



**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**

**Report on the visit of the Subcommittee on  
Prevention of Torture and Other Cruel, Inhuman  
or Degrading Treatment or Punishment to  
Liberia\* \*\* \*\*\***

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- \* In accordance with the decision of the Subcommittee at its fifth session regarding the processing of its visit reports, the present document was not edited before being sent to the United Nations translation services.
  - \*\* Report transmitted in confidence to the State party on 17 June 2011 in accordance with article 16, paragraph (1) of the Optional Protocol.
  - \*\*\* On 27 October 2023, the State party requested the Subcommittee to publish the report, in accordance with article 16 (2) of the Optional Protocol.

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## I. Preliminary remarks

1. The Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (hereinafter “SPT”) was established following the entry into force in June 2006 of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (hereinafter “OPCAT” or “Optional Protocol”). The SPT began its work in February 2007.<sup>1</sup>

2. The aim of the OPCAT is “to establish a system of regular visits undertaken by independent international and national bodies to places where people are deprived of their liberty”, in order to prevent torture and any form of cruel, inhuman or degrading treatment or punishment.<sup>2</sup> This report uses the generic term “ill-treatment” to refer to any form of cruel, inhuman or degrading treatment or punishment.<sup>3</sup> The term is to be understood in a broad sense, and includes *inter alia* issues concerning and arising from inadequate physical conditions of detention. The SPT’s work has two main features, namely to visit places of deprivation of liberty, and to advise State parties on the development and functioning of national bodies designated to carry out regular visits – the national preventive mechanisms (NPMs).<sup>4</sup> The SPT methodology during country visits is largely empirical: its main task is to identify *in situ* the situations and factors that pose a risk of torture or ill-treatment in places of deprivation of liberty, and to recommend practical measures to be taken in order to prevent such violations from occurring.

3. Article 11, paragraph (c), of the OPCAT provides that, for the prevention of torture in general, the SPT shall cooperate with the relevant United Nations organs and mechanisms as well as with the regional and national institutions or organizations working towards the strengthening of the protection of all persons against torture and ill-treatment. During its visit to Liberia, the SPT took into account all available information, both from United Nations sources and from other sources at international, regional and national level, as well as observations and information collected during the visits to places of deprivation of liberty.

4. In ratifying the OPCAT, State parties undertake to allow visits by the SPT to any place under their 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 (hereinafter referred to as “places of detention”).<sup>5</sup> State parties also undertake to grant the SPT unrestricted access to all information concerning the number of persons deprived of their liberty in places of detention, the number of such places and their location, as well as to all information concerning the treatment of those persons and their conditions of detention.<sup>6</sup> They are moreover obliged to allow the SPT to have private interviews, without witnesses, with persons deprived of their liberty.<sup>7</sup> In this context, the SPT is at liberty to choose the places that it would like to visit and the persons it wishes to interview.<sup>8</sup>

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<sup>1</sup> For more information on the SPT, please consult the webpage:  
<http://www2.ohchr.org/english/bodies/cat/opcat/index.htm>.

<sup>2</sup> OPCAT, article 1.

<sup>3</sup> In accordance with article 16 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (hereinafter: the “Convention”).

<sup>4</sup> States parties are under an obligation to maintain, designate or establish, at the latest one year after the entry into force of the Optional Protocol, one or several independent NPMs for the prevention of torture at the domestic level, in accordance with OPCAT, article 17.

<sup>5</sup> OPCAT, article 4, para. 1, and article 12.

<sup>6</sup> OPCAT, article 14, paras. 1 (a) and (b).

<sup>7</sup> OPCAT, article 14, para. 1 (d).

<sup>8</sup> OPCAT, article 14, para. 1 (e).

5. Regardless of whether abuses actually occur in the State party, a preventive approach to torture and ill-treatment, and practical measures to that effect, is always necessary. Such preventive work should be broad and inclusive in scope, covering all forms of possible or actual abuse against persons deprived of their liberty. It is justified by the particularly vulnerable situation of persons detained by the State, such detention presenting a recurring risk of ill-treatment and punishment prejudicial to the integrity and dignity of the detainee. Monitoring mechanisms and training and sensitization of the State officials in direct contact with persons deprived of their freedom are some of the main tools for the prevention of torture and ill-treatment.

6. Visits by the SPT are intended to examine the situation of persons deprived of their liberty with the aim of identifying gaps in their protection and of making recommendations intended to eliminate or reduce to the minimum the possibilities of torture or ill-treatment. The SPT adopts a comprehensive preventive approach which seeks to have a positive impact on the physical and mental integrity, and on the humane and dignified treatment, of persons deprived of their liberty.<sup>9</sup>

7. The prevention of torture and ill-treatment requires respect for other fundamental human rights of persons deprived of their liberty, regardless of the form of their detention. During its visits the SPT seeks to identify factors that may either contribute to or which may help avert situations that could lead to torture and ill-treatment. Indeed, the SPT's goal is, by means of its recommendations, and in a spirit of dialogue and cooperation, to assist States to fulfil their obligation to prevent such forms of torture and ill-treatment from occurring.

## II. Introduction

8. In accordance with articles 1 and 11 of the OPCAT, the SPT conducted a visit to the Republic of Liberia (hereinafter "Liberia" or "the State party") from Monday, 6 December 2010, to Monday, 13 December 2010.

9. The SPT was represented by the following SPT members: Mr. Zdenek Hajek (Head of the SPT delegation), Ms. Marija Definis-Gojanovic, Mr. Malcolm Evans, and Mr. Miguel Sarre Iguíniz.

10. The SPT was assisted by Mr. Joao Nataf, Ms. Michelle Kierulf, and Mr. Ricardo Freitas da Silva (United Nations Field and Security Officer), from the Office of the United Nations High Commissioner for Human Rights (OHCHR) in Geneva, and two interpreters.

11. During its visit to Liberia, the SPT observed the treatment of persons deprived of their liberty in various types of institutions located in different parts of the country, and held private interviews with detainees in: five civilian prisons; 12 police stations; the National Security Agency (NSA) facility in Monrovia, one Bureau of Immigration and Naturalization (BIN) facility, and the John F. Kennedy Memorial Hospital in Monrovia (see Annex II). While the SPT is mindful of the fact that, due to time constraints, it was unable to visit the totality of places of detention in the country, the SPT considers that given the number of institutions and facilities visited, its findings reflect the general situation of persons deprived of their liberty in the State party.

12. The SPT carried out its visit with full understanding of the very difficult post-war situation in Liberia, and the consequent challenges as regards the physical and institutional infrastructure of the country, and the economic capacity of the government. The SPT also

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<sup>9</sup> The general approach of the SPT to the concept of prevention of torture and other cruel, inhuman or degrading treatment or punishment under the Optional Protocol may be found in document CAT/OP/12/6.

took into consideration the cultural and political specificities of the country. The concerns and recommendations outlined in the present report are therefore presented with due regard to the particular context of Liberia, with the hope that these recommendations may assist the State party in its process of institutional reconstruction.

13. In addition to visiting places of detention and custody, the SPT held meetings with government authorities, with the United Nations Mission in Liberia (UNMIL), and with members of international and national civil society in order to acquire a broad picture of the legal and institutional framework underpinning the Liberian criminal justice system, the police, the prison system and other institutions with the authority to hold persons in custody. At the conclusion of the visit, the SPT presented its confidential preliminary observations orally to the Liberian authorities.<sup>10</sup>

14. The present report on the first visit of the SPT to Liberia, produced in accordance with article 16 of the OPCAT, sets out the findings and conclusions of the SPT on the basis of the visit, and presents its recommendations concerning the prevention of torture and ill-treatment of persons deprived of their liberty, with the aim of enhancing the protection of such persons against any form of abuse. In accordance with article 2, paragraph 3, of the OPCAT, the SPT's work is guided by the principles of confidentiality, impartiality, non-selectivity, universality and objectivity. This report forms part of the dialogue between the SPT and the Liberian authorities aimed at preventing torture and other cruel, inhuman or degrading treatment.

15. The present report will remain confidential until such time as the Liberian authorities decide to make it public, as stipulated in article 16, paragraph 2, of the OPCAT. The SPT would like to emphasize that the publication of this report will undoubtedly serve as an additional means for preventing torture and ill-treatment in Liberia, taking into account the work of many international and national actors engaged in the administration of justice and the criminal justice system in Liberia. The SPT also considers that the widespread dissemination of the SPT's recommendations would contribute to a transparent and fruitful national dialogue regarding the criminal justice system in Liberia. To date, six SPT reports on visits carried out to other States parties to the OPCAT have been made public.<sup>11</sup>

16. The SPT furthermore wishes to draw the State party's attention to the Special Fund established in accordance with article 26 of OPCAT. Recommendations contained in SPT visit reports which have been published at the request of the State party in question, can form the basis of an application by the State party for funding of specific projects through the Special Fund.

17. **The SPT therefore recommends that Liberia requests the publication of the present report in accordance with article 16(2) of OPCAT.**

### III. Facilitation of the visit and cooperation

18. The SPT wishes to express its gratitude to the Liberian authorities for the facilitation of the visit. The SPT would like to thank, in particular, the Liberian governmental focal point for the SPT visit, Ms. Kabaye Liku, Legal Advisor, Ministry of Justice, for her assistance prior to and throughout the visit.

19. The authorities in charge of many of the places visited showed willingness to consider and respond to the SPT's requests and recommendations. In most places, the SPT was able

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<sup>10</sup> The Preliminary Observations were transmitted to the State party in writing on 10 January 2011.

<sup>11</sup> These are the SPT reports on visits conducted to: Benin, Honduras, Maldives, Mexico, Paraguay and Sweden.

to enter the facilities and conduct its work satisfactorily, including the conduct of private and confidential interviews with persons deprived of their liberty. However, the SPT unfortunately faced particular difficulties in being granted access to certain specific places and persons, namely: the National Security Agency (NSA) facility in Monrovia and the Liberia National Police (LNP) Headquarters in Monrovia. At the NSA facility and the LNP Headquarters the SPT faced considerable delays and untruths. At both facilities attempts were made to prevent the SPT from seeing and speaking to detainees held there, which the SPT considers unacceptable and amounts to a breach of the obligations contained in the Optional Protocol. In spite of these difficulties, the SPT was able to negotiate a means of entry following intervention by the focal point, which enabled the conduct of relevant and meaningful visits to these places of detention.

20. The SPT wishes to thank the Liberian Government for the spirit in which it received its confidential preliminary observations during the final talks, and looks forward to the continued dialogue with the State party on the issues and recommendations outlined in the present report.

**21. To that end, the SPT requests the Liberian authorities to provide it with a follow-up response within six months from the date of transmission of this report, giving a full account of the State party's actions taken to implement the recommendations. The SPT's requests for specific information are furthermore contained throughout the present report, to which the State party is also kindly requested to respond.**

22. The SPT wishes to thank the representatives of the Liberian government, as well as international and national organizations (see Annex I), who participated in meetings with the SPT, for the important factual and analytical information offered to the SPT during the preparation and conduct of the visit.

23. The SPT is also grateful for the invaluable logistical support provided by United Nations Mission in Liberia (UNMIL), Human Rights and Protection Section (HRPS), which proved essential for the successful conduct of the visit.

#### **IV. National Preventive Mechanism**

24. Liberia ratified the Optional Protocol on 22 September 2004. In accordance with article 17 of the OPCAT, the State party should have maintained, designated or established a National Preventive Mechanism (NPM) by 22 June 2007, i.e. one year after OPCAT entered into force. As of the time of the SPT visit, the creation or designation of an NPM by Liberia remained outstanding, and the Liberian authorities had not provided any reply to the SPT's requests for information in writing.<sup>12</sup> During its visit to Liberia, the SPT discussed the creation or designation of a Liberian NPM with authorities and civil society representatives.

25. The SPT understands that at the time of the visit there was an assumption by several national actors that the recently constituted Independent National Commission on Human Rights (INCHR) of Liberia would become the national institution designated as the Liberian NPM. In this regard, the SPT considered the draft anti-torture bill presented to the Liberian Legislature in August 2010, which provided for, inter alia, the establishment of an NPM unit within the INCHR, to be headed by a Special Commissioner on Torture and Detention. The SPT understands that the anti-torture bill would be subject to discussion by the Liberian Legislature in early 2011.

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<sup>12</sup> The SPT sent Notes Verbales to the State party requesting information, dated 24 September 2008 and 20 November 2009.

26. **The SPT requests that the Liberian authorities provide it with clear statement concerning the establishment of an NPM, including any substantive draft legislation on the designation or establishment of an NPM before the Liberian Legislature, as well as detailed information on the legislative process of creating an NPM.**

27. The SPT also considered the INCHR Act of 2005,<sup>13</sup> which in its Article III mandates the INCHR to conduct “free and unfettered on-site inspections and investigations, if necessary without the prior consent of the concerned authority, including powers to visit all civil, military and paramilitary places of detention in the Republic of Liberia”. During its visit, the SPT held a meeting with representatives of the INCHR (see Annex I), during which it was informed that the INCHR had already undertaken visits to Monrovia Central Prison (MCP) and to police stations in Monrovia. The SPT was informed that the INCHR was on those occasions not permitted by the authorities present to conduct private interviews with persons deprived of their liberty.

28. **The SPT does not prejudge at this stage whether the INCHR would be the appropriate institution to be designated as the Liberian NPM. While it is for the State party to decide which form the Liberian NPM should take, the SPT recommends that the following elements, with due reference to the SPT Guidelines on national preventive mechanisms (CAT/OP/12/5), be taken into account by the Liberian authorities in the process of designating or establishing the Liberian NPM:**

(a) **The future Liberian NPM should be established in accordance with the relevant provisions of the Optional Protocol and of the Paris Principles relating to the status of national institutions for the promotion and protection of human rights (“Paris Principles”);**

(b) **The mandate and powers of the NPM should be clearly set out in a constitutional or legislative text, and the operational independence of the NPM should be guaranteed by law and in practice;**

(c) **The NPM should be developed by a public, inclusive and transparent process, involving civil society and other actors engaged in the prevention of torture and ill treatment in Liberia. This should also apply to the process for the selection and appointment of members of the NPM, which should be in accordance with published criteria;**

(d) **The NPM should carry out all aspects of its mandate in a manner which avoids actual or perceived conflicts of interest;**

(e) **The necessary resources should be provided to permit the effective operation of the NPM, and the NPM should enjoy complete financial and operational autonomy when carrying out its functions under the Optional Protocol;**

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

(g) **The State party should ensure that the NPM is able to carry out visits in the manner and with the frequency that the NPM itself decides. This includes the ability to conduct private interviews with those deprived of liberty and the right to carry out unannounced visits at all times to all places of deprivation of liberty, in accordance with the provisions of the Optional Protocol;**

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<sup>13</sup> An Act to repeal the Act of 1997 creating the Liberia Commission on Human Rights and to create the Independent National Commission on Human Rights of Liberia, 2005.

(h) **The State authorities and the NPM should enter into a meaningful process of continuous dialogue, with a view to the implementation of the recommendations which the NPM may make, with the aim of improving the treatment and the conditions of the persons deprived of their liberty, and to prevent torture and other ill-treatment or punishment. The State party should publish and widely disseminate the Annual Reports of the NPM.**

29. **The SPT would like to remind the State party of its international obligation to establish an independent and effective NPM, in accordance with the relevant provisions of OCPAT, and stands ready to offer further assistance regarding draft legislation for the establishment of the NPM, if so requested.**

## **V. Normative and institutional framework for the prevention of torture and other cruel, inhuman or degrading treatment or punishment in Liberia**

30. In addition to examining the material conditions of detention of persons deprived of their liberty (see Chapter VI), the SPT examined the normative and institutional framework relating to the treatment of persons deprived of liberty in Liberia, with the aim of identifying the elements of those frameworks and their practical application, which could constitute safeguards for persons deprived of liberty, as well as those liable to cause or increase the risk of torture and ill-treatment.

31. Besides examining the formal legal and institutional framework in the country, the SPT also had the opportunity in the course of its visit to reflect upon the impact of the traditional justice system operating in Liberia on the situation of persons deprived of their liberty, and on the prevention of torture and ill-treatment (see Section C below).

### **A. Normative framework**

#### **1. The prohibition and criminalization of torture in Liberian legislation**

32. The SPT notes that the Liberian Constitution article 21 (e) prohibits torture and “inhumane treatment”, and requires the Legislature to make this a criminal offence. Whereas the SPT welcomes the enshrining of the prohibition of torture in the Constitution, the SPT remains concerned that until the time of the visit, there was no specific provision in Liberian legislation defining torture as such and making it a criminal offence.

33. The SPT understands that acts of torture, if and when reported, could be the subject of criminal charges under the existing national legislation provisions on aggravated or simple assault,<sup>14</sup> but the SPT was not made aware of any such cases having come before the Liberian courts. The SPT was made aware of a case of an inmate who was beaten to death by a prison officer in Tubmanburg Central Prison in 2009.

34. **The SPT requests information on the outcome of the criminal case against the person responsible for the incident at Tubmanburg Central Prison in 2009, and the sentence imposed.**

35. The SPT observes that several elements in the definition of torture set out in article 1 of the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (hereinafter: “CAT” or “Convention”) are not reflected in the provisions of the New Penal Law. As a State party to CAT, Liberia is bound by the definition contained in the

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<sup>14</sup> New Penal Law, §14.20 and §14.21, respectively.



Convention. The SPT takes due note of regional recommendations,<sup>15</sup> and wishes to remind the State party that defining the offence of torture in accordance with article 1 of CAT fulfils a preventive function. Furthermore, the SPT recalls that discrepancies between domestic law and the definition contained in article 1 of CAT can create actual or potential loopholes for impunity.<sup>16</sup> Domestic legislation should provide for investigation, prosecution and punishment of any act of torture or ill-treatment, irrespective of the setting in which it occurs or of its purpose. Furthermore, the severity of the penalties for such acts should match the gravity of the offence, bearing in mind that these acts occur in settings in which the victims are under the control of the State, which is required to respect the integrity of all persons within its jurisdiction.

36. The SPT once again takes note of the draft anti-torture bill presented to the Liberian Legislature in August 2010, which includes provisions on the definition, prohibition and criminalisation of torture. The SPT welcomes such an initiative coming from Liberian civil society, but notes that the Liberian Legislature had not yet taken a position on it at the time of the visit.

**37. The SPT recommends that, as a matter of priority, torture be criminalised by the State party in a manner that fully reflects the definition provided in article 1 of CAT, and that the offence be punishable by appropriate penalties which take into account the grave nature of torture. In line with the criminalization of torture, the SPT recommends that torture and ill-treatment be publicly condemned by the State party, and that a public policy of complete eradication be established and disseminated.**

**38. The SPT furthermore requests the State party to provide it with updated information on the legislative developments concerning the draft anti-torture bill that was presented to the Liberian Legislature in August 2010, and whether this legislative initiative has been included in the deliberations of the Law Reform Commission or other institutional bodies.**

## **2. Exclusion of evidence obtained as a result of torture**

39. The SPT takes note of the national provisions concerning the admissibility of evidence,<sup>17</sup> which state that any admission or statement to be used as evidence must be established by the prosecution to have been “made voluntarily”. Nevertheless, the SPT notes that this provision falls short of the benchmark envisaged by article 15 of CAT, as it does not specifically prohibit the use of evidence obtained through torture.

40. Despite the fact that the SPT did not receive allegations concerning the systematic use of torture and ill-treatment by law enforcement officials to extract confessions or to obtain information, including during the initial stages of detention, from a preventive standpoint the SPT is concerned with the absence of procedural guarantees in the legislation to ensure the prohibition of the use of evidence obtained through torture. Furthermore, the SPT is troubled by the fact that most suspects remain for very long periods of time in pre-trial detention in completely unacceptable material conditions, amounting to severe cruel, inhuman and degrading treatment. Indeed, to the extent that the nature and conditions of detention could lead to obtaining statements or confessions from detainees that they would not have provided had they been held in more acceptable conditions of detention, such conditions could amount to a form of torture.

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<sup>15</sup> Guidelines and Measures for the Prohibition and Prevention of Torture, Cruel, Inhuman or Degrading Treatment or Punishment in Africa, (the Robben Island Guidelines), para. 4.

<sup>16</sup> General comment No. 2 of the Committee against Torture, CAT/C/2, para. 9.

<sup>17</sup> Criminal Procedure Law §21.4.

41. The SPT recommends that the State party introduce specific due process safeguards to ensure that detainees are not subject to any form of torture or ill-treatment to make them confess to the commission of a crime or to obtain evidence. Due process safeguards may in this case include the strengthening of the role of the prosecution in preventing the use of evidence obtained through torture.

42. The SPT recommends that the State party issue directives on the proper conduct of interrogations of persons, including a total prohibition of torture and ill-treatment. The SPT further recommends that practical guidelines providing for interrogation techniques be issued and systematically reviewed, in accordance with Liberia's international human rights obligations.<sup>18</sup> Methods of interrogation should not impair on the decision-making capacity judgement of the suspect or accused person.<sup>19</sup>

43. To guard against abuses, and in accordance with the State party obligations under article 15 of the Convention, the SPT recommends that the State include in its law reform process the revision of the provisions on admissible evidence in the Criminal Procedure Law, by including a provision that any statement which is established to have been made as a result of torture shall not be invoked as evidence in any proceedings, except against a person accused of torture as evidence that the statement was made in violation of the aforesaid provision.

44. With regard to the detaining of persons in prolonged pre-trial detention in completely unacceptable material conditions, and the inherent risk that such conditions of detention amount to a form of ill-treatment, please refer to the SPT recommendations regarding pre-trial detention and material conditions, which follow below.

### 3. Reporting obligations to the Committee against Torture

45. The SPT noted that Liberia was yet to submit its initial report under article 19 of CAT, which was overdue since 2005.

46. The SPT recommends the State party to submit its reports to the Committee against Torture as soon as possible, in accordance with its obligations under the Convention.

## B. Institutional framework

47. The prevention of torture and ill-treatment in places of deprivation of liberty is the shared responsibility of several institutions working in the field of administration of criminal justice in the State party, including the Liberia National Police (LNP), the Bureau of Corrections and Rehabilitation (BCR) under the Ministry of Justice, the judiciary, the public defence and prosecution systems, and the legal profession, as well as any military authority with jurisdiction to detain persons.

48. The SPT takes a holistic approach in its concerns and recommendations outlined in the following. It recommends that the State party address the implementation of the recommendations in a cross-institutional manner, and in partnership with the relevant international actors.

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<sup>18</sup> Article 11 of the Convention.

<sup>19</sup> Principle 21 of the United Nations Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, adopted by General Assembly resolution 43/173

## 1. Excessive use of pre-trial detention

49. The prevalence of pre-trial detention in Liberia can be observed as one of the main symptoms of the institutional problems in the general administration of justice in the country. The SPT observed during its visit that more than 80% of all inmates held in Liberian prisons had not been convicted and were awaiting trial for extremely lengthy periods of time, a situation which is well-known and acknowledged by both the Liberian government, as well as national and international actors in Liberia. This number is extremely high and appears to be the main cause of the chronic overcrowding found in most corrections institutions.

50. Through several interviews with inmates, the SPT was informed that detainees are systematically held in prisons for prolonged periods of time without having their cases adjudicated. For example, in Monrovia Central Prison (MCP), the SPT spoke to inmates who had been held there in pre-trial detention since early 2007, i.e. more than three years. The SPT interviewed several persons throughout its visit who had no knowledge or information on the status of their case, or who had not had access to any legal proceedings or legal advice at all. The SPT is deeply concerned about the excessive use of prolonged pre-trial detention in Liberia.

51. The SPT notes with concern that the excessive use of prolonged pre-trial detention, as well as the lack of separation of pre-trial detainees from sentenced prisoners, contravenes the presumption of innocence,<sup>20</sup> and may result in the stigmatizing of those who have not yet been convicted of a crime, whilst also increasing the risk of recidivism.

52. Furthermore, the SPT is especially concerned by the generally dysfunctional nature of the processes regarding arrest, custody and the bringing of cases to trial, since it considers this to be an important factor contributing to the systemic use of pre-trial detention. Many persons interviewed by the SPT in both police stations and prisons said that they had been detained on the basis of denunciations and bribes, and that the complaints against them had not been adequately investigated. The SPT noted many cases concerning persons involved in private disputes on the margins or outside the ambit of criminal responsibility, yet who were subjected to arrest and pre-trial detention.

53. The SPT observes that the way in which many cases enter the criminal justice system in Liberia demonstrates the urgent need for broad public education and awareness-raising on the rule of law and on the role of the criminal justice system, as well as a need for the strengthening of the investigatory skills and capacity of police officers and prosecutors.

**54. The SPT recommends that the relevant Liberian authorities take steps to address the general need for public education and awareness-raising on the rule of law and the criminal justice system country-wide, through locally appropriate, accessible, participative and community-based communication of the functions of the criminal justice system, and the role of different actors and institutions operating within that system. Concurrently, the SPT recommends the continued buttressing of the criminal justice system, inter alia through the continuous strengthening of the investigative skills and capacity of police officers and prosecutors, in order for these institutions to efficiently and correctly screen cases, so as to avoid the unnecessary detention of persons.**

55. During its visit, the SPT noted that in a majority of cases, detainees held for prolonged periods of time in institutions were charged with offences that could be bailable in accordance with the law,<sup>21</sup> but for which the detainees could not afford bail. Furthermore, the SPT understood from meetings with the Liberian authorities that the establishment and

<sup>20</sup> Article 14, paragraph 2 of the International Covenant on Civil and Political Rights (ICCPR).

<sup>21</sup> Criminal Procedure Law, Chapter 13.

implementation of a system of parole and probation was underway, with the assistance and technical cooperation of international partners.

56. **The SPT welcomes the State party's efforts towards establishing alternatives to detention, and recommends that efforts towards increasing the use of non-custodial measures be strengthened, with due regard to international<sup>22</sup> and regional<sup>23</sup> standards. In this regard, the SPT recommends that the State party continue to seek assistance from the international community, in terms of economical and technical support for the design and implementation of non-custodial measures.**

57. The SPT notes that the Liberian legislation does not provide for clear limitations on the maximum length of time before a detained person must be brought before a judge ("without unnecessary delay"), nor the maximum length of pre-trial detention pending trial and conviction.

58. The SPT recalls that pre-trial detention should be used as a means of last resort in criminal proceedings, with due regard to the investigation of the alleged offence, and to the protection of society and the victim.<sup>24</sup> Pre-trial detention should only be used for limited periods of time, and as determined by law.

59. **The SPT recommends that the relevant Liberian legislation be amended in order to include clear provisions for the maximum duration of pre-trial detention, according to the type of offence charged. The SPT further recommends that procedures associated with the implementation of the Liberian legislation be reviewed to ensure that pre-trial detention is strictly controlled, and that the detention of defendants is monitored by the appropriate institutions.**

60. **On the long term, the SPT recommends that the State party take steps to establish a country-wide system on the status of pending cases at all prisons, and that pre-trial detainees be able to access such information systems regarding their own cases on a regular basis.**

## 2. Judiciary

61. The SPT received consistent and repeated statements from different stakeholders – from civil society actors, to detainees, to high ranking government officials – about the systematic delays and dysfunctions in the administration of justice, with a strong focus on the lacking capacity of the judiciary to process cases. It is a clear and well-known observation that a more efficient justice system in Liberia would result in an improvement of the situation of detainees and would ameliorate the current problems of pre-trial detention and subsequent overcrowding in places of detention.

62. The SPT takes into due consideration the fact that the Liberian justice system suffered a collapse during the civil war periods, and continues to face serious challenges, including insufficient funding, lack of trained and qualified personnel, lack of infrastructure and basic equipment, and poor administration and caseload management. The SPT is concerned that the structural deficiencies in the administration of justice in Liberia may be perpetuated unless the reconstruction of the Liberian justice system is built on a strong foundation, taking into account the international human rights obligations of Liberia.

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<sup>22</sup> The United Nations Standard Minimum Rules for Non-custodial Measures (the Tokyo Rules), adopted by General Assembly resolution 45/110.

<sup>23</sup> Kampala Declaration on Prison Conditions in Africa, adopted by the International Seminar on Prison Conditions in Africa, held at Kampala, Uganda from 19-21 September 1996, and endorsed by ECOSOC resolution 1997/36, and the Robben Island Guidelines, paragraph 37.

<sup>24</sup> Rule 6.1 of the Tokyo Rules

63. **The SPT recommends that the State party continuously assess the needs of the justice system, in order for the judiciary to be able to fulfil its function more efficiently, and prioritise the enhancement of the substantive and technical capacity of the judiciary to process cases in a fair and timely fashion. The SPT further recommends the strengthening of the training of judges and court personnel. The SPT also recommends that the appointment of independent criminal judges in those County jurisdictions that are still in need of them, and that the allocation of sufficient resources and trained personnel, be prioritised.**

64. While the SPT welcomes initiatives such as the “Magistrate Sitting Program” currently being implemented in MCP, supported by civil society, and which have resulted in the “fast-track hearings” and subsequent release of significant numbers of pre-trial detainees from MCP, the SPT remains concerned that this initiative does not in and of itself resolve the structural problems of the criminal justice system in Liberia. Moreover, at the time of the visit, the initiative only applied to the detainees held in MCP and had not been extended to other Counties.

65. **The SPT recommends that the State party continuously assess and improve the quality and effectiveness of initiatives such as the “fast-track hearings” conducted by the “Magistrate Sitting Program” operating at MCP, with a view to extending its capacity to hear cases, and that the government take steps to establish similar initiatives at corrections facilities in other Counties, for instance in Kakata, Margibi County, with a view to extending such programmes throughout the country, where needed.**

### 3. Public defence and legal aid

66. The SPT noted that Liberian legislation guarantees the right to adequate legal representation at every stage of criminal proceedings.<sup>25</sup> However, from the information obtained through a large number of interviews, the SPT observed that the majority of persons deprived of their liberty did not have access to legal representation and/or free legal aid at any stage of the criminal proceedings.

67. Taking into due consideration that the State party is still in the process of reconstructing the justice system in the country, the SPT nevertheless recalls that free legal aid and adequate legal representation, either through an efficient and independent public defence system, or through other forms of free and accessible legal aid, forms an essential safeguard against torture and ill-treatment and should be made available and guaranteed to all detainees from the outset of the deprivation of liberty.

68. **The SPT recommends that the State party include in its priorities the strengthening of the public defence system, through educational and institutional measures. The public defence system should be equipped with the necessary human and financial resources, enabling it to actively and efficiently provide legal defence, urgent priority being given to the cases of persons in pre-trial detention, and in particular children in pre-trial detention. In addition, taking due note of regional recommendations,<sup>26</sup> the SPT recommends the continued development and diversification of locally sustainable legal aid services in rural areas of the country.**

<sup>25</sup> Criminal Procedure Law §2.

<sup>26</sup> Lilongwe Declaration on Accessing Legal Aid in the Criminal Justice System in Africa, adopted by the Conference on Legal Aid in Criminal Justice: the Role of Lawyers, Non-Lawyers and other Service Providers in Africa, held in Lilongwe, Malawi, from 22-24 November 2004, and the African Commission on Human and Peoples’ Rights (ACHPR) Principles and Guidelines on the Right to Fair Trial and Legal Assistance in Africa, adopted in 2003.

69. **The SPT welcomes that free legal aid is provided by some civil society organisations operating in Liberia, and recommends that these activities be encouraged and their use strengthened. However, the SPT recalls the primary responsibility of the State party in this regard.**

#### 4. Prosecutors

70. The SPT expresses its concerns regarding the apparent weaknesses of the Liberian prosecution in the management of case intake, the decision-making about which cases to prosecute, and which persons to be detained in pre-trial detention. The SPT recalls the importance of an independent and efficient prosecution, and of the need for cooperation between the Office of the Prosecutor and the police, judicial bodies, legal profession and other institutional actors, in the administration of justice.

71. **The SPT recommends that the State party prioritize the conduct of an assessment of the deficiencies and specific needs of the Liberian prosecution system, with a view to developing appropriate training to effectively clarify the role of the prosecution in the criminal justice process vis-à-vis other relevant institutional actors, i.e. police investigators and the judiciary. The work of the prosecution must fully respect international human rights law. Furthermore, the SPT recommends that the prosecution be equipped with the necessary human and financial resources, in order to operate efficiently throughout the country, including in rural areas, taking into due consideration the relevant international<sup>27</sup> and regional guidelines.<sup>28</sup>**

#### 5. Police administration

72. During the visit, the SPT interviewed Liberia National Police (LNP) staff at a number of LNP stations throughout the country (see Annex II). The SPT noted that, in general, LNP stations suffer systemic problems related to insufficient and unmotivated staff, lack of funding and basic equipment for the effective functioning of the police force, including transportation and security equipment. Police staff systematically complained about poor working conditions, which could be easily verified by the SPT. In addition, police officers stated that their salaries had not been paid on time.

73. Outside Montserrado County, most LNP stations were understaffed. The SPT noted that while there were some female police officers, in some places there were none on duty. The SPT noted that in some cases, police officers were not wearing uniform and could therefore not be identified as police officers. Basic security equipment, such as padlocks and handcuffs were missing, and the facilities were generally poorly furnished and equipped. In Montserrado County, police stations were in very poor material conditions, including for the staff, and the buildings were not properly maintained.

74. **The SPT recommends that the State party progressively provide the LNP administration in all Counties with the necessary and adequate budget, salaries, equipment and uniforms, free of charge, including transportation and security equipment. Control mechanisms should be put in place to ensure that such budget allocation is effectively used. The material conditions of the buildings should be regularly checked, and the buildings should be progressively renovated, maintained and cleaned. In the case of security equipment, the SPT recalls that such equipment must be provided to LNP officers together with strict instructions and regulations on**

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<sup>27</sup> United Nations Guidelines on the Role of Prosecutors, adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, Cuba, 27 August – 7 September 1990.

<sup>28</sup> Chapter F on the Role of Prosecutors in the African Commission on Human and Peoples' Rights (ACHPR) Principles and Guidelines on the Right to Fair Trial and Legal Assistance in Africa.

**their use, as well as periodic training, in order to ensure compliance with international human rights standards.<sup>29</sup> Institutional monitoring mechanisms should be put in place in order to ensure that security equipment is used for legitimate purposes and only when strictly necessary and proportionate.**

75. The SPT reiterates its concerns regarding the role of the LNP officers in the introduction of persons into the criminal justice system. The SPT noted with concern that many persons reportedly enter the criminal justice system on the basis of denunciations and bribes.

**76. The SPT welcomes the efforts undertaken by the State party in conjunction with international partners to train LNP officers in recent years. The SPT recommends that such training be maintained and further strengthened in order to continuously ensure that the Liberian police force is comprised of motivated and responsible staff with the necessary investigative, forensic, and technical expertise. In addition, periodic human rights training should be provided to all LNP officers throughout the country, and institutional monitoring mechanisms should be put in place to evaluate the LNP policing compliance with international human rights standards.<sup>30</sup>**

## **6. Prison administration**

77. During its visit, the SPT noted with concern that prisons are understaffed, a phenomenon aggravated by overcrowding. The SPT interviewed prison staff, including directors of the prisons visited. Despite volunteers and other supporting staff assisting the formally employed prison staff, as well as work done by inmates themselves, the lack of personnel was an important source of dysfunction in the management of these institutions and facilities. In addition, staff members interviewed informed the SPT that they were not paid regularly or sufficiently. In several prisons absenteeism was reported due to delays in payment of salaries. Prison staff also informed the SPT that they lacked uniforms and other equipment, and were not provided with the minimum security equipment, including, for example, handcuffs and padlocks, due to budgetary constraints. It was also observed that prison guards generally lacked sufficient training, in particular on the treatment of prisoners and human rights. The SPT thus gives due consideration to the fact that the Liberian penitentiary staff were working under very difficult circumstances.

78. The SPT observed open hostility between inmates and prison staff or guards in all the prisons visited. Such hostilities were mainly due to the poor conditions of detention, the response of prison staff to complaints by inmates, and inmates' allegations of ill-treatment and corporal punishment.

**79. Taking due note of regional standards and recommendations,<sup>31</sup> the SPT recommends that the State party increase the number of duly trained staff in corrections facilities throughout the country. It also recommends that the Liberian authorities allocate the necessary budget for the adequate salary and equipment of prison staff, including security equipment. In the case of security equipment, the SPT recalls that such equipment must be provided to prison staff together with strict instructions and regulations on their use, as well as periodic training, in order to ensure**

<sup>29</sup> United Nations Basic Principles on the Use of Force and Firearms for Law Enforcement Officials, paras. 19 and 20, adopted by the 8<sup>th</sup> United Nations Congress on the prevention of crime and the treatment of offenders, Habana, Cuba, 27 August to 7 September 1990.

<sup>30</sup> Including the United Nations Code of Conduct for Law Enforcement Officials, adopted by General Assembly resolution 34/169.

<sup>31</sup> Kampala Declaration on Prison Conditions in Africa, adopted by the International Seminar on Prison Conditions in Africa, held at Kampala, Uganda from 19-21 September 1996, and endorsed by ECOSOC resolution 1997/36.

compliance with international human rights standards.<sup>32</sup> Institutional monitoring mechanisms should be put in place in order to ensure that security equipment is used for legitimate purposes and only when strictly necessary and proportionate. The SPT further recommends that the State party intensify training opportunities, in particular for those officers who are in direct contact with prisoners.

#### 7. Visiting bodies and oversight mechanisms

80. According to Liberian legislation,<sup>33</sup> the Chief of the Bureau of Corrections and Rehabilitation under the Ministry of Justice, or any person to whom such power has been delegated in writing, shall visit once every two weeks and inspect every institution in Liberia. In accordance with the law, the Chief shall have full access to the grounds, buildings, books and records belonging or relating to any such institution, and may require the warden or head of institutions to provide further information. In addition, the President, Vice-President, Attorney General or any associates, members of the legislature, or prosecuting attorney of the County, territory or district in which a prison is located, may visit it without receiving previous permission.

81. In practice, the SPT was informed through its interviews with detainees that County attorneys, public defenders or the magistrates rarely visited the prisons, if at all. The SPT was told by prison staff interviewed that the Bureau of Corrections and Rehabilitation conducted periodic visits accompanied by the United Nations Corrections Advisory Unit (CAU). Additionally, the SPT was informed that the Ministry of Justice also conducted periodic visits to places of detention.

82. According to the police staff interviewed in all LNP stations visited by the SPT, no monitoring or visiting by any authority (judicial, administrative or other) had been undertaken in the respective police stations.

83. The SPT recalls the importance of institutional oversight mechanisms mandated to visit places of deprivations of liberty, including police stations, in the prevention of torture and ill-treatment. Such oversight mechanisms should conduct regular and unannounced visits and have the possibility to interview inmates and detainees in private, as well as to oversee and discuss the management and administration of institutions and facilities with the staff.

84. **The SPT recommends that Liberia increase the level of institutional oversight in order to ensure that the central State authorities are fully aware of issues and problems within institutions and facilities throughout the country, and are engaged in their management. The SPT furthermore requests that in its follow-up response the State party includes the most recent reports arising out of the inspection visits conducted by the Bureau of Corrections and Rehabilitation and by the Ministry of Justice. In addition, the SPT reiterates its call on the State party to establish an independent and effective NPM in accordance with the provisions of OPCAT.**

#### 8. The medical profession

85. The SPT considers that access to a doctor should be available from the outset of deprivation of liberty.<sup>34</sup> From a preventive standpoint, a medical examination and the proper recording of injuries incurred by persons deprived of their liberty constitute important safeguards in the prevention of torture and ill-treatment, and in combating impunity.<sup>35</sup> **Such examinations should be carried out in private by a doctor trained in the description and**

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<sup>32</sup> Including the United Nations Code of Conduct for Law Enforcement Officials.

<sup>33</sup> Criminal Procedure Law, §42.4

<sup>34</sup> Committee against Torture, General comment No. 2, CAT/C/GC/2, para. 13.

<sup>35</sup> Committee against Torture, General comment No. 2, CAT/C/GC/2, para. 13.



**reporting of injuries, and the results be kept confidential from police or prison staff, and shared only with the detainee and/or his/her lawyer.**

86. As provided for in the Convention, there is an obligation upon the State to proceed to a prompt and impartial investigation, wherever there is a reasonable ground to believe that an act of torture has been committed.<sup>36</sup> Such an investigation should be carried out in any place of deprivation of liberty, and should include an independent and thorough medical and psychological examination in accordance with the guidelines of the Istanbul Protocol.<sup>37</sup> In this regard, the SPT noted that there is no institute of forensic medicine in Liberia.

**87. The SPT recommends that the Liberian authorities take steps to introduce the use of the Istanbul Protocol, provide regular training on this Manual to health professionals working with persons deprived of their liberty, and create a body of independent, qualified health professionals with expertise in this area. In this respect, the State party should consider establishing an institute of forensic medicine and seek the assistance of the international community to that effect.**

## 9. Complaints systems

88. According to national legislation,<sup>38</sup> every prisoner shall have the opportunity each weekday to make requests or complaints to the prison director or his representative. Prisoners shall also be permitted to make requests or complaints to outside governmental inspection officials, and to talk to such persons in private. During its visit to Liberia, the SPT did not find evidence of a functioning complaints system in either police stations or in prisons and detention centres. Persons deprived of their liberty interviewed by the SPT stated that they were not aware of their right to submit complaints, did not understand how to, or saw no use in submitting a formal complaint.

89. The SPT recalls that a human rights approach requires that inmates be referred to as subjects of legal rights, and be empowered not only to lodge complaints but also to have access to the means and channels necessary to pursue and achieve justice, like all citizens. One of the basic safeguards against torture and ill-treatment is the right of a detained person or his/her counsel to make a request or lodge a formal complaint regarding his/her treatment, in particular in the event of torture or other cruel, inhuman or degrading treatment, to the authorities responsible for the administration of the place of detention and to higher authorities and, when necessary, to appropriate authorities vested with the appropriate reviewing or remedial powers.<sup>39</sup> Furthermore, the mere existence of complaints mechanisms is not enough; they must be, and must be seen to be, independent and impartial, and should offer guarantees of effectiveness, promptness and expeditiousness.

90. **In this regard, the SPT recommends:**

**(a) That all persons deprived of their liberty, irrespective of their place of detention, be informed about their right to submit direct (i.e. without being filtered by police or prison staff and/or other detainees) and confidential (if so requested by the complainant) complaints to the authority responsible for the administration of the place**

<sup>36</sup> Article 12 of the Convention.

<sup>37</sup> The Manual on Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (known as the "Istanbul Protocol"), was adopted in 1999, and has since been endorsed by the United Nations Office of the High Commissioner for Human Rights, the General Assembly, and the UN Human Rights Council, amongst others.

<sup>38</sup> Criminal Procedure Law, §34.16.

<sup>39</sup> Principle 33 of the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, adopted by General Assembly resolution 43/173; Rules 35 and 36 of the Standard Minimum Rules for the Treatment of Prisoners; and paragraphs 17-19 of the Robben Island Guidelines.

of detention, to higher authorities and to authorities with remedial powers. Information about this right should be provided in writing to the persons deprived of their liberty at their arrival at the place of detention and should be made generally known throughout all the places of detention, through signs or posters posted visibly in places where detainees can see them and in a language they can understand;

(b) That the right to submit complaints be guaranteed in practice, and that complaints be received uncensored as to substance and be considered and replied to without undue delay;

(c) That no reprisals or other forms of prejudice be suffered by those making a complaint;

(d) That the LNP and the prison authorities (Bureau of Corrections and Rehabilitation (BCR)) establish and maintain a record of all complaints received, including their nature, the institution where it originated, date of receipt, date of decisions, the nature of the decision and any action taken as a result;

(e) That the State party establish a national register of allegations of torture and ill-treatment.

### **C. Traditional justice**

91. During its visit, the SPT noted the existence of a traditional justice system in Liberia, also referred to as the informal justice system. The SPT acknowledges that this system was the only justice system generally available to the Liberian people during the civil war periods (from 1989-1997 and 1999-2003) and that it continued to operate in parallel to the official justice system, mainly due to its high degree of popular legitimacy, whilst many parts of Liberian society continued to have limited confidence in the official system.

92. Through interviews conducted with a number of inmates, the SPT also noted that the general public knowledge and understanding of the formal justice system was very limited throughout the country, including in Monrovia. The integration of traditional community justice approaches with the formal justice system, ensuring the prevalence and maintenance of formal safeguards and due process, subsequently remained a challenge in Liberia. The SPT recognizes that there were ongoing efforts to improve the situation being undertaken by the Liberian government in conjunction with national and international partners.

93. **The SPT recommends that the official justice system be strengthened and that the State party ensures that the ongoing efforts to strengthen and re-construct the formal justice system in Liberia take cognizance of the traditional justice system operating within the country in a manner that is fully compatible with international human rights law.**

94. **In order to raise public confidence in the formal justice system, the SPT recommends that broad public education campaigns be held around the country, including in Monrovia, as well as within places of deprivation of liberty, and that all persons working with the administration of justice in the country (magistrates, judges, the legal profession, as well as police officers and prison staff) be further trained in order to enhance their understanding of their responsibilities and sense of ownership of the formal system.**

95. The SPT took note that the traditional justice system holds a dominant position throughout the country. Through interviews conducted with inmates, the SPT observed some level of interaction between the traditional and formal systems, which could be found in “criminal” cases where the “guilt” would be determined by traditional means and

“punishment” carried out by the official formal system, usually in the form of imprisonment. When “criminal” traditional justice was applied, the SPT observed that it could lead to illegal or arbitrary detention, as well as torture or ill-treatment, such as flogging, burning and poisoning (which, in certain cases, had led to deaths). Despite the fact that all forms of trials by ordeal (including “sassywood”) were declared unconstitutional by the Supreme Court of Liberia in 1916, upheld by its decision in 1940<sup>40</sup> and since, different forms of trials by ordeal were reportedly still widely used, in both rural and urban areas.

96. **The SPT recommends that the human rights provisions of the Liberian Constitution, including the right to life and the right not to be subject to torture or ill-treatment,<sup>41</sup> be respected by all instances, including those carrying out forms of traditional justice. In that context, all necessary efforts must be undertaken to eradicate illegal acts. The SPT recalls the duty of the State party, regardless of its social and cultural systems, to promote and protect all human rights and fundamental freedoms, especially those contained in its conventional obligations. In the view of the SPT, social, cultural and religious traditions or customs may be taken into consideration in order to develop adequate means in the national context to ensure access to justice. However, these must not undermine or jeopardize the implementation of international human rights law.**

97. **The SPT recalls regional guidelines to that effect,<sup>42</sup> and recommends that the State party find ways to ensure that its specific social, cultural and religious traditions or customs are made compatible with its obligations under international human rights law. In this respect, it recommends that any traditional justice systems be subject to review or monitoring by the official justice system, in order to ensure that no person is illegally deprived of his/her liberty or subjected to torture or ill-treatment.**

## **VI. Situation of persons deprived of their liberty**

### **A. Police stations**

#### **1. Lack of fundamental safeguards**

98. The observations and recommendations of the SPT in the present section, regarding the lack of fundamental safeguards for persons deprived of their liberty in police stations, apply to all authorities responsible for the arrest and detention of persons, including the National Security Agency (NSA), the Special Security Services (SSS) and the Bureau of Immigration and Naturalization (BIN), as well as to any military authority with jurisdiction to detain persons. The observations and recommendations are applicable to all persons arrested and detained without distinction based on the security agency who proceeded to the arrest.

99. Under the Liberian Constitution<sup>43</sup> the following legal safeguards, at the time of detention, are guaranteed: the need for a search warrant; the right to be informed of the charges at the moment of arrest; the right to bail; the prohibition of torture and inhumane treatment, the separation of convicted prisoners and pre-trial detainees; the obligation to

<sup>40</sup> *Tenteah v Republic of Liberia* (1940) 7 LLR 63.

<sup>41</sup> Articles 11 and 21 e) of the Constitution.

<sup>42</sup> Chapter Q on Traditional Courts in the African Commission on Human and Peoples’ Rights (ACHPR) Principles and Guidelines on the Right to Fair Trial and Legal Assistance in Africa.

<sup>43</sup> Article 21 of the Constitution.

formally charge and present any arrested or detained person before a judge within 48 hours, and the right to a speedy trial; habeas corpus; and the right to counsel and legal aid services.

100. Following the arrest of a person, the possibility of a preliminary examination is provided for under the Criminal Procedure Law<sup>44</sup>, in the event that the person has not yet been indicted for a crime. The magistrate or Justice of the Peace shall “immediately inform him (a) of the charge against him and provide him with a copy of the complaint if it has been filed in that court; (b) of his right to have a preliminary examination; (c) of his right not to make a statement and that any statement made by him may be used against him; and (d) of his right to counsel at any preliminary examination to follow” (article 12.1). The preliminary examination of evidence and hearing of witnesses can be done at the request of the defendant, and may result in the discharge of the defendant, or in further proceedings before the Circuit Court (article 12.2-3).

**101. The SPT recommends that all these fundamental safeguards for persons arrested and detained be implemented in practice, as further indicated in the present chapter. In addition, the SPT further recommends that the right to a medical examination at the outset of detention and the right to inform a relative or other third party be included in the Liberian legislation, and that information on these rights be made available in all places of detention, including that detainees are informed orally about them in a language that they can understand, and that these rights be guaranteed in practice.**

## 2. Registers

102. During its visits to police stations the SPT noted that all LNP stations had pre-printed log-books with fields for basic information such as the name of detainee, age and sex, charges/offences, day of detention or arrival at the police station and the release date of the detainee. The log-books were hand-written and, in most cases, contained the above mentioned minimum information. However, in a certain number of cases, especially in Monrovia, this information was not properly recorded or was incomplete, and, in a few cases, some detainees were not registered whilst others who were registered were not in custody. In other cases, the information in the log-books did not match the information provided by the detainees interviewed. By consulting the registers and interviewing officers on duty, the SPT noted that there was no requirement to register other important information, such as dates of interrogation, requests to have access to a lawyer, legal aid or medical doctor, family visits, etc.

103. The SPT reminds the State party that the maintenance of complete and reliable records of persons deprived of their liberty is one of the fundamental safeguards against ill-treatment and is an essential condition for the effective exercise of due process guarantees, such as the right to challenge the legality of detention (habeas corpus) and the right of the detainee to be brought before a judge promptly. Failure to record the deprivation of liberty of a person increases the risk that they could be subjected to ill-treatment. **Therefore, the SPT recommends that the LNP ensures that all persons detained in police stations be promptly registered in a standardised and unified system and that police officers proceed methodically with such registration, including all key information about all persons deprived of liberty.**

104. **The SPT recommends that the records for each detainee include information concerning:**

- (a) exact date and time of arrest;**
- (b) exact time of arrival at the police station;**

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<sup>44</sup> Chapter 12 of the Criminal Procedure Law.

- (c) reasons for the arrest;
- (d) authority ordering the arrest;
- (e) identity of the arresting officer/s;
- (f) date, time and reasons for transfer/s or release;
- (g) precise information about where the person was held during the whole period of detention (e.g. cell number);
- (h) date, time and identity of the person notified of the detention, including the signature of the officer who proceeded to this notification;
- (i) date and time of a family visit;
- (j) date and time of request and/or meeting with a lawyer;
- (k) date and time of request and/or visit of a medical doctor; and
- (l) date and time of the detained person's first appearance before a judicial or other authority<sup>45</sup>. If necessary, this information should be made available to the lawyer appointed by the detainee.<sup>46</sup> Police officers should be duly trained in the maintenance of these registers, and they should enter the information upon arrival of the detainee. The SPT also recommends that the inventory of personal belongings, including money, is registered, signed by both officers and detainees at the time of arrival, and again when the personal belongings are handed over to the detainee when leaving the police station or to his or her family.

(a) *Information on the rights of detainees*

105. In order for persons deprived of their liberty to exercise their rights effectively, they must first be informed of, and understand, those rights. The SPT notes that the right of persons deprived of their liberty to be informed of their rights is prescribed in the Liberian legislation.<sup>47</sup> If persons deprived of their liberty are unaware of their rights, their ability to exercise them effectively is seriously diminished. Providing persons deprived of their liberty with information on their rights therefore represents a fundamental element of the prevention of torture and ill-treatment. In accordance with the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment,<sup>48</sup> any person shall, at the moment of arrest and at the commencement of detention or imprisonment, or promptly thereafter, be provided by the authority responsible for his/her arrest, detention or imprisonment, with information on, and an explanation of, his/her rights and on how to avail oneself of such rights, respectively.

106. The SPT noted that none of the LNP stations visited had signs outlining basic rights, nor are any forms or leaflets given to detainees about their rights. In addition, all detainees interviewed by the SPT stated that they had not been informed orally about any rights and were not aware of them, which was corroborated by police officers interviewed.

**107. The SPT recommends that the State party ensure the effective and systematic implementation of the right of each person deprived of liberty to be informed of his/her**

<sup>45</sup> Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, Principle 12.

<sup>46</sup> See Principles 12 and 26 of the Body of Principles for the Protection of All Persons under Any Form of detention or imprisonment.

<sup>47</sup> Criminal Procedure Law, §2.3.

<sup>48</sup> Principle 13 of the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment.

**rights during detention, including by providing clear instructions to police officers. Detainees should be informed of these rights at the outset of their deprivation of liberty, in a language that they can understand. The SPT also recommends that signs be made available and clearly visible in all places of detention and that, in addition, detaining officers orally inform all detainees of their rights.**

*(b) Right to inform a third party of detention*

108. The right of persons deprived of their liberty to inform a person of their choice (family, friend or other) of their detention represents a basic guarantee against torture and ill-treatment.<sup>49</sup> As mentioned above, such a right is not enshrined in the Liberian legislation and, therefore, not all detainees are systematically allowed to notify a person of their choice upon their arrest and detention, despite, in certain cases, their explicit request to do so.

109. **The SPT recommends that the right of a detained person to inform a third party of his/her detention<sup>50</sup> be included in the law and that persons deprived of their liberty be allowed to notify a person of their choice of both the fact of their detention and of the place in which they are being held, free of charge. Such notification shall take place promptly after their initial detention or arrest and also after each transfer from one place of detention to another. Ideally, this notification shall be given by means of a phone call, and the date and time of this phone call, as well as the identity of the person notified, shall be properly registered, with the view to guarantee the effective enjoyment of this right.**

*(c) Right to legal aid*

110. Detainees should have the right to legal assistance from the outset of detention<sup>51</sup> and he/she should be present and assist the detainee in all police interviews and appearances before a judge. The arresting or detaining authority should inform detainees of this right soon after their arrest, and should ensure that they have adequate means to exercise it. The detainee should have the right to consult with a lawyer in private from the start of his/her detention. If the person detained has been the victim of torture and/or ill-treatment, this access to defence will facilitate the right to complaint, in addition to performing a preventive function.<sup>52</sup>

111. The Liberian Constitution provides for the right to have access to a counsel and have legal aid services. The SPT did not find any detainee who was informed of these rights, despite the fact that most detainees explained that they could not appoint a lawyer. However, had they known that they could have access to legal aid, they would have requested it. The SPT did not come across any detainee in police stations that had met a lawyer or requested legal aid services.

112. **The SPT recommends that the State party take steps to ensure that persons deprived of liberty are consistently informed of their right to have access to a lawyer of their choice or that they can be provided with legal aid services, and that they be able to exercise this right from the outset of their deprivation of liberty. Legal advice should**

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<sup>49</sup> Committee against Torture, General comment No. 2, CAT/C/GC/2, para.

<sup>50</sup> Principle 16 (1) of the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment

<sup>51</sup> Committee against Torture, General comment No. 2, CAT/C/GC/2, para. 13

<sup>52</sup> Principle 7 of the Basic Principles on the Role of Lawyers, Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, 27 August to 7 September 1990 (hereinafter Basic Principles on the Role of Lawyers).

be made available to all persons deprived of liberty promptly after their initial detention and should continue throughout their entire contact with the criminal justice system.<sup>53</sup>

113. With regard to children<sup>54</sup>, the SPT recommends that the State party, bearing in mind the best interest of the child, ensures that they have a lawyer and a trusted adult present at every phase of a proceeding, including during questioning by a police officer, whether or not the child has been deprived of liberty.<sup>55</sup>

(d) *Right of access to a doctor*

114. Detainees interviewed in police stations by the SPT had not been informed of their right to see a medical doctor. When they had requested to see a medical doctor, most detainees had had their request denied. The SPT was informed that when severe physical conditions required medical assistance, detainees were transferred from police stations to the nearest hospital, as medical services in police stations were non-existent. The transportation was made difficult due to the lack of means of transportation available at police stations and the authorities reportedly resorted to requesting such services from UNMIL officers. The SPT observed that persons in custody were not examined on a routine basis by a doctor when deprived of their liberty.

115. The SPT recommends that medical assistance be guaranteed and accessible to all persons detained upon their request,<sup>56</sup> and that a confidential medical record should be maintained with information on the state of health and any injury of the person concerned. The SPT further recommends that the medical examination of each detainee must record (a) the person's medical history, including any allegations of recent violence as well as a description by the person examined of how injuries were sustained, (b) the existence of any discomfort or symptoms, (c) the result of the clinical examination, including a description of any injuries and an indication as to whether the whole body was examined; and (d) the doctor's conclusion as to whether the three above elements are mutually consistent. If the doctor has grounds for supposing the existence of torture and ill-treatment, he/she should register the relevant information in a national register of allegations of torture and ill-treatment, either with the consent of the examined person or, if this is refused, anonymously. In addition, with the consent of the detainee, the doctor should refer the detainee to an expert examination in accordance with the Istanbul Protocol, with a view to commence a disciplinary inquiry or criminal investigation. The medical report should be given to the detainee and/or to his/her lawyer.

(e) *Length of police custody*

116. The SPT recalls that persons detained on a criminal charge shall be brought before a judicial or other authority provided by law promptly after their arrest, so that such authority can decide without delay upon the lawfulness and necessity of detention. The SPT also recalls that detention extending beyond the limits provided by the law represents an unlawful deprivation of liberty.

<sup>53</sup> Principle 7 of the Basic Principles on the Role of Lawyers.

<sup>54</sup> Under article 1 of the Convention on the Rights of the Child, children are all human beings below the age of eighteen years unless if under the law, majority is attained earlier.

<sup>55</sup> United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules), GA resolution 40/33 of 29 November 1985, para. 7.1 (hereinafter United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules)).

<sup>56</sup> Principle 24 of the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment; and art. 6 of the Code of Conduct for Law Enforcement Officials, GA resolution 34/169 of 17 December 1979.

117. According to Liberian Constitution, any arrested or detained person must be formally charged and presented before a judge within 48 hours.<sup>57</sup> However, according to information received from detainees and police officers, as well as collected from the registers of each police station, the maximum legal period of 48 hours is very often exceeded, sometimes by many days and without any legal basis. For example, according to the registers, in all police stations visited in Monrovia, including the LNP headquarters, most detainees had been in custody for more than 48 hours, without being brought before a judge. At LNP headquarters, 10 out of 26 persons had been in custody for more than four days, including two who had been there for up to seven days and one for 3 weeks. No legal basis for such prolonged detention was indicated. The SPT noted that LNP stations outside Monrovia did not present such a systematic pattern of violation of the 48 hour rule, despite the occurrence of some cases.

**118. The SPT therefore recommends that the maximum period of police custody as provided by law be strictly adhered to by LNP officers, that this length be carefully monitored by the relevant authorities, and that detainees be brought before a judicial authority as soon as possible after their arrest. The SPT recalls that pre-trial detainees should not be kept in police stations, as these facilities are not adequate for this purpose.**

(f) *Legality of the arrest*

119. It should be recalled that “no one shall be deprived of his liberty except on such grounds and in accordance with such procedure as are established by law”.<sup>58</sup> Many interviewed detainees informed the SPT that they were arrested on a simple denunciation, often without being informed on what charges, and immediately transferred to a police station where they remained in custody. They indicated that, if at the moment of arrest they asked for explanations with regard to the charges laid against them, these were not indicated; in certain cases the SPT received allegations that if they insisted on receiving this information and/or resisted in following the police officers to the police station, police officers resorted to excessive use of force instead informing them of the charges, as prescribed by article 21, paragraph c, of the Constitution. Such methods of arrest often resulted in the ill-treatment of the detained person. The SPT is concerned about such practices, which violate of the fundamental rights of the persons arrested, and facilitate ill-treatment, and recalls that the Liberian legislation prescribes that no unnecessary force be used in making an arrest.<sup>59</sup>

**120. The SPT recommends that authorities put an end to the practices described above and ensure that police officers be instructed to systematically inform the person detained of the charges laid against him/her at the moment of arrest and, only if necessary and in a proportionate way, resort to the use of force if there is resistance to the arrest.**

### 3. Conditions of detention

121. The SPT noted that persons deprived of their liberty in police stations were usually held in extremely poor material conditions. The cells were generally poorly or not lit, lacked ventilation and were extremely unhygienic. Most cells had no sanitary facilities or, if they existed, they were very dirty. No other hygienic facilities existed in the cells, such as washbasins. Although detainees often spent several days in police facilities, there were no beds and rarely mattresses. When these existed, they were in very poor conditions and dirty. The conditions of detention in the visited police stations in the Counties outside of Monrovia

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<sup>57</sup> Article 21, para f) of the Constitution

<sup>58</sup> Article 9 (1) of the International Covenant on Civil and Political Rights, GA resolution 2200A (XXI) of 16 December 1966.

<sup>59</sup> Criminal Procedure Law, §10.3.



were not as deplorable as those of the police stations visited in the capital, due to the fact that most facilities were newly renovated (via the United Nations “quick impact” police station building project), as well as to the absence of overcrowding in cells. Nevertheless, few were entirely satisfactory.

122. Due to the combination of the above-mentioned factors, the SPT is of the view that the conditions of detention in the police stations visited, especially those in Monrovia, were inhuman and degrading. The SPT recalls that all cells must meet minimum standards regarding the cubic content of air, minimum floor space, lighting, ventilation and hygiene, having particular regard to the prevailing climatic conditions in the country.<sup>60</sup> None of the police stations visited had any medical facilities.

(a) *Material conditions of the cells in police stations outside Montserrado County*

123. Kakata LNP station: the facilities were being renovated under a “quick impact project”. There were two cells (male and female) without latrines, one measured 3,8 x 4,6 meters and the other was slightly smaller. At the time of the visit, there were two men in the bigger cell and one woman in the other. Both cells were completely dark, without any natural or artificial light. There were no windows and no ventilation. There was a mat on the floor and a bucket to be used as toilet. Both cells were dirty with a strong bad smell.

124. Sanniquellie LNP station: the facilities had two cells (male and female) with latrines, one measured 4,7 x 4,6 meters and was divided in two by bars, where alleged violent offenders would be placed; the other one, for females, was 3 x 2,1 meters. At the time of the visit, both cells were empty. They were very dirty with a strong bad smell, dark, without sufficient natural or artificial light, no windows and no ventilation.

125. Ganta LNP station: the facilities had been renovated in 2007 under a “quick impact project”. There were two cells (male and female), one measured 3 x 3,4 meters and the other 3 x 4,2 meters. At the time of the visit, both cells were empty. Both cells had natural light, a small window, some ventilation and there were latrines. There were neither mattresses nor blankets; general conditions were poor but clean. At the time of the visit the cells were empty despite the fact that the registers indicated two detainees in custody; the SPT was told that they were in court but this was not mentioned in the register. The Ganta border police depot, a few kilometres from the LNP station had no detention facilities. If need be, any persons detained would be transferred to the police station.

126. Zwedru LNP station: the facilities had been renovated under a “quick impact project”. There were two cells (male and female) with latrines. At the time of the visit, there were three men in the bigger men’s cell and the other was empty. Both cells were completely dark, without any natural or artificial light. There were neither windows nor ventilation. Both cells were dirty with strong bad smell. One of the men had been detained there for 10 days at the order of the court.

127. Toetown LNP station: the facilities had been renovated under a “quick impact project”. There were two cells (male and female) with latrines, one measured 2,7 x 2,8 meters and the other was smaller. At the time of the visit, there were two men in one cell and a woman in the other. Both cells had natural light, small windows and some ventilation. There were blankets on the floor; general conditions were poor but clean. The registers indicated four male detainees in custody but only two were in the cells.

128. Tubmanburg LNP station: the facilities had three cells. At the time of the visit, there were four men in one cell and the other two were empty. The cell was large enough for the four men, had natural light, a small window and ventilation. There were neither mattresses

<sup>60</sup> Rule 10 of the Standard Minimum Rules for the Treatment of Prisoners.

nor blankets on the floor; general conditions were poor but clean. Next to the police station was a Women and Children's Center, with two male and one female staff. However, the staff was not present at the time of the visit. The SPT was told that boys were not kept at the center but transferred to the Don Bosco Center, while girls would be kept in the center. One girl (11 years old) was being detained at the time of the visit, and the SPT understood that while she had received food and efforts were being made to locate her family, she had been locked overnight in a small cupboard in one of the administrative rooms, and had to sleep in there, in the unattended building. This is an unacceptable treatment of a child, and may amount to arbitrary detention and ill-treatment.

129. **In view of these visits, the SPT recommends:**

**(a) That material conditions in LNP stations be improved, especially with regard to toilets, natural lighting and ventilation;**

**(b) That detainees be provided with adequate means of rest, including for those having to spend the night in detention, who should be given mattresses; these should be kept in adequate hygienic conditions;**

**(c) That whenever possible, minimum medical assistance be provided for, especially in police stations far away from medical facilities;**

**(d) That persons deprived of their liberty be given regular access to toilet, if these do not exist in the cells, and the possibility to wash with water. The cells should be cleaned regularly. The sanitary installations should be sufficient to enable every detainee to comply with the needs of nature when necessary in a clean and decent manner.<sup>61</sup>**

**(e) That children deprived of their liberty be held in facilities appropriate for children, and treated in accordance with the State party's obligations under international human rights law.<sup>62</sup>**

*(b) Material conditions of cells in police stations in Montserrado County: Overcrowding, hygienic conditions and separation of children*

130. All police facilities visited in Montserrado County had utterly appalling material conditions and were severely overcrowded. Some places where detainees were kept were not cells. At the Salem Base LNP depot in Spriggs Field, a woman was detained in a small toilet measuring 1 x 1,6 meters with less than 2 meters high, very dirty and wet, and 12 men were detained in a cell of approximately 20 square meters. In Zone five LNP station in Paynesville 15 detainees were in a cell of 4 x 3 meters and a woman was locked in a small wet and dirty toilet of 1 x 1,7 meters with no light, window or ventilation. In Zone three LNP station in Congotown the men's cell was 4 x 4,2 meters and 14 men were detained in it, some for more than 3 days but, according to the register, a few days earlier, up to 20 men were detained in that same cells, which was corroborated by the detainees. The SPT considers that these are completely unacceptable and inhuman conditions of detention.

131. At the LNP Headquarters in Monrovia, more than 30 men were handcuffed two by two behind a desk in a room with an area where they could only sit but not lie down. The SPT conducted interviews with the detainees, and established that they had been held in this manner for long periods of time (in some cases, several days). The SPT considers the situation completely unnecessary and unacceptable.

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<sup>61</sup> Rule 12 of the Standard Minimum Rules for the Treatment of Prisoners

<sup>62</sup> Article 37 of the Convention of the Rights of the Child.

132. All the visited facilities had no windows, and no artificial or natural lighting, very limited ventilation, were dirty with a strong bad smell. All places of detention were either grossly overcrowded cells or other types of rooms, which were totally inappropriate for the detention of persons. Except for the toilets where females were detained, none of the cells, or rooms used as cells, had latrines; a few had just a bucket. In the remaining cases, detainees had to do their natural needs on the floor in overcrowded cells, in some cases while being handcuffed to each other. As a result, hygienic conditions were intolerable.

133. In none of the visited police stations were there any separate cells for children who were detained with adults. This was the case of two male children found in detention during the visit. In all the above mentioned police stations, the majority of persons were in detention for more than 48 hours. At LNP Headquarters, out of 26 detainees, 20 had been in custody for more than 48 hours, including eight persons who had been held for more than five days without having been presented to a judicial authority, and no explanation was given for that fact.

134. **In view of the above, the SPT considers that the severe overcrowding as well as the deplorable hygienic conditions of detention amount to cruel, inhuman and degrading treatment, and may amount to torture in severe cases. The SPT therefore recommends:**

(a) **That an audit into the material conditions of detention immediately be conducted by an independent multidisciplinary body, which should present implementable recommendations for the urgent improvement of the conditions of detention in LNP stations in Montserrado County;**

(b) **That material conditions in the mentioned LNP stations, including its Headquarters in Monrovia, immediately be improved, especially with regard to toilets, natural lighting and ventilation;**

(c) **That a minimum amount of sufficient floor space per detainee be respected; and that additional cells immediately be built in all police stations visited as they all receive a higher number of detainees than their respective facilities can currently support;**

(d) **That detainees be provided with adequate means of rest, including for those having to spend the night in detention, who should be given mattresses. These should be kept in adequate hygienic conditions;**

(e) **That children always be separated from adults in detention facilities and the necessary arrangements should be provided to that effect<sup>63</sup>;**

(f) **That persons deprived of their liberty be given regular access to toilet, if these do not exist in the cells, and the possibility to wash with water. The cells should be cleaned regularly. The sanitary installations should be sufficient to enable every detainee to comply with the needs of nature when necessary and in a clean and decent manner.<sup>64</sup>**

(c) *Food and drinking water*

135. Through interviews with detainees and police officers in all places of detention visited, the SPT noted that food and clean drinking water was hardly ever provided free of charge by the authorities. Instead, food and water could be provided to detainees by their relatives. Drinking water was in some cases provided by police officers if paid for by

<sup>63</sup> Rule 8 of the Standard Minimum Rules for the Treatment of Prisoners.

<sup>64</sup> Rule 12 of the Standard Minimum Rules for the Treatment of Prisoners.

detainees. However, detainees with no relatives in the neighbourhood of the police station or without money were unable to satisfy these basic rights. According to police staff, there was no budget for food and/or water for the detainees in all the LNP stations visited. All detainees that had not received any food from relatives, especially in police stations outside Montserrado County, had not eaten since being placed in custody, some for more than four days, which was confirmed by police officers. If kept in detention for 48 hours or less, detainees were not provided with drinking water, if they did not pay for it. During the visit, the SPT requested police officers to provide drinking water to all detainees that were asking for it, especially considering the very high temperature. The SPT considers that this situation is entirely unacceptable.

136. The SPT recalls that, irrespective of the stay in custody beyond the 48 hours, detainees should not be forced to depend on their relatives or on the charity and goodwill of fellow detainees or police officers to have access to drinking water and food.

137. **The SPT recommends:**

**(a) That police stations be given a budget to buy food and water for detainees, and control mechanisms be put in place to ensure that such budget is effectively used;**

**(b) That persons deprived of their liberty receive meals of sufficient nutritional value to maintain their health and strength<sup>65</sup>;**

**(c) That persons deprived of their liberty be given enough clean drinking water a day, systematically and free of charge.<sup>66</sup>**

*(d) Lack of exercise*

138. The SPT noted that detainees in police custody were not allowed to go outside their cells to exercise. In view of the structure of the visited police stations, the SPT is aware that it might not always be possible to provide detainees access to an outside yard.

139. **The SPT recommends that, where possible and with the appropriate arrangements, persons detained in police stations for more than 24 hours should be given the opportunity of having at least one hour of exercise daily, outside their cells, especially when detainees have reduced space in the cells.<sup>67</sup>**

#### **4. Allegations of torture and ill-treatment**

140. In addition to the severe overcrowding of facilities, which amounts to ill-treatment of persons in detention, the SPT also received consistent allegations of cruel, inhuman and degrading treatment in several LNP stations visited.

141. According to interviewed detainees in all the LNP stations visited in Montserrado County, beatings often occurred during the arrest and transportation to police stations. Several detainees indicated that when arriving to police stations, they had to pay a “cell fee” to other co-detainees. If a certain amount of money was not paid (varying from 100 and 200 Liberian dollars), they would allegedly be beaten by the other detainees, including by slaps, being pushed against the walls, and being hit on the chest. Interviewed detainees indicated that this practice was strongly encouraged by police officers as a “welcome” to newcomers. Other interviewed detainees claimed to have been beaten by police officers upon arrival, or if they requested water, food, or to contact their family. They consistently indicated the same technique used, i.e. being strongly slapped by full palm aiming at the ears. Two detainees, including one female, had been handcuffed to high bars in a stress position. One female

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<sup>65</sup> Rule 20.1 of the Standard Minimum Rules for the Treatment of Prisoners.

<sup>66</sup> Rule 12.2 of the Standard Minimum Rules for the Treatment of Prisoners.

<sup>67</sup> Rule 21.1 of the Standard Minimum Rules for the Treatment of Prisoners

detainee stated that she had been strip-searched in an invasive manner. In addition, ill-treatment also took the form of detainees being constantly handcuffed, including during the night. Tear and pepper gas was allegedly sprayed into cells when detainees complained about lack of water or food or requested to go to the toilet. One detainee stated that he had been sprayed with pepper spray on his genitals.

142. Several prison inmates interviewed by the SPT in prisons around the country (cf. Chapter B below) also alleged that they had been subject to beatings by the police or otherwise ill-treated at the time of their arrest and during custody at police stations. The allegations included beatings by slaps, fists and batons, and being forced to sit on broken glass.

143. **The SPT considers that the acts described constitute cruel, inhuman and degrading treatment, and categorically condemns all such acts of ill-treatment of detainees. It recalls that police officers have to treat all detainees with humanity. The SPT calls upon the Liberian authorities to take all the necessary steps to prevent any kind of ill-treatment by police officers, including measures such as the increase of independent monitoring of police stations, and the continued training of police officers.**

144. **Furthermore, in accordance with its obligations under article 16 of the Convention against Torture<sup>68</sup>, the State party must proceed to prompt, independent and impartial investigations wherever there are reasonable grounds to believe that ill-treatment has occurred.**

145. **The SPT reiterates its recommendation concerning the establishment of a national register of allegations of torture and ill-treatment. All those in receipt of information which suggests that a person has been subjected to acts of torture or ill-treatment should be required to submit such information to the national register. The State party shall ensure that the competent authorities scrutinise the register, investigate allegations and initiate prosecutions, where there is sufficient grounds to do so, in a timely fashion. All such actions, and their outcomes, should be included in the register.**

## **B. Prisons**

146. The SPT visited the prisons in Monrovia (Montserrado County), Kakata (Margibi County), Sanniquellie (Nimba County), Zwedru (Grand Gedeh County) and Tubmanburg (Bomi County). These prisons hold male, female and children inmates, and both pre-trial detainees and sentenced prisoners. During the visits, the SPT held private interviews with inmates of different categories, and also had the opportunity to examine the registers, to discuss the running of the establishments with directors and staff members on duty, and to visit the premises. The SPT would like to place on record that the penitentiary staff at the institutions visited were generally cooperative and provided the SPT with the information requested.

147. The SPT welcomes the replacement of the former Sanniquellie prison where inmates were said to have been detained in deplorable conditions in a building which was not originally intended to function as a prison, with the new facility, constructed with funding from the United Nations Peace Building Fund. Nevertheless, the SPT recalls that the key to a well-functioning penitentiary system is the administration of justice and the management of the penitentiary system, and not only the construction of new facilities.

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<sup>68</sup> Committee against Torture, General Comment 2, CAT/C/GC/2.

148. The SPT noted that UNMIL, as well as several national and international civil society organisations provided continuous technical and material support to Liberian corrections facilities, including the construction of infrastructure (for instance, waterpumps) at some of the premises, such as in Monrovia Central Prison (MCP) and Tubmanburg. In addition, some civil society organisations provided assistance (e.g. legal and psychosocial assistance) to persons deprived of their liberty in many facilities visited.

149. **The SPT notes with satisfaction the openness of the Liberian government to international and civil society organisations, and commends the work accomplished by such organisations. Nevertheless, the SPT reminds the State party that it bears the primary responsibility to fulfil its international human rights obligations, and encourages further strengthening of international cooperation in the field, in order to meet those obligations.**

#### 1. Separation of categories of inmates

150. The SPT noted that women make up a very small percentage of inmates in the country, and that there were no separate prison facilities for women. Female and male inmates were therefore held in the same facilities, albeit in separate cells or quarters. In this regard, the separation between male and female inmates was generally well-respected in the prisons visited.

151. Regarding the separation of children from adults, the SPT observed that in most prisons visited, there were separate cells for child inmates, and in the case of MCP a distinct block (Block F.F). However, through interviews conducted with a number of child inmates, the SPT was informed that children were sometimes placed in cells with adult inmates, either due to problems of overcrowding, or in certain cases, for punishment purposes. Such practice is against the international obligation of separation of children from adults.<sup>69</sup> Furthermore, the SPT received allegations of cases that when placed in cells with adults as punishment, the children were subjected to beatings by the adult inmates, were forced to perform physical exercises, and were refused food and toilet access.

152. **The SPT expresses its most serious concern regarding the practice of placing children in adult cells for the purpose of punishment, and urges the State party to investigate such occurrences without delay, and to ensure that such practice cease immediately. The separation of children from adult inmates should be strictly observed at all times, unless it is considered in the child's best interest not to do so.**<sup>70</sup>

153. Liberia is bound by international law to maintain a separation between convicted prisoners and pre-trial or unconvicted detainees.<sup>71</sup> While recognizing the efforts by Liberian corrections authorities to do so, by using different buildings and cells whenever possible, the SPT observed that such separation was not strictly respected, mainly due to problems of overcrowding. On several occasions the SPT observed that sentenced and pre-trial inmates were held together, which is in contravention of international human rights law.<sup>72</sup>

154. **The SPT takes due note of the challenges faced by the criminal justice system in Liberia, including the problems of prolonged pre-trial detention and severe overcrowding. Nevertheless, the SPT recommends the Liberian authorities to take**

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<sup>69</sup> Article 37 (c) of the Convention of the Rights of the Child.

<sup>70</sup> Ibid.

<sup>71</sup> Article 10 of the International Covenant on Civil and Political Rights; Article 37 (c) of the Convention on the Rights of the Child. See also Rules 8 and 85 of the Standard Minimum Rules for the Treatment of Prisoners.

<sup>72</sup> Article 10, paragraph 2 (a), of the International Covenant on Civil and Political Rights.

**practical steps to ensure that sentenced prisoners and pre-trial detainees be held in separate cells or quarters, as far as possible.**

## 2. Registers

155. During its visit, the SPT had the opportunity to review the registers at each institution, and reviewed some personal files, which seemed to be in order. The SPT observed that registers were generally handwritten and included the name, number, gender, nationality, age, charges, court name, court type, date of arrest, date of court, date of admission in prison, status (detainee or sentenced), date of sentence, and duration of sentence. Although the SPT observed that there were substantial efforts and commitment on the part of penitentiary staff to maintain the registers, it was observed that the prison registers were not yet completely standardized throughout the country.

**156. The SPT recommends that the Liberian authorities consolidate a system of standardized registers throughout the country. The SPT also recommends the State party to ensure that each prison is adequately equipped with the necessary technical material for the maintenance of registers. In the case of Monrovia Central Prison (MCP), the SPT recommends that the authorities take progressive steps to establish an electronic computerised registry system, with a view to expanding this nation-wide on the long term.**

## 3. Conditions of detention

### (a) *Material conditions*

157. The prisons visited by the SPT consisted of a combination of medium (on average approximately 4.6m x 5.1m) and small (smallest cells measured approximately 1.7m x 2.3m) multi-occupancy cells. At the time of the visit, the cells in the different prisons visited by the SPT held between 3 and 25 persons. The SPT was informed by prison officials that cell allocation was based on different classifications, namely alleged crime (the scale of the offence) or on the basis of the classification of sentenced/non-sentenced persons. In MCP it was observed that the cell allocation according to such classifications was extended to entire blocks, so that different building blocks held different categories of inmates. However, from the information collected from interviews with the inmates, the SPT noted that other factors could influence the placement of an inmate within a prison. In MCP the SPT noted that placement in one specific block, Block D, which had the smallest cells (approximately 1.7m x 2.3m) in MCP, and was known to be the worst block in terms of material conditions, could well be used as a basis for punishment and extortion of inmates.

158. The SPT is of the view that considerable differences in the material conditions between cells or blocks in the same prison should not exist, as it can constitute the basis for and increase the risk of a system of privilege and extortion of inmates. **The SPT recommends that inmates be treated on an equal basis and in a non-discriminatory manner. Living conditions in all the cells of a given prison should be harmonized so as to guarantee non-discrimination and eliminate possible sources of pressure and/or means of extortion of inmates. Differences of treatment are only acceptable if based on objective criteria, such as the categories of inmates (convicted/pre-trial detention, high security/low security, etc.). Allocation of an inmate to a particular cell or block within a prison should take place in accordance with formal objective criteria, and should be recorded in a transparent manner in the inmate's personal file.**

159. In most of the prisons visited, the SPT noted that the hygienic conditions of the cells, as well as sanitary facilities, were deplorable. Many cells visited were very dark, poorly ventilated, not clean and in poor states of repair. The SPT took note that the latrine and washing areas were sometimes located within the cells and sometimes outside the cells, with

inmates being granted shifts to use the facilities located outside the cells. Latrine and washing areas were generally clogged and very dirty. In MCP, the SPT noted that in some blocks, the inmates hung plastic bags with human waste outside of the cell windows, due to their lack of access to latrine facilities.

**160. The SPT recommends that the relevant Liberian authorities ensure that prison cells are regularly cleaned with water and detergent. Sanitation facilities such as latrines and washing areas must also be cleaned regularly with water and detergent. Where sanitation facilities become clogged, the authorities must take the urgent necessary steps to remedy the problem. Where inmates do not have access to sanitary facilities at all times, they must be provided with soil buckets or sanitary pails with lids, which must be emptied every day into a pit used only for this purpose.**

161. In Saniquellie prison, the SPT took note of the fact that the prison was built with the infrastructure to have both generators and running water in the cells, but due to the lack of fuel, and due to the fact that the water tanks had not been raised adequately, these amenities did not function at the time of the SPT visit. In the National Palace of Corrections, the SPT noted that there were generators in the establishment, but no fuel.

**162. The SPT recommends that the State party continue to invest in the improvement of institutions across the country, with the long-term aim of providing amenities such as electricity and running water in the cells.**

163. The inmates themselves appeared to be unable to maintain an adequate level of personal hygiene and clothing, due to the unavailability of detergent and hygiene products free of charge. In MCP the SPT received information from inmates that the cost of a small piece of soap was \$5 USD, which many of them could not afford. In other prisons, inmates informed the SPT that they were occasionally given a small piece of soap to share between many of them, on a sporadic basis. The SPT also noted that other hygiene products, such as toothbrushes, toothpaste, tissue, and sanitary towels for women, were not provided free of charge by the prison administration.

**164. The SPT recommends that sufficient resources be allocated to provide the necessary hygienic supplies on a regular basis to all inmates free of charge, taking into account the specific hygiene needs of women.<sup>73</sup>**

165. The SPT noted that, in general, beds were not provided in Liberian prisons, with the exception of some of the cells in MCP and the National Correctional Palace in Zwedru, which had bunk beds and, in some cases, mosquito nets. The SPT was not informed why some persons had access to beds and others not. In some cases, inmates were provided with mattresses and bedding of varying quality, such as thin sponge mattresses or mats and blankets. However, the SPT observed that the large majority of inmates slept on the bare floor, without any bedding. In Block D of MCP, the SPT observed that inmates had constructed hammocks from sacking material in some of the cells, and slept stacked on top of each other in this way, as there was not enough floor space for all the inmates in each cell to sleep on. The SPT is concerned that in addition to causing discomfort, the lack of adequate mattresses and bedding could contribute to health problems, such as muscle and joint pains and skin diseases.

**166. The SPT recommends the Liberian authorities to provide appropriate mattresses and bedding to all inmates without differentiation or discrimination, and that the mattresses and bedding be cleaned or replaced as needed, on a regular basis.**

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<sup>73</sup> In accordance with the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules), adopted by General Assembly resolution 65/229.



167. Taking into due consideration the current state of economic development in the country and the multiple challenges faced by the Liberian government, the SPT recommends that the State party take progressive steps to ensure that at least the minimum basic material conditions for the maintenance of human dignity be guaranteed in all cells of all prisons in the country, meeting the international requirements of adequate ventilation and light, minimum floor space, and hygienic sanitary and sleeping facilities.<sup>74</sup> The SPT recommends that the Liberian Government continue to engage in partnerships with the international community working in the country in order to raise funding possibilities for improvement of the material conditions in the prisons.

(b) *Overcrowding and lack of activities*

168. During its visit, the SPT observed the extent of overcrowding of the prison system in Liberia. The SPT noted that overcrowding was a serious problem in most prisons visited, and noted a particularly high degree of overcrowding in MCP and Kakata, at an approximately 230% and 150% occupancy rate, respectively. At these facilities, extreme examples of overcrowding were to be found. In MCP, Block D, up to 6 detainees were held in approximately 4 m<sup>2</sup> of floor space, and in Kakata Detention Centre, Block B, up to 25 detainees were held in approximately 19 m<sup>2</sup> of floor space. In the National Palace of Corrections in Zwedru, the SPT noted that some of the cells were overcrowded because there were not enough padlocks to be able to use additional cells, which were empty.

169. **The SPT recommends that the problem of overcrowding of cells be addressed as a matter of urgent priority, with specific attention to the situation in Block D of MCP and the Kakata Detention Centre. With regard to the National Palace of Corrections in Zwedru, the SPT recommends that the authorities invest in the purchase of new padlocks as needed, in order to allocate inmates to empty cells.**

170. The SPT took note that the prisons outside Monrovia had a large outside yard area, with closed off spaces within the yard, and with a perimeter around the prison compound. The SPT was informed by prison staff at the facilities visited outside Monrovia that the closed off spaces within the yards were used for daily outdoor exercise regime (hereinafter: “sunbath”), and the larger open areas were used for the cultivation of edible crops (cassava, greens etc.) and for the raising of livestock (chickens, rabbits etc.), the latter two uses having the purpose of contributing to the nutritional value of the inmates’ food. However, at the time of the visit, it was clear that in MCP the yard area could not be used for cultivation of crops or raising of livestock.

171. **The SPT welcomes the use of yard areas for outdoor exercise and recreational activities and the cultivation of edible crops and livestock, and recommends the Liberian authorities to ensure that underutilized areas are further developed.**

172. Through interviews conducted with inmates at all the prisons visited, the SPT understood that in practice the possibility to take part in daily activities or even to benefit from the daily one-hour sunbath were severely restricted and in some cases non-existent. Although the SPT was informed by staff in all prisons visited that the inmates had access to a minimum of one hour sunbath per day, in accordance with §34.12 of the Criminal Procedure Law, and with international standards,<sup>75</sup> inmates informed the SPT that the reality was that they did not have access to daily sunbath. This was the case, for example, for the prisoners at MCP, many of whom stated that they did not benefit from daily sunbath, and could leave

<sup>74</sup> See the Standard Minimum Rules for the Treatment of Prisoners

<sup>75</sup> Standard Minimum Rules for the Treatment of Prisoners.

their blocks to go outside in the yard area only occasionally, and at the most, a couple of times per month.

173. In Tubmanburg Central Prison inmates consistently informed the SPT that they went out only for a communal weekly religious service provided by a military chaplain, but that there was no daily sunbath. In Kakata Detention Center, inmates informed the SPT that in spite of the large yard area around the prison they were only granted sunbath once or twice a month for up to half an hour. Some inmates informed the SPT that they had not been outside for three months. In the National Palace of Corrections, the inmates informed the SPT that they did have access to daily sunbath, but alleged that they had been collectively denied sunbath for approximately one month following a violent episode in the prison in September 2010.

174. The SPT therefore took note that there was a serious discrepancy between the authorities' policy on the daily sunbath regime in prisons, and its application in practice. The statements made by inmates were consistent and could in several cases be corroborated by the physical evidence collected by the SPT of the inmates' lack of exercise and sunlight. Such corroborating evidence included, for instance: skin diseases, eyesight problems, and general physical deterioration. The SPT expresses its severe concern at the dysfunctional or non-existent implementation of the fundamental human right to at least one hour daily sunbath. This seemed to be mainly due to a lack of goodwill on the part of prison officials. Deprivation of the right to at least one hour of daily exercise amounts to cruel, inhuman or degrading treatment.

**175. The SPT recommends that the Liberian prison authorities be adamant in ensuring that corrections staff across the country strictly implement the policy of a minimum of one hour daily sunbath for all prisoners, in accordance with the State party's international human rights obligations. Where needed, SPT recommends that authorities increase the number of staff so that this exercise is feasible, and implement a system of shifts to ensure the access of all inmates to daily sunbath. Strict adherence to the right to at least one hour of daily exercise should be monitored by the authorities.**

176. The SPT takes note that the Liberian legislation regulates the prison labour regime.<sup>76</sup> The SPT welcomes that the National Palace of Corrections has a large area for the cultivation of crops, several workshop areas and a classroom for an adult literacy programme. The SPT discussed the different vocational activities and workshops organised in the National Palace of Corrections with the prison staff present, but noted with concern that the activities did not apply to all inmates. Information provided by inmates indicates that the vocational activities, while possible, were restricted to few. Furthermore, the SPT noted that inmates generally did not benefit from the production to which they contributed. For instance, soap making did not result in the soap being distributed directly to the inmates. In any case inmates were not remunerated for their work.

**177. The SPT recommends that the authorities take the necessary steps to remedy the lack of activities for inmates, and establish more activities, including sports activities and income-generating activities. In addition, the SPT recommends that any vocational activities and workshops be provided on an equal and voluntary basis, and with particular attention to the provision of vocational activities to child inmates, in accordance with international standards.<sup>77</sup>**

178. The SPT observed during its visit to Liberia that the situation of overcrowding was particularly troubling in view of the fact that the majority of inmates were locked in their overcrowded cells all day, without any activities of any kind and very limited possibilities to

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<sup>76</sup> Criminal Procedure law §34.14.

<sup>77</sup> See the Standard Minimum Rules for the Treatment of Prisoners.

go outside for outdoor exercise and sunbath. Most inmates spent their days seated on the floor or mattresses, where available, with nothing to do, in collective cells which were usually severely overcrowded.

179. **Considering that the current material conditions of detention in Liberia, combining extreme overcrowding together with the lack of sufficient outdoor activities for long periods of time, constitutes a particularly clear example of cruel, inhuman and degrading treatment, the SPT reiterates its recommendation that, in addition to urgently addressing the overuse of prolonged pre-trial detention, the Liberian authorities increase efforts to implement the appropriate means to urgently reduce overcrowding in the prison system of Liberia, including through the implementation of non-custodial measures for less serious first-time offenders, in accordance with international standards.**<sup>78</sup>

(c) *Medical services*

180. The SPT welcomes that the Liberian legislation provides that each prisoner shall be given a medical examination upon admission to a prison.<sup>79</sup> However, the SPT observed during its visit that at none of the prisons visited was a systematic medical examination of inmates conducted at the time of admission to the facility. Subsequently, it could be concluded that there was no possibility to identify and/or prevent torture or ill-treatment through a medical examination, nor was it possible to identify the risk of communicable diseases, in order to plan any prevention of and/or treatment for these.

181. **The SPT recommends that the State party implement a systematic medical examination of inmates, to be conducted at the time of admission to the facility. Medical staff should conduct the medical examinations of all persons at their admittance to the prison facility, should keep confidential medical registers and personal files, and should be sufficiently trained to describe and record any injuries, and to provide the healthcare needed.**

182. Of all the prisons visited, MCP was the only prison to have an established on-site medical clinic. The SPT was informed that in the National Palace of Corrections and Tubmanburg Central Prison medical teams came on a weekly basis to treat inmates, and that there were plans to set up a medical clinic in Sanniquellie Detention Center.

183. The SPT observed that the MCP medical clinic was barely equipped at all, that there were no doctors employed, only nurses, and that the staff was not sufficiently present (working hours were from Monday to Friday from 08:00 to 16:00; during weekends there was one inmate who gave medical assistance, and during nights, security officers took inmates to the hospital in case of need). There were no personal medical files, the only form of registry in the medical clinic being a daily log book. It was difficult to be provided with any data on the diseases of the prison population, and the treatment thereof. The SPT understood that inmates who were sick were brought from their cells to the clinic, and that the clinic staff periodically went to the blocks to treat dermatological diseases. Basic medication available at the clinic included analgesics, drugs to treat diarrhoea, vomiting, asthma, allergy, malaria, tuberculosis, as well as vitamins A and B.

184. **The SPT recalls that it is the responsibility of the State party to provide for the adequate healthcare of persons deprived of their liberty, and therefore recommends that the relevant Liberian authorities take urgent steps towards the establishment of medical clinics at all prisons in the country. Medical clinics at the prisons should be sufficiently staffed and equipped with at least the basic medication and equipment. The**

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<sup>78</sup> See the Tokyo Rules.

<sup>79</sup> Criminal Procedure Law §34.8.

**medical clinic at MCP should be brought up to a minimum standard of operational utility, including by: extending its working hours to a 24-hour service, and by ensuring that sufficiently trained and responsible medical personnel are on duty at all times; developing a proper medical registry; and improving the level of equipment and medical supplies.**

185. Through interviews conducted with inmates, as well as information provided to the SPT by others, the SPT noted that the main health issues in the Liberian prisons were: dermatological diseases, including genital diseases, malaria, diarrhoea, and mobility difficulties. Some inmates reportedly suffered from eyesight problems and hernias. Some cases of tuberculosis were reported, but the SPT was not provided with statistics on the number of persons infected or undergoing treatment. The SPT was informed that there were no recorded cases of HIV, and voluntary and confidential testing was not offered. Finally, the SPT noted that psychiatric or dentistry issues were generally not available or prioritised, and were rarely addressed.

**186. The SPT notes that many of the diseases and ailments reported by inmates are directly linked to poor conditions of detention, including lack of space and overcrowding; lack of adequate daily exercise and sunbath; poor nutrition; poor hygiene; and lack of adequate mattresses and bedding. The SPT therefore reiterates its recommendations that these issues be addressed by the authorities as a matter of utmost priority for the maintenance of the health of inmates. In addition, the SPT recommends that the psychiatric and dentistry needs be responded to.**

187. **In the case of malaria, the SPT recommends that the Liberian authorities take the necessary progressive steps to prevent the occurrence of malaria in places of detention, for instance by providing mosquito nets, screen windows and/or spraying in all the prison cells.**

188. **In order to prevent the spread of communicable diseases, such as tuberculosis, the SPT recommends the authorities prioritise the systematic medical examination of inmates during the admittance to the prison. Persons infected with tuberculosis or other communicable diseases should be separated from the rest of the prison population as far as necessary to avoid contamination, and should be offered the necessary medical treatment.**

189. **Recalling international guidelines on HIV/AIDS and human rights,<sup>80</sup> the SPT recommends that in-prison voluntary and confidential testing be provided by trained medical staff, that pre- and post-test counselling be provided, and that medical treatment be provided for inmates who test HIV positive, at least at an equivalent level to that in the community. The SPT further recommends that prison authorities develop and provide programmes on HIV prevention, such as peer-based education.**

190. In MCP, the SPT interviewed an inmate who was suffering from severe burns. The SPT recommended his urgent transfer to the hospital, but the next day, the same inmate was still at MCP, and the medical staff on duty had taken no action to ensure his transfer. In the National Palace of Corrections, the SPT spoke to an inmate suffering from terminal cancer, who was not receiving any form of treatment, and who had requested transfer in order to receive treatment.

191. In all of the prisons visited, the SPT was informed that in the case of a serious illness, inmates were transferred to the nearest hospital for treatment. In the case of Monrovia, the inmates were transferred from MCP to the John F. Kennedy Memorial Hospital, by a car

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<sup>80</sup> International Guidelines on HIV/AIDS and Human Rights, 2006 Consolidated Version, Guideline 4, jointly published by the Office of the High Commissioner for Human Rights and the Joint United Nations Programme on HIV/AIDS.

provided by the Ministry of Justice. In other prisons, the SPT understood that the transfer of inmates to the nearest hospital or clinic for appropriate treatment could pose a challenge for the staff each time, in particular due to security risks and the possibility of escapes. In Tubmanburg Central Prison and Kakata Detention Center, the problem of transportation of inmates to the hospital in case of serious illness was specifically raised as a problem by the prison staff interviewed.

**192. The SPT recommends that the Liberian authorities take steps to provide for the sufficient means of transportation, including vehicles and fuel, in order to ensure the prompt transfer of inmates to hospitals in the case of serious illness.**

*(d) Food and drinking water*

193. Information gathered by the SPT during its visit, especially through interviews with inmates, indicates that a large majority of inmates were not satisfied with the quantity or quality of food provided in the prisons. In some prisons, inmates informed the SPT that they were only given one meal per day, contrary to what the prison staff had informed (two meals per day). In other prisons, such as the National Palace of Corrections, inmates confirmed the information provided by staff that they were provided with two meals per day. Inmates in the prisons visited informed the SPT that the meals consisted generally of rice or cassava, sometimes with greens. Inmates complained that the food provided did not include meat, fish or other varied ingredients. In some cases, the SPT was informed that inmates were sometimes provided with food from persons outside the prison, bought for with their own money.

194. The SPT took note of the fact that there was livestock present in most of the prisons (including chickens and rabbits), as well as vegetable crops in some prisons, and is concerned that such produce was apparently not significantly allocated by the prison administration to contribute to the meals provided to the inmates in the prisons.

**195. The SPT recommends that the Liberian authorities take urgent steps to ensure that all meals are prepared in a hygienic manner and provided to all inmates, in accordance with international standards,<sup>81</sup> in sufficient quantity, and with the nutritional quality and variety for the maintenance of inmates' health. The SPT welcomes the practice of keeping livestock and crops at the prisons, insofar as these are used for the benefit of the inmates' meals, and not for the personal private consumption or monetary gain of prison staff. The SPT therefore recommends that the prison authorities monitor the use of such produce in the meals provided to inmates, and increase the use of underutilized outdoor areas for that purpose.**

196. The SPT noted that in the prisons visited, inmates took turns to carry water in buckets to their cells from pumps, wells or reservoirs that were located in the yard. In Tubmanburg Central Prison, the SPT was informed by inmates that the system for collecting water was insufficient, as they had to share approximately four gallons of water per day for both washing and drinking between several persons. Many interviewed inmates informed the SPT that they had to purchase bottled water themselves. In MCP the SPT received consistent complaints from inmates regarding the quality of drinking water; several inmates stated that the drinking water was salty, and made them feel sick. In MCP and Tubmanburg Central Prison, the SPT took note of the water pump constructions that were ongoing, and hopes that these constructions will facilitate the inmates' access to clean and safe water, in sufficient amounts.

**197. The SPT recommends that the Liberian authorities ensure that all inmates be given sufficient clean drinking water a day, systematically and free of charge. In**

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<sup>81</sup> Rule 20 of the Standard Minimum Rules for the Treatment of Prisoners.

addition, the SPT recommends that the Liberian authorities urgently examine the quality of the water at MCP and other prisons, as necessary, in order to ensure that inmates are not forced to drink water that can be seriously detrimental to their health due to the salt content or other problems. The SPT also recommends that the construction of water pumps be finalised as quickly as possible.

(e) *Contact with the outside world*

198. The SPT took note that the regimes of receiving visits, and other means of communication through telephone calls or letters, were not systematized across the country, and in most cases were not guaranteed. In the prisons visited by the SPT, the large majority of inmates stated that they received very few visits, if at all, and that such visits could be time limited from five minutes to one hour at the most, depending on the prison officer in charge. In several prisons, the SPT was consistently informed by inmates that their visitors had to pay an informal “gate fee” to the officer in charge of the gate. The common visiting hall in MCP was in a state of dereliction. Furthermore, inmates informed the SPT that they had very limited access to communication by letter or telephone. Finally, the SPT noted that inmates were generally not provided with the channels or means to keep themselves regularly informed of news.

199. **The SPT recalls the importance for inmates, both pre-trial and sentenced, to be able to receive visits. It recommends that the prison staff be instructed to coordinate a regime of visits in accordance with international standards, and that “gate fees” be abolished. Pre-trial detainees shall be able to receive visits from family members subject only to restrictions and supervision as are necessary in the interests of the administration of justice and of the security and good order of the institution.**<sup>82</sup>

200. **The SPT further recommends that the prison authorities allow and encourage inmates to keep themselves regularly informed of the most important items of news, through the appropriate channels and means.**<sup>83</sup>

201. The SPT is also concerned by the fact that the policy of transferring sentenced prisoners, regardless of their provenance in the country, to the National Palace of Corrections in Zwedru, Grand Gedeh, effectively cuts off the possibility of these persons to receive any visits, due to the distance and lacking infrastructure for visitors to travel from other Counties within the country. The SPT examined the registers, and took note that out of 70 sentenced inmates coming from other Counties only five had received a visit in the whole of 2010. This situation, aggravated by the fact that the prisoners had very long sentences, is unacceptable.

202. **The SPT recommends that the State party take the geographical location of penitentiary institutions into account in the application of its penitentiary policy, in order to ensure that persons deprived of their liberty are not transferred to Counties where receiving any visits effectively becomes impossible for them.**

#### 4. Discipline and sanction

203. The SPT takes note of the national legislation providing for a regime of disciplinary actions and sanctions for the breach of prison rules.<sup>84</sup> However, the SPT noted during its visit that punishment in contravention to the national legislation and to international standards was applied in prisons. The SPT also took note that disciplinary measures were not systematically recorded. As previously mentioned, the SPT was gravely concerned to receive allegations of punishment conducted by adult inmates on children. Finally, the SPT received consistent

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<sup>82</sup> Rule 92 of the Standard Minimum Rules for the Treatment of Prisoners.

<sup>83</sup> Rule 39 of the Standard Minimum Rules for the Treatment of Prisoners.

<sup>84</sup> Criminal Procedure Law §34.18.

information from interviews with inmates that punishment was often applied in reaction to their complaints about the food or lack of activities. The SPT stresses that punishment or disciplinary action should not be inflicted in response to complaints.

204. **The SPT recommends that the authorities ensure that national legislation on the implementation of disciplinary sanctions be adhered to. Furthermore, the SPT recommends that prison rules and sanctions be made well known to all inmates and staff, and are administered in a transparent and consequent manner. Any disciplinary measures or punishment should be proportionate to the infraction committed. Inmates should have the opportunity both to present their case and to appeal against the imposition of a sanction to an independent authority with appropriate remedial powers. Inmates should not be involved in any disciplinary action against other inmates.<sup>85</sup>**

205. **The SPT recommends that all prisons maintain a specific register of disciplinary measures that must indicate all data about the identity of the inmate, the infraction committed, the authority that imposed the sanction, the staff involved, and the date and hour of the commencement and completion of the sanction. Finally, the SPT recommends that the authorities ensure that no form of punishment is applied as a response to complaints.**

206. The SPT was informed by prison staff that when the need for disciplinary measures arose, inmates were transferred to another block or cell, but that there were no isolation or disciplinary cells as such. In MCP, the SPT noted that Block D was largely considered a “punishment block”.

207. **While the SPT notes that the transfer of inmates from cells or blocks may constitute an effective and appropriate means of dealing with tensions or breaches of the prison rules, the SPT reiterates its concerns and recommendations regarding the use of specifically worse (in terms of material conditions and overcrowding) cells or blocks as places of punishment.**

208. The SPT was informed during interviews with prison staff that one of the main disciplinary sanctions used was the “removal of privileges”. In that regard, the SPT was consistently informed that the privilege that could be removed was the access to sunbath. The SPT would like to emphasize that sunbath, i.e. access to a minimum of one hour of exercise in fresh air, is to be considered, in accordance with international standards,<sup>86</sup> as a basic *right* of the detainee and not as a privilege. The SPT considers that prevention of torture and ill-treatment begins with addressing the attitudes and rhetoric at working level that can lead to violations of rights. Considering the removal of the access to sunbath as a deprivation of privileges is conceptually incorrect, and should be addressed specifically.

209. **The SPT recommends that the Liberian authorities take the necessary steps to widely promulgate the right to sunbath in prisons as a basic human *right* of all inmates without exception, and not as a privilege that can be removed subject to the decision of staff. Specific training of prison staff on this issue is needed in order to clarify the distinction between the concepts of rights and privileges. Inmates should be informed of their rights, both orally and in writing, and in a language they can understand.**

210. Through interviews conducted with inmates, the SPT furthermore received allegations that inmates were subject to beatings by other inmates or by prison staff as a form of punishment. (Please refer to subsection 8 below on torture and ill-treatment).

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<sup>85</sup> Rule 28(1) of the Standard Minimum Rules for the Treatment of Prisoners.

<sup>86</sup> Rule 21 of the Standard Minimum Rules for the Treatment of Prisoners.

211. The SPT recalls that corporal punishment and all cruel, inhuman or degrading punishment must be completely prohibited as a punishment for disciplinary offences.<sup>87</sup> **In addition, the SPT recalls that no prisoner shall be employed in any disciplinary capacity.<sup>88</sup> The SPT therefore recommends that the State party urgently investigate allegations of this type of practice, implement immediate measures to cease them, and bring to justice the persons responsible.**

212. In the National Palace of Corrections, the SPT received allegations from several inmates that a large part of the prison population had been denied sunbath for up to a whole month, as collective punishment after a disturbance, which had taken place in September 2010.

213. **The SPT is concerned to have received such allegations, and recommends that the Liberian authorities impart a clear country-wide policy against collective sanctions in prisons, and recalls in particular that the restriction of sunbath as a form of punishment should be prohibited.**

#### 5. Allegations of torture and ill-treatment

214. The SPT received allegations from inmates of beatings by prison staff at all the institutions visited. Inmates told the SPT that they were beaten on the legs, shins, and soles of the feet. The beatings were carried out using sticks, batons, cables, or kicks. Beatings allegedly took place in the cells, in the staff offices or outside the cells, and some inmates reported being handcuffed during the beating, and/or handcuffed to the bar doors. Inmates interviewed could show marks and scars corroborating such types of beatings.

215. Regarding Tubmanburg Central Prison, the SPT was informed of an incident of a severe beating that took place in 2009, which resulted in the inmate's death. The inmate had allegedly tried to escape and was severely beaten upon his capture. Unfortunately, the SPT could understand from testimonies and physical examination of inmates that the beating of inmates had not ceased at Tubmanburg Central Prison, in spite of the 2009 event. The SPT conducted a forensic examination of some of the inmates there, and found physical evidence that supported the allegations of the specific kind of beatings they were continuously subjected to.

216. **The SPT considers that the beatings as described constitute torture. The SPT categorically condemns all acts of torture and ill-treatment and recalls that torture cannot be justified under any circumstances. Torture and all cruel, inhuman or degrading treatment or punishment shall be completely prohibited, in accordance with international human rights law.<sup>89</sup>**

217. **The SPT reiterates its call upon the Liberian authorities to take the necessary steps to firmly and publicly condemn and criminalize any act of torture and to prevent any kind of ill-treatment. Furthermore, in accordance with its obligations under the Convention against Torture, the State party authorities should proceed to a prompt, independent and impartial investigation wherever there is reasonable ground to believe that an act of torture has been committed. The SPT reiterates its recommendations concerning the obligation of Liberian authorities to establish an efficient complaints system, and that allegations of torture be properly investigated and perpetrators prosecuted.**

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<sup>87</sup> Rule 31 of the Standard Minimum Rules for the Treatment of Prisoners.

<sup>88</sup> Rule 28 of the Standard Minimum Rules for the Treatment of Prisoners.

<sup>89</sup> Namely, the Convention against Torture; the International Covenant on Civil and Political Rights, article 7; the African (Banjul) Charter on Human and Peoples' Rights, article 5; Rule 31 of the Standard Minimum Rules for the Treatment of Prisoners



218. **The SPT notes that the level of staffing is a crucial contributing factor in prison management, and recommends that the amount of staff in the Liberian penitentiary institutions be increased in order to ensure that effective management can be exercised without resort to the use of violence.**

219. **The SPT recommends that the State party establish a system of independent examinations. Such examinations should form part of a swift, thorough and independent investigation carried out in all cases of alleged and supposed torture and ill-treatment. The SPT reiterates its recommendation that the Liberian authorities introduce the use of the Istanbul Protocol, provide regular training on this Manual to health professionals working with persons deprived of their liberty, and create a body of independent, qualified health professionals with expertise in this area.**

## C. National Security Agency

220. The SPT visited the facilities of the National Security Agency (NSA) in Monrovia. During the meeting with the Liberian authorities on the first day of the SPT visit, it was indicated that the facilities of the NSA did not have cells; persons under investigation by the NSA would be detained at police stations.

221. Nevertheless, while waiting for more than one hour to gain access to the building, the SPT noted the presence of three persons detained in the NSA facilities. When the SPT was finally granted access to the building, the NSA staff present indicated that there were no detainees inside the facilities, and the cells, situated on the ground floor, were empty. Finally, the three detainees were located on the first floor of the building, where they had been moved after the arrival of the SPT. The SPT reiterates that such delays and untruths constitute a serious breach of the obligation contained in the Optional Protocol to cooperate with the SPT.

### 1. Registers

222. The SPT had the opportunity to examine registers kept at the NSA facility. In fact, this facility did not keep registers as such, since the only form of documentation made available to the SPT was a gate entry occurrence log-book, and the officers' shift reports (consisting of loose pages and divided into three shifts per day; morning, afternoon and night). Such documentation cannot be considered as a register appropriate for use in a place of deprivation of liberty.

223. **The SPT recommends that the NSA be instructed by the Liberian government to establish a system of registers appropriate for use in a place of deprivation of liberty, if the NSA is empowered to detain and keep in custody suspects in its facilities. In this regard, the SPT recommends that the legal framework of the NSA be clearly established and that it strictly abides by its mandate.**

### 2. Lack of fundamental safeguards

224. The three detainees were found locked in a room of the General Investigation Branch. One of them was a child aged 14. They had been arrested by the Secret Security Service (SSS) 48 hours prior, handcuffed and brought to the Presidential Palace (under renovation), without being informed of where they were, and where they stayed for 12 hours. Subsequently they were brought to the NSA. None of the fundamental safeguards were provided to them, including the fact that no charges were indicated at the moment of arrest, and that they had not been allowed to contact their families. The SPT considers that such methods of arrest and transfer, without the application of fundamental safeguards, may amount to incommunicado detention. One of the detainees was sick (inguinal hernia) and asked to see a doctor, which was denied to him.

225. The names of the detainees were mentioned on both the gate entry occurrence log-book, and in the officers' shift reports, indicating only the moment of arrival at the NSA, and the fact that they were being held there. The SPT was able to interview the detainees, and they indicated that they had not been ill-treated since their arrest. However, they had not received any food, only water that they had paid for themselves.

226. **The SPT refers to its previous observations and recommendations regarding the lack of fundamental safeguards during the arrest detention of person in police stations and recommends that all persons arrested, detained and interrogated by the NSA, SSS or any other authority should benefit from the same safeguards as persons arrested and interrogated by the police.**

### 3. Conditions of detention

227. There were three small cells measuring 2 x 1.6 meters, two of which had windows. All three had mattresses and there was a common bathroom. Despite the fact that, according to the authorities, the NSA had no detention facilities, and the presence of these three persons in this facility could configure a situation of incommunicado detention, the material conditions of detention were tolerable.

228. **The SPT refers to its previous observations and recommendations regarding the conditions of detention. The SPT urges the Liberian authorities that persons arrested, detained and interrogated by the NSA, SSS or any other authority should not be detained in facilities other than those identified for that purpose.**

## D. Bureau of Immigration and Naturalization

229. The SPT visited the Bureau of Immigration and Naturalization (BIN) in Ganta, Nimba County, and was informed by the staff interviewed that they did not detain persons in this bureau. There were two cells, for male and female, measuring 3 x 2.2 meters, with windows, natural light, mattresses and latrines. The facility was clean and well kept. The BIN staff indicated that, if any detention had to be carried out, the persons detained would be sent to the Ganta LNP station.

## E. John F. Kennedy Memorial Hospital

230. The SPT visited persons deprived of their liberty who were receiving treatment at the John F. Kennedy Memorial Hospital in Monrovia. The medical treatment provided to inmates brought there was free of charge. The detained patients received three meals a day but had to pay for the water. The SPT was informed that detained patients were guarded by correctional officer during the week, but the SPT found them handcuffed to their beds for the weekend. The keys of the handcuffs were being kept with the correctional officer and were not available to the staff in the hospital. The detained patients were therefore unable to move during the whole weekend, even to go to the toilet. Furthermore, in case of an emergency, this could put the persons in danger. Such a practice represents an intolerable situation, and in the view of the SPT amounts to cruel, inhuman or degrading treatment.

231. **The SPT recalls that detainees in need of medical service are patients, and must be treated as such. The SPT urges the State party to put to an immediate end the practice of handcuffing patients to the bed under any conditions, including during the weekend.**

## VII. Situation of vulnerable groups of persons deprived of their liberty

### A. Women

232. Through the information provided to it, and interviews conducted with inmates, the SPT took note during its visit that women, and in particular rural women, faced limited access to justice.

233. **The SPT recalls the international obligations of the State party to ensure the de jure and de facto non-discrimination and equality of women before the law,<sup>90</sup> and requests the Liberian authorities to provide information on what steps have been taken to implement the recommendations concerning non-discrimination and women's access to justice in Liberia adopted by the Committee on the Elimination of Discrimination against Women.<sup>91</sup>**

234. The SPT noted that women made up a very small percentage of detainees and inmates in the country, and that there were no separate facilities for women. Female and male inmates were therefore held in the same facilities, albeit in separate cells or quarters. In this regard, the separation between male and female inmates was generally well-respected in the prisons that were visited by the SPT, in line with national legislation<sup>92</sup> and international standards.<sup>93</sup>

235. In general, the SPT observed that the conditions of detention for female inmates in prisons were better than those for male inmates. The cells were cleaner and, in general, female inmates had better access to mattresses and bedding. Due to the fact that there were fewer female inmates in the penitentiary system, overcrowding of cells was not a problem in the case of women. Furthermore, the SPT took note that in the absence of sufficient prison staff to cook and clean for inmates, the female inmates were often enlisted to assist in those tasks, which permitted them to be outside for almost the whole day, and to engage in a meaningful activity within the prison. However, the SPT took note that such work was not remunerated.

236. Generally speaking, the SPT observed that in the prisons visited, there was no provision of hygienic products for the specific hygiene needs of women, such as sanitary towels free of charge. In addition, the SPT found some cases of pregnant women and mothers with small children, who were being held in pre-trial detention. In both situations, the SPT was informed through the interviews conducted that the women with small children and the pregnant women had at the time of the visit not had access to any gender-specific medical care. The food provided to these women was also not sufficient or nutritionally adequate for the maintenance of their health in those specific circumstances, and the SPT was informed that their complaints about the lack of nutritionally adequate food had elicited hostility and reprisals from some of the (male) prison staff.

237. **The SPT recommends that when sentencing or deciding on pre-trial measures for a pregnant woman or a child's sole or primary caretaker, that non-custodial measures be preferred where possible, with custodial measures being considered only when the offence is serious or violent.<sup>94</sup> Decisions to allow children to stay with their mothers in prison shall be based on the best interests of the child. Furthermore, the SPT**

<sup>90</sup> As a State party to the Convention on the Elimination of Discrimination against Women.

<sup>91</sup> Concluding Observations adopted 7 August 2009, CEDAW/C/LBR/CO/6, para. 15

<sup>92</sup> Criminal Procedure Law, §34.2.

<sup>93</sup> Rule 8 (a) of the Standard Minimum Rules for the Treatment of Prisoners.

<sup>94</sup> Article 30 of the African Charter on the Rights and Welfare of the Child, and Rule 64 of the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules), adopted by General Assembly resolution 65/229.

recommends that when detained or sentenced, women inmates be allocated, to the extent possible, to prisons close to their home County, or place of social rehabilitation, taking into account their caretaking responsibilities.<sup>95</sup>

238. The SPT recommends that due consideration be given to the specific needs of women, and in particular pregnant women, breastfeeding mothers and mothers with children in prison, as regards health care, nutrition and personal hygiene, in accordance with international standards.<sup>96</sup> Gender-specific health care services must be made available at the equivalent level to those available in the community.<sup>97</sup> To this end, the SPT recommends that the central Liberian authorities regularly monitor prisons country-wide, and ensure that any pregnant women, breastfeeding mothers and mothers with children being held in prisons, are provided with the adequate health care, nutrition and hygiene for their specific needs.

239. The SPT also noted with concern that although in police stations and prisons visited there were some female staff present, at many of these facilities the female staff was comprised of volunteers, and that during the night there were not any female staff present.

240. The SPT recommends that the Liberian authorities take steps to ensure an appropriate number of female officers within both the police and prison administration, and that female staff are present at all times in all police stations and prisons holding women. The SPT further recommends that all staff (both male and female) working with female detainees and inmates receive regular training relating to the prohibition of discrimination and sexual harassment, and the gender-specific needs and human rights of women.<sup>98</sup>

## B. Children

241. A number of children interviewed by the SPT alleged to have been detained for minor crimes such as petty theft, and many of them were being held in prolonged pre-trial detention. A number of children interviewed in prisons further reported that they did not have any information or support regarding the status of their case. The SPT therefore took note with serious concern of the particular vulnerability of children in the Liberian criminal justice system, and their lack of access to justice.

242. The SPT recommends that the Liberian authorities urgently and continuously prioritize addressing the situation of children in conflict with the law, bearing in mind the State party's international human rights obligations under the Convention on the Rights of the Child,<sup>99</sup> and regional guidelines on children and the right to a fair trial.<sup>100</sup>

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<sup>95</sup> Rule 4 of the Bangkok Rules.

<sup>96</sup> See the relevant standards contained in the Bangkok Rules.

<sup>97</sup> Rule 10 of the Bangkok Rules.

<sup>98</sup> Rules 32-33 of the Bangkok Rules.

<sup>99</sup> Article 37 *litra* (b), of the Convention on the Rights of the Child, which stipulates that “[t]he arrest, detention or imprisonment of a child shall be in conformity with the law and shall be used only as a measure of last resort and for the shortest appropriate period of time”, as well as *litra* (d), which stipulates that “[e]very child deprived of his or her liberty shall have the right to prompt access to legal and other appropriate assistance, as well as the right to challenge the legality of the deprivation of his or her liberty before a court or other competent, independent and impartial authority, and to a prompt decision on any such action”.

<sup>100</sup> Chapter O on Children and the Right to a Fair Trial in the African Commission on Human and Peoples' Rights (ACHPR) Principles and Guidelines on the Right to Fair Trial and Legal Assistance in Africa.

243. **The SPT further recommends that consideration be given, where appropriate, to the diversion of children from the criminal justice system,<sup>101</sup> and insists that pre-trial detention for children be used as a measure of last resort and for the shortest possible period of time.<sup>102</sup> To that end, the SPT recommends the strengthening of the system of juvenile courts throughout the country, as well as the inclusion in the training of law enforcement personnel, prosecutors and defenders, magistrates and judges, of the rights of the child and the need for special consideration and treatment of children within the justice system.**

244. While noting that the minimum age of criminal responsibility in Liberia is 16 years, the SPT found during its visit children that were younger than 16 years within the penitentiary system.

245. **The SPT recommends that the State party ensure the strict adherence by all relevant institutional actors in the criminal justice system to the minimum age of criminal responsibility of 16 years, and provide for appropriate protective and educative measures for children in conflict with the law who are under the age of criminal responsibility.**

246. The SPT noted that there were no separate facilities in the country for children in conflict with the law, and children were thus being held in cells or quarters separate from adults. In several places visited, the separation of children from adult detainees or inmates was being respected, although in some places, the SPT noted with concern that the problems of overcrowding led to the non-separation of children from adults.

247. As mentioned above, the SPT received, with serious concern, allegations of cases that children were placed in cells with adults as a form of punishment, and were subjected to beatings by the adult inmates, were forced to perform physical exercises, and were refused food and toilet access. In addition to being against the international obligation of separation of children from adults,<sup>103</sup> the described treatment of children in adult cells amounts to ill-treatment and could amount to torture in severe cases.

248. **The SPT reiterates its call on the State party to investigate such alleged practices without delay, and to ensure that it cease immediately. The separation of children from adult inmates should be strictly observed at all times, in accordance with international human rights law.<sup>104</sup> Furthermore, children should be especially protected against all torture or ill-treatment.**

249. The SPT welcomes its findings in some cases, for instance, in Kakata Detention Center, where two of the children (aged 16 and 17) present reported during interviews that they could spend some hours outside the cell every day, assisting with tasks and enjoying recreational activities such as football. They were being held in a separate block. To the contrary, however, at least one other child (aged 17) in the same prison was being detained with adults and had allegedly not been outside for several weeks. The SPT also noted with concern the general lack of education and the lack of formalised vocational and recreational activities for all children in the Liberian penitentiary system.

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<sup>101</sup> Rule 11 of the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules).

<sup>102</sup> Rule 13 of the Beijing Rules.

<sup>103</sup> Chapter O on Children and the Right to a Fair Trial in the African Commission on Human and Peoples' Rights (ACHPR) Principles and Guidelines on the Right to Fair Trial and Legal Assistance in Africa.

<sup>104</sup> Unless "it is in the child's best interest not to do so", article 37 (c) of the Convention on the Rights of the Child.

250. The SPT recommends that the relevant Liberian authorities revise the regime for all persons below the age of 18 deprived of their liberty, so that all children have the right to a suitable amount of daily exercise outside, and to be involved in meaningful vocational and recreational activities. The SPT further recommends that the Liberian authorities ensure that children of compulsory school age are provided with education suited to their needs and abilities and designed to prepare them for life and for continuing their education without difficulty after release. They should also ensure that children above compulsory school age who wish to continue their education, are permitted and encouraged to do so, including by offering them opportunities for vocational training or academic education,<sup>105</sup> at the same level as what is offered in the community.

251. The SPT recommends that the Liberian authorities ensure that children are only supervised and attended by institutional staff, especially during the night. The SPT recommends that the Liberian authorities, in compliance with international standards in this regard, take progressive steps to ensure that staff dealing with children deprived of their liberty be qualified and include specialists such as educators, vocational instructors, counsellors, social workers, psychiatrists and psychologists. All staff dealing with children deprived of their liberty should receive systematic training, in particular training in child psychology, child welfare as well as international standards and norms of human rights and rights of the child.<sup>106</sup>

252. Finally, the SPT requests the Liberian authorities to provide information on what steps have been taken to implement the recommendations concerning children in conflict with the law in Liberia adopted by the Committee on the Rights of the Child.<sup>107</sup>

## VIII. Repercussions of the visit

253. The SPT is concerned about the possibility of any reprisals against the detainees and inmates interviewed. The SPT underlines that any form of intimidation or reprisals against persons deprived of their liberty constitutes a violation of the State party's obligation to cooperate with the work of the SPT under the Optional Protocol.

254. In accordance with article 15 of OPCAT, the SPT calls upon the Liberian authorities to ensure that there are no reprisals following the SPT visit. The SPT requests the State party to provide detailed information in its follow-up response on what it has done to prevent the possibility of reprisals against anyone who was visited by, met with or provided information to the SPT during the course of its visit.

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<sup>105</sup> Rules 38-39 of the United Nations Rules for the Protection of Juveniles Deprived of their Liberty, adopted by General Assembly resolution 45/113.

<sup>106</sup> Rules 81-85 of the United Nations Rules for the Protection of Juveniles Deprived of their Liberty.

<sup>107</sup> Concluding Observations adopted 1 July 2004, CRC/C/15/Add.236, paras. 66-68.

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## Annexes

### Annex I

#### List of persons with whom the SPT delegation met

##### I. National authorities

1. Ministry of Health and Social Welfare  
Vivian J. Cherue
2. Deputy Minister of Education  
Kadiker R. Dahn
3. Ministry of National Security  
Farfini Kamara
4. Ministry of Gender and Development  
Worlobah J. Momolu
5. Minister of Justice  
Christiana Tah
6. Ministry of Justice  
Fredie Taylor
7. Ministry of Defence  
Dionysius Sebwe
8. Bureau of Corrections, Deputy Director  
Edwin Volawuo
9. Bureau of Corrections  
Ballab Yargbo

##### II. United Nations Mission in Liberia

1. Corrections Advisory Unit (CAU), UNMIL  
Marjo Callaghan, Chief
2. Deputy Special Representative of the Secretary-General for Rule of Law, UNMIL  
Henrietta Joy Abena Nyarko Mensa-Bonsu,
3. Chief, Human Rights and Protection Section (HRPS), UNMIL  
Eugene Nindorera

##### III. Independent National Commission on Human Rights

1. Thomas A. Bureh
2. Boakai A. Dukuly (Vice-Chairman)
3. Ruby Johnson Morris
4. R. Leroy Urey (Chairman)

#### **IV. Civil Society**

1. American Bar Association Rule of Law Initiative Liberia (ABA ROLI)
2. Action by Christians for the Abolition of Torture in Liberia (ACAT-Liberia)
3. Catholic Justice and Peace Commission (JPC)
4. Deutsche Gesellschaft für Technische Zusammenarbeit (GTZ) GmbH (German Technical Cooperation)
5. Liberia National Law Enforcement Association (LINLEA)
6. Prison Fellowship Liberia (PFL)
7. Rescue Alternatives Liberia (RAL)



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## Annex II

### Places of deprivation of liberty visited by the SPT

#### I. Civil prisons

1. In Montserrado County:
  - Monrovia Central Prison
2. In Margibi County:
  - Kakata Detention Center
3. In Nimba County:
  - Sanniquellie Detention Center
4. In Grand Gedeh County:
  - National Palace of Corrections
5. In Bomi County:
  - Tubmanburg Central Prison

#### II. Police stations

1. In Montserrado County:
  - Liberia National Police (LNP) Headquarters in Monrovia
  - Zone three LNP station in Congotown
  - Salem Base LNP depot in Spriggs Field
  - Zone five LNP station in Paynesville
2. In Margibi County:
  - Kakata LNP station
3. In Nimba County:
  - Sanniquellie LNP station
  - Ganta LNP station
  - Ganta border police depot
4. In Grand Gedeh County:
  - Zwedru LNP station
  - Toetown LNP station
5. In Bomi County:
  - Tubmanburg LNP station
  - Tubmanburg Women and Children's Center

**III. National Security Agency (NSA) holding facilities:**

1. In Montserrado County:
  - NSA holding cell in Monrovia

**IV. Bureau of Immigration and Naturalization (BIN) facilities:**

1. In Nimba County:
  - Ganta BIN office

**V. Health institutions:**

1. In Montserrado County:
    - John F. Kennedy Memorial Hospital, Monrovia
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