

IFP SECURITY CLUSTER  
LOFA COUNTY, LIBERIA

# SECURITY AND JUSTICE FROM A COUNTY PERSPECTIVE

Richard Reeve with Jackson Speare

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COUNTY PERSPECTIVE

LOFA COUNTY, LIBERIA

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# CONTENTS

Acronyms	6
Background	7
Introduction	8
Lofa County in Context	9
Security Situation	11
Types of Crime	11
Women and Security	11
Youth and the 'War-affected'	12
Inter-communal and International Relations	12
Economic Recovery: Land, Development and Security	12
Rumour, Ritual and Misinformation	13
Towards Elections in 2011	13
Security Providers	14
Perceptions of the Police	15
Alternative Security Providers	15
Justice Provision	16
The Statutory Justice System	16
The Customary Justice System	17
Implications for Policymakers, Local Government and Civil Society	18

## ACRONYMS

<b>AFL</b>	Armed Forces of Liberia
<b>BIN</b>	Bureau of Immigration and Naturalisation
<b>DEA</b>	Drug Enforcement Agency
<b>DDRR</b>	Disarmament, Demobilisation, Reintegration and Rehabilitation
<b>ECOWAS</b>	Economic Community of West African States
<b>ERU</b>	Emergency Response Unit
<b>FPU</b>	Formed Police Unit (paramilitary within UNMIL)
<b>GBV</b>	Gender-based violence
<b>JSSR</b>	Justice and security system reform
<b>LDF</b>	Lofa Defense Force
<b>LNP</b>	Liberia National Police
<b>LURD</b>	Liberians United for Reconciliation and Democracy
<b>NBI</b>	National Bureau of Investigation
<b>NSA</b>	National Security Agency
<b>NPFL</b>	National Patriotic Front of Liberia
<b>OHCHR</b>	Office of the High Commissioner for Human Rights
<b>RUF</b>	Revolutionary United Front
<b>SSR</b>	Security sector reform
<b>TRC</b>	Truth and Reconciliation Commission
<b>ULIMO</b>	United Liberation Movement for Democracy in Liberia
<b>UNDP</b>	UN Development Programme
<b>UNMIL</b>	United Nations Mission in Liberia
<b>UNPOL</b>	Civilian UNMIL Police
<b>WCPU</b>	Women and Children Protection Unit

## BACKGROUND

The accessible and accountable provision of security and justice is one of the main requirements for a peaceful society and sustained social and economic development. Security provision and access to justice are regarded as essential public services, are fundamental building blocks in promoting good governance and are critical for the creation of a secure environment at both the local and national level.

Liberia witnessed a civil war between 1989 and 2003 that destroyed its state security and justice institutions, devastated its productive capacity and infrastructure, and displaced around one-third of its population.<sup>1</sup> Recovery has been slow, reflecting the extraordinarily low base reached at the end of fighting in August 2003. Reconstruction and reform began in earnest from mid-2004 with the full deployment of the United Nations Mission in Liberia (UNMIL) and accelerated from January 2006 with the inauguration of a popularly elected government. Security sector reform (SSR) began soon after the disarmament and demobilisation of 101,495 ex-combatants in 2004,<sup>2</sup> with major input from UNMIL and the US government. To date, the SSR process relaunched the police in 2004, dissolved or consolidated many of the plethora of irregular or undisciplined security forces established during the 1990s in 2004–05, and has re-created the military from scratch since 2006. Justice sector reform has re-established broadly functioning courts in all of the county seats, redeployed judges and County Attorneys, restored some prisons and established a Judicial Institute in Monrovia to train or retrain sufficient magistrates and judges.

SSR has been a relatively open process in Liberia and has proceeded through county-level engagements with stakeholders and civil society in 2006 to determine the security needs of the nation. Similarly, in 2007–08 consultations at district and county levels were used to inform the Poverty Reduction Strategy (2008–11) and accompanying County Development Agenda, with Security and Governance and the Rule of Law being the first and third of four pillars.<sup>3</sup> International Alert's research and engagement with communities in Bong, Lofa and Grand Gedeh counties seeks to continue and strengthen this engagement at the local level, analysing whether security and justice priorities have changed over time and whether there has been ongoing progress in access to security and justice services.

1 One-third is the figure most often cited for Liberians displaced long term. A 2007 assessment by the UN/Office of the High Commissioner for Human Rights (OHCHR) cited in the Truth and Reconciliation Commission (TRC) final report says: 'some 86% of the population were dislocated at one time or another during the war'. p.270. Available at [http://www.trcofliberia.org/reports/final/volume-two\\_layout-1.pdf](http://www.trcofliberia.org/reports/final/volume-two_layout-1.pdf)

2 It is widely acknowledged that many, if not most, of the demobilised had not fought during the war. Only 28,314 weapons were collected during Disarmament, Demobilisation, Reintegration and Rehabilitation (DDRR).

3 The others are Economic Revitalisation and Infrastructure and Basic Services.

## INTRODUCTION

This short briefing is based on research conducted in Lofa County during February 2010. Additional research and verification was conducted during a follow-up trip in March/April 2010. During the research, the team visited all seven districts and conducted interviews, focus groups and community consultations in Voinjama, the county seat, the rural community of Vahun on the Sierra Leone border and the small, formerly important trading centre of Zorzor (Guinea border). The research thus attempted a representative sample of rural and urban communities from across the county but the results should be considered indicative rather than comprehensive.



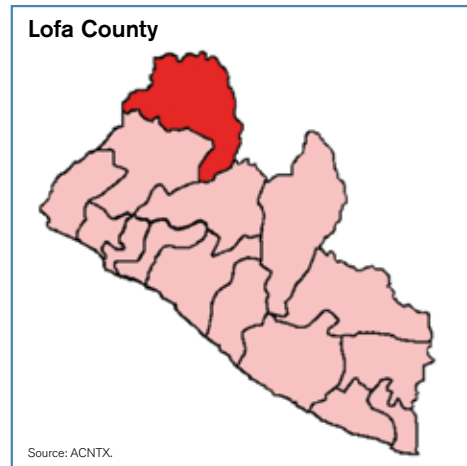
## LOFA COUNTY IN CONTEXT

Lofa is the third largest county in Liberia and the fourth most populous. It is located in the far north of Liberia. Over half of its borders are international: Sierra Leone to the west, Guinea to the north and east. To the south is Gbarpolu County (part of Lofa until 2001) and to the southeast is Bong County. Most of the Lofian population lives in proximity to the international borders, following the sweep of the primary highway.

The interior of the county is mainly forested and mountainous, containing the highest peaks in a largely low-lying country. Indeed, there are currently no functional transport links through the forested hills to Gbarpolu. Most of the settled county along the Guinea border is a plateau several hundred metres above sea level, producing a slightly cooler climate. Once the most productive rice- and cereal-producing zone of Liberia, Lofa is now reduced largely to subsistence agriculture. The most important cash crops are cocoa, coffee and palm oil.

Lofa has the most complex demography in Liberia, with at least seven groups usually recognised as indigenous. The Loma are the largest; mainly Christian, they comprise about one-third of the population and dominate Voinjama and Zorzor districts. The mainly Muslim Gbandi comprise about one-quarter and dominate Kolahun district. The Kissi comprise another quarter and dominate Foya district, while Vahun district is overwhelmingly Mende. Both groups are mixed Muslim/Christian. Salayeah district is mainly Christian Kpelle, the dominant people of neighbouring Bong County, with a minority of Belle in the forest interior. Muslim Mandingo are a significant minority alongside the Loma in Voinjama and Zorzor districts and are the majority in Quardu-Gbondi district, created in 2005. All these tribes except the Belle also have a large presence in Guinea and/or Sierra Leone. There are also many Fula from Guinea and representatives of Liberia's other tribes residing mainly in Voinjama, Foya and Zorzor towns.

Historically, Lofa suffered probably more than any other county during the civil war as it was used as the launching pad for insurgent forces backed by Sierra Leone and Guinea against the National Patriotic Front of Liberia (NPFL) of Charles Taylor.<sup>4</sup> During 1991–96 the Mandingo-based United Liberation Movement for Democracy in Liberia (ULIMO-K) faction used Lofa as its base, prompting retaliation by the Loma-based Lofa Defense Force (LDF) from 1994. Sierra Leone's Revolutionary United Front (RUF) also had a strong presence around Vahun and Foya from 1991 until at least 2002.<sup>5</sup> By 1999 ULIMO had regrouped in Guinea and launched raids into Lofa, using Voinjama and Zorzor as its headquarters. Artillery support from within Guinea laid waste several towns along the border. Most of the civilian population was displaced from 2000, including some 65,000 as refugees, the largest number of any county. Large numbers of Lofian youth were recruited into the fighting factions, often along tribal divisions.



### Lofa County

**Area:** 9,982 km<sup>2</sup>

**Population:** 270,114 (2008 census)

**Main ethnic groups:** Loma, Gbandi, Kissi, Mandingo, Kpelle, Mende

**Economy:** Agriculture, Coffee, Cocoa

<sup>4</sup> Lofa residents reported more wartime 'violations' (18,863 or 12 percent) and 'victims' (11,296 or 12 percent) to the TRC than any county except Montserrado (Monrovia) and Bong.

<sup>5</sup> The RUF was organised in Liberia via the NPFL and launched its first attack from Vahun in 1991.

Economically, the county is now a backwater, reflecting the destruction of agricultural capacity and Lofa's isolation from the rest of the country. The county has considerable gold, diamond and iron ore resources that are beginning to be explored. Some forests are earmarked for logging and a revival of mechanised rice production is under way in Foya. There is a teacher training college but no university.

There are no tarred roads in Lofa, no rail links and no operating airport. Voinjama is at least eight hours' drive from Monrovia in the dry season; Vahun is over 12 hours' drive and accessible only via Sierra Leone in the wet season. The former alternative route to Monrovia via Gbarpolu is now completely impassable. Former electricity and water public infrastructure in Voinjama has not been rebuilt. All main towns now have mobile telephone coverage but many villages have to walk several hours to access information. A network of community radio stations normally covers virtually the whole county.

## SECURITY SITUATION

There remains a high perception of insecurity in Lofa, though this appears to vary widely between groups defined by ethnicity/religion, urban/rural location and gender. Most of the population was displaced and traumatised during the civil war and there is significant concern that the chaos of the civil war years could reignite easily or spread from other counties or countries. Rural residents – notably in Vahun, the furthest district from Guinea – perceived lesser threats to their physical security but were preoccupied by their isolation from regular state support or assistance in time of crisis, as well as the impact of isolation on food, health and economic security. Urban residents felt significantly more threatened by crime and inter-communal tensions and were more dissatisfied with the state's visible but capacity-constrained security forces.

### TYPES OF CRIME

Reported crime in Lofa County is low, though this may reflect the difficulty of reporting crime over a large county. The most common crimes reported through the formal system in Voinjama and Zorzor are theft, burglary, assault, murder, arson and rape. In Vahun, the most commonly reported crimes are assault, disorderly conduct and theft, but the incidence and perception of crime are far lower than in the towns. Theft of vehicles for sale across the Guinea border was reportedly a problem after the war but has waned since 2008.

The murder rate is relatively high in Lofa, typically one or two per month, and disappearances are relatively common. Murders are often interpreted as ritual killings, a common explanation for unsolved murders or disappearances.

While several respondents believed firearms were stored in forests or accessible across the Guinean border, they are rarely used in crime and are not commonly encountered, except for locally produced single-shot hunting rifles.<sup>6</sup> With the police, the UN Development Programme (UNDP) operates a collection and destruction operation for small arms where these are seized or discovered.

### WOMEN AND SECURITY

Female respondents had particular concerns about the safety of children, given a number of alleged ritual killings and unresolved disappearances, the safety of women market traders, including those travelling to Guinea, and the prevalence of domestic and other violence against women. Respondents had very different opinions about the prevalence of rape and sexual violence, though all agreed that behaviour-change campaigns had succeeded in significantly modifying attitudes towards gender-based violence (GBV) since about 2007. Police and justice workers say less than one rape case per month is reported to them county-wide and Vahun district has recorded only one rape case post-war. However, several female respondents in Voinjama and Zorzor felt that unreported sexual violence continued to be a major problem, especially within families.

Although there is a police Women and Children Protection Unit (WCPU) in Voinjama, women raised concerns about the inability of the police to investigate properly, unhelpful responses from clinics/hospitals and the failure of the courts to prosecute perpetrators successfully. Successful prosecution is seen to require support from an advocate from civil society or the gender ministry.

<sup>6</sup> Such rifles, rather than the sorts of modern weapons used during the civil war, were reportedly responsible for several deaths in the inter-communal clashes in Voinjama in February 2010.

## YOUTH AND THE 'WAR-AFFECTED'

Like all of Liberia, Lofa has an extremely young population. Some respondents believed the majority of Lofian young men are 'war-affected', the term for former members of armed factions. Reflecting its position as the heartland of the Guinea-backed ULIMO, Liberians United for Reconciliation and Democracy (LURD) and LDF rebellions, Lofa has one of the country's largest numbers of ex-combatants: 14,915 or nearly 15 percent of the national total were disarmed there. Respondents across the county reported that the war-affected had been welcomed home but lacked economic opportunity and were inclined to move on to Monrovia or other towns.

Lofa was the focus of the most intense disarmament and demobilisation exercises during the 2004 DDRR campaign. Voinjama was the site of a cantonment site for combatants and "mobile" disarmament sites were established at Fassama (near Zorzor), Foya and Kolahun, though not (as intended) in Vahun.<sup>7</sup> Most Lofian war-affected youth are ex-LURD combatants but all factions are represented and often work together.

Reintegration activities were much criticised by respondents across Lofa and, again, never reached remote Vahun district, where DDRR was largely spontaneous and self-supported. The main economic sectors for the war-affected in Lofa include automotive repair and gasoline retail in the towns. Some are also reportedly involved in artisanal gold mining or hunting in Lofa's forests or diamond panning in Gbarpolu. Many received training and tools unsuitable for the economic situation and many received nothing. Following the closure of official DDRR in 2009, microfinance is only just being made available, including for agriculture.

Young people see themselves as particular targets of ritual killings and this has been a source of both communal and generational conflict, as rival politicians, cultural or religious leaders from rival groups are typically blamed. In the case of the Voinjama communal violence of February 2010, what began as a youth protest in Zorzor re-emerged as ethnic violence in Voinjama. Chiefs, elders and religious leaders of both Mandingo/Muslim and Loma/Christian groups explicitly opposed a conflict essentially between young males.

## INTER-COMMUNAL AND INTERNATIONAL RELATIONS

Inter-communal violence in Voinjama city on 26 February 2010 killed four and injured at least eighteen civilians, providing evidence of ongoing divisions between the main communities in the county. This appears to be primarily the case in Voinjama, Quardu-Gbondi and Zorzor districts, where the population is most mixed between Christian Loma and Muslim Mandingo. The other four districts are relatively homogeneous ethnically, although the Mende and Kissi in particular are very mixed religiously.

Opinions differ greatly locally as to whether conflict is primarily between Loma and Mandingo, Christians and Muslims, or Liberians and Guineans. For example, some locals draw a distinction between Liberian- and Guinean-origin Mandingo. Others see a non-tribal religious divide between communities. In each case, there is a legacy of contrary alignments during the 1989–2003 civil war and perhaps to post-war political factions.

## ECONOMIC RECOVERY: LAND, DEVELOPMENT AND SECURITY

Land disputes are a major source of concern for relations between individuals and groups in Lofa County. Land disputes occur in both urban and rural areas and have been exacerbated by the long displacements of the civil war period, resettlement en masse in 2004–08 and the lack or destruction of title deeds.

In Voinjama and Zorzor, many properties are long squatted or have been destroyed and rebuilt. In rural areas, land allocation is the responsibility of the chiefs, who can sell for a set fee per acre. However, operating largely in the absence of surveyors, chiefs often have no idea what constitutes an acre. County surveying services are inadequate to meet the capacity deficit. Both rural and urban land disputes are sources of inter-communal

<sup>7</sup> By contrast, no other county had more than one cantonment or mobile disarmament site. At least four counties had no disarmament centres at all.

tensions in ethnically mixed Voinjama, Quardu-Gbondi and Zorzor districts. Authorities in ethnically homogeneous Vahun report that all land disputes are resolved amicably by the local Mende chiefs.

Squatting is of limited concern given the dearth of commercial plantations or mines in Lofa. There is small-scale unlicensed gold panning, hunting and logging in the interior by both locals and migrants; opinions differ over whether former armed factions or the war-affected are involved. Unlike many other areas of Liberia, Lofa's isolation from ports and markets so far seems to have deterred major foreign investment in cash crops and minerals, though one timber concession has been awarded in Salayea district and iron and gold prospecting is ongoing.

Based on wartime experience, looting of property and its sale across the border in Guinea appears to be an ongoing security concern in Lofa, although actual incidences appear to be quite rare.

## RUMOUR, RITUAL AND MISINFORMATION

Lofa has the reputation for being the heartland of Liberia's powerful secret societies, known as *Poró* (for men) and *Sande* (for women). Organised by tribe and clan, these societies regulate traditional practice, including education and initiation, and their senior members (*Zoes*) are very influential in the selection of chiefs. They also control access to small areas of sacred forest. While most Liberians, members or not, are broadly aware of what happens in supposedly secret societies, the idea of secrecy and ritual encourages the idea that rival societies are responsible for persecutions, curses and killings.

A spate of unexplained disappearances and apparently ritual killings around Zorzor since 2008 has undermined feelings of security and confidence in the police as well as stoking inter-communal tensions. For example, some mainly Loma youths blamed the February 2010 killing of a fellow pupil in Konia on local Mandingo, claiming that the construction of a new mosque required a blood sacrifice. While confrontations in Konia and Zorzor were resolved peacefully by elders, the rumour that Christians had burned down Konia mosque and killed a Muslim spread by mobile telephone to Voinjama and appears to have motivated reprisal attacks on churches there. Such misinformation thrives in a context of mistrust and relative media vacuum. There are community radio stations in Lofa but no county-wide radio station; national radio stations have few local correspondents.

## TOWARDS ELECTIONS IN 2011

Several respondents cited fears about security during the forthcoming 2011 election campaign. In particular, the proliferation of parties and their tendency to co-opt and mobilise youths were seen as problems. Lofa is a particularly open political contest, having numerous seats and no dominant party in 2005.

## SECURITY PROVIDERS

Primary responsibility for public security within Lofa County rests with the Liberia National Police (LNP), supported by the National Bureau of Investigation (NBI), the National Security Agency (NSA) and the Drug Enforcement Agency (DEA). Border protection is provided by the Bureau of Immigration and Naturalisation (BIN), which also has several internal checkpoints on the main highway. All of these security forces report to the Ministry of Justice through the County Attorney, who works within the office of the County Superintendent in Voinjama and co-chairs the county Joint Security Council. Apart from the LNP and BIN, all security forces/agencies are very small and based in Voinjama.

LNP total presence in Lofa is about 158 personnel, including nineteen female officers (12 percent). This represents a ratio of 1:1,700, nearly double the national ratio of about 1:900 and way off the county target of 1:1,100. The actual number of LNP officers in-county has decreased by about 13 percent from the 182 reported in late 2007. Security forces deployed outside of Voinjama need to travel to the county seat to collect wages, a long and costly journey, especially in the long wet season.

### LNP and BIN Presence in Lofa

**Total LNP:** 158 (19 female)

**Police to civilian ratio:** 1:1,700

**Total BIN:** 90 (2 female)

Source: LNP and BIN

Logistics is a major problem for the LNP in Lofa as in all other rural counties. There are only two vehicles (pick-ups – one each in Foya and Voinjama) serving one of the largest and most challenging counties and these are not always serviceable. Additionally, there are a few police motorbikes, but many LNP as well as DEA and BIN rely on private transport or requisitions to make patrols, investigations and arrests. Similarly, communications rely on private telephones in the absence of radios. While there are police posts in all of the district headquarters, most villages are accessible only by foot, especially during the rainy season, and see no police presence. The LNP post in Vahun is effectively cut off from reinforcement since the road is too steep for LNP vehicles. There is no secure transport anywhere in the county for prisoners, except that provided by UNMIL.

In addition to the LNP, there is a relatively large BIN presence in Lofa, reflecting its long border. Ninety BIN, including two female officers, are present but must serve at least eighteen official border posts as well as internal highway checkpoints at Voinjama and Zorzor. There are dozens more informal crossing points, many scheduled to receive border posts.

None of the Liberian security forces present in Lofa County is currently armed or equipped to confront manifestations of violence. The nearest armed back-up to the LNP is the Emergency Response Unit (ERU) in Monrovia, about nine hours' drive from Voinjama. The new Armed Forces of Liberia (AFL) have no presence in Lofa and there is no publicised plan to deploy the small army there. The nearest AFL detachment is currently the engineering unit at Gbarnga, about five hours' drive from Voinjama.

In consequence, response to public-order incidents relies heavily on the UNMIL. The main UNMIL base is located in Voinjama and manned by a Pakistani infantry battalion (Pakbatt12) plus a Jordanian Formed Police Unit (FPU) for public order. Civilian UNMIL Police (UNPOL) are present to deploy on patrols in support of the LNP. All these units had to be used during the communal violence in Voinjama in February 2010 as well as supplementary Nigerian FPU from Gbarnga and ERU brought in from Monrovia.

## PERCEPTIONS OF THE POLICE

Perceptions of the LNP among respondents in Lofa were broadly positive. Most felt that the police were trying to provide security but lacked most basic resources to be effective. Unlike in some counties, police posts in Lofa have not been the target of violence by angry youths in recent years. However, some respondents believed the LNP were afraid to deploy in some areas.

Most respondents believed it was necessary to pay the police at least for fuel, stationery and telecommunications in order for the LNP to investigate a reported crime. Local police deny they ask for payment to investigate crimes but concede they face major logistical problems in operating anywhere outside the main towns.

There are different perceptions of the effectiveness of UNMIL in providing security. Some local Christians perceived the Pakbatt response to the Voinjama violence of February 2010 as being partial, protecting only Muslim neighbourhoods and the mosque. Nigerian FPU from Gbarnga appear to have been perceived as more firm and effective than local Jordanian police in controlling the violence.

## ALTERNATIVE SECURITY PROVIDERS

Due to the low concentration of police, the reality in urban Lofa is of continued heavy reliance on UNMIL for security, rights protection and as a deterrent to more serious violence. Alternative security providers include some private security guards in Voinjama and informal tribal militia deputised by chiefs in rural areas, at times in coordination with the LNP to effect an arrest or detention. There is also limited vigilantism in some mixed urban areas, largely by ethnic affiliation, but incidences of vigilante violence appear to be rare. Police in remote areas such as Vahun say they would be able to deputise civilians in response to a public-order disturbance or manhunt.

## JUSTICE PROVISION

As throughout Liberia, a dual justice system operates in Lofa. Statutory justice according to the laws passed by the executive in Monrovia is administered through circuit and magistrates' courts. Customary justice according to the unwritten conventions of the Loma, Gbandi, Kissi, Mandingo, Kpelle, Mende and other peoples is administered through quarter, town, clan and paramount (district) chiefs responsible via the district and county administrations to the Ministry of Interior. Hinterland Regulations governing what the chiefs can rule upon are unclear, incomplete and occasionally obsolete and there is some dispute over the jurisdiction of each system.<sup>8</sup> The reality in Lofa is pragmatic, with the statutory system confined largely to towns or prioritised issues such as rape and homicide.

### THE STATUTORY JUSTICE SYSTEM

The formal system of justice in Lofa is still in the early stages of recovery from its complete collapse during the final stages of the civil war and is overburdened by caseload and expectations. However, the extension of the statutory justice system into the "leeward counties"<sup>9</sup> even before 1989 was never extensive, thus formal courts are often as much to be established as re-established.

Voinjama is the location of the county circuit court. There are magisterial courts in eight locations, including all of the district headquarters. There is a small prison on the edge of Voinjama with corrections officers but this is not very secure and was compromised in the violence of February 2010. That month there were about 60 detainees, of which three-quarters were pre-trial detainees, some held long term. Convicts should be transported to the secure facility in Zwedru, Grand Gedeh County, but calls for transportation are rarely met.

Administration of justice is the responsibility of the County Attorney, who also oversees the county security forces. There is a shortage of qualified personnel at all levels, from magistrates, through county solicitors (prosecutors) to court clerks. Some legal personnel are not on the regular payroll. Because of poor training or competition for resources, there is confusion between the circuit and magisterial courts, with the latter accused of exceeding their jurisdiction in order to collect fees or fines. The condition of most courthouses is dire. Many are converted residences, few are weatherproof and there is no electricity or secure recordkeeping.

Respondents cited numerous reasons for low confidence in the statutory justice system. Formal courts are seen as an expensive means to access justice, as victims complain of having to pay for services and those living well away from Voinjama have to abandon their work and travel at expense to seek justice. One respondent in Voinjama cited a cost of US\$150 to pursue a case effectively through the courts. The statutory system is seen as inefficient or ineffective since the overburdened courts are slow and it is difficult to get witnesses to travel to court to give evidence. The police are also seen as unable to collect, preserve and present evidence sufficient for conviction. Because of inferior pay or conditions, judges, magistrates, juries and witnesses are seen as open to bribery or intimidation. Prisoners or accused often escape or abscond.<sup>10</sup> Conviction rates are thus low and

8 An additional quirk of Liberia's codified legal system is that the statute book was partially destroyed during the war and the remnants have subsequently been reassembled and privately copyrighted by a former Minister of Justice. Many decisions of the Supreme Court have also been lost such that it is not possible to trace precedent clearly. Thus, the constitutionality of parts of the Hinterland Regulations is in question. 'Findings of the Legal Working Group', 10th December 2009. Unpublished working document.

9 These are the inland counties, only fully demarcated in 1964, where state authority was long delegated to the chiefs: today Gbarpolu, Lofa, Bong, Nimba, Grand Gedeh and River Gee counties.

10 In the absence of updated legislation, all drugs offences are bailable. Absconding or intimidation of witnesses makes prosecution especially hard for the DEA.



slow. There is also social stigma attached to pursuing retributive justice relative to solving disputes through the family or clan.

## THE CUSTOMARY JUSTICE SYSTEM

Customary justice is dispensed by chiefs present in every village, town, quarter and district according to the tribal and/or clan affiliation of the appellant. This is subject to oversight by the district commissioners, representing the Ministry of Interior, which pays chiefs a nominal stipend. Typically, this is a form of restorative justice, emphasising the perpetrator's responsibility to the community. Fines may be imposed but they are normally payable to the victim or their family rather than to the chief. Decisions are appealable to higher chiefs but not to the statutory courts. The National Traditional Council of Liberia provides additional dispute resolution between groups and chiefs.

In theory, chiefs are elected, at least at higher levels. In practice, there have been no nationwide chieftom elections since before the war and most current office holders have replaced deceased predecessors. Thus far, the Liberian government has set no schedule for decentralisation elections.

Customary justice is supposed to be confined to civil cases, with most criminal cases referable to the statutory system. In reality, for rural communities, customary justice appears to retain the support of the population as a tried and tested system with relatively predictable duration and outcomes, low cost and limited stigma relative to the formal system. However, the system often overlaps with the statutory courts and tends to recognise inequalities in male and female rights and responsibilities contrary to the national constitution; for example, marriage of female minors or settlement of rape cases by marriage or compensation. In cases where rival claimants belong to different tribes or clans, the customary system can be adversarial, as in land disputes in and around Voinjama, where the population is ethnically mixed and greatly disrupted by war-enforced displacement and resettlement.

In general, the statutory justice system is uncomfortable with the intrusion of the chiefs into the legal domain, even where the magisterial and circuit courts have no capacity to provide alternative justice. Chiefs reject accusations that they still use trial by ordeal ("sassay wood") to prove guilt or that they impose unreasonable fines payable to themselves.

## IMPLICATIONS FOR POLICYMAKERS, LOCAL GOVERNMENT AND CIVIL SOCIETY

Liberia has come a long way in police reform since 2004 and made gradual progress in re-establishing the core of a statutory justice system outside Monrovia. However, state resources will not be sufficient to meet the security and justice needs of the large, dispersed rural population in the medium term. Courts are barely resourced and LNP manpower and logistics outside the capital are already declining, even as the drawdown of UNMIL transfers greater responsibilities to Liberian institutions. Ongoing dialogue between national and local government, donors, communities, formal and informal security and justice providers is crucial to fitting the country's ambitious justice and security system reform (JSSR) programme to local realities and addressing the needs identified by local voices. Based on this local research, action priorities in Lofa County might include:

- Improving conditions for local security forces, including pay, accommodation and training opportunities, to promote personnel recruitment, retention and effectiveness;
- Increasing the number of police personnel in-county towards the target of 250, prioritising recruitment of women and the deployment in or close to Lofa of a paramilitary ERU;
- Improving LNP mobility by providing and maintaining robust vehicles and fuel to permit safe transport of victims, witnesses and suspects/convicts as well as facilitating patrol and response;
- Harmonising statutory and customary justice systems through clarification of the Hinterland Regulations, customary laws and dispute-resolution mechanisms and the training and sensitisation of chiefs, magistrates and police;
- Targeting justice sector resources to magisterial courts to improve security of premises and training and provision of personnel (magistrates, solicitors, clerks, bailiffs);
- Training and deployment of paralegal advocates to guide victims through the justice process and advise chiefs on rights and responsibilities;
- Facilitating communication between local communities, police and government on security and justice issues, including through community radio stations;
- Promoting cross-border exchanges of information between police, immigration, local government, civil society, business and UNMIL to coordinate security provision; and
- Re-creating an all-weather highway plus feeder roads connecting Lofa internally and to the rest of Monrovia, without which there can be no meaningful access to state security and justice.



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