

Report of the Special Presidential Committee to Investigate the March 22, 2011 Standoff between the Students of the Monrovia Consolidated School System (MCSS) and the Liberia National Police (LNP)

Introduction

On April 18, 2011, President Ellen Johnson Sirleaf, through the Acting Minister of Justice, Cllr. M. Wilkins Wright, appointed a six-member Committee to investigate the brutal repression by the Liberian National Police of a student demonstration in Monrovia on March 22, 2011. Students of the Monrovia Consolidated School System (MCSS) had staged what was to be a peaceful march to draw the attention of President Ellen Johnson-Sirleaf to a strike action by their teachers in demand of the payment of their salary increment, when the situation turned violent. The result was bloody.

The institutions appointed to the Committee by the President were: The Association of Female Lawyers of Liberia, represented by its President, Attorney Tiplah Reeves; The Inter-Religious Council of Liberia, represented by Mr. Kabah M. Trawally; The Liberia National Students Union (LINSU), represented its President, Mr. Kwame E. Ross; The National Teachers' Association of Liberia (NTAL), represented by its President, Mrs. Ellen-Fartu G. Varfley; The Press Union of Liberia (PUL), represented by its President, Mr. Peter Quaqua and Cllr. Tiawan Saye Gongloe-Chairman.

At its first sitting, the Committee resolved that except for the rental fees for its meeting venue, (the Law Library), it would proceed without seeking financial support from the Government of Liberia in terms of honorarium, gasoline, scratch cards, etc.

However, the Committee decided that it would accept logistical support from members of the public and institutional members of the Committee in order to avoid delays and to uphold its integrity.

It is important to note that aside from Cllr. Pearl Brown Bull who made a financial contribution of Twenty United States Dollars, the logistics for the work of the Committee were generously provided by members of the Committee. The Chairman takes this time therefore to express thanks to Cllr. Brown Bull and members of the Committee for their generous contributions.

Terms of Reference

Going forward, the Committee determined that its fact-finding would be based on three basic issues:

1. Whether the students, in the exercise of their rights to march, acted within the scope of the law;
2. Whether the police, in the performance of its duty to maintain law and order acted within the scope of the law and the Standard Operating Procedure (SOP) of the police and best practice; and
3. What led to the students' protest action

Methodology

The Committee invited and sought information from members of the public including the affected students and their leaders, the principals of G. W. Gibson and the William V. S Tubman High Schools and the leadership of the Monrovia Consolidated School System Teachers Association (MCSSTA). Also invited to appear before the Committee were police authorities - the Director, his Deputy for Operation, the Commander of Emergency Response Unit (ERU), the Commander of

the Police Support Unit (PSU) and the commander of the Patrol Division and one of the officers involved in the operation on that day.

The Committee similarly invited the Ministers of Education and Finance, Mr. Cecil Griffiths, head of the National Law Enforcement Association of Liberia, Mr. Raleigh Seekie whose vehicle was allegedly damaged by stones, the Executive Director of Youth Action International, Kemmie Weeks, the Deputy Minister of Information, Norris Tweah, the Grebo Governor whose office is within the proximity of the Gibson High School and visited also the scene of the clashes and talked to several eye witnesses.

The Committee likewise relied on written reports, newspaper clippings and video footage of the fracas.

Except for Mr. Raleigh Seekie who could not be reached and the Finance Minister, Augustine Ngafuan who was out of the country at the time, everyone invited appeared. The Committee expresses its deepest appreciation to all for their cooperation with it in an attempt to discover the truth about the incident between the police and the students on March 22, 2011.

Findings

While conducting the probe, the Committee found the following to be the essential facts:

1. On Monday, March 21, 2011, teachers of both William V. S Tubman High and G. W. Gibson High Schools did not report to work. The reason for their action was that the increment in salary promised by government in the 2010/2011 budget for teachers, scheduled to have taken effect in January 2011, had not been received. Representatives of the MCSS Teacher's Association told the Committee that they made numerous appeals for redress to no

avail while other employees from the health and Security sector promised increment in the 2010/2011 budget had received their payments.

2. Appearing before the Committee, Education Minister, Hon. Othello Gongar blamed the delay in effecting the teachers' payment of the increment on the rigorous clean up of the list for removing the names of unqualified and illegitimate teachers. He said the initial list sent by the Ministry of Education to the Ministry of Finance got rejected because it included other employees apart from classroom teachers for whom the increment was intended. The Education Minister admitted that there was difficulty removing the names of unqualified teachers from the list. He also charged some teachers of submitting fake documents. According to the Minister, getting a list accepted by the Ministry of Finance and the Civil Service Agency took a lot of time because some of the teachers were often not in classrooms in their assigned areas but normally showed up whenever there was announcement for payment, amongst others.
3. On the evening of March 21, 2011 the Director of Police, Marc Amblard put the Emergency Response Unit (ERU) on standby at the Police Headquarters based on information he received that students were planning to stage a major demonstration.
4. On the morning of March 22, Students of G. W. Gibson and Tubman High Schools took to the streets for what was to be a "peaceful march" to the Foreign Ministry office of President Ellen Johnson Sirleaf to draw her attention to the action of their teachers and seek her intervention. The principal of G. W. Gibson High School, Mr. Terrence Moore told the Committee that he advised the students not to be violent but to march peacefully with placards,

stating the reasons for their action. The Principal of Tubman High School, Mr. Emmanuel Sannah informed the Committee that he advised the students to go home and avoid going in the streets, but the students instead took to the streets. In his words, “they came back running few minutes later and I allowed them in the fence and locked the gate.” There was no other engagement between the students and the police from that point as the video clipping shows the Police (ERU) patrolling the Tubman High School area.

5. The marching students of G. W. Gibson went ahead with their march towards the Foreign Ministry (Executive Mansion) without obstruction until they reached at the gates of the University of Liberia, where they were intercepted and dispersed by personnel of the ERU, who were carrying fire arms together with PSU and Patrolmen of the police. Students who insisted on going forward were confronted by the police with rattans and other local substitutes for batons. Some students fled into the campus of the University. Eye witness accounts confirmed that the escaping students threw stones at the police and were pursued on the UL campus but the police denied entering the UL fence.
6. The Gibson students were chased by the police back to their campus, where there was an exchange of stone throwing from both the students and some police, thereby endangering the public safety and impeding normal vehicular traffic. Eye witness accounts revealed that the stone throwing was provoked by the arrest of a student by the police. The police pursued the students until the students entered their compound and locked the gate.

7. In an apparent attempt to put the stone throwing from the fence under control, a group of police, mostly of the PSU and Patrol Division moved in combat readiness towards the school compound. The entrance to the school compound was locked. Two of the police officers, assisted by their colleagues, climbed over the fence and forced the gate open for the rest of the police to move in. Majority of the police were carrying protective shields and improvised batons (rattans and sticks) “in hot pursuit” of the students, even though the stone throwing immediately stopped upon their entrance according to eye witness accounts and a video recording. By then, the students, most of whom were female, had all gone into hiding. The policemen were seen on camera forcibly opening classrooms, toilet and offices and indiscriminately beating as well as terrorizing whoever was seen in the compound, leaving many students with severe head wounds and valuable (largely cell phones) and cash reported stolen. The video also shows the top clothes of one female student taken off in the process of the police assault. The student who perhaps suffered the most was Cecelia Pokor, a physically challenged and helpless female student who was severely beaten on the head to the extent that she took fifteen stitches. Student Poker who appeared before the Committee detailed the account of how badly she was brutalized by the police. Further, the video shows pool of blood and blood stains in diverse parts of the school building.
8. The police took some of the wounded students to John F. Kennedy Hospital while others were arrested and detained at the LNP Headquarters. The students reported that about sixty of them were wounded, with 21 of them taken at JFK for treatment. The students put the number arrested at 27 while the police put the figure at 23. Notwithstanding, no loss of lives were reported. The detained

students were released after the intervention led by Youth advocate, Kemmie Weeks, Federation of Liberia Youths (FLY), The Liberia National Students Union, LINSU and some officials of government.

9. On the other end of the city, William V.S Tubman High School students were also on their way marching to the Foreign Ministry to meet the President. At 12th Street, where they laid roadblocks on the main Boulevard thereby impeding the free flow of traffic, the students were engaged by the Deputy Commissioner of Police Patrol Division, Patrick Sudue, who persuaded them to remove the roadblocks and go back to their campus. Although the students removed the obstacles from the road, they requested Commissioner Sudue to guard them to see the President, because as they put it, they were encouraged by their early experience with the President on March 7, 2011 when she provided transport to take them to the Foreign Ministry and back to their campus. Shortly after this engagement between Deputy Commissioner Sudue and the students, the ERU suddenly arrived on the scene with their guns and pandemonium broke up. According to eye witness accounts, it was at this time that the students resulted into throwing stones while the police chase them back to their campus.

There was no major altercation between the angry students and the police at Tubman High High School campus, except for the reported damage done to the JJ Roberts School resulting from stones thrown by students. The Minister of Education displayed a bill from the administration of JJ Roberts claiming US\$6,000 for the repair of the damages done to the school.

Conclusion

1. It is the determination of the Committee that there is an apparent general sense of neglect for teachers in government schools across the country. This is the general view held by the population and it seems to have a psychological effect on the morale of both students and teachers in the sector. This opinion is supported by the long history of government school teachers, particularly those of the Monrovia Consolidated School System (MCSS) laying down their chinks in demand for benefits and better pays which, most often than not, result to demonstration by the innocent and affected students. The Ministry of Education seems to have learned no lesson from similar situations in the past so much so that the Ministry does not even have a database of all qualified teachers in the system, the situation which triggered the delay in the payment of the promised increment to classroom teachers, thus provoking the strike action and subsequently the students' demonstration.

2. While empathizing with the teachers' demand for decent pay and benefits, the Committee observes that the issue of the delay in the payment of the promised increment was not unique to MCSS teachers, or better still, the G. W. Gibson and Tubman High schools. It was a nationwide problem. But the Committee discovered that only Gibson and Tubman High teachers boycotted classes. Perhaps the principals did very little to persuade the teachers not to abandon their classes. It should be noted that students of D. Tweh High School who were initially part of the planned march did not take to the streets - they were being taught in their classrooms because their Principal convinced the teachers to remain in class while he contacts the relevant authorities on their pay increment.

3. In the opinion of the Committee, the students were exercising their civil liberty by carrying placards to draw the attention of the President of Liberia to the situation in their schools. Certainly, when teachers walked out of classrooms and the students had to write the West African Examination test, one can appreciate why they took to the streets, even without a permit to demonstrate.

4. The demonstration turned violent because of the usual tendency of the police to put down demonstration by force, regardless of its nature. The action of the Police began by the Police Director's alert to the ERU on the evening of March 21, 2011 that there would be a major demonstration on March 22. This was accentuated by the clear breach of the rules of engagement largely by officers of the PSU deployed on that day. The students were armless, yet the first units of the Police that engaged them were the ERU and the PSU and not the Patrol Division. In the statements of the Police Director and his Deputy for Operations, these two units are deployed only in violent situations, where the Patrol Unit fails and the safety of members of the public and law enforcement officers is in danger. This is why, according to both Director Marc Amblar and Deputy Director Al Karley, only the Director of Police or his Deputy can order the deployment of the PSU and the ERU. As per the Standard Operating Procedure (SOP) explained by Director Amblard and Deputy Director Karlay, whenever there is an incident, the first unit of the police to go into action is the Patrol Division, then the Police Support Unit and lastly, the Emergency Response Unit (ERU) based on the threat level.

5. The Committee holds the view that it was unlawful for students to lay road blocks and to throw stones at the police from their compound. It is wrong for anyone, students included, to physically attack law enforcement officers. When law enforcement officers

commit any abuse in the performance of their duties, they should be complained to their superiors or any competent authority of government, not attacked. When demonstrators become violent, the police is required to use force to stop the violence. But as a general rule, the police is required to use reasonable force where force is required in the execution of their duties.

6. It is the opinion of the committee that on March 22nd 2011, the police used excessive force on the students in handling the situation. Director Marc Amblard, Deputy Director, Al Karley, the Commander of ERU, the Commander of PSU, the Commander of the Patrol Division and the Chairman of the Law Enforcement Association of Liberia, Cecil Griffiths, upon separately watching the video clipping of police action on the G. W. Gibson Campus declared that the police use of force was excessive and indefensible and totally outside the scope of the basic and specialized trainings provided by the police.

7. However, the Committee found it strange that none of the senior officers and the Directors was prepared to take responsibility for what happened at the G.W. Gibson Campus, even though all of them agreed that the force used on the students was excessive and disproportionate. The PSU Commander for instance, made reference to one Morris Teameh as “incident commander” on the day of the brutal operation, when asked who was in charge. Video showed many senior officers in white uniforms involved in the operation - it wasn’t clear who was leading the men. To quote the Police Director directly, “there were too many cooks in the kitchen.” The Deputy Director for Operation, Col. Al Karley admitted that he went out in the field on the day of the students march, but he did not give orders, especially for the operation at G. W. Gibson High School.

8. The claims of the Director of Police and his Deputy for Operations that they did not order the PSU and the ERU into action on March 22, 2011, suggest that the two units operated on that day without lawful authority. This presents a potentially dangerous situation for a country recovering from years of violent conflict. The obligations of the police to maintain law and order within the framework of promoting and strengthening respect for human rights and rule of law cannot and must not be compromised for any reason, except during a state of emergency declared, consistent with the Constitution of Liberia.

Recommendations

In view of the foregoing facts and circumstances narrated and the observations made, the Committee is pleased to advance the following recommendations:

1. That Police Director Marc Amblard be suspended for two months without pay for his failure to exercise leadership, control, and proper supervision over his men.
2. That Deputy Police Director for Operation, Col. Al Karlay be dismissed for his unprofessional handling of the situation. He commanded the troops through radio communications and was physically present on the field, yet he failed to prevent the excessive and disproportionate force used on the students which led to several of them been severely injured and hospitalized.
3. That the Police Administration be ordered to conduct a full scale criminal investigation within two weeks with the view of identifying those who inflicted serious bodily injuries and

reportedly committed theft on the campus of the G.W. Gibson high school and have them disrobed, charged and appropriately prosecuted. The Committee herewith submits along with the report a copy of the video recording of the incident to aid the police with its investigation.

4. That the Principal of G. W. Gibson High Schools, Mr. Terrence Moore be retired given his age and long service in the educational system since 1971. He admitted to the Committee that he could not control his students.
5. We also recommend that the principal of Williams V.S Tubman High, Mr. Emmanuel T. Y. Sannah be suspended for one month without pay and reassigned. It is the determination of the Committee that he seems to lack control over the students and was not truthful in his presentation to the Committee.
6. That the Minister of Education be given one month to conduct a thorough audit of teachers and personnel, their qualification and location, and produce a comprehensive and reliable database of all public school teachers in the Republic of Liberia to prevent any delay in the payment of salaries/benefits because of inaccurate records. Failure to do so, he should be relieved of his post. Further, to prevent recurrence of the March 22 incidence, the Ministry of Education should ensure that all trained teachers around the country are promptly placed on payroll before the beginning of the next academic year.

7. That henceforth, the PSU and the ERU should only be deployed in line with the rules of engagement of the police.
8. That the capacity of the LNP to deal with street protests and demonstrations be adequately enhanced by the provision of standard equipment required for riot control including but not limited to mega phones and other appropriate crowd control equipment, consistent with international best practice.
9. That the obligation of the police to defend and protect basic human rights be strengthened by emphasizing human rights education in both its basic and regular in-service training programs.
10. That the student leaders of G. W. Gibson, Alfred Kortu and William V. S. Tubman High School, Lee Harris be suspended from seeking higher education anywhere in Liberia for one year each. The Committee believes that the two student leaders failed to prevent their colleagues from throwing stones. Meanwhile the Committee recommends the teaching of civics be reinforced to make them aware of civic responsibilities and rights, and the rule of law.
11. The Committee cautions the MCSS Teachers Association to exercise maximum restraint and patience in the future when advocating for salary increments, benefits or other interests of their members and not act in any manner that prevents students from learning as well as the repeat of the March 22nd episode 2011.

Finally, the point has to be made that security remains fragile in Liberia especially in the wake of the pending general and presidential elections. Liberia needs a crisis management and peace building police. Dissent expressed through peaceful demonstration is a necessary ingredient under a democratic arrangement and should not be feared. The 2005 elections marked not just the end of the Liberian conflict but the politics of fear and violence. Police should be professional in the performance of their duties as peace officers and act in ways not to remind Liberians of their violent past. The Liberian National Police needs to position itself for professionally dealing with demonstrations and violent situations, especially during the up-coming general and presidential elections.

Submitted by the Special Presidential Committee on this 20th day of June 2011 to Mrs. Ellen Johnson-Sirleaf, President of the Republic of Liberia.

Cllr. Tiawan S. Gongloe - Chairman

Atty. Tiplah Reeves - AFeLL

Mr. Kabah M. Trawally - IRC

Mr. Kwame Ross - LINSU

Mrs. Ellen-Fartu G. Varfley - NTAL

Peter Quaqua - PUL

The committee expresses gratitude to the following persons for the valuable information provided committee:

1. Honorable Othello Gongar, Minister of Education
2. Honorable Norris Tweah, Deputy Minister of Information
3. Honorable Marc Amblard, Director of Police
4. Honorable Al Karley, Deputy Director of Police for Operation
5. Honorable Sophie D. Dennis, Grebo Governor, eye witness
6. Mr. Kemmie Weeks, Youth Activist
7. Mr. Terrence Moore, Principal of G. W. Gibson High School
8. Mr. Emmanuel T. Y. Sannah, Principal of Tubman High School
9. Mr. Cecil Griffiths, Chairman Law Enforcement Association of Liberia
10. Deputy Committee Patrick D. Sudue, Commander of the Patrol Division
11. Deputy Committee John G. Karmoh, Commander of the PSU
12. Commander of the ERU
13. Student Cecelia Pokor of G. W. Gibson High Sch.
14. Student Edward Toe, of G. W. Gibson High Sch.
15. Student Winston N. Jeh - Gibson High
16. Student Emannuel Kehmue - Gibson High
17. Student Justin Flomo - Gibson High
18. Student Lee Harris, Tubman High School
19. Student Montgomery Gbier same school
20. Many bystanders and eye witnesses

