

## Annex 1: The Roadmap to Accountability

### Roadmap to Accountability

March 2021

#### Overview

This roadmap outlines a shared strategic approach for encouraging and assisting the Liberian government to re-prioritise the question of accountability and the establishment of a War Crimes Court. The roadmap provides a pathway for stakeholders through barriers to accountability and includes concrete steps which can be taken. It offers a platform for stakeholders to work together and to align both individual and collective efforts in order to strengthen the push for accountability and justice for conflict-related crimes.

The roadmap has been collectively developed with input from traditional community, youth and women leaders, civil society, Liberian lawmakers, representatives of the Liberia National Bar Association, other officials and academics. It was completed following public consultation across five counties and a two-day Conference on Accountability with representatives from stakeholder groups.

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#### Why Use a Roadmap

Over three decades since the start of the First Civil War, Liberians are still waiting for justice. Recommendations on Accountability which were made by the Truth and Reconciliation Commission, including domestic criminal prosecutions and the establishment of an Extraordinary Criminal Tribunal (the proposed War Crimes Court), have not yet been implemented.<sup>3</sup> Whilst proceedings have been brought by other jurisdictions including the United States of America, Belgium, France, Switzerland and Finland, there is no domestic

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<sup>3</sup> Liberian Truth and Reconciliation Commission, *Volume Two: Consolidated Final Report* (Republic of Liberia Truth and Reconciliation Commission, 2009) 268-270.

access to justice. This means that many victims of acts which constitute core international crimes, such as war crimes and crimes against humanity, have not had the opportunity to seek or receive justice. Yet the victims have a right to remedy and reparations. Demands for justice for conflict-related crimes should be fulfilled as a matter of urgency in order to realise the rights of Liberians, address the impacts of the two Civil Wars, and to provide a deterrence against repetition.

This roadmap identifies those barriers which have prevented accountability and suggests concrete actions which can be taken by stakeholders to overcome them. It signposts how Liberian law makers, representatives from the Liberia National Bar Association, traditional community, youth and women's leaders, civil society and others can harness their respective powers to achieve accountability for conflict-related crimes.

This roadmap represents the development of a shared strategic approach to achieving accountability and justice for victims. It reflects the collective knowledge and commitment of stakeholders to both individual and collective action. The roadmap builds on previous efforts such as the Legislative Conference on Accountability for Past Crimes in Liberia, which took place in July 2019, and the 2019 Resolution for the Establishment of a War Crimes Court in Liberia in Parliament.

## The 2021-2023 Roadmap

This roadmap has been created to set out and achieve the objectives of stakeholders seeking justice and accountability for crimes committed during the Liberian Civil Wars. It has been collaboratively developed in light of those barriers which have so far prevented progress. The strategic actions outlined below have been identified as essential. They set out the primary activities for stakeholders and include concrete actions for each stakeholder group.

A Pledge of Commitment accompanies the Roadmap. By signing the Pledge of Commitment individuals and organisations show their support for and affirmation of the core principles, objectives and goals of this initiative. Stakeholders are committing to the strategic actions which they are able to perform in line with their capacities.

## Core Principles

- ❖ **Accountability** to victims of conflict-related crimes is at the core of this roadmap and its strategic actions. The engagement, leadership and meaningful participation of affected individuals and communities is critical.
- ❖ **Sustained** individual and collective strategic action by all stakeholders, and including international partners, is essential to achieve the objectives.
- ❖ **Mitigating risks** by designing activities with an understanding of how social, political and economic factors might individually or collectively pose risks to participants and organisers is paramount.

## Goal

The goal of the roadmap is to encourage and assist the Liberian government to re-prioritise the question of accountability and the establishment of a War Crimes Court. It is intended to create progressive change and end the culture of impunity for conflict-related crimes.

## Objectives

1. **Realise the right to justice:** The victims of conflict-related crimes have the right to justice. Access to justice is a fundamental principle of the rule of law. Without justice there is impunity. When the right to justice is realised the voices of victims can be heard, violations can be challenged and accused individuals can be held accountable. Every individual should have this right realised, regardless of their connections, situation, or economic status.
2. **Implement the recommendations of the Truth and Reconciliation Commission (TRC):** The TRC recommended an extraordinary criminal tribunal (War Crimes Court), domestic criminal prosecutions, public sanctions, National Palava Hut Commission, the investigation and prosecution of economic crimes, and a reparations programme. Implementing these recommendations through genuine and transparent processes can give Liberians a comprehensive approach to providing justice and accountability.
3. **The establishment of a War Crimes Court:** A mechanism for conducting fair and efficient trials will seek to contribute to ending impunity for crimes committed in connection with the Civil Wars, to realising the right of victims to access justice, and to providing a deterrence against repetition.
4. **Address the wider impacts of the Civil Wars:** Long-lasting socio-economic impacts include education and employment disruption as well as significant physical and mental healthcare needs which must be addressed as part of justice and accountability processes.

## Barriers to Overcome

To achieve the goal and objectives of the roadmap, the following barriers which have so far prevented justice and accountability must be overcome. The barriers have been collectively identified through public consultation between February and March 2021, and a two-day Conference on Accountability as those which pose the most significant challenges to progress.

**1) Lack of political will:** Since the Truth and Reconciliation Commission released its final report and recommendations in 2009 there has been a lack of political will to implement them. The current administration has yet to act in spite of positive steps such as the 2019 letter from President Weah to the National Legislature asking for guidance on implementation, and support for accountability demonstrated at the United Nations.

**2) Failure to adopt the 2019 Resolution for the Establishment of a War Crimes Court:** On 18-19 July 2019 Liberian stakeholders and international experts assembled for the Legislative Conference on Accountability for Past Crimes in Liberia. The conference culminated in the joint committee of Liberia's House of Representatives presenting a resolution backing the establishment of a War Crimes Court. The resolution was immediately endorsed by nine lawmakers and has currently been signed by 52 representatives.

**3) Lack of coordinated and consistent pressure on the government:** To date there have been many admirable and determined efforts to bring accountability and justice for conflict-related crimes. These include protests, radio shows, outreach, writing to politicians and the 2019 Resolution. However, these efforts have often been spaced out and conducted by different stakeholders independently of others' efforts. Without coordinating to maximise the impact of activities there has not been sustained momentum and consistent pressure on the Government to act.

**4) Anti-War Crimes Court propaganda:** Those individuals who wish to avoid the establishment of a War Crimes Court have made a concerted effort to misinform the public and otherwise warn people away from the concept. Falsehoods include the idea that such a Court will prosecute former child soldiers, and that it may plunge the country into a new Civil War.

**5) Lack of public knowledge and clarity:** There is a lack of clarity around what an established War Crimes Court might look like, who it might prosecute and who will staff it. By providing clarity on key issues such as the Court's jurisdiction, witness protection, and what trial processes might look like, the stakeholders can contribute to allaying fears and countering misinformation. Additionally, there is a lack of clarity around other Truth and Reconciliation Commission recommendations, such as the proposed reparations programme.

**6) Lack of funding:** There is a question over how implementing post-conflict justice will be funded, including the establishment and operation of the War Crimes Court.

## **Strategic Actions**

Each barrier may be overcome by strategic actions by the stakeholders. These strategic actions have been identified to break down barriers on the road to accountability. By signing the Pledge of Commitment, stakeholders make a commitment to the strategic actions in this section. Pledging this commitment is representative of the collective action to attain justice.

### **Barrier 1: Lack of political will**

There has been a persistent lack of political will to implement the recommendations of the Truth and Reconciliation Commission. Reasons include reluctance to begin processes against sitting officials and having other priorities for resources. The Liberian people therefore cannot simply rely on administrations to progress questions of justice and accountability out of good will. Related matters including the establishment of a War Crimes Court must be made central to political campaigns, with evidence of positive action taken. To create the impetus to act,

the question of accountability for conflict-related crimes must become unavoidable for elected officials, lawmakers and the sitting administration.

**Strategic actions:**

- ❖ Strengthen advocacy with planned and strategic campaigns.
  - Agree a plan, determine who will conduct which activities at which times and places.
- ❖ Develop a summary version of the TRC report and translate this into local languages.
- ❖ Encourage communities to mount pressure on their Representatives to officially remind the Executive about its responsibility to report quarterly on progress made in relation to the implementation of the TRC report.
- ❖ Hold a strategic meeting with the President and Legislature on the lack of political will to implement the TRC report.
  - Set up a lobby group to target Senators and Representatives to provide pressure from the top down.
- ❖ Peaceful protest by victims of the Civil Wars:
  - Submit a petition signed by the victims to all foreign Embassies asking them to deny any and all public officials who demonstrate a lack of will to implement the TRC report.
  - Mass sit-in action (civil disobedience).
  - Local dialect messages.

**Barrier 2: Failure to adopt the 2019 Resolution for the Establishment of a War Crimes Court**

In July 2019, stakeholders assembled for the Legislative Conference on Accountability for Past Crimes in Liberia. This culminated in the presentation of the Resolution for the Establishment of a War Crimes Court in Liberia. The Resolution has currently been signed by 52 representatives, however, having passed through the lower House it has not been adopted.

**Strategic actions:**

- ❖ The Traditional Council of Chiefs and Elders should take a definitive stand by inviting the Speaker of the 54<sup>th</sup> Legislature to show cause as to why the Resolution has not been placed on the floor for discussion of the creation of a War Crimes Court in Liberia.
- ❖ Create a means of asking all local government officials from the fifteen counties such as Superintendents, Paramount Chiefs, Clan Chiefs, Commissioners and others to mandate their leaders or law makers to request that the Speaker makes the Resolution an agenda item in a shortest time possible.
- ❖ A nationwide petition signed by youth and student organisations requesting their law makers ensure that the 2019 Resolution be an item for discussion before their next constituency break.
- ❖ Centralise victims and survivors at the front of every advocacy for the creation of a War Crimes Court in Liberia.
- ❖ Rally the support of citizens through the visitation of various district Representatives.

### **Barrier 3: Lack of coordinated and consistent pressure on the government**

Effective coordination between stakeholders is critical to ensure that activities are frequent, ongoing and engage communities across Liberia. Maintain momentum and keep public attention to build the pressure to prioritise the question of accountability and justice, the implementation of the TRC recommendations, and the establishment of the War Crimes Court.

#### **Strategic actions:**

- ❖ The involvement of Traditional leaders: The Chiefs, Elders and other local authorities should lead the process.
- ❖ Translate the TRC recommendations into all local languages to ensure that people can be adequately informed when engaging their law makers.
- ❖ Petitioning: The people must petition their government on the implementation of the TRC report and the establishment of a War Crimes Court.
- ❖ Citizens will demand political parties commit to the establishment of a War Crimes Court by placing it in their party's manifesto.
- ❖ Citizens will request a regular update on progress in implementing the TRC report: it is the law.
- ❖ Raise public awareness and maintain consistent pressure on state actors.
- ❖ Set up a committee to steer pressure groups and hold regular meetings to plan the way forward.

### **Barriers 4 and 5: Anti-War Crimes Court propaganda and lack of public clarity**

Propaganda campaigns by individuals who wish to avoid the implementation of the TRC recommendations and the establishment of a War Crimes Court have contributed to public misinform and misconceptions. Countering falsehoods about the War Crimes Court will be essential to increasing public confidence and clarity around the concept. There is a particular need to increase public understanding of the TRC report, the War Crimes Court, justice processes and other forms of redress. By conducting outreach and generating content for social media, radio, WhatsApp and public spaces the stakeholders can collectively increase public knowledge and simultaneously counter misinformation. Additionally, broadening the awareness, coverage and participation in activism can also build national momentum towards accountability and the establishment of a War Crimes Court.

#### **Strategic actions:**

- ❖ Share concise summary documents on the TRC report and the establishment of a War Crimes Court to all participants.
- ❖ Translate documents on the TRC report and the establishment of a War Crimes Court into all local languages.
- ❖ Conduct a massive outreach program:
  - Outreach should include town hall meetings, information sharing and feedback forums on the importance of a War Crimes Court;

- Engagement of traditional leaders and others throughout the whole of Liberia;
- Continual engagement with radio programs and publications which develop pro-War Crimes Court messages;
- Conduct activities beyond Monrovia.
- ❖ Stakeholders to enable outreach: establish a volunteer Secretariat to track feedback.
- ❖ Develop a master list of stakeholders and campaigners for a War Crimes Court in order to build an outreach database.
- ❖ Strong media engagement including the development of songs in local languages which educate on the TRC report.
- ❖ Reach out to identified anti-War Crimes Court propaganda groups and individuals to engage them with the right message or information as a way to disabuse their mindsets.

### **Barrier 6: Lack of funding**

There are significant concerns around how post-conflict justice will be funded. Planning now for the funding of the War Crimes Court and other justice mechanisms is essential.

#### **Strategic actions:**

- ❖ Establish Liberian led initiatives.
- ❖ Open a trust fund to self-help, encourage international participation later.
- ❖ Set up a Ways and Means Committee; clearly define its role.
- ❖ Set up a Special Fundraising Committee; clearly define its role.
- ❖ Construct a financial proposal which can be put to funding agencies.
- ❖ Approach international organisations which fund justice activities for assistance.



## The Pledge of Commitment

We, the undersigned, are combining our energies to encourage and assist the Government of Liberia in re-prioritizing the question of accountability and justice for conflict-related crimes. We are seeking to empower the victims to realise their rights and attain justice for past wrongdoings. In doing this we will assist with the development of Liberia as a progressive and just nation in which the voices of individuals are heard, fundamental rights are realised and individuals accused of serious violations are held accountable.

This pledge represents a shared commitment to implement the recommendations of the Liberian Truth and Reconciliation Commission, including the establishment of a War Crimes Court, and to break through barriers which have so far prevented justice and accountability. Every stakeholder has a vital role both individually and collectively.

Stakeholders including domestic and international partners, donors, international organisations, and civil society wishing to pledge their commitment agree to:

- ❖ Affirm the overall goal, objectives, and strategic actions of roadmap.
- ❖ Develop, adopt and implement organisational policies on accountability and justice if they do not already exist.
- ❖ Make public commitments to at least two strategic actions of the roadmap.
- ❖ Contribute to the collective work of the initiative, including the promotion of and participation in the activities of other partners where possible.

Activities should contribute to transformative change and public education. Progress should be reported to other stakeholders in order to monitor the implementation of the roadmap.

The initiative is intentionally structured to allow increasing participation by a growing number of stakeholders from a range of backgrounds. Collaborative working to draw on and utilise each other's abilities is to be encouraged. Coordinated action between stakeholders in the spirit of mutual respect is essential to implement the roadmap.

The impact of the Roadmap to Accountability depends on the quality of action and dedication of those who pledge their commitment to take strategic actions and meet the objectives. It is important that the number of partners committed to taking action continues to grow. Through collective action Liberians can send a united message to the sitting administration that it is time to provide justice and accountability.

The founding partners look forward to welcoming new groups and individuals to pledge their commitment to action.