

LIBERIA IS NOT READY

**A REPORT OF COUNTRY CONDITIONS IN LIBERIA AND REASONS
THE UNITED STATES SHOULD NOT END TEMPORARY PROTECTED
STATUS FOR LIBERIANS**



for

MINNESOTA ADVOCATES FOR HUMAN RIGHTS

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I. EXECUTIVE SUMMARY¹

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

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

The war in Liberia has ended. A peace agreement was signed in 2003, and a new president took office in 2006. But Liberia's economy, infrastructure, and social services remain devastated. Illiteracy is estimated to be between 70 and 80 percent in Liberia. The unemployment rate is at least as high. Schools buildings are in poor condition and overcrowded; students are taught by unqualified teachers. The majority of the population still lives without clean drinking water, access to health care, or electricity. Security remains a concern, and the crime rate is exacerbated by high unemployment.

In September 2006, the Department of Homeland Security announced its decision to end Temporary Protected Status for Liberians. Temporary Protected Status is a special immigration status that allows certain populations to remain in the United States on a temporary basis because of ongoing armed conflict, environmental disaster, or other extraordinary and temporary conditions. Thousands of Liberians legally live and work in the United States under Temporary Protected Status. When the Department of Homeland Security's decision takes effect on October 1, 2007, they will be uprooted once again, along with their families, or divided from their children who, as United States Citizens, may legally remain in the United States.

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

The purpose of this report is to highlight the most significant reasons Liberians should not be sent back to Liberia at this time, through an examination of the most recent accounts of Liberia's refugee return program, economy, infrastructure, health care, education, security, and justice system.

II. BACKGROUND

The country of Liberia was founded by freed United States slaves, later known as Americo-Liberians, in the 1820s. On February 6, 1820, an initial group of 86 settlers formed a settlement in Christopolis, later to be named Monrovia after President James Monroe.² Thousands of freed slaves followed and formed more communities. The American Colonization Society (ACS), an American organization promoting the resettlement of slaves in Africa, helped send approximately 10,000 freed slaves to Liberia between 1821 and 1867.³ The ACS also helped govern the Commonwealth of Liberia until the Republic of Liberia officially declared independence from the ACS on July 26, 1847.⁴ The new government and constitution were modeled after those of the United States.

Disputes between the freed slaves from America and Liberia's indigenous people were commonplace. The Americo-Liberians monopolized political power and prevented indigenous Liberians from asserting their basic rights. In 1980, this internal conflict culminated in a coup lead by Samuel K. Doe of the Krahn ethnic group, who ousted and killed Americo-Liberian President William R. Tolbert.⁵ This ended more than a century of domination by the Americo-Liberians. Doe promoted members of the Krahn ethnic group in the political and military realms. After an election in 1985 marked by obvious fraud, Doe solidified his control of the country.⁶ Despite considerable human rights violations committed by Doe and his administration, they enjoyed close relations with the United States; the United States supported Doe politically and financially during his reign.⁷

On December 24, 1989, rebels led by Americo-Liberian Charles Taylor, Doe's former procurement chief, invaded Liberia's Southern border from the Ivory Coast.⁸ Taylor and his rebel group, the National Patriotic Front of Liberia (NPFL), rapidly gained support and attempted to remove Doe from power. The Economic Community of West African States (ECOWAS) intervened and prevented Taylor from capturing Monrovia in 1990.⁹ On September 9, 1990, Doe was captured and killed by Prince Johnson, a former member of Taylor's NPFL who formed a breakaway group, the Independent National Patriotic Front of Liberia (INPFL). The same year, ECOWAS formed an Interim Government of National Unity (IGNU) to promote peace negotiations.¹⁰ Charles Taylor refused to recognize the interim government and its peace negotiations and continued fighting until 1997. From 1989 to 1996, Liberia witnessed one of the bloodiest civil wars in African history. More than 200,000 people were killed and nearly a million people were displaced during the war.¹¹

In 1997, Taylor agreed to a transitional government until proper elections could be implemented.¹² Taylor won the ensuing elections, reportedly because Liberians feared a return to war if Taylor lost.¹³ As president, Taylor failed to improve the lives of the Liberian people or the country's devastated infrastructure.¹⁴ During his tenure, Liberia was plagued by illiteracy, unemployment, and a lack of necessary utilities, as well as human rights atrocities.¹⁵

By 2003, rebel groups called Liberians United for Reconciliation and Democracy (LURD) and Movement for Democracy in Liberia (MODEL) were challenging Taylor and his increasingly discontented supporters near Monrovia.¹⁶ On June 4, 2003, ECOWAS facilitated talks in Accra, Ghana among the Government of Liberia, representatives from civil society, and the LURD and MODEL groups.¹⁷ The same day, the Chief Prosecutor of the Special Court for

Sierra Leone issued a press statement announcing Taylor's indictment for atrocities he committed in Sierra Leone.¹⁸ Under extreme pressure from the United States and other international groups, Taylor resigned and fled to Nigeria in August 2003.¹⁹ Taylor's resignation allowed ECOWAS to deploy a 3,600-person peacekeeping mission in Liberia. On August 18, 2003, leaders from the Liberian Government, the rebels, political parties, and civil society signed a Comprehensive Peace Agreement that established a two-year transitional government.²⁰

In 2005, Liberia held its first elections since the civil war. Ellen Johnson Sirleaf won the 2005 presidential election following a run-off, becoming Africa's first democratically elected female president.²¹ She took office in January 2006.²² Despite the democratic elections, Liberia remains unstable with a devastated economy, high unemployment, and a lack of basic infrastructure such as electricity, roads, and water. The country is simply not ready to accept the return of thousands of Liberians living in the United States.

III. REFUGEES AND TEMPORARY PROTECTED STATUS

A. Liberia's Refugee Crisis

Fourteen years of civil war displaced close to one-third of Liberia's population of approximately three million people.²³ The combined total of registered displaced Liberians during the conflict is estimated to have reached about 554,264.²⁴ 233,264 of these are classified as refugees, having fled the country; the remaining 321,000, who left their homes but remained in Liberia, are considered Internally Displaced Persons (IDPs).²⁵ Overall, it is estimated that 80 percent of Liberia's rural population was displaced at some point during the fourteen-year conflict.²⁶ Thousands of displaced Liberians have since returned to their homes, either on their own initiative or through organized programs, but the resettlement process has been difficult.

The United Nations High Commissioner for Refugees (UNHCR), in conjunction with other agencies, facilitated the voluntary repatriation of more than 100,000 Liberian refugees between October 2004 and June 2007.²⁷ There also has been a major effort within Liberia to help IDPs return to their homes. As of June 2007, approximately 314,000 internally displaced persons had returned to their homes with the assistance of the UNHCR and its partners.²⁸ A significant number of IDP camps that had been set up during the conflict have been closed or are preparing for closure.²⁹

Despite "repatriation packages" (containing food and household items) and other assistance from UNHCR and its partners to help the transition of returning refugees and internally displaced persons, the resettlement has not been an easy process.³⁰ According to the United Nations Common Humanitarian Action Plan (CHAP) earlier this year:

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

is a strong possibility that returning populations will migrate towards urban centres.³¹

Monrovia's population already is double what it was before the war.³² In addition, upon returning to their homes, some refugees and IDPs have struggled to recover their land and property that was seized during and after the war.³³ "They are refusing to leave," lamented one returnee whose houses were being occupied by a group from a different ethnic tribe.³⁴ There also have been reports of violent incidents and ethnic tension as returning refugees and internally displaced persons attempt to reclaim their land.³⁵ Other displaced people are simply occupying public buildings "in conditions that are highly congested and sub-standard at best."³⁶

As of March 2007, an estimated 10,000 Liberians remained in IDP camps within Liberia.³⁷ In addition, it is estimated that more than 105,000 Liberian refugees remained in countries neighboring Liberia.³⁸ This number does not include Liberian refugees living in Europe or the United States.³⁹ The forced return of thousands more now, before the government has had a chance to make the significant progress it is striving for in all areas of Liberian life, is likely to exacerbate the strain on social services recognized by CHAP and the struggle of recent returnees. According to the Honorable G. Wesseh Blamoh, Chairman of the Liberian House Standing Committee on Peace and National Reconciliation, there is a great deal of concern within Liberia that if a large number of Liberians who have been residing in the United States return to Liberia in September 2007, IDP camps could have to be reopened to accommodate them.⁴⁰

B. Temporary Protected Status for Liberians

The United States Immigration Act of 1990 created a procedure that allowed Temporary Protected Status (TPS) to be declared for aliens in the United States who are unable to safely return to their home countries due to ongoing armed conflict, environmental disaster, or other extraordinary and temporary conditions.⁴¹ TPS allows eligible aliens to stay in the United States and obtain work authorization during the period designated, and is subject to review by the Department of Homeland Security (DHS).⁴² TPS for Liberians was extended to Liberians between 1991 and 1999.

Although TPS was terminated in 1999, Liberians were able to stay in the United States between 1999 and September 2002 thanks to presidential directives for Deferred Enforced Departure (DED). President William J. Clinton ordered deferred enforced departure in 1999 and 2000, which permitted Liberians to stay in the United States until September 29, 2001.⁴³ On September 25, 2001, President George W. Bush signed a Presidential Memorandum directing the Attorney General to defer enforced departure and grant employment authorization to Liberians for one more year.⁴⁴ The President determined that there was a "significant risk" that sending Liberians back at that time would "caus[e] instability in Liberia and the region" and that it was "in the [country's] foreign policy interest" to defer enforcement of the end of TPS.⁴⁵

By 2002, the fighting in Liberia had intensified, had spread to more parts of the country, had displaced 75,000 Liberians to neighboring countries and 120,000 internally in Liberia, and put vital services "on the verge of collapse."⁴⁶ TPS was reinstated.⁴⁷ TPS was extended again in 2003, for many of the same reasons.⁴⁸

By 2004, the armed conflict in Liberia ended, and the Department of Homeland Security decided to terminate TPS for Liberians. However, it re-designated the country for TPS,⁴⁹ finding that “extraordinary and temporary conditions” continued to prevent a safe return for Liberians.⁵⁰ Although a peace agreement had been signed, there were no reports of fighting between March and May of 2004, and 42,000 ex-combatants had been disarmed, DHS found that the new government suffered from “widespread corruption” and was not in effective control of “large swaths of the interior.”⁵¹ DHS also noted that 80 percent of the housing stock was damaged, only ten percent of arable land was being cultivated, and food, shelter, water, sanitation, and healthcare were “practically non-existent.” In addition, the voluntary return of refugees was taxing the country’s resources.⁵²

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

Although disarmament and demobilization of the warring factions has been completed with the disarmament of over 100,000 ex-combatants, funding shortfalls and a lack of sufficient rehabilitation and reintegration programs have the potential to destabilize the security situation in Liberia, and have led to riots among ex-combatants in Ganta. In one area, ex-combatants briefly held NGO workers captive to protest the lack of rehabilitation and reintegration programs.⁵³

DHS noted that there were still 200,000 internally displaced persons receiving food assistance. The economy was operating at one-third its pre-war level, with unemployment at 85 percent. The government was still unable to provide essential social services.⁵⁴

Twelve months later, in September 2006, DHS decided that TPS status for Liberians would end in 2007.⁵⁵ In its announcement of the TPS termination, DHS stated that the uncertainty that followed the end of the long war was easing and observed that the Liberian government had initiated reform programs.⁵⁶ However, DHS itself recognized at the end of 2006 that despite these steps towards rebuilding, “the situation remains fragile.”⁵⁷ Almost one year after DHS’s report, the situation in Liberia continues to remain fragile. As will be illustrated in this report, despite the recent improvements in Liberia’s country conditions, the time is not right to require Liberians living in the United States to return to Liberia.

C. Effects of Losing Temporary Protected Status

Since 1990, an estimated 25,000 Liberians fleeing their war-torn country have resettled in Minnesota, and thousands more have settled in other states.⁵⁸ Many of them remained in the United States under DHS’s grant of TPS to Liberians.⁵⁹ Liberians around the United States have established homes, families, and stable employment in the United States. The Department of Homeland Security estimates that there are 3,600 Liberians with TPS.⁶⁰ The departure of individuals on TPS before October 1, 2007,⁶¹ will have a significant effect on a much larger number of people—both in the United States and abroad.

1. Effects on U.S. business

The departure of thousands of Liberians from communities in the United States will affect businesses, schools, and the real estate market, among other things. In Minnesota, the health care community in particular is at risk of losing a large number of its skilled workers: a

quarter of the staff at some nursing homes in Minnesota is Liberian.⁶² The Vice President for Public Policy at Minnesota's Fairview Health Services expressed to a reporter the "urgent need" to keep Liberians in the health care jobs that they hold here. A representative from a home for seniors said that Liberians "play ... a huge role in what we do in every nursing home in the metro area."⁶³ Brooklyn Park, Minnesota "is bracing for hundreds of homes and apartments to flood the real-estate market," as the city anticipates that many of its Liberians residents could soon be leaving.⁶⁴ Schools, too, may see a large decrease in numbers of students. According to the Star Tribune, at least 300 students in the Osseo area's English language learning classes "were born in Liberia or countries where Liberians took refuge during the civil war."⁶⁵

2. Effects on Liberians

a. Economics

The departure of even one individual with TPS is likely to directly impact the economic well-being of entire families. Of course, many of the Liberians in the United States are supporting their families here. At the same time, Liberians in the United States are an important source of financial support for relatives living in Liberia and in other diaspora communities. Liberians in the United States receive calls from family and friends in Liberia asking for money,⁶⁶ and many respond. One Liberian living in Minnesota, for example, supports ten people in Liberia with money that he earns here.⁶⁷ Another individual is the sole source of support for his brother and parents.⁶⁸ Yet another supports his mother and eight sisters in Liberia, as well as three children living in Ghana.⁶⁹ Because his son is unemployed in Liberia, one man sends money every two weeks for necessities like food and clothing.⁷⁰ Another person explained that the money he sends to Liberia enables his two children to attend school.⁷¹ A young Liberian living in Maryland emphasized that people living in Liberia can only afford to attend school if they have financial support from friends or family living in America.⁷² If TPS is terminated, the family and friends of the deportees will lose this support. With the unemployment rate in Liberia currently exceeding 80 percent, it is easy to predict that the former beneficiaries of remittances from the United States will no longer be able to afford basics such as food, clothing, and education, and may be forced into a more serious state of poverty.

b. Break-up of families and disruption of lives

A critical dilemma facing Liberians losing TPS status is the possible break-up of families. A number of Liberians have begun families since arriving here; their children, having been born in the United States, are U.S. citizens.⁷³ The ending of TPS leaves mixed-immigration-status families with the difficult choice of being split apart—with the TPS member returning to Liberia and those with permanent immigration status or U.S. citizenship remaining in the United States—or choosing to return the entire family to Liberia. "I don't know" said a woman on TPS who has four children who were born in this country when asked where she will go if she return to Liberia.⁷⁴ A similar sentiment was expressed by a woman interviewed by the Star Tribune, who also faces having to leave.⁷⁵ She does not know if she will try to bring her eight year old U.S. citizen daughter with her back to Liberia, where there is little hope of education or such basics as electricity and running water.⁷⁶ Minnesota city officials estimate that 3,000 to 5,000 residents, including some spouses and children with permanent residency and U.S. citizenship, will choose to return as a family to Liberia, rather than be split apart.⁷⁷

The children of Liberians on TPS are particularly vulnerable, whether they remain in the United States or return to Liberia. On the one hand, although deportation is always disruptive to an immigrant's life, "[t]he trauma of deportation—perhaps most of all for children—is even greater when it results in the separation of families."⁷⁸ On the other hand, U.S. citizen children of Liberians on TPS who return to Liberia with their parents may face identity and cultural challenges as they try to integrate into Liberian society. U.S. citizen children of Liberians have been socialized as Americans and are accustomed to an American lifestyle.⁷⁹ One woman living in Minnesota noted that she has asked her children many times if they would like to visit Liberia, but her children have declined. While she tries to feed her children traditional Liberian foods, they prefer to eat American food. This woman believes that many U.S. citizen children of Liberians feel the same way that her children do.⁸⁰ Because they have grown up in America, the children will face an enormous cultural challenge if they are forced to return with their parents to a life in Liberia.

c. Other hardships upon return to Liberia

Upon arrival from the United States, the families returning to Liberia are likely to suffer a number of other hardships, as well. As this report explains, returning Liberians and their families are likely to "be subject to poverty and potentially dangerous conditions."⁸¹ Liberia is only slowly recovering from its civil war. Even today, three years after the war ended, Liberia "is one of the poorest countries in the world."⁸²

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

IV. COUNTRY CONDITIONS IN LIBERIA

A. Overview of Liberia's Government

1. Executive Branch

Liberia's executive branch is headed by the president, who serves as both chief of state and the head of government.⁸³ The president and vice president are elected on a single ticket by popular vote for a six-year term and are eligible for a second term.⁸⁴ The country is divided into fifteen administrative divisions, which correspond to the counties.⁸⁵ The president appoints a superintendent to govern each of the fifteen counties.⁸⁶ The president also appoints cabinet members, who are confirmed by the senate.⁸⁷ The cabinet currently consists of nineteen members, each of whom oversees one of nineteen ministries.⁸⁸ There are additional commissions that oversee special institutions and projects.⁸⁹

The current president, Ellen Johnson Sirleaf, was elected on November 8, 2005, following a run-off, and took office on January 26, 2006.⁹⁰ President Johnson Sirleaf is the first

president elected since the end of the civil war. A Harvard-trained economist, Johnson Sirleaf served as finance minister in the late 1970s under President Tolbert.⁹¹ She fled the country after the Tolbert government was overthrown and has since worked for both the United Nations and the World Bank.⁹²

Since assuming office, Johnson Sirleaf has undertaken the difficult tasks of repairing Liberia's economy and infrastructure. She has declared a "zero tolerance" policy towards corruption in the country, called for an International Arms Trade Treaty to curb arms trade, and established a Truth and Reconciliation Commission to "investigate and heal the wounds of war."⁹³ Other significant initiatives include an interim poverty reduction strategy, debt reduction program, and civil service reform.⁹⁴ A number of observers have hailed President Johnson Sirleaf's election as a turning point for Liberia.⁹⁵

Despite the optimism created by President Johnson Sirleaf's election, the country is far from stable. On July 20, 2007, the Liberian government arrested a former general, the speaker of the former National Transitional Legislative Assembly, and others for plotting to overthrow President Johnson Sirleaf's administration.⁹⁶ The alleged coup plotters have been charged with treason and remain in custody pending a trial.⁹⁷ The incident has provoked fear of more unrest in Monrovia and elsewhere in the country.⁹⁸ This incident underscores the significant challenges that face the country as it struggles with an unstable economy, high unemployment, widespread displacement, a lack of infrastructure, and an absence of basic services such as water, electricity, and education.

Because of continued instability in Liberia following the war, President Johnson Sirleaf's administration supports allowing Liberians to stay in the United States.⁹⁹ The administration has appealed to the U.S. government, stating that Liberia cannot absorb a large number of people returning home at this time.¹⁰⁰ President Johnson Sirleaf expressed support for legislation that would grant permanent residency to Liberians living in the United States, observing that "thousands of Liberians have lived in the United States for almost 17 years."¹⁰¹

2. Legislative Branch

The Liberian legislature is modeled after that of the United States. The legislature is bicameral, consisting of a Senate (the upper house) and a House of Representatives (the lower house). The legislature is comprised of thirty Senators and sixty-four Representatives.¹⁰²

Recent elections signaled a new era in Liberia. Due to the implementation of a new government, all seats in the Senate and House were contested in the 2005 elections.¹⁰³ The elections saw high competition for seats in Congress, which were coveted.¹⁰⁴ Each of the fifteen counties elected two senators.¹⁰⁵ Senatorial candidates who received the popular vote from each county became senior senators, and were each awarded nine year terms.¹⁰⁶ The candidates receiving the second-highest number of votes are junior senators and will each serve a six-year term.¹⁰⁷ The shorter term only applies to the junior senators elected in the 2005 elections; the varied term lengths will ensure a staggered election for Senators as mandated by the Liberian Constitution.¹⁰⁸ Beginning with the 2001 elections, all winning candidates will be elected for nine-year terms.¹⁰⁹ The sixty-four seats in the House of Representatives are divided among the fifteen counties based on the number of registered voters in each area, with each county

receiving at least two representatives.¹¹⁰ The Representatives serve six-year terms; the next election will be held in 2011.¹¹¹

Liberia's Congress faces many difficult challenges in the years that lie ahead. One of the greatest difficulties that the legislative branch faces is the task of balancing Liberia's extremely small budget. According to Liberia's Ministry of Finance, the 2006/2007 annual budget was US \$129 million.¹¹² With a population of approximately three million,¹¹³ this means that the annual spending per person is approximately US \$43. The recently-approved 2007/2008 budget is just under \$200 million.¹¹⁴ In addition, Liberia's Congress has identified poverty reduction as its most important focus with a very high unemployment rate of 80 to 85 percent.¹¹⁵ A significant amount of funding is channeled into construction projects aimed at repairing Liberia's devastated infrastructure, while employing Liberians to perform the work.¹¹⁶ Approximately US \$14 million, or 7.5 percent of the proposed 2007/08 budget, is allocated to health care.¹¹⁷ Education receives approximately eight percent of the budget.¹¹⁸

3. Judiciary

a. General Structure of the Judicial Branch

Liberia's judiciary consists of a statutory law system and a customary law system. The statutory law system is comprised of the Supreme Court, circuit courts, magistrates' courts, and justice of the peace courts.¹¹⁹ Liberia's customary law system is officially headed by the executive branch and is used primarily to adjudicate disputes in the countryside.¹²⁰ The government-created customary courts originated when whites and blacks shared governance of the country in the 19th century. Customary law was meant to be used by non-Christian indigenous Liberians; Americo-Liberians and missionaries were to have recourse to statutory law.¹²¹ This agreement signaled a compromise between the central government and the villages. Today, the Ministry of Information describes the dichotomy as a "[d]ual system of statutory law based on Anglo-American common law for the modern sector and customary law based on unwritten tribal practices for the indigenous sector."¹²² It is imperative that both systems function efficiently in order for the judicial system to protect the rights of Liberians.

b. Structure of the Statutory Law System

The Supreme Court is the highest court in Liberia; five justices sit on the Supreme Court.¹²³ Located in Monrovia in the Temple of Justice, the Supreme Court hears cases on appeal from the circuit courts.¹²⁴ The circuit courts have original jurisdiction over the most serious crimes such as rape, burglary and murder.¹²⁵

Below the circuit courts are magistrates. Liberia's 130 magistrate judges have original jurisdiction over less serious claims.¹²⁶ The Judiciary Law authorizes magistrates to preside over civil cases where the amount in controversy is not more than \$2,000.¹²⁷ In criminal proceedings, the magistrates' original jurisdiction is limited to petit larceny.¹²⁸ Magistrates also handle preliminary matters for the more serious claims brought before the circuit courts.¹²⁹

Operating underneath the magistrate courts are the justice of the peace courts. The jurisdiction of the Justices of the Peace (JPs) is limited by statute to civil actions up to \$50 for

recovery of assets and \$100 for debt payments; their criminal jurisdiction is limited to petit larceny.¹³⁰

c. Structure of the Customary Law System

The customary law system is the only legal system most Liberians encounter. Under the customary law system, clan chiefs adjudicate disputes between towns. Disputes within towns are adjudicated by town chiefs and village elders. Town chiefs and clan chiefs can call witnesses, assess fines, and issue judgments.¹³¹ Judgments in either of these courts can be appealed to paramount chief courts.¹³² More complex cases may start in paramount chief courts if they are transferred by the town or clan chiefs. A ruling by the paramount chief court can be appealed to the district commissioners and superintendents; the final level of appeal is the Office of Tribal Affairs in Monrovia.¹³³ Technically, decisions in the customary law system can be appealed to the circuit courts of the statutory law system, but this procedure is utilized very rarely.¹³⁴

d. Other Functioning Systems

In addition to the government-sponsored customary law system, there are customary law courts functioning in the countryside that are outside the control of the government.¹³⁵ These courts sometimes function very much like the state-sponsored customary law courts, where an elder male resolves disputes between extended family.¹³⁶ However, often these non-government sponsored courts involve leaders who are believed to wield magical and spiritual powers or they are run by the Poro and Sande power societies, which condemn members who do not conform to societal norms.¹³⁷

B. Liberia's Economy

1. Pre-Civil War

Prior to the civil war, Liberia demonstrated great economic potential, establishing itself as a large exporter of its abundant natural resources. Liberia's main sources of revenue were derived from the exportation of iron ore and rubber.¹³⁸ The country was also able to capitalize on its significant resources in water, mineral resources, forests, and a climate favorable for agriculture.¹³⁹

Liberia began to realize its economic capacity prior to the upheaval caused by the war. The Gross Domestic Product averaged nine percent annual growth in the 1950s and 1960s owing to heavy foreign investment in Liberia's promising mining sector.¹⁴⁰ The exportation of iron ore accounted for more than half of the country's export earnings in the 1970s and 1980s.¹⁴¹ In addition, the rubber industry generated more than US \$100 million in export earnings annually.¹⁴² Liberia's strong presence in the external trade market peaked in 1978, when the country reached US \$486.4 million in exports.¹⁴³ Other than iron and rubber, the traditional exports for the country included timber, diamonds, cocoa, and coffee.¹⁴⁴

At the very beginning of the crisis in 1989, Liberia reported a positive trade balance of US \$212.9 million.¹⁴⁵ In 2004, this figure dropped to *negative* US \$325.5 million.¹⁴⁶ This heavy decline in exports of goods both decreased the government's tax base and destroyed jobs.

2. The Civil War

The civil war caused many successful businesspeople and foreign investors to flee the country, taking their expertise and capital with them.¹⁴⁷ By the time the fighting ended, most foreign businesspeople had left.¹⁴⁸ The physical destruction that took place during the war also impacted the economy. Numerous mines were demolished during the fighting, and rubber production decreased as a result of destruction of plants and rubber trees.¹⁴⁹ Consequently, exports of these and other natural resources plummeted dramatically. Liberia, a country economically dependent on the extraction and exportation of rich resources such as iron ore, rubber, and timber, no longer had the business leadership or political stability to maintain its position in the foreign trade market.¹⁵⁰

To further exacerbate the economic frustration in Liberia, the United Nations placed sanctions on the export of lumber and diamonds, two of Liberia's most significant exported goods.¹⁵¹ These sanctions were placed in response to Liberia's political discord and human rights violations. Government initiatives requiring transparency in both sectors have recently resulted in a lifting of the sanctions.¹⁵² Following the United Nations decision to lift sanctions on diamonds, the Government of Liberia lifted a moratorium on diamond mining.¹⁵³

3. Post-Civil War

a. Productivity

Recent economic indicators reflect the poor quality of life in Liberia. The World Bank estimated that Liberia's Gross Domestic Product (GDP) was US \$631 million in 2006, while the International Monetary Fund estimate was US \$622 million.¹⁵⁴ The GDP is projected to increase in 2007 and 2008, but is still meager compared to a GDP of more than US \$13 trillion in the United States.¹⁵⁵ Liberia's extremely low GDP translates into a GDP per capita of approximately US \$185.¹⁵⁶ In contrast, the GDP per capita in the United States was more than US \$44,000 dollars in 2006.¹⁵⁷

b. Unemployment and poverty

Unemployment and poverty are commonplace in Liberia. The unemployment rate ranges between 80-85 percent.¹⁵⁸ 76.2 percent of Liberians live below the poverty line (less than US \$1 per day), while 52 percent live in extreme poverty (less than US \$0.50 per day).¹⁵⁹ The vast majority of Liberians do not have work to support themselves or their families. Of those unemployed in the formal sector, 52 percent are self employed in Liberia's large informal sector comprised of roadside stands and petty trading. According to Liberia's Ministry of Labor, approximately 470,000 people are currently working in the informal sector.¹⁶⁰ The bulk of the income generated through the informal sector is used for food and sustenance, with a small percentage of the money being used for education and health care.¹⁶¹ A 2006 report by the United Nations Development Program estimated net remittances to Liberia to be US \$ 54.2 million (inflow minus transfers).¹⁶²

c. Government initiatives

Unemployment and the emergence of large informal sector harms both the Liberian people and their government. The growth of the informal sector has led to an increase in tax evasion and a decrease in the possible tax base.¹⁶³ The Liberian government, under the leadership of President Johnson Sirleaf, has implemented new programs to combat these problems. In order to restore basic economic infrastructure, the Government of Liberia has created the Governance and Economic Management Assistance Program (GEMAP). “GEMAP is a partnership between the Government of Liberia (GOL) and the international community to improve governance, enhance transparency and accountability, and lay a solid foundation for sustainable peace.”¹⁶⁴ GEMAP collaborators include the United Nations (UN), European Commission, Economic Community of West African States, African Union, United States, and World Bank.¹⁶⁵ There is an Economic Governance Steering Committee (ESGC) that monitors and guides the implementation of GEMAP.¹⁶⁶

Since GEMAP was implemented in September 2005, Liberia’s economy has shown signs of improvement. The projected revenue for 2006-2007 of US \$129 million is 52 percent higher than the 2005-2006 revenue.¹⁶⁷ Prior to the end of the 2005-2006 Fiscal Year, the Government of Liberia and the Liberian legislature engaged in extensive public debate concerning a new balanced budget for 2006-2007.¹⁶⁸ These unprecedented public debates represented a significant movement towards increasingly transparent public policy focused on positive government impact on the Liberian economy.

Despite current improvements, the government’s small budget and high debt burden remain significant concerns. In January 2007, the Government of Liberia issued an Interim Poverty Reduction Strategy (iPRS) in partnership with the International Monetary Fund and the World Bank.¹⁶⁹ The iPRS report outlines the immediate challenges facing Liberia and provides an initial strategy for combating these issues. According to the iPRS paper, a major concern is the disproportionate ratio between Liberia’s small government budget and immense external and domestic debt. Liberia’s external debt is estimated at over US \$3 billion¹⁷⁰ and the estimated domestic debt is US \$700 million.¹⁷¹ According to the iPRS paper, the external debt alone is 800 percent of the GDP and 3,000 percent of exports.¹⁷² In February 2007, the United States announced that it would take steps to cancel US \$391 million of Liberia’s bilateral debt.¹⁷³

In addition to GEMAP, the United Nations and non-governmental organizations have had a tremendous impact on the Liberian economy. The United Nations created the United Nations Mission in Liberia (UNMIL) in 2003. With the help of the World Bank, UN Development Programme (UNDP), UNHCR, World Food Programme (WFP), International Labour Organization (ILO), and Liberian Ministry of Public Works, UNMIL has provided 21,000 Liberians with jobs during the past year.¹⁷⁴ UNMIL created jobs for both skilled and unskilled workers to improve public infrastructure by rehabilitating destroyed roads.¹⁷⁵ UNMIL specifically created positions to aid those who are most vulnerable, including women and young people.¹⁷⁶ Twenty-six percent of the people employed under UNMIL’s programs are women.¹⁷⁷ These additional 21,000 jobs help both the employed citizens and Liberia’s infrastructure, but this constitutes employment of only 0.62 percent of the population. Many more jobs are needed to combat the terrible unemployment crisis.

Liberia is working to rehabilitate its heavily damaged extractive industries. The Finance Minister, Dr. Antoinette Sayah, has approved Liberia's Extractive Industries Transparency Initiative (EITI).¹⁷⁸ This program strives to restore the mineral and forest resources that made Liberia a great exporter prior to the civil war. EITI aims to redevelop the once promising mining sector and increase the productivity of the foresting sector. EITI maintains the major themes of revitalization in Liberia by striving to accomplish these goals in a transparent manner in order to reduce corruption.¹⁷⁹ President Johnson Sirleaf formally announced the EITI initiative on July 10, 2007.¹⁸⁰

Other recent economic development initiatives include a Forestry Law providing for the sustainable and beneficial use of Liberia's forests, and a Telecommunications Act, which seeks to improve the government's revenue base through proper taxation and licensing fees in the telecommunications sector.¹⁸¹ With these and other initiatives, foreign investors have started to show interest in investing in Liberia. Firestone continues to operate its rubber plantations¹⁸² in spite of heavy destruction during the civil war.¹⁸³ However, Firestone recently reported that gangs have been illicitly tapping rubber trees at its plantation outside of Monrovia.¹⁸⁴ Also, Mittal Steel, one of the world's largest steel companies, is redeveloping iron ore mines.¹⁸⁵ In August 2005, Mittal Steel entered into a Mining Development Agreement with the Government of Liberia. Mittal plans to invest US \$900 million to develop mines, related railways, port infrastructure and means for community development in western Liberia.¹⁸⁶

There is a disturbing history of human rights violations associated with some of Liberia's major industries. This problem is still prevalent, particularly in the form of child labor. For example, the largest employer in Liberia, Bridgestone Firestone North American Tire, LLC, has been accused of utilizing child labor. Firestone's official position is that it does not condone or support the use of child labor. However, in an interview with CNN in November 2005, Dan Adomitits, the CEO of Firestone, stated that each employee is mandated to tap 650 rubber trees a day at a pace of two minutes per tree.¹⁸⁷ As the interviewer pointed out, this amounts to a more than a twenty-one hour work day.¹⁸⁸ To cope with such great demands, many workers bring their children and wives to help meet their daily quota.¹⁸⁹ A lawsuit was filed in 2005 against Firestone in connection with its labor practices in Liberia, and is currently pending.¹⁹⁰ Also, in April 2007, Liberian workers at the Firestone plant went on strike, resulting in a clash with the police.¹⁹¹ The unrest displayed at Liberia's largest and most historic employer demonstrates the poor working conditions in this troubled country. Liberia's current government has taken a strong position in support of human rights, while still working to attract foreign investment to the country.

Current efforts to maintain accountability in the government budget and technical assistance from the World Bank and IMF¹⁹² have allowed Liberia to successfully manage its budget during the most recently reported term of July 2006 to January 2007.¹⁹³ The growth of the budget and its successful management are positive steps for the new Liberian government. In reality, these recent developments will have only a minor impact on Liberia's economic situation in the short-term. Liberia needs time to develop and stabilize its severe budget concerns before absorbing new residents following the end of Temporary Protected Status.

C. Liberia's Infrastructure

The war drastically impacted the Liberian population's access to electricity, safe and accessible water, and passable roads. The damage has been recognized by the government, but significant progress has yet to be made.

1. Electricity

Liberia's electricity-generating capacity was almost completely destroyed by the civil war.¹⁹⁴ With the help of the European Union, World Bank, and USAID, Liberia's only power company, the Liberia Electricity Corporation (LEC), currently operates a temporary system for providing electricity. But this temporary system generates only about 2.3 megawatts of electricity, providing power to public buildings (*e.g.*, hospitals and schools) and streetlights in just two Monrovia neighborhoods.¹⁹⁵ Other parts of the country rely on small hydropower plants and individual diesel generators for power.¹⁹⁶ Even where power may be available, it is not always affordable for Liberians.¹⁹⁷

Liberia faces a number of challenges in rebuilding the electricity infrastructure of the country. The Liberian government recently gained the support of the European Union, USAID, the World Bank, and the Norwegian government to initiate a second electricity program, expected to provide an added 7.9 megawatts of generating capacity to Monrovia; however, donor funding for both the existing temporary system and the new program will end in June 2008.¹⁹⁸ To add to the financial burden, LEC estimates that renovation of Liberia's main power source, the Mount Coffee Hydro Plant, will cost approximately US \$500 million.¹⁹⁹ The necessary renovations or rebuilding, as well as a transmission and distribution network, will take more than four years to complete once the funding is available.²⁰⁰ However, because of the significant debt burden on the Liberian government, the country is having difficulty obtaining funding from multilateral organizations.²⁰¹

In addition to a lack of funding, LEC has experienced a further obstacle in its attempt to provide electricity to Liberia: LEC has been losing approximately \$40,000 U.S. dollars each month—nearly 20 percent of its monthly revenue—owing to a “heightened wave of power theft” at its facility by “unknown individuals.”²⁰² In 2005, the government's police chief was suspended after diverting a generator, intended for the national police headquarters, for his own personal use.²⁰³

Prior to the conflict, Liberia had an electricity generating-capacity of 180 megawatts.²⁰⁴ But as a result of these significant challenges, some predict that Liberia may not reach its pre-war electric power capacity during the current government's tenure, which ends in 2011.²⁰⁵

2. Water

While statistics vary, most Liberians do not have access to clean and safe drinking water. Access to safe drinking water fell dramatically during the war—from 58 percent of households in 1997 to twenty-four percent in 2005.²⁰⁶ Before the war, almost half of urban Liberia had clean piped water and the country's fifteen counties had water treatment facilities.²⁰⁷ Groups estimate that safe drinking water is currently accessible to only about one third of the population (although counties have varying access).²⁰⁸ Earlier this year, Hun-bu Tulay, head of the state-

owned Liberia Water and Sewage Corporation (LWSC), said that in the capital city of Monrovia, less than one third of the population had access to safe water.²⁰⁹ In many parts of Liberia, people rely on wells and hand pumps for drinking water.²¹⁰ A single hand pump generally serves anywhere from 400 to 800 people.²¹¹ As a result, women and girls often spend up to two hours a day simply standing in line for water, compromising their safety and their ability to attend school.²¹² Without access to wells or hand pumps to retrieve water, the people in remote villages such as Nrowkia in Grand Kru County continue to drink water from creeks.²¹³ In Sinoe County, located in southeastern Liberia, people walk from 30 minutes to an hour in order to find drinking water, most of which also is drawn from a creek.²¹⁴ According to the Comprehensive Food Security and Nutrition Survey, carried out nationwide in late 2006, approximately 68 percent of Liberians rely on “untreated wells, rivers, ponds, creeks and swamps for drinking water.”²¹⁵

The treatment facilities and pipes that once supplied water to residents in Monrovia were neglected and damaged during the war and became inoperable to such an extent that the entire network will have to be ripped up and replaced before clean water will again be available.²¹⁶ This task has been taken on by the LWSC,²¹⁷ and in July 2006, parts of Monrovia received pumped water for the first time in fifteen years.²¹⁸ Residents and businesses in those areas purchase the water for a fee.²¹⁹ Others rely on water being delivered via tanker trucks.²²⁰

Poor water quality has caused endemic cholera and diarrhea outbreaks, which are made worse by poor sanitation and waste disposal systems, overwhelmed sewage systems, poor hygiene, and failure to use latrines or using communal latrines.²²¹ Endemic cholera occurs annually, after the start of the rainy season, and hotspots have been identified in a number of counties.²²² The lack of clean drinking water has also been linked to the high mortality rate of children in Liberia.²²³ In recognition of this problem, UNICEF recently announced its intention to dedicate approximately US \$5 million to construct and rehabilitate several hundred wells and hand pumps throughout Liberia, conduct training on sanitation assessments, water tests, and rehabilitation planning, and promote hygiene education programs in schools and communities.²²⁴ But it will take time for a sanitary water supply to be developed. The current rural water and sanitation program budget is \$125,000, which covers only the salaries of employees.²²⁵

3. Transportation

Like other aspects of the infrastructure, Liberia’s transportation systems also suffered a severe blow as a result of the war. There are a limited number of usable roads in the country, as the conflict left the majority of roads in Liberia in need of drastic repairs.²²⁶ In Monrovia, the paved roads are filled with large potholes that make driving dangerous. Traveling outside the city is worse, and often requires the use of a four-wheel drive vehicle.²²⁷ The rainy season in Liberia creates additional obstacles for road transportation; from April to October each year, many roads outside Monrovia become impassable.²²⁸ As a result, many small villages and towns outside the capitol are inaccessible for approximately six months each year.²²⁹ The poor road conditions not only affect the economy, but also make it difficult for the government to combat crime, as the police force is unable to reach a large portion of the country.

Additional means of transportation have also been seriously damaged by the civil war. The railroad systems in Liberia stopped operating in 1989 after iron ore operations ceased, and the rail lines were damaged or dismantled for use as scrap during the war.²³⁰ As of 2005, the

railway system in Liberia was still inoperable because of significant damage.²³¹ The country's airports are in similar disrepair. There is only one international airport in Liberia—the Roberts International Airport (RIA)—located approximately 45 kilometers outside of Monrovia, and most of its infrastructure also was destroyed during the war.²³² Today, the airport staff is ill-trained, and the airport is insufficiently funded and lacks proper equipment.²³³ In addition to RIA, there is one other airport with a paved runway, as well as several gravel-surfaced airstrips throughout the country.²³⁴

D. Health Care in Liberia

In its recently released Draft National Health Policy Report, the Ministry of Health and Social Welfare (MoHSW) identified two competing challenges that must be addressed to create a workable health care system: (1) expand access to quality basic health care; and (2) develop the building blocks for a sustainable health care delivery system.²³⁵ Meanwhile, the Liberian population has severely limited access to acceptable health care, and the Liberian government currently lacks both the human and financial resources that are essential to the creation of a functional health system.²³⁶

1. Health Issues / Conditions

The Liberian population suffers from a number of serious health concerns—respiratory infections, malaria, worms, diarrhea, tuberculosis, skin infections, malnutrition, and anemia—many of which contribute to high morbidity and mortality and many of which could be prevented with better access to health care, including preventive care (*e.g.*, vaccinations, better hygiene, and mosquito netting).²³⁷ Malaria alone accounts for forty percent of the out-patient treatment and eighteen percent of inpatient deaths.²³⁸ HIV/AIDS is a particular concern, although its prevalence is difficult to determine.²³⁹

A major source of illness and death in Liberia is diarrhea, which is primarily caused by poor hygiene and a lack of sanitation.²⁴⁰ Limited access to clean water, poor waste management (leading to household trash, human feces, and hazardous medical waste becoming piled up throughout city streets), and malnutrition caused in part by the breakdown in the infrastructure for food production and delivery all contribute to serious health concerns plaguing Liberians.²⁴¹

Current life expectancy in Liberia is 42 years, which is lower than the Sub-Saharan African average of 46 and the United States average of 77.5.²⁴² The average number of years of healthy life from birth was 35.5 in 2002—also lower than the World Health Organization's (WHO) Africa region average of 41 years and significantly lower than the U.S. statistic of 69.²⁴³ The adult mortality rate for ages 15 to 60 averages 537 per 1,000 people, according to 2004 WHO figures.²⁴⁴ Infant mortality is 157 children per 1,000 live births (compared to 102 per 1,000 in the rest of Sub-Saharan Africa and seven per 1,000 births in the United States).²⁴⁵ Maternal mortality was 760 per 100,000 births in 2000.²⁴⁶ The under five mortality rate was 235 per 1,000 people in 2004, the fifth highest in the world.²⁴⁷ The two leading causes of child morbidity are malaria and diarrhea, which account for 42 percent and 22 percent, respectively.²⁴⁸

2. Access to Health Care

There are about 389 functioning health care facilities in Liberia, including hospitals, health centers, and clinics, but many do not meet the primary and secondary needs of the population.²⁴⁹ Although the available statistics on access and quality of health care vary, the UN has noted that fewer than twenty percent of rural communities report the presence of a functional health facility. In some counties, only five percent of the communities have functional health facilities.²⁵⁰ According to the Liberian government, only about forty-one percent of the population had access to health services in 2006, with many people walking up to three hours to reach a health care facility in rural areas.²⁵¹ Liberian legislator Honorable G. Wesseh Blamoh explained that in his home town of Grand Kru there is no functional hospital.²⁵² Many of the health care facilities that are functioning do not perform at acceptable levels. Capacity, especially at hospitals, is grossly inadequate; there are not enough beds to treat the population.²⁵³ The availability of secondary health care is limited to Monrovia and regional hospitals,²⁵⁴ and inadequate access to obstetric emergency care contributes to the high maternal mortality rate.²⁵⁵ At Island Hospital in Monrovia, a 140-bed pediatric hospital run by Médecins Sans Frontières (MSF) (Doctors Without Borders), there are regularly two patients and two mothers per bed.²⁵⁶

3. Health Care Workers

The inadequacy of basic health care available to the majority of the population is compounded by “the absolute shortage of trained health staff,”²⁵⁷ and the United Nations has stated there is non-coherent planning at the national level to ensure that existing health facilities will be staffed adequately in the future.²⁵⁸ As of 2004, the World Health Organization estimates that there were 0.03 physicians, 0.18 nurses, 0.12 midwives, 0.01 pharmacists, 0.04 public and environmental health workers, 0.04 community health workers, 0.06 lab technicians for every 1,000 people in Liberia.²⁵⁹ The number of health care workers per capita is substantially lower (as low as one-tenth) than the average in the WHO Africa region.²⁶⁰ The total number of health care workers is 4,000 full time and 1,000 part time for a population of over three million people.²⁶¹

The entire country of Liberia has one medical school and one pharmacy school, both located in Monrovia.²⁶² Only four of seven prewar health-training institutions are currently functional.²⁶³ While training is available for doctors, nurses, midwives, physicians’ assistants, pharmacists, environmental health inspectors and laboratory technicians, the schools’ output is too low to meet current health care staffing needs. For example, the two institutions that train midwives have a combined average of graduating 100 midwives per year for the past five years.²⁶⁴ This number is far too low to meet the immediate and long-term staffing requirements of the country.²⁶⁵

Moreover, all of these training institutions lack resources in the form of supplies and funding. The “[c]urricula are outdated, curative oriented, and do not adequately reflect current health and social welfare realities.”²⁶⁶ Further, none of the four health-training institutions has been accredited since the mid-1980s, and all of the schools suffer from a lack of teaching materials.²⁶⁷ The Liberian government notes that many health care workers hold substandard qualifications.²⁶⁸

4. The Threat of Losing NGO Support

Delivery of health care services and the majority of the progress that has been made in health care in the past few years has been highly dependent on international non-governmental organizations (NGOs), a resource the country is now at risk of losing.²⁶⁹ Currently, more than 70 percent of health facilities in Liberia rely on NGO support.²⁷⁰ These NGOs provide medical personnel, equipment, drugs, and physical facilities. Médecins Sans Frontières estimates that its two clinics on Bushrod Island alone handle 20,000 medical consultations each month and treat approximately 13,000 patients each month.²⁷¹ In 2006, 55 percent of the public hospital beds and 80 percent of the public pediatric beds in Monrovia were provided by Médecins Sans Frontières.²⁷²

Many of the emergency NGOs are expected to conclude or reduce their support in Liberia during 2007 because they only provide assistance in official states of “humanitarian crisis.”²⁷³ Their departure will leave the people of Liberia with even less access to health facilities, drugs, and competent medical personnel. The United Nations has stated that a projected transitional gap will result from the withdrawal of the NGOs, raising “a serious concern across the humanitarian spectrum”²⁷⁴ that could likely impact two-thirds of the Liberian population.²⁷⁵ MSF has stated that it will scale back its efforts in Liberia, but unlike other agencies, has made the “unusual” decision to continue doing some work in Liberia because it does “not believe that patients who currently rely on the care from MSF-supported health facilities will be able to find decent and accessible alternatives, even at a minimal level, once we leave.”²⁷⁶

Although the Liberian government is mapping the transitional gaps,²⁷⁷ it has a limited ability to prevent these gaps from occurring. In a 2007 report, the United Nations stated repeatedly that the government is not able to fill in the gaps that will be left when NGOs close their operations in Liberia. The government has been struggling with a lack of funding as well as the already inadequate state of health services, which “may have severe implications on already high levels of morbidity and mortality.”²⁷⁸ The Minister of Health and Social Welfare is pleading with donors and NGOs “to maintain an active and engaging role in the Liberian health sector at least until December 2008 ... to assist in reforming and growing the capacity of the Liberian healthcare delivery system.”²⁷⁹ A 2006 UNICEF investment case simulation on Liberia examined the state of health care and said that “given the very low health system functioning in Liberia, the impact of maintaining the current coverage is not very different from that of a worst case scenario of less than 10% coverage.”²⁸⁰

The Liberian government has very limited resources to dedicate to health care. The entire country’s fiscal budget proposal is \$183 million for FY2007/2008, with only \$13.9 million²⁸¹ apportioned to the health system. Given the government’s limited resources, the United Nations predicts that “it will be a long time before the Government can provide basic social services for all.”²⁸²

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

with the government. In 2006, the health cluster was only successful in raising thirteen percent of the total health funds that it requested to meet its goals.²⁸³ Because of this lack of funds, most of the health needs of the country went unaided.²⁸⁴ It is expected that the amount of funds that will be raised this year will be even smaller as some NGOs begin to leave the country.

5. Fraud and Corruption

In addition to facing a lack of medical personnel, a patient in Liberia also faces the threat that the person administering care is not actually a licensed doctor. The region has had people fraudulently posing as doctors, nurses, and physical assistants. For example, one of the first sites a person will find with an Internet search on Liberia medical schools is the website for the St. Luke School of Medicine in Liberia. However, in 2005 the Minister of Health, Dr. Benson Barh, announced that the St. Luke School of Medicine in Liberia was not actually an existing or accredited medical school, even though the school had been “clandestinely issuing diplomas and medical degrees to Liberians and other foreign nationals to form part of the medical labor force.”²⁸⁵

E. Education

President Johnson Sirleaf has emphasized the importance of educating Liberia’s children, but the education system in Liberia continues to struggle in the aftermath of the war, which caused destruction or severe damage to more than 75 percent of the educational infrastructure of the country.²⁸⁶ About 50 percent of the schools were destroyed.²⁸⁷ During the war, displaced Liberians burned school furniture, doors, and window frames for cooking fuel.²⁸⁸ Some school buildings were used as military warehouses and war rooms.²⁸⁹ The poor access and quality of education is reflected in the illiteracy rate in Liberia, estimated by the UN Development Programme in 2006 to be between 70 and 80 percent.²⁹⁰

The percentage of children enrolled in primary and secondary school in Liberia is alarmingly low. A 2004 report indicated that the percentage of students starting first grade and reaching fifth grade was 34.6 for boys and 26.6 for girls.²⁹¹ A recent census in Liberia found that the majority of students in first grade were “over age;” some students in the first grade were as old as twenty.²⁹² Children, especially girls, are kept at home to help with household chores or to care for children. Some parents are still hesitant to send their children to school for security reasons, as schools were frequent targets by groups hostile to the government during the civil conflict.²⁹³ Sexual violence is also a concern for girls attending school, particularly when there are no private bathrooms for them to use.²⁹⁴

Enrollment in schools is increasing—the Liberian government recently made public primary education compulsory and free for all children, and made proposals for low-cost secondary education.²⁹⁵ Estimates from earlier this year suggest that 400,000-500,000 students were enrolled in primary schools, compared to 95,000 prior to 2006.²⁹⁶ The government also is making strides in promoting girls’ education. With President Johnson Sirleaf specifically advocating for improvements, enrollment of girls increased by twenty-four percent between 2006 and 2007, according to one account.²⁹⁷ While a positive step toward improving the literacy rate and educational level of Liberians, rising enrollment is also straining already-limited resources. Classrooms are overcrowded; books and supplies are scarce.²⁹⁸ There also is a shortage of

trained and qualified teachers. Many Liberian teachers were killed or fled when the war began.²⁹⁹ As a result, it is estimated that approximately 65 percent of primary and secondary school students are currently being taught by unqualified teachers.³⁰⁰ About forty-one percent of teachers in Liberia have not even completed high school, according to a 2006 report.³⁰¹ Possibly contributing to the teacher shortage is low pay: “[t]he average Liberian public school teacher makes the equivalent of US \$36 per month or less.”³⁰²

Higher education has also suffered as a result of the civil war in Liberia. The University of Liberia (UL) is the only public university in the country (there also are some smaller, private universities).³⁰³ The University of Liberia is experiencing difficulties with finances; as a result of the conflict, UL now receives only thirty percent of its annual budget from the government.³⁰⁴ As with primary schools, the university also struggles to attract qualified faculty and administrators, as many left Liberia during the conflict and salaries are low.³⁰⁵ Despite these difficulties, enrollment at the University of Liberia has increased from 9,500 in 1989, before the war, to 15,000 students in 2006.³⁰⁶ The school had about 1,000 faculty and staff members in 2006.³⁰⁷

The government is putting significant efforts into improving the educational opportunities and school quality in Liberia. It has proposed a five-year plan for education recovery, and has increased the funding for education from US \$10.5 million in fiscal year 2006-2007 to a projected US \$15.2 million in fiscal year 2007-2008.³⁰⁸ Still, there already is an estimated funding shortfall of \$166 million necessary to implement the five-year plan,³⁰⁹ and the students still lack basic educational necessities such as classrooms and qualified teachers.

F. Security

1. Overview of the Security Situation in Liberia

Security sector reform in Liberia continues to present significant challenges post-civil war, as well. Since the August 2003 Comprehensive Peace Agreement, both the transitional government and the population have been deeply mistrustful of law enforcement and military officials.³¹⁰ Law enforcement and military officials were regarded with fear, rather than as a source of protection.³¹¹ UNMIL was formed on September 19, 2003³¹² and, from the end of the civil war, has been charged with helping to rebuild the infrastructure and ranks of the Liberian military and police forces, as well as reestablishing the trust among civilians and law enforcement officials that has been lacking. While UNMIL and the international community have made progress toward these goals, serious challenges remain in addressing the incidence of violent crime, including gender-related violence, armed robbery, human rights violations and the rehabilitation of ex-combatants.

2. Liberian National Police

The main focus of UNMIL’s mandate is to reform the Liberian National Police (LNP). The National Police Academy was reopened on July 12, 2004.³¹³ The United Nations Civil Police (CivPol) Training and Development Unit assisted in the creation of the Police Service Training Program for new recruits, retaining of existing officers, and in specialized training.³¹⁴ All candidates for the new LNP force must attend the Academy, and candidates come from both

within and outside the former LNP.³¹⁵ According to the Fourteenth Progress Report submitted to the Secretary-General, UNMIL is stepping up recruiting efforts in order for the LNP to achieve the stated goal of reaching full strength, with a goal of 3,500 officers.³¹⁶ As of March 2007, 2,610 LNP were trained and deployed; an additional 736 police recruits were receiving field training.³¹⁷ The Administration and Professional Standard/Law Enforcement Agencies within CivPol are responsible for the restructuring of the LNP, the Bureau of Immigration and Naturalization, National Port Authority, the airports and other statutory security units.³¹⁸ The Operations Section of CivPol supports the LNP in securing a crime-free environment through Joint Task Force Patrols with CivPol and LNP personnel and providing communication and crime analysis (including traffic analysis) support.³¹⁹

While the LNP is being revamped, Liberian citizens have relied largely on CivPol's 1,240 officers for security.³²⁰ An example of the growing pains experienced by Liberia's security sector reform occurred recently in July 2007, when LNP officers clashed with rival seaport officers, who are responsible for guarding the main port in Monrovia. The LNP forces were responding to allegations that the seaport officers were stealing fuel.³²¹ During the clash, LNP director, Beatrice Munah Sieh, was taken hostage by the seaport officers. When LNP reinforcements arrived, they began attacking port workers and smashing doors.³²² The fighting between the two forces abated only when CivPol was called in to quell the violence.³²³

Although the number of LNP officers is growing, their effectiveness continues to be hampered by a lack of basic equipment, including vehicles, handcuffs, and firearms. In addition, LNP officers were not allowed to carry firearms before last year, when the UN Liberia Arms Embargo was amended to permit the purchase and use of firearms by LNP and military personnel.³²⁴ Only recently, the Inspector General of the LNP stated that the force had received sufficient ammunition, an important resource in fighting armed robbery and other crimes.³²⁵

In the interior of the country, the LNP's effectiveness is hampered by the small number of officers deployed there, as well as the lack of basic infrastructure and police equipment, including vehicles and communication devices, and poor logistic and transport facilities.³²⁶ For example, seven of eight LNP officers deployed to River Cess County abandoned their posts, complaining of lack of accommodation and facilities.³²⁷ By July 2006, there were only five LNP officers in River Cess County, but two were under the supervision of the County Superintendent and unavailable for regular police duties.³²⁸ As of December 2006, the 100,000 residents of Maryland County, in the Southeast, were served by just 23 policemen, of whom only 16 have had formal training.³²⁹

These circumstances have encouraged the population in rural areas of Liberia to engage in illegal vigilante activities and rely on traditional forms of justice, such as trial by ordeal, in order to combat criminal activity and settle disputes.³³⁰ The victims of these practices are at great risk of serious human rights abuses, including physical and sexual assault and extra-judicial killings.³³¹ In addition, the trial by ordeal process is often used for subversive ends, such as a means of consolidating power over the community and extorting money from victims.³³² The lack of basic infrastructure and equipment will continue to hamper policing efforts not only in Monrovia, but throughout the interior parts of the country.

One of the major criticisms of the police reform program has been that the new LNP is comprised of individuals who served in previous regimes.³³³ In an attempt to avoid engaging war criminals in the LNP and the Armed Forces of Liberia (AFL), CivPol investigates the background of each LNP recruit, but this vetting process itself has limited effect. The vetting process is performed by the United Nations International Police Service in cooperation with the Ministry of Justice and with support from the UNMIL Human Rights and Protection Section. The first step of the screening process involves determining whether the individual has any record of criminal activity or internal disciplinary concerns by submitting the names for review to the Ministry of Justice.³³⁴ Second, checks are made with the Special Court for Sierra Leone and other groups in the international community regarding charges or accusations of war crimes or human rights violations.³³⁵ Finally, the Liberian public's input is solicited on each candidate.³³⁶ CivPol usually publishes the names of the recruits in Monrovia newspapers, with requests for citizens to come forward with information on anyone who committed crimes during the civil war.³³⁷ This vetting process is limited, however, by the lack of reliable documentation in identifying ex-combatants and the low literacy rate among the Liberian population (which makes the publication of names ineffective in identifying ex-combatants).³³⁸

Lastly, there is a major concern that LNP officers have been committing gross human rights violations through torture, arbitrary arrests and killings, and the use of official power for private gain, often with impunity.³³⁹ For instance, in Grand Kru County, a man was allegedly assaulted by Barclayville police while in custody. The victim claimed he was arrested and held in custody on July 28, 2006.³⁴⁰ The following morning he was taken from his cell by the LNP Commander and another officer and then whipped repeatedly by both men.³⁴¹ An investigation by an UNMIL Human Rights Officer (HRO) found that the complainant suffered from a number of injuries and was bed-ridden.³⁴² The LNP commander subsequently left Barclayville and had not returned by the end of October 2006, when UNMIL issued its report about the incident.³⁴³

The LNP has also been found to be negligent in preventing violent acts committed by people in custody against other detainees. On September 29, 2006, inmates of the Tubmanburg detention facility, Bomi County, repeatedly assaulted a new detainee and stripped him of his clothes.³⁴⁴ The assault and shouting could be heard outside the police building, where Human Rights Officers were standing with an LNP officer. However, the LNP failed to take any steps to stop the assault before the Human Rights Officers requested him to do so.³⁴⁵ Human Rights Officers reported that inmates had their own rules in the cell and that the LNP officers were aware of this.³⁴⁶ The LNP officers claimed that the overcrowding of the holding cells left them powerless to prevent the unruly behavior.³⁴⁷ Overall, the reports of human rights violations committed by the LNP do not appear to be isolated incidents. The Liberian newspaper, the *Analyst*, describes the LNP as "relying more on brute force than on the persuasive power of the law."³⁴⁸ In order to build trust among the Liberian citizens and the LNP, which is major piece of UNMIL's reform of the security sector, the LNP must be seen as upholding and respecting the rule of law.

3. The Role of Ex-Combatants

One of the greatest challenges to security sector reform in Liberia has been the rehabilitation of young ex-combatants. Half of Liberia's population is under 30 years of age, and many have experienced or directly participated in brutality of the civil war. With this

demographic structure, and given the widespread deprivation and lack of economic opportunities, youth provide a readily-available pool of recruits for resistance movements, gangs, and other potential threats to the stability of the government and security of the population.

Programs are in place to address the potential threat of ex-combatants, but delays in implementation have hampered their effectiveness. Beginning in December 2003, UNMIL implemented the Disarmament, Demobilization, Reintegration, and Rehabilitation (DDRR) program.³⁴⁹ In the first phase of the program, UNMIL peacekeepers were successful in disarming 13,490 ex-combatants and collecting 8,679 weapons, 2,650 unexploded ordnance, and 2,717,668 rounds of small arms ammunition.³⁵⁰ The next two phases of the program currently being implemented focus on enlisting ex-combatants in formal education programs and other vocational skills programs.³⁵¹ As of March 1, 2007, 75,000 out of 101,874 demobilized ex-combatants either completed, were participating in, or were registered for reintegration programs.³⁵² However, about 23,000 ex-combatants were still waiting to be provided with reintegration opportunities.³⁵³ Participation in the program and reintegration has been delayed because of a shortage of international funding for these programs. And the effectiveness of the DDRR program has been limited by stagnant economic conditions, which have limited job opportunities for these ex-combatants who have received formal training. Many turn to criminal activities in order to survive.

One example of the potential threat of ex-combatants has been the recent crime wave plaguing Monrovia. According to the Ministry of Justice, daily acts of banditry and lawlessness, including killings and armed robberies, have overwhelmed the police.³⁵⁴ One of the gangs responsible for the crime wave is a group of ex-combatants armed with guns, cutlasses, and machetes, known as the “Issaka Boys.”³⁵⁵ The acts committed by the “Issaka Boys” are reminiscent of the violence endured during the civil war. In September 2006, a chopped corpse lying in a pool of blood was found in Monrovia’s city center.³⁵⁶ In another instance, a man returning to Monrovia from rural Liberia was slashed several times after refusing to give up his money and belongings, leaving him bleeding profusely.³⁵⁷ Both acts were attributed to the Issaka Boys.

The crime situation has become so unstable that the Ministry of Justice acknowledged that the LNP could not control the gang activity and encouraged communities to organize vigilante groups in order to combat the rising crime wave.³⁵⁸ In response, President Johnson Sirleaf implemented “Operation Sweeping Wave” in an effort to stem the rise in criminal activity, especially armed robbery and rape. Operation Sweeping Wave involved increased patrols in high crime areas, joint LNP-CivPol day and night foot patrols throughout Monrovia, and joint cordon and search operations of vehicles to recover firearms.³⁵⁹ While this has helped reduce the number of violent crimes within Monrovia, crime remains a serious concern for Liberian citizens.³⁶⁰ In an effort to reassure the citizens of Monrovia, the head of UNMIL, Alan Doss, joined the joint LNP-CivPol forces on a night patrol through some of Monrovia’s neighborhoods to discuss the state of security with the residents.³⁶¹

Ex-combatants have also created disruption outside of Monrovia, particularly in the government-owned rubber plantations. Ex-combatants, claiming that they had not received promised compensation from the UN after the Comprehensive Peace Agreement, began squatting at the Guthrie and Sinoe rubber plantations.³⁶² In a report from January 2006, UNMIL

stated that citizens in both of these plantations were vulnerable to abuse by the ex-combatants, partly due to a lack of state authority.³⁶³ The ex-combatants effectively ruled the area, illegally tapping rubber and damaging the environment, extorting money from merchants and transporters, and robbing citizens at will.³⁶⁴ The persistent theft of rubber caused Firestone to threaten to pull out of Liberia.³⁶⁵ In August 2006, a joint LNP-UN Rubber Task Force was created to retake the rubber plantations.³⁶⁶ LNP officers are now patrolling the rubber plantations in order to maintain law and order. But it is apparent that in both Monrovia and the rural parts of Liberia, the high incidence of crime will not substantially improve until economic opportunities become more readily available. Given the correlation between the lack of economic opportunity and the incidence of crime, Liberians returning from the United States, who have more economic resources than the average Liberian citizen, will likely become targets of crime.³⁶⁷

4. Gender-Related Violence

During the civil war, rape and other forms of sexual violence became endemic in Liberia. Following the signing of the Comprehensive Peace Agreement in August 2003, the incidence of sexual violence *increased* and spread to previously unaffected parts of the country.³⁶⁸ An initial study of sexual and gender based violence during the conflict was performed in 2004 by the UNDP and non-governmental organizations (NGOs) with the National Human Rights Center of Liberia.³⁶⁹ The study found that from December 1989 to August 2003, between 60 and 70 percent of the population (including men and boys) had suffered some form of sexual violence.³⁷⁰ These statistics are corroborated by findings of other NGOs. For instance, a survey conducted by the International Rescue Committee found that approximately 75 percent of the female Liberian refugees in Sierra Leone had suffered some form of sexual violence, including rape, sexual harassment, and being stripped, before being displaced from their homes in Liberia.³⁷¹ Most of the sexual violence was perpetrated by armed combatants, and in a majority of cases, the perpetrator was unknown to the victim.³⁷²

During her presidential campaign, President Ellen Johnson Sirleaf promised to address the problem of rape and sexual violence.³⁷³ With her support, the Rape Amendment Act came into force in January 2007.³⁷⁴ The Act provides a clearer and broader definition of rape than the previous Liberian laws concerning sex crimes, putting the law in line with international standards.³⁷⁵ It also imposes heavier penalties for the rape of children, gang rape, and rape involving a threat with a deadly weapon.³⁷⁶ Thus, any sexual penetration by an adult of a person below 18 years of age is considered first degree rape punishable by a minimum penalty of ten years and a maximum penalty of life imprisonment.³⁷⁷ Gang-rape and rape committed with a particularly serious level of violence or with a threat of violence also fall under first degree rape.³⁷⁸ All other forms of rape are categorized as second degree rape and are punishable by seven years in prison.³⁷⁹

Despite the hope the Rape Amendment Act represents, it has made only a small impact in stemming the high incidence of sexual violence in Liberia. In the first six months that the Act was in force, only one accused rapist was convicted of an offense under the Act.³⁸⁰ Several factors have contributed to the lack of the Act's effectiveness. First, the relevant provisions of the Act have not been uniformly applied by magistrates and judges trying rape cases. For example, under the new Act, suspects of first degree rape are not entitled to bail unless the prosecutor is unable to show that "the proof is evident or the assumption great that he is guilty of

the offenses.”³⁸¹ However, rape suspects have regularly been released on bail even where there is significant evidence of guilt. Second, the LNP officers have been reluctant to investigate rape cases and have failed to charge suspects appropriately.³⁸² This can be attributed to the lack of training of the LNP regarding the new Act, the lack of personnel and logistical resources, and/or the prevalence of misunderstanding of the seriousness of rape and other sexual assault crimes.³⁸³ Finally, private settlement of sexual assault cases continues to be the most common way Liberians deal with such crimes.³⁸⁴ By allowing the perpetrator to buy his way out of trouble, private settlement may encourage impunity for rape. Overall, sexual gender based violence remains a significant challenge to the rule of law and the protection of fundamental human rights in Liberia.

G. Current State of the Justice System in Liberia

Although the institutions are in place to accommodate an effective justice system in Liberia, the reality is that the justice system is functioning so poorly that criminals are rarely prosecuted and businesses are forced “to shun the courts and turn to politicians and other traditional fixers.”³⁸⁵ The American Bar Association recently recognized that the destruction of the Liberian justice system during the years of war “will take decades to repair.”³⁸⁶

1. Legal Training

The lack of legal training has limited the number of legal professionals available to enforce the rule of law,³⁸⁷ and many individuals employed by the court lack the training necessary to implement an effective justice system.³⁸⁸ The only law school in Liberia is the Louis Arthur Grimes School of Law in Monrovia. In 2005, it graduated 60 new lawyers—twice the number of lawyers working in the country at that time.³⁸⁹ Until recently, the building that houses the law school had a damaged roof, ceiling and floor, and lacked windows.³⁹⁰

While the school is operating and graduating lawyers, the lack of qualified prosecutors and defense lawyers remains a pressing concern and one that may not have an immediate solution.³⁹¹ Overall, there were only 15 prosecutors and 19 public defenders in the entire country at the end of 2006.³⁹² In a recent report, the International Crisis Group toured five counties and “failed to find a single public defender or prosecutor in a courthouse during normal working hours.”³⁹³ In the capital, the government recently established a public defender’s office in an attempt to address the severe shortage of attorneys who are able to try cases.³⁹⁴ NGOs are also providing resources for legal aid clinics. Still, there also is a disturbing shortage of private attorneys practicing law in the counties as of November 2006. In Sinoe County, the only private lawyer was more than 80 years old and his ill health prevented him from trying cases.³⁹⁵

Judges and Justices of the Peace, even those who are present in their courtrooms, are ill-trained to handle the responsibilities of their positions. The International Crisis Group estimates that anywhere from fifty to seventy-five percent of JPs are illiterate.³⁹⁶ This makes it impossible for them to effectively carry out their duties. The situation is not much better in the magistrate courts, where only three of the 130 magistrates had law degrees, according to the April 2006 International Crisis Group’s report, even though a law degree is a requirement of the position.³⁹⁷ As a result, “magistrates often run courts that have only an improvised, uneven relationship with statutory law norms.”³⁹⁸ The lack of training in the judiciary, especially in the lower courts

where average Liberians come into contact the most with the formal justice system, creates an unstable, unpredictable, and poorly run system that fuels the growth of the customary law systems and destroys the public's confidence in the Judiciary.

2. Infrastructure

The lack of facilities and supplies available to the Judiciary also contribute to its ineffectiveness.³⁹⁹ JPs commonly use their own homes as courthouses and detention centers to hold prisoners even though they have no authority to do so.⁴⁰⁰ Magistrates often are compelled to use their own homes or private houses that are rented by the government as courthouses.⁴⁰¹

Magistrates also lack access to legal texts⁴⁰² and record-keeping equipment. As a result, in many cases, there are no records of case proceedings kept at all.⁴⁰³ Aid agencies are trying to ensure that, at a minimum, each courthouse has a typewriter (computers would not be practical because many of the courthouses lack electricity).⁴⁰⁴ Some magistrates try to keep records by long-hand, but this leads to inaccuracies and delays in adjudicating cases.⁴⁰⁵

The courts also lack vehicles to transport prisoners from the detention centers to the courthouses.⁴⁰⁶ In Kakata, the court bailiff simply encourages the prisoners not to escape during the thirty minute walk to the courthouse without handcuffs.⁴⁰⁷

The situation in the circuit courts is not much better. In some cases, the circuit courts are not even functioning because no physical courthouse exists.⁴⁰⁸ In rural counties where this is the case, trial by ordeal and other traditional forms of justice fill the vacuum of judicial power, often to the detriment of human rights.⁴⁰⁹ Many judges have had to spend their own money on desk chairs and office supplies while some of the courthouses lack windows and doors.⁴¹⁰ The record-keeping capabilities are so poor in many of the circuit courts that NGOs have trouble calculating how many cases are being heard and whether convictions result. Even where the infrastructure is in place in terms of facilities and record-keeping capabilities, “[s]ome Circuit Courts did not conduct a single trial during the November [2006] Term,” according to UNMIL.⁴¹¹

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

The Temple of Justice in Monrovia is fatigued and decayed. Its judges and clerks pooled their money to buy necessities such as desks and chairs but the court remains shockingly unbecoming of the central seat of justice. The unsightly building smells of urine and is peppered with peeling paint, cracked windows, and broken furniture.⁴¹²

3. Corruption

Corruption is a problem in all levels of government, including the Judiciary.⁴¹³ JPs are known for being “notoriously corrupt” and charging fines in excess of those allowed by law.⁴¹⁴ JPs regularly hear criminal cases that are outside their jurisdiction by treating them as civil cases and handing out fines.⁴¹⁵ In many cases, defendants are presented with the option of paying a large fine directly to the JP or spending time in jail.⁴¹⁶ The Crisis Group interviewed a circuit court judge who called JPs “A law unto themselves.”⁴¹⁷ A central reason for the level of

corruption is that the JPs are not on the judicial payroll, and as a result must charge large fees and fines to attempt to make a living.⁴¹⁸

Unlike JPs, magistrates are on the judicial payroll, but their salaries are so low that they, too, often use their position to extort large fines. In order to collect their \$22 monthly salary, the magistrates must travel to Monrovia (often long distances) on damaged roads, creating an incentive for them to “implement ad hoc court fees to supplement their income.”⁴¹⁹ UNMIL’s May 2007 report cites multiple instances where a magistrate extorted illegal bribes out of prisoners in exchange for their release; the magistrate took the money but did not release the prisoners.⁴²⁰ In one case, the magistrate at Bondiway Magistrates’ court was giving prisoners sentenced to one month imprisonment the option of paying a fine of \$500 for their release.⁴²¹ These practices appear to be the norm, rather than the exception, owing in part to a lack of oversight by the circuit courts who are charged with the task.⁴²²

At the circuit court level, many of the judges are simply absent from their courtrooms.⁴²³ Many circuit court judges accept their positions and collect their salaries, but stay in Monrovia and rarely set foot in their courtrooms.⁴²⁴ Ironically, the judges who remain in Monrovia rather than working are able to collect their salaries, while judges actually working in more distant counties often are not, because they must travel to Monrovia to do so.⁴²⁵ As of July 2006, circuit courts in five counties were not operating.⁴²⁶ The May 2007 UN report confirmed that the Lofa Country Circuit Court judge left for Monrovia shortly after the term began, and the court did not hear a single case.⁴²⁷ There is so much corruption and “[t]he repercussions of non-functioning circuit courts are so harsh” that the International Crisis Group has called for the Liberian government to force the resignations of circuit judges who have physical structures in which to work but refuse to do so.⁴²⁸ It has also been suggested that the chief justice of the Supreme Court should make random appearances at circuit courts to see if the judges are present.⁴²⁹ Because circuit courts have original jurisdiction over the most serious offenses, when they do not function, murderers and rapists are set free.⁴³⁰ Recently in Gbarpolu Count Circuit Court, there were ten cases pending for the November Term, three of which alleged murder and three of which alleged rape; none of the ten cases were heard.⁴³¹ Even where Court personnel are present and willing to work, the government has been late in paying some of their salaries.⁴³²

Historically, the Judiciary has been under the control of the Executive Branch even though the Constitution designed it to be an independent branch of government.⁴³³ When Justices have shown signs of independence from the Executive Branch, it has traditionally been the case that the President had them removed using a power known as Joint Resolution.⁴³⁴ Recent events have produced optimism that the judiciary can become an independent branch.⁴³⁵ Still, some observers have expressed concern about the operation of the Liberian Supreme Court. One area of concern is that Kabineh Ja’neh was named an associate Justice to the Supreme Court despite the fact that he is a former political leader of the armed group Liberians United for Reconciliation and Development.⁴³⁶ On a positive note, on January 29, 2007, the Supreme Court showed signs of independence when it ruled that the House of Representatives acted unconstitutionally in passing a resolution to remove the speaker of the House, Mr. Edwim Snowe.⁴³⁷ It has proved difficult to reign in the lower courts where there is still widespread corruption: “Although corruption tends to be most entrenched at the JP level, it pervades all ranks of the justice system.”⁴³⁸

4. Funding

The lack of funds devoted to the judiciary contribute to the current struggles of the justice system, including the infrastructure and corruption problems discussed above.⁴³⁹ At the lower levels of the courts, corruption is due in large part to the meager salaries paid to JPs and magistrates.⁴⁴⁰ As noted above, magistrates' salaries are so low that for some magistrates assigned to counties far from Monrovia, this trip would cost more than the amount they receive in compensation.⁴⁴¹ This environment breeds corruption and allows people with money to act with impunity.⁴⁴²

Also, as discussed above, the government does not even have the funds to purchase vehicles to transport people from the jails to the courtrooms.⁴⁴³ Courthouse employees have had to purchase their own supplies; there are no computers with which to keep court records, and the government cannot even provide the funding to purchase typewriters for courts.⁴⁴⁴ There also are not enough funds to hire prosecutors to work for the counties, so many times there is no one to try cases.⁴⁴⁵ In the 2006-2007 budget, the government planned to spend L\$6,700,000, or 5.16 percent of the budget on the judiciary.⁴⁴⁶ Because there is so much that needs to be fixed, it will take years of strong financial support from the government (and donors) before the judicial system ceases to be plagued by chronic difficulties.⁴⁴⁷

5. Gender and the Courts

The justice system is failing in its mandate to protect the rights of all Liberians, and women and girls have been particularly neglected.⁴⁴⁸ This is not a new phenomenon; throughout Liberia's history, women have had a difficult time securing justice through the country's court system, whether for rape or domestic issues.⁴⁴⁹ During the civil war, violence against women was rampant, and it has continued to be a problem since the end of the war. In many cases, women feel that recourse to customary law courts is their only option. However, the customary law courts do not have a strong record of treating cases of violence against women seriously.⁴⁵⁰ "[T]hat [rape cases] rarely are publicly adjudicated strengthens the belief they are not real crimes."⁴⁵¹ Often, rape is not reported because of the social stigma that attaches to a victim of rape.⁴⁵²

The recently-passed Rape Amendment Act⁴⁵³ "was not fully implemented between November 2006 and January 2007, resulting in human rights violations and continuing impunity for rape. Sexual and gender-based violence, particularly rape of children, remained a significant challenge to the rule of law and the protection of fundamental human rights."⁴⁵⁴ Where people have been convicted of rape, only "minimum sentences were handed down."⁴⁵⁵ In Bong County, many suspected rapists were released on bail because the cells were full and the detention facility was not operational after a prison riot.⁴⁵⁶ During the August 2006 Term of Court, there were no rape cases indicted in six counties.⁴⁵⁷ In two cases of gang-rape, one in Bong County and one in Lofa County, the suspects were still free and the courts had not handled the charges in accordance with the law, according to the May 2007 UNMIL Quarterly Report.⁴⁵⁸ The customary law system most often deals with domestic violence and family issues affecting women, but it is run by men, which is a concern among people advocating for women's rights.⁴⁵⁹ When rape cases are handled outside the statutory law system, the end result can be a monetary settlement between the woman's family and the assailant.⁴⁶⁰ The situation pertaining to gender

violence has gotten so desperate that the UN has advocated that the ministry of justice create a circuit court in Montserrado county that deals specifically with gender violence.⁴⁶¹ In sum, the justice system in Liberia is failing women to even a greater degree than it is men.

6. Non-Government Sponsored Customary Law

Because the statutory system is failing Liberians, many are turning to the customary law system, and there are numerous people enforcing customary law who are not overseen or licensed by the executive government.⁴⁶² These people often engage in dangerous practices such as trial by ordeal, despite denunciations of such proceedings by the justice department.⁴⁶³ Trial by ordeal is characterized by subjecting the accused to severe pain; often this involves placing a hot knife on the accused person's skin.⁴⁶⁴ If the wound festers, then the person is thought to be guilty.⁴⁶⁵

The Justice Department recently renounced trial by ordeal, but this is in juxtaposition to the Executive's Branch's endorsement of the practice (as long as the life of the individual is not in danger and the poisonous sassywood bark is not used).⁴⁶⁶ Further complicating matters, as of April 2006, "the ministry of internal affairs, in violation of the constitution and a judicial mandate, was licensing 'ordeal doctors' to perform these rituals."⁴⁶⁷ At the beginning of 2007, the Ministry of Post and Telecommunications reported that it used trial by ordeal to identify the culprit following a mail theft at the Minister's office.⁴⁶⁸

H. Prisons

Liberia is facing a shortage in available prison space and the prisons that are functioning fail to meet minimum human rights standards.⁴⁶⁹ This is highlighted in Monrovia where the Monrovia Central Prison was, according to the latest reports filed in November of 2006, filled to more than three times its operational capacity.⁴⁷⁰ More than 90 percent of the prisoners there were being held in pre-trial detention.⁴⁷¹ This contributed to a mass escape from the prison that took place on November 26, 2006.⁴⁷² Fifty-seven prisoners were able to escape after 150 of them tried to break through the compound gate.⁴⁷³ On October 17, 2006 at the Buchanan Central Prison, 31 of the 37 inmates escaped and all remained at large as of February 2007.⁴⁷⁴ In September, two rape suspects escaped from the Tubmanberg Detention Facility alone.⁴⁷⁵

Many counties do not even have legal detention facilities.⁴⁷⁶ For example, in Gbarpolu County, there was no detention facility in existence at the end of January 2007.⁴⁷⁷ Many counties have turned to using private buildings, contributing to the failure of the prison system to respect the basic human rights standards all detention centers worldwide are supposed to meet. The situation is so dire in some counties that suspects had to be released on bail because there were no prisons to hold them in.⁴⁷⁸

Because the judiciary fails to hear cases in a timely manner or observe the 48 hour limit on detention without charging the suspect, a high percentage of the inmates in Liberian prisons are in pre-trial detention.⁴⁷⁹ On August 31, 2006, UNMIL observed that the 21 inmates at the Tubmanberg detention facility were all being held in pre-trial detention.⁴⁸⁰ One reason cited for the prevalence of prison riots is the lengthy pre-trial detention.⁴⁸¹

Even where there are detention facilities and they aren't overcrowded, they often fail to observe basic human rights standards.⁴⁸² There was no juvenile detention facility in Liberia as of the beginning of 2007, and juveniles often share cells with adults.⁴⁸³ According to the U.S. State Department, "Men and women were held together in some counties or cities with only one prison cell."⁴⁸⁴ In the Tubmanberg detention facility, the one female detainee of the 39 prisoners was allowed to go home for the night because the facility was so overcrowded there was no way to leave an entire cell for her.⁴⁸⁵ In 2006, the UN found that no detention facility had adequate bedding, including mattresses or floor mats and sheets.⁴⁸⁶ Moreover, none of the prisons in Liberia has toilets inside the cell.⁴⁸⁷ The UN has reported that inmates must go without food for days at a time; the food for the prisons is provided by the World Food Programme, and that food is often misused or eaten by the prison guards before it can be given to the prisoners.⁴⁸⁸

The prisons also are understaffed, and the staff are undertrained. Often, where there are no authorized detention facilities, officials construct illegal holding cells that are understaffed by untrained personnel.⁴⁸⁹ In the recent prison break in Monrovia, discussed above, the lack of prison guards was a critical contributing factor.⁴⁹⁰ UNMIL recently trained 79 prison guards in an effort to combat the severe shortage of staff, but the government only had the funds to hire 25 of them.⁴⁹¹ In the Tubmanberg Prison in Bomi County, during the latest inspection, there were only two detention personnel on staff; they were both elderly and could not perform basic tasks such as escorting the detainees to fetch water.⁴⁹² At the Owensgrove Magistrate Court's holding cell, the warden abandoned his post after only a few weeks and an Owensgrove village resident with no training or experience was acting as the jailor.⁴⁹³ On June 15, 2006, at the LAC Magistrate's Court in Grand Bassa County, all the personnel left for Buchanan, abandoning the five detainees locked in their cells without food or drinking water.⁴⁹⁴ Between July 14 and July 28, 26 detainees were illegally released from the Saniquillie Central Prison in Nimba County; this included eight charged with rape, six charged with murder and three with aggravated assault.⁴⁹⁵ The working conditions for the prison guards that are hired are so poor that they are a factor in the occurrence of jailbreaks.⁴⁹⁶ An element of the poor working conditions is the inability of the government to pay prison personnel's salary on time.⁴⁹⁷ According to the UN, "[t]he retention of corrections personnel was a challenge during the reporting period due to low morale caused by interruptions in salary payments."⁴⁹⁸ For example, at Saniquillie Central Prison, employees threatened to resign after they had not received their salary payments in four months.⁴⁹⁹

V. CONCLUSION

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

ENDNOTES

- 1 Thanks to the following individuals for their significant contributions to this report: Ambrea Bigley, Eric Bjerke, Kari Bomash, Chester Choi, Erin Collins, Jeremy Earl, Lisa Ellingson, Mary Jansen, Mark Kalla, Valerie Mauler, Gabrielle Mead, Sanjay Nangia, Ann Seha, and Emily Willits.
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- 4 *Id.*
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- 6 *Id.*
- 7 *Id.*
- 8 *Id.*; *see also* U.S. CENTRAL INTELLIGENCE AGENCY, THE WORLD FACTBOOK: LIBERIA, <https://www.cia.gov/library/publications/the-world-factbook/geos/li.html#Govt> (last visited July 28, 2007).
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United Nations Mission in Liberia [UNMIL], *Quarterly Report on the Human Rights Situation in Liberia May 2006 – July 2006* 13 (October 2006), <http://unmil.org/documents/hrreportmayjune2006.pdf>.

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Id. at 12.

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United Nations Mission in Liberia [UNMIL], *Quarterly Report on the Human Rights Situation in Liberia August 2006 – October 2006* 6 (February 2007), http://unmil.org/documents/hr_report_aug_oct_2006_1.pdf.

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Id. at 2; United Nations Mission in Liberia [UNMIL], *Quarterly Report on the Human Rights Situation in Liberia May 2006 – July 2006* 4 (October 2006), <http://unmil.org/documents/hrreportmayjune2006.pdf> (“Impunity for crimes and human rights abuses is the single greatest challenge to human rights enjoyment [in Liberia].”).

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United Nations Mission in Liberia [UNMIL], *Quarterly Report on the Human Rights Situation in Liberia May 2006 – July 2006* 13 (October 2006), <http://unmil.org/documents/hrreportmayjune2006.pdf>; American Bar Association, Access to Justice, <http://www.abanet.org/aba-africa/projects/accessjustice.shtml#liberia> (last visited June 19, 2007).

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INTERNATIONAL CRISIS GROUP, LIBERIA: RESURRECTING THE JUSTICE SYSTEM 4 (2006), <http://www.unhcr.org/home/RSDCOI/4455fda84.pdf>; UNITED NATIONS MISSION IN LIBERIA [UNMIL], *Quarterly Report on the Human Rights Situation in Liberia May 2006 – July 2006* 35 (Oct. 2006), <http://unmil.org/documents/hrreportmayjune2006.pdf> (encouraging the government to ensure that judicial

officials receive the proper training); United Nations Mission in Liberia [UNMIL], *Quarterly Report on the Human Rights Situation in Liberia August 2006 – October 2006* 34 (February 2007), http://unmil.org/documents/hr_report_aug_oct_2006_1.pdf (There is no defense counsel assigned to River Cess County.).

386 AMERICAN BAR ASSOCIATION, ACCESS TO JUSTICE, <http://www.abanet.org/aba-africa/projects/accessjustice.shtml#Liberia> (last visited June 19, 2007).

387 United Nations Mission in Liberia [UNMIL], *Twelfth Progress Report of the Secretary-General on the United Nations Mission in Liberia* (September 12, 2006), <http://unmil.org/documents/sgreports/srep2006743.pdf>; United Nations Mission in Liberia [UNMIL], *Quarterly Report on the Human Rights Situation in Liberia May 2006 – July 2006* 35 (October 2006), <http://unmil.org/documents/hrreportmayjune2006.pdf> (UNMIL recommends that the government bring in judges and prosecutors from neighboring countries because there is such a lack of legal personnel.); *Quarterly Report on the Human Rights Situation in Liberia August 2006 – October 2006* 34 (February 2007), http://unmil.org/documents/hr_report_aug_oct_2006_1.pdf (There is no adequate training for Magistrates and judges.).

388 United Nations Mission in Liberia [UNMIL], *Quarterly Report on the Human Rights Situation in Liberia May 2006 – July 2006* 35 (October 2006), <http://unmil.org/documents/hrreportmayjune2006.pdf> (UNMIL recommends that the government bring in judges and prosecutors from neighboring countries because there is such a lack of legal personnel.); *Quarterly Report on the Human Rights Situation in Liberia August 2006 – October 2006* 34 (February 2007), http://unmil.org/documents/hr_report_aug_oct_2006_1.pdf (There is no adequate training for Magistrates and judges.).

389 Lauren Robel, Dean and Val Nolan Professor of Law, *Indiana Law Update* (Jan./Feb. 2006), <http://www.law.indiana.edu/publications/ilu/200602.html>.

390 American Bar Association Africa Law Initiative, Current Events/Update, Renovation of University of Liberia Arthur Grimes Law School (Dec. 2006), <http://www.abanet.org/aba-africa/eventsupdates.shtml>.

391 *See* United Nations Mission in Liberia [UNMIL], *Fourteenth Progress Report of the Secretary-General on the United Nations Mission in Liberia* 10 (2007), <http://unmil.org/documents/sgreports/14.pdf>; United Nations Mission in Liberia [UNMIL], *Thirteenth Progress Report of the Secretary-General on the United Nations Mission in Liberia* 8 (2006), <http://unmil.org/documents/sgreports/srep200613.pdf>; United Nations Mission in Liberia [UNMIL], *Quarterly Report on the Human Rights Situation in Liberia May 2006 – July 2006* 9 (October 2006), <http://unmil.org/documents/hrreportmayjune2006.pdf> (stating that there was an absence of lawyers in certain counties because they are not able to train enough to fill all the needed spots. In particular, cases listed for trial in River Cess County since last year were not heard in the May Term of Court because there is no prosecutor in the county; Maryland County also could not hear any cases because they lacked a prosecutor.); HUMAN RIGHTS WATCH, *WORLD REPORT 2007—LIBERIA* 2 (2007), <http://hrw.org/wr2k7/pdfs/liberia.pdf> (The judicial system has few prosecutors and public defenders.).

392 UNITED STATES DEPARTMENT OF STATE, COUNTRY REPORTS ON HUMAN RIGHTS PRACTICES (Mar. 6, 2007), <http://www.state.gov/g/drl/rls/hrrpt/2006/78742.htm>.

393 INTERNATIONAL CRISIS GROUP, *LIBERIA: RESURRECTING THE JUSTICE SYSTEM* 4 (2006), <http://www.unhcr.org/home/RSDCOI/4455fda84.pdf>.

394 UNITED STATES DEPARTMENT OF STATE, COUNTRY REPORTS ON HUMAN RIGHTS PRACTICES (Mar. 6, 2007), <http://www.state.gov/g/drl/rls/hrrpt/2006/78742.htm>.

395 United Nations Mission in Liberia [UNMIL], *Quarterly Report on the Human Rights Situation in Liberia August 2006 – October 2006* 26 (February 2007), http://unmil.org/documents/hr_report_aug_oct_2006_1.pdf.

396 INTERNATIONAL CRISIS GROUP, *LIBERIA: RESURRECTING THE JUSTICE SYSTEM* 4 (2006), <http://www.unhcr.org/home/RSDCOI/4455fda84.pdf>.

397 *Id.*

398 *Id.*

399 UNITED STATES DEPARTMENT OF STATE, COUNTRY REPORTS ON HUMAN RIGHTS PRACTICES (Mar. 6, 2007), <http://www.state.gov/g/drl/rls/hrrpt/2006/78742.htm> (noting that some judges were unable to hold court because of a lack of equipment).

400 INTERNATIONAL CRISIS GROUP, LIBERIA: RESURRECTING THE JUSTICE SYSTEM 3 (2006), <http://www.unhcr.org/home/RSDCOI/4455fda84.pdf>; United Nations Mission In Liberia [UNMIL], *Quarterly Report on the Human Rights Situation in Liberia August 2006 – October 2006* 28 (February 2007), http://unmil.org/documents/hr_report_aug_oct_2006_1.pdf (JP’s constructed their own holding cells; in Grand Bassa County, the JP constructed what he called an “overnight” cell for his court even though he only has authority to hold prisoners in authorized detention facilities.).

401 INTERNATIONAL CRISIS GROUP, LIBERIA: RESURRECTING THE JUSTICE SYSTEM 4 (2006), <http://www.unhcr.org/home/RSDCOI/4455fda84.pdf>; United Nations Mission in Liberia [UNMIL], *Quarterly Report on the Human Rights Situation in Liberia August 2006 – October 2006* 28 (February 2007), http://unmil.org/documents/hr_report_aug_oct_2006_1.pdf.

402 United Nations Mission in Liberia [UNMIL], *Quarterly Report on the Human Rights Situation in Liberia November 2006 – January 2007* 23 (May 2007), http://unmil.org/documents/humanrights_nov_jan_2007_report.pdf.

403 *Id.* at 38 (encouraging the government to ensure there are record-keeping supplies in all courtrooms and recommending that case management systems be implemented to ensure consistent record-keeping).

404 Darhiana Mateo, *Pro Bono Goes Global: A Look at Lawyers without Borders*, ABA SECTION OF BUSINESS LAW, Jan./Feb. 2006, <http://www.abanet.org/buslaw/blt/2006-01-02/mateo.html>.

405 INTERNATIONAL CRISIS GROUP, LIBERIA: RESURRECTING THE JUSTICE SYSTEM 4 (2006), <http://www.unhcr.org/home/RSDCOI/4455fda84.pdf>.

406 *Id.*; United Nations Mission in Liberia [UNMIL], *Quarterly Report on the Human Rights Situation in Liberia August 2006 – October 2006* 28 (February 2007), http://unmil.org/documents/hr_report_aug_oct_2006_1.pdf.

407 INTERNATIONAL CRISIS GROUP, LIBERIA: RESURRECTING THE JUSTICE SYSTEM 4 (2006), <http://www.unhcr.org/home/RSDCOI/4455fda84.pdf>.

408 United Nations Mission in Liberia [UNMIL], *Thirteenth Progress Report of the Secretary-General on the United Nations Mission in Liberia* 8 (2006), <http://unmil.org/documents/sreports/srep200613.pdf>.

409 *See generally* INTERNATIONAL CRISIS GROUP, LIBERIA: RESURRECTING THE JUSTICE SYSTEM 9 (2006), <http://www.unhcr.org/home/RSDCOI/4455fda84.pdf>.

410 *Id.* at 5.

411 United Nations Mission in Liberia [UNMIL], *Quarterly Report on the Human Rights Situation in Liberia November 2006 – January 2007* 1 (May 2007), http://unmil.org/documents/humanrights_nov_jan_2007_report.pdf.

412 INTERNATIONAL CRISIS GROUP, LIBERIA: RESURRECTING THE JUSTICE SYSTEM 17 (2006), <http://www.unhcr.org/home/RSDCOI/4455fda84.pdf>.

413 United Nations Mission in Liberia [UNMIL], *Quarterly Report on the Human Rights Situation in Liberia November 2006 – January 2007* 1 (May 2007), http://unmil.org/documents/humanrights_nov_jan_2007_report.pdf; United Nations Mission in Liberia [UNMIL], *Quarterly Report on the Human Rights Situation in Liberia August 2006 – October 2006* 23 (February 2007), http://unmil.org/documents/hr_report_aug_oct_2006_1.pdf; HUMAN RIGHTS WATCH, *WORLD REPORT 2007—LIBERIA* 2 (2007), <http://hrw.org/wr2k7/pdfs/liberia.pdf> (Reports of unprofessional and corrupt practices by judicial staff were frequent.); United Nations Mission in Liberia [UNMIL], *Quarterly Report on the Human Rights Situation in Liberia May 2006 – July 2006* 6 (October 2006), <http://unmil.org/documents/hrreportmayjune2006.pdf> (“The extremely serious problem of corruption in the

Liberian judicial system, in particular, remains an enormous challenge to the rule of law and thus to long-term peace and stability.”); UNITED STATES OF AMERICA STATE DEPARTMENT, COUNTRY REPORTS ON HUMAN RIGHTS PRACTICES (Mar. 6, 2007), <http://www.state.gov/g/drl/rls/hrrpt/2006/78742.htm> (“Corruption persisted in the judiciary.”).

414 INTERNATIONAL CRISIS GROUP, LIBERIA: RESURRECTING THE JUSTICE SYSTEM 3 (2006),
<http://www.unhcr.org/home/RSDCOI/4455fda84.pdf>.

415 *Id.*; see HUMAN RIGHTS WATCH, WORLD REPORT 2007—LIBERIA 2 (2007),
<http://hrw.org/wr2k7/pdfs/liberia.pdf> (Reports of unprofessional and corrupt practices by judicial staff were frequent; magistrates and local tribal courts often try, sentence, fine, and imprison people for criminal and civil matters that are outside their jurisdiction.).

416 INTERNATIONAL CRISIS GROUP, LIBERIA: RESURRECTING THE JUSTICE SYSTEM 3 (2006),
<http://www.unhcr.org/home/RSDCOI/4455fda84.pdf>.

417 *Id.*; see United Nations Mission in Liberia [UNMIL], *Quarterly Report on the Human Rights Situation in Liberia August 2006 – October 2006* 24 (February 2007),
http://unmil.org/documents/hr_report_aug_oct_2006_1.pdf (“[T]he absence of any regular oversight and accountability mechanism for the judiciary may have encouraged corruption.”).

418 INTERNATIONAL CRISIS GROUP, LIBERIA: RESURRECTING THE JUSTICE SYSTEM 4 (2006),
<http://www.unhcr.org/home/RSDCOI/4455fda84.pdf>.

419 *Id.*

420 United Nations Mission in Liberia[UNMIL], *Quarterly Report on the Human Rights Situation in Liberia November 2006 – January 2007* 18 (May 2007),
http://unmil.org/documents/humanrights_nov_jan_2007_report.pdf (stating that in one Magistrates’ Court, prisoners paid from L\$500 to L\$2,000 in attempts to secure their release.).

421 *Id.* at 19.

422 HUMAN RIGHTS WATCH, WORLD REPORT 2007—LIBERIA 2 (January 11, 2007),
<http://hrw.org/wr2k7/pdfs/liberia.pdf> (suspects are often released after the payment of a bribe); INTERNATIONAL CRISIS GROUP, LIBERIA: RESURRECTING THE JUSTICE SYSTEM 4 (April 6, 2006),
<http://www.crisisgroup.org/home/index.cfm?id=1237&l=1>; United Nations Mission in Liberia [UNMIL], *Quarterly Report on the Human Rights Situation in Liberia August 2006 – October 2006* 25 (February 2007), http://unmil.org/documents/hr_report_aug_oct_2006_1.pdf (Detainees paid the magistrate and LNP officer to secure their release from their holding cells); United Nations Mission in Liberia [UNMIL], *Quarterly Report on the Human Rights Situation in Liberia May 2006 – July 2006* 6-7 (October 2006), <http://unmil.org/documents/hrreportmayjune2006.pdf> (there are no reports made by the magistrates concerning the cases they hear or what fines they impose and collected; detainee in a suspected theft case claimed the magistrate requested that he pay L\$2,800 to be released.); United Nations Mission in Liberia [UNMIL], *Thirteenth Progress Report of the Secretary-General on the United Nations Mission in Liberia* 7 (December 11, 2006), <http://unmil.org/documents/sgreports/srep200613.pdf> (there were incidents of corrupt practices involving magistrates and judicial officials.); U.S. DEPARTMENT OF STATE, COUNTRY REPORTS ON HUMAN RIGHTS PRACTICES 4 (March 6, 2007), <http://www.state.gov/g/drl/rls/hrrpt/2006/78742.htm> (judges took bribes to release people from prison.).

423 INTERNATIONAL CRISIS GROUP, LIBERIA: RESURRECTING THE JUSTICE SYSTEM, 5 (April 6, 2006),
<http://www.crisisgroup.org/home/index.cfm?id=1237&l=1>.

424 *Id.* See HUMAN RIGHTS WATCH, WORLD REPORT 2007—LIBERIA 2 (January 11, 2007),
<http://hrw.org/wr2k7/pdfs/liberia.pdf> (Explaining that the judiciary “suffers from absenteeism by judges.”); United Nations Mission in Liberia [UNMIL], *Quarterly Report on the Human Rights Situation in Liberia May 2006 – July 2006* 9 (October 2006), <http://unmil.org/documents/hrreportmayjune2006.pdf> (cases were not heard due to the absence of Judges and other important people in the judicial process); U.S. DEPARTMENT OF STATE, COUNTRY REPORTS ON HUMAN RIGHTS PRACTICES, 4 (March 6, 2007),

<http://www.state.gov/g/drl/rls/hrrpt/2006/78742.htm> (Judges and magistrates continue to abandon their posts to opt for living in Monrovia.).

425 INTERNATIONAL CRISIS GROUP, LIBERIA: RESURRECTING THE JUSTICE SYSTEM, 5 (April 6, 2006),
<http://www.crisisgroup.org/home/index.cfm?id=1237&l=1>.

426 *Id.*; United Nations Mission in Liberia [UNMIL], *Quarterly Report on the Human Rights Situation in Liberia May 2006 – July 2006* 10 (October 2006), <http://unmil.org/documents/hrreportmayjune2006.pdf> (“Circuit courts in Gbarpolu, Lofa, River Cess, Grand Kru and River Gee counties were not operational at all.”).

427 United Nations Mission in Liberia [UNMIL], *Quarterly Report on the Human Rights Situation in Liberia November 2006 – January 2007* 17 (May 2007),
http://unmil.org/documents/humanrights_nov_jan_2007_report.pdf.

428 INTERNATIONAL CRISIS GROUP, LIBERIA: RESURRECTING THE JUSTICE SYSTEM, 5 (April 6, 2006),
<http://www.crisisgroup.org/home/index.cfm?id=1237&l=1>.

429 *Id.*

430 *Id.*

431 United Nations Mission in Liberia [UNMIL], *Quarterly Report on the Human Rights Situation in Liberia November 2006 – January 2007* 17 (May 2007),
http://unmil.org/documents/humanrights_nov_jan_2007_report.pdf

432 *Id.* at 19 (“On 18 December, Magistrates’ Courts in River Gee County closed in protect at the alleged failure of the government to pay salaries to Magistrates and other personnel in the County since April 2006. The Courts stayed closed throughout January.”); UNITED STATES OF AMERICA STATE DEPARTMENT, COUNTRY REPORTS ON HUMAN RIGHTS PRACTICES 8 (March 6, 2007),
<http://www.state.gov/g/drl/rls/hrrpt/2006/78742.htm> (civil services often wait months for salaries and “corruption remained endemic at middle and lower levels of government due to low civil servant salaries, a culture of impunity, and long delays in payment of wages”).

433 INTERNATIONAL CRISIS GROUP, LIBERIA: RESURRECTING THE JUSTICE SYSTEM 19 (April 6, 2006),
<http://www.crisisgroup.org/home/index.cfm?id=1237&l=1>.

434 *Id.*

435 United Nations Mission in Liberia [UNMIL], *Quarterly Report on the Human Rights Situation in Liberia November 2006 – January 2007* 3 (May 2007),
http://unmil.org/documents/humanrights_nov_jan_2007_report.pdf.

436 Interview with Interviewee No. 10 in Minneapolis, Minn. (June 21, 2007); AMNESTY INTERNATIONAL, AMNESTY INTERNATIONAL REPORT 2007, <http://thereport.amnesty.org/eng/Regions/Africa/Liberia>; United Nations Mission in Liberia [UNMIL], *Twelfth Progress Report of the Secretary-General on the United Nations Mission in Liberia* (September 12, 2006), <http://unmil.org/documents/sgreports/srep2006743.pdf>.

437 United Nations Mission in Liberia [UNMIL], *Quarterly Report on the Human Rights Situation in Liberia November 2006 – January 2007* 3 (May 2007),
http://unmil.org/documents/humanrights_nov_jan_2007_report.pdf.

438 INTERNATIONAL CRISIS GROUP, LIBERIA: RESURRECTING THE JUSTICE SYSTEM 20 (April 6, 2006),
<http://www.crisisgroup.org/home/index.cfm?id=1237&l=1>.

439 INTERNATIONAL CRISIS GROUP, LIBERIA: RESURRECTING THE JUSTICE SYSTEM (April 6, 2006),
<http://www.crisisgroup.org/home/index.cfm?id=1237&l=1>; Liberian 2006-07 Budget,
<http://www.mofliberia.org/budget0607.xls> (the government devoted roughly 5% of the budget for 2006-2007 towards the judiciary but this amounted to only \$6.7 million.).

440 INTERNATIONAL CRISIS GROUP, LIBERIA: RESURRECTING THE JUSTICE SYSTEM 20 (April 6, 2006),
<http://www.crisisgroup.org/home/index.cfm?id=1237&l=1>.

441 *Id.*

442 *Id.*; United Nations Mission in Liberia [UNMIL], *Quarterly Report on the Human Rights Situation in Liberia August 2006 – October 2006* 24 (February 2007), http://unmil.org/documents/hr_report_aug_oct_2006_1.pdf (“Poor salaries...may have encouraged corruption.”).

443 INTERNATIONAL CRISIS GROUP, LIBERIA: RESURRECTING THE JUSTICE SYSTEM 4 (April 6, 2006), <http://www.crisisgroup.org/home/index.cfm?id=1237&l=1>.

444 *Id.*; UNITED STATES OF AMERICA STATE DEPARTMENT, COUNTRY REPORTS ON HUMAN RIGHTS PRACTICES 4 (March 6, 2007), <http://www.state.gov/g/drl/rls/hrrpt/2006/78742.htm>.

445 INTERNATIONAL CRISIS GROUP, LIBERIA: RESURRECTING THE JUSTICE SYSTEM 5 (April 6, 2006), <http://www.crisisgroup.org/home/index.cfm?id=1237&l=1>.

446 MINISTRY OF FINANCE, REPUBLIC OF LIBERIA, BUDGET 2006/2007 (2006), <http://www.mofliberia.org/> (last updated June 25, 2007).

447 United Nations Mission in Liberia [UNMIL], *Twelfth Progress Report of the Secretary-General on the United Nations Mission in Liberia* 16 (September 12, 2006), <http://unmil.org/documents/sgreports/srep2006743.pdf>.

448 *See generally* AMNESTY INTERNATIONAL, AMNESTY INTERNATIONAL REPORT 2007, <http://thereport.amnesty.org/eng/Regions/Africa/Liberia>; HUMAN RIGHTS WATCH, WORLD REPORT 2007—LIBERIA 2 (January 11, 2007), <http://hrw.org/wr2k7/pdfs/liberia.pdf>; INTERNATIONAL CRISIS GROUP, LIBERIA: RESURRECTING THE JUSTICE SYSTEM 14-16 (April 6, 2006), <http://www.crisisgroup.org/home/index.cfm?id=1237&l=1>; United Nations Mission in Liberia [UNMIL], *Quarterly Report on the Human Rights Situation in Liberia August 2006 – October 2006* 15 (February 2007), http://unmil.org/documents/hr_report_aug_oct_2006_1.pdf (Girls as young as one year old were reportedly raped in 2006); United Nations Mission in Liberia [UNMIL], *Quarterly Report on the Human Rights Situation in Liberia May 2006 – July 2006* (October 2006), <http://unmil.org/documents/hrreportmayjune2006.pdf> (“Rape and other forms of sexual assault and exploitation remain a serious risk for women and girls, including young children.”). *See* United Nations Mission in Liberia [UNMIL], *Thirteenth Progress Report of the Secretary-General on the United Nations Mission in Liberia* 7 (December 11, 2006), <http://unmil.org/documents/sgreports/srep200613.pdf> (“Every effort must be made to ensure that criminal justice is rapidly and fairly addressed and that widespread violence against women is brought to an end.”).

449 INTERNATIONAL CRISIS GROUP, LIBERIA: RESURRECTING THE JUSTICE SYSTEM 14 (April 6, 2006), <http://www.crisisgroup.org/home/index.cfm?id=1237&l=1>.

450 *Id.* at 14-15.

451 *Id.* at 15.

452 United Nations Mission in Liberia [UNMIL], *Quarterly Report on the Human Rights Situation in Liberia August 2006 – October 2006* 6 (February 2007), http://unmil.org/documents/hr_report_aug_oct_2006_1.pdf; UNITED STATES OF AMERICA STATE DEPARTMENT, COUNTRY REPORTS ON HUMAN RIGHTS PRACTICES 10 (March 6, 2007), <http://www.state.gov/g/drl/rls/hrrpt/2006/78742.htm>.

453 United Nations Mission in Liberia [UNMIL], *Fourteenth Progress Report of the Secretary-General on the United Nations Mission in Liberia* 9 (March 15, 2007), <http://unmil.org/documents/sgreports/14.pdf>.

454 United Nations Mission in Liberia [UNMIL], *Quarterly Report on the Human Rights Situation in Liberia November 2006 – January 2007* 14 (May 2007), http://unmil.org/documents/humanrights_nov_jan_2007_report.pdf. *See* AMNESTY INTERNATIONAL, AMNESTY INTERNATIONAL REPORT 2007 3, <http://thereport.amnesty.org/eng/Regions/Africa/Liberia> (“there were repeated failures to implement [the Rape Amendment Act]”.); HUMAN RIGHTS WATCH, WORLD REPORT 2007—LIBERIA 2 (January 11, 2007), <http://hrw.org/wr2k7/pdfs/liberia.pdf> (“a general reluctance

to prosecute rape cases persists.”); United Nations Mission in Liberia [UNMIL], *Quarterly Report on the Human Rights Situation in Liberia May 2006 – July 2006* 12 (October 2006), <http://unmil.org/documents/hrreportmayjune2006.pdf>; Will Ross, *Liberia’s Child Rape Victims*, BBC NEWS, Jan. 18, 2007, http://news.bbc.co.uk/2/hi/programmes/from_our_own_correspondent/6272043.stm (last visited July 22, 2007).

455 United Nations Mission in Liberia [UNMIL], *Thirteenth Progress Report of the Secretary-General on the United Nations Mission in Liberia* 7 (December 11, 2006), <http://unmil.org/documents/sgreports/srep200613.pdf>.

456 United Nations Mission in Liberia [UNMIL], *Quarterly Report on the Human Rights Situation in Liberia August 2006 – October 2006* 10 (February 2007), http://unmil.org/documents/hr_report_aug_oct_2006_1.pdf.

457 *Id.* at 12 (The counties were Sinoe, River Gee, River Cess, Grand Gedeh, Gbarpolu, and Nimba Counties.).

458 United Nations Mission in Liberia [UNMIL], *Quarterly Report on the Human Rights Situation in Liberia November 2006 – January 2007* 15 (May 2007), http://unmil.org/documents/humanrights_nov_jan_2007_report.pdf.

459 *Id.* at 15; UNITED STATES OF AMERICA STATE DEPARTMENT, COUNTRY REPORTS ON HUMAN RIGHTS PRACTICES 10 (March 6, 2007), <http://www.state.gov/g/drl/rls/hrrpt/2006/78742.htm> (“domestic violence was widespread and not seriously addressed by the government, the courts, or the media.”).

460 United Nations Mission in Liberia [UNMIL], *Quarterly Report on the Human Rights Situation in Liberia November 2006 – January 2007* 15 (May 2007), http://unmil.org/documents/humanrights_nov_jan_2007_report.pdf; United Nations Mission in Liberia [UNMIL], *Quarterly Report on the Human Rights Situation in Liberia August 2006 – October 2006* 11 (February 2007), http://unmil.org/documents/hr_report_aug_oct_2006_1.pdf; United Nations Mission in Liberia [UNMIL], *Quarterly Report on the Human Rights Situation in Liberia May 2006 – July 2006* 16 (October 2006), <http://unmil.org/documents/hrreportmayjune2006.pdf>.

461 United Nations Mission in Liberia [UNMIL], *Quarterly Report on the Human Rights Situation in Liberia August 2006 – October 2006* 38 (February 2007), http://unmil.org/documents/hr_report_aug_oct_2006_1.pdf.

462 INTERNATIONAL CRISIS GROUP, LIBERIA: RESURRECTING THE JUSTICE SYSTEM 8 (April 6, 2006), <http://www.crisisgroup.org/home/index.cfm?id=1237&l=1>.

463 United Nations Mission in Liberia [UNMIL], *Fourteenth Progress Report of the Secretary-General on the United Nations Mission in Liberia* 9 (March 15, 2007), <http://unmil.org/documents/sgreports/14.pdf>; see *UN Urges Govt to Outlaw Trials By Ordeal*, THE ANALYST, June 4, 2007, <http://allafrica.com/stories/printable/200706041120.html>.

464 INTERNATIONAL CRISIS GROUP, LIBERIA: RESURRECTING THE JUSTICE SYSTEM 9 (April 6, 2006), <http://www.crisisgroup.org/home/index.cfm?id=1237&l=1>.

465 *Id.*

466 *Id.*

467 *Id.* at 8.

468 *UN Urges Govt to Outlaw Trials By Ordeal*, THE ANALYST, June 4, 2007, <http://allafrica.com/stories/printable/200706041120.html>.

469 United Nations Mission in Liberia [UNMIL], *Quarterly Report on the Human Rights Situation in Liberia November 2006 – January 2007* 5 (May 2007), http://unmil.org/documents/humanrights_nov_jan_2007_report.pdf.

470 *Id.* at 7 (explaining there was a 180 person maximum but there were 562 inmates as of November 2006); United Nations Security Council [UNSC], *Fourteenth Progress Report of the Secretary-General on the United Nations Mission in Liberia* 9 (March 15, 2007), <http://unmil.org/documents/sgreports/14.pdf>.

471 UNITED STATES OF AMERICA STATE DEPARTMENT, COUNTRY REPORTS ON HUMAN RIGHTS PRACTICES 4 (March 6, 2007), <http://www.state.gov/g/drl/rls/hrrpt/2006/78742.htm>.

472 United Nations Mission in Liberia [UNMIL], *Quarterly Report on the Human Rights Situation in Liberia November 2006 – January 2007* 3 (May 2007), http://unmil.org/documents/humanrights_nov_jan_2007_report.pdf.

473 *Id.*; United Nations Security Council [UNSC], *Thirteenth Progress Report of the Secretary-General on the United Nations Mission in Liberia* 7 (Dec. 11, 2006), <http://unmil.org/documents/sgreports/srep200613.pdf>.

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484 UNITED STATES OF AMERICA STATE DEPARTMENT, COUNTRY REPORTS ON HUMAN RIGHTS PRACTICES 3 (Mar. 6, 2007), <http://www.state.gov/g/drl/rls/hrrpt/2006/78742.htm>.

485 United Nations Mission in Liberia [UNMIL], *Quarterly Report on the Human Rights Situation in Liberia November 2006 – January 2007* 8 (May 2007), http://unmil.org/documents/humanrights_nov_jan_2007_report.pdf.

486 *Id.* at 9 (stating that in the Greenville Detention Center, which “resembles a dungeon rather than a prison of the 21st century,” only those inmates whose families brought them floor mats have any type of bedding); United Nations Mission in Liberia [UNMIL], *Quarterly Report on the Human Rights Situation in Liberia August 2006 – October 2006* 27 (February 2007), http://unmil.org/documents/hr_report_aug_oct_2006_1.pdf (stating that in the Greenville detention facility, UNMIL officials found an elderly woman suffering from injuries sustained during a trial by ordeal who was forced to sleep on the floor).

487 United Nations Mission in Liberia [UNMIL], *Quarterly Report on the Human Rights Situation in Liberia November 2006 – January 2007* 9 (May 2007), http://unmil.org/documents/humanrights_nov_jan_2007_report.pdf (explaining in some cases, the detainees must be escorted outside the prison to defecate in a bush); United Nations Mission in Liberia [UNMIL], *Quarterly Report on the Human Rights Situation in Liberia August 2006 – October 2006* 27-28 (February 2007), http://unmil.org/documents/hr_report_aug_oct_2006_1.pdf (explaining that the Greenville, Tubmanburg, and Robertsport detention facilities had no toilets whatsoever).

488 United Nations Mission in Liberia [UNMIL], *Quarterly Report on the Human Rights Situation in Liberia November 2006 – January 2007* 10 (May 2007), http://unmil.org/documents/humanrights_nov_jan_2007_report.pdf; United Nations Security Council [UNSC], *Thirteenth Progress Report of the Secretary-General on the United Nations Mission in Liberia* 9 (Dec. 11, 2006), <http://unmil.org/documents/sgreports/srep200613.pdf>; UNITED STATES OF AMERICA STATE DEPARTMENT, COUNTRY REPORTS ON HUMAN RIGHTS PRACTICES 3 (March 6, 2007), <http://www.state.gov/g/drl/rls/hrrpt/2006/78742.htm>.

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493 *Id.* at 6; United Nations Mission in Liberia [UNMIL], *Quarterly Report on the Human Rights Situation in Liberia August 2006 – October 2006* 9 (February 2007), http://unmil.org/documents/hr_report_aug_oct_2006_1.pdf.

494 United Nations Mission in Liberia [UNMIL], *Quarterly Report on the Human Rights Situation in Liberia May 2006 – July 2006* 23 (October 2006), <http://unmil.org/documents/hrreportmayjune2006.pdf> (stating that NGO’s visited the prison the following day and worked to get the prisoners food and water, but it was not until July 19th that food and water was actually delivered).

495 *Id.* at 24.

496 United Nations Security Council [UNSC], *Fourteenth Progress Report of the Secretary-General on the United Nations Mission in Liberia* 9 (Mar. 15, 2007), <http://unmil.org/documents/sgreports/14.pdf>.

497 United Nations Mission in Liberia [UNMIL], *Quarterly Report on the Human Rights Situation in Liberia November 2006 – January 2007* 13 (May 2007), http://unmil.org/documents/humanrights_nov_jan_2007_report.pdf.

498 *Id.*

