

Liberia



HUMAN
RIGHTS
WATCH



Accountability

Submitted by: The Advocates for Human Rights, Center for Justice and Accountability, CCPR Centre, Civil Society Human Rights Advocacy Platform of Liberia, Civitas Maxima, Global Justice and Research Project, Human Rights Watch, and the Secretariat for the Establishment of a War Crimes Court in Liberia

MECHANISM

Universal Periodic Review

SESSION

36th Session of the Working Group for the UPR

DATE OF REVIEW

2 November 2020

Summary: Widespread and systematic violations of international human rights and humanitarian law characterized Liberia's two brutal armed conflicts between 1989 and 2003. The Liberian Truth and Reconciliation Commission (TRC) recommended prosecution of individuals accused of war crimes through the creation of a war crimes court in country that would operate with both international and domestic judges and staff. But Liberia has taken few steps toward holding anyone accountable before a court. In 2019, President George Weah sent a letter to the legislature seeking advice on establishing a court and 52 legislators endorsed a resolution backing the creation of a war crimes court. These are important steps, but they must be followed by concrete action to prosecute past crimes in accordance with international standards and practice. Serious challenges remain, including lack of action on the resolution to establish a court and increasing threats to human rights activists and witnesses of alleged crimes. As growing numbers of Liberian citizens demand accountability, impunity for conflict-era crimes should end, ensuring that victims have access to justice.

Liberia has failed to implement TRC recommendations for a war crimes court.

- For more than 15 years, Liberia has taken no concrete action to hold accountable those responsible for atrocities committed during two armed conflicts. Nor has Liberia enacted legislation necessary to provide victims with an effective remedy.
- The few cases seeking accountability for the civil wars-era crimes have all occurred outside Liberia, including the case of Alieu Kosiah scheduled for trial 16 November-18 December 2020 in Bellinzona, Switzerland.
- In 2018, the UN Human Rights Committee made a priority recommendation that Liberia establish a process of accountability for past gross human rights violations and war crimes, following which, the Liberian Government promised to immediately respond with its position on implementing the recommendations made by the TRC. The Government has yet to respond. Liberia has failed to submit its follow-up report, due July 2020, to the Committee on the implementation of priority recommendations.

Liberia has taken some initial positive steps.

- Liberia has pledged to cooperate with investigations by foreign governments into past crimes in Liberia and in 2019 began authorizing foreign governments to conduct investigative activities in Liberia.

- In July 2019, a resolution backing the war crimes court was introduced in the legislature. It has now been endorsed by 52 legislators – more than the 49 required to be adopted. This resolution calls for the legislature to establish a court with assistance from Liberia's international partners.
- President Weah in September 2019 sent a letter to Liberia's legislature asking them "to advise and provide guidance on all legislative and other necessary measures towards the implementation of [Liberia's Truth and Reconciliation Commission] report, including the establishment of the Economic and War Crimes Court."

Serious challenges remain to accountability for past crimes in Liberia.

- Former warlords—such as Prince Yormie Johnson, a senator in Liberia's legislature—oppose the court. Former warlords are working to block the creation of a war crimes court.
- Without providing a basis, the speaker of Liberia's legislature has declined to introduce for consideration and adoption the resolution in support of the war crimes court.
- President Weah's comments to journalists in Monrovia after the UN General Assembly in September 2019 raised questions about his commitment to the war crimes court: "Since we came to power, I have never one day called for the War Crimes Court. You, the journalists called for War Crimes Court, Liberians are calling for war crimes court, both the victims and perpetrators are calling for war crimes court."
- Journalists and human rights defenders working for a court face threats in conducting their work. Human rights activists who have championed justice for past crimes, and witnesses of alleged crimes are facing increasing threats. Liberian citizens continue to raise their voices to call for justice.
- Civil society groups have led multiple protests calling for accountability and a war crimes court, including in Monrovia in May and November 2018, and in June and July 2019.
- In April 2019, the Liberian Bar Association issued a resolution in support of a war crimes court.
- In September 2019, the Traditional Chiefs Council and the National Economic Dialogue, attended by 350 Liberians from a diverse range of groups, both backed the establishment of a war crimes court.
- Prominent leaders and religious groups have backed the TRC recommendations for a war crimes court.

Recommendations

- The Government should proclaim unequivocal support for the creation of war crimes court that operates consistent with international standards and practice for trials of international crimes committed during Liberia's two armed conflicts to ensure access to redress by victims and promote respect for the rule of law in Liberia.
- The Government should request technical and financial assistance from the United Nations, and other international and regional partners, to establish a war crimes court consistent with international standards. Liberia should continue to allow investigations in Liberia of cases prosecuted by foreign governments.
- The Executive should endorse the legislature's resolution supporting a war crimes court and the Speaker should introduce and move forward the resolution so that the war crimes court is established in Liberian law.
- The Legislature should pass a law to protect human rights defenders inside Liberia. The Government should put immediate end to any form of harassment and threats against, adopt measures necessary to ensure the physical integrity of, and enforce existing laws to guarantee protection for human rights defenders against attacks and intimidation. Those who intimidate or attack human rights defenders should be brought to justice.
- The Government should ensure respect for freedoms of assembly and speech for members of civil society engaging in peaceful demonstrations in favor of accountability and transparency, and for journalists endeavoring to fulfill their mandate.
- The Government should ensure the capacity of the Independent National Commission of Human Rights of Liberia to fulfill its mandate to deal with complaints of alleged human rights violations.