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Report

Roadmap to Accountability: Overcoming Barriers to Justice

Final Report

Professor Olympia Bekou

March 2021

Introduction

'We should not allow our past to define us'

- Hassan Bility, Director of the Global Justice and Research Project.

In 2020, Professor Olympia Bekou from the University of Nottingham School of Law, was awarded QR funding to deliver the project 'Roadmap to Accountability: Overcoming Barriers to Justice'. The project was delivered by Prof. Bekou in partnership with the Global Justice and Research Project (GJRP), the leading Liberian non-governmental organisation working on mass atrocity. The project has built on previous research into overcoming barriers to post-conflict justice in Liberia, which experienced two violent civil wars between 1989 and 2003 and was delivered with the support of the School of Law's Human Rights Law Centre. It notably built on the Legislative Conference on Accountability for Past Crimes in Liberia, which took place in 2019 with the support of the University of Nottingham and GJRP, and had culminated in the presentation of the 2019 Resolution on the War Crimes Court.

The aim of the current project was to jumpstart efforts towards accountability and justice for crimes committed in relation to the two Liberian Civil Wars, which have stalled in the wake of COVID-19. The focus has been on overcoming those barriers which have so far prevented progress to influence policy makers with the ultimate goal of implementing the recommendations made by the Liberian Truth and Reconciliation Commission (TRC), including establishing a War Crimes Court. The project has provided support for Liberian led initiatives and has facilitated group agreement among Liberian stakeholders on the next stages of action, including by creating a significant networking opportunity in order to strengthen efforts for justice. It has also deepened the previously existing links between Prof. Bekou and GJRP, as well as other Liberian stakeholders from the legislature, Liberia National Bar Association and civil society.

Split into two phases, the first phase of the project included a series of discussions gathering public opinion from across Liberia throughout February 2021. A total of 150 people were reached through five focus groups in which people from all walks of life discussed those barriers which have so far prevented justice. The second phase of the project took place in March 2021 and culminated in a two-day conference. This brought stakeholders together to discuss how identified barriers can be overcome and the necessary concrete strategic actions. The conference was attended by 48 participants on day one and 50 participants on day two. Representatives from the legislature, political parties, the Liberia National Bar Association, traditional community leaders, women and youth leaders and civil society united in a collaborative effort to construct a Roadmap to Accountability. The conference was reported in the national press and provided demonstrations of unity, with one traditional leader stating:

"When we talk as chiefs and elders, we don't talk like I'm from Nimba, I'm from Bong, we talk with one voice!"

Activities: Phase One

The key objectives of the project were to identify barriers to accountability and the ways in which they can be overcome, inform policy on accountability and the establishment of a War Crimes Court, and produce a Roadmap to Accountability for stakeholders. The Roadmap includes concrete identified actions which seek to encourage the Liberian Government to reprioritise questions of justice and accountability post-COVID-19, and reapply pressure for the 2019 Resolution on the War Crimes Court to be tabled in Parliament. Whilst it was

constructed during the second phase of the project, the Roadmap was informed by and built upon data collected during the first phase.

Working both remotely from Nottingham and with GJRP within Liberia, the two teams have collaboratively delivered the project. Phase one took place between December and February 2021 and involved gathering data which would later inform phase two. Five focus groups were conducted in line with COVID-19 regulations across five Liberian counties (Monrovia, Bomi, Lofa, Bong and Grand Bassa). One focus group was held in Bong County rather than Nimba County as originally proposed due to security reasons in light of a local election process. Each group involved people from all walks of life including community members, traditional community leaders, youth and women leaders, with a total of 150 people taking part. The impact of the groups is much wider, with the discussions continuing back in respective communities and some leaders returning to participate in phase two of the project.



Image: Hassan Bility, Director of GJRP.

The focus groups discussed and identified what they think are the most significant barriers to justice and which have so far prevented substantive progress, identifying five key barriers:

- Lack of political will to implement the TRC recommendations and establish a War Crimes Court
- Lack of coordinated and sustained advocacy campaigns which maintain pressure on the Liberian Government
- Anti-War Crimes Court propaganda from those accused who retain positions of influence and who do not want a justice mechanism to be established
- Lack of public knowledge and clarity around related issues

- The lack of available funding for a War Crimes Court and the implementation of the TRC recommendations. Especially amid limited domestic resources and competing needs.

The groups were highly engaged and developed the discussion beyond the subject areas which were provided as starting points by GJRP. The discussions included debate around what justice and the implementation of the TRC recommendations might look like. Amid consistent calls for the establishment of a War Crimes Court and spirited debate on issues including funding, security and political will, one participant from Montserrado County stated:

“The perpetrators are still moving and living freely a good life whilst the victims have become servants for them. If you want to catch the chicks around the hen, you need to catch the hen first”.

Another focus group participant stated:

“In Liberia people with money and power used their money and positions in government to turn the rights of innocent people to wrong. We will celebrate if the War Crimes Court is established in Liberia to deal with the past”.

All five groups went on to identify strategic actions which could break down the recognised barriers, including sustained advocacy, outreach and education programmes. The findings from the focus groups informed a draft ‘Roadmap to Accountability’ and accompanying ‘Pledge of Commitment’ which were then developed during phase two of the project.

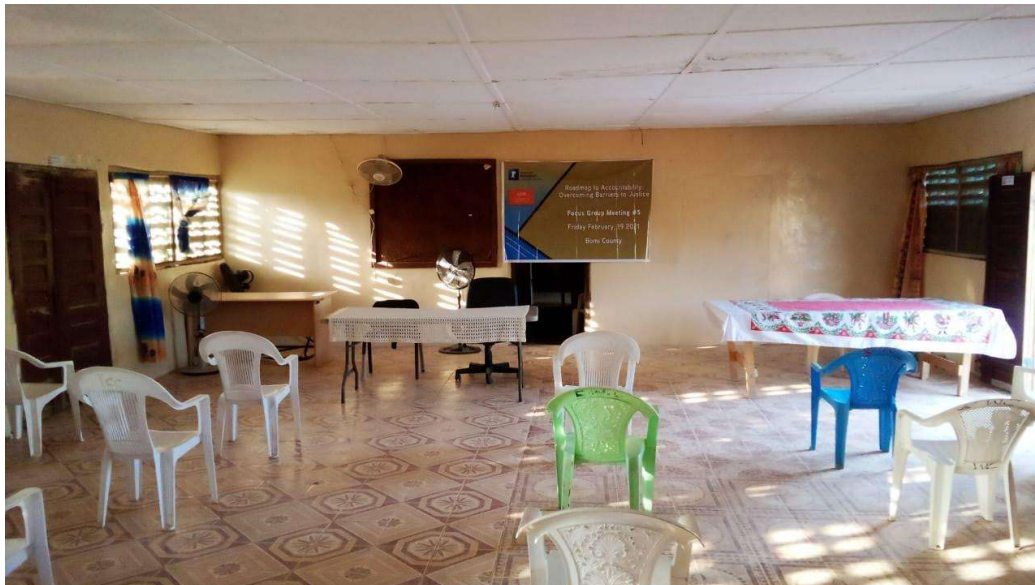


Image: Venue, Bomi County, GJRP.

Activities: Phase Two

Phase two of the project took place in March 2021 and culminated in a two-day conference. The conference was held at Boulevard Palace Hotel, 13th Street, Monrovia, Liberia on the 19th and 20th of March 2021. It brought together stakeholders in order to affirm the previously identified barriers to justice and discuss how they can be overcome, including identifying concrete strategic actions. During the two conference days representatives from the

The programme for day one of the conference included opening remarks, discussion of the barriers identified in phase one, and open discussion sessions on specific issues including confirming the identified barriers and the experiences of the participants. To ensure that a range of perspectives were heard the open discussion sessions were each led by a different group, for example, civil society, the Legislature, traditional leaders, and the Liberia National Bar Association. The key barriers to justice which were confirmed as requiring action were:

- The range of participants present provided lively and informed debated. Commissioners from the TRC made important contributions, including offering technical assistance. They also allayed security concerns around seeking justice, with Commissioner Massa Washington stating:

The discussion was enriched by foreign ambassadors who spoke on key issues including funding, which could be further discussed on the implementation of the Roadmap to Accountability. Representatives from Sierra Leone were particularly instructive as they were able to share their experience of establishing and operating the Special Court for Sierra Leone.

FUNDING

Topic: FUNDING

1. Self Initiation;
2. Set up a Ways & Means Committee;
3. Tap into International Organisations that fund Justice activities daily.
4. Set up a Special Fund Raising Committee.
5. Do a Financial Proposal to funding Agencies.

MEMBERS

Dina Delgado,
Dina Delgado Sr.,
Dina Delgado Jr.,
Dina Delgado,
Dina Delgado,
Dina Delgado

ANTI-WAR CRIMES COURT Group 4 Propaganda

1. Sharing Concise Document on The TRC Report on the WAR CRIMES Court's Establishment to All Participating Stakeholders to create outreach - Volunteer recruitment in Track Feedback
2. Drafting a Master list of Stakeholders and to Campaign for the War Crimes Court to ensure a participation database
3. Reproduce Multiple copies in all vernaculars or dialects in the TRC Report and on the Establishment of the WCC
4. Find out who are the Anti-WAR CRIMES Court propaganda groups/individuals and reach out to them with the right message or information as a way to Disabuse their mindset
5. Massive outreach including Town Hall Meetings Information sharing Feedback Forums on the importance of the WCC - Engagement of Traditional leaders, others sharing out of Suburbs - continuously with Radio Program Simple & Publicized Develop pro-WCC Messages

Also Strategy - Start to do the other on-going work on the TRC Report - Eng. Tshuma - Traditional leaders - May be King of Lesotho - Ambassador / Commissioner, TRC

The debate raised significant calls for unity and collaboration between the stakeholder groups. Participants acknowledged that all Liberians must be involved in the process to call for a War Crimes Court. It was identified that this requires raising public understanding of the recommendations made by the TRC in 2009, which are yet to be implemented. The TRC produced a comprehensive and multi-volume final report containing recommendations on accountability, including the recommendation for a War Crimes Court, however it is not user-friendly for lay audiences. Producing a concise and accessible document was identified as important and working with TRC Commissioners to simplify the report was viewed as a critical next step. This concise document could then easily be disseminated, including being discussed by traditional leaders with their communities.

It was also noted that the conference was in English and did not include local language interpretation or discussions in local vernaculars, there was therefore no participation from non-English speakers. There were calls to increase accessibility by translating the TRC's recommendations and simplified documents into local languages. The need to include communities who do not speak English by having local language messaging repeatedly arose as the importance of multi-lingual engagement was raised in relation to all of the identified barriers as a way of raising public knowledge. Another inclusive idea was having strong engagement with the media, particularly through developing songs in local dialects which speak on the TRC and the War Crimes Court. It was hoped that such efforts can empower people through information and simultaneously counter misinformation. The need to develop local language engagement with justice initiatives in Liberia is also a potential area for further research and funding as these ideas are implemented.



Image: Conference, Day One, GJRP.

Participants particularly identified the importance of expanding the reach of activism and justice initiatives to areas of Liberia beyond Monrovia. The discussion was enriched by the innovative nature of this project, which included participants from across the country. Going forward there is a determination to ensure that activities are accessible to Liberians across the whole territory, including those who live in rural areas. The participation of traditional leaders from across all the Liberian counties in the conference was especially significant in this regard. Traditional leaders noted that they will speak with one voice and are willing to work collaboratively to achieve justice. They were recognised as vital to community engagement as they are held in high esteem. Outreach across the country conducted with people respected

by communities can increase public engagement and education about key issues. One traditional leader stated:

'We need to eat with them at the Palava Hut and around the fire heart and discuss the barriers to accountability and what to do as citizens to pressure our leaders'.

Strengthening advocacy work by increasing coordination through regular meetings and engaging sub-committees to direct activities and establish the next steps was highlighted as a priority. One example is the call for an organised lobby group which can effectively communicate with and pressure Senators and Representatives on issues of justice and accountability. There was a consensus that there is a need for self-help, and that efforts should be Liberian led. Notable issues include the need to make accountability an important issue in relation to elections, with the election and re-election of former warlords also being a cause for concern as a barrier to justice. Accordingly, there were calls for greater voter education around the candidates and party manifestos. Connected with this idea were calls for greater engagement of the Liberian youth with related issues and advocacy campaigns in order to ensure the future of Liberia.

Several legal issues such as the need to pass an act establishing the War Crimes Court were determined to have advocacy based or political solutions. This includes the need to ensure that justice mechanisms are resourced and able to fulfil their mandates: identified strategic actions to secure funding for the War Crimes Court included generating a funding proposal for donors as well as the opening of trust fund which would begin at home before securing international donations.

The discussion around legal challenges was enriched by the Liberia National Bar Association (LNBA), including the presentation of the Draft Act to Establish a War Crimes Court by LNBA President, Counsellor Tiawan Gongloe. The Draft Act is a draft statute for the War Crimes Court and can provide clarity around legal issues such as the jurisdiction of the Court, witness protection and the relationship between Liberian and international staff. Notably, this is an updated version of the Draft Act, the first being debated at the 2019 Legislative Conference.

The LNBA also raised associated advocacy issues, including the need to demonstrate support for the Draft Act and apply pressure on law and policy makers in order to get it implemented. Cllr. Gongloe also proposed a self-declared holiday on the day when the Draft Act is presented to the House of Representatives. The full participation of traditional leaders, civil society, students and others would be intended to provide a strong message that the Draft Act is an important issue for the electorate.

Impact and Knowledge Exchange

The project has had significant impact on the efforts to provide accountability in Liberia. It has provided a critical opportunity for knowledge exchange between people from across Liberia (geographically) as well as between people from different backgrounds. Having been attended by 48 participants on day one and 50 participants on day two the impact of the conference is much broader as stakeholders have variously committed to follow up actions. There is now an agreed Roadmap to Accountability with concrete strategic actions which can be taken (Annex 1). The accompanying Pledge of Commitment was signed on day two of the conference and can now be disseminated for further signatures (Annex 2). There has been a concerted effort to ensure that the conference leads to continued action.

There is support among the Legislature to implement the Roadmap and push to re-prioritise questions of justice and accountability. There has been increasing willingness to speak out on issues of justice, with Representatives openly calling for the establishment of the War Crimes Court.¹ During the conference itself, Hon. Larry P. Younquoi, Representative from Nimba County, stated that he had instructed Hon. Rustolyn S. Dennis to propose a letter for the floor reminding President George Weah to report on the implementation of the TRC recommendations. It is compulsory for the President to provide a report every three months. The conference was also reported in the national press, both in online news and newspapers, as well as the professional websites of stakeholders contributing to the 'jumpstart' effect on efforts to provide justice.²

After the conference TRC staff have assembled to construct a concise and simplified version of the TRC report (3-5 pages) under the leadership of Commissioner John H. T. Stewart. The intention is also to translate the document into local languages and broadcast the content over the radio. This would initially begin with broadcasting in Kpelle and Bassa (as the two largest tribes), as well as Gio, Krahn, Mandingo and Mano as groups which were especially affected by the armed conflicts. A steering committee to ensure an increase in awareness and outreach is also being formed by stakeholders including TRC Commissioners and chiefs from across the counties. A significant identified next step is sourcing funding to support the printing of the simplified TRC document.

Completed Outputs

- Roadmap to Accountability: The Roadmap provides concrete actions for stakeholder groups such as forming organisational links, conducting extensive outreach, coordinating activities to maintain a constant pressure on policy makers.
- The Pledge of Commitment: Sits alongside the Roadmap and is a public confirmation of support for the initiative, it was launched alongside the Roadmap at the March Conference and will be disseminated to garner further support.
- Two blogs:
 - Roadmap to Accountability: Overcoming Barriers to Justice in Liberia (Part One)
 - Roadmap to Accountability: Overcoming Barriers to Justice in Liberia (Part Two)
- University of Nottingham Human Rights Law Centre press: The project page of the International Criminal Justice Unit contains a short piece about the project which can be updated to show ongoing impact of the project.
- Lecture at Washington University in St. Louis, United States.
- This project report.

¹ See for example <https://frontpageafricaonline.com/front-slider/rep-dixon-seboes-confronts-fellow-lawmaker-in-chamber-for-allegedly-murdering-family-members-during-brutal-civil-war/>.

² See for example: <https://hotpepperliberia.com/barriers-to-war-crimes-court-establishment-identified/> and <http://www.honlarrypounquoi.org/>.