



**Optional Protocol to the
Convention against Torture
and Other Cruel, Inhuman
or Degrading Treatment
or Punishment**

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**Subcommittee on Prevention of Torture and Other Cruel,
Inhuman or Degrading Treatment or Punishment**

**Visit to Liberia undertaken from 29 October to
2 November 2018: recommendations and
observations addressed to the State party**

Report of the Subcommittee*, **

* In accordance with article 16 (1) of the Optional Protocol, the present report was transmitted confidentially to the State party on 26 June 2019. On 27 October 2023, the State party requested the Subcommittee to publish the report, in accordance with article 16 (2) of the Optional Protocol.

** The annexes to the present document are being circulated as received, in the language of submission only.



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I. Introduction

1. In accordance with its mandate under the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment carried out its second visit to Liberia from 29 October to 2 November 2018. Liberia ratified the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and its Optional Protocol on 22 September 2004.
2. The Subcommittee members conducting the visit were: Malcolm Evans (head of delegation), Mari Amos, Marija Definis-Gojanovic and Satyabhooshun Gupt Domah. The Subcommittee was assisted by two human rights officers from the Office of the United Nations High Commissioner for Human Rights (OHCHR), two United Nations security officers and two interpreters.
3. The Subcommittee's first visit to Liberia took place from 6 to 13 December 2010; the report on that visit¹ was transmitted confidentially to the State party on 17 June 2011. The Government opted to keep an absolute silence over its content, despite the Subcommittee's best efforts to encourage the State party to respond to it.²
4. The principal objectives of the second visit were: (a) to follow up on the recommendations made by the Subcommittee in the report on its 2010 visit; (b) to revisit a range of places of detention so that the Subcommittee could advise the State party on the measures it should take to strengthen the protection of persons deprived of their liberty against the risk of torture and ill-treatment; and (c) to provide advice and technical assistance concerning the establishment of a national preventive mechanism.
5. The Subcommittee held meetings with representatives of a number of relevant government authorities, civil society organizations and the United Nations (see annex I). It visited places of deprivation of liberty (see annex II) and interviewed persons deprived of their liberty, law enforcement and detention officers and others.
6. At the end of the visit, the Subcommittee presented its confidential preliminary observations orally to government authorities and officials.
7. In the present report, the Subcommittee sets out its observations, findings and recommendations related to the prevention of torture and ill-treatment³ of persons deprived of their liberty under the jurisdiction of Liberia.
8. The Subcommittee reserves the right to comment further on any place visited, whether or not it is mentioned in the present report, in its discussions with the Government of Liberia arising from the report. The absence of any comment in the present report relating to a specific facility or place of detention visited by the Subcommittee does not imply either a positive or negative opinion of it.
9. **The Subcommittee recommends that the State party distribute the present report to all relevant government authorities, departments and institutions, including those mentioned herein.**
10. The present report will remain confidential until such time as the Government of Liberia decides to make it public in accordance with article 16 (2) of the Optional Protocol. The Subcommittee firmly believes that publication of the report would contribute positively to the prevention of torture and ill-treatment in Liberia.
11. **The Subcommittee recommends that the authorities of Liberia authorize the publication of the present report in accordance with article 16 (2) of the Optional Protocol.**

¹ CAT/OP/LBR/1.

² On 27 October 2023, the State party requested the Subcommittee to publish the report, in accordance with article 16 (2) of the Optional Protocol.

³ In the present report the term "ill-treatment" is used to refer to any form of cruel, inhuman or degrading treatment or punishment, in accordance with article 16 of the Convention against Torture.

12. **The Subcommittee draws the attention of the Government of Liberia to the existence of the Special Fund established pursuant to article 26 of the Optional Protocol and to the fact that making public the recommendations contained in the reports on its visits can form the basis for applications to the Special Fund.**

13. The Government of Liberia has not cooperated fully with the Subcommittee in the manner envisaged under the Optional Protocol. It failed to engage in a dialogue of any sort following the 2010 visit of the Subcommittee, nor did it provide most of the information requested by the Subcommittee in preparation for its second visit, as required by article 12 (b) of the Optional Protocol.

14. Although focal points were appointed by the State party to assist the Subcommittee, if necessary, during the course of its visit, they were unable to resolve difficulties in securing access to the headquarters of the National Security Agency. Furthermore, no representative from the Liberian National Police attended the meetings with the Subcommittee scheduled at the beginning and conclusion of the visit. Indeed, very few officials attended the final meeting. As a result, the State party lost an important opportunity to obtain initial feedback that could have formed the basis of a constructive dialogue with the Subcommittee.

15. Article 4 of the Optional Protocol provides that the State shall allow visits to any place under its jurisdiction and control where persons are or may be deprived of their liberty, either by virtue of an order given by a public authority or at its instigation or with its consent or acquiescence. Such access should be afforded as a matter of course and should not be dependent on the permission of others. The Subcommittee reminds the State party that the national preventive mechanism, once established, must have these same powers.

16. There was good cooperation with the Bureau of Corrections and Rehabilitation and, at the institutional level, with those in charge of penitentiary facilities and police stations under the responsibility of the Bureau. The Subcommittee was given full access to files and documents and was able to conduct confidential interviews with detainees without interference, except in one isolated case, at the zone 10 depot police station in the Freeport of Monrovia.

II. Establishment of a national preventive mechanism

17. As mentioned in paragraph 1 above, Liberia ratified the Optional Protocol on 22 September 2004. Article 17 of the Optional Protocol provides that a national preventive mechanism should be maintained, designated or established within one year of its entry into force; that is, in the case of Liberia, by 22 June 2007. This has not yet been done, which means that the establishment of a national preventive mechanism was, at the time of the Subcommittee's visit, over 11 years overdue. Since 2016, Liberia has been included in the public list of States parties who are in substantial and continuing non-compliance with article 17.

18. In the course of its visits to Liberia in 2010 and 2018, the Subcommittee discussed the creation or designation of a Liberian national preventive mechanism with the authorities and others. At the time of the 2010 visit, several national stakeholders assumed that the Independent National Commission on Human Rights of Liberia would be designated as the national preventive mechanism. During the 2018 visit, it became clear that no progress at all had been made with regard to the establishment of the mechanism.

19. **The Subcommittee recommends that the Liberian authorities adopt a clear action plan that will lead to the establishment of a national preventive mechanism in accordance with its obligations under the Optional Protocol within six months of receipt of the present report, and that that plan be annexed to its written response, as requested in paragraph 82 below.**

20. The Subcommittee understands that the Independent National Commission on Human Rights of Liberia carries out some unannounced visits to prisons and police stations. However, neither the detention authorities nor the detainees in the places visited by the Subcommittee in 2018 appeared to be aware of any such visits.

21. The Subcommittee urges the State party to establish its national preventive mechanism in accordance with the relevant provisions of the Optional Protocol and having regard for the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles). Furthermore, while it is for the State party to decide which form its national preventive mechanism should take, the Subcommittee recommends that the Liberian authorities refer to the guidelines on national preventive mechanisms⁴ and take into account the following elements when preparing the action plan referred to in paragraph 19 above:

(a) The mandate and powers of the national preventive mechanism should be clearly set out in a constitutional or legislative text and the operational independence of the mechanism should be guaranteed by law and given effect in practice;

(b) The national preventive mechanism should be set up and its members should be selected and appointed through a public, inclusive and transparent process involving civil society and others engaged in the prevention of torture and ill-treatment in Liberia and in accordance with published criteria;

(c) The national preventive mechanism should carry out all aspects of its mandate in such a manner as to avoid actual or perceived conflicts of interest;

(d) Adequate resources should be provided to the national preventive mechanism to enable it to operate effectively and to enjoy complete financial and operational autonomy in the discharge of its functions under the Optional Protocol;

(e) The national preventive mechanism should complement rather than replace existing systems of oversight in Liberia, it should take into account effective cooperation and coordination between preventive mechanisms in the country and it should not preclude the creation or operation of other such complementary systems;

(f) The State party should ensure that the national preventive mechanism is able to carry out visits in the manner and as frequently as it wishes, to conduct confidential interviews with those deprived of liberty and to carry out unannounced visits at all times to all places of deprivation of liberty, in accordance with the provisions of the Optional Protocol;

(g) The State authorities and the national preventive mechanism should enter into a process of meaningful and continuous dialogue with a view to implementing any recommendations made by the mechanism, thereby improving the treatment and conditions of persons deprived of their liberty and preventing torture and other ill-treatment or punishment. The State party should publish and widely disseminate the annual reports of the national preventive mechanism.

22. The Subcommittee stands ready to provide advice and technical assistance for the establishment of a national preventive mechanism in Liberia. It encourages the Liberian authorities to use the tools developed by the Subcommittee (the assessment tool and matrix)⁵ when developing its action plan, drafting relevant legislation and facilitating the work of the Liberian national preventive mechanism once it has been established.

III. Implementation of the recommendations made by the Subcommittee following its 2010 visit

23. The Subcommittee understands the complexity of the State party's situation and its recent history, which includes the holding of parliamentary elections and a change of Government. However, the fact remains that very little has been achieved by the Government of Liberia since the Subcommittee's first visit in 2010 in relation to its recommendations, most of which have remained unaddressed.

⁴ CAT/OP/12/5.

⁵ See www.ohchr.org/en/documents/tools-and-resources/national-preventive-mechanisms-assessment-tool-and-matrix.

A. Normative issues

24. There has been no development regarding the draft anti-torture bill presented to the Liberian legislature in 2010.⁶

25. **The Subcommittee reiterates its recommendation that the State party make torture, as a matter of priority, a specific and separate criminal offence in accordance with the definition of torture set out in article 1 of the Convention against Torture.**

B. Institutional issues

26. There remain chronic structural problems with the institutional framework, the most pressing of which, demanding urgent action, are set out below. This situation must be seen in the light of the enormous backlog of cases pending before the courts, which is the result of a combination of the overuse of pretrial detention, failures in the criminal justice system, the paucity of public defenders and the lack of appropriate mechanisms to address these problems.

1. Excessive use and length of pretrial detention

27. In the report on its 2010 visit, the Subcommittee raised serious concerns relating to the number of pretrial detainees and the length of pretrial detention. Those problems remain unresolved. Remand detainees account for 70 per cent of the overall prison population of approximately 2,300 individuals. Section 18.2 of the Criminal Procedure Law provides that, unless good cause is shown, a case must be dismissed if an indictment is not made within two consecutive court terms following an arrest. Petty offences and misdemeanours, which fall within the competence of a magistrate or justice of the peace, are to be tried within 15 days after the arrest of the defendant or after his or her appearance in court in response to a summons or notice to appear. These statutory provisions are rarely observed in practice. The dysfunctional nature of the processes concerning arrest, custody, pretrial detention and the lack of practical alternatives to custodial measures (see paras. 29–36 below) result in the justice system being seriously overburdened. The average length of pretrial detention appears to be in the order of two to three years, which runs counter to constitutional guarantees of the right to a speedy trial.⁷ It means that many people stay in pretrial detention for periods longer than they are sentenced to if convicted, a matter that is especially serious in cases involving misdemeanours.

28. **The Subcommittee reiterates its recommendation that pretrial detention be used as a measure of last resort as opposed to being the general rule.⁸ Moreover, it recommends that alternatives to pretrial detention be created, coupled with a more effective mechanism for regular review of cases involving persons held in pretrial detention.**

2. Judiciary

29. The problems generated by the indiscriminate use of pretrial detention are many and include systemic delays and dysfunction in the administration of justice. These problems have already been highlighted by the Subcommittee in its report on the 2010 visit. The judiciary does not currently appear to be working efficiently: the deadlines for court proceedings are inadequate and the systems for referring cases between the courts are ineffective. According to the Judiciary Law, first instance jurisdiction over criminal matters is shared mainly by the circuit courts, the magistrates' courts and the justices of the peace. However, most cases are assigned to the circuit courts, which sit four times a year in quarterly

⁶ CAT/OP/LBR/1, paras. 35–38.

⁷ Constitution of Liberia, art. 21 (f).

⁸ CAT/OP/LBR/1, para. 58. See also International Covenant on Civil and Political Rights, art. 9 (3); and Human Rights Committee, general comment No. 35 (2014) on liberty and security of person, para. 38.

sessions. Each session lasts 42 days, which amounts to less than half the year.⁹ In practice, terms can often be shorter. Given the backlog of pending cases, such terms are too short, a situation compounded by the limited availability of judges. A single case might take several terms to be concluded, which further prolongs the waiting period for other cases. As a result, people languish in detention for prolonged periods, often for misdemeanours and bailable offences, in appalling conditions. These issues are further exacerbated by failures of proper and timely coordination between the courts, the police and the prison authorities.

30. The Subcommittee recommends that the Government of Liberia revise the Judiciary Law and reform its judicial system by lengthening court terms in order to allow it to administer justice more efficiently, more effectively and in a timely fashion. It also recommends that the Government seek expert advice on reforming its case and file management systems.

3. Magistrate Sitting Program

31. The Magistrate Sitting Program mentioned in the report on the 2010 visit and designed to fast-track cases involving pretrial detainees has not yet resolved the systemic and structural problems within the criminal justice system. The fast-track court resulting from the Program only operates in Monrovia Central Prison and therefore has no countrywide impact whatsoever. Moreover, while it is true that Monrovia Central Prison is the most overcrowded in the country and holds 75 per cent of all pretrial detainees, the fact remains that many of those interviewed who were facing charges for misdemeanour offences had no knowledge of the fast-track court, which was said to operate regularly six days a week. Although the Subcommittee undertook two visits to Monrovia Central Prison, it did not see the fast-track court in operation or see evidence of it having recently been in operation, nor did it hear of detainees who were aware of its operations. It is therefore unsurprising that the Program has failed to produce significant results in resolving the problems of overcrowding, undue delay and overly prolonged periods of pretrial detention.

32. The Subcommittee recommends that the Magistrate Sitting Program be extended to other remand centres across the country. The use of mobile courts and the use of electronic communications between lawyers, courts and detainees should also be explored. Information on the functioning of fast-track courts should be provided to all pretrial detainees and coordination between judges, prosecutors, defence lawyers and corrections officers should be improved in order to facilitate the timely disposal of cases and a reduction in the number of pretrial detainees and the average duration of pretrial detention. The Subcommittee also recommends that it be provided with an update on the use of fast-track courts as a part of the response requested in paragraph 82 below.

4. Bail, probation and parole

33. The State party has yet to put in place adequate alternatives to detention and does not make sufficient use of those alternatives that do currently exist, such as bail, probation and parole. It is worthy of note that the Constitution of Liberia guarantees its citizens a right to bail and that the Criminal Procedure Law sets out a range of offences for which bail may be granted.¹⁰ However, it seems to be used sporadically. Even when bail is granted, the conditions are often set at a level that makes it practically unavailable to many, if not most, of those who ought to be able to exercise their constitutional and legal right to bail. Furthermore, the Criminal Procedure Law¹¹ grants judges discretionary power to release persons accused of a minor offence without bail but subject to personal assurances concerning their future court appearance. Not only is this judicial discretion rarely used but also little use is made by the courts of the alternatives to incarceration, whether at the pretrial stage or on conviction. Another fact to note is that, at the time of the visit, the parole board was not functioning, although posts had recently been advertised.

⁹ Judiciary Law of 1972, sect. 3.8.

¹⁰ Constitution of Liberia, art. 21 (d); and Criminal Procedure Law, chap. 13.

¹¹ Criminal Procedure Law, sect. 13.5.

34. **The Subcommittee recommends that the provisions of the Criminal Procedure Law concerning alternative measures to detention for misdemeanours be put to good use in practice and that legal provisions on non-custodial alternatives for detainees be developed and properly applied, in accordance with the United Nations Standard Minimum Rules for Non-custodial Measures (the Tokyo Rules).**

35. **The Subcommittee recommends that the excessive bonds required to secure bail be reviewed and reduced and that judicial officers be trained to ensure that bail is the rule rather than the exception.**

36. **The Subcommittee recommends that the parole board be promptly established and commence functioning forthwith.**

5. Informal justice systems

37. In the report on its 2010 visit, the Subcommittee commented on the operation of informal systems of justice operating within the country. During its visit, the Subcommittee heard of various forms of informal justice, with differing levels of formality and recognition, including community justice, traditional justice and street justice.

38. Community justice aims at addressing misdemeanours through cost-free community mediation. It involves close cooperation between the Liberian National Police, community leaders and other justice and security actors. It helps ensure that people are not imprisoned unnecessarily and can also help address issues that fall outside the scope of criminal responsibility. Such mediation initiatives provide a useful complement to more formal legal processes provided they are undertaken by properly trained mediators and the processes respect applicable human rights standards.

39. The use of traditional justice systems remains common in rural areas due to its accessibility and affordability: some estimate that in rural areas almost 80 per cent of justice issues, both criminal and civil, are resolved through traditional channels. Traditional justice is closely connected to security and order and dependent on the roles of traditional leaders such as chiefs, elders and spiritual leaders. However, this complementary system also has some serious disadvantages as it continues to facilitate recourse to harmful practices that can amount to torture and ill-treatment, including female genital mutilation, trial by ordeal, accusations of witchcraft and ritual killings, which particularly affect certain groups, such as women, children, elderly persons, persons with disabilities and the destitute.

40. Street justice is prevalent in Monrovia and the surrounding areas and is often carried out by former child soldiers, who respond to alleged crimes by taking vigilante-style action against suspected wrongdoers without making any reference to either the formal or the complementary legal and judicial systems. Street justice is, essentially, another form of lawlessness and criminality.

41. **The Subcommittee reiterates the recommendations contained in the report on its 2010 visit¹² and recommends:**

(a) **That alternative dispute resolution and community justice schemes be conducted only by properly trained mediators;**

(b) **While acknowledging the important contribution made by traditional social and cultural systems, that there should be due oversight over traditional justice systems so that users are protected from any form of torture or ill-treatment;**

(c) **That immediate steps be taken to eliminate street justice and to deal with those who practise it as perpetrators of crimes within the criminal justice process.**

6. Legal aid and public defenders

42. The Government of Liberia has not yet implemented the recommendations made by the Subcommittee following its 2010 visit concerning legal aid and public defenders. Despite

¹² CAT/OP/LBR/1, paras. 93, 94, 96 and 97.

legal guarantees concerning the right of access to a lawyer¹³ and the existence of the National Public Defence Program, there are only 34 public defenders currently available, all of whom operate within the confines of Monrovia. In addition to being insufficient in number, they are assigned only to cases of suspected murder and armed robbery, meaning that the majority of pretrial detainees fall outside of the legal aid system. Moreover, it is often the case that public defenders seem to require an additional fee to be paid by the eligible detainee, who is also charged for other costs – for transport, logistics etc. – that are not covered by the legal aid scheme.

43. The Subcommittee recommends that the legal aid/public defence system be adequately staffed and resourced so that all those currently eligible receive free legal assistance, irrespective of their location and financial means. Furthermore, the scope of the system should be extended to cover coordination with civil society organizations and pro bono lawyers.

7. Liberian National Police

44. Although police administration has improved since the Subcommittee's 2010 visit and new regulations for improving the functioning of the police are being introduced, systemic institutional problems remain, including low rates of pay, understaffing¹⁴ and underfinancing. Police stations are not properly equipped and lack both vehicles and basic equipment such as truncheons, handcuffs and firearms. Moreover, police officers have to acquire their own uniforms. Shortages of staff and of means of transportation impair the efficiency and effectiveness of the police force in all areas of Monrovia, let alone in rural areas of the country. This situation encourages people to resort to the justice mechanisms mentioned above (paras. 37–41).

45. The Subcommittee recommends that the State party address the systemic issue of substandard conditions in police stations and the poor working conditions of police officers by undertaking a comprehensive review to identify the needs of the police in terms of staffing, basic equipment (including transport) and premises. Such a review should include the development of a new strategic plan that should be properly funded and ensure that the police force is adequately staffed, paid and equipped and able to operate efficiently and effectively across the whole country. The State party should also take robust measures to prevent corruption.

8. Separation of powers

46. Currently, both the police and the administration of the justice system come under the authority of the Ministry of Justice. This situation compromises the principle of the separation of powers and may result in serious conflicts of interest, which are inimical to the effective, impartial and independent management of the criminal justice system. The police and the judiciary have different roles and responsibilities and should, as a matter of policy, be administratively separate and be managed by different ministries.

47. The Subcommittee recommends that responsibility for policing and justice be so organized as to give effect to the principle of the separation of powers, thereby guaranteeing the functional and operational independence and impartiality of each area.

¹³ Constitution of Liberia, art. 21 (i).

¹⁴ According to the information received, there are about 5,500 law enforcement officers in Liberia, including from police, immigration and drug enforcement agencies. Approximately half of those officers are based in Monrovia.

IV. Allegations of torture and ill-treatment

A. Police

48. The Subcommittee notes that, according to the information provided during its second visit, in contrast to that provided during its 2010 visit, only a small number of allegations were made of excessive use of force by police officers at the time of arrest and during transportation to police stations. Nonetheless, several allegations were made of violence by police officers in Monrovia police stations visited by the Subcommittee, including beatings (punching and kicking), as punishment for alleged misbehaviour while in custody. According to the information received, and which was corroborated, some police officers routinely handcuffed detainees to a grid outside police stations for several hours, in order to deter other detainees from misbehaving. Such punishment was often meted out in response to agitation from those held in severely overcrowded holding cells, the material conditions of which were intolerable. Moreover, such disciplinary practices were tolerated by those in authority, thus reinforcing the general sense of impunity concerning unlawful practices by law enforcement officers across the country. Such acts constitute forms of prohibited ill-treatment and should be regarded as such. **Police officers must treat all detainees humanely. If, exceptionally, it is necessary to handcuff a detainee who is already in police custody, the handcuffs should not be too tight, should not be used for longer than is necessary and should not be used in a manner and in order to serve as a deterrent to others.**

49. **The Subcommittee recommends that such disciplinary measures be clearly prohibited and that those responsible be held to account by facing criminal charges in addition to disciplinary proceedings.**

B. Prisons

50. The Subcommittee heard several allegations of torture and ill-treatment in the prisons it visited. For example, in Tubmanburg Central Prison, Bomi County, prison guards were alleged to have subjected pretrial detainees to disciplinary sanctions such as handcuffing to grids and severe beatings with fists, thorny branches or electrical wires. In Buchanan Central Prison, Grand Bassa County, the Subcommittee heard consistent allegations of serious, systemic physical ill-treatment imposed by prison guards as forms of disciplinary sanction. For example, according to the allegations, prisoners were systematically beaten, handcuffed while in stressed positions, made to participate in strenuous physical activities until they collapsed and exposed, for prolonged periods, to the sun without food or water, resulting in severe sunburn. A number of detainees displayed physical marks consistent with such allegations.

51. **The Subcommittee recommends that the use of measures of discipline and control amounting to torture or inhuman or degrading treatment or punishment be absolutely and unequivocally prohibited, that prompt and impartial investigations be conducted whenever there are grounds to suspect that such acts have occurred and that those responsible be subject to criminal as well as disciplinary sanction.**

52. **The Subcommittee recommends that clear disciplinary regulations be established and made applicable in all prisons, in accordance with the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules). Such regulations should set out: (a) the kind of conduct that constitutes a disciplinary offence; (b) the type and duration of punishments that may be imposed; (c) the authority competent to impose such punishments; and (d) systems for appealing against, recording and ensuring external oversight of disciplinary punishment.**

V. Police practice and procedure

A. Deprivation of liberty by the police

53. The Subcommittee visited six police stations in Monrovia and Bomi County. There was considerable variation regarding compliance with the 48-hour period within which a detainee must be formally charged and brought before a judicial authority.¹⁵ While the statutory time limit was generally observed, on occasions those arrested were held in police custody for more than three days while others were never charged or brought before a court. Furthermore, some detainees were transferred among several police stations before being either charged or released, effectively extending their period in detention beyond the statutory time limit and on some occasions for up to five days. This is a form of abuse of the power of arrest and detention.

54. Furthermore, some detainees appear to obtain their release from police custody on the basis of the “word of a reputable person”. While the Subcommittee appreciates and understands the rationale for, and benefits of, community mediation and resolution systems, it is also important that such mechanisms be properly regulated and not result in the police being accorded legally unstructured discretionary powers that fall outside of the Criminal Procedure Law. A significant number of those in police detention also appeared to have been held in connection with matters concerning private debts or other civil disputes, which seem to be either on the margins, or beyond the scope, of criminal responsibility.

55. The Subcommittee recommends that statutory time limits on police detention be strictly adhered to. Any delays must be exceptional, justified by the circumstances and provided for in law. Alternative systems for granting release from police custody must be properly regulated and subject to independent external oversight.

B. Fundamental legal safeguards during the initial stage of police detention

56. The findings and recommendations contained in the report of the Subcommittee on its 2010 visit concerning the lack of fundamental safeguards for those detained by the police remain as relevant today as they were then. While the fundamental legal safeguards of detainees are guaranteed by article 21 of the Constitution of Liberia, they are generally not enjoyed in practice. Legal aid is not available at the stage of being taken into police custody, being conditional upon a court appearance, thus reducing its value as a preventive safeguard. Most of those with whom the Subcommittee spoke had not been informed about their rights, including their right to have access to a lawyer. None had been given a medical examination or even a basic medical check-up while in police custody. In numerous cases, family members were only informed of an arrest after several days. The Subcommittee recalls that denying access to a lawyer and to independent medical attention and not informing a family member of a person’s detention could amount to incommunicado detention.

57. The situation of juveniles in police custody, and of girls in particular, is disquieting. There appear to be no special protections or legal safeguards and juveniles are routinely questioned by police officers without the presence of a parent, guardian or other independent adult. Some are held in police custody incommunicado.

58. The Subcommittee recommends that the recommendations contained in its report on its 2010 visit be implemented and that the fundamental rights of all persons deprived of their liberty be guaranteed in practice. In other words, detainees must have prompt access to independent legal assistance and a medical examination, a relative or third person of their choice must be informed of their detention and the detainees themselves must be informed of their rights in an appropriate manner.¹⁶ Additional

¹⁵ Constitution of Liberia, art. 20 (f).

¹⁶ Committee against Torture, general comment No. 2 (2007) on the implementation of article 2, para. 13.

safeguards should be in place for juveniles in detention¹⁷ and the exercise of those rights must not depend upon the goodwill of the detaining authorities.

C. Material conditions of detention at police stations and related humanitarian concerns

59. In the report on its 2010 visit, the Subcommittee expressed serious concern about the physical conditions in the holding cells in the police stations visited. The concern persists. The conditions in the detention cells in all six police stations visited were deplorable, with poor ventilation, high humidity and limited or no natural light. Hygiene and sanitary conditions were uniformly extremely poor. Detainees were not provided with food and water by the authorities, who mainly only passed on what others might have brought for them. Some cells were so overcrowded that there was not enough space for all to lie down to sleep. None of the visited cells had beds or bedding, so the detainees had to sleep on the floor, which was sometimes wet. In addition, most cells had no (or no working) sanitary arrangements; buckets or other improvised arrangements were used instead of toilets. None of the cells visited were appropriate even for short stays of a few hours, and certainly not for overnight stays. With few exceptions, male and female juvenile detainees were placed in cells with adults. Only in the Liberian National Police detention facility at Salem Base, Sprigg Field, were female juveniles held in a separate cell at the time of the visit. That cell, however, measured 1 metre by 1.6 metres and one of the girls had to spend the night on the wet floor, with no water or food. There appeared to be no effective provision of, or access to, medical assistance should it be required. Holding detainees under such conditions is a form of inhuman and degrading treatment.

60. The Subcommittee reiterates the recommendations made following its 2010 visit concerning the conditions in police cells and recommends that immediate measures be taken to improve the physical conditions of police temporary detention facilities and, in particular, to ensure that there is adequate ventilation, natural light and sanitation. Adequate quantities of food and water must be provided to all detainees on a daily basis.

VI. Prisons (pretrial and sentenced detainees)

A. Separation of detainees

61. While each prison visited had, in theory, separate cell blocks for men, women and juveniles, as well as for pretrial detainees and sentenced prisoners, in practice the different groups of detainees were not held separately. Pretrial detainees, including male juveniles aged 15 and 16, were housed in the same cells as convicted offenders. There was, however, a general separation of male and female detainees, including juvenile females.

62. The Subcommittee recommends that pretrial detainees be held separately from sentenced prisoners.¹⁸ Those in pretrial detention should be held in conditions and subject to a regime commensurate with their status and respectful of the presumption of innocence.

B. Registers and record-keeping

63. Detention facilities usually keep only hard copies of admission and release logbooks. There is no electronic system in place. Personal files include basic information, including on any visible physical injuries and on strip and body searches. Not all personal files contain information concerning the arrest or the dates of court hearings, although files of sentenced

¹⁷ See United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules).

¹⁸ International Covenant on Civil and Political Rights, art. 10 (2) (a); and the Nelson Mandela Rules, rule 11 (b).

prisoners usually contain a copy of the final judgment and sentence. Taken as a whole, there was relatively little personal documentation available in any of the prisons visited.

64. While there were up-to-date visitors' registers, records of visits by legal aid lawyers and daily logbooks concerning prison staff, there did not appear to be records of complaints, injuries or disciplinary sanctions imposed. What medical records could be found were disorganized and inadequate. There appeared to be no systems focused on recording and investigating allegations of torture or ill-treatment in prison facilities.

65. The Subcommittee recommends that the systems of record-keeping in prisons be reviewed and reformed in order to ensure that records are comprehensive, accurate, detailed and up to date. Information concerning court hearings, decisions and judgments should be included in personal files. All places of detention should ensure that there are accurate and up-to-date registers of complaints and their outcomes, allegations of torture and ill-treatment, disciplinary sanctions and any injuries sustained while in detention, including medical assessments and information concerning treatment received.

C. General situation in prisons and related humanitarian concerns

66. Little has changed regarding the conditions in Monrovia Central Prison and Tubmanburg Central Prison, which the Subcommittee visited in 2010. Buchanan Central Prison, visited for the first time in 2018, also falls well below acceptable international standards despite having been renovated relatively recently. Some of the prisons visited were clearly expecting the Subcommittee and had made some efforts to try to impress. In fact, this only served to underline just how substandard the physical conditions of detention actually were. In all three prisons visited the Subcommittee identified cells that were unfit for use. In addition, in all three there were few, if any, opportunities for sentenced prisoners to undertake meaningful work, except for some housekeeping and general maintenance tasks. The prison offered no resocialization or rehabilitation activities, and no access to education. Most detainees remained inside their generally unsanitary and overcrowded cells for most of the day. Conditions of detention were characterized by extremely poor levels of hygiene and sanitation, a lack of ventilation, a limited provision of poor-quality food and water, the routine failure to provide out-of-cell time and severe overcrowding in some prisons. Overall, the conditions observed provided paradigmatic examples of inhuman and degrading treatment.

1. Monrovia Central Prison

67. The overall Liberian prison population is of approximately 2,300 detainees, some 1,100 of whom are held in Monrovia Central Prison, which has an official occupancy capacity of 375 detainees. All blocks are overcrowded and unsanitary. Recalling the report on its 2010 visit, the Subcommittee makes particular mention of Block D, the conditions in which are utterly abhorrent in every way and amount to an affront to humanity. At the time of the Subcommittee's visit, Block D housed 138 detainees, both on remand and sentenced, in 32 cells. The floor space of the smaller cells measured 2.1 metres by 1.7 metres and held five detainees who slept in makeshift hammocks strung one on top of the other. The only light and ventilation came from a small, barred window at the top of each cell and tiny grilles on otherwise solid doors that were closed most of the day. Most detainees spent many consecutive days within their cell block, mostly within their cells. There were no sanitation facilities in the cells and those within the cell block were limited, rudimentary and rarely accessible. The entire block should be taken out of service. In addition, some 40–60 prison guards worked the day shift, which was far too few for a prison the size of Monrovia Central Prison. As a result, detainees had very limited, if any, access to outdoor exercise or to any meaningful activity outside of their cells or cell block corridors. Many detainees were losing their eyesight due to prolonged deprivation of daylight. Many were also undernourished, as only one meal, of low nutritional value, was provided to them. Drinking water was available, but in limited amounts.

68. The cells in the women's block in Monrovia Central Prison were dirty and infested with rats, lice and fleas. Unlike the men's blocks, however, the women's cells had electric lighting, but it remained on throughout the night. The cells held both adults and juveniles, as well as both pretrial and sentenced prisoners. Women's sanitary needs were not provided for, nor was there any special provision for pregnant women. On a more positive note, the women could spend a considerable portion of each day out of their cells in a small adjoining courtyard, unless they were subject to disciplinary sanctions.

2. Tubmanburg Central Prison

69. Tubmanburg Central Prison has an official capacity of 75. At the time of the Subcommittee's visit, it held 49 detainees, 30 of whom were in pretrial detention. The prison employed 26 staff, with 10 detention officers on duty during the day. Although it was not overcrowded at the time of the visit, the conditions of detention were nevertheless poor: as there were no beds, detainees slept on thin mats on concrete floors; the cells had inadequate lighting and ventilation; sanitation facilities were rudimentary (for example, buckets were used); and only one meal was provided each day. Detainees were usually allowed to have only one hour of outdoor exercise each week.

3. Buchanan Central Prison

70. Having undergone recent renovations, including tiled flooring and reasonably decent in-cell toilets, the physical conditions in Buchanan Central Prison were better than those at Monrovia Central Prison and Tubmanburg Central Prison. This was undermined, however, by significant overcrowding and the impossibility for all detainees to lie down to sleep simultaneously on the thin mats provided. The official capacity of the prison was 47 but, at the time of the Subcommittee's visit, it held 89 prisoners, 33 of whom were on remand. As elsewhere, only one meal was provided each day and, despite the renovations, cells lacked proper lighting and ventilation. A draconian punishment regime, combined with restricted out-of-cell time and a reluctance to allow in-cell communal activities such as games, made the overall regime extremely harsh and punitive.

71. The Subcommittee recommends that urgent measures be taken to tackle overcrowding as an essential prerequisite for improving the overall conditions of detention. This should include seeking to reduce the numbers of pretrial detainees by improving and expanding the fast-track court programme.

72. The Subcommittee also recommends that urgent measures be taken to ensure that pretrial and sentenced detainees are held in separate facilities to ensure that regimes appropriate to their status can be provided.

73. The Subcommittee further recommends that urgent measures be taken to ensure that all detainees are able to spend at least one hour each day outside of their cell blocks and that they are able to exercise adequately.

74. In addition to these overarching recommendations, the Subcommittee recommends that the following specific measures be taken:

(a) That an immediate audit of prison accommodation be made in keeping with internationally recognized standards and that an emergency programme be put in place to take out of service those cells and cell blocks that are not in compliance with such standards, starting with those identified as the least compliant. Priority should be given to radically reducing the occupancy level in Block D of Monrovia Central Prison and to subsequently taking that block out of service;

(b) That conditions of detention be progressively improved for the purpose of ensuring the following, across the prison estate: (i) that there are mattresses, bedding and mosquito nets;¹⁹ (ii) that cells have adequate ventilation, as well as natural and artificial lighting; (iii) that improved hygiene and sanitary arrangements are made; (iv) that detainees have access to adequate toilet facilities during the day and at night; (v) that there is an increased quality and quantity of food and that at least two meals are

¹⁹ Rule 19 of the Nelson Mandela Rules.

provided each day, as well as adequate supplies of clean drinking water;²⁰ and (vi) that the specific sanitary and health needs of women are properly provided for;

(c) That programmes of purposeful activities be developed and made generally available to all detainees, and that sentenced prisoners have opportunities to engage in meaningful paid work.

D. Juveniles in detention

75. In Liberia, a child is defined as any person under the age of 18 years; the age of criminal responsibility is 16 years.²¹ The Child Justice Section within the Ministry of Justice oversees the implementation of the Juvenile Diversion Program, which aims at reducing the number of juveniles detained for minor breaches of the law. The Subcommittee encourages the State party to continue the programme, which takes a preventive rather than a punitive approach to juvenile offending.

76. The conditions in which juveniles were detained in all prisons visited were inappropriate and did not accommodate juvenile-specific needs. The majority of the 15–17 year olds interviewed had been detained for relatively minor offences that did not seem to warrant their being detained at all. They were held in the same cell blocks and often in the same cells as adults. In all prisons visited, pretrial and sentenced juveniles shared cells. They had no access to education, despite many of them being of compulsory school age, or to any other meaningful activities, such as vocational training or work. Apart from some sporadic periods in small courtyards or to help around the prison, most juveniles spent most of their time inactive in their cells.

77. **The Subcommittee recommends that the Juvenile Diversion Program be duly streamlined in order to further reduce the number of juveniles in detention to an absolute minimum. When detention is unavoidable, juveniles should be strictly segregated from adult detainees and in principle pretrial and sentenced juvenile detainees should be held separately. The Subcommittee also recommends that juvenile detainees be provided with an appropriate range of educational and training opportunities.²² Juvenile detainees should be able to spend significant portions of each day engaged in purposeful activities outside their cells.**

E. Health care in prison

78. The Ministry of Health has primary responsibility for the provision of health care in the penitentiary system. The provision of such care remains as sporadic and insufficient as it was at the time of the Subcommittee's 2010 visit. Although Monrovia Central Prison and Buchanan Central Prison had an on-site medical clinic (six rooms) and a medical cabinet (one room), these were small rooms with very little medical equipment or medication. Monrovia Central Prison had an in-house medical team whereas Buchanan Central Prison and Tubmanburg Central Prison relied on weekly visits by a nurse from the local hospital. In all prisons visited, those suffering urgent or serious problems would be transferred to the closest civilian hospital but, given the shortage of transportation options (each prison had only one vehicle at its disposal) and the poor state of the roads, it was difficult to see how such an arrangement could be relied upon. It was equally difficult to see how the clinics could effectively cope with the range of illnesses and infections resulting from the conditions in which the detainees were held.

79. **The Subcommittee reiterates its previous recommendation that medical clinics should be established in all prisons. Such clinics should be adequately staffed by a range of medical professionals and have sufficient supplies of equipment and medication to be**

²⁰ Rule 22 of the Nelson Mandela Rules.

²¹ Penal Code, sect. 4.1.

²² Rule 26 of the Beijing Rules.

able to address the health-care needs of detainees. Transportation options for serious and urgent cases need to be improved.

80. During its visit, the Subcommittee observed that medical examinations were not routinely provided to all detainees upon arrival. There was no pre-screening of persons with special needs or disabilities upon admission. Requests by detainees to see a doctor seemed not to be granted routinely and medical examinations tended to be undertaken only if there was an obvious injury or need. The Subcommittee heard that even in severe cases medical treatment was not provided due to the shortage of medical staff or the lack of available transport. The Subcommittee met numerous detainees who showed signs of serious illnesses but who had not been examined or treated. Medical files appeared to be poorly kept, with little information concerning diagnoses or treatments.

81. The Subcommittee recommends that in all places of deprivation of liberty the State party:

(a) **Ensure access to and examination by an independent doctor as soon as possible after transfer to a detention facility; establish a more coherent and complete way of recording medical information in a medical file, in full respect of medical ethics and deontology; and develop a standard form on the full medical screening of all persons upon arrival to a place of deprivation of liberty;**

(b) **Ensure that medical care, including specialist care, is guaranteed and accessible to all detained persons upon their request;**

(c) **Introduce a uniform trauma register system on individual detainees, in which medical personnel are obliged to record the following information: the existence of any discomfort or symptoms, any results of the clinical examination, including a description of injuries observed and an account of how such injuries were sustained, any allegations of recent violence, torture or ill-treatment, and the health professional's conclusion as to whether all recorded elements are consistent;**

(d) **Ensure that that all newcomers be provided with appropriate treatment and assistance upon arrival and during imprisonment, particularly those with special needs and disabilities;**

(e) **Ensure that health professionals working in places of detention are trained on the Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Istanbul Protocol) and other international standards on the duty to detect and report torture and ill-treatment and that they immediately report suspicious and obvious cases of torture and ill-treatment to the appropriate authorities so that an independent examination may be conducted in accordance with the Istanbul Protocol.**

VII. Next steps

82. The Subcommittee requests that a reply to the present report be provided within six months from the date of its transmission to the Permanent Mission of Liberia to the United Nations Office and other international organizations in Geneva. In its reply, the Government of Liberia should respond directly to all the recommendations and requests for further information made in the report, giving a full account of action already taken or planned (including time frames) to implement the recommendations. The Government should include details concerning the implementation of institution-specific recommendations and details concerning general policy and practice,²³ in particular in respect of the pressing humanitarian concerns identified in detention facilities managed by both the police and the penal system. The Subcommittee requests that action plans be provided setting out steps to be taken to reduce pretrial detention rates, refurbish the penitentiary facilities, extend and enhance the system of fast-track courts and provide health care in all places of detention.

²³ The reply should also conform to the guidelines concerning documentation to be submitted to the United Nations human rights treaty bodies established by the General Assembly.

83. Article 15 of the Optional Protocol prohibits all forms of sanction or reprisal, from all sources, against anyone who has been or who has sought to be in contact with the Subcommittee. The Subcommittee reminds the Government of Liberia of its obligation to ensure that no such sanctions or reprisals take place and requests that in its reply it provide detailed information concerning the steps it has taken to ensure that it has fulfilled that obligation.²⁴

84. The Subcommittee recalls that prevention of torture and ill-treatment is a continuing and wide-ranging obligation.²⁵ It therefore requests that the Government of Liberia inform it of any legislative, regulatory, policy or other relevant developments relating to the treatment of persons deprived of their liberty and regarding the establishment of a national preventive mechanism.

85. The Subcommittee considers both its visit and the present report to form part of an ongoing process of dialogue. It looks forward to assisting the Government of Liberia in fulfilling its obligations under the Optional Protocol by providing further advice and technical assistance so that it can achieve the common goal of preventing torture and ill-treatment in places of deprivation of liberty.

86. The Subcommittee recommends that, in accordance with article 12 (d) of the Optional Protocol, the national authorities of Liberia enter into a dialogue with the Subcommittee on the implementation of the Subcommittee's recommendations, within six months of the Subcommittee's receipt of the reply to the present report. The Subcommittee also recommends that the Government of Liberia initiate discussions with the Subcommittee on the arrangements for such a dialogue at the time of the submission of its reply to the present report.²⁶

²⁴ For information on the manner in which the Subcommittee addresses the issue of reprisals and sanctions, see its policy on reprisals in relation to its visiting mandate ([CAT/OP/6/Rev.1](#)).

²⁵ See the Subcommittee's approach to the concept of prevention of torture and other cruel, inhuman, or degrading treatment or punishment under the Optional Protocol ([CAT/OP/12/6](#)); and Committee against Torture, general comment No. 2 (2007).

²⁶ The Government of Liberia is encouraged to consider contacting the OHCHR treaty body capacity-building programme (registry@ohchr.org), which may be able to facilitate the dialogue. Information for making an application to the Special Fund is available at www.ohchr.org/EN/HRBodies/OPCAT/Fund/Pages/SpecialFund.aspx.

Annex I

List of government officials, civil society representatives and others with whom the Subcommittee met

Ministry of Foreign Affairs

H.E. Gbehzohngar M. Findley, Minister of Foreign Affairs

Mr. Rosetta N. Jackollie, Assistant Minister/Legal Affairs

Mr. Korboi G. Daniels, Legal Analyst, Ministry of Foreign Affairs

Ministry of Justice

Mr. Nyati Tuan, Deputy Minister Codification

Mr. Eddie Tarawali, Assistant Minister for Corrections and Rehabilitation

Mr. Edwin Folley McGill, Bureau of Corrections and Rehabilitation

Mr. Kutaka Devine Togbah, Director, Human Rights Protection Division

Representatives from the Drug Enforcement Agency and Liberia Immigration Services

Independent National Commission on Human Rights

Mr. Urias Teh Pour, Independent National Commission for Human Rights

Mr. Kwame Ross, Independent National Commission on Human Rights

Others

Ms. Joyce Reeves Woods, Chairperson of the Legal Aid Clinic of the Liberian Bar

United Nations

Mr. Yacoub El Hillo, Assistant Secretary General, United Nations Resident Coordinator, UNDP Resident Representative

Uchenna Emelonye, Country Representative, Office of the United Nations High Commissioner for Human Rights

Civil Society

Civil Society Human Rights Advocacy Platform / Independent Human Rights Investigators

Liberia National Law Enforcement Association (LINLEA)

National Commission of Justice, Peace and Caritas

Rescue Alternatives Liberia

Transgender Network of Liberia (TNOL)

Stop Aid in Liberia

The Lesbian, Gay Association of Liberia (LEGAL)

Annex II

List of places of deprivation of liberty visited by the Subcommittee

Prisons

Buchanan Central Prison

Monrovia Central Prison

Tubmanburg Central Prison

Police stations

Liberian National Police Headquarters

Monrovia Zone 3 Police Station (in Congo Town)

Monrovia Zone 5 Police Station (in Paynesville)

Monrovia Zone 10 Depot 1, Freeport beach police station

Tubmanburg police station (together with woman and children protection section)

Salem Base Police Station
