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**ADVISORY SERVICES AND TECHNICAL COOPERATION
IN THE FIELD OF HUMAN RIGHTS**

Technical cooperation and advisory services in Liberia

Preliminary report of the Independent Expert, Charlotte Abaka*

* The late submission of this report was due to several postponements and the last-minute cancellation of the proposed mission of the independent expert because of security concerns in Liberia.

Summary

At the fifty-ninth session of the Commission on Human Rights, the report of the independent expert (E/CN.4/2003/WG.16/R.2) was considered under the confidential (1503) procedure. This report, which was subsequently made public by Commission decision 2003/105, provided information on various forms of human rights violations, widespread impunity, deliberate and arbitrary killings, extrajudicial executions, arbitrary arrests and detention, torture, forced recruitment and use of child soldiers, violations of freedom of expression and attacks on human rights defenders and the judiciary in Liberia. The report concluded by drawing attention to the existence of a pervasive culture of abuse and violations of human rights in the context of the endemic conflict in Liberia. It called for the re-establishment of Liberian society as one based on respect for the rule of law and fundamental human rights.

Following its consideration of the above-mentioned report, the Commission adopted resolution 2003/82 in which it called *inter alia*, for the appointment of an independent expert for an initial period of three years to facilitate cooperation between the Government of Liberia and the Office of the High Commissioner for Human Rights (OHCHR) in the area of the promotion and protection of human rights by providing technical assistance and advisory services.

On 24 July 2003, at its fifty-ninth session, the Commission appointed Charlotte Abaka as the independent expert under the 1503 procedure. Since her appointment, the independent expert had made several unsuccessful attempts to undertake a mission to Liberia in order to report to the sixtieth Commission as required under paragraph 2 of resolution 2003/82. The inability of the independent expert to visit Liberia during 2003 owing to security reasons led to the present report being prepared mainly from information gathered from United Nations agencies and national and international non-governmental organizations (NGOs) based in Liberia. The present report also follows the emergency report of the High Commissioner to the Commission on Human Rights (E/CN.4/2004/5) of 8 August 2003.

The armed conflict in Liberia that commenced on 24 December 1989, intensified from January 2003, spreading to areas hitherto unaffected by fighting as Liberians United for Reconciliation and Democracy (LURD) and the Movement for Democracy in Liberia (MODEL) rebel groups advanced to Monrovia. This resulted in the loss of lives, injuries and displacement of several thousand people. In early June 2003, about 400 people lost their lives during heavy fighting in Monrovia and in July several hundred died or sustained injuries as a result of indiscriminate mortar shelling of known civilian safe havens and shelters in Monrovia. Many women, girls and young boys were raped, sodomized and subjected to various forms of abuse and sexual violence.

Informed estimates indicate that 1 out of every 10 Liberian children may have been recruited into the war. Children suffered all forms of atrocities, sexual violence, displacement, separation from their families and disruption of education.

With international aid workers being unable to reach most parts of the country, including Monrovia, a humanitarian disaster ensued. Reliable information indicates that the lack of food and sufficient water and the total breakdown of sanitation facilities led to the outbreak of contagious diseases like diarrhoea and cholera.

Peace initiatives spearheaded by the Economic Community of West African States (ECOWAS) with the support of the United Nations, the European Union and the Government of Ghana led to the signing of a ceasefire agreement between the then Government led by President Charles Taylor and the two rebel movements, LURD and MODEL, on 17 June 2003 in Accra. However, on 24 June, fighting resumed in Monrovia. At a summit of ECOWAS leaders at Dakar in July, President Taylor agreed to hand over power. On 11 August 2003, President Taylor handed over power to Vice-President Moses Blah and left Monrovia for Nigeria to begin a life in exile at the invitation of President Obasanjo.

On 18 August, a Comprehensive Peace Agreement was signed in Accra between the Government of Liberia, LURD, MODEL and the political parties. Among other issues, the Agreement calls for a transfer of power to a National Transitional Government to be composed of representatives of parties to the Agreement including civil society. On 24 August, Mr. Gyude Bryant was appointed as Chairman of the National Transitional Government. Mr. Bryant was subsequently inaugurated as Chairman of the National Transitional Government of Liberia (NTGL) on 14 October.

After over 14 years of civil war, characterized by serious violations of human rights and humanitarian law, recent action by the international community leading to the establishment by the Security Council of a United Nations Mission in Liberia (UNMIL), has created another opportunity for the people of Liberia to regain control of their country and reverse the years of decline owing to war and conflict. The timely intervention of the Acting High Commissioner through the submission of an emergency report to the Commission in the heat of the Liberian crisis and strong representation of OHCHR at the planning phase of UNMIL has secured a strong human rights mandate for the mission. Vigilance is required by the human rights community and OHCHR in ensuring that appropriate steps are taken as and when necessary to support the implementation of UNMIL's human rights mandate.

There will have to be a systematic creation of political and societal understanding of the ethical and moral responsibilities of the State and civil society in order to ensure the fundamental rights of all individuals in Liberia. The protracted history of human rights violations and impunity in Liberia provides a challenge to the human rights community. International response including the actions of NGOs has so far been commendable but more is required in the future to ensure the consolidation of the gains made in assuring a strong human rights mandate for the United Nations Mission in Liberia. The establishment of a strong national protection system and provisions for addressing war-related violations are central to the restoration of Liberia. Peace cannot be attained without justice. The struggle for reconciliation and peace in Liberia must be anchored in justice. In this respect, there should be strong international support for the establishment of the Independent National Commission on Human Rights and the Truth and Reconciliation Commission provided for in the Comprehensive Peace Agreement, as well as the development of a national law enforcement system capable of dealing with serious violations and abuses of human rights and humanitarian law.

Strong emphasis should also be placed on the development of national capacity to protect and promote international human rights. The absence of resilient national systems and capacity has been the bane of Liberian society in the past and the opportunity offered to make amends for past acts of omissions and commissions should not be missed.

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Introduction

1. The Commission on Human Rights considered the human rights situation in Liberia under the confidential (1503) procedure at its fifty-eighth session and on 4 April 2002 adopted its first confidential decision relating to Liberia.
2. On 14 October 2002, the Chairperson of the Commission at its fifty-eighth session appointed Ms. Charlotte Abaka as independent expert on the human rights situation in Liberia. Ms. Abaka has been a member of the Committee on the Elimination of Discrimination against Women (CEDAW) for 12 years and was Chairperson of the Committee on the Elimination of Discrimination against Women in 2001 and 2002.
3. At the fifty-ninth session of the Commission, the report of the independent expert (E/CN.4/2003/WG.16/R.2) was considered under the confidential (1503) procedure. The report mentioned among other violations, widespread impunity, deliberate and arbitrary killings, extrajudicial executions, arbitrary arrests and detentions, torture, forced recruitment and use of child soldiers, violations of freedom of expression and attacks on human rights defenders and the judiciary. The expert concluded by drawing attention to the existence of a pervasive culture of impunity, gross violations of all aspects of human rights and deliberate targeting of perceived political opponents. The report recommended a comprehensive solution for addressing all aspects and root causes of the crisis in Liberia, taking into account the overall situation in the Mano River Union area, including a ceasefire, disarmament of the various militia, respect for human rights, rule of law and good governance. By its decision 2003/105, the Commission made the report of the independent expert public.
4. Also at the fifty-ninth session, the Commission adopted resolution 2003/82 in which it decided to appoint an independent expert for an initial period of three years to facilitate cooperation between the Government of Liberia and OHCHR in the area of the promotion and protection of human rights by providing technical assistance and advisory services.
5. On 24 July 2003, the Chairperson of the fifty-ninth session of the Commission appointed Ms. Abaka, under the 1503 procedure, as the independent expert.

I. DEVELOPMENTS IN LIBERIA SINCE JANUARY 2003

6. The armed conflict that Liberia has been experiencing since 24 December 1989, intensified as of January 2003, spreading to areas hitherto unaffected by fighting as rebel Liberians United for Reconciliation and Democracy (LURD) advanced to Monrovia and a new rebel group, Movement for Democracy in Liberia (MODEL), emerged in the east along the border with Côte d'Ivoire. The intensification of the conflict was accompanied by increased human rights abuses, including the denial of the fundamental right to life, extrajudicial and arbitrary executions, torture, all forms of violence against women, rape, forced recruitment, including recruitment of children as young as 10 and particularly among internally displaced persons (IDPs), and denial of humanitarian access.

7. The intensification of fighting since January 2003 led to the evacuation of United Nations personnel from Liberia, thus eliminating an important source of reliable information on the prevailing human rights situation in the country. Nonetheless, it became clear that as the rebel attacks on Government positions in Monrovia intensified starting in June 2003, a humanitarian disaster was inevitable.

8. There have been several reports of women and girls who have been raped and subjected to other forms of sexual violence by the Anti-Terrorist Unit (ATU) and other former Government-allied militia. Some victims are alleged to have been gang-raped by soldiers after being arrested at checkpoints while fleeing the fighting. There have also been reports of alleged abduction and rape of women and girls within IDP camps in Montserrado County by the then Government-allied militia. There have also been alleged cases of abduction and rape of young girls and women at checkpoints by rebels.

9. The suffering of children has also worsened due to the spread and intensification of the conflict. The increased hardships have resulted in devastating malnutrition among children, lack of access to safe drinking water and woefully inadequate sanitation. These conditions undoubtedly render the situation of children's health very precarious.

10. The obnoxious use of child soldiers by both rebels and Government-allied forces is an issue of grave concern, not only to the United Nations, but also to the Economic Community of West African States (ECOWAS). Although it is difficult to obtain accurate information on the number of child combatants in the conflict, reports from humanitarian sources indicate that children constitute the bulk of the fighting forces, especially in the militia. United Nations Children's Fund estimates that 1 out of every 10 Liberian children may have been recruited at some time into the war. This is in addition to Liberian children having suffered all forms of atrocities, including sexual violence, forced labour and disruption of schooling and forced displacement.

11. As a result of the conflict, exacerbated by the increased fighting since January 2003, many children have been deprived of a family environment owing to the death of, or separation from their parents or other relations. As a result of this, children are forced to take on the responsibilities of adults and to fend for themselves. At the peak of the fighting in Monrovia and Buchanan during June 2003, the major cable television networks showed pictures of children trekking for days in the forest and on highways in search of what they believed would be safety. Most of those who were able to make it to safety were compelled to share makeshift accommodation in displaced persons' camps and temporary shelters in abandoned government buildings and public places with adults, further exposing them to vices.

12. Humanitarian assistance to children and other vulnerable groups became extremely difficult because of the occurrence of cases of abductions and killing of humanitarian workers during the conflict. In March 2003 for example, three members of a humanitarian NGO, Adventist Development and Relief Agency (ADRA), were abducted and later found dead in Toe town, Grand Geddeh County, then under the control of MODEL, one of the rebel factions.

The issues of accessibility to and within the country and security, particularly for humanitarian workers, are still serious problems and must be priorities if real disarmament, demobilization, rehabilitation and reintegration are to be achieved in Liberia.

13. As a result of 14 years of conflict, the economy and basic social services have been ruined. Ninety per cent of the citizens of Liberia live in absolute poverty (i.e. on less than US\$ 1 per day), and the country appears to be the only one where children are less educated than their parents, owing to the effects of war. These have resulted in severe hunger, malnutrition, lack of access to good drinking water and sanitation and a lack of opportunities. The severe poverty, coupled with the total breakdown of infrastructure, including health facilities, especially after June 2003, puts the health status of the surviving population at great risk.

14. The HIV/AIDS pandemic thrives on conflict and vulnerability and it is clear that both war and violence increase these. It is therefore absolutely important that the possibility of the threat that women and girls may face from the HIV/AIDS pandemic be addressed. In this regard, it is important that support be solicited from many partners, including the Japanese Trust Fund for Human Security that was established by the Government of Japan. This is to be carried out in partnership with the Joint United Nations Programme on HIV/AIDS, the United Nations Population Fund, the United Nations Development Fund for Women and others to seek concrete measures and strategies to respond to the threat of the pandemic in Liberia.

15. HIV/AIDS, poverty, hunger and inequality constitute fertile ground for social injustice and violence. Policies and programmes that address these issues must be considered a priority in post-war Liberia. In all these policies and programmes women must be specifically targeted to facilitate their achievement of economic literacy and ability to analyse national issues from a gender perspective. These are the kinds of long-term efforts (certainly beyond three years) that will create peace, human development and national security.

II. THE PEACE EFFORTS

16. Peace initiatives spearheaded by ECOWAS with the support of the United Nations, the European Union and the Government of Ghana led to the signing of a ceasefire agreement between the then Government, led by President Charles Taylor, and the two rebel movements, LURD and MODEL, on 17 June 2003. Despite the ceasefire agreement, fighting resumed on 24 June in Monrovia. The city had been under siege with several hundred injured or losing their lives. This situation created a humanitarian disaster with civilians denied basic means of livelihood. By late July, MODEL captured the second port city of Buchanan.

17. On 1 August, the Security Council adopted resolution 1497 (2003) authorizing the deployment of a multinational force to support the implementation of the ceasefire agreement reached in Accra, Ghana, by the Government and rebel groups. The resolution refers to the departure of President Taylor, who had agreed with ECOWAS leaders to resign on 11 August. Meanwhile, Mr. Taylor was indicted for war crimes and crimes against humanity by the Special Court for Sierra Leone because of his alleged activities in support of the Revolutionary United Front (RUF) during the Sierra Leone conflict. Nonetheless, the Government of Liberia has requested the International Court of justice to set aside the indictment.

18. The Nigerian-led ECOWAS Multinational Force (ECOMIL), which started deploying on 4 August to secure Monrovia upon the departure of Mr. Taylor, was succeeded by and subsumed into a much larger United Nations Peacekeeping Force in October.

19. Earlier, on 8 July, the Secretary-General informed the Security Council of his decision to appoint Jacques Paul Klein as his Special Representative for Liberia. On 1 August 2003, the Security Council adopted resolution 1497 (2003), by which it authorized the deployment of a multinational force in Liberia and declared its readiness to establish a follow-on United Nations stabilization force to support the National Transitional Government and to assist in the implementation of the Comprehensive Peace Agreement for Liberia. The resolution also requested the Secretary-General to submit recommendations on the size, structure and mandate of a future United Nations Force. The Acting High Commissioner seized the opportunity created by resolution 1497 (2003) by publishing his emergency report (E/CN.4/2004/5) a week later on 8 August, in which he made a strong case for the inclusion of human rights in the planning and operations of the proposed United Nations Mission. He subsequently ensured that OHCHR was represented by a human rights officer in the technical assessment mission to Liberia. This aided the commendable human rights and protection mandate of UNMIL, as provided in Council resolution 1509 (2003).

20. On 11 August 2003, President Taylor handed over power to Vice-President Moses Blah as agreed at a summit of ECOWAS leaders held in Dakar on 2 July. At the invitation of the President of Nigeria, Olusegun Obasanjo, former President Taylor left Liberia for Nigeria where he now lives in exile. The handover ceremony was witnessed by several African leaders, including the President of Mozambique, Joaquim Chissano, the then Chairman of the African Union, the President of Ghana, John Agyekum Kufour, the current Chairman of ECOWAS, and the President of South Africa, Thabo Mbeki.

21. On 17 August in Accra, the Special Representative of the Secretary-General and Coordinator of United Nations Operations in Liberia, Jacques Paul Klein, negotiated the conclusion by the Liberian parties, of an agreement on the Distribution of Humanitarian Aid and Assistance in Liberia. Under the agreement, the parties undertook to provide free and unimpeded access for humanitarian workers and to guarantee the security and safety of all humanitarian actors in Liberia.

22. The next day, on 18 August, at the peace talks in Accra, a Comprehensive Peace Agreement was signed by the parties. The agreement declared an immediate end to the war and provided for the establishment of a National Transitional Government of Liberia (NTGL) that would take over from the Interim Government headed by President Blah by 14 October 2003. The primary responsibility of NTGL is to ensure the implementation of the Peace Agreement, including preparation for elections to be held in October 2005. The elected Government would come into power in January 2006.

23. On 21 August, Gyude Bryant, a Monrovia businessman and head of the Liberian Action Party, was appointed as Chairman of the National Transitional Government, and Wesley Johnson, an opposition politician and university lecturer, was appointed Vice-Chairman. Under the Peace Agreement, the parties are to immediately disengage and comply with the

Ceasefire Agreement of 17 June 2003. ECOWAS is called upon to immediately establish a Multinational Force (MNF) that would secure the ceasefire and assist the implementation of the agreement. Under the agreement, the parties also 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 and assist in the implementation of the Peace Agreement.

24. Other provisions of the Peace Agreement include: (a) the commitment of the parties to the prompt implementation of a process of cantonment, disarmament, demobilization and reintegration; (b) a call for the establishment of an implementation monitoring committee to ensure the effective and faithful implementation of the Agreement; (c) the establishment of a truth and reconciliation commission and a proposal that the NTGL considers a general amnesty for persons involved in military activities during the civil conflict. It is crucial that the Truth and Reconciliation Commission have a strong human rights component. This is very important if the reconciliation process is not to cause a renewal of animosity.

25. It is very important to note that although women participated in the peace talks in Accra, representation of women both in the delegates and in the NTGL was, and is, low. Again this is an area where a lot of work needs to be done to ensure the inclusion of women in decision-making at all levels during and after the transitional period. Training in the effective implementation of the Convention on the Elimination of All Forms of Discrimination against Women and its Optional Protocol is highly recommended.

26. By its resolution 1509 (2003), the Security Council authorized the establishment of the United Nations Mission in Liberia (UNMIL), the stabilization force called for in its earlier resolution 1497 (2003) and requested the Secretary-General to transfer authority from ECOWAS-led ECOMIL to UNMIL on 1 October 2003. UNMIL, with an approved strength of 15,000 military personnel, including up to 250 military observers and 160 staff officers, and up to 1,115 civilian police officers and appropriate civilian component was by mandate required to support the implementation of the Ceasefire Agreement, support humanitarian and human rights assistance, including human rights protection, promotion and monitoring, and to support security reform. OHCHR participation in the initial processes of the establishment and planning of UNMIL ensured that appropriate recommendations were made and accepted by the Security Council for an integrated human rights mandate for UNMIL. UNMIL is expected to reach its full strength of 15,000 troops by March 2004, but a shortage of troops on the ground forced a delay in the deployment of peacekeepers into the LURD and MODEL-occupied interior until December 2003. By 6 January 2004, peacekeepers had been deployed in Buchanan, Gbarnga, Tapeta and Taubmanburg, areas hitherto occupied by the various fighting forces.

27. A shortage of manpower also forced UNMIL to discontinue its first effort to start the disarmament programme in early December 2003 after pro-Taylor militia rioted in Monrovia, 7-10 December 2003, to demand cash payment for disarming. At least eight people were killed in the disturbances, which was also accompanied by massive looting and increased criminal activity.

III. ACTIVITIES UNDERTAKEN

28. Although shortly after my appointment as independent expert on Liberia a series of extremely important meetings and negotiations to end the war in Liberia began in Accra, I was unable despite my best efforts to participate as an observer. Participation in those activities as United Nations independent expert on Liberia for the promotion and protection of human rights and to facilitate cooperation between the Government of Liberia and OHCHR, could have enhanced attention to human rights issues during the negotiations, but this did not happen.

29. Another serious hindrance to the successful fulfilment of the mandate of the independent expert is the fact that although the expert lives in Ghana, where the current chair of ECOWAS is also based, there is no official interaction between the expert and ECOWAS. It is important that a human rights perspective is taken into account throughout the entire process of negotiation, peacekeeping, peace-building and reconciliation.

30. There is a large number of Liberian refugees in Ghana. The expert's plan was to implement a programme involving these refugees as they will eventually return to Liberia and therefore it is important to talk to them about the need for reconciliation, tolerance, non-discrimination, gender equality and above all peace. Following a request and written introduction from OHCHR, initial discussions about the above plans took place with the United Nations Development Programme Resident Representative in Ghana, who recommended a meeting with the Office of the United Nations High Commissioner for Refugees (UNHCR) representative in Ghana. Unfortunately, despite several attempts to meet with the UNHCR officer this was not possible.

31. For its part, OHCHR, in collaboration with UNDP Liberia, under the latter's human rights and protection programme, has designed a joint technical cooperation project to: provide human rights education for human rights and humanitarian workers, assist the mapping of the Liberian conflict and carry out research on war-related rape and sexual violence. This joint project will also support the establishment and maintenance of a central database for human rights violations and abuses within UNDP, Liberia.

32. There must be a way that, in the absence of OHCHR, an independent expert can carry out his/her mandate for the benefit of those who are beneficiaries of the mandate. In my case, a good opportunity for contributing at the early stage of the peace process in human rights framework was missed. Since 4 November 2003, several contacts were made with the authorities in Monrovia for a possible mission. However, the security situation has been such that a mission could not be undertaken at that time. It is expected that with the successful deployment of peacekeepers the situation would have improved by the first quarter of 2004 to permit an assessment mission to Liberia.

IV. CONCLUSIONS

33. **After almost a decade and a half of civil war, with its consequences of severe human suffering to the entire population, particularly women, children and the elderly, there is a great demand for re-establishing security to enable people to live without fear, abuse or violation.**

34. It is important to actively and systematically create political and societal understanding of the ethical and moral responsibilities of the State and civil society in order to ensure to all individuals, irrespective of political standing, religion, ethnicity, sex or age, a right to life in respect and dignity. A lot of care and attention is required on the part of the international community in assisting Liberia, taking into consideration that a whole generation was born into and has grown during the Liberian conflict. International effort would need to fully take into consideration the consequences of endemic conflict on the livelihoods and behavioural traits of people that have been born into or lived in a situation of conflict and abuse for over 14 years.

35. The signing of the comprehensive Peace Agreement by the Liberian parties and the institution of the National Transitional Government offers a unique opportunity to end the long suffering inflicted on the people of Liberia and also the instability in the subregion. It is important to recognize that the important positive developments would not have been possible without the tireless peace efforts made by African leaders, notably President Kufour, the current Chairman of ECOWAS, President Obasanjo of Nigeria and the ECOWAS mediator, General Abdulsalami Abubakar.

V. RECOMMENDATIONS

36. The disarmament, demobilization and reintegration process must be comprehensive, all-embracing and complete. In addition, all paramilitary groups, such as the Anti-Terrorist Unit (ATU) and Special Operations Division (SOD) must be disbanded.

37. The international community must help mobilize substantial resources to help the National Transitional Government to implement relief and recovery programmes, including repatriation and resettlement of internally displaced persons and refugees. In this regard, Member States of the United Nations should be urged to participate fully in the donors' conference on Liberia scheduled to take place in New York in February 2004.

38. The overall security situation needs to be enhanced to facilitate freedom of movement for persons and goods. Special programmes have to be put in place to rehabilitate former child combatants and reunite them with their families where possible. Efforts should also be made to ensure that victims of the war, including "bush wives" and those forced into marital relationships by the fighting forces, are not left out of the Disarmament, Demobilization, Rehabilitation and Reintegration (DDRR) process. The psychosocial and other needs of children and other vulnerable groups should be properly assessed and appropriate interventions designed and implemented in response thereof.

39. The gross violations of human rights in Liberia require that special and urgent attention be paid to the protection of civilians, particularly in response to the widespread sexual violence against women and children.

40. In furtherance of the above, an establishment of a functional national capacity for the protection and promotion of human rights would greatly help to address the very serious concern of impunity. Additionally, an early establishment of an independent national commission on human rights, a truth and reconciliation commission and an independent electoral commission, as provided for in the Peace Agreement would facilitate

the process of national healing and reconciliation. In all these, special effort should be made to ensure that women and girls are involved in the process. A systematic and sustainable human rights education and training programme at all levels should be considered a priority.

41. The Commission may wish to explore the possibility of the independent expert providing assistance in the area of human rights protection and promotion to all actors involved in the formulation of post-war policies and programmes for Liberia.

42. The Commission may also study the ways and means of facilitating interaction between the independent expert and some Liberian refugees where and when practicable, through the good offices of UNHCR in Ghana.
