



International Covenant on Civil and Political Rights

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Human Rights Committee

Report on follow-up to the concluding observations of the Human Rights Committee*

Addendum

Evaluation of the information on follow-up to the concluding observations on Liberia

Concluding observations (123rd session): [CCPR/C/LBR/CO/1](#), 23 July 2018

Follow-up paragraphs: 11, 37 and 47

Information received from State party: [CCPR/C/LBR/FCO/1](#), 6 October 2023

Information received from stakeholders: Coalition of civil society organizations, 6 May 2024

Committee's evaluation: 11 [C] [B], 37 [B] and 47 [B]

Paragraph 11: Impunity and past human rights violations

The State party should, as a matter of priority, establish a process of accountability for past gross human rights violations and war crimes that conforms to international standards, including concerning independence and expertise of the judiciary; victims' access to justice, due process and fair trial guarantees; and witness protection. The State party should, in particular:

(a) Ensure that all alleged perpetrators of gross human rights violations and war crimes are impartially prosecuted and, if found guilty, convicted and punished in accordance with the gravity of the acts committed, regardless of their status or any domestic legislation on immunities, and remove any persons who are proven to have been involved in gross human rights violations and war crimes from official positions;

(b) Take all necessary measures to implement the recommendations of the Truth and Reconciliation Commission and consider establishing a well-resourced body, comprising government representatives, the National Independent Commission on Human Rights and civil society organizations, to monitor the implementation of those recommendations;

(c) Develop and implement a comprehensive reparations scheme for all victims of gross human rights violations and war crimes;

* Adopted by the Committee at its 141st session (1–23 July 2024).



(d) **Redouble its efforts aimed at fostering reconciliation and sustaining peace, with the participation of victims and their families as well as civil society organizations active in seeking justice for past crimes.**

Summary of the information received from the State party

Since 2016, the National Independent Commission on Human Rights has conducted annual Palava Hut hearings in multiple districts, following the recommendation of the Truth and Reconciliation Commission to implement a national Palava Hut programme as an alternative justice and accountability mechanism that incorporates traditional justice. In addition, in 2021, the National Independent Commission on Human Rights conducted six district-level reconciliation dialogues throughout Lofa County. From 2018 to date, 10 memorials have been constructed in places where massacres took place, helping to bring closure to the victims of the war.

Dialogue is ongoing regarding the establishment of criminal accountability mechanisms. In April 2019, the Liberian National Bar Association and civil society organizations submitted a bill to the legislature for the establishment of a war crimes court, which was supported by 50 of the 73 members of the House of Representatives. In September 2019, during the National Economic Dialogue, the National Council of Chiefs and Elders affirmed its support for the bill, which is currently under review by the Committee on Human Rights and the judiciary.

Although no individuals involved in war crimes have yet been prosecuted in Liberia, the Government has not made any objection or interfered in the trials of its citizens accused of war crimes in other jurisdictions. It has cooperated in multiple instances with foreign Governments exercising universal jurisdiction, including those of Finland, France, Switzerland and the United States of America.

Summary of the information received from stakeholders

(a) In March and April 2024, the Senate and the House of Representatives passed a resolution supporting the creation of a war and economic crimes court. On 2 May 2024, the President signed an executive order establishing an office of the war and economic crimes court in Liberia. The parliament has yet to pass legislation establishing the war crimes court and the office will need to develop a legal framework for the court, as well as seeking financial and technical support for its operation. Reparations were not mentioned in the executive order. No one residing in Liberia has faced criminal investigation or prosecution for serious crimes committed during the civil war. The only cases in which Liberian citizens have been prosecuted are those that have been conducted abroad.

(b) The law establishing the Truth and Reconciliation Commission gave the Commission significant power, including the power to recommend prosecutions. In its final report, the Commission recommended the creation of an extraordinary criminal court which would be a hybrid court composed of Liberian and international judges, prosecutors and other staff with a mandate to try those allegedly responsible for committing serious crimes. That court has yet to be effectively established.

(c) Liberia has taken no action to develop and implement a comprehensive reparations scheme. Victims have had no access to any reparations since the end of the conflict in 2003.

(d) Liberia has not initiated a comprehensive process to memorialize the victims of the conflict. Although 10 memorials have been built in different parts of the country, very little has been done to ensure the participation of victims and their families or civil society organizations. The process was neither inclusive or holistic and it left out significant stakeholders.

Committee's evaluation

[C]: (a) (c) and (d)

While welcoming the State party's efforts to cooperate with foreign Governments for the prosecution of its citizens accused of war crimes in other jurisdictions and the submission of

a bill to the legislature for the establishment of a war crimes court, the Committee regrets that the State party has yet to prosecute any individuals involved in war crimes. It also regrets the information indicating that no steps have been taken to develop and implement a comprehensive reparations scheme for all victims of gross human rights violations and war crimes. Furthermore, while welcoming the construction of memorials and the holding of six district-level reconciliation dialogues throughout Lofa County, the Committee is concerned at reports revealing the lack of a comprehensive and inclusive process to memorialize the victims of the conflict. The Committee reiterates its recommendations and requests additional information.

[B]: (b)

The Committee welcomes the information that the State party has taken steps to implement the recommendations of the Truth and Reconciliation Commission, particularly with regard to the holding of annual district Palava Hut hearings. It requests more specific information on the progress made in the implementation of all of the Commission's recommendations, including the recommendation to create an extraordinary criminal court to prosecute those responsible for committing serious crimes.

Paragraph 37: Administration of justice and fair trial

The State party should pursue its efforts to reform the justice system and ensure that all court proceedings are conducted in full observance of the due process guarantees set forth in article 14 of the Covenant. In particular, it should:

- (a) Effectively address the court backlog, including by strengthening financial resources allocated to the judiciary and increasing the availability of trained judges, prosecutors and public defenders and by reducing registration fees for lawyers;
- (b) Take measures to curb incidents of corruption within the judiciary and ensure that disciplinary procedures against unethical judges and magistrates are duly applied;
- (c) Expedite the process of revising the provisions of the Constitution that adversely affect the independence of the judiciary and ensure that the appointment, promotion and removal of judges are compatible with the independence of the judiciary and free from executive interference;
- (d) Create an adequately resourced legal aid system and ensure that free legal aid is provided in a timely manner in all cases where the interests of justice so require;
- (e) Ensure the right to a fair trial without undue delay;
- (f) Provide for free interpretation for all defendants who do not understand or speak the language used in court.

Summary of the information received from the State party

The number of public defenders has increased, reaching two in each county and eight in Montserrado County. In addition, the number of relief judges has doubled, from three to six. Following the adoption in 2017 of the law on its financial autonomy, the judiciary has constructed three new circuit courts and three magisterial courts and acquired three new vehicles to support the Commercial Court. As a result, the judiciary has reduced the backlog of court cases by approximately 80 per cent. It maintains budgetary allocations to underwrite salaries and other emoluments, to train judges, prosecutors, public defenders and clerks, and for administrative overheads and logistics.

In order to address the court backlog effectively, a case management programme was initiated in 2021 in partnership with the United Nations Development Programme. Under the programme, a case management office has been opened at the Temple of Justice in Monrovia, software has been developed and is being tested, and 25 clerks have been trained and are currently using the new system within the first judicial circuit. The system helps judges to monitor their cases and enables justices to monitor the lower courts. A fast-track court was

established at Monrovia central prison so that cases can be heard at the prison, and similar courts have since been set up in other counties. As a result, over 500 inmates have been released.

The establishment of a judicial ethics committee in 2019 to investigate unethical behaviour on the part of judges and magistrates led to a significant reduction in cases of corruption and financial malpractice. Investigations by the ethics committee have led to the suspension of judges for up to a period of six months without salary and other benefits. Magistrates have also been suspended and one judge was impeached based on the committee's recommendation.

Five legal aid clinics have been established in five counties, where pro bono services have been provided by the judiciary and the Liberian National Bar Association for the past six years. Since 2018, the James A. A. Pierre Judicial Institute has trained at least 260 professional magistrates and assigned them in all 15 counties to facilitate access to justice. The judiciary has also recruited and trained public defenders and deployed them in all 15 counties. Lawyers' registration fees have been reduced to enable and encourage more legal professionals to practise.

The establishment of a jury management office in 2017 has made the jury system more organized, responsive and free from manipulation by streamlining the selection of jurors through the national civil service agency data system. Liberia has continued to implement the constitutional provisions and criminal procedure law regarding fair trial rights, including ensuring that those defendants who require interpreters are accorded the right to interpreters.

Committee's evaluation

[B]

The Committee notes with satisfaction the steps taken by the State party to reform the justice system and ensure that all court proceedings are conducted in full observance of the due process guarantees set forth in article 14 of the Covenant. In particular, the Committee welcomes the efforts made to reduce the court case backlog by approximately 80 per cent; the establishment of a judicial ethics committee in 2019; the establishment of legal aid clinics; and the training of magistrates and public defenders. Nevertheless, the Committee regrets the lack of information provided on measures taken during the reporting period: (a) to revise the provisions of the Constitution that adversely affect the independence of the judiciary and to ensure that the appointment, promotion and removal of judges are compatible with the independence of the judiciary and are free from executive interference; and (b) to provide free legal aid and free interpretation for defendants who do not understand or speak the language used in court. The Committee reiterates its recommendations and requests information in this regard.

Paragraph 47: Customary land

The State party should accelerate the adoption of the Land Rights Bill and ensure that it provides for equal land and property rights for women and men, and eliminate barriers restricting women's access to and use, ownership and control of land, including in concession areas. In particular, it should guarantee, in law and in practice, that genuine consultations are conducted with members of local communities occupying customary lands, including women, prior to concluding concession agreements with a view to obtaining the free, prior and informed consent of local communities, and that such communities can benefit from development projects carried out on their lands and are provided adequate compensation. Moreover, the State party should ensure that private companies carrying out development projects implement corporate social responsibility policies supported by effective monitoring and accountability mechanisms.

Summary of the information received from the State party

The Land Rights Act was passed in October 2018, establishing the legal framework for securing customary collective community land and ensuring, for the first time, the legal protection and guarantees of land rights. Articles 35 and 36 of the Act provide for measures that guarantee the interests of customary landowners, ensuring their free, prior and informed consent during the transfer of land and establishing the requirements that non-primary community members must fulfil to acquire ownership and usage rights of customary land. The Act also gives members of the community who own land customarily the power to approve any proposed or requested lease or donation of customary land to the Government or private actors. The Act requires that all processes and decisions regarding the management of customary and communal land are conducted through an inclusive and fair process.

The law is one of the most progressive land rights laws in Africa and the first piece of legislation to recognize customary ownership of land. It also explicitly recognizes the rights of women to own land and to participate in decision-making processes concerning land governance and includes provisions for women's participation on local land management committees. In addition, it provides spouses with equal rights to be members of land-owning communities.

The State party has developed and published a simplified version of the Land Rights Act. The Liberia Land Authority is responsible for the implementation of the Land Rights Act and is currently conducting awareness-raising throughout the country to inform the public about existing laws and policies regulating public and private land administration.

Committee's evaluation

[B]

The Committee welcomes the adoption in October 2018 of the Land Rights Act and the provisions therein, particularly guaranteeing the free, prior and informed consent of customary landowners during the transfer of land and recognizing the right of women to own land in both formal and customary settings. Nevertheless, it regrets the lack of information on the implementation and impact of the Land Rights Act since its adoption. The Committee requests additional information on whether genuine consultations have been conducted with members of local communities occupying customary lands. It also requests further information on the requirements to ensure that private companies carrying out development projects implement corporate social responsibility policies supported by effective monitoring and accountability mechanisms and that communities can benefit from development projects carried out on their lands and are provided with adequate compensation.

Recommended action: A letter should be sent informing the State party of the discontinuation of the follow-up procedure. The information requested should be included in the State party's next periodic report.

Next periodic report due: 2027 (country review in 2028, in accordance with the predictable review cycle).