



**Convention against Torture  
and Other Cruel, Inhuman  
or Degrading Treatment  
or Punishment**

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Committee against Torture

**Initial report submitted by Liberia under  
article 19 of the Convention, due in 2005\***

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\* The present document is being issued without formal editing.



## **I. Introduction**

1. The Government of the Republic of Liberia is honored to submit its initial report pursuant to the procedure established under Article 19 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT). By presenting this report, Liberia reaffirms its steadfast commitment to the absolute prohibition of torture and other ill-treatment, a fundamental and non-derogable human rights norm. Since its accession to the CAT and its Optional Protocol in September 2004, Liberia has embraced its treaty obligations and committed to implementing the Convention's provisions within all territories under its jurisdiction.
2. This comprehensive report has been meticulously prepared by the National Mechanism on State Reporting and Follow-Up, coordinated by the Human Rights Protection Division of the Ministry of Justice, and benefitting from the technical assistance and expertise of the Office of the United Nations High Commissioner for Human Rights (OHCHR). In compiling this submission, the Government has drawn upon legal, institutional and procedural frameworks, as well as evidence-based assessments, to present a clear and coherent account of legislative and policy measures adopted to prevent torture and ensure accountability in Liberia.
3. This initial report reflects Liberia's dedication to transparency, international cooperation, and capacity-building in the field of human rights. Liberia anticipates constructive engagement with the Committee Against Torture and stands ready to provide further details or clarification as may be required. Through this initial submission, the Government seeks both to demonstrate progress made thus far and to identify areas requiring further strengthening, as Liberia continues its journey toward full compliance with its international obligations under the CAT.

## **II. General Responses and Additional Information Related to the Issues of Concern**

### **Articles 1 and 4**

4. Torture is generally defined as any act that inflicts severe pain or suffering, whether physical or mental, for purposes such as punishment, intimidation, coercion. However, the 1986 Constitution of Liberia addresses the prohibition of torture. It states that no person shall be subjected to torture or to inhumane or degrading treatment or punishment.
5. This provision emphasizes the protection of human dignity and the rights of individuals, aligning with international human rights standards. Chapter III (fundamental rights), Art. 21(d) of the 1986 Constitution states that no person charged, arrested, restricted, detained, or otherwise held in confinement shall be subjected to torture or inhumane treatment. The Liberia Penal code addresses torture under the criminal procedural law. While it does not explicitly define torture, the penal code criminalizes acts such as assault, battery, and other forms of physical abuse which may encompass aspects of torture.
6. The legal instrument that defines or buttresses the definition of torture in Liberia's legal system is enshrined in the 2011 National Anti-Torture bill, which is still in committee room for review at the Legislature awaiting passage. The government of Liberia will review this bill to ensure that it aligns with the provisions in the United Nations Convention Against Torture (UNCAT). The bill when passed, will define torture as any act perpetrated by a person in authority or to the acquiescence of an authority by which severe pain and suffering, whether physical or mental, is intentionally inflicted on a person or a group of people for such purposes as obtaining from him/her or a third person, information or a confession of concealing information, punishing him or her for an act he/she or a third person has committed or suspected to have committed or intimidating or coercing him/her or a third person, for any reason based on discrimination of any kind. Objectively, this categorization is in conformity with the UNCAT.

7. Additionally, Sec. 5.1, and 5.6 of the penal code provide criminal penalties for excessive use of force by law enforcement and address permissible use of force during arrest, or in preventing the escape of a prisoner from custody, while the Liberia's National Defense Act and Uniform Code of Military Justice (UCMJ) prohibit members of the Armed Forces of Liberia (AFL) from engaging in acts of torture or any form of inhumane treatment of civilians or combatants. Penalties for such violation may include imprisonment, dismissal from service, or other severe sanctions, depending on the gravity of the offense.

8. As to data on the number and nature of cases involving the prohibition of statute of Limitation, while Article 21 (d) of the constitution provides protection against torture, the act of torture has not been defined in the penal code as a crime. Hence there is no statistics in any court in Liberia to show that anyone was charged, convicted or acquitted of charges of torture.

9. All members of the AFL shall always respect the human rights of all persons. No member of the AFL shall engage in any form of torture, mistreatment, abuse, or degrading behaviour to other persons at all time.

(a) Article 21 (e) of the 1986 Constitution prohibits torture and mandates the legislature to make it a criminal offence and provide for appropriate penalties for violators.

(b) Chapter 14 The Liberia Penal Code provides for criminal charges such as assault, aggravated assault, and attempted murder, applicable to acts of torture.

(c) The Liberia National Police (LNP) Act of 2016 (part IV Section 22.90)– Establishes disciplinary mechanisms, including the Professional Standard Department for investigating police misconduct.

(d) The AFL Regulations and the Uniform Code of Military Justice (UCMJ), specifically Article 93, inspired Military Justice System, provides disciplinary procedures and court-martial processes for AFL personnel committing abuses including torture.

(e) The Police Duty Manual and Code of Conduct outlines prohibited conduct and internal disciplinary measures for LNP officers.

(f) The Independent National Commission on Human Rights (INCHR) Monitors and investigates human rights abuses including torture by security officers.

10. The Liberia Criminal Procedure Law Chapter 2.2 sub sec. 4 states:

“In all cases where the crimes charged are triable only in the circuit court, at any time when an accused advises that he/she is financially unable to retain legal counsel and that he/she desires to have legal counsel assigned to represent him/her, as soon after the request as practicable, he/she shall be brought to the court having jurisdiction over him/her to decide whether the county defense counsel shall be assigned to represent him/her. If the court is satisfied after an appropriate inquiry that the accused is financially unable to retain legal counsel, it shall assign the county defense counsel to represent him/her, and the accused shall be allowed reasonable time and opportunity to consult privately with such counsel before any further proceedings are held”.

11. Since establishing the Public Defender's Office under the Judiciary in 2009, Liberia has taken significant steps to ensure that detainees have access to legal representation. This office has provided legal support to over 5,000 individuals, focusing on those facing serious criminal charges. Thus, detainees receive adequate legal assistance regardless of their financial means.

12. The Liberia National Bar Association (LNBA) recently reopened its Legal Aid Clinic in Montserrado County. This clinic offers free legal services to those who cannot afford legal fees, providing essential support to detainees and litigants in need, while promoting the prompt dispensation of justice. Liberia has developed a Legal Aid Act to further strengthen access to legal representation. The act is currently awaiting passage by the National Legislature. Once enacted, this law will establish a formal legal aid framework, extending access to free legal services and enhance protection of detainees' right to legal representation nationwide.

13. The Constitution of Liberia, Article 21, (c), provides that an arresting officer acquaints the suspect of his/her Miranda rights. This right allows the suspect to engage his or her legal counsel at every stage of the investigation. These efforts align with Article 21(i) of the Liberian Constitution: “Every person arrested or detained shall be formally charged and presented before a court of competent jurisdiction within forty-eight hours.” This constitutional provision underscores the right to timely judicial review and implies access to legal representation to safeguard detainees’ rights. Together, these measures reflect Liberia’s commitment to justice and the fair treatment of detainees.

14. Legal time limits for police custody in Liberia, are designed to prevent prolonged detention without judicial review. For example, recent measures at the National Security Directorate have reinforced detainee processing protocols to comply with these legal limits. According to the Criminal Procedure Law of Liberia, individuals in police custody must be presented before a magistrate or judge within 48 hours. An independent review conducted in Montserrado County showed that detainees at National Security Directorate facilities were generally brought before the courts within this 48-hour timeframe, indicating a commitment to uphold these limits. To support these efforts, the Liberia National Police, under the Ministry of Justice’s oversight, has implemented internal checks and periodic audits. These initiatives contribute to safeguarding detainees’ rights against arbitrary or extended detention.

15. This commitment aligns with the Liberian Constitution, particularly Article 21(f) and Article 21(i), which protect individuals against unlawful detention and specifically, reinforces the 48-hour rule:

Article 21(f): “No person shall be subject to detention, search, or seizure of person or property unless upon probable cause supported by oath or affirmation, and particularly describing the place to be searched, the person or thing to be seized”. Article 21(i): “Every person arrested or detained shall be formally charged and presented before a court of competent jurisdiction within forty-eight hours.”

16. Law enforcement agencies primarily keep detention registers in manual format, with efforts to ensure they are up-to-date and regularly monitored. Each agency follows specific procedures to document detainee information and track detention timeframes, although limitations exist in electronic record-keeping. The Liberia National Police (LNP) maintains detailed manual detention registers where detainees’ information is manually recorded. While these registers are not electronic, regular audits are conducted by internal supervisory units and oversight from the Ministry of Justice to ensure compliance with legal detention time limits and record accuracy.

17. Similarly, the Liberia Drug Enforcement Agency (LDEA) and the Liberia Immigration Service (LIS) have detention registers in manual format. These agencies keep meticulous records on detainees, although the lack of electronic systems poses challenge to data retrieval, and long-term monitoring. Both agencies work to keep records up to date and undergo periodic reviews by relevant judicial authorities to verify detainees’ information and ensure adherence to detention regulations. The Bureau of Corrections and Rehabilitation (BCR) is the only agency using both manual and electronic registers. This dual system allows for more comprehensive and efficient record-keeping and tracking of detainees. The electronic registers facilitate monitoring and auditing, ensuring data accuracy and providing reliable records for review by competent rule of law, or Justice actors, as part of routine oversight to confirm that inmates’ rights are respected and that legal detention periods are not exceeded.

18. Judicial authorities play an essential role in reviewing and overseeing these records across agencies. While electronic systems are limited, the agencies’ dedication to maintaining updated and accurate detention registers whether through manual or hybrid methods like the BCR, demonstrate their commitment to detainee rights and legal compliance.

19. Certain legal provisions allow for restrictions on individual rights during states of emergency or involving terrorism, though these restrictions are constitutionally limited and monitored to prevent abuse. The Liberian Constitution, under Article 86, grants the President authority to declare a state of emergency in the event of a natural disaster, health crisis, or a situation threatening national security, which may include terrorist incidents. During such an emergency, the government can take measures that may temporarily restrict certain rights,

including those related to detention and legal processes, if deemed necessary to restore peace and security.

20. However, these restrictions are subject to strict conditions and oversight. Article 87(a) of the Constitution states that “emergency powers do not include the suspension of fundamental rights and freedoms,” except to the extent necessary to address the specific threat, including terrorism, posed by the emergency. Additionally, Article 87(b) provides that the writ of habeas corpus shall remain available and exercisable at all times and shall not be suspended on account of any state of emergency. It shall be enjoyed in the most free, easy, inexpensive, expeditious and ample manner. Any person who suffers from a violation of this right may challenge such violation in a court of competent jurisdiction.

21. For example, while detained persons may experience restricted movement or delayed access to certain legal procedures during an emergency, the Constitution mandates that their rights should not be arbitrarily denied or suspended without just cause. This means any restriction must be proportional to the crisis at hand, and the government is obligated to restore full legal guarantees once the emergency ceases. In the case of the COVID 19 outbreak, the Human Rights in Prison Coordination Platform, an initiative under the Ministry of Justice, which holds regular monthly meetings to discuss human rights issues in prisons and take joint actions to address these concerns, successfully partnered with the Ministry of Health to administer the COVID 19 vaccines to inmates at major prisons around the country. To respect the rights of inmates, the prison superintendents at these institutions were administered the jabs in the presence of the inmates to dispel the myths that had inmates afraid to take the vaccine.

22. In summary, Liberia’s legal framework allows for abrogation of rights during emergencies, but the Constitution carefully outlines that these restrictions must be necessary, justified, and temporary. The specific conditions under Articles 86 and 87 ensure that emergency measures remain accountable to the law, and that detainees’ fundamental rights are protected as much as possible, even in times of national crisis.

## **Article 2.2**

### **Absolute prohibition of torture**

23. There are no legal grounds that allow for the restriction of an individual’s right to be free from torture or other ill-treatment, regardless of considerations of national security, public order, public health, morals, or the rights and freedoms of others. The Liberian Constitution explicitly upholds the prohibition of torture and ill-treatment, establishing this as a fundamental and non-derogable right.

24. Article 21(e) of the Liberian Constitution states that “no person shall be subjected to torture or inhumane treatment.” This right is absolute and does not include any exceptions for reasons related to national security, public order, or any other circumstance. In other words, the Constitution protects individuals from torture and cruel, inhumane, or degrading treatment under all conditions, ensuring that no situation can justify a deviation from this standard.

25. Moreover, Liberia has ratified various international human rights treaties, including the UNCAT, which reinforces the absolute prohibition on torture. As a party to UNCAT, Liberia has committed to incorporating this international standard into its domestic law and practice. Liberian authorities are therefore legally bound to respect the prohibition of torture and to ensure that no governmental or security personnel subject individuals to ill-treatment, regardless of the context or perceived justification.

26. Although there have been challenges with enforcement in practice, the legal framework prioritizes the protection of individuals from torture. The Independent National Commission on Human Rights (INCHR) monitors adherence to human rights standards and can investigate complaints of torture or ill-treatment by state agents. Furthermore, under the Criminal Procedure Law, any evidence obtained through torture or coercive means is inadmissible in court, underscoring the illegality of such practices.

27. Under Liberian law, there are no exceptional circumstances that can justify the use of torture, even in the event of war, a threat of war, internal political instability, or any public emergency. The Liberian Constitution and international human rights commitments firmly prohibit torture under all circumstances, reflecting the country's commitment to upholding the fundamental rights and dignity of individuals. Article 21(e) of the Liberian Constitution unequivocally states: "No person shall be subjected to torture or inhumane treatment." This provision upholds the absolute prohibition of torture and does not permit any exceptions, regardless of the context or perceived necessity. There is no provision in the Constitution that allows the government to justify or excuse the use of torture in situations such as a state of war, internal political instability, or any public emergency.

28. Additionally, Liberia is a signatory to international human rights treaties, including the UNCAT, which also forbids torture without exceptions. Article 2 of the Convention clearly stipulates that no exceptional circumstances can be invoked to justify torture, stating: "No exceptional circumstances whatsoever, whether a state of war or a threat of war, internal political instability or any other public emergency, may be invoked as a justification of torture." Liberian domestic law is aligned with this international standard. The Criminal Procedure Law of Liberia mandates that any evidence obtained through torture or cruel, inhumane, or degrading treatment is inadmissible in court. This ensures that torture is not only legally prohibited but also reinforces the principle that its use cannot be justified under any circumstances, including emergency or security-related scenarios.

29. In practice, while challenges exist in enforcement and oversight, Liberia's legal framework prioritizes the protection of individuals from torture, ensuring that no national crisis can justify the abuse of human rights. The Independent National Commission on Human Rights (INCHR) is tasked with monitoring and addressing human rights violations, including torture, further promoting accountability for violations committed by state or non-state actors.

## **Article 2.3**

### **Individual criminal responsibility**

30. There are clear legal provisions that prohibit the invocation of superior orders, including orders from military authorities, as a justification for committing torture or other forms of ill-treatment. This is in line with Liberia's constitutional commitment to upholding human rights and the country's international legal obligations under various human rights treaties. Article 21(d) of the Liberian Constitution states that "no person shall be subjected to torture or inhumane treatment." This provision serves as a fundamental guarantee that individuals will not be subjected to any form of abuse, including torture, regardless of any instructions or orders from superiors. Furthermore, the Constitution<sup>1</sup> reinforces this by explicitly stating that no person shall be subjected to torture, cruel, inhumane, or degrading treatment or punishment.

31. The Criminal Code of Liberia, while not explicitly addressing the issue of "superior orders," aligns with the constitutional prohibition by emphasizing the importance of accountability for those who engage in unlawful conduct, including torture. Under Liberian law, individuals who carry out acts of torture, even at the behest of superior orders, are criminally liable and can face prosecution. Liberia has also ratified the UNCAT, which expressly prohibits the use of superior orders as a defense in cases of torture. Article 2(3) of UNCAT clearly asserts that "an order from a superior officer or a public authority may not be invoked as a justification for torture." This international standard has been incorporated into Liberia's legal framework, further reinforcing the country's commitment to upholding the prohibition of torture.

32. While there have been few high-profile cases directly addressing the issue of superior orders and torture in Liberia's courts, relevant jurisprudence exists under international human rights law. Decisions of international and hybrid criminal tribunals, such as the International Criminal Court (ICC), the International Criminal Tribunal for Rwanda (ICTR), and the

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<sup>1</sup> Article 21(e).

International Criminal Tribunal for the former Yugoslavia (ICTY), have consistently affirmed that the defense of superior orders is not admissible in cases involving torture. For example, the ICTY held that following superior orders does not absolve an individual from liability for committing war crimes, including torture. This principle has been reinforced across multiple rulings and reflects binding international standards that Liberia, as a UN Member State and State Party to key treaties, is obligated to respect and apply domestically. The Independent National Commission on Human Rights (INCHR) also plays a crucial role in monitoring and investigating allegations of torture and ill-treatment by state actors, including military personnel.

33. Liberia's National Human Rights Action Plan (2013-2018) includes measures to strengthen accountability and prevent torture. These measures, including the establishment of a national preventive mechanism (NPM), and the enactment of a national anti-torture bill, seek to ensure that acts of torture are prevented, prosecuted and that those responsible for issuing superior orders to commit torture are held accountable. However, full implementation of these safeguards has been hampered by limited capacity and independence of oversight bodies, as well as the complex realities of enforcing human rights in a post-conflict setting such as Liberia.

### **Article 3**

#### **Principle of non-refoulement**

34. As to domestic legislations regarding the principle of non-refoulment, Liberia is a party to several international treaties that commit to the principle of non-refoulement, such as the 1951 Refugee Convention and its 1967 Protocol. These treaties obligate Liberia to protect individuals from being returned to places where they may face persecution. Historically, during and after the civil wars in Liberia (1989-2003), the country has been both source of refugees and a host to asylum seekers. The government, often in collaboration with the United Nations High Commissioner for Refugees (UNHCR) has worked on resettlement programs and ensuring that individuals seeking asylum are not forcibly returned to potentially dangerous situations.

35. Additionally, at the national level, the Refugee Act of 1993, Chapter 3, addresses the issue of non-refoulement. According to section 13, “Notwithstanding the provisions of any other laws, no persons shall be refused entry into Liberia, expelled, extradited, or returned to Liberia or any other country, or be subjected to any similar measure if, as a result of such refusal, expulsion, return or other measure, such person is compelled to return to, or remain in a country where:

(a) He may be subjected to persecution on account of his race, religion, nationality, membership of a particular social group or political opinion; or

(b) His life, physical integrity, or liberty, would be threatened on account of external aggression, occupation, foreign domination, or events seriously disrupting the public order, in part, or the whole of that country.”

36. Article 21(c) of the 1986 Constitution states that “Every person suspected or accused of committing a crime shall immediately upon arrest, be informed in detail of their charges, of the right to remain silent, and of the fact that any statement made could be used against him/her in a competent court of law. Such person shall be entitled to counsel at every stage of the investigation, and shall have the right not to be interrogated except in the presence of a counsel. Any admission or other statements made by the accused in the absence of such counsel shall be deemed inadmissible as evidence in the court of law.

37. In September 2024, a former Guinean military officer, convicted in absentia for crimes against humanity related to the 2009 stadium massacre in Conakry, was extradited from Liberia to Guinea, upon request. He had escaped from prison and was apprehended in Liberia before his extradition. This action underscores Liberia's cooperation with regional justice efforts and its commitment to addressing impunity for serious crimes.

38. Upon receipt of a requisition under section 8.5(2) of the Criminal Procedure Law, the Procedure is as follows: “The Secretary of State shall request the Attorney General to secure

the arrest of the fugitive as provided in section 8.6, or, if he has already had an extradition hearing and has been committed to jail or released on bail thereunder, to secure his surrender for committal to jail as provided in subparagraph (c) of paragraph 2 of section 8.8, and to inform the Secretary of State of all actions taken in this regard.”

39. If, however, the Attorney General determines that the requesting foreign state has failed to charge an offense which is extraditable within the meaning of section 8.3, he may refuse to effectuate such request and shall so advise the Secretary of State, and if the fugitive has been committed to jail or has been released on bail under the provisions of subparagraphs (a) (i), (a), (ii), and (a) (iii) of paragraph 2 of section 8.8, he shall forthwith order that the fugitive be discharged from custody.”

40. In such case that the refoulement shall be based on political, or the commission of state crime, e.g. treason (attempted removal or assassination of a sitting head of state), the Ministry of Justice, headed by the Attorney General shall handle the legal aspect, while the Ministry of Foreign Affairs headed by the Minister of Foreign Affairs takes care of the diplomatic aspect, or the turning over of the fugitive. In terms of criteria for expulsion, extradition and removal, or refoulement of a person, the Criminal Procedure Law, Chapter 8.5.1 takes effect.

41. In a recent case, Liberia granted extradition for a foreign national who had been arrested on charges including mercenarism and armed insurrection. The individual was scheduled to appear in court on October 31, 2024, but was allegedly extradited the day prior. The presiding judge deemed the Ministry of Justice’s failure to produce the individual in court an act of contempt that disrupted the administration of justice, and held officials in contempt for interfering with judicial processes. A total fine of US\$2,000 was imposed, to be split equally among four senior Ministry of Justice officials, each required to pay US\$500 by 2 p.m. on Monday, November 25, 2024.

42. The prosecution had filed a nolle prosequi, suspending the case and enabling release. However, when a court official attempted to process that release, the individual was nowhere to be found. The defense counsel raised concerns that the person may have been kidnapped or worse, compelling a court intervention. The judge subsequently issued a 72-hour ultimatum demanding that the government produce the individual’s “living body.” During a November 20, 2024 hearing, the defense sought that the prosecution be held in contempt until the whereabouts of the individual were disclosed.

43. In response, the prosecution argued that the individual’s removal from prison stemmed from overarching national security concerns. They asserted that the extradition decision was made at a level beyond the Ministry of Justice, claiming, “national security supersedes all others”, suggesting they acted under orders from higher authorities.

44. However, the court firmly rejected this justification, emphasizing that actions, even if motivated by national security, must still conform with legal procedures. The presiding judge ruled that the prosecution’s conduct lacked a lawful basis and upheld that government decisions must remain grounded in law, regardless of any national security imperatives. The officials involved were consequently held in contempt for obstructing the administration of justice.

45. The court further reminded the prosecution that while it is sometimes necessary to follow higher orders, those actions must always comply with the law. This ruling marks a significant moment in the case, which continues to draw attention due to the defendant’s high profile and the serious charges against him.

46. One notable instance in Liberia illustrating the principle of non-refoulement involves the case of an alleged Ivorian mercenary, amid political upheaval and armed conflict in both Liberia and Côte d’Ivoire during the early 2000s. The case centered on a group suspected of involvement in the Ivorian civil war. According to international human rights norms, non-refoulement prohibits returning an individual to a dangerous situation where their rights, such as life or freedom, are at serious risk. Amid the instability of the era, Liberia opted to deny extradition in this instance, prioritizing the protection of the individual’s fundamental rights over the demands of interstate security concerns.

47. In 2004, the government of Ivory Coast, led by President Laurent Gbagbo, sought to extradite several individuals who had been arrested in Liberia, accusing them of being mercenaries hired to destabilize the Ivorian government and further fuel the ongoing civil war in Côte d'Ivoire. These individuals were allegedly involved in an attempt to overthrow the government of Côte d'Ivoire or to engage in acts of violence on behalf of rebel forces in the country. The case became significant because the individuals detained in Liberia were reportedly linked to the Ivorian government's political opposition, which had used mercenaries as part of their strategies to influence the war and political outcomes. The mercenaries were arrested in Liberia in connection to attempts to launch destabilizing attacks into Côte d'Ivoire.

48. The Ivorian government formally requested the government of Liberia to extradite the arrested individuals who were accused of mercenary activities. These men were believed to have been involved in the illegal recruitment of foreign fighters and in violent operations against the Ivorian government, which made the case a matter of national security and international concern. Liberia, under President Charles Taylor at the time, had its own complex political situation, including dealing with internal instability after years of civil war. Charles Taylor's government was also accused of being complicit in supporting rebels and insurgent groups across the region, particularly in Sierra Leone. As a result, Liberia's response to the extradition request was sensitive and complicated by these broader geopolitical factors.

49. Initially, Liberia was reluctant to cooperate fully with the extradition request, due to the sensitive nature of the situation and Liberia's own interests in maintaining regional alliances. Liberia's Ministry of Justice and relevant legal authorities considered the request carefully, as the nation was navigating its post-conflict environment. Several issues arose regarding the extradition:

(a) Legal and Diplomatic Concerns: Liberia's Ministry of Justice had to assess whether the individuals in question could be extradited according to Liberian law and under the framework of international law. This includes issues like the legality of the charges (mercenary activity) and whether Liberia's legal system had jurisdiction over such matters.

(b) Diplomatic Tensions: Given the ongoing conflict between the Ivorian government and rebel groups, Liberia had to consider the broader diplomatic repercussions of extraditing individuals involved in the Ivorian conflict. There was the risk of exacerbating tensions with either the Ivorian government or the various rebel factions.

(c) Regional Security Considerations: Liberia, under Charles Taylor's leadership, was seen as sympathetic to certain rebel groups and leaders in the region, and there was concern about upsetting the balance of power or becoming involved in the ongoing regional conflicts.

50. The Ivorian mercenaries case eventually became part of a larger set of legal and diplomatic issues between Liberia and its neighbors. There was significant pressure from Ivory Coast and the international community for Liberia to take appropriate legal action regarding the detained mercenaries. Liberia's response was cautious, and in some instances, individuals were either released, transferred to international jurisdictions, or dealt with through legal proceedings in Liberia. The case highlights the complexities faced by Liberia during its transitional period post-civil war, and the challenges it faced in managing international legal requests, balancing diplomatic relationships, and maintaining internal stability.

51. The Ivorian mercenaries' case, and the subsequent extradition requests, reflect the tense geopolitical dynamics in West Africa during the early 2000s. The Liberian Ministry of Justice handled the case by carefully weighing legal, political, and diplomatic considerations, while also taking into account Liberia's own security situation and international obligations. The case was part of the larger challenges that Liberia faced as it worked to stabilize its government and legal institutions after years of civil conflict.

52. In 2019, during Liberia's review by the Human Rights Committee in Geneva, Switzerland, a member of the Liberian delegation, then Solicitor General of the Republic of Liberia, Cllr. Daku Mulbah, in response to the issue of non-refoulement, alluded to the very

instant case, acknowledging that the government's actions as narrated supra, was also in respect of Liberia's obligation to its international human rights treaty obligations under the International Covenant on Civil and Political Rights – ICCPR to protect these individuals from reprisal especially so, where they could face the prospect of death and lack of due process.

## **Article 5**

### **Jurisdiction**

53. The immigration has a mandate by law, to board and search aircrafts, vessels, vehicles, and other means of transportation where there is suspicion of violation of Liberian law. However, torture is yet to be defined in the penal codes.

## **Article 6**

### **Custody and Preliminary Inquiry**

54. The 1986 Constitution of Liberia, Article 21 (e) prohibits torture and inhumane treatment and requires the Legislature to make this a criminal offence.

55. The Refugee Act of 1993 states in section 16 (2, 3,4) that:

(a) A recognized refugee or protected person may be detained in terms of subsection (1) in a prison, police cell or other convenient place, provided such person shall be accorded access to all reasonable amenities necessary for his/her comfortable living in the circumstances.

(b) An officer in charge of a prison or police cell shall receive into custody and shall retain in custody any recognized refugee or protected person detained or to be detained in terms of subsection (1) when required in writing by an authorized officer to do so, and any recognized refugee or protected person detained in a prison solely by virtue of the provisions of section shall, subject to the provisions of subsection (4) and of regulations made in terms of section eighteen, be treated as a person awaiting trial.

(c) A recognized refugee or protected person who is detained in terms of this section shall, if he so requests, be allowed a reasonable time, in any case not less than ninety (90) days, and afforded reasonable facilities to seek admission to a country other than the country to which he is to be expelled.

## **Article 7**

### **Extradition or prosecution**

56. The legal system in Liberia provides several measures to ensure the fair treatment of alleged offenders during legal proceedings. These measures align with international human rights standards and are enshrined in the Liberian Constitution, as well as various laws and legal practices. Key protections include:

(a) Right to Legal Counsel:

Constitutional Protection: The Constitution of Liberia guarantees the right of every accused person to have legal representation. Article 21 (e) of the Liberian Constitution explicitly states that "In all criminal cases, the accused shall be informed of the charges against him or her and shall be afforded the right to counsel throughout every stage of the process" (Miranda rights).

(b) Legal Aid: The Government of Liberia has provisions for legal aid to ensure that individuals who cannot afford private legal representation are still able to access legal counsel. The Liberia National Bar Association - LNBA Legal Aid Program, and the Public Defender's Office are instrumental in providing these services. SHED legal aid.

(c) Right to be Presumed Innocent Until Proven Guilty:

Presumption of Innocence: Article 21 (a) of the Liberian Constitution ensures that an accused person is presumed innocent until proven guilty in a court of law. This is a fundamental principle of justice, which is reinforced by the legal system and the practice of due process in court proceedings.

- Burden of Proof: It is the responsibility of the prosecution to prove the guilt of the accused beyond a reasonable doubt, and the accused has the right to remain silent without being compelled to testify against themselves.

(d) Right to Equality Before Courts:

Equality Under the Law: The Liberian Constitution provides that all persons are equal before the law, and the judiciary is tasked with ensuring that the legal process is impartial. Article 11 (c) of the Constitution guarantees that “all persons shall be entitled to equal protection of the law.”

- Non-discrimination: The Liberian legal system prohibits discrimination based on race, gender, ethnicity, or other arbitrary distinctions during the legal process. This ensures that all individuals are treated fairly and equally when they come before the courts.

(e) Fair and Public Hearing:

The right to a fair and public hearing is another key protection. The courts in Liberia are required to ensure that the accused receives a fair trial, which includes a timely hearing of the case. The hearing must be conducted by an independent and impartial tribunal.

(f) Protection Against Arbitrary Detention:

Due Process of Law: Under the Constitution, no one can be arrested, detained, or imprisoned without being informed of the charges and having access to a legal hearing. Arrests must be made in accordance with legal procedures, and individuals must not be detained for extended periods (48) without being brought before a court.

- Interrogation: While the suspect is being interrogated, the person should be informed of the offense of offenses; they shall be allowed the presence of a legal counsel while they are being questioned, or while making any statement or admission.
- Accused privilege: The accused is privileged not to testify against themselves.

(g) Appeals Process:

Alleged offenders in Liberia have the right to appeal their convictions and sentences. This provides an additional safeguard against wrongful conviction or unfair treatment during trial. These provisions are part of Liberia’s legal framework aimed at ensuring fairness in the justice system, although the practical application can vary, especially in cases where resources or access to legal counsel may be limited. The country continues to work on strengthening its judicial processes and upholding these rights, particularly in remote areas where legal resources may be scarce.

In the case of such the government of Liberia will collect evidence from the country of the alleged offender through mutual legal assistance. Furthermore, the standard of evidence will be the same as a citizen of Liberia.

Up to this reporting time, we have not recorded cases of such instance.

## Article 8

### Extradition

57. There is no legal provision under our laws that consider torture as an extraditable offence.

58. For a person to be Extradited: There must be an Extradition Treaty between the two countries (Reference Chapter 8 of the Criminal Procedure Law) (Reference Parker v US Government).

59. Issues 36 to 40 of the general concerns are not applicable in Liberia and there is not document case or cases in our case files at the courts.

60. Torture is usually embedded and mainstreamed in human rights related training among law enforcement officers (LEOs and other judicious workers).

61. All trainings that are conducted with Law Enforcement Officers are based on treatment, care, custody and gender.

62. There is no available information:

(Reference New Police Act);

(Reference New Immigration Act).

63. Miranda rights and criminal procedure laws Chapter 2, Constitution Article 21 C there is no legal provision that require notification of embassy of consular office in the case of foreigner who commits a crime:

(a) Yes, there are official registrars for detainees including their case file with all relevant information about the detainees and their cases.

(b) Yes, they are informed of their Miranda rights immediately upon arrest.

(c) Yes, the Public defenders on condition of availability of defenders as there are limited number of public defenders as compared to the number of cases requiring public defenders.

(d) Yes, they usually provide medical assistance where the suspect is observed to be in poor health condition.

(e) Yes, the detainees are allowed to have access to relatives if requested.

(f) Yes, the INCHR has the statutory mandate to inspect all places of detention and prison facilities at all times with no condition attached.

(g) Yes, Article 21 of the Constitution of Liberia provides for that.

64. The Independent National Commission on Human Rights was established by statute in 2005. The commission mandate includes 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, as well as making determinations, referrals and recommendations to the appropriate authorities concerning matters which it has been investigating.

65. Moreover, the Bureau of Corrections normally approves request of civil society organizations with vested interest in monitoring prisons. For other places of detention, like the police zone and depots are also open to inspection to ensure best practice by law enforcement officers. As a case in point, the INCHR and the PSD of the LNP met at Zone 5 police station during one of their monitoring exercises, the INCHR monitors confirm the necessary intervention in the case of a suspect who was detained for more than 48 hours, before the INCHR could get involved. Challenges:

(a) Mangling of Juvenile in adult cell;

(b) Pre-trial detainees and convicts are mixed in the same cell;

(c) Poor Sanitary condition;

(d) Prison overcrowding.

66. The sixteen (16) prisons across the fifteen (15) counties as well as detention facilities at police zones and depots throughout Liberia are accessible to monitors from the INCHR, civil society organizations, monitors from the Professional Standard Division of the Liberian National Police and the Human Rights Protection Division, Ministry of Justice. The INCHR allege that they have been denied cooperation at the National Security Agency detention

facility. The House Committee on Defence and Security, the Senate Committee on defence and intelligence provide oversight on intelligence operation and security. The President intelligence advisory board:

- (a) Reference Bureau of Correction and Rehabilitation code of Conduct;
- (b) Reference Professional Standard Division Code of Conduct of the Liberia National Police.

67. Acts of cruel, inhuman, or degrading treatment or punishment have been strongly condemned and outlawed under both national and international law. The Constitution of Liberia explicitly prohibits torture and other forms of inhuman or degrading treatment or punishment, The Constitution of Liberia, Chapter III, 21 (e) prohibits torture and guarantees the protection of personal liberty. It states that no person shall be subjected to torture, cruel, inhuman, or degrading treatment or punishment. This section upholds the fundamental human right to freedom from such abuses, ensuring that individuals' dignity and personal security are respected under the law. It also requires the Legislature to make torture a criminal offence. Despite these legal protections, much needs to be done toward enforcement, and instances of abuse, particularly in detention facilities, have been reported, highlighting the need for improved legal implementation and stronger safeguards for human dignity.

68. There is currently no specific provision in Liberia's legislations defining torture as such and making it a criminal offense. The only available domestic instrument is the 2011 draft National Anti-Torture Bill that is being debated at the legislature for passage into law.

69. Perpetrators of acts of torture when reported, could be charged and prosecuted by Liberian National Police officers under aggravated or simple assault.

### **Living Conditions in Detention Centers and Prisons**

70. Living conditions in police detention centers and prisons vary but often face issues such as overcrowding, inadequate sanitation, and poor infrastructure. Cells are often cramped, and basic amenities like clean water, hygiene facilities, and ventilation can be lacking. Inmates may have limited access to outdoor spaces or recreational activities, leading to mental and physical health challenges. Prisons holding capacities in Liberia range from as small as 1.7m x 2.3m perimeter to around 4.6m x 5.1m, and usually holds between 1 to 25 persons. Cell allocations are on different classifications, namely alleged crime (the gravity of the offence) or on the basis of the classification of sentenced/non-sentenced persons. The Monrovia Central Prison – MCP, which carries over fifty percent of the general prison population in Liberia, has cell allocation according to such classifications extended to entire blocks, so that different building blocks hold different categories of inmates. In MCP, Block D, which has the smallest cells (approximately 1.7m x 2.3m), is known to be the worst block in terms of material conditions, and is sometimes used as a basis for punishment and extortion of inmates. Along with the MCP, most of the prison facilities are overcrowded, and have overstretched their holding capacities. However, the Palace of Correction in Zwedru, Grand Gedeh county is yet to experience overcrowding.

### **Separation of Women and Minors**

71. Women and minors are generally kept separate from adult male populations, in line with international human rights standards. Women's facilities, however, may be fewer and less crowded than those for men due to the low percentage of women in the Liberian prison system. Women inmates in most prisons in Liberia lack adequate care, and access to female-specific health services. The prison authorities make efforts to separate juveniles' pretrial detainees from the adult cells, though in some cases, due to poor infrastructure, they may still end up in adult prisons. The diversion program run by the Child Justice Section of the Ministry of Justice, has contributed to low number of juveniles in the prison system. As of the time of this report, there are no juveniles in Robertsport Central Prison and Kakata Central Prison in Margibi County. while juveniles in other prisons are as follow: MCP is 4 girls and 17 boys, Sanniquillie Central Prison<sup>2</sup> in Nimba County 1 girl - 15 boys (UNICEF

<sup>2</sup> The juvenile wing of the prison is currently under renovation to make it more child friendly, with

recently reported that these children were in prison under harsh condition)<sup>3</sup>, Gbarnga Central Prison 0 girls - 2 boys, Tubmanburg Central Prison in Bomi County 0 girls - 1 boy, Buchanan Central Prison in Grand Bassa County 0 girls – 2 boys, and Voinjamien Central Prison in Lofa County 0 girls and 2 boys. In total, there are currently 39 boys and 5 girls in prisons in 8 of the 16 prisons across the country.

### **Overcrowding, Inter-Prisoner Violence, and Disciplinary Measures**

72. Overcrowding remains a significant issue in many prisons, exacerbating tensions among inmates and increasing the likelihood of violence. Although the Bureau of Correction has a staffing capacity challenge, violence is not commonplace in most of the prisons. The main disciplinary measures against inmates is confinement, which sometimes inarguably, violates prisoners' rights. These conditions contribute to a heightened risk of psychological trauma.

73. To provide a long-term solution to overcrowding, the government of Liberia has allocated budgetary support to the Bureau of Correction to begin construction of a new prison facility in Cheesemanburg beginning 2025. This is an exceptional exhibition of the government's intent to address the long-term solution to overcrowding, poor and substandard prison facilities across Liberia.

### **Medical and Sanitary Conditions**

74. Sanitary conditions in the prisons are often substandard, with inadequate waste management, limited access to clean water, and poor hygiene facilities. Medical care has been typically limited, but the current administration of the government of Liberia is taking the necessary measures to address the health issues of inmates. The Ministry of Health has increased supply of drugs to the prisons, and have monitored the work schedules of nurses assigned to these prisons to ensure that inmates health and wellbeing is improved. Inmates with serious illnesses are transferred to referral hospitals for medical attention.

75. To address the issue of sanitation in prisons, the government of Liberia in partnership with an international non-governmental organization, Samaritan purse, has begun the fumigation of prisons across the country. Under this activity, Monrovia, Sanniquellie, Tubmanburg, Bopolu, and Robertsport have all being fumigated.

### **Common Illnesses and Treatment in Prisons**

76. Common illnesses in prisons include respiratory infections, tuberculosis, gastrointestinal diseases, skin infections, and mental health conditions such as depression and anxiety. Medical treatment is often inadequate, with delays in receiving care, lack of access to medications, and overcrowded healthcare facilities that struggle to meet the needs of the prison population.

### **Access to Food and Conditions of Detention for Minors**

77. Access to food in prisons is frequently inadequate, with meals that are nutritionally deficient and insufficient in quantity. For minors, these conditions can be especially detrimental to their growth and development. Detained minors may face psychological stress, a lack of educational opportunities, and exposure to violence or abuse, leading to a harmful impact on their well-being. Inmates according to the BCR Authorities, are given one wholesome meal currently due to the financial capacity of the government. The government of Liberia in the last 11 months has addressed the issue of prolonged delay in the supply of rice and subsistence to the prisons. Beans were also recently procured to enhance the nutritional well-being of inmates, and distribution is ongoing. The Bureau of Correction's Administration has recently added breakfast to inmates' diet, increasing the meals to two meals from one wholesome meal.

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support from UNICEF.

<sup>3</sup> With support from UNICEF, the government of Liberia renovated the juvenile block of the Sanniquillie prison to make it children friendly.

78. The government of Liberia has taken significant steps toward abolishing the death penalty and complying with the provisions of the Second Optional Protocol to the International Covenant on Civil and Political Rights (ICCPR). Liberia's commitment to abolishing the death penalty is reflected in its National Human Rights Action Plan (NHRAP), adopted in 2013, which outlines the country's dedication to fulfilling international human rights obligations. In 2011, during Liberia's first Universal Periodic Review (UPR) at the UN Human Rights Council, During Liberia's Universal Periodic Review (UPR) in 2011, Christiana P. Tah, who was the Minister of Justice at the time, addressed the issue of the death penalty, particularly in relation to children. She made it clear that Liberia was committed to upholding the rights of children, including the prohibition of the death penalty for those under the age of 18 in compliance with the Second Optional Protocol to the International Covenant on Civil and Political Rights (ICCPR), which Liberia had ratified.

79. In subsequent UPR cycles, Liberia continued to make strides toward abolition. During the 2014 UPR, Minister of Justice Cllr. Benedict Sannoh clarified that while a moratorium on executions had been in place for several years, the death penalty remained part of the legal framework. He acknowledged the need to amend the law to fully abolish it. During the 3<sup>rd</sup> Cycle UPR in 2019, Minister Cllr. Frank Musah Dean, Jr. reaffirmed Liberia's intent to abolish the death penalty, with a draft law already in progress. In 2022, the government formally introduced an amendment to title 26 of the Liberian Codes of Law Revised, Penal law Chapter 11, 14, 15 and 50 relating to sentencing and death penalty, with the aim to remove the death penalty from the legal system. While the bill was passed in the Senate, it remained stalled in the House of Representatives, requiring resubmission to the new legislature. In the interim, Liberian courts have increasingly opted to commute death sentences to life imprisonment, signaling a shift toward abolition in practice.

80. The Human Rights Protection Division of the Ministry of Justice in collaboration with the Department of Codification, Ministry of Justice, and partnership with the Civil Society Human Rights Advocacy Platform, held a two (2) day round table dialogue from the 26 – 27 of November, 2024, to review, edit and revise the draft bill and to draft a roadmap for the resubmission and successful passage of the draft bill into law. The meeting participants recommended that the Ministry of Justice ensures that the passage of the draft bill forms a part of the president's legislative Agenda for speedy passage into law. Following the roadmap, consultations led by the Ministry of Justice, were held with legal institutions including the Law Reform commission (LRC), the Liberia National Bar Association (LNBA), members of the Joint Security including the Ministry of Defence (MOD). Women Groups, the Civil society Human Rights Advocacy Platform amongst others. The final draft bill was validated and copy given to the Minister of Justice for Cabinet review, and endorsement, for onward transmission to the Legislature.

81. Despite the government's moratorium on executions, there are still inmates on death row in the prison system in Liberia. Prisoners on death row in Liberia face the same harsh and overcrowded conditions as other inmates in some prisons, especially prisons that are grossly overcrowded. Overcrowding is a significant issue in Liberia's prisons, leading to poor living conditions, limited space, and insufficient resources for both death row and general population prisoners. These conditions, compounded by a lack of visitation by adequately trained professionals in the field of psychosocial counselling, exacerbate the suffering of those awaiting execution. A local non-governmental civil society organization, Liberia Association of Psychosocial Services (LAS) said "going to prison is traumatizing, the status or condition of the prisons add to the trauma". Death roll convicts suffer the most psychological impact. The LAS has the potential to provide intervention to both the inmates in the prisons as well as their relatives, providing services to help them move on and cope with the situation of their loved ones being separated from them.

82. Liberia is not a party to the International Convention for the Protection of All Persons from Enforced Disappearance (CED); enforced disappearance as defined in the convention is not criminalized in our penal laws as a distinct offense; however, The Constitution of Liberia, which is the organic law serves as the applicable legal regime to the enforced disappearances in that it offers several protections to individuals that indirectly safeguard against the occurrence of enforced disappearances, even though it does not explicitly mention "enforced disappearance" as a distinct crime. Key provisions within the Constitution

recognize and protect fundamental human rights, which serve as a foundation for ensuring the protection of individuals from such violations. Article 11 (a) of the Liberian Constitution guarantees the right to life, liberty, and security of the person. This provision prohibits arbitrary detention and ensures that no one can be deprived of their liberty except by lawful means, in accordance with established legal procedures.

83. This aligns with the international legal standards set forth by the International Convention for the Protection of All Persons from Enforced Disappearance (CED), which calls on states to protect individuals from being detained in secret or incommunicado by government authorities or agents, a hallmark of enforced disappearances. Moreover, the Constitution guarantees the right to be informed of the reasons for one's arrest, the right to challenge the legality of one's detention before a court of law, and the right to access legal representation, as outlined in Article 21. These constitutional protections are essential for preventing arbitrary or secret detentions, which are core components of enforced disappearances.

84. The Constitution also provides a framework for judicial oversight over the actions of the state, ensuring that any unlawful acts of state agents, including violations of personal liberty, can be challenged in court. These protections are in line with Liberia's obligations under the CED, which requires the country to take legislative and practical steps to prevent enforced disappearances and ensure that victims have access to justice, truth, and reparation. Going forward, Liberia will take the necessary steps to ratify the instrument as part of our international human rights treaty obligations, and will endeavor to incorporate a clear criminal framework for the crime of enforced disappearance, aligned with its obligations under the Convention.

85. Liberia ratified the Convention Against Torture (CAT) in 2004 and subsequently accepted the Individual Communications Procedure under Article 22 in 2012. This allows individuals to bring complaints to the Committee Against Torture regarding violations of their rights under the Convention. However, Liberia has not adopted any legal procedural steps or pathway to receive individual communications.

86. Liberia has not made formal steps towards accepting the Inter-State Complaints Procedure as of the time of this report. By this, Liberia, has not accepted the Inter-State Complaints Procedure under Article 21 of the Convention, meaning it has not made a declaration permitting one state to file a complaint against Liberia for violations of the Convention.

## **Excessive use of force by Law Enforcement Officers (LEOs)**

### **1. National Framework for Regulating the Use of Firearms by LEOs in Liberia**

87. Liberia's legal framework for regulating the use of firearms by law enforcement officers is shaped by several laws and regulations. The principal legislative acts and documents that are relevant to this issue include:

(a) The 2008 Liberia National Police Act: This Act outlines the general duties, responsibilities, and powers of the Liberia National Police (LNP), which include the use of force. The law emphasizes that LEOs must use force in a manner that is proportional, necessary, and lawful. It sets out procedures for when lethal force may be employed;

(b) The Liberian Firearms and Ammunition Control Act (2014): This law regulates the possession, use, and control of firearms in Liberia. While it primarily concerns civilian possession of firearms, it also has implications for law enforcement's use of firearms. It mandates that police officers should be properly trained and authorized to carry firearms, and it establishes rules for when and how these firearms may be used in policing activities;

(c) The 2015 Police Standards of Conduct and Disciplinary Code: This document provides specific guidelines on the use of force by the police, including firearms. It mandates that the use of force, including lethal force, should be a last resort, used only when absolutely necessary to protect life or prevent serious injury.

88. Despite these legislative acts, there are concerns about how effectively these laws are implemented, and whether they are followed consistently in practice. Issues such as inadequate training, inadequate accountability mechanisms, coupled with limited resources for oversight can undermine the effectiveness of these regulations in controlling police use of firearms.

## 2. Alignment with International Standards

89. International standards regarding the use of force and firearms by law enforcement officers are primarily set by the following documents:

(a) The United Nations Basic Principles on the Use of Force and Firearms by Law Enforcement Officials (1990): This sets out principles for when law enforcement officers may use force and firearms. The key principles are that the use of force must be strictly necessary, proportionate, and a last resort. Lethal force may only be used to protect life or prevent serious harm.

(b) The International Covenant on Civil and Political Rights (ICCPR): Article 6 of the ICCPR, to which Liberia is a signatory, states that the right to life must be protected by law, and the use of force must not violate this fundamental right. Police actions that result in death or injury must be subjected to thorough investigation and accountability measures.

(c) The African Charter on Human and Peoples' Rights: Liberia, as a member of the African Union, is bound by this charter, which also protects the right to life and prohibits excessive use of force. Any use of force by law enforcement must be justifiable under international law. While Liberia has a framework in place that attempts to regulate the use of firearms by law enforcement officers, there are gaps in its implementation. The legislative acts, SOPs, and policies are partially aligned with international standards, but in practice, there are concerns about excessive use of force by the police, inadequate accountability mechanisms, and insufficient training. To fully align with international standards, Liberia has taken measures to strengthen its training programs for law enforcement officers by integrating human rights standards in the Liberia National Police Training Academy (LNPTA) training manual, improve oversight and accountability through the various layers in the police including the PFD, the civilian complaints board etc., and ensure that police officers consistently adhere to principles of proportionality, necessity, and accountability in the use of firearms.

90. The Liberian Government has tried to find ways to increase the LNP's accountability and effectiveness. In 1978 the Liberian government passed the Penal Code, which limited the police use of deadly force. The 1978 Penal Code prescribed a four-part test for police officers when determining to use force, such as (a) for a felony; and (b) the officer using the force is authorized to act as an LNP officer; (c) the use of force poses no substantial risk of injury to innocent persons; and (d) the officer believes the crime which the arrest is being conducted is one where deadly violence was alleged to have been used, or the accused could potentially use. However, despite the 1978 use of force test, the LNP's officers routinely used unnecessary force. Thus, the 1986 Liberian Constitution made it unlawful for police officers to torture or mete out inhumane treatment to persons arrested. The 2016 Policing Act established a Civilian Review Board of police misconduct. The board has the authority to investigate police misconduct allegations and recommend sanctions and criminal charges to the public prosecutor.

91. Tactics used for management of assemblies are reviewed and assessed, though not on a regular basis. The LNP was trained by UNMIL in riot response to be able to counter rioters with the limits of the law. One classic is when the police provided water and food to demonstrators during one of the anti-government rallies "fix the country", led by a popular student movement the student unification party of the University of Liberia, evaluation, etc.)

92. In line with the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), Liberia has undertaken several significant steps to develop a comprehensive prevention strategy for sexual and gender-based violence (SGBV) and to establish victim and witness protection programs. The country, recognizing the urgent need to address SGBV, has taken legal, policy, and institutional actions to combat this widespread issue. Below are key actions taken by the government of Liberia and its partners:

## (a) Legal and Policy Framework:

- The Domestic Violence Act (2019): This law criminalizes all forms of domestic violence, including physical, sexual, and psychological abuse. It provides legal remedies for victims, including protection orders, and mandates the establishment of safe houses for survivors.
- The Rape Law (2005): This law was reformed in 2005 to criminalize all forms of sexual assault, and it sets clear penalties for those convicted of rape. In 2016, the law was further strengthened with the passage of an amendment that removed the possibility of bail for persons accused of rape.
- The Sexual and Gender-Based Violence (SGBV) National Action Plan: The government has developed a national plan to provide a comprehensive approach to prevent and respond to SGBV. This includes awareness-raising campaigns, strengthening the justice system, and providing resources for survivors.
- The Act to Establish the Ministry of Gender, Children and Social Protection: This ministry plays a central role in coordinating efforts against SGBV in Liberia and has led the development of policies focused on gender equality and women's rights.

## (b) Institutional and Structural Measures:

- The Liberia National Police (LNP): Special SGBV units have been established within the police force to investigate and respond to incidents of gender-based violence. The police are trained to handle sensitive cases with care and professionalism.
- Gender-Based Violence Taskforce: The Liberian government has established a national task force to coordinate actions across ministries, NGOs, and UN agencies. The task force focuses on strengthening the coordination between law enforcement, social services, and the judicial system to respond to and prevent SGBV.
- The Liberia Justice and Security Sector: Efforts have been made to improve the capacity of the justice sector, including training for law enforcement and judicial officers on handling SGBV cases. Legal aid services are also available to ensure that victims can access justice.
- The SGBV Referral Pathway: A referral pathway has been developed to ensure that survivors of sexual and gender-based violence can access medical, legal, and psychosocial support. The pathway involves various service providers, including hospitals, police stations, courts, and counseling services.

## (c) Victim and Witness Protection Program:

- Establishment of Safe Houses and Shelters: Liberia has worked to establish shelters where survivors of SGBV can seek refuge and receive care. These shelters provide a safe space for women and children who are at risk of further violence.
- Witness Protection Program: A victim and witness protection program was introduced to ensure the safety of those who report SGBV incidents and testify in court. This program aims to protect witnesses from intimidation, retaliation, or harm.
- Trauma Counseling and Legal Aid: Legal assistance is provided to survivors, and counseling services are available to help them recover from trauma. Specialized services are designed for vulnerable groups, including children, women with disabilities, and elderly women.
- The Gender-Based Violence Court: The establishment of specialized courts, such as the SGBV Court, has helped expedite the trial of sexual and gender-

based violence cases, providing victims and witnesses with the assurance that their cases will be handled swiftly and fairly.

(d) Community Engagement and Awareness Raising:

- Public Awareness Campaigns: The government and civil society organizations conduct nationwide campaigns to raise awareness about the harmful effects of SGBV and the rights of survivors. One of these notable joint awareness activities is the “16 days of activism” campaign. These campaigns include media programs, community outreach, and educational initiatives.
- Community-Based Prevention Programs: Local communities are actively engaged in prevention efforts, with programs aimed at changing attitudes toward gender equality, domestic violence, and sexual harassment. These programs work with traditional leaders, religious groups, and community members to challenge harmful cultural practices. Despite these initiatives, people in the rural communities still hold to the belief that attempting to abolish harmful traditional practices amount to destroying their cultural heritage.
- Engaging Men and Boys: Recognizing that the involvement of men and boys is essential to reducing SGBV, programs have been developed to engage them in gender equality discussions and as allies in preventing violence. The “He for She Crusaders” a male dominant civil society organization front for the protection of women against SGBV and other harmful traditional practices.

(e) International Cooperation:

Liberia works closely with international organizations such as the United Nations, the European Union, and various NGOs to strengthen its response to SGBV. These partnerships provide technical assistance, financial support, and expertise in creating effective prevention and response mechanisms.

(f) Monitoring and Reporting Mechanisms:

- SGBV Data Collection: Liberia has developed systems for collecting and monitoring data on SGBV cases, which helps track the prevalence of violence and improve the quality of response services. This data is crucial for shaping policies and interventions.
- Independent Oversight and Reporting: Independent bodies, such as the Liberia Women’s Media Action Committee (LIWOMAC) and the Liberia Feminist Forum, monitor and report on the implementation of laws and programs related to SGBV, advocating for better policies and practices.

## Challenges and Future Steps

93. Despite these advancements, Liberia continues to face significant challenges in fully eradicating SGBV. Issues such as limited resources, weak law enforcement, and deep-rooted cultural norms continue to hinder progress. The government and civil society groups are working toward:

- (a) Expanding victim and witness protection services, especially in rural areas.
- (b) Strengthening the judicial system’s capacity to prosecute cases of SGBV efficiently.
- (c) Enhancing coordination between stakeholders to ensure the effective implementation of SGBV laws and policies.
- (d) Scaling up awareness programs and changing societal attitudes to reduce stigma and support survivors of violence.

94. Liberia has made significant strides in aligning its legal framework with the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), particularly through key legislation like the Domestic Violence Act of 2005, the Rape Law

of 2005 (strengthened in 2016), and ongoing reforms such as the National Gender Policy (2019) and the Land Rights Act (2018). These laws address various forms of discrimination and violence against women, including domestic violence, sexual assault, and economic discrimination, while also recognizing the intersectionality of discrimination based on factors like age, disability, and ethnicity.

95. The government has worked to enhance protections for women both in the public and private spheres, with efforts to update the Labor Law to prohibit workplace discrimination and ensure women have equal access to land and economic opportunities. These reforms reflect a comprehensive approach to eliminating gender-based inequality, both direct and indirect, and aim to strengthen enforcement mechanisms in line with CEDAW.

96. Liberia has made significant strides in aligning its legal framework with the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), particularly through key legislation like the Domestic Violence Act of 2005, the Rape Law of 2005 (strengthened in 2016), and ongoing reforms such as the National Gender Policy (2019) and the Land Rights Act (2018). These laws address various forms of discrimination and violence against women, including domestic violence, sexual assault, and economic discrimination, while also recognizing the intersectionality of discrimination based on factors like age, disability, and ethnicity. The government has worked to enhance protections for women both in the public and private spheres, with efforts to update the Labor Law to prohibit workplace discrimination and ensure women have equal access to land and economic opportunities. These reforms reflect a comprehensive approach to eliminating gender-based inequality, both direct and indirect, and aim to strengthen enforcement mechanisms in line with CEDAW.

97. Several initiatives have been undertaken to develop a system for the regular collection of statistical data on all forms of violence against women, including domestic violence, abduction, and ritualistic killings. These efforts aim to disaggregate data by age, type of offense, and the relationship between the victim and the perpetrator.

#### **1. Establishment of the Gender-Based Violence Information Management System (GBV-IMS)**

98. The Government of Liberia, in collaboration with UN Women, UNDP, and UNFPA, initiated the development of the GBV Information Management System. This system aims to replace the previously used Excel spreadsheets with a more robust platform to collect and analyze data on gender-based violence (GBV). The system is designed to capture detailed information on cases of GBV, including disaggregation by age, type of offense, and the relationship between the victim and the perpetrator.

#### **2. Demographic and Health Survey (LDHS) with Domestic Violence Module**

99. The Liberia Demographic and Health Survey (LDHS) includes a domestic violence module that collects data on intimate partner violence among women aged 15–49. In the 2019–2020 survey, 3,120 women were interviewed using this module. The survey methodology ensures privacy and ethical standards, allowing for the collection of sensitive data on domestic violence. ([PubMed Central](#))

#### **3. Support for Survivors and Data Collection**

100. USAID supports the Margibi County My Voice Platform, a web-based system that receives SMS messages or direct calls from GBV victims and provides referrals to support services. This platform contributes to the collection of data on GBV cases and supports survivors by connecting them with necessary services. ([www-2021.usaid.gov](http://www-2021.usaid.gov))

#### **4. Legislative and Institutional Framework**

101. Liberia has enacted laws such as the Rape Act (2006) and the Domestic Violence Act (2019), which have increased penalties for sexual offenses. The establishment of specialized courts, like Court E, and the creation of a national Sex Offender Registry have strengthened the legal framework for addressing GBV. These measures facilitate the collection of data on GBV cases and enhance the justice system's response to such incidents. ([UNDP](#))

## 5. Challenges and Areas for Improvement

102. Despite these efforts, challenges remain in the collection and reporting of GBV data. A significant portion of sexual violence often goes unreported or is handled through traditional customary law, especially in rural areas. There is also a reluctance to address deeply ingrained practices like female genital mutilation. ([UNFPA Liberia](#))

103. These initiatives represent significant steps toward developing a comprehensive system for the regular collection of disaggregated data on all forms of violence against women in Liberia. However, continuous efforts are needed to address existing challenges and ensure the effectiveness of these systems.