

House Foreign Affairs Committee
Tom Lantos Human Rights Commission

Hearing
on

Liberia: Next Steps Towards Accountability for War & Economic Crimes

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STATEMENT

Submitted by

The Advocates for Human Rights
Center for Justice and Accountability
Civil Society Human Rights Advocacy Platform of Liberia (CSO Platform)
CIVITAS MAXIMA
Coalition for the Establishment of a War and Economic Crimes Court in Liberia
Global Justice and Research Project
Global Justice Center
Human Rights Watch
Secretariat for the Establishment of War Crimes Court in Liberia

Delivered by

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Many thanks for the opportunity to brief the commission. I am Liz Evenson, and I direct the International Justice Program at Human Rights Watch. Human Rights Watch investigates and reports on abuses in some 100 countries around the world. We direct our advocacy towards governments, armed groups and businesses, pushing them to change or enforce their laws, policies and practices. And we work globally to champion meaningful and fair justice for victims and survivors of atrocity crimes, before national and international courts.

My statement today is presented on behalf of Human Rights Watch, together with The Advocates for Human Rights; Center for Justice and Accountability; Civil Society Human Rights Advocacy Platform of Liberia (CSO Platform); CIVITAS MAXIMA; Coalition for the Establishment of a War and Economic Crimes Court in Liberia; Global Justice and Research Project; Global Justice Center; and the Secretariat for the Establishment of War Crimes Court in Liberia. This group represents American, Liberian, and international organizations all working together to bring justice to Liberian citizens.

Together our groups have been advocating for the establishment of a Liberian-led war crimes court in Liberia to address the legacy of impunity for the widespread and systematic violations of international human rights and humanitarian law¹ that characterized the country'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.

While there have been a number of important criminal and civil cases outside of Liberia—and these cases have contributed to momentum within the country for justice⁴—to date not a single person has faced criminal investigation or prosecution in Liberia for serious crimes committed during the civil wars. In its 2009 final report, the Liberian Truth and Reconciliation Commission recommended the creation of an extraordinary criminal court⁵ 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. A legislative conference to talk about accountability was organized in Monrovia in 2019 with the legislature of Liberia, a Liberian coalition of NGOs, and international partners.⁶

There is now renewed momentum after nearly two decades for the establishment of a court. Most recently, 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. On May 2, 2024, President Joseph Boakai signed an executive order⁷ establishing an Office of the War and Economic Crimes Court for Liberia.

¹ Human Rights Watch, *Q&A: Justice for Civil Wars-Era Crimes in Liberia* (April 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 Civitas Maxima press release, *US Court finds Liberian Rebel Commander “Jungle Jabbah” Guilty of Crimes Linked to Atrocities in Liberia’s First Civil War* (October 18, 2017), <https://civitas-maxima.org/us-court-finds-liberian-rebel-commander-jungle-jabbah-guilty-of-crimes-linked-to-atrocities-in-liberias-first-civil-war/>; Civitas Maxima press release, *Liberian Plaintiffs Make Swiss and Liberian Legal History* (June 18, 2021), <https://civitas-maxima.org/liberian-plaintiffs-make-swiss-and-liberian-legal-history/>; Center for Justice and Accountability press release, *U.S. Court Finds Former Liberian Military Commander Liable for War Crimes and Crimes Against Humanity* (September 16, 2021), <https://cja.org/u-s-court-finds-former-liberian-military-commander-liable-for-war-crimes-and-crimes-against-humanity/>.

⁵ Human Rights Watch news release, *Justice for Liberia*, (December 10, 2009), <https://www.hrw.org/news/2009/12/10/justice-liberia>.

⁶ University of Nottingham, SEWACCOL, Legislature of Liberia, Civitas Maxima and the GJRP press release, *Legislative Conference Brings Liberia Closer to the Establishment of a War Crimes Court* (July 20, 2019), <https://civitas-maxima.org/legislative-conference-brings-liberia-closer-to-the-establishment-of-a-war-crimes-court/>.

⁷ Dounard Bondo and Ruth Maclean, *The New York Times*, *Liberia Moves to Create War Crimes Court, Decades After Civil Wars Ended* (May 3, 2024), <https://www.nytimes.com/2024/05/03/world/africa/liberia-court-war-crimes.html>.

The US government has played a critical role in advancing progress. US Ambassador-at-Large for Global Criminal Justice Beth Van Schaack has repeatedly voiced the US government's partnership with Liberia in its journey to justice. Her commitments on behalf of the US government to support this process have been widely welcomed within Liberia. Members of Congress have also expressed their support for this court and justice for the Liberian people.⁸ These developments are promising, and yet there is much work ahead that will need the support of the United States and others in the international community. Making Liberian-led justice a reality in Liberia requires sustained attention from justice champions in and outside of Liberia.

What is needed now is for President Boakai's administration to translate its stated commitment to a war crimes court into concrete steps for the court's creation.

We have made the following recommendations to the government of Liberia:

- Establish the Office proposed by President Boakai to be responsible for developing and implementing 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 and ensure this plan is consistent with a victim-centered approach, including consultation with affected communities on the design of the court;
- Establish an independent committee comprised of government officials, a member of the Independent National Commission of Human Rights, international legal experts, and Liberian and international civil society actors from various sectors that is mandated to advise the government on the court's creation. The committee should help establish a roadmap on the way forward for ensuring justice for war crimes and for strengthening the rule of law;
- Request assistance from the United Nations, African Union, Economic Community of West African States, and other international and regional partners as needed;
- Ensure a war crimes court for Liberia includes key elements in order to achieve trials that would be fair, meaningful, and credible:
 - Composition of judicial benches that will have sufficient independence and expertise by including a majority of international judges on each trial and appeals bench;
 - No bars on prosecution of individuals on the basis of their cooperation with the Truth and Reconciliation Commission;
 - Inclusion of crimes and modes of liability in line with international standards;
 - Fair trial protections;
 - Witness protection and support;
 - Involvement of victims of abuses in proceedings; and

⁸ United States Senate Committee on Foreign Relations press release, *Risch Applauds Establishment of War and Economic Crimes Court in Liberia* (April 10, 2024), <https://www.foreign.senate.gov/press/rep/release/risch-applauds-establishment-of-war-and-economic-crimes-court-in-liberia>.

- 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;
- Request from international partners adequate support and funding, for programs designed to improve Liberia’s judiciary and criminal justice system, to ensure an effective war crimes court and victims’ access to justice and the right of the accused to a fair trial;
- 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.

The process and the work of the court itself must be Liberian-led. This means primarily that Liberians who were impacted by the civil wars and have long advocated for accountability have a leading voice in determining the court’s trajectory. Liberian experts should also fill key positions in the judiciary, prosecution, defense, and registry. Liberian ownership of the court is crucial to build and maintain local support for accountability processes. Ensuring the court benefits from Liberian experts will also ensure that investing in the court strengthens the domestic justice system, leading to long-term benefits across Liberian institutions. The first step towards ensuring that the court is Liberian-led is making sure that Liberians and regional experts play critical roles in the creation of the court.

Liberian civil society has been advocating for accountability in Liberia at great personal risk. Powerful actors opposed to accountability for wartime atrocities and former warlords hold positions of power in Liberia, and international actors have also at times worked to undermine their efforts. As a result, members of civil society have received threats to their security and their work over the years. These threats continue to this day. It is imperative that international partners, including the United States government, continue to support Liberian civil society organizations and the crucial work they are doing to see accountability in Liberia for civil war-era atrocities.

High-level messages from Liberia’s international and regional partners in support of a court are also needed to maintain positive momentum. Liberia should request international and regional support to help it to determine the best legal and structural modalities for the court’s creation in a manner that will enable fair, credible functioning and partners should pledge international support and expertise based on accumulated experience.

We recommend that the US Congress:

- Make clear its support to a Liberian-led process to achieve justice in the country through the creation of a credible war crimes court, and support to Liberian civil society organizations engaged in this effort;
- Provide the requested support to the Liberian government and civil society organizations working on behalf of justice, including assistance in developing the necessary legislation and systems for the protection of victims and witnesses, support in the legal representation of victims, and processes to engage meaningfully with the public and victims and survivors to create awareness of the objectives of a war crimes court and to allow Liberian voices to inform the design of the court;
- Offer financial support for the court, as the US has done in several other contexts, including, for example, the annual contributions to the Special Criminal Court in the Central African Republic.