

LSH
Heard at Field House

OT (Liberia - Return to
Monrovia) Liberia [2003]
UKIAT 00164

On 27 November 2003

IMMIGRATION APPEAL TRIBUNAL

notified:

Date Determination

2003.....

08 December

Before

:

His Honour Judge N Ainley (Chairman)
Mrs J Harris

Between

APPELLANT

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

RESPONDENT

DETERMINATION AND REASONS

1. This is an appeal by the claimant from the determination of Mr Radcliffe, Adjudicator, sitting on 2 July 2003.
2. The grounds of appeal which are before us expressly disavow any claim under the Refugee Convention by paragraph 2 but, do assert that the Adjudicator did not adequately consider the human rights position should the claimant be returned to Liberia.
3. In paragraph 3 of the grounds of appeal the Human Rights Convention point is specifically made, and in paragraph 4 complaint is made that the Adjudicator does not appear adequately to have assessed the background material that

was before him. It is on that basis that leave to appeal was granted.

4. It seems to us that there is force in the criticism of the Adjudicator's lack of apparent consideration of the background situation in Liberia. However, whatever the position then the Adjudicator was dealing with a situation that has now been overtaken by events, because since his determination, from 18 August 2003, there has been a cease-fire in Liberia and the position now is radically different from that which obtained before. We have been assisted in assessing what the situation for returning Liberians actually is by the October 2003 CIPU Country Report on Liberia and also by an article which has been submitted to us by Ms Thirumaney appearing for the claimant, for which we are grateful from Amnesty International, headed "Liberia urgent protection needed as peace remains elusive for thousands of civilians". This article is dated 24 November 2003 and deals with matters that have very recently been discovered by its authors.
5. It must be borne in mind of course that in this case if the claimant were to be returned to Liberia, he would be returned to Monrovia, he would not be returned to any other part of that country. It is therefore important to consider what the position nowadays actually is there. This is covered in a few paragraphs in the CIPU report and we shall quote in so far as is necessary those paragraphs which appear to us to be relevant.

"5.18 There has been a reduction in violence in areas where peacekeepers have been deployed, particularly around Monrovia, but the situation remains tense. There have been clashes between rebels and government forces, in particular there is heightened tension between MODEL and government forces in the south of the country around the port city of Buchanan. The city is reported to be controlled by rebel forces.

At paragraph 6.49 there is a general over view of the situation:

"6.49 On 1 August 2003 the UN Security Council sanctioned the deployment of a multi-national peacekeeping force to the region. This was at the request of the Secretary - General, and adopted as Resolution 1497 (2003). Under Resolution 1509 (2003), a United Nations Mission in Liberia (UNMIL) was sanctioned for a period of twelve months. This resolution stated that UNMIL is to be made up of 15,000 peacekeepers, whose primary mission is to monitor the peace agreement, and assist in the maintenance of law and order.

At paragraph 6.54

“6.54 Conditions within Monrovia have improved, but the provision of basic services remains poor. In the country generally, violent clashes between rebel and government supporters, has made the provision of aid, and reporting on conditions in these areas, very difficult. In July 2003, the UNHCR requested that governments do not enforce the removal of failed Liberian asylum seekers for a period of six months. This was in response to the upsurge in violence, and the resulting difficulties in providing protection to the general population.”

Of course the UNCHR’s request was made at the height of the fighting and a month before the cease-fire came into effect.

6. The Amnesty International document points to matters already referred to in the CIPU report, in particular to the continuing violence that exists outside areas which are patrolled by UNMIL. I will quote from what appeared to us to be the relevant passages of that document:

“Although the capital Monrovia enjoys an uneasy calm after the devastating events of June and July attacks on the civilian population by former government forces and the two armed opposition groups Liberians United for Reconciliation of Democracy (LURD) and the Movement for Democracy in Liberia (MODEL) are continuing in Bong, Nimba and Grand Bassa counties.

During their two week visit to Liberia Amnesty International’s delegates met large numbers of internally displaced people in camps around Monrovia in Kakata in Margibi county, Totota in Bong country and also in Sagleiyie in Mimba county. Those in Kakata and Totota described how their villages were attacked and looted by LURD forces and how as they fled their few remaining possessions were taken by former government forces based around Sanoyie. Those in Sagleiyie had fled MODEL forces as they advanced towards Tapeta and Graie killing looting and destroying villages. Predominantly Krahn MODEL forces are attacking those from the Mano and Gio ethnic groups in the country because of their assumed support for former President Charles Taylor”.

“It is clear the presence of UN Troops offers protection to the civilian population in a few areas where they are currently deployed” Amnesty International said “what is needed urgently is swift deployment of additional forces with adequate logistical support beyond Monrovia and the main

route to Gbarnga. Once deployed they should vigorously pursue their mandate to protect civilians”.

7. It is also pointed out that as yet nothing like the full compliment of 15,000 troops has been deployed; it is unlikely that they will be deployed until March next year some 4,500 troops are in place.”
8. Drawing the threads of these accounts together, it seems to us to be tolerably clear that the position if a person is returned to Monrovia is not such any longer as to engage Article 3. The situation in Monrovia is tense but it is under control. Monrovia is an area where there are UN troops in numbers and they are able to keep the peace in that city. Further it is apparent from the fact that internal displacement camps have been visited by Amnesty International both that such camps function and further that they are open to outside scrutiny. There is no criticism of the safety of the people who are in those camps at present. We are confident that if Amnesty International had discovered that there were any security problems for those who are at present in internal displacement camps they would have said so in this report. In the absence of such evidence we feel that we are in a position to conclude that if returned to Monrovia this claimant, although a Mandingo and a Muslim would be at no particular enhanced risk over and above that run by other Liberian citizens. Further we come to the conclusion that the ordinary Liberian citizen himself if in Monrovia or in the camps near there is at not real risk of Article 3 harm.
9. In all those circumstances, we consider that this appeal must be dismissed, for we do not consider that the stringent conditions necessary for the provisions of Article 3 to be invoked exist at present in the Monrovia area; the area to which returns would take place.

Ainley

**His Honour Judge N
Vice President**