



# OPERATIONAL GUIDANCE NOTE

## LIBERIA

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#### 1. Introduction

- 1.1 This document summarises the general, political and human rights situation in Liberia and provides information on the nature and handling of claims frequently received from nationals/residents of that province. It must be read in conjunction with the COI Service Liberia Country of Origin Information at:

[http://www.homeoffice.gov.uk/rds/country\\_reports.html](http://www.homeoffice.gov.uk/rds/country_reports.html)

- 1.2 This guidance is intended to provide clear guidance on whether the main types of claim are or are not likely to justify the grant of asylum, Humanitarian Protection or Discretionary Leave. Caseworkers should refer to the following Asylum Policy Instructions for further details of the policy on these areas:

API on Assessing the Claim  
 API on Humanitarian Protection  
 API on Discretionary Leave  
 API on the European Convention on Human Rights

- 1.3 Claims should be considered on an individual basis, but taking full account of the information set out below, in particular Part 3 on Main categories of claims.
- 1.4 Asylum and human rights claims must be considered on their individual merits. However, if following consideration, the claim is refused, caseworkers should consider whether the claim can be certified as clearly unfounded under the case by case certification power in section 94(2) of the Nationality, Immigration and Asylum Act 2002. A claim will be clearly unfounded if it is so clearly without substance that it is bound to fail. The information set out below contains relevant country information, the most common types of claim and guidance from the courts, including guidance on whether certain types of claim are likely to be clearly unfounded.

## Source documents

- 1.5 A full list of source documents cited in the footnotes is at the end of this note.

## 2. Country assessment

- 2.1 Liberia was in a state of civil conflict from 1989 to 2003. This resulted in widespread displacement of its population, both within the country and into other countries throughout the region. In 1997 Charles Taylor was elected President, but his rule did not lead to stability and widespread civil conflict continued with those opposed to his regime. There were also widespread human rights abuses by government forces and militias supporting the Taylor government, particularly in Lofa County in the north of the country.<sup>1</sup>
- 2.2 The Liberian civil war saw appalling human rights abuses by all sides. The warring factions used sexual violence and torture as weapons, and recruited child soldiers. President Taylor's regime was contemptuous of democratic principles and human rights. Arbitrary arrests, forced conscription and the reported torture and murder of suspected dissident sympathisers, human rights campaigners and journalists became commonplace. On 11 August 2003, President Taylor stood down from office and left Liberia. On 14 October 2003, Gyude Bryant was inaugurated as Chairman of the National Transitional Government of Liberia (NTGL) which has been recognised by all factions involved in the civil conflict.<sup>2</sup>
- 2.3 During 2004, the NTGL governed under a power sharing agreement within the terms of the Comprehensive Peace Agreement (CPA) and remained highly centralised, extending its influence into rural areas. However, former Liberians United for Reconciliation and Democracy (LURD), Movement for Democracy in Liberia (MODEL), and government combatants retained some influence in those areas, even in areas with the UN's mission (UNMIL) presence.<sup>3</sup>
- 2.4 Liberia's first peacetime presidential elections took place in October 2005, with the successful candidate Ellen Johnson-Sirleaf narrowly defeating rival George Weah in a second round run-off. International election monitors ruled the election to be generally free and fair though there were allegations of vote-rigging in the second round poll which have delayed the formal declaration of the result pending an investigation by the electoral authorities which have since been dropped. In January 2006 Sirleaf-Johnson was officially sworn in as President.<sup>4</sup>
- 2.5 The completion in October and November 2005 of presidential and parliamentary elections marked a major step towards the consolidation of Liberia's transition from a near-failed state rife with human rights abuses to a democratic state governed by the rule of law. The elections followed a 2003 peace agreement which ended three years of internal armed conflict and the deployment in 2003 of some fifteen thousand United Nations peacekeepers.<sup>5</sup>
- 2.6 At the end of 2005 there were solid grounds for optimism including the disarmament of more than 101,000 combatants; the return home of hundreds of thousands of civilians who had fled during the war; therecognition by both Liberia and the international community of the role that corruption played in fomenting armed conflict; and the ability of journalists and civil society to function after years of being silenced, persecuted and targeted.<sup>6</sup>

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<sup>1</sup> COI Service Liberia Country of Origin Information Report April 2006 (paras 4.02 – 4.04)

<sup>2</sup> COI Service Liberia Country Report (paras 4.02 - 4.03)

<sup>3</sup> COI Service Liberia Country Report (para 5.07)

<sup>4</sup> COI Service Liberia Country Report (paras 5.08 – 5.12)

<sup>5</sup> COI Service Liberia Country Report (para 6.02)

<sup>6</sup> COI Service Liberia Country Report (para 6.02)

- 2.7** Nevertheless, the human rights situation remained precarious in 2005 as a result of frequent criminal acts in the face of inadequate police and civil authorities; striking deficiencies within the judicial system; financial shortfalls for programs to train demobilised combatants; and continued regional instability, most notably in neighboring Côte d'Ivoire. Moreover, there was little progress on ensuring accountability for past atrocities.<sup>7</sup>
- 2.8** Human rights groups highlighted in 2005 the risk that is presented by including many individuals accused of human rights violations in the new parliament. There had earlier been a debate over whether such individuals should be allowed to run in the election, but this was eventually agreed to in order to accommodate the wishes of various political factions. This raises the question of whether any of those accused of human rights violations during the civil war will be prosecuted, which is legally possible as Liberia's current law does not give immunity to legislators accused of serious human rights violations.<sup>8</sup>
- 2.9** The mandate for the yet-to-be-established Liberian Truth and Reconciliation Commission (TRC), which will be tasked with investigating human rights violations that took place between January 1979 and October 2003, also stipulates that although amnesty can be given to those expressing remorse for their crimes, this will not apply to cases where serious human rights violations have taken place. Since the end of the civil war, there have been no significant prosecutions for human rights abuses although Charles Taylor now faces trial in Sierra Leone for his part in that country's civil war. It is a concern that certain individuals may be tempted to continue to use extra-legal measures or force in pursuit of their interests.<sup>9</sup>

### **3. Main categories of claims**

- 3.1** This Section sets out the main types of asylum claim, human rights claim and Humanitarian Protection claim (whether explicit or implied) made by those entitled to reside in the country of Liberia. It also contains any common claims which may raise issues covered by the API on Discretionary Leave. Where appropriate it provides guidance on whether or not an individual making a claim is likely to face a real risk of persecution, unlawful killing or torture or inhuman or degrading treatment/punishment. It also provides guidance on whether or not sufficiency of protection is available in cases where the threat comes from a non-state actor; and whether or not internal relocation is an option. The law and policies on persecution, Humanitarian Protection, sufficiency of protection and internal relocation are set out in the relevant APIs, but how these affect particular categories of claim are set out in the instructions below.
- 3.2** Each claim should be assessed to determine whether there are reasonable grounds for believing that the applicant would, if returned, face persecution for a Convention reason - i.e. due to their race, religion, nationality, membership of a particular social group or political opinion. The approach set out in *Karanakaran* should be followed when deciding how much weight to be given to the material provided in support of the claim (see the API on Assessing the Claim).
- 3.3** If the applicant does not qualify for asylum, consideration should be given as to whether a grant of Humanitarian Protection is appropriate. If the applicant qualifies for neither asylum nor Humanitarian Protection, consideration should be given as to whether he/she qualifies for Discretionary Leave, either on the basis of the particular categories detailed in Section 4 or on their individual circumstances.

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<sup>7</sup> COI Service Liberia Country Report (para 6.02)

<sup>8</sup> COI Service Liberia Country Report (para 6.03)

<sup>9</sup> COI Service Liberia Country Report (para 6.03) & BBC World News 3 April 2006

**3.4** This guidance is not designed to cover issues of credibility. Caseworkers will need to consider credibility issues based on all the information available to them. (For guidance on credibility see para 11 of the API on Assessing the Claim).

**3.5** All APIs can be accessed via the IND website at:

[http://www.ind.homeoffice.gov.uk/ind/en/home/laws\\_policy/policy\\_instructions/apis.html](http://www.ind.homeoffice.gov.uk/ind/en/home/laws_policy/policy_instructions/apis.html)

### **3.6 General country situation**

**3.6.1** A significant proportion of asylum and/or human rights applications made by Liberian nationals are based on the general security situation in Liberia. Claimants may claim a fear of return because of uncertainty regarding the prospects of long-term peace, or a fear that they will not be safe from former LURD, MODEL or ex-government combatants in NTGL-held areas.

**3.6.2** **Treatment.** Presidential and legislative elections were held successfully in October and November 2005. Ellen Johnson-Sirleaf was elected president, after a second round run-off against George Weah. No party won a majority in the legislative election. Some associates of former president, Charles Taylor, have been elected to parliament, raising concern about his continued influence over the country's politics. Mrs Johnson-Sirleaf has stated her intention to form a cabinet that is inclusive, in the interests of reconciliation.<sup>10</sup>

**3.6.3** Sirleaf-Johnson's stated intention at the outset of her Presidency in January 2006 was to pursue reconciliation, rather than recrimination, and to make efforts to address the various ethnic disputes still festering since the end of the civil war in 2003. Mrs Johnson-Sirleaf is likely to form an inclusive government, with representatives from many different parties included in the cabinet, and has already invited her defeated opponent in the presidential election, George Weah, to join her in the new cabinet. The fractured nature of Liberia's politics is reflected in the newly elected parliament, which contains 11 different parties (including the former rebel groups LURD and MODEL), none of which has a majority. Although this may make it difficult for Mrs Johnson-Sirleaf to implement a strong programme, it does avoid the situation that has arisen in the past, where the dominance of one party caused political tensions, which led to instability.<sup>11</sup>

**3.6.4** At the end of 2005 there were solid grounds for optimism including the disarmament of more than 101,000 combatants; the return home of tens of thousands of civilians who had fled during the war; the recognition by both Liberia and the international community of the role corruption played in fomenting armed conflict; and the ability of journalists and civil society to function after years of being silenced, persecuted and targeted. A Truth and Reconciliation Commission empowered to recommend prosecutions for the worst offenders was also established. However, the human rights situation remained precarious as a result of frequent criminal acts in the face of inadequate police and civil authorities; striking deficiencies within the judicial system; financial shortfalls for programs to train demobilised combatants; and continued regional instability, most notably in neighboring Côte d'Ivoire. Moreover, there was little progress on ensuring accountability for past atrocities.<sup>12</sup>

**3.6.5** **Sufficiency of protection.** The government controls the vast majority of the country, including all major official border crossings. There is a functioning national police force - Liberian National Police (LNP) - which has primary responsibility for law enforcement. Although the LNP itself has limited logistics and forensic capabilities and is sometimes criticised for its excesses, it is supported by the deployment of 1,100 international police

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<sup>10</sup> COI Service Liberia Country Report (para 5.09)

<sup>11</sup> COI Service Liberia Country Report (para 5.10)

<sup>12</sup> COI Service Liberia Country Report (para 6.02)

(CIVPOL).<sup>13</sup> Claimants do therefore have an avenue, especially in Monrovia, to seek and receive from the authorities protection against crime or violence at the hands of rebel combatants.

**3.6.6 Internal relocation.** Although the government, with the support of UN peace keepers, controls the vast majority of the country, there remains instances of general lawlessness, crime or violence at the hands of LURD, MODEL or ex-Government combatants in some rural areas of the country. However these incidents are localised. There is freedom of movement within Liberia and those who have encountered general lawlessness, crime or violence at the hands of LURD, MODEL or ex-Government combatants are therefore able to relocate to another part of the country to escape such a threat.<sup>14</sup>

### **3.6.7 Caselaw.**

**LB Liberia [2004] UKIAT 00299 (CG case).** Assessment of the situation in Liberia with regard to the security situation and the humanitarian conditions in Monrovia (Article 2 & 3). This appellant was a Muslim and part-Mandingo. The Tribunal followed the case of T 00164 (see below) and found that the situation in Monrovia is safe. They also found that the appellant faced no enhanced risk on account of his religion or ethnicity.

**T Liberia [2003] UKIAT 00164.** Assessment of the security situation in Liberia and in particular the risk on return to the appellant in Monrovia (Article 3). The appellant was a Muslim of Mandingo ethnicity. There has been a cease-fire in Liberia and the position now is 'radically different' from before. UN troops are present and keeping peace in the city, the IDP camps are safe with no security problems. The Tribunal find that someone of Mandingo ethnicity and Muslim faith would not be at an enhanced risk in Monrovia. The IAT conclude that an ordinary Liberian citizen in Monrovia or a camp nearby is not at a real risk of harm contrary to Article 3.

**3.6.8 Conclusion.** Since the establishment of the NTGL in October 2003 and the election of Ellen Sirleaf-Johnson in late 2005, the authorities have been struggling to consolidate the overall human right situation. Nevertheless, the political and security conditions in the vast majority of the country have improved markedly over the past two years. For claimants who fear, or who have experienced, ill-treatment during the civil strife within the country – usually at the hands of dissident combatants in some rural areas - there is a general sufficiency of protection and they are also able to safely relocate within the country. General lawlessness, poverty or a lack of access to resources will not, in themselves, be sufficient to warrant the grant of asylum or humanitarian protection. In light of the current conditions in Liberia, applications under this category are likely to be clearly unfounded and as such should be certified.

## **3.7 Members of former rebel groups or ex-opposition political parties**

**3.7.1** Some claimants may make an asylum or human rights claim based on mistreatment by the state authorities based on their affiliation with or membership of, a former rebel group: LURD or MODEL, or members of political parties that were opposed to the former Taylor regime.<sup>15</sup>

**3.7.2 Treatment.** LURD and MODEL and the other main political parties have recognised the NTGL as the state authority and their senior members hold positions within the transitional authority structure. However some factions of LURD and MODEL and factions of combatants associated with the former Taylor regime, are still strong independent influences in some small parts of Liberia. In November 2004, the heads of Liberia's three factions signed an agreement to dissolve their movements' military wings and do away with violence. The former government of ex-president Charles Taylor, as well as two former

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<sup>13</sup> COI Service Liberia Country Report (paras 5.26 – 5.30 & 5.43 – 5.44)

<sup>14</sup> COI Service Liberia Country Report (paras 6.43 – 6.44)

<sup>15</sup> COI Service Liberia Country Report (paras 5.07 – 5.09 & Annex B)

rebel groups LURD and MODEL all promised a peaceful future in a ceremony in the capital, Monrovia. These events occurred three days after the UN-led disarmament programme officially ended.<sup>16</sup>

- 3.7.3** Presidential and legislative elections were held successfully in October and November 2005. Ellen Johnson-Sirleaf was elected president, after a second round run-off against George Weah. No party won a majority in the legislative election. Some associates of former president, Charles Taylor, have been elected to parliament, raising concern about his continued influence over the country's politics. Mrs Johnson-Sirleaf has stated her intention to form a cabinet that is inclusive, in the interests of reconciliation.<sup>17</sup>
- 3.7.4** Sirleaf-Johnson's stated intention at the outset of her Presidency in January 2006 was to pursue reconciliation, rather than recrimination, and to make efforts to address the various ethnic disputes still festering since the end of the civil war in 2003. Mrs Johnson-Sirleaf is likely to form an inclusive government, with representatives from many different parties included in the cabinet, and has already invited her defeated opponent in the presidential election, George Weah, to join her in the new cabinet. The fractured nature of Liberia's politics is reflected in the newly elected parliament, which contains 11 different parties (including the former rebel groups LURD and MODEL), none of which has a majority. Although this may make it difficult for Mrs Johnson-Sirleaf to implement a strong programme, it does avoid the situation that has arisen in the past, where the dominance of one party caused political tensions, which led to instability.<sup>18</sup>
- 3.7.4** **Sufficiency of protection.** As this category of claimants' fear is of ill treatment or persecution by the state authorities, they cannot apply to these authorities for protection.
- 3.7.5** **Internal relocation.** As this category of claimants' fear is of ill-treatment or persecution by the state authorities, relocation to another area of the country to escape this threat is not feasible.
- 3.7.6** **Caselaw.**
- JM (Liberia) [2004] UKIAT 00111.** The appellant claimed to be a member of the Lofa Defence Force. The IAT followed the case of T 00164 and found that the situation has not deteriorated and that if anything has improved save for two localised incidents. If the appellant had been a rebel he would still not succeed, as there is still no risk on return to Monrovia at present.
- 3.7.7** **Conclusion.** Since the ending of their armed campaigns in late 2004 and the political progress consolidated by the election of Ellen Johnson-Sirleaf in late 2005, there is no evidence of any state persecution of members, or those associated, with former rebel groups or political opponents. LURD, MODEL and all parties formerly opposed to the previous Taylor regime have endorsed, co-operated with and (to varying extents) participated in the NTGL and now the Sirleaf-Johnson administration. Individual members of these groups involved in criminal activity; either low level localised violence or suspected war criminals, may face prosecution. In light of the current geo-political situation, members of any of the mainstream factions of these groups do not now in general have a real risk of ill treatment amounting to persecution and would therefore not qualify for a grant of asylum. Applications under this category are likely to be clearly unfounded and as such should be certified.
- 3.7.8** Caseworkers should note that members of LURD and MODEL have in the past been responsible for numerous serious human rights abuses, some of which amount to war crimes and crimes against humanity. If it is accepted that a claimant was an active operational member or combatant for LURD or MODEL and the evidence suggests he/she

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<sup>16</sup> COI Service Liberia Country Report (paras 5.07, Annexes A & B)

<sup>17</sup> COI Service Liberia Country Report (para 5.09)

<sup>18</sup> COI Service Liberia Country Report (para 5.10)

has been involved in such actions, then caseworkers should consider whether one of the Exclusion clauses is applicable. Caseworkers should refer all such cases within this category of claim to a Senior Caseworker in the first instance.

### 3.8 Mandingos

- 3.8.1** Some Liberians may make an asylum and/or human rights claim based on mistreatment at the hands of ethnic minority groups, such as Christian non-Mandingos and Lormas on account of them being of Mandingo origin.
- 3.8.2 *Treatment.*** The Mandingo ethnic group is a minority ethnic groups in Liberia. Members of this group have always been regarded as non-indigenous outsiders, even though they have lived in Liberia for many generations, and some of them are originally from Liberia. They are known to be middle-class business people who were associated with the regime of late President Samuel Doe, as a matter of economic opportunity. Due to such association with the regime of Doe, they became targets of persecutory acts during the Liberian conflict which was waged by Charles Taylor, as well as during his subsequent regime.<sup>19</sup>
- 3.8.3** Members of the Mandingo ethnic group continue to have a difficult co-existence with other ethnic groups in Liberia, notably the Gio and Mano, mainly in Monrovia city, Nimba and Lofa counties. The situation of the members of the Mandingo ethnic group is further compounded by the fact that, unlike the other ethnic groups, they do not identify themselves as belonging to any given territory within Liberia. They are settled in border counties (notably Nimba and Lofa) and in Monrovia. As they are not fully recognised by the autochthones [other ethnic groups who see themselves as indigenous to the country] as Liberian nationals, they might not be entitled to land property in Liberia, in line with the Liberian Constitution.<sup>20</sup>
- 3.8.4** Legally, only the Mandingos who immigrated to Liberia (mostly from Guinea) may have a problem in acquiring the Liberian nationality; their descendents born in Liberia should be recognised as Liberian nationals. In this respect, it is expected that requests from members of the Mandingo ethnic group will be met with hostility, and it remains to be seen if they will be able to have their property rights reinstated.<sup>21</sup>
- 3.8.5** During 2005 ethnic, religious, and other differences between Mandingos and non-Mandingos continued but did not result in mob violence, as in previous years. During the Taylor administration, many Mandingo citizens fled their homes as a result of discrimination, arbitrary arrests, and violence; however, during 2005 Mandingos continued to return to Lofa, Bong, and Nimba counties.<sup>22</sup>
- 3.8.4 *Sufficiency of protection.*** Since the end of the Taylor regime in June 2003, before which Mandingos were subject to an element of state-sponsored discrimination, there has been no evidence to suggest that persons of Mandingo origin would not be able to seek and receive protection from the state authorities. There is a functioning national police force - Liberian National Police (LNP) - which has primary responsibility for law enforcement. Although the LNP itself has limited logistics and forensic capabilities and is sometimes criticised for its excesses, it is supported by the deployment of 1,100 international police (CIVPOL).<sup>23</sup> Claimants do therefore have an avenue, especially in Monrovia, to seek and receive from the authorities protection against crime or violence at the hands of rebel combatants.

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<sup>19</sup> COI Service Liberia Country Report (para 6.51)

<sup>20</sup> COI Service Liberia Country Report (para 6.51)

<sup>21</sup> COI Service Liberia Country Report (para 6.51)

<sup>22</sup> COI Service Liberia Country Report (para 6.50)

<sup>23</sup> COI Service Liberia Country Report (paras 5.26 – 5.30 & 5.43 – 5.44)

**3.8.5 Internal relocation.** Instances where members of other ethnic minority groups have targeted Mandingos are localised. Although the government, with the support of UN peace keepers, controls the vast majority of the country, there remains instances of general lawlessness, crime or violence at the hands of LURD, MODEL or ex-Government combatants in some rural areas of the country. However these incidents are localised. There is freedom of movement within Liberia and those who have encountered general lawlessness, crime or violence at the hands of LURD, MODEL or ex-Government combatants are therefore able to relocate to another part of the country to escape such a threat.<sup>24</sup>

**3.8.6 Caselaw.**

**T (Liberia) [2003] UKIAT 00164 & LB (Liberia) [2004] 00299** above. There is no enhanced risk to a Muslim or someone from the Mandingo ethnic group on return to Monrovia.

**3.8.7 Conclusion.** The possibility remains that individuals could be targeted by non-state agents because of their ethnicity, but there would usually be other causative factors. Most of the violence that is occurring, would appear to be associated with general lawlessness, rather than a concerted policy on the part of any ethnic, or political group, to persecute another group solely because of its ethnicity, or political associations. There is no risk of persecution or ill-treatment of someone of Mandingo origin by the state authorities. For those who fear such treatment at the hands of non-state agents there is a general sufficiency of protection and they are also able to safely relocate within Liberia to escape such threats. It is therefore unlikely that a claimant of Mandingo origin would be able to establish a claim to asylum or humanitarian protection solely because of their ethnic origin. Applications under this category are likely to be clearly unfounded and as such should be certified.

**3.9 Prison conditions**

**3.9.1** Applicants may claim that they cannot return to Liberia due to the fact that there is a serious risk that they will be imprisoned on return and that prison conditions are so poor as to amount to torture or inhuman treatment or punishment contrary to Article 3.

**3.9.2 Treatment.** Prison conditions in 2005 were harsh and in some cases life threatening. The government did not provide detainees or prisoners with adequate food or medical care; however, NGOs continued their 2004 programmes to provide food to the prisons. During 2005, NGO refurbished prison cells at Monrovia Central Prison, but the prison still held twice its maximum capacity primarily due to the large number of pre-trial detainees. In some counties the structure that served as a jail was a container with bars at one end. There also were reports that local officials forced prisoners to work for them.<sup>25</sup>

**3.9.3** There were no separate facilities for juvenile offenders. Convicted prisoners and detainees awaiting trial were not held in separate facilities. During 2005, a prison in Voinjama placed the accuser and the accused in the same cell for more than a month, even after the accuser admitted that he had accused the wrong person. Women and particularly juveniles were subject to abuse by guards or other inmates.<sup>26</sup>

**3.9.4** In 2005, the government permitted the independent monitoring of prison conditions by local human rights groups, the media, and the International Committee of the Red Cross (ICRC). Some human rights groups, including the ICRC, made regular visits to detainees held in police headquarters and prisoners in Monrovia Central Prison.<sup>27</sup>

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<sup>24</sup> COI Service Liberia Country Report (paras 6.43 – 6.44)

<sup>25</sup> COI Service Liberia Country Report (para 5.40)

<sup>26</sup> COI Service Liberia Country Report (paras 5.40)

<sup>27</sup> COI Service Liberia Country Report (para 5.37)



**3.9.5 Conclusion.** Whilst prison conditions in Liberia are poor with overcrowding and a lack of medical care, food and sanitation leading to disease all being reported, these conditions are unlikely to reach the Article 3 threshold. Therefore even where claimants can demonstrate a real risk of imprisonment on return to Liberia a grant of Humanitarian Protection will not generally be appropriate. Similarly where the risk of imprisonment is for reason of one of the five Refugee Convention grounds, a grant of asylum will not be appropriate. However, the individual factors of each case should be considered to determine whether detention will cause a particular individual in his particular circumstances to suffer treatment contrary to Article 3 or for reason of one of the five Refugee Convention grounds, relevant factors being the likely length of detention the likely type of detention facility and the individual's age and state of health. Where in an individual case treatment does reach the Article 3 threshold a grant of Humanitarian Protection will be appropriate unless the risk of imprisonment is for reason of one of the five Refugee Convention grounds in which case a grant of asylum will be appropriate.

#### **4. Discretionary Leave**

**4.1** Where an application for asylum and Humanitarian Protection falls to be refused there may be compelling reasons for granting Discretionary Leave (DL) to the individual concerned. (See API on Discretionary Leave)

**4.2** With particular reference to Liberia the types of claim which may raise the issue of whether or not it will be appropriate to grant DL are likely to fall within the following categories. Each case must be considered on its individual merits and membership of one of these groups should not imply an automatic grant of DL. There may be other specific circumstances not covered by the categories below which warrant a grant of DL-see the API on Discretionary Leave.

#### **4.3 Minors claiming in their own right**

**4.3.1** Minors claiming in their own right who have not been granted asylum or HP can only be returned if there is a family to return to or where there are adequate care and support arrangements. At the moment we do not have sufficient information to be satisfied that there are adequate care and support arrangements in place in Liberia.

**4.3.2** Minors claiming in their own right without a family to return to, or where there are adequate care and support arrangements, should, if they do not qualify for leave on any more favourable grounds, be granted Discretionary Leave for a period of three years or until their 18<sup>th</sup> birthday, whichever is the shorter period.

#### **4.4 Medical treatment**

**4.4.1** Applicants may claim they cannot return to Liberia due to a lack of specific medical treatment. See API on ECHR and DL and the IDI on Medical Treatment, which set out the requirements for Article 3 to be engaged. Where the lack of treatment on return would make removal contrary to Article 3 and/or 8 a grant of Discretionary Leave to remain will be appropriate.

**4.4.2** The medical infrastructure in Liberia has yet to recover from the period of civil conflict, and is highly reliant on foreign aid and charities for assistance. There is a lack of both resources and staff, and specialist care is not readily available.<sup>28</sup>

**4.4.3** Where a caseworker considers that the circumstances of the individual applicant and the situation in the country reach the threshold detailed in the IDI on Medical Treatment making

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<sup>28</sup> COI Service Liberia Country Report (paras 5.46 – 5.50)

removal contrary to Article 3 or 8 a grant of Discretionary Leave to remain will be appropriate. Such cases should always be referred to a Senior Caseworker for consideration prior to a grant of Discretionary Leave.

## **5. Returns**

- 5.1** Factors that affect the practicality of return such as the difficulty or otherwise of obtaining a travel document should not be taken into account when considering the merits of an asylum or human rights claim. Removals are to the capital, Monrovia.
- 5.2** In August 2005, the UNHCR maintained its position that though not all Liberian asylum seekers should be granted refugee status, they should be considered favourably for other forms of protection.<sup>29</sup> The UNHCR's position provides a broad assessment of the situation in Liberia and we do not dispute that it presents an accurate overview of the general humanitarian situation and the social and security problems inherent in a country which, until recently, was dominated by civil war. However, asylum and human rights claims are not decided on the basis of the general situation - they are based on the circumstances of the particular individual and the risk to that individual. We do not therefore accept UNHCR's conclusion, based on their overview of the general situation in Liberia, that all persons originating from Liberia are in need of some form of international protection.
- 5.3** Liberian nationals may return voluntarily to any region of Liberia at any time by way of the Voluntary Assisted Return and Reintegration Programme run by the International Organisation for Migration (IOM) and co-funded by the European Refugee Fund. IOM will provide advice and help with obtaining travel documents and booking flights, as well as organising reintegration assistance in Liberia. The programme was established in 2001, and is open to those awaiting an asylum decision or the outcome of an appeal, as well as failed asylum seekers. Liberian nationals wishing to avail themselves of this opportunity for assisted return to the Liberia should be put in contact with the IOM offices in London on 020 7233 0001 or [www.iomlondon.org](http://www.iomlondon.org).

## **6. List of source documents**

- BBC World News 'A sombre Charles Taylor faces court' 3 April 2006  
<http://news.bbc.co.uk/1/hi/world/africa/4874142.stm>
- UK Home Office RDS-COI Service Liberia Country of Origin Information Report April 2006 at: [http://www.homeoffice.gov.uk/rds/country\\_reports.html](http://www.homeoffice.gov.uk/rds/country_reports.html)

**Asylum and Appeals Policy Directorate  
5 May 2006**

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<sup>29</sup> COI Service Liberia Country Report (para 6.77)