



International Covenant on Civil and Political Rights

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Human Rights Committee

Information received from Liberia on follow-up to the concluding observations on its initial report*

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* The present document is being issued without formal editing.



A. Introduction

1. Liberia (The State party) acknowledges its participation in the 123rd Session of the Human Rights Committee (HRC), held in Geneva, Switzerland in July 2018, where its initial report to the HRC was examined by the Committee.
2. The State party also acknowledges that at the end of the session, the Committee's concluding observations were transmitted to its Permanent Mission with a request, in Paragraph 49 (CCPR/C/LBR/CO/1) that Liberia provides, within two years of the adoption of the concluding observations, information on the implementation of recommendations contained in paragraph 11 (impunity and past human rights violations), 37 (administration of Justice and fair trial), and 47 (customary land).
3. The State party regrets the delay in the submission of this response to the committee. Nevertheless, the State party is pleased to provide the following response in regard to the issues raised, consistent with rule 71, paragraph 5, of the Committee's Rules of Procedure, which requested the State party to provide, by 27 July 2020, information on the implementation of the recommendations made by the Committee in the aforementioned paragraphs.

B. Methodology

4. The response herein was drafted consistent with international best practices and in line with general guidelines for drafting State-party human rights reports. A technical team¹ comprising members of the National Mechanism for Reporting and Follow-up (NMRF), under the Steering Committee of the National Human Rights Action Plan (NHRAP)² for Liberia, produced the first draft of the response, after a careful desk review of available national documents relating to the issues presented in the recommendations. The Ministry of Justice team coordinated by the Human Rights Protection Division, Ministry of Justice, held a series of consultations with relevant stakeholders.
5. The final document was adopted after a validation meeting with government officials, civil society actors as well as the State's human rights institution, representatives of the United Nations, and foreign dignitaries having an interest in the human rights discourse in Liberia.

C. Impunity and past human rights violations

6. The Committee in the concluding observations CCPR/C/LBR/CO/1 para. 10, noted that the bulk of the TRC recommendations have not been implemented by the government of Liberia.
7. However, we wish to inform you that the TRC Report contained two hundred and seven (207) recommendations grouped into five (5) key categories: Historicity, Memorialization, Reparations, Criminal Accountability, and Reconciliation.

¹ The Steering Committee of the National Human Rights Action Plan (NHRAP) for Liberia established a national mechanism for reporting and follow-ups with the task to ensure that Liberia responds to its regional and internal human rights treaty reporting obligation in a timely manner and on a regular basis. The mechanism, however, is not fully functional as plans are underway for the training of national focal persons are underway, in consonance with the sourcing of the needed logistics to carry out its functions.

² The Government of Liberia developed a National Human Rights Action Plan-NHRAP as its initiative to respond to the 1993 Vietnam Declaration and Program of Action, which calls on state parties of the United Nations-UN to draw up a Plan of Action to enhance the overall enjoyment of human rights by its citizens and foreign residents. The NHRAP Steering Committee is comprised of representatives from government ministries and agencies, umbrella civil society organizations, the Independent National Commission on Human Rights-INCHR, and other international partners including monitors from non-governmental institutions and advisors from international organizations.

8. The INCHR is mandated by the TRC Act to ensure the implementation of the TRC's recommendations. Recommendation 5.1 of the TRC report provides for the conduct of the National Palava Hut Program as "an alternative justice and accountability mechanism of traditional orientation." Since 2016 the INCHR has conducted annual District Palava Hut hearings. These hearings have taken place in Tchien District, Grand Gedeh; Voinjama District, Lofa County; Tewor District, Grand Cape Mount County; Central "C" District in Rivercess County; Sanoyea District in Bong County; Bopolu District in Gbarpolu County. Additionally, the INCHR 2021 conducted six district-level reconciliation dialogues in Salayea, Zorzor, Voinjama, Kolahun, Foya, and Vahun Districts in Lofa County.

9. In furtherance of the implementation of the TRC recommendations, the State party, through the INCHR has from 2018 to date constructed 10 memorials in various parts of the country, including Montserrado, Bong, Margibi, Bomi, Rivercess, Grand Bassa, Lofa, Gbarpolu Counties, where massacres took place. This has helped to console and bring closure to the victims of the war.

10. Dialogue regarding the establishment of criminal accountability mechanisms is ongoing. For example, in April 2019, the Liberia National Bar Association and civil society organizations submitted a bill to the National Legislature for the establishment of the war crimes court. The bill was supported by 50 out of 73 members of the House of Representatives. In September 2019, during the National Economic Dialogue attended by 350 Liberians – including members of the government, political parties, youth, and civil society – the National Traditional Council of Elders and Chiefs affirmed their support for the bill which is currently under review by the Committee on Human Rights and Judiciary.

11. Whereas the State party has not yet prosecuted any individuals involved in war crimes it has neither interposed any objection nor interfered in the trial of its citizens accused of war crimes in other jurisdictions; rather, it has created an enabling environment for the collection of evidence and cooperated with foreign governments exercising universal jurisdiction as evidenced in the following instances:

(i) In 2019, the government cooperated with French authorities who conducted a weeklong fact-finding mission in Lofa County, in northwest Liberia in the case concerning Kunti Kamara who was accused of "complicity in massive and systematic torture and inhumane acts" against civilians in Liberia's Lofa County in 1993–1994." Kamara was arrested in France in 2018 after Civitas Maxima brought his case to the attention of the French authorities. The foreign judicial authorities who travelled to Liberia including the investigating team, defense lawyers, and civil societies, worked together with Liberian authorities to reconstruct alleged crime sites. In 2022, Kamara was sentenced to life imprisonment by the Paris Criminal Court.

(ii) In 2021, the state cooperated with the Government of Finland concerning the trial before the Finish Courts of Gibril Massaquoi, a former commander and spokesman of the Revolutionary United Front, who was arrested in 2020 and suspected of committing war crimes and crimes against humanity in Liberia between 1999 and 2003. An agreement between Finnish and Liberian authorities enabled sessions of the trial to take place in Liberia, during which the Finnish judges heard testimony from multiple witnesses. The government provided a forum for the proceedings but was not involved in the investigations.

(iii) Also, in 2014 Alieu Kosiah was arrested in Switzerland and tried in 2021 for crimes against humanity, and war crimes including torture during the Liberian Civil War. Kosiah was sentenced to twenty years imprisonment after the state aided the investigation by facilitating the prosecutor's access to finding witnesses for Kosiah's case.

(iv) In 2022, the government gave access and support to American prosecutors after the arrest of Mohammed Jabateh in Philadelphia, United States of America. Jabateh was sentenced to 30 years imprisonment for his role in the Liberian civil war. In Jabateh's case, the state aided in identifying witnesses in Liberia.

D. Administration of Justice and Fair Trial

12. The Constitution of Liberia, Article 21(i) states in part: “...*In all trials, hearings interrogatories, and other proceedings where a person is accused of a criminal offense, the accused shall have the right to counsel of his choice; and where the accused is unable to secure such representation, the Republic shall make available legal aid services to ensure the protection of his rights.*” It is in line with the quoted constitutional provision that the Supreme Court of Liberia established the Public Defender’s Office in 2008 for adequate representation of indigent defendants and to encourage speedy and fair trials.

13. To date, the Judiciary has achieved the implementation by 50% including an increase in the number of public defenders to two in each county, with 8 in Montserrado County. Additionally, the number of relieving judges has been increased from 03 to 06 relieving judges. The number of relieving judges has doubled from the previous three to six at present.

14. Following the adoption of the Judiciary Finance Autonomy Act in 2017, the judiciary attained flexibility to determine the use of funds collected from fees and fines. Consequently, the Judiciary has been able to use these funds to construct three new circuit courts in Grand Gedeh, Rivercess, and Bomi Counties, and three magisterial courts in Lofa, Nimba and Rivercess Counties. In addition, the Judiciary has been able to acquire three new vehicles to support the Commercial Court. As a result of these developments, the Judiciary has achieved approximately 80% reduction in the backlog of court cases on the docket and maintains budgetary allocations to underwrite salaries and other emoluments, train judges, prosecutors, public defenders, clerks, administrative overhead, and logistics.

15. The establishment of the Judiciary Ethics Committee in 2019 to investigate unethical behavior by judges and magistrates led to a significant reduction in cases of corruption and financial malpractice. In some cases, the committee investigation has led to the suspension of judges for up to a period of six months without salary and other benefits.

16. Five legal aid clinics have been established in five counties, namely, Bong, Grand Bassa, Montserrado, Bomi, and Margibi, where pro bono services are rendered by the Judiciary and the Liberian National Bar Association. This has been operational for the last six years.

17. On 19 March 2008, the Supreme Court established the James A.A. Pierre Judicial Institute with the mandate to train all judicial officers and support staff. The Institute was established pursuant to Section 21.1 of the Judiciary Law of Liberia. The Institute was established to address the training needs of all judicial officers and staff within the Judiciary. The Institute’s goal is to promote the highest level of professional standards of integrity, competence, and leadership within the Liberian Judiciary.

18. The Judicial Canons for the governance of the conduct of Judges was approved on January 22, 1998, by the Supreme Court of Liberia. Hence, in 2018 they committed and investigated several judges, and of the number, three Circuit judges have been suspended for a period between 3 to six months without salaries and benefits (gas scratch cards) and two magistrates have also been suspended. In another situation, one judge was impeached based on the recommendation of the committee.

19. Since 2018, the James A. A. Pierre Judicial Training Institute has trained at least 260 professional magistrates and assigned them in all 15 counties of Liberia to facilitate access to justice. The training has contributed to the fast-tracking of cases and improved the quality of judgment. The Judiciary has also recruited and trained public defendants who are all law school graduates and deployed in all 15 counties of Liberia. Also, the Judiciary and the LNBA negotiated with the government to reduce lawyers’ registration fees to enable and encourage more legal professionals to practice and render legal services to indigent citizens.

20. To effectively address the backlog of cases, the State party in partnership with UNDP initiated a case management program in 2021; and since its inception, has achieved the following: Established and properly furnished the Case Management Office at the Temple of Justice in Monrovia; developed a software that is being tested using e-tablets provided by the UNDP, and has trained 25 clerks who are currently using the system at the 1st Judicial Circuit. These clerks have begun imputing cases into the system. This system is helping judicial

actors at the lower level in effective case-flow management, tracking, and reporting. This helps the judges to monitor their cases while the justices are able to monitor the lower courts. In addition to the progress made by the State party, a fast-track court was established at the Monrovia Central Prison where cases are heard at the prison. Fast-track courts have been extended to Bong, Margibi, and Grand Bassa Counties. The goal is to reduce the overcrowded situation of our prisons. These activities coupled with two separate presidential clemencies resulted to the release of over 500 inmates.

21. Another measure taken to enhance fair trial is the establishment of the Jury Management Office in the year 2017. This has made the jury system more organized and responsive, free from manipulation by streamlining the selection of jurors through the national civil service agency data system. The Jury Management Office is managed by well-trained and experienced long-serving counselors.

22. The State party 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.

E. Customary land

23. The Land Rights Act was passed in October 2018. The law establishes the legal framework for securing customary collective community land. The act ensures for the first time that the land rights of rural Liberians are protected and guaranteed by law. Articles 35 and 36 of the Land Rights Act of 2018 provide measures that guarantee the interest of customary landowners, including among others, ensuring their free, prior, and informed consent during the transfer of land and the requirements that non-primary community members must fulfill to acquire ownership and usage rights of customary land. The act further gives members of the community who own land customarily the power to approve any proposed/requested lease or donation of Customary Land to the Government or other private actors. The act further requires that all processes and decisions regarding the management of customary and communal land are done through an inclusive and a fair process, involving women, men, youth, Persons with disabilities, and vulnerable populations.

24. The law is one of the most progressive land rights laws in Africa and the first legislation to recognize customary ownership of land in Liberia. It also explicitly recognizes the rights of women to own land and to participate in decision-making processes concerning land governance; thereby, recognizing women's rights to land ownership in both formal and customary settings. Moreover, it includes stronger protection for women's land rights, including provisions for women's participation on local land management committees. The law also provides spouses with equal rights to be members of land-owning communities, an important safeguard for women.

25. The State party has developed and published a simplified version of the Land Rights Act. Furthermore, the Liberia Land Authority is a statutory institution responsible for the implementation of the Land Rights Act and is currently conducting public awareness throughout Liberia to inform the Liberian populace about existing laws and policies regulating public and private land administration in Liberia. The law has been simplified in a language that is easily understood by all sections of the population.