

## A Glance at Liberia's Criminal Justice System-CJS – The Perspectives of human Rights, Rule of Law, and the Tendency of Democracy.

*“No one truly knows a nation until one has been inside its jails. A nation should not be judged by how it treats its highest citizens but its lowest ones”.*

**Nelson Mandela.**

### About this Paper:

This policy paper is intended to inform stakeholders of Liberia's Criminal Justice System-CJS about some of the critical issues that are affecting the full adherence to the rule of law, fundamental human rights, and democratic values. As such, it should be considered as a reference document and a tool in understanding the current context of Liberia's penal system, and designing an appropriate intervention that seeks to address some of the key challenges to Liberia's Penal System identified. As a Civil Society Organization working to promote, protect the fundamental human rights and the rule of law through the monitoring of prisons, and detention sites, courts, etc. this short paper is carefully written based on the findings of RHRAP project interventions at various levels intended to promote collective efforts in addressing key challenges to the adherence to the rule of law, fundamental human rights and democratic values. For the past eight years, using funding from the European Union-EU, National Endowment for Democracy-NED, USAID, All We Can etc., RHRAP has worked with the Ministry of Justice especially the Bureau of Corrections and Rehabilitation-BCR, the Human Rights Department at the MOJ, Civil Society Organizations-CSOs and various communities in the implementations of some key activities that have supported the promotion and protection of the rule of law, fundamental human rights and democratic values in Liberia. Additional activities undertaken include but not limited to providing capacity building training for Police, and Correction Officers on human rights perspective in policing and correction<sup>1</sup>, Training for Inmates to fully comply with prisons' rules, facilitating legal representations for prolonged pretrial detainees, psychosocial & livelihood training for inmates including reintegration packages, the provision of capacity building training for Religious, Traditional and Community Leaders on how the Criminal Justice System-CJS works from arrests-court-detention-parole, the provision of medications/drugs for inmates<sup>2</sup> amongst others. All of the above activities have been complimented by adequate monitoring of prisons, police withholding cells and visitations to some Magisterial Courts across the country which have grounded RHRAP in adequately providing succinct analysis of the situation on the ground.

### Methodology:

As mentioned above, this policy paper was developed based on findings from RHRAP prisons monitoring visitations, police withholding cells & courts visitations, justice sectors stakeholders' meetings, national government sectorial meetings, and reviews of the application of national and international human rights instruments on penal system reforms. In addition, key individuals within the justice sectors were interviewed on key challenges affecting Liberia's penal system from the perspectives of the rule of law implementation, protection of fundamental human rights and the tendency of democracy. Using the various mediums above, RHRAP has contextualized the findings thus making this paper empirical.

<sup>1</sup> <https://thenewsnewspaperonline.com/criminal-justice-system-gets-support/> (Collected 09/22/2025).

<sup>2</sup> <https://frontpageafricaonline.com/news/shed-rhrap-donate-assorted-medical-items-to-liberias-bureau-of-corrections-and-rehabilitation/>. (Collected 09/22/2025).

## **B**rief Situation Analysis:

Poverty is widespread in Liberia with around 30 percent of the population living below the extreme international poverty rate of 2.15 USD per person per day (*Multidimensional Poverty Analysis 2024-page 29*). Rampant corruption is entrenched, and the enforcement of the rule of law is weak. Accountability for widespread corruption, heinous human rights abuses remain difficult. Poverty has engulfed and reduced the moral values of youth thus contributing to school dropouts, engaging in the use of narcotic drugs, increased in prostitution, Trafficking in Person (TIP) Internal and External, migration etc. The increased in various crimes has placed many youths into prisons where prolonged pretrial detentions are eminent. Cases on the court's dockets are not adjudicated timely, which contribute to prison's overcrowding in Liberia's prisons. As of September 17, 2025, there were 3,623 inmates across the country with 2,475 detainees which constitutes 68% of the total prison's population (*Bureau of Correction and Rehabilitation-BCR, Ministry of Justice*). This indicates a very slow adjudication of cases on the courts' dockets across the country. Prolonged pretrial detention is a violation of the fundamental human rights of residents (*Article 21 f 1986 Constitution of Liberia*), as well as contravention to international instruments on prison conditions such as *the Kampala Declaration on Prison Conditions in Africa, the Ouagadougou Declaration on Accelerating Prison and Penal Reform in Africa*, amongst others. Prisons overcrowding has swelled the spread of diseases within Liberia's prisons like in the case of the Monrovia Central Prison-MCP, Sanniquellie prison, Gbarnga prison, amongst others, and regrettably, with no medical attention in most cases. Since the end of Liberia's bloody civil war that ended in 2003 followed by the departure of the United Nations Mission in Liberia (UNMIL), the three components of Liberia's Criminal Justice System-CJS (*Court, Police, and Prisons*) have retrogressed significantly. Corrupt practices by Law Enforcement Officers and Judiciary workers are entrenched, with increased in illegal arrests and detentions of residents without accountability.

There is a low public confidence in the ability of the Liberian Justice System to uphold the rule of law (*The Liberian Judiciary Strategic Plan 2024-2028*). *No Money, No Justice, Police Corruption and Abuse in Liberia- "Human Rights Watch"*. This situation remains a reality in Liberia where there is no justice for the poor. No doubt, the performances of the courts are ineffective which can be proven by the delay in the adjudication of cases on the courts' dockets leading to an increased in prisons' overcrowding. In previous years, prisons overcrowding has caused the death of some inmates in prisons "<https://www.rhrapliberia.org/advocacy>". Despite the prolonged detentions, there is no rehabilitation program including career supports for inmates especially young inmates that will prepare them to support their livelihoods after leaving prison which have contribute to recidivism. This is a contravention of the *Nelson Mandela Rules on prisons/Standard Minimum Rules on the Treatment of Offenders*<sup>3</sup>. "*Prisons in Africa should be considered in the context of economic development, social and cultural values and social change. Emphasis should be placed on providing education, skillsbased training.....*" The Kampala Plan of Action 1996<sup>4</sup>.

## **T**he Police

Most Police withholding cells across the country are poorly ventilated and have offensive odors and not suitable for human habitation. The adherent to the 48 hours statutory period for police interrogation as provided for by the 19 86 Constitution of Liberia is constantly violated without accountability. Despite the increased in police brutality across the country, some residents have resulted in physically attacking law Enforcement Officers resulting into serious injury of officers and death in some instances. The *Civilian Complaints Review Board* has been reactivated, but very little or nothing is known to residents in both rural

<sup>3</sup> Vocational training in useful trades shall be provided for prisoners able to profit thereby and especially for young prisoners.

<sup>4</sup> A recommendation by the participants at the International Seminar on Prison Conditions in Africa, held in Kampala from 19 to 21 September 1996.

and urban communities. The *Civilian Complaints Review Board* serves as a bridge between citizens and law enforcement, ensuring that grievances are heard, addressed, and resolved impartially. However, the Liberia National Police-LNP remains challenged with resources needed to effectively carryout their statutory mandates. Not only the LNP, but the Ministry of Justice remains heavily challenged because of the low budgetary allotments from government. As a results, moving objects such as vehicles, motorcycles, amongst other logistical needs are lacking thus impeding police operations<sup>5</sup>. This also contribute to Law Enforcement Officers requesting complainants for logistical supports to aid their travels to the crime scene. However, this has been seen as bribery in the eyes of many residents, CSOs, visitors, and researchers. Residents are complaining about the inadequate number of Police Officers across the country, compounded by the lack of resources at various levels to effectively perform their duties, as some communities do not have Police Officers presence. In the various urban and rural cities including Monrovia at night, Police Officers presence is not felt. At the *Pillar 3 Rule of Law Sectorial Meetings* organized by the Ministry of Justice-MOJ, and the Ministry of Finance, Development, Planning, the Ministry of Justice continues to complain of low budgetary allotments despite being one of the largest Ministries. *With the low budgetary allotments, the MOJ might not achieve Pillar 3 of the ARREST Agenda*. It is also good to note that salaries structures for non-commissioned Police Officers are very low to accommodate the current cost of living in Liberia.

## **The Court**

Cases on the court's dockets are not timely adjudicated which have contributed to prisons overcrowdings, Human rights violations resulting to residents' lack of confidence in using the court as a means of seeking redress as required for by law. Jail delivery including other alternatives imprisonments that could decongest the prisons, are not applied. Justice actors including, County Attorneys, City Solicitors, Probation Officers, etc. hardly visit the prisons to perform their duties as required for by law. Lots of complainants who took their cases to the courts don't make follow up after the accusers are jailed. In such case, after two terms of court without appearing in court, the accusers should be released in line with law which is hardly practiced. It is also a contravention of 1986 Constitution of Liberia article 21 f & g. These are some contributing factors to prisons' overcrowding in Liberia's prisons. In many parts of rural communities, residents/court users have complained of some Judges turning civil cases to criminal case where *excessive bonds and fines*<sup>6</sup> are imposed and in most cases if not all, bond fees are not refunded. The police, the prosecuting authorities and the judiciary are not coordinating as recommended for by the *Kampala Declaration on Prisons* which is one of the recommendations *by the participants at the International Seminar on Prison Conditions in Africa, held in Kampala from 19 to 21 September 1996* which Liberia is a signatory.

On the large scale, community residents are always frightened, to go to court due to their limitations on how the Criminal Justice System-CJS of Liberia works, compounded by the usual practices of courts especially Magisterial Courts extorting monies from complainers<sup>7</sup>. Public Defenders who are trying to address some of the above by closely working with indigents are insufficient and, in most cases, not adequately capacitated to go across their assigned counties to cover all Magisterial Courts. During most of RHRAP County and National levels stakeholders' dialogue forums on the effectiveness of Liberia's Criminal Justice System-CJS, it has been identified and reported by forums participants that coordination between and amongst actors to Liberia's Penal System remains very illusive which also contribute to the slow adjudication of cases on the

<sup>5</sup> These are some of the discussions held during the capacity building training for Police and Correction Officers on Human Rights Perspective in Policing and Correction provided by RHRAP with funding from the EU and the National Endowment for Democracy-NED.

<sup>6</sup> d. i. All accused persons shall be bailable upon their personal recognizance or by sufficient sureties, depending upon the gravity of the charge, unless charged for capital offenses or grave offenses as defined by law.

<sup>7</sup> This is being exposed during RHRAP capacity building training sessions, county level dialogue forums organized in counties (Bong, Margibi, Nimba, Grand Gedeh, etc. where representatives from various community segments including Traditional, Community, Religious Leaders, etc. provide this information.

court's dockets, lacks alternative imprisonments, etc. which also significantly contributes to prison overcrowdings. *"The police, the prosecuting authorities and the judiciary should be aware of the problems caused by prison overcrowding and should join the prison administration in seeking solution (Kampala Declaration)<sup>8</sup>".* Liberia's penal system is yet to institutionalize this as agreed by parties.

In the wake of the war declared on illicit drugs by the current UP led Government, prisons, and detention sites are overwhelmed with overcrowding by those arrested making the situation worsen. Already, Liberia lacks adequate prison, as most of the prisons were not built for the use of prison, and at the time, there were low population. Prisons should be constructed considering international instruments on prisons reforms taking into consideration population size, separation of cells categories, protection, etc. How can the Ministry of Justice provide housing, food, etc. for the huge influxed of detainees with the current low budgetary allotment? The case of the Ministry of Justice (MOJ).

## *The Prisons and other places of detentions.*

The Liberia penal system is heavily challenged including the lack of housing purposely intended to run prisons. Some of the houses that are currently used as prisons were not built for prison purposes. In addition, many of the prisons were intended to host less inmates, but today, they are hosting twice or more the original size. E.g.: The Monrovia Central Prison-MCP was intended to accommodate 300 inmates, but today, the MCP accommodates between 1,500 to 2,000 inmates. The Gbarnga Central Prison was built for 135 inmates but now accommodates between 300 to 375 just to name few amongst the 15 prisons in Liberia. This is one of the fundamental causes to prisons overcrowdings which is compounded by the delay in the adjudication of court cases on the dockets that causes the proliferation of prolonged pretrial detentions which leads to gross violations of the fundamental human rights of residents. In many cases, some detainees stayed in prisons for over 5 years without trial which is a flagrant violations of the *Constitution of Liberia Article 21 f*. In some cases, human rights lawyers have complained about the denial to *habeas corpus* because of prolonged pretrial detentions in line with Article 21 g<sup>9</sup>. Despite the current improvement in the provision of meal for inmates as compared to previous (*CDC Government Regime*), only one meal is served per day with less ingredients for nutrition which also causes health problems for the inmates. This should be one of the many reasons to have the Bureau of Correction and Rehabilitation-BCR autonomous that will empower the BCR to collaborate with other organizations for efficiency. Despite Liberia being a signatory to many international human rights instruments including the *Standard Minimum Rules for the Treatment of Officers, which is called the Mandela Rules on Prison*, the *Optional Protocol to the Prevention of Torture- OPCAT*, the *Kampala Declaration on Prisons*, the *Ouagadougou Declaration on Accelerating Penal and Prison Reform in Africa*, amongst others, Liberia has failed to live up to their implementations. The separation of prisoners' categories which the 1986 Liberian Constitution also guaranteed, the provision of adequate food (3 square meal a day), medical attentions, the provision of psychosocial and livelihood training, etc. remains challenged. Although there are few NGOs including RHRAP, Serving Humanity for Empowerment and Development-SHED, Prison Fellowship Liberia- FPL, Plan International Liberia, Samaritan Purse are providing some of the above services (*psychosocial & livelihood training, provisions of medications to inmates, legal representations etc.*) to few prisons, but adequate measures need to be taken by national government at the policy and implementation fronts. Government has not provided uniforms to all of its Correction Officers, none the inmates which is

<sup>8</sup> The participants at the International Seminar on Prison Conditions in Africa, held in Kampala from 19 to 21 September 1996, recommend.

<sup>9</sup> The right to the writ of habeas corpus, being essential to the protection of human rights, shall be always guaranteed, and any person arrested or detained and not presented to court within the period specified may in consequence exercise this right.

completely troubling in terms of prison's violence including jailbreak. The safety of Correction Officers must always be guaranteed (*Mandala Rules on Prisons*)<sup>10</sup>.

## **The National Security Agency -NSA Detention Site.**

Over the years, the National Security Agency - NSA has refused to allow Civil Society Organizations-CSOs, Human Rights Activists, the Independent National Commission on Human Rights-INCHR, etc. to visit their detention sites despite of series of allegations of torture. For example: A Journalist and some defendants in the Capitol Building arson attacked on December 18, 2024, trial have alleged that they were tortured by the NSA while in the NSA Cell <sup>11</sup>. The refusal of the NSA to allow monitoring of their detention sites is not only a violation of detainees' rights, but also a disregard to the implementation of the Optional Protocol to the Convention Against Torture-OPCAT ratified by Liberia in 2004 making it the first African Country for ratified such an important instrument. The Ministry of Justice (*prisons, police, Immigration*), and the Armed Forces of Liberia- AFL allow visitations to their withholding cells once the procedures are followed in obtaining permit which is very laudable in the monitoring and prevention of torture. The first step in the implementation of OPCAT, is the development of a *National Prevention Mechanism-NPM* which has not been developed. There are many other African Counties that have ratified and signed the OPCAT as well as developed their NPM, while Liberia is far lacking behind despite been the first to ratify the OPCAT.

## **Recommendations:**

- It is urgent that CSO actors, the Independent National Commission on Human Rights-INCHR engages the national government including the office of the presidents, the 55<sup>th</sup> National Legislature for the passage of the bill that seeks to make the BCR autonomous which will reduce the burden on the Ministry of Justice to make the BCR more efficient and effective. The bill has been languishing at the National Legislature for years.
- Based on current situation, government should urgently prioritize the renovation and construction of prison facilities across the country starting with the Cheesemanburg Prison to host the already deplorable Monrovia Central Prison-MCP which will contribute to the reduction in prison overcrowdings, promote separation of prisoners' categories, and on the overall, comply with national and international instruments on penal reforms including prisons and detention sites.
- In line with ***the Kampala Declaration on Prison Conditions in Africa***<sup>12</sup>, the below should be applied:
  - a. The police, the prosecuting authorities and the judiciary should be aware of the problems caused by prison overcrowding and should join the prison administration in seeking solutions to reduce prisons overcrowdings.
  - b. Judicial investigations and proceedings should ensure that prisoners are kept in remand detention for the shortest possible period, avoiding, for example, continual remands in custody by the court, and
  - c. There should be a system for regular review of the time detainees spend on remand.
- In line with the Optional Protocol to the Convention Against Torture-OPCAT, which Liberia was the first country to signed in 2004, the National Security Agency-NSA *must open* its detention sites to Human Rights Monitors, the Independent National Commission on Human Rights-INCHR, etc. for monitoring as in the case of the Ministry of Justice, and the Armed Force of Liberia-AFL. *Government must live up to its national and international obligations that promotes human rights, rule of law, and democratic values at all times.*

<sup>10</sup> Rule 1: The safety and security of prisoners, staff, service providers and visitors shall be ensured at all times.

<sup>11</sup> <https://allafrica.com/stories/202502060509.html> (Information collected 09/22/25)

<sup>12</sup> The participants at the International Seminar on Prison Conditions in Africa, held in Kampala from 19 to 21 September 1996 recommendations:



- Government should prioritize providing career or livelihoods training for inmate especially young inmates, and adequate reintegration into communities to avoid prejudices, recidivisms, etc. as provided for by the *Mandala Rules on prison Rule 90*<sup>13</sup>, the *Kampala Declaration on Prison Conditions in Africa*, etc.<sup>14</sup>.
- National government should promote the reintegration of offenders into society in compliance with *The Ouagadougou Declaration on Accelerating Prison and Penal Reform in Africa*<sup>15</sup>. One of the best ways to do this is by providing vocational or livelihood training and adequate reintegration package.
- To be in parallel with others African Nations in panel reforms, national government should encourage best practices from other countries like good management of prison resources from *Rwanda (biogas – see p. 2)* and *Malawi (prison farms)*; *an integrated approach to criminal justice from Uganda*; *community service from Zimbabwe, Kenya and Burkina Faso*; *monitoring prison conditions, Burundi*; *prisoners' rights, Morocco (The Ouagadougou Declaration on Accelerating Prison and Penal Reform in Africa)*.
- To make the police effective and efficient, it is recommended that government increase the salaries of Police Officers that commensurate with the current cost of living. This will contribute to the reduction in police corruption and increase their effectiveness on the job.
- In the wake of government combat against illicit drugs, the prisons are overwhelmed thus causing additional pressure on the low budget allotted to the Ministry of Justice. With this situation, it is recommended that national government urgently provide additional funding to the Ministry of Justice for the provision of food, provision of alternative housing, etc. at prisons and detention sites.
- Finally, based on the critical nature of Liberia's penal system, the government should urgently apply an integrated approach to Liberia's Criminal Justice and penal reforms by considering the following in line with the *Kampala Declaration on Prison Conditions in Africa* and *The Ouagadougou Declaration on Accelerating Prison and Penal Reform in Africa*: Alternatives sanctions to imprisonment, including the successful and internationally replicated African model of community service; Reducing remand prison population; and Improve Juvenile justice.

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<sup>13</sup> The duty of society does not end with a prisoner's release. There should, therefore, be governmental or private agencies capable of lending the released prisoner efficient aftercare directed towards the lessening of prejudice against him or her and towards his or her social rehabilitation.

<sup>14</sup> that prisoners should be given access to education and skills training in order to make it easier for them to reintegrate into society after their release,

<sup>15</sup> Greater effort should be made to make positive use of the period of imprisonment or other sanction to develop the potential of offenders and to empower them to lead a crime-free life in the future.