. After protests, Radio Veritas was allowed to reopen but Star Radio remained banned. (AI Annual Report 2001)

**March 2000:** James Torh, a prominent human rights activist, fled the country after Anti-Terrorist Unit officers twice came looking for him at his home at night. In December 1999 he had been briefly detained and charged with sedition for allegedly making remarks critical of the government. When he did not appear at a court hearing in April, the authorities ordered his rearrest. (AI Annual Report 2001)

**August 2000:** Four journalists working for *Channel 4*, a UK television station - Sorious Samura, Gugulakhe Radebe, David Barrie and Timothy John Lambon - were detained for several days in Monrovia and accused of spying. The four were beaten following their arrest and one of them was

threatened with death. They were released unconditionally after widespread protests. (AI Annual Report 2001)

**September 2000:** Staff members of the independent *New Democrat*, including its editor Charles Jackson, fled Liberia following death threats, intimidation and harassment by the security forces. (AI Annual Report 2001)

**November 2000:** Armed men believed to be civil war veterans, who reportedly included a senior armed forces officer, attacked members of a non-governmental organization, the Centre for Democratic Empowerment (CEDE), in Monrovia. They stabbed and wounded Conmany Wesseh, and physically assaulted Amos Sawyer, formerly head of the Liberian interim government during the civil war and CEDE Chairman, and other staff. The armed forces officer and seven others were subsequently charged with aggravated assault and released on bail to await trial. However, others believed to be also responsible for the attack were not known to have been investigated by police. Local human rights activists called for an independent inquiry. Suspects arrested in connection with a 1999 attack on the home of Conmany Wesseh and death threats against his family had been released without charge or trial despite evidence against them. (AI Annual Report 2001)

**February 2001:** Joseph Bartuah, Abdullah Dukuly, Jerome Dalieh and Bobby Tapson, four journalists from the privately-owned newspaper *The News*, were arrested and charged with espionage after publication of a report criticizing the delayed payment of civil service salaries. (AI Annual Report 2002)

**March 2001:** Dozens of university students and professors were whipped and severely beaten by the security forces during a peaceful protest in Monrovia against the arrests. More than 40 students were arrested. Some were released shortly afterwards without charge, with visible marks of beatings, and at least seven women students were reported to have been raped repeatedly in detention. At least 17 were released over the next three weeks after widespread public protests. In April the university suspended student leaders; most of them fled the country. (AI Annual Report 2002)

**April 2001:** Veteran politician Togba-Nah Tipoteh said that he and other politicians had received threats for criticizing the international community for giving financial assistance to the government. (AI Annual Report 2002)

**April 2001:** Francis Massaquoi, Minister of Youth and Sports and former leader of the Lofa Defense Force, an armed group active in the civil war, was killed in unexplained circumstances in Lofa County. Reports suggested that he might have been killed because his political influence with government forces in the area was perceived to be a threat to the government. (AI Annual Report 2002)

**September 2001:** Thompson Ade-Bayor, head of Liberia Watch for Human Rights, was illegally detained without charge or trial for 10 days after criticizing the security forces in a published article. The Liberian police reportedly paid fellow inmates to hang him by his feet and beat him. (AI Annual Report 2002)

**October 2001:** Emmanuel Wureh, president of the National Bar Association, was imprisoned for a week after he was found in contempt of court for alleged insulting remarks during court proceedings. Leading Bar Association members Marcus Jones and Ismail Campbell announced a lawyers' boycott in protest and were themselves arrested. The House of Representatives

subsequently asked the Minister of Justice to charge them with contempt of the Legislature and to detain them until they apologized to the House and retracted their protest. The legal basis for this process and their detention was unclear. Emmanuel Wureh was released in November and the other lawyers in December. (AI Annual Report 2002)

**2001:** Raleigh Seekie, an opposition leader charged with treason with 14 others in August 2000, was still in prison awaiting trial at the end of 2001. Others charged with him had not been arrested. (AI Annual Report 2002)

**February 2002:** Frances Johnson-Morris, former Chief Justice and head of the Catholic Justice and Peace Commission, was arrested after publicly questioning the constitutional legality of the state of emergency. She was detained briefly with male detainees before the Minister of Justice ordered her release without charge. (AI Annual Report 2003)

**20 March 2002:** Henry Cooper, a member of an opposition political party in Bong County, was reportedly arrested by police; his bullet-ridden body was found later. (AI Annual Report 2003)

**April 2002:** Tiawan Gongloe, a human rights lawyer, was arrested and tortured in police custody, requiring hospital treatment for his injuries. He was initially prevented from leaving the country and was briefly detained again in May. (AI Annual Report 2003)

**June 2002:** Hassan Bility, a journalist with *The Analyst* newspaper, was arrested with two associates, following articles condemning human rights violations. Sheikh Sackor, Executive Director of Humanist Watch, was arrested the following month. Both were held incommunicado and tortured. The government accused them of belonging to the LURD and announced that they would be tried by a military court. No charges were brought against them. Although the government said in October that they would be released, Hassan Bility was held until December when he was handed over to US Embassy officials and flown out of the country. Sheikh Sackor remained held at the end of 2002. (AI Annual Report 2003)

**October 2002:** Aloysius Toe, a leading human rights activist, went into hiding in late October after police raided his home and briefly detained his wife and three other human rights activists. These arrests followed the launch of a campaign by the Liberia Coalition of Human Rights Defenders to secure the release of Hassan Bility and Sheikh Sackor. Aloysius Toe was arrested and charged with treason when he emerged from hiding. The charge was based solely on a widely available LURD document which he was alleged to have received by e-mail. He remained in the Central Prison, Monrovia but was later released in 2004. (AI Annual Report 2003)

#### **IV. THE POST CONFLICT PERIOD 2004-2006**

The temporal jurisdiction of the Commission does not extend beyond 2003. However, research was carried out in late 2003 and 2004 documenting previous cases that were committed in the course of the war. The focus of these reports includes both rape and sexual violence of women and girls as well as the recruitment of children into fighting forces. These reports provide both information and recommendations as to what should be done in the post conflict period with regard to both justice and rehabilitation for the victims.

##### **Rape and Sexual Violence by all parties to the conflict**

Women and girls were subjected to widespread and systematic rape throughout the country. It highlights that women were repeatedly raped and/or gang raped, threatened with death, subjected to sexual slavery, and abducted, and highlights the overall lack of protection of women and girls in the conflict. It provides recommendations to the Truth and Reconciliation Commission of the needs for greater protection for women and girls in the process. (14 December 2004, Liberia: No impunity for rape- a crime against humanity and a war crime AFR 34/017/2004)

**Recruitment of child soldiers**

Amnesty International estimates that 21,000 children are believed to have been recruited to fight in the conflict that lasted from 1999-2003. Amnesty International highlights the manner and the widespread and systematic nature of the recruitment of children by all parties to the conflict highlighting increases in June and July 2003. Recommendations are made to both the Government of Liberia and the international community for the importance of focussing on reintegration. (17 May 2004 Liberia: The promise of peace for 21,000 child soldiers AFR 34/006/2004)

