



Quarterly Report on the Human Rights Situation in Liberia

February - April 2007

Human Rights and Protection Section

October 2007

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Executive summary

1. From February to April 2007, the Government took steps to address human rights concerns. Nevertheless, a number of institutional challenges continued to hamper the effectiveness of initiatives to protect and promote human rights at the national and local level.
2. This report focuses particularly on the weakness of Liberia's juvenile justice system, including the failure of the authorities to implement the Juvenile Court Procedural Code (JCPC) of the New Judiciary Law (1972), as well as international standards relating to juvenile justice. During the period, cases were reported in which children below the age of criminal responsibility were tried in adult courts. In one case, a 15-year old was sentenced to life imprisonment. Juveniles were also illegally detained and in some cases held with adult inmates in violation of national law and international human rights standards.
3. Implementation of the Rape Amendment Act remained incomplete. Frequent reports of acts of gender based violence that constituted serious crimes being settled out of court was a serious concern.
4. Human rights violations by law enforcement officials continued to be reported. The Chief of the Criminal Investigation Division in Buchanan, Grand Bassa County allegedly assaulted a police suspect. Cases in which LNP officers detained police suspects beyond the Constitutional limit of 48 hours before they were brought before a judge were reported in Nimba and Grand Bassa Counties.
5. The absence of key judicial personnel meant that in some Circuit Courts not a single case was heard during the February term of court, while others heard only one or a few cases. Human rights standards in prisons and police holding cells continued to fall short of international standards.
6. Trial by ordeal, which failed to uphold fair trial standards, was practised with the consent or involvement of some county authorities. In some instances, Courts appeared not to appreciate the seriousness of the offences associated with the practice.

Methodology

7. Information for this report has been collated from monitoring conducted by 25 Human Rights Officers (HROs) of the Human Rights and Protection Section, who cover all of Liberia's 15 Counties. This information was then cross-checked with reports prepared by other UNMIL components, in particular the Legal and Judicial System Support Division (LJSSD) and the Corrections Advisory Unit (CAU). *The draft report was sent to the Chief Justice of the Supreme Court and the Minister of Justice of the Government of Liberia for their comments prior to its public release.*

The report was also shared with the Office of the High Commissioner for Human Rights (OHCHR) prior to release. Responses received were examined and, where appropriate, incorporated in this report.

Mandate of the Human Rights and Protection Section (HRPS)

8. The cases and analysis in this report cover the major human rights issues identified between February and April 2007. This report has a particular focus on human rights concerns related to the administration of juvenile justice, as a number of concerns were identified during the reporting period.
9. UNMIL was established by UN Security Council Resolution 1509 (2003) of 19 September 2003. In accordance with paragraph three of the Security Council Resolution, the mandate of HRPS is:

(l) to contribute towards international efforts to protect and promote human rights in Liberia, with particular attention to vulnerable groups including refugees, returning refugees and internally displaced persons, women, children, and demobilised child soldiers, within UNMIL's capabilities and under acceptable security conditions, in close cooperation with other United Nations agencies, related organisations, governmental organisations, and non-governmental organisations;

(m) to ensure an adequate human rights presence, capacity and expertise within UNMIL to carry out human rights promotion, protection and monitoring activities.¹

Human Rights Monitoring

Juvenile Justice

10. In accordance with international standards, children who come in contact with the judicial system must be given at least all the rights afforded to adults during the pre-trial, trial and detention periods. In addition, in recognition of their level of maturity and vulnerability, Liberian law and international standards afford additional safeguards to ensure that children do not become victims of human rights violations.
11. The Juvenile Court Procedural Code (JCPC) of the New Judiciary Law (1971) establishes the national framework for juvenile justice. The JCPC provides for the establishment of Juvenile Courts in all counties. In counties that lack a Juvenile Court, Magistrates' Courts may assume jurisdiction over cases involving juveniles,

¹ HRPS does not have a mandate to investigate allegations of human rights abuses committed by UNMIL staff. All cases of serious misconduct by UN personnel, including all complaints involving sexual exploitation and abuse, are investigated by an independent mechanism, the Office of Internal Oversight Services (OIOS). OIOS has complete freedom of action and reports directly to UN Headquarters in New York. Therefore, cases involving alleged abuses by UN personnel are not covered in this report.

provided that the JCPC is applied. Presently, only Montserrado County has a Juvenile Court.

12. International human rights standards to which Liberia is a State Party, including the Convention of the Rights of the Child (CRC, 1989) and the International Covenant on Civil and Political Rights (ICCPR, 1966) also provide safeguards for juveniles who come into contact with the judicial system. Other relevant international standards include the UN Rules for Protection of Juveniles Deprived of their Liberty, UN Guidelines for the Prevention of Juvenile Delinquency (Riyadh Guidelines), and the UN Standard Minimum Rules for the Administration of Juvenile Justice (Beijing Rules).

Children below the age of criminal responsibility tried in adult courts

13. The Liberian Penal Law (1976, Section 4.1) establishes that children below the age of 16 cannot be held criminally responsible for their actions. Any proceedings against children below this age are aimed at establishing juvenile delinquency rather than criminality. Nevertheless, in some cases juveniles were tried and convicted under adult criminal procedures.

- On 26 March, a 15-year old boy was sentenced to life imprisonment by the Grand Gedeh County Circuit Court. The boy and his father were among five defendants convicted of murder. The Circuit Court does not have jurisdiction to try juveniles below the age of criminal responsibility. However, this was not raised during the trial. It appears that the Judge, the County Attorney and the Defence Counsel were unaware that the juvenile could not be tried in the court. Although the jury ruled in favour of the juvenile and three of the other defendants, the Judge overturned the ruling. On 2 April, a Bill of Exception was filed. The Bill of Exception did not raise the age of the juvenile, nor object to his appearance before the Circuit Court. A notice of completion of appeal was filed and accepted on 16 April in order for the appeal process to begin.

Illegal detention of juveniles

14. The JCPC (Paragraph 11.41.b) clarifies that whenever possible, a juvenile should be released into the custody of his or her parents or other responsible person until the court hearing takes place. The CRC (Article 37(b)) states that detention should be avoided except “as a measure of last resort and for the shortest appropriate period of time”. However, in a number of cases juveniles were held in pre-trial detention for prolonged periods.

- A 15-year old juvenile charged with rape was held in pre-trial detention at Saniquillie Central Prison, Nimba County, for more than three months before being released into the care of relatives on 19 February 2007. It appears that no evidence in support of the allegations of rape was provided to the LNP,

who do not appear to have conducted an investigation. Judicial officers did not implement the JCPC, including the provision that no juvenile under the jurisdiction of the Juvenile Courts, may be held in detention for longer than two weeks pending final action of the Court (Paragraph 11.41(c)). Although the prison was overcrowded, Corrections Officials made efforts to separate the juvenile from adult detainees. However, there were unconfirmed allegations that adult inmates provided the juvenile with cigarettes, marijuana and alcohol.

- A 15-year old juvenile committed to pre-trial detention on rape charges in Kakata Central Prison, Margibi County in October 2006 remained in detention at the end of April 2007. The Bondiway Magistrate, who had ordered the detention, stated that the case was delayed because the complainants had not returned to court since the juvenile's detention.

Lack of separate facilities for juveniles

15. The JCPC (Paragraph 11.42) and the CRC (Article 37(c)) require juveniles below the age of 18 to be separated from adult detainees at all times. Juveniles below the age of 16 may only be detained in adult facilities after a Juvenile Judge issues a written detention order which specifically justifies why detention is necessary. Juveniles aged 16 and 17 years old may be detained in adult facilities if no other suitable facilities are available. In Liberia, there is no juvenile detention or rehabilitation facility. Although the LNP and prison authorities have made efforts to house juveniles separately from adults, this is sometimes not possible due to over-crowding of detention facilities.

- A 14-year old juvenile arrested on 18 February was detained in Ganta LNP Station, Nimba County, where he shared a cell with adult detainees. In violation of his Constitutional right, he was not brought before a judge within 48 hours. The juvenile was released to his guardians on 22 February.
- A 16-year old female juvenile held in pre-trial detention shared a cell with four adult female detainees in Monrovia Central Prison (MCP), Montserrado County, from 14 to 23 February. The juvenile was charged with "disorderly conduct" after her parents brought her to the court, reportedly because she was rude. In the absence of the Juvenile Judge, she was tried by the Traffic Court Judge acting as Juvenile Judge. The Judge appears to have misused the charge of "disorderly conduct" to order the pre-trial detention of a juvenile when there was no basis for criminal charges.

Neglected children or juveniles in need of care and protection treated as juvenile delinquents

16. The JCPC (Section 11.11) differentiates between juvenile delinquents, juveniles in need of care and protection and neglected children. According to the JCPC a juvenile

in need of care and protection is a child under the age of 18 who commits habitual truancy, repeatedly runs away from home, associates with criminals, loiters, frequents gaming places, begs, uses drugs or, in the case of girls, becomes repeatedly pregnant out of wedlock. A neglected child is a child whose parents or guardians do not provide adequate food, clothing, shelter, education or medical care, suffers or is likely to suffer serious harm from improper guardianship, or has been abandoned. When brought before the court, it is essential that the Judge determine which category a child belongs to and follow procedures applicable to this category. In some cases juveniles in need of care and protection or neglected children have been detained as juvenile delinquents.

- On 15 February, LNP in Zwedru, Grand Gedeh County, arrested a 13-year old juvenile on suspicion of stealing a chicken. This was the second time the juvenile had been arrested on this charge. It appears that the LNP did not investigate whether the juvenile's guardians were providing adequate care for him. The juvenile was kept at the Zwedru Central LNP Station until the LNP Women and Children's Unit located his guardians and was released into their care on 28 February.

Law Enforcement

Alleged torture and ill-treatment

17. On 26 March, eight men were arrested on suspicion of murder by Buchanan LNP Criminal Investigation Division (CID), Grand Bassa County, without warrant. The brother of the dead man, who was among the eight suspects, was allegedly severely assaulted by the CID Chief, and ordered to confess to the crime and implicate the seven other suspects. The assault may have amounted to torture or other cruel, inhuman or degrading treatment. The CID Chief denied having assaulted the suspect. The case was forwarded to Buchanan Magistrates' Court on 31 March. All eight suspects remained in detention pending the preliminary hearing, which was held on 12 April. At the hearing seven of the suspects were released and the charges against them dismissed. The brother of the dead man was released on bail on 17 April. Prior to their arrest, the local authorities had reportedly extorted money from the eight men. The LNP, Justice of the Peace, City Solicitor, County Attorney and Magistrate of District no. 3 had allegedly demanded payments at various times to drop the charges. A total amount of L \$23,600 (US \$393) was allegedly paid.

Violation of the 48 hour constitutional limit on police custody

18. The Constitution of Liberia (1986, Art. 21(f)) states that all those arrested by police must be brought before a court within 48 hours. This is designed to protect suspects from risks associated with lengthy detention in police custody, including torture. It is also intended to ensure that cases progress through the criminal justice system and

make it more difficult for people to be released without investigation. Violations of this rule continued during the reporting period.

- Two detainees arrested on 12 and 14 February, were detained in Sanniquellie LNP Station, Nimba County, without being brought before a Judge until their release on 19 February. In late March, two other men were held in police custody in Sanniquellie LNP Station for approximately one week before being brought before a Judge on 26 March. The suspects were subsequently transferred to the Magistrates' Court and remanded in pre-trial detention.
- A man arrested on suspicion of theft was detained in Buchanan LNP Station, Grand Bassa County, from 17 to 23 February before being brought before a court and charged. Another man arrested on 27 March apparently because he failed to fulfil a contract to build a house was brought before the Magistrates' Court and charged on 3 April.

Improper use of restraints

19. According to the Standard Minimum Rules for the Treatment of Prisoners (1977), handcuffs and other forms of restraint must never be used as punishment and should only be used when necessary to prevent escape or harm to the detainee or to others, for example during transfer from one location to another, or to prevent the detainee from injuring himself or others or from damaging property (Rules 33 and 34). In some cases, it appeared that restraints were applied in contravention of these rules.

- On 21 March, a female police suspect in Kakata LNP Station, Margibi County, was observed handcuffed. Police stated that this was necessary because she had attempted to evade arrest. However, the woman was by that time in secure custody and thus the use of handcuffs was not justifiable on these grounds.
- On 24 March, a detainee in Pleebo LNP Station, Maryland County was observed having his legs handcuffed. He had developed sores, apparently as a consequence. The LNP officer on duty stated that he applied the restraints because the suspect resisted arrest. However, at the time the suspect was locked in the cell and thus the restraints were unnecessary. The officer agreed to remove the handcuffs.

The Judiciary

Slow progress in hearing of cases in Circuit Courts

20. The February 2007 Term of Court opened in mid-February. However, in some cases essential personnel were absent. Some Circuit Courts heard no cases during the February Term. As a result, the rights of suspects and victims alike were denied.
- No cases were tried by the Grand Cape Mount County Circuit Court due to the absence of the appointed Defence Counsel. There has not been a Defence Counsel

present in the county since the Circuit Court formally re-opened in May 2006. Gbarpolu Circuit Court also did not hear any cases, reportedly due to lack of adequate facilities.

- ☐ Only one case was heard in the Grand Gedeh County Circuit Court. River Cess County Circuit Court also only heard one case. All pending cases were further delayed either by the absence of appointed Defence Counsel or because suspects had absconded.
- ☐ Only five cases were tried in the Nimba County Circuit Court. The Court had a backlog of 85 criminal cases still to be addressed by the end of the term.
- ☐ The assigned County Attorney for Bomi County was frequently absent from the Court.

Prolonged pre-trial detention

21. Slow progress in hearing cases in the Circuit Courts contributed to delays in hearing of criminal cases. Liberian law provides that if a detainee has not been indicted by the end of the next successive Term of Court after his or her arrest or appearance in court in response to a summons, the case against him or her may be dismissed (Criminal Procedure Law, paragraph 18.2).

- ☐ On 16 February, a man charged with murder was released by the Margibi County Circuit Court, after spending one year and 7 months in pre-trial detention. Although some court personnel stated that they recalled that the detainee had been indicted, the court file had apparently been lost.
- ☐ A man charged with rape was detained in October 2006, and reportedly held in illegal detention in the holding cell of the Tapita Magistrates' Court, Nimba County until his transfer to Saniquillie Central Prison on 18 April 2007. The detainee stated that he had been detained because he was unable to pay the L\$750 bond fee allegedly requested by the court.

Human Rights in Detention

22. Detention conditions in Liberian prisons and LNP stations continued to fall short of international standards, including the Standard Minimum Rules for the Treatment of Prisoners.

- ☐ The holding cell in LNP Zone 3 Depot 1, Montserrado County, is a small space located under the stairs of the Depot. The ceiling is low, and there is no window and the only source of ventilation and light is the grille on the door. The Commander of the Depot claimed that the cell could hold four people but admitted that the LNP often hold up to 10 people.
- ☐ On 21 February, the Buchanan LNP Headquarters cell, Grand Bassa County, which is only 6 x 10 feet large, held 13 adult males. The cell was very dark and

smelt strongly of human excreta. Since there was no toilet, inmates were forced to use an unsanitary pit located inside the cell.

- The only detention facility in River Cess County is a small cell attached to the Cestos City Magistrates' Court. There is no window, and the cell is reportedly infested with rats, bugs and mosquitoes. During April, seven adults who looked pale and thin were held in the cell. Since the cell is not an official place of detention, the Magistrate himself reportedly feeds the detainees.

23. Overcrowding in some detention facilities worsened between February and April, particularly in Monrovia Central Prison (MCP). Overcrowding of detention centres may pose a risk to security. Hygienic conditions may worsen, food supplies may be insufficient and the number of prison guards may be inadequate.

Detention centre	Maximum operational capacity	Highest number of inmates February - April 2007	Period of inmate peak
Monrovia Central Prison	180	588	Week ending 28 March
Kakata Central Prison	60	70	Week ending 15 February
Gbarnga Central Prison	40	45	Week ending 18 April
Buchanan Central Prison	60	57	Week ending 11 April
Saniquillie Central Prison ²	25	58	Weeks ending 28 March and 4 April
Voinjama Central Prison	60	22	Week ending 11 April
Zwedru LNP holding cells ³	N/A	23	Week ending 24 February
Harper Central Prison	114	30	Week ending 14 March
Tubmanburg holding cells	N/A	19	Weeks ending 28 March, 18 April and 25 April

These statistics are compiled from UNMIL's CAU reports for the period of February - April 2007.

24. Between February and April, a spate of security incidents occurred, the majority of which were at Saniquillie Central Prison, Nimba County.

² Saniquillie Central Prison is currently located in a former warehouse that was not intended for this purpose.

³ In Zwedru and Tubmanburg, detainees and convicted prisoners are held in the LNP station cells. The Zwedru Central Prison is undergoing renovation but progress has been delayed.

- On 1 February, 14 inmates in Sanniquellie Central Prison escaped. Seven were later recaptured. On 28 March, a high school principal charged with first-degree rape escaped. He was recaptured on 14 April and assaulted by residents before being handed over to the authorities.⁴ During the night of 9 April, 29 detainees escaped from the Sanniquellie Central Prison. There was only one prison guard on duty despite the fact that, prior to the escape, the prison held 55 inmates. Seven unarmed police officers arrived on the scene but were outnumbered.
- Between February and April, six pre-trial detainees escaped from Harper Central Prison, Maryland County. They included two men held on rape charges, one man charged with murder, and one man charged with manslaughter.
- In an incident at the non-official detention facility attached to the Cestos City Magistrates' Court, River Cess County, a complainant in an assault case was reportedly illegally "appointed" as jailor by the Bailiff of the Court. Subsequently, the detainee accused of assaulting this jailor escaped.

Gender-Based Violence

25. The failure to try cases of gender-based violence remained a challenge to the rule of law and the protection of fundamental human rights. Although the Rape Amendment Act had been in force for more than one year, cases of gender-based violence were frequently dropped following out of court settlements. In many cases, the victims themselves had little say in such settlements, which were often arranged by family members. Regardless of such settlements, the State has a duty to prosecute cases of gender based violence, and financial payment from the defendant to the victim does not necessarily preclude prosecution. The failure of the state to prosecute impacted negatively on the rights of women and girls to equal protection afforded by the law.

- In November 2006, a 13-year old girl was allegedly raped by a 16-year old boy in Grand Bassa County. A hearing scheduled for 20 March did not go ahead as the matter had been settled privately.
- Two separate cases of alleged rape were reported at the LNP Zone Three Base, Montserrado County on 12 March. The victims, both aged 14, were sent for medical examinations, while both suspects were held in LNP custody. The alleged rapes occurred on 7 and 10 March, respectively. LNP Officers from the Women and Children Protection Section stated that the parents of the victims had approached them to settle the case out of court. The parents did not return with medical reports and the suspects were subsequently released.

⁴ In June, he was convicted of first-degree rape and sentenced to seven years imprisonment, three years less than the statutory minimum penalty of 10 years.

- On 16 March, a woman in Grand Bassa County was killed by her boyfriend and another man. On 9 March, the boyfriend had allegedly assaulted the woman, stripped her naked, and destroyed her clothes and other items. However, the families of the woman and her boyfriend had settled the case, deciding that the man must pay compensation for the damaged items. The two suspects were subsequently convicted of murder in Grand Bassa Circuit Court.⁵

Harmful Traditional Practices

26. Incidences of trial by ordeal continued to be reported. These trials failed to uphold basic fair trial standards, and involved practises that amounted to torture or ill-treatment. The local authorities were sometimes involved in such trials. Law enforcement and judicial authorities often failed to investigate and bring to justice those involved in illegal practises.

- On 31 January, the Todee District Superintendent, Montserrado County, allegedly ordered that a trial by ordeal be conducted after a boy went missing. A trial by ordeal practitioner was called, and a trial conducted in which suspects were ordered to dip their hands into a pot of hot oil. The wife of the practitioner then told the gathering that she had been informed by demons that one of those present had sold his son to the demons but they had taken the missing child instead. The man she identified was arrested by the Messenger of the District Commissioner and held in a cell in Nyehn Town from 1 to 7 February. On 7 February, the man was taken to Bensonville Magistrates' Court and charged with Terroristic Threat. This charge bears no relation to the allegations made after the trial by ordeal. No evidence was reportedly tendered to the Court in support of the charge. The suspect escaped from custody on 8 February. The Todee District Superintendent confirmed that a trial by ordeal had taken place and that he had detained a suspect for seven days. However, he denied having ordered the trial by ordeal. He stated that the missing boy had reappeared in the village.
- In February, four men aged between 49 and 79 were allegedly subjected to trial by ordeal in Grand Gedeh County after a man from Billiebo town was reported missing. Town leaders, including the Acting Paramount Chief, Town Chairman and Town Commissioner, allegedly engaged a "country doctor" from River Gee County to perform a trial by ordeal. During the trial, the four men were reportedly subjected to treatment that appears to have amounted to torture. They were forced to stay in the sun without food for eight days, were beaten with sticks and two of the men sustained knife cuts. A concoction of blood and ash of an unknown leaf was smeared in their eyes and they were sprayed with water mixed with an unknown chemical. On 19 February, the four men were brought to Zwedru Magistrates' Court. Despite the absence of any evidence, they were remanded in

⁵ On 11 July 2007, two men were sentenced to death by hanging, in contravention of Liberia's international human rights obligations as a State Party to the Second Optional Protocol to the International Covenant on Civil and Political Rights aiming at the abolition of the death penalty.

pre-trial detention. They were released in early March. No steps have reportedly been taken to investigate the allegations of torture and the trial by ordeal.

- An elderly woman in Grand Gedeh County was accused of murdering her grandson after he fell in a river in Banglor Town and drowned in early December 2006. The woman was allegedly assaulted by the Town Chief and other residents until she admitted guilt and implicated two relatives. LNP confirmed that the woman confessed under duress and reported the assault to the County Attorney. Three suspects were arrested. However, the County Attorney subsequently released the suspects for assault and instead ordered the detention of the woman and the two relatives she had implicated. The three, including a woman with a baby, were held in Zwedru Central LNP Station. As the LNP Station lacked a female cell, the two women and baby slept in a corridor. In March, the mother was released on the condition that she report daily to the LNP station. The two remaining suspects were released without charge in April. No investigation has been carried out into the alleged assault and threats by the Town Chief and others.
- On 31 March, a 12-year old boy from Karluway District, Maryland County, was accused by a “witch finder” of causing the death of his uncle through witchcraft. He was beaten by a mob of villagers for two days and denied food. Some villagers allegedly also called on the devil to kill the boy. The boy’s mother travelled to Pleebo to report the case to LNP. When LNP arrived, the villagers refused to allow the boy to leave the village and continued calling upon the devil to kill him. They also allegedly threatened to kill his mother because she had reported the case to LNP. The boy had sustained serious injuries, had difficulty walking, and was so traumatised that he could not speak. No arrests were made for the assault of the boy. The victim and his mother subsequently left the village.

Recommendations

These recommendations, related to the concerns raised in this report, are offered in support of the Government's continuing efforts to strengthen human rights protection for all Liberians. A number of the recommendations are directed towards strengthening the juvenile justice system, with the aim of ensuring that the rights of juvenile suspects and convicted offenders are upheld.

- Judicial officials should receive additional training in the provisions of the Juvenile Court Procedural Code (JCPC), and in child protection issues in general. The Chief Justice should consider providing written instructions to Magistrates regarding the procedure for handling cases involving juvenile suspects.
- The Ministry of Justice, through the Solicitor General's Office, should review the cases of all juveniles currently held in Liberia's prisons, in order to ascertain that their detention conforms to the JCPC and Liberia's international human rights obligations as a State Party to the Convention on the Rights of the Child (CRC). Redress should be provided where these provisions have not been upheld.
- The Chief Justice should assign more Public Defenders and should instruct them to give priority to handling cases of detained juveniles.
- All cases involving juvenile suspects should be referred to the nearest detachment of the Liberian National Police (LNP) Women and Children Protection Section (WACPS). WACPS officers should be provided with follow-up training, supported by UNMIL, UNICEF and other relevant partners.
- The LNP Academy, with the support of UNMIL, should review the basic training module on juveniles in contact with the law and make any required revisions to ensure that all LNP officers are trained in how to handle cases involving juveniles.
- The Government should consider holding a community awareness campaign on juvenile justice issues, with the support of UNMIL.
- A separate rehabilitation facility for juveniles in pre-trial detention or imprisonment should be designated through the immediate rental and eventual construction of such a facility. In the meantime, all efforts should be taken to hold juveniles in cells separate from adult inmates.
- The President should appoint Probation Officers to each Court authorised to exercise juvenile jurisdiction. Each case of a juvenile in conflict with the law should be assigned to a Probation Officer, who will monitor his or her progress once released from detention.

- The Government should take all necessary steps to ensure that the Rape Amendment Act is fully implemented. All allegations of rape must be fully and independently investigated and suspected perpetrators brought to justice in trials that meet international fair trial standards. A concerted and ongoing effort towards community education and sensitisation to sexual assault issues, including broader discrimination against women, should be undertaken in cooperation with nongovernmental organisations.
- The Ministry of Justice and Chief Justice should take steps to ensure the presence of all essential court personnel in all counties.
- The Government should consider the establishment of an independent oversight mechanism to monitor and report on detention conditions in all places of detention. Such a body should include representatives of civil society and the Government and have powers to make recommendations to the Ministry of Justice, Chief Justice and the to be established Independent National Commission on Human Rights.
- The Government should, as far as possible, expedite the building or renovation of detention facilities in line with a comprehensive national corrections policy, to end the practice of holding police suspects and court detainees in the same facilities.
- The Government should take immediate steps to identify all harmful traditional practices which violate human rights standards and issue a statement declaring an end to those practises. Investigation and prosecution of allegations of human rights abuses occurring in this context should take place against the backdrop of a comprehensive campaign to inform communities about these negative cultural practices.