

# Next Steps in Liberia's Long Quest for Justice, 10 Years After Commission Report

by David Cornell and Ela Matthews

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Today marks the 10th anniversary of the final report of Liberia's Truth and Reconciliation Commission (TRC) on the abuses committed prior to and during Liberia's 14 years of civil war. Despite the TRC's conclusions that atrocity crimes and serious violations of international law were committed, the Liberian government continues to waver over the creation of a recommended war crimes court to hold perpetrators to account. Some see an accountability mechanism as an essential step for Liberia to heal from the wounds of the past and to address Liberia's culture of impunity. Others, however, worry that a court will reignite old tensions, that it could be misused for political purposes, and that it would be too costly given Liberia's struggling economy. Despite majority support in the Liberian House of Representatives, a resolution calling for the establishment of a court continues to face obstacles.

By way of background, more than 30 years have passed since Charles Taylor and his followers invaded Liberia in a bid to remove then-president Samuel Doe from power. Over the ensuing decade and a half, two brutal civil wars raged throughout the country, displacing half the population and leading to the deaths of nearly a quarter million men, women, and children. Starting in 1989, the National Patriotic Front of Liberia, led by Charles Taylor, wrested power from Samuel Doe and led a brutal struggle for control of the country until Charles Taylor was elected president in 1997. A new rebel movement had formed by 1999 and began attacking Taylor's government forces, plunging Liberia back into a full-blown civil war lasting until 2003.

In 2009, Liberia's TRC found that parties on all sides of the two conflicts committed war crimes, crimes against humanity, and other atrocities, including torture, summary executions, rape, sexual slavery, and the forced conscription of child soldiers. The TRC identified 98 likely perpetrators across the warring factions, and recommended additional investigation and criminal prosecution of those individuals. The Commission called for the creation of an Extraordinary Criminal Tribunal to facilitate those

prosecutions. Nearly a decade later, however, that tribunal has yet to be established. Not a single person has been investigated for civil war-era abuses within Liberia, and notorious war criminals continue to hold office in the Liberian government.

## **Looking for Justice Outside Liberia**

In the past decade, those seeking accountability have been forced to look outside Liberia for justice. For example, in 2009 “Chuckie” Taylor, the son of former President Taylor, was convicted in the United States for torture committed by Liberia’s Anti-Terrorist Unit under his command—the first and only invocation of the United States’ torture statute to date. Meanwhile, his father stood trial in The Hague, was convicted in 2012 by the Special Court for Sierra Leone for crimes committed in that country, and is serving a 50-year sentence in the U.K.

But he continues to evade justice for his crimes or those committed under his orders in Liberia. Last year, U.S. federal prosecutors secured convictions against two senior Liberian commanders – Mohammed Jabbateh and Tom Woewiyu – for immigration fraud related to their human rights abuses in Liberia.

Organizations like the Center for Justice and Accountability (CJA), Civitas Maxima and the Global Justice and Research Project (GJRP), which work with Liberian victims seeking accountability, have likewise sought to advance cases wherever possible. A civil lawsuit filed by CJA’s clients in U.S. federal court seeks to end decades of impunity for the 1990 St. Peter’s Lutheran Church Massacre, where soldiers from the Armed Forces of Liberia slaughtered approximately 600 civilians seeking refuge at a Red Cross shelter in the Lutheran Church in Monrovia. Outside the U.S., in Belgium, Switzerland, and the U.K., a number of criminal cases are pending against former commanders of the warring factions. For example, in April 2020, Alieu Kosiah, a former commander of the United Liberation Movement of Liberia for Democracy (ULIMO), will stand trial for war crimes in the Swiss Federal Criminal Court.

## **The Latest Roadblocks Within Liberia**

While the cases outside of Liberia provide some remedy for victims, the struggle continues for accountability closer to home. In just the past several months, 52 members

of the Liberian House of Representatives signed a resolution calling for legislation establishing a war crimes court. For more than a year, legislators have been working with local human rights groups and constituents to draft the resolution, which now, for the first time, is supported by a constitutionally required two-thirds majority. Despite this progress, the Speaker of the Liberian House of Representatives, Bhofal Chambers, pulled the resolution from the legislative agenda in October, announcing that members of the Legislature of Liberia require more time to consult with constituents before voting.

Speaker Chambers' decision met with outcry from lawmakers and members of civil society, as the resolution will now be delayed until January 2020, when the Legislature returns from recess. A few signatories of the resolution have even gone so far as seeking Chamber's removal, calling his orchestration of the delay an abuse of power. Other lawmakers feel assured that the resolution will ultimately pass in the House come January and have begun encouraging support in the Senate, where it will need a two-thirds majority vote before being sent to the President to sign into law.

Supporters of a war crimes court believe that now is the right time to implement the TRC's decade-old recommendation. They see Liberian President George Mannah Weah as well-situated to oversee its creation because he played no part in the civil war and previously voiced support for justice. Before becoming president in 2004, then as the UNICEF Goodwill Ambassador, George Weah insisted on the formation and establishment of a War Crimes Court in Liberia to prosecute those who had conscripted child soldiers.

## **President Weah's Reversal**

After remaining silent on the issue for the first two years of his presidency, President Weah has recently begun to articulate some support for accountability. In a letter to the Legislature dated Sept. 12, 2019, he wrote: "I am committed to a holistic implementation of the National Consensus (recommendations of the dialogue) and do hereby call on the National Legislature to advise and provide guidance on all legislative and other necessary measures towards the implementation of the TRC report, including the establishment of war and economic crime courts." Later, in a speech to the United Nations General Assembly in New York in September, President Weah seemed to support a war crimes court, acknowledging the "rising chorus of voices" calling for the court and

stating that his administration is “a listening administration.” His words immediately generated praise from both domestic and international human rights organizations.

But immediately upon his return to Liberia, President Weah’s support inexplicably became more equivocal. In what appeared to be an about-face in early October, shortly before the Speaker withdrew the resolution from the agenda, President Weah seemed to walk back his support, stating: “Why should we focus on the war crimes court now, when we did not focus on it 12 years ago?” His apparent change of heart indicates that more obstacles lay ahead once the Legislature returns to session in January.

In the meantime, Liberian civil society and its international partners will continue to seek justice for victims of the Liberian civil wars, both within Liberia and outside its borders. As Hassan Bility, the executive director of Monrovia-based GJRP, has made clear: “In the past few years we have made significant progress in cases abroad to try alleged perpetrators of Liberia’s wartime crimes. But, our people should have the chance to see justice at home.” A war crimes court in Liberia would provide exactly such an opportunity.

*IMAGE: Liberia’s then-President-elect and former football star George Weah at his swearing-in ceremony on January 22, 2018 in Monrovia. The inauguration marked the country’s first transition between democratically-elected leaders since 1944, as he took over from Nobel laureate Ellen Johnson Sirleaf, who had guided the country in the aftermath of its 14 years of civil war. Now Weah is vacillating over whether to support the long-called for establishment of a war crimes court. (Photo by ISSOUF SANOGO/AFP via Getty Images)*

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