

**Refugee Review Tribunal
AUSTRALIA**

RRT RESEARCH RESPONSE

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Questions

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RESPONSE

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According to a United Nations Mission in Liberia (UNMIL) report harmful traditional practices, including ritual killings, continued in Liberia “almost with impunity”. It reported that some law enforcement agencies were “reluctant to intervene” for “various reasons including financial or political gain”. Sources have reported actions taken by authorities to protect victims of such practices with varying success. A March 2009 news article reported a public fear of ritual killings by secret societies in the country’s “smaller towns” and “in places like Harper’s Maryland County in southeastern Liberia, and in the northern counties of Nimba and Lofa”. With respect to refusing to join Poro, the news article also reported the case of a person who was killed for refusing to join the group. In that case a Supreme Court decision, although overturning a guilty decision by a circuit court, reportedly served “as a warning against impunity to members of secret societies”. According to sources a traditional customary law system operates outside the state-sponsored system with the two systems often sharing personnel.

Information on this question is set out below under the headings:

- [Harmful traditional practices](#)
- [Poro](#)
- [Traditional justice systems](#)

Harmful traditional practices

An UNMIL report, covering the period November 2007 to June 2008, stated that harmful traditional practices, including ritual killings, continued “almost with impunity”:

d) Harmful traditional practices including trials by ordeal, ritual killings and female genital mutilation (FGM) continue to be practiced almost with impunity (United Nations Mission in Liberia (undated), *Report on the Human Rights Situation in Liberia: November 2007 – June 2008*, Human Rights and Protection Section, p.1
http://unmil.org/documents/humanrights_nov_2007_June_2008.pdf – Accessed 4 August 2009 – Attachment 1).

It continued that traditional beliefs and customs remain strong in the country and there is resistance within communities for change. Some law enforcement agencies were reluctant to intervene. The UNMIL report stated:

53. Traditional beliefs and practices remain strong in Liberia. Generally, there is a degree of resistance within the communities to end or change these practices. Quite often there appears to be complete disregard of State authority and the rule of law on the part of citizens, even including some law enforcement agencies themselves being reluctant to intervene. This may be attributed to various reasons including financial or political gain. Communities should be sensitised and discouraged from engaging in those cultural practices that are harmful and violate the dignity of any person. Harmful traditional practices commonly practiced in Liberia include forms of trial by ordeal where *sassywood*¹ is administered – though illegal in Liberia and female genital mutilation (FGM) which contravenes Liberia’s commitment to the Convention on the Rights of the Child and the Convention on the Elimination of Discrimination Against Women. Reports of cases where persons, usually children or the elderly are blamed for deaths within communities through use of witchcraft are also common. Often due to fear, the ‘accused’ persons may confess in order to save their lives or be subjected to trials by ordeal to determine their guilt. In many instances, the homes of such persons were destroyed and in other cases the ‘witches’ were killed through mob justice (United Nations Mission in Liberia (undated), *Report on the Human Rights Situation in Liberia: November 2007 – June 2008*, Human Rights and Protection Section, pp.20-21
http://unmil.org/documents/humanrights_nov_2007_June_2008.pdf – Accessed 4 August 2009 – Attachment 1).

In February 2009 the United Nations Secretary-General reported to the Security Council that harmful traditional practices, including ritual killings, continued to be widely practiced and were “deeply entrenched”. The report noted a case in which following convictions for a murder during a trial by ordeal a presidential clemency was granted. The Secretary-General wrote:

36. Harmful traditional practices, including trials by ordeal, ritual killings and female genital mutilation, continue to be widely practiced, in some cases with the knowledge or encouragement of local authorities. The conviction of 14 persons for a murder committed in the course of a trial by ordeal in November 2007 was a positive development. However, the presidential clemency granted to them in September 2008, following an appeal made by the

¹ “A liquid made from the poisonous bark of a particular tree, or other poisonous substances which when ingested usually causes death”(United Nations Mission in Liberia (undated), *Report on the Human Rights Situation in Liberia: November 2007 – June 2008*, Human Rights and Protection Section, p.21/footnote 17
http://unmil.org/documents/humanrights_nov_2007_June_2008.pdf - Accessed 4 August 2009 – Attachment 1).

victim, perpetrators, County Legislators, local leaders and communities, illustrates how deeply entrenched such practices are...(United Nations 2009, 'Eighteenth progress report of the Secretary-General on the United Nations Mission in Liberia', *Security Council*, S/2009/86, 10 February, p.8 <http://unmil.org/documents/sgreports/sg18pr.pdf> – Accessed 4 August 2009 – Attachment 2).

According to a March 2009 news article, secret societies were using witchcraft, fear and intimidation especially in smaller towns:

Secret societies are using witchcraft, fear and intimidation to control the population, especially in Liberia's smaller towns, rights groups and law officers have said.

...

Public fear of ritualistic killings and witchcraft performed by secret societies are prevalent in places like Harper's Maryland County in southeastern Liberia, and in the northern counties of Nimba and Lofa (Murray, Rebecca 2009, 'Liberia: Groups, courts work to break hold 'devil' has on towns', *Inter Press Service*, 11 March – Attachment 3).

A January 2009 UNHCR report relating to witchcraft and refugee protection noted minimal police involvement in traditional matters:

UNHCR Kuala Lumpur also provided information regarding the use of a Focused RSD Form (FRF) for Liberians who claim fear of return due to the practice of black magic amongst their tribesmen. The FRF "may only be used if a thorough analysis of a given caseload is indicative of common claims within that caseload, which may then be adjudicated using clear factual parameters; well-supported and reliable [COI]; and correct legal analyses." **COI indicates that "police involvement was minimal in traditional matters such as ritual killings, trials by ordeal or witchcraft, or vigilante action against people suspected of being witches."** IFA² remains a consideration in establishing a credible refugee claim (Schnoebelen, Jill 2009, *Witchcraft allegations, refugee protection and human rights: a review of the evidence*, UNHCR, Research Paper No. 169, January, p.35 [http://www.reliefweb.int/rw/lib.nsf/db900sid/RWST-7RAL7E/\\$file/unhcr-jan2009.pdf?openelement](http://www.reliefweb.int/rw/lib.nsf/db900sid/RWST-7RAL7E/$file/unhcr-jan2009.pdf?openelement) – Accessed 4 August 2009 – Attachment 4).

There have been cases where action has been taken by authorities to protect victims against harmful traditional practices, with varying success, including the instances outlined below.

UNMIL reported a case involving four elderly people implicated by "country devils"³ in the death of fisherman and ultimately unsuccessful actions taken by authorities. UNMIL noted that the case reflected the complexity of dealing with cases of harmful traditional practices within some Liberian communities where superstitions are deeply rooted":

In January 2008, 4 elderly people from River Cess County who were implicated in the death of a fisherman by 'country devils' were seriously assaulted by the same 'country devils'. Relying on information from the 'country devils' and the forced confession of one of the 4 persons, the LNP [Liberian National Police] subsequently arrested and charged the 4 with murder. UNMIL and government intervened, took the 4 victims out of LNP custody, evacuated them to another county and had them given medical attention. In March 2008, the

² Internal flight alternatives

³ "Masked human beings, normally, members of the Sande or Poro society who may be used either for entertainment purposes or to inflict punishment or kill offenders" (United Nations Mission in Liberia (undated), *Report on the Human Rights Situation in Liberia: November 2007 – June 2008*, Human Rights and Protection Section, p.11/footnote 8 http://unmil.org/documents/humanrights_nov_2007_June_2008.pdf - Accessed 4 August 2009 – Attachment 1).

Solicitor General made an application for a nolle prosequi in this murder case resulting in its closure. Subsequently, in April 2008, HRPS [Human Rights and Protection Section] and the Solicitor General accompanied the 4 victims to Cestos city in their original County. Discussions were held with community members reminding them of the illegality of using sassywood in trials by ordeal and encouraged them to accept the victims back and reintegrate them. However, 2 days later, the 4 persons were stoned and expelled from their villages. **This case illustrates the complexity of dealing with cases of harmful traditional practices within some Liberian communities where superstitions are deeply rooted** (United Nations Mission in Liberia (undated), *Report on the Human Rights Situation in Liberia: November 2007 – June 2008*, Human Rights and Protection Section, pp.21-22 http://unmil.org/documents/humanrights_nov_2007_June_2008.pdf – Accessed 4 August 2009 – Attachment 1).

UNMIL reported an incident on 10 April 2008 in which a rule of law workshop was interrupted by an elder reportedly threatening to bring the “country devil” to the session. UNMIL stated that by the end of the month the animators could not continue their activities in the communities:

29. On 10 April 2008, HRO was informed that a rule of law workshop conducted by the Carter Centre animators and Inter-Religious Council of Liberia for members of Sentrue village, Konobo District, *Grand Gedeh County* was interrupted by one of the elders. The elder reportedly threatened to bring the ‘country devil’ to the session because he did not agree with the message conveyed by the animators. This resulted in all the participants fleeing the workshop. HRO alerted the LNP Commander about the incident but owing to inadequate human resources, the LNP was unable to provide security for the animators. By the end of April 2008, the animators had been unable to continue their activities in the communities (United Nations Mission in Liberia (undated), *Report on the Human Rights Situation in Liberia: November 2007 – June 2008*, Human Rights and Protection Section, pp.10-11 http://unmil.org/documents/humanrights_nov_2007_June_2008.pdf – Accessed 4 August 2009 – Attachment 1).

Schnoebelen, in the UNHCR report, wrote of a case involving a Liberian man, returning from Guinea, who had been identified as a witch by fellow villagers:

According to UNHCR Regional Protection Officer Kate Pooler, an elderly Liberian man was identified by fellow villagers as a witch upon his return from Guinea. A local magistrate imprisoned him and UNHCR, which viewed this as a protection problem, intervened. Through negotiations with village authorities, it was decided that he could be released and reintegrated into the community after a purification ceremony. UNHCR staff and villagers pooled their money to buy a cat, a chicken, a goat and a sheep to sacrifice and the villagers drank the blood. No further problems were reported (Schnoebelen, Jill 2009, *Witchcraft allegations, refugee protection and human rights: a review of the evidence*, UNHCR, Research Paper No. 169, January, p.29 [http://www.reliefweb.int/rw/lib.nsf/db900sid/RWST-7RAL7E/\\$file/unhcr-jan2009.pdf?openement](http://www.reliefweb.int/rw/lib.nsf/db900sid/RWST-7RAL7E/$file/unhcr-jan2009.pdf?openement) – Accessed 4 August 2009 – Attachment 4).

UNMIL also reported an October 2007 case where a man was assaulted and injured by a group of men allegedly belonging to a secret cult. Four people were arrested and charged with aggravated assault (United Nation Mission in Liberia (undated), *Report on the Human Rights Situation in Liberia: May – October 2007*, Human Rights and Protection Section, p.10 http://unmil.org/documents/humanrights_may_oct_2007_report.pdf – Accessed 4 August 2009 – Attachment 5).

Poro

A March 2009 news article reported a November 2008 Supreme Court case concerning the 2005 killing of a man, Hastings Tokpah, for refusing to join Poro. The Supreme Court overturned a guilty decision by a circuit court against defendants accused of the killing. The news article also stated that the case “serves as a warning against impunity to members of secret societies”. The article states:

...a recent Supreme Court ruling on Hastings Tokpah’s death last November – although overturned – serves as a warning against impunity to members of secret societies.

Tokpah was just 21 years old when he was killed by a mob in his rural hometown of Gbedin in Nimba County in 2005.

He had refused to join the local Poro organization although his father, Saye Zeeboe, was a member. He was also accused of witnessing Poro ceremonies – strictly forbidden to outsiders – explains Solicitor General Taiwan Gongloe, who argued his murder case before the Supreme Court.

“When [the Poro] do come to town periodically, they come with the masked man, the spirit they call the ‘devil.’ Non-members stay indoors until they finish what they want to do and go back to the bush.

“Tokpah’s father said to him, ‘Why are you embarrassing me? You’re not a member of Poro, you’re not a member of our society, why don’t you follow our rules?’

“The story that came out,” Gongloe said, “was that he was actually grabbed by his friends and killed, and his father was part of those that killed him. When the father left the scene, when he and the other people came out of the bush, all the people saw [Tokpah’s] rain boots, his cutlass, and other things, but his body was not found.”

Under Liberian law, a person is not officially missing for up to seven years if there is no physical evidence.

Pushed to trial by a combination of Tokpah’s outraged mother, Martha, other family members, their community church and local Equip Liberia workers in 2007, Saye Zeeboe and four co-defendants were ultimately pronounced guilty by a circuit court judge.

However, Gongloe said that while he amassed enough circumstantial evidence to establish guilt, the Supreme Court overturned the circuit court decision on technical grounds, citing the absence of Tokpah’s body.

“Although the conviction was not sustained, I believe [the mother] made a big mark by just bringing them to account,” Gongloe said. “They will try to insulate themselves by saying this is a secret society, our tradition, but no, the court has to proceed. The devil, and ordinary people – everyone is a citizen of Liberia and is subject to the law. I think it sends a clear message that everyone is accountable. Not like in the past with secret societies.” (Murray, Rebecca 2009, ‘Liberia: Groups, courts work to break hold ‘devil’ has on towns’, *Inter Press Service*, 11 March – Attachment 3).

Traditional justice systems

According to the UN Secretary-General's report, dated 10 February 2009, the "vast majority of Liberians" used "informal/traditional justice systems":

34. Through the Joint Programme on Sexual and Gender-based Violence, developed by the Government and the United Nations, a special court was established to address the significant number of sexual and gender-based violence offences. This is a sign of the Government's commitment to address sexual and gender-based violence; however, the court remains dependent on external donor funding. **Discussions have also begun to explore policy options regarding the relationship between formal and informal/traditional justice systems, which are used by the vast majority of Liberians** (United Nations 2009, 'Eighteenth progress report of the Secretary-General on the United Nations Mission in Liberia', *Security Council*, S/2009/86, 10 February, p.8 <http://unmil.org/documents/sgreports/sg18pr.pdf> – Accessed 4 August 2009 – Attachment 2).

An earlier April 2006 report by the International Crisis Group stated that Liberia has customary law systems operating outside executive review. It was also reported that the state and non-state customary law systems "often share personnel":

Liberia also has customary law systems that operate outside executive review. The Poro and Sande power associations, commonly referred to as secret societies, initiate males and females into adulthood, resolve community disputes and condemn members who have defied established social norms. Leaders believed to wield magical and spiritual powers secretly hand down harsh justice in the Poro forest; the more visible to the outside world the inner workings of the associations are, the less power they are believed to possess. Communities also settle disputes within independent social spaces, including "house palavers" in which the eldest male relatives in towns resolve cases between extended family members.

...

The state-sponsored and outside-the-state customary law systems often share personnel. Setting clearer standards in the realm of state-sponsored customary law would make clearer to those operating in the "invisible" system the limits of allowable practice (International Crisis Group 2006, *Liberia: Resurrecting the Justice System*, Africa Report No. 107, 6 April, p.8 – Attachment 6).

The US State Department also noted that traditional forms of justice remained in some areas of Liberia:

Traditional forms of justice administered by clan chieftains remained prevalent in some localities (US State Department 2009, 'e. Denial of Fair Public Trial' in *Country Reports on Human Rights Practices for 2008 – Liberia*, 25 February – Attachment 7).

List of Sources Consulted

Internet Sources:

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Databases:

FACTIVA (news database)

BACIS (DIAC Country Information database)

REFINFO (IRBDC (Canada) Country Information database)

ISYS (RRT Research & Information database, including Amnesty International, Human Rights Watch, US Department of State Reports)

RRT Library Catalogue

List of Attachments

1. United Nations Mission in Liberia (undated), *Report on the Human Rights Situation in Liberia: November 2007 – June 2008*, Human Rights and Protection Section http://unmil.org/documents/humanrights_nov_2007_June_2008.pdf – Accessed 4 August 2009.
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3. Murray, Rebecca 2009, 'Liberia: Groups, courts work to break hold 'devil' has on towns', *Inter Press Service*, 11 March. (FACTIVA)
4. Schnoebelen, Jill 2009, *Witchcraft allegations, refugee protection and human rights: a review of the evidence*, UNHCR, Research Paper No. 169, January, p.35 [http://www.reliefweb.int/rw/lib.nsf/db900sid/RWST-7RAL7E/\\$file/unhcr-jan2009.pdf?openelement](http://www.reliefweb.int/rw/lib.nsf/db900sid/RWST-7RAL7E/$file/unhcr-jan2009.pdf?openelement) – Accessed 4 August 2009.
5. United Nation Mission in Liberia (undated), *Report on the Human Rights Situation in Liberia: May – October 2007*, Human Rights and Protection Section http://unmil.org/documents/humanrights_may_oct_2007_report.pdf – Accessed 4 August 2009.
6. International Crisis Group 2006, *Liberia: Resurrecting the Justice System*, Africa Report No. 107, 6 April.
7. US State Department 2009, *Country Reports on Human Rights Practices for 2008 – Liberia*, 25 February.