



**Submission to the UN Universal Periodic Review**

**22<sup>nd</sup> Session of the UPR Working Group**

**Republic of Liberia**

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**Submission by CIVICUS: World Alliance for Citizen Participation, NGO in  
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**And**

**The National Civil Society Council of Liberia**

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## **1. (A) Introduction**

- 1.1** CIVICUS: World Alliance for Citizen Participation is an international movement with members in more than 100 countries worldwide. Established in 1993, CIVICUS nurtures the foundation, growth and protection of citizen action throughout the world, especially in areas where participatory democracy and citizen's freedom of association are threatened.
- 1.2** The National Civil Society Council of Liberia (NCSCCL) is a consortium of national civil society organizations with accumulative membership of about 1543 from the cross spectrum of the nation. The Council emanating from the National Civil Society Advisory Committee has for the past four years been engaged in consultative discussions with government, the international community and organizations as well as with the general civil society around policies development and issues, institutional governance, capacity building of civil society organizations, partnership, participation and most of all the sustainability of the peace process among others.
- 1.3** During its initial examination under the Universal Periodic Review (UPR) in November 2010, Liberia fully accepted 72 recommendations including commitments to harmonise national legislation with international obligations.<sup>1</sup> Despite these explicit commitments, freedom of expression, has been under attack as defamation and libel laws have been used to fine journalists and newspapers. Government officials regularly accuse newspapers and media houses of defamation and for publishing false information and courts have on several occasions imposed excessive fines in cases where private media houses have been found guilty. The courts have also activated the Civil Procedure Law which allows for imprisonment for non-payment of a fine imposed by the courts for libel.
- 1.4** Commendable efforts have been made by the government of President Ellen Johnson Sirleaf since the end of the conflict in Liberia to improve the state of human rights and fundamental freedoms. In particular the House of Representatives and the Senate approved the Freedom of Information Act in July 2010 and September 2010 respectively making Liberia the first nation in West Africa and only one among approximately 6 other countries in Africa. In addition, President Sirleaf signed the Declaration of Table Mountain in July 2012, which calls for the annulment of criminal defamation and insult laws in Africa. The Declaration was adopted at the World Newspaper Congress, in Cape Town South Africa in 2007 and seeks to promote freedom of expression and media freedoms while advocating for the annulment of defamation laws which have often been used by African governments to target journalists and media houses. There has been a steady increase of private media houses and newspapers since the end of the Liberian conflict.
- 1.5** Despite these positive developments in respecting freedom of expression, CIVICUS and NCSCCL express concerns about the environment in which journalists and media

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<sup>1</sup> UPR Info "Responses to Recommendations: Liberia Review of Working Group: 1 November 2011, adoption in plenary, 16 March 2011. [http://www.upr-info.org/sites/default/files/document/liberia/session\\_9\\_november\\_2010/recommendationstoliberia2011.pdf](http://www.upr-info.org/sites/default/files/document/liberia/session_9_november_2010/recommendationstoliberia2011.pdf), accessed 11 September 2014.

representatives operate in Liberia. Journalists and newspapers are often accused of libel and defamation for publishing reports implicating government representatives in corruption and for criticising government's actions. The government has on several occasions banned newspaper publications and imposed a blackout on others for publishing critical and sensitive stories while arsonists have targeted radio stations destroying property and equipment. Attacks against the media increased during the elections in 2011 as media agencies considered to have pro-government or pro-opposition views were targeted by government supporters and those from the opposition Congress for Democratic Change (CDC).

**1.6** The Liberian authorities have imposed additional restrictions on the media in their efforts to combat the spread of the deadly Ebola disease between August and September 2014. Police deliberately switched off the power sources of one newspaper preventing publication, closed down others and targeted journalists who write critical pieces about the misappropriation of funds meant to combat the spread of the disease. While we recognise the need for the government to take appropriate measures to halt the spread of the Ebola virus, we also note that the media is a critical player in efforts to stop the spread of the virus and should not be targeted.

**1.7** We are also concerned about restrictions on freedom of assembly despite constitutional guarantees and the use of violence to counter peaceful protests. Freedom of assembly was particularly threatened during protests against the results of the first round of elections in October 2011 and most recently against quarantines imposed by the government to curtail the Ebola virus in 2014.

- In section B, CIVICUS and NCSCL highlight concerns related to restrictions on freedom of expression and attacks on journalists, newspapers and media houses.
- In section C, CIVICUS and NCSCL express concerns over attacks on freedom of assembly.
- In section D, CIVICUS and NCSCL make a number of recommendations in the areas of concern listed.

## **2. (B) Concerns regarding restrictions on freedom of expression and attacks on journalists**

**2.1** Article 15 of Liberia's Constitution guarantees the right to freedom of expression, freedom of speech and of the press. It states that these rights shall not be curtailed or restricted and that Liberians have the right to hold opinions without interference and have the right to knowledge. Furthermore, Article 9 of the African Charter on Human and Peoples Rights (ACHPR) provides for citizens to express and disseminate opinions and views within the law. Article 19 of the International Covenant on Civil and Political Rights (ICCPR) guarantees the right to freedom of expression and opinion. Despite these enabling provisions, in practice, the government uses libel laws which do not meet international standards to convict and fine journalists and

media houses for publishing critical reports. For example, the Civil Procedure Law authorises the state to imprison citizens if they fail to pay fines for libel imposed by courts and restricts persons from appealing fines imposed for defamation.

- 2.2** On 14 August 2014, the police raided the offices of the *National Chronicle*, a private newspaper and in the process fired teargas. The police later forced their way into the offices and arrested and detained two members of staff.<sup>2</sup> They were both released after the Press Union of Liberia condemned the actions of the police. No reasons were given for the arrests but the National Chronicle had previously published a report with details about corruption by members of the Sirleaf government. The paper had also printed a story alleging that a new interim government had been formed to replace President Sirleaf's administration. The arrest of the two staff members of the *National Chronicle* was done on the same day the Minister of Information issued threats against journalists at a news conference.<sup>3</sup>
- 2.3** On 30 August 2014, the editor of *Women Voices*, Helen Nah was questioned and intimidated by the police over a story she published which accused the police of mismanaging funds meant for operations to combat the Ebola virus. The story was published on 29 August 2014 highlighted the fact that funds from the Ebola Response Fund provided to the police to assist in curtailing the spread of the virus were misused.<sup>4</sup>
- 2.4** On 11 August 2014, Henry Karmo, a journalist from *Frontpage Africa* was assaulted by the police, at the Ministry of Foreign Affairs as he took pictures of protesters demonstrating against the state of emergency imposed by President Sirleaf to contain the Ebola virus. Henry Karmo, was beaten and detained at the Central Police Station in Monrovia even though he identified himself as a journalist for *Frontpage Africa* after he was asked to do so. His camera was also seized. Following the assault, the Police Commissioner only commented that the rights of Liberians will be violated for the duration of the state of emergency. The President had previously sent a communique to the Legislature stating that a state of emergency will be imposed and warned that the rights of some Liberians will be violated.<sup>5</sup>
- 2.5** Again on 14 July 2014, Journalist Octavian Williams of the *Nation Times* newspaper was arrested and detained for "committing a traffic offence." The police accused him of driving a car with a foreign number plate. However, his arrest was linked to articles he published which revealed that the son of the Liberian President, who is also an adviser to the President is an American citizen. He has also published reports about corruption and the misappropriation of funds by the President's family. He appeared in court after his arrest, was denied bail and his case was postponed on

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<sup>2</sup> Frontpage Africa, "Chronicle barricaded: two arrested, PUL denounces closure," 14 August 2014, <http://www.frontpageafricaonline.com/index.php/news/2670-chronicle-barricaded-two-arrested-pul-denounces-closure>, accessed 4 September 2014.

<sup>3</sup> Keith Morris, "Police besiege Chronicle Newspaper as fear grips Monrovia," Daily Observer, 15 August 2014, <http://www.liberianobserver.com/news/police-besiege-chronicle-newspaper>, accessed, 4 September 2014.

<sup>4</sup> "Africa: Liberian newspaper publisher harassed over article alleging misallocation of Ebola response funds," 5 September 2014. <http://allafrica.com/stories/201409081115.html>, accessed, 12 September 2014.

<sup>5</sup> Frontpage Africa, "State of Emergency gets bloody; Police beats FPA reporter," 12 August 2014, <http://www.frontpageafricaonline.com/index.php/news/2648-state-of-emergency-gets-bloody-police-beats-fpa-reporter>, accessed 5 September 2014.

several occasions as the police indicated they needed more time. Octavian Williams had been summoned to the Ministry of Information Cultural Affairs and Tourism a few weeks before his arrest and questioned about an article he published which implicated President Sirleaf's son in corrupt practices.<sup>6</sup> He had previously been arrested on 19 September 2013 and charged with criminal coercion against a private construction company following comments he made on radio criticising the processes involved in construction of roads in Liberia.

- 2.6** On 21 August 2013, Rodney Sieh, editor of *Frontpage Africa* was jailed after the Supreme Court upheld a verdict requiring him to pay US \$1.5 million dollars to former Agriculture Minister Chris Toe for libel. Chris Toe had taken Rodney Sieh to court following the publication of reports on *Frontpage Africa* which implicated the former Minister in the misappropriation of government funds and in February 2011 Sieh was found guilty of libel. In addition to the fine, the court also ordered the closure of *Frontpage Africa* two days after Rodney Sieh was jailed. He was temporarily released, on "compassionate" grounds on 8 October 2013, after his health seriously deteriorated following a hunger strike.<sup>7</sup> On 18 October 2013, the Justice Ministry gave orders for him to be placed under house arrest during the period of his probation and he was under constant police surveillance. He was ordered back to prison on 8 November but was released again on the same day.<sup>8</sup> The former minister also withdrew libel charges and on 19 November 2013, the ban on *Frontpage Africa* was rescinded.
- 2.7** On 3 May 2013, the President's Chief Security Aide, Othello Daniel Warrick threatened journalists and called them "terrorists," while speaking at an event commemorating World Press Freedom Day.<sup>9</sup> More than 100 representatives of media agencies were in attendance and he informed them that the Executive Protection Service had the authority to arrest journalists without a warrant and that they will arrest anyone who criticises the President. Following strong criticism from the media and civil society, the Deputy Information Minister Isaac Jackson wrote to the Liberian Press Union insisting that the government was committed to freedom of expression and press freedoms and asked that comments from Daniel Warrick be disregarded.
- 2.8** On 8 March 2012, Mae Azango, a journalist from Monrovia was threatened with death following the publication of an article in *Frontpage Africa* on female genital mutilation. She was forced to go into hiding following threats to her life as she was warned that there were certain things women should not write about. Those who

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<sup>6</sup> Media Foundation for West Africa, "Journalists' arrest follows critical publications about Liberian President's family," Journalist Octavian Williams arrested Liberia Newspapers report, accessed 4 September 2014.

<sup>7</sup> The New Dawn, "Rodney Sieh gets temporary freedom," 9 October 2013, [http://www.thenewdawnliberia.com/index.php?option=com\\_content&view=article&id=9900:rodney-sieh-gets-temporary-freedom&catid=25:politics&Itemid=59](http://www.thenewdawnliberia.com/index.php?option=com_content&view=article&id=9900:rodney-sieh-gets-temporary-freedom&catid=25:politics&Itemid=59), accessed 3 September 2014.

<sup>8</sup> Heritage, "Rodney Sieh released from prison permanently," <http://www.news.heritageliberia.net/index.php/inside-heritage/most-commented/2363-rodney-sieh-released-from-prison-permanently>, accessed 4 September 2014.

<sup>9</sup> Frontpage Africa, "Why does Liberian President Sirleaf hate the press," <http://www.frontpageafricaonline.com/old/op-ed-editorial/commentary/6012-why-does-liberian-president-sirleaf-hate-the-press.pdf>, accessed 8 5 September 2014.

threatened her warned they were out to get her. The police informed her they were investigating the case.

- 2.9** On 15 February 2012, journalist Edwin Genoway of the *New Dawn* newspaper was threatened and assaulted by a police officer in Paynesville in Monrovia. Edwin had responded to reports that police were confiscating the keys of motorists and soliciting bribes from them and approached the scene to take pictures. Police officer Edward Kollie asked Edwin to identify himself and proceeded to assault him and tried to seize his camera. The police officer asked him to delete the photos and warned him not to publish them.<sup>10</sup>
- 2.10** On 8 November 2011 following their coverage of demonstrations calling for a boycott of the run-off elections, armed police closed down Kings FM, Clar TV, Love FM and Shiata Power FM after an injunction was imposed by the court. The injunction was issued after complaints were made by the Minister for Justice, Christiana Tah and Minister for Information, Cletus Sieh about coverage by the media about the forceful dispersal of protests by supporters of the opposition Congress for Democratic Change (CDC) party. Government representatives accused the media houses of fomenting protests using “hate speech.” The CDC had organised protests against the results of the first round of the elections and clashes had erupted following efforts by the police to disperse the crowds leading to the death of one protester.
- 2.11** Violent acts against the media were carried out by supporters of both the ruling party and the political opposition particularly in the run-up to the second round of the elections. The studios of Love FM and Love TV were set alight causing damage and forcing the station to go off-air for several hours. The station was attacked because it was considered to favour opposition candidate, Winston Tubman. Staff members of the station were threatened with death during the interval between the first and second round of elections. Similarly, Patrick Honnah of Truth FM was threatened by unidentified individuals as the station was known to air pro-government views. Unidentified individuals also made attempts to break into the house of Truth FM journalist Smith Toby because he had commended the government of President Sirleaf.

### **3. (C) Concerns over restrictions on freedom of assembly**

- 3.1** Article 17 of the Constitution of Liberia notes that “all persons, at all times, in an orderly and peaceable manner, shall have the right to assemble and consult upon the common good, to instruct their representatives, to petition the government and other functionaries for the redress of grievances and to associate fully with others or refuse to associate in political parties, trade unions and other organisations.” Article 21 of the ICCPR further guarantees the right to peaceful assembly. Unfortunately, freedom of assembly in Liberia has come under threat particularly during politically sensitive periods like elections and most recently during the state of emergency imposed by the government to curb the spread of the Ebola virus.

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<sup>10</sup> New Dawn, “New Dawn reporter suffers Police attack,” 14 February 2012, [http://www.thenewdawnliberia.com/index.php?option=com\\_content&view=article&id=5251:new-dawn-reporter-suffers-police-attack&catid=3:general&Itemid=68](http://www.thenewdawnliberia.com/index.php?option=com_content&view=article&id=5251:new-dawn-reporter-suffers-police-attack&catid=3:general&Itemid=68), accessed 12 September 2014.

- 3.2** On 20 August 2014 police used live ammunition and tear gas to disperse peaceful protests against a quarantine to contain the spread of the Ebola virus in West Point, Liberia's largest slum. Hundreds of West Point residents demonstrated against the quarantine and four people sustained injuries as the police used force to disperse them. Again on 25 January 2013, Vandalark Patricks, Chair of the Intellectual Discourse Association was arrested and detained for three days after announcing that he will organise protests during a meeting of global leaders to discuss the post 2015 goals. He mentioned on social media that he will convene a group of protesters at the Roberts International Airport while foreign officials arrived for the meeting. He was charged with terrorism and impersonation.
- 3.3** Following the presidential elections on 11 October 2011, police clashed with supporters of the opposition CDD party who had demonstrated against the result of the elections and called on Liberians to abstain from voting in the run-off. One protester was killed and several others injured.

#### **4. (E) Recommendations to the Government of Liberia**

CIVICUS and NCSCCL urge the government of Liberia to create an enabling environment for journalists and civil society to operate in accordance with the rights enshrined in the Liberian Constitution, ICCPR and the UN Declaration on Human Rights Defenders. At a minimum, the following conditions should be ensured: freedom of association, freedom of expression, the right to operate free from unwarranted state interference, the right to communicate and cooperate, the right to seek and secure funding and the state's duty to protect. In light of this, the following specific recommendations are made.

##### **4.1 Concerns regarding restrictions on freedom of expression and attacks on journalists**

- Threats to journalists and representatives of the media should be fully investigated with a view to bringing the perpetrators to justice.
- Government representatives should desist from making public threats to journalists and representatives of the media.
- Attacks on and threats to journalists and government critics should be publicly condemned by senior government officials to ensure protection by law enforcement agencies.
- The tendency to discredit and stigmatise the legitimate activities of journalists should be avoided and they should be guaranteed to operate in a safe environment without any fear of reprisals from government officials and members of the ruling party for criticising government policies and actions.

- The rights of journalists and representatives of the media should be duly protected during periods of elections and emergencies in accordance with the Liberian constitution

#### **4.2 Regarding restrictions on freedom of assembly**

- Best practices on freedom of peaceful assembly prescribed by the UN Special Rapporteur on Freedom of Peaceful Assembly and Association should be adopted by the Liberian Government.
- Security forces in charge of crowd control should be equipped with non-lethal weapons and provided training across the board on humane means of crowd control as well as on the UN Basic Principles on the use of Force and Firearms.
- Recourse for judicial review and effective remedy should be provided including compensation in cases of unlawful denial of the right to freedom of assembly by state authorities.

#### **4.3 Regarding access to UN Special Procedures and Mandate Holders**

- In line with recommendation acceded to by Liberia during its last UPR in 2010, a standing invitation should be extended to the UN Special Procedures, particularly to the Special Rapporteur on Human Rights Defenders, Special Rapporteur on Freedom of Expression, and Special Rapporteur on Freedom of Peaceful Assembly and Association.