

Tom Lantos Human Rights Commission Hearing, and  
Congressional-Executive Commission on China  
Hearing  
on  
Establishing a War Crimes & Economic Crimes Court for Liberia  
June 21, 2021- 12:00 p.m.  
Virtual, via WebEx  
Statement of Dr. Alan W. White, CFE  
Former Chief of Investigations  
United Nations backed Special Court for Sierra Leone

First of all I would like to commend Congressman Chris Smith, Co-Chairman and Congressman James McGovern, Co-Chairman of the U.S. House of Representatives Tom Lantos Human Rights Commission and other members of this Commission for holding this very important hearing regarding the establishment of a War Crimes and Economic Crimes Court for Liberia. Congressman Smith has been a strong advocate and voice for the Liberian people in exposing corruption and seeking justice and accountability for the victims of human rights violations. Led by Congressman Smith the United States Congress demonstrated its support by the passage of House Resolution 1055 endorsing the Liberian Truth and Reconciliation Commission recommendation to establish the War Crimes and Economic Crimes Court for Liberia. In line with the theme of this hearing I strongly believe in order for Liberia to move forward it will have to reconcile with its past and must do so through the prism of accountability and justice.

For the past 40 years Liberia has suffered multiple civil wars, unspeakable atrocities, despair, massive corruption and the loss of hundreds of thousands of lives, yet there has been little or no accountability for those who caused this devastation. Many of those involved in the civil wars who led the death and destruction of Liberia continue to walk the streets today, many of which are in high level government positions. As a result, there previous acts of criminality without accountability and justice only promote and foster the perception of impunity.

In the first civil war from 1989-1996 Liberia lost 250,000 of its citizens to a senseless civil war and thousands more lost during the second civil war from 2000-2003. Both of these wars had a common denominator and that was Charles Taylor and his criminal enterprise. Many of those involved who directed or participated in committing atrocities and crimes against humanity against their fellow Liberian citizens are well known and yet to be held accountable. This devastation spilled over into Sierra Leone and a total of 1.2 million victims were left in its wake.

Those perpetrators who committed unspeakable and horific acts would like for you to forget their misdeeds and move on for the sake of the country claiming establishing the War Crimes and Economic Crimes Court would plunge Liberia back into civil war. This same argument, typically led by the perpetrators, was often heard in Sierra Leone until we arrested the key perpetrators and brought them justice.

On March 10, 2003 we launched “Operations Justice” and arrested 9 of the 13 indictees, one of which was Chief Hinga Norman, who was the Minister of Internal Security and arguably the most powerful man in Sierra Leone at the time. He was also the leader of the Civil Defense Force (CDF) which had 10,000 fighters comprised of local hunters who were created to defend

the Sierra Leonean people from the rebels, however, they became a perpetrators committing war crimes and crimes against humanity.

We were told repeatedly that if we ever tried to arrest Chief Norman that CDF and its 10,000 fighters would retaliate and start a new civil war. However, on March 10, 2003 Chief Norman was arrested at his office in the Ministry of Internal Security and flown on a helicopter to Bonthe Island and placed in detention. There was no uprising only jubilation in the streets when the people of Sierra Leone heard about his arrest on BBC West Africa.

We hear the same argument today in Liberia, mostly from those who fear justice and accountability. So, this argument has been proven to be false and without merit especially when the people want justice and accountability.

What we learned during the investigation conducted by the Liberian Truth and Reconciliation Commission was the people of Liberia wanted accountability and justice. Despite the Accra Comprehensive Peace Agreement (ACPA) requirements and subsequent legislation enacted by the Liberian Legislature requiring the recommendations of the TRC to be implemented, most specifically the establishment of a War Crimes and Economic Crimes Court it remains elusive. This was in 2009 and twelve years later the law continues to be ignored and the victims and their families are continually denied accountability and justice.

The elected officials, including President George Weah who campaigned in 2017 on establishing the War Crimes and Economic Crimes Court, continue to ignore the law and the will of the Liberian people to establish the court.

There has been a recent awakening by the people of Liberia and a real grassroots movement by those who remember of the dark days of the civil wars and the denials of those

involved, such as current sitting Senator Prince Johnson, who killed many innocent civilians including recent reports of murdering Linda Jury, an American aid worker in October 1990 in Liberia. Also, we cannot forget the unfortunate murder of John Auffrey, an American, in Monrovia on May 25, 2004. Auffrey was leading a delegation from the US Department of Defense to conduct a military assessment of the Armed Forces of Liberia. His death was a result of a failed assassination attempt to kill me because of my active investigation of Charles Taylor while I was serving as the Chief of Investigations of the Special Court for Sierra Leone. I was alerted early in the day from confidential sources that I had been under surveillance for days and assassins would be coming to my room in the Mamba Point Hotel that night to kill me. So, I left immediately and unfortunately my room was given to Mr. Auffrey. It was covered up by the Liberian government at the time reported as a robbery gone bad. So there was no follow-up investigation only a couple of individuals arrested, one of which reportedly died from poisoning while in jail. There have been recent reports that the assassins are high level officials who currently work in the Weah administration. This information has been provided to the US Department of Homeland Security. The Auffrey family is also aware of these recent revelations and are considering furthering action in pursuit of justice.

Liberians yearn for Retributive Justice as well as Restorative Justice, in simple terms they want those who committed those heinous atrocities to be punished and the rule of law to return and equally applied to everyone. Without accountability, justice, and the rule of law no country can function properly, develop or prosper let alone encourage legitimate foreign direct investment.

The establishment of a War Crimes and Economic Crimes Court must be established in the same manner as the Special Court for Sierra Leone by treaty with the United Nations with

authority to prosecute international crimes against humanity. Appointments of the Prosecutor, Registrar and the majority of the Judges must be done by the UN Secretary General to mitigate corruption, coercion, and ensure transparency. This will allow the court to reestablish the rule of law and in Liberia and ensure accountability of those who perpetrated death, destruction and caused during the civil war. Also, the Economic Crimes Court will be able to ensure accountability for those who stole funds and property to self-enrich themselves at the expense of the Liberian people and return those funds and assets back to the Liberian people.

We have seen how powerful and important justice and accountability is for the victims of any civil war. I saw that first hand in Sierra Leone how much it meant to victims to witness powerful people who killed their loved ones be brought to justice. Although the Special Court for Sierra Leone was not a perfect institution, it did carry out justice impartially and transparently and proved the *rule of law is more powerful than a barrel of a gun*.

Achieving justice and accountability has allowed Sierra Leone to reconcile with its past and move forward. It is absolutely vital that in order to move forward you must remember the past. Look at the progress in Sierra Leone has made in trade and development since the end of their civil war and the establishment of the Special Court for Sierra Leone. Over and over again we heard daily from the people of Sierra Leone – “Justice delayed is Justice Denied” and we never forgot that message as we carried out our work in Sierra Leone and throughout the region.

Many other countries are pursuing similar justice, for example the Central African Republic (CAR) established a Special Criminal Court for CAR to prosecute those most responsible for crimes against humanity during their most recent Civil War. The people of CAR despite all their economic despair and lack development demanded justice and the reestablishment of the rule of law. With the grassroots efforts and demands for accountability

and justice the people persuaded their elected officials to establish the Special Criminal Court and successfully obtained the support of the United Nations and various other nations including the United States. When the people are determined and demand justice they can achieve it.

I strongly believe that if the people of Liberia demand accountability, justice and the establishment of the War Crimes and Economic Crimes Court by pressuring their elected officials. The US Congress has already passed a resolution supporting the TRC recommended War Crimes and Economic Crimes Court and the US State Department supports the establishment as well and the United Nations expressed concern in August 2017 about the lack of progress of justice and supports the establishment of the court. We just need to get the Liberian people to demand justice and accountability and pressurize their government leaders to establish the War Crimes and Economic Crimes Court.

It is clear that the current administration is not serious about establishing the court, however, there have been public figures demanding the establishment of the War Crimes and Economic Crime Court, including Alex Cummings the leader of the Coalition of the Political Parties and other organizations such as the Liberian National Bar Association, Religious Leaders and Civil Society members. They want to bring an end of impunity, reestablish the rule, and hold those accountable for the atrocities committed during the civil wars.

The people of Liberia want to move forward and see their their country developed and prosper, however until the nation heals and reconciles with its past it will not happen. So, the demand for justice and accountability is loud and clear and the people of Liberia are demanding that those who committed the atrocities that led to the devastation of Liberia are held accountable, justice is delivered and those assets and monies stolen from their country are returned to its rightful owner – **“The people of Liberia!”**