



Fédération internationale de l'Action des chrétiens pour l'abolition de la torture
International Federation of Action by Christians for the Abolition of Torture
Federación Internacional de la Acción de los Cristianos para la Abolición de la Tortura



FIACAT, ACAT Liberia and The World Coalition Against the Death Penalty

Contribution to the Second review of Liberia

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The International Federation of Action by Christians for the Abolition of Torture, FIACAT, is an international non-governmental human rights organisation, set up in 1987, which works towards the abolition of torture and the death penalty. The federation brings together some thirty national associations, the ACATs, present in four continents.

FIACAT – representing its members in international and regional organisations

It enjoys Consultative Status with the United Nations (UN), Participative Status with the Council of Europe and Observer Status with the African Commission on Human and Peoples' Rights (ACHPR). FIACAT is also accredited to the International Organisation of *la Francophonie* (OIF).

By referring the concerns of its members working on the ground to international bodies, FIACAT's aim is to encourage the adoption of relevant recommendations and their implementation by governments. FIACAT works towards the application of international human rights conventions, the prevention of torture in places of detention, and an end to enforced disappearances and impunity. It also takes part in the campaign against the death penalty by calling on states to abolish capital punishment in their legal systems.

To give added impact to these efforts, FIACAT is a founding member of several campaigning coalitions, in particular the World Coalition against the Death Penalty (WCADP), the Coalition of International NGOs against Torture (CINAT) and the International Coalition against Enforced Disappearances (ICAED).

FIACAT – building up the capacities of the ACAT network in thirty countries

FIACAT assists its member associations in organising themselves, supporting them so that they can become important players in civil society, capable of raising public awareness and having an impact on the authorities in their country.

It coordinates the network by promoting exchanges, proposing regional and international training events and joint campaigns, thus supporting the activities of the ACATs and providing them with exposure on the international scene.

FIACAT – a network of Christians united in fighting torture and the death penalty

FIACAT's mission is to awaken Churches and Christian organisations to the scandal of torture and the death penalty and convince them to act.

ACAT-Liberia for past three years continues to provide psychological and social assistance, Community sensitizations, Client identification, and counseling sessions to victims of torture/trauma with support from United Nations Voluntary Fund Victims of Torture (UNVFVT). ACAT-Liberia also monitor, investigate, document and report on cases of torture.

The World Coalition Against the Death Penalty gathers over 150 member organisations: human rights organisations, professional associations and local authorities on the five continents who have united to campaign for the universal abolition of the death penalty. It was founded in 2002 in Rome. Its actions include the World Day Against the Death Penalty, a ratification campaign of the United Nations Protocol aiming at the abolition of the death penalty, and a campaign for the implementation of the UNGA moratorium resolution.

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Introduction: Approaches by the Government of Liberia to implement accepted recommendation in 2009

In 1980, President William Richard Tolbert Jr. was assassinated by members of the Armed Forces of Liberia and a new military government of the People's Redemption Council (PRC), with Master Sgt. Samuel Kanyon Doe as head of State, was established. As the first native ruler in the history of the country, Samuel Doe's government initially enjoyed great popular support. However, the summary public execution of 13 ex-ministers greatly shocked the world and in retrospect, likely set the stage for decades of human rights violations and the breakdown of the rule of law. Over the following years political intolerance and human rights violations compromised the public image of the government.

Following the first session of the Universal Periodic Review during which Liberia was reviewed, Liberia embarked on a process of devising and adopting an approach to implement the accepted recommendations emanating from the review.

In light of this, Liberia set up a Steering Committee on the National Human Rights Action Plan for Liberia (SCNHRAP). This SCNHRAP and the Ministry of Justice has been coordinating a process of developing a National Human Rights Action Plan (2013-2018 and as long as the independent National Human Rights Commission is seated) that will observe the full implementation of accepted recommendations. The development of the NRHAP has been spearheaded by a Core Working Group (CWG), a body of experts within the SCNHRAP charged with the responsibility to consult and generate the plan. The CWG hold a number of meetings, consultations and workshops with key individuals including civil society organizations and networks, relevant government ministries and agencies. As of June 30, 2014, a draft NHRAP log frame with defined indicators for monitoring the Action Plan has been developed and is awaiting review at the SCNHRAP meeting.

The NHRAP offers key guidance to overcome human rights challenges in Liberia without being too bulky, cluttered and consequently hard to consult.

Although many achievements have already been made in fulfilling, protecting and respecting human rights in Liberia, many challenges still remain.

FIACAT and ACAT Liberia will use the occasion of the second cycle of the UPR process to push the state to fulfil its international obligations.

FIACAT and ACAT Liberia would remind to the government that:

- ***The ratification or accession to important international human rights instruments is an important step in guiding the development and promotion of human rights in Liberia and sets the stage for implementing internationally recognized human rights standards and principles in Liberian domestic law.***

I. Status of key accepted recommendations that are of concerned to ACAT-Liberia and its Federation.

There are a series of the accepted recommendations that worry ACAT-Liberia and FIACAT. These recommendations, concerning principally *ratification of international instruments, torture, prison condition and the death penalty* made during the first cycle of the UPR process by some countries (Algeria, Norway, Hungary, South Africa, Egypt, Slovakia, Australia, Canada, Ireland, Germany and so on...), are discussed in the framework of what has been done, the extent of their implementation, and the impacts of their implementation or the lack of.

FIACAT and ACAT Liberia urge the government:

- *To have an independent National Commission on People with disabilities with sufficient human and financial resources to exercise its action.*
- *To ratify the Optional Protocol to the Convention on the Rights of Persons with Disabilities.*

A. Compliance of national law with international commitments

The process of examining regional and international human rights instruments to which Liberia is a party is still ongoing. The Law Reform Commission (LRC) that is charged with this responsibility has been reviewing the various international and regional instruments in this regard so as to advance recommendations to the National Legislature for the alignment of domestic laws and statutes of the State. The process has been slow and has hampered, to some extent, the domestication of some international instruments such as the Convention against Torture and Cruel, Degrading and Inhuman Treatment and its Optional Protocols.

To date, the Government of Liberia has not domesticated any of the human rights instruments which it has ratified. This means the laws of the land and the provisions in these instruments are in conflict with each other. The Government is now exerting some efforts to resolve this. But when will this be done is anybody's guess, as the initiation of a process is one thing while support for its full implementation is another. We believe, given our experience, that this process is still far from completion, as it is still at the stage where the Law Reform Commission is reviewing all relevant documents to identify areas of commonalities and divergence before advancing recommendations for harmonization.

FIACAT and ACAT Liberia urge the government:

- *Complete the process of examining regional and international human rights instruments to which the country is party, so as to revise national legislation and better fulfill its regional and international obligations imposed by such instruments.*
- *Incorporate into domestic law already ratified international human rights conventions.*

B. Policy and legislation's implementation in order to ensure human rights protection for vulnerable group: women and children

The Government of Liberia has made tremendous efforts in this direction. Several policies and judicial reforms have taken place in this regard to promote and protect rights of women and children. The Government has enacted a new rape law that has made rape a capital offence that is not jointly liable to another offence. A special court for the prosecution of rape cases has also been set up while a Special Sexual and Gender-Based Violence (SGBV) Crime Unit has also been created and is fully functioning within the Ministry of Justice. Additionally, a Women and Children Protection Section has been established in 2005 within the Liberia National Police and is visible in all police depots across the country that address issues related to the abuse of women and children. The Ministry of Gender and Development has, in collaboration with its partners, developed and adopted a National Action Plan for the promotion and protection of women and children's rights for the years 2013-2018.

FIACAT and ACAT Liberia urge the government:

- *Continue to prioritize and implement policies and legislation to address violence against women and the protection of the human rights of children.*

Similarly, with the support of its partners (such as the EU and civil society organizations) the Government of Liberia has prioritized support to issues relating to the promotion and protection of the rights of women and children. Full support to the SGBV Crime Unit is being provided which has seen the expansion of activities of the Unit to most parts of the country. Many rape cases including high profile ones have been prosecuted and perpetrators found guilty and sentenced¹. Measures have been taken to make the Special Court for the prosecution of rape cases more viable. Some of these measures include prosecuting rape cases in private so as to protect the identity of victims and therefore help to prevent more psychological damage to the victims.

FIACAT and ACAT Liberia urge the government:

- *Prioritize enforcement of its domestic legislation, including the Penal Law, the Rape Law and the National Gender-Based Violence Plan of Action.*
- *Empower its Special Court for Rape and Other Forms of Violence as well as the Sexual and Gender-Based Violence Unit under the Ministry of Justice, and implement appropriate national public awareness programs to address violence against women.*

The Government of Liberia has made some progress in this regard, though the process has been slow. The NHRAP has, since 2010, been lingering until September 2013 when it was finally validated. It was later adopted in December of the same year followed by a formal launching of

¹ Madia and Hens William rape Case.
Angel rape case that led to death

the document. Similarly, the proposed Children Act has been enacted into law by the 53rd National Legislature. Full implementation of the Act is yet to begin.

FIACAT and ACAT Liberia urge the government:

- *Accelerate the process for the adoption of the national human rights action plan for Liberia and the adoption of the proposed Children's Act.*
- *Take further legislative and policy measures to protect the rights of children, including by ensuring that Liberia meets its obligations under the CRC and the Optional Protocol on the sale of children, child prostitution and child pornography.*

C. The Independent National Human Rights Commission

The establishment of the Independent National Human Rights Commission (INHRC) has been finalized with the appointment of all its seven commissioners. The Commission has also begun affecting its functions and is relatively present in some parts of the country. However, there is still a lot to be done when it comes to the full functionality of the Commission. Currently, the Commission lacks the capacity to effectively monitor and investigate incidents of human rights violations and is still rather dependent on civil society actors to furnish it with human rights issues including breaches.

FIACAT and ACAT Liberia urge the government:

- *Finalize the establishment of the Independent National Commission of Human Rights with wide civil society involvement regarding nominations.*

The Government has not encouraged the structural strengthening of institutions that advocate for the promotion and protection of human rights. The INHRC as one of the bodies that supposed to advance these ideals is itself struggling with capacity issues thereby leaving civil society actors without such support.

FIACAT and ACAT Liberia urge the government:

- *Encourage the structural strengthening of civil society organizations that advocate the promotion and protection of human rights.*

II. Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

A. Prevent torture by training for state agents and police corps

The Government of Liberia and its partners (EU Embassy, Human Rights and Protection Section UNMIL, Independent National Commission on Human Rights and others civil society organizations) continue to strengthen law enforcement by providing training with clear instructions to police forces to act in compliance with international human rights law. Nonetheless, the police forces still act contrary to these instructions on many occasions². Police forces are most often seen collecting money from citizens as bribes and other illegal payments before acting on their behalf to affect the law. For example, police most of the time demand money from complainants who had gone to launch a complaint as an arresting fee or for the purchase of stationery before or after going to arrest and/or invite an accused. Police forces also extort bribes from vehicle operators, particularly commercial drivers in the street on a daily basis in flagrant violation of the law. The Professional Standard Division established for the investigation of such ethical breach does not always act or does not act in time to investigate allegations of professional misconducts by police.

FIACAT and ACAT Liberia urge the government:

- *Strengthen law enforcement by ensuring that clear instructions are given to police forces to always act in compliance with international human rights law.*

B. Prison condition: Other Cruel, Inhuman or Degrading Treatment or Punishment

Prisons' conditions still remain deplorable and far below internally acceptable standard, though some improvement has been made over the last few years. Many prison facilities including police holding cells do not have adequate sanitary facilities to facilitate the safe disposal of fecal matters. As such most of these facilities are contaminated and unhygienic. Inmates pass both stools and urine in the very cells in which they live. For example, the Bondiway Prison in Firestone uses a pit latrine in the cell that inmates use. These pits are often contaminated and pollute the cells and their surroundings.

Moreover, the over crowdedness of prisons facilities tend to compound this situation. Most of these facilities are currently holding more than two times their normal capacities.

For instance, the Monrovia Central Prison which is actually meant to hold around 200-300 inmates is now playing host to over 800 inmates. These conditions have brought about some unwholesome health problems and even sometimes promote outbreak of communicable diseases such as diarrhea and skin infections (rashes, ring worm, etc.).

Prison health is also another issue. Most prisons do not have adequate health facilities, personnel, medication and medical equipment including laboratory equipment and ambulances. This situation is exacerbated by prison guards not paying keen attention to the health needs of inmates. Often, inmates will present signs and symptoms of medical conditions but they are either not attended to in a timely manner or until the situation gets worse. This has led to the death of many inmates around the country.

² Presently ACAT Liberia provides counseling and recreational activities to torture victims Bomi County under UNVFVT project.

Feeding is another key issue that needs improvement. Though inmates eat 3 times a day at some prisons, the food eaten often has very limited dietary considerations. The food is often insufficient and poorly prepared. Some prison facilities do not have proper ventilation and lighting and are used to torture inmates by exposing them to darkness and heat for a long period of time; this often affects their sight.

FIACAT and ACAT Liberia urge the government:

- *Improve prison conditions and hold accountable all those who are responsible for torture and discrimination in penitentiary facilities.*

C. Monitoring place of detention

The Government of Liberia is still limited in giving human rights groups full access to detention facilities. Most human rights monitors have been refused access to prison facilities without any justifiable reasons.

For example, ACAT-Liberia applied to have access to the Monrovia Central Prison to talk to inmates on death rows during the observance of World Day against the Death Penalty in October 2013 but was denied by the Ministry of Justice in an official communication³.

In September 2004, Liberia acceded to the Optional Protocol of the Convention against Torture. This accession means Liberia has to take measures to establish a system of regular visits undertaken by independent international and national bodies to places where people are deprived of their liberty, in order to prevent torture and other cruel, inhuman or degrading treatment or punishment. This mechanism, known as the national preventive mechanism, is essential for the protection of persons deprived of their liberty against torture and other cruel, inhuman or degrading treatment or punishment.

FIACAT and ACAT Liberia urge the government:

- *Give human rights groups full access to detention facilities*
- *Implement the Optional Protocol to the convention against torture and other cruel, inhuman or degrading treatment or punishment.*

III. Death penalty

Liberia signed and acceded to the Second Optional Protocol to the International Covenant on Civil and Political Rights in 2005. The Second Optional Protocol calls for the eradication of death penalty by its member states. The only exception is where a country makes a reservation at the time of ratification or accession exempting the most serious crimes of a military nature committed during war time; Liberia made no such reservation⁴. Liberia is the only country in the

³ Letter by the Ministry of Justice 27 September 2013.

⁴ Article 2 of the Protocol: “1. No reservation is admissible to the present Protocol, except for a reservation made at the time of ratification or accession that provides for the application of the death penalty in time of war pursuant to a conviction for a most serious crime of a military nature committed during wartime.

world that has reintroduces the death penalty (in 2008) after having ratified the Second Optional Protocol (in 2005). As a country that has acceded to this protocol, Liberia needs to repeal in its criminal laws the clauses that sanction the death penalty and adopt a new clause that abolishes capital punishment. Unfortunately, there has not been the political will to translate this into reality.

FIACAT, ACAT Liberia and the WCADP urge the government:

- ***Repeal the July 2008 law that allows the death penalty, in line with Liberia's obligations under the Second Optional Protocol to the ICCPR.***

On the contrary, Liberia continues to pass death sentences with flagrant disregard to its obligation as a state party to this human rights instrument. At present, the circuit courts have passed sixteen (16) death sentences pending execution. This situation presents Liberia as a special and complicated case in the view of the international community; it is contradicting itself as it has signed and acceded to the Second Optional Protocol which obliges it to abolish the death penalty, but has instead enacted a law that reinforces the act and continues to pass death sentences.

In 2008, Liberia amended its criminal law and re-enacted the death penalty that had been suspended since 1972 under the regime of President Wiliams R. Tolbert. Today, many alleged criminals run the risks of being placed on death rows for crimes that they could be innocent of, or ones that could be punished otherwise.

FIACAT, ACAT Liberia and the WCADP urge the government:

- ***Amend legislation that provides for the application of the death penalty, in light of the obligations undertaken under the Second Optional Protocol to the International Covenant on Civil and Political Rights.***

The United Nations General Assembly in 2007, 2008 and 2010 and 2012 adopted a series of resolutions (Resolution 62/149, Resolution 63/168, Resolution 65/206 and Resolution 67/176), calling for a universal moratorium on the use of the death penalty. These have not been signed by Liberia. In 2010 Liberia's representative at the General Assembly refused to sign said document on grounds that he was not instructed to do so by the Head of State. The failure of Liberia to sign the moratorium resolutions, as well as its failure to legislate a law abolishing the use of the death penalty, points to the fact that Liberia remains a retentionist state. There is a need to engage the leadership of the country to sign the moratorium resolutions and adhere to its obligations under the ICCPR and its Optional Protocol.

The death penalty is a violation of a basic human right as enshrined in many international instruments such as the Universal Declaration of Human Rights, International Covenant on Civil and Political Rights, the Convention of the Right of the Child, among others. Liberia is a signatory to each of these documents.

FIACAT, ACAT Liberia and the WCADP urge the government:

- ***Abolish the death penalty and establish, in the meantime, a moratorium.***

2. The State Party making such a reservation shall at the time of ratification or accession communicate to the Secretary-General of the United Nations the relevant provisions of its national legislation applicable during wartime.”