



ISHR

INTERNATIONAL SERVICE
FOR HUMAN RIGHTS



THE SITUATION OF HUMAN RIGHTS DEFENDERS

LIBERIA

UPR Briefing Paper - September 2014

In its last Universal Periodic Review (UPR) in November 2010, the Republic of Liberia (Liberia) did not receive any specific recommendations on human rights defenders (HRDs), although it did accept three recommendations to protect civil society space. Liberia also committed to finalise the establishment of the Independent National Commission of Human Rights (INCHR), and to strengthen civil society organisations that advocate for human rights and guarantee their participation in broader human rights efforts

RISKS FACING HUMAN RIGHTS DEFENDERS

- Liberia, with a population of 4 million people, is home to an estimated 1,000 non-governmental organisations according to the government. Nevertheless, with no specific law to protect HRDs in Liberia, and few measures taken to reinforce civil society, their impact tends to be relatively weak.¹
- In the absence of a protective legal or policy framework, HRDs are vulnerable and frequently subject to arbitrary arrest and detention, lengthy imprisonment and even torture.
- Despite legal frameworks such as the constitution of Liberia and the African Charter, the right to freedom of expression and access to information are only weakly protected in practice, and libel and defamation laws are used to silence dissent. Civil society actors have received excessive libel fines,² while local newspapers have been subject to libel lawsuits of at least US \$5 million filed against them by the State.³
- In 2012, President Sirleaf signed the Declaration of Table Mountain, committing the government to the core principles of a free press and freedom of

expression. Despite this, journalists are still subject to harassment. In 2013, the head of the presidential executive protection service allegedly referred to journalists as 'terrorists'. He also allegedly threatened them saying 'be careful, because you have your pens and we have our guns'.⁴

OFFICIAL RESTRICTIONS ON THE SPACE FOR HUMAN RIGHTS DEFENDERS

- Liberia's out-dated laws pose a serious threat to freedom of expression. There are few legal protections to ensure defamation judgments are not excessive, while Liberia's appeals process effectively denies media centres and journalists the right to appeal a defamation ruling.⁵
- In 2013, editor Rodney Sieh was arrested and imprisoned for several weeks. His investigative newspaper, *Front Page Africa*, was temporarily closed, which raised concerns about the freedom of the media to publish articles critical of the government. Chris Toe, a former government minister, won the libel case he brought against Sieh and *Front Page Africa*. The defendants were ordered to pay Toe a judgement of US \$1.5 million. Sieh potentially faces a long prison sentence as, under Liberian civil procedure law, a defendant who cannot pay a libel judgement can be imprisoned.⁶

INTIMIDATION AND REPRISALS AGAINST DEFENDERS ACCESSING INTERNATIONAL HUMAN RIGHTS MECHANISMS

- There is little information available on this point. However, it is possible that the risks of persecution outlined above, faced by journalists and HRDs, dissuade them from engaging with international mechanisms.

HUMAN RIGHTS DEFENDERS FACING PARTICULAR RISKS

- Liberian LGBT activists such as Archie Ponpon have faced violent reactions from the public because of their activism. His mother's home was set alight in February 2012 and she has been in hiding since then.⁷ Mr. Abraham Kamara was also reportedly stoned and attacked by angry students at the University of Liberia.⁸
- HRDs who work on issues of corporate accountability, including those who work on issues related to the palm oil industry and land grabbing, are particularly vulnerable to defamation, criminalisation and attacks.
- President Sirleaf has accused community activists working on such issues of stifling economic growth and investment, labelling their resistance to land grabbing 'harassment and extortion of investors'.⁹
- In 2013, seventeen citizens of Grand Bassa County were beaten by police while protesting the encroachment onto their land of the Equatorial Palm Oil plantation. During the same period, a state official and community leader was fired from his job for hosting meetings to hear people's grievances. In February, two people were arrested after asking questions about the expansion of the Golden Veroleum palm oil plantation.¹⁰

THE RESPONSE OF THE STATE REGARDING THE PROTECTION OF HUMAN RIGHTS DEFENDERS

- In March 2014, Global Witness expressed concern at an apparent increase in the persecution of civil society groups, illustrated by comments from President Sirleaf questioning their legitimacy. During her annual address in January 2014, President Sirleaf accused civil society groups of 'seeking to become supra-national bodies challenging national sovereignty' and in February, the President accused civil society of harming Liberia's economy.¹¹
- Since its last UPR, Liberia has established the INCHR, however it has been largely ineffective as a monitoring institution and lacks investigative capacity.¹²

ABOUT THIS BRIEFING PAPER

ISHR encourages States to consult UPR submissions by local activists and make recommendations to Liberia regarding the protection of HRDs. An excellent local source of information on HRD security is Liberia Human Rights Defenders Coalition (Jarwlee Tweh Geegbe, rgeegbe@yahoo.com). For further information on this briefing paper, contact Clément Voulé (c.voule@ishr.ch).

RECOMMENDATIONS TO THE GOVERNMENT OF THE REPUBLIC OF LIBERIA

- Develop and enact specific laws and policies to recognise and protect the work of human rights defenders and which give full force and effect to the international Declaration on HRDs at the national level.
- Demonstrate strong, high-level political support for HRDs through public statements by State officials – including the President – which recognise 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.
- Issue a standing invitation to the Special Procedures of the Human Rights Council, as well as relevant mandate holders, and specifically invite and facilitate visits from the UN Special Rapporteurs on the situation of HRDs, Freedom of Opinion and Expression and Freedom of Peaceful Assembly and Association.
- Refrain from criminalising the legitimate activities of human rights defenders and repeal all laws and policies that restrict their activities and rights. Specifically, repeal out-dated defamation and libel laws, ensure the protection of journalists and HRDs from excessive judgments, and guarantee their right to appeal these judgments.
- Strengthen the INCHR by incorporating and resourcing a focal point for HRDs and granting it investigative faculties.
- Provide safe spaces for meaningful civil society participation in the development and implementation of relevant laws and policies, in particular guaranteeing the free, prior and informed consultation of communities affected by economic and development projects.
- Develop and implement a National Action Plan on the implementation of the UN Guiding Principles on Business and Human Rights at home and abroad, which include policies and measures to protect and support HRDs who work on issues of corporate accountability.

The establishment of the Independent National Commission of Human Rights is a step in the right direction. However, the Commission needs to receive stronger backing from the State and needs to be given the tools to exercise an investigative capacity. If Liberia intends to sustain its post-conflict democracy, then it needs to take measures to guarantee the safety and participation of its civil society. This will, in turn, aid in strengthening the rule of law and development in the country.

1. http://lib.ohchr.org/HRBodies/UPR/Documents/session9/LR/LCHRD_LiberiaCoalitionofHumanRightsDefenders.pdf
2. <http://allafrica.com/stories/201402040511.html>
3. Civil Society submission report to the Liberia Review on the general Human Rights situation in Liberia, prepared by 30 HR Organisations listed under the Liberia Coalition of Human Rights Defenders (LICHRD)
4. http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?dynamic_load_id=220358&year=2013#wrapper
5. <http://www.hrw.org/world-report/2014/country-chapters/liberia?page=2>
6. <http://www.hrw.org/world-report/2014/country-chapters/liberia?page=2>
7. <http://www.bbc.com/news/world-africa-17380950>
8. http://www.wadr.org/en/site/news_en/2843/Gay-rights-activists-assaulted-in-Liberia-for-campaign.htm
9. http://www.theecologist.org/News/news_analysis/2481988/liberia_communities_join_to_fight_the_palm_oil_land_grab.html
10. <http://www.globalwitness.org/blog/is-liberia-tired-of-ngos/>
11. <http://www.globalwitness.org/blog/is-liberia-tired-of-ngos/>
12. <http://www.hrw.org/ru/node/117948/section/13>

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