The history of Liberia is unique in Africa as it started neither as a native state nor as a European colony, but was established by freed African slaves that emigrated from the United States of America through funding, material and other support provided by the American Colonization Society (ACS), a private organization. By July 26, 1847, Liberia became an independent State. With the creation of the first black-country in Africa, and the offer of free lands to African American settlers, Liberia became the point of destination for emigrating African Americans escaping mainly from discrimination and oppression in America during the 19th century.

It is important to appreciate that there were natives when the settlers arrived, but the creation of Liberia is credited to the freed slaves. In that sense, Liberia is actually a land of immigrants. Interestingly, the situation that led to the arrival of the freed slaves to what is today known as Liberia is basically the same with undocumented migrants today – persecution and oppression.

For that matter, part one of this paper will discuss the rights and obligations of immigrants/refugees as we see it in Liberia, while part two will discuss the risk of modern slavery in light of the problems associated with human trafficking.

**Part I**

*Specify what are:*

1. The obligations imposed on a migrant (with undocumented status):

   a. when applying for access to the territory of your country, whether on entering the country (by air, boat, rail or road).

**Response**

In the event of an undocumented migrant seeking access to the territory of Liberia, the Alien and Nationality Law of 1973 and the Refugee Act of Liberia (1993) provide that such migrant must first report to an immigration officer stationed at the point of entry. The immigration officer is under duty to conduct investigation to determine if the undocumented migrant has a case, to warrant further investigation.

It must be noted, however, that immigration officers do not have constitutional limitations in exercising their law enforcement power, with respect to migrants while at any border of the country. They may investigate, question or inspect without Miranda rights (warning). Immigration has to do with national security. The protection of the Liberian State is critical than any constitutional rights. Therefore, unknown characters from different countries with unknown
motive are not admitted without the necessary checks. Terrorists, traffickers and insurgents must be prevented from entering. Hence, the major obligation imposed on a migrant with undocumented status when applying for access to Liberia is to prove that he/she is not a terrorist, trafficker, insurgent or an individual with a dangerous motive, but that there is a genuine cause, such as persecution based on ethnicity, faith or political opinion for seeking admission to the country; otherwise the migrant may be excluded from the country.

b. or being later found to have entered the country illegally;

Response

Liberia has long porous borders, some of which the Liberia Immigration Service (LIS) may not be aware of, or if aware, may not have the capacity to man. According to the LIS, many migrants enter into Liberia daily, making use of border posts which are unknown to the immigration authority. Once in the country, the migrants do everything to avoid coming into contact with law enforcement officers. When they are arrested, they are fined or imprisoned, or both (Sec. 5.90, Alien and Nationality Law), after which they are expelled.

There are instances in which an undocumented migrant who enters the country illegally, may not face expulsion as specified under the principle of non-refoulement. Non-refoulement is a fundamental principle of international law that forbids a country receiving asylum seekers from returning them to a country in which they would be in likely danger of persecution based on race, religion, nationality, membership of a particular social group or political opinion. This provision is based on Article 33(1) of the United Nations Convention relating to the status of refugees of which Liberia is a signatory.

Therefore a migrant who has entered Liberia illegally has the obligation to prove to the relevant authorities in Liberia, such as the LIS and the Liberia Refugee, Repatriation and Resettlement Commission (LRRRC) that he/she stands to suffer persecution based on race, religion, nationality or political opinion, if forced to return to his/her country of origin. If such prove is lacking, the migrant faces expulsion.


a. during the period of the regularization procedure following his request to get refugee status;

Response

Regularization procedures are the primary means to ensure that deserving migrants are not returned to situations where they face a risk of persecution or other harm.

At times, the process is long and imposes a lot of difficulties for migrants, yet the destination country is under obligation to ensure that the rights of migrants during regularization procedures are protected as enshrined in the Liberian Constitution. Chapter III, Article 11 (a) of the
Constitution provides that “All persons are born equally free and independent and have certain natural, inherent and inalienable rights, among which are the rights of enjoying and defending life and liberty.” The Constitution also provides for the fundamental rights for all persons, irrespective of ethnic background, place of origin, or political opinion. Therefore, Liberia has an obligation to ensure that the basic human rights of a migrant are fully protected insofar as such migrant goes through the process of regularization.

Additionally, a migrant has a right to an interpreter, if he/she does not speak the local language, in addition to a lawyer if such migrant so desire, during the regularization procedure.

b. after being accepted as a refugee;

Response

The 1951 Refugee Convention, and its 1967 Protocol, is the only global legal instrument dealing with the status and rights of refugees, while regional agreements include the 1984 Cartagena Declaration and the 1969 OAU Refugee Convention. The 1951 Refugee Convention defines refugees’ human rights, including the principle of non-refoulement, stating that a refugee “should not be returned to a country where he or she faces serious threats to his or her life or freedom.” Other rights include the right to work, the right to freedom of movement, the right to housing, education, justice and more.

Refugees are passive and dependent, for which they should be given food aid and regular medical care. Refugees are to be protected in the contracting state where they are. The same rights given to aliens should be extended to refugees.

c. After the rejection of his application as a refugee;

Response

The procedure for the regularization of the status of a migrant as a refugee is often tedious. It involves screening from the Protection Department of the LRRRC, which is responsible for the status of refugees in Liberia, along with the Liberia Immigration service (LIS).

The LIS, upon hearing the case of a migrant, and on the face of it, determines that it has merits, certifies the migrant to the Eligibility Committee of the LRRRC for further screening. When satisfied that the migrant has met the requirements for a refugee, the LRRRC does a cover letter to the information gathered from the migrant to UNHCR for an Asylum Seeker’s Certificate and a registration number. That qualifies the migrant to the asylum regime of the country.

However, there are instances in which migrants, in the wisdom of the Eligibility Committee (EC), may not meet the eligibility criteria and can be denied. In such case, an affected migrant may appeal within 14 days from the ruling of the EC to the Appeal Board (AB). He/she must be present in person, along with a lawyer, if preferred, and not by a lawyer alone. If the AB affirms
the decision of the EC, the migrant may take an appeal to a court of competent jurisdiction, preferably to a circuit court, if in one of the counties of Liberia, or to the Sixth Judicial Circuit Court, if in Monrovia. An appeal from any circuit court will lie before the Supreme Court of Liberia which has final determination of the matter.

Part II

Trafficking in Migrants: Risk of Modern Slavery?
-The Liberian Situation

Trafficking in persons has been a menace in Liberia from the founding of the Liberian state. For decades, the practices of recruiting, transporting, transfer or harboring persons by means of threat, deception, use of force, fraud, abduction or abuse of power and position of vulnerability and exploitation have existed in Liberia. This was sometimes practiced by persons in official capacity, evidenced by the infamous Fernando Po Crisis of 1923. During the Fernando Po Crisis, Liberia provided laborers to Spain, France and England. The laborers worked for these European countries in Fernando Po. The Liberian Government would receive about 6 to 8 British Pounds for each head sent to Fernando Po.

Thousands of boys and young men were taken by the Liberian government to work on Fernando Po. The young males got paid only one British Pound per month or the equivalent of about $1.50 in US dollars. Yet it cost about two Pounds per month to afford their food rations and to travel to and from the island. Therefore, the labor, although not officially slavery, was the equivalent because the men worked against their will, and the workers ended losing money because of expenses.

During the investigation of the Fernando Po Crisis, a journalist interviewed Liberian Laborers for evidence of labor abuse. The laborers said they were put to work from 6 am to 11am, got a break, and put back to work from 1p.m to 6 p.m. This 10 hour work day in scorching heat was unjust and dangerous to their health. Their living conditions were harsh as well. The journalist described their sleeping quarters as ‘fifty boys being packed close together on beds of cocoa stakes and banana leaves.

Today, many Liberians engage in acts that constitute trafficking in person, such as using children to sell to support families and the use of deception to transfer children to the cities under pretense of sending them to school, but these children end up in many instances as bread winners and
domestic workers for their “guardians”. Unfortunately, these “guardians” do not realize that they are doing human trafficking. They see it as a normal routine.

Even well-placed persons in the Liberian business community, such as Lebanese merchants have been caught in the business of human trafficking. For instance, in a case concerning five Moroccan nationals and a Tunisian, the defendants (the five Moroccan and the Tunisian) recruited victims from Morocco and Tunisia, transported them to Liberia through the Roberts International Airport, and harbored them by means of deception for the purpose of exploitation. The recruitment was done under the pretense that the victims would be employed to work at Moulin Rouje Bar and Restaurant in Liberia as Attendants, Cook, Waitresses and Musical Entertainers for a monthly salary ranging from US$500-$1000.

Moulin Rouje Bar and Restaurant is a corporation owned by Co-Defendant Dib Edmond Kassabli and was operated by Co-Defendant Anthony Kassabli at the time of the arrest of the defendants.

While in Liberia, the Defendants took away the passports and other traveling documents of the victims, refused to pay them as promised, and forced them to have sex with some unidentified males under threats and for money, which was paid to and received by the defendants. The defendants also assaulted, threatened, and abused the victims, clustered them in a single room under unsanitary conditions and made to work long hours without food and rest.

During the August Term of Court A.D. 2013, the case was tried, and at the conclusion of the production of evidence and arguments by both sides, the petit jury brought down a unanimous guilty verdict against the defendants. The maximum sentence given was seven years.

In a well publicized case, RL vs. Abbas El Debes1, Liberian Girls were trafficked to Lebanon. The Girls were at different times and places contacted by Defendant Abbas El Debes through his driver Richard Dickson Tamba pertaining to an opportunity to travel to Lebanon and work in Supermarkets and Restaurants for salaries ranging from US$200-US$250 per month as well as opportunity to go to school. The victims’ birth certificates and passports were processed by Richard Dickson Tamba with funding from Defendant Abbas El Debes. Defendant Abbas El Debes personally procured Visas and purchased plane tickets for each of the victims whom he sent to Lebanon.

Upon the victims’ arrival in Lebanon, they were received by Ghazi Bashir and Bashir Lackis, the nephews of Abbas El Debes and subsequently sold as house maids to different Lebanese families for the sum of US$3,500 each; wherein the victims were ill-treated, beaten, raped and made to work without pay. The victims’ passports and other relevant traveling documents were seized from them by Bashir Lackis and turned over to their Lebanese masters.

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1 Except for the Supreme Court of Liberia, cases at lower courts are not codified
During one of Defendant Abbas El Debes visit to Lebanon, he met some of the girls whom he had trafficked and smuggled from Liberia at his sister’s house. There, the victims informed him that they were working as house maids for long hours without pay, beaten and sexually abused by Ghazi Bashir and Bashir Lackis contrary to working in supermarkets and restaurant as promised. Defendant Abbas El Debes told the victims that they had no option but to do what Bashir told them to do. That said the ill-treatment continued until the victims escaped and were rescued by the Liberian community in Lebanon and IOM.

Predicated upon the aforesaid, Defendant Abbas El Debes along with several others were indicted by the grand jury for Montserrado County, for the commission of the crimes of Illicit Human Trafficking and Gang Rape. The Trial of the case immediately commenced during the August Term and ended during the November Term, 2015. During the May Term A.D. 2016, the case was re-tried. The court subsequently brought down a not-guilty verdict in favor of Defendant Abbas El Debes on grounds that he was not the actual defendant.

In yet another case, **RL vs. Sao Kromah, Hanah Brima, Kadi Lumeh and Benjamin Fred Dorboryan**, a four (4) year old girl was transported from Kenema, Sierra Leone to weaju, Grand Cape Mount County, Liberia by Co-Defendant Sao Kromah. The purpose of Sao Kromah’s trip to Liberia was to sell the survivor to settle her (Co-Defendant Sao Kromah) debt of fifteen (15) Million Leones. Co-Defendant Sao Kromah conspired with Co-Defendants Hannah Brima, Kadi Lumeh and Benjamin Fred Dorboryan, a motorcyclist to transport and sell the survivor in Tubmanburg. The plan to sell the victim was discovered in Bahi Community, Tubmanburg by Mr. A. Lincoln Vincent who subsequently alerted the police.

Co-Defendants Sao Kromah, Hannah Brima, Kadi Lumeh and Benjamin Fred Dorboryan were indicted by the grand jury for Bomi County for the commission of the crime of Human Trafficking. Thereafter a motion of change of venue was filled by the State and same was granted by the court thus transferring the matter to the 13th Judiciary Circuit, Margibi County.

This case was tried during the May Term A.D. 2017. At the conclusion of the production of evidence and arguments by both parties, the petit jury returned a unanimous verdict of guilty against the Defendants. Co-Defendants Sao Kromah was sentenced to a prison term of 5yrs; Hannah Brima and Kadi Lumah were sentenced to a prison term of 3yrs each whilst Co-Defendant Benjamin Fred Dorboryan was sentenced to a prison term of 1yr.

**Laws against Human Trafficking in Liberia**

There are laws in Liberia banning human trafficking or acts that would constitute trafficking in persons. They range from the Constitution to a number of statutes.
(A) Constitutional prohibition

The Constitution of the Republic of Liberia provides in Article 12 that “No person shall be held in slavery or forced labour within the Republic or shall any citizen of Liberia nor any person resident therein deal in slaves or subject any other person to forced labour, debt bondage, or peonage.”

STATUTES
Section 5 of the Act To Ban Trafficking in Persons Within The Republic of Liberia, the key anti-human trafficking statute in Liberia provides that “whoever engages in, or conspires to engage in, or attempts to engage in or assists another person to engage in or organizes or directs other persons to engage in “trafficking in persons” shall be sentenced as follows;

i) If the convicted person used, threatened to use, or caused another to use or threatened use of a dangerous weapon, 2 years shall be added to the minimum sentence (one year);

ii) If a trafficked person suffers a serious bodily injury, or if the convicted person commits a sexual assault against a trafficked person, 5 years shall be added to the minimum sentence;

iii) if the trafficked person has not attained the age of 18 years, 5 years shall be added to the minimum sentence;

iv) if, in the course of trafficking or subsequent exploitation, the convicted person recklessly caused a trafficked person to be exposed to a life threatening illness or if the convicted person intentionally caused a trafficked person to become addicted to any drug or medication, 5 years shall be added to the minimum sentence;

v) if a trafficked person suffers a permanent or life threatening injury, 10 years shall be added to the minimum sentence;

vi) if a trafficked person dies as a result of the trafficking, the sentence shall be between 20 years and life imprisonment;

vii) if the trafficking was part of the activity of an organized criminal group, 3 years shall be added to the minimum sentence.

Other laws that prohibit modern slavery or trafficking in persons is the Decent Work Act. Section 2.2 (b) states: “A person shall not directly or indirectly cause, permit or require any person to perform forced labor.”

It also provides in Section 2.3 that “No person shall employ or cause a child to be employed.”
Section 2.3(b) prohibits all forms of slavery or practices similar to slavery, such as the sale and trafficking of children, debt bondage, serfdom and forced or compulsory recruitment of children for use in armed conflict.

**Enforcement**

In response to the increase in human trafficking in Liberia, a task force was set up in 2006. The task force was charged with the responsibility to keep surveillance, conduct public awareness about human trafficking, investigate violations, report findings and prosecute violators of the anti-trafficking legislation that was passed in July, 2006.

The task force comprised eight (8) government ministries and agencies including the Ministry of Labour, Ministry of Justice, Internal Affairs, Health and Social Welfare, Gender and Child Protection, the Liberian National Police (LNP), Foreign Affairs and the Liberia Immigration Service. A number of civil society organizations, (CSOs) served as associate members to the task force. They included Federation of Liberian Youth and Community Watch Forum. The Anti-Human Trafficking Task Force is chaired by the Ministry of Labour and co-chaired by the Ministry of Justice.

The task force is supported by International Partners such as the International Organization for Migration (IOM), World Hope International and the United States Embassy near Monrovia. Members and Associate members of the Task Force hold monthly networking meetings on the last Friday of each month. The Anti-Human Trafficking Task Force has a secretariat at the Ministry of Labour. The Secretariat which is the operational arm of the Task force conducted training in the 15 Political Subdivisions of Liberia (Counties) for LNP officers, community leaders, Local Government functionaries and Traditional leaders about human trafficking and how to monitor and report cases to the authorities. The Secretariat maintains a hotline to facilitate free calls for reporting human trafficking. Violations in counties are reported to the labor commissioners who conduct preliminary examination and upon finding probable cause report to the Secretariat for prosecution. The Government runs a safe-home for victims. Apart from a few cases most are domestic violations involving child abuse or child labor. Most of these cases end at the preliminary investigation level due to the failure of parties to follow up on cases to the conclusion. Often the perpetrators are close friends or family members.
**Conclusion**

Liberia has long been a destination for migrants; yet, like many other states, it has its own problems with undocumented migrants. Nevertheless, Liberia has institutions such as the Liberia Refugee, Repatriation and Resettlement Commission (LRRRC) and the Liberia Immigration Service (LIS) that have statutory obligations to protect the rights of undocumented migrants. Additionally, Liberia is a signatory to international conventions that deal with the protection of refugees, such as the United Nations Convention on the Status of Refugees, and to date, Liberia has lived up to its obligation as contained in those instruments.

However, there are people within Liberia who exploit the precarious situation of migrants to turn them into slaves. Therefore, the risk of the practice of modern slavery exists in Liberia. However the Liberian Government has put in place laws and mechanisms to combat this risk. Enforcement of these laws will ensure that trafficking in human is curtailed in Liberia. In addition, many persons are not aware of acts that constitute trafficking in humans. Therefore, more public awareness is needed to tell the population about the consequences and ills of human trafficking.