

UPR Video Documentary Script
The Civil Society Human Rights Advocacy Platform-Liberia

Intro:

From Liberia, I am Adama Dempster, Presenting on behalf of the Civil Society Human Rights Advocacy Platform on Liberia, the Human Rights Situation Report to the UPR Council, Geneva.

Issue 1: Accountability and Justice for Past Crimes- TRC Report

In its final report issued July 1, 2009, Liberia's Truth and Reconciliation Commission establishment of the Extraordinary Criminal Court for Liberia, a hybrid international-national chamber to try individuals accused of war crimes, crimes against humanity, and other serious violations of international law.

The United Nations Human Rights Committee's Concluding Observations, issued in 2018, said that the Government of Liberia should make certain 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."

In July 2019, Liberian legislators then introduced a resolution backing the war crimes court in the country's legislature. The resolution has now been endorsed by 52 legislators - more than the 49 required to be adopted. This resolution calls for the legislature to establish a court with assistance from Liberia's international partners.

There remain widespread support for a war crimes court in Liberia. Multiple protests calling for accountability and a war crimes court have occurred between 2018-2019. In April 2019, the Liberian Bar Association issued a resolution in support of a war crimes court. In September 2019, the Traditional Chiefs Council and the National Economic Dialogue, attended by 350 Liberians from a diverse range of groups, both backed the establishment of a war crimes court.

Liberia is yet to see such judicial action by the government of Liberia.

Recommendations:

- That the international community exert measures on government to take all necessary actions aimed at implementation of the 2009 TRC recommendations 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;
- Set up a Trust Fund Commission to facilitate Reparation to war victims.

Issue 2: Discrimination against Women and Gender Based-Violence: Gender-Based Violence:

In 2019, the national legislature passed into law the domestic violence act. The law seeks to punished perpetrators of domestic violence and protection for victims and survivors.

The law was first introduced as the "Domestic Violence Act of 2014," an upgraded version of the Liberian domestic violence laws as contained in Chapter 16 of the penal code.

The first version stalled at the Legislature because it criminalized (FGM), a traditional practice that has been universally recognized as a violent and inhumane act. The portion on FGM was omitted in the bill, leaving no room to ban the practice. In 2017, President Johnson Sirleaf issued an Executive Order seeking to ban FGM for girls under 18 years, and the Executive Order is yet to be renewed.

The outburst of COVID-19, increased cases of Sexual and Gender Based Violence including rape being the highest reported occurrences ever in the history of the country. Currently, rape is a major challenge for Liberia's recovery from COVID-19 despite the resumption of the courts. COVID-19 SGBV cases include rape, sexual assaults, forced prostitution, marital rape and forced servitude mainly perpetrated in Liberia

Recommendations¹:

- Enact and effectively implement legislation that criminalizes all forms of domestic violence, including rape;
- Effectively investigate all cases of rape violence against women and girls, bring the perpetrators to justice and, if found guilty, punish them with penalties commensurate with the gravity of the offences;
- Continue carrying out nationwide awareness-raising initiatives and training activities for State officials, especially judges, prosecutors, police officers and medical personnel, to ensure that they respond effectively in all cases of gender-based violence;

Issue 4: Death Penalty

- 1) In 2005, Liberia acceded to the Second Optional Protocol to the International Covenant on Civil and Political Rights (ICCPR) aiming at the abolition of death penalty. Under the Protocol, Liberia was required to impose a moratorium on executions and amend its laws to eliminate the death penalty. Under the 2008 criminal law amendment, Liberia reintroduced the death penalty only for armed robbery, terrorism, and hijacking, resulting in death, all offenses, such as murder, treason which had been death-eligible under the 1976 law. The courts may have construed the 1976 Penal Code as unaffected by the 2005 accession to the Second Optional Protocol. The courts continue to hand down death penalties for offenses such as murder, although no execution of death has taken place since 2008;
- 2) In February 2015², Liberia stated to the UN Human Rights Council that there were 9 people on death row. To-date, courts have handed down death sentences, but some may have been overturned on appeal or have benefited from a pardon;
- 3) During the "State of emergency due to COVID-19," death penalty became controversial with obliviousness among state and non-state actors³. Government is yet to make it clear its standpoint on the issue, ICCPR. This is evidence by statement from Army Chief of Staff Prince Johnson III along with top government officials⁴ calling for death penalty against rapists.

Recommendations

- Ratify the Second Optional Protocol of the ICCPR;
- Remove any provisions in its legislation that provide for the death penalty, commute all existing death sentences and refrain from carrying out any executions.
- Civil Society Groups increase awareness campaigns to educate judicial officials and Liberian about the Second Optional Protocol of the ICCPR⁵, and need to abolish death penalty.

¹ UN-HRC/Concluding Observation and Recommendations to Liberia; Mission initial report of Liberia (CCPR/C/LBR/1)

² ICCPR 2018 National report/Liberia

³Ref: <https://frontpageafricaonline.com/opinion/the-death-penalty-is-not-the-answer-to-liberias-rape-problem-we-need-leadership-to-confront-the-elephants-in-the-room/>

⁴ Source: FPA: <https://frontpageafricaonline.com/front-slider/armed-forces-of-liberia-chief-of-staff-wants-death-penalty-for-rapists/#:~:text=MONROVIA%20%E2%80%93%20As%20rape%20and%20other,for%20rapists%20in%20the%20country.>

⁵ Liberia Government signed ICCPR 2004

Issue 5: Protection of Human Rights Defenders (2015 UPR Recommendations 55)⁶

From 2015 to present, human rights defenders, activists, advocates and justice campaigners continue to express concern at an apparent increase in the persecution of civil society groups, illustrated by comments from former President Sirleaf questioning their legitimacy.

Cases of intimidation, harassment and molestation of the rights of activists including the CSOs and media continue to take the political landscape in Liberia from 2018 to present. Moreover, government have and continues to provoke and masterminded serious attacks on media⁷ and Human rights activists. There is no law or policies to protect human rights defenders in Liberia. Over the time human rights defenders including justice campaigners, journalists, continue to face risks of hostile environment⁸ in the country.

Recommendations:

- ✓ Demonstrate strong, high-level political support for HRDs through public statements by State officials - including the President -which recognize their important and legitimate work.
- ✓ Make statements and take actions to affirm the universality of human rights and condemn discrimination in the country, including on the basis of sexual orientation and gender identity;
- ✓ Ensure legislation that protect human rights defenders, activists and there by support the protection for human rights defenders inside Liberia against attacks and intimidation, and ensure that those who intimidate or attack human rights defenders are brought to justice;

⁶ (A/HRC/: A/HRC/30/4/Add.1 - Para. 55)

⁷ <https://unmil.unmissions.org/newsletter-monday-26-march-2018>

⁸ www.dw.com/en/liberia-hostile-environment-puts-journalist-at-risks/a