



LIBERIA

Joint Stakeholder Report for the United Nations Universal Periodic Review: Impunity for Past Human Rights Violations and Transitional Justice

Submitted by The Advocates for Human Rights

a non-governmental organization in special consultative status with ECOSOC since 1996
and

**CSO Platform – Liberia
Global Justice and Research Project
Center for Justice and Accountability
CIVITAS MAXIMA
Global Justice Center
Human Rights Watch**

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The Advocates for Human Rights (The Advocates) is a volunteer-based non-governmental organization committed to the impartial promotion and protection of international human rights standards and the rule of law. Founded in 1983, The Advocates conducts a range of programs to promote human rights in the United States and around the world, including monitoring and fact finding, direct legal representation, education and training, and publication. As the primary provider of legal services to low-income asylum seekers in the Upper Midwest region of the United States, The Advocates has represented numerous Liberian refugees seeking asylum. From 2006 to 2009, The Advocates worked with the Truth & Reconciliation Commission of Liberia to give the Liberian diaspora a voice in the process of investigating human rights abuses during the country's long period of civil conflict and to make recommendations to promote peace and reconciliation. The Advocates continues to work with human rights defenders in Liberia and in the Liberian diaspora.

The Center for Justice and Accountability (CJA) is a San Francisco-based international human rights organization dedicated to working with communities impacted by torture, war crimes, crimes against humanity, and other serious human rights abuses to seek truth, justice, and redress using innovative litigation and transitional justice strategies.

The **Civil Society Human Rights Advocacy Platform of Liberia** is a non-governmental organization made up of human rights organizations from across Liberia. It was established in 2017 to consolidate human rights advocacy in Liberia to ensure timely redress and change.

Civitas Maxima facilitates the documentation of international crimes, and pursues the redress of such crimes on behalf of victims who do not have access to justice. Civitas Maxima was established in 2012.

Global Justice Center is a non-partisan, non-profit organization dedicated to promoting the enforcement of international law in a progressive, non-discriminatory manner in order to advance gender equality. In close collaboration with civil society partners, the organization focuses on two primary areas: promoting reproductive autonomy as an international human right and advancing justice for mass atrocities involving sexual and gender-based violence.

Global Justice and Research Project (GJRP) is an impartial non-partisan non-governmental national human rights organization that is free from bias. GJRP strives to ensure justice and accountability for all victims of both Liberian civil wars that took place between 1989-1997 and 1999- 2003. GJRP was established in 2012.

Human Rights Watch (HRW) investigates and reports on abuses happening in all corners of the world. We are roughly 550 people of 70-plus nationalities who are country experts, lawyers, journalists, and others who work to protect the most at risk, from vulnerable minorities and civilians in wartime, to refugees and children in need. We direct our advocacy towards governments, armed groups and businesses, pushing them to change or enforce their laws, policies and practices. To ensure our independence, we refuse government funding and carefully review all donations to ensure that they are consistent with our policies, mission, and values. We partner with organizations large and small across the globe to protect embattled activists and to help hold abusers to account and bring justice to victims.

I. EXECUTIVE SUMMARY

1. Widespread and systematic violations of international human rights and humanitarian law¹ characterized Liberia's two brutal armed conflicts, which took place between 1989 and 2003. Liberian men, women, and children were gunned down in their homes, marketplaces, and places of worship. In a few cases hundreds of civilians² were massacred in a matter of hours. Girls and women were subjected to horrific sexual violence³ including gang-rape, sexual slavery, and torture. Children were abducted from their homes and schools and pressed into service, often after witnessing the murder of their parents. The violence blighted the lives of tens of thousands of civilians and displaced almost half the population.
2. While recent progress is promising, Liberia has not yet fully established and implemented a process of accountability or prosecuted any alleged perpetrators for past gross human rights violations and war crimes. This report focuses on the steps taken by the State party and developments within the State since Liberia's last Universal Periodic Review on 2 November 2020.

II. 2020 UNIVERSAL PERIODIC REVIEW

Transitional Justice and Impunity for past human rights violations

Status of Implementation: Partially Accepted, Not Implemented

3. During the 2020 Universal Periodic Review (UPR), Liberia accepted three recommendations that explicitly address implementation of the Liberian Truth and Reconciliation Commissions (TRC) recommendations and establishing an accountability mechanism for past human rights violations. Liberia supported Argentina's recommendation to, "Adopt the necessary measures to implement the recommendations of the Truth and Reconciliation Commission, in order to guarantee that allegations of serious human rights violations and war crimes are investigated in a thorough, impartial and independent manner, guaranteeing accountability while putting in place a comprehensive reparations plan for all victims."⁴
4. Liberia also supported Montenegro's recommendation to "Investigate past gross human rights violations and war crimes and, if found guilty, bring all perpetrators to justice;"⁵ and Belgium's recommendation to "Establish a process of accountability for past gross human rights violations and war crimes that conforms to international standards, thereby implementing the recommendations of the Truth and Reconciliation Commission of 2009."⁶ Liberia also accepted Mauritania's recommendation to "Continue to enhance measures aimed at reforming the justice sector".⁷
5. However, Liberia did not accept the three recommendations it received that referenced the establishment of a war crimes court. The Netherlands recommended that Liberia "End impunity for crimes committed during the two armed conflicts in Liberia by creating a war crimes court that operates fully consistently with international legal norms and standards for

fair trials.”⁸ Germany recommended that Liberia “Address and implement the recommendations made by the Truth and Reconciliation Commission in its final report, of December 2009, notably to operatively embrace the question of the establishment of the suggested war and economic crimes court and other transitional justice issues”.⁹ Poland recommended that Liberia “Support fully and undertake concrete steps towards the establishment of an independent war crimes court in close cooperation with and with relevant assistance from the United Nations”.¹⁰

III. IMPLEMENTATION OF INTERNATIONAL HUMAN RIGHTS OBLIGATIONS

Liberia has not fulfilled its international obligation to hold accountable those who have committed war crimes and serious human rights violations

6. **Liberia has failed to implement recommendations of the Truth and Reconciliation Commission related to impunity and past human rights violations.** When negotiations to end the second civil conflict occurred in Accra, Ghana in 2003, members of Liberian civil society gathered to advocate for the establishment of a war crimes court to bring to justice alleged perpetrators of the crimes. Ultimately Liberia’s Truth and Reconciliation Commission (TRC) was created, which represented a compromise between a court and other accountability measures. The act creating the TRC gave wide powers to the commission, including to recommend prosecutions. The TRC in its final report recommended the creation of an extraordinary criminal court¹¹ which would be a hybrid court composed of Liberian and international judges, prosecutors and other staff with a mandate to try those allegedly responsible for committing serious crimes. As described below, this court has yet to be effectively established. A war crimes court to fairly try the crimes is needed without delay.
7. With President George Weah’s election in December 2017, Liberian and international activists began a new campaign¹² for action by the government to establish a war crimes court. As president, Weah was initially silent on the question of accountability. Pressure for accountability throughout 2018 and 2019 increased as the activists’ campaign was joined by widespread support and clamoring¹³ for the court by a diverse set of actors in Liberia, including political parties¹⁴, religious leaders¹⁵, lawyers¹⁶, victims and ordinary Liberians¹⁷, supported¹⁸ the campaign. Liberia’s bar association prepared¹⁹ a draft law for the establishment of a war crimes court in 2019 and the National Traditional Council of Elders and Chiefs affirmed their support for the bill in September 2019.
8. In September 2019, President Weah sent a letter to the legislature²⁰ calling for it “to advise and provide guidance on all legislative and other necessary measures towards the implementation of the TRC [Truth and Reconciliation Commission] report, including the establishment of war and economic crime courts.” Over 50 legislators²¹ from Liberia’s House of Representatives endorsed a resolution backing a court. Weah then stated during his 2019 speech²² at the General Debate of the United Nations General Assembly (UNGA), “Considering the importance of this matter, I have already begun consultations ... in order to

determine pertinent issues such as legal framework, timing, venue, and funding, among others.”

9. Subsequently, President Weah seemed to reverse his position on the war crimes court. He told Liberian media²³ upon his return from the UNGA: “I have not one day called for a war crimes court.” President Weah was subsequently silent²⁴ or dismissive²⁵ of the proposed court, while Liberian legislature leadership blocked the resolution supporting a court from consideration²⁶. In 2021, Liberia’s Senate then proposed the creation of a Transitional Justice Commission (TRC) that would impede progress on accountability by revisiting the basic premise of Liberia’s TRC²⁷ to recommend prosecutions. The effort was driven²⁸ by Senator Prince Johnson, warlord subject to US sanctions under the Global Magnitsky Act. Johnson openly opposed²⁹ the court, unsurprisingly given that he was alleged to have committed serious crimes³⁰ during Liberia’s conflict, including the torture and murder of former President Samuel Doe. As a result of these efforts, the Weah administration made no progress toward creation of a war crimes court.
10. In November 2023, opposition leader Joseph Boakai defeated Weah in the second round of the Liberian presidential election. In his inaugural address³¹ on 22 January 2024, President Boakai committed to “set up an office to explore the feasibility for the establishment of War and Economic Crimes Court to provide an opportunity for those who bear the greatest responsibility for war crimes and crimes against humanity to account for their actions in court.” In March and April of 2024, the Liberian Senate and House of Representatives passed a resolution supporting the creation of a war and economic crimes court.³²
11. On May 2, 2024, President Boakai signed an executive order establishing an Office of the War and Economic Crimes Court for Liberia.³³ The Office is being established to “investigate design, and prescribe the methodology, mechanisms, and the process” for the establishment of a war crimes court and a national anti-corruption court. Over the course of 2024, the Boakai administration took further steps towards setting up the Office and, ultimately, establishing the War Crimes Court. President Boakai made a public commitment to advance the process during a speech to the United Nations General Assembly on September 25, 2024. Additional steps included the withdrawal of the appointment of the first executive director for the Office following strong reservations voiced by victim and civil society groups, and the more consultative process involved in the second appointment, resulting in the selection of Cllr. Jallah Barbu as the new executive director. President Boakai also wrote to the United Nations Secretary-General requesting assistance in establishing a court.³⁴
12. While these encouraging developments are promising and have shown greater commitment to making the War Crimes Court a reality, to ensure a continuous and sustainable effort for the establishment of the war crimes court, the Office must still develop and see implemented a legal and operational framework for the court that can ensure fair and effective trials for serious crimes committed, as well as seeking financial and technical support from international and regional partners for its operation. Further, reparations were not mentioned in President Boakai’s executive order and should be addressed by the legislation establishing the war crimes court.

13. **To date not a single person has faced criminal investigation or prosecution in Liberia for serious crimes committed during the civil wars.** The only steps toward justice for serious crimes have been cases prosecuted abroad.³⁵ These include the conviction of Charles “Chuckie” Taylor, Jr.³⁶ in the United States³⁷ for torture committed in Liberia, and the convictions of former rebel commanders Alieu Kosiah in Switzerland³⁸ and Kunti Kamara in France³⁹ for serious crimes committed during the civil wars. Separately, “Jungle Jabbeh,”⁴⁰ and Thomas Woewiyu⁴¹ were convicted of violations of US federal immigration laws linked to their underlying abuses in Liberia. George Boley⁴² was deported to Liberia from the US for his recruitment and use of child soldiers during the civil wars. He was then elected to Liberia’s legislature⁴³ and has not faced justice for his alleged crimes.
14. There was also a successful civil suit in the United States relating to one of the single worst incidents during Liberia’s wars, the 1990 Lutheran Church massacre.⁴⁴ However, the defendant fled to Liberia from the United States, where he now resides. In 2022, the Global Justice Research Project and survivors of the massacre brought a suit before the Economic Community of West African States (ECOWAS) Court of Justice⁴⁵ for Liberia’s failure to investigate and prosecute crimes during the massacre. On 17 October 2024, the Court dismissed the complaint, asserting that it lacked jurisdiction to adjudicate the case⁴⁶.
15. Liberia noted in response to the Human Rights Committee’s follow up procedure in 2024 that it has created an enabling environment for criminal cases to move forward in other jurisdictions.⁴⁷ However, these cases are brought by third states far from Liberia and far from the Liberian survivors and victims of the civil wars, and do not fulfill the State party’s obligation to ensure accountability and justice particularly where, as here, individuals who have been credibly accused of gross human rights violations, reside in Liberia, and have faced no investigation or prosecution for their actions.
16. **Liberia has not yet developed a comprehensive reparations scheme for victims of gross human rights violations and war crimes.** While the government of Liberia committed to establishing a reparation trust fund, creating a psychosocial program for victims, and developing a community-based reparations program in the Strategic Roadmap for National Healing, Peacebuilding, and Reconciliation⁴⁸, to date, the State party has taken no action to develop and implement a comprehensive reparations scheme. Victims have had no access to any reparations in Liberia for civil wars-era crimes since the end of the conflicts in 2003. The reparation scheme remains an urgent need, as many of the victims continue to suffer from severe bodily harm and psychological trauma.
17. **Liberia has failed to adequately engage victims, families and civil society organizations in efforts at fostering reconciliation and sustaining peace.** Liberia has not initiated a comprehensive process to memorialize the victims of the conflict. While the State party notes in its follow up report that it has built 10 memorials in different parts of the country, very little has been done to engage participation of victims and their families as well as civil society

organizations active in seeking justice for past crimes. The process of building memorials was not inclusive or holistic, and it left out significant stakeholders.

IV. RECOMMENDATIONS

18. Making justice a reality in Liberia requires sustained attention from justice champions in and outside of Liberia.
19. This stakeholder report suggests the following recommendations for the Government of Liberia:
 - Develop and implement a concrete plan to establish a war and economic crimes court to hold perpetrators of grave crimes committed during Liberia's armed conflicts to account, consistent with international standards and practice. The government should ensure this plan is consistent with a victim-centered approach, including consultation with affected communities on the design of the court. Any Executive Order adopted for the extension of the Office should be replaced by legislation in the shortest delays to ensure a continued and sustainable operation of the Office and eventually the war crimes court.
 - Establish an independent committee comprised of government officials, a member of the Independent National Commission of Human Rights, international and regional legal experts, and civil society actors from various sectors that is mandated to advise the government on the court's creation.
 - Engage with the United Nations, African Union, ECOWAS, and other international and regional partners to secure technical and financial assistance to develop a credible war crimes court. This may include requesting from international partners adequate support (such as e.g. logistics, operational and legal expertise etc.) and funding for programs designed to improve Liberia's judiciary and criminal justice system to ensure an effective war crimes court, victims' access to justice and the right of the accused to a fair trial.
 - Set out a clear timeline for the establishment of the war crimes court, including reporting obligations on the advancement, and ensure transparency in the working methods of the war crimes court Office.
 - Ensure that a war crimes court for Liberia includes key elements in order to achieve trials that would be fair, meaningful, and credible, taking due account of the recommendations made in the Final report of the TRC of 2009 and including notably:
 - Composition of judicial benches that will have sufficient independence and expertise by including a majority of international judges on each trial and appeals bench;
 - Determination of the personal jurisdictional scope of the war crimes court;
 - No bars on the prosecution of individuals on the basis of their cooperation with the TRC;
 - Inclusion of crimes and modes of liability in line with international standards;
 - Fair trial protections;
 - Witness protection and support;
 - Involvement of victims in proceedings; and

- Outreach and communications that inform the victims and public.
- Work with the legislature to ensure the war crimes court established to hold perpetrators of grave crimes committed during Liberia’s armed conflicts to account is consistent with international standards and practice.
- Continue to support efforts by third countries to bring universal jurisdiction cases for civil war-era crimes, including by continuing to fully cooperate with foreign authorities who request authorization to come to Liberia to investigate international crimes.
- Develop and implement a comprehensive reparations scheme for all victims of gross human rights violations and war crimes.
- Ensure protection for human rights defenders inside Liberia against attacks and intimidation, and bring to justice those who intimidate or attack human rights defenders.
- Ensure effective protection for victims and witnesses who testify in proceedings on crimes committed during the civil wars, whether in universal jurisdiction cases or before Justice mechanisms in Liberia.
- Ensure respect, protection and fulfilment of the rights to freedom of assembly and expression for members of civil society engaging in peaceful demonstrations in favor of accountability and transparency, and for journalists endeavoring to fulfill their important mandate.

¹ Human Rights Watch, *Q&A: Justice for Civil Wars-Era Crimes in Liberia*, (Apr. 1, 2019), <https://www.hrw.org/news/2019/04/01/qa-justice-civil-wars-era-crimes-liberia>.

² *Jane W, John X, John Y, John Z v. Moses Thomas*, U.S. District Court for the Eastern District of Pennsylvania, Case number 2:18-cv-00569-PBT, <https://cja.org/wp-content/uploads/2018/02/Jane-W-v.-Moses-Thomas-18-cv-00569.pdf>.

³ Truth and Reconciliation Commission of Liberia, *Final Report of the Truth and Reconciliation Commission of Liberia*, <https://www.trcofliberia.org/resources/reports/final/trc-final-report-volume-1-full.pdf>.

⁴ *Report of the Working Group on the Universal Periodic Review: Liberia Addendum 1*, (8 March 2021), U.N. Doc. A/HRC/46/6Add.1 ¶ 103.134.

⁵ *Report of the Working Group on the Universal Periodic Review: Liberia Addendum 1*, (8 March 2021), U.N. Doc. A/HRC/46/6Add.1 ¶ 103.135.

⁶ *Report of the Working Group on the Universal Periodic Review: Liberia Addendum 1*, (8 March 2021), U.N. Doc. A/HRC/46/6Add.1 ¶ 103.136.

⁷ *Report of the Working Group on the Universal Periodic Review: Liberia Addendum 1*, (8 March 2021), U.N. Doc. A/HRC/46/6Add.1 ¶ 103.137.

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¹⁰ *Report of the Working Group on the Universal Periodic Review: Liberia Addendum 1*, (8 March 2021), U.N. Doc. A/HRC/46/6Add.1 ¶ 103.133.

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¹² Letter from Human Rights Watch to President of Liberia George Weah (Feb. 12, 2018), <https://www.hrw.org/news/2018/02/12/hrw-letter-president-liberia-george-weah>.

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