

House Foreign Affairs Committee
Tom Lantos Human Rights Commission

Hearing
on
Establishment of the War & Economic Crimes Court in Liberia

June 21, 2021 – 12.30 p.m.
Virtual, via WebEx

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Chairman
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Thank you for inviting the Global Initiative for Justice to testify at this hearing. I refer to our letter to this commission, dated September 25, 2020, as an integrated document to my statement. As the Chairman of the Global Initiative for Justice – I am pleased to address ongoing efforts and hurdles in establishing the War and Economic Crimes Court in Liberia. This neglect is allowing perpetrators of atrocity crimes and other human rights and humanitarian law offenses, steering the affairs of a nation with great potential in the wrong direction. Once the culture of impunity is reversed, this nation could finally look into a brighter future of prosperity.

It is especially fitting that this hearing on this subject to hold accountable those perpetrators of war and economic crimes and other human rights violation is being held before a commission named after the late Tom Lantos, a Congressman that devoted his postwar life to pursuing the tragically still-elusive goal of making the post-Holocaust imperative “Never Again” a reality. It is a privilege to appear before a body with such a remarkable history of distinguished leadership. Special thanks go to Congressman Smith for all his support on this issue.

What is occurring in Liberia today are parallels of the conflict era in Liberia and represent flashpoints of violent conflicts in Liberia, which must be viewed as “early warning signs” warranting the early intervention of the international community to prevent the slip of Liberia back into disparaging and devastating violent conflicts or war. See the U.S. State Department’s Report on Human Rights for Liberia which confirmed significant human rights issues.

Since the end of the work of the Truth and Reconciliation Commission of Liberia (TRC) in 2010, the recommendations intended to restore the rule of law and reinstitute justice for war crimes and crimes against humanity after nearly 20 years of brutal civil war, the recommendations, especially that calling for the establishment of an Extraordinary War and Economic Crimes Court remains unheeded to by the past Ellen Johnson – Sirleaf Government and the current George Weah Government despite persistent calls for its implementation by the Liberian People and the International Community, including HOUSE RESOLUTION 1055 OF THE US HOUSE OF REPRESENTATIVE to address the issues of justice , impunity, healing and reconciliation in Liberia, through the “Establishment of An Extraordinary Criminal Court for War and Economic Crimes in Liberia.”

The Comprehensive Accra Peace Agreement (CPA) which brought an end to the nearly two decades conflict in Liberia was brokered by the International Community through the instrumentalities of the International Contact Group on Liberia (ICGL), which CPA Peace Agreement led to the disarmament of belligerent forces, the holding of peaceful elections and the restoration of democratic rule in Liberia, also called for the establishment of the TRC.

The failure to implement the Recommendations of the TRC Report commendations, is a rule of law deficit, a violation of the CPA and an existential threat that undermines the peace and security of Liberia. Article 26 of the TRC Act mandates that "...all recommendations of the TRC must be implemented".

The international Contact Group on Liberia (ICGL), needs to keep up their responsibility and hopefully under the leadership of this commission, all stakeholders can be reminded to do so, including increasing the pressure on the Weah lead government. However, one could question the European Union respectively the Republic of France, a stakeholder of the ICGL (as permanent member of the UN security council), also a strategic ally of the USA, whether they are undermining the efforts of the US Government. Because the Foreign Minister of France just visited Liberia and never altered a word about the establishment of the court, which could be interpreted as an affront also toward the Liberian People. It should also be recalled that just one statement by President George W. Bush toward Charles Taylor, changed the entire narrative in Liberia.

This Weah led government is corrupt and cannot be trusted and failed the people of Liberia and are not willing to seek justice or accountability for the Liberian people. President Weah promised during the campaign he would set up the court and then went to the United Nations General Assembly in September 2019 pleading with the international community and world leaders to assist him in establishing the court. Yet as soon as he returned home to an inquisitive press, he denied he ever said he sought the assistance of establishing a war and economic crimes court.

Under current conditions, the government is engaged in recklessly lawless behavior and has demonstrated a complete lack of goodwill towards the democratic process, eliminating all opportunity for peaceful engagements and interactions in a free non-threatening environment.

The Global Initiative for Justice recommend to pursue Sanctions, in upholding the pressure campaign, against the President of Liberia George Manneh Weah and the senior leaders within his administration for Serious Human Rights Abuse and Corruption in accordance with the Global Magnitsky Human Rights Accountability Act (Public Law 114-328) as executed against Senator Varney Sherman.

On December 20, 2017, the U.S. President issued Executive Order 13818 "Blocking the Property of Persons Involved in Serious Human Rights Abuse and Corruption." The Order declares a "national emergency" with respect to "serious human rights" abuses and a broad range of corrupt acts that threaten "the stability of international political and economic systems" and "constitute an unusual an extraordinary threat to the national security, foreign policy, and economy of the United States."

The Global Magnitsky Sanctions reach worldwide. They require no jurisdictional nexus between the United States and the conduct or persons they target. By and through the Global Magnitsky Sanctions, the United States is asserting, as a default position and without regard to the availability of adequate legal recourse overseas, universal jurisdiction over covered corrupt acts and human rights abuses.

The assertion of universal jurisdiction over corruption is a departure from national laws and international frameworks that expressly or impliedly defer to national governments to punish their officials who solicit or receive bribes or engage in other corruption.

In addition to the Sanctions the U.S. Government should immediately demand President Weah and the Liberian Legislature comply with the following:

1. Demand compliance with the TRC Act Article 26, enacted by law requiring the implementation of all TRC recommendations good governance principles including the comprehensive audit of government accounts and implementation of the TRC Recommendations, with urgent focus on the establishment of the War and Economic Crimes Court in Liberia.
2. Demand the International Contact Group of Liberia ICGL be reactivated as an early warning proactive action to stabilize the volatility of the situation in Liberia with a view to prevent a further deterioration of the security and peaceful environment in Liberia.

I would also like to also draw this commission attention to the upcoming peaceful justice march that will be taking place on June 24, 2021 in Liberia and supported by the Global Initiative of Justice. The newly established group, National Consortium to Eliminate Impunity has embarked on mobilization to put over 100,000 Liberians into the street in support of the establishment of the war and economic crimes court. The President of the Liberia National Bar Association, Cllr. Tiawan Gongloe heads the steering committee of the consortium. The consortium which comprises of several civil society institutions in Liberia aimed at finally defeating impunity via full and timely implementation of the TRC report. This historic march will bring together all civil society institutions, trade unions, youth/student/women organizations, massacre victims to submit the draft act and maintain structural engagement at all levels for the timely enactment of the legislation (Act) to establish the war and economic crimes court. The people of Liberia are ready to embrace justice and the fear shall be drifted to perpetrators. We recommend that the US Embassy in Liberia monitored closely this historical development as the people exercise their constitutional rights by peaceful assembly in requesting upholding the rule of law.

Conclusion

In our extensive work on human rights advocacy, we never forget those innocent lives that was lost, including the US missionary that was killed in cold blood, and also those still been murdered without justice. We know that succeeding in deterrence through enforcement of laws applicable to perpetrators of such crimes is one important means of affording vulnerable populations a measure of protection from such cruelties. I do hope that our appearance today bares the necessary fruits in liberating Liberia from its dark past and open the window of opportunity for the people of Liberia to look towards a brighter future, where upholding the rule of law and accountability is not anymore a wishful thinking.

Thank you once again for affording me this opportunity to testify today.

„He reveals the deep things of darkness and brings utter darkness into the light”

Job 12:22