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第六十届会议
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人权领域的咨询服务和技术合作

人权委员会利比里亚人权情况独立专家

根据第 1503 号程序提交的报告

秘书处的说明

人权委员会第五十九届会议在第 2003/105 号决定中，向经济及社会理事会建议，公布利比里亚人权情况独立专家根据理事会 1970 年 5 月 27 日第 1503(XLVIII) 号决议和 2000 年 6 月 16 日第 2000/3 号决议所确立程序提交的报告，以鼓励帮助利比里亚政府和人民恢复对人权和基本自由的充分尊重。理事会 2003 年 7 月 23 日第 2003/263 号决定核可了这项建议。

因此，现公布所附报告，供普遍分发，该报告由根据人权委员会 2002 年 4 月 2 日第五十八届会议通过的一项机密决定任命的利比里亚人权情况独立专家夏洛特·阿巴卡女士编写，原文号为 E/CN.4/WG.16/R.2。

内容提要

2002 年 4 月 4 日，人权委员会第五十八届会议按 1503 机密程序审议了利比里亚的人权情况，决定任命一名独立专家，负责同利比里亚政府和人民建立直接联系。

2002 年 10 月 14 日，第五十八届会议主席任命夏洛特·阿巴卡女士(加纳)为利比里亚人权情况独立专家。她于 2002 年 12 月 16 日至 21 日访问了利比里亚。独立专家对政府同意她的访问表示欢迎，对她所受到的热情接待表示赞赏，对利比里亚当局的合作精神以及为便利她的访问而作的努力表示感谢。

独立专家赞赏地注意到，联合国各机构进驻该国，非政府组织和宗教机构也开展了值得赞扬的工作，积极协助利比里亚人民，为他们提供粮食、医药、教育以及其它基本必需品。

她注意到，冲突不断发生，难民和流离失所者的人道主义问题接踵而至，造成全盘情况恶化，整个局势令人担忧。国家不稳定，很可能对 2003 年举行的总统选举和议会选举产生负面影响。的确，目前显然不具备举行自由公正的选举的必要条件。

在这方面，利比里亚问题国际联络小组最近成立，这是落实解决该国持续冲突的政治新战略的一部分工作，同时拉巴特进程在继续推进，安全理事会也再次表示支持西非国家经济共同体(西非经共体)的倡议。独立专家对上述情况表示欢迎。

独立专家认为，利比里亚的人权情况很不令人满意，利比里亚政府没有努力防止侵犯人权行为，没有将侵犯人权行为的人绳之以法。的确，普遍有罪不罚现象被认为是造成目前令人震惊的侵犯人权情况的关键因素之一。对意见和言论自由的侵犯、对人权维护者的骚扰、肆意逮捕和拘留、司法机关的独立性和公正问题等等都引起深切关注。利比里亚的司法体系仍然受到内战的负面影响，十分需要资源和后勤支持。

独立专家在访问利比里亚期间，发现招募儿童兵的恶劣做法仍然存在。她曾亲自会晤了一批 10 至 15 岁的儿童兵。这些儿童不仅仅当搬运工、信使、厨师等等，而且也是实际战斗人员。自从目前的恶性冲突于 1999 年初爆发以来，所有交战派系都利用儿童当兵。利比里亚当局同独立专家会谈时承认这个问题的存在和严重性。独立专家对利用儿童兵的现象感到震惊，无论哪个派系利用儿童兵都一样。她请利比里亚当局遵守国际规范，禁止招募儿童参加武装冲突。她认为应开展教育，

提高人们的认识，便利流离失所儿童与家人团聚，并拟订提供其他收入来源的方案和项目，这样就可以有效减少招募儿童的活动。

利比里亚当局承认，虽然政府采取积极态度，同人权事务高级专员办事处合作，以进一步改善人权情况，但在确保尊重人权方面仍然存在差距。独立专家对利比里亚当局能承认这一点表示欢迎。

独立专家得出结论认为，要全面解决问题，就应处理利比里亚危机的所有方面的问题和根源问题，同时考虑到马诺河区域的全盘局势，包括停火和解除所有非国家武装团伙和民兵的武装，为自由公正的选举创造条件，尊重法治、人权和善政。鉴于选举即将举行，应尽可能部署国际监测人员，以保证创造一个更加安全、更具有透明度的环境，而这一点被认为是自由公正选举的必要条件。此外，利比里亚政府应充分确保言论自由的基本权利，确保媒体独立，解决任意逮捕和拘留人权维护者的问题，保证所有利比里亚人的人身安全，无论其政治倾向、宗教或族裔为何。全国各地利用儿童兵的可悲做法必须立即停止。应该注意到全体民众十分需要得到人权教育和培训，司法机构和执法机构人员，包括法官、律师、法律官员、警察、保安人员、监狱官员和保健人员，尤其需要这种教育和培训。最后，利比里亚政府在国际社会的支持和协助下，必须认真考虑改善利比里亚人的生活条件，特别是改善他们的营养、饮用水供应、卫生和教育。

独立专家认为，考虑到在 2003 年作一次实地访问十分重要，以便监测确保更加尊重人权方面的进展情况，人权委员会应将她的任务期限延长一年。

CONTENTS

	<u>Paragraphs</u>	<u>Page</u>
Introduction	1 - 10	5
I. HISTORICAL AND POLITICAL SITUATION	11 - 18	6
II. ECONOMIC AND SOCIAL FACTORS	19 - 22	7
III. REFORMS AND PROJECTS UNDERTAKEN RECENTLY BY THE AUTHORITIES TO ENSURE GREATER RESPECT FOR HUMAN RIGHTS	23 - 33	8
IV. OBSTACLES TO GREATER RESPECT FOR HUMAN RIGHTS	34 - 53	10
V. CHILD SOLDIERS	54 - 58	13
VI. REFUGEES AND INTERNALLY DISPLACED PERSONS	59 - 65	14
VII. FINAL COMMENTS	66 - 72	15
VIII. RECOMMENDATIONS	73 - 75	16
Annex: Programme of the independent expert		19

Introduction

1. At its fifty-eighth session, the Commission on Human Rights considered the human rights situation in Liberia under the confidential 1503 procedure and adopted its first confidential decision relating to Liberia on 4 April 2002. The Commission, having examined the material relating to the human rights situation in Liberia brought before it under the 1503 procedure in accordance with Economic and Social Council resolution 2000/3, concerning an assault on journalists and vandalism of a printing press in November 1998, and noting reports about the rapidly deteriorating conditions in Liberia vis-à-vis the media, mentioning in particular the arrest of four journalists in February 2001, referring to other incidents of alleged human rights violations against members of the media and considering the overall situation of instability of the country, decided to appoint an independent expert under the confidential 1503 communications procedure, with the purpose of establishing direct contacts with the Government and the people of Liberia.
2. On 14 October 2002, the Chairperson of the fifty-eighth session appointed Ms. Charlotte Abaka as independent expert on the human rights situation in Liberia. Ms. Abaka has been for the last 12 years a member of the Committee on the Elimination of Discrimination against Women (CEDAW), which she chaired for the last 2 years. The Secretariat informed the Government of Liberia of this decision by a note verbale dated 15 October 2002, through which the agreement of the Government of Liberia was requested to an in situ visit by the independent expert at the beginning of the month of December 2002.
3. After a preparatory visit to Geneva from 4 to 8 November 2002, during which the independent expert collected information in meetings at the Office of the High Commissioner for Human Rights (OHCHR) as well as with some United Nations specialized agencies and non-governmental organizations (NGOs), the mission to Liberia took place from 16 to 21 December 2002. In this connection, the independent expert welcomes the Government's agreeing to her mission, and appreciates the warm reception that she was given as well as the general spirit of cooperation and the efforts of the Liberian authorities to facilitate the mission.
4. The independent expert also notes with appreciation the support and the assistance received from the United Nations Peace-Building Support Office in Liberia (UNOL) and the United Nations Development Programme in Monrovia. She is also grateful for the positive attitude of the civil society.
5. The independent expert noted with appreciation the presence of United Nations agencies in the country, as well as the commendable work of NGOs and religious associations active throughout the country in assisting the population of Liberia by providing food, medicine, education and other basic necessities.
6. The independent expert welcomes the recent creation of the International Contact Group on Liberia, established as part of a new political strategy to address the continuing conflict situation in the country, together with the continuation of the Rabat process and the reaffirmation by the Security Council of its support for the initiatives of the Economic Community of West African States (ECOWAS).
7. The recent civil war - which is still ongoing in some parts of the country - has devastated Liberia, leaving a sad feeling of desolation. In Monrovia, the capital, the majority of the buildings are now totally destroyed. There has been no reconstruction at all, and the

volatile security situation hampers any attempt to invest in infrastructure or development projects, since the financial resources are used for defence or security matters. Five years after the civil war, the country still has no electricity and no running water, even in the nation's capital. Many schools are still closed and in the ones that are open teachers who have not been paid for several months have difficulty in performing their duties. The existing schools are mainly private institutions for which only an elite of students can afford the enrolment fees. The same problems apply to hospitals, clinics and medical services in general. The savage civil war from 1989 to 1997 destroyed most of the infrastructure of the country and all social services remain disrupted. Improvement in the sectors of health, water and sanitation, as well as local community development, is urgently needed. Moreover, the fact that an entire generation of Liberians knows only war and has never received any education is a matter of serious concern for the future. The grievous problem of child soldiers is illustrative of the fate of the young generation.

8. The ongoing instability in the country together with the worrisome conflict situation in neighbouring Côte d'Ivoire, has led to an atmosphere of tension and suspicion which may have an impact on the presidential and legislative elections to be held in 2003. In this connection, a process of confidence-building between the Government and various components of civil society is urgently needed. Massive economic assistance is needed to repair the country's heavily damaged infrastructure, and the independent expert hopes that the Government will be in a position to restore credibility and regain the confidence of the international community in order to obtain this essential input.

9. The independent expert also noted during her visit that many of the existing problems originate from long-standing intolerance between the different ethnic groups in the country.

10. The present report reflects information and figures at the disposal of the independent expert as of 31 December 2002.

I. HISTORICAL AND POLITICAL SITUATION

11. Liberia (111,370 km²) has a population of 3,225,837 (July 2001 estimate). It is bounded by Guinea to the north, Côte d'Ivoire to the east and north-east and Sierra Leone to the north-west. The southern border, with a coastline of almost 600 km, faces the Atlantic Ocean.

12. Liberia is the only West African country never to have had formal colonial status. Early in the nineteenth century rights to the territory were bought by United States philanthropic organizations, which wanted to use the area as a safe haven for the growing free black population of the United States. In 1847 these settlers declared Liberia a republic.

13. For most of the following 130 years the True Whig Party (TWP) - monopolized by the descendants of freed slaves, the Americo-Liberians - was the only significant political organization in Liberia. TWP rule ended on 12 April 1980, when the president, William Tolbert, was overthrown and Samuel Doe set up a 15-member military People's Redemption Council to run the country.

14. The decade following the 1980 coup was marked by growing opposition to Mr. Doe's regime. There was a plethora of actual or alleged coup attempts, which led to executions and widespread detentions. Multiparty elections in October 1985, widely believed to have been rigged, returned Mr. Doe to power with a thin majority.

15. On 24 December 1989, a small group of armed rebels invaded Nimba county from Côte d'Ivoire, led by Charles Taylor. The rebels took advantage of the general climate of ethnic tension in the country, and by June 1990 all but the capital, Monrovia, was in rebel hands.

16. Seven years of civil war were brought to a close in 1996 when disarmament and demobilization finally started at the end of November. International observers monitored the presidential and legislative elections which were held in July 1997. Charles Taylor won the presidential vote by a landslide, while his National Patriotic Party (NPP) secured the majority in the National Assembly.

17. Unfortunately, contrary to expectations that peace would return to the country with the holding of elections in 1997, Liberia has over the years been afflicted by hostilities of varying intensity and the conflict continues, mainly in the northern and western parts of the country.

18. The conflict is particularly intense in Lofa county, where a rebel group called Liberians United for Reconciliation and Democracy (LURD), allegedly based in Guinea, aims to overthrow the current Government. The United Nations Panel of Experts on Liberia, established by Security Council resolution 1306 (2000), estimated that LURD has some 2,000 men fighting on its side. According to the information received, LURD is intensifying its attacks against governmental forces beyond the northern part of the country (Lofa county) to the north-western and central parts (Gbarpolu, Bomi and Bong counties) towards the capital.

II. ECONOMIC AND SOCIAL FACTORS

19. Liberia is currently one of the world's poorest countries. In 1991 it had a per capita gross national product (GNP) income of US\$ 669, which decreased to US\$ 390 in 1995 and may be less than US\$ 170 today (2001 estimate). On the other hand, Liberia is potentially rich in natural resources, notably iron ore, diamonds, gold, timber and rubber. Indeed, a 1995 World Bank study, which included natural resources in its measurement of total national wealth per head, ranked Liberia 132nd out of 193 countries worldwide - higher than Nigeria, Côte d'Ivoire or Zimbabwe.

20. The Government that was installed in 1997 inherited an enormous national debt burden of US\$ 2.8 billion and has not been able to generate the required resources domestically and internationally to revive the economy to its pre-civil war level. There is a widespread feeling among all interlocutors, both official and not, that Liberia was "abandoned" by the international community soon after 1997. This "abandonment", and the imposition of sanctions by the Security Council in March 2001, have been cited by the Government as the major causes of its inability to mobilize both external and domestic resources for reconstruction and humanitarian needs. Sanctions, imposed by Council resolution 1343 (2001) for the alleged support of the Government of Liberia for the Revolutionary United Front in Sierra Leone and other armed groups in the region, included the re-imposition of an arms embargo already established by Security Council resolution 788 (1992), a ban on the import of rough diamonds and selective travel bans.

21. The independent expert was informed that after five years of transition, GDP remains under 50 per cent of its pre-civil war level. The incidence of poverty remains extremely high with an estimated 80 per cent of the population living below the poverty line of US\$ 1 per day,

and severe poverty (less than US\$ 0.50 per day) estimated at 52 per cent. Life expectancy is 47.7 years. The infant mortality rate is 157 per 1,000 live births with under-5 mortality 235 per 1,000 and maternal mortality at 587 per 100,000 live births. HIV/AIDS prevalence has increased to 8.2 per cent, with an upward trend. The literacy rate for the year 2000 was estimated at 53.5 per cent (compared with around 60 per cent for sub-Saharan Africa) with high gender disparities (70 per cent for male and 37 per cent for female). Liberia is among the most food-insecure countries with an estimated 35 per cent of the population undernourished and large areas of agricultural land (Lofa and Gbarpolu) not being cultivated owing to the conflict. Furthermore, according to the information received, about 75 per cent of the population lack access to basic social services, such as education, primary health care and safe drinking water.

Religion

22. Christianity, Islam and African traditionalism are the main religions. Freedom of worship and religion is mostly respected. The Christian segment of the population has dominated public life since the foundation of the nation. Many Christian missions operate in Liberia. The United Methodist and Catholic Churches operate the largest missions with nationwide education and health systems.

III. REFORMS AND PROJECTS UNDERTAKEN RECENTLY BY THE AUTHORITIES TO ENSURE GREATER RESPECT FOR HUMAN RIGHTS

23. The independent expert welcomes the fact that Liberia is party to some of the international human rights conventions, including the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Rights of the Child and the Convention on the Elimination of All Forms of Discrimination against Women. Furthermore, Liberia is also party to the Four Geneva Conventions of 1949 and to their two Additional Protocols. Lastly, Liberia has signed, but not yet ratified, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights and the Rome Statute of the International Criminal Court.

24. The independent expert also notes that many of the fundamental human rights included in the main international human rights instruments are provided for in the Liberian Constitution.

The Constitution

25. The Constitution of the Republic of Liberia was adopted in a national referendum on 3 July 1984, abrogating the 1847 Constitution which was suspended during the revolution of April 1980.

26. The Constitution proclaims fundamental rights and freedoms for all Liberians, irrespective of ethnic background, race, sex, creed, place of origin or political opinion. Furthermore, it recognizes the equality and the equal protection of all individuals before the law (art. 11 (b) (c)).

27. The Constitution recognizes as “inherent and inalienable rights” the right to enjoy and defend life and liberty, and to pursue and maintain security of the person (arts. 11 (a) and 20).

Article 14 guarantees freedom of thought, conscience and religion except “as may be required by law to protect public safety, order, health, morals or the fundamental rights and freedoms of others”. Also, freedom of expression is recognized but individuals are “fully responsible for the abuse thereof”; it cannot be curtailed by the Government unless there is a declaration of a state of emergency in accordance with the Constitution (art. 15 (a)). Article 17 recognizes the right of assembly. Article 19 states: “No person other than members of the Armed Forces 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.” Furthermore, article 21 (e) provides that “no person charged, arrested, restricted, detained or otherwise held in confinement shall be subjected to torture or inhumane treatment ...” and article 21 (g) guarantees at all times the right to the writ of habeas corpus. In this connection it is important to underline that article 87 (b) establishes that “the writ of habeas corpus shall remain available and exercisable at all times and shall not be suspended on account of any state of emergency ...”. Article 21 (c) recognizes that “[e]very person suspected or accused of committing a crime shall immediately upon arrest be informed in detail of the charges” and that “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”. Moreover, “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”. Article 21 (f) states that “every person arrested or detained shall be formally charged and presented before a court of competent jurisdiction within 48 hours” and that “[t]here shall be no preventive detention”. Lastly, it is important to quote article 26 which reads: “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 of writ, including a judgement of unconstitutionality ...”.

28. In addition, article 6 states that the Republic shall “provide equal access to educational opportunities and facilities for all citizens to the extent of available resources” and that “emphasis shall be placed on the mass education of the Liberian people and the elimination of illiteracy”. The Constitution includes among the objectives of the Republic “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” (art. 8). Equal opportunity for work and employment regardless of sex, creed, religion, ethnic background, place of origin or political affiliation is recognized (art. 18). Furthermore, the right of all Liberians to freedom of movement within the national territory, as well as to leave and to return to the country, is also guaranteed (art. 13 (b)).

29. The independent expert welcomes the fact that the Constitution of Liberia recognizes the principal civil, political, economic, social and cultural rights. Nevertheless, the independent expert regrets that Liberia has not become a party to the main international instruments in this regard, namely the International Covenant on Civil and Political Rights, the International Covenant on Economic Social and Cultural Rights and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

The national Human Rights Commission

30. Against the background of devastation left by seven years of civil war, the creation of new institutions able to promote and protect human rights was encouraged by President Taylor in his inauguration speech. According to information received, he declared that his Government would respect human rights and announced the creation of a human rights

commission and a commission on reconciliation. Indeed, on 27 October 1997, "An Act to Create a Liberian Human Rights Commission" established the Liberian Human Rights Commission.

31. According to the information received, the Human Rights Commission is empowered to conduct hearings and make findings of facts, as well as to initiate corrective measures. The Commission's decision-making is based on consensus, a potentially paralysing feature.

32. The independent expert has been informed that the Human Rights Commission has not yet played the role expected of it and has had little impact, owing also to lack of financial and technical support.

33. During her visit, the independent expert was informed of the creation of a human rights unit at the Ministry of Justice of the Government of Liberia, created with the technical and financial support of the United Nations Development Programme. The independent expert welcomes this initiative and hopes to see further and deeper cooperation between the Government and United Nations agencies.

IV. OBSTACLES TO GREATER RESPECT FOR HUMAN RIGHTS

34. According to the information received, the Government of Liberia has done little to prevent human rights violations and has not brought the perpetrators of such violations to justice. Indeed, the high level of impunity is considered to be one of the key factors in the current alarming rate of human rights violations. Concerns about the independence and impartiality of the judiciary are also reported. The Liberian judicial system still suffers from the negative consequences of the civil war and is in strong need of resources and logistics, while judicial officials would need training in human rights standards.

35. The independent expert was informed that the imposition of a state of emergency on 8 February 2002 by President Taylor led to yet more human rights violations. She was further informed that even after the lifting of the state of emergency in September 2002, serious human rights violations, including restrictions on freedom of expression, arbitrary arrests and detention, torture and ill-treatment, continue to occur in the country.

36. Although derogation from certain provisions guaranteeing civil and political rights is to some extent allowed in times of public emergency, there are some rights which are considered to be so fundamental that they should never be derogated from in any circumstances. These rights, included in the Universal Declaration of Human Rights, are, inter alia, the right to life; the right not to be tortured or subjected to cruel, inhuman or degrading treatment or punishment; the right to freedom of thought, conscience and religion.

37. In addition, the Geneva Conventions of 1949 and their Additional Protocols of 1977 cannot be derogated from in any circumstances. These provisions protect civilians and persons detained during conflict by forbidding, inter alia, murder, torture, hostage-taking and degrading treatment.

Right to life and security of person

38. Armed conflict between government forces and LURD, which began in 1999, continues. According to the information received, both sides are guilty of deliberate and

arbitrary killings of unarmed civilians, rape and other forms of sexual abuse, abductions and forced recruitment of children. Ill-treatment, torture and arbitrary arrest of suspected members of LURD or other purported “dissidents” by Liberian security forces have been widely reported. Abduction and forced recruitment of young men and boys by Liberian security forces are said to be widespread.

39. The Committee on the Elimination of Racial Discrimination raised this matter in its concluding observations at its fifty-ninth session during the discussion of the situation in Liberia on 14 August 2001. Indeed, the Committee stated that it was “especially concerned by reports of extrajudicial killings, allegations of torture and rape, and the lack of accountability of perpetrators, including government security forces, for these abuses” (A/56/18, para. 436).

40. The independent expert shares the concerns of the Committee in this regard.

Torture and ill-treatment

41. The independent expert received information indicating that the Liberian security forces have used torture against critics of the Government to intimidate and silence them. Furthermore, the independent expert has been informed that civilians suspected of backing the armed opposition have been tortured by the Anti-Terrorist Unit (ATU), a special security unit, in order to make them confess.

42. Similarly, it is reported that on 21 March 2001 more than 40 Liberian students were arbitrarily detained and tortured and female students were raped after forces of the ATU and the Special Operation Division intervened in the University of Liberia campus to stop a peaceful rally. Subsequently, a number of students - mainly the leaders of the University of Liberia Student Union and the Student Unification Party - have left Liberia.

43. The Special Rapporteur on torture noted in his 2002 report to the Commission on Human Rights (E/CN.4/2002/76/Add.1, para. 916) that, “since mid-2000, more than 100 civilians, including women, have been tortured by the ATU and other Liberian security forces. According to the information received, victims of torture are mainly people suspected of backing the armed incursions by Liberian armed opposition groups from Guinea into Lofa county People are said to have been tortured while held incommunicado, especially at the military base in Gbatala and the ATU cells behind the executive mansions in Monrovia. According to the information received, armed opponents detained at the military base in Gbatala are held in holes dug in the ground - some of them filled with dirty water - and are regularly beaten including with gun butts, flogged and kicked. It is reported that some have had plastic melted on their bodies or cigarettes put on their skin, that others have been forced to roll in the mud, walk on broken glass with their bare feet or eat hot pepper. Suspects are said to be regularly *tabied*, which means that their arms are tied together so tightly behind their backs that their elbows eventually touch. It is also alleged that women and young girls have been raped by the security forces.”

44. The independent expert also wishes to refer to the Special Rapporteur’s findings in his report that “since the end of the civil war and the holding of elections in 1997, no institution for protection and promotion of human rights has been established and no training in international human rights standards has been provided to special security units such as the ATU and the Special Operation Division (SOD), which are said to be regularly responsible for torture” (ibid.).

45. The independent expert expresses her concerns about the above and notes that despite the establishment of the national Human Rights Commission as well as of the National Reconciliation and Reunification Commission, these offices have not functioned since their creation owing to lack of human and financial resources.

Freedom of expression and opinion

46. As mentioned earlier, freedom of expression and opinion were reportedly curtailed not only during the state of emergency, but also after it was lifted on 14 September 2002, particularly targeting those perceived as opponents of the Government, including political opponents, journalists and human rights activists. This is still a serious concern although on occasion independent articles or comments in the newspapers, on the radio or on billboards appear. However, the independent expert was informed several times that this would appear to be a form of “window dressing”.

47. In this connection, “Radio Veritas”, a private independent station run by the Catholic Archdioceses of Monrovia, has been warned to limit its broadcasting to religious issues only. The independent expert has also been informed that another independent station named “Star” has been closed during the state of emergency and did not receive a new licence to broadcast. It is also important to point out that there is only one printing press functioning in Monrovia. Nonetheless, one newspaper that was closed is now allowed to publish again.

48. In addition, the independent expert has been informed about the flogging of journalist Trouble Suah of the independent newspaper Inquirer by men believed to be officers of the ATU on 16 December 2002. It has been reported that those responsible for this beating declared that they were searching for him and for people like him. Concern is expressed that certain media and their employees have been targeted for anti-Government articles or comments.

49. The independent expert has been informed that Hassan Bility, a Mandingo journalist with The Analyst newspaper and a human rights defender, was finally released on 7 December 2002, thanks to the intercession of the United States Ambassador to Liberia. Mr. Bility had been held in detention without trial since his arrest on 24 June 2002. According to the information, other individuals, including Sheikh K.M. Sackor, of the same ethnicity, Executive Director of a human rights organization, Humanist Watch, arrested on 25 July 2002, allegedly continue in detention.

50. According to the information received, on 29 October 2002, prominent human rights activists, including Dempster Brown, Blamoh Sieh and Peter Nicholson, were arrested and detained without charge for short periods following protests by the Liberian Coalition of Human Rights Defenders (a coalition of 19 human rights organizations) on behalf of their detained colleagues Hassan Bility, Sheikh Sackor and others detained with them. Furthermore, the independent expert was informed that another leading member of the coalition, Aloysius Toe (Justice and Peace Commission), who had been among those arrested in March 2002, went into hiding after the authorities accused him of association with LURD. When Mr. Toe presented himself to the police on 4 November 2002 he was arrested and was finally charged with treason on 17 December 2002.

51. The independent expert has also been informed that on 11 December 2002 several members of two opposition political parties were arrested in Buchanan, Grand Bassa County, and kept in detention awaiting the outcome of an investigation. It is reported that those arrested include the local chairman of the Liberian Unification Party, Byron Brown, George Gayebueh, Emma Morris (Secretary-General and Chairwoman of the Women's Wing of the New Deal Grand Bassa Chapter), Estella Kilby-Pailey (former Chairwoman of the NPP Women's Wing in Grand Bassa County) and Solomon Russel of the United People's Party. The authorities declared that the operation was meant to search for war-related materials based upon intelligence information relating to an alleged imminent attack by rebels.

52. The independent expert observes that this kind of incident might undermine political tolerance and have a negative impact on the forthcoming elections.

53. The independent expert is gravely concerned about the situation of journalists, human rights defenders and others deemed critical of the Government.

V. CHILD SOLDIERS

54. The independent expert has been informed that an estimated 14,000 child soldiers participated in the Liberian civil war from 1990 to 1997. Since the outbreak of the present vicious conflict in early 1999, the re-emergence of the grievous practice of using child soldiers has been recorded. The services of children, not only as porters, couriers, cooks, etc., but also as active combatants have been used by all the warring factions.

55. During the meetings with the independent expert, the Liberian authorities recognized the existence and the gravity of this problem. Unfortunately, they say, parents seem sometimes to turn a blind eye when their children are offered money to go to the front, considering the extreme poverty families are faced with. In practical terms, children who are often just hanging around with no place to go and nothing to do are recruited in the streets - even in Monrovia - and are brought to the front.

56. The independent expert personally met with a group of child soldiers. The children were aged between 10 and 15 and some of them had serious gunshot wounds. They told the independent expert that they had been offered money to leave their families and go to the front, and that additional money was given to them only if they suffered serious wounds during the fighting. The independent expert noted that the majority of the children seemed to suffer from psychological problems as a result of the war experience. All of them declared with apparent apathy to have killed many persons during the combat, including children of the same age as they.

57. The independent expert abhors the use of child soldiers, regardless of the faction that exploits them. The independent expert invites the Liberian authorities to comply with the international norms prohibiting the recruitment and participation of children in armed conflict. Indeed, Liberia is a party to the Convention on the Rights of the Child which states in its article 38, paragraph 2, "States parties shall take all feasible measures to ensure that persons who have not attained the age of 15 years do not take a direct part in the hostilities."

58. Furthermore, the independent expert considers it essential to initiate demobilization and rehabilitation programmes offering former child soldiers the counselling and vocational training they need to rejoin civil society. In this connection, there is no doubt that the risk of

child recruitment could be effectively reduced by providing education, raising awareness and facilitating the reunification of displaced children with their families, as well as developing programmes and projects to offer alternative sources of income.

VI. REFUGEES AND INTERNALLY DISPLACED PERSONS

59. According to the information received, the instability has resulted in a protracted humanitarian crisis in which nearly one quarter of the population is dependant on humanitarian aid and, at the time of writing, this crisis is continuing.

60. The spread of the fighting between government forces and rebels from Lofa and Gbarpolu counties to Bomi, Grand Cape Mount, Margibi and Bong counties, has resulted in large population movements and a significant increase in the number of internally displaced persons (IDPs). The independent expert has been informed that the current IDP population is officially estimated to be between 80,000 and 100,000, not taking into account the unknown number of IDPs and refugees in conflict areas who are not accessible to humanitarian assistance. According to the information received, a population of about 35,000 refugees from Sierra Leone receives assistance from the Office of the United Nations High Commissioner for Refugees in the camps established around Monrovia and Sinje.

Humanitarian assistance

61. Freedom of movement of members of the international community, including the diplomatic corps and United Nations staff, is restricted in Lofa and Gbarpolu. This has had a negative impact on the humanitarian response and development operations. However, the United Nations system's ability to respond to the intensifying crisis was strengthened by the opening of an office by the Office for the Coordination of Humanitarian Affairs (OCHA) in October 2001 and the appointment of a Humanitarian Coordinator in March 2002. Furthermore, a new Special Representative of the Secretary-General who will serve also as Head of UNOL, Abou Mousa, was appointed in September 2002.

62. The independent expert was informed that the United Nations specialized agencies, the International Committee of the Red Cross (ICRC) and international and local NGOs closely cooperate in response to the humanitarian needs of IDPs, refugees and the population at large. The highly volatile security situation, the increase in fighting between armed forces and rebels and the difficulty of access to conflict zones makes the action of the humanitarian organizations more and more complex. Since the declaration of the state of emergency in February 2002, the United Nations agencies are still operating under Phase IV of the Security Plan (Programme Suspension). The humanitarian response is constrained by the limited availability of financial resources as well as the difficulty of getting accurate and timely information on the population displacements and the actual IDP caseloads.

63. The independent expert regrets that the main governmental interlocutor, the Liberia Refugee Repatriation and Resettlement Commission, has neither the capacity nor the financial means and support to effectively play its coordination and monitoring role.

Sexual exploitation of refugees and IDPs

64. A particular challenge facing the aid community is related to the protection of IDPs, especially from sexual abuse and exploitation. IDPs, already vulnerable owing to uprooting,

trauma, indignities and hardship associated with camp life, also regularly fall victim to abuse by armed groups and individuals who infiltrate or attack camps in order to intimidate and rob residents or even injure or kill them. Women, children and adolescents are usually the main targets.

65. The primary responsibility for providing protection rests with the Government which has established a national institutional framework through a ministerial-level Task Force on Protection comprising the Ministers for Foreign Affairs, Justice, Planning, Defence and Internal Affairs. This task force is to develop strategic policy and guidance regarding the protection of civilians and particularly IDPs. Furthermore, aid agencies also carry responsibility for ensuring that protection features are integrated in their programmes and operations.

VII. FINAL COMMENTS

66. The independent expert notes that the human rights situation in Liberia is far from being satisfactory. Moreover, the ongoing conflict and the resulting humanitarian problem of refugees and displaced persons aggravate the overall circumstances and contribute to the generally worrisome situation. In this connection, the independent expert highlights the importance of the authorization by the Liberian authorities for her in situ mission in December 2002, since cooperation with the Liberian authorities is essential in order to continue a necessary process that would assist the Government of Liberia in promoting respect for human rights, inter alia through the establishment of effective national institutions and structures and respect for the rule of law in full compliance with the fundamental human rights standards.

67. The situation of instability in the country will likely have negative consequences on the presidential and legislative elections to be held in 2003. It is obvious that the necessary conditions to permit free and fair elections are not present. In this regard, the independent expert notes that the Government of Liberia has agreed to seek help from the international community in the electoral period as well as during and after the elections. The Electoral Assistance Division in the Department of Political Affairs of the Secretariat could provide electoral assistance in terms of coordination and support, advisory services, logistics, training and other technical matters. The independent expert believes that international observers should be deployed as soon as possible in order to follow the electoral campaign, the registration of the voters as well as the organization of the polls.

68. In this connection, the independent expert commends the work of the Electoral Commission of Liberia and the recent publication of the schedule of electoral activities for the 2003 general elections covering the period 2 January 2003-5 February 2004.

69. The independent expert considers that the establishment of a Contact Group with a special focus on Liberia is very timely, as it shows the growing commitment of the international community to develop a coherent approach to the challenges affecting Liberia, bearing in mind the interconnection between the three countries of the Mano River Union.

70. The independent expert welcomes the recognition by the Liberian authorities of the existing lapses in ensuring respect for human rights and the positive attitude of the Government towards collaboration with the Office of the High Commissioner for Human Rights (OHCHR) for further improvement of the human rights situation. In this connection, the Government indicated that it would welcome the presence of human rights officials based

in the country to engage in dialogue with the Government in order to raise human rights awareness and education.

71. The independent expert considers that the Government's cooperation with UNOL in its activity of peace-building as well as with the other United Nations agencies is essential. Indeed, the typical peace-building efforts in the area of disarmament, reintegration of combatants, destruction of arms, repatriation of refugees, care of children affected by the conflict, institution- and capacity-building, human rights monitoring, training of the judiciary and the police, as well as the reconstruction of infrastructure destroyed in the conflict, the alleviation of economic and social injustice and the creation of conditions for good governance and economic development, are crucial tools for an effective recovery of the country.

72. In this connection, the independent expert welcomes the long-term project of UNDP to recruit a human rights officer attached to the agency in order to provide technical assistance and cooperate in a proactive manner with the Liberian authorities as well as the civil society.

VIII. RECOMMENDATIONS

73. **With regard to the matters addressed above, the independent expert makes the following recommendations:**

74. **In order to provide the conditions for the full respect for the promotion and protection of human rights, the independent expert recommends:**

(a) **That a comprehensive solution be sought addressing all aspects and the root causes of the crisis in Liberia, taking into consideration the overall situation in the Mano River region, including a ceasefire, disarmament of all non-State armed groups and militia, ensuring conditions for free and fair elections, respect for the rule of law, human rights and good governance;**

(b) **That an international monitoring force be deployed as soon as possible in order to guarantee a safer and more transparent environment which has to be considered a sine qua non condition for free and fair elections;**

(c) **That the Government of Liberia be assisted in organizing a census of the population for proper demarcation of the constituencies, the voter registration and organization of the polls;**

(d) **That the Government of Liberia be supported in order to strengthen the independent electoral commission in terms of capacity-building and human and financial resources;**

(e) **That the Government of Liberia be urged to ensure the effective functioning of its national institutions and human rights mechanisms, in particular the National Human Rights Commission and the National Reconciliation and Reunification Commission;**

(f) That attention be paid to the strong need for human rights education and training for the whole population, particularly targeting judicial and law enforcement institutions, including judges, lawyers, law enforcement officials as well as police, security and prison officers and health-care providers.

75. In order to address the concerns regarding the human rights situation in the country, the independent expert recommends:

(a) That the Government of Liberia fully guarantee the fundamental rights of freedom of expression and independence of the media as established in the Universal Declaration of Human Rights, the African Charter of Human and Peoples' Rights and in the main international human rights instruments;

(b) That the Government of Liberia take urgent measures to address the issue of arbitrary arrest and detention of human rights defenders and guarantee the security and physical integrity of all Liberians, irrespective of their political affiliation, religion or ethnicity;

(c) That the grievous practice of using child soldiers throughout the country be stopped immediately;

(d) That the Government of Liberia fully respect common article 3 to the Four Geneva Conventions of 1949 dealing with the treatment of civilians and prisoners of war during armed conflicts;

(e) That the Liberian authorities ensure safety in the refugee and IDP camps all over the country and investigate the allegations of sexual exploitation and abuses taking into account the gender dimension of the violations;

(f) That, with the support of the international community, the Government of Liberia give strong consideration to the improvement of the living conditions of the Liberians, particularly as to nutrition, access to potable water, sanitation and education;

(g) That the Commission on Human Rights renew the mandate of the independent expert for one year taking into account the importance of an in situ mission in 2003 in order to monitor the progress made in greater respect for human rights.

Annex

PROGRAMME OF THE INDEPENDENT EXPERT

16 December 2002

Arrival in Monrovia

17 December 2002

Meeting with Mr. Abou Moussa, head of UNOL and Representative of the Secretary-General in Liberia; the United Nations Security Officer in the country; representatives of NGOs

18 December 2002

Meetings with Mr. Sam Brown, Executive Director of the Liberian Refugees, Repatriation and Resettlement Commission; Ms. Musuleng Cooper, Minister of Gender, and other officials; Mr. Tambakai Jangaba, Deputy Minister for Foreign Affairs, and other officials; Mr. Koboi Johnson, Minister of Justice, and other officials; Mr. Paul Mulbah, Police Director; representatives of NGOs; second meeting with Mr. Johnson, Minister of Justice

19 December 2002

Meetings with representatives of NGOs; Ms. Gloria Scott, Chief Justice; representatives of the Collaborating Political Parties; representatives of ICRC; representatives of NGOs

20 December 2002

Meetings with Mr. David Parker, Aid Coordinator of the European Union Office in Liberia; Mr. Marc de Bernis, UNDP Resident Coordinator; Mr. Philip Kamali, Minister of National Security, and other officials; Mr. Monie Captan, Minister for Foreign Affairs; the United Nations Country Team

21 December 2002

Meeting with representatives of NGOs and departure
